

October 23, 2006

Dear Mr. Prime Minister,

The National Knowledge Commission has been examining a range of issues related to school education, including access, quality and other issues. We believe that providing universal access to quality school education is a cornerstone of development and a minimum necessary condition for any progress towards making India a knowledge society. We are in the process of extensive consultations and will make detailed recommendations on various issues relating to school education at a later date.

However, at this point we would like to respond specifically to the recent initiative of the central government of sending a model Right to Education Bill to the Secretaries of State Education Departments, with incentives for the state governments to enact this bill. We have perused the bill and consulted with a wide range of experts and educationists. We feel that the model bill is flawed for a number of reasons, and most importantly that such legislation must be enforced by the central government following upon the commitment made in the Constitutional Amendment Article 21A. We recognise that there may be concerns about federalism, since school education is dominantly the responsibility of the state governments at present.

However, we feel that this matter can be resolved through an appropriate central legislation which takes into account the following proposals:

1. **Central legislation:** Legislation at the national level is required to affirm the Right to Education, which is a fundamental right mandated by Article 21A. Since it cannot be dependent upon which state a citizen is resident in, a model bill sent to be enacted individually by State Governments is not adequate to meet the constitutional responsibilities of the Government of India. Therefore, a central legislation should be enacted along the lines of the Panchayati Raj (Amendment) Act, requiring the states to enact Right to Education Bills within a specified time period, and with the primary financial responsibility for this resting with the central government.
2. **Financial commitment:** The Central Government must provide the bulk of the additional funds required to ensure the Right to Education. Therefore there must be financial provision in the central legislation, requiring the central government to share the revenues of the Prarambhik Shiksha Kosh with state governments and to provide additional resources as required to meet the requirement of ensuring the right to education for all children. Estimates for the additional resources required to achieve the goal of universal elementary education currently range from 0.8 per cent to 2.5 per cent of GDP, depending on the criteria used. However, the required financial resources are likely to be at the lower end of these estimates, since there is already close to universal provision in several states

and there has been recent progress in providing more access through the Sarva Shiksha Abhiyan in other states.

3. **Time frame:** The state-level legislation should specify the period within which universal education of reasonable quality is sought to be achieved, preferably within three years. The model bill does not provide any time frame for adoption and implementation of the provisions.
4. **Schedule of norms and standards:** To ensure a minimum quality of education, it is important to have a schedule of norms for all schools to follow. The model bill does not have such a schedule of norms, and there is no specification of the minimum quality of education that schools should provide. There is only a reference to 'equitable quality' without defining the parameters of quality. While ensuring quality is a complex matter, certain norms regarding infrastructure, number of teachers per school and per student, teaching methods and other facilities, etc. must be adhered to as necessary conditions.
5. **Specification for teachers:** Since teachers are critical in ensuring the quality of education, laying down well-defined but flexible norms for the minimum qualifications of teachers is particularly important. The model bill has no specification of a teacher, or the qualifications and in-service training needed for the position. A teacher is only defined as a person who teaches in the classroom. However, here too it is necessary to specify norms for teacher qualification and training.
6. **Justiciability:** Any right, including the Right to Education, is only meaningful if it is justiciable. However, in the model bill sent to state governments, the onus is placed on parents/ guardians of the child. The responsibility of the Government, at different levels, must be recognized and made justiciable. The example of the National Rural Employment Guarantee Act (NREGA) could be used in this context.
7. **Redressal mechanism:** To ensure justiciability, a redressal mechanism should be outlined and an appropriate procedure must be set in place for students or parents in case the right is not upheld.
8. **Universal schooling:** School education must be provided to all, which necessarily also requires that children of the disadvantaged, landless and minority communities must also be integrated, along with children with disabilities or special needs. This requires there should be no distinction made in terms of the type of schooling provided within the government system, for children from different social, economic and cultural backgrounds. The model bill has the potential of creating a parallel and discriminatory system of schooling which can result in stratification of the education system for children from disadvantaged communities and backgrounds, because it requires only provision of non-formal education in such cases, rather than mandating the provision of regular schooling.

Obviously, in all cases, the school system should be flexible enough to cater to particular needs of students.

We will be happy to provide detailed explanations on the points mentioned above. The National Knowledge Commission is continuing to consult with stakeholders and examine other issues in relation to school education. We are focussing in particular on the questions of how to ensure better quality across the board; the institutional structures and forms of control by local communities that could contribute to improved quality of schooling; issues related to common schooling and neighbourhood schools; ensuring adequate quantity and quality of school teachers, especially in specified areas; etc. We will submit a broader set of recommendations on school education in the near future.

Thank you and warm personal regards,

A handwritten signature in black ink, appearing to read 'SPitroda', written over a horizontal line.

Sam Pitroda
Chairman
The National Knowledge Commission

cc- Shri Arjun Singh, Minister, MHRD
Shri Montek Singh Ahluwalia, Dy. Chairman, Planning Commission