

# Free and Compulsory Education for Children Bill, 2003 Needs to be Redrafted on the Basis of Good Quality Common School System

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The government has failed to establish Common School System (CSS) despite recommendations by Kothari Commission (1964-66) and adoption of the same in the National Policy on Education (NPE) 1968, 1986 and 1992. Ramamurthi Committee while reviewing the NPE 1986 in 1990 had also recommended establishment of CSS. Now we have before us the Draft Free and Compulsory Education For Children Bill, 2003 that is likely to be presented in the coming parliament session. This is the right time the government should redraft the Bill on the basis of CSS and get it legislated at the earliest.

On examination of the provisions of this Bill, the following drawbacks have been noted:

1. It has been left to the discretion of the government to fix the date of its enforcement, meaning thereby, that even after the Bill becomes an Act, the government can delay its enforcement.
2. It provides for two types of school, one is formal school and another is non-formal school. Discretion has been given to the government to decide whether children will receive education in formal school or non-formal school. The non-formal school is totally a sub standard school where unqualified teacher with no physical infrastructure may teach the children for few hours. The children of the marginalized sections of society can conveniently be asked to receive education in non-formal schools which is bereft of quality education. Why should there be two sets of school? Government has already experimented that non-formal school system is a failure. Crores of rupees of public money have already been wasted on this experiment. Now again non-formal education

is contemplated in the Sarv Shiksha Abhiyan Programme and a huge amount of money is being spent under this programme. Sarvshikha Abhiyan Programme has already started exhibiting its failure as almost all the out of school children are still out of school though under the Programme all the children should have been in the school by now.

The children below 6 years and above 14 years have been excluded from the definitions of "Child" and "School Age". A 15-year old girl who has never gone to the school is not entitled to education under it. Children with disabilities who are entitled to free education up to 18 years of age under the provisions of the PWD Act, 1995 are not entitled to education under it if they are less than 6 or above 14 years. Thus, crores of children below 6 and above 14 years would be denied education.

What would be the norms of the quality education has been left to the government to decide, meaning thereby, the government can always provide for sub-standard norms for the majority of children. It is unfortunate that in 21st century, the government is unable to decide and incorporate the norms of quality education in the Bill. It is the first central legislation on the school education and that too with so many ifs and buts. The poor will get poor quality education and rich will get good quality education. Why the norms have not been laid down?

It provides penalty against the parent who will not send his child to the school where as no penalty is contemplated for the erring government officials who would fail to provide basic infrastructure conducive to the good quality education to the children. On the

other hand, immunity from civil and criminal action has been granted to the officials.

6. More than 70-80 percent of it has been lifted from the compulsory education legislations already existing in 19 States/UTs. The first compulsory education Act was legislated by the parliament for Delhi in 1960 known as Delhi Primary Education Act, 1960. It was a model Act that was followed by other States. The last one is legislated by the State of Sikkim in 2000.

All these legislations failed to bring any change in the situation. Than why again the same type of legislation now? What is new in this legislation which can bring any change? When a PIL was filed in Delhi High Court by Social Jurist highlighting non implementation of the provisions of Delhi Primary Education Act, 1960, the High Court in its order observed, " We are surprised to find that the attendance authorities have not been appointed by the authorities who are responsible for imparting primary education to children despite the fact that the Delhi Primary Education Act, 1960 has been in force for the last 42 years. . . . In the circumstances, therefore, we direct the concerned authority to appoint as many as it thinks fit to be attendance authorities for the purposes of the Delhi Primary Education Act, 1960, keeping in view the child population in Delhi. The attendance authorities shall be appointed within a period of one month." It is unfortunate that the despite orders by the High Court, attendance authorities have not been appointed till date.

