

# Political Economy of the Ninetythird Amendment Bill

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he Constitution (Ninetythird) Amendment Bill<sup>1</sup> (that has been amended to eightysixth in the process), claiming to make education a Fundamental Right, was pushed successfully by the Union Government in the Lok Sabha's winter session despite serious objections raised by several MPs, educationists and social activist organisations. The three specific proposals<sup>2</sup> by individual MPs for amending the Bill in order to remove its various lacunae and distortions, were brushed aside. The statement made by the Minister of Human Resource Development<sup>3</sup> while presenting the Bill was replete with internal contradictions. It revealed how the NDA Government has decided to extend the Structural Adjustment Programme of the IMF and World Bank into Indian education. Thus the Minister's statement in the Lok Sabha amounted to continuation of the policy adopted by the previous governments since the mid-eighties to incrementally abdicate itself of its constitutional obligation of providing education of equitable quality to all children. This probably explains why all political parties, irrespective of their ideology and social constituency, voted in favour of the Bill.<sup>4</sup>

The consensus reached amongst the political parties on the globalisation agenda in education applied to the educated civil society as well. Thus, the demands raised by a massive and determined rally (*Shiksha Satyagraha*) of farmers, landless labourers and slum-dwellers in Delhi on November 28, 2001, the very day on which the Lok Sabha approved the Bill, were taken care of by influencing its middle class leadership. The rally was organised by NAFRE (National Alliance for Fundamental Right to Education) which was supported by CRY, a funding agency active in the field of education and child development. At the last minute, while the Lok Sabha was still defeating the Bill, the NAFRE leadership withdrew its declared programme of 10,000 people undertaking '*amaran anshan*' (fast unto death) for persuading the government to at least undertake a review of the Bill. No

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explanation in public was offered. This and other available evidence indicates that the government succeeded in co-opting the middle class leadership of the rally in the powerful agenda of the Structural Adjustment Programme under the policy of globalisation. The voices of the poor, for whose children the Bill was purportedly designed, could not be therefore heard inside the walls of the Parliament Hall.<sup>1</sup>

Indeed, as articulated by the rally, the Bill will end up withdrawing, rather than giving, Fundamental Right to education already provided by the Supreme Court through its Unni Krishnan Judgement (1993)<sup>5</sup> for the benefit of almost 37 crore children of India (16 crore in the 0-6 age group and 21 crore in the 6-14 age group). The Unni Krishnan Judgement had clearly stated that Article 45 of Part IV (Directive Principles of State Policy) of the Constitution must be read in conjunction with Article 21 (Right to Life and Personal Liberty) of Part III relating to Fundamental Rights. The Supreme Court had contended that Part IV, though not justiciable, defines the social conscience and sets out the goal of the Constitution while Part III provides the means to achieve them. Referring to the 10-year time-frame given in Article 45 for providing education to all children upto the age of fourteen years, the Supreme Court had noted that

among the several articles in Part IV, only Article 45 speaks of a time-limit; no other article does. Has it no significance? Is it a mere pious wish, even after 44 years of the Constitution? ...Does not the passage of 44 years—more than four times the period stipulated in Article 45—convert the obligation created by the article into an enforceable right?<sup>5</sup>

By reading Article 45 in the context of Article 21, the Supreme Court made education a Fundamental Right for all children 'until they complete the age of fourteen years' and this has been the law of the land since 1993 as per Article 141 of the Constitution.

It is in this background that the Ninetythird Amendment Bill is viewed as an attempt by the government to rob the Indian children of what they had already received from the Supreme Court. The Bill restricts the Fundamental Right to the children in the 6-14 age group and thus 16 crore children in the 0-6 age group (including the disabled) lose

the right given to them by the Supreme Court. The significance of early childhood care (which includes nutrition) and nursery and pre-school education for the children upto six years of age cannot be over-emphasised as its criticality for child development (cognitive, emotional and physical) as well as the child's readiness for elementary education is fully recognised by the National Policy on Education 1986 (NPE 1986).<sup>6</sup> By withdrawing this right, the government is essentially discriminating between the rich and the poor since the former will be able to afford early childhood care and education for their children while the poor children will suffer throughout their education due to this handicap in early childhood. The parents of almost eight crore children (half of the 0-6 age group) hardly manage to earn minimum wages which barely cover, by definition, the need for basic caloric requirement. Where is the scope in the minimum wages to provide for adequate security, nutrition and health care or to pay for nursery and pre-school education? The Bill in this sense legitimises the existing inequity and discrimination in early childhood for at least half of the children in the 0-6 age group which will debilitate them for the rest of their life.

