

Right to Education and its Field Reality- a Case Study

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Abstract:

Education refers to the systematic process of gaining knowledge and skills through study and instructions. It can take place in formal or informal settings and it develops confidence and helps in building the personality of a person. School education plays a great role in everyone's life and it is classified into Primary, Secondary and Higher secondary education, among that Primary education plays a major role as it prepares the base which helps throughout the life. The fact is that India has one-third of the world's illiterate population. The total literacy growth from 1991 to 2001 was 12.6% it has declined to 9.21%. To combat with this trend the Indian government proposed the Right to Free and Compulsory Education (RTE) Act, making education a fundamental right of every child in the age group of 6 to 14. It also includes a responsibility to provide basic education for individuals who have not completed primary education. In addition to these accesses to education provisions, it encompasses the obligation to avoid discrimination at all levels of the educational system, to set minimum standards and to improve the quality of education. Unsurprisingly, the reality is very different, less than half of the children are not availing education due to many reasons; among that poverty is the main core reason. In this study the researcher used the case study method to assess the problems and challenges faced by the children who are not able to continue their education.

Key Words: Education, Rights, Children, Case study.

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Introduction

Biologically, a child is a human being between the stages of birth and puberty. The legal definition of child generally refers to a minor, otherwise known as a person younger than the age of majority.

As per the Child Labour (Prohibition and Regulation) Act, 1986 – a child is defined as a person who has not completed 14 years of age.

Various Laws defining a child as:

- The Plantation Labour Act 1951 defines child. According to it 'child' means a person who has not completed his fourteenth year.
- The Motor Transport Workers Act 1961, and the Beedi and Cigar Workers (Conditions of Employment) Act 1966, both define a child as a person who has not completed 14 years of age.
- Matrimonial laws such as Prohibition of Child Marriage Act, 2006 add to the confusion. It states that a male cannot attain majority until he is 21 years of age and the corresponding age for a female is 18.

Education:

Education is the process of facilitating learning, or the acquisition of knowledge, skills, values, beliefs, and habits. It develops confidence and helps in building the personality. School education plays a major role in everyone's life, among that primary education is most important because it prepares the base which helps throughout the life.

Problems and Challenges Faced by Indian Education System:

Every year, new schools and colleges are being opened in almost all cities in India, but the quality education is still a long awaited dream for millions of Indian students. In this article, we will bring your attention towards the problems and difficulties prevailing in the education system in this country:

■ Lack of Research or critical analysis:

Problems solving skills are one of the most important things that are required when students complete their studies and look for jobs to earn money and build up their career. This can be learned by participating in problem solving projects with the use of creative and critical thinking. In India, de-

spite the fact that we have the highest number of engineering graduates, still we lack technological innovation. Students must have capability to solve the problems and difficulties that the country is facing today. Most of the students don't have their own approach towards any problem and they do so only on the instruction of their parents, teachers, neighbors and friends. Schools and colleges must pay attention to case studies, research based assignment and problem solving project so that students can get the fresh ideas about their surroundings and can easily solve the problem they face.

■ **Absence of personality development program:**

Schools and colleges in India demand student's performance in terms of marks and they are not well exposed to the external world. When students complete their graduation and enter into the job market, they face problems to get a job as per their capability simply because they don't meet the criteria and skills required for the job. Companies want to hire those individuals that are aware of the course of the action. It is highly essential to start personality development program in schools and colleges to improve the education standards.

■ **Absence of Entrepreneurship development scheme:**

The majority of the students want to get a job after finishing their education. They don't like starting their own business because they are of the view that they can't become a business person and face the challenges during the circulation of their business. The absence of Entrepreneurship abilities is halting the progress of our country in several fields. Our education system should be such that it should generate enthusiasm to become a business person and it should also produce scientist, writers, thinkers, designers etc only that India can be knowledge based economy and claim to be regarded as superpower.

