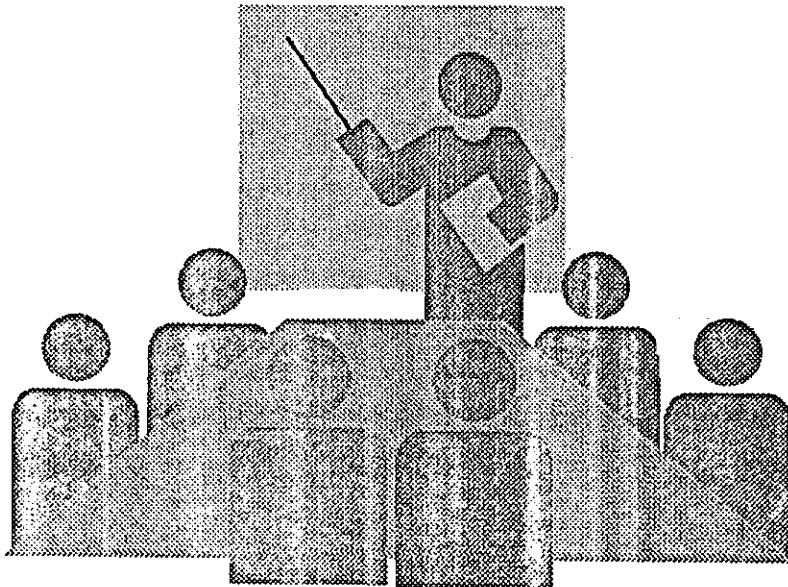


NOTE FOR GROUP OF MINISTERS

SUBJECT- PERMISSION TO WITHDRAW CONSTITUTION (EIGHTY THIRD AMENDMENT) BILL 1997 PENDING CONSIDERATION IN THE RAJYA SABHA AND TO INTRODUCE A FRESH BILL TO MAKE ELEMENTARY EDUCATION A FUNDAMENTAL RIGHT INORPORATING SUGGESTONS MADE BY PARLIAMENTARY STANDING COMMITTEE AND THE LAW COMMISSION



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Department of Elementary Education & Literacy
Government of India
New Delhi:**

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NOTE FOR GROUP OF MINISTERS

SUBJECT – PERMISSION TO WITHDRAW CONSTITUTION (EIGHTY THIRD AMENDMENT) BILL 1997 PENDING CONSIDERATION IN THE RAJYA SABHA AND TO INTRODUCE A FRESH BILL TO MAKE ELEMENTARY EDUCATION A FUNDMENTAL RIGHT INCORPORATING SUGGESTIONS MADE BY PARLIAMENTARY STANDING COMMITTEE AND THE LAW COMMISSION

INTRODUCTION

The Union Cabinet, in its meeting on 7th December 1999, considered note dated 3.12.99. from the Ministry of Human Resource Development (Manav Sansadhan Vikas Mantralaya), Department of Elementary Education and Literacy (Prarambhik Shiksha aur Siksharta Vibhag), and decided that the matter may, in the first instance, be considered by a Group of Ministers consisting of Minister of Home Affairs, Minister of Human Resource Development, Minister of Communications, Minister of Finance, Deputy Chairman Planning Commission and Minister of State in the Department of Administrative Reforms and Public Grievances and the recommendations brought thereater. This note is for the consideration of the Group of Ministers.

The following proposal was placed before the Union Cabinet for approval:

- i) Withdrawing of the Constitution (Eighty Third Amendment) Bill, 1997 pending approval in the Rajy Sabha and introduction of a new Bill in Parliament for this purpose, on the following lines :
 - a) To amend Constitution of India to provide for free and compulsory education to all children of the age 6-14 years.
 - b) To amend the Constitution of India to make it the fundamental duty to every citizen who is a parent or guardian, to provide opportunities for education to all children from 6-14 years of age.

- c) to redraft article 45 to provide that the state shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years;
- d) to delete the proposed article 21(A) sub-clause (3) regarding educational institutions not maintained by the State as proposed in the Constitutional (Eighty third Amendment) Bill 1997.

In principle approval, to provide for a central legislation to make education free and compulsory in the light of Entry 25 of the Seventh Schedule read with Article 254, for which separate note will be put up, incorporating the details of the proposed legislation.

The first part of the note examines the constitutional and legal position. The second Part looks at the financial implications of universalising elementary education.

WHY ELEMENTARY EDUCATION

Social justice and equity are by themselves a strong argument for basic education for all (universal elementary education and literacy). The strong linkages that basic education has with improvement in levels of human well being, especially with regard to life expectancy, infant mortality, nutritional status of children, etc., adds to the case for universal basic education. In recent years, studies on the development performance of developed and developing countries has clearly demonstrated that development of human capital through universal basic education has contributed significantly to economic progress. The return on investments in basic education is one of the highest and even from an economic perspective, this country cannot 'afford' illiteracy. It can provide quality basic education to all its citizens, well within its current economic capacities.

THE SOCIAL JUSTICE ARGUMENT

2. Most recent surveys indicate that nearly 70 % of the 6 – 14 age children are attending school. This means that out of the 200 million children in this age group at the turn of the century, 140 million are going to school. Among the 60 million outside the school system, 35 million are girls and 25 million are boys. Those outside the school

system are mostly from the Scheduled Caste/ Scheduled tribe, from the educationally backward pockets of the country in Bihar, Uttar Pradesh, Andhra Pradesh, Madhya Pradesh, Rajasthan, Orissa and West Bengal. Even in the other states, those out of school are mostly from the poor households. As has been demonstrated in Kerala, Tamil Nadu, Maharashtra, Punjab, Haryana, Gujarat, Karnataka, Himachal Pradesh, Mizoram, Nagaland, education is a major weapon against poverty and disease. Very clearly, universal education will be the best way to promote social justice in society. It is the poorest of the poor, belonging to scheduled caste/scheduled tribe communities in the most resource poor regions of the country, who stand to benefit most by universal basic education.

SOME BASIC FACTS REGARDING ENROLMENT OF 6 - 14 AGE CHILDREN

SIZE OF CHILDREN POPULATION IN INDIA

- There are nearly 187.71 million children (1996) in 6 - 14 age group. Nearly 70% are in school.
- Of this, 122 million are in the 6-11 age group. Nearly 69 % children in this age group are attending school.

