

# Infopack

EDITORIAL

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## Right to Education Bill Right for Children, Profit for Private Institutions

- Piyush Pant

While introducing the Right to Education Bill in Rajya Sabha and subsequently in the Lok Sabha the HRD Minister Kapil Sibbal was in full elements. Winding up the five-hour debate on the Bill in Rajya Sabha, he roared and said - "We are sitting on a great opportunity. We need to grasp it. If we lose it, the consequences will be disastrous." He went a step forward and said with unprecedented passion - "We must move forward by sending a strong message to the world and our children that we are determined to provide them quality education". Wow! Words sounding so good. But Mr. Minister what kind of quality education the Government schools have been providing so far? In fact the lack of quality education has been the bane of government schools in India and perhaps the breeding ground for mushroom like growth of private schools. So Minister's statements fall more in the category of rhetoric than noble intention.

Fine, conceding the Right to education to children is a positive step and anyways was due for long ( since making 86th amendment in the constitution in 2002), the big question is what is the guarantee that provisions like free compulsory education for all the children in the age group of 6 to 12 years, neighbourhood schools etc. could be implemented given the tendency on the part of the governments to lag behind in creating the required infrastructure. In the Bill, the Government has also not addressed the issue of shortage of teachers and low skill levels of many of the teachers. Moreover it is said that Laws and Bills do not make children go to school. For this to happen a strong "Will" is required, both on the part of the State as well as the parents. Initially the Bill did talk of punishing parents if found lax on sending their children to the schools but later dropped it. Though the Section 10 of the Bill talks about the duty of the parent to admit their child in neighbourhood School but absolves the State of its duty to bring the child to the school.

It also completely overlooks the dilemma of poor parents for whom sending their children to work than to schools is more sensible as these working children do mitigate, to a certain extent, their load of miseries by contributing a bit to their meager income.

Further, the Bill fails to answer the big question as to where this huge force of educated (up to only 10th standard) children will go in the face of absence of free secondary and higher education. Won't they end up becoming the literate labour force to be exploited by the foreign MNCs. That's why critics are also questioning the age provision of the Bill and pointing out those children below 6 and above 14 should have also been included. The Bill also does not provide any fee regulatory mechanism to check the rampant commercialization of education.

No doubt, some of the provisions of the Bill are laudable but several other provisions are meant to legalize and to perpetuate the existing unjust school education system based on socio-economic status.

What is most glaring is the fact that the Bill does not at all talk of accountability of the authorities.

In this issue of **INFOPACK** we are summing up the documents related to the Right to Education Bill.

Popular Information Centre

# **The Right of Children to Free and Compulsory Education Bill, 2008**

By:

Government of Bihar

## **Bird's Eye View**

The Right of Children to Free and Compulsory Education Bill, 2008, has been proposed to provide for free and compulsory education to all children of the age group of six to fourteen years.

This Bill will be enacted by Parliament in the Fifty-ninth Year of the republic of India and it may be called the Right of Children to Free and Compulsory Education Act, 2008, and this shall be extended to the whole of India except the state of Jammu and Kashmir. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

The Bill was passed by Parliament in December 2002 and after further consideration from several levels of ministers, civil society, media and academicians, the Cabinet has finally approved the text of the Bill in October 2008 after revision.

The document here mentions about the Statement of Objects and Reasons of the Bill. It says that important role of universal elementary education for strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since inception of our Republic. The Directive principles of State Policy enumerated in our Constitution lays down that the State shall provide free and compulsory education to all children up to the age of fourteen years. Over the years there has been significant spatial and numerical expansion of elementary schools in the country, yet the goal of universal elementary education continues to elude us. The number of children, particularly children from disadvantaged groups and weaker sections, who drop out of school before completing elementary education, remains very large. Moreover, the quality of learning achievement is not always entirely satisfactory even in the case of children who complete elementary education.

The document also says that the Article 21A, as inserted by the Constitution (Eighty-sixth amendment) act, 2002, provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such manner as the state may, by law, determine.

Consequently, the Right of Children to Free and Compulsory Education Bill, 2008, is proposed to be enacted which seeks to provide,--

- ◆ that every child has a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards;
- ◆ 'compulsory education' casts an obligation on the appropriate Government to provide and ensure admission, attendance and completion of elementary education;
- ◆ 'free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charge or expenses which may prevent him or her from pursuing and completing elementary education;
- ◆ the duties and responsibilities of the appropriate Governments, local authorities, parents, schools and teachers in providing free and compulsory education; and
- ◆ a system for protection of the right of children and a decentralized grievance redressal mechanism.

The document further says that the proposed legislation is anchored in the belief that the value of equality, social justice and democracy and the

creation of a just and humane society can be achieved only through provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections is, therefore, not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools which are not dependent on Government funds.

It is therefore, expedient and necessary to enact a suitable legislation as envisaged in Article 21A of the Constitution.

The document says that the Bill seeks to achieve this objective.

The document further points out the provisions for Right to Free and Compulsory Education. The provisions are:

1. Every child of the age of six to fourteen years shall have a right to free and compulsory education in neighbourhood school till completion of elementary education.

2. For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education:

Provided that a child suffering from disability, as defined in clause (i) of section 2 of the persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said act.

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

Provided that a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

4.(a) Where in a school, there is no provision for completion of elementary education, or where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(b) For seeking admission in such other school, the Head teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

◆ Provided that delay in producing transfer certificate shall not be ground for either delaying or denying admission in such other school.

◆ Provided further that the Head teacher or in-charge of the delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

The document further talks about the Duties of Appropriate Government, local Authority and Parents.

It says that for carrying out the provisions of the Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so

established, within a period of three years from the commencement of this Act.

The Central Government and the state Government shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

And the Central Government shall (a) develop a framework of national curriculum with the help of academic authority specified under section 29; (b) develop and enforce standards for training of teachers; (c) provide technical support and resources to the state Government for promoting innovations, researches, planning and capacity building.

The document further says that the appropriate Government and every local authority shall provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

The document also points out that it shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood and added that no child should be denied admission for lack of age proof.

With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

Besides the above mentioned provisions, the document further talks about some more provisions. These are:

- ◆ According to the Right of Children to Free and Compulsory Education Bill, 2008, every school will have to earmark at least 25% seats in class I for free and compulsory elementary education;
- ◆ The Bill seeks to do away with the practice of schools taking capitation fees before admission and subjecting the child or parents to any screening procedure;
- ◆ Seeking to carry out radical changes in the primary education pattern, the Bill states that no child shall be required to pass any Board examination till completion of elementary education.

## **Common School System and the Future of India**

By:

Anil Sadgopal

March 2008

### **Bird's Eyeview**

In this document, the educationist Anil Sadgopal talks about the Right to Education Bill and critically analyse it in the context of Right of Children to Free and Compulsory Education.

The writer says that the 86th Constitutional Amendment Bill, like its predecessor 83rd Amendment Bill, too, was flawed. It was misconceived insofar as it (a) exclude almost 17 crore children upto six years of age from the provision of Fundamental Right to free early childhood care and pre-primary education; (b) restricted the Fundamental Right of even the children from 6-14 year age group by placing a conditionality in the form of phrase, "as the State may, by law, determine" in article 21A; (c) shifted the Constitutional obligation towards free and compulsory education from the State to the parents/guardians by making it their Fundamental Duty to provide opportunities for education to their children in the age group of 6-14 year; (d) reduced, as per the Financial Memorandum attached to the Amendment Bill, the State's financial commitment by almost 30% of what was estimated by the Tapas Majumdar Committee in 1999. He also points out that the hidden agenda of the Bill was not to accord the status of Fundamental Right to elementary education but to snatch away the comprehensive right that the children up to 14 years of age had gained through the Unnikrishnan judgment.