7. "Free Education" is not appropriately or correctly defined. The facilities other than that of tuition fee and other charges have been left to the government to decide. Does the government not know what facilities are required to the children to enroll and retain them in schools? Why the same has not been properly defined? Why it is left for the government to decide? The government in the absence of clear definition can conveniently deny the basic facilities to children by applying the provisions against the children of the poor and thereby continue to keep them out of school.
8. The provision in regard to the free education

to the children of the poor in the unaided recognized private schools is only a fraud. "Power" to fix the percentage of free education to the children of the poor is given to the attendance authority. Can any body imagine that the strong lobby of the public schools will allow the attendance authority to ever exercise this power? The "manner" in which education to such children may be given is left to the attendance authority to decide. In absence of specific provision for these children to receive education by sitting with the other paying children, these children cannot receive equitable education as a matter of right. No minimum limit has been prescribed, however, maximum has been prescribed as 20%, It will always be open to the attendance authority to even not give one percent free seats to these children. According to the provision, the eligible child has to be "below poverty line." In metro cities, the minimum wage prescribed under Minimum Wages Act, 1948 is above poverty line and therefore, no child will be found eligible for admission to the unaided recognized private school. It is a different matter that in practice, more than 80 percent workers are not even paid minimum wages in this country. In Delhi where lands have been given to hundreds of schools by the govt. on free/ concessional rates with the condition that at least 25 percent seats will be given to the children of the weaker sections, no school has been complying with this condition of land allotment. A PIL filed by Social Jurist in this regard is pending in Delhi High Court.

9. The destitute children who will not be in position to submit birth certificate or submit declaration of their date of birth by their parents will not be eligible for admission in the school under this legislation. The result would be that all destitute children would always remain out of school.

The participants in a daylong deliberations in the consultative meeting on common school system organized by Social Jurist on November 01,2003 at New Delhi were also of strong view that government must establish good quality common school system for achieving the object of equitable education for all children of this country. ••

## **NCERT textbooks scandal: it's the quality of education that matters, not its colour**

At the height of the roiling controversy over the 'saffronisation' of education, amid fevered speculation over the identity of the new textbook writers, NCERT bosses jealously guarded their names, particularly of those writing the history texts. It turns out they had good reasons to be secretive. A report in this paper has revealed that the new Class XII text on world history abounds in paragraphs of the lifted kind, they have been freely borrowed, give or take a word, from a seminal work on the subject, written in America. More vindication, certainly, for those who have always maintained that the furore over the ideological colour of education skims over what must be the central point of any such discussion—the quality of education. They argued that in the ways in which it was being framed, the debate was a largely spurious one. Except, even they mustn't have bargained for that description turning out to have been so terribly apt.

So this was how the guardians of Brahminical Hinduism were setting about their task of correcting a perceived historical bias—riding on pillifered scholarship. These, then, were their tools-

-of foreign origin, the brandishers of swadeshi, who loudly proclaimed their intent to revive a 'healthy nationalistic spirit' gone missing, through the National Curriculum Framework for School Education, may have had nothing more to guide them but their prejudice. So Messrs Anwarul Haque, Himansu Patnaik and Pratyusa Mandal had to look to a text authored by US scholars for inspiration and more. Going by their neat getaway—NCERT director J.S. Rajput hailed their textbook as a 'marvel of 21st century scholarship'—it is only natural to wonder how many more such scandals lie scattered in the new texts, waiting to be exposed by the media.

It has been conceded that Murli Manohar Joshi and his warriors may have a point. The textbooks that have been purveyed as objective so far may have carried a deeply embedded perspective. But before they sally forth to do battle, Joshi and Co. are best advised to check if they have the most elementary skills in their arsenal. But even that can wait. First, bring the plagiarists to book. [IE, 8/10/03]

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## **NEWS IN BRIEF**

### **Report on education unfair: Joshi**

Stung by the UNESCO's latest global education report placing India on its education development index (EDI) to the 76th position in the ranks of Sub-Saharan African countries in a list of 94 countries, Dr Murlu Manohar Joshi today said the results of the report in the case of India are "inaccurate, unfair, and contradictory". The Union human resource development minister told a news conference here that the UNESCO's report, released here yesterday, has used old education data based on 1991 census to work out its estimations and projections. "We strongly contest the report's results and have already lodged our protest with the UNESCO. Dr Joshi, however, dismissed the question whether the UNESCO was "biased" against the country. "I don't say they have done it deliberately, but they failed to use our latest encouraging figures", he said adding that the UNESCO had done a "similar thing" in its last global monitoring report. "We are rather very proud of our achievements", said Dr Joshi referring to the recent "accelerated growth" in elementary education and literacy programmes. He reeled off his ministry's "pro-active" initiatives in universalisation of elementary education and illiteracy eradication, saying the country is well on its way to achieve the Dakar's Education for All (EFA) goals by 2015. [SM, 8.11.03]

