

The 83rd Amendment

By Vinod Raina

THERE ARE strong indications that the dormant 83rd Constitutional Amendment Bill seeking to make the Right to Education a Fundamental Right is likely to be introduced in the current session of Parliament. That the introduction of the Bill is still "indicated" and "rumoured" clearly reveals the lack of public discussion and transparency that has surrounded it. Prepared three years back in 1997 when Mr. S. R. Bommai was Union Education Minister, the Bill seeks to replace Article 45 of the Constitution that exhorted the state to "endeavour to provide free and compulsory education to children up to the age of fourteen in ten years". Given that about half the 20-crore children in the 6-14 age group are out of school, never enrolled or dropouts, 40 years since the constitutional deadline expired, the 83rd Amendment could be critical in addressing the question of universalisation of elementary education. Whether such a hope will be fulfilled by the amendment is, however, a big question. And that is not only because of the prevailing pessimism regarding the failure of the Executive and the Judiciary to uphold other Rights guaranteed by the Constitution, but more because of the manner in which the Bill has travelled thus far.

The 1990s saw a relatively heightened attention to the question of basic education and literacy in the country. Coinciding with the Education for All (EFA) decade, declared at the World Summit on education at Jomtien in 1990, large-scale external funds entered the basic education sector during this decade, through the District Primary Education Programme (DPEP), the Lok Jumbish Project (LJP), the Bihar Education Project (BEP) etc. Though the entry of external funds in this vital sector remains a matter of concern, since it signals the failure of the Indian state to provide at least six per cent of its GDP to education, accepted by the Government as a policy, a heightened public awareness about the issues has resulted as a consequence. Notably, the LJP attempted many innovative methodologies, both at the level of community participation as well as in the improvement of quality of education. Similarly, the "Seekhna-Sikhana" approach to primary education in Madhya Pradesh, the "Nalli-Kalli" in Karnataka,

and the new textbooks of Kerala were bold attempts to improve the quality of Government education, through large scale involvement of teachers. Many of these policy and practice changes drew upon the work of independent initiatives, pioneered by groups and programmes such as the Hoshangabad Science Teaching Programme and Eklavya in Madhya Pradesh, Digantar, Sandhan and Bodh in Rajasthan, M.V. Foundation in the case of working children from Andhra Pradesh, the Centre for

record growth in the post-independence period, more than equalling the best decadal growth rate in the past 50 years. Though we must await confirmation of the results of this sample survey from the ongoing census operations, the voluntary nature and the mass involvement of the people in the campaigns was certainly unprecedented. According to the Union Ministry of Human Resource Development, over ten million volunteers have contributed to the mass literacy campaigns, a

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Learning Resources and Pratham in Maharashtra, Agradham for tribal children in Orissa, to name just a few.

The major initiative during this decade was in the area of adult literacy. Pioneered by the Kerala Sastra Sahitya Parishad (KSSP) and backed by the People's Science Movement (PSM), the Ernakulam mass literacy campaign form was picked up by the 1989 constituted National Literacy Mission (NLM) through a bold policy initiative as a model for the entire country. The PSM set up a separate organisation, the Bharat Gyan Vigyan Samiti (BGVS) to support the effort countrywide. Through unprecedented mass mobilisation, the campaign form moved from the southern States to the dominant illiteracy areas of northern and central India by 1992. Madhubani, Saharsa, Dharbhanga, Begusarai, Dhanbad, Dumka and other districts of Bihar, Burdwan, Midnapur, Birbhum in West Bengal, Durg, Bilaspur and Ratlam districts of Madhya Pradesh, Chamoli, Almora, Agra, Bijnor, Bara Banki in Uttar Pradesh, Pali, Baran, Chittorgarh in Rajasthan and many more proved that the participatory and volunteer based, district specific literacy campaign form could involve masses even in the difficult northern States. By 1997, the campaigns had spread to over 400 districts, to most parts of the country.

The 53rd round of the National Sample Survey reveals that in the six-year period between 1991 and 1997, the literacy rate of the country rose by over 10 per cent, a

contribution that is difficult to quantify in its impact, and the upsurge and demand not only for literacy, but more importantly, for the education of children. Though the demand for children's education has always existed, as was confirmed by the Public Report on Basic Education (PROBE) last year, the literacy campaigns helped to actively involve parents and ordinary people in voicing it. Measured in terms of money, the contribution of the one million volunteers was worth nearly Rs. 5,000 crores at the rate at which literacy teachers were earlier paid (Rs. 200 a month for two years), against a total expenditure of about Rs. 1,000 crores by the Centre and the States on the campaigns. In every sense therefore, it was a people's campaign, particularly in a State such as Bihar, much ridiculed in the media otherwise.

Sadly, most of these initiatives started declining before the end of the decade. The erstwhile Lok Jumbish, Nalli-Kalli, Seekhna-Sikhana and the literacy campaigns were gradually integrated back into the usual bureaucratic morass. Most of the participatory and innovative elements have been given up. Instead a spate of bureaucratically-inspired initiatives, like the various Education Guarantee Schemes, and the para-teacher approach, that virtually disbands the post of the regular teacher, have taken over, with the aim of increasing access. But access to what, one may ask? Most of them stress on cost cutting, but virtually reduce school education

to cheap non-formal education. With this background it is hard to imagine that an important policy initiative like the 83rd Amendment can be brought in without any discussion and transparency. Consequently, there is every reason to believe that the Bill is likely to prove discriminatory, non-participatory and cheap.

Discriminatory, because where as Article 45 talked of children up to the age of 14, the Bill clearly restricts the age from 6 to 14. This virtually rules out any state initiative in pre-schooling, something the rich increasingly enjoy through private institutions and is denied to the poor. The particular needs of working children, children with disability, the girl child find no mention in the Bill. What is worse, the onus of educating the child is on the parents. This could lead to more parents in jails than children in schools!

Non-Participatory because there has been no attempt to involve the millions who have worked for education for the masses in the recent past and for decades in eliciting their views, and more importantly, to ensure their support and involvement at the implementation stage.

Cheap for the following reasons. The financial implications of the draft Bill prepared by Mr. Bommai were calculated by the Saikia committee and estimated as Rs. 40,000 crores for a five-year period. Subsequently, the Tapan Majumdar committee set up by the MHRD estimated the figure to be about Rs. 63,000 crores for the same period. It is not clear which estimate Mr. Murli Manohar Joshi will present when he introduces the Bill in the Parliament. The Government talks of a "new policy" called the Sarva Shiksha Abhiyan, but a closer look reveals that it is not really a policy but an accounting and administrative measure at the Ministry level to combine and use interchangeably various education heads. How that can raise the required amount is anybody's guess. But what seems likely is that the implementation will depend more and more on external funds and follow the path of the cheap Education Guarantee Scheme-based non-formal mode, further reducing the quality of Indian school education.

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BILLS ON THE FUNDAMENTAL RIGHT TO EDUCATION