The writer further points out that there is a hidden political agenda in the 25% provision. Whenever the government sets up high profile elite schools - the centrally sponsored Kendriya or Navodaya Vidyalayas and the Eleventh Plan's 6000 model schools or the state governments' Pratibha Vidyalayas (Delhi), Utkrishta Vidyalayas (Madhya Pradesh) or residential schools (Andhra Oradesh) --- the regular schools are deprived of funds and good teachers alike. People vie against each other to get their children admitted, using their political contacts, bureaucratic pressure or even bribes. The result is that poor communities are divided and disempowered. The focus will thus further divert political attention away from the ongoing struggle for education of equitable quality through a Common School System.

He also says that even if the underprivileged was able to somehow sustain all the odds all the way until class VIII, how will he pursue the education further? This is when the government support for their tuition will come to an end. What will the school do with the children after that? Will it throw the child out? Where would the child go for higher education? May be nowhere, since that is not part of the child's Fundamental Right.

The writer further says that it is noteworthy that the new Article 21A introduced through 86th Amendment is the only Fundamental Right to Education that has been given conditionally. None of the other Fundamental Rights is tied to such a pre-condition. It is precisely this legislation that both the NDA and UPA governments failed to finalize and present in the Parliament. So the writer raises the question, "Why did it become necessary for ruling elite to incorporate such pre-condition in Article 21A in the first place and not to enact the legislation as per its requirement"? In order to answer this question, it is required to examine the major policy shift that has taken place as a result of the adoption of the so called economic reforms and the neo-liberal agenda of globalization.

Before probing the impact of the neo-liberal agenda, the writer acknowledges that in spite of the significant flaws of the 86th Constitutional Amendment, it has taken more than five decade to accord education the status of Fundamental Right. In this sense, the amendment has indeed

given the social movements a fairly powerful weapon to continue and broaden their struggle for education with equality, social justice and dignity. From this perception emerges a three-fold agenda, for example, (a) struggle for realizing the full entitlement made available from this otherwise limited 86th Amendment; (b) using policy analysis as a people's tool of struggle, expose the political economy of the amendment before the masses; and (c) extend the struggle to seek pro-people amendment to the 86th Amendment itself.

In this context, the writer refers to the Neo-Liberal Assault on Education Policy. He says that the Neo-Liberal agenda was IMF-World Bank's Structural Adjustment Programme imposed on the Indian economy as a pre-condition to receiving fresh international loans/grants. This meant that the Indian Government was obliged to steadily reduce its expenditure on the social sector, particularly health and education. An analysis of the declaration issued by the World Bank-UN sponsored "World Conference on Education for All" reveals that the central thesis of this agenda in the Indian context was three fold. First, the State must abdicate its Constitutional obligation towards education of the masses in general and school-based elementary education in particular, becomes dependent on international aid for even primary education and work through NGOs, religious bodies and corporate houses. Second, the people neither have a humane right as enshrined in the UN Charter nor a Fundamental Right to receiving free elementary education of equitable quality as implied by the 86th Amendment. Third, education is a commodity that can be marketed in the global market. The education system - from the pre-school stage to higher education - must be, as rapidly as possible, privatized and commercialized.

The 1986 education policy had resolved to raise the investment in such degree that it will reach at least 6% of GDP by the year 2000. This unfulfilled resolve was incorporated in the UPA's Common Minimum Programme in May 2004. Yet, as percentage of GDP, India spent less on education in 2005-2006 (less than 3.5% of GDP) than what was being spent in 1985-86 when the policy was passed by the Parliament. This is despite the fact that the Government had levied 2% Education Cess and raised almost 35% of the resources for Sarva Shiksha Abhiyan from international funding agencies. Clearly, as a result of the Structural Adjustment Programme, the political will to mobilize public resources for education by reprioritization of Indian economy was at a lower level in 2005-2006 than what it was 20 years earlier.

The writer further points out that The World Bank-sponsored District primary Education Programme (DPEP) started promoting low quality parallel streams, rather than providing more of regular full-time schools. From 1993-94 onwards, the DPEP pushed and eulogized all kinds of parallel streams such as alternative schools, education guarantee centres, multi-grade teaching and bridge courses - anything but a regular school! The cadre of teachers was rapidly replaced by para-teachers i.e. under-qualified, untrained and under-paid young persons appointed on short-term contract. A new sociological principle emerged: a separate layer of educational 'facility' as per social and economic status of the child.

The writer suggests that a Common School System functioning through Neighbourhood schools would have, instead, enabled the children of different class, caste, religious and language backgrounds to study and socialize together. This would have promoted equality and social justice and also an appreciation of India's rich diversity and composite culture.

However, the neo-liberal agenda was designed to isolate and alienate children belonging to different sections of society.

He also points out that the impact of neo-liberal agenda on the Indian education policies must not be underestimated. Education is no more viewed as a tool of social development but as an investment for developing human resources and global market.

Many dilutions and distortions were institutionalized in India's education policy through World-Bank's DPEP in more than half of India's districts spread over 18 states. None of these policy measures were formally approved by the Parliament. The Parliament was no more the supreme policy-making body. Directions were coming from the World Bank and other agencies representing the global market.

In the context of this education policy, the writer says that the Education Commission (1964-66) had recommended a Common School System of Public Education (CSS) as the basis of building up the National System of Education with a view 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". It further noted that " this is bad not only for the children of the poor but also for the children of the rich and the privileged groups" since by segregating their children, such parents prevents them from sharing the life and the experiences of the children of the poor and coming into contact with the realities of life. The Commission contended that if these evils are to be eliminated and the education system is to become a powerful instrument of national development in general, and social and national integration in particular, we must move towards the goal of a Common School System of public education.

The writer further says that we must also note that 86th Constitutional amendment enjoins upon the State to provide free and compulsory education at the elementary stage (class I-VIII ) to all children as a Fundamental Right. This amendment in Part III of the Constitution has major implications for the national system of education which cannot continue to function as it has since independence. All schools in the country, including privately managed unaided (or aided ) schools, are required to act as agencies of the state to fulfill the obligation flowing out of Article 21A regarding equality and social justice. We must also note that the private unaided or aided schools have come up as a consequence of the failure of the State to provide quality education and, in this sense, they are fulfilling the function of the State. This is precisely why the private schools receive various kinds of support or subsidies (hidden or otherwise ). This means that they have to act as genuine neighbourhood schools to provide free elementary education to all children residing in the neighbourhood as may be prescribed by the government from time to time. The Central and State Governments are hence required to take concrete time-bound measures, including policy modification, in order to meet the new Constitutional obligation.

However, the educational vision reflected in Common School System has become critical for the survival of India as a sovereign state and a civilized society since the global market forces are rapidly encroaching upon government school campuses and also impacting on the nature of knowledge inherent in the curriculum, with little concern for the Constitutional principles or the welfare of the large majority of the people. The writer further talks about the New Assault on Right to Education. He

says that during the past few years, the neo-liberal forces have come up with new forms of assaults on the notion of Right to Education and the Common School System. Here are three examples that should enable us to identify all such moves that will emerge in future.

