

READING IT RIGHT

A Constitution bristling with fundamental rights is not always a guarantee of equity and peace. There can be no better illustration of this than India. Fundamental rights are necessary: they posit the norm, and form the basis of legislation and judgment. But once the basic rights have been enumerated, like the right to life and to freedom of movement or freedom of worship, for example, additions only cause confusion and dilute the force of the basic rights. The proposed constitutional amendment, which makes education a fundamental right, is one such. The bill has been passed unanimously in Parliament, because no party would like to be seen as opposing something that is so evidently politically correct. For a country that has been independent for 54 years, and contains one of the largest numbers of illiterate people in the world, education is a thorny issue. But so it has been for the past half a century. It is not as if the Constitution had ignored the issue of education. The directive principles of state policy make clear that elementary education, that is education up to 14 years of age, should be made universal as soon as possible. Yet this has been one of independent India's major and most disgraceful failures. It is not clear how upgrading the education issue from the directive principles section to the fundamental rights section is going to make a difference.

Making education a fundamental right actually makes the issue more problematic. As a directive principle of state policy, the onus was on the state to oversee the spread of Education. The state has failed, not always unwillingly, since the political project often gains through the ignorance of the masses. Certainly negligence had a large part to play, because the nurturing of the educated to perpetuate the governing classes also meant a proportionate carelessness towards the uneducated. As soon as education becomes a fundamental right, however, accountability remains defined while the identity of the person or institution accountable is obscured. This will only make education a lower priority in practice than it already is, while it will also subvert the position of the fundamental rights already present. Instead of making education a fundamental right, the state should ask for the electorate's cooperation to help educate the children of the country. Right action is rather more important than politically correct public gestures.