

**Actualising the Right to Education**

**Participatory Civil Society-led Approaches to Educational  
Interventions for Girl Child Labourers in India:  
The Road Ahead**

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## Chapter I: An Overview

India has the dubious distinction of being the country that has the highest number of children working. From being engaged as help in farms or inside the house to labouring in sweatshop conditions or even as sex workers and recruited as child soldiers, the Indian child has been found working in all forms of occupations, with the denial of his or her basic human rights. However, even among the working children in India, it is the girl child who is always disadvantaged and marginalised in all aspects. From bearing the burden of working longer hours to lack of proper nutrition to being denied access to educational opportunities, the working girl child in India has always been at the bottom rung of the development index. It is clear that systemic prejudices exist against the girl child.

However, world wide, it has been proved that a reduction in child labour – leading towards progressive eradication – will only be viable if, along with trying to change deep-rooted socio-cultural attitudes and overall poverty reduction, children are inducted into a school system and retained there. There have been a number of efforts introduced to address the problem of child labour and reduce the prevalent gender inequities, education has been identified as a core in this process. Global experiences in the last two decades have also demonstrated that some of the most sustainable and successful models of child development and most particularly, in the progressive elimination of child labour, are those where civil society efforts – primarily led by NGOs and encompassing trade unions, lawyers, trusts, teachers, religious groups, business, youth groups, etc. – have worked together with the public sector – the government – to bring about long term changes through education. On a macro level, be it the Brazilian model of implementing legislation on child rights, the Philippines example of reducing child prostitution in a particular area, or the Mozambique experience of bringing about the Agenda of Action for Children (Boyden & Myers, 1995), these models have demonstrated that the most successful initiatives are those which involved the civil society not only in advocating for social and policy changes but also as equal partners with the government in the implementation process. On a micro level, schools work better and girl children are more likely to stay in schools if the community has a stake in running the schools along with the government. Almost all these approaches signify that a reduction in child labour is only possible if access to education is provided as a viable alternative.

However, in the Indian context, though some of the best policy-formulation documents relating to education are in place, policy implementation has been found sadly lacking. Gaps persist between policy formulation and policy implementation, due to a host of socio-cultural factors, and have

shown that working children, and most particularly girl children, are not being able to access (and remain in) schools. Hence, there has been no real reduction in the numbers of ‘out-of-school’ children or working children, many of whom end up going back to work or are working for lack of better options.

Against this backdrop, it is notable that the Indian Parliament passed the much-needed 93rd Constitutional Amendment on the Right to Education in November 2001, thereby making primary education universal, free and compulsory up to the age of 14. The role and diligent efforts of Indian civil society – primarily led by non-governmental organisations (NGOs) – is commendable in this respect. Adopting a rights-based approach – where the subsequent failure of the state to deliver education to its people prompted the citizens to mobilise in mass and demand access to quality education as a right – the Bill was actually passed as a result of very active civil society lobbying and advocacy. The challenge now is to implement this right on the ground in practice.

There is no further debate on whether any more policies need to be introduced as far as access to education for the Indian child is concerned. The time is ripe for effective implementation.

However, the government does not have all the necessary infrastructure at its disposal, in terms of human and managerial resources, to organise and provide all the backward and forward linkages that make meaningful elementary education a reality for those who are left out of the system. And this is where the role of civil society comes in again – where some very good models of innovative participatory governance at the local level in making education a reality particularly for child labourers have come about due to very active NGO-led civil society intervention.

Again, adopting a rights-based approach, these models have demonstrated signs of being sustainable as they have involved the government in the implementation process, based on the principles of participatory governance. While one initiative – MAYA – is an NGO based in the southern Indian state of Karnataka, the other – *Pratham* – is a civil society-based initiative that has been demonstrating largely viable results in quite a few states of India. Through active civil society participation and with a special focus on the girl child, these models have been able to reach out to vast numbers of children, providing quality education at very low costs while working in tandem with government efforts so as to fill in gaps rather than supplement existing services.

Thus, through an analysis both of the role of civil society in successfully advocating for the adoption of the Bill on the Right to Education and of the above-mentioned two ‘working’ models on the ground, it will be demonstrated how practical, innovative, civil society–government collaborative approaches have been tackling the problem of child labour to a large extent, and

providing access to educational opportunities for the girl child. The argument goes that if civil society has already been largely successful in making education accessible to working children through innovative approaches, as well as in getting the Right to Education Bill passed, then it is correct to presume that it can also take up the challenge of implementing the right to education with the active collaboration and participation of the government. Drawn from this analysis, the challenges facing Indian civil society in implementing the right to education in the current context have thus been identified, and a prescription has been attempted. While offering a prescription, the rights-based approach has been kept in mind.

The challenges are daunting, considering that no two states in India are the same in any aspect. But, though the challenges are many, the history of successful participatory governance approaches in India does provide a lens through which civil society can actualise the right to education through active participation and collaboration with the government. Though based on interim observations, it does provide a guiding framework for future interventions by civil society in making education available for working children. And, though it has been just a few months since the Bill has been passed, civil society is already taking on the role of a catalyst to implement the right to education in practice. This leaves everyone with cause to hope for the working girl child in India.

## Chapter II: Situational Review

### *i). Child labour in India – No gains made*

As we step into the 21st century, the dominant trends visible as far as large numbers of the most vulnerable section of our society are concerned – the 375 million children of India – are of those living in very disadvantaged situations and the challenges we face as a country, in ameliorating their conditions (Banerjee, D., 2001). It is without doubt that the country has made commendable progress in various child survival and development indicators, such as the reduction in infant mortality and disease rates, and increases in immunisation coverage and life expectancy, in the fifty-five years since Independence. However, these indicators only cover the tip of the iceberg. The negatives are all too horrifying to comprehend as one looks at other alarming statistics: two million children die every year, and most of these deaths are preventable (Sharma, 2000); though literacy rates have more than doubled from 24 per cent in 1961 to around 52 per cent in 1991, there are 60 million more illiterate people than there were in 1991 (ibid.); Only 65 per cent of the children in India reach grade five, and many of those completing primary school<sup>2</sup> cannot read or write (ibid.). The situation of those belonging to the socially and economically backward and marginalised sections of society is predictably worse.

Thus, amongst all the indicators of deprivation, the most horrifying befall those children in India who are working, often called ‘child labourers’ in human rights discourse.<sup>3</sup> India has the distinction of having the largest number of child labourers engaged in both paid and unpaid work. These are the categories for whom no rights exist, often because most of the work that these children undertake is in the informal sector. For instance, out of the huge number of children working, most of them are in the agricultural sector and some of them work as domestic servants or are even recruited as child soldiers. Estimates vary as to the actual number of children working, from around 80–100 million – a number put forward by various NGOs and like-minded research organisations – to a more conservative 20–25 million, as estimated by the Indian Government. Multilaterals like the UNDP, UNICEF and the ILO put the number somewhere in between.

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<sup>2</sup> In India, primary schooling covers children between the ages of 6 and 14 years and is generally divided into ‘primary’ – grades 1 to 5 – and ‘upper primary’ – grades 6 to 8.

<sup>3</sup> Child labour can be defined as full-time work done by children under the age of 15, and which prevents them from attending school and accessing other developmental opportunities like recreation and leisure. Such work is also dangerous and hazardous to children’s physical, mental or emotional health. In the Indian context, the minimum age fixed for a child to work in ‘non-hazardous’ occupations is 14.

For the purposes of this paper, and to give the reader an idea of the prevalence of children working in different sectors, it will be useful to delve a little into the categories of child work in India.

Though children under 14 have been banned from work in a host of industries and professions under the Child Labour Abolition Act of 1986 and various other regulations (such as the Supreme Court Judgement of 1996 and recent additions to the professions covered by the 'hazardous work' Schedule), children are still working in such professions, in abysmal conditions and with scant regard for even their basic rights like the rights to food and clothing.

All forms of child labour could be considered forced labour since children are rarely in a position to give free 'consent'. But there are millions of children working in conditions which are considered forced labour because they are specifically coerced (US. Department of Labour, 1996) and which fall under the 'Worst Forms of Child Labour' as identified by the ILO Convention 182. Hence, even more horrifying are the wide spread cases of children being trafficked for their labour, especially for sexual purposes. India has one of the highest rates of sexual exploitation of children, mostly through prostitution. Statistics have shown that India has more than 100,000 child prostitutes (below 18 years of age) in the six metropolitan centres alone (Mumbai, Calcutta, Delhi, Madras, Bangalore and Hyderabad), out of a total of 300,000 in the entire country. In 1998 itself, there were an estimated 575,000 child sex workers in the country (US Department of State, 1999). The trends suggest that these numbers would be higher today. HIV/AIDS and other sexually transmitted diseases afflict a large percentage of these girls. Moreover, this is one issue that is going to assume horrifying proportions in the next 3–5 years, and where interventions are urgently required. Information collected to date has not been disaggregated to show the disease's effects on children.

It has been a little more than a decade since the adoption of the Convention of the Rights of the Child (CRC) in India. In this period, more than two million children have been killed and more than six million injured or disabled in armed conflicts (UNICEF, 2000). In India, in the strife-torn areas of Jammu and Kashmir and the north-eastern states of Assam, Manipur and Nagaland, children are victims of internal displacement due to armed and ethnic conflicts. Such strife has had a profound impact on the lives of thousands of children in these states who have been orphaned: they are used in support functions such as cooks, porters, messengers and spies; raped by the army; maimed and even killed by the authorities. The use of child soldiers, banned under international law, to fight proxy wars in Jammu and Kashmir by terrorist groups have also been revealed as an emerging problem which requires special interventions. A lot of children are also found in forgotten refugee camps in some areas of Tamil Nadu or Jammu.