- ◆ A new diversionary tactic was conceived and effectively used to create confusion in the debate during and following the drafting of the Right to Education Bill. This was about the proposed provision of 25% reservation for weaker section in private unaided schools drawn from the latter's neighbourhood. Hardly anyone was bothered that the notion of 25% reservation implied that 75% of the children paying fees shall not come from the neighbourhood. Does this amount to a move towards equality or charity? Would the charging of fees from the privileged children in the 6-14 year age group not amount to violation of article 21A. An issue of even greater significance is about the number of children this provision is likely to benefit. According to the Seventh All India School Educational Survey, NCERT, 2003, total capacity of the private unaided school sector to provide elementary education is limited to a maximum of 4 crore children out of 20 crore children in the age group of 6-14 years. If 25% of the capacity of the private school sector is reserved for the weaker section, the number of the so-called beneficiaries can in no case exceed one crore children. What about the Right to Education of the remaining 19 crores (including those 3 crores who are required to pay fees in private schools)? Clearly, the proposal of 25% reservation in private schools has nothing to do with either the issue of Right to Education or Common School System.

The writer further points out that this apparently myopic perception is a result of the ruling class knowing that (a) the proposal of 25% reservation will not necessitate any changes in the national economy that may go against its vested interests; and (b) this will only help legitimize the ongoing privatization and commodification of education.

- ◆ The Eleventh Plan has made a cleverly phrased reference to the Voucher System for government school children without any evidence of prior democratic consultation or academic discourse. What is this Voucher System? As per the so-called civil society groups propped up by international agencies advocating neo-liberalism, the government will provide the under-privileged children school vouchers that promise to pay their fees in private schools contingent upon the children getting admission. The hidden agenda of course is to provide backdoor funding to private schools by shifting resources from the government schools using the instrumentality of the voucher. The market lobby knows that this will be an effective means of demolishing the vast government school system and thus accelerating the pace of privatization and commercialization of school education. The voucher system lobby is aiming at taking school education out of the Constitutional domain.
- ◆ As explained above, the neo-liberal forces have operated a policy design during the past 15 years aimed at demolishing the government school system. After already having achieved considerable success in these objectives, these forces are now organizing so-called researches and studies on the school system in India through partnership with NGOs and individual academics. All these studies are designed to produce data to establish how ineffective is the government school system in terms of poor pupil-teacher ratio, teacher absenteeism, poor quality of teaching and low achievement levels ( e.g. World Bank-sponsored studies in Shahadara locality of Delhi or Pratham's all-India



ASER Reports, 2006 and 2007). However, no such report throws any light on how these schools have reached this state of ineffectiveness and what needs to be done in order to reverse the process. Obviously, the compulsion to destroy the credibility of the government schools is so overpowering for the market forces that it does not have any space for truth whatsoever.

The writer further says that the Ambani-Birla Report, submitted to the Prime Minister's office, was yet another example of how the market forces began to erode India's sovereignty and the democratic process of the Parliament. It introduced several new formulations in the policy discourse in India to convert education at all levels into a marketable commodity. Although the Ambani-Birla Report was never approved by the Parliament, most of its recommendations are now being implemented under disguise.

He also points out that the Eleventh Plan's approach Paper on secondary education, in the context of extending it to the under-privileged sections of society, states that the focus of secondary education shall be to prepare skilled workforce for the global market. In contrast, the privileged will be given access to high value-added forms of knowledge on a priority basis through a handful of elite institutions and thus enabled to shift to the advanced countries and serve the global "Knowledge Economy". The recent announcement by the Prime Minister to set up high profile central universities, IITs and IIMs, multiply Kendriya Vidyalayas and open 6000 new high quality schools need to be seen in this framework. Nowhere in these lofty announcements there is even an iota of evidence of political commitment to ensure Fundamental Right to education of equitable quality for all children or to transform the system comprising almost eleven lakh schools into a Common School System. Also, the twist given by the government to the reservation debate of 2006-07 resulted in shifting the resources from elementary education to the elite professional institutions in order to increase the total availability of seats in favour of the privileged upper castes. Establishing 'Knowledge Hubs' in the style of SEZs, providing secondary or vocational education in Public-Private Partnership mode and promoting franchise of second or third grade foreign universities are the latest policy being pushed by the government in the Eleventh Plan. Such new moves point towards the growing collusion between the ruling class and the global market forces for establishing the dominance of their joint agenda against both the masses and national interests.

The writer further clarifies about the Common School System. He says in the document that the Education Commission (1964-66) had recommended a Common School System of Public Education (CSS) as the basis of building up the National System of Education with a view 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.'

The 1986 policy, while advocating a National System of Education, resolved that "effective measure will be taken in the direction of the Common School System recommended in the 1968 policy." Taking into consideration these policy-imperatives and the contemporary emphasis on decentralization along with the necessary flexibility in the school system to be able to respond to the contextual curricular demands, the concept of the Common School System has itself been evolving. There are two widespread misconceptions about CSS. First, CSS is misperceived as a uniform school system. On the contrary, the Education Commission itself

advocated that each institution should be "intimately involved with the local community, be regarded as an individuality and given academic freedom." This guiding principle has assumed even greater significance in recent times in view of the expectation from each school or a cluster of schools to be able to respond to the local contexts and reflect the rich diversity across the country, as also advocated by the Draft National Curriculum Framework (Draft NCF-2005). The document also says that the rigidity of the present school system will be adequately challenged when flexibility, contextuality and plurality are accepted, among others, as the defining principles of CSS, it should certainly be possible to conceive of a national system wherein "no two schools shall be identical." Second, it is wrongly claimed that CSS will not permit a privately managed school to retain its non-government and unaided (or aided) character. Again, on the contrary, CSS implies that all schools - irrespective of the type of their management, sources of income or affiliating Boards of examinations - will participate and fulfill their responsibility as part of the National System of Education.

The document points out that based upon the evolving public discourse, CSS may be defined as: "Common School System means the National System of Education that is founded on the principles of equality and social justice as enshrined in the Constitution and provides education of comparable quality to all children in an equitable manner irrespective of their caste, creed, language, gender, economic or ethnic background, location or disability (physical or mental), and wherein all categories of schools - i.e. government, local body or private both aided and unaided, or otherwise - will be obliged to (a) fulfill certain minimum infrastructural, (including those relating to teachers and other staff), financial curricular, pedagogic, linguistic and socio-cultural norms and (b) ensure free education to the children in a specified neighbourhood from an age group and/or up to a stage, as may be prescribed, while having adequate flexibility and academic freedom to explore, innovate and be creative and appropriately reflecting the geo-cultural and linguistic diversity of the country, within the broad policy guidelines and the National Curriculum Framework for School education as proposed as approved by the Central Advisory Board of Education".

The document further says that the principles undertaking the concept of Inclusive Education are integral to the vision of Common School System. In the Indian context, Inclusive Education has to go beyond the Salamanca Declaration (UNESCO, 1994) and transcend the issue of disability. It must concern itself with all marginalized sections of the society viz. Dalits, Tribals, religious and linguistic minorities, child and of course, the physically and mentally disabled and particularly the girls in each of these categories, whom the school system tends to exclude in substantial proportions. Unless this exclusionary character of Indian education is challenged, both theoretically and in practice, by application of the principles of Inclusive Education, neither the Common School System nor Universal Elementary Education (UEE) would become a reality.

