

Note: (I have not filed this PIL yet. But I am leaving this in the public domain. I hope someone from the righteous force of our society takes it forward. Date: 26.11.2024)

IN THE SUPREME COURT OF INDIA

[CIVIL ORIGINAL JURISDICTION]

WRIT PETITION (PIL) NO. _____ OF 2024

IN THE MATTER OF:

Bharat Luthra (Bharat Bhushan)

[Full address of the petitioner]

...Petitioner

VERSUS

Union of India & Ors.

[Through the Ministry of Finance, Ministry of Education, Ministry of Skill Development and Entrepreneurship]

...Respondents

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA SEEKING DIRECTIONS TO ALLOCATE AT LEAST 8% OF INDIA'S GDP TO EDUCATION AND SKILL DEVELOPMENT AS PER NATIONAL POLICY RECOMMENDATIONS

To,

The Hon'ble Chief Justice of India and His Companion Justices of the Hon'ble Supreme Court of India.

The humble petition of the Petitioner above-named, most respectfully sheweth:

1. The Petitioner

1.1 Identity and Interest of the Petitioner

The Petitioner is a public-spirited citizen of India, deeply concerned about the future of the nation, particularly the education and skill development of its youth. The Petitioner brings this petition under Article 32 of the Constitution of India to enforce the fundamental rights of millions of Indian citizens whose right to education and livelihood is being adversely affected due to inadequate budgetary allocations.

1.2 No Personal Gain

The Petitioner has no personal or vested interest in this matter. This petition is filed purely in the public interest to uphold the constitutional mandate and to secure the nation's future by ensuring adequate investment in education and skill development, as per the recommendations of the National Education Policy (NEP) 2020 and other national policies.

2. The Respondents

2.1 Union of India

The Respondents include the Union of India, represented through:

- **Ministry of Finance:** Responsible for the formulation and execution of the Union Budget.
 - **Ministry of Education:** Charged with the development of education policies and programs.
 - **Ministry of Skill Development and Entrepreneurship:** Entrusted with the task of skill development and enhancing employability.
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3. Facts of the Case

3.1 Demographic Imperative

3.1.1 Largest Youth Population

India possesses the world's largest youth population, with approximately **600 million people** under the age of 25, constituting nearly **50%** of the country's total population (United Nations Population Fund, 2014). This demographic structure presents a unique opportunity for accelerated economic growth, commonly referred to as the "demographic dividend."

3.1.2 Time-Sensitive Opportunity

The demographic dividend is not indefinite. By **2030**, India's working-age population is projected to peak (United Nations Department of Economic and Social Affairs, 2019). Failure to harness this potential could lead to increased unemployment, social unrest, and economic stagnation.

3.1.3 Youth Unemployment Crisis

As per the Periodic Labour Force Survey (PLFS) 2019-20, the unemployment rate among youth (aged 15-29 years) is **17.8%** in urban areas and **17.3%** in rural areas. This high rate of youth unemployment underscores the urgency of enhancing education and skill development to improve employability.

3.1.4 Urban-Rural Disparities

Approximately **65.53%** of India's population resides in rural areas (Census 2011). Rural youth often face greater challenges in accessing quality education and skill development opportunities, exacerbating socio-economic disparities.

3.2 Current Budget Allocation

3.2.1 Inadequate Funding for Education and Skill Development

- **Education Allocation:** In the Union Budget **2021-22**, the Ministry of Education was allocated **₹93,224 crore**, which is approximately **2.67%** of the total Union Budget and about **0.45%** of India's GDP (Budget Documents, 2021-22).
- **Skill Development Allocation:** The Ministry of Skill Development and Entrepreneurship received **₹2,785 crore**, less than **0.1%** of the total budget and approximately **0.013%** of GDP.