IN its lack of commitment to the children under six years of age, the Bill also reflects its inherent bias against the education of the girl child in the 6-14 age group as well. It is well established that a majority of the girls in the families dependent on daily wages are deprived of school education since they are invariably required to take care of their younger siblings. The Committee for Review of National Policy on Education 1986 (1990),<sup>8</sup> popularly known as the Acharya Ramamurti Committee (1990) and constituted by the Union Government, had vigorously advocated that a creche and early childhood care programme must be attached to every primary school in India if the nation was serious about the education of the girl child in the 6-14 age group. The above-named Committee was the first official body in India to observe that the reference in Article 45 to the children 'until they complete the age of fourteen years' includes the children under six years of age as well.; The Committee, therefore, recommended in 1990 that early childhood care and education of the children in the 0-6 age group must be made a Fundamental Right. A rough estimate of the financial requirement

for this purpose was also given, again probably for the first time in the country. The government of the day got cold feet on seeing this and several other such recommendations of the Acharya Ramamurti Committee to give, a truly egalitarian character to Indian education. The Narasimha Rao Government, within a week of announcing its New Economic Policy in July 1991, set up yet another Committee called Janardhana Reddy Committee under the auspices of CABE, purportedly to look into the feasibility of implementing the Acharya Ramamurti Committee Report.<sup>8</sup> However, as it became evident later, the hidden agenda of the CABE Committee was to dilute the impact of the egalitarian changes in the education policy recommended by the Acharya Ramamurti Committee. The CABE Committee Report (1992)<sup>9</sup> went to great lengths to reject all those recommendations which would increase equity in education. This included the rejection of the recommendation to make early childhood care and education a Fundamental Right for the 0-6 age group. Ironically, Dr Murli Manohar Joshi quoted this view of the CABE Committee in his presentation speech in the Lok Sabha on November 28 for justifying his government's decision to deny this right to the 0-6 age group.<sup>3</sup> No political party or MP objected to this cynical use of the CABE Committee Report because its membership included the State Ministers of Education from all those States where each of the major parties led a government in 1992, including the Congress-I, BJP, CPM, DMK and the united Janata Dal. With this, one can discern the long standing consensus in the Indian polity to deny equal opportunity of education to children which was reflected a decade later in the unanimous approval of the Ninetythird Amendment Bill.

There is yet another issue about the age group from this standpoint. The three proposals by individual MPs placed in the Lok Sabha to amend the Bill as well as the mass rally on November 28 had in effect demanded that the relevant age group be expanded in scope to include not just the children in the 0-6 age group but also the children in the 14-18 age group. It is being contended that education upto Class VIII, as implied by Article 45, made sense when the Constitution was drafted. No more. Without a Class X or XII certificate today, a young person stands little chance for either employment or admission in professional courses. For the SCs and STs, too, the benefits of reservation become available only after Class X or XII. It is

further noted that India is a signatory to the UN Convention on the Rights of the Child which defines a child as a person upto 18 years of age. Hence the demand for making Fundamental Right to education available to all children upto 18 years (including the disabled children who may be almost 10 per cent of the total). This demand was not even referred to by the Minister of Human Resource Development in his Lok Sabha speech.<sup>3</sup>

Apart from the age group, there are three other important issues raised by the Ninetythird Amendment Bill, namely, equity and quality, parental compulsion and financial commitment. Let us begin with the issue of equity and quality. Many have erroneously observed that the Bill did not make any reference to quality of education and thus ignored the issue. The Bill in fact makes a regressive reference to the issue of equity and quality. The new Article 21A promises the right to free and compulsory education for the 6-14 age group, 'in such manner as the State may, by law, determine'. The implications of attaching this qualification or conditionality (that is, 'Up such manner as the State may, by law, determine') to the provision of Fundamental Right to education can be understood only in a historical perspective. Normally speaking, this addition of a conditionality to the provision for Fundamental Right need not have caused much alarm but, given the history of policy-making in the country since the mid-eighties, this phrase cannot be dismissed lightly. The implications of this conditionality become even more alarming when policy analysis is viewed along with the programme content of the World Bank-sponsored District Primary Education Programme (DPEP) operating in several States since 1995 and the much-touted Sarva Shiksha Abhiyan (SSA) recently approved under the Tenth Plan.]

