



Education Community



Solution Exchange for the Education Community Consolidated Reply

Discussion: Right to Education Bill

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From [Ramakant Rai](#), National Campaign for Education, Delhi, [Lilly Vishwanathan](#), Plan International, Delhi, [Avinash Kumar](#), Oxfam India, Delhi and [Ashok Bharti](#), Wada Na Todo Abhiyan, Delhi

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Theme II is Right to Education Bill which again is a very critical input in ensuring equitable and quality access of children to education. **The Right of Children to Free and Compulsory Education Bill, 2008** is an attempt to secure political commitment to the Right to Education for all in the country and can play a major role in the process of strengthening all aspects of education. It is considered to be a major breakthrough in terms of ensuring quality education to the children between 6-14 years of age. However, a few concerns and issues have been raised from different corners regarding various components of the Bill.

We would like to have your views and suggestions on:

- What are those components in the Bill which call for further debate and thinking such as , the issue of privatization, teacher training, addressing educational rights of children between 0-6 and 14 - 18 age group etc.
- What can be the major challenges ahead in the implementation of the Bill?
- What can be the role of the civil society and local institutions of self governance to ensure that the Bill is implemented in the right spirit to realize the much cherished goal of quality of education to all children?

Your views will contribute in building better understanding of the various components of the bill as well as on areas which require more clarity.

Responses were received, with thanks, from

1. [Shubhangi Sharma](#), United Nations Educational Scientific and Cultural Organization (UNESCO), New Delhi
2. [Amit Kaushik](#), Shri Educare Pvt Ltd, New Delhi ([Response 1](#); [Response 2](#))
3. [Sudakshina Mallick](#), United Nations Educational Scientific and Cultural Organization (UNESCO), New Delhi

4. [Nisheeth Verma](#), Learning Links Foundation, New Delhi
5. [Mithu Alur](#), National Resource Centre for Inclusion, Bombay
6. [Jigisha Shastri](#), M.S. University of Baroda, Vadodara
7. [Shaheen Ansari](#), Arkitect India, New Delhi
8. Vinod Raina, Bharat Gyan Vigyan Samiti, New Delhi ([Response 1](#); [Response 2](#))
9. [Shushmita Dutt](#), United Nations Children's Fund (UNICEF), New Delhi
10. [Ambarish Rai](#), People's Campaign for Common School System (PCCSS), New Delhi
11. [Naaz Khair](#), Independent Consultant, New Delhi
12. [Rujuta Deshmukh](#), Independent Consultant, New Delhi
13. [David P Raj](#), Department of Women & Child Development and Disabled Welfare, Andhra Pradesh
14. [Komal Srivastava](#), Bharat Gyan Vigyan Samiti, Jaipur, Rajasthan

Further contributions are welcome!

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Summary of Responses

The discussion on the Right of Children to Free and Compulsory Education Bill, 2008 addressed a plethora of issues within the provisions of the bill. The dialogue identified various challenges in the implementation of the bill and also elaborated upon the role of civil society, NGOs, local authorities and other organizations in ensuring that the bill is implemented in its true spirit. While the members agreed that the bill is a historical and monumental step towards the progressive realization of children's right to education as a fundamental right, there was discontent with the flawed provisions of the bill. The discussants were of the opinion that the bill lacked in addressing several key issues that are a pre-requisite for guaranteeing the right to education. Further, the members opined that the bill had a couple of loopholes through which the states could absolve itself from its duty of achieving universalization of education in India. It was felt that the bill lacked on several fronts such as accountability, inclusion of children between the age group of 0-6 and 14-18 and didn't focus sufficiently on the quality of education. The members also expressed their concern over the bill ignoring several important issues such as the common school system. However, they in general expressed satisfaction that the bill squarely puts the compulsion of providing eight years of compulsory education on government and not on parents.

Following are some of the key issues raised and discussed by the members:

1. INCLUSION OF AGE-GROUP of 0-6 and 14-18

The members discussed the Supreme Court's landmark judgment in the case of Unnikrishnan vs. State of Andhra Pradesh, wherein the Hon'ble Court recognized the right to education of children from the age of 0-14 years, however, for children in the age group of 14-18 years it was left upon the financial ability of the state, which according to them was counter productive for the educational rights of children in this age group. Also, 86th Constitutional Amendment and its Article 21A through which right to education was accepted as fundamental right, talks about children between the age group of 6-14 only which leads to leaving the children above 14 years of age out of the ambit of right to education bill. The discussants opined that the exclusion of children in the age groups of 0-6 years and 14-18 years was one of the gross omissions within the bill and should be corrected. Members reiterated that if not included within the bill, a large proportion of children in these age groups would not be able to attend school and this would affect the further development of their educational capabilities.

The members recognized the importance of education for children in the age-group of 14-18 years as means to become a responsible citizen, a life long learner and gainfully employed. Further, a direct relation was established between the lack of secondary education and the drop out rates of girls from schools in rural areas. The members further pointed out that the Convention on Rights of Children defined children as between the age-group of 0-18 years and India is signatory to the same. This makes it even more important that India takes necessary steps to make sure that till the age of 18 the right of education is accepted for the children. Respondents suggested a change in the definition of children in the bill to this effect. However, the discussants also pointed out, that this would be possible only after the 86th Amendment to the Constitution was amended to include children in the age group of 14-18 years.

2. ESTABLISHING COMMON SCHOOL SYSTEM & DEALING WITH PRIVATE SCHOOLS

The various sections of the report of the Kothari Commission were referred by respondents to discuss the common school system. Members stressed the importance of a common school system for the realization of the right to education for all children in India. It was urged that in a segregated society like India, it was imperative to establish a common school system. It was further opined that this common school system should include all schools run by the government and local authorities as well as all recognized and aided as well as unaided private schools. Respondents also unanimously recognized common school system as an important step in bridging the socio - cultural and economic gaps in the society and felt that scarcity of budget shouldn't be accepted as an excuse for not establishing the common school system. The members also discussed the conflict between both private players and proponents of the common school system on the issue. According to the discussants all schools should be under social obligation to fall within common school system and act as agencies of the state to fulfill the cherished vision of equity and social justice. On the issue of 25% reservation of underprivileged children in private schools members felt that it was inadequate and should be brought to at least 50% to ensure equal opportunities for all

3. SETTING UP NEIGHBOURHOOD SCHOOLS

Members stressed on the need to provide for neighborhood schools as soon as possible, preferably within a year. The discussants stressed on the urgency to attain this goal, since the Education for All goals have set 2015 as a target for universalising free and compulsory elementary education. For this purpose, the members also opined that the Government must not only guarantee the adequate infrastructure for such institutions but also guarantee access to such schools through abolishing all hidden and apparent costs in accessing education.

4. ENSURING FREE, COMPULSORY AND QUALITY EDUCATION

The members suggested that the term "free education" apart from cost of schooling included hidden costs and expenses that would serve as an impediment to avail access to schools. These costs would include expenses for uniforms, books, stationery, adequate diet, transportation etc. The members suggested a change in the definition of the term "free education" in the bill to this effect.

As regards "compulsory education", the members opined, that the term "compulsory" must be re-defined in the bill to include compulsory enrolment till 8th class and quality education conforming to the minimum norms as specified in the Schedule to be attached to the bill. It was further highlighted by the members, that the onus lay on the government to ensure that every child could enjoy his/her right to free and compulsory education. However, the members pointed out that the bill did not provide for any mechanism to hold the government accountable if it failed to discharge its duty in this regard.

To guarantee quality education, the members suggested setting up of a mechanism to ensure that infrastructural facilities in schools were upgraded and brought on a level playing field with the special category schools such as the Kendra Vidyalays. Further it was suggested that appropriate norms and standards be established as far as the "special programmes" for children enrolled in age-appropriate classes were concerned. Further, the discussants agreed that the scope and nature of these special programmes should be elaborated upon in the bill.

5. ESTABLISHING ACCOUNTABILITY

The members discussed the lack of provisions ensuring accountability from the government, educational administrators and teachers as well as local authorities, in the bill. Respondent feared that in the absence of any accountability put on teachers and education system for learning outcomes of children, for being present but not teaching, would transfer the problem of children's learning to secondary stage. The discussants observed that the bill failed completely in this regard and that there was a need to develop redressal mechanism as well as penal provisions for the violation of any provisions of this bill. These penal provisions according to members should include de-recognition, imprisonment as well as monetary penalty taking in view the gravity of the situation.