3.2.2 NEP 2020 Recommendations Ignored

- **National Education Policy 2020:** Recommends that public investment in education be increased to **6%** of GDP at the earliest.
- **Current Gap:** The combined allocation for education and skill development is less than **0.5%** of GDP, significantly short of the NEP's recommendation.

3.2.3 Historical Underinvestment

- **Kothari Commission (1966):** Recommended that India allocate **6%** of GDP to education.
- **Commitments in Five-Year Plans:** Successive Five-Year Plans have reiterated the need to increase education spending, yet the target remains unmet.

3.2.4 Comparison with Other Sectors

- **Defense Expenditure:** In 2021-22, allocated **₹4.78 lakh crore**, about **13.7%** of total expenditure.
- **Subsidies:** Combined food, fertilizer, and petroleum subsidies amount to over **₹3 lakh crore**.
- **Interest Payments:** The largest expenditure item, over **₹8 lakh crore**, approximately **23%** of total expenditure.

3.2.5 Global Comparisons

- **UNESCO Recommendation:** Countries should allocate **4-6%** of GDP or **15-20%** of total public expenditure to education.
- **Global Averages:**
 - **Norway:** Spends about **7%** of GDP on education and skill development.
 - **Finland:** Allocates **6.8%** of GDP.
 - **United Kingdom:** Spends around **5.5%** of GDP.
 - **Brazil:** Allocates **6%** of GDP.
- **India's Allocation:** At less than **0.5%** of GDP for education and skill development combined, India lags significantly behind global averages.

3.3 Educational Disparities and Deficits

3.3.1 Literacy Rates and Regional Disparities

- **National Literacy Rate:** As per National Sample Survey (2017-18), the literacy rate is **77.7%**.
- **States with Low Literacy:**
 - **Bihar:** 61.8%
 - **Arunachal Pradesh:** 65.4%
 - **Rajasthan:** 69.7%
- **States with High Literacy:**
 - **Kerala:** 96.2%
 - **Delhi:** 88.7%

3.3.2 Gender Disparities

- **Female Literacy Rate:** 70.3%
- **Male Literacy Rate:** 84.7%
- **Gender Gap:** 14.4%

3.3.3 Dropout Rates

- **Overall Dropout Rate:** At the secondary level, the dropout rate is **17.06%** (U-DISE, 2019-20).
- **Higher among Marginalized Groups:**
 - **Scheduled Castes (SC):** 19.45%
 - **Scheduled Tribes (ST):** 24.68%

3.3.4 Foundational Learning Crisis

- **ASER 2018 Report:**
 - **Reading Skills:** Only **50.3%** of students in Grade 5 can read a Grade 2-level text.
 - **Arithmetic Skills:** Only **28.1%** of Grade 5 students can perform division.
- **Learning Poverty:** According to the World Bank, **55%** of Indian children suffer from "learning poverty," meaning they cannot read and understand a simple text by age 10.

3.3.5 Impact of COVID-19 on Education

- **School Closures:** Schools remained closed for an average of **500 days**.
- **Digital Divide:**
 - **Internet Access:** Only **23.8%** of Indian households have internet access (NSSO, 2017-18).
 - **Device Availability:** Less than **11%** of households possess any type of computer.

- **Learning Loss:** UNESCO estimates that prolonged closures have affected **320 million** students, leading to significant learning gaps.

3.3.6 Infrastructure Deficiencies

- **Basic Facilities:**
 - **Electricity:** **57.6%** of schools have electricity (U-DISE, 2019-20).
 - **Drinking Water:** **93%** have drinking water facilities, but quality and accessibility remain issues.
- **Sanitation:**
 - **Functional Toilets for Girls:** **95%** of schools have toilets for girls, but many are non-functional.
- **Teacher Shortages:**
 - **Vacancies:** Over **1 million** teacher positions are vacant across the country.
 - **Pupil-Teacher Ratio:** In many states, the ratio exceeds the recommended **30:1**.

