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CAMPAIGN FOR THE RIGHT TO EDUCATION

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As per Article 45 of the Constitution, universal, free and compulsory elementary education should have become a reality in India by 1960. But the constitutional obligation was time and again deferred - first to 1970 and then to 1980, 1990 and 2000; and now the target has been shifted to 2010. Against this backdrop, social action groups, people's organisations, development organisations, students, academicians and people at large have been campaigning to force the Government to fulfil the constitutional obligation of giving free and compulsory education for all.

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The Campaign for the Right to Education emerged out of the efforts of grassroots social action groups, social movements, people's organisations, advocacy organisations and regional and national coalitions. The continued efforts of these initiatives helped to create advocacy campaign for right to education both at the state and national level. At the national level, efforts of networks and advocacy alliances like National Alliance for the Fundamental Right to Education (NAFRE), Campaign Against Child Labour (CACL), South Asian Coalition on Child Servitude (SACCS), Forum For Crèche and Child Care Services (FORCES), Bharat Jyan Vigyan Jatta (BJVJ) and National Centre for Advocacy Studies (NCAS) facilitated a nationwide public discourse and policy prioritisation on right to education. At the state level, there have been various efforts in different parts of the country initiated and lead by advocacy organisations and movements such as Vidhayak Sansad, Samarthan, Pratham and Lokvikas Samajik Sanstha (Maharashtra), Tamil Nadu Primary School Campaign, Citizens Initiative on Elementary Education (CIEE) (Karnataka), MV Foundation (Andhra Pradesh), EKLAVYA (Madhya Pradesh), etc. Social change resource centres such as Centre for Education and Communication (CEC), Centre for Human Rights and Advocacy, HAQ Centre for Child Rights, etc. played key role in promoting the campaign. The campaign also received crucial support from national and international development organisations including Terre Des Homes (TDH), Save the Children, U.K. and Canada, Child Relief and You (CRY), UNICEF, OXFAM, Action Aid, etc. Thus the Campaign for the Right to Education is the outcome of various advocacy efforts including organising, mobilising, alliance building and networking, lobbying, research, etc. right from grassroots level to national level.

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As a result of continuous and persistent advocacy campaigns, the Parliament passed (Lok Sabha passed the Amendment in the winter session of 2001 and the Rajya Sabha in the budget session, 2002) the **93rd Constitution Amendment Bill, 2001** to make education a fundamental right in India. The mere passing of the Amendment does not

ensure that millions of unlettered children would get education automatically. The lack of political will of the policy makers, indifference of the administrative machinery, lack of budgetary commitment and complete disregard for the rights of the marginalised pose hurdles in realizing the right to education.

The National Centre for Advocacy Studies (NCAS) works towards socio-economic rights of the most marginalised. We, at NCAS, believe that the right to education is one of the important means towards the fulfilment of basic human rights and social justice. NCAS has facilitated in information sharing, alliance building and creating discourse for the right to education campaign. This Advocacy Update is a value addition to the ongoing campaigns for the right to education, and it seeks to provide a coherent information base to strengthen and support the campaign process.

1. INTRODUCTION

The Universal Declaration of Human Rights (UDHR), 1948, provides that *elementary education shall be free and compulsory* (Art 26). The International Convention on the Rights of the Child (CRC) (1989) enjoined all the countries in the world to give free and compulsory education to every child. During the World Conference on Education For All (EFA), held at Jomtien in Thailand, 1990, 155 countries including India made a joint declaration to provide primary education to everybody by the year 2000. In the Dakar Conference, held in Senegal in 2000, a framework of Action, popularly known as the Dakar Framework of Action, recognised the right to education as a fundamental human right and declared that *every child, youth and adult should get education within 2015*.

However, despite various policies and promises, and

Box 1: Global Initiatives

International Convention on the Rights of the Child (1989): Article 28 of the Convention on Rights of the Child (CRC) says that the state shall do the following:

- Make primary education compulsory and available free to all.
- Encourage the development of different forms of secondary education (including general and vocational education) and make them available and accessible to every child. The state is also expected to introduce free education and offer financial assistance to those who need.
- Make higher education accessible to all.
- Make educational information and vocational guidance available and accessible to all children.

Jomtien Conference: The World Conference on Education for All, held in 1990 in Jomtien, Thailand, marked a joint commitment by 155 nations and United Nations to universalise basic education and eradicate illiteracy. The expanded vision of the Jomtien Conference was :

- Expansion of early childhood care and developmental activities, especially for poor, disadvantaged and disabled children.
- Universal access to and completion of primary education by the year 2000.
- Improvement of learning achievements.
- Reduction of adult illiteracy rates by one half of its 1990 level by the year 2000, with sufficient emphasis on female literacy.
- Expansion of basic education and training in other essential skills required by youths and adults and
- Increased acquisition by individuals and families of the knowledge, skills and values required for better living and sound and sustainable development, made available through all education channels including the mass media, other forms of modern and traditional communication and social action.

The Dakar Commitments: 182 countries attended the World Education Forum at Dakar in Senegal, 2000. The Dakar Framework of Action has been adopted by all of them.

- It recognises the right to education as a fundamental human right.
- It reaffirms commitment to the expanded vision of education as articulated in Jomtien.
- It calls for renewed action to ensure that every child, youth and adult receive education by 2015.

catchy slogan of EFA, the global scenario looks dismal:

- the number of illiterates in the world has gone up from 750 million in 1990 to 880 million in 2000;
- a total of 130 million children have not seen the light of education;
- 150 million children drop out from schools without taking basic education; and
- there are 250 million child labourers who are tottering in the darkness without basic education (Satyarthi 2001).

Like other countries, India was also supposed to impart at least five years primary education to everybody by 2000 as per the declaration of the Jomtien Conference. But the reality is –

- one-third of the population (34.62%) in the age-group of 7 years and above is illiterate (Census 2001).
- there were 75.4 million children who were out of school in 1991.
- according to the Saikia Committee Report (1997), there were an estimated 63 million children in the age-group of 6-14 years out of school.
- while presenting the 93rd Amendment Bill, the Union Human Resource Development Minister informed the Lok Sabha that there are 42 million children in the age-group of 6-14 years, who are not getting access to basic education.
- the Approach Paper of the 10th Five Year Plan estimates 80 million children to be not in schools.
- having failed to ensure education to every child, the Government of India again promised to provide primary education (5 years) to everybody by 2005, eradicate illiteracy by 2007, and 7 years of

elementary education by 2010, well ahead of the target - 2015, set out by the Dakar Conference.

2. ELEMENTARY EDUCATION IN INDIA : A SAGA OF BROKEN PROMISES

2.1. Promises of Elementary Education

In India, since the colonial regime, different Education Commissions and Committees unequivocally laid emphasis on the elementary education of every child.

- The Hunter Commission, way back in 1882, recommended that the State should give maximum emphasis towards elementary education of the people.
- In Wardha Congress in 1937, a committee was constituted under the chairmanship of Dr. Zakir Hussain, which argued for 8 years of education.
- The Kher Committee set up in 1938-39 argued for 8 years of compulsory education for children between the ages of 6-14 years.
- The Inter-University Board suggested 8 years of compulsory education starting from the age of 5.
- The Central Advisory Board of Education (CABE) set up by the British Government, in 1944, recommended free primary education for all children between the ages of 6-14. The CABE emphasized the importance of universalisation of education and human resources development.