However, of all categories of Indian children at risk, street children (who are often migrants) are perhaps one of the most vulnerable. Typically, children of migrants residing in urban squatter colonies or migrants themselves, these are children who are subject to abuse and exploitation due to their continual presence in the streets. They are found to be employed as labourers in small factories and workshops, as tea-stall boys, vegetable sellers, milk deliverers, car cleaners, laundry workers, porters, beggars, etc. A study conducted by the National Labour Institute in Delhi in collaboration with UNICEF-India on the working children of Delhi shows that migrants comprise more than two thirds of working children.

There are also those who are working as part of family labour in agriculture, animal-rearing or herding and in home-based work such as fetching water, looking after their siblings, etc., and are categorised as working children. Often, due to traditional mores prevailing in rural Indian society, children are not sent to school but stay at home and work to for their families. Even if parents can afford to educate their children, they would send their boys while girls would stay at home and work, due to a host of reasons that will be explored in the next sections. A very high concentration of children in India are these working children, who are precisely those children who are not covered under the Child Labour Abolition Act of 1986 and who constitute almost 80 percent of the child labour force in the country (Chaudhuri, 1997).

The Indian National Commission on Rural Labour, in its 1991 report, says that bondage began in agriculture from where it has spread to stone quarries, brick kilns, construction sites, forestry, carpet weaving, fishing, beedi-making, working in match factories, etc. In each of these sectors, a large number of children have either been pledged by their parents for paltry sums of money or are working (mainly in rural India) to pay off the inherited debts of their fathers (and at times, even of their grandfathers). Human Rights Watch estimates that there are 15 million children in virtual slavery: bonded by their parents to moneylenders in return for paltry loans (Human Rights Watch, 1996). Though banned under law, child bondage is still prevalent, not only in those states of India which have very low human development indicators like Rajasthan, Orissa, Madhya Pradesh, Bihar and Uttar Pradesh but surprisingly, even in states like Tamil Nadu and Andhra Pradesh.

## ***ii). Status of the girl child – 55 years after Independence***

It goes without saying that children working goes against the very fundamentals of human rights. But, as stated in the preceding section, it is an established fact that even among working children, the most vulnerable category of children are the girls. In all the sectors of children-at-risk in India,



girls are at risk more than the boys. India is a country where the girl child has always been discriminated against, traditionally. The situation of the girl child in India is one that has been widely acknowledged as an area in which practically no rights exist. Though 55 years have passed since India gained independence, it was only in the last decade that, for the very first time, the girl child received special focus when the countries of the South Asian Association for Regional Cooperation (SAARC)<sup>4</sup> declared 1990 as the Year of the Child (later renamed the Decade of the Girl Child and extended till the end of 2000) – thus drawing special attention to the particular problems she faces in this part of the world.

Female foeticide and infanticide and child marriage, as well as traditional forms of prostitution like the *Devadasi* system<sup>5</sup> and the *Jogin* system (which are still practised even though banned by law) place the girl child at a very high level of risk in this country.

Girl children are also the most vulnerable victims of malnutrition. This is manifested even more starkly in the various data that reflects the high mortality rates of girls. While life expectancy for females in rural areas is 35 years, it is 25 years in the urban centres. Though the 2001 census shows an increase in the sex ratio between males and females (from 927 per 1000 males in the 1991 census to 933 per 1000 in 2001), there has been a continuing decline in the sex ratio in some areas, particularly in backward patriarchal states like Bihar, Rajasthan, Madhya Pradesh and Uttar Pradesh. This decline is all the more horrifying as even prosperous states like Punjab and Haryana over the last three censuses have shown rates of decline, thus indicating that the situation of the girl child in the country is really precarious (Citizens' National Policy on the Child, 2000).

It is no wonder then that even when it comes to child labour, it is the girl child who is exploited the most. There is a strong stereotyping of roles as regards the work that female and male children do in agriculture, in the household and in the unorganized sector. While girls do the messiest of jobs, boys do jobs that require greater skills. The labour that a girl child puts in while assisting in household non-economic activities like looking after siblings, cooking, cleaning and washing or tending livestock not only goes unrecognised and undervalued, but also restricts the access of the girl child into education and other opportunities. It is a well-documented fact that the gender bias, which is

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4 India, Bangladesh, Pakistan, Nepal, Bhutan, the Maldives and Sri Lanka.

5 In some states in India, under a tradition called the *Devadasi Pratha*, young virgin girls, often from the low castes, are 'sacrificed in the temples'. They live as temple prostitutes, whereby the head priest of the temple has intercourse with them. Though banned under the *Devadasi Prohibition Act, 1982*, this ritualised form of prostitution is still practised. Young girls are sacrificed at the temples and often sold off to the highest bidder to work as prostitutes in major Indian towns and cities.

reflected in all other spheres of access to rights, thus extends to the domain of education as well. This will be examined at length in the next section.

***iii). What hinders access to education for girl child labourers? The need for a rights-based approach***

No society has ever liberated itself – economically, politically or socially – without a sound base of educated women. The experiences of most countries have demonstrated that investment in educating women is the most precious investment a society can make. The contributions that educated women make to the economic and social development of poor countries are widely understood and have been verified by research on poverty, health, population growth, literacy, and other social issues. Empirical research shows clearly that if girls are kept in school, poverty falls, infant and family health and nutrition improve, literacy accelerates, the birth rate falls, and the economy strengthens. The benefits are dramatic if girls are able and motivated to stay in secondary school, and it does not matter what is taught as long as the girls learn to read and write and to understand numbers. For these and other reasons, most experts agree with Harvard University President Lawrence H. Summers that educating girls yields a higher rate of return than any other investment available in the developing world (quoted in Chickering, 2001).

Development literature of the 90s is replete with arguments and examples between the need for establishing linkages between the eradication or reduction of child labour and access to education. One of the most vocal proponents of this theory was Prof. Myron Weiner who strongly advocated (through his writings and research findings) that in a highly patriarchal and culturally-bound society like India, one of the most effective ways to eradicate all forms of exploitation and inequities against the working child is to induct them into a school system (Weiner 2001). Fyfe (1989) also held the view that compulsory education was responsible for the eradication of child labour in Britain and other European countries. However, it is only in the last 15 years or so that India is slowly acknowledging that education could serve as one of the most effective means of reducing and, in the final analysis, eradicating child labour and removing inequities and inequalities.

Traditionally, education in India has suffered from inefficient and ineffective policies; a lack of implementation; political rhetoric; discriminatory attitudes and practices; bureaucratic apathy; and, gender gaps. Though the country is making some efforts by trying to enforce compulsory primary education and equality of opportunity by removing all gender-based discrimination, gaps remain

and it has to go a long way in making some inroads. At this juncture, one also needs to realise that, even among girls, the more privileged ones belonging to the upper sections of society (in class, caste and financial terms) have more access to education than those living in poverty and disadvantaged situations. The latter category not only lacks access to a basic education, but is employed to work for a pittance, often under deplorable and hazardous conditions (as explained in the preceding section).

Systemic prejudices against girls also exist. This paper will attempt to explain these from a rights-based perspective. The rights-based approach to development emphasises empowerment, participation and non-discrimination and addresses vulnerability, marginalisation and exclusion (HDR 2000:2). The very fact that girls are denied access disproportionately to educational opportunities and made to work more as compared to their male counterparts signifies a deep-rooted discrimination in mind-sets, cultural stereotypes and behaviour and signifies a failure of policy to specifically target this category of girl children. In February 2000, the Committee for Elimination of Discrimination Against Women (CEDAW) expressed concern that ‘India has not yet established a comprehensive and compulsory system of registration of births and marriages. The Committee notes that inability to prove those important events by documentation prevents effective implementation of laws that protect girls from sexual exploitation and trafficking, child labour and forced or early marriage’ (US Department of State, 2001).

The lack of access of education for girls and particularly for working girls attacks the very fundamentals of the rights-based approach to development. It therefore strengthens the view that the empowerment of women through education is the only way of removing socio-cultural and economic barriers and inequities and enabling them to participate in the public sphere on an equal footing with men. Today, human rights remain, by and large, applicable to a very few, although the nature of present-day development means that issues like gender and environment are taken into account as a cross-cutting theme across class and other divisions. As Amartya Sen says, ‘if freedom is the goal of development, it will be substantially restricted by the fact that illiterate girls will become illiterate women’ (Sen 2000).

A reasonable body of literature has emerged that spells out the imperatives of the right to education for all children from a rights-based perspective. For example, Burra avers:

Should we not be thinking of the need for education that children have in order to participate in a civil democratic society as informed participants and the knowledge and skills required to take advantage of opportunities that modern economics offer? The need

for education in relation to certain sections of the population – like women and scheduled tribes and castes in India, for example, is important to redress certain inequities in family and society as also because it is a right...’ (Burra, 2001).

However, literacy rates for women are significantly lower and nowhere are these rates more visible than in the most recent census, taken in 2001. According to this survey, total literacy rates in India are 65.38 per cent; male literacy rates are 75.96 per cent while female literacy stands at only 54.28 per cent. (The only ray of hope is that the 2001 census shows a growth in overall literacy rates from 51.63 per cent in 1991 – an increase of 13.75 per cent). However, only approximately 59 per cent of children between the ages of 5 and 14 attend school. Of a primary school-age population of approximately 203 million, about 120 million children attend school. Forty-two per cent of girls at the primary level and 58 per cent of girls at the upper primary level end up quitting school, as the Government of India’s (GoI) 2002 pre-budget Economic Survey conceded. Predictably enough, dropout rates are higher for girls than for boys in both urban and rural areas.

