



NEOLIBERAL

The Right to Education Act, which lacks a transformational vision, is geared to preparing foot soldiers for the global market. BY ANIL SADGOPAL

It denies the Fundamental Right to education and is unable to achieve **the goal of equitable education. It will have to be replaced by a law drafted in the framework of a public-funded common school system based on neighbourhood schools.**

THE most encouraging and delightful news regarding school education in India since the pro-market reforms began in 1991 came from Erode district in Tamil Nadu recently. To be sure, it is neither about the World Bank-sponsored District

Primary Education Programme (DPEP) of the 1990s nor about the internationally funded and much-hyped Sarva Shiksha Abhiyan (SSA) of the first decade of this century. It is not even about the high-profile “The Right of Children to Free and Compulsory Education Act, 2009” (popularly called the Right to Education Act, or RTE Act). Instead, the news that needs to be celebrated nationwide is about a simple act of the District Collector of Erode.

The Collector, Dr R. Anandakumar, and his wife, Dr M. Shrividyaa, went to the Tamil-medium Panchayat Union (government) School at Kumalankuttai near the Collectorate, stood in the queue along with other parents, and got their daughter Gopika admitted in the school. The Collector also told the headmistress, S. Rani, that his child would take the midday meal served in the school, rather than eat lunch sent from home.

Gopika’s schoolmates are children of dyeing unit



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ACT

workers, auto drivers, daily-wage labourers and weavers. If all those who are on the government payroll – officials, Members of Parliament, Members of the Legislative Assembly, Ministers, members of the judiciary and, of course, teachers of schools, colleges and universities – take their cue and get their children admitted in neighbourhood government schools, it is bound to bring about two revolutionary changes.

First, this expression of trust by the powerful elite and its allies will set the entire government school system on a decisive course of recovery to its heyday of the 1970s – before the middle class began its “grand” escape from government schools to private schools. The talk of poor infrastructure, teacher absenteeism, vacant teacher posts, ill-paid and untrained para-teachers, unfavourable pupil-teacher ratios, multi-grade teaching, lack of teaching/learn-

ing material and missing or non-functional toilets will, in the foreseeable future, become passé. A democratic, decentralised and participative system of governance will replace the colonial mode. The curricular and pedagogic quality of teaching will improve, and the teachers will begin to innovate, create and even question the Macaulayan texts, content and evaluation norms. The state, even this neoliberal state, will stop spreading the falsehood of “resource crunch” and begin to increase allocations for education as a political priority since the children of the ruling class and its beneficiaries are studying there.

Second, in tandem with this transformation, the prevailing phenomenon of privatisation and commercialisation of school education will begin to beat a hasty retreat – a logical outcome of the shrinking market as children of the powerful and articulate sections of society begin to return to government schools. Also, Human Resource Development Minister Kapil Sibal’s pro-corporate policy of public-private partnership (PPP) in education (including higher education) and bank loans to finance children’s education will not be required anymore. A by-product would be a significant saving of fuel, as school busses will stop plying, since all children, irrespective of their socio-economic status, will be studying in neighbourhood schools, government or private.

Ironically, the RTE Act, designed to sustain a discriminatory multi-layered school system and thereby accelerate both commoditisation of school education, on the one hand, and exclusion of the poor, on the other, will become a major obstacle in this transformation. It will have to be eventually replaced by a new Act drafted in the framework of establishing a public-funded Common School System based on Neighbourhood Schools (CSS-NS). This will be the only historic option in education for reconstructing the polity of the Republic as envisaged in the Constitution.

Admittedly, there is not even an iota of chance that the example set by

the Erode Collector will catalyse the kind of change envisioned above. The bitter truth is that the Indian state of late has been acting more as an agent of the neoliberal capital than as the guardian of the people’s democratic rights, equitable development and welfare as guaranteed in the Constitution. Its policy focus is on throwing open Indian education as one of the most lucrative markets for global investment as per the World Trade Organisation-General Agreement on Trade in Services (WTO-GATS) agenda. This is evident in a range of initiatives such as the PPP, voucher schools, refinanced loans and tax exemptions to both the investors (corporate



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A CHILD OF a migrant worker on his way to work at a construction site in Bangalore. (Facing page) Schoolchildren from socially and economically backward sections in Visakhapatnam. In spite of the tall claims by the government, the political will to guarantee universal quality education has been missing.