3.3.7 Quality of Education

- **Teacher Competency:**
 - **Underqualified Teachers:** A significant number of teachers lack the minimum qualifications prescribed by the Right to Education Act.
- **Teaching Methods:**
 - **Rote Learning:** Predominant teaching methodology focuses on memorization rather than understanding.
- **Assessment Standards:**
 - **Lack of Continuous Evaluation:** Assessments are infrequent and often do not measure critical thinking or problem-solving skills.

3.4 Skill Development Challenges

3.4.1 Low Formal Skill Training

- **Formally Skilled Workforce:** Only **2.3%** of the workforce has formal sector skill training (National Sample Survey, 2011-12).
- **Global Comparison:**
 - **South Korea:** **96%**
 - **Japan:** **80%**
 - **Germany:** **75%**

3.4.2 Mismatch Between Skills and Industry Needs

- **Outdated Curriculum:** Many training programs are not aligned with current industry requirements.
- **Emerging Technologies:** Lack of training in areas like AI, machine learning, and cybersecurity.

- **Soft Skills Deficiency:** Employers report a lack of communication, teamwork, and problem-solving skills among graduates.

3.4.3 Unemployment and Underemployment

- **Graduate Unemployment:** Unemployment rate among graduates is **17.2%** (PLFS, 2018-19).
- **Skill Gap:** Despite degrees, many lack practical skills required by employers.

3.4.4 Inadequate Infrastructure and Funding

- **Skill Development Centers:** Only **15,042** ITIs (Industrial Training Institutes) exist, insufficient for a country of India's size.
- **Quality of Training:** Often subpar due to lack of qualified trainers and outdated equipment.

3.4.5 Government Initiatives and Limitations

- **Pradhan Mantri Kaushal Vikas Yojana (PMKVY):**
 - **Target:** Skill training to **10 million** youth by 2020.
 - **Achievement:** Only about **6.8 million** were trained by 2020.
 - **Placement Rate:** Less than **20%** of trained individuals secured employment.
- **Skill India Mission:**
 - **Objective:** Train **400 million** people by 2022.
 - **Challenges:** Underfunding, lack of coordination among agencies, and inadequate monitoring.

3.5 Economic Implications of Underinvestment

3.5.1 Impact on GDP Growth

- **Human Capital Index:** India ranks **116th** out of 174 countries (World Bank, 2020).
- **Productivity Loss:** Undereducated and unskilled workforce leads to lower productivity, impacting GDP growth.

3.5.2 Global Competitiveness

- **Global Competitiveness Index:** India ranks **68th** out of 141 countries (World Economic Forum, 2019).
- **Innovation Capacity:** Limited by inadequate education and skill development.

3.5.3 Attracting Foreign Investment

- **Investor Confidence:** A skilled workforce is a key factor for investors.
- **FDI Inflows:** Despite potential, India lags behind countries like China due to skill shortages.

3.5.4 Loss of Demographic Dividend

- **Economic Burden:** An unskilled, unemployed youth population can become an economic liability.
- **Social Costs:** Increased expenditure on social welfare programs without corresponding economic productivity.

3.6 Social Consequences of Inadequate Investment

3.6.1 Poverty and Inequality

- **Multidimensional Poverty:** 27.9% of the population is multidimensionally poor (Global MPI, 2019).
- **Intergenerational Poverty:** Lack of education and skills perpetuates poverty cycles.

3.6.2 Youth Disillusionment

- **Brain Drain:** Skilled individuals migrate abroad for better opportunities.
- **Social Unrest:** Unemployment can lead to increased crime rates and social instability.

3.6.3 Gender Inequality

- **Female Labor Force Participation:** Dropped to 20.3% in 2019 from 26% in 2005.
- **Education as Empowerment:** Inadequate investment hampers efforts to improve gender equality.

3.6.4 Health Outcomes

- **Maternal and Child Health:** Education levels correlate with health outcomes; underinvestment affects public health.