CHILDREN ATTENDING SCHOOLS

- All recent surveys indicate that 70 % 6-14 age children are attending schools .
- The National Family Health Survey 1992-93 (sample size - 88000 households; 75.5 % boys and 58.9 % girls in the 6 - 14 age group are attending schools.
- The NSS 52nd round 1995-96 (43076 rural and 29807 urban households) - 69% of the 6-10 age children and 72 % of the 11-14 age children are attending schools. (State wise details is annexed)
- The NCAER survey 1994 (sample size 33,000 households) - 71 % enrolment in rural areas in 15 states among the 6 -14 age group.

NEVER ENROLLED CHILDREN

- sharp decline in the percentage of never enrolled children

- In M.P., U.P., BIHAR AND RAJASTHAN, NSS 42nd round had given 55% as never enrolled. PROBE Study 1996 - gives 19 %.
- NSS 50TH Round 1993 - 94, had found only 3.5 % in rural and 2.6 % in urban areas in the never enrolled category. This is a very significant change from the NSS 42nd round 1986-87 figures.

HIGH PARENTAL DEMAND FOR EDUCATION

- Most recent surveys (probe 1996; ncaer 1994) indicate strong parental demand for education
- This is a significant change from the position at the time of the 42nd round 1986-87 when a number of parents has indicated not interested as the reason for not sending the child to school.

WHY ARE CHILDREN NOT ENROLLED

3. The NSS 52nd Round 1995-96 listed parents not interested in studies of their wards, child not interested in studies and financial constraints as the main reason for non-enrolment. Some other studies, while mentioning about high parental motivation for education, have also highlighted private costs of schooling and unsatisfactory school facilities as reasons for non-enrolment.

IMPROVEMENT IN LITERACY

4. The decade of the nineties has witnessed a faster rate of decline of illiteracy, as captured in the following surveys:
- NSSO 53rd Round Survey 1997-98, had found literacy rate in 1997 be 62 % . Male literacy was 73 % with no state reporting less than 60 % and female literacy was 50%.
 - In a survey of 33,000 rural households, conducted in 1994, NCAER had found that the literacy in rural areas had risen by 9 percentage points compared to the 1991 figures.
 - In a survey of 88000 households, the National Family Health Survey 1992-93 had found, 43.7 % to be illiterate. This means that it had recorded 56 % literacy in 1992-93, an improvement of 4 percentage points over the 1991 figure.
 - The total literacy campaigns have also generated a demand for elementary education.

NATIONAL SAMPLE SURVEY ORGANIZATION 52 ND ROUND 1995-96

**AGE SPECIFIC ATTENDANCE RATIO BY BROAD AGE GROUP IN
GENERAL EDUCATION**

State/U.T.	BROAD AGE GROUP OF STUDENTS	
	6-10	11-13
Andhra Pradesh	75	60
Arunachal Pradesh	65	82
Assam	73	80
Bihar	43	58
Goa	99	89
Gujarat	80	77
Haryana	83	87
Himachal Pradesh	91	94
Jammu & Kashmir	69	82
Karnataka	75	70
Kerala	97	97
Madhya Pradesh	64	67
Maharashtra	88	85
Manipur	69	87
Meghalaya	69	94
Mizoram	71	88
Nagaland	71	85
Orissa	63	66
Punjab	85	86
Rajasthan	58	64
Sikkim	77	90
Tamil Nadu	91	74
Tripura	81	84
Uttar Pradesh	61	66
West Bengal	67	74
Andaman & N. Islands	94	94
Chandigarh	87	95
Dadra & Nagar Haveli	79	55
Daman & Diu	100	76
Delhi	84	95
Lakshadweep	97	98
Pondicherry	98	93
All-India	69	72

THE QUALITY OF LIFE ARGUMENT

5. All studies confirm the close relationship between literacy, especially female literacy and social indicators like life expectancy, infant mortality, etc. The Table placed below indicates the state wise position.

STATE	FEMALE LITERACY 1991 NSSO 1997 FIGURE IN BRACKET	LIFE EXPECTANCY AT BIRTH 1989-93	INFANT MORTALITY RATE 1996
ANDHRA PRADESH	32.72 (43)	60.6	66
ASSAM	43.03 (66)	54.9	75
BIHAR	22.89 (34)	58.5	72
GUJARAT	48.64 (57)	60.1	62
HARYANA	40.47 (52)	62.9	68
KARNATAKA	44.34 (50)	61.9	53
KERALA	86.17 (90)	72.0	13
MADHYA PRADESH	28.85 (41)	54.0	97
MAHARASHTRA	52.32 (63)	64.2	48
ORISSA	34.68 (38)	55.5	95
PUNJAB	50.41 (62)	66.4	52
RAJASTHAN	20.44 (35)	58.0	86
TAMIL NADU	51.33 (60)	62.4	54
UTTAR PRADESH	25.31 (41)	55.9	85
WEST BENGAL	46.56 (63)	61.5	55
ALL INDIA	39.29 (50)	59.4	72

Source: Economic Survey 1997-98

THE ECONOMIC GROWTH ARGUMENT

6. There is now sufficient evidence to suggest the positive consequences that universal basic education has for sustained economic growth. The East Asian miracle that had earlier been seen as a 'laissez faire' success story is now accepted as largely on account of a pro – active state and sustained human skill development through universal basic education. Dr. Amartya Sen has been highlighting this issue each time that he visits India. According to him, “ The crucial role of human capital makes it all the more essential to pay attention to the close relation between sensible public action and economic progress, since public policy has much to contribute to the expansion of education and the promotion of skill formation. Th social opportunities offered by market – based economic growth are severely limited in a society in which very large numbers(even majorities in large parts of the country) cannot read or write or count, cannot follow written or hand written instructions, cannot operate comfortably in a modern industry, and so on.”