What will happen if the RTE Act is implemented with “100% efficiency and 0% corruption”

Discussing some frequently asked questions

1. Will the Act guarantee free education to all children?

a) No. Where does the Act say that all children will be provided completely free education? On the contrary, the Act reserves the right to levy charges as long as these shall not prevent a child from completing elementary education [Section 3 (2)]

b) Even the above curtailed right shall not be available to all since Sections 8 (a) & 9 (a) have provisions disentitling children from even this right if they are studying in private schools.

2. What is the difference between the Neighbourhood School stipulated in the Act and the universally accepted concept of Neighbourhood School?

The Act's concept of 'neighbourhood of the child' will make it possible to assign or deny a school to the child from among the schools of varying quality in the neighbourhood. This is a guarantee for sustaining and promoting discrimination. In contrast, the universal concept of 'neighbourhood of the school' requires all families residing in the specified neighbourhood to send their children to the same school, irrespective of their socio-economic backgrounds. This concept alone can pave the way for moving towards a Common School System providing education of equitable quality. This, however, stands denied by the Act.

3. Will the Act lead to improvement of infrastructure and other quality-related norms of the schools?

Since the norms are basically within the SSA framework, the present inferior infrastructure is likely to be maintained and the government will not be required to make any greater investments other than what it was already making for SSA in the Eleventh Plan. For instance, when the Act is fully implemented, almost 67 per cent of the primary schools shall continue to be denied a separate teacher/classroom per class; 75 per cent of the primary schools shall not have a head teacher; more than half of the upper primary schools shall be without a head teacher and the same proportion shall be without even a part-time teacher for art, health and physical education and work-based education (based on the DISE data). Access to electricity, computers or teachers for computers is not guaranteed.

4. Will the Act guarantee quality education for the disabled children and lead to their integration into regular schools?

In spite of the inclusion of the disabled children in the category of disadvantaged group through an amendment, there is hardly any provision in the Schedule of norms and standards, except for barrier-free access in the case of locomotor disability, to ensure that the rest of the disabled children will be able to study in a regular school. This means that budgetary allocations for such special provisions (for instance, books in Braille, teachers for supporting teaching through Braille and sign language and appropriate IT, and teachers for mentally challenged children) are not part of the guarantee. Most of the disabled children will continue to be either excluded altogether from the regular schools or remain at a substantial disadvantage.

5. Will the Act raise the status and quality of teachers?

a) Analysing Section 23 in the perspective of the DPEP and SSA policy framework of the past 20 years shows that the prevailing neoliberal policy of appointing para-teachers will continue, unless some State governments act otherwise. The budget outlays approved by the Planning Commission also provide for salaries, which are in the framework of para-teachers rather than regular teachers with pay scales.

b) There is no evidence anywhere to suggest that there will be any major programme for improving the quality of the disastrous teacher education system. This leaves the private sector free to provide inferior teacher education with unregulated profits under PPP.

c) Given this reality, the 'lofty' curricular vision provided in Section 29 (2) will remain essentially unimplementable.

6. Will the provision of 25 per cent reservation in private and specified category schools for children from weaker sections and disadvantaged groups ensure better education for them?

a) Section 12 is perhaps the most retrogressive provision in the Act. It constitutes evidence that the state has lost the political will to provide public-funded schools of at least equitable quality, if not better, than the private schools.

b) Available DISE data (2008-09) show that private schools (including aided schools) have a capacity to admit about 1.36 crore children at the elementary stage under this provision, since their total capacity is limited to enrol about 5.44 crore children. What is the Act's vision of ensuring good-quality education to



almost 15 crore children out of about 20 crore in the 6-14 age group?

c) In this background, 25 per cent reservation and the provision of reimbursement to private schools for the same is nothing but a glorified version of the controversial neoliberal policy of school vouchers. (The Uttar Pradesh government has allocated Rs. 3,300 crore for this purpose.)

