



With the passage of the 93rd constitution amendment Bill, the long awaited urge to universalize elementary education seems to have been fulfilled, though different sections of the society have vehemently criticized the Bill and declared it to be the caesarian child of the half-hearted legislative intent of our great nation. It is not a premature baby, as the constitutional desire to provide universal education is present since the inception of the constitution though the same remained unnoticed in the form of Article 45 in part IV of the Constitution, which states that "the state shall endeavor to provide, within a period often years from the commencement of the constitution, for free and compulsory education to all children until they complete the age of fourteen years."

This dead letter law has been given life and blood by our Supreme Court in various decisions, the leading amongst them being Unni Krishnan J P vs. State of Andhra Pradesh{(1993)1 SCC 645}, where the learned judges held that, the passing of 44 years from the period stipulated in article 45 has converted the obligation created by the article into an enforceable right. In this background, we shall proceed further to analyze which way are we moving.

The fundamentalness of education is unquestionable in any civilized society especially in the context of democratic societies like India. In India, the problems are more complex, as the vastness of the country along with the level of ignorance and need for political participation (keeping in mind the constitutional mandate of universal adult suffrage), access to minimum level of education becomes inevitable. The need for this was realized since the beginning of civilization and we have abundant evidence available in the history of our freedom struggle, particularly in the Compulsory Education Bill of 1911 by Gokhle, Zakir Hussain's thrust on Nayee Taleem and the pioneering role played by Tagore and Gandhi in this regard.

Anindita Pujari

M.K. Gandhi National Teaching Fellow
National Law School of India University, Bangalore

In the international forums also, this issue has been debated time and again and all the countries the world over have expressed their great concern for the same, which culminated in the Jomtien World Conference on Education in 1990 where a target was set to achieve this in the year 2000, but that proved to be a "touch me not" situation followed by the Dakar Conference where the world witnessed another betrayal of the pompous promises as the deadline to achieve universal primary education was postponed to 2015.

Apart from the particular importance of the right to education what is more pertinent to mention here is the enabling nature of this right, as it enlightens the masses, creates awareness about all the other social, political and legal rights which go together to make the life of human being worth it.

The right to education has become a catch phrase for the political propagandists and pseudo-activists to cheat the gullible masses to serve their own personal interests. There are references to this right in the constitution of India, in the directive principles of state policy and the judiciary has read it into the compendious term of right to life provided under article 21 of the constitution, thus recognizing this as one of the fundamental rights being enforceable in nature. This also finds expression in numerous international instruments like, article 26 of The Universal declaration of Human Rights, Article 13 of international Covenant on Economic, Social and Cultural Rights, and Convention on the Elimination of All Forms of Discrimination Against Women and many other instruments, which goes to say that

the world community is concerned about the issue. But unfortunately initiatives in this regard are being taken at a slow pace. The burden of so many promises and agendas has pushed us to a situation where it remains rhetoric only! The 2001 Census of India states that one third of the population in the age group of 7 years and above still remains illiterate in spite of numerous governmental initiative like, Operation Black Board, National Open School, Education Guarantee Scheme, etc.

As we began this analysis with the mention of the passing of the 93rd constitutional amendment bill, it is desirable to mention few factual situations hindering the realization of this pious right. The bill is widely debated as it has sacrificed the basic objective behind it, by making it a fundamental duty on the parents to send their ward to school. In India where the majority of the people are either poor or marginally better off, it is undesirable to demand from the parents and guardians to send their wards to the school. It becomes impracticable as well to achieve the long-cherished goal. The budgetary allocation is another point of contention as no clear allocation of resources is made, which clearly is the evidence of the half-hearted desire of the legislature to universalize education and which also proves their desire to go populist. Besides these there are other inherent problems within the bill. It makes the Early Childhood Care and Education (ECCE) a directive principle only, thus remaining unenforceable. The privileged age group to enjoy the benefit of the bill, is confined to 6-14 years of age. This ignores the mandate of the earlier Supreme Court decisions and the fact that, without proper provision for ECCE, getting the pool for primary education will become infructuous. The quality of education does not find any mention in the bill making it illusory as to the nature of the right to be enjoyed in the future. The most draconian provision is article 21A which is an open-ended provision providing the government full discretion as to the manner of imparting education. This bell-bottomed law frustrates the hopes of the activists, academicians and other concerned citizens.

Though these are the issues which are already widely debated and discussed, the more recent issue, which is a matter of great concern but has slipped out of academic discussion, is the uncalled-for delay in the coming into force of the Act. The bill is yet to be submitted to the President of India for his assent. Generally once both the Houses of the Parliament pass the bill it is a matter of technicality to get the Presidential assent. (Kindly refer to Article 111 of the constitution of India for a proper understanding of the power of the president with regard to giving assent to any bill) Though no official explanation is provided till date, one of the reasons attributed to such delay, by different sections of the society, is the financial constraints of the states and Union Government to meet the stupendous task of providing education which can be enforced if violated, as provided for by the 93rd constitution amendment Bill. This shows that the desire of the Government to universalize education is only rhetoric.

