Accessing Primary Education
The Sankalp and Madhya Pradesh Educational Guarantee Scheme Models

Case Studies of Rights-Based Approaches to Designing an Educational System for Marginalized and Vulnerable Children in India

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4. Accessing Primary Education – The Sankalp and Madhya Pradesh Educational Guarantee Scheme Models: Case Studies of Rights-Based Approaches to Designing an Educational System for Marginalized and Vulnerable Children in India

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LIST OF ABBREVIATIONS USED:

ABONG: Brazilian Association of NGOs
BEP: Basic Education Project
CEO: Chief Executive Officer
CRC: Convention on Rights of the Child
District Primary Education Project (DPEP)
EFA: Education For All
EGS: Education Guarantee Scheme
GNP: Gross National Product
HRD: Human Resource Development
MDGs: Millennium Development Goals
MDMS: Mid-Day Meal Scheme
NCLP: National Child Labor Policy
NCW: National Commission for Women
NEP: National Education Policy
NGOs: Non-governmental organizations
NHRC: National Human Rights Commission
PRIs: Panchayati Raj Institutions
PTA: Parents Teachers Association
PRS: Poverty Reduction Strategy
RGSM: Rajiv Gandhi Siksha Mission
SCs: Scheduled Castes
STs: Scheduled Tribes
SSA: Sarva Shiksha Abhiyan
UEE: Universal Elementary Education
UNDP: United Nations Development Programme
UNICEF: United Nations Children’s Fund
UPE: Universal Primary Education
VEC: Village Education Committee
WB: World Bank
Background and Rationale: Access to the Right to Education in India

Country and Programme Context: Primary education has been an elusive commodity for India’s poor and more particularly for marginalized and vulnerable groups of children like the girl child, children belonging to scheduled castes (SCs) and scheduled tribes (STs), child laborers, street and working children, and so on. Such lack of access assumes even more significance because it obtains in the backdrop of a strong enabling framework of Constitutional guarantees, judicial and legislative support, one of the strongest and most well-equipped educational systems in the world (certainly in the developing world), powerful civil-society\(^2\) driving energies as campaigners and in watch-dog roles, and finally, laudable proclamation of intent on the part of the executive arm of Government in bringing basic education to all – free of cost and compulsorily.

This strong framework is further buttressed by India’s commitment to Education For All (EFA) including to gender equity and equality in education through a host of international conventions and pledges like the Jomtien and Dakar targets, the UN Millennium Development Goals (MDGs) and so on. India also has strong independent and semi-constitutional bodies like the National Human Rights Commission (NHRC) and the National Commission for Women (NCW) that further acts as watchdogs to ensure that rights of people – especially of the most marginalized and vulnerable – are not violated.

Yet, a host of factors militate against the actualization of the EFA and the equity/equality processes. Resource constraints (and attendant infrastructure implications – both hardware and software); transmission losses in the federal-State link with respect to education; poor grade management capacities in the education sector and lack of a commitment to manage effectively; social (gender, class and caste biases) in realizing EFA; and finally, the political economy surrounding primary education i.e. elite interests and priority skewed in favor of higher education, are among the more dominant reasons for poor performance.

The above causal factors however, need not militate in perpetuity against EFA. Indian civil society has led the way in demonstrating that a strong grassroots demand for education enjoins the obligation on Government to act and breaks the status quo. This is the essence of the rights-based approach to education. A Constitutional Amendment (the 93\(^{rd}\) Constitutional Amendment on the Right to Education) to secure legal sanction for free and compulsory primary education has also cleared the final hurdle – the President’s signature, which, in Indian parliamentary democracy, is more a matter of political will than of presidential privilege.

For the purposes of this paper that is centered on the right to education in the context of the vulnerable and marginalized children and an analysis of the role of civil society and the Government in delivering the same (through the documentation of some rights-based educational models), it is therefore imperative to monitor progress achieved. This is particularly relevant when the positioning of countries on the human

\(^2\) Civil society encompasses the entire spectrum of citizens and citizens’-related bodies like NGOs, teachers’ trusts, religious associations, lawyers’ associations, trade unions, volunteers, etc.
development index is based on measuring their progress achieved in respect of education, income and life expectancy. Other development indicators like progress towards poverty eradication and promotion of gender equality/empowerment are inextricably linked with the right to (and access to) education.

**Monitoring Progress made on Access to Education for Marginalized and Vulnerable Groups:** ‘The State shall endeavor to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.’ Article 45, Directive Principles of State Policy, Constitution of India.

Although this urgency and compulsion as stated in the Constitution of India was established way back in 1950, elementary education for all as a basic right remained - and continues to remain - an elusive goal in India. And predictably enough, the last Indian Census taken in 2001 reinforces this belief with the often most disadvantaged group – girls - showing lower rates of enrollment and retention across the country. According to Census 2001, percentage of total literacy rates to the population stands at 65.38 percent. (a growth in overall literacy rates from 51.63 percent to 65.38 percent - a quantum increase of 13.75 percent over Census 1991). However, only approximately 59 percent of children between the ages of 5 and 14 attend school. Such statistics have been reinforced by the India’s low rank of 60 in the Gender Empowerment Index in the United Nations Development Programme’s (UNDP) 2002 Human Development Report – the greater the gender disparity in all aspects within a country, the lower a country’s gender development index as compared to its human development index.

From Census 2001 figures:

- Of a primary school-age population of approximately 203 million, only 120 million children attend school.
- Literacy rates for women are significantly lower; while male literacy rates are 75.96 percent, female literacy rates stand only at 54.28 percent.
- The proportion of girls’ enrollment to overall enrollment increased marginally by 14.87 percent compared to the 1991 Census.
- However, 42 percent of girls at the primary level and 58 percent of girls at the upper primary level end up quitting school, the 2002 pre-budget Economic Survey of the Government conceded. Predictably enough, dropout rates are higher for girls than for boys both in the urban and rural areas.

The above does show that India still has a long way to go to be able to fulfill its goal of reducing gender gaps by 2005 and making EFA a reality as promised at the Dakar Summit.

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3 ‘Elementary education refers to the first eight years of schooling. Generally this is divided into ‘primary’ - grades 1 to 5 and ‘upper primary’ - grades 6 to 8.
In light of the above scenario, it would be useful to delve into the Constitutional provisions and policy frameworks in place in the education sector to assess progress made.

**Constitutional Landmarks:** 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 law" Beside the provision of Article 45 mentioned in the previous section, the 42nd Amendment to the Constitution (1976), made for education to become a joint responsibility of the Center and States. It was put on the Concurrent List from being an exclusively State List subject. Under the 73rd and 74th Amendments to the Constitution, powers have been provided to Panchayats\(^4\) and Nagarpalikas\(^5\), to *inter alia*, decide the location (or relocation) of existing primary and upper schools on the basis of micro planning and school mapping. Finally, the recent 93rd Amendment Bill to the Constitution (passed by the Lower House of the Indian Parliament on 28\(^{th}\) November 2001) seeks to make as a fundamental right, education free and compulsory to all citizens between ages 6-14 years. It also enjoins a fundamental duty on the parents/guardians children to provide such an opportunity to their children. This Bill thus also makes basic education a justiceable right. The passing of the Bill, in itself, is path breaking in the Indian context as it promises to bring all children under this age group within a formal education system.

Along with the Constitutional provisions, certain Government policy pronouncements have been emerging at the national level from the vast and mixed experiences of recent years on issues relating to children's rights and child protection:

* The national planning process increasingly reflects the implications of a major lesson of experience- namely, economic and social progress must move in even step in support of human development;

* Broad-spectrum public policies in support of children are taking shape across different social sectors;

* The need has been recognized for co-coordinating at the political level decentralized developmental activities on behalf of children.