After independence, the Constituent Assembly inserted Article 45 in the Directive Principles of State Policy of the Constitution, promising that within 10 years i.e. within 1960, all the children up to 14 years would be given elementary education (see Box 2).

Box 2: Promises Of Education

Part III: Fundamental Rights.

- Article 28: Freedom as to attendance at religious instruction or religious worship in certain educational institution.
- Article 29(2): No citizen shall be denied admission into any educational institution maintained by the state or receiving aid from the state on the grounds of religion, race, caste, language, or any of them.
- Article 30: Rights of minorities to establish and administer educational institutions.

Part IV: Directive Principles of State Policy.

- Article 41: Right to work, to education and to public assistance in certain cases.
- Article 45: Free and compulsory education for children within a period of 10 years after the enforcement of the Constitution.
- Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

The Education Commission (1964-65), popularly known as the Kothari commission, recommended 5 years of primary education for all children to be achieved within 10 years, and 7 years of elementary education within 20 years.

The National Policy on Education (1986) set the target of achieving universal primary education (age-group 6 -11 corresponding to classes 1-V) within 1990, and Universal Elementary Education (age-group 6-14 corresponding to classes 1-VIII) within 1995.

A number of legislations have been passed on free and compulsory education in India before and after Independence. Between 1918-1921, Primary Education Acts were passed in 8 provinces; all the Acts were applicable to both the sexes except in the Central

- as per the recent statistics available, of the students enrolled in classes I-V, over 40% dropped out in 1999-2000 as against 38.2% in 1997-98; and nearly 55% of students enrolled in classes I-VIII dropped out in the same year as against 50.7%

Table 1: Legislation for Making Elementary Education Compulsory in India

No	Name of the State	Name of the Act and Year
1	Andhra Pradesh	Andhra Pradesh Education Act, 1982
2	Assam	Assam Elementary Education Act, 1974
3	Bihar	The Bihar and Orissa Primary Education Act, 1919, as amended in 1946
4	Chandigarh	The Punjab Primary Education Act, 1960
5	Goa	The Goa Compulsory Education Act, 1995
6	Gujarat	Gujarat Compulsory Primary Education Act, 1961
7	Haryana	The Punjab Primary Education Act, 1960
8	Himachal Pradesh	The Himachal Pradesh Compulsory Primary Education Act, 1961
9	Karnataka	The Karnataka Education Act, 1983(Act No. 1 of 1995)
10	Kerala	The Kerala Education Act, 1958
11	Maharashtra	The Bombay Primary Education Act, 1947
12	Punjab	The Punjab Primary Education Act, 1960
13	Rajasthan	The Rajasthan Primary Education Act, 1964
14	Sikkim	The Sikkim Primary Education Act, 2000
15	Tamil Nadu	The Tamil Nadu Compulsory Primary Education Act, 1994
16	Uttar Pradesh	The Uttar Pradesh Primary Education Act, 1919
17	West Bengal	The West Bengal Primary Education Act, 1973
18	Delhi	The Delhi Primary Education Act, 1960

Source: Minister of State, Human Resource Development, Government of India in reply to a question (4355- Unstarred) in the Parliament during the Winter Session, 2001.

Provinces where the Act was essentially for the boys. After Independence, 16 states have enacted legislations making elementary education compulsory in India. Uttar Pradesh, Bihar and Orissa had the legislations prior to Independence (see Table 1).

As per the deadline given by the Government of India, three and half years are left to achieve primary education for every child. That means 80 million children, as per the Planning Commission estimates, who are out of school would get primary education. It is indeed a noble dream! However, with the present education scenario, one would hardly believe that the Government would be able to fulfil its promise.

2.2. Drop Out Rate in Schools

The first ever-Human Development Report of India (2001) mentioned that:

- even those who are enrolling in the school do not continue with their education.

- in 1997-98.
- a National Sample Survey Organisation (NSSO) survey for the year 1995-96 showed that drop out rate increases cumulatively with the level of education.
- it was estimated that, of the ever-enrolled persons in the age group 5-24 years, 21% dropped out before completing primary levels. Half the children dropped out attaining middle level; over three-fourths dropped out before attaining secondary levels and 9 out of 10 persons ever enrolled could not complete schooling. The children from poorer sections of the society drop out in the early stages of education, while those from the better off sections drop out at later stages (Planning Commission 2001:56).

At State level, the drop out rate has been quite high in Bihar, Jammu-Kashmir, Orissa, Rajasthan, Uttar Pradesh, West Bengal and most of the States in North East for classes I-V and in Andhra Pradesh, Assam, Bihar, Gujarat, Karnataka, Orissa and West Bengal

Table 2: Drop- out Rate at Elementary Stage in India

Year	Primary (Classes 1-V)			Middle (Classes I-VIII)		
	Boys	Girls	Total	Boys	Girls	Total
1960-61	61.7	70.9	64.9	75.0	85.0	78.3
1970-71	64.5	70.9	67.0	74.6	83.4	77.9
1980-81	56.2	62.5	58.7	68.0	79.4	72.7
1990-91	40.1	46.0	42.6	59.1	65.1	60.9
1997-98*	38.2	41.3	39.6	50.7	58.6	54.1

*Provisional figures.

Source: Selected Educational Statistics DOE, MHRD as reported in the India Education Report-2002, pp-40.

(apart from the North Eastern States) for classes I-VIII in 1999-00. The drop out rate in classes I-X was over 68% for the country (ibid).

2.3 Elementary Education of Girls

Near about 56% women are unlettered in India. Only 43.6% girl children take admission in primary school. Again, of this, only 40.1% girls take admission in middle schools (see Table 3). The drop out rate has been higher for girls. It was 42.3% for classes I-V and 58% for classes I-VIII in 1999-2000 (Planning Commission 2001). Intra-female disparities between rural-urban areas and among general population, Dalits, Adivasis, Other Backward Castes (OBCs) and some minorities are sharp.

Table 3: Percentage of Girls in School Enrolment at Elementary Stage

Year	Primary School (Classes I -V)	Middle School (Classes VI-VIII)
1950-51	28.1	6.1
1960-61	32.6	23.9
1970-71	37.4	29.3
1980-81	38.6	32.9
1990-91	41.5	36.7
1997-98	43.6	40.1

Source: Department of Education (various years). Ministry of Human Resource Development (GOI) as reported in India Education Report 2002.pp-37.

2.4. Elementary Education of Dalits

- In the mid 1990s, barely 41.5% of Dalits in rural India were literate, and only 62.5% of children in the 6-14 age group had been enrolled in school at

one point of time (Nambissan and Sedwal 2002:72).

- The progress of schooling among Dalit children (5-14 years) has been relatively poor compared to that of the general population. School attendance rates in rural areas in 1993-94 were 64.3% for dalit boys as compared to 74.9% for non-Dalit boys.
- A total of 66.6% among Dalits dropped out in 1997-78 as compared to 60.5% for general population (Planning Commission 2001).
- Non-school going children and drop out rates among Dalits are also more. A total of 49.35% Dalit students drop out at primary level, 67.77% at the secondary level and only 22.35% Dalit students cross the secondary education (ibid).

Box 3: Discrimination and Dalit Education

- Discrimination against Dalit settlements in the location of schools.
- Teachers refusing to touch Dalit children.
- Dalit Children being special targets of verbal abuse and physical punishment by the teachers.
- Low caste children frequently being beaten up by higher classmates.