The Indian situation with regard to access of education for all is all the more complex, particularly since class and caste, social conflicts and tensions, the breakdown of state institutions and infrastructure and widespread corruption and demoralisation of functionaries play a major role in providing (and preventing) access to societal benefits. Along with these are the inter-linkages with inequities relating to gender and poverty. However, I will not identify a lack of financial and human resources as a part of the problem, since these are available in optimum quantities. What is lacking are appropriate systemic measures to utilise these resources, and the will to overcome cultural and social prejudices and resistance which prevents certain sections of the populace from realising their rights.

The prevailing status of women in any society is one of the major indicators of how the girl child is treated, and nowhere is this more relevant than in the Indian context. For instance, the belief that investing in girls does not make sound economic sense (since they will be married at an early age) is one of the many beliefs that still remain dominant, even in urban areas. Whereas a boy, once educated, will earn and provide an economic anchor to his parents in their old age. An interesting issue pertaining to marriage is that while it is expected that a girl with a reasonable education is better placed to attract a ‘good match’ in the marriage market, the cost of marrying off an educated daughter rises through the dowry market. This is because of the custom that a girl must marry someone with a higher degree – and better-educated grooms come at a higher price (Banerjee, N., 2001).

There is a social dimension to girls' education. Many individual views are shaped by community views like 'in our community, we don't send girls to school', or 'in our community, we have never seen an educated woman' (Banerjee, N., 2001). It is very common to see a household, which has an adult illiterate woman (the mother) will also have an illiterate girl child. These are reflections of a vicious circle where a disempowered (and illiterate) mother will not send her daughter to school because she has not been socially conditioned to do so. And an illiterate daughter will grow up to be an illiterate woman who will make the same uninformed choices in her life as her mother did.

Feminist literature is replete with examples of how the distinctions between the public and private sphere have actually confined women to the narrow domestic sphere of household affairs while men have often enjoyed the benefits which accrue by virtue of them enjoying an 'independent status' (Burra, 2001). Moreover, most of the girl child labourers work in the informal sector, where they are the most disadvantaged. Again, this reflects the unequal power equations in society where women work at home, doing domestic work and work on a piece-rates when time permits. Poverty, lack of bargaining capacity and exploitative terms often compel the mothers to use the girl child to help her in augmenting the household income and with domestic chores or, at times, even both. If the option is present to send a child to school, it will always be boys who are sent to school first.

Other factors are also relevant. There have been studies (e.g., Burra, 2001) which demonstrate that some households hold the belief that, if a girl child learns other skills (leaving aside literacy) from their mothers, it will stand them in good stead later on in life. But, what these households fail to realise is that all these learning and coping-through-life skills come at the cost of an education which, in the final analysis, is the most important life skill which will have a beneficial impact on their lives later on.

The labour burden on a girl (as can be seen from the higher prevalence of working girls in say, the match factories in Sivakasi or in the cotton farms in Andhra Pradesh) can be even heavier because females have lower earning prospects as adults than males and hence, their returns from education are low. In some Indian societies, girls are put off work as soon as they attain puberty; they are hence put to work early (Boyden and Myers, 1995).

Then, there is the role played by the popular media – which are very powerful in India, even in the rural areas. With the advent of satellite television into even the remotest villages (hailed unanimously as the most entertaining medium by villagers), there is often a TV set in a rich or

powerful household where all the villagers gather after dusk.<sup>6</sup> Negative images of women shown in this way on TV and cinema, further reinforce discriminatory and patriarchal attitudes in society, which has a massive impact on the day-to-day lives of the people.

These observations call for a re-examination of social behaviour and attitudes as well as the dynamics of intra-household behaviour (Burra, 2001). The work carried out by an NGO – the M. V. Foundation<sup>7</sup> – is commendable in the Indian context. The Foundation, working in the interior of the Ranga Reddy district in Andhra Pradesh, India, has tackled the situation of girl child labour and access to education from a rights-based perspective, by using education as an instrument of social change. The Foundation started by confronting the traditional mind-sets prevalent in this rural setting (such as girls getting married off at an early age). By successfully sensitising and mobilising the community, including the girls, to challenge these very notions of patriarchy and tradition, the Foundation has been able to bring about visible systemic changes in the very way the community functions. It is now perfectly normal to see a former girl child labourer working in the cotton plantations in the Ranga Reddy district, roaming with a school bag and educating her peers on the merits of an education and the evils of early marriage and child labour! At the same time, the Foundation has been able to enlist the cooperation of the local and state government by ascertaining, through advocacy and practice, that the government schools function as centres of learning. The Andhra Pradesh State government is now replicating this model across the state through their 'Back to School Programme'.

How have theoretical discourses and ground realities influenced the manner in which these gender disparities are perceived by the state? Has the Indian Government played an enabling role by implementing legislation that promotes the access of working children to school, especially girl children? What role has civil society played in promoting the access of children to education and addressing issues of child labour, both through the use of law and working in collaboration with the government to implement reforms on the ground? An explanation of the policy framework in place to address gender disparities in access to education, and the persistent gaps between policies framed and the measures undertaken to promote and implement them, will be attempted in the next chapter.

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<sup>6</sup> From my field observations, I have seen that the TV set is often present in the house of the most powerful person (often the Gram Panchayat leader). This is where the locals converge after dusk, to watch images of women being further marginalised in soap operas which glorify discriminatory attitudes on issues like sex-determination tests, virginity, demureness, and so on.

<sup>7</sup> See [www.mvfindia.org](http://www.mvfindia.org).

## Chapter III: Policy Approaches

### *i). The existing policy framework*

The Indian policy environment is rife with good intentions. Official policy recognising the existence of wide gender disparities dates back to the pre-independence period (Ramachandran, 1998). Since Independence, committee after high-powered committee has recommended specific measures to improve the state of education.

The Indian Government is guided principally by two sets of targets. The first is to provide useful and quality elementary education to all children in the 6–14 age group by 2010. The other key target pertains to spending on education. The government is committed to spending six per cent of gross national product (GNP) on education – 50 per cent of which would go to elementary education. The current spending is only 3.8 per cent of GNP, of which spending on elementary education is 1.7 per cent of GNP. It is therefore interesting to touch briefly on some of the policies relating to education and consider whether any outcome has been achieved.

The Indian Constitution has provided a framework through its Fundamental Rights and Directive Principles of State Policy within which provisions are available for the protection, development and welfare of children. There is an enabling provision in the Indian Constitution – Article 15(3) – by which the state can make special provisions for children and women without being constrained by technical interpretations of the broader concept of ‘equality before the law’. Under the Directive Principles – the non-statutory directives for the executive (which are not enforceable in a court of law) – Article 45 endeavours to provide for free and compulsory education for all children until they complete the age of 14 years. However, realising the GoI's sluggish attitude and delaying tactics in implementing the constitutional commitment on education, in 1993 the Supreme Court of India delivered the following judgement in the Unnikrishnan case: ‘It is noteworthy that among the several articles in part IV [of the Constitution] only Article 45 speaks of time limit, no other article does. Has it not significance? Is it a mere pious wish, even after 44 years of the Constitution?’<sup>8</sup>

Along with the constitutional provisions, certain governmental policy orientations have been emerging at the national level from the vast and mixed experience of recent years on issues relating to children's rights and child protection:

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<sup>8</sup> Judgement of the Indian Supreme Court in the Unnikrishnan case [1993], Supreme Court of India.

- \* The national planning process increasingly reflects the implications of a major lesson of experience – namely, economic and social progress must move in step in support of human development.
- \* Broad-spectrum public policies in support of children are taking shape across different social service sectors.
- \* The need has been recognised for co-ordinating at the political level of decentralised developmental activities on behalf of children.

Thus, the constitutional and binding instruments are also supported by legislative and policy decisions undertaken from time to time by the Executive such as the National Literacy Mission or the Universal Primary Education and Education For All by 2000 initiatives.

In the international arena, India is a signatory to all-important global charters pertaining to education, most notably, the Jomtien Charter of 1990. Also, as a follow-up to commitments related to children as set out in the Constitution, the Indian Government adopted a National Policy for Children in 1974, it being among a few countries world-wide to do so. It declares that it shall be the policy of the state to provide adequate services to children both before and after birth and through the period of growth, to ensure their full physical, mental and social development. This commitment towards human resource development has been reflected in programmes focussed on maternal and child health, nutrition and education, which have occupied an important place in India's efforts to raise the standard of the poor.

In pursuance of the Constitutional directive on universal free and compulsory education and the recent 93rd Amendment to the Constitution providing for universal, free and compulsory primary education, some states, such as Andhra Pradesh, Delhi and Karnataka have Education Acts providing for the proper organisation and development of necessary facilities, including the setting up of advisory boards. Under the 73rd and 74th Amendments to the Constitution, powers have been provided to *panchayats*<sup>9</sup> and *nagarpalikas*<sup>10</sup> to (among other things) decide the location or relocation of existing primary and upper schools, on the basis of locally-based micro-planning and school mapping. The Integrated Child Development Scheme (ICDS) adopted by the GoI aims at improving the overall status of young children and ensuring their entry and completion at least to primary level. The Mid-Day Meal Scheme is also a step in this direction.

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9 Units of local self-governance in rural areas.

10 Units of local self-governance in urban areas.



Other schemes include the Early Childhood Education (ECE) and the National Policy of Education (NPE) of 1986 (perhaps the most lucid policy document so far in relation to women's education) and the Revised Policy of 1992, as well as the most recent '*Surva Sikshyan Abihyan*' or 'drive for universal education', which envisages that all children of six years and older are brought into the education mainstream by 2010. The District Primary Education Projects (DPEP) support primary school development by building national, state and district managerial and professional capabilities. They are targeted at disadvantaged children, including girls, scheduled castes and tribes and working children.