It also says that the educational vision reflected in the above definition of CSS has become critical for the survival of India as a sovereign State and a civilized society as the global market forces are rapidly taking over government school campuses and buildings and also impacting on the nature of knowledge inherent in the curriculum, with little concern for the Constitutional principles and the welfare of the majority of the people (ASSOCHAM is right now lobbying with MHRD for major changes in the school system so that corporation and other private bodies can turn

education into a commodity and use it for profit).

#### Empowering the Government Schools

The document further points out that the Indian Parliament has expressed its commitment to the Common School System twice in its resolutions on the National Policy on Education respectively in 1986 and 1992. Yet, the concept could not be translated into practice because the political leadership and bureaucracy at all levels along with the intelligentsia found an escape route for their own children viz. the private school system. This shift in commitment from the Government school system to the private school system implied an increasing loss of political, bureaucratic and social will to improve the Government schools. The present policy support to privatization and commercialization of education amounted to legitimization of status quo of disparity, discontent and disempowerment of the vast majority of Indian people.

The Central Advisory Board on Education (CABE) appointed a Committee on CSS in 1988. The CABE Committee proposed a ten year phase-wise programme for reconstruction of the present school system into Common School System. In 1990, the Acharya Ramamurti Committee, constituted to review the 1986 Policy, extended the CABE Committee proposals further. The chief features of a phase-wise reconstruction programme may be summarized as follows: (a) Highest political priority to improvement of both the access and the quality of the Government, local body and the government-aided schools; (b) De-centralization of decision-making and management of schools through the Panchayati Raj framework and making the school entirely accountable to the community it serves; (c) Fulfilling the Constitutional obligation of a minimum of eight years of elementary education (instead of five years of primary education) under Article 45 to all children upto 14 years of age (including the early childhood care and pre-primary 0-6 age group); (d) Allocation of adequate financial resources, getting out of the 6% of GNP trap; (e) A pedagogically and socially rational language policy for the medium of education common to all schools, so that language become a means of articulation, rather than imposition; (f) A carefully constructed programme of incentives, disincentives, persuasion and eventually legislation to gradually bring the private schools into the fold of CSS; incentives to private schools may include grants for children from low-income groups, computed at the rate of allocation per child in Government schools, such that all children in the neighbourhood have access. Disincentives may include gradual withdrawal of all hidden subsidies to private schools, like the cheap land, tax-free income and exemption from income tax on donations, teachers trained at public cost, etc.

The document further points out that the elite in India have always been dismissive of the concept of CSS by mocking at it as being politically too radical and, therefore, infeasible. In contrast, the poor and the lower middle class have for long internalized the concept as the only means for their empowerment and social justice. It is an irony that such an equitable public school system has been prevalent in some form or the other in several European countries, USA and Canada. Indeed, this is the only historical option left for India for building a cohesive, secular and just society. The diversionary educational agenda including adult literacy, non-formal centres, Alternative Schools or Education Guarantee Scheme, will have to be given up. The agenda of 'Empowering of Schools' for creation of a Common School System must receive topmost priority in national political agenda.

**Common School System: An Agenda for Transformation and Socio-Political Action. The Mumbai Story - Rich in Ideas, Poor in Solution**

By:

Simantini Dhuru

**Bird's Eyeview**

The document, in the very beginning, talks about the accolades received by the film 'Slumdog Millionaire' whose story was based on Dharavi slums in Bombay and draws a parallel between the film and the Right to Education Bill. It says that the tenor of the Bill is no different from that of the award winning film - apologetic, patronizing, institutionalizing mass-inequality. It further says that narrative of the Bill runs parallel to the film - instead of the right to equal quality of education for all, it seeks to award the prize of a better life to the select few amongst the unequal.

The document discusses the story of communities like Dharavi and the story of the marginalized in India's commercial capital Mumbai. The million dollar question is whether the conditions of life of half the city's children, and particularly the education they receive, offer any chance to live a life with dignity.

The document says that Mumbai is India's richest city yet more than six million of its people live in conditions unsuitable for human habitation, in squatter colonies or slums.

Before drawing Mumbai's educational scenario, the document gives the demographic profile of the Metropolis. Nearly 15% of Mumbai's people do not have access to safe drinking water and nearly half do not have adequate sanitary facilities. Almost 60% live in slums, near railway tracks, pavements etc. and occupy only 8% of land. Population density in Mumbai is highest in the world; as high as 1,07,723 persons per sq km. 85% of children up to age of six in urban slums in India are malnourished. In the survey of children under the age of five in a slum in 1993, 61% of boys and 72% of girls were malnourished on the basis of weight-for-age index.

The document further says that Mumbai's educational scene represents the state of the city. The spectrum ranges from 'International Schools' charging a monthly fee of anything between Rs 50,000 and Rs 300,000 with state-of-art infrastructure established on sprawling lands, to 'educational facilities' under a tree or on the footpath, established under the Sarva Shiksha Abhiyan. Between these extremes lies a wide range - unrecognized, poorly run private schools with a low capacity clientele; recognized, un-aided schools affiliated to the ICSC or CBSE Boards for the upper-middle classes; a few Kendriya Vidyalayas for the children of Central Government and Armed Forces personnel; aided schools with controlled fee structures; and finally, schools run by the Municipal Corporation of Greater Mumbai (MCGM). The so-called non-government schools serving the well-to-do sections directly or indirectly enjoy massive benefits in terms of subsidized lands and other facilities at heavy costs to the public exchequer.

While these schools too are bound by the Constitutional framework, the focus will remain on the government school system since it is mandate to uphold and fulfill the fundamental right to education.

The document says that the field of education in the State of Maharashtra is covered by a range of legislations that already underpin a statutory duty the Municipality and other Government Departments to provide free and compulsory education throughout the State, including pre-primary education and early childhood care. However, these statutes are not executed with the objective of fulfilling the Fundamental Right to Education for every

child till he/she completes 14 years under Article 21A.

The document further says that the Bombay Education Act, 1920 like MCGM, underpins a duty on the Zila Parishad across the State of Maharashtra to set up primary schools. Generally primary education is restricted to classes I-IV. However, the scope of primary education is left open under the Bombay Primary Education Act. Therefore, it is clear that scope of primary education is not restrictive, and liberty and discretion to define that scope to include primary education and early childhood care rests with the State Government. The government has misused this 'ambiguity' to restrain its fundamental duty rather than widen it.

### **The Baseless System**

The document points out that the right to education must necessarily mean providing for appropriate infrastructure and sufficient funds both by the State and Union Government to create a just, fair and equitable system on par with the best existing levels of education, and not an inferior, parallel system. This necessarily requires that children supported by the State sponsored education system must get the benefit of pre-primary education and early childhood care (Early Childhood Care and Education - ECCE) as per universal standards. On the contrary overwhelming evidence shows that the State is reducing its expenditure on providing free and compulsory education and is in direct breach of the full and complete meaning of Article 21. This has increased the neglect of pre-primary education and early childhood care. ECCE is a Constitutional commitment and obligation of the State.

The document also says that despite a wider statutory framework on education, in practice the implementation of the fundamental right to education is met by two limitations. First, the duty to provide education is confined to standards one to four or one to seven, and secondly, limitation of funds is often used as a justification for curtailing expenditure on education.