THE 1986 policy (NPE 1986)<sup>6</sup> was the first evidence of official acknowledgement by the state of its decision to shed its commitment to bring all out-of-school children (almost half of the 6-14 age group) into the school system. [Instead of articulating a policy focus on ways of improving both the access and quality of the government school system, the policy declared that a non-formal stream, parallel to the school mainstream, will be established for the out-of-school children. More than three lakh non-formal centres were started during the next four years. However, as the non-formal stream was

rejected by the poor children and their parents alike] the government in its desperation announced in 1993 that the doors of the adult literacy classes, originally meant for the 15-35 age group, will henceforth be opened to the 6-14 age group as well. This was a blatant attempt by the state to make literacy synonymous with education. In this scenario, as was stated by the Lokshala document<sup>10</sup> in 1995, one can envisage 'a girl child engaged in child labour as having been constitutionally educated if she can be enrolled in a non-formal stream for three years and then in the National Literacy Mission's adult literacy programme for the next two years, without even having stepped into the village school'. The policy of promoting the non-formal stream and adult literacy classes for the 6-14 age group as parallel streams equivalent to school education for almost half of India's children is part of the globalisation agenda of gradual withdrawal of the state from its constitutional obligation of providing education of equitable quality to all children. It is also an evidence of the state's willingness to co-exist with child labour (read *destruction of childhood*) in violation of the Constitution.]

The policy-makers and the educational bureaucracy in India have unquestioningly accepted the hegemonic role of the transnational corporate forces, the global market system and the powerful international organisations such as the Brettonwood institutions (World Bank and IMF) in directing the structure as well as the quality of education (and also health). The first World Conference on Education for All (also known as the Jomtien Conference), held at Jomtien, Thailand, in March 1990, was a move in this direction. [Sponsored by the World Bank, the Jomtien Conference laid the groundwork for intervention by the international funding agencies in national educational structures and processes of the developing nations. By the time of the Jomtien Conference, the education policy (or policies) formulated by the successive Indian governments since independence had failed in ensuring Universal Elementary Education as well as in transforming secondary and higher education to serve the goals of social development of the Indian people.] This collapse of the education policy and the continuing evidence of lack of political will on the part of the ruling Indian elite to rectify the situation, ironically provided the rationale for giving space for global intervention in Indian education. [The Jomtien Conference proved to be a turning point in the history of education in India. The Government of

India gave a hasty concurrence to the Jomtien Declaration,<sup>11</sup> without even consulting Parliament on its major constitutional and policy implications. The Jomtien Conference marked the beginning of the phase of increasing abdication by the Indian state of its constitutional obligation towards education of the nation's children in favour of the forces of the global market. It also marked the beginning of the erosion of the role of Parliament in policy formulation as well as of the Planning Commission and the Ministry of Human Resource Development in formulating the agenda of Indian education and its priorities. Taking an early cue from the Jomtien Declaration and foreseeing the political, historical and educational significance of this turning point, this author proposed to view the post-independence history of education in India in two separate phases for the purpose of analysis, namely, the post-Jomtien and pre-Jomtien phases.<sup>10</sup>