In urban areas, the Urban Basic Service for the Poor (UBSP) has been introduced, where the emphasis is on community self-reliance and micro planning to bring about convergence. The Urban Basic Child Program has its focus on the most vulnerable groups in urban areas, which includes street and working children.

Of special significance for education and the working child is the National Child Labour Policy complementing the 1986 Child Labour Abolition (Regulation) Act in the same year to address socio-economic measures to address the working child which involved education (both formal and non-formal) as the primary tool to progressively eradicate child labour.

## *ii). Gaps between policy and practice*

It is evident that virtually every conceivable strategy has been put in place in government policy relating to education. However, policies are only a set of guidelines. Real decisions at the stage of implementation are taken at the time of preparation of action plans, projects or during budget allocations (and these are often done by people who are themselves rooted in deep-set cultural and social prejudices). This is the primary reason for the persistent gap between policy formulation and implementation (Ramachandran, 1998). The central Government spends approximately 5.9 per cent of its overall budget on education. The state governments also spend part of their budgets on education, but no comprehensive figure of combined federal-state expenditure on education is available. In May 2001, Kul Chandra Gautam, the Deputy Director of UNICEF, stated during a meeting of regional senior government leaders, that the 'human landscape in our region continues to be characterized by poverty, underdevelopment, discrimination, environmental degradation, social upheaval, conflict and natural disasters. All these factors have impact on social development and on survival, development and protection of children' (US Department of State, 2001).

Clearly, the beliefs that stand at the heart of India's hierarchical social order extend themselves to the educational sector as well. Thus, the framers (and implementers) of most of India's education policies are remarkably indifferent to addressing the issues that surround the low enrolment and drop-out rates, especially among the working children and the girl children.

Between the planning and delivery of educational services, huge gaps exist. For instance, policy discourse related to girl child education often focuses on the 'supply side' (like enabling policies), which is gender-specific. But, what it completely fails to acknowledge is that even the 'demand side' is gender-specific (like issues of access and infrastructure – such as the absence of toilets for the girl children). Thus, though a unique women-focused project – the *Mahila Samakya* – was implemented through the Government's 1992 education policy, the actual project on the ground did not touch upon issues like technical education and mainstream elementary education, which should have been the mainstays of the programme in the first place (Ramachandran, 1998). Therefore, in practice the policy was unsuccessful in parts, more so since it did not involve civil society in either the planning or implementation stages. In this role, civil society organisations could have guided the state in formulating a more needs-based policy that could have touched upon some of the real needs of the women as identified above.

Even the National Child Labour Policy was a failure since it looked at education not as an alternative to child labour but more as an option – to guard against the worst effects of child labour (Boyden & Myers, 1995). As was evident in the massive failure of this policy, it did not make a dent in the challenge of reducing child labour or keeping children in school. Making working children attend non-formal education instead of mainstreaming them into formal schools formed the nucleus of this programme. And this at a time when there has been a general tendency for the population to look at non-formal education as sub-standard when compared with formal schooling! Clearly, there was a lack of soul-searching by the framers of this policy when attempting to introduce and implement it. It indicated the apparent low priority accorded to education while reducing child labour in the country.

It will therefore be interesting to gauge how the recent 93rd Constitutional Amendment on the Right to Universal, Compulsory Education is implemented on the ground. This Bill came about as a result of massive policy advocacy efforts primarily led by NGOs and joined by a broad spectrum of civil society. It is the one recent and most binding judgement as far as the right to education for children is concerned.

The last chapter will deal with the challenges (and opportunities) faced by civil society and the GoI in implementing this very recent and groundbreaking Bill, which may spell hope for millions of underprivileged children across the country (including child labourers and, more importantly, girl child labourers). However, first, it would be appropriate in the next chapter to go into the history of how this Bill came to be adopted in its present form, as well as to analyse two working models on the ground that have achieved some success in mainstreaming working children in government schools with the collaboration and support of the Government.

## **Chapter IV: Distinctive participatory civil society-led approaches in education: An analysis**

### *i). The dual role played by civil society in India*

The Indian development scenario is replete with examples of how civil society initiatives – often led by NGOs – have actualised Government policies on the ground by playing one or both of two roles:

1. The role of a catalyst, acting as lobby groups or pressure groups and demanding that policies be framed and implemented.
2. The role of implementer of policies on the ground, playing time-bound roles in collaboration and participation with the Government.

The Mazdoor Kisan Sangathan Samithi (MKSS) example in Rajasthan, on the struggle for the Right to Information by civil society to be implemented in practice, comes to mind while discussing the first role. In the child rights movement, there have been some ‘good practice’ models, which fall within both the first and second roles. While the recent civil society advocacy and lobbying efforts in getting the 93<sup>rd</sup> Amendment on the Right to Education passed, fall within the first category of roles, efforts undertaken by civil society to actualise the right to education on the ground with government participation and collaboration fall within the second category. A detailed analysis of each of the two categories of civil society initiatives will be done in the following sections. An attempt to bring the following case-studies under the two categories outlined above, demonstrates that some innovative and participatory civil society-led rights-based approaches, through advocacy or lobbying and with government collaboration in India, have already succeeded in making education a hopeful reality for child labourers. The argument thus goes: if a history of successful civil society interventions can make education accessible for child labourers, it is correct to assume that civil society can also take up the challenge of actualising the right to education as defined in the 93<sup>rd</sup> Constitutional Amendment, through innovative participatory governance approaches under a rights-based framework.

**ii). *The 93rd Constitutional Amendment on the Right to Education – The role of civil society***

The challenges facing universal elementary education in a country the size of India are many and diverse. This is more so when it relates to issues of access of the working girl child to education. Over the last decade, there has been a significant rise in public awareness, political will and an augmentation of national capacity, which is highlighted by the wide variety of governmental policies which have been introduced in the field of education. A remarkable aspect of all this has been civil society-level mobilization in literacy campaigns. Another significant aspect has been the engagement of multiple actors – government, NGOs and overseas donors in the sector – in collaborative missions to address issues of education. The Dakar Conference, followed by the Jomtien Conference, provided the lead-in to the political class in getting involved in the effort. Globally too, better understanding has evolved on the link between illiteracy and poverty.

The 93rd Constitutional Amendment is perhaps the most recent high point of the political response to the popular demand for education (Banerjee, 2001), initiated by civil society and primarily led by NGOs. It is one of the very few items of legislation on education that came to be due to massive civil society mobilisation. In fact, one observer who participated in the civil society gathering before Parliament in November 2001 termed it ‘the largest ever social mobilisation in Indian history post-independence for one single cause’, partly due to the fact that it brought together a wide variety of civil society actors and organisations (NGOs, judges, lawyers, teachers, parents, children, trade unions, religious bodies, *panchayats*, etc.) under one roof. What was even more commendable about this initiative was that it was rights-based – in which the failure of the government to deliver on its responsibilities prompted a voluntary mobilisation of civil society to lobby the government for the realisation of this right. It is therefore important to analyse civil society’s role in relation to the first category identified – of either acting as lobbying or pressure groups, which led to the passing of the Constitutional Amendment in the lower house of Parliament; or demanding the implementation of policies, by playing the role of a catalyst. It is also important to examine the implications of the 93rd Amendment for human rights and human development policies in India.

There were a number of innovative and participative advocacy approaches and events initiated by civil society which led to the passing of the Bill, the most visible being the two month all-India ‘*Siksha Yatra*’ or ‘March for Education’, which culminated on the 31st of January 2001 in the village of Parasala in the very south of India, just outside the Kerala state capital of Thiruvananthapuram. This 15,000 km march across 20 Indian states was an effort organised by a national child rights NGO which focuses on child labour eradication, the South Asian Coalition on

Child Servitude (SACCS), with the support of over one thousand other NGOs as well as the All India Federation of Teachers Organisations (AIFTO), the All India Primary Teachers Organisation (AIPTO), the All India Association for Christian Higher Education (AICHE), the National Cadet Corps, the National Social Service, *Nehru Yuvak Kendra* (the Nehru Youth Centre), Bharat Scouts and Guides, students associations, academicians, trade unions, parliamentarians, and *panchayats*. SACCS is also a leading member of the Global Campaign for Education that was formed to lobby and monitor Education for All goals identified at the World Education Forum in Dakar in April 2000.

The Indian Education March was prompted by frustration that the 83rd Constitutional Amendment Bill on the Right to Education, which was tabled before Parliament in 1997, never saw the light of day (primarily due to lack of consensus on spending priorities within the government, but also due to some other factors).<sup>11</sup> Civil society organisations demanded the immediate passage and implementation of the stillborn 83<sup>rd</sup> Constitutional Amendment Bill as the 93rd Amendment Bill, to secure free, compulsory and meaningful education for children, especially girls, up to the age of 18 years, including increased provision of quality early childhood care. Other objectives of the *Shiksha Yatra* included equity in education and equal opportunities for all children; reductions in military expenditure at the national, regional, and international levels; and the mobilisation of additional funding through a special education tax for foreign investors, multinational corporations and the Indian private sector. The march was a testimony of civil society voluntarism that channelled their energies into delivering education to the needy by enrolling more than 100,000 volunteers for an education service corps! It helped the cause that SACCS – the lead NGO heading this initiative – had a history of successful campaigns behind it.<sup>12</sup>

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11 The passage of the Bill was also stalled by protests from educationalists and women's and children's rights groups. They were protesting against the proposals made by a Committee of the National Development Council (which includes all the Chief Ministers of the States together with the national Prime Minister), chaired by the Chief Minister of Rajasthan. The proposal was in response to the Supreme Court's judgement in the case of *Unni Krishnan v. State of Andhra Pradesh*. Anticipating a spiralling demand for what the Court had declared as a fundamental right, from people representing the entire population below 14, the NDC Committee proposed to contain this demand by deleting Article 45 of the Constitution, and replacing it with by the new (proposed 83rd) Amendment, which restricted the state's responsibility (i) only to persons in the age group 6–14 (thus removing all plans for child care and pre-school arrangements as 'essential support services' – particularly for girls); (ii) only government schools, leaving private schools outside any regulation; and (iii) formal schooling, by transferring accountability for non-formal schooling to parents.

