

Half Measure on the Right to Education

Six decades after 1947 we have a law guaranteeing school education, but it is inadequate on many counts.

The Right of Children to Free and Compulsory Education Bill (2008), which will provide the framework for realising the 86th Amendment to the Constitution guaranteeing universal elementary education, has been approved by both houses of Parliament.

The 2008 Bill generated a lot of debate among educators and activists across the country, some upset that it did not go all the way to realise a common school system and another equally vociferous group questioned the very purpose of the bill. There was a wide and large spectrum in between that passionately supported or opposed specific provisions of the bill. The tragedy is that no one is now happy with the enactment. There is a consensus that it is a diluted and toothless version of the draft prepared in 2005. Like many other legislations and amendments, this one as well has been a saga of missed opportunities.

Here was an opportunity for the second-term United Progressive Alliance (UPA) government to take the draft bill to the public, generate a nationwide debate and bring on board different stakeholders in a bipartisan manner. But the bill was rushed through even without taking cognisance of the recommendations of a parliamentary standing committee and without mobilising all political parties to participate in a serious debate in Parliament on the rights of children. There were different networks of non-governmental organisations and groups of educationists ready to engage and work with the government. There was hope and optimism but that was defeated by the contents of the bill and the manner in which it was passed. Yet we need to believe that all is not lost and that the government can still be persuaded to open up to ideas and people who are not part of the nexus of vested interests.

The bill refers to children in the 6 to 14 age group. This is indeed tragic because there is compelling evidence from across the world that what happens in the early years of a child exerts a strong influence on the potential for both physical and intellectual development. Stimulation, care and education in the early years are critical, yet given the inter-departmental turf issues, the government has chosen to remain silent on the developmental and education needs of children before the age of six – even though the school system is host to millions of four and five year olds. Was this done because birth to six years is the domain of the Department of Women and Child Development in the Ministry of Social Justice? Or was it omitted because the Ministry of Finance said no, citing the ever-present factor – “a lack of resources”?

While a lot has been written about prohibiting capitation fees, ensuring the rights of children with disabilities and providing

25% of the seats for underprivileged children, there is very little commentary on other important provisions and omissions in the bill. The legislation provides for an empowered School Management Committee (SMC) with oversight functions. To make this effective, the 2005 draft bill provided for a school-based cadre of teachers to bring them under the jurisdiction of the SMC. This has been omitted – probably to appease the hugely powerful teacher-politician lobby. Transfers and postings are a source of patronage in many parts of the country. Making teachers a state cadre (as different from a district cadre or a school-based cadre) nurtures an informal system of power and accountability that has a detrimental impact on the teaching community. Similarly, while the bill specifies teacher qualifications, it remains silent on the phenomenon of parateachers and contract teachers.

The new law vests the already overburdened National Commission for Protection of Child Rights (NCPCR) with limited powers to oversee realisation of the rights of children. This body does not have the capacity to monitor quality and compliance with academic standards or teacher preparation and training. Periodic audit of the quality of learning outcomes, enforcing a prejudice-free school environment and, most importantly, making sure that all schools have adequate teachers and necessary education material cannot be done within the existing mandate of the NCPCR. By overloading an existing body, the government has once again sidestepped real issues that frame effective implementation.

There is compelling evidence on the importance of tackling all dimensions of education to initiate an effective reform process. Equally, efforts to balance and accommodate vested interests lead to a piecemeal approach. What is the point of ensuring access when we cannot make sure that the system functions so that every single child is taught with love and care, that she is not punished or abused and that caste/community/occupation-based prejudices do not undermine her/his self-esteem and confidence? Education is rendered meaningless if children are not able to read and write and perform basic mathematical operations after five or eight years of education. The spectrum of issues covering the teachers, curriculum, management of schools, assessment system and accountability system all need to be addressed and worked on simultaneously. In the ultimate analysis, ensuring the right to education is a painstaking exercise in good governance. But then, as Union Minister for Human Resource Development Kapil Sibal admitted in Parliament, the bill is not about quality, only about ensuring access to all.