Source: Dreze and Gazdar, India Education Report 2002.

2.5. Elementary Education of Adivasis

- The Sixth All India Educational Survey (1998) shows that 78% of Adivasi population and 56% of Adivasi habitation have been provided primary schools within the habitation.
- Another 11% of Adivasi population and 20% of Adivasi habitations have schools within 1 km

radius.

- The proportion of girl's education has increased from 36.5% in 1989-90 to 43% in 1997-98 at all India level. Still the literacy rate of Adivasis was only 29.50% in 1991.
- The gap of literacy between Adivasis and Non-Adivasis has also increased from 22.50% in 1971 to 33.05% in 1991.
- Female literacy among Adivasis is substantially lower than that of male literacy. It was only 18.19% in 1991 (Sujatha 2002:87-94).
- In 1900-91, a total of 65.52% Adivasi students have dropped out at the primary level, 78.57% at the middle level and 85.01% at the secondary level of schooling.
- A total of 84% Adivasi girls have dropped out at the primary level in Rajasthan, which is the highest in India, and Orissa's position is highest with 78.03% dropouts.

2.6. Education of the Urban Disadvantaged Children

The urban disadvantaged children (children living in slums and resettlement colonies, especially those living in unauthorised slums, child workers, street children, children of prisoners, children of construction workers and migrant labourers) are mostly out from the ambit of elementary education. Though exact statistics is not available, millions of children fall under this category. In a study conducted in Mumbai in 1989, it was found that there were 1,00,000 street children. Of them, 73% never went to school, and 29.6% left the school. Besides, there are millions of migrant children who cannot dream of going to school. Delinquent children, children of prisoners and children of prostitutes are equally deprived from the precincts of elementary education (Chakrabarty 2002).

2.7. Education of the Disabled Children

There are 10 to 15 million children with disabilities in India. Of these, only about 60,000 get education in about 1,400 special schools, and about 50,000 disabled children are in the integrated education programme. The present coverage of disabled children under the umbrella of education is not more than 1% (Dasgupta 2002:45).

3. POLICY MIRAGE AND REALITY OF ELEMENTARY EDUCATION

- Low Budgetary Allocation: All the education commissions and committees, education policies

and election manifestoes of every major political party emphasised on raising the public expenditure on education up to 6% of GDP. Yet, the ratio of public education expenditure to GDP has actually declined in the nineties under successive Governments, from a peak of 4.4% in 1989 to 2.75% in 1998-99. Table 4 shows the decreasing trend in plan allocation towards elementary education in various Five Year Plans. The state governments have tended to refrain from major expansions of public expenditure on education. As a result, public expenditure on elementary education declined in the majority of states in the '90s (Dreze and Sen 2002:170).

- Reach and Access to Elementary Schools: India has made major strides in setting up of primary schools after independence. At present, there are 6,10,763 primary and 1,58,506 upper primary schools in India. Still the villages in India do not have primary and elementary schools within reach.
 - ◆ According to the Sixth All India Educational Survey, out of the 10.60 lakh rural habitations, 8.84 lakh (83.4%) were served with primary schools within the national norm of one-km distance. Thus, 16.6% of habitations were not served by primary schools within a distance of 1 km.
 - ◆ In case of upper primary schools, about 23.85% habitations were not served with primary schools within the official distance norm of 3 km.
 - ◆ Further, with the setting up of more and more primary schools, physical distance might have been receded but what about the social distance? In many areas, for instance, villages are divided into separate hamlets, and children from one hamlet may be reluctant or unable to go to school in other hamlet, due to caste and other social disparities. For girls, restricted freedom of movement further enhances the problem of social distance.
 - ◆ Only half of all hamlets in rural India have primary schools, and in states like Uttar Pradesh, the proportion of such hamlets is as low as 30% (PROBE Report 1999:17).
- Education is not Free: As per the constitutional provision, children are supposed to get free elementary education up to 14 years, and the Government claims that children are given free education. But the reality belies the claim of the Government, and the cost of education for sending a child to primary school is estimated to be Rs 318/- per year and to middle school Rs 478/- (Table 6).

Table 4: Intra-sectoral Allocation of Plan Expenditure in Education in the Five Year Plans

(Rs in 10 million)

Five year plan	Elementary	Adult	Secondary	Higher	Technical	Grand total	%of total plan outlay
First	85 (56)	5 (3)	20 (13)	14 (9)	20 (13)	153 (100)	7.86
Second	95 (35)	4 (1)	51 (19)	48 (18)	49 (18)	273 (100)	5.83
Third	201 (34)	2 (0.3)	103 (18)	87 (15)	125 (21)	589 (100)	6.87
Annual Plans	75 (24)	N	53 (16)	77 (24)	81 (25)	322 (100)	4.86
Fourth	239 (30)	6 (1)	140 (18)	195 (25)	106 (13)	786 (87)	5.04
Fifth	317 (35)	33 (4)	156 (17)	205 (22)	107 (12)	912 (100)	3.27
Sixth	883 (30)	156 (3)	736 (25)	530 (18)	324 (11)	2943 (100)	2.70
Seventh	2849 (34)	470 (6)	1829 (22)	1201(14)	1083 (12)	8500 (100)	3.50
Annual plans	1734 (33)	376 (7)	1079 (20)	595 (11)	848 (16)	5318 (100)	4.20
Eight	8936 (42)	1808 (8)	3498 (16)	1516 (7)	2786 (13)	21217 (100)	4.50
Annual Plan 92-93	1097.19 (37)	195.45 (7)	N	N	483.4 (16)	2994.23 (100)	
Annual Plan 93-94	1190.12 (34)	218.91 (6)	835.65 (24)	338.01(10)	445.82 (13)	3506.17 (100)	
Annual Plan 94-95-E	1814.22 (39)	308.02 (7)	N	N	704.06 (15)	4681.75 (100)	
Annual Plan 95-96-E	2050.84 (35)	330.66 (6)	409.11 (7)	245 (4)	867 (15)	5811.15 (100)	

Note: Figures in parenthesis indicate the percentage allocation.

Source: India Education Report (2002),pp-277.

Table 5: Trends in Public Expenditure on Elementary Education in the 1990s

States	Percentage share of elementary education expenditure in net state domestic product	
	1990-91	1997-98
Maharashtra	1.2	1.3
Orissa	2.5	2.8
Assam	2.6	3.7
Karnataka	2.0	1.9
Himachal Pradesh	4.1	n/a
Rajasthan	2.4	2.5
Haryana	1.2	1.1
Gujarat	1.9	1.6
Tamil Nadu	2.3	1.8
Madhya Pradesh	2.0	1.9
Andhra Pradesh	1.5	1.2
Kerala	3.3	2.1
Bihar	3.3	3.6
Uttar Pradesh	2.5	2.0
West Bengal	1.5	1.0
15 states combined	2.0	1.8

Source: India Development and Participation (2002), pp-169.

**Table 6: Average Cost of Sending a Child to Government School
(Rs/year at constant 1996-97 prices)**

Estimates	Cost per child per year
<i>PRIMARY LEVEL</i>	
NSS estimates, 1986-67*	Rs 212.00
PROBE estimate, 1996	Rs 318.00
<i>ELEMENTARY LEVEL</i>	
NCAER** estimate, 1994	Rs 478.00

* Excluding clothing expenses ** National Council of Applied Economic Research)
Source: PROBE Report, pp-17.

