

Antony Vs. State of Kerala

Antony Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/729508

Court : Kerala

Decided On : Dec-06-2004

Reported in : 2005(1)KLT984

Judge : B. Subhashan Reddy, C.J. and; Kurian Joseph, J.

Appeal No. : W.P. (C) No. 35198 of 2004 (S)

Appellant : Antony

Respondent : State of Kerala

Advocate for Def. : C.K. Abdul Rahim, Government Pleader

Advocate for Pet/Ap. : K.P. Dandapani, Adv.

Judgement :

Kurian Joseph, J.

1. Petitioners who have been working long in the field of education have drawn the attention of this Court to an issue of grave public interest -- the plight of pre-primary school children in the matter of admission to the schools and the course content. According to the petitioners, early childhood education has received only low priority in terms of research facilities and actual funding. It is submitted that the professionals, parents and modern pre-primary schools have totally forgotten the purpose of pre-primary education and the importance of non-formal education.

The children are burdened with formal education at a very tender age. The Indian Academy of Paediatrics wherein the petitioners also collaborated had in fact made certain general recommendations. It is relevant to note a few of them.

'a. The pre-primary age is a crucial one in the development of the child and hence a developmental approach rather than educational approach must be adopted.

b. Pre-primary education is not a downward extension of primary education and hence only non-formal education method must be adopted.

c. Pre-primary child can express herself best in her mother tongue and hence the medium of communication in the nurseries preferably be the mother tongue.

d. Some of the apparently normal looking children: who may have developmental disabilities need to be integrated into normal nursery System with special attention.

c. Pre-primary period is the most valuable period of childhood and hence all efforts should be made in assuring quality in the training of teachers.

f. There is no uniformity in the pattern and academic content of the pre-primary teachers training of various Government departments and private sector in India and hence the State units of NCERT (SCERRY) may be entrusted with the academic content of teachers training programme.

g. Although universalization of pre-primary education is an accepted policy of the Government financial constraints often come in the way and hence Panchayat and other local bodies may be encouraged to come in a big way into the field of pre-primary education.

h. The public and a large number of parents are not a ware of the advantages of promoting non-formal pre-primary education and its vital role in overall development of the child and hence all efforts must be taken to enlighten the public on this concept'.

2. Petitioners submit that the minimum age for entry into L.K.G. should be four years and for admission there should be guidelines. Such guidelines are broadly

indicated as:

'a. Minimum age for entry into L.K.G. should be four years complete on the day of admission.

b. The selection criteria for admission should not be based on interview and testing the child.

c. Medical fitness and immunization certificate should be a must for admission.

d. Mother tongue should preferably be the medium of communication in pre-school education.

e. The undue emphasis on reading and writing is detrimental to the development of a preschool child and it should not be practised.

f. The pre-school activities should be based on the recommendation of the NCERT, New Delhi.

g. Pre-school child should not be subjected to formal examination and homework. Grading should be preferred to ranking or marking.

h. R.T.O. safety regulations should be strictly followed while transporting children to and from a school.

i. Pre-school education not be a must for admission in the 1st standard'.

3. The Government of India had set up a notional advisory committee in March, 1992 under the Chairmanship of Professor Yash Pal, former Chairman of U.G.C. The committee submitted its report in July 1993. The general recommendations and suggestions made by the Indian Academy of Paediatrics are in tune with the report, it is submitted.

4. Referring to the areas where immediate action is required, it is submitted that the weight of a school bag of a primary student shall not exceed 1/10th of the child's weight, otherwise it would cause severe health problems, both mental and physical to the children. Studies conducted in this regard, petitioners submit, would

reveal that a Lower Kinder Garten child carrying four kilograms bag is equivalent to an adult carrying a cement bag. It is also submitted that while a pre-school child carries a weight of around four kilograms in the school bag, a college student carries only a weight of one kilogram. It is the suggestion of the petitioners and also organisations referred to above that the study materials at pre-school level should be provided in the school itself. The children also shall not be burdened with home work. The purpose being only initiation, there shall not be any formal education. Unless respondents seriously consider all these issues and issue appropriate directions, it would cause undue stress and psychological problems to the children at the young age. The Indian Academy of Paediatrics had organised various public awareness programmes about pre-primary education and the latest one was held at Kochi on 11.7.2004 with the co-operation of the petitioners also. Petitioners also invited our attention about the reports which appeared in various newspapers in this regard and the same is produced as Ext.P4. Petitioners have submitted Exts.P1 and P2 memorandums to the first respondent prepared by the Indian Academy of Paediatrics on the basis of the discussions in the awareness programmes. The points raised by the petitioners certainly require urgent attention of the Government. The children are to be properly moulded from the very early stage of their education, lest they should miss the real aim of education.

We depose of this Writ Petition directing the respondents to look into the memorandums, Exts.P1 and P2 submitted by the petitioners and take appropriate action in the matter by issuing necessary directions to the concerned authorities, within a period of three months from the date of receipt of a copy of this judgment.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com