■ **Cast reservation and paid seat:**

In Indian education system, seats are reserved for reserved cast and rich students. The education system should give equal chance to all students irrespective of their cast and creed. In India, the child of good a rich family gets good education just because of ample money whereas the child of a poor family hardly gets the primary education. The government data discloses the

better reality that only one child out of 7(that takes birth in India) goes to school. This problem should be taken into notice as soon as possible and do some serious work to change the situation as soon as possible.

■ **Outdated syllabus:**

There is an urgent need to change the present system of higher education in the country. We need to ensure quality in education as well as quantity. Students are getting the knowledge from outdated syllabus. Lots of technological and scientific improvements are taking place in India and therefore the courses are Graduate and post graduates must be updated as per the industrial and technological development.

■ **Lack of funds:**

The lack of sufficient funds is the main problem in the development of education. Outlay for education in Five Year Plans has been decreasing. Due to insufficient funds most educational institutions lack infrastructure, science equipment and libraries etc. Due to this reason, desired results cannot be achieved.

■ **Expensive higher education:**

University, professional and technical education has become costly in India. Fee structure of technical and professional institutes like IIM's is quite high IIM's charge Rs. 2 lakh per semester for MBA classes. It is beyond the reach of common man. Privatization of higher education has led to the growth of profit hungry entrepreneurs. Now a day's higher education is much costly affair.

■ **Problems of primary education:**

Our primary education is ridden with too many problems. Large number of primary schools has no buildings what to talk of basic facilities like drinking water, urinals and electricity, furniture and study materials etc. Large numbers of primary schools are single teacher schools and many schools are even without teachers. So the drop rate is very high and a cause of concern. Concluding, we can say that there is quantitative expansion of education but in qualitative development we are still lagging behind.

Table 1: Expenditure in Institutions and Schools by Central Government:

Education					
Expenditure in Institutions and Schools					
Year	GDP at Current Prices (at Factor Cost)	Total Public Expenditure by all Sectors (Revenue Account Center+State)	Total Expenditure on Education & Training by Education Department (Rev Account)	Expenditure on Education by Education & other Department as %age of Public Expenditure Rev Account (States+Centre)	Total Expenditure on Education by Education & Other Department as %age of GDP
2000-01	1991982	572160.14	82486.48	14.4	4.1
2001-02	2167745	619713.14	79865.71	12.9	3.7
2002-03	2338200	678548.31	85507.33	12.6	3.7
2003-04	2622216	743668.96	89079.25	12.0	3.4
2004-05	2971464	797345.74	96694.1	12.1	3.3
2005-06	3390503	889713.96	113228.71	12.7	3.3
2006-07	3953276	1033873.04	137383.99	13.3	3.5
2007-08	4582086	1191514.69	155797.27	13.1	3.4
2008-09	5303567	1495733.62	189068.84	12.6	3.6
2009-10	6108903	1734074.75	241256.02	13.9	4.0
2010-11	7248860	1997801.3	293478.23	14.7	4.1
2011-12	8391691 (RE)	232772.5	351145.78	15.1	4.2
2012-13	9388876 (BE)	2609878.9	403236.51	15.4	4.3

Source: Department of Education, Ministry of Human Resource Development.

Table 2: Literacy rate in India State wise

EDUCATION								
Literacy rate in India (Census) State wise								
	1991		2001		2011			
State/Union					Rural		Urban	
Territory	Male	Female	Male	Female	Male	Female	Male	Female
Andhra Pradesh	55	33	70	50	69	52	86	74
Arunachal Pradesh	52	30	64	44	67	52	88	77
Assam	62	43	71	55	75	63	92	85
Bihar	51	22	60	33	70	49	83	71
Chhatisgarh	58	28	77	52	77	55	91	77
Goa	84	67	88	75	92	82	93	87
Gujarat	73	49	80	58	82	61	91	81
Haryana	69	41	79	56	82	60	89	77
Himachal Pradesh	75	52	85	67	89	75	93	88
Jammu & Kashmir	0	0	67	43	74	52	84	69
Jharkhand	56	26	67	39	73	49	88	76
Karnataka	67	44	76	57	78	60	90	81
Kerala	94	86	94	88	95	91	97	93
Madhya Pradesh	59	29	76	50	75	52	89	77
Maharashtra	77	52	86	67	85	69	92	85
Manipur	72	48	80	61	83	69	92	79