COUNTRY	EFFECTIVE PRIMARY SCHOOL ENROLMENT IN 1960	EFFECTIVE PRIMARY SCHOOL ENROLMENT IN 1992	GROWTH IN PER CAPITA INCOME DURING THIS PERIOD 1960 – 92
JAPAN	UNIVERSAL	UNIVERSAL	6.02
PEOPLE'S REPUBLIC OF CHINA	58%	UNIVERSAL	5.05
INDIA	42%	NEARLY 69%	1.90
THAILAND	83%	97%	5.04
MALAYSIA	74%	93%	3.39
INDONESIA	60%	UNIVERSAL	3.50

Source: Quoted in World Development (from UNESCO Yearbook 1960-94)

PART - I

THE CONSTITUTIONAL AND LEGAL POSITION

7. Considering the role that education plays in human well-being the Constitution of India article 45 states as follows :-

“The state shall endeavour to provide, within a period of 10 years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of 14 years”.

8. The National Policy on Education, 1968 stated as follows:-

"Strenuous efforts should be made for the early fulfillment of the Directive Principle Article 45 of the Constitution seeking to provide free and compulsory education for all children up to the age of 14. Suitable programmes should be developed to reduce the prevailing wastage and stagnation in schools and to ensure that every child who is enrolled in schools successfully completes the prescribed course”.

9. The National Policy on Education 1996 stated the following:-

“It shall be ensured that free and compulsory education of satisfactory quality is provided to all children upto 14 years of age before we enter the twenty-first century. A national mission will be launched for the achievement of this goal”.

10. The Hon'ble Supreme Court held in Unni Krishnan, J.P. and Ors. Vs. State of Andhra Pradesh and Ors, 1993 as follows:-

“The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right is however, not an obsolete right. Its content and para-meters have to be determined in the light of Article 45

and 41. In other words every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter his right to education is subject to the limits of economic capacity and development of the State.”

11. The Committee of State Education Ministers(1997) on implications of the proposal to make elementary education a fundamental right, under the chairmanship of Sh. Muhi Ram Saikia, the then Minister of State for Education stated as follows:-

“The Constitution of India should be amended to make the right to free elementary education up to 14 years of age a Fundamental Right. Simultaneously, an explicit provision should be made in the Constitution to make it a Fundamental Duty of every citizen who is a parent to provide opportunities for elementary education to all children up to 14 years of age. Consequential amendments to the Directive Principles of State Policy as enunciated in Article 45 of the Constitution should also be made.”

12. The Eighty Third Constitutional Amendment was introduced in the Rajya Sabha in July 1997 to make elementary education a fundamental right. It was then referred to the Parliamentary Standing Committee which has strongly recommended the amendment to make elementary education a fundamental right. The idea has received support of Nobel laureate Dr. Amartya Sen, industry organisation like Confederation of Indian Industry, Non governmental Organisations, media, etc.

13. While disposing the writ petition of Satya Pal Anand No. Writ No.81/94 on 23rd March, 1998, the Hon’ble Supreme Court passed the following order:-

“We have on the record the Status Reports prepared by the learned Solicitor General. These have been prepared on the basis of the responses of the States and the Union Territories. We find therefrom that by and large the States and Union Territories have gone ahead towards implementation of this

Court's order in Unnikrishnan's case –Unnikrishnan, J.P. Vs. State of Andhra Pradesh-1993, (1) SCC 645, upholding the Fundamental Right of any child below fourteen years of age to be obtaining education at State expense. What has been achieved upto now, is commendable. What remains to be done is individual resting with each State or Union Territory. We, therefore, would not like to monitor any further the progress of these proceedings and rather close them leaving open to any public-spirited person to move the concerned High Court if there be any need on the part of the State towards implementation of the dictate of Unnikrishnan's case. Writ Petition is disposed of accordingly.”

Based on the affidavits filed by States and UTs, the position in January, 1999 was as follows:-

“19 States/Uts viz., Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, M.P., Maharashtra, Punjab, Rajasthan, Tamil nadu, U.P., West Bengal, Andaman & Nicobar Islands and Delhi have enacted the requisite laws for compulsory education.”

“In Lakshadweep, there is 100% enrolment of primary school going age-group children.”

“The States of Arunchal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, and Tripura and the Unio Territories of Chandigarh, Dadra and nagar Haveli, Damand and Diu, Lakshadweep and Pondicherry have not enacted any law in this regard.”

14. In the Satya Pal Anand case the Solicitor General's brief on analysis of the responses of States and Union Territories had identified the following as one of the areas of energisation:-

“States which have not enacted compulsory education laws for children upto 14 years should enact such laws and the States having such laws should endeavour to effectively implement the laws so enacted. ”

15. The Unni Krishnan case and the Satyapal Anand case have clearly laid down the legal position with regard to the fundamental right to education for children up to 14 years of age. In spite of this, there have only been a few cases in High Courts on the subject so far. Writs have recently been filed in the Hon'ble High Courts of Delhi, Chandigarh, and Simla, based on the affidavits sworn by the states in the Unnikrishnan case. Two earlier cases were reported from Karnataka and the Allahabad High Court, following the Unnikrishnan case. There has been no deluge of cases as such, even though 19 states and UTs have Compulsory education legislation. The proposed Constitutional amendment is not creating any new legal position; it is only reiterating the position as laid down in the Unni Krishnan case.

PARLIAMENTARY STANDING COMMITTEE'S VIEWS

16. The Department Related Standing Committee on HRD in its recommendations welcomed the initiative of the Government to make the right to free elementary education a fundamental right. It has, however, urged that sufficient emphasis should also be given on the quality of the education including that of teacher training.

17. The Committee took note of the fact that the word 'compulsion' and 'enforcement' as proposed in article 21(a) do not go with the theme and spirit of the fundamental right. While it accepted the Education Secretary's clarification that compulsion is being looked at as compulsion on the part of the State Government, it felt that this should be amply clear in the proposed Amendment.

18. On the issue of Central Legislation, the Committee felt that the Centre could make a simple legislation with some skeletal framework which may also indicate the Central share in the financial burden. The details could, however, be formulated by the respective State according to their requirements.

19. The Committee was of the opinion that the proposed amendment to the Constitution would provide fundamental right to free and compulsory education to children in the age group of 6-14. However, article 45 seeks to provide free education to all upto the age of 14 years. Hence, the Committee felt that article 45 was required to be retained in the Constitution to take into account the object and philosophy of the Constitution to take care of children in the age group of 0-6 as well.

