

## **Education Community**

### **Solution Exchange for the Education Community Consolidated Reply**

#### **Query: Legislation for the Right to Education – Advice**

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Issue Date: 26 July 2007

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Responding to a query on the right to education and the legislative framework supporting it, members discussed the barriers to implementing the right and listed approaches and strategies for ensuring the fundamental right to elementary education. They also discussed the effectiveness of legislative instruments in bridging educational disparities across States and the feasibility of adopting a uniform approach to universalising elementary education (UEE) in the country.

Respondents highlighted the high rates of dropout as a possible barrier, citing the Ministry of Human Resource Development's Select Education Statistics of 2005 that put the dropout rate by class eight at 51%. They noted that the 46th Round of the National Sample Survey (NSS) had indicated that "lack of interest" by students leads to more dropouts than economic factors; this disinterest, members stressed, is due to the lack of stimulating environments and poor infrastructure in government schools, particularly at the primary level, leading to low interest and thus high dropout rates. Additional factors, such as adverse teacher/student ratios and the perceived irrelevance of schooling also affect retention of students.

Another potential obstacle discussed was the dichotomy between private and public schools in terms of school infrastructure, the quality of teachers, and student achievement. Members pointed out that only those with adequate monetary capacity are able to send their wards to attend private schools, with superior learning environments.

Members agreed that strengthening the foundation of schooling to encourage children to stay in school is a necessary strategy to realising the universal right to elementary education. They suggested broadening the performance indicators of Sarva Shiksha Abhiyan (SSA) and other government schemes designed to improve the quality of education. These indicators could include use of facilities and teacher performance evaluations.

Community involvement and participation in running of local schools was another crucial strategy mentioned for enhancing the effective delivery of the right to education. Discussants underscored the fact that despite the latent demand for education within communities, this is

often not translated into a demand for schooling because community interests do not coincide. In order to ensure greater community involvement, respondents suggested providing sensitisation and training to local elected and nominated government functionaries, so that they appreciate the importance of the right to education and the role of schools in delivering it.

Discussing the effectiveness and feasibility of legislation to bridge disparities in education across States, members pointed out that a major obstacle to implementation of the universal right to education is the current ambiguity within the governing framework. They noted that while Article 21-A of the Constitution obligates the government to deliver this fundamental right, it does not include provisions for delivering quality education. Respondents thus advised developing legislation that outlines the standards required for ensuring that all children have access to a minimum quality of education. This type of legislation would provide the necessary legal space for activists to monitor and challenge the system to ensure compliance with educational provisions. Members mentioned the work of Social Jurist and MAYA's Prajayatna as examples of how legislation could provide avenues for activists seeking to improve the education system.

Additionally, they argued for the government to establish clear laws on compulsory elementary education to guard against corruption and the dilution of government responsibilities. Such legislation would distinctly define the responsibility of the Central government, the State governments and communities in delivering UEE.

Respondents also discussed the utility of employing national level legislation as an instrument to facilitate implementation of UEE. On the one hand they felt that it was necessary to employ a flexible, more localised approach, given the difference in the quality of education from State to State. Members questioned the ability of all States to reach the same established objectives within an overriding national framework and expressed doubts regarding the effectiveness of laws requiring compulsory elementary education. Instead, they suggested that a more viable approach to universalising elementary education would be to focus on improving the effectiveness of current programmes such as the District Primary Education Programme (DPEP) and SSA.

Further, discussants argued that factors relating to quality education (such as teachers, infrastructure, and classroom environments) need increased attention and analysis prior to the establishment of compulsory education laws. They cited environment conservation and health awareness efforts to demonstrate that if government works to increase the quality of education, there may not be a need for compulsory elementary education legislation.

Finally, respondents felt that the national legislative framework governing the universal right to elementary education requires complementary State legislation. They advised developing a national framework outlining the basic principles of action and responsibility, followed by implementation of its own legislation by each State. Such an approach would ensure uniformity across States while allowing each respective State to address local needs.

Members agreed that the quality of elementary education varies from State to State, but were unsure whether national level legislation would remedy the disparity. They emphasised the

necessity for improving the quality of education to achieve UEE and the need to adopt suitable strategies for implementing the right to UEE.

## **Related Resources**

### **Recommended Documentation**

Draft Right to Education Bill 2005 (from Jitendra Sharma, SGK Teachers College, Jodhpur)

**Ministry of Human Resource Development, Government of India; November 14, 2005**

<http://education.nic.in/elementary/RighttoEducationBill2005.pdf> (Size: 121 KB)

Draft Bill outlines the responsibility of schools to provide free education to children from economically weaker sections as a mandatory condition towards ensuring Universal Education.

Report of the Central Advisory Board of Education (CABE) on Free and Compulsory Education Bill and Other Issues Related to Elementary Education

**Central Advisory Board of Education; June 2005**

<http://education.nic.in/cabe/Fcebill.pdf> (Size: 528 KB)

CABE report suggests essential provisions that are required for the draft Right To Education Bill, to give effect to the Constitution (86th Amendment) Act, 2002.

Selected Educational Statistics 2004-05

**Ministry of Human Resource Development, Government of India; 2007**

<http://www.educationforallinindia.com/SES2004-05.pdf>

Provides basic data on recognised schools in India, by type, class and region.