d) No clue is available about how the children admitted under this provision will meet the exorbitant and arbitrary non-fee costs of the private schools.

e) The Act is curiously silent on how the private schools will meet the deficit. The HRD Minister has indicated that private schools shall be free to raise fees for the 75 per cent of the fee-paying students and under-pay the teachers since the Act has no provision to regulate fees/ salaries.

f) The impact of such policies on the relationship between the two categories of children can be most undesirable. The claim being made by the protagonists of this provision, that it will be a great step forward towards socialisation of both the rich and the poor, has no historical basis whatsoever. There are no known ways, pedagogic or socio-psychological, to deal with the inferiority-superiority syndrome that is sure to impact adversely on these schools.

7. Will the Act lead to better regulation of the fees charged by private schools, thereby lowering the cost of education?

a) The Act does not have any provision under which the authorities can regulate the fee structure (Sections 8 & 9). The HRD Minister has declared that all existing provisions in the State/U.T. Acts empowering the respective governments to regulate fees shall become 'infructuous' since the Central Act shall prevail wherever there is a contradiction.

b) The ban in Section 13 on charging capitation fees is a smoke-screen. The definition of capitation fee in Section 2 (b) indeed permits the private schools to charge capitation fee as long as it is included in the fee being notified at the time of admission.

c) These provisions are a clear indication that the cost of education shall increase rapidly in the years to come as a result of the Act.

8. Will the provision for School Management Committees (SMCs) lead to better planning, management and monitoring of schools through community participation?

a) Section 21 makes it clear that SMCs, like their previous PTA avatar, will not have any real powers to decide or take any action

that will make a difference to the functioning of the schools. The power will continue to rest in the hands of the political leadership and bureaucracy.

b) Section 22 provides for SMCs to prepare School Development Plans, which shall be the basis of grants from the government. However, this is just a mockery in the name of community participation since the SMCs are allowed only to prepare plans "in such manner as may be prescribed".

c) Private, unaided and minority-run schools stand exempted from this opportunity to have community participation in school management.

d) The hype with which the idea of SMCs is being promoted by the governments in collaboration with United Nation agencies, NCPCR and NGOs makes it clear that this is a grand political design to co-opt the so-called civil society in fulfilling the state's vision of demolishing government schools and expediting privatisation and commercialisation.

9. Will the Act make available pre-primary education within government schools?

No. Section 11 leaves the decision to "make necessary arrangement for providing free pre-school education" to the State/U.T. governments, as has been the case since Independence.

10. Will the Act lead to a better access to secondary education (Class IX-XII)?

No. There is no reference in the Act at all either to secondary education or to the children in the relevant age group of 14-18.

11. Will the Act ensure that there will be no paucity of funds in elementary education?

There is no financial memorandum attached to the Act. This implies that there will be no way to compel the government to provide adequate funds. That is, the financial implications of the Act are not enforceable/justiciable. The government will continue to have the arbitrary powers to make budgetary provisions and dilute or postpone allocations as per its convenience, just as it has been doing for the past 60 years, including the first year of its implementation.

12. With elementary education becoming a Fundamental Right, will the Act be enforceable/justiciable?

Not really. The provisions of restrictions on enforceability or justiciability of the Act in its Sections 36 & 37 mock at the concept of Fundamental Right itself, converting it into an ordinary right under the law.

houses, non-governmental organisations and religious bodies) and the consumers (children and parents) and a range of pro-market laws on the anvil, including the foreign university Bill. Policymaking, a sovereign function of legislatures, is being outsourced to corporate houses or their NGOs and foundations.

Further, the objective of education is no more the building up of a democratic, socialistic, secular, egalitarian and enlightened society. The Eleventh Plan and other policy documents such as the reports of Sam Pitroda's Knowledge Commission and the Yash Pal Committee on Renovation and Rejuvenation of Higher Education make it clear that the entire education system is being geared to the sole objective of preparing a highly "skilled but entirely slavish workforce" or "foot soldiers" – from plumbers and electricians to economists, information technology specialists, nuclear engineers and biotechnologists – for the global market.