The document also points out that the MCGM does not provide any intervention at the pre-school level, it is not even clear how the SSA funds for ECCE are being utilized. Testimonies of the anganwadi sevikas (ICDS workers) to the Indian People's Tribunal on Environment and Human Rights on Education held in Mumbai indicated that the MCGM has not in any way helped in the implementation of the ICDS. After the 86th Constitutional Amendment this neglect is further institutionalized. It has also been noted that in the city of Mumbai there are franchised 'five-star' Kindergartens run by multinational corporations boasting a teacher-child ratio of 1: 4. These facilities also enjoy several benefits from the State mainly in the form of tax-concession. The loss to the public exchequer due to loss of tax from the private educational institutions is a great concern. As compared to this, it is interesting to note that the Government of India finds it beyond their means to provide for an extra anganwadi sevika for ICDS centres across the country. It is estimated that the annual cost of providing for an additional anganwadi sevika to ICDS centres is nearly as much as the country spends on defending the Siachen glacier.

### **The Scope of MCGM: Changing Trends**

The document says that currently (2008-2009) there are total 1161 schools directly run by the MCGM in Mumbai. Out of these 243 municipal schools have facilities only up to standard IV and 869 municipal schools have

facilities only up to standard VII and 49 till standard X. The MCGM runs schools in eight different language mediums and in two shifts - morning and evening. A single school building houses more than one municipal school having different medium of instruction.

The document also indicates that besides these schools there are several schools run by private management. Currently there are 450 private aided schools (with controlled fee structure) and 631 unaided schools recognized by the Education Department of MCGM. All the aided schools are provided nearly 90% recurring financial support by the MCGM till standard seven and are supported by the State government till standard ten. On the contrary none of the MCGM schools after standard seven are given any aid by the State government. Needless to say that the MCGM school system is on the way to deterioration and extinction.

### **The Number Puzzle : 'Out-of-School' Children in Bombay**

The document points out that as per the 2001 census, the population within the jurisdiction of the MCGM is 11,978,450. There are 2.1 million children in the age group of 5-14 years in this area. And out of a total child population of 2.1 million in the MCGM region, all schools including municipal and private cater to only about 1.1 million children. The State Government and the MCGM are unable to account for the remaining one million children who are not in schools. According to MCGM Education Department surveys conducted in Mumbai (Suburban) districts, only 2699 children are identified as 'out-of-school' children. Therefore, out of the one million children who are not in any school, only 2966 are identified as 'out-of-school' children. There is no explanation with regard to the remaining children who reside in the MCGM area. Data discrepancies and changes over a period of time cannot be the sole explanation for this huge difference between official data and MCGM data on school enrolment. Given that in-migration is highest in the MCGM area, it is also unfathomable that close to one million children of school-going age migrate from the MCGM region to either other districts or other States for education.

The document says that this number game communicates a loud message - the administration does not know the exact number of 'out-of-school' children because it does not care to bring them into the schools.

The document further says that the social circumstances of parents and children also influence the ability to access to schools. For the people depending on daily casual work, vendors or rag-pickers, it is impossible to send their children to schools simply because they do not have the means and time to escort their little children to and back from schools. In such families the choice is between earning a living and escorting children to schools. Very often the road to school involves crossing highways, heavy-traffic junctions, railway lines, open swage pipes, thus making it unsafe for children to travel unaccompanied. As per the Sarva Shiksha Abhiyam (SSA) norm there should be a school within a radius of one kilometer of every habitation and according to the State Government resolution there should be a school within a radius of 1.5 KM of every habitation. Despite of such distance norms, it has been found that several schools are located at a distance of 45-60 minutes walk from the habitation.

The document also says that from the Focus Group Discussion (FGD) it was found that in all slums, there was a very high drop-out rate after 7th standard due to lack of access to municipal school till 10th standard and

most of these drop-outs belong to Dalits and Adivasi communities..

In areas where secondary municipal schools are very far away and private schools are unaffordable, children are forced to discontinue their education and are consequently used by their parents as helping hands to support the family income. Girls assist in home-based income-earning initiatives or perform domestic labour. In slums situated around dumping ground, children help extensively with manual scavenging and there is a very high 'drop-out' rate (90%) from schools in these areas.

The irony is that the laws governing prevention of child labour give tacit acceptance to their silent early entry into the easily exploitable semi-literate, largely unskilled labour force.

With regards to violation of the Fundamental Right to Education, the state stands directly in breach of its duty at two stages. 1) Massive push-outs are engineered at two levels; standard four and standard seven. 2) All these children fall well within the age-group at whom even the half-heartedly construed programmes and policies are aimed at.

### **The Displaced and Dispossessed**

The document says that the issue of 'homelessness' is an endemic one in the city of Mumbai. For people in slums/living adjacent to railway tracks/pavement dwellers, housing insecurity and demolition remains a crucial issue that is inextricably linked with children's schooling and are indicative of the following problems : a) discontinuation of schooling due to demolition b)problem with re-starting schooling because there is no support from the government regarding study materials after the demolitions and c) discontinuation of schooling because of inconvenient relocation due to shifting to new venues.

The document further says that FGDs conducted during the IPT (Indian People's Tribunal) proceedings revealed that even where a municipal school was located within 10 minutes distance, schooling was not a priority for parents who were constantly facing threat of eviction/demolitions. Even harassment by police who used the 'encroachment' card completely disrupted children's lives. This affect schooling in several ways :

- ◆ Parents felt that schooling was important but felt helpless. As bread-earner they are not in a position to guard their house. Therefore, children are made to guard the house during the day and alert the parents if the demolition squads or police arrive.
- ◆ Parents are afraid to send their children to school because of their fear of losing their children in the demolition furor.
- ◆ Parents simply did not think schooling was a priority in cases where they could not make arrangements for a secure place for living.

### **Identity As Barrier**

The document states that this plight of schooling and the denial of a better future is not limited to those who are supposedly late entrants to the city and have been thus declared illegal. The Adivasis who have inhabited parts of the city since centuries also suffer the similar fate. Adivasi hamlets are either in hilly terrains or in small islands. Unpaved roads and flooding also affect children's school attendance particularly during monsoons. Despite this when children reach schools, teachers' attitude towards Adivasi children force them to discontinue schooling. In many schools teachers make them sit in the back and completely ignore these children.

In many schools, teachers directly or indirectly demand food items on which depends the income of Adivasis. If the children cannot fulfill these demands they are mistreated or even beaten up. Then the children either miss school or completely stop coming to school. The issue of language is another factor obstructing these children from schools as their mother tongue is different from Marathi. The language becomes one more reason for discrimination not only on the part of the teachers but also of the non-Adivasi children. All these factors have a negative influence on the perception of school education not only in the eyes of parents but also in the eyes of a child.

The document further points out that one more glaring problem with the MCGM system is the lack of planning for the physically challenged children. The MCGM/State has taken no measures to remove architectural barriers in schools. This again amounts to a direct violation of its statutory duty and in effect, disabled children are completely excluded from the general system of education accessed by other children. Thus the MCGM/State Government has snatched away from the city's marginalized disabled children chance to avail of their 3% reservation in educational institutions.

The document further says that with the dedicating efforts of NGOs for early childhood care and education of these children some are admitted to municipal schools. But there is no continuity in education owing to sudden migration.

In this context it is necessary to mention about Kendriya Vidyalays (KVs) which are especially meant for Central Government staff and Armed Forces. The KVs are today one of the most well-established schooling network in the country solely supported by public funds. But the irony is that people who build these schools are forced to migrate and their children do not have access to any such schools.