Table 7: Manifestos of Major Political Parties During General Election (1996-99)

No	Parties	Year	MANIFESTO
1.	BJP	1996	No specific commitment.
		1998	Education is both a human right and a means to bring about transformation to a dynamic, humane thinking society. Increase state spending on education progressively to 6% and more of our GNP within 5 years; full literacy by the year 2010; accord priority to free primary education; offer incentives in the form of free books, mid-day meals and nutrition programmes.
		1999	Total eradication of illiteracy; increase spending on education up to 6% of the GDP; Implement constitutional provision of making primary education free and compulsory up to 5 th standard.
2	All India National Congress (I).	1996	Ensure that 6% of the country's GDP is spent on education and education aids on a mission mode to achieve universalisation of elementary education.
		1998	Amend the constitution to make free elementary education up to 4 years of age a fundamental right.
		1999	The Congress reiterates its commitment to investing at least 6% of the GDP in education and earmarking 50% of this expenditure on elementary education. Universalising access to elementary education for all children up to the age of 14 by the year 2003. The right to primary education will be made a fundamental right. Special attention will be paid to the education of the girl child.

- Discrepancies in promises and performances of Political Parties: There are major gaps in the promises and performances of major political parties as regards elementary education evident from their election manifestoes (see Table 7).

- Infrastructure of Schools:

- The Sixth All India Educational Survey revealed that about 41,198 primary schools and 5,638 upper primary schools were being run in

thatched huts, tents and open spaces, and about 4,000 schools were without teachers, and single teachers were running 1.15 lakh primary schools.

- As per recent statistics, around 5% primary schools do not have any classrooms at all and another 15-20% have only one classroom.
- About 40% schools do not have safe drinking water, and only 15-20% schools have separate toilet facilities for girls.

- o Only 15% schools have two classrooms, 2 teachers, basic learning kits and teachers training orientation (Govinda 2002:12).
- o 20% of primary schools are run by single a singular teacher; 61% of primary schools have no female teacher; and 26% schools have a teacher- pupil ratio above 1: 60 (Dreze and Sen 2002:167).
- ***Second Grade Education:*** The Central Government and State Governments are promoting low cost second track education schemes like Education Guarantee Scheme, Non Formal School, Shiksha Karmi Project, etc. under the mounting pressure of providing elementary education for all children from national and international campaigns. But the second track education is gradually turning to second grade education jeopardising the quality, equity and sustainability of education. This system of education is posing the real danger of diluting the right of underprivileged children to quality education (Dreze and Sen 2002:170).
- ***Directionless Elementary Education Policies :*** The Government, composed of by the upper caste and upper class bureaucrats and political leaders, never showed any sincerity to introduce common schools in the education system. This is evident from the fact that the Central Government declared setting up of Central Schools and Sainik Schools in 1968, making separate syllabus with well-furnished school buildings and infrastructure for the central government employees soon after the First Education Policy in 1968, belying the objectives of the common school system to acquire equality. The National Policy for Education (NPE) (1986) also talked about the uniformity in school curriculum. But the same policy also envisaged to start one Navodaya Vidyalaya in each district of the country, assuming that such schools would be a pace setter to all the schools of the district. How can a Navodaya Vidyalaya, which spends Rs 12,000 per student per year on an average, contradictory to a Government school which spends Rs 350 per child annually, become a pace setter? Besides, a Navodaya Vidyalaya gets at least Rs 3 crore for the construction of school building, whereas a Government school hardly gets more than Rs 20,000 at a time for the same purpose (Sadgopal 1998:5-19). 'Operation Blackboard' started under the NPE aimed to provide minimum educational infrastructure and teachers to maintain the standard student-teacher ratio. The deadline was set clearly - that by 1990

every child would be given 5 years primary education, and by 1995 every child would get 7 years elementary education. However, the Government by passed the deadline and started the National Literacy Mission (NLM) in 1998, primarily for adult education. The purpose of the NLM failed when it was seen that children in the age group of 9-14 years thronged the Adult Education Centres, whereas such centres were meant only for persons in the age group of 14-35 years. As a result, in 1992, while reviewing the NPE, the Government decided in the Programme of Planning (POP) that children from 9 years could go to Adult Education Centres for education. By doing that the Government proved the failure of both the NPE and the NLM and the lack of farsightedness in policymaking.

4. CAMPAIGNS FOR THE RIGHT TO EDUCATION

Thus, from the above discussion, it seems that the Indian Government has miserably failed in keeping its constitutional promises to provide free and compulsory education to all. The promotion of education has received little attention from social and political leaders in the post independence period. One aspect of this neglect is the flagrant inadequacy of Government policy in the field of elementary education. But lack of attention to education has not been confined to Government circles. There has also been much neglect of it on the part of political parties. The constitutional promises of universal elementary education have become a policy mirage due to lack of adequate budgetary allocation and firm commitment on the part of policy makers. This has provided space for various social action groups to initiate various campaigns to pressure the Government for making education a fundamental right.

4.1. The Campaigns

4.1.1. National Campaigns

1. **National Alliance for the Fundamental Right to Education (NAFRE):** NAFRE is a national alliance of 15 state alliances and 2,400 NGOs. Around 10 million people are directly involved with the campaign of NAFRE (www.nafre.org). It was created from a coalition of 10 members in 1998 with the slogan: "Education is my right and I shall have it."
2. **Campaign Against Child Labour (CACL):** CACL is one of the pioneer organisations in India, which is involved in the right to education

campaign. Initiated in November 1992, by a number of social action groups and voluntary agencies, CACL built up a nation-wide network of more than 500 social action groups, voluntary organisations and activists to work together on the issue of child labour, child education and other child rights.

3. **South Asian Coalition on Child Servitude (SACCS)**: SACCS is another coalition involved in proliferating the campaign for the right to education in India.
4. **Forum For Creche and Child Care Services (FORCES)**: FORCES is a national network of child rights activists group.

4.1.2. Regional Campaigns

1. **Vidhayak Sansad and Shramajeevi Sanghtana**: Vidhayak Sansad and Shramajeevi Sanghtana are involved in the right to education of Adivasi and migrant children in Maharashtra, especially in the Thane district.
2. **PRATHAM**: Pratham aims at universalising pre-primary education in selected wards of Mumbai Municipal Corporation.
3. **Lokvikas Samajik Sanstha, Nasik**: Lokvikas Samajik Sanstha is committed to the development of children in difficult situation. The vision of the organisation is to ensure that no child below the age of 18 years is out of school.
4. **Tamil Nadu Primary School Campaign**: This campaign is initiated by a group of NGOs working towards the elimination of child labour. It believes that without compulsory education, it is difficult to enforce the present child labour laws.
5. **Citizens Initiative on Elementary Education (CIEE), Karnataka**: The Citizens Initiative on Elementary Education-Karnataka (CIEE) is a forum that seeks to make quality education for each child a citizen's agenda. CIEE believes that the child's right to education is a shared responsibility of all citizens, which includes the community, teachers, parents, the Education Department and the children.
6. **EKLAVYA, Madhya Pradesh**: Eklavya works for promoting the right to education campaign in Madhya Pradesh.
7. **MV Foundation, Andhra Pradesh**: The MV foundation of Andhra Pradesh is one of the leading organisations, which played a pivotal role in the creation of National Alliances for

the Fundamental Right to Education (NFARE) to propel the right to education campaign in India.