Meghalaya	53	45	65	60	72	68	93	89
Mizoram	86	79	91	87	88	80	98	97
Nagaland	68	55	71	62	79	72	92	87
Odisha	63	35	75	51	80	61	91	80
Punjab	66	50	75	63	77	66	87	79
Rajasthan	55	20	76	44	76	46	88	71
Sikkim	66	47	76	60	85	72	92	85
Tamil Nadu	74	51	82	64	82	65	92	82
Tripura	71	50	81	65	90	80	96	91
Uttar Pradesh	55	24	69	42	76	54	80	69
Uttaranchal	73	42	83	60	87	66	89	79
West Bengal	68	47	77	60	79	66	88	81
Union Territory:								
A. & N. Islands	79	66	86	75	89	80	93	87
Chandigarh	82	72	86	77	86	73	90	81
D. & N. Haveli	54	27	71	40	76	50	94	83
Daman and Diu	83	59	87	66	89	72	92	83
Delhi	82	67	87	75	89	73	91	81
Lakshadweep	90	73	93	81	95	89	96	88
Puducherry	84	66	89	74	87	73	93	84

Notes: 1. Literacy rate is defined as the population of literates in the population aged 7 year and above.

2. The 1991 data (Excluding Jammu & Kashmir)and 2001data(Excludes figures of Paomata, Mao Maran and Pura sub-divisions of Senapati district of Manipur for 2001) refer to Census of India.

The not-so-good news is that India also has one-third of the world's illiterate population. It's not as though literacy levels have not increased, but rather that the rate of the increase is rapidly slowing. For example, while total literacy growth from 1991 to 2001 was 12.6%, it has declined to 9.21%.

To eradicate this trend,the parliament of India enacted the Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) on August 2009. The same got enforced on April 1st 2010.

Right of Children to Free and Compulsory Education (RTE) Act 2009

The Act is all about:

Every child between the ages of 6 to 14 years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act via Article 21A. The Right to Education Act seeks to give effect to this amendment. The government schools shall provide free education to all the children and the schools will be managed by School Management Committees (SMC). Private schools shall admit at least 25% of the children in their schools without any fee.The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality.

Main Features of Right to Education (RTE) Act, 2009...

Free and compulsory education to all children of India in the 6 to 14 age group.

No child shall be held back, expelled or required to pass a board examination until the completion of elementary education.

If a child above 6 years of age has not been admitted in any school or could not complete his or her elementary education, then he or she shall be admitted in a class appropriate to his or her age.

A child who completes elementary education shall be awarded a cer-

tificate.

The private schools must reserve 25% of seats for economically disadvantaged communities.

School teachers will need adequate professional degree within five years or else will lose job.

School infrastructure need to be improved in every 3 years, else recognition will be cancelled.

Financial burden will be shared between the state and the central government.

Unsurprisingly, the reality is very different, less than half of the children are not availing education due to many reasons; among that poverty is the main core reason.

Review of Literature:

Parvathamma G.L (2015) did a study on Child Labour in India –A Conceptual and Descriptive Study. In this she mentioned that the government has taken proactive steps to tackle this problem through strict enforcement of legislative provisions along with simultaneous rehabilitative measures. State Governments, which are implementing authorities; have been conducting regular inspections and raids to detect cases of violations. Since poverty is the root cause of this problem, and enforcement alone cannot help solve it, Government has been laying a lot of emphasis on the rehabilitation of these children and on improving the economic conditions of their families.