**Other National Policy Frameworks:** The Constitutional and binding instruments are also complemented by legislative and policy decisions undertaken from time to time by the Executive to achieve the various educational goals. Of special mention is the Kothari Commission constituted in 1964-66. This Commission set the goal of Universal Elementary Education (UEE) to be achieved by India by 1986. This goal was not achieved and hence, in 1986, the National Education Policy (NEP) was

\(^4\) Unit of government at the local village level.

\(^5\) Unit of government at the local town level.
formulated which set the goal of free and compulsory education for all (up to 14 years by 2000). The Ramamurthi Committee was set up in 1990 to review the NEP and in 1992, India ratified the UN Convention on Rights of the Child (CRC) by which it \textit{inter alia} commits to remove children from work that interferes with their education and make primary education free and compulsory. Under the historic Unnikrishnan Judgment in 1993, the Supreme Court of India stated that every citizen has a right to free education till age 14. However, not much progress was made under this Judgment as can be seen by the setting up of the Saikia Committee in 1997 to examine the implication of making education a fundamental right. In subsequent years, other committees -- like the Committee of State Education Ministers, 1996; the Education Ministers’ Resolve of 1998; and, the National Committee Report on the Resolve 1999 -- all recommended the making of education a fundamental right and renewed intent to pursue UEE in mission mode and to prepare district-level action plans for the same. At the policy formulation level, all of these initiatives pay special attention to increasing enrolment of disadvantaged and marginalized groups of children, improving educational outcomes, strengthening community involvement, improving teaching and learning materials and providing in-service teacher training.

\textbf{Global landmarks:} At the international level, pledges by the Indian Government for UEE and to remove gender gaps in education were first visible during the World Conference on EFA in Jomtien, 1990. This conference was commendable in that it linked education to poverty, human rights and democracy, eradication of exploitation, environmental protection and population stabilization. Moreover, a lot of emphasis was put on quality education. When the heads of the world’s Governments met in Dakar in 2000, it was clearly visible that not many countries, including India, could meet their commitments as Stated in Jomtien. Thus, under the Dakar Declaration, individual Governments again renewed pledges to mobilize strong national commitment for education for all, develop national action plans and enhance investment in basic education.

Mention may also be made here of the UN MDGs - under Goal 2: \textit{“Achieve universal primary education (UPE)’’}. Target 3 states that by 2015, children everywhere, boys and girls alike, complete a full course of primary schooling. India has stated its commitment to these Goals. Recent documentation on the website of the MDGs does show India as one of the countries most likely to achieve Goal 2 - of achieving UPE - and Target 3 - of ensuring that by 2015, all children will complete a full course of primary schooling. Census 2001 also reveals for the first time since independence that the absolute number of illiterates have shown a decline. The decline is as large as 31.96 million during 1991-2001. \textit{However, this decline is more among males (at 21.45 million) compared to just 10.51 million among females}. The figures of Census 2001 shows that though the proportion of enrollment of girls to overall enrollment has increased marginally in the last 10 years, India still has a long way to go before gender gaps between boys and girls in relation to access to, enrollment of and retention in schools can be reduced.

\textbf{Gaps in Policy Planning and Implementation:} It is evident from the above sections that virtually every conceivable policy has been put in place and international commitments endorsed when it comes to Government policies 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 the areas where the country has not witnessed much progress). This accounts for the persistent gap between policy formulation and implementation in action (Ramachandran, 1998). The Central Government spends approximately 5.9 percent 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. All these factors have impact on social development and on survival, development and protection of children.6

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 polices), 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 -like no 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, the policy was not successful in parts in practice, more so since it did not involve civil society in both the planning and implementation stages. Civil society, in this role, 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 policies which targeted specific groups of children like the National Child Labour Policy (NCLP) was a failure since it looked at education not as an alternative 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 reducing child labour and 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 is when there has been a general tendency for the population to look at non-formal education as sub-standard as compared to formal schooling. Such a policy indicated the apparent low priority accorded to education while reducing child labour in the country.

The 93rd Constitutional Bill – A Chance for Demonstrating Intent on the Ground: It will therefore be interesting to gauge how the recently passed 93rd Constitutional Bill on the Right to Universal, Compulsory Education is implemented on the ground. This Bill became a reality as a result of massive policy advocacy efforts primarily led by non-governmental organizations (NGOs) and joined by a broad spectrum of civil society. It is the one recent and most binding judgment as far as the right to education for children is concerned. And the passing of the Bill led civil society to believe that the Government would inch closer to its goal of attaining education for all by 2015 (as stated in Dakar) through programmes on the ground with appropriate financial allocations reflecting the same.

Box 1: The 93rd Constitutional Amendment Bill and its Limitations

The Bill does has its drawbacks, chief amongst them being that it totally ignores the children between the age group of 0-6 in all aspects, including cutting access to early care and development for this age group. International human rights law states that everyone has the right to education and that no one would be debarred from an education because of his/her age. By virtue of the amendment passed by Parliament, a new Article 21 has been inserted in the Constitution and consequently Article 45, which provides for compulsory and free education of children up to 16 years of age as a Directive Principle of State Policy, stands superseded. It had also diluted the historic verdict of the Supreme Court under the Unnikrishnan Judgment of 1994 that had declared education as a right for all children up to 14 years of age. Other flaws relate to the payment of fines by the parents in instances of not sending children to school and the issue of quality of education provided. The argument goes that if the parents can afford to pay fines for not sending their children to school, why would they send children to work in the first place? From a rights based perspective, the Bill falls short in many instances. But, with all its drawbacks, the Bill did offer hope to millions of children who would otherwise be left out of a school system.

From the viewpoint of a rights-based approach to development, the Indian Government could be held accountable as the Dakar Framework of Action did posit that individual Governments be held accountable for commitments made. The rights approach prioritizes law as the chief instrument in making Governments accountable and failure to uphold commitments made would tantamount to violations of the rights of citizens. This approach has been used very recently in the Indian context in the Right to Food campaigns in different Indian States when the Supreme Court (which is independent from the Executive and the Legislature) stepped in on behalf of the citizens and directed the concerned State Governments to release food to the starving millions (this case has been documented as a separate stand-alone case in this volume of case studies). Such a rights approach under law is and can now be applicable to realize the right to education.

2. Analysis of Factors Impeding Access to Education for Marginalized and Disadvantaged Groups: Going back on the Rights of Citizens

The gross figures for literacy as enumerated in the Section “Monitoring Progress made on Access to Education for Marginalized and Vulnerable Groups” reveal some complex truths. Firstly, there are wide regional (and caste disparities) in educational achievements. Some States have done excellently, some others poorly. Backward castes - especially dalits7 and scheduled tribes - have consistently lower access to education. In all these interplay of factors, girls, of course, continue to lag behind compared to their male counterparts.

Secondly, the financing of education is largely the responsibility of the States (except for centrally sponsored specialized schemes). The fiscal and budgetary health of

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7 People belonging to the lowest strata of society according to the hierarchical Indian caste system.
individual States is directly correlated to the outlays on education. Even in cases where outlays are high, significant proportions are consumed by teacher salaries and therefore, do not impact the quality of education per sé.

In broad terms, there are three sets of factors that impinge on poor education performance, which in turn, affects the access, enrollment patterns and retention of marginalized and vulnerable groups in schools. The first of these is the poor ‘demand’ for education. This in turn is influenced by a host of factors (see table below).