The most evident indicator of the increasing impact of globalisation on Indian education in the nineties related to the dilution of the constitutional obligation inherent in Article 45 with regard to at least *eight years of elementary education*. It took no time for the DPEP to shift the focus to merely *five years of primary education*. In the process, the significance of an integrated view of the eight-year curriculum, carefully built up since the Wardha Conference (1937), was also lost, without even a single eyebrow raised in the entire Ministry or Parliament. Similarly, *literacy*, in public as well as in the academic mind, gradually became synonymous with *education* during the past decade, though it is merely one of the several indicators of the spread, level or quality of education in a particular community, region or a population sub-set. It was this misleading perception that may have persuaded the Union Government in 1993 to declare that children in the 9-14 age group were permitted to enrol themselves in the adult literacy classes of the National Literacy Mission. Likewise, the World Bank trivialised the aim of educating the girl child by attempting to make it synonymous with fertility control, transaction of the population message and increase in women's productive efficiency.<sup>1</sup> Even this trivialisation was accepted by the Indian policy-makers without murmur]

ONE may recall how the 1986 Policy made a commitment to provide at least two teachers per

Primary School in its much-hyped 'Operation Blackboard' scheme. This commitment was raised to three teachers per Primary School in the revised National Policy on Education 1992 (NPE 1992).<sup>7</sup> However, the DPEP could dare to ignore all such commitments made on the floor of Parliament within the next two to three years by making *Multi-grade Teaching* one of its central themes. This meant that, contrary to the commitment made by Parliament under the 'Operation Blackboard' scheme, the DPEP would get away with by training only teacher to handle five classes simultaneously. The DPEP strategy also managed to provide a justification for the unwillingness of the state to shift adequate resources to education of the poor children. The serious negative implications of all such dilutions and inequitous measures in terms of the quality of education of the poor children seemed to bother no one at the helm of policy-making.

From 1995 onwards, the newly organised DPEP under the sponsorship of the World Bank, started introducing yet more parallel streams of cheap and low quality education for the poor children under various euphemisms such as the alternative school and Education Guarantee Scheme wherein a para-teacher will be appointed. The para-teacher scheme, already operating in several States, appoints under-qualified, untrained and under-paid (15 to 16 times less than the regular teacher) local youth as teachers on a contract basis. In the short period of the last four years, almost five lakh para-teachers have been contracted. In contrast, the total number of regular school teachers appointed during the past 54 years is 40 lakhs. Madhya Pradesh, a State leading in this farce, stopped all appointments of regular teachers a few years ago not just in primary schools but all the way upto the college level. What is worse is the likelihood of the government finding even these parallel streams as being too burdensome for the state and then replacing the para-teacher with a *postman*, as evident in the proposal in the NCERT's National Curriculum Framework for School Education (November 2000)<sup>13</sup> of introducing correspondence education for the 6-14 age group! While comparing the academic standards in the formal school system with the alternative or correspondence education system, the NCERT document (p. 23)<sup>13</sup> has no qualms in admitting that 'the instructional materials and transactional strategies under the two systems have to be different'. Anything under the sun but a regular functioning school, as far as education of the poor children is concerned. This policy, initially

institutionalised in the DPEP, has now been fully legitimised in the SSA<sup>14</sup> through approval under the Tenth Plan.

A non-formal centre, an adult literacy class, the so-called 'alternative' school, a multi-grade class, the Education Guarantee Scheme centre, replacing the regular teacher with a para-teacher and now the NCERT's 'innovation' of replacing even the para-teacher with a postman—all have been accepted as 'adequate' substitutes for school education, as long as the substitute concerns the education of the poor. Needless to say, no policy-maker will ever be prepared to send her or his child to any of these cheap and low quality *parallel* educational streams! This policy of setting up parallel streams also diverts attention from the central political task of improving the quality of government schools in general on a priority basis.<sup>15</sup> It is this failure that not only encouraged privatisation but also provided the necessary rationale for intervention by the World Bank and other international funding agencies on Indian primary education.

THIS brings us to the question of the Common School System as advocated by the Kothari Education Commission (1964-66) alongwith its proposal to transform each school—government, aided or private—into a Neighbourhood School. Such Neighbourhood Schools will be open to all children residing in a given area, irrespective of their socio-economic background. The Common School was a policy imperative in the first National Policy on Education 1968 (NPE 1968). The commitment to the goal of building up a Common School System was made twice by Parliament—first in the 1986 policy and again in its revised version in 1992 (NPE 1992). Ironically, however, this commitment was violated twice by the 1986 policy itself—first, through its proposal of setting up the Navodaya Vidyalayas as a layer above the government school system for the rural elite and again, through the establishment of another layer of non-formal centres *below* the government school system for the child labourers.