12 SACCS has been instrumental in capturing international attention on the issue of child bonded labour in the Indian carpet industry and in introducing a labelling system for carpets which are certified child-labour free. Moreover, it played the role of the International Secretariat for the Global March Against Child Labour which led to the ratification of ILO Convention 182 on the Worst Forms of Child Labour.

This is not to state here that the march was the single most important milestone as far as civil society initiatives were concerned. Networks of like-minded civil society groups (like the National Alliance on the Fundamental Right to Education (NAFRE), which has a membership base of 2,400 civil society organisations spread over 15 Indian states, and the Forum for Create and Child Care Services (FORCES)) played a major role in the policy advocacy process by organising campaigns and other advocacy efforts around this issue from the day the 83rd Amendment Bill failed to be passed in Parliament. A clear testimony to this was that NAFRE even organized a rally and an indefinite hunger strike in Delhi on 28th November 2001. Over 50,000 people from different parts of 14 states took part in this action to emphasise and to incorporate several positive changes in the 93rd Amendment Bill. Eighty per cent of costs for this event were met through local community contributions! It is perhaps through the untiring efforts of such civil society initiatives (spearheaded for the most part by NGOs) that led to the final passage of the Bill in Parliament on 28th November 2001, as the 93rd Constitutional Amendment Act.

Though still flawed in many respects,<sup>13</sup> civil society sees a lot of promise in this initiative which hopes to bring millions of children in the age group of 6–14 years, who are either school drop-outs or not enrolled at all, under the purview of the educational system. The majority of such children are from Scheduled Castes, Scheduled Tribes and other Backward Class communities. The fundamental right to a free education will have paramount importance to them.

In passing this fundamental right to education, India has joined a list of other countries that have similar mechanisms. Most importantly, the Universal Declaration of Human Rights through Article 26 provides that elementary education shall be free and compulsory, higher education shall be generally available on the basis of merit, and parents shall have a prior right to choose the type of education. The South African Constitution has a provision for adult basic education, and further education, which the state will make available on a progressive basis (Article 29(1)). In France, there is no right to education as such, but the preamble of the Constitution provides for equal access for children and adults to education and training, including cultural education; the provision of free and secular public education is a duty of the state. Further, the *Conseil Constitutionnel* (Constitutional Court) has also recognised a limited ‘freedom of private education’. The Constitution of Argentina authorises the Congress to ensure free and equitable public education

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13 The Act totally ignores children in the age group of 0–6 altogether, including access to early care and development services for this age group. Other flaws relate to the failure to specify the quality of education to be provided and the allocation of financial resources for education, as well as a very pragmatic definition of ‘free’ education. A very glaring

(Article 75(19)). In Switzerland, the Constitution contains a provision whereby citizens can seek free elementary education in government schools as well. In Japan, the Constitution provides for a fundamental right to education. All people are obliged to enable all boys and girls under their protection to receive ordinary education as provided by law, and such compulsory education shall be free of cost (Article 26). In China, the Constitution provides for a fundamental right to education: citizens have both a right and a duty to receive education (Article 46).

All the countries mentioned above have attained enviable levels of literacy by having enabling legislation in place. A major victory, thus, has been gained by Indian civil society in this regard. The challenge now is to implement the Act through real, time-bound initiatives on the ground. Civil society can play the most important role in this endeavour. Taking a cue from the Brazilian model, which showed that sustainable models of child development could be better achieved with participatory governance, it is pertinent to explore how the mechanisms of some such models in India have succeeded in delivering education to the working child.

#### *ii). The MAYAn approach*

Over the past 20 years, innovative experiments carried out by organizations such as the Academy for Educational Development, Save the Children, and World Education, with partners on the ground, have demonstrated how systemic solutions avoid the problems endemic in sending girls to school, increase girls' enrolment – even in Islamic countries – and improve school quality. The most powerful lessons learned from these experiences are that if schools are community-based and parents achieve a sense of ownership in making schools work, schools work better and parents feel increasingly confident about keeping girls in school. Community-based schools enjoy female enrolment levels of 80–90 per cent and higher, even in the most traditional Islamic countries. When parents and the community (other stakeholders) are involved, they solve many problems. They provide latrines and clean water; they hire local female teachers; and they make sure schools are small and close to their villages. When parents are involved, their commitment to the schools has the effect of transforming their traditional culture, replacing habits sustained by tradition with conscious interactions that open them to new experiences. Thus, many of the fathers who have come to be involved in the UNICEF girls' community schools in Upper Egypt, now encourage their daughters to go to college in Cairo (Chickering, 2001).

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flaw is that the responsibility for failing to send a child to school rests with the parents, who will be punishable by law



The vast majority of the successful experiments mentioned above have focused on small areas and a small number of independent schools. The challenge, therefore, is to transfer the lessons from independent schools and ultimately into the government schools that serve the great majority of girls. There are a few local NGOs in different countries that are doing parts of what is needed to accomplish this, including at scale. The Movement for Alternatives and Youth Awareness (MAYA) based in Karnataka and *Pratham* (an all-India focussed NGO) are doing this, to some extent, and their approaches fit within the second category of civil society role identified above – that of playing a time-bound implementing role with government collaboration and participation, in which ultimately, the responsibility for accessing the right to education lies with the community but only with active government participation and collaboration.

Both these NGOs have adopted a rights-based approach to provide access to education for girls, particularly girl child labourers. Starting with one or two problems at a time, civil society groups have come together to explore administrative mechanisms to overcome barriers and to revitalise the system.

MAYA works to address children's rights with a specific focus on the eradication of child labour. MAYA holds the view that the child should be enabled to choose amongst the options society has to offer, exercise her rights and understand her responsibilities appropriately. However, the child does not live in a vacuum. She lives with the options laid out by the family and the socio-economic structure. MAYA's model for eradicating child labour and helping children access education falls within the line of thought that eradicating child labour is a holistic approach which emphasises that specific programmes for the child can only be effective and sustainable if the family and the socio-economic structure is a viable unit.<sup>14</sup> Larger questions of basic housing, sanitation, fair and equal access to resources, an education, stable employment and income enables the child for life. Within the scope and experience as a development organisation, MAYA has given special focus to the child with emphasis on civil society mobilisation and governance.

#### *MAYA's ideology on education and participation*

The *Praja Yatna* or the Citizen's Initiative on Elementary Education in the state of Karnataka is a very telling example of its ideology in this regard. If education is to deliver what society expects of

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under this Act. See also the article by Subramanian (2002).

<sup>14</sup> The other two streams of thought differ: while some advocates of child labour eradication believe in complete abolition, others stress the need for child participation in managing their own affairs without adult involvement.

it, it is imperative that communities own and manage the educational system. This requires institutionalising the participation of parents, children and communities in the management of education at the local level. A commitment to facilitating genuine participation will ensure that other important aspects like taking responsibility, realising rights and being accountable (and making the government accountable in return) will gradually fall into place. Going beyond the narrower concept of community participation (i.e. participating in the ways that the state wishes in terms of upgrading infrastructure, making financial contributions and other ‘safe’ ways), MAYA believes that participation entails the restructuring of power relations between the state (the school in this case) and the community such that communities are empowered to manage the school. This in no way means that the state transfers the burden of providing education onto the community; it will still play the role of creating the enabling conditions for and facilitating the provision of education as set out by the various Acts and policies. Community ownership will ensure management and accountability of the educational system at the local level (like monitoring the attendance of teachers, overseeing that financial resources allocated are spent appropriately and the enrolment and regular attendance of children). This fits in well with the ongoing discourse on participation, which sees the participation process as one that is ‘with’ the people and where the people are seen as equal stakeholders in the process.

When MAYA initially attempted to enrol children, especially working children, into school, it realised that the structure of the prevailing school system actually was pushing the children out. This was more visible in respect of the working girl child. The lack of accountability and transparency within the system and the complete absence of control by the local community ensured that very little consistent attention was being paid to ensuring that the children would remain in school and learn. A need to articulate a political demand for quality education was thus felt, with an emphasis on increasing the community’s control over education.

#### *Building capacities for genuine participation and governance through participatory action-research processes*

*Praja Yatna* initiated a School Information Campaign – a comprehensive survey of all government schools in the six districts in which it works, which involved members of civil society. Under the campaign, data is collected on all aspects pertaining to the school. This information is verified and shared by the community in a *Shikshana Grama Sabha* – a meeting of parents, *Gram Panchayat* members, teachers, *mahila sanghas* (women's groups), youth groups and civil society members.

Although, in spirit, all members of the *Gram Sabha* (which represents the foundation of local self-governance) should come together to discuss collectively issues which concern them, this has been reduced to mere tokenism in practice, where only the most powerful elite in a particular community controls the decision-making structures. *Praja Yatna* seeks to utilise the immense potential (and actual contribution) of the *Sabha* in educational reforms at the local level.