**Table 1: The Poor Demand for Education**

All the factors related to the poor demand for education in the country have been analyzed numerous times by specialists on this issue. These are presented in a tabular form below:

<table>
<thead>
<tr>
<th>Physical Factors</th>
<th>Role of parents</th>
<th>Economics of education</th>
<th>Role of Teachers</th>
<th>The Quality of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to schools</td>
<td>The demand for education (especially for girls)</td>
<td>The hidden costs of “free” education</td>
<td>Work environment</td>
<td>Poor quality teaching aids</td>
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<tr>
<td>Poor School Infrastructure</td>
<td>The perception of “opportunity cost” of education</td>
<td>Quality of teachers</td>
<td>Accountability (lack of)</td>
<td>Overloaded curricula</td>
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<td>Relevance in textbooks</td>
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<td>Oppressive teaching methods</td>
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<td>Mismatched pedagogy</td>
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<td>Exacting examinations</td>
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<td>High drop-out rates</td>
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</tbody>
</table>

The second set of factors has to do with more ‘macro’ aspects like the financing and management of education. Budgetary allocations for the education sector and spending under the same (as has also been reiterated elsewhere in this paper) is a very important indicator which can analyze whether the progress towards making education a fundamental right – an obligation of the State – is upheld in practice. Since 1976, elementary education is a “Concurrent List” subject i.e. a joint responsibility of the Central and State Governments. The bulk of finances for education (90 percent) however, come from State Governments with the center chipping in with occasional schemes like Operation Blackboard, the District Primary Education Programme (DPEP), the Mid-Day Meal Scheme (MDMS), Sarva Shiksha Abhiyan (SSA) and so on (see Box 2 below).
Box 2: Some Noteworthy Government Schemes

Sarva Siksha Abhiyan (SSA): This scheme, with a special focus on the girl child (especially girls belonging to marginalized and disadvantaged sections), is being launched on the suggestion of the National Committee of State Education Ministers under the chair of the Union Minister of Human Resource Development. This scheme will incorporate all the existing schemes and programmes in the elementary education sector and aims to bring a reduction in existing social, regional and gender gaps.

Operation blackboard: Launched in 1987-88, the aim was to ensure that all primary schools in the country have at least two pucca\(^8\) classrooms, two teachers and essential teaching tools like maps, charts and a library. In operative terms, the Government has fallen far short of these targets as can be seen in the preceding section.

District Primary Education Programme (DPEP): Launched in 1994 as a major initiative to achieve UEE, the DPEP programme aims at providing access to primary education, including reducing the dropout rates to less than 10 percent, increasing learning capacities of students by 25 percent and reducing gender and social inequities to less than 5 percent.

Mid-Day Meal Scheme (MDMS): This scheme was launched in 1995 with the aim of increasing enrollment and sustaining attendance rates in Government primary schools by providing an incentive in the form of one nutritional meal a day.

Free Education for Girls: This scheme was launched in 1998 with the major aim of empowering the girl child through provision of educational facilities and other incentives. Rooted in the concept of ensuring greater participation of women in the educational field, the scheme focuses on providing quality education.

The Government is committed to spending 6 percent of Gross National Product (GNP) on education -50 percent of which would go to elementary education. The current spending is around 4 percent of GNP. While the relative share of elementary education in the total budget has increased over time, the allocations still leaves a lot to be desired.\(^9\) For, though lack of resources is often cited for not universalizing education, there have been many instances where funds allocated for education have been returned back by State authorities to the center due to non-utilization.\(^10\)

Lack of funds for education is also more a matter of spending priorities rather than an overall shortage of resources. Salaries and subsidies, for example, take away higher

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\(^8\) Concrete brick structures.

\(^9\) Although the finance minister announced a total of Indian Rupees (Rs) 7,156 crore for elementary education in the 2005 budget, the Tapas Majumdar Committee report on financing primary education had suggested Rs 18,000 crore for the sector. 1 crore Indian Rupees is around US$ 222,000.

\(^10\) In 1995-96, the Maharashtra State Government returned Rs. 12, 41, 30,000 – funds earmarked for education and which remained unutilized.
chunks of Government expenditure and cannot be curtailed due to the asymmetries of power in society. This has had a quantitative and qualitative impact on education. Among other things, the per-pupil investment by States on education has declined particularly in the poorer States.

Moreover, a very small corps of management staff manages a vast network of schools, thousands of teachers and millions of students. Service conditions, policies, transfers are arbitrarily handled - a damaging upshot is that many teachers are either agitating or are involved in litigation11.

Among the incentive schemes, the MDMS (which in many States is now a scheme of providing dry rations to children) has been by and large a success in some States – but this also attributed largely to the “needs” aspect since for many children, the meal they would receive in the school is the only meal they eat in a day. Other schemes like free books and uniforms have fared worse. Where scholarships have been introduced, there are large lags in the ‘arrival’ of scholarship money leading to loss of motivation and the souring of parent-teacher relationships.

An important characteristic of the sector is the disparity in literacy across region, class, caste and gender12. Literacy rates among urban Kerala males are 96 percent as opposed to 5 percent amongst SC females in rural Rajasthan. Literacy also tends to be lower among STs and Muslims. The gender gap in education is higher than in all but 5 countries of the world.

Although there has been an improvement in the overall education scenario, the pace of improvement is slow. This is highlighted by the number of countries that have overtaken India in this field, China being the prime example. Having started out with similar levels of literacy in the 40s, in 1991 only 7 percent Chinese in the 9-25 age groups were illiterate. India’s corresponding figure is seven times higher.13

The history of India’s political economy is also a factor. India’s post-independence policy of developing heavy industry (and the corresponding bias towards financing higher education) meant that education was geared to producing university graduates. India has been very successful in producing world-class economists, software professionals, doctors, engineers, etc. and there is therefore an almost rigid stance to not compromise on the quality of higher education, even if this is at the cost of school education. It explains why higher education in India is not only of a very high quality but heavily subsidized while elementary education has suffered due to lack of resources on all fronts. What policy makers have failed to realize is that a very high percentage of those who have fared so well at the higher level are those who did not avail of the Government school system14.

11 Ibid. Refer to footnote above.
12 Niloy Banerjee, "Analysis of the Basic Education Sector in India: A discussion draft", a policy draft paper produced for CIDA India.
13 Ibid.
14 Ibid.
It also meant uniform, rigid syllabi that have no space for local modification/needs and therefore, evoke no interest for many. Other factors have to do with under provision for education, inadequate supervision of the schooling system, lack of political commitment and official apathy. Finally, other malfunctions in the management of education pertain to: the poor inspection system, inaccurate or fudged enrollment data, inaccurate or ‘cooked’ attendance data - all done to get around the system of incentives, checks and balances.

The last set of factors is unique to the South Asian (and Indian) socio-cultural context and is vitally linked with the prevalent social mores and structures. While the first two sets of factors have an impact on the overall scenario of hindering lack of access, enrollment and retention in schools in which both boys and girls are affected (girls to a larger extent), the last set almost exclusively affects girls and attacks the very fundamentals of the rights-based approach to development.

Various endemic, social and systemic factors exist that obstruct girls from the so-called ‘lower castes’ – the SCs - or of those belonging to the STs as well as from the disadvantaged regions and communities to an education. 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. 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, 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 (Burra, 2001) have actually confined women to the narrow domestic sphere of household affairs while men have often enjoyed the benefits that accrue by virtue of them enjoying an "independent status". Labour burden on a girl (as can be seen from the higher prevalence of working girls in say, the match factories in Sivakasi in Tamil Nadu or in the cotton farms in Andhra Pradesh) can be even more because females have lower earning prospects as adults than males and hence, their returns from an education are low. Moreover, most of the girl child labourers work in the informal sector, where they are the most disadvantaged. If options are present to send children to school and if a family has both a boy and a girl, it will often be the boy who will be sent to school. 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 popular media - which is a very powerful medium 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 the villagers), there is often the presence of a TV set in a rich/powerful household where all the villagers gather after dusk. Negative imaging of women shown thus on TV and cinema further reinforce the discriminatory and patriarchal attitudes in society and which has a massive impact on the day-to-day lives of the people.