What lies at the core of the neoliberal policy framework of school education is (a) opening new markets by demolishing the vast government school system, except some specified categories of elite schools such as Kendriya Vidyalayas and Navodaya Vidyalayas or the Eleventh Plan's block-level model schools and their counterparts in various States/Union Territories; (b) shifting public funds to corporate houses, NGOs and religious bodies through PPP, school vouchers, refinanced loans, cash transfers and tax exemptions; and (c) expediting abdication by the state of its constitutional obligation to ensure education of equitable quality to all children. It is precisely in this policy background that the farcical RTE Act was conceived.

In spite of the tall claims by the government, the political will to guarantee universal quality education has steadily declined, as is evident from the declining or almost static public expenditure on education as a percentage of the gross domestic product since 1986 (see figure).

In conceiving the RTE Act, the state was guided by two key features of



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STUDENTS IN A primary school run by the Chennai Corporation learning to use the computer.

neoliberal economic order. First, children of different sections of society shall have access to varying quality of schooling in accordance with their socio-economic and cultural status or purchasing capacity or both. This is evident from the very definition of "school" in clause (n) of Section 2, which provides for four categories of schools of varying quality and provisions.

The Act insists on compartmentalising RTE in these categories. For instance, Section 5 provides for the right of the child to seek transfer to another school under certain circumstances. However, in the very next breath, it restricts the right of the child to seek transfer to schools of "specified category" (that is, Kendriya Vidyalayas, Navodaya Vidyalayas and other similar elite schools) and private, unaided schools. This implies that almost 80 per cent of the children in the 6-14 age group shall be denied education in schools which the state itself considers, rightly or wrongly, as providers of higher

quality education. This deception destroys the very basis of education as a Fundamental Right read in conjunction with Article 14 (equality before law), Articles 15 (prohibiting the state from discriminating) and Article 16 (social justice).

The second feature of the neoliberal economic order that informs the Act is the brazen pursuit of privatisation and commercialisation of education. For instance, look at what probably can be regarded as the Act's worst provision, that is, the provision of 25 per cent seats being reserved in schools of "specified category" and private schools, aided or unaided (Section 12), for "children belonging to weaker section and disadvantaged group in the neighbourhood" (see also item 6 in the box). This provision amounts to the declaration that at present private schools are not only of higher quality compared with government schools but shall remain so even after the Act is implemented.

In order to further increase discrimination in and through education, Kapil Sibal told a gathering of managers of a powerful school lobby in New Delhi in February 2010 that the Act did not prevent private schools from increasing their fees or underpaying the teachers as per their convenience. When reminded about the existing laws that authorise some of the States/U.Ts to regulate the fee structure of

private schools, Sibal assured them that in view of concurrency of education, any provision in a State/U.T. law that was in conflict with a Central Act would become infructuous. His proclamation follows the World Bank diktat that "user pays the cost".

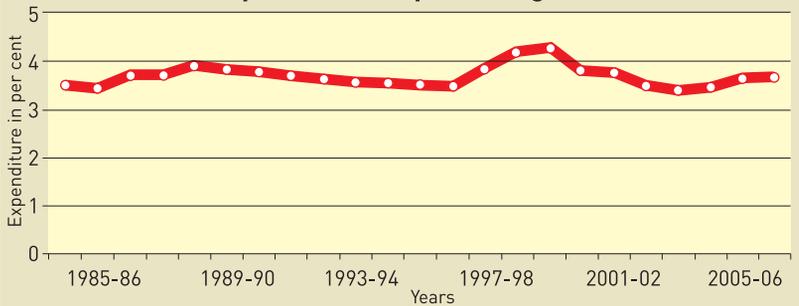
This is precisely why the agitations organised by parents in the past few years against fee hikes are unlikely to achieve their objective unless they also repudiate this pro-commercialisation



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R. ANANDAKUMAR, THE Collector of Erode, who put his child in a government school.

Educational expenditure as percentage of GDP



Source: Analysis of budgeted expenditure on education for various years, Ministry of HRD.