Discussions at a *Shikshana Grama Sabha* is geared towards enabling civil society to take charge of bringing about their own change, to take responsibility for their own development and, in the process, hold respective authorities (in this case, both the local power structures and the state) to account. Enabling people to make meaningful contributions and managing information and in doing so, helping to determine the course of their lives, the *Shikshana Grama Sabha* thus becomes a practical lesson in citizenship. At the end of a *Shikshana Grama Sabha*, a citizen's action group (CAG) is formed to follow up the decisions taken.

Civil society initiatives resulting from the *Shikshana Grama Sabha* are not only visible on the ground but are already demonstrating results. For instance, the higher primary school in Chikkenahali, outside Bangalore, has needed a room for the last decade. But due to bureaucratic inefficiency and corruption, the room was never constructed. Following a *Shikshana* meeting and with active support coming from a *Gram Panchayat* member, the construction of not one but two rooms has begun! The community has even planted a kitchen garden alongside the school compound. In another instance, in a village in Chitradurga district, the designated playground for the school, which was filled with rubble, has been transformed into a playground for the children. This was done by the formation of an interest group by the *Shikshana Grama Sabha* that cleared the ground. In yet another instance, CAG's in different *Shikshana Grama Sabhas* (three hundred of which have been established so far) in all villages within a *Gram Panchayat*, decided to examine the present status of the schools in their respective districts and neighbouring areas. Visits were organised and, as members of both the CAGs and the *Gram Panchayats* participated in the visits, they started becoming aware not only of problems confronting their schools but also what solutions they could devise within their power to confront the situation – such as the covering of an open well within a school compound with a slab in the Shivanapura village as it was dangerous for the children.<sup>15</sup>

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15 More examples of visible and viable initiatives may be found in *Praja Yatna's* brochure.

*Enhancing accountability and transparency – the MAYAn way*

Participation is unsustainable if mechanisms for transparency and accountability are not developed. In facilitating local self-government institutions to demand accountability and transparency, *Praja Yatna* is helping them move beyond the traditionally defined roles by enabling the *Gram Panchayat* members to hold the local education system, consisting of the teachers, headmasters and local educational administrators, accountable. Immediate results are already visible. Thirty-three teachers were suspended in one district as a result of improved monitoring by *Panchayat* members; skewed teacher-pupil ratios are being corrected by moving teachers from schools with too many staff to schools where students are more numerous. An emphasis on working girls attending schools has been the intensive focus of the *Sabhas* and CAGs (CAG Newsletter, 2001).

No approach to participatory governance will be successful unless it involves the government in the process. Encouraged and also pressured to be a part of this initiative, the Education Department of the Karnataka State Government has recently announced the formation of School Development and Monitoring Committees (SDMCs) with parents as elected members. It is a marked departure from earlier initiatives, which either excluded parents from the monitoring committees or limited their roles to mere tokenism. It also reflects the changing attitude of the state government in redefining educational governance such that committees are viewed as partners and decision-makers and are assisted to take ownership of educational processes.

The *Praja Yatna* thus becomes a lesson in participatory local self-governance and embodies an innovative civil society approach to bring education to those working or disadvantaged children who would have been left outside the school system. Citizens' Reports will now be prepared by the citizens (the first exercise of its kind in Karnataka) in order to enable a vital linkage between the formal educational machinery and the people at large. Providing both statistical and qualitative information, the reports will cover issues of equity of education for the girl child, the purpose, relevance and universalisation of education, and issues of community ownership/management. By having a focus on girls attending schools and thus removing age-old barriers to their access to education, this approach is not only geared towards creating a cadre of literate and empowered women but is also creating a space for genuine civil society participation. One other lesson learnt through the *Praja Yatna* is that once citizens' competence and institutional capacities are built for local action in education, the same capacities can be used for handling other development issues.

#### *iv). The Pratham model*

*Pratham* (a Sanskrit word that means ‘first’, ‘primary’ or ‘beginning’) is another example of an innovative participatory civil society initiative under the second category of civil society role identified above, and which has succeeded in working with the government in different Indian states to deliver education to the marginalised child, including working children. Initiated in 1994 by UNICEF, the Municipal Corporation of Greater Mumbai, several prominent individuals and some slum dwellers, *Pratham*'s aim is to create a societal mission for achieving universal pre-primary and primary education. Its goal is simple: 'Every child must go to school regularly and learn well'. It therefore follows that all of *Pratham*'s efforts and initiatives are linked to the existing government school system and directed at improving access to schools, increasing attendance and raising achievement. Today, *Pratham* has a presence not only in every slum community in Mumbai but also in slums in Delhi, Allahabad, Vadodara, Bangalore, Pune, etc.<sup>16</sup> How did *Pratham* achieve this in such a short period of time? What are the key factors that have led to the success of this model and enabled its replication? If mega-cities like Mumbai and Delhi can achieve this goal, what lessons can be learned from this experience?

#### *The Pratham strategy*

*Pratham*'s strategy has been to work through a tripartite relationship involving the citizens, local self-government and the corporate sector. Its real strength lies in its successful efforts to mobilise the grassroots community – be it young women, enthusiastic volunteers or parents – all eager to send children to school and to make a difference. With active civil society participation, it has been able to create a model of replication and performance to scale, reaching out to the maximum number of working children at a very low cost, while working in tandem to fill the gaps in governmental efforts, rather than supplement them.

In all its programmes across the states where it has a presence, the *Pratham* model consists of the following basic components:

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<sup>16</sup> Today, *Pratham* is a network of education initiatives across seven urban centres and five rural districts of India in twelve Indian states. The *Pratham*-Mumbai Education Initiative started nearly all of these initiatives, and three of them have now become autonomous organizations – financially and technically independent of *Pratham*-Mumbai.

- \* The *Balwadi* Programme<sup>17</sup> concentrates on early childhood development of children in the 3–5 year age group. The creation of an atmosphere of fun, learning and discipline helps to boost enrolment and retention at the primary level.
- \* The Bridge Courses (or the Non-Formal Education Programme) introduce out-of-school children (mostly working children, with a special focus on the girl child) to the joys of learning, and prepare them for enrolment into formal schools.
- \* The *Balsakhi* Programme is an endeavour to prepare under-performers in the government schools through remedial classes, run during school hours, to assist children in reaching levels of learning appropriate to their age and grade.
- \* *Balshramik* classes, for the 6–14 age group, have recently started to provide education to child labourers and children in especially difficult circumstances. Other initiatives include a Health Programme for *Balwadi* children and Computer-aided Learning Centres for children in Government Municipal Corporation Schools.

#### *Emphasis on civil society participation in planning and implementation*

The *Pratham* model has an active focus on empowerment of women and girl children. Its teachers are women educated to Standard Ten or higher, selected from the community itself. To ensure familiarity and easy accessibility, teaching centers are located in community spaces, teachers' homes or places of worship, for which no rent is paid. The model endeavours to build the capacity of its teachers into area and city managers, trainers, mobilisers and leaders. It is a proven nation-wide phenomenon<sup>18</sup> that, with little guidance, these young women have come out of their homes and created their own '*Prathams*'.

*Pratham* encourages and assists these community women to organise themselves into one or more registered-society women's groups (*Mahila Mandals*), which are run by their own elected president, treasurer and managing committee and have their own bank account. These *Mandals* give the teachers the responsibility for their respective areas. A platform is also available for them to work as a team, which provides a strong instrument for women's empowerment in the target community. Further, the entire organisational structure becomes increasingly decentralised.

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<sup>17</sup> Pre-school education programme.

<sup>18</sup> See footnote 13.

To overcome the inevitable hurdles during the execution of the project, and in order to guide and monitor the programme in the long run, *Pratham* assists the target communities to form ‘*Basti* (Slum) Education Committees’, which consist of community leaders, influential persons and opinion makers. These committees liaise with government authorities, the municipality and the parents of the children. The underlying theme which flows through this argument is that the programme is not one owned by a few but by the entire civil society, and thus the onus of the programme lies with the communities involved.

In the long run, the *Mahila Mandals* are expected to raise their own financial resources from the Government, community or other funding bodies. It is clearly understood at the project inception stage that every local initiative must be ultimately ‘owned’ by various civil society members, for example a local group of business people, volunteers, supporters, teacher, parents and community leaders who will actively assist the *Mahila Mandals* in raising financial and human resources and help to mitigate conflicts as and when they arise.

#### *Qualitative changes in policies, processes, structures and activities: working in tandem with the Government*

The *Pratham* model has shown some very visible qualitative changes in just over eight years since its inception. An evaluation of the *Pratham* model conducted in Mumbai by Dr. Rukmini Banerji (2000) draws forth the following conclusions:

- The Mumbai Municipal Corporation’s adoption of the slogan ‘every child in school’ and ‘every child learning’ implies a tougher definition of universalisation than is prevalent in the country at large. In much of India, the Government is still primarily concerned with access. The focus on every child learning places a heavier burden for achieving universalisation in Mumbai. *Pratham*’s efforts have helped to put ‘learning’ on the government’s agenda. To make the task of universalising education more manageable, Greater Mumbai has been organized into 450 Education Posts (*Shikshan Kendra*). Each Education Post (EP) is a geographical area around a municipal school building. A team of *Pratham* people in each Education Post is working with citizens, local organisations and municipal schools to get every child into school or at least into the ‘education net’. The notion of the EP was initially conceived by *Pratham* and subsequently adopted by the municipal corporation.