6. IMPROVING TEACHER TRAINING

The Respondents felt that an important area of concern within the bill was the issue of teacher training. It was discussed that though the bill deals with only recruitment of professionally trained teachers, it does not provide for the augmentation of their existing capacities to cater to a diverse and larger group of children. Further, the members were of the opinion that the rights of the teachers had to be better addressed along with the rights of the other stake-holders. Some of the issues addressed by the discussants were:

- Mapping of the educational qualifications of existing teachers and their learning needs must be conducted before initiating training programs.
- Training programs should include 21st century skills, basic IT skills; project based learning approaches, etc drawing upon principles from liberal education, development philosophy and social psychology.
- Impact assessments should be conducted to gauge the effectiveness of the teacher training programs based on certain indicators.
- Specialized topics on first generation learners and how they should be integrated into the formal education system must be included in training programs.

CHALLENGES IN IMPLEMENTATION OF THE BILL

With respect to major challenges ahead in the implementation of the bill, the members opined several problems that could pose as an obstacle in the successful implementation of the bill. The members pointed out that many of these obstacles lay within the provisions of the bill itself. Some of the challenges discussed by the member's are-

- The requirement of a strong political will, efficient government systems, empowered civil society, responsible parents and a very rigorous supervision and monitoring mechanism.
- Absence of a mechanism to ensure accountability of the system and redressal of grievances.
- Address the issue of decline or stagnation in the learning levels of children which will be further accentuated by the provision stipulating that no child shall be held back in any class; since children will not be able to cope up with higher levels of learning, and will eventually drop out of school.
- Preparation of teachers through good quality teacher training programs imparting values and skills required to provide quality education. Given the extraordinary number of untrained teachers appointed in the last fifteen years, the teacher training programmes will have to be completely overhauled to ensure that teachers are appointed on the basis of national norms determined by the designated national agency.

ROLE OF CIVIL SOCIETY AND LOCAL AUTHORITIES

The members discussed extensively, the role of civil society groups, NGOs and local institutions of self governance in the desired implementation of the bill. The discussants highlighted the following responsibilities of the civil society-

- To generate public awareness on provisions of the bill through the local vernacular media and legal resource methods. This may be achieved through a nation-wide campaign on dissemination of the Right to Education that reaches every part of the country.
 - To conduct situational analysis and impact assessments, impart trainings, monitoring and evaluation and documentation.
 - To participate in the process of development of guidelines and a regulatory mechanism for the management of private institutions.
 - To work with the federal ministry to prepare model rules for adaptation of states according to their specific needs
 - To support state governments in framing rules for the implementation of the bill.
 - To conduct training of Panchayati Raj representatives on various aspects of the right to education. This will enable them to supervise the implementation of the bill effectively.
 - To ensure legal aid in case there is a violation of the provisions of the bill.
 - To continue advocacy for a regulatory mechanism for all schools.
 - To work towards establishment of a high level task force in the leadership of prime minister with representation from civil society and other relevant stakeholders to ensure proper implementation of the right
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Related Resources

Recommended Documentation

Right to Education Bill 2008 (from [Shubhangi Sharma](#), United Nations Educational Scientific and Cultural Organization (UNESCO), New Delhi)

Bill; Ministry of Human Resource Development, Government of India; New Delhi; Bill No. LXV of 2008
Available at <http://www.indlaw.com/display.aspx?6936E249-75EC-40A8-87A0-A96EBFAD00E0>

The Right of Children to Free and Compulsory Education Bill, 2008 is an attempt to make elementary education a fundamental right for all children between 6-14 years of age

Annual Status of Education Report 2008 (from Amit Kaushik, Shri Educare Pvt Ltd, New Delhi - [response 1](#))

Report; Pratham; New Delhi; January 2008

Available at <http://asercentre.org/resources/dissemination/presspack08/press08-nf.pdf> (PDF Size: 36.81 KB)

Report states that though 96 % children in the 6-14 year age group are enrolled in schools, learning levels appear to be stagnant or declining

National Curriculum Framework 2005 (from [Sudakshina Mallick](#), United Nations Educational Scientific and Cultural Organization, New Delhi)

Framework; National Council of Educational Research and Training; New Delhi; 2005

Available at <http://ncert.nic.in/html/pdf/schoolcurriculum/framework05/prelims.pdf> (PDF Size: 85.17 KB)

Offers broad guidelines on curriculum designing; could be used as a guide to design courses for children out-of-school to mainstream them into the formal education system

The Constitution (86th Amendment) Act (from Vinod Raina, Bharat Gyan Vigyan Samiti, New Delhi - [response 1](#))

Act; Parliament of India; New Delhi; 12 December 2002

Available at <http://indiacode.nic.in/coiweb/amend/amend86.htm>

An Act to amend the constitution of India that inserted Article 21 A which states that, 'the State shall provide free and compulsory education to all children between 6-14 years

Education in National Development- Kothari Commission Report (1964-66) (from Vinod Raina, Bharat Gyan Vigyan Samiti, New Delhi - [response 1](#))

Report; by Dr. D.S. Kothari; University Grants Commission; New Delhi; 1964-66

Brief information available at <http://www.education.nic.in/cd50years/g/W/16/OW160401.htm>

The Kothari Commission recommended the common school system, implying a high quality public education system, which is reiterated by the Right to Education Bill

Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors. Cited as: 1993 AIR 217, 1993 SCR (1) 594, 1993 SCC (1) 645, JT 1993 (1) 474, 1993 SCALE (1)290 (from [Ambarish Raj](#), People's Campaign for Common School System (PCCSS), New Delhi)

Note; ESCR-Net - International Network for Economic, Social & Cultural Rights; New Delhi; February 1993
Available at http://www.escr-net.org/usr_doc/unni_krishnan_judgment.doc (Doc Size: 752KB)

The Unnikrishnan J.P. vs. State of Andhra Pradesh (1993) case Supreme Court judgment gave all children fundamental right to free and compulsory education until 14 years

Recommended Organizations and Programmes

Bharat Gyan Vigyan Samiti, New Delhi (from [Komal Srivastava](#), Bharat Gyan Vigyan Samiti, Jaipur, Rajasthan)

National Office Basement of Y. W.A, Hostel-II G- Block, Avenue- 21 Saket, New Delhi- 110017; Tel: 91-11-26569773; bgvsdelhi@gmail.com; <http://www.bgvs.org/rubrique5.html>

Organization is engaged with the Right to education Bill since it was formulated by the Central Advisory Board of Education Committee in 2005

Responses in Full

[Shubhangi Sharma](#), United Nations Educational Scientific and Cultural Organization (UNESCO), New Delhi

Right to Education Bill is indeed a welcome step on behalf of Government of India to showcase its commitment and sincerity to ensure quality education for all. Passing of the bill would hugely benefit the cause of crores of children still out of the educational system as a result of multiple but solvable reasons. However as query posers asked, there are a couple of major insertions missing in the bill which might again lead to fragmented implementation of this crucial right. A number of civil society groups and networks along with people interested in seeing education as an integrated manner have expressed those concerns time and again during the formulation of the bill and will raise it even after the bill is passed and becomes a legally enforceable right.

One of the crucial concerns is of the children in the age group of 0- 6. The mention of children in the age group of 0-6 is completely missing in the Right to Education bill. In India, more than 45% of the children suffer from malnutrition in this age group. Scientifically it has been proved that this is among the most important period in the whole life span of an individual. Education at this age can make a lasting impact on a child's life. Many people argue that there are government schemes like ICDS through which this age group is being addressed. If the scheme is implemented in the spirit in which it is written and various provisions of the scheme are adequately implemented, there should be absolutely no problem in catering to the needs of the children in this age group. Also, this age group is there in Article 45 of the constitution which requires state to make provisions within 10 years for free and compulsory education for all children until they complete the age of 14 years. However, this doesn't make it a fundamental right for 0-6 age group children which the state is liable to. Right to Education for the 0-6 age group might mean providing Anganwadi and day care facilities of good quality which also could take care of educational aspects along with nutritional and health aspect of a child in this age group which should not be such a problem to fix. If this age group is not addressed in the bill, a large proportion of the children

will remain unattended and would not receive quality education as they are disadvantaged before they reach the age of 6.

