

**Public Lecture
on
Right to Education**

Organised by: Right to Education Forum; Council for Social Development; UNESCO, New Delhi

On: 15th Jan 2015, 2:30pm to 5:00pm

At: India International Centre, Lodhi Estate.

Chair - Prof. Muchkund Dubey – President, CSD

Key Speaker - Mr. Kishore Singh – UN Special Rapporteur on Right to Education

Panelists- Prof. Geetha B. Nambissan– JNU

Mr. Alisher Umerov, Chief of Education and Programme Specialist, UNESCO

Dr. M.P. Raju – Advocate, Supreme Court

The Key Speaker of the evening was Mr. Kishore Singh, UN Special Rapporteur on Right to Education who has submitted a report recently to the *United Nation General Assembly* based on the facts and observations from different countries which examines State responsibility in the face of the explosive growth of private education providers, from the right to education perspective.

The lecture opened with a brief introduction of the ‘report’ by the Chair, Professor Muchkund Dubey. He highlighted a few salient features of the ‘report’ which emphasized on “education as a public good” and the responsibility of the state towards it; especially a state where there is a provision for universal education. He further stated that there is hardly any developed country in the world that does not have the provisions for universal education (of good quality) through public funding and public regulation and control. This report has generated a worldwide interest in the topic of privatization of education by establishing a strong case with legal, ethical, economic arguments. This report has strongly advocated the need to strengthen the mechanism of *Public Education System* for the implementation of *Right to Education* as well as for universalization of good quality education for all children world-wide. Warning against the increasing privatization and commercialization of school education, he argued that it has been proved detrimental to the concept of fundamental right to education for the millions of children all over the world. He said that education is not a privilege of the rich and is inalienable

for every child. The exponential growth of private education is replacing public education rapidly rather than supplementing it. The costs associated with private schools are exacerbating inequalities affecting the social fabric as the poor and the marginalized groups automatically lack access to them. Mr. Singh argued that State is both guarantor and regulator of education as a fundamental human right which is a noble cause, so it must fulfill its obligation providing basic education free of cost on the one hand and regulate private education on the other. He also said that Government is duty-bound to strengthen their public education systems rather than allowing or supporting private providers which are driven by profit making motives. He addressed many of the concerns that have emerged in terms of State obligations for the provision of the right to education as well as respect for the principles of social justice and equity, core principles of the UN.

Dr. Kishore Singh articulated the need for active engagement in promoting concerns towards the impact of privatization on extension of Right to Education, globally. Moreover, he explicated the need for 'equality of opportunity' as the key challenge in front of the global community, post -2015. He recognized equality of opportunity in education as a fundamental principle to address inequality and social injustice and thus counter social tension. Sighting the condition in India, he maintained that with rising awareness, more parents express their desire to provide education to their children, but the government has been inefficient in meeting the demand which has led to the rise in the number of private institutions, which continue to remain unregulated. As observed by the Supreme Court in a number of cases, privatization of education is primarily driven by profit motive and thus capitation fee, which is collected against admission in private engineering and medical colleges, is ruled to be unconstitutional. While quoting a report published by UNESCO titled "Corrupt Schools, Corrupt Universities: What can be done?", he alleged that the delivery of education by the private schools is deflated, mostly due to appointment of unqualified teachers with no proper training. These points were also included in the 'report'. The demerit of privatization of education, that was observed, was the lack of universal access to education through which the marginalized has remained deprived of quality education as the public schools do not provide the same. This has led to a condition where a student of six to seven years of age is not able to even write his name properly. Thus there is an urgent need to inculcate professional status and social esteem in the education sector such that efficient and talented individuals are attracted towards the profession of teaching.

Moving further, Mr. Kishore enunciated the role of education to promote democracy and humanistic orientation among the individuals and society. This idea of education seems to be violated by the wave of privatization. The responsibility of government is devising and insuring regulation on privatization of education. Instead, they are supporting privatization of education as observed in many countries. This phenomena needs to be controlled. He shared a fine

example of Constitution of Ecuador which provides ideal conditions for insuring quality education for all, where education is considered as a public good with no scope for privatization. Therefore, an important role is needed to be played by NGOs, Civil Society and Parliamentarians in promoting concerns towards the ill-effects of privatization.