District Primary Education Programme (DPEP) (from S. P. Singh, G. S. Inter College, Ludhiana and Debyendu Chakravarty, Independent Consultant, Kolkata)

Dr. Arun C. Mehta, Fellow National Institute of Educational Planning and Administration (NIEPA)

<http://educationforallinindia.com/page81.html>

Note on how DPEP focuses on developing district specific projects, with specific activities, clearly defined responsibilities, time schedule & specific targets to achieve universal elementary education

<http://www.educationforallinindia.com/page72.html>

Note on scheme launched in 1987, designed to provide minimum essential facilities to all primary schools in India as a way to ensuring children's access to quality elementary education.

The Improvement of Primary School Quality in India: Successes and Failures of Operation Blackboard (from Sarah Figge, UN, New Delhi)\*

<http://www.csas.ed.ac.uk/fichiers/DYER.pdf> (Size: 274 KB)

Paper examines teachers' responses to the teaching-learning aid component of Operation Blackboard and the implications for policy innovation aimed at improving access and quality of primary schooling.

### **Indian Strategies to Achieve Universalisation of Elementary Education (UEE)**

[http://ignca.nic.in/cd\\_06020.htm](http://ignca.nic.in/cd_06020.htm)

Explains how UEE in its totality is still an elusive goal and describes some innovations and strategies that are being applied in India today to achieve UEE by the turn of this century.

District Information System for Education (DISE) Data 2001

**National Institute of Educational Planning and Administration (NIEPA), New Delhi**

<http://www.dpepmis.org/webpages/dise9600/index.htm>

Provides data and other evidence in terms of infrastructural gaps and progress made in initiatives engaged in improving education, thus enabling effective micro planning and resource allocation

Madhya Pradesh Jan Shiksha Adhiniyam 2002

### **Fund A School**

<http://www.fundaschool.org/jsa.html>

Note on scheme designed to ensure availability of quality education for all children in the state through a collective endeavour of government and society enabling sharing of responsibility

### **Recommended Organisations and Programmes**

Sarva Shiksha Abhiyan (SSA), India (from Debyendu Chakravarty, Independent Kolkata)  
Ministry of Human Resource Development, Government of India; <http://ssa.nic.in/>

National program to improve primary education, through various quality interventions to improve access to and quality of education specifically relating to girls' education, alternate schooling, etc.

National Council of Educational Research and Training (NCERT), New Delhi (from Vibha Sharma, RG Institute of Social Work, Bhusawal)

[directorncert@vsnl.com](mailto:directorncert@vsnl.com) ; <http://ncert.nic.in/welcome.htm>

Provides academic/technical support for improving school education and performs functions of conducting and supporting research, offering training in educational research methodology.

**United Nations Children's Fund (UNICEF), New Delhi** (from R. Sujatha, TVS Electronics, Chennai)

73 Lodi Estate, New Delhi 110003; [newdelhi@unicef.org](mailto:newdelhi@unicef.org) ;

[http://www.unicef.org/india/children\\_2359.htm](http://www.unicef.org/india/children_2359.htm)

Agency supplementing the government's efforts to make elementary education a fundamental right, strengthening coverage of the Education for All Programmes and girls access to education

**Social Jurist, New Delhi**

478-479, Western Wing Tis Hazari Courts, New Delhi 110006; Tel.: 91-11-65488453; Mobile: 91-9810085910; [socialjurist@socialjurist.com](mailto:socialjurist@socialjurist.com) ; [www.socialjurist.com](http://www.socialjurist.com)

Group of lawyers and social activities formed the Right to Education Task Force working to realise the right of children to quality education, full time formal school and to ban child labour

**ActionAid India, New Delhi**

C-88, South Extension, Part-II, New Delhi 110049; Tel.: 91-11-41640571-76; Fax: 91-11-41641891; Contact: Regional Manager, Malini Subramaniam;  
[http://www.actionaidindia.org/about\\_us.htm](http://www.actionaidindia.org/about_us.htm)

Supports "MP State Education Campaign" focusing on the community role for strengthening school governance, working at grassroots discussing legal provisions and settling disputes

**MAYA, Bangalore**

#25/1-4, 9th Cross, JP Nagar, II Phase, Bangalore 560078 Karnataka; Tel.: 91-80-26492275/1311/4547/6510; [mayaind@gmail.com](mailto:mayaind@gmail.com) ; [www.mayaindia.org/prajayatna.htm](http://www.mayaindia.org/prajayatna.htm)

Targets its efforts towards universalisation of elementary education by preparing children through Non-Formal Education (NFE) and then mainstreaming them into government schools

**M. Venkatarangaiya Foundation, Secunderabad**

201, Narayan Apartments, West Marredpally, Secunderabad 500026 Andhra Pradesh; Tel.: 91-40-27801320; Fax: 91-40-27808808; [mvfindia@mvfindia.com](mailto:mvfindia@mvfindia.com) ; [www.mvfindia.in](http://www.mvfindia.in)

Plays an important role in the state in making the education system work based on democratic space created by legislations, engaging School Education Committees/GPs. etc.

### **Recommended Portals and Information Bases**

#### **Education for All (from Ramya Gopalan, UN, New Delhi)\***

<http://educationforallinindia.com/>

Site provides studies and information regarding various initiatives towards Universal Education in the field of elementary education in India, improving access and quality, and the right to education

#### **Right to Education Project (RTE)**

<http://www.right-to-education.org/home/index.html>

Portal devoted solely to providing information and resources on the right to education and its status across the world.

#### **Right to Education, UNESCO**

[http://portal.unesco.org/education/en/ev.php-URL\\_ID=9019&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=9019&URL_DO=DO_TOPIC&URL_SECTION=201.html)

Portal provides information and news related to the right to education from across the world in keeping with UNESCO's mandate to support country governments in this sphere.