The second important omission is missing out on person above the age group of 14 years up to the age of 18. In the year 1993 Supreme Court Judgment in case of Unnikrishnan vs State of Andhra Pradesh the court recognized the right of education for up-to 14 years of age and from 14-18 age group depending on the financial ability of the state. In the present context the right of the children above the age group of 14 should be seen in a different manner and not left on the financial ability of the state. Government of India has already agreed to EFA goals which make clear mention of certain educational objectives to be attained with respect to the adolescent and young persons by a stipulated time line. In addition, India is signatory to the United Nations Resolution on Rights of the Child which recognizes the right to education for everybody up-to 18 years of age which is a rightful action to fulfill promises by national governments.

Therefore, there should be inclusion of children up- to the age of 18 in the right to education bill. This would also help in achieving one of the goals of education which is to equip children to live a fulfilling life which includes providing skills to earn livelihood.

The third significant issue is related to the idea of neighborhood schools. The government has stated in the bill that it will provide neighborhood schools in all areas within 3 years and till then provide transportation charges for children to the schools. Free education is defined as government schools will not charge any fees, however there are hidden costs in the form of uniform, text books etc. which are more difficult for a child coming from deprived background to bear. Quality of Education is defined mostly in terms of accessibility to schools. Three years is a long period given the fact that for EFA and MDG goals the deadline of achieving on promises made is 2015. The mid term assessment of EFA as well as MDG goals shows India though has progressed a lot; it needs to go miles to make sure that it achieves stated goals for all in the state time frame. The government should provide quality neighborhood schools in all areas within 1 year.

Fourth concern is to ensure adequate infrastructure. Quality of education is hinged upon many factors one of which is of infrastructure. Within one year government should ensure that all government schools are of the same level in terms of infrastructure, teacher's education, teacher-student ratio etc, as today's Kendriya Vidyalaya schools. Within 3 years per-child expenses on education in all schools should be comparable to Kendriya Vidyalaya schools today. Government should put in place strict evaluation mechanism for monitoring performance of all the schools in terms of imparting education.

Not much comes out of the bill when the issue of privatization of education is thought about. Since private schools play and will continue to play an important role in the provision of education, there is a requirement for both enabling and regulatory mechanism to be developed and strengthened. Probably greater exchange between schools, including mentoring of one school by another can make a difference!.

Also, the role of the local institutions of self governance at the village level requires more strengthening as these are institutions which can play a critical role in ensuring the proper implementation of the various provisions of the Right to Education bill at the schools level.

One of the absolute requirement is to set up a high-level task force under the leadership of the Prime Minister of India to accelerate the process of the implementation of the Bill once it is passed. The task force should include Government Officials, Panchayat Raj representatives, academicians, civil society organization to make sure that there are no leakages.

The challenges in implementation of the bill would obviously be multi fold. No right can be exercised properly without the strong political will, efficient government systems, empowered civil society and

parents and a very rigorous supervision and monitoring mechanism. Setting up a national evaluation body for monitoring quality using a result based monitoring framework including both process and outcome indicators should be advocated for. Whatever role civil society played at the time of the drafting of the bill was crucial but it will be more crucial as soon as the bill is approved by the parliament. In my view the civil society will need to gear up for the following

- To make sure that people living in remote rural areas know about it , are aware of its various provisions and also informed of the measures which can be taken if the right is being violated.
- To support respective state governments to draw rules based on the central act.
- To generate public awareness through local media, translation of the bill in simple vernacular languages for easy understanding.
- To sensitize schools, teachers and educational management about this rights to ensure appropriate actions at their level.
- To conduct training of Panchayat Raj Representatives on various aspects of the rights in order to enable them to effectively supervise.
- To organize public hearing, file legal case if there is a violation noticed.

Having said above, I strongly feel that the first and foremost requirement of the civil society is to make sure that this bill gets passed as soon as the next government assumes power and the session of the parliament takes place. It is a historic step towards realization of children's right and as happened in the past the attention should be to get it approved and convert into a legally enforceable right. Children of India long deserved such an intervention and they should get it first without any further delay.

Amit Kaushik, Shri Educare Pvt Ltd, New Delhi (*response 1*)

The trouble with The Right of Children to Free and Compulsory Education Bill, 2008, is that it tries to please all but succeeds in pleasing none. Activists who believe that education should be completely State-controlled are unhappy that the Bill does not make the Common School System mandatory; the private sector is unhappy that they are being asked to earmark at least 25% of their seats for children from under-privileged backgrounds, even though they represent only 7-9% of the total schools in the country. To my mind, the biggest flaw in the Bill is that it is completely input oriented, with no reference to outcomes or the quality of education; it focuses only on ensuring that schools meet certain infrastructural norms and standards, with little thought to utilisation of that infrastructure. For instance, a school must provide a certain number of teachers based on the number of enrolled students; however, beyond specifying the so-called duties of teachers, the Bill is silent on what action should be taken if the requisite number of teachers is present but not teaching.

Learning in a majority of government schools in India is already suspect.. The Annual Status of Education Report (ASER) 2008, facilitated by the NGO Pratham, reports that nearly 96 percent children in the 6-14 year age group are enrolled in school. However, learning levels appear to be stagnant or declining, with for instance, only 41 percent across Grades 1 to 8 being able to read simple stories in 2008 as opposed to 43.6 percent in 2005. Similarly, only 27.9 percent children across grades could do simple division sums in 2008, as compared to 30.9 percent in 2005. The provision in the Bill that stipulates that no child shall be held back in any class will inevitably compound this problem. Since this provision makes neither the teacher nor the educational administrator accountable for the child's learning, we will face a situation where children completing eight years of education are not capable of entering the ninth grade, potentially increasing significantly the dropout rate at this stage (it is already at around 65 percent). The Bill therefore transfers the problem of children's learning to the secondary stage, while ostensibly meeting the Constitutional requirement of providing elementary education.

Provisions that related to decentralising the teaching cadre to the district and placing them under the control of the community in earlier versions of this legislation have been completely eliminated. Thus, while great attention is focused on ensuring that children have a right to go to school, the Bill does not address issues of accountability at all. Worse still, it legitimises multi-grade teaching in all schools. The Bill stipulates that for grades 1-5, for every sixty children there shall be two teachers, for every ninety children, three and so on. Thus even if the children were attending different grades, they would end up being taught by the same teacher, in the same class; in other words, two teachers would be expected to manage up to sixty children between them, regardless of the grade in which the children were. Despite the success of the odd multi-grade pilot here and there, it is unlikely that large scale replication of this system will be successful, particularly in a situation where teachers have no accountability for learning outcomes. The provisions of the Bill actually make it seem like a Bill for the right to schooling as opposed to the right to education.

I believe that it is important to remember that merely passing legislation is not adequate to address the kind of deep rooted problem that elementary education has become in India today. Any number of laws would be inadequate if they do not (a) clearly provide for accountability of the system and redressal of grievances and, (b) provide for a strong implementation system.

Sudakshina Mallick, United Nations Educational Scientific and Cultural Organization (UNESCO), New Delhi

The Right to Education Bill, 2008, awaits the last phase of parliamentary approval before it becomes a law and gets translated into a fundamental right to education for children between six to fourteen years of age. While the specified age group excludes a vast number of children (Under six and above fourteen) who deserve to be within the educational spectrum, it is important to consider how much in real terms would the Act benefit the target group.

Access and enrollment would be its definite achievements; however, the issue of quality education has not been addressed adequately in the Bill. The Bill proposes to mainstream non-enrolled children into schools at age appropriate levels through special programs. However, the character of these 'special programs' have not been clearly formulated. In case they adopt the existing bridge course model, it would be a huge compromise on quality! A government led initiative needs to be more systemic, holistic and based on non-negotiable principles. Schools cannot be left to independently run their own special programs without any standardization in it. Hence, if the school curriculum is based on NCF 2005, a 'special program' that abridges it, needs to retain the vital ingredients of it. A hastily done capsule of it would be no better than providing first generation prospective learners with a second grade education and then abruptly integrating them into the formal system with a higher difficulty level, just to abide by the provisions of the Act. Hence, the subsequent courses of action after the Bill becomes law need to be well thrashed out and all stakeholders must start preparing for parallel courses of supportive action.