From a rights-based perspective to education, all three sets of factors cannot be ignored. For, while the first two sets of factors directly relate to the obligations that duty-bearers have to realize the rights of the citizens, the third set impinges on the conduct of social capital to facilitate and secure these rights.

Following from the above, there are, however, some very innovative participatory civil society/Government collaborations centered around the right to education in the Indian context and which, under the overarching framework of the right to development, has paved the way for realization of other rights, especially as they pertain to disadvantaged and vulnerable groups. In this backdrop, the next section will thus analyze two working rights-based models on the ground that has succeeded to an extent to mainstream vulnerable and marginalized children (and to a large extent, girls) into Government schools with Government collaboration/support. A degree of success exhibited by these models following a rights-based approach reinforces the belief that these models of cooperation could provide some lessons learnt for replication in terms of effectiveness, accessibility and affordability, even under the most severe circumstances.


The rights-based approach, besides being rooted in entitlements, involves practical cooperation, flexibility, and a willingness to learn in the pursuit of shared objectives. It calls for the involvement of civil society in governance - true governance, which involves all the stakeholders in the process, is always more sustainable. At the same time, the approach emphasizes on the moral obligation of the State to provide a foundation in which the rights of all citizens can be realized. As such, a strong rights-based framework then provides the base for realization of all sets of rights and can lead to progress in other spheres, more notably, overall poverty reduction and gender equality, under the overall framework of the right to development.

In the above backdrop, there are some very innovative experiments in the country relating to access, enrollment and retention of children in schools and which have had an impact on increasing child literacy to impressive levels. The case studies taken up for documentation in this paper as “good practice” models below are based on the

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18 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 in some soaps being further marginalized by glorifying discriminatory attitudes like sex determination tests, virginity, demureness, etc.
communities demanding the right to education for their children and being involved in school administration and management. In a wider sense, accountability of the school administration to the communities represents a strong governance outcome, leading to realization of other civil, political, social and economic rights.

While it is true that there are no universally accepted blueprints for success - although there are some recipes for failure, such as Governments developing plans for building partnerships without true participation of the communities with local communities used as vehicles for service delivery\(^\text{19}\) - more successful approaches have evolved from a rights-based approach. And this has been amply proved by the approach initiated by one of the models documented below – the Education Guarantee Scheme (EGS) – where the public sector (the Madhya Pradesh State Government) has developed a rights-based approach to decentralize education to the local Government level, with the communities as equal stakeholders. The 2002 UNDP Human Development Report states that true development and progress is also possible when it is participatory and decentralized and offers some innovative models to substantiate its arguments. In this light, the models of participation between civil society and the public sector analyzed below do offer approaches that are not only replicable and sustainable but also rights-based and participatory. All of these approaches stand out like an oasis as they are based in the otherwise backward BIMARU\(^\text{20}\) States and their effectiveness goes to prove that with necessary commitment and innovation both from the public sector and community’s side and with minimum resources and community participation, the right to education can actually become a reality across the country.

A. Sankalp: Ensuring Education through Demanding Livelihood Security

**Case Study/Project Context:** In the two of the five BIMARU States - where innovative models of education for the disadvantaged and the marginalized has demonstrated success and which are reviewed in this paper - perhaps, the most disadvantaged in comparative literacy terms is the northern Indian State of Uttar Pradesh. At a literacy rate that stands at only 57.36 percent, only the States of Arunachal Pradesh, Jharkhand, Jammu and Kashmir and Bihar are ranked below Uttar Pradesh in the all-India literacy table. Literacy rates for women stand at a mere 42.98 percent to 70.23 percent for males.

The reasons for such gaps are obvious and many. Uttar Pradesh is a highly patriarchal State where caste and class considerations play a major role in determining access to rights. In such a scenario, the most marginalized are often the girls and women who have practically no (or very limited) access to any rights, including access to an education. All the factors preventing access of girls to schools and analyzed in Section 3 thus holds true for this State.

Against such a backdrop, the challenge of providing (access to) education for marginalized groups remains enormous. Thus, quite a few models of innovation - many of which have been initiated by civil society, particularly NGOs- have been


\(^\text{20}\) The five BIMARU States are Bihar, Madhya Pradesh, Uttar Pradesh, Rajasthan and Orissa – these States exhibit the lowest indicators of development across all sectors.
born in this State in the last two decades to tackle the challenge of access and retention. Though by no means an exhaustive list, civil society efforts initiated by NGOs like ASHA, CREDA, Rugmark, Beti Foundation and Sankalp come to mind when discussing approaches relating to provision of education for marginalized and vulnerable children in this State. UN agencies like the United Nations Children’s Fund (UNICEF) and UNDP have also initiated multilateral efforts in this sector in the last one decade, with encouraging results. Also showing degrees of success have been the Basic Education Project (BEP) initiated by the State Government in 1993 and the more recent World Bank (WB) funded DPEP that started in 1997.

The following section will analyze the efforts initiated on a micro-level by an NGO – Sankalp – in the Allahabad district of Uttar Pradesh. Formed in 1994 by a group of like-minded social activists with the main aim of taking up the cause of silica mineworkers living in Shankargarh, the approach initiated by this NGO in ensuring education for children in this poverty-stricken area – most of whom are child labourers – with community demand and participation and gradually roping in the State education authorities as a partner in the process provides sufficient grounds for it to be included as a case study on a rights-based approach to realizing the right to education in this paper.

**Stakeholders Involved:** Sankalp operates in the Shankargarh district of Uttar Pradesh. “This region has long been famous for its silica mines; however, the miners who mine these areas live in conditions of abject poverty. This is primarily due to the system of leasing which operates with the local ruler - the erstwhile Raja (King) of Shankargarh –who managed to get rights in perpetuity to the mines and then leased the mines to the contractors – the middlemen - who, in turn, employ local villagers” (Wazir, 2001), the majority of whom are landless and bonded labourers. The system of “middlemen” leads to blatant exploitation of the workers and this is reflected in the low wages that the workers would receive from the contractors. The “middlemen” system in India has also perpetuated child labour in quite a few States across the country. And Shankargarh is no exception to this rule – there are a large number of children working in these hazardous mines – “spread out over 46 villages covering an area of 150 square kilometers that make up this area - at the cost of their health, education and at times, even lives. Along with illiteracy, the area is also characterized by rigid caste and class hierarchies” (Wazir, 2001) and this is reflected in attitudes and practices towards women in all aspects.

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21 Rekha Wazir, ”Recent Report on Sankalp”, and can be accessed at http://hdrc.undp.org.in/childrenandpoverty/REFERENC/CASESTUD/SANKALP/sankalp.htm

22 In the villages of Uttar Pradesh and towns/villages in Punjab, the author has seen that middlemen receives raw materials from the sports goods industries which they then source out to the families in the villages/towns to produce footballs and other sports goods. All produced for the export market, this practice has been found to perpetuate child labour to a large extent in these two States. The middlemen, to produce large volumes of goods at low costs, give out the raw materials to the families and the families in turn, to earn more, start initiating the children into work. This practice has also been observed to be widely prevalent in other export-oriented industries and factories like the home-based brass factories in Moradabad and the home-based carpet looms in Varanasi and Mirzapur (and surrounding areas) in Uttar Pradesh.