20. The Committee felt that it was not necessary to keep clause (3) of the proposed Article 21(A) which prohibits the States from making any law for free and compulsory education in relation to educational institutions not maintained by the or not receiving aids out of the state funds. It felt that the interpretation that whether private institution should provide free education or not was best to the court instead of making a specific provision in black and white.

LAW COMMISSION'S VIEWS

21. The 165th Report of the Law Commission on "Free and Compulsory Education for Children" has made three major recommendations which impinge upon the 83rd Constitutional Amendment Bill :-

- i) The need for immediate central legislation to give effect to the Right on Education. Accordingly the Commission has prepared a draft Bill entitled "Free and Compulsory Education for Children Bill, 1998". The Commission is of the view that with the promulgation of this legislation,

the proposed amendment of Article 35 of the Constitution to insert the following clause would be unnecessary :-

“(2) The competent legislature shall make the law for the enforcement of right to free and compulsory education referred to in clause (1) of Article 21 A within one year from the commencement of the Constitution (Eighty-third Amendment) Act, 1997:

Provided that a provision of any law relating to free and compulsory education in force in a State immediately before the commencement of the Constitution (Eighty-third Amendment) Act, 1997 which is inconsistent

with the provisions of Article 21A, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier.”

22. The Commission has observed that State legislatures are competent to affect local amendments in central legislation on concurrent subjects such as Education and may even substitute the provisions in the preliminary legislation or enact inconsistent provisions wherever necessary – of course subject to the requirement of obtaining the assent of the President.

23. The Commission does not favour the proposed amendment under Clause (3) of Article 21A seeking to bar enactment of any law against educational institutions not maintained by the State or not receiving the aid out of State funds as it would neither be advisable nor desirable that the unaided educational institutions are kept outside the proposed amendment. In the Commission’s view such institution must and, are bound to serve the public interest. For this reason, the unaided educational institutions must be

made to impart free education to 20 – 50 % of the students admitted to that institution. This principle has already been applied to medical, engineering and other colleges imparting professional education and there is no reason why the schools imparting primary/elementary education should not be placed under the same obligation. According to the Commission Clause(3) of proposed Article 21A may accordingly be recast to give effect to the above concept and obligation.

24. In the Law Commission's view, the words "right to" in clause (2) of proposed Article 21A should be substituted by the words "obligation to provide". This is for the reason that there cannot be a "fundamental right to free and compulsory education". The fundamental right of citizens, until they attain the age of 14 years, is to "free education", whereas the State's corresponding obligation is to provide "free and compulsory education". The chapter on fundamental rights contains several Articles which are worded so as to create an obligation upon the State and yet those provisions have been understood and interpreted as creating a corresponding fundamental right to citizens.

LAW MINISTRY'S OPINION

25. These issues have been examined at length in consultation with Ministry of Law. The Ministry of Law has finally opined as follows :-

- i) The Ministry has subscribed to the views expressed by a majority of the members of the Standing Committee that Clause (3) of Article 21(A) should be deleted and that the role of private educational institutions not maintained by the States or not receiving aid out of State funds should be left for the interpretation of the Courts as per the principles laid down by the Supreme Court in the Unnikrishnan case.
- ii) Ministry of Law had initially agreed to retention of Article 45. Subsequently, the Department of Legal Affairs opined that there should

not be a fundamental right and a directive principle on the same subject. The Department of Legislative Affairs concurred with the proposal to amend Article 45 to provide that the state shall endeavour to provide early childhood care and education to all children until they complete the age of 6 years.

- iii) 25. The Ministry of Law has not given an opinion regarding the need for Central Legislation on Free and Compulsory Education. The Ministry of Law and Justice has stated that the use of the words “free and compulsory education” in the proposed Article 21(A) is precedent based as such terms are already existing in Article 45 of the Constitution, and therefore no change is needed.

VIEWS OF THE DEPARTMENT OF ELEMENTARY EDUCATION & LITERACY

26. On the basis of the Report of the Parliamentary Standing Committee, the 165 th Report of the Law Commission and the views of the Ministry of Law, the following issues emerge for consideration:

- a) whether Article 45 should be retained in order to honour the Constitutional directive with regard to free and compulsory education of children below six years of age;
- b) whether to delete the Clause in relation to educational institutions not maintained by the State or not receiving aid out of State funds;
- c) whether to provide for Central Legislation for free and compulsory education and;

- d) whether to reformulate clause regarding right to free and compulsory education so that the word “compulsory” does not appear with a statement regarding “Right to Education”.

27. The Department’s views in regard to these issues may be summarized as follows:

(a) **Retention of Article 45**

In the light of the strong views expressed by the Parliamentary Standing Committee and shared by educational experts, as well as the need to avoid needless controversies in this regard, the Department agreed with the recommendations not to delete Article 45. However, in view of the suggestion of the Ministry of Law, the Department agreed to amend Article 45 to provide for early childhood care and education up to the age of 6 years.

(b) **Deletion of Clause(3) of Article 21(A)**

The Department agreed with the recommendations of the Standing Committee that this clause may be deleted as it would be appropriate to leave the question of role of private educational institutions for providing free and compulsory elementary education to the interpretation of the courts of law.

(c) **Central Legislation on Free and Compulsory Education**

The Department had earlier endorsed the recommendations made by the Saikia Committee that in a diverse federal polity such as ours with wide diversities in provision of school education between and within the States, the fact that States are the main providers of elementary education and have enacted legislation on free and compulsory education, it is not strictly necessary to have a central legislation on the subject. The Committee had recommended that States should either amend their existing legislation or

enact fresh legislation to give effect to the proposed Constitutional Amendment on the lines of action taken in regard to implementation of 73rd and 74th Constitutional Amendments. The Committee proposed that the Centre should issue guidelines, in consultation with States, providing a framework for them to fresh legislation on free and compulsory education.