It may be contended that the basic guiding principle for building up a Common School System is the commitment to promote and savour education of equitable (not uniform) quality in the entire school system. The principle of equitable quality in education implies a set of ground rules to define a common broad and flexible framework. These

rules would relate to the medium of learning, notion of knowledge, teaching-learning process, student-teacher relationship, inter-linkages between cognitive, affective and conative domains, social context of the school etc. It is further envisaged that only the ground rules are defined and the task of translating these rules into concrete school practices is devolved to clusters of schools working in a decentralised system. In this sense, the principle of equitable quality in the Common School System provides the foundation for empowering the school system to respond to the plural geo-cultural contexts.<sup>15</sup> Institutionalisation of the parallel layers of educational streams for different social segments is a principle of social designing that is violative of the principle of equitable quality in education. Yet, the successive Union Governments, despite the Constitution's commitment to equality of all citizens, continued to violate the Constitution and ignore the policy commitment to the Common School System. It may be asserted that the Common School is critical to building up a society with social harmony and justice and, at the same time, to improvement of the quality of education in the government school system without which the goal of universal elementary education would continue to be elusive. The present policy imperative fails to make this commitment to build an egalitarian school system and, therefore, it follows that the foundation that would be critical for ensuring the Fundamental Right to education for all children upto 18 years of age, would also be missing.

The twentyfirst century has begun in India by heralding of the multi-layered education system that will ensure the maintenance of the social hierarchy of class, caste, culture and gender. With this, a new Macauleyan principle of social designing is being established, namely, parallel educational layers for different socio-cultural segments. By including a conditionally provision in Article 21A that lays, as shown above through historical analysis, the foundation for inequity in education, the 93rd Amendment Bill has revealed the cynical mindset of the policy-makers towards the educational needs of the deprived sections of Indian society, namely, *dalits*, tribals, linguistic and cultural minorities and, above all, the women. This is ironically happening at a time when the government is boasting of nuclear-cum-rocket capability and presumed global leadership in information technology!

Why did the government not push the Eightythird Amendment Bill (precursor of the present Bill),

drafted by the United Front Government and pending in the Rajya Sabha since July 1997? The answer partly lies in the conditionality phrase introduced in Article 21A of the new Bill to define the very provision of education. In contrast, the Eightythird Amendment had used the same phrase to define *enforcement* of the Fundamental Right and not the *provisiom* of education. This clever re-phrasing, whose impact is deciphered only by placing it in a historical perspective as shown above, has substantially diluted the the Eightythird Amendment Bill which in itself had the effect of diluting the impact of the Unni Krishnan Judgement. But this understanding once again underlines the broad consensus of the Indian polity on the issue of equity and quality in education.

The other issue relates to the proposal in the Bill to add a sub-clause (k) to Article 51A, thereby adding a Fundamental Duty for the parents with regard to education of their children in the 6-14 age group. Strangely enough, the sub-clause (k) makes it a Fundamental Duty of the parents not just to *send their children to a school* provided by the state but to *provide opportunities for education* to their children. This sub-clause will be read by the courts as the very provision of school in itself being a Fundamental Duty of the parents, and not a compulsion on the state. This must have been the intention of the government since CPI-M MP Samik Lahiri's amendment motion in the Lok Sabha, rejected by the government, had proposed that the sub-clause (k) may instead expect the parents to 'inspire and encourage every child between the age of six and fourteen years to receive education'. [The people, therefore, suspect that this sub-clause reflects the 'hidden agenda' of the government of preparing the ground for transferring, in a gradually incremental manner, its constitutional obligation towards elementary education, to the parents. This must be in addition to the well-known agenda of creating a basis for the States to enact penal legislations for forcing the parents to send their children even to the cheap and low quality parallel streams of education. What else can be the rationale for this sub-clause since even the poor parents are known to be keen to send their children to a properly functioning school in their neighbourhood where children can effectively learn? In such a favourable ambience for education, if created, neither a provision for Fundamental Duty nor for penal legislation is required (a penal legislation, on the contrary, is likely to be counter-productive for most of the parents). This shows that the government has no intention to provide a

favourable ambience for education. After 54 years of the collapse of the education policy in fulfilling the constitutional obligation under Article 45, the government has lost all moral ground for enacting either penal legislation or shifting even a part of the obligation to the parents. It is high time that the Constitution is amended to include the concept of compulsion on the state, rather than Fundamental Duty of the parents, for the purpose of ensuring the Fundamental Right to education of equitable quality for all children upto 18 years of age. Or would the children of India have to wait for another half-century for gaining this right?