Prof. Geetha B. Nambissan introduced the audience with another dimension of privatization by erecting a question “what kind of private (are we aiming for)?” which basically is wide, diverse and stratified. In addition she tried to produce a vivid picture of the evolution of the private institutions in India: Post 2000, there was a strong advocacy for private schools for poor’s education by many powerful corporate giants as their voluntary philanthropic activity. These schools, which are commonly known as “Private English Medium Schools”, were basically envisaged to deliver quality education at an affordable cost for poor. One example was the efforts of Prof. James Tooley in providing low cost private education at slums in Hyderabad. Further, a Public-Private-Partnership (PPP) Model in school education also came up which was proposed to be a good business option in the form of “School Adoption” and “Teach for India”. In this period, till 2007, several studies were specifically conducted to show how these schools performed better; thus creating the evidence base which showed how these models and studies were model low cost schools with good quality education. These ideas were then sold to corporate houses for the consideration of investments. Within these models, option for microfinance was also explored through banking institutions like HSBC.

Moving forward towards the period of 2007-2008, more initiatives came up like Chandler (Singapore based millionaire) – Rumi Budget Schools, Career Launcher – Indus Budget Academies, SKS Micro Finance – Bodhi Academies and Reddy Labs – Pudami Schools. Bridge International academies claimed to provide education to poor at a cost less than \$4 per child per month and enabling local schools managers to operate these schools as a profitable business, while creating a highly successful business at central level. Such schools followed the mechanism of Paraskilling of the teachers in order to enhance the quality of education being delivered in these schools. A typical example of adoption of such ideas in India is the Gyanshala model of education in Gujarat which uses the technique of Paraskilling and estimates a cost of education as less as \$3 per child per month and performs better than the best government schools in state of Gujarat.

Post 2009, as Prof. Geetha delivered, with the introduction of Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), the above models faced certain legal hindrances in further development. Certain initiatives in this period were undertaken by STIR India and ARK India. South Delhi Government in collaboration with ARK India (Absolute Returns for Kids) has taken up school adoption programme. Other initiative on similar lines was like Teach for India. Today, Prof. Geetha stressed on the need to build strong counter- arguments

through research to question the quality of education provided in these low cost schools while simultaneously questioning the quality component.

Finally, Prof. Geetha gave a future perspective and challenges thereon and explained that as 75% of schools are public funded and are stratified, there is a need to get 'Public' in schooling on agenda seriously while addressing the issues of quality and teacher education and meeting the parental aspirations. There is a need to improve the quality of government schooling where the marginalized are predominant by introducing independent primary schools. Although there is an important role to be played through non-state initiatives and social responsibility, it must not be encouraged by profit motives but by the right of children to an education of equitable quality. Moreover, a platform needs to be delivered to ensure parental and community participation.

To construct a legal perspective of the Right to Education, Dr. M.P. Raju, Advocate, Supreme Court shared his ideas over the issue. Thanking Mr. Kishore Singh, UN Special Rapporteur on Right to Education, for his noble gesture in the form of the 'report', he asserted that it is a huge kick against privatization in education sector. He strongly criticized the arguments which propose that government should focus first on growth before talking about equity. The private players support privatization by criticizing the performance of government schools but the obligation of state cannot be neglected irrespective of the conditions. According to the Supreme Court, in our Constitution, today, Right To Education, stands as a fundamental feature of Right to Life within Article 21. Therefore, as life is not up to age 14, it is a redundant thought that Right to Education, per se, stands unavailable beyond the age of 14 years, which basically depends upon the means of the government to provide further facilities of education. In the context of India, he noted that education can only be a charity not occupation. As a closing statement, he defined governance by sharing a story of King Manu from Indian Mythology where the King always enquired from the fish about its needs before extending the service.

Mr. Alisher Umarov pointed out the decreasing government expenditure on education and increasing cost of living for households. Public schools are preferred only by poor families but poorly conceived policies, like 'no failing of students at the end of the session', are questionable. This has led to a condition where the public schools are not providing "education" at all. The reports talks about how many million students were educated, but it should be all about a question that "is one child at ground level provided the access to free and compulsory education or not?" Inability of the government to provide for the demand has led to the emergence of private sector in education. The private institutions are masters of marketing. As the parents are looking for better educational opportunities for their children as a long term investment to secure their future, they have an inclination towards private schools. The two major problems are the lack of legal regulatory mechanism to manage privatization

and the lack of communication among the various elements of education sector. From 10th and 11th Five year plans, Public Private Partnership (PPP) model was promoted in various sectors in India. With this trend, it was expected that private fund would flow in education sector also, which never really happened. But, in line with this expectation, it is witnessed that the government of India has reduced the allocation of funds to the education sector. As UNESCO recommends an allocation of about 6%, Government of India, today, allocates only about 3% of GDP. Therefore there is a need for proper allocation as well as utilization of funds.