28. In the light of the recommendation of the Law Commission, the Department of Education is of the view that a central legislation should be passed to provide elementary education as a fundamental right to children in the 6 – 14 age group. The Parliamentary Standing Committee had also felt that a simple legislation with some skeletal framework should be enacted by the Centre. The National Committee of Education Ministers on UEE in a mission mode(1999) had also favoured a central legislation.

(d) Use of the term “Compulsory” in conjunction with “Right to Education”

The Department agreed with the views of the Standing committee and the Law Commission that the use of the term “compulsory” in conjunction with “Right to Education” ought to have been avoided. It is felt that although the use of the term ‘free and compulsory education’ is precedent based the usage of the term ‘compulsory’ in conjunction with ‘the right to education’ ought to be avoided.

While examining the matter, it has also been observed that in Clause(1) of Article 21(A) the term ‘citizen’ has been used for persons up to 14 years of age. In keeping with the language of Article 45, it would be appropriate to substitute the word ‘citizen’ by the word ‘children’.

NATIONAL COMMITTEE OF EDUCATION MINISTERS 1999

29. The National Committee of State Education Ministers (1999) under the Chairmanship of the Minister of Human Resource Development (other members included Education Ministers of Assam, Haryana, Maharashtra, Orissa, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal) to develop the structure and outlines of implementing universal elementary education in a mission mode stated as follows:-

“The Bill for amendment of the Constitution in order to make elementary education a fundamental right be got passed in Parliament’s next session”.

“A Central law, declaring elementary education to be free and compulsory throughout India, should be got passed by Parliament.”

30. A FEW OFTEN ASKED QUESTIONS

Question – Do we need an amendment after the Unnikrishnan case ?

Answer –

- Yes. It is only a judgement of the Hon’ble Supreme Court. It can be reversed by a larger Constitutional Bench.
- The Parliamentary Standing Committee, the Law Commission, and the National Committee of Education Ministers has been in favour of it.
- The amendment will send a clear message of political will of the government.
- It will silence the critics who have been raising the issue of child labour as elementary education as a fundamental right is the best way to end child labour.

- It will help in mobilising society for universal elementary education. Since local government is also part of the state as defined by the Constitution of India, it will help in making the local bodies also responsible to the cause of universal education.
- It will be a positive and progressive measure that the international intellectual community (Dr. Amartya Sen, etc.) will welcome.
- It will not change the legal position as elementary education is already a fundamental right as per the Unnikrishnan case.

Question – Why a central legislation ? Will it not question the federal character?

Answer –

- Education is a concurrent subject since 1976 and the centre has the powers to frame laws.
- Elementary education cannot wait. There has to be a societal mission for it.
- While it is true that the Saikia Committee had preferred states to have their own legislation, the National Committee of Education Ministers comprised of HRM (Chairman), Education Ministers of Assam, Haryana, Maharashtra, Orissa, Punjab, Tamil Nadu, Uttar Pradesh & West Bengal for UEE in the mission mode (1999), has favoured a central legislation.
- The central legislation will help to lay down a framework of the obligation of the state. It will prevent unnecessary litigation by defining a school, an education guarantee centre. a case has come up before the Karnataka High Court regarding reimbursement of fees paid to private schools and a case before the Allahabad High Court where a teacher of a private unaided school has asked for salary as elementary education is a fundamental right. The central law will prevent such litigation by

defining the obligation of the state in terms of the government / local body managed schools.

- The Law Commission has strongly recommended it.
- Central legislation will facilitate availability of elementary education of comparable quality across the country.

PART – II

FRAMEWORK FOR A PRAGMATIC APPROACH TO IMPLEMENT UEE IN A MISSION MODE AS ELEMENTARY EDUCATION IS A FUNDAMENTAL RIGHT

31. The Saikia Committee and the Majumdar Committee has made assessments regarding requirement of financial resources for UEE. The same may be seen at Annex – I.

32. In recent years, a large number of pragmatic state specific initiatives have been taking place. These have been facilitated by the framework of decentralised management of elementary education laid down by the 73rd and the 74th Constitutional amendments. Some of them are as follows:

Madhya Pradesh

- setting up of 21,267 Education Guarantee Centres in uncovered habitations.
- appointment of Shiksha Karmis(without dilution of norms) by Panchayats.
- decentralisation of management of elementary education to Zila Parishads.
- rationalisation of existing teacher units.
- pursuit of interim, incremental approach to universalisation with community participation.
- reaching out to the unreached in the quickest possible time
- Community without school within 1 kilometre and 25 – 40 children can demand schooling facility and government guarantees to provide within 90 days.
- Partnership of government, panchayat, and community.
- mobilising financial resources under rural employment programmes for creating school infrastructure.

Uttar Pradesh

- decentralisation to Gram Panchayat level for management of education.
- establish education guarantee centres.
- start Shiksha Mitra scheme for para teachers in formal schools.
- start Balika Shiksha mission.
- promoting private schooling
- industry's participation being experimented in urban areas.

Andhra Pradesh

- new state act for people's participation in primary education.
- provides for elected school management committees.
- school management committees have been given powers for effective decision making.
- teacher vacancies filled up by teachers who are currently paid Rupees 1200 per month.

Himachal Pradesh

- resolve to provide three rooms and three teachers to every Primary school
- recruitment of para teachers without dilution of qualification norms.

Gujarat

- recruitment of teachers on fixed emolument of Rs. 2500 as an interim arrangement.

Rajasthan

- started nearly 16000 Rajiv Gandhi Swarna Jayanti Pathshalas for uncovered habitations.

33. Based on these practices in states, to meet the requirements of UEE in the shortest possible time, some pragmatic approaches need to be adopted as an interim measure, without diluting quality or standards in any manner. It must be borne in mind that the number of school going children will not continue to rise endlessly, given the reduction in fertility rates across the country. Also, the expansion of non governmental facilities is

likely to attract some children whose parents can afford the cost of such schooling. This means that the pressure for teachers' recruitment would decline in the long run. Rationalization of teacher units will further facilitate more efficient use of scarce resources. Given constraints of resources in the short run, a few steps like payment of lump sum emoluments to newly recruited teachers is being suggested as an interim measure. The presence of the private sector was taken note of by the Majumdar Committee. In the revised calculations, allowance has been made for the private sector. Similarly, rather than going for a 1:30 teacher pupil ratio which may be more ideal, at the present stage, the current norm of 1:40 is being suggested. Most other norms suggested by the Majumdar Committee is being adopted as it is or is being improved to keep with up with the rise in costs.