(WE may now decipher the meaning of the Financial Memorandum attached to the Ninetythird Amendment Bill according to which an additional sum of Rs 9800 crores per year will be provided for the next ten years in order to implement the Bill. Since the Union Budget allocation for the current financial year for Elementary Education (that is, for the 6-14 age group) is Rs 3800 crores, the Bill actually provides for an additional allocation of only Rs 6000 crores per year which is merely 0.35 per cent of the GDP. This is in contrast to the estimate made by the Tapas Majumdar Committee, constituted by the Central Government, whose Report in 1999 stated that an additionality of about Rs 14,000 crores per year on an average will have to be spent for the next ten years in order to provide school education (not cheap and low quality parallel streams!) to half of the children in the 6-14 age group who were then out-of-school. This additional investment works out to be 0.78 per cent of the GDP—merely 78 additional paise out of every hundred rupees of the GDP. What the new Bill is willing to provide is *less than half of what is required* to be spent at the existing level of the quality of education. Does one require any further evidence of the government's intention of pushing its agenda of cheap and low quality parallel streams for the poor children in the name of ensuring Fundamental Right? The Sarva Shiksha Abhiyan<sup>14</sup> has been designed to fulfil exactly this agenda.)

The Tapas Majumdar Committee's calculations did not take into account the cost of providing elementary education of *equitable quality*. Nor did it compute the cost of providing *inclusive or integrated elementary education to the children with Special Needs*. In this sense, this Committee's calculations are to be

viewed as underestimates. Even for this underestimate, the government is dithering, which makes the entire exercise of constitutional amendment a farce. Maybe this Bill became a political necessity in view of the forthcoming UP Assembly elections!

Since independence, the successive governments have refused to re-prioritise the Indian economy to make the necessary investments in education. Instead of reaching the level of investment of six per cent of GDP by 1986, as advocated by the Kothari Commission, we were spending only 2.5 per cent by that year. Only half of this investment is in the elementary education sector, the remaining being for secondary, higher and technical sectors of education and some other special schemes. The investment in education rose to about 3.9 per cent of the GDP by the mid-nineties but fell down to 3.4 per cent by the end of the century. This means that an ever-widening cumulative gap of investment in education has been built up for more than three decades. It implies less than adequate classrooms, teaching aids, teachers' posts, facilities for teacher training, libraries, laboratories, sports facilities etc. from 1966 to date. Apparently, what the Tapas Majumdar Committee recommended as an *additional* investment in the elementary education sector for the next ten years is to fill up this cumulative gap. This must not be confused with the investment requirement of six per cent of GDP per year as a *recurring* expenditure. We must also note that the Kothari Commission did not make any estimates for two critical areas of education : (a) early childhood care and nursery or pre-school education; and (b) inclusive or integrated education of children with Special Needs. These bitter truths mock at the reluctant additionality of Rs 6000 crores per year as provided in the Ninetythird Amendment Bill.

Now, let us formulate the following two questions : (a) Why did the Opposition parties in the Lok Sabha withdraw their objections to the Ninetythird Amendment Bill and support the government in unanimously passing the Bill alongwith its lacunae and distortions? (b) Why did the NAFRE leadership withdraw its programme of *Satyagrahn* through '*amaran anslian*' (fast unto death) while the Lok Sabha was still debating the Bill? There is clearly a common thread between the two events.