Chandrappa (2014) did a study on Right to Education Act (RTE) - Elementary Education: Backbone of the Education System- This study concluded that there are several issues that need to be addressed for effective implementation of the RTE Act. Some of these can be resolved through legal recourse or policy changes; others will need to be addressed as the Act is rolled out. The ultimate responsibility of providing education rests with the Government, it is evident that the Government's efforts alone will not be sufficient to provide good quality education to all. There are several pilot initiatives that have been taken up by non-state players. These initiatives are improving certain aspects

of education at some of the places where they are being implemented. It is not possible for any one organization to address all the concerns related to the implementation of the RTE Act, but it is possible to address these through collaborative efforts.

Uma (2013) did her study on Right to Education (RTE): A Critical Appraisal-. In her study she said that, According to the UNESCO, Education for All Global Monitoring Report 2010, about 135 countries has constitutional provisions for free and non-discriminatory education for all. The much awaited Right to Education (RTE) Act which has been passed by the parliament of India should play an important role in achieving universal elementary education in India. The success and failure of RTE would largely depend on consistent political attention. Budgetary allocation of funds should be sufficient in this respect. The youth and civil society in India should come forward and spread the usefulness of education to illiterate parents who are unable to appreciate the relevance of education in curbing the social evils.

Mona Kaushal (2012) did her study on Implementation of Right to Education in India: Issues and Concerns- According to her study, education plays a vital role in the process of overall growth of human beings and to strengthen the position of education in a more organized manner; the government of India took an essential initiative through the enactment of the 86th Constitution Amendment Act. This attempt aimed to achieve and facilitate the realization of free and compulsory education to children between the age of 6 and 14 years as a fundamental right. Despite the amendment, the present system is facing wide ranging problems, which in turn is hampering the spirit of enactment.

Global Scenario

More than 120 million children and adolescents are absent from class across the world. In recent years, many countries have become part of international and regional political initiatives to ensure that all children have access and complete education in the countries that lag behind the most. As a result tens of millions of children are entering primary education, and more

girls staying in school and pursuing secondary education, improving gender parity in more countries.

Even then UN and global policy experts indicate that the global progress in education has still “left behind” millions of children and young people. Also more children and adolescents are at risk of dropping out of school, and many are at school facing unsuitable learning conditions. This points at failure of governments because of lack of focus on education and its human rights obligations (<https://www.hrw.org/report/2016/06/09/education-deficit/failures-protect-and-fulfill-right-education-through-global>).

This has created an “education deficit”—a shortfall between the educational reality that children experience around the world and what governments have promised and committed to through human rights treaties especially United Nations Convention for the rights of Children (UNCRC).

The benefits of education to both children and broader society are numerous: (i) it can break generational cycles of poverty by enabling children to gain the life skills and knowledge needed to cope with today’s challenges. (ii) helps in concrete improvements in health and nutrition, (iii) improving children’s very chances for survival. (iv) enhance participation of children in society, (v) enable to exercise their rights and engage in civil and political life. (vi) make a child to be disciplined and responsible to society and nation; and make them less vulnerable to different forms of abuse and exploitation.

196 member countries of UN have adopted legal obligations towards all children in their territories, and countries that ratify specific international and regional conventions are legally bound to protect the right to education and to follow detailed parameters as to how to do so.

Violations and Barriers Affecting the Right to Education at Global Level

According UN report(<https://www.hrw.org/report/2016/06/09/education-deficit/failures-protect-and-fulfill-right-education-through-global>) the following has been projected as the key human rights violations and barriers in education to all.

- (i) Cost of going to school

- (ii) Discrimination in schools
- (iii) Violence and Abuse in Schools
- (iv) Persistent exclusion and violation against girls
- (v) Attacks on Schools
- (vi) Economic exploitation of Children

Based on research in over 40 countries, and the important findings, suggestions are made to overcome the key ways that governments are failing to deliver on core aspects of their right to education obligations. These include ensuring that primary school education is free and compulsory and that secondary education is progressively free and accessible to all children; reducing costs related to education, such as transport; ensuring that schools are free of discrimination, including based on gender, race, and disability; and ensuring schools are free of violence and sexual abuse. It also looks at the main violations and abuses keeping children out of school, including those that occur in global crises, armed conflict—particularly when education is attacked by armed groups,—and forced displacement.