34. Since the pressure of teacher recruitment is likely to reduce after all vacancies are filled up in the interim phase and on account of slowing down of population growth rates (it is already being witnessed in Kerala), it is likely that state governments would be in a position to pay full scale salaries to teachers beyond the interim phase. Assuming a modest growth of 5 % in the economy, the additional spending could be utilised for converting interim approaches into sustainable systems. While doing so, it must be realized that the challenge is to create a community owned system of education that is publicly funded. Public funding should not lead to a denial of people's choices and that is why, the need for effective monitoring of investments in elementary education is being repeatedly made.

35. While making a reassessment of requirement, we need to keep the following issues in mind :-

- (i) There will be nearly 200 million children in the Indian Elementary Education School System by the turn of the century. Of this 120 million will be in the 6 – 11 primary stage age group and 80 million in the Upper Primary (11 – 14 age group).

- (ii) A 15% assumption for presence of private schools would be fair considering the findings of the All India Educational Survey, 1993 and the NCAER Human Development Report, based on 1994 figures. NCAER study estimated 32 % in the private sector, out of which nearly 22 % was in the private aided sector. The schools in the private aided category is more than the schools in the private unaided sector. However, the quantum of aid varies and therefore, it cannot be presumed that all private aided schools are fully subsidized by government aid. There are wide variations in the presence of the private unaided sector with states like Uttar Pradesh, Punjab, Haryana, Andhra Pradesh, Bihar, Karnataka, Tamil Nadu, etc, having a large percentage of these schools. Besides being an indication of private capacity to pay, it is also a reflection on the failure of the public system of education in terms of quality or in some cases. In some others, it is on account of a fondness to teach children English.
- (iii) This would mean that only 170 million children would require to be in the governmental system. For providing for 170 million children @ 1:40, our requirement for teachers would be 42,50,000. Against this as per the 1997-98 figures, we already have 31 lakh teachers. This means that the shortfall will only work out to 11,50,000. By taking out the teacher requirement for 54 lakh children who will be provided education through the Education Guarantee Centres, the requirement of teachers in schools will also come down. However, as many schools exist with much less than 80 students and engage two teachers, no reduction in requirement of teachers is suggested on account of this as many schools will have much less than 1:40 teacher pupil ratio. The revised Operation Blackboard guidelines provided for minimum of three teachers and three rooms in every Primary school.
- (iv) Assuming that the 1.8 lakh habitations that did not have a primary school within 1km, will only be provided an Education Guarantee Centre, and further assuming that each such centre would cater to approximately 30 children, we would be able to cover 54 lakh children in such centres by

engaging teachers as per requirements. This process has already started in Madhya Pradesh and Rajasthan.

- (v) If we assume that construction of school buildings would also be taken up under the rural employment and urban employment programmes, more resources can be mobilised outside the Department of Education's Budget. With elementary education being made a fundamental right as per the interpretation of the Hon'ble Supreme Court in the Unnikrishnan case, the obligation is on the state to provide for the entitlement to education for every child. The local government is also part of the state as per the definition enshrined in the Constitution. Panchayats will, therefore, be compelled to spend on school construction in fulfillment of the obligation thrust on them. We can then assume that there will be a fund ceiling of 15 % of Plan funds (Centre and State Elementary Education Budget put together) on civil works so as to ensure that other needs of UEE are also adequately covered .
- (vi) As mentioned above, we have assumed that 15 % children will be covered by private schools, entirely by the parental capacity to pay. This would mean that 170 million children will have to be covered by the public system. There will be 102 million children in the primary and 68 million children in the upper primary sections in government, government aided schools, if we assume the 15 % coverage by private sources.
- (vii) By following the 2:1 ratio for Primary and Upper Primary schools as suggested in the 1992 Programme of Action, we will need to have 5.30 lakh Primary and 2.70 lakh Upper Primary Schools (since Upper Primary schools will be established by upgradation of Primary schools that is why the number of exclusive Primary Schools will come down). This is being arrived at by presuming only a modest addition of 30,000 new Primary schools (converted from EGS) and the entire focus being on upgradation of Primary to Upper school. We have nearly 7.70 lakh primary and upper Primary schools at present. This means that the total number of institutions will go up to 8 lakhs. If we assume a room for every teacher and a separate

room for the Head Master in Upper Primary schools, the requirement of rooms will work out to 42,50,000 + 85,000(upgraded Upper Primary) = 43,35,000 rooms. Against this, as per All India Educational Survey 1993, there were nearly 27 lakh classrooms in Primary and Upper Primary schools. Considering the pace of construction of Primary school buildings from funds of rural employment schemes (2.2 lakh buildings) , DPEP (nearly 12000 rooms/buildings), LJP(1500 buildings maintained/repaired) ,BEP (2026 school buildings),UPEFA (approx. 1500 buildings), APPEP (approx. 2000 buildings), and other developmental schemes (a few lakhs under MP/MLA fund/ Finance Commission grants, etc) in the last 6 years, it may be conservatively assumed that nearly 5 lakh rooms have been added to the system during this period. This would still leave an unmet demand of nearly 11,35,000 rooms. Assuming a per room cost of Rupees one lakh, the investment required in school buildings would be nearly Rupees 11, 350 crores.

36. The policy should be to cover unserved habitations by EGS centres and not by establishing too many small Primary schools, unless the distance norm requires the setting up of a school. Many Education Guarantee Centres would require to be upgraded into regular Primary schools and perhaps a target of additional 30,000 Primary schools on account of this will be a safe assumption, given the increase in coverage over the last seven years(since the 1993 All India Education Survey).