(As far as the political parties (and many NGOs) are concerned, there is apparently an undeclared consensus among them on acceptance of the Structural Adjustment Programme imposed by the IMF and World Bank on the Indian economy as part of the policy of globalisation. Admittedly, various

parties may differ in terms of the degree of consensus (even the West Bengal Government has accepted the World Bank's DPEP). This consensus extends to abdication, in an incremental manner, by the state of its constitutional obligation for providing free education of equitable quality to all children. These ideas form the core of the statement given by the Minister of Human Resource Development while presenting the Bill. While acknowledging the criticality of early childhood care and pre-school education for the children upto six years of age, the Minister is not willing to place this burden on the government. Yet he contradicts himself by assuring the Lok Sabha that this stage of child development shall receive the government's full attention.

As if to resolve this contradiction, the Minister invited 'all voluntary organisations and corporate houses' to help the government in this sector. This plea of the Minister is tailor-made to fit into the globalisation agenda of reducing the role of the state and increasing the role of the market and the private sector, leading eventually to commercialisation. This is where the government sees the role of NGOs such as NAFRE and CRY. The state shall be happy to open its own coffers as well as to mediate the funds from the UN and other international donor agencies for those NGOs who would agree to legitimise the government's pro-globalisation agenda.

The Ninetythird Amendment Bill has been clearly designed in response to the dictates of the Structural Adjustment Programme, rather than to fulfil the commitments made in the Constitution. Hopefully, the convenient consensus in the Lok Sabha on November 28 and the apparent confusion in the people's voices of protest will only be a transient phenomenon. The common people are bound to return to the Ramlila Ground at some future date

to hold the 'Shiksha Satyagraha', but then it will be on the strength of their own collective and sustained 'agraha' to establish the 'satya' from the grassroots as the 'satya' of contemporary India. •

#### REFERENCES

1. *The Constitution (Ninetythird Amendment) Bill*, 2002, introduced in Lok Sabha on November 26, 2001 as Bill No. 106 of 2001.
2. *The Constitution (Ninetythird Amendment) Bill, 2001* (as introduced in Lok Sabha): *Notices of Amendments*—List No. 1: Shri G.M. Banatwalla; List No. 2 : Dr Murlī Manohar Joshi; List No. 3 : Shri Samik Lahiri; List No. 4 : Smt Renuka Chowdhury.
3. *The Constitution (Ninetythird Amendment) Bill, 2001* (as introduced in Lok Sabha): *Record of Proceedings* (Uncorrected)—Minister of Human Resource Development (Dr Murlī Manohar Joshi) : pp. 3852-61; 3924-32.
- A. *The Constitution (Ninetythird Amendment) Bill, 2001* (as introduced in Lok Sabha): *Record of Proceedings* (Uncorrected)—pp. 3933-41.
5. Unni Krishnan, J.P. & Ors. vs. State of Andhra Pradesh & Ors., A.I.R. 1993, S.C. 2178.
6. *National Policy on Education 1986*, Ministry of HRD, Government of India.
7. *National Policy on Education 1986* (as modified in 1992), Ministry of HRD, Government of India.
8. Report of the Committee for Review of National Policy on Education 1986 (1990), *Towards an Enlightened and Humane Society* (Acharya Ramamurti Committee Report), Ministry of HRD, Government of India.
9. Report of the CABE Committee on Policy (Janardhana Reddy Committee Report) (1992), Ministry of HRD, Government of India.
10. Lokshala Programme (1995), *Universalisation of Elementary Education—Demonstrating an Alternative Vision*, Bharat Jan Vigyan Jatha, New Delhi.
11. *World Declaration on Education for All and Framework for Action* to for All, Jomtien, Thailand (March 5-9, 1990).
12. *Primary Education in India* (1997), The World Bank and Allied Publishers Limited, p. 1, 39.
13. *National Curriculum Framework for School Education—A Discussion Document* (2000), National Council of Educational Research and Training, New Delhi.
14. *Sarva Shiksha Abhiyan—Framework for Implementation* (December 2000), Ministry of HRD, Government of India.
15. Sadgopal, Anil (2000), *Shiksha Mein Badlav Ka Sawal*, Granth Shilpi, Delhi, pp. 306.
16. *National Consultation on Rights of the Child (1994)*, Report of the sub-Group on Education, organised jointly by Indian Council of Child Welfare, UNICEF and Department of Women and Child Development, Ministry of HRD, Government of India, November, 1994.