Secondly, the common school system through neighbourhood schools would in effect dilute the existence of parallel exclusive private schools by enrolling all children from the local area irrespective of their capacity for affording school fees. The state would undertake the responsibility to finance such children. However, educational expenses are much beyond just schooling and cover all other costs such as books, uniforms etc.

Thirdly, the Bill merely refers to recruitment of professionally trained teachers; however, there is hardly any reference to augmenting the existing capacities of teachers who would be catering to a more diverse cohort of students getting enrolled into schools if the Bill is passed. The final Act would definitely lead to major structural changes in terms of teacher deployment and recruitment. In this context, it is important to consider if the present educational system is prepared to deal with such significant changes. This is not to suggest any delay in the process; however, an educational act needs to be multi-polar wherein the rights and interests of all stakeholders and especially teachers need to be well addressed. They should be

provided with additional high quality support to meet this challenge so that they could effectively deliver high quality education. Infact teacher training courses should include specialized topics on first generation learners and how should they be well integrated into the formal educational system as the Act would bring along with it a manifold increase in the number of first generation learners.

Nisheeth Verma, Learning Links Foundation, New Delhi

As we all are aware that right to education bill is to ensure quality of education but we will have to see that what all will lead to quality education to children, this will include teacher empowerment through professional development training programs, designing inclusive setups for imparting education etc.

The major concern, rightly pointed below is the teacher training, we need to do the school level mapping in order to provide any sort of trainings to the teachers, whether it is to impart 21st century skills, basic IT skills, project based learning approaches etc.

2nd we also need to ensure that before conducting any sort of trainings to the teachers whether we have mapped their educational qualifications, etc and the curriculum on which the training is to be imparted is of their level.

3rd if the trainings are being imparted, what is the outcome of the trainings such as any impact assessments done which ensures the high learning achievements of the children and their scores are increased and major issues/pain points are addressed such as drop outs, increased enrolment with special reference to girl child, SC, ST, minorities etc.

I feel that the trainings need to be linked with certain indicators which needs to be addressed by the teacher and share the desired results.

As we all are aware that in the country like India, there are good number of parateachers existing whose educational qualification is not to the level of regular teachers, so we should ensure that there has to be two different levels of curriculum for two segments of teachers and it should be in levels of their education.

Role of civil society/NGOs/Trusts will be very important in conducting the situational analysis, imparting trainings, conducting impact assessments, its monitoring and evaluation and documentation, by utilizing the expertise of the civil society we will ensure the quality trainings which will lead to imparting quality education for the children who is the end beneficiary.

Privatization can also ensure the quality education but we need to have the mechanism of monitoring such moves, here also civil societies, Ngos, trusts can play an important role, these groups can form a committee and develop guidelines for the private institutions to follow, further for few of the private institutions there can be 1 organization which can oversee the regular interventions, it may happen so that there can be one of the Ngos at a district/few districts/state level which will be a nodal agency for ensuring the implementation of the quality education being imparted for the private institutions/NGOs etc.

Mithu Alur, National Resource Centre for Inclusion, Bombay

Correct and focused lobby is essential and a small group doing this in a campaign mode. We had experience of this when we worked with the PMO, the Secretaries of the concerned Ministries and the Principal Secretary to the Prime Minister and the famous statement was tabled in Parliament that in all Government Programmes there should be zero rejection of children with disabilities.

If the Bill is to go through it needs the same tight agenda with a persistent lobby with key actors will help in any way as necessary.

Jigisha Shastri, M.S. University of Baroda, Vadodara

Right to Education Bill is such a necessity. My student and I did a research on listening to children's voices on education and poverty. School going and non school going children had one voice in saying that they liked going to school. It was a place they looked forward to for learning, moving on in life. Very interestingly children also associated poverty with lack of education. A Bill passed will strengthen people's efforts and make them more visible. And such voices as these 9 to 12 years olds voices will gain strength.

Shaheen Ansari, Arkitect India, New Delhi

Ours is 61 years old nation. It is hard to believe that we can not provide even elementary education to all our children.

One of the members says "are we speaking of equal outcomes for every child, or only equal provisions for every child?"

I believe no education system ensure equal outcomes for every child, because outcome depends on many things. What we need to ensure is equal provision and equal opportunity for every child. We must strive to create access to quality education to all. The bill talks about "special category" in chapter I [2 (p)].

Do we need special category of schools for so called special children? Every child of this country needs special attention till 12th standard. What will a child do after 8th standard of education?

The government should provide free and compulsory education till 12th standard because every option opens after that. 12th is the basic requirement for engineering, medical, law or any other professional courses. Education is the most potent tool for development and must not compromise with it.

Common School System is the only tried and tested education system which can proved quality education to all children. This is wrong to say that the government does not have budget for it. The government is not interested in it.

CSS will not only produce good citizen by providing a common meeting place for children of rich & poor but will also save money by not building hostels, school transportation, scholarships etc.

We know reservation creates lots of social and psychological problems among children. We don't reserve seats for any section of children. Being a citizen of India every child will have equal right to quality education.

The new government should initiate debate in the public domain before reaching on any conclusion.

Vinod Raina, Bharat Gyan Vigyan Samiti, New Delhi (response 1)

Right to Free and Compulsory Education Bill was introduced in the Rajya Sabha on December 15, 2008. Though the delay on part of the state is deplorable, the introduction is undeniably momentous. It is no wonder that the majority of the excluded and non-achievers come from the most deprived sections of society, the dalits, OBC's, adivasis, girls, Muslims and poor; precisely those sections who are supposed to be empowered through education. With heightened political consciousness amongst the deprived and

marginalized, never in the history of India is the demand for inclusive education as fervent as today. However, some glaring shortcomings are immediately obvious in such a notion of inclusiveness. Like the age of the child. Being a signatory to the UN Child Rights Convention, India has accepted the international definition of a child, which is up to age 18. The Bill restricts the age from 6 to 14, clearly excluding and violating the rights of the 0-6 and 14 to 18 year old children. The problem however is that the 86th amendment and its article 21A define the age from 6 to 14. As a Bill flowing out of the Amendment, it is clear that the Bill can not go beyond Article 21A, which makes it imperative that the 86th amendment must be re-amended to correct this anomaly, and when that happens, the change needs to be reflected in the corresponding Act at that point of time. There is a view that the Bill be put on hold till such a re-amendment is done, but that would be playing into hands of elements that neither want the amendment, nor the Bill. Such elements don't want the state to invest in education and wish to leave it to the markets; and getting the Parliament to re-amend at this stage with the kind of majority required seems remote, given the fractured polity post the nuclear deal and terrorism episodes.

Having made education a fundamental right, the question that needs serious debate is whether the Bill introduced in the Parliament will help improve the situation in a substantial manner or not. The Bill envisages that each child must have access to a neighborhood school within three years from the time the Bill is notified as an Act, after being passed by the Parliament. The presence of a nearby school is however not a guarantee that a child can indeed access it. One of the barriers, particularly for the poor and the deprived, is the cost.

The another difficult part of the Bill to implement will be the provision for appointing teachers on the basis of national norms to be determined by a national agency within five years after notification. Given the extraordinary number of untrained teachers appointed in the last fifteen years, governments will have to completely overhaul teacher training mechanisms to put this provision in place, in order to bring existing teachers under these norms, and ensure that fresh teachers are appointed only after they have been pre-trained to these norms. This could be a major factor in determining the future quality of government schools – improving teacher quality.