4.2. Campaign Process

After the '80s, with growing awareness and the building up of the perspective of right to education as a human right, the campaign has crystallised in India. Meanwhile, people across the world have raised voice for the right to education. After the Jomtien Conference in 1990, the right to education has become part of a global campaign, and education polices and performances have come under the scrutiny of the international community.

In the '90s, the campaign for the right to education became a people's agenda. Social action groups and intelligentsia, who were campaigning for the right to education sporadically, started coming together, forming networks and alliances to put united pressure on the policymakers at national, regional and international levels for recognising education as a human right, and guaranteeing education for all without compromising quality. The ***Global Campaign on Education (GCE)*** and ***Elimu*** are examples of such international networks.

In India, several networks, alliances, and social action groups started a vigorous campaign for the education of all children. As a result, the demand for making elementary education a Fundamental Right started emerging from every nook and corner of the country. Grassroots mobilisation, strategic use of media and lobbying with lawmakers turned the demand for elementary education into people's agenda. Resultantly, almost all political parties had to promise to make elementary education a Fundamental Right in their election manifestoes in the '90s.

Under the wave of a massive demand, the United Front (UF) Government brought a bill (the 83rd Amendment) in the Constitution in 1997, making education a Fundamental Right. However, the UF Government fell before the passing of the Amendment. As a result, after a brief lull, social action groups again started the campaign determinedly to force the present Government to bring the coveted Amendment Bill. At last the Government relented and brought the 93rd Amendment in the Winter Session of the Lok Sabha in 2001 accepting the demand of making elementary education a Fundamental Right.

4.2.1 Organising and Mobilising People:

As part of the initiatives of organising and mobilising people, meetings, convention, seminars, workshops, Jathas and Shiksha Yatras were organised at village, taluka, district, state and national levels to turn the demand for fundamental right to education into a mass movement. Parents, political parties, trade unions, journalists, social action groups, voluntary organisations and the children were sensitised, and coalitions were formed across the country to proliferate the campaign further.

National Level:

NAFRE did an excellent work in organising and mobilising people in the length and breadth of the country over the issue of making education a fundamental right. It organized village, block, district, state and national conventions to sensitize and articulate the right to education campaign. Prominent people were invited to such conventions to strengthen the campaign. For example, NAFRE organized a two day National Education Convention on April 10–11, 2001 in New Delhi. His Holiness Dalai Lama released a draft of the National Status Report on elementary education, Justice Jeevan Reddy, Chairman, Law Commission of India, Indu Jain, Chairperson, Bennett Coleman & Co, Times of India Group, Justice Anil Dev Singh from the Delhi High Court and Indira Jain Singh, senior advocate of the Supreme Court pledged support to the campaign for the right to education. Representatives from different political parties articulated their views on the Constitutional Amendment Bill that proposed to make education a fundamental right. The future course and an action plan were discussed in the presence of 15 state convenors and representatives of some national networks and founding members of NAFRE. The Convention concluded with a candle light procession from the Convention venue to India Gate. About 5,000 first generation learners, children and NAFRE supporters who participated in the rally, symbolically lit candles and took an oath to make education a fundamental right.

NAFRE also initiated post card campaign for the right to education. A total of 4,50,000 children sent post cards to the Government of India demanding to make right to education a fundamental right. These post cards were handed over to the Speaker of Lok Sabha on November 2001 in New Delhi.

To further bolster the campaign for the right to education, NAFRE organized meetings for two months at

a stretch in every state-from village level to block level in 2001. Volunteers of NAFRE traveled across 15 states to ensure people's participation and representation. Foot marches were organized on the issue of making education a fundamental right. At Dudhi, Uttar Pradesh, foot marches were organized in 52 villages. In several parts of the state, cycle rallies were also organized. Volunteers from Uttar Pradesh and other states participated in foot marches and cycle rallies. Voice of Partner, a state alliance of NAFRE's in Uttar Pradesh, mobilised 17,000 parents in Lucknow from 41 districts in 2001. The parents unanimously demanded equitable and quality education for their children. The gathering had a great impact on the state administration. Rajnath Singh, the Chief Minister of UP, initiated the first step towards the common school system. Jan Adhikar Manch (JAM), a people's organization and member of the state alliance of NAFRE, played an active role in mobilising people in over 30 villages of Akbarpur district in UP. They were involved in the post card campaign, passing panchayat resolutions, wall writings, mass meetings and so on. Last year, on July 5, 2001, JAM along with Jan Shikshan Kendra organized a rally in Akbarpur district, UP, to protest against the anti-people moves in the education sector especially reduction of budgetary allocation and increased dependency on external debt for the education. In a unique style of grassroots mobilization, NAFRE advocated with 1,000 panchayats to pass resolutions demanding to make right to education a fundamental right.

Against the shortcomings of the 93rd Amendment Bill, NAFRE decided to start Shiksha Satyagraha at Gandhi Samadhi, Rajghat on November 23, 2001. Renowned Gandhian Nirmala Deshpande, Nafisa Ali and Cricketer Maninder Singh lighted the torch of Shiksha Satyagraha. At the Gandhi Sthal, renowned social worker Veena Handa, along with the children from Gandhi Hindustani Sahitya Sabha, weaved cotton on the spinning wheel as a symbol of qualitative education.

NAFRE launched Shiksha Satyagraha at Ramlila Maidan, New Delhi on November 28, 2002. As part of the Satyagraha, a protest rally was taken out against certain pitfalls of the 93rd Amendment. About 50,000 people from across the country participated in the rally. CACL, FORCES and other networks and organizations, involved in the campaign, participated in the Shiksha Satyagraha.

CACL and FORCES also organized and mobilized people across the country on the issue of right to edu-

cation. CACL and FORCES launched a signature campaign. About 15,000 letters were written to the Prime Minister, Human Resource Development Minister, etc. CACL and FORCES organized a score of conventions, consultative meetings at district, state and national level to proliferate the campaign further. CACL organized a national consultation on October 2, 2001 to discuss the shortcomings of the 93rd Amendment, where representatives from NGOs, CBOs, educationists, child rights groups and other networks participated. CACL also prepared an advocacy kit on the right to education campaign.

The South Asian Coalition on Child Servitude (SACCS) launched a *Shiksha Yatra* in 2001 to mobilise people on the demand of making education a fundamental right. This 12,000 km long *Yatra* covered the landscape of the East, West, South, and North of India. The two-month long march moved through 20 states and hundreds of villages and towns, directly reaching out to over a million people, demanding a constitutional amendment to make schooling free and compulsory. Around one thousand NGOs, the All India Federation of Teachers Organisations (AIFTO), All India Primary Teachers Organisation (AIPTO), All India Association for Christian Higher Education (AICHE), National Cadet Corps, National Social Service, Nehru Yuvak Kendra, Bharat Scouts and Guides and students associations lent support to SACCS in organising the *Yatra*.

State Level:

In Maharashtra, Vidhayak Sansad (VS) and Shramajeevi Sangatana (SS) brought a new dimension in organising and mobilising people over the issue of universal education in Maharashtra. In 1995, Vidhayak Sansad and Shramajeevi Sangatana demanded education for the children of the migrants who do not have access to education. When the State Government failed to provide education to such children, Vidhayak Sansad started 5 mobile schools called *Bhonga Shalas* (special schools for migrant, tribal, child labourers and other vulnerable children) for 500 children. And the district education department was requested to take examination of these children. However, erratic response came from the district administration. Consequently, on 8th March 1996, a protest rally was organised demanding the arrangement of examinations for the mobile school children. Resultantly, district administration agreed to conduct examinations.