- The system has accepted that the definition of ‘school’ needs to be expanded to meet the special needs of urban children. In addition to regular, formal classes, the new conception of ‘school’ must include bridge courses as well as remedial action. These supporting activities are an essential and integral part of the regular school whether they are conducted in the school premises or not. The internalisation and operationalisation of the new conception of school varies from project to project in those states where *Pratham* has a presence.
- Sustained efforts by *Pratham* that focus on issues of children’s learning, as well as growing evidence for the need to take remedial action has led to serious re-thinking within the school system. As part of this effort, in the 1999–2000 school year, each school in the Mumbai Municipal Zone was required to have in place detailed plans for identifying children who are in different learning levels (‘*prateeksha*’ – lagging behind, ‘*prerna*’ – towards mastery, and ‘*prabhutva*’ – mastery). Schools are expected to design curriculum and instruction for children in each of these categories. The school system’s effort to systematically improve learning is further supported by *Pratham*'s Balsakhi programme.
- As part of the bridge course initiative, the school system has instituted a new set of rules and processes for enabling children of different ages and capacities who have hitherto been out of school to enter school at different points during the school year.
- *Pratham*’s information systems unit has instituted an information cell for the Education Department of the Mumbai Municipal Corporation so that school-system data can be computerized. This project to reduce administrative work for teachers and schools is been underway and efforts are on to train and encourage school administrators to use the database effectively.

Embedded within the new conception of school and the *balsakhi* and bridge course programmes, is the idea that civil society can help to bridge the gap between schools and communities and homes, and that such ‘bridging’ is critical for universalisation. For a bureaucratic system to allow outsiders to help within the schools is a significant change in policy and attitude (Banerji, 2000). That *Pratham* has been able to touch the lives of deprived children, including the girl child, is evident from the fact that the programme is now reaching out to more than 180,000 children across different states of India.



## Chapter V: Opportunities and challenges for civil society: the road ahead

### *i). Implementing the 93rd Constitutional Amendment Right to Education – Using the rights-based participatory approach*

Introducing the principles of human rights into the domain of development offers further intersections with debates around the participation of civil society in governance and policy (Cornwall, 2001). To this may be added the possibilities and challenges facing civil society with regard to the implementation of the 93<sup>rd</sup> Constitutional Amendment Right to Education. On a broader level, the rights-based approach is seen as the means by which vulnerable groups strengthen their capacities to claim diverse resources to meet their needs. Human rights principles offer the same importance to both rights spectrums – be it socio-economic or civil and political rights. Andrea Cornwall (2001) further points out that people cannot realise their right to health unless they can also exercise their democratic right to participation in the decision-making process on service provision. The same holds true for actualising the right to education in India and points to the need for the application in practice of rights-based participatory governance in this area.

A rights-based approach emerges in the Indian context where there has been a failure of policy implementation and rights entitlements, as has been discussed in Chapter III, especially in the context of the right to education for the girl child. It has a connotation of being a ‘bottom-up’ system where the recipients of a service determine priorities and force the powers that be to act along these lines. On the other hand, a policy-based approach – the dominant paradigm in countries where development has been government-led (and is expected to be government-led) – is just the opposite in that it has a ‘top-down’ quality to it. Policy is what bureaucrats make and impose upon populations. This leads to priority mismatches. And this precisely has been the case of education for child labourers in India where the education policy for the working child has been designed by those bureaucrats who have been conditioned to believe that in a poverty-stricken country, children must work to augment the family income. Thus, all education policies for the working children look at education not as an opportunity to eradicate child labour but as an alternative to regulating it.

In a rights-based approach, the key underlying premise of justiciability, i.e., that one can take the Government to court if one’s fundamental right to education is not fulfilled, makes the judiciary a key ally of citizen action. This has a lot of relevance for the Indian context where the Supreme Court is independent of the Executive and the Legislature. The most recent instance is the *suo moto*

judicial activism demonstrated by the judges, especially in environmental issues. Again, the rights-based approach to education is justifiable in this context as the judiciary can play a key role if one's right to education is violated.

This is not to suggest that a rights-based approach is the antithesis of a policy-led approach: rather, that the two can work in conjunction and be mutually reinforcing. Policy-making can be more demand driven and context-sensitive (via civil society action), whereas rights action can be useful in generating a social audit of policy efficacy.

The alternative system of building parallel civil society structures – like the Bangladesh Rural Advancement Committee Informal School System – appears to have limited relevance in India, because in the Indian context, it has been demonstrated that a rights-based approach has made the government work better.

That a rights-based approach has led to the building of a literate populace (which leads to the emergence of strong social capital) has been aptly demonstrated by the Himachal Pradesh case documented by Sen *et al.* in the Public Report on Basic Education in India (PROBE) (1999). It testifies to the fact that community involvement in teacher monitoring, PTA-style participation, and so on went a long way towards achieving the 'Himachal Miracle', which saw the state of Himachal Pradesh rise from the bottom of the education table to nearly the top in a very short period.

Joint civil society–government/public sector exercises in India have shown results that further lend credence to these arguments. Whether it be auditing the services provided (like the public hearings to audit local spending in Rajasthan); the joint management of sectoral programmes (such as the Education Guarantee Scheme in Madhya Pradesh, Forest Protection Committees in West Bengal or Watershed Management Schemes); or government frameworks for participatory planning (e.g. the People's Planning Campaign in Kerala), outcomes have been positive (Goetz & Gaventa, 2001).

There is no longer a debate on whether more policies need to be introduced in relation to child labour or education. The time is now ripe to focus solely on effective implementation. Moreover, it is commonly accepted that government should shoulder full responsibility for ensuring good quality primary education, as we saw above (Chapter II). The question is, whether the government has the capacity (managerial and human resource) to organise or provide all the backward and forward linkages that make meaningful elementary education a reality for those who are left out of the system. Even if physical access is ensured, does the system have the capability to ensure good quality education? Special programmes of the government have tried to reach out to some sections of the population in some states of the country; but by and large it is more than evident that the

government does not have the capacity to work simultaneously on several fronts – access, quality and relevance. There is thus growing public recognition that other ‘players’ – voluntary organisations, educational trusts, citizens’ groups, trade unions, religious and corporate bodies – could make a difference if given the space to do so. The concept of ‘participatory governance’ is thus coming into the forefront where, taking into consideration the government's limitations, civil society increasingly influences and exercises control over governance issues, be it the direct running of schools, monitoring the attendance of teachers or ensuring supply of safe drinking water to the schools.

This resonates with the ‘goal rights system’ advocated by Amartya Sen, which liberates the system of rights from the narrow confines of constraint-based obligation by demanding active steps towards the fulfilment of rights (Raj Kumar, 2000). This will be discussed in the next section. The approaches analysed in Chapter IV demonstrate that models of partnership and innovation under the over-arching theme of the rights-based approach to education and participation could thus be applied while implementing the 93<sup>rd</sup> Constitutional Amendment on the Right to Education.

This application is based on two assumptions:

1. In the ultimate analysis, the onus of delivering education lies with the Government. Civil society can only act as the catalyst to bring about change through a ‘demand–supply mechanism’. On the demand side, this occurs through advocacy, lobbying and ensuring accountability and transparency. Perhaps the most telling example was the success in getting the 93<sup>rd</sup> Amendment passed. On the supply side, the role of civil society has been demonstrated both by capacity-building of communities through training, awareness, sensitisation, social auditing, and monitoring of government services, etc.; and of the government by the training of public officials, etc. (MAYA has already done this to an extent in the state of Karnataka).
2. The second assumption is based on the premise that successful models of sustainable development and resultant changes in deep-rooted socio-cultural values (as elaborated in Chapter IV) have shown that participatory governance is perhaps one of the best means of bringing about such positive changes. In Mozambique, since the launch of the Agenda for Action for Children in 1998, positive outcomes of genuine improvements in the lives of children and young people have come about partly due to the participatory model of civil society ownership used.

## *ii). Challenges for civil society in the Indian context*

The general formulation of the 'goal rights system' leaves open the question of what substantive rights needed to be included as part of societal goals. Amartya Sen has argued for considering 'capability rights' as the substantive content of goal rights (Sen, 2000). In this view, societal goals should include the fulfilment of the people's right to capabilities. If one adopts Sen's perspective in the context of the 93rd Constitution Amendment, then the right to education is to be viewed as a welcome proxy for the more fundamental rights to the capabilities that derive from access to education, namely, the capabilities of being free from ignorance, being educated and being able to avoid illiteracy and a sub-standard existence, being able to participate actively in society, and so on. Thus, the extent to which the people's right to education is fulfilled will then be assessed by the extent to which these capabilities are being attained (Raj Kumar, 2000). This is the main challenge, which will lie before civil society while implementing the right with government participation or collaboration.

The challenge for civil society becomes even stronger partly because there exist a number of states in India where the culture of a strong civil society does not exist (for example, the northeastern states of Assam, Meghalaya, Manipur, Tripura etc.), or where civil society operates at different levels of sophistication. Goetz and Gaventa (2001) cite the Madhya Pradesh example in this context too: 'local self-government provisions guaranteeing investigations of corruption charges made by the village assembly have remained reforms on paper as citizens are insufficiently informed and organised to use them ... worse, where ordinary citizens are not able to take advantage of important new opportunities to engage with policy-makers (because of low literacy, lack of awareness, insufficient mobilisation), such opportunities will be hijacked by elites'.

There are also those 'top-down policy' states where the bureaucracy is too deeply entrenched; where rights are not generally realised by ordinary people in the first place; where the patriarchal and traditional mind-sets are too deeply entrenched (the situations of women and girls usually represent the lowest common denominator in these states); and where there exists a historical mistrust between government and civil society.

In addition, the underlying belief which prevails in some mindsets, that the right to an education is linked to the issue of power because education brings with it knowledge, which is a powerful tool for the oppressed to fight for their rights, poses further challenges before civil society. Hence, those states where the bureaucracy is all too powerful will resist the successful implementation of the right to education because of a desire to maintain a status quo.