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### **Right to read, but a catch in the monitor**

He will have the power to catch students bunking school. He can punish parents who don't send their children to school. Or take to task a teacher who can't stop students from bunking school. He will be influential enough to tell a posh private school to admit a maali's daughter and not charge fees. Seems like an omnipotent authority? Not really. The government's Free and Compulsory Education For Children Bill promises to give these powers to "attendance authorities". But like most official promises, this also has a catch. The attendance authority will be recruited from grass-root bodies like gram panchayats and municipal corporations. Much like the truant inspectors in the UK, they will be expected to man streets and schools and keep a tab on the ground situation. But, they will still be ordered around by the bureaucracy. The Bill gives the Central and the state government all decision-making powers. To make the situation worse, the Bill also grants immunity to government officials against any legal action. The Bill allows "no suit, prosecution or other legal proceedings against the government or any authority in respect of anything which is done in good faith, or intended to be done under this Act" [TOI, 7.11.03]

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### **India will miss deadline for gender equality in education**

India will not only miss the Dakar goal of attaining gender parity - equal enrolment of boys and girls - by 2005, but in all likelihood will also not get

there a decade later by when the world is to achieve gender equality in education. While this dismal forecast has been made for India in the Education For All (EFA) Global Monitoring Report released here today, some hope has been held out in the observation that policies can be put in place to accelerate the pace of progress. With India slated to host the third high-level group meeting on the global campaign for EFA next week, New Delhi was chosen for the global launch of the report as it will set the agenda for the three-day exercise. The report is based on past trends as the "gender parity prospects" are generally. The director of the report, C. Col-clough, acknowledged the recent efforts made by India to meet the Dakar goals and did not rule out a change in pace. Briefing reporters after the release of the report, he said: "India has demonstrated a new commitment, but it has a long way to go." Bangladesh has scored better than India as far as gender parity is concerned. On the Gender Parity Index (GPI) - where 1 indicates parity between the sexes - Bangladesh boasts of 1.05 while India stands at 0.83. [Hindu, 7.11.03]

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## Govt skimps on education for girls

After the government promised an allocation of Rs 1,200 crore for a project to open residential schools for economically and socially backward girls, the government is now proposing to shell out only Rs. 489 crore.

The ministry of human resource development has got one-third of the money it requires to set up 750 residential schools in 21 States for female dropouts under the Kasturba Gandhi Swatantra Vidyalaya programme (KGSV). According to estimates made by the ministry in June 2003, it needs Rs 1,200 crore to run the project. The project is likely to come up for financial clearance before the external finance commission . If passed, it will go to the Cabinet for financial clearance.

Under KGSV approximately 35 million girls who are out of school will be offered the accommodation and a condensed academic course till they are ready to be inducted into the formal school system.

For Mahila Samakhya, another gender-specific programme on elementary education, the HRD ministry had proposed to spend Rs 250 crore. However, only Rs 100 crore has come through in the 10th Five Year Plan.

Critics warn that such a massive reduction in funds for elementary education will push back the literacy programme by several years. A reduced budget may mean fewer teachers, lesser and poor quality teaching aids and an overall compromise in the implementation of education schemes.

Mahila Samakhya, KGSV, Free Education for Girls, Secondary Education for Girls are the key schemes for elementary education under the 10th Plan.

According to the ministry's estimates, Rs. 4,108 crore is required for successful implementation of these projects. [TOI, 22/10/03]

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## No high school in 650 gram panchayats of Orissa

The Vision 2020 action plan prepared by Orissa government admits that 650 gram panchayats of the State do not have any high schools.

The Vision 2020-an agenda for School and Mass Education, a document, prepared by a 12-member task force of the State Council of Educational Research and Training and United Nation International Children Emergency Fund, has proposed to universalise secondary education in the State with at least two high schools in every gram panchayat.

While the literacy rate in Orissa presents a dismal picture especially in the secondary education, the state government is seriously contemplating to bring a radical change in its education system. Out of 650 gram panchayats, there are no high schools in 350 panchayats of Koraput district alone.