23 Ibid. Refer to footnote No. 21.
**Process:** It was to combat such deep-set social attitudes and behaviours that Sankalp started adopting a rights-based approach that works towards making the people (particularly the mine workers and who are mostly tribals belonging to the Kol group) aware of their rights. In the review conducted by Dr Rekha Wazir for UNDP India in 2001\(^{24}\), she observed that one of the most effective means of doing this was by “uniting the workers in their struggle for just wages, campaigning for leases to be given to the workers to form workers’ co-operatives and empowering them to apply for mining leases. This also involved releasing many workers (and children) from bonded situations”. Sankalp played a role as the catalyst in the process in undertaking the above.

Dr Wazir’s review further notes that Sankalp soon realized that just releasing the children without having attendant support structures in place would not make the children go back to work again. This is when they decided that to tackle child labour and secure children (and particularly the girl child) an education, involvement of parents is necessary. And Sankalp tried to tackle this by not only trying to change societal attitudes and norms (through adult literacy and awareness/sensitization programmes) but also through ensuring work security for parents. This is a novel approach and Sankalp’s experience shows that economic security in such deprived conditions is a necessary corollary to securing education for the children.

Unlike many other approaches on child labour and education - which do not recognize poverty as being the root cause of child labour and children being deprived of an education – “Sankalp tries to secure income and employment for the parents to take away the root cause of their inability to send their children to school” (Wazir, 2001). But this is done in a rights-based manner and not in a service-delivery mode. Parents are being empowered to demand better conditions, better wages and control over their livelihoods.

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**Box 3: The Formation of Mining Co-operatives- A Unique Approach**

The formation of mining cooperatives\(^{25}\) is quite a unique part of this approach and deserves mention. Using the same rights approach – where failure of the State to protect the rights of its citizens has led to the citizens demanding the right to work and the payment of minimum wages - Sankalp fought to ensure that “pattas”\(^{26}\) are given by lease and not by auction and that miner’s co-operatives are eligible to apply for them. Sankalp thus formed 48 self-help groups (called *samooh*) and 40 of these have already applied for leases. It goes to the credit of Sankalp and the commitment of the villagers who sold their meager belongings and their cattle to raise money to form the groups. If the system of lease works whereby miners’

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\(^{24}\) Ibid. Refer to footnote No. 21.


\(^{26}\) Entitlement papers.
cooperatives are eligible to apply for leases to run the mines, it could be a model that could be demanded by mine workers elsewhere in the country and could be linked to the fight for eliminating child labour and bonded labour in this very exploitative industry.

The rights approach is further demonstrated by the fact that the organization decided to organize the villagers to fight for their rights as stated under the Indian Constitution in 40 villages. “In six villages, the mineworkers have captured lands under lease to the ruler and started mining because the middlemen – the contractors - refused to give them work. After attempts at negotiation failed, they decided to squat on the lands and start mining on the grounds that the lease in perpetuity to the ruler was illegal and was encouraging exploitation, bonded labour and child labour. With increased empowerment, incomes of the villagers increased, indebtedness decreased and children were being sent to school, as they were not required to work anymore. And this demand for the right to work spilled over to demands for rights in other spheres as well” (Wazir, 2001).

**Capacity/Role of Duty-Bearers in Addressing Demands:** Villagers started demanding that not only do their children have a right to go to school but also that the education should be of a quality which will secure them a stable future. The right to education for the girl child is especially emphasized. Hence, the villagers are also forming groups and monitoring the attendance rates of not only the students but also that of the teachers. Teacher training is being provided to ensure and maintain quality control. They are also forging a relationship with the teachers as they realize that to ensure quality education, it is far more strategic to form alliances. Alliance building will also ensure that other services– like repairing school buildings – are duly performed.

Sankalp initially used to run non-formal education centers for a number of hours each day. These are now running as full-time schools called “bachpana kendras”, offering a compressed primary school curriculum, in villages that do not have access to a school. There are more than 25 such kendras at present. Their popularity and effectiveness can be gauged from the fact that even children from the Government schools have started attending the bachpana kendras now. “What is perhaps more significant is that Sankalp has opened bachpana kendras in 5 villages where it has not yet organised the mineworkers and there has been no action to demand minimum wages from the employers. These centres were opened in response to a demand from villagers who had seen how these schools functioned in neighbouring villages and wanted the same for their children” (Wazir, 2001). Sankalp, however, does not want to build an alternative educational structure and it is now trying to complement Governmental efforts to this effect. To this end, it is now working towards building

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27 In a presentation by Dr Rekha Wazir at the IDPAD International Conference on Child Labour held in New Delhi, October 15-17, 2001.


29 Ibid. Refer to footnote above.
effective partnerships with the district education authorities and early indicators show that the authorities are interested to partner with Sankalp in the process. With increased awareness and empowerment, the villagers also started to send their girls to school. Sankalp imbibed in the minds of the villagers the very simple truth that without investment in education, society will not be able to progress.

**Monitoring to Ascertain Rights-Based Outcomes:** As in any process that is not service-delivery oriented, the Sankalp “process of organising against the middlemen and the Raja has shown the mineworkers that if they are united they can demand their rights in other spheres as well. This feeling of empowerment has spilled over into the arena of monitoring education outcomes for their children even in Government schools. For instance, villagers now regularly check on the Government schools and complain if the teacher is absent. They have taken to locking the village school if the teacher fails to show up, in this way denying them access to the school premises in a very public way. By doing this, the villagers hope to bring teacher absenteeism to the attention of the education department” (Wazir, 2001).³⁰

**Outcome (Results) - Changes that have Occurred as the Result of Application of using Rights-Based Strategies:** The approach used by Sankalp is showing visible results as follows:

- **Securing the right to work and to an education:** The review conducted by Dr Rekha Wazir for UNDP India³¹, “found that in the six out of 46 villages in the Shankargarh area that have been successful in getting mining leases and where the villagers have occupied mining lands (and thereby securing the right to work and a livelihood) - through the efforts of Sankalp - all children are being sent to schools. And, adult literacy classes have also started” (Wazir, 2001).

- **Empowering girls:** The start of the process of sending the girls to school is also noteworthy for a community where no girls had ever been through any learning process before. The same review also states that “whether empowerment in one sphere is going to spill over automatically into positive changes for girls and women in other areas such as health, nutrition, status of women, dowry, child marriage, addiction, and expenditure on unproductive activities like marriage and deaths (which are one of the key reasons for indebtedness) will remain to be seen. However, one issue stands out clearly – that if people are empowered to fight for their rights in one sphere, changes in other spheres, following a “spill over effect” can take place” (Wazir, 2001)³².

Dr Wazir’s review notes that it will be a challenge to see if children will continue their education even if the mining leases are lost in the future. Sankalp approaches questions related to the right to work and right to a livelihood from the State as an entry point that will spill over to people demanding the right to education. And in a poverty-stricken area like Shankargarh where parents will continue to send their

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³⁰ Ibid. Refer to footnote No. 21.
³¹ Ibid. Refer to footnote above.
³² Ibid. Refer to footnote above.
children to work if they are economically deprived, this approach has proved to be quite effective.