RESOURCE REQUIREMENTS FOR UNIVERSALISING ELEMENTARY EDUCATION

Item	Norm & Coverage	Annual Cost (Rs. in Crores)
<p>1) School building construction</p>	<p>1) Ministry of Rural Development funds</p> <p>2) Requirement as calculated above works out to Rupees 11, 350 crores. An upper ceiling of 15% on civil works will be followed. This will also be met from the efforts to make the Panchayats/ urban local bodies fulfill their obligations for elementary education as a fundamental right.</p> <p>3) Nearly 85% of the coverage could be from Ministry of Rural /Urban Development's funds. Rest from Department of Education</p>	<p>Approximately Rs. 1500 crores will be provided in the Department of Education's Budget.</p>
<p>- Capital cost of setting up District Institutes of Education and Training in 40 uncovered districts (@ Rs. 1.50 crore per DIET) plus a provision of Rs. 50 lakhs each for 100 existing DIETs for</p>	<p>- a one time requirement of Rs. 110 crores is projected.</p>	<p>Rs. 110 crores</p>

<p>upgradation</p> <p>- setting up of BRCs / CRCs @ Rs. 2.50 lakh for CRC and Rs. 8 lakhs for BRC(Recurring cost on salary to be met from the teachers' salary; no new post)</p>	<p>- Set up 3000 BRCs and 30000 CRCs</p> <p>- Requirement of Rs. 240 crores for BRCs and Rs. 750 crores for CRCs</p>	<p>Rs. 990 crores</p>
<p>2.Renewal of School Equipment</p>	<p>Provision for TLE for 30,000 new Primary schools @ the rate of Rs. 10,000 per school will work out to Rupees 30 crores</p> <p>Provision for 5 lakh Primary schools for renewal @ Rs. 3000 will work out to Rs. 150 crores</p> <p>Provision of renewal for nearly 2 lakh Upper Primary schools at the rate of Rs. 5000 per school will work out to Rs. 100 crores.</p> <p>Provision for teachers support materials and aids for every Primary school teacher @ Rs. 500 per primary school teacher will work out Rs. 150 crores</p> <p>Provision for teachers' support materials and aids at Upper Primary level @ Rs. 700 per teacher will work out to Rs. 84 crores</p> <p>NOTE-1 - TO THE EXTENT THAT POOR STUDENTS CHOOSE</p>	<p>Rs. 514 crores</p>

	<p>PRIVATE SCHOOLS WITH FREE EDUCATION COUPONS, THE REQUIREMENT OF ROOMS IN GOVERNMENT SCHOOLS WILL COME DOWN.</p> <p>NOTE - 2 - ALL CONSTRUCTION PROGRAMMES WILL NECESSARILY BE COMMUNITY BASED AND TO THAT EXTENT, COSTS FROM GOVERNMENT BUDGETS WILL COME DOWN. BY PERMITTING SCHOOLS TO RECEIVE DONATIONS FROM PRIVATE PERSONS, SUCH COMMUNITY SUPPORT SHOULD BE FURTHER ENHANCED.</p>	
<p>3. Recruitment of teachers / para teachers</p>	<p>Total of 11,50,000 teachers at an average of RS. 2500 per month</p> <p>NOTE - 1- REQUIREMENT OF TEACHERS WILL DEPEND ON THE EXTENT TO WHICH POOR STUDENTS CHOOSE TO AVAIL FREE EDUCATION COUPONS IN PRIVATE SCHOOLS. THIS WILL, HOWEVER, NOT REDUCE STATE SPENDING, AS THE COST OF FREE COUPONS WILL BE EQUAL TO THE PER CHILD INVESTMENT.</p>	<p>Rs. 3450 crores</p>

4. Establishment of 1.8 lakh EGS centres	Construction under Ministry of Rural Development funds. Other costs including Rs. 1000 per Guruji per month will be met @ Rs. 25000 per centre per year. This will include the cost of Teaching learning equipment and training.	Rs. 450 crores
5. Up gradation of 30,000 EGS Centres as regular Primary schools	<ul style="list-style-type: none"> - two rooms from funds of the Ministry of Rural Development - Teaching Learning Equipment @ Rs. 10,000 per school (mentioned at 2 above) - Provision of two teachers @ Rs. 2500 per month – this would mean an additional provision of Rs. 4000 per month for ten months and a provision of Rs. 10,000 for the remaining months – Rs. 50,000 for each upgraded school annually - Teaching learning equipment and training to be met from provision already made under EGS . 	Rs. 150 crores
6. Maintenance and repair of schools	@ Rs. 5000 per school per year(same rate for Primary and Upper Primary as the assumption is that Upper primary will be larger villages and therefore, should	Rs. 400 crores

	<p>attract larger public cooperation and contribution) for 8 lakh schools</p> <p>NOTE - COMMUNITY INITIATIVES WILL HAVE IMPLICATIONS FOR STATE SPENDING IN THE LONG RUN. ALL REPAIR HAS TO BE COMMUNITY BASED WITH COMMUNITY ACCOUNTABILITY</p>	
6. Mid Day Meals	<p>Restrict to Low Female Literacy/ High SC/ ST population districts (up to 50 % of the 6 - 10 age children in primary schools) Cooked meals for 50 million children at the rate of Rs. 500 per annum. To be managed by School Committees.</p>	Rs. 2500 crores
7. TLE for children	<p>Cover all Below Poverty line families, SC/ST families @ Rs. 150 per child provide for 50 % - To be managed by school Committees</p>	Rs. 1500 crores
8. Free uniforms	<p>Cover Below Poverty line families, SC, ST families @ Rs. 250 per child provide for 25 % - To be managed by School Committees</p>	Rs. 1250 crores
9. Training	<p>There are 31 lakh teachers in schools and another 11.50 lakh have to be added. Many of the teachers require training as they are not pre service trained. The requirement of training for the untrained</p>	The cost of training comes to Rupees 1410 crores

<p>- Recurring cost of 40 new DIETs @ Rs. 50 lakhs per DIET per year</p>	<p>appointees is going to be very large. Besides, provision for upgradation of skills by distance learning package has also to be built in. This will be required especially in the areas of financial management, motivation, leadership, etc. The costs would work out like this: 20 day in service training for 31 lakh teachers at the rate of Rupees 100 per day Rupees 620 crores Distance learning package for 8lakh institutions at the rate of Rs. 2000 per school Rupees 160 crores 60 day refresher courses for untrained teachers at the rate of Rupees 100 per day for 10 lakh teachers Rupees 600 crores 30 day orientation courses for fresh trained recruits for 1.5 lakh teachers @ Rs. 100 per day Rupees 45 crores</p> <p>Rs. 20 crores per annum</p>	<p>Rs. 20 crores</p>
<p>10. Scholarships</p>	<p>Means cum merit cum attendance scholarships to 50 million children (one sixth the total number) @ Rs. 250 per annum (requirement for SC/ST is presently met by Ministry of Social Justice and Empowerment)</p>	<p>Rs.1 250 crores</p>