The responsibilities of private unaided schools have obviously been at the forefront of the deep schisms in formulating the Bill. A powerful view has been that since Article 21A says that the 'state shall provide free and compulsory education', there are no obligations on schools that receive no aid from the government and they should be kept out of the provisions of the Bill. The counter view has been that the fee-charging private schools are an impediment in the concept of a free common school that can be the basis of national development, as outlined by the Kothari Commission Report of 1966, and they must be brought in the ambit of legislation to become a part of the neighborhood common schools. In this view, the narrow definition of state to mean just the governmental system is contested; state in this view would include both the governmental and the private systems. An additional demand has been to provide a legal mechanism to regulate the mushrooming commercial school sector that many believe is fleecing the public in the name of questionable quality education. These extreme debates have obviously led to heated debates, acrimonious at times. The final version of the Bill calls on all unaided and special schools like the Kendriya and the Navodaya to admit 25% children at class 1 level from amongst the deprived sections of society from their neighborhoods for free education till class eight. Their expense would be remitted to the school by the concerned government at its per learner cost or the cost the school charges, whichever is less. In addition no school can charge capitation fees and will be punished if does so, nor can it use any admission procedure like interviewing children or parents except using a random method. An earlier suggestion to have a regulatory mechanism for all schools, governmental and private did not find consensus and had to be dropped. There is evidently a great deal of unease because of this, in both camps. The private school lobbies and their advocates feel that these limited provisions are an encroachment on their rights. And the strong proponents of the common school system think that the Bill is a betrayal and have even given a call that it ought not to be introduced. Where as the demand for a complete common schooling system is completely justified in ending the streaming of education on the basis of social diversity and economic class, the problem is in locating it within the Kothari Commission

formulations. The Kothari Commission itself provided for the private schools to be kept out of the common school system, and recommended three different schools in terms of quality of education they would provide. For example, it asked the government to provide a quality school in each block of the country, which is what the present government is implementing now through a separate private-public partnership scheme, involving industrial houses.

The Bill makes an important departure in the definition of the term 'compulsory' as provided in the fundamental right, article 21A. The customary definition, also supported by Myron Wiener in his much quoted book on education in India regarding this subject, is to put the compulsion on the parents to ensure that they admit their children in schools, and to provide for punishment of parents in case they fail to do so. The draft Bill prepared by the NDA before it lost power in 2004 had a similar provision. One of the arguments in favor of this is that this will ensure that the parents are prevented from engaging their children in child labor. The present Bill however takes a completely different view and squarely puts the compulsion on the governments to provide for every child to complete eight years of compulsory schooling. This implies that if a child is on the streets, working in a shop, or simply at home at a time when it ought to be in school, the onus is on the government and it is the government that ought to be punished. This has major implications regarding child labor. With this Bill, it will be illegal if a child is not in school during school hours, which curbs all forms of child labor during those hours, not just hazardous. However this Bill can not legislate on what the child should do after and before school hours, and if she is engaged in child labor before and after school hours, it is necessary now that the Child Labor Act of 1986 be amended to ensure that all forms of child labor are banned and children are freed to enjoy their fundamental right to education. As for punishment, where as it is easy to identify the parents for punishment, the problem is identifying the agency or person when one says the government should be punished, if the child is working and not in school. It is here that the Bill is perhaps weak; in the matter of enforcement.

The implication of the Bill becoming an Act would also be that it would override all the existing state legislations dealing with elementary education. But each state would be required to prescribe rules for the Act for implementation. The preparation of these rules would be critical in preserving the fundamental right nature of the Act. It would perhaps be useful for the Ministry of Human Resource Development to circulate model rules that the states could then adapt to their specific needs. This could ensure that the central concerns regarding quality and access were not very divergent from state to state, while giving freedom to states to incorporate their own needs. But all that is in the future; the present concern is that if the Bill is not passed before the elections, while it would not lapse since it has been introduced in the Rajya Sabha, it could go into deep slumber depending on the priorities of the next government. History has shown that successive governments, in spite of their constitutional obligations, don't find spending money for universalizing quality education a political compulsion; could that change now to some extent?

To read the detailed response, click <http://www.solutionexchange-un.net.in/education/cr/res-08050902.pdf> (Size: 37.73 KB)

[Shushmita Dutt](#), United Nations Children's Fund (UNICEF), New Delhi

There is no doubt that the RTE Bill is not perfect and leaves much to be integrated. However, what perhaps we need to keep in mind is that the Bill is the first necessary step to focus systemic and legal attention to the right of every child to a quality education. There are many elements to this right and all will require to be addressed - for example - are we speaking of equal outcomes for every child, or only equal provisions for every child? The required systemic arrangements for achieving the two are vastly different.

Some of this is already reflected in the mention of bridge courses for those who have been left behind (for no fault of theirs) - a bridge course is necessarily less than a regular course in terms of duration,

time on task, academic rigor, transition preparedness etc. If this is a bill for bringing quality education for every child, then how do we allow a plan that offers less help to those who actually need much more help, offering less to those who do not necessarily have the voice to demand their rights.

Then there is the parallel issue of preparing the teaching community to make space for those who graduate from the bridge courses into the regular schools. This would require an entire new set of skills and a new mind set because then it would need to be accepted by all that every child has the right to education and all children equally have the ability to learn. In order for the RTE Bill to be effective, then, would require parallel long term strategies that would lead to social change. Teacher training would need to draw upon principles from social psychology, liberal education and developmental philosophy to be effective in the new environment.

Ambarish Rai, People's Campaign for Common School System (PCCSS), New Delhi

We should be aware with the dangerous approach which is confining the issue of right to education (RTE) merely to the tabling of a bill in the parliament with full of flaws and now whole debate is pushing to move around the norms and modalities of the draft bill. Time has come now; let us start the debate on the 'perspective of right to education' (meaning of the RTE), after then we could get a clear understanding of meaningful legislation in this regard. Answer would be crucial for a segregated society like ours that what type of legislation/bill is needed for us? Should it not be an inclusive legislation/ bill drafted on the basis of social justice and guaranteeing the accessibility of quality education to all without discriminating anyone? If, we promote a wrong legislation in the name of possible solution, 3/4th population of our country would be deprived from RTE in actual sense. Fundamental right to education will make no sense for common man after the enactment of a wrong law/bill. In fact, education is the important tool to develop our ability to get our rights. It is a universal and legitimate right of a citizen getting it without any discrimination with equitable quality and state has to ensure it.

Fight for right to education is being continued since independence and ever before in our country. As we know that education, as in content and system has always been a mirror of any society---portraying its social composition as well as economic and political order. A human society is always characterized by its ability to renew itself, because life, as John Dewey, a renowned educationist, describes 'is a self renewing process'. And this self renewal, it ought to realized, is not just the renewal mere physical existence. It is, as Dewey argued, 'the renewal of entire experiences of the group- its beliefs, ideals, hopes, happiness, miseries and practices.' And education, he wrote in its broadest sense, 'is the means of this social continuity of life. In other words, education is process of transmission and communication of the group heritage. It is this educative process that allows a society to continue and renew itself.'

In the recent days, we can see that People in our society are eagerly trying to educate their children even curtailing their expenses on their basic needs. But a large number of population is out of educational scenario even today. The basic reason is not the lack of desire in common masses but it is deeply rooted in our socio-political configuration which has deprived them of basic need of education. Different researches have also shown that today education is not a problem of demand but it is the problem of supply. Facts also tell us that only 50% children are able to access education after primary level. It is more pathetic in the tribal belt where 90% of children are deprived of education after primary level. If we look at the ratio of youth between 17-24 years age group in higher educational institutions we find that it is 70% in USA, 55-60% in European Union Countries and in the developing countries of Mexico, Brazil, Argentina, Philippines it is 25-30% while in India it is only 7%. The disastrous results are before us, which is reflecting the poor performance of our school structure. Despite all commitments made by Indian government at International forums time to time, India has failed to achieve its goal of universalization of elementary education.