The paper expresses concerns that enrollment in Class VIII at present is 28.15 per cent while success rate in high school certificate examination has not exceeded 40 per cent during last three years. The Vision 2020 also admits that less than five per cent of those who clear Class XII only succeeds in getting into any kind of professional degrees.

The state government had earlier fixed year of 2010 to achieve success in elementary education.

It is expected that around 2.5 lakh students would pass out of higher secondary education by 2015 and in another five years, these number may get doubled. [AA 24/10/03]

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## **New bill for parents who don't send their children to school**

A new law in the making will allow local authorities to haul up parents who don't send their children to school and make people pay a fine for employing children. The provisions are part of The Free and Compulsory Education for Children Bill, meant to give teeth to the 86th constitutional amendment. The amendment added a brief right to education article in the Constitution, but needed enabling legislation to fill in the details. The human resources development ministry hopes to introduce the new bill in Parliament in the Winter Session. The draft bill proposes a web of bureaucracy to ensure that every child aged between six and fourteen gets education - free if his parents can't afford it - at a school or a centre of alternative education. Unless there is a "reasonable excuse," it says, "it shall be the duty of the parent and guardian of every child to cause the child to attend an approved school." [AA, 25.10.03]

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## **Education policies may backfire: Experts**

Educationists in Rajasthan are concerned about the Congress (I)-led Government's "ill-advised" policies vis-a-vis the private educational institutions and feel that the ruling party, by antagonising thousands of these institutions, may suffer considerably in the coming Assembly elections. The overwhelming resentment among the owners, functionaries and students of about 50,000 private schools and colleges spread across the State can have a significant impact on the outcome of polls, according to the academic circles. The electorate in the urban constituencies may especially be influenced by the state of education in their areas. Charging of hefty fee for giving recognition, imposition of inspection fee, compulsory deposit of exorbitant amount of money with the Balika Foundation, reduction of grant by 40 per cent and inordinate delay in issuing no-objection certificates for vocational education courses are some of the changes in the education sector brought about by the Congress (I)-led Government. "The imposition of these conditions has created chaos in the non-Government institutions. Congress must realise that education plays a pivotal role in the State's development and any perception that the Government has faltered on this front may prove detrimental in the hustings." [Hindu, 24.10.03]

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## **Content of education also important: Gujral**

"It is not only important to work towards eradication of illiteracy but also pay attention to the content of education. If despite education, Indians remain steeped in religion and superstition, then it is not really education," said the former Prime Minister, I.K. Gujral, during the first congress organised by the National Alliance For the Fundamental Right To Education (NAFRE) on the Impact of Globalisation, Communal Fascism and Liberalisation on the education sector held in the Capital today. Highlighting the importance of secularism in education, he added: "The meaning of secularism is to take the country forward. It is an instrument to take the country on the path of modernisation. Secularism cannot mean unity with obscurantist forces". He added that the right of minorities to impart education was not disputable as long as it did not get caught up with obscurantist forces. Finally, Mr. Gujral also said that instead of parties colouring the discussion with their political views, the focus should remain purely on education and how to standardise education according to the highest level possible [Hindu, 17.10.03]

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## **Joshi levels playing field on fair copy**

HRD minister Murli Manohar Joshi's recent speech at a Unesco conference has raised the hackles of legal experts in Delhi in the wake of the controversy over plagiarism in NCERT textbooks. Many of these experts suspect a design to justify plagiarism in Joshi's plea for expanding the "fair use" clause in copyright law. Speaking in Paris on October 3, Joshi had argued for inclusion of "fair use" clauses in copyright laws for defending the interests of researchers, academics and poor book-lovers. "We urge Unesco to mobilise an international consensus on reasonable interpretation of 'fair use' clauses in international and copyright laws which should provide a good balance between private profit and public good and allow the pursuit of research and education," Joshi said. Copyright law experts, however, question Joshi's move which comes in the wake of reports that the NCERT, the school textbook publishing agency under his ministry, had lifted para after para from Ralph & Burns' World History to embellish its history textbook for Class XII. [TOI, 15.10.03]

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