But the State Government was showing reluctance to allocate money for the *Bhonga Shalas*. On January 21, 1998, children and teachers marched to the office

of the Additional Commissioner, Tribal Development, Maharashtra, with bricks on their heads to prove that they were all child labourers and cannot get education because there is no school available for them. Despite, the intense struggle for the education of migrants by the VS and SS, the Government was dilly-dallying the education of migrant children citing reasons of financial scarcity. As a result, VS and SS brought out a *Bheek Morcha* (Begging agitation) on March 24, 1998. Children collected charity for the Chief Minister's Fund and met the Chief Minister at his office in Vidhan Sabha to offer him the cheque of Rs.1033/-. The Chief Minister refused the cheque and ordered the Additional Chief Secretary, Arun Bongirwar to form a Task Force to study educational needs of vulnerable children in the State. However, even after 8 months, the Task Force was not formed. Then, VS and SS agitated in front of the Thane District Collector's office on November 14, 1998 demanding immediate formation of the Task Force. Accordingly, the Task Force was formed and made Vivek Pandit, leader of SS, a member of the Task Force. The Task Force recommended setting up of *Bhonga Shala* in different parts of the state. But the Government again delayed the implementation of the Task Force recommendations.

Therefore, to augment the campaign for Universal Elementary Education for every child, VS and SS brought out *Kori Pati Morcha* (Agitation with Blank Slates) on August 14, 1999, a day prior to Independence Day. Children carried blank slates in one hand and national flag on the other. Some goats were also taken to symbolise that the government is still compelling children to graze goats. They demanded the implementation of the scheme framed by the Task Force. All newspapers and electronic media took notice of the event. Caught in an embarrassing position, the Chief Minister assured that the scheme would be implemented as it is from October 2, 2000. Consequently, on September 28, 2000, the State Government introduced a scheme called the Mahatma Phule Education Guarantee Scheme for children of the vulnerable community.

PRATHAM launched the Voice of India Campaign when the 83rd Amendment Bill was introduced and made use of Internet to solicit comments and garner public support across the world for making elementary education a fundamental right. Hundreds of Indians responded to the Voice of India campaign within a span of two weeks. This campaign catalysed the birth of the National Alliance for the Fundamental Right to Education to mobilise a wider cross-section of individuals and organisations behind the issue of

Fundamental Right to education (Wazir 2000: 29).

Pre-primary education was considered as a prerequisite for achieving universalisation of education at the elementary stage, particularly in the case of the poor and first generation learners. Pratham has created hundreds of Balwadies in Mumbai slums with a priority of enrolling girls in alliance with other organisations. Pratham organised meetings, workshops, symposiums, discussions, poster campaigns, etc. to organise and mobilise people on the demand to make the right to education a Fundamental Right. It networked with other organisations involved at the state as well as national level to put united pressure on the Central Government for passing the Constitution 83rd and 93rd Amendment Bill relating to education.

As part of its campaign, Lokvikas does information collection about the non-enrolled and drop out children. It organises poster exhibitions, street plays, parents meetings, discussions, etc. to organise people at the grassroots level.

MV Foundation has done a lot of people centred advocacy in terms of organising and mobilising people through meetings, seminars, workshops, etc. in Andhra Pradesh. Besides, it focuses on the educational needs of working children who find it difficult to attend school during their regular working hours.

4.2.2. Networking and Alliance Building :

Networking was done to involve a large number of social action groups, voluntary organisations, Government agencies, trade unions and international organisations. Besides, networks were built up with grassroots level organisations, which were already involved in organising and mobilising people to integrate the whole campaign. This coming together of networks and alliances provided mutual support and solidarity. Some organisations acted as resource groups to strengthen and deepen the district and village level mobilisation of field based groups. There were sharing of knowledge, skills, finances and infrastructure among these groups. Social action groups, so far unknown, received public recognition. This brought new confidence and optimism and linkage between national networks and grassroots initiatives was established. While ensuring co-ordination, the autonomy, flexibility, etc. of the organisations were safeguarded and guaranteed.

National Level:

NAFRE brought 2,400 organisations from across

the country and formed 15 state alliances to raise a united voice for Fundamental Right to Education. CACL and FORCES did effective networking and formed state alliances to proliferate the campaign further. Besides NAFRE, CACL and FORCES, prominent personalities like Dr. Mithu Alur, Founder President, Spastic Society of India, Dr. D.K. Karthikeyan, Former Director, CBI and Director General, National Human Rights Commission, Vinod Mehta, Chief Editor, Outlook, Dilip Padgaonkar, Managing Editor, The Times of India, Shyam Bengal, noted film director, Kuldeep Nayar, prominent journalist and MP, Rajya Sabha, Ramesh Krishnan, famous Lawn Tennis player, Sharmila Tagore, cine actress and others put pressure on the Government to recognise the fundamental right to education. They wrote to the Prime Minister of India supporting the demand of NAFRE and other social action groups. Besides, NAFRE did excellent networking with reputed law networks and advocates of the Supreme Court and Delhi High Court. As a result, NAFRE is getting regular legal advice and support from them.

State Level:

In Maharashtra, Vidhayak Sansad, Shramajeevi Sanghatana and Samarthan networked with other organisations working on education to form a state alliance to demand a new policy on primary education for deprived children in the state. Many organizations and individuals came to express their views. On January 19-20, 2001, Samarthan, with some other organizations, organised a state level convention called Bal Shikshan Hakka Parishad (Children's Education Right Convention) in which it was decided that a network of organizations working on the issue of education would be formed. This campaign would work for monitoring implementation of the scheme across the state.

4.2.3 Media Advocacy:

As a result of a massive media advocacy, media played a very pro-active role in proliferating the campaign in India. NAFRE, CACL, SACCS and FORCES did excellent job in media advocacy. Conventional and non-conventional media were extensively used to build up public opinion on the need for a Fundamental Right to Education. As part of the media advocacy initiative, journalists were identified who were interested on the issue. These journalists did an excellent job in awareness building and sensitising public opinion. Reference kits were prepared for media persons, substantiating the rationale of making education a Fundamental Right. Press conferences were organised at district, state and national levels to evoke the interest of

journalists on the issue through regular interactions. Press communiqué and press releases were issued from time-to-time informing about the progress and forthcoming programmes to augment the campaign. Hoarding, posters, placard sticker, banner and different forms of folk media were used to create massive public opinion. Even children spoke to journalists and sought their support for achieving the right to education.

National Level:

Amidst a major media event like America's attack on Afghanistan, NAFRE's Shiksha Satyagraha could attract much media attention. Almost every television channel reported the Satyagraha. Almost 53 news stories, 53 articles, 7 editorials and 43 snaps were published in prominent newspapers on the Shiksha Satyagraha. Even people like Azim Premji of WIPRO wrote articles in newspaper supporting NAFRE's demands. Sanjiv Kaura, Convenor of NAFRE, wrote many articles in newspapers arguing for the right to education. All major newspapers and magazines: The Times of India, The Indian Express, The Business Line, The Economic Times, The Hindu, Rastriya Sahara, The Financial Express, Dainik Jagran, Jansatta Express, The Business Standard, The Hindustan Times, Mid day, The Frontline, The Pioneer, The Statesman, Aaj, Prabhat Khabar, The Telegraph, The Hindustan, The Hindustan Times, The Tribune, Dainik Bhaskar, The Asian Age, The Deccan Herald, The Free Press Journal, Amar Ujala, Nava Bharat Times, etc. gave extensive coverage to the education campaign.