3.7 Global Case Studies Demonstrating the Impact of Investment

3.7.1 Finland: A Model of Educational Excellence

- **Investment:** Allocates 6.8% of GDP to education.
- **Key Features:**
 - **High-Quality Teachers:** All teachers hold master's degrees.
 - **Equal Access:** Free education at all levels.
 - **Holistic Learning:** Focus on critical thinking and problem-solving.
- **Outcomes:**
 - **Top PISA Rankings:** Consistently among the best globally.
 - **High Graduation Rates:** Over 90% from upper secondary education.

3.7.2 Germany: Dual Vocational Training System

- **Investment:** Approximately 5% of GDP on education and vocational training.

- **Key Features:**
 - **Apprenticeships:** Combines classroom and on-the-job training.
 - **Industry Collaboration:** Ensures relevance of skills.
- **Outcomes:**
 - **Low Youth Unemployment:** Around **5.7%**.
 - **Skilled Workforce:** High levels of technical skills.

3.7.3 South Korea: Rapid Economic Growth Through Education

- **Investment:** Spends over **5%** of GDP on education.
- **Key Features:**
 - **Education Reforms:** Emphasis on STEM education.
 - **Technology Integration:** Early adoption of ICT in education.
- **Outcomes:**
 - **Economic Transformation:** From low-income to high-income in decades.
 - **Innovation Hub:** High R&D expenditure.

3.7.4 Singapore: SkillsFuture Initiative

- **Investment:** Allocates significant resources to lifelong learning.
- **Key Features:**
 - **Continuous Learning:** Citizens receive credits for education throughout life.
 - **Industry-Relevant Skills:** Alignment with market needs.
- **Outcomes:**
 - **High Global Competitiveness:** Ranked **1st** in Global Competitiveness Index.
 - **Low Unemployment:** Around **2%**.

3.7.5 China's Massive Investment in Education and Skills

- **Investment:** Increased education spending to over **4%** of GDP since 2012.
- **Key Features:**
 - **Expansion of Higher Education:** Rapid increase in university enrollment.
 - **Vocational Training:** Over **13,000** vocational institutions.
- **Outcomes:**
 - **Manufacturing Powerhouse:** Skilled labor force supports industry.
 - **Technological Advancements:** Growth in high-tech sectors.

3.7.6 Australia's National Skills Needs List

- **Investment:** Spends around **5.3%** of GDP on education.
- **Key Features:**
 - **Targeted Skill Development:** Focus on sectors with shortages.
 - **Apprenticeships:** Government incentives for traineeships.
- **Outcomes:**
 - **Reduced Skill Shortages:** Effective labor market matching.
 - **Economic Diversity:** Skilled workforce supports various industries.

3.7.7 Rwanda: Leveraging Education for Economic Recovery

- **Investment:** Allocates over **5%** of GDP to education.
- **Key Features:**
 - **ICT Integration:** Nationwide focus on digital literacy.
 - **Universal Primary Education:** Free and compulsory education.
- **Outcomes:**
 - **High Enrollment Rates:** Near-universal primary education.
 - **Economic Growth:** Diversification into services and technology.

3.8 Recommendations from National and International Policies

3.8.1 National Education Policy (NEP) 2020

- **Investment Target:** Increase public investment in education to reach **6% of GDP**.
- **Holistic Development:** Emphasizes critical thinking, creativity, and life skills.
- **Vocational Education:** Integration from middle school onwards.

3.8.2 National Policy on Skill Development and Entrepreneurship 2015

- **Objective:** Skilling **400 million** people by 2022.
- **Quality Assurance:** Establishment of sector skill councils and standardized certifications.

3.8.3 UNESCO's Education 2030 Framework

- **Investment Recommendation:** Allocate **4-6%** of GDP to education.
- **Quality and Equity:** Focus on inclusive and equitable education.

3.8.4 World Bank's Human Capital Project

- **Human Capital Index:** Emphasizes the economic value of investing in education and health.
- **Policy Recommendation:** Countries should prioritize human capital development for sustainable growth.