After a long battle education has become a fundamental right for 6-14 years of age group children by 86th constitutional amendment but still it is awaited for notification. It is reflecting the low priority of

education in the agenda of Indian ruling classes. It should also be noticed that 86th amendment was the dilution of the people's aspirations as well as the Supreme Court verdict and article 45 of the constitution. In case of Unnikrishnan J.P. vs. State of Andhra Pradesh (1993) Supreme Court judgment gave all children a fundamental right to 'free and compulsory education' until they 'complete the age of fourteen years'. The Supreme Court further stated that this right 'flows from Article 21' when read in conjunction with the original Article 45, which is providing the 'free early childhood care and pre-primary education for the children below six years of age.' Supreme Court in the same judgment further ruled that after the age of fourteen years, the Fundamental Right to Education continues to exist but is 'subject to limits of economic capacity and development of the state' as per Article 41. While 86th amendment has excluded 17 crore children of 0-6 years age group and crores of children between 14-18 years age group from getting fundamental right to education. Now a draft bill is being proposed in Rajya Sabha for making a central legislation to implement the fundamental right without convening any debate in public domain. This draft will further exclude to the downtrodden of our country. We should keep in mind the fact that a central legislation for realization of fundamental right is needed only for either poorer section of society or lower middle class of our country. The interest of Elite and upper middle class has been preserved by high fee structured private schools. That is why the ruling elite of our country is less bothered about RTE but very conscious keeping away the private schools from the jurisdiction of RTE bill/central legislation. Proposed draft of bill is another step forward towards the dilution of Right to Education. Let me argue; why proposed draft is silent about mushrooming phenomenon of private schools and providing concessions to them? Is it not necessary to bring them under the preview of RTE bill? Shouldn't be a regulatory mechanism of State for private schools, so that discriminatory nature of schools and exploitation of parents could be stopped? Why the word equitable quality education was removed from definition of Bill? Why provision for norms and financial memorandum was not attached in the bill? Why Common School System was not introduced by the bill despite recommendation made by several commissions (from 1966 onwards) and also adopted by Parliament several times? Why time frame for its implementation was not mentioned? These are the major issues which are to be answered.

Provision made in the bill for 25% reservation in private schools for poor can't be a substitute of common school system or the need of equity in education. After becoming education as a fundamental right all children of the country are eligible to get free & quality education and state is duty bound to deliver it. Education is a right not privilege. If we take the 25% provision in account how much children is going to benefited? and what about rest? While 20 Crores children are required elementary education with equitable quality.

I am firm in opinion that without implementing Common School System as a National system of education recommended by Kothari, right to education couldn't be realized in the segregated society like India in actual sense. It must be drafted under the frame work of common school system. All schools in the country, including privately managed unaided (or aided) schools should be under social obligation to act as agencies of the State to fulfill the responsibility flowing out of Article 21A based on equality and Social Justice. This means that they have to convert themselves into genuine neighbourhood schools to provide free education to all children residing in the neighbourhood as may be prescribed by the State. Kothari commission has recommended Common school system with the objective to 'bring the different social classes and groups together and thus promote the emergence of an egalitarian and integrated society.' The commission warned that 'instead of doing so, education itself is tending to increase social segregation and to perpetuate and widen class distinctions.'

In the last I would like to mention here a significant point regarding the availability of resources. Many people think that money is not always important for imparting quality education; rather, a good teacher who teaches sincerely to the student can qualify the parameter of good quality education even without resources. But it is not true. We need sufficient money for improvement of our educational structure, accessibility and quality of school. But then the belief that money will solve everything is also not true. Motivated teachers, students and resources – all these are essential factors for good quality education. It is argued that India is a developing country and as it is economically poor country, we cannot afford good

quality education. But this is myth. We see that most of the developing countries are spending more on education sector and are able to afford good education even if they are economically backward than India. Even in India, there are many states, which though poor are spending more on education and performing well. Central schools and Navodaya Vidyalaya run by State can also be example for better quality, where State is spending more money per child than a municipal schools or village level primary school.

6% of GDP was demanded in the year of 1966 by education commission for spending on education but State has ruled out and spending less than 3- 4% today. With the accumulative gap it will reach up to the extent of 10% of GDP, if we want to realize the fundamental right to education at ground level.

After the formation of new government at the centre we have to take up the issue together because after recession, Indian state can pull its leg behind saying that country is facing 'lack of resources.'

Naaz Khair, Independent Consultant, New Delhi

Thank you for the very interesting and informative discussion, which is underway on the issue of Right to Education. Happy news for everyone that next five years will be stable government at the centre. Hopefully, this all important bill (suitably modified to address the issues that are being raised), will become an Act in the near future.

An issue that I would like to raise is that the pace of educational development will improve to the desired extent following the Act only if education receives the same kind of attention/priority from the government as economic programs.

In the context of the just concluded Lok Sabha elections when the Congress led UPA gave reasons for good election performance in the media, some related to the work which it had done for the Aam Aadmi's development in the last five years. Here, one felt that it counted NREGA and farmer loans (waiver, etc.) over SSA as successful programs with the Aam Aadmi that led to its winning again. Although we know that there was activity also in relation to SSA during the same term.

While successful NREGA and farmers loans are good news there is a need to find out whether the economic gains are being used to ensure education and health at the family level. I remember doing this kind of a review of economic programs at the field level in Plan India the organization I was a staff of during 2001-2003.

These were the years when Plan India was trying to consolidate its programs. The effort was to ensure that health and education continued to remain focus programs. And that, economic programs did not become so large and one without direct connect with education and health. I think the result of this review exercise was that it greatly supported health and education programs and brought it at par with economic programs.

The UNICEF supported Behavioral Change Communication (BCC) project in Medak district, Andhra Pradesh also argues for token contribution by SHG members for building 'social capital' in order to protect and promote areas primarily falling under health and education. The project also analyses that this will lead to sustainable economic development of families in the long run. The SHG is a huge grassroots to State level Federation in Andhra Pradesh involved in carrying out a successful micro-financing program. I undertook a process documentation of the first year of this project in early 2008.

I feel there is a need to systematically raise this argument with the government and community that it is not enough to show good results on the economic front if the latter does not impact health and education positively.

[Amit Kaushik](#), Shri Educare Pvt Ltd, New Delhi (*response 2*)

Without joining issue with my friend Ambarish Rai, particularly as many of the points he raises are those with which I agree, I believe it is important to reproduce here the relevant part of the recommendations of the Kothari Commission regarding the Common School System (CSS). As Vinod Raina also pointed out in his response, the Commission is often referred to by proponents of this system to justify their demand, overlooking the fact that the Commission had actually left private, unaided schools out of the purview of its recommendations. The Commission stated *inter alia*, as follows:

"10.05 The Creation of the Common School System of Public Education. The main problem before the country is to evolve a common school system of public education which will cover all parts of the country and all stages of school education and strive to provide equality of access to all children. This System will include *all schools conducted by government and local authorities and all recognized and aided private schools* (emphasis added). It should be maintained at an adequate level of quality and efficiency so that no parent would ordinarily feel any need to send his child to the *institutions outside the system, such as independent or unrecognized schools* (emphasis added). This is the goal which the country should strive to reach, and a number of steps will have to be taken for its early realization."

"10.09 Private Schools. The private educational institutions form a very heterogeneous group, *falling into three main categories: recognized and aided institutions, recognized but unaided or independent institutions, and unrecognized institutions* (emphasis added). The magnitude of the last two of these categories is small and we shall deal with them separately later. But the recognized and aided institutions, in spite of their 'private' management, have to be treated as an integral part of the system of public education. Most of their expenditure comes from government grants and fees; and where fees have been abolished, they depend almost exclusively on government funds. Their main assets are: strong ties with the local community on whom they depend for support; a fair measure of freedom, although this is disappearing rapidly under increasing departmental controls; and the loyalty of teachers who are recruited, unlike in government or local authority service, to individual institutions."

"10.13 The position of private schools will be greatly affected by our recommendation that tuition fees should be abolished till the end of class X. When this recommendation is implemented, all fee-charging and aided private schools should be given the option either to abolish the fees and remain within the system *or continue to charge fees and become independent* (emphasis added). We anticipate, however, that most of the private schools will choose to remain within the common school system of public education. *Ultimately, therefore, there will be only two types of private schools: (1) those which do not charge fees and remain within the common school system of public education and are mostly supported by the State; and (2) those which charge fees and remain outside the system and receive no aid from State funds* (emphasis added)."

A reading of these paragraphs clearly shows that the Kothari Commission had left independent, unaided private schools out of its vision of the Common School System. As can be seen from the above, the Commission was clearly of the view that if it could be ensured that schools under government management improved substantially, independent, unaided private schools would become increasingly irrelevant to the majority of children and parents. In fairness, activists agitating for a system that includes all schools in the CSS owe it to the public to acknowledge this fact.