In the new era of sustainable development, all countries are expected to implement a universal development agenda. All governments are responsible for ongoing human rights abuses affecting a significant part of their young population. The governments are also responsible for failure to provide adequate or timely protections to which children are entitled under the Convention on the Rights of the Child.

Methodology:

The present study has been undertaken through case studies. Case study is a qualitative research technique which is commonly used in social work practice. It is a research strategy and an empirical inquiry that investigates a phenomenon within its real-life context. These studies are based on an in-depth investigation of a single individual, group or event to explore the causes of underlying principles. A case study is a descriptive and exploratory analysis of a person, group or event. In this study the researcher used the case study method to assess the problems and challenges faced by the children who are not able to continue their education in Tiruchirappalli district.

Case Study-I

The subject is a female and she is 15 years old. She is from nuclear and middle class family. She is the first child of her parents. There are five members in her family. Father of the subject has died due to viral fever. The subject is living with her mother and three siblings in her grandmother's house. The remaining siblings (sister and brothers) are going to school. The subject has studied up to fifth standard in government school; she used to study well and scored good marks in the exams and also she had interest in co-curricular activities like dancing and drawing. Due to her family situation she didn't continue her studies. She dropped her studies and she started supporting her mother and family financially as there was no support rendered by her relatives. The subject and her mother are the bread winners of the family. The mother of the subject is working as maid in four houses and earns 4500 per month. The subject is also doing as maid and earns 3000 per month. Like mother, the subject also works in three different houses and she works around 6-7 hours in a day. Her goal is to ensure that her siblings should study. Her dream is to continue her study and be able 'to work in an office'. All because of her bad fate and family situation her dream remains a dream itself.

Case Study-II

The subject is male and he is 16 years old. He is from nuclear and middle class family. He is the first child of his parent. There are five members in his family. His father used to own a small piece of land but it was sold for the treatment of his grandfather. After few years his father got affected by paralysis. The subject lives with his parents and two siblings. The remaining siblings (sisters) are going to school. Due to the financial crises threatening over his family and also to meet out his father's treatment expenditure, the subject dropped his studies and started supporting his mother morally and financially. The subject has studied up to fourth grade and not able to continue further. The subject was not so good in studying but he often used to participate in co-curricular activities like 100 metre race and drawing, due to his family situation he discontinued his studies. The mother of the subject works

as daily labourer in agricultural field and earns 4000 per month. The subject worked at a small hotel for initial three months, but he dropped that job due to the ill treatment of the owner. After a lot of struggle now he is selling roasted grams in Cauvery Bridge and he approximately earns 3000 per month. While interviewing the subject he expressed his that, he wanted to go school but now according to him 'life is a great teacher and streets are like a school'.

Case Study-III

The subject is a male and 15 years old. He is from nuclear and middle class family. He is the first child of his parents. There are three members in his family. Mother of the subject has died due to heart disease. After his mother's death, the subject's father married another woman and for them there is a girl child. The subject has studied up to sixth standard; due to his step mother's ill treatment he dropped his studies. The subject used to score average marks in the exams and nor he showed any interest towards any co-curricular activities. Due to continuous torture from step mother he ran away from his home two years before and there is no connection with his family members. Presently the subject is working as server in a hotel and earns 3500 per month. The subject works more than 8 hours in a day. The food and accommodation is provided by the hotel itself for the subject. Often he gets depressed on thinking of his bad fate, but he has a determination to live a successful life.