B. Education Guarantee Scheme (EGS), Madhya Pradesh – A Government-led Rights-Centered Approach to Universal Primary Education

**Case Study/Project Context:** The largest State in India in terms of sheer size, the central Indian State of Madhya Pradesh (also a BIMARU State) is characterized by having amongst the lowest human development indicators in all aspects and these are reflected more starkly in the literacy levels for girls and women, and for SCs and STs, especially in the rural areas. Thus, this State presents a formidable challenge in reaching out to every child of primary school age with a life-relevant, quality, basic education. However, in the backdrop of such low educational indicators, it is notable to view that the State has made commendable progress in literacy in the last one decade. While the total literacy rates in 1991 was 44.67 percent with literacy rates being 58.54 percent among males and a very low 29.35 percent among females, the 2001 Census shows a quantum jump in literacy rates. Total literacy rates now stand at 64.11 percent with a literacy rate of 76.80 percent among males and 50.28 percent among females. The Census 2001 figures further show that Madhya Pradesh recorded the third highest growth in literacy rates among the 29 States in the country (the first and second being Rajasthan and Chattisgarh respectively – Chattisgarh being a part of Madhya Pradesh till very recently). This is particularly commendable considering that the State ranked among the 8 most illiterate States/Union Territories in India in 1991 (just above Andhra Pradesh, Arunachal Pradesh, Bihar, Jaharkhand, Chattisgarh, Dadra & Nagar Havelli, Rajasthan and Uttar Pradesh).

Clearly, some very effective and radical policies were implemented in the last decade to record such dramatic increases. Notable among them were the Shikshak Samakya (implemented as a separate project initially and then as a part of the DPEP and the EGS). The Rajiv Gandhi Siksha Mission (RGSM) also deserves mention. The most credible factor was that while most of the successful rights-based education initiatives implemented throughout the country often follows the model of “civil society initiated with Government in a supplementary or collaborative role (one such approach has been documented above), the educational initiatives in Madhya Pradesh, following the principles of decentralization, were mostly initiated by the State Government with civil society playing a partnership role/responsibility in implementation and have demonstrated viable success, thus providing the second rights-based model for documentation under this paper.

**Stakeholders Involved:** As mentioned above, radical changes have been witnessed in the last decade in the education scenario in Madhya Pradesh. It is in this scenario that in 1997, the Madhya Pradesh State Government made a break in the ethos of promoting UPE by introducing the EGS with the objective of making primary education a reality for every child in the State. Using a community-centered and rights-based approach, the Scheme aims to provide primary education to all children in a quick and time-bound manner with the State Government obligated under a guarantee to provide a primary schooling facility to the children in a habitation where there is no such facility within a kilometer within a period of 90 days of receiving a

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33 According to the 1991 Census.
demand for such a facility by the local community, provided the demand emanates from at least 25 learners in the case of tribal areas and at least 40 learners in the case of non-tribal areas in the age group of 6-14 years. It operates on a decentralized basis through collaboration of the State Government, local body (the Panchayat) and the community. The EGS has thus created a three-way partnership to ensure the right to primary education\(^{34}\):

**Process:** The EGS follows a very unique rights-based demand-driven bottoms-up participatory process as highlighted by the figure below:

![A decentralized structure for demanding education sanctioned by the State](image)

**Step 1:** Application for school submitted by local community to village head

**Step 2:** Application forwarded to block-level Government

**Step 3:** Application received by the block-level Government and corroborated

**Step 4:** Permission to start school and appoint teacher started subject to sanction by head of block-level Government

**Step 5:** District-level Government release funds for teacher’s salaries and other contingencies and school starts functioning

**Figure: A demand-driven rights-based participatory approach to education\(^{35}\)**

The process is explained in details below:

**Step 1:** The local community raises the demand for a school to the Sarpanch\(^{36}\) of the local Gram Panchayat. The application should have to state the number of children, their names with ages, names of their guardians, the educational facilities available in the vicinity/distance from the habitation and the current scenario relating to provision of education in the vicinity. The community can also suggest the names and list qualifications of suitable local residents to be appointed as the teacher, called guruji\(^{37}\).

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\(^{34}\) According to the official website of the Education Guarantee Scheme and can be accessed at www.fundaschool.org

\(^{35}\) By Upala Devi Banerjee

\(^{36}\) Village head.

\(^{37}\) Teacher.
Step 2: Once the application is received, the Sarpanch of the Gram Panchayat will forward it to the Chief Executive Officer (CEO) of the Janpad Panchayat within three days of receiving it. The rights approach is further highlighted by the fact that if the head of the Gram Panchayat does not forward the application to the CEO of the Janpad Panchayat within three days, the community has the right to send its demand directly to the CEO.

Step 3: A receipt register maintained for that purpose corroborates the application received by the Janpad Panchayat. The receipt acts as a statement of guarantee issued on behalf of the State Government that it is committed to take action to establish a school in that locality within 90 days of the receipt of demand, provided the demand is valid.

Step 4: The permission to start the school and the approval of appointment of the teacher is subject to a sanction issued by the CEO. The Gram Panchayat is entrusted with the powers to appoint such a teacher after necessary approvals.

Step 5: Following the appointment of the teacher, the CEO of the Zila Panchayat would release the budget for the teacher salary and other contingencies. The local community or Gram Panchayat is expected to provide space for the teaching and the school starts functioning.

Box 4: Decentralization as a core in the Education Process

Decentralized planning and management of elementary education is a goal set by the NEP in 1986 to involve direct community participation in the form of Village Education Committees (VECs) for management of elementary education. The 73rd and 74th Constitutional Amendments also provide for decentralization of the activities and facilitate transfer of power and participation of the local self-Government institutions or the Panchayati Raj Institutions (PRIs). This has led to the creation of an atmosphere where PRIs are legally equipped to play a more dynamic and proactive role in the community affairs. The concept of decentralization holds special significance from the viewpoint of the right to development as it enjoins obligations on the States to evolve institutional arrangements both in rural and urban areas for undertaking these activities. At the same time, it bestows communities with both rights and responsibilities (for instance, deciding on location and relocation of existing primary and upper schools on the basis of micro planning and school mapping, community monitoring of the school system, etc.)

The decentralization structures have been providing voice to women, SCs and STs, other minority groups, parents and educational functionaries. In this regard, decentralization of school management to grassroots has resulted in some very innovative efforts in the field of education. For instance, the DPEP has shifted the planning mechanism from the State to the district level and the Madhya Pradesh State Government-initiated EGS has used the principles of decentralization to the utmost effect.

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38 Block-level government.
39 District-level government.
**Capacity/Role of Duty-Bearers in Addressing Demands:** The decentralized structure of the Scheme is characterized by the manner in which each partner in the process comprising of the communities, *Panchayats* and the State Government has its own sets of roles and responsibilities, thus paving the way for a last-lasting relationship.

The State Government provides the funds for teachers’ salaries as well as for teacher training. The training programme and training materials for the teachers have to be arranged by the district EGS Committee within 30 days of receipt of the approval letter from the *Jandpad Panchayat*. A lot of emphasis is placed on quality teacher training and teaching commences only when the selected *Guruji* is provided 20-day induction training and at least 14 days of recurrent training each year.