### **The PPP Model: Diverting Public Property for Private Gain**

The document says that taking clue from global trends and diluted National Policies the MCGM too began shifting responsibility to non-government agencies including corporate bodies from as early as 1990. The School Adoption Programme was launched in 1990. Under this programme the NGOs/private parties are allowed to conduct a range of activities and provide goods and services. Bombay High Court in a judgment instituted Justice Dhanuka Committee to look into the issues of infrastructure and quality. A long-term follow-up mechanism was set up by the High Court by its order dated July 7, 2004. Two Committees, with terms for six years each were constituted. Their term will expire in 2010. The issue of quality was also raised in the High Court and it appointed another committee, referred to by the MCGM as the Committee for Improvement of Standards of Education (CISE). The CISE after studying the related issues recommended two-fold solution; a) school adoption by private parties or b) school partnership by private parties. In November 2007, the MCGM thus moved for the PPP model with a refurbished plan; that further reduced its responsibility. This plan also sought to place a price-tag on the so-called PPP between NGOs/Corporates or others and MCGM as these parties will enter into a contract guaranteeing a certain financial contribution per school. It is thus obvious that the terms 'Adoption and Partnership' are euphemisms for privatization without any regulation. It appears that the aforesaid proposed schemes of adoption and partnership seek to bring in



private enterprise and investment through backdoor. Such a scheme would amount to a violation of Article 14 of the Constitution.

The document also says that more than 25% of the schools run by the MCGM are already run with the help of private parties either by way of full or partial adoption. So far no comprehensive audit has been conducted to check whether such schools are continuing to provide education free of cost or adopt any discriminatory practices.

Further, from the available data, it is clear that between 2003-2004, there was a drop in the number of 'adopted schools'. This implies that i) the schools ceased to be adopted or ii) the schools are closed down. There have also been instances of take-over of school building under the guise of 'Adoption'. For example, in Central Mumbai, children of Walpakhadi school in Mazgaon were asked to attend a faraway municipal school, while a private trust opened a profit-making 'International School' in the same premises.

With the advent of the PPP model further aided by the SSA process of 'non-formalising' education, the collapse of this massive school system seems imminent.

The document further talks about the biased role of media in education system. It says, how does the media look at education? To put it bluntly, the answer is 'power for the classes and favour for the masses'. The fact that education till the age of 14 years is a Constitutionally guaranteed fundamental right of all Indian children escapes their perception. The fundamental questions like why nearly 50% of Indian population is illiterate even after 60 years of Independence and who these people are is seldom asked. The event of the cabinet approval followed by the tabling of the 'Right to Education Bill' (RTE), November 2008, in the parliament was an opportunity to understand the character of the media and the dominant class. From the cabinet approval in December 2008 till date, one can summarize the following about the quality of attention this issue received from the media of print and television media.

- ◆ Gleaming from three newspapers (Bombay editions - two English and one Marathi) and an exhaustive internet search a total of twenty news reports/ articles were found. Only one report went beyond mere reporting and questioned the government's role in financing public education and suggested 'Voucher System' as the best option for looking after poor children's education. The editorial and columnists praised the Bill for its 'revolutionary' character in bringing the areas of 25% reservation, doing away with exams and corporal punishment, etc. Amongst the 'critics', one columnist opposed the bill for its 'provision of 25% reservation in private schools as being an unjust burden on the fee-paying students and three educationists criticized it for institutionalizing inequality, violating children's fundamental rights, promoting failed 'voucher system', and lacking in pedagogical clarity. TV news was almost non-existent, not a single panel discussion or talk-show took place.
- ◆ With the exception of two articles in a magazine, no one offered any historical perspective. The debate in the Constituent Assembly resulting in Article 45; the Kothari Commission (recommending a Common School System) and the Unnikrishnan Judgment - none of these empowering instruments in favour of the real Right to Education have

been substantially invoked, while the issue of placing education on the anvil of equality and social justice has been ignored.

- ◆ The nature of knowledge as understood by the media too is divided. For the better-off who have a paying capacity it is seen as limitless and essential. For the marginalized, majority education is minimal and rather optional. Advertisements of insurance companies show that the better-off can purchase and guarantee their children's future, whereas commercials made by ruling political parties (usually televised prior to elections or the ones promoting Sarva Shiksha Abhiyan) show education as a largesse extended to the poor. The Oscar Winning 'Slumdog Millionaire' based on the imported TV show, Kaun Banega Karorpati epitomizes this symbol of bite-size knowledge and the victory of the poor.
- ◆ Who then is responsible for this division of the education system? Besides the State apparatus and the dominant media, it is us, the better-off and the so-called middle class who have in fact been subsidized by the poor of this country, be it land or water, energy or education that we enjoy. Many organizations are working for the education of the marginalized. Most such work has been limited to equipping 'poor' children with skills of literacy-numeracy or English by untrained, semi-educated volunteers in make-shift premises. The obscure concept of 'education net' is also promoted to account for children's enrolment in Non-Formal Education (NFE) classes. But no follow-up mechanisms are put in place to ensure continued quality education in regular schools of the children caught in the net. After the Jomtien Conference, the State has co-opted this idea and institutionalized cheap education through a variety of NFE Schemes.

### **Common School System: Possible or Essential?**

The document raises the question whether Common School System is possible or whether it is practical today. It further says that CSS is not only possible but is essential. The control function of education has been exposed and analyzed by many. In this context CSS is non-negotiable.

The document further says that as a remedy, firstly a mechanism with common minimum norm, not less than the Kendriya Vidyalaya standard, needs to be accepted for all the schools run by any government body across the country. Minimum and maximum age norms must be revised to match contemporary needs. State subsidy and promotion of private and quasi-private schools must cease or be given low priority only after meeting common standards of equal quality education for the masses. Market forces must be made to take a back-seat and the message that quality education is the fundamental right of all citizens and is not dependent on the purchasing power of the consumer must be made loud and clear.

## **Common School System: Do We have an Option**

By:

Prof. Anil Sadgopal

### **Bird's Eyeview**

This is a revised and updated version of the paper published in JANATA magazine in June 2008, Mumbai, India. The paper advocates the introduction of the Common School System to bring the benefits of the education to the children of the marginalized class. In the process it also highlights the shortcomings of the present education policy.

### **From Toronto to Bhopal : A Common Lesson, Two Contrary Narratives**

The paper says that the writer was in Toronto, Canada, to attend a conference against globalization, where he witnessed a massive protest jointly organized by teachers and parents against the Provincial Government which was under attack for two issues. First, the Government had declared major budget cuts in school education. Second, the autonomous elected school boards, responsible for decentralized management of school clusters (including teacher appointments, curriculum, standards and exams) were to be merged to form larger boards in order to save money. To the parents and teachers, the larger boards signaled undermining of people's democratic participation in decision making with consequent decline in the quality of management.

The document further says that these government decisions were indicative of the neo-liberal policy shifts. These were designed to increasingly result in abdication of the State's role in the social sector, particularly education and health. In India, too, similar neo-liberal policy shifts in education were evident since the early 1990s. Yet, neither the teachers nor the parents seemed to be concerned. The educated middle-class did not care how the neo-liberal policies were destroying the vast government school system, with consequent increase in the pace of privatization of school education. On the contrary, the middle class, though unhappy about the increasing cost of education, implicitly supported privatization.

The document also states that in Canada, the public-funded (i.e. State-Funded) school system essentially covered the entire population and was maintained at a high level of quality. The private school system played a negligible role. Each school was essentially a neighbourhood school. All children, irrespective of their socio-economic or cultural background, studied in these schools. All citizens of Ontario had a common political stake in maintaining the quality of the public-funded school system.