State Level:

Vidhayak Sansad and Shramajeevi Sanghatana judiciously advocated with newspapers and electronic media to create public opinion for the education of vulnerable children. Right from the initial stages of the campaign, Vidhayak Sansad and Shramajeevi Sanghatana involved district level media in highlighting the issue, the work of *Bhonga Shalas* and the activities at different stages of the campaign. As the campaign moved to the state level, Samarthan involved the Mumbai media. The action with begging bowls and blank slates got maximum exposure on television and in the press. Thus, there was a continuous pressure on the government from the media to respond to the issue.

4.2.4 Influencing the Policy Makers:

Incessant lobbying has been done with bureaucrats and lawmakers like MLAs and MPs to sensitise them on the necessity of free and compulsory education

and the necessity to make it a Fundamental Right. Even children directly went to houses of MPs and MLAs to give them the message: "I also have a right to education" written on a chalk slate.

National Level:

A delegation of NAFRE met the Minister for Human Resource Development (MHRD) in 2000 to present their views on the positive changes required in the 83rd Amendment Bill pertaining to the right to education. NAFRE was invited by the MHRD to provide its inputs before the finalisation of the Country Report of the E-9 Education Ministers Meeting in Beijing. NAFRE met the National Human Rights Commission to a full bench hearing in 2001. The Constitution Review Commission, headed by Justice Venkatachalliah, invited NAFRE to a full bench hearing. Senior representatives from Congress, CPI, CPM, and JD endorsed NAFRE's demand and agreed to the need for positive changes in the 93rd Amendment Bill. About 50 children attached to NAFRE from the Delhi slums met Lok Sabha Speaker on November 19, 2001 to make him aware of the loopholes in the Bill. With the initiative of NAFRE, an Alternate Education Bill was introduced by Samik Lahiri in the Parliament and endorsed by all opposition parties, which got the support of 111 favorable votes.

Like NAFRE, CACL, FORCES, SACCS also did excellent lobbying with MPs to proliferate the campaign and to dispense with, the shortcomings of the 93rd Amendment Bill when it was about to be introduced in the Lok Sabha in November 2001. Despite passing of the 93rd Amendment Bill by the Lok Sabha without removing the shortcomings, CACL and FORCES lobbied with the senior members of the Rajya Sabha to rectify the shortcomings of the Bill. Main arguments of CACL were if the 93rd Amendment Bill is passed it should be passed with amendments or it be recommended to a select committee or a parliamentary standing committee. Hence, CACL's Delhi groups were involved in hectic lobbying with MPs of the Rajya Sabha, opposition leaders and trade union leaders against the 93rd Amendment Bill.

Delegations of CACL met influential politicians like Sonia Gandhi, opposition leader of the Parliament, Manmohan Singh, leader of the Congress Party in Rajya Sabha, A.B Bardhan, General Secretary of the Communist Party of India, Yerran Naidu, Parliamentary Leader of the Telgu Desam Party, V.P. Singh, Former Prime Minister and others to apprise them about the shortcomings of the Bill. Besides, the delegations met Kapil Sibal of the Congress, V.V. Raghavan and other MPs who were supposed to speak

on the Bill. The delegations also met a representative of the President at Rashtrapati Bhavan and apprised him about their concern about the 93rd Amendment.

Now CACL and other organizations are chalking out strategies to impress upon the President to send back the Bill to the Parliament so that a new discussion can take place in the Parliament on the shortcomings of the Bill. If that does not happen, CACL, FORCES, NAFRE and other social action groups involved in the right to education campaigns are planning to file a PIL in the Supreme Court stating 93rd Amendment is a violation of the spirit of the constitution and the Unnikrishnan Judgement.

State Level:

At state level, West Bengal Education Network (WBEN) and NAFRE went to the swearing-in-ceremony of the newly elected State Council of Ministers at Raj Bhavan, Calcutta on May 18, 2001. Turning the occasion into their own advantage, NAFRE and WBEN updated all dignitaries present on the occasion about the need of making elementary education a fundamental right. Buddhadev Bhattacharya, the newly elected Chief Minister of West Bengal, signed on a pamphlet of NAFRE. On November 8, 2002, NAFRE presented its viewpoint on the 'Fundamental Right to Education' in front of the Permanent Committee on Education, state legislature of West Bengal. Thirty MLAs of the Committee were impressed with the arguments of NAFRE and they immediately asked the State Government to write a letter supporting the demands of NAFRE. The volunteers of West Bengal Education Network facilitated the lobbying process.

As a part of the strategic lobbying process, NAFRE also organized a convention on right to education in Jharkhand from April 29-30, 2001 on the theme –Education, Constitution, Government and Society. The Speaker of the state legislature, Indersingh Namdhari and opposition leader Simon Marandi endorsed the arguments of NAFRE over the right to education. The Chief Minister of Uttar Pradesh adopted NAFRE's slogan of '*Krishna Sudama Ek Saath Padhenge*' (common schools) and introduced the Common School System in Uttar Pradesh in 2001. The Chief Minister of Delhi inaugurated a National Consultation on 93rd Amendment Bill on November 17, 2001 and endorsed NAFRE's stand. Besides, NAFRE did excellent lobbying with Panchayat members for the right of education. As a result, 1000 Panchayats passed resolutions endorsing the demands of NAFRE.

In Maharashtra, Vidhayak Sansad and Shramajeevi

Sanghatana excellently lobbied for the education of vulnerable children out from the ambit of education. In 1996, they filed an audio-visual writ petition with the National Human Rights Commission (NHRC) requesting intervention of the Commission in declaring brick kiln industry and twenty other industries as hazardous, where hundreds of children worked as child labourers. The petition also sought intervention of the Commission to direct the Government of Maharashtra for imparting education to the children of labourers working in such hazardous industries. The Commission took cognisance of the petition and sought a report from the Chief Secretary, Government of Maharashtra. Constant lobbying with the NHRC and its regular follow up with State Government pressurised the Education Department of the state to take measures to impart education to the children of vulnerable community.

During the last assembly election in Maharashtra in September 1999, Samarthan, a sister organisation of VS and SS approached various political parties to include the issue of universalisation of primary education in their party manifestoes. Out of 13 parties, 2 parties- Shiv Sena and Indian National Congress assured to provide primary education to every single child in the state. The Shiv Sena-BJP alliance in their manifesto included Samarthan's stand.

During the State Assembly Session in Nagpur in December 2000, more than 200 children and activists from number of grassroots organizations from different parts of the state participated in lobbying with legislators under the facilitation of Samarthan. Children went to 198 legislators and knocked their doors to convince them to raise their voice for providing education to every children from the vulnerable community. Some legislators offered sweets to children who went to meet them. But the children stunned everybody as they replied "*Sir we want education not sweets.*"

CACL is planning to do effective lobbying with the state legislature because education is in the Concurrent list of the Constitution, and State Governments are primarily responsible for ensuring primary education to all children. And every state legislature has to bring a new Bill or amendments in the existing laws for making education a fundamental right as per the 93rd Amendment. So CACL is preparing an alternative draft for the state legislatures incorporating all the demands, which were sidelined in the 93rd Amendment. Meanwhile, strategies are being chalked out to impress upon the MLAs and MLCs to cast their votes in favour of the alternative draft being prepared by the CACL. CACL is planning to develop a mechanism to

monitor the state legislation and intervene effectively.