**Monitoring to Ascertain Rights-Based Outcomes:** That this is an entirely a rights-based participatory approach can be seen from the *modus operandi* which involves the communities in not only demanding schools from the State but also in being responsible for implementing and monitoring the process. Accountability and transparency mechanisms from all the stakeholders involved - the communities, *Panchayats* and the Government – are strengthened in the process. The EGS School is today owned by and accountable to the Parents Teachers Association (PTA) and the VEC – who in-turn are elected by the *Gram Sabha*. The *Panchayat* manages funds allocated by the Government for the EGS program and allocations/expenditures are supervised by the PTAs of each school. The Government, the *Panchayat* and the school form three corners of the management pyramid. Other institutional reforms strengthen decentralized management and quality monitoring.40 Such monitoring mechanisms are cost effective and community oriented; i.e. schools are invested with ‘community shares’ so that as dropout rates rise, funding will stop.41

**Outcome (Results)- Changes that have Occurred as the Result of Application of using Rights-Based Strategies:** The EGS is one of the very few successful educational innovations initiated by a State Government in making UPE accessible to all. More importantly and as has been mentioned elsewhere in this paper, it is one of the very first educational initiatives which is public sector led but involves the community as equal partners in the process and the outcomes are as follows:

- **Enabling marginalized communities to demand their right to education:** The Scheme recognizes the inherent strengths of the communities to demand their rights guaranteed to them under the Constitution – and this is apparent in the manner in which the right to education is being demanded by the communities across the State with success. The fact that 40 primary schools opened every day of 1997 showed the demand that existed and that was met42. After a tentative start, the program went to scale in a brief period. Between July 1997 and July 2000, a staggering 26,571 EGS Schools were created (42 percent of them in predominantly tribal areas) catering to 12,33,052 children (47 percent girls and 44 percent being tribal children) – out of which 91 per cent of children were from SCs, STs and other socially disadvantaged

42 Ibid. Refer to footnote No. 34.
communities. As of June 2003, the program appointed a total of 31,815 Gurujis who were identified by the community and trained by the education department of the Government.\footnote{Ibid. Refer to footnote 41.} The most significant impact of EGS is a sharp reduction in the absolute numbers of out-of-school children from 1,315,000 (boys) and 1,604,000 (girls) in 1996 to 346,000 (boys) and 428,000 (girls) in 2002-03. Female literacy increased by 20.93 percent over the decade.\footnote{Ibid. Refer to footnote above.}

- **Guaranteeing quality education at low costs:** The Scheme also guarantees quality education at a low cost and tailors the teaching experience according to the needs of the children, thereby making education a joyful learning experience.

- **Curricula suiting local needs:** Within the broad parameters of 200 working days a year, timings of school, location and the academic calendar are all tailored and fixed by the stakeholders and are hence sensitive to the needs of the local situation. The curricula also differ according to the needs of the children and from community to community – this is based on recognition of the fact that children have different learning paces in terms of not only being separate individuals but also having different learning paces for various subjects\footnote{“Janshala” – the newsletter of the joint Govt. of India-UN System Education Programme, Volume V, Issue 1: Jan –March 2002.}.

- **Targeting vulnerable and marginalized groups:** Girl children and the STs (especially people belonging to the indigenous tribes) were specifically targeted. And this has helped in making primary education equitable and accessible to both girls and boys from all strata of society, thereby bridging prevalent class, caste and gender gaps and paving the way for social gender equality.

Though the Scheme has exhibited a few drawbacks in its eight years of existence\footnote{Some recent studies have shown that in many cases, persons from outside a village has been selected as teachers despite educated and willing persons available in the village. Stories of favoritism and corruption (where payment is made to local government officials to secure the teaching jobs) are doing the rounds. Another drawback is that the Scheme only covers children between the ages of 6-14. There are many instances of either no quality schools available nor any schools available in the locality to cater to children from Class VI onwards. In such a scenario, drop out rates after the completion of primary education would be high and the lack of educational options to complete school forces many a parent to question whether it is worth to send their children to school at all in the first place. Local politics also affects development and education can suffer as a process. For instance, in a village where the EGC is being implemented, the local teacher is trying to mobilize the community in efforts to build one extra room in the school. Despite the fact that the community realizes the need for the extra room and is willing to help him, things are unable to move because they are caught in a political wrangle. A school of thought also voices the opinion that even though Panchayati Raj has now been operational for a while, people are yet to realize that there is very little that the Panchayat can actually do unless people themselves take the initiative. The devolution of powers to the Panchayat has also led to a situation where people assume it is the Panchayat’s responsibility to shoulder the entire burden of the village.\footnote{Ibid. Refer to footnote above.}}, the positive features far outweigh the negatives, the most important being that it has made education accessible for all children between the ages of 6-14 across the State.

4. The Value Added of Using Rights-Based Programming Strategies:
Positive Lessons Learned

One key theme each emerges from the two cases. This paper argues that each of these themes can form the pillars of actualizing a rights-driven framework of gender equity while, at the same time, achieve the EFA goals. These key themes are:

- **Involving the target community is key:** In a rights-based model, involvement of the community in planning, design and ensuring accountability for education delivery – including curriculum design and teachers’ accountability – is key in creating ownership and buy-in. Such locally designed, appropriate, non-regimented, non-blueprinted, flexible approach to education delivery in a framework of constructive partnership between Government and civil society leverages disproportionate gains in enrolment and retention. This is highlighted in both the cases and is a recipe for their successes on scale. This is delineation from a “top-down” policy approach and more in tune with the human rights approach to development. Thus, in both the models documented, it is the local people who have been consulted and who have come up with ideas for design and implementation – be it the tribal miners in the Sankalp case or the local communities who are consulted and involved in designing curricula for out-of-school children under the EGS. Such consultation also ensures that project design and implementation follows and addresses local needs throughout.

- **Linking education to livelihood options imperative:** The rights-based approaches used not only helped retain marginalized and vulnerable children in school but also helped prepare them for a life ahead of school. This has been especially true in the case of Sankalp where conditions were created not only for the children but also for immediate families to access education. In the Sankalp experiment, the issues surrounding livelihood security was found to be the strongest push-factor in education guarantee. Even in the EGS model, the curricula has been designed to accommodate the interests of working children in such a manner that working children can not only be educated in traditional literacy but be also capacitated in life skills.

- **Using a highly developed civil society capital to act as a catalyst and enablers of change:** A highly developed civil society exists in India and this has acted as the catalyst (under the rights approaches used) to bring about change through a “demand-supply mechanism”. On the demand side, this role has been played through advocacy, lobbying and ensuring accountability and transparency- and perhaps the most telling of this was its success in getting the 93rd Amendment on the Right to Education passed. And on the supply side, this has been undertaken both by capacity development of: i) communities through training, awareness, sensitization, social auditing, and monitoring of Government services; etc. and, ii) of the Government by the training and sensitization of public officials, etc.

- **Using the enabling policy environment to ensure justiciability of the right to education:** A rights-based approach works best in an enabling policy environment. In the case of EGS, not only did the Madhya Pradesh State Government introduce a programme on realizing the right to education that entailed that duty-bearers respond to demands being made by claim-holders but this was further buttressed by the
enabling policy environment – the decentralized framework as well as the 93rd Constitutional Amendment Bill on the Right to Education. While the decentralized framework shifted the planning and delivery mechanisms from the State to the district level and downwards to the Panchayat level, the Bill on the Right to Education ensured that this right is now justiciable and hence, claim-holders can now hold the duty-bearers accountable in case of non-realisation of this right. Such enabling frameworks thus demanded and ensured accountability and transparency mechanisms from the highest to the lowest levels in the planning and delivery hierarchy.

- **Self-sustaining the process:** One of the positive lessons learnt, especially from the EGS case, is that the process was created and then operationalised by the Madhya Pradesh State Government without any dependence from outside donor/funds. Such a process is locally owned, with the community participating through providing space for schools (this was also the case with Sankalp), designing and monitoring the process of educational outcomes and the Government paying for teachers’ salaries and other material educational needs. Not only is such a process self-sustaining but it is highly participatory and ascertains rights-based sustainable outcomes as accountability of both the duty-bearers and claim-holders are intrinsic for the process to be viable.