4. The Legal Basis

Constitutional Provisions

4.1 Article 21A

Guarantees the right to free and compulsory education for children aged 6 to 14 years. Adequate funding is essential for the realization of this fundamental right.

4.2 Article 21

Includes the right to livelihood, which is intrinsically linked to education and skill development.

4.3 Directive Principles of State Policy

- **Article 41:** Mandates the state to make effective provision for securing the right to work, education, and public assistance.
- **Article 45:** Directs the state to provide early childhood care and education for all children until they complete the age of six years.
- **Article 46:** Enjoins the state to promote the educational and economic interests of weaker sections.

International Obligations

4.4 Sustainable Development Goals (SDGs)

India is a signatory to the UN SDGs, including:

- **SDG 4:** Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- **SDG 8:** Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all.

Judicial Precedents

4.5 Mohini Jain v. State of Karnataka (1992)

Recognized the right to education as a fundamental right under Article 21.

4.6 Unni Krishnan, J.P. v. State of Andhra Pradesh (1993)

Laid down the scheme for free and compulsory education.

4.7 Olga Tellis v. Bombay Municipal Corporation (1985)

Affirmed that the right to livelihood is an integral part of the right to life.

4.8 Environmental & Consumer Protection Foundation v. Delhi Administration (2012)

Directed the state to ensure basic infrastructure and qualified teachers in schools.

5. Grounds for Filing the PIL:

Violation of Fundamental Rights

5.1 Denial of Right to Education and Livelihood

Inadequate funding violates Article 21A (right to education) and Article 21 (right to livelihood), denying millions of citizens their fundamental rights.

5.2 Inequality and Discrimination

The lack of resources disproportionately affects marginalized communities, violating Article 14 (Right to Equality) and Article 15 (Prohibition of Discrimination).

Economic Implications

5.3 Stunted Economic Growth

A poorly educated and unskilled workforce hampers innovation, productivity, and economic growth, adversely affecting the nation's GDP.

5.4 Unemployment and Underemployment

Insufficient investment leads to a workforce ill-prepared for the job market, exacerbating unemployment rates.

Social Consequences

5.5 Rise in Social Issues

Illiteracy and unemployment contribute to social problems like crime, poverty, and social unrest.

5.6 Inter-generational Poverty

Lack of education and skills perpetuates a cycle of poverty, affecting future generations.

International Standing

5.7 Failure to Meet International Commitments

India risks failing to achieve the SDGs by 2030, tarnishing its international reputation.

6. Prayers

In light of the above, the Petitioner humbly prays that this Hon'ble Court may be pleased to:

6.1 Direct the Union of India to allocate **at least 8% of India's GDP to education and skill development**, in line with the recommendations of the National Education Policy 2020 and international standards.

6.2 Mandate a Phased Implementation Plan within the next **three fiscal years**, with clear milestones and targets for:

a. **Foundational Education:** Addressing learning deficits, improving infrastructure, and enhancing access in underprivileged and rural areas.

b. **Teacher Recruitment and Training:** Recruiting at least **1 million** qualified teachers and implementing continuous professional development programs.

c. **Skill Development Programs:** Expanding vocational training centers, modernizing curricula, and fostering industry partnerships to train at least **50 million** youth annually.

d. **Digital Infrastructure:** Bridging the digital divide by providing internet access and digital devices to all schools and skill centers, especially in rural and remote areas.

6.3 Establish a High-Level Monitoring Committee comprising members from the judiciary, civil society, education and skill development experts, and government officials to:

- a. **Oversee Budget Allocation and Utilization:** Ensure transparency, prevent fund misappropriation, and evaluate the efficiency of expenditure.
- b. **Monitor Outcomes:** Regularly assess improvements in literacy rates, skill acquisition, employment rates, and other relevant metrics.
- c. **Public Accountability:** Publish annual reports accessible to the public, detailing progress and challenges.