The chair, Prof. Dubey, rightly pointed out that there has been no response on RTE by the new government. The targets of the implementation of the RTE are unlikely to be met by March 2015 but the government is busy formulating new education policy. The distinctive feature of RTE was the time and regulations which are completely neglected. These aspects are more likely to be absent under the private regime. He further criticized the government's ideas of devising ever new schemes in place of implementing the previously formulated policies efficiently and effectively. Moreover, the government needs to understand that the basis of all the other schemes of social sector is the level of education of the beneficiaries. Therefore, there is a need to develop real desire to focus on the problems related to education. Education doesn't have the function to impart literacy only. Formal schooling gives an opportunity to socialize and impart values among the individuals. Additionally, it enhances the ability of the individual to adapt with the ever changing scenario of modern education like technology. Therefore, RTE is nothing less than the Right to freedom of expression.

On the opening the discussion for the floor, a question came up that how can we improve the quality of public schools on the lines of right to quality education. Mr. Kishore Singh, while answering it, focused on the elements like values and mutual respect in promoting human rights and peace, which are supposed to be taught in schools but are absent in the daily public life. Lack of respect of teachers at schools indicates the deficiency of values which need to be rebuilt. Therefore, to ensure quality education, we need holistic development of knowledge of students with include education along with the values for overall human development. There is an important role to be played by the teachers who need to be qualified and well trained. Finally, norms and standards of quality need to be taken up as seen in countries like South Korea and Japan.

Another question talked about: should privatization be envisaged as a 'tool' or as a 'model' of governance of education sector. Giving a clear picture on how privatization should be introduced, Mr. Kishore Singh, said that privatization of schools, following norms of RTE and international Human rights for providing quality education, would be a welcome step.

Sighting some international examples like Ecuador and France, where there have been increase in public investment and decline in privatization of education sector, while answering another

question, Mr. Kishore Singh explained that because economic status and social status of an individual are not considered while taking admission in a school or an institution in these countries, it is one's right to get admission according to his intellectual ability and capacity.

On the issue related to lack or poor level of teacher's training raised by the audience, Mr. Kishore Singh, advised that from watered down minimalistic education provided by untrained teacher, the government needs to ensure quality of training of the teachers along with a need to conduct research on the same. Performance pay system and Contract teacher system need to be studied in detail and implemented.

In addition, Prof. Muchkund Dubey, advised that the implementation of norms need to be done in package form and not in segments. Further, on the issue of drop in enrolment in public schools, he pointed out that the lack of prior preparation of institutions and lack of infrastructure to implement RTE are the clear results of lack of intensions of government. Now, there is a need for time based goal for RTE implementation in collaboration with frequent studies, research and advocacy.

Education Must be Protected from the Forces of Privatisation

New Delhi, 15th January, RTE Forum. Right to Education Forum, Council for Social Development and UNESCO, Delhi jointly organized a **Public Lecture on Right to Education** today at IIC Annexe by Mr. Kishore Singh, UN Special Rapporteur on RTE. The Lecture was followed by Panel Discussion by other eminent personalities working in the field of education and other social issues. Prof. Muchkund Dubey, educationist, former Foreign Secretary and acting President, Council for Social Development chaired the programme. Prof. Geetha B. Nambissan, Jawaharlal Nehru University; Mr. Alisher Umarov, Chief of Education and Programme Specialist, UNESCO, Delhi; Dr. M. P. Raju, Advocate, Supreme Court; and Ms. Surabhi Jain, Director, Secondary Education & Learning, MHRD (Government of India); were other Panelists in the discussion which was followed by question-answer session.

Mr. Kishore Singh who has submitted a report recently to the United Nation General Assembly based on the facts and observations from different countries, strongly advocated the need of strengthening the mechanism of Public Education System for the implementation of Right to Education as well as for universalization of good quality education for all children world-wide. Warning against the increasing privatization and commercialization of school education, he argued that it has been proved detrimental to the concept of fundamental right to education for the millions of children all over the world. He said that education is not a privilege of the rich and is inalienable for every child. The exponential growth of private education is replacing public education rapidly rather than supplementing it. The costs associated with private schools are exacerbating inequalities affecting the social fabric as poor and marginalized groups are automatically excluded from going to them. Mr. Singh argued that State is both guarantor and

regulator of education as a fundamental human right and a noble cause, so it must fulfill its obligation providing basic education free of costs on the one hand and regulate private education on the other. He also said that Government is duty-bound to strengthen their public education systems rather than allowing or supporting private providers which are driven by profit making motives. He addressed many of the concerns that have emerged in terms of State obligations for the provision of the right to education as well as respect for the principles of social justice and equity, core principles of the UN system.

He put forth his ideas firmly against rapid and unregulated growth of privatization in education which has become a general phenomenon in present developmental model adopted by the most of developing countries keeping the marginalized, disadvantaged and poor section of the society away from quality education. The situation is worse in Indian context also where even after nearly 5 years of the enactment of the *Right of Children to Free and Compulsory Education Act, 2009* as *fundamental right*; we are far from achieving the goals of Universalization of equitable quality education.