The document further points out that an entirely contrary scenario was witnessed in Bhopal, Madhya Pradesh, in February 2008. About 30,000 lowly paid under-qualified and untrained para-teachers appointed on short-term contract in Sarva Shiksha Abhiyan's (SSA) 27,000 odd Education Guarantee Scheme (EGS) centres of Madhya Pradesh were on strike. Euphemistically, called 'Guruji', they were demanding regularization as teachers after several years of service, Each year they would go on strike to draw State government's attention but to no avail. In the beginning, they sat at the usual dharna site and were ignored. Then they shifted their dharna to block one of the major roads leading to high profile market serving the upcoming middle class of the city. Immediately thereafter, there was a hue and cry. The media openly criticized the state government - not for the closure of 27,000 centres in tribal, dalit and other backward hamlets of Madhya Pradesh but for its inability to keep the access to the market open. Not a word of sympathy was uttered by anyone - not even by political leaders, including the members of the state assemblies (MLAs) of the opposition parties - either for the loss of studies suffered by 7-8 lakh poor children or the discriminatory treatment given to the 'Gurujis'.

Because none of these people send their children to government schools. Even more deafening was the silence of the teachers' unions. The neo-liberal policy taken up in the second half of the 1990s in the state had fragmented the teachers; cadre. Apart from the fact that the teachers themselves have no stake in the parallel inferior layers of schools they teach in since their own children also go to private schools.

### **The Great Escape : Loss of a Common Political Stake**

The document says that the central and state governments, kowtowing to the World Bank policies, have established a multi-layered school system, beginning from the mid-1980s onwards, each layer with its own teachers' cadre and meant for a separate school segment leading to rapid deterioration of the quality of government schools as all the privileged sections of society shifted their children to private schools. The creamy layer among the SCs, STs, OBCs and Muslims, by and large, also followed the suit. Today, the multi-layered government school system has only the weakest, mostly the marginalized dalits, tribals, extreme OBCs and muslims, particularly girls in each of these sections of society. The only exception to this is the miniscule number of elite schools like the Kendriya Vidyalaya or Navodaya Vidyalayas of the central government and similar high profile schools set up by various state governments. An additional exception will soon be the much-hyped 6000 Model Schools being started by the central government under the Eleventh Plan. Of these exclusive schools, 2500 schools will be in Public-Private Partnership (PPP) mode - - the latest ploy of the government to promote privatization by backdoor public funding. The PPP mode in school education is going to be legitimized with passage of Draft Right to Education Bill, 2008 by the Parliament.

For all practical purposes, the state policy is now committed to making education a commodity, rather than an entitlement or Fundamental Right. Those who can afford to buy education do and those who cannot are compelled to accept the government system.

The document says that few realize that. Like Canada, the other rich and powerful G-8 nations also have a well-functioning public-funded school system built on the principle of neighborhood schools. Without a Common School System in some form or another, none of the developed nations would have reached where they are today.

The document says that we were also moving towards a Common School System (CSS) until mid-1970s, in spite of the lack of a supportive policy framework. The only aberration until then was a handful of so-called 'Public Schools' serving the Indian privileged classes. Apart from this 'Doon School' category, there were the English medium missionary schools for the upper middle class. A substantial portion of the people of that generation had received quality education in either government, local body or private but government-aided schools. It was around this time that the elite and the upper middle class started shifting to the private unaided fee-charging schools, primarily in pursuit of English-medium education and competition-based and career-oriented curriculum, rather than better quality of education.

The document further points out that the present situation was foreseen by the Education Commission (1964-1966), popularly known as the Kothari Commission, more than four decades ago. It declared that the role of education is even more important in achieving social and national integration. In India, the social distance between the different classes, particularly between the rich and poor, the educated and uneducated, is large and is tending to widen. The situation already complexed due to

various religions and castes, has further been made critical by recent developments which threaten both national unity and social progress.

It also points towards the positive side of it as far as the Commission envisaged the social function of education in the context of the nation-building project - a critical concern in post-independence India of the 1960s.

The two-fold social function included the role of education in:

- (a) forging a sense of nationhood and 'unity in diversity'; and
- (b) building a citizenship for a democratic, socialist, secular and egalitarian society.

It says that both of the above social functions are organically interwoven in the concept of the Common School System based on Neighbourhood Schools (CSS-NS). This perception is even more relevant in the present context of the neo-liberal assault on our education system than it was in the mid-1960s, wherein CSS-NS is now being envisaged as a means to resist unbridled privatization and commercialization of education. Further, a politically determined move towards building CSS-NS is the only way we can give content and meaning to the ongoing struggle for Fundamental Right to Education.

### **Common School System: The Genesis of the Conception in India**

The document also records what the Kothari Commission had to say about the state of the school system in the early 1960s. It says --

" There is thus segregation in education itself - the majority of private, fee-charging, better schools meeting the needs of the upper classes and the vast bulk of free, publicly maintained, but poor schools being utilized by the rest. What is worse, this segregation is increasing and tending to widen the gulf between the classes and the masses".

In this backdrop, the Commission was persuaded to recommend that, " if these evils are to be eliminated and the education system is to become powerful, we must move towards the goal of a Common School System of public education which will cover all parts of the country and all stages of education and strive to provide equality of access to all children.

The document points out that there is now increasing evidence from international research that social mixing leads to improvement of overall performance in schools. In Britain, it has been observed since the 1950s that "the way to raise the achievements of all children is to have schools which incorporated a socially mixed intake with a range of abilities (Tomlinson, 2004)". In 1960s, Britain started doing away with its elitist selection system in Grammar Schools and switched over to 'Comprehensive School System' with reported rise in academic standards.

Yet, the Indian exercise in policy formulation since independence, including the formidable report of the Kothari Commission, has failed to cognize this international research on the critical linkage between equality and quality. Whatever limited understanding of this issue was reflected in the 1968 and 1986 policies, howsoever ambiguous it was, disappeared altogether from 1991 onwards when the District Primary Education Programme (DPEP) and Sarva Shiksha Abhiyan (SSA) were designed under the neo-liberal policy framework imposed by the IMF-World Bank regime. The consequent damage done to India's education system by the conversion of the previously 'dual' education system (noted by the Kothari Commission) into a multi-track system of inferior parallel layers - a separate layer of schooling or merely some sort 'educational facility' for each socio-cultural segment. No wonder, there is today ample research-based documentation demonstrating that there is neither equality nor quality in the school system.

The document further says that the Commission's concept of the

Neighbourhood School implies that each school should be attended by all children in the neighbourhood irrespective of caste, creed, community, religion, economic condition or social status, so that there would be no segregation of schools.

### **Common School System: Misconceiving the Discourse**

The document says that there are three confusions regarding CSS-NS that are deliberately created by the powerful private school lobby, neo-liberal ideologues and the representatives of the global market forces, especially the internationally funded NGOs. First, CSS-NS is misperceived as a uniform school system. On the contrary, it is the present education system that follows a rigid curricular and pedagogic framework circumscribed by Boards of Examination and now international affiliations. All this has worked against children's natural attributes. It reinforces compulsion, comparison and competition that restrict options, academic freedom, co-operation and team functioning. The Eleventh Plan is unashamedly talking of using secondary education for building skilled labour force for the global market. The rigidity of the present system can be challenged only when flexibility, contextuality and plurality are accepted, among others, as the defining principles of CSS-NS which can be visualized as the most urgently needed education reform in India.

