

D.O.No.CP/RT Education/PM/2007-08/5

February 6, 2008

Dear

The National Commission for Protection of Child Rights (NCPCR) is completing almost one year of its existence. During the course of our consultations on existing policies addressing complaints through public hearings on issues related to child labour, child trafficking, education, violation of child rights in schools, homes and institutions and in conflict ridden areas we found that denial of children's access to school the single most important cause for their exploitation and suffering. It was clear that ensuring their right to education alone would pave the way for their freedom and dignity.

The 86th Amendment to the Constitution of India which incorporated Article 21-A created a lot of goodwill but more recently it has come to light that the Amendment has not been notified thus keeping in cold storage such a momentous addition to the Constitution of India. The legal position as of date is therefore that the fundamental right to education is available to all children up to the age of 14 by virtue of the Supreme Court's judgment in the famous Unnikrishnan case and not because of Article 21-A.

Even though the right to education is already a fundamental right by virtue of the Supreme Court judgment there is no enactment in order to make it implementable. There were several draft bills prepared in order to give effect to this fundamental right but none of them saw the light of the day. This may have been because most of the drafts that were prepared recently went beyond the idea of making government schools function. These bills sought to regulate private educational institutions also. Such an effort under the prevailing circumstances in India is naturally very controversial and leads to considerable polarization of opinion. The Commission, however, is of the view that the immediate priority in India is in order to make sure that children of the marginalized communities have an opportunity to receive education in government schools spread across the country. For this to happen it would be necessary to pass a skeletal central legislation which prescribes minimum standards and sets reasonable norms in place around which school education in India can be reinvigorated.

The ideal time for a determined initiative in this regard is now. There is huge expectation that the Government of India will take concrete measures in order to achieve universalisation of school education. Current increases in budgetary allocation have been well received in many quarters. We now have an opportunity to consolidate

the prevailing goodwill by taking a few more concrete measures. We from the Commission would therefore request for the following:

1. To notify the amendment incorporating Article 21-A in to the Constitution of India.
2. Take concrete steps for the enactment of a skeletal legislation which confines itself to the challenge of making government schools function. Such legislation need not enter into the more difficult area of regulating private educational institutions.

We feel that the above mentioned steps would auger well for realizing the rights of children and for promoting goodwill in the country towards the Government of India. We would be happy to lend a helping hand in this regard by preparing a draft legislation for your consideration.

With

Yours sincerely,

(Shantha Sinha)

Mrs. Sonia Gandhi,
Chairperson,
United Progressive Alliance (UPA),
10, Janpath, New Delhi.

D.O.No.CP/RT Education/PM/2007-08/5

February 4, 2008

Dear

The National Commission for protection of Child Rights (NCPCR) is completing almost one year of its existence. During the course of our consultations on existing policies addressing complaints through public hearings on issues related to child labour, child trafficking, education, violation of child rights in schools, homes and institutions and in conflict ridden areas we found that denial of children's access to school the single most important cause for their exploitation and suffering. It was clear that ensuring their right to education alone would pave the way for their freedom and dignity.

The 86th Amendment to the Constitution of India which incorporated Article 21-A created a lot of goodwill but more recently it has come to light that the Amendment has not been notified thus keeping in cold storage such a momentous addition to the Constitution of India. The legal position as of date is therefore that the fundamental right to education is available to all children up to the age of 14 by virtue of the Supreme Court's judgment in the famous Unnikrishnan case and not because of Article 21-A.

Even though the right to education is already a fundamental right by virtue of the Supreme Court judgment there is no enactment in order to make it implementable. There were several draft bills prepared in order to give effect to this fundamental right but none of them saw the light of the day. This may have been because most of the drafts that were prepared recently went beyond the idea of making government schools function. These bills sought to regulate private educational institutions also. Such an effort under the prevailing circumstances in India is naturally very controversial and leads to considerable polarization of opinion. The Commission, however, is of the view that the immediate priority in India is in order to make sure that children of the marginalized communities have an opportunity to receive education in government schools spread across the country. For this to happen it would be necessary to pass a skeletal central legislation which prescribes minimum standards and sets reasonable norms in place around which school education in India can be reinvigorated.

The ideal time for a determined initiative in this regard is now. There is huge expectation that the Government of India will take concrete measures in order to

achieve universalisation of school education. Current increases in budgetary allocation have been well received in many quarters. We now have an opportunity to consolidate the prevailing goodwill by taking a few more concrete measures. We from the Commission would therefore request for the following:

1. To notify the amendment incorporating Article 21-A in to the Constitution of India.
2. Take concrete steps for the enactment of a skeletal legislation which confines itself to the challenge of making government schools function. Such legislation need not enter into the more difficult area of regulating private educational institutions.

We feel that the above mentioned steps would auger well for realizing the rights of children and for promoting goodwill in the country towards the Government of India. We would be happy to lend a helping hand in this regard by preparing a draft legislation for your consideration.

With

Yours sincerely,

(Shantha Sinha)

Shri Arjun Singh,
Hon'ble Union Minister
for Human Resource Development,
Shastri Bhawan,
New Delhi.

D.O.No.CP/RT Education/PM/2007-08/5

February 4, 2008

Dear

The National Commission for protection of Child Rights (NCPCR) is completing almost one year of its existence. During the course of our consultations on existing policies addressing complaints through public hearings on issues related to child labour, child trafficking, education, violation of child rights in schools, homes and institutions and in conflict ridden areas we found that denial of children's access to school the single most important cause for their exploitation and suffering. It was clear that ensuring their right to education alone would pave the way for their freedom and dignity.

The 86th Amendment to the Constitution of India which incorporated Article 21-A created a lot of goodwill but more recently it has come to light that the Amendment has not been notified thus keeping in cold storage such a momentous addition to the Constitution of India. The legal position as of date is therefore that the fundamental right to education is available to all children up to the age of 14 by virtue of the Supreme Court's judgment in the famous Unnikrishnan case and not because of Article 21-A.

Even though the right to education is already a fundamental right by virtue of the Supreme Court judgment there is no enactment in order to make it implementable. There were several draft bills prepared in order to give effect to this fundamental right but none of them saw the light of the day. This may have been because most of the drafts that were prepared recently went beyond the idea of making government schools function. These bills sought to regulate private educational institutions also. Such an effort under the prevailing circumstances in India is naturally very controversial and leads to considerable polarization of opinion. The Commission, however, is of the view that the immediate priority in India is in order to make sure that children of the marginalized communities have an opportunity to receive education in government schools spread across the country. For this to happen it would be necessary to pass a skeletal central legislation which prescribes minimum standards and sets reasonable norms in place around which school education in India can be reinvigorated.

The ideal time for a determined initiative in this regard is now. There is huge expectation that the Government of India will take concrete measures in order to

achieve universalisation of school education. Current increases in budgetary allocation have been well received in many quarters. We now have an opportunity to consolidate the prevailing goodwill by taking a few more concrete measures. We from the Commission would therefore request for the following:

1. To notify the amendment incorporating Article 21-A in to the Constitution of India.
2. Take concrete steps for the enactment of a skeletal legislation which confines itself to the challenge of making government schools function. Such legislation need not enter into the more difficult area of regulating private educational institutions.

We feel that the above mentioned steps would auger well for realizing the rights of children and for promoting goodwill in the country towards the Government of India. We would be happy to lend a helping hand in this regard by preparing a draft legislation for your consideration.

With

Yours sincerely,

(Shantha Sinha)

Dr. Manmohan Singh,
Hon'ble Prime Minister of India,
Prime Minister's Office,
7, Race Course, New Delhi.