Mere replication in such states will also not work, as the Ernakulam example amply demonstrates (in which efforts to replicate the Kerala model of education in Bihar failed due to a variety of factors, some of which have been stated above).

Civil society's role in such states thus has been marginalised due to a complex interplay of various factors. Bihar, Orissa and Uttar Pradesh, or even economically prosperous states like Punjab and Haryana (where there has been a progressively declining sex ratio) fall into this category, in which a very active and strong civil society will be necessary to implement the right to education. In such contexts, preparatory work to build the conditions for the mobilisation of citizens' voice for responsiveness and accountability will be needed, and this will take time (Goetz & Gaventa, 2001).

The challenges before civil society will be thus greater when it comes to the implementation of the right on the ground. It may require a very different set of skills from those which were used by civil society to get the Bill passed. There have been telling examples of other countries, where despite a very strong civil society presence and pressure, laws relating to the rights of children have not been implemented. The Guatemalan example comes to mind, where the Legal Code for Children and Young People, though approved unanimously by the Congress in 1997, did not go into effect, until only very recently when the Guatemalan Supreme Court took action against the government for its delays in implementing the Bill. Though the Code was introduced (and approved by the Congress) primarily due to very strong civil society lobbying and pressure, civil society was not able to actualise this Code into law for almost five years. One explanation offered for this is that the Guatemalan civil society actors did not have the necessary social base to support them, because the Code represented more than a set of laws but a redefinition of social relationships and commitments with and across society (Lent and Trivedy, 2001).

### ***iii). A prescription for implementation***

In light of the above, how does civil society now create spaces for implementing the right? What kind of participatory governance mechanisms are necessary to bring about effective implementation? Does it mean building up more capacities in terms of local grassroots capacity-building and 'ownership-fostering' efforts (such as those by MAYA and *Pratham*) to enlist the co-operation and participation of the government? Or, does it rely more on mass-mobilisation tactics (as in the examples of SACCS or NAFRE)? Or again, does it mean working from the outset directly with the government to bring about implementation (as in public-sector reform to train bureaucrats)?

While national advocacy strategies can be tailored to achieving stated commitments like Education for all by 2015 or the Millennium Development Goals of the UN, international advocacy can feed into these efforts, for example by encouraging countries to meet their pledges, such as the commitment to devote 0.7 per cent of national budgets to development aid. Only the Netherlands and the Scandinavian countries meet these targets now, and the World Summit for Sustainable Development 20–20 Compact Commitments needs to be revisited in order to see what dialogue with recipient governments can ensure. International civil society allies like Save The Children or trade unions can make this work at the other end in order to make this happen.

The Indian situation will be very challenging and complex since what might work in one state cannot even be introduced in some other state due to the reasons explained in the section above. Thus, in states like Bihar, Orissa and Uttar Pradesh or even the north-eastern states, the challenge will be more daunting since it will require work on a war-footing simultaneously at different levels. On one hand, it will require sensitising, mentoring, awareness-building, etc. and the development of the participatory governance capacities of such rights-unaware communities, while simultaneously achieving the SACCS/NAFRE approach of mass-mobilisation to achieve reforms through advocacy.

On the other hand, it will require working with the state bureaucracy to train their bureaucrats for reforming legal and regulatory frameworks, as well as the systems for implementing them. Conversely, the theory and practice of participatory governance can be implemented more effectively in other states like Karnataka, Andhra Pradesh or Gujarat (and these will be at a more advanced level of implementation, as a lot of groundwork has already been done). Changes on the ground will thus be visible at different stages depending at what level of governance the particular state has reached.

In the local context, some methods of participation within civil society designed to implement the right may include, for instance, finding new bargaining tools, such as public interest litigation (PIL). Some cases which come to mind are the petition on the environmental aspects of the Cogentrix Case (where the residents of the affected areas felt it necessary to organise themselves into an association in order to protect their collective interests from the callous and unconcerned activities of the various government and private agencies rushing in to set up highly polluting and large scale industries. Towards that end the association has been spearheading various public movements and awareness campaigns and has been largely successful in making the public alive to various issues concerning the ordinary citizens, particularly in the areas of environmental, social and economic impacts); or the petition against permission being granted for the Kudremukh Iron

Ore Company to prospect in the Kudremukh Park, Karnataka, in fundamental violation of the Wildlife Protection Act 1972. In both these cases it was civil society that successfully initiated the process.

Also, jettisoning the exclusionist feminist dogmas, the idea of working intensively with men also as agents of change would also work as a method of participation in the area of capacity-building. And, in the Indian context, where men are often the perpetrators of all forms of discrimination against women, this holds special significance.

Another idea would be to work with women in 'positions of power' – for instance, the mothers-in-law or women *Panchayat* leaders – as potential agents and champions of change. The creation of focus-groups of these women, in order to reinforce positive images of women and girls, and bringing in other women as equal participants in the process, could spell the beginning of some change in the right direction.

While working with the Government, institutions of accountability such as auditing offices, the judiciary, systems of recruitment and advancement in the administration, and oversight committees in the legislature, can be strengthened through capacity-building programmes (Goetz & Gaventa, 2001). Also, civil society will not only have to change attitudes of the rights-unaware local communities, but will also have to work in changing mindsets of government servants as (especially those who are at the cutting edge of public engagement and policy formulation or implementation). Civil society has done this with some success. An example is the case of NGOs which engaged with government schools in Delhi to change the requirement in school admission forms to declare only the father's name, so as to allow the mother's name to be registered instead. These efforts require small tweaking of existing discriminatory policies but could have very positive multiplier effects.

However, it has to be kept in mind that a very important corollary to achieving all the above in the context of child labour and education is that child labour will diminish and children will go to school (and be retained in school) if other factors come into place which will require very active governmental intervention – the overall reduction of poverty. And this is one area where the onus lies exclusively on the state for provision and delivery. For no civil society initiative, either on the demand side or the supply side, will be sustainable, nor will government laws be effective, if there are no effective and sustainable policies and programmes to back them up. And in this case, if the government does not initiate adequate provision for livelihood opportunities to back the right to education in practice, the 93rd Constitutional Amendment on the Right to Education will remain a

hollow victory for civil society. This is one very important issue which the civil society will have to take into cognisance while working with the state to implement the Bill – that the right to education must work in tandem with the right to escape from poverty and to have access to equal opportunities.

Thus, the challenge for the future is to enable those excluded by poverty and discrimination from taking up the opportunities extended to them, to influence, control and exercise agency through the institutions, spaces and strategies they make and shape for themselves (Cornwall and Gaventa, 2001).

*iv). Conclusion – Some interim observations*

It has been a little over five months since the Right to Education Act was passed, and civil society is already taking the first steps by making efforts to translate the legislation into a meaningful right to free education of good quality. The first step is for the government to draw up a concrete National Action Plan through a truly participatory and transparent process, as promised in Dakar. In April 2000, in Dakar, the government pledged to develop a National Action Plan by 2002 to ensure Education for All by 2015. While doing so, representatives of the SACCS and Shiksha Yatra, on behalf of Indian civil society organisations and as part of the Global Campaign for Education, demanded a truly participatory and transparent process. This already resonates to an extent in the prescription laid out in the preceding section, to implement the Act based on the principles of participatory governance. They have called upon the government to set up a 'National Commission on Education' comprised of experts. The Commission would ensure a participatory process by involving civil society actors as an integral component in any planning and delivery to ensure implementation of the Constitutional provision. In fleshing out its character, suggestions have been made that the Commission should enjoy a quasi-judicial status – something similar to the National Human Rights Commission – since education, after being conferred the status of a fundamental right, is now legally on the same footing as any other human right. Recognising the importance of resources in achieving the objective, civil society has called upon the government to earmark eight per cent of GNP for education, of which at least 50 per cent should be allocated to primary



education. However, the recent allocations for education announced in the 2002 Union Budget leave a lot to be desired.<sup>19</sup>

State-level networks of civil-society organisations have also been formed in quite a few Indian states to actively lobby the state governments to implement the principles of the Bill on the ground. NAFRE, FORCES and SACCS (as part of the Global Campaign for Education) are taking a leading role in this area.

On the international level, at the recent UN Summit for Children in New York in April 2002, the Global Campaign for Education members from across the world converged to actively lobby for the achievement of the Dakar goals and their application in national contexts. SACCS and their representatives were represented in this effort and they organised a march across the city to the UN Headquarters to draw international attention to the need to actualise the right to education universally. Again, this is in line with the international advocacy component of civil society lobbying in order to get policy implemented, as was identified in the preceding section.

Taking the challenges into its stride, civil society is thus already making efforts to translate this right into reality on the ground, as can be seen from the above account. Along with the advocacy and lobbying efforts described above, efforts will be required on the ground for which changes can be brought about through participatory governance efforts, using a combination of methods as elaborated in the section above.

India is a land of varied experiences and though hurdles exist, the situation is not overly grim. Hence, the time is also ripe to celebrate victories. The passing of the Bill has signified a momentous victory for civil society, which is now determined that that they will not let this opportunity to actualise the right on the ground pass them by. There is hope that the status of the working girl child in India may see indicators of change and empowerment in the near future.

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19 Although the Finance Minister announced an overall hike of 30 per cent in spending on elementary education and adult literacy, education experts state the hike in primary education is nominal. While last year the central allocation to primary education was Rs 4,000 crore, this year it is Rs 4,900 crore, an increase of just Rs 900 crore. The Tapas Majumdar Committee report on financing primary education had suggested an increase of Rs 18,000 crore for the sector.

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