[Rujuta Deshmukh](#), Independent Consultant, New Delhi

I would like to comment on the second important omission in the Bill that is education of the age group of 14 to 18 (Secondary and Higher Secondary) which is depending on the financial ability of the state, and which is neglected more in rural India and having negative impact on girls' enrollment in secondary education in rural areas.^{7th} All India Educational Survey shows that except few south states, girls'

enrollment in secondary education in rural India is lower than boys. In rural areas girls are stopping their education at the most formative years of their life and this has severe repercussions on their quality of life, and awareness levels, which also make them unable to contribute to sustainable social and economic development of the community and nation.

Despite of growth in enrollment of the girls', drop-out rate among girls at secondary school stage is still high in rural areas. One of the major reasons behind it is distance from the school. In rural areas there are very few secondary schools available to girls close to their home.

For example in Dongargaon Block of Chattisgarh there are 108 villages and for these villages there are only 5 secondary schools and 6 higher secondary schools. Because of the few school Girls' participation in secondary schools in these villages has affected. According to 7th All India Educational Survey 2002, in Dongargaon Block of Rajnandgaon district of Chattisgarh girls enrollment at primary level was 6826 and 6854 for boys, at upper primary level girls enrollment was 2933 and 3475 for boys, at secondary level girls enrollment shown much decrease i.e.498 and boys enrollment was 992, and at higher secondary there were only 120 girls enroll out of 108 villages of Dongargaon block.

Lack of secondary education in rural area has affected the education of boys and girls, but girls' education has affected more. In 2003-04 drop out rate for girls in secondary school was 64.92%. (Selected Education Statistics-2004-05)

Huge numbers of girls are forced to stop their education because of lack of secondary schools in rural India. We must know that girl's welfare is fundamental in determine economic and social out-comes. Education of girls matters, above all, because they are individuals with inalienable human rights. Nearly all countries are now legally bound to respect, protect, and fulfill women's and girls' rights as set out in two treaties: the UN Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

The wellbeing of girls is vital for societies—and protecting girls' rights and fostering their opportunities is the right strategy for **economic development**. The condition of girls ripples out to their families, communities, and countries, and echoes into future generations in particular and profound ways. Compelling data show that key future social and economic outcomes depend heavily on the condition of adolescent girls today and education can make their situation better.

There is great need to make secondary education available to girls in rural areas so that their articulation power increase and they can save themselves from exploitation. Women with more education will get opportunities to grow with changing economic condition, and they will not be exploited because of lack of it.

Economic growth can occur with a more competitive labor force and lower dependency ratios. The status of girls shapes the size and productivity of the future workforce in both the formal and informal sectors. The best documented relationship is between the education afforded to girls and their future economic activity. Girls with more schooling participate in greater numbers in the labor force when they grow up and they are able to earn more for their families and society.

The positive economic effects of fair access to education and employment for women go beyond labor force participation and productivity. Improvements in the status of girls and women, also lead to lower rates of childbearing. It has recognized universally that if a woman has any secondary schooling have relatively few children.

As childbearing declines, countries can exploit a period when the number of dependents per worker is low and thus the opportunity to increase national savings is high. In the right policy environment, as the dependency ratio falls, income per capita increases, savings rates can increase, and economies can

expand. Through the effects on labor force productivity, fertility, and other determinants of economic growth, girls' secondary schooling and gender equality more broadly can be identified as pro-growth strategies.

Improving the condition of girls and women fosters an **involved citizenry** and **stronger governance**. The benefits of girls' schooling and other improvements in welfare ripple throughout the community. Educated women are more likely to participate in civic life and to advocate for community improvements.

Better health and education for girls today lead to a healthier, better educated next generation. The benefits of investing in girls are amplified and sustained in the next generation. **Children's health**, for example, is strongly correlated with mothers' schooling.

Children's school attainment is closely correlated with mothers' school attainment. The relationship between children's and their mothers' schooling is observed in virtually all settings—for several reasons such as schooling is related to an adult's long-term earning capacity and to women's ability to bargain for resources within the family, so a mother who has attended school may have more resources to send her child to school than if she had not attended school. (Girls Count-2008)

The evidence summarized here carries an unmistakable and intuitively obvious message: if more girls attend secondary education, social, economical political progress can occur in entire nation; only need is to make the secondary-school available in the rural region of India. And this can only happen when Right to Education Bill considers Secondary Education important.

[David P Raj](#), Department of Women & Child Development and Disabled Welfare, Andhra Pradesh

Yes! it is very imperative that we have this RTE Bill, even with all its flaws/gaps. At-least it gives us some authority to ask the government about the allocations made and when it is not implemented properly it will be treated as denial of child rights. I know that many children do not have access to basic education in our country in many places where there are schools there is a dearth of basic amenities. Once it becomes a right (not just part of the directive principles) we need to empower the communities/parents to demand what rightfully belongs to them. Community action to pull-up the District and school administration for accountability and quality service delivery and the Common School system (as rightly pointed-out by one of the participants) will be easier once the bill is passed. This bill has been pending for a long time, lets hope that it comes thru.....at-least now.

[Vinod Raina](#), Bharat Gyan Vigyan Samiti, New Delhi (response 2)

Ever since a CABE committee was formed in 2005 to draft the Right to Education Bill, legitimate concerns have been expressed as to the extent to which the proposed law would be able to foster education that would promote equality and social integration across class, caste and gender barriers. The present educational system has seriously widened the class and caste fault lines in schooling pushing them into a runaway spiral. Hope is that proposed law should check this runaway phenomenon. Such hope and demand is almost invariably located in the Education Commission Report of 1966, popularly called the Kothari Commission Report (KCR). Where as there can be no dispute regarding the need to move towards a more equal and egalitarian system of education, the limitations that even the Kothari Commission Report imposes on such an objective is something that is rarely revealed or discussed, which is the motivation for writing and sharing this additional response.

Kothari Commission Formulations

The concept of Common Schools can be found at a number of places in the Report of the Kothari Commission. If one goes through various recommendations made by the commission in its report one

would get to know that clearly, the KCR foresees that only a small proportion of schools, ten per cent, could be raised to 'optimum standards', due to lack of resources and admission in these schools to be regulated on the basis of merit. This is in fact a very problematic recommendation of the Report. Not only does it grant legitimacy to Kendriya, Navodaya, Sarvodaya and other 'quality' schools of the Government, it further restricts admission to them on the basis of merit, thus opening the Pandora's Box of admission tests and other screening procedures *within the governmental school system*.

As regards **Private Schools also** it recognizes their constitutional validity to function in section 10.77, and then goes on to **exclude** them from the national system of public education. No wonder that the Government of India accepted the recommendations with the following summary of this portion of the Report:

To promote social cohesion and national integration the Common School system as recommended by the Education Commission should be adopted. Efforts should be made to improve the standard of education in general schools. All special schools like Public Schools should be required to admit students on the basis of merit and also to provide a prescribed proportion of free-studentships to prevent segregation of social classes. This will not however affect the rights of minorities under Article 30 of the Constitution.
(4b, "The Resolution issued by the Government of India on the Report of the Education Commission")

The Report even goes to the extent of eulogizing the private schools (section 10.12) and sees their role as 'seed farms' in quality improvement:

The good private schools which maintain high standards and which have been able to attract the services of dedicated and competent teachers will have to be identified and given more freedom and adequate financial assistance. These institutions even today are the quality schools in the system and set the pace for others. They can quickly and effectively be developed as the 'seed farms' in the common school system of public education.

The Draft Right to Education Bill

We may now compare some of the key provisions of the Right to education Bill with the recommendations of the Kothari Commission Report in order to arrive at somewhat rational conclusions regarding the supposed deviations of the Bill from the Report.

Like the KCR, the draft bill recognizes four categories of schools – governmental (either under departments of education or local authorities), private but aided by the government, private unaided, and special category schools of the government – the Kendriya, Navodaya etc (called 'quality' schools in the KCR).

The Bill asks for the establishment of a neighborhood government school, where ever not available, within three years from the time of enactment of the Act; for free education to the 6 to 14 year olds. It obliges aided-private schools to admit children for free admission proportional to the aid they receive, the minimum being 25%. This means if a school receives 70% of its funds from the Government, it will have to admit 70% children from its neighborhood for free education, and will receive no further grants for these children from the state. As for private schools and special category schools, instead of scholarships and freeships from government funds to meritorious students, the Bill obliges the schools to admit 25% children from the neighborhood, without assessing their merit or submitting them to admission tests; with the provision that the school shall be reimbursed for this proportion of children by the state at the state's per child cost.