Case Discussion

The three of these children are from lower socio-economic level and who have entered into vocation because of their economic compulsions and constitute invisible work force. For them, education remains a dream. Their stories are reflective of dreams, aspirations, longings and hopes of children from downgraded communities within the modern globalized India and the manner in which these are crushed by changing socio-economic environment. Attending school is not a 'choice' as they are excluded from the mainstream education because of pressing circumstances. The Child Labour Prohibition Act or the Right to Education Act or any such legal provisions

become meaningless in such situations as these overlook the realities of life of millions of children like these three.

An interview with Project Director: National Child Labour Project-Tiruchirappalli District

For getting clear idea, why many children like these three are not able to avail the benefits of Right to Education Act or other related acts. The researcher visited the National Child Labour Project office-Tiruchirappalli District, there he met the project director and clarified all his doubts regarding the failures of this act.

The project director briefly explained about the benefits of the act available for the children. The PD told that mainly the children discontinue their studies due to lack of interest, family situation, poverty and some medical reasons and also she extended that this project mainly focuses on the children between the age group of 9 to 14. So far 600 children are recused by them and 500 children are in follow up. The director said that, they usually go for rides along with Child line members, police and members from labour department. From her the researcher came to know, there are 25 STC (Special Training Centres) in Tiruchirappalli district, which provides Education cum Vocational training for the children who involve themselves in work. In STC the children are offered free uniform, notebooks and meals. Every STC have 4 teachers and 1 clerk appointed by the government. These STC are opened from 10 am to 4 pm during weekdays. The researcher also came to know that central government provides 400 rupees stipend for the children who have 60% attendance in a month and also the state government provides sufficient fund for higher studies.

In spite of all these provisions, the children like these three are not able to avail these benefits. For that the Project Director told, they usually go for ride based upon the survey done by the NGOs. If the NGOs does not conduct the survey properly and the result based upon the survey would not be authentic. There NCLP fails to rescue the children and also the acts related to them fails.

Discussion

The phrase 'Free and compulsory education' implies that it is mandatory for the state to provide for facilities and means to educate children. However, sufficient funds are never allocated to meet such provisions in spite of the fact that government created a fund through education fess collection. For the year 2014, just over 3% GDP is allocated for education as compared to recommended GDP of 6%.(Source- <http://vikaspedia.in/education/policies-and-schemes/right-to-education/right-to-education-act>)

Through marketization of education and paving the way to sell it like a commodity, the state denied many children the opportunity to get educated. In a country when many people are being deprived of their basic necessities like food, water or shelter because of their inability to pay, privatization of education only act as a hindrance to access and avail opportunities to education. Yet, the state continues to commercialize the education by opening space for market to profit, shift funds from public corpus to private, unaided, commercial schools and denying unprivileged children to quality education. Also, education still remains an elusive goal for millions of children from tribal and minority communities and those hailing from conflict zone.

Suggestions

The government should strengthen the Right to Education Act than before.

Schools must keep check on attendance and must take appropriate action against continuous absenteeism/dropout.

The Teachers of Primary School Should be Free from Extra duties.

The government should appoint social workers in every school. The social workers make regular follow up with long absentees and will provide appropriate counselling to children and motivate them to study.

Government should allocate more funds for providing free education effectively.

The government must increase the number of seats in private schools for the low income, tribal and minority students.

The government must spread the awareness of RTE act and importance of education to the general public.

Likewise the parents should not allow their wards to discontinue their studies and go for work.

Parents must enforce the importance of education to their wards.

Active Youth, NGOs and Civil Society's Participation.

Conclusion

Reaching to the corridors of education is a challenge for children from marginal families because the state failed to link up the Right to Education with larger socio-economic realities of the majority of population. Though much of debates have been held on the issue of working children in an informal economy, however, the need is to re-examine these deliberation in the context of RTE in the globalized framework.

The government must appoint social workers in every school so that, they can keep check on the regular absenteeism and will motivate them to study. Government should allocate funds and spread the awareness of RTE Act as well as importance of education to the general public.

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