The time has come for the Indian masses to have realized that the hibernation of the different organs of the state to provide them education in particular and justice in general has been too long; so initiatives like the community control of schools have been begun in the state of Andhra Pradesh by a group of people. Keeping in mind this as an ideal, let the people arise and wake up to realize their rights, both enumerated and unenumerated. Legislation alone cannot provide the remedy for the half a century of neglect, especially when it is full of flaws. This bill is an eye-opener to the propagandist attitude of the state machinery. Let all of us as responsible citizens of India take up the Herculean task of educating India and wiping out the gap between the rhetoric and reality, the immediate need being pressurizing our legislatures to present the bill before the President for his assent.

To conclude, it is difficult to say in this bizarre situation as to what the direction is in which we are moving. Let us hope that this conundrum ends. •

Saffremising education will be challenged

Several educationists, scholars, artistes and social activists today pledged to unite and challenge every step of the BJP-led Government at the Centre which aims at saffro-nising education and distorting history to serve their political interests. Gathering here under the banner of Delhi Historians' Group to discuss the fall-out of the Supreme Court's judgment last month upholding the Government's National Curriculum Framework for Secondary Education, the participants reiterated that there was no need to feel let down by the judgment. Contending that what was needed was to see the judgment in the right perspective and publicise its positive aspects, the speakers, who included Mridula Mukerjee, Arjun Dev, Jyoti Bose, Dinesh Mohan and Krishna Kumar, said, "We need to focus on errors, biases and distortion of facts in the upcoming NCERT publications and petition court about these discrepancies. [*Hindu*, 3.10.02]

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NCERT releases books for new course

The National Council of Educational Research and Training released its new textbooks for Hindi and Social Sciences on Monday. This comes soon after the Supreme Court gave the go-ahead to the National curriculum Framework for School Education on September 12. In March, while hearing a public interest litigation filed by Magsaysay award winner Aruna Roy, senior journalist B.G. Verghese and others, the Supreme Court had put a stay order on the implementation of the National Curriculum Framework for School Education. As a result of the stay, the textbooks for Hindi and social studies were not released. The NCERT released books for the Hindi syllabus for Classes 1, 3, 4, 9 and 11 and social sciences for Classes 6 and 9 on Monday. All new books for Classes 1, 3, 6, 9 and 11 are now available in the market. [*AA*, 1.10.02]

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Going by the book

The debate over the rewriting of textbooks must be joined again. Not to revive those wearisome and righteous oppositions: left versus right, secular versus non-secular, saffron versus red and/or pink. Not simply because the Supreme Court's September 12 verdict has left many questions unanswered; just where must one draw the fine line between the 'education about religions' that the national Curriculum Framework promises and the court approves of, and the 'religious instruction' that Article 28(1) of the Indian Constitution prohibits? Is 'education about religions' the only way to instil 'value education'? And shouldn't this whole discussion also be about the ways in which the syllabus is taught instead of confining itself to what it says? No, the debate over the rewriting of school textbooks must be joined yet again to ask another fundamental question that has not figured often enough in the general handwringing so far: what is the quality of the new textbooks that have

Reasons for the failure of the primary and elementary education projects of the government both at the Centre and State levels

- * In some places there are schools only in paper.
- * Lack of infrastructural facilities.
- * Poor motivation among teachers.
- * The noble bond of teachers and the taught is giving way to commercialisation and parochialism.
- * Funds allotted under the Operation Black Board and District Primary Education programme have largely gone unspent when not misused.
- * Irregular supply of foodgrains by the Food Corporation of India for mid-day meals of children.
- * Primary school teachers are used for several other tasks unrelated to their primary duty of teaching.

been framed for our children? Do they make the grade?

All indications are they don't. As some school teachers have already gone public to point out, they are riddled with errors, of omission and commission, induced by unmistakable prejudice in some cases and by plain old ignorance in others. What else can one say about a textbook that unblinkingly situates the Madagascar island in the Arabian Sea? Or one that stoutly refuses to spell out that Gandhi was assassinated by one Nathuram Godse? What can one say about a history text that contradicts itself, in the space of a few chapters, on the precise dating of the zero? Or about one that justifies Fascism and Nazism as nothing more than a 'sort of counterpart of the dictatorship of the proletariat...imposed...by Stalin'? Obviously, the framers of the texts have not observed even the minimal standards of professionalism, they have evidently been guided by criteria other than those of academic rigour. And the victims are our children.

It is good that the court has not been allowed to have the last word on this particular controversy. The onus is on us. The education of children, the nurturing of young minds, is a matter that demands abiding vigilance and our enduring concern. [E, 7/10/02]

On Legal Education in India

"The student wants to quickly get his law degree and start practice to earn one's bread. There is nothing wrong in wanting to earn one's bread, but to my mind the educational system should also produce socially committed human beings who want to serve society and the nation, and not merely themselves. An education system should serve the country, and not merely produce self-seekers. Hence it should indicate a sense of idealism, and a desire to help one's fellow citizens but the unfortunate truth is that it is just doing just the contrary. The result is that today most of the Indian educated middle class is utterly selfish and unpatriotic, and the 'brain drain' from India is proof of this.

Today, India is passing through a transitional phase, between feudal agrarian society and modern, industrial society. We still have a lot of casteism, communalism, and other backward features in our society. We must help our people to cross this transitional phase with as little agony as possible, so that India becomes a modern nation like in Europe or North America. The education system, including legal education, must therefore help in this process, and for this it needs to be radically changed." [Justice M. Katju, Judge, Allahabad High Court, AIR 2002 Journal 241]