Unlike the KCR, the Bill does not exclude the independent and special category schools but brings them into the ambit, at a proportionate responsibility; completely doing away with the mention of 'merit', 'talent' scholarships, free ships and the consequent screening procedures. Equally important, the Bill

does not exclude from its provisions, as the Kothari Commission does, minority institutions protected by Article 30 of the Constitution. It is a moot point therefore whether the Bill dilutes the implementation aspects of the KCR or is an improvement on them.

Regarding the over all improvement of quality, the KCR mentions '*The first is to improve all primary schools to a minimum level prescribed*'. The Bill through a mandatory infrastructural and PTR schedule prescribes the minimum standards without which no school, governmental, aided or private shall be allowed to operate. It prescribes the minimum qualifications of teachers and their academic responsibilities, and minimum quality of the content and process. These provisions will completely outlaw the EGS centers, Para-teachers and other distortions brought about by the DPEP and continued through the SSA. It bans tuitions by teachers and physical punishment of children, calling for education to be free from trauma and fear to the children. It does not prescribe any punishment for parents; squarely defining 'compulsion' as compulsion on the state to perform and not a condition on parents. It defines 'free' to mean freedom from all fiscal barriers that prevent a child from participating in school, and not merely non-payment of fess (which is what the KCR says). It bars schools from refusing admission for the lack of a transfer certificate, a crucial provision in the case of migrant children. These elements of inclusiveness in the Bill are perhaps improvements from the KCR.

That does not imply that the provisions of inclusiveness in the Bill are adequate. The need for a more inclusive legislation than the present Bill is a valid concern. The problem is in using the Kothari Commission Report as a benchmark. One can not merely refer to its definition of the Common Schools and ignore the contradictory implementation formulations it provides, that are particularly located in the 'merit', 'talent' and differential quality framework, and not in the 'rights' and 'equitable quality' framework.

To read the entire response, click <http://www.solutionexchange-un.net.in/education/cr/res-08050903.pdf> (Size: 25.22 KB)

Komal Srivastava, Bharat Gyan Vigyan Samiti, Jaipur, Rajasthan

BGVS has been engaged with the Right to education Bill since it was formulated by the CABE committee as some of the BGVS members were members of the CABE committee. For us the aspects of the Bill that need to be considered are the following:

1. *Evaluation, Monitoring and Grievances:*

Chapter VI of Act deals with the monitoring (section 31) and grievance redressal (Section 32) of the provisions.

- The monitoring task needs to be given, in the first instance, to some other independent agency at the local and district level.
- Secondly, the Commissions should do evaluation of the implementation of the provisions of the Act from time to time and it should be made mandatory for them to submit Annual reports to Assembly/Parliament along with suggestions for changes required in the rules as well as the provisions of the Act.
- Similarly for the grievance redressal, there should be another opportunity for appeal before the Commission at district level. The District Magistrate/Collector should be the first level appellate officer. The appeal should be disposed off in a given time period, 30 days at DM level and 60 days at state Commission level.

2. *Regarding Penal Provisions:*

- There is no general penal clause for violation of the provisions of the Act. There are several important provisions which do not specify penalty for violation. For instance, if a non-aided school does not fill-in 25% free seats; no penal action has been specified.
- There should be a general penal provision that should penalize any one who violates any provision of the Act save the provisions made in specific sections. This penal provision should be included in Chapter VI. The penalty clauses should include monetary, de-recognition of a school and imprisonment. Also, a minimum monetary penalty specified in the Act.

3. ***Regulation of schools:***

- In case of de-recognition, in order to effectively and proactively regulate the un-aided schools the sub-section (4) of section 18 should be amended to include that the 'management of the derecognized school will vest in the appropriate government with immediate effect including all assets from the date of de-recognition'.
- Most importantly we suggest that all schools should be recognized through a special registration mechanism spelt out in the Act in a separate chapter. Currently schools are opened as trusts or societies under society registration act. All schools should be registered under the Bill and no where else.
- The role of NCPCR is not being undermining, in section 33 in which an Advisory body will be created, this body should become an Independent Regulatory authority and be constituted at centre and states.

4. ***Regarding Definitions:***

- The definition of child is limited to 6 to 14; it should be made to 0 to 18.
- 'Free education' should be defined in Section 2 as 'meeting out by Appropriate government any such expenses that prevents a child from getting regular formal school education in a recognized neighborhood school including but not limiting to any kind of cash charges, dress, books, shoes, school bag, stationery, adequate diet and transportation.
- The 'compulsory education' should be defined as "compulsory enrollment, retention till 8th class and quality education conforming to minimum norms as specified in schedule attached to the Bill to each and every child in the age group of 5-14'.
- (c) The 'disadvantaged group' and 'weaker sections' should be combined into one section 'children of disadvantaged and weaker sections' and be defined as 'are the groups of children in the right order of priority (stated in my elaborate response).

5. ***About Inconsistency with provisions of Child Labor (Prohibition and Regulation) Act 1986:***

The current provisions of the CLA are inconsistent with the current Bill. When the CLA allows a child to be hired and taken for work during school hours, the right to education cannot be ensured. The CLA should be amended to ban any kind of work up to 14 years of age. Under Chapter VII entitled Miscellaneous a new section be added to remove these inconsistencies. It should be specifically mentioned in this section that 'provisions of this Bill shall override the provisions of any other act that are inconsistent with this Bill'. The CLA should be specifically mentioned in this section as a reference.

6. ***About Mechanism for Quality Education:***

There is no mechanism specified for ensuring quality education.

- Such mechanism especially with reference to first generation learners is of vital import. It is suggested that in Chapter 2 a new section should be added 'especial provisions for

first generation learners'. The section should specify special tuitions, counseling and care of the children whose parents are illiterates and know nothing about education.

- Equally important for quality school education is pre-school education and proper physical and mental development of young children. To ensure this Supreme Court has already made the ICDS coverage universal in one of its interim orders under the pending civil case number 196 of 2001, popularly known as right to food case. The case has been admitted under Article 21 of the Constitution. We therefore are of the strong opinion that the word 'may' must be replaced with word 'shall' in Chapter 3 Section 11 relating to provision of pre-school education. Provision of the pre-school need to be made mandatory for the appropriate government for every child. It therefore must be made part of the Bill.
- The Schedule also needs to be revised to add on teachers and infrastructural facilities per school and there should be a road map to upgrade each school to the level of special school like Kendriya Vidyalay/Sainik School/ Navodaya Vidyalay in terms of per child per year expenditure, infrastructure and quality of education imparted to children. That means the level of 8th class pass student of any school should be comparable with a student of any of these special category school and children should not become a drop out till completion of school.

7. Other Suggestions:

- Setting up of state commission for protection of child right under section 17 of the NCPCR Act 2005 must be made be mandatory and must be set up within six months of enactment. The section 31 (3) should accordingly be amended.
- The free admissions in the neighborhood schools of category (ii) to (iv) should be given to the group of 'disadvantaged and weaker section children' in order of priority as given in section 2. For the orphaned children the foster parent will be CWC set up under the JJ Act.
- At the end of Sec 9 & 10 the following should be added: "Notwithstanding anything contained in this section the onus of ensuring free and compulsory elementary education to every child shall rest with the appropriate government".
- In Section 12 (b &c) the extent of admission to disadvantaged and weaker sections should be increased to 'a minimum of fifty percent' from the current 'twenty-five-percent'. (5) Section 26 should be applicable to all schools.

As regards civil society groups, the first responsibility lies in dissemination of the bill to the people, so that people know about their rights.

To read the entire response, click www.solutionexchange-un.net.in/education/cr/res-08050901.pdf (Size: 44.09 KB)

Many thanks to all who contributed to this query!

If you have further information to share on this topic, please send it to Solution Exchange for the Education Community in India at se-ed@solutionexchange-un.net.in with the subject heading "Re: [se-ed] Discussion – Right to Education Bill. Additional Reply."

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