6.4 Ensure Legal Accountability by setting up grievance redressal mechanisms where violations of the right to education and skill development can be addressed promptly.

6.5 Pass Any Other Order that this Hon'ble Court may deem fit in the interest of justice, equity, and public welfare.

7. Documents Annexed

1. **Union Budget Documents (2024-25):** Details of budget allocations to the Ministries of Education and Skill Development.
2. **National Education Policy (NEP) 2020:** Official document outlining education reforms and investment recommendations.
3. **IDR Online Report (2023):** Analysis of the education and skill development budgets and their implications.
4. **Annual Status of Education Report (ASER) 2022:** Statistics on learning outcomes.
5. **Periodic Labour Force Survey (2019-20):** Data on workforce skill levels.
6. **World Bank and ILO Reports:** Comparative international data on education and skill development spending.
7. **Global Talent Competitiveness Index (INSEAD, 2023):** India's ranking and analysis.
8. **UN Sustainable Development Goals Documentation:** India's commitments under international law.
9. **Case Studies:** Detailed analyses of successful education and skill development models from Finland, Germany, Singapore, South Korea, China, Australia, and Rwanda.
10. **Judicial Precedents:** Copies of relevant Supreme Court judgments.

PRAYER

In light of the foregoing, the Petitioner humbly prays that this Hon'ble Court may be pleased to:

- **Direct the Union of India** to allocate **at least 6% of India's GDP** to education and skill development, as recommended by the National Education Policy 2020 and international standards.
- **Ensure the effective implementation** of education and skill development programs with robust monitoring and accountability mechanisms.
- **Uphold the fundamental rights** of millions of Indians by ensuring access to quality education and skill development opportunities, fulfilling constitutional mandates.
- **Pass such other orders** as may be necessary in the interest of justice, equity, and public welfare.

And for this act of kindness, the Petitioner, as in duty bound, shall ever pray.

[Place]: New Delhi

[Date]: _____

[Petitioner's Name]

[Petitioner's Signature]

ANNEXURE:

Youth Population in India:

- **"Youth in India 2022" by the Ministry of Statistics and Programme Implementation (MoSPI)**
 - https://mospi.gov.in/sites/default/files/publication_reports/Youth_in_India_2022.pdf
 -

Youth Unemployment Rates:

- **"Insights from Periodic Labour Force Survey (PLFS) 2019-2020" by the National Skill Development Corporation (NSDC)**
 - <https://skillsip.nsdcindia.org/sites/default/files/kps-document/Insights%20from%20PLFS%202019-2020.pdf>
 -

Union Budget Allocation for Education:

- **"Demand for Grants 2021-22 Analysis: Education" by PRS Legislative Research**
 - <https://prsindia.org/budgets/parliament/demand-for-grants-2021-22-analysis-education>
 -

National Education Policy (NEP) 2020 Recommendations:

- **"National Education Policy 2020" by the Ministry of Education**
 - https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English.pdf
 -

Historical Recommendations on Education Spending:

- **"Report of the Education Commission (1964-66)" also known as the Kothari Commission Report**
 - <http://www.teindia.nic.in/mhrd/50yrsedu/g/T/49/OT490401.htm>
 -

Global Education Expenditure Comparisons:

- **"Education at a Glance 2021" by the Organisation for Economic Co-operation and Development (OECD)**
 - <https://www.oecd.org/education/education-at-a-glance/>
 -

National Literacy Rates and Regional Disparities:

- **"Youth in India 2022" by the Ministry of Statistics and Programme Implementation (MoSPI)**
 - https://mospi.gov.in/sites/default/files/publication_reports/Youth_in_India_2022.pdf
 -

Dropout Rates in India:

- **"Unified District Information System for Education Plus (UDISE+) 2019-20" by the Ministry of Education**
 - <https://udiseplus.gov.in/>