**Challenges in Implementing Rights-Based Strategies: Lessons Learned**

In the education sector in India, various challenges exists before both the Government and the civil society in delivering their duties and claiming their demands as follows:

- **Challenges before the Government:** “The most important challenge is for the Government to undertake a reform/capacity development of its own administration, management and staff practices to implement participatory rights-based strategies. A very understaffed, underpaid and under-qualified cadre of staff manages India’s education ministries and departments (called Human Resource Development – HRD – ministries and departments). Capacitating this cadre with training on management and pedagogy and sensitization with a special focus on gender equity is key to revamping the education sector. A further challenging aspect of reform is rationalizing personnel policy in the sector. Government teachers are used for census enumeration - as polling and electoral officers during elections and other such - and they also sit on various committees of the local Government. Actual instruction time available to teachers is further reduced by holidays, ‘casual leave’ and annual leave. Clearly these issues need to be addressed on a priority basis” (Devi Banerjee, 2002).

“Reform to accommodate people-centred rights-based strategies is often also not politically easy since teachers’ unions are powerful lobbies backed by political parties. However, the Government must pro-actively seek reform with or without the

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47 Upala Devi Banerjee, “Actualising the Right to Education: Participative Civil Society-led Approaches to Educational Interventions for Girl Child Labourers in India – The Road Ahead”, Institute of Development Studies, University of Sussex, England, United Kingdom. The paper is available online at [http://www.ids.ac.uk/ids/particip/networks/learnfellow/devi.pdf](http://www.ids.ac.uk/ids/particip/networks/learnfellow/devi.pdf) and “Valuing education: Case studies of rights-based approaches to designing an educational system for the girl child in India – A documentation for possible replication models”, ICRW Ford Fellow, Washington D.C.
cooperation of teachers’ lobbies. In Bolivia, for instance, when similarly powerful teachers’ unions threatened to derail the National Dialogue process in 1998, the Government clean bypassed the unions and dialogued with local Government structures (municipal bodies) instead and a more constructive input into the Bolivian Poverty Reduction Strategy (PRS) was the outcome. Teacher absenteeism, parallel ‘tuition’ and ‘coaching classes’ (tutorials) run by teachers on Government payroll must be severely cracked down upon. Part of the management reform is also to enhance capacities within the management cadre in education” (Devi Banerjee, 2002).

“Going beyond the historical mistrust that exists between Governments and civil society, the next challenge is to find common grounds of participation and partnership that would work” (Devi Banerjee, 2002). In India, there have been some very good examples of such partnerships and specifically in the context of education, some of these partnerships have already been explored as case studies in this paper.

### Box 5: The Case of Brazil: An Example of Government-Civil Society Participation in the Education Sector using Rights-Based Strategies

In the international scenario, the Brazilian Government model of implementing legislation on child rights and working with civil society groups to implement the right to education comes to mind. The Brazilian Constitution mandates compulsory education as a right and a legal duty. The standard of education in Brazil has improved dramatically in the last fifty years. From 1991 to 1997, enrolment has grown by 17 percent. The number of schools has increased eight times in the last five years. There was a six-fold increase in the number to teachers. In the last five years, the process of education reform has been intensified. This process has been led by the federal Government which advocates for strong collaboration between the Government at all levels of the decentralized administrative structure and representatives of civil society organizations. This is producing important changes in the public educational system.

At the same time, to tackle some of the inefficiencies in the public educational system, the Brazilian National Campaign for the Right to Education started in October 1999 with the objective to improve the quality of education. Led by Brazilian civil society, the Campaign is monitoring the Government’s budget on education and has received support from several groups and public policy makers. The National Campaign for the Right to Education aims at restoring the concept of education as a "right" and that too, a legal right as stated in the Constitution and highlights measures on how civil society can implement this right. The four issues approached through the Campaign – quality; financial resources; valuing of teachers; and, democratic involvement of social actors -- are rooted and reflected in the Brazilian Constitution, thus giving them solid legitimacy. The Brazilian Association of NGOs (ABONG) has also been working actively to strengthen civil society participation in policy-making and in favour of the right to education. ABONG stresses the need for continuous evaluation of education policies and actions taken by different actors at the national and international levels and the need for monitoring indicators.

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48 Ibid. Refer to footnote above.
49 Ibid. Refer to footnote above.
Challenges before civil society: Ground realities in India could seriously hinder the process of creation of capabilities of communities in demanding and realizing the right to education. And this is where the main challenges before civil society will lie while actualizing this right (as well as any other right which communities are entitled to but have had to demand – like the right to food or the right to a livelihood).

“The first set of challenges would relate more to changing endemic societal attitudes and reforming traditional structures. Some challenges which present themselves before civil society in this context are rooted in the nature and level of existence of communities (or social capital) in different States - there are a number of States in India where the culture of a strong civil society does not exist (like the northeastern States of Assam, Meghalaya, Manipur, Tripura et. all.) or where civil society operate "at different levels of sophistication" – for instance, while the States of Assam, Arunachal Pradesh and Meghalaya are predominantly matriarchal States where women’s status is generally considered high culturally, the same States record lower level of literacy rates, including girl child literacy rates. In such societies, it is correct to assume that communities are not only “rights unaware” but also “education unaware”. It also goes to prove that a high status of women in society does not necessarily spill over to their obtaining or accessing an education. Such communities fail to realise the benefits of education, and more so when it relates to education of the girl child. Then, there are those communities where the patriarchal and traditional mind-sets are too deeply entrenched (situation of women and the girl child usually are at the lowest common denominator in these States). And in such societies, it is almost unthinkable to fight for education as a right. For instance, while States may record high levels of human development indicators (like Maharashtra, Karnataka or Tamil Nadu), some districts within the same such States are notorious in recording high levels of child labour and in practicing socially-sanctioned forms of gender discrimination like the Devadasi system. It goes to prove that challenges on the ground for civil society are not only enormous but also complex” (Devi Banerjee, 2002).

In meeting the above challenges, the main challenge will be to engage rights-unaware communities in such local situations through capacity development using a rights-based approach. Using innovative approaches geared towards local challenges and needs (as was seen in the Sankalp case) and using advocacy, capacity development methods (awareness, sensitization, training, etc.) and participation as part of the approach, such hurdles could either be overcome or co-opted. Preparatory work to build conditions mobilizing citizens' voice for responsiveness and accountability is needed (Goetz & Gaventa, 2001) and could demonstrate results.

“The second set of challenges would relate to reforming and changing policy structures and mindsets. There are those "top-down policy" States like Bihar or Uttar Pradesh where the bureaucracy is too deeply entrenched. The underlying belief prevailing in such policy mindsets is that the right to an education is linked to power
as education brings with it knowledge which is a powerful tool for the oppressed to fight for their rights. This poses challenges before civil society. For, those States where the bureaucracy is all too powerful will resist the successful implementation of the right or of reforming the education system for reasons of wanting to maintain a status quo. Also, polices are often made by bureaucrats who hail from elite and patriarchal backgrounds. This poses serious problems, especially when policies made or implemented are not gender-sensitive"52.

The final challenge will be to go beyond the pattern of historical mistrust that exists between Government and civil society and find methods of mutual collaboration. Civil society has actually risen to this challenge and formed effective partnerships with Government collaboration and participation in some States in India. These initiatives and partnerships form the core in this paper and have served to highlight the argument that meeting these challenges through methods of demand-based participation as a right have worked to quite an extent. The challenge really will be to replicate and expand such models in States like Bihar, across other districts of Uttar Pradesh, Orissa and the northeastern Indian States.53

52 Ibid. Refer to footnote above.
53 Ibid. Refer to footnote above.
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