Second, CSS-NS is irrationally projected as one that acts against quality, talent and merit. On the contrary, it is the present system based upon paying capacity, privileges and false sense of superiority that has alienated the most powerful sections of society from the vast government school system. As a result, the government school system has lost its voice of advocacy at the highest echelons of Indian democracy. Further, the neo-liberal Structural Adjustment Programme imposed on the Indian economy since 1991 has resulted in steady withdrawal of resources from the education sector, expressed as percentage of GDP. This has led to a policy of 'multi-track' education system based upon poor infrastructure, multi-grade teaching (one teacher teaching five classes simultaneously) and para-teachers. It has meant exclusion (termed 'drop-out' by the government) at least one-third and more than half of our children from education by class V and class VIII respectively, thereby suppressing their inherent potential for contributing to social or national development. Almost nine out of ten children who enter class I 'drop-out' (or are pushed-out) before reaching class XII. Even less pass class XII public examination and become available for higher education and professional courses. Thus only a miniscule portion of the nation's genetic pool is available for talent and merit development in the present system.

Third, it is wrongly claimed that CSS-NS will not permit a privately managed school to retain its non-government and unaided (or aided) character. Again, CSS-NS implies that all schools - irrespective of the type of their management, sources of income or affiliating Boards of examinations - will participate and fulfill their responsibility as part of the National System of Education. All that is expected of such schools is that they operate within the framework of the Constitution and function as genuine Neighbourhood Schools. With Supreme Court's Unnikrishnan Judgment and also the 86th Constitutional Amendment, 'free and compulsory' elementary education has become a Fundamental Right. This means that the very notion of fees or other contingent charges, at least until class VIII, have become anti-Constitutional.

The document points out that it is noteworthy that the 86th Constitutional Amendment (2002) was designed to dilute and distort the impact of

Supreme Court's Unnikrishnan Judgment . It excluded 17 crore children below six years of age from the Fundamental Right and enabled the State to arbitrarily define the Fundamental Right through the conditionality placed in the consequent Article 21A viz. " as the State may, by law, determine". The manifold lacunae and contradictions in the Draft Right to Education Bill, 2008 are precisely a result of this conditionality in the new Article 21A, empowering the Indian State to interpret the notion of Fundamental Right in the neo-liberal framework.

The document further says that the present school system structurally promotes discrimination. For example, the teachers of the government schools are pulled out of the schools frequently on a variety of non-teaching assignments, ranging from counting sheep and conducting Below Poverty Line Survey to organizing elections and doing the decennial Census. This implies a colossal loss of teaching days. More importantly, this makes the teachers cynical about their profession and give a misleading political message that other than teaching children everything else is important. In contrast, the private school children do not suffer any such loss. This discrimination against government school system (almost 90% of the children enrolled at the elementary stage) will come to halt only when the children of the ruling elite will start going to the government schools in CSS-NS. Unfortunately, instead of putting a halt to this discrimination against the government school children, the Draft Right to Education Bill, 2008 legitimizes it.

The document also points out that any attempt to introduce curricular or pedagogic reforms, as the NCERT attempts to do periodically, in a hierarchical system is bound to increase discrimination and exclusion. The collapse of World Bank's District Primary Education Programme (DPEP) in the 1990s and Sarva Shiksha Abhiyan (SSA) provides historic evidence of this common sense.

The document gives a list of eight essential conditions for building the CSS-NS that will apply equally to the government-run elite schools (e.g. Kendriya and Navodaya Vidyalayas and the XI Plan's 6000 Model schools) as well as the private unaided schools. These are:

1. All schools should be Neighbourhood Schools with a defined neighbourhood. Diversity must be optimized by legislation while delineating the neighbourhood.
2. All schools to fulfill a set of minimum Norms, Standards and essential amenities.
3. According to Supreme Court's Unnikrishnan Judgment as well as the 86th Constitutional Amendment, all schools to provide absolutely free education from the nursery stage to Class VIII. The Unnikrishnan Judgment declares that, as per Article 41, the Right to Education exists even after the age of 14 years (i.e. after Class VIII) but is limited by the economic capacity and development of the State and the State does not offer any solid reasons of the limitation. As per Article 41 in the Constitution and its interpretation by the Unnikrishnan Judgment, the government should regulate the fee structure of all schools, especially the private unaided schools, from Class IX to XII, preventing profiteering, parking of funds and income tax evasion.
4. All schools to follow the National Curriculum Framework (NCF) that would be reviewed from time to time. NCF will define a core curriculum that would be common to all schools except that the regional diversity will be appropriately reflected in the elements of the Core Curriculum. Apart from the core, there will be ample space and flexibility in the

rest of the NCF to design curriculum at the level of the states, districts, Blocks or even the village panchayats in accordance with the local socio-cultural milieu, provided the broad principles of NCF are maintained. The above framework also provides adequate space for curriculum innovation, experimentation and even dissent at the level of the individual schools, teachers and students.

5. A common policy of language education, founded on the principle of multi-lingualism of the vast majority of India's children and the mother tongue's critical role in the learning process, including the learning of the state/UT language as well as Hindi and English.
6. The curriculum, pedagogy, textbooks and the school ambience should ensure that no child feels excluded or marginalized due to the presentation of SCs, STs, extreme OBCs, minorities and the disabled and the women in each of these sections in a negative stereotype image.
7. Each school to have a management committee of its own, with at least 75% of the members being the parents of the children attending the concerned school; SCs, STs, OBCs and the minorities to have proportionate representation; and half of the members to be women. The functions and duties of the committee to be well defined through a law.

The document says that if the above concept of the CSS and neighbourhood schooling requires legislation by the Parliament, then this must be made into an urgent issue of a nation-wide political struggle. It may be worthwhile to seek to redraft the Bill with a vision of systemic transformation for building the CSS-NS, rather than further queer the political pitch by introducing a neo-liberal Bill in the Parliament that is sure to increase the violations of the Constitutional framework and indefinitely postpone the goal of universal school education of equitable quality.

#### **Concluding Remarks**

In the conclusion, the document points out that there are powerful forces trying to divert public attention from the Common School agenda through clever devices. These include private schools running 'afternoon centres' for the poor, 25% reservation provision in the Draft Right to Education Bill, 2008 for poor children of the neighbourhood in private schools and now the Eleventh Plan's twin proposals of school vouchers and public-private partnership for backdoor funding of private schools out of public funds. We have to also learn to identify and resist the market fundamentalists and neo-liberal consultants in the academia, media, policy making and their fellow-traveller internationally funded NGOs who are working overtime to push the neo-liberal ideology in the Indian education system in particular and the economic and democratic life in general.

The document further says that the struggle for equality in and through education can't be delinked either from the struggle for jal-jangal-zameen and jeevika or from the struggle for social transformation.

We may reiterate, even if not over-emphasise, that the Common School System is the only educational framework known to us which will enable us to forge a sense of common citizenship in order to wage a united struggle for a democratic, socialist, egalitarian and secular society in India.

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## **Popular Information Centre**

peaceact@bol.net.in

peaceact@vsnl.com

Phone & Fax:  
(011) 2685 8940  
(011) 2696 8121

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*If Undelivered, please return to:*

**Infopack**

A-124/6 (2<sup>nd</sup> Floor), Katwaria Sarai, New Delhi 110 016

**Telefax : 26968121 & 26858940 # E-mail : peaceact@bol.net.in & peaceact@vsnl.com**