Act and seek restoration of the constitutional obligation of the States/U.Ts to regulate private schools. Indeed, this and other dilutions or distortions of the constitutional vision in the Act have opened the space for private school lobbies to petition the Supreme Court asserting their right under Article 19 (1) (g) but questioning the state's obligation under Article 19 (6) to impose "reasonable restrictions" on private bodies "in the interests of the general public".

The provision of 25 per cent is farcical for another reason, too. As per the data collected in 2010 by the District Information System for Education (DISE), developed by the National University of Education Planning and Administration (NUEPA) and the HRD Ministry, only about 18 lakh children can hope to get admission in Class I (or nursery, as the case may be) under this provision in the current academic year, if implemented fully. In contrast, 2-2.5 crore children shall seek admission in Class I in government schools during the current year. Yet, the whole day one heard the government propaganda on radio on how fortunate the children are that they have now "gained a right to be admitted in a private school in their neighbourhood".

Recently, a Hindi daily carried a report which said that 90 per cent of the target of the RTE Act had been fulfilled in Itarsi, a town in Madhya Pradesh with a population of more than two lakh. The report went on to say that of a target of 262 children to be admitted under the 25 per cent provision, 240 children had already been admitted. What about the remaining thousands of children of Itarsi? This misconception of the RTE is inherent

in its 25 per cent provision.

Through the 25 per cent provision, the state has almost achieved another hidden agenda. As the Act was being drafted in 2004-05 by the Central Advisory Board of Education (CABE) Committee under Sibal's chairpersonship, a movement was building up for the CSS in various parts of the country, often engaging community leadership at the grass roots. In Bihar, the government was persuaded to set up a Common School System Commission in 2006, though Chief Minister Nitish Kumar later dumped its report under neoliberal pressure. Since the Act's implementation, the community leaders have shifted their attention to seek admission for their own or others' children under the 25 per cent provision, thereby distracting from the movement. The movement will regain momentum as the Act fails to fulfil people's aspirations for education of equitable quality and social relevance in due course of time, as has been the case with the DPEP and the SSA.

In Tamil Nadu, a movement for CSS (Samacheer Kalvi) has already caught people's imagination. The previous Dravida Munnetra Kazhagam government had no option but to respond by passing the Tamil Nadu Uniform [*sic*] System of School Education Act, 2010, its incomplete vision of the CSS notwithstanding.

The private school lobby, upset by this, filed a petition in the Madras High Court. Kudos to the judiciary for upholding the basic tenets of the Act although yielding to some of the demands of the lobby. The common school movement in Tamil Nadu has now linked fee structure with curriculum, arguing that if you let the curriculum to be guided by the market

dictum, the fees will accordingly rise. This new poser is pregnant with radical transformational potential.

The RTE Act misleads people in more ways than one. The box shows what will happen if the Act is implemented with "100% efficiency and zero % corruption".

Hopefully, the vast NGO sector that has been mobilised by UNICEF and other international agencies in collaboration with the government in support of the Act will take a second look at their agenda of pushing an Act that not only denies the Fundamental Right to education but also lacks a transformational vision. This self-introspection may help the NGOs to challenge the apologists of the Act who have used the "something is better than nothing" trick to confuse the RTE discourse. This "something", too, might have been acceptable if it did not lead to distracting the people from their struggle to gain the right to education of equitable quality along with an "education that liberates" (*sa vidya ya vimuktaye*) rather than enslaves. The Fundamental Right must not be reduced to crumbs or patronage.

The people of Gobindpur village in Jagatsighpur district are heroically resisting the unjust land-grabbing by the Orissa government on behalf of the South Korean transnational steel major POSCO. Expectedly, schoolchildren are in the forefront of the anti-POSCO struggle, and therefore, they will not be in schools.

The RTE Act has no conception of this denial, which is becoming a common feature of neoliberal polity. An education system along with its curriculum and pedagogy that questions the moral validity of the neoliberal economic order is implicitly at the core of the political agenda of the anti-POSCO and other such struggles, not the "something is better than nothing" RTE Act designed to exclude the masses and prepare foot soldiers for the global market. □

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