5. THE 93rd AMENDMENT BILL

Thus, after a prolonged advocacy initiative, both the Houses of the Parliament have recognized the right to elementary education for children from 6-14 years as a fundamental right with the passage of the 93rd Amendment of the Indian Constitution. The 93rd Amendment (see Box 4) is certainly a victory for children as well as for social action groups, teachers unions, conscientious citizens and so on. This Amendment will be a milestone in the history of child rights movement in India.

After scrutinising minutely, it has been observed that there are some counter productive provisions in the Amendment, which defeat the very purpose of our campaign.

- The Amendment seeks to make free and compulsory education a fundamental right only for the children between the age group of 6-14 years, and not for the children between the age group of 0-6 years. However, in the Unnikrishnan Judgement (1993), the Supreme Court of India gave clear verdict that education is a Fundamental Right for all children up to 14 years. Therefore, this Bill dilutes the judgement and is regressive. In the proposed Amendment, the provision for Early Childhood Care and Education (ECCE) in the age group of 0-6 has been included in the Directive Principles of the State Policy. Without the ECCE being part of Fundamental Right, the effort to provide free and compulsory education to children

in the age group of 6-14 years cannot be successful.

- The proposed article 21A suggests that the enjoyment of Fundamental Right to Education would depend upon the whims and fancies of the State Government.
- The proposed Amendment does not specify the financial allocation to impart free and compulsory education.
- The proposed Amendment seeks to compel the parents to send their children to school by including it as a Fundamental Duty (Art 51A). It implies that once this Bill becomes law, then the parents are bound to send their kids to school, failing which they can be prosecuted. Therefore, there is apprehension that the Government would use randomly this provision against the poor parents to shirk its responsibility of imparting free and compulsory education.
- Though the Amendment proposes to provide 'free and compulsory' education to all children, it does not define the word 'free'. Presently, it is claimed that the Government schools are giving free education to the students. But the poor parents have to bear expenses pertaining to school uniforms, books, examination fees, etc. Thus the concept of free education is certainly a misnomer.
- Moreover the Bill obliquely implies that free and compulsory education is meant for only the Government schools. However, there has been mushrooming growth of private schools in India over the years. But the Bill does not mention a single word regarding the role of such private schools in imparting free and compulsory education.

Box 4: The 93rd Amendment Bill

Further to amend the constitution of India

Be it enacted by Parliament in the fifty-second year of the Republic of India as follows:

1. (1) This Act may be called the Constitution (Ninety- third Amendment) Act, 2001.
(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette appoint
2. After article 21 of the Constitution the following article shall be inserted, namely:
"21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."
3. For article 45 of the Constitution, the following shall be substituted:-
"45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years".
4. In the article 51A of the Constitution, after clause (j) the following clause shall be added, namely:-
"(k) who is a parent or guardian to provide opportunities for education to his child or as the case may be, ward between the age of six and fourteen years".

CONCLUSION

If the 93rd Constitutional Amendment providing fundamental right to education has to see the light of the day, the passing of the Bill is not enough. Every State has to enact a comprehensive law to implement the provisions in the Constitution. There is still a long way

to go. There is a need, on the one hand, to address the counter productive provisions in the amendment and on the other, there is a need to pressurize the State Governments to bring a comprehensive law, to provide adequate budget, to have a strong political will and commitment and to ensure elementary education to every child. Hence, the campaign continues ...

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MEDIA ADVOCACY UNIT

Started from September 1, 2002.

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OBJECTIVES

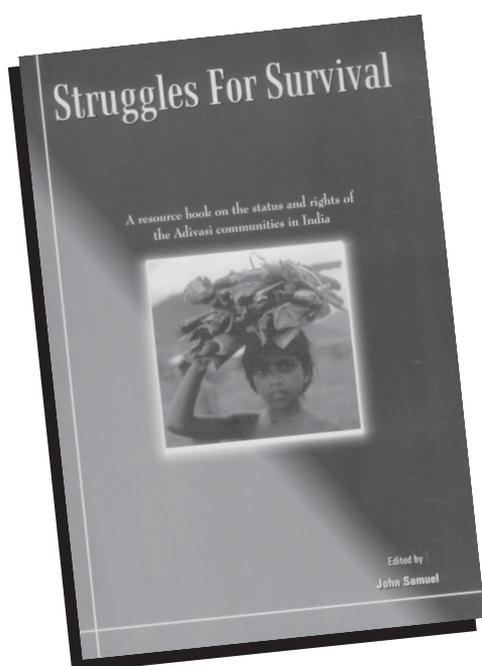
- ◇ To develop the capacity of social activists about the strategic use of media (print media, electronic media, folk media) in their advocacy initiatives.
- ◇ To train young journalists in Advocacy journalism.
- ◇ To develop interface between media personnel and social activists.
- ◇ To sensitise the media personnel about human rights and social justice.
- ◇ To take up media research to understand the policy and performance of media.

ACTIVITIES

- ◇ Media advocacy capacity building programmes at the grassroots , regional, national , and international level to impart general understanding of the functioning of media and necessary skills and knowledge for media advocacy.
- ◇ Training programmes for the young journalists to sensitise them about human rights and social justice.
- ◇ Production of Video Press Release, short films and documentaries on social issues with the support of a well-equipped Media Lab.
- ◇ Regular monitoring and content analysis of the mass media to know the policy and performance of media house in the coverage of social issues.
- ◇ Documentation of traditional folk media available across the country.
- ◇ Advocacy feature service for highlighting issues of social concerns, etc.

For more information please contact:

National Centre for Advocacy Studies,
Serenity Complex, Ramnagar Colony, Pashan, Pune- 411021,
Maharashtra
Email: ncas@vsnl.com, www.ncasindia.org



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A resource book on the status and rights of the Adivasi communities in India

Edited by : John Samuel



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This book depicts the plight of the Adivasis in India in minutest details. It recounts the present condition of Adivasis in a very candid fashion providing situational analysis and perspectives with vital statistical information.

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National Centre of Advocacy Studies (NCAS) endeavours to strengthen the capacity of social action groups to advocate issues of public concern by extending training, research and campaign support. *Advocacy Update* is an initiative to disseminate information about the ongoing advocacy efforts in different parts of India. If you are involved in or associated with any of such campaigns, kindly send us the detailed information.

Advocacy Involves

resisting unequal power relationships at every level
- from personal to public
- from family to governance
engaging institutions of governance
- to empower the marginalised
creating and using 'spaces' within the system
- to change it
strategising the use of knowledge, skills and opportunities
- to influence public policies
bridging the micro level activism and macro level policy
adopting non-violent and constitutional means

Advocacy is

planned and organised action; a value driven political process
* to effectively influence public policies and to get them implemented
* to advance social justice and human rights
* to make the governance accountable and transparent

Advocacy Is Not

* a mere permutation of skills and strategies
* a substitute for grassroots mobilisation or organising.



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To,