11. Provision for disabled children	Roughly 4 % or 8 million children to be covered @ Rs. 1200 per child (it is a nominal provision compared to final requirements but given the fact that very little is done at present, an annual allocation of Rupees 240 crores is a good beginning .)	Rs. 960 crores
12. Innovative Projects for girls education/ SC/ ST education	Existing schemes of Mahila Samakhya, Experimental and Innovative Projects, start up activities in districts or Pre Project activities can be funded from this. Block Grant for innovative schemes may also be provided. . A ceiling of Rupees 15 lakh for each innovative Project should apply. Only if pilot tests indicate positive results should it be upscaled.	Rs. 500 crores
13. Upgradation of primary to upper primary	Since costs of teachers and buildings has been accounted for already, provision for TLE @ Rs. 50,000 per school has to be made for the 85,000 upgraded schools	Rs. 402.50 crores
14. Community based monitoring, supervision and classroom observation by resource persons	@ Rs. 5000 per school for 8 lakh schools	Rs. 400 crores

YEAR AND ITEM WISE RESOURCE REQUIREMENTS – DEPARTMENT OF EDUCATION (RESOURCES OF OTHER DEPARTMENTS NOT REFLECTED HERE)

ITEM	2000-01	2001-02	2002-03	2003-04	2004-05
1.School building construction and other school facilities Mostly by PRIs and local bodies as it will be legally mandatory to spend on school facilities in uncovered habitations/ uncovered schools	Rs.300 crores	Rs.300 crores	Rs.300 crores	Rs. 300 crores	Rs. 300 crores
- New DIETs/ upgradation	Rs. 30 crores	Rs. 30 crores	Rs. 30 crores	Rs. 30 crores	Rs. 30 crores
- BRC/CRC under DPEP	Rs. 190 crores	Rs. 200 crores	Rs. 200 crores	Rs. 200 crores	Rs. 200 crores
2. Renewal of school equipment	25% Rs. 135 crores	50% Rs. 270 crores	75% Rs. 405 crores	100% Rs. 540 crores	100% Rs. 540 crores
3.Recruitment of teachers/ para teachers	50% Rs.1725 crores	50% Rs. 1725 crores	75% Rs. 2590 crores	100% Rs. 3450 crores	100 % Rs. 3450 crores
4.Establishment of 1.8 lakh EGS centres	100% Rs. 450 crores	100% Rs. 450 crores	100% Rs. 450 crores	100% Rs. 450 crores	100 % Rs. 450 crores
5. Upgradation of EGS to regular Primary school	-	Rs. 75 crores	Rs. 150 crores	Rs. 150 crores	Rs. 150 crores
6.Maintenance and repair of schools	25%	50%	75%	100%	100%

	Rs. 100 crores	Rs. 200 crores	Rs. 300 crores	Rs. 400 crores	Rs. 400 crores
7. Teaching Learning Equipment for 50 % children (targeted for poor households)	75% Rs.875 crores	100 % Rs.1500 crores	100% Rs.1500 Crores	100% Rs.1500 crores	100 % Rs.1500 crores
8. Cooked Mid day meals for 50 % area/ poulation coverage	75% Rs.1775 crores	75 % Rs.1775 crores	100% Rs. 2500 crores	100% Rs. 2500 crores	100 % Rs. 2500 crores
9. Free uniforms for 25 % children (targeted poor households)	50 % Rs.625 crores	50% Rs. 625 crores	75% Rs. 935 crores	100% Rs. 1250 crores	100 % Rs.1 250 crores
10. Training	25% Rs. 370 crores	50% Rs. 725 crores	75% Rs. 1327 crores	100 % Rs. 1430 crores	100 % Rs. 1430 crores
11. Scholarship for children	50 % Rs. 625 crores	100% Rs. 1250 crores	100% Rs. 1250 crores	100% Rs. 1250 crores	100% Rs. 1250 crores
12. Provision for disabled children	25% Rs. 240 crores	50% Rs. 480 crores	75% Rs. 720 crores	100% Rs. 960 crores	100 % Rs. 960 crores
13. Innovative Projects include provision for Mahila Samakhya, Experimental and Innovative Projects, Pre - Project activities, etc.	25 % Rs. 125 crores	50% Rs. 250 crores	75% Rs. 375 crores	100% Rs. 500 crores	100% Rs. 500 crores
14. Upgradation of Primary and Upper Primary	25% Rs. 100 crores	50% Rs. 200 crores	75 % Rs. 300 crores	100% Rs. 400 crores	100% Rs. 400 crores
15. Monitoring and Supervision	50 % Rs. 200 crores	75% Rs. 300 crores	100 % Rs. 400 crores	100 % Rs. 400 crores	100 % Rs. 400 crores
	Rs. 8145 crores	Rs. 10555 crores	Rs. 13607 crores	Rs. 14790 crores	Rs. 15610 crores

37. Currently, the Central Plan allocation for elementary education, including Mid Day Meal, is approximately Rs. 3000 crores. For the education sector as a whole, the

resource sharing between the Central Plan and the State Plan has been nearly 35-65, though the allocation to elementary education has been lower than this ratio. It may be safe to assume that nearly Rs. 4500 crores are provided from the State Plans for elementary education. Except the salary and maintenance cost for DIETs and the support for teachers already appointed under Operation Blackboard, all the other expenditure under Central Plan will contribute towards the additional requirements worked out above. This means that nearly Rs. 300 crores out of the Rs. 3000 crore Central Plan allocation will not be available for activities listed above. The position with regard to the State Plans vary a lot as in some states, posts of teachers which were supported under the Central Plan are immediately transferred to the Non Plan of the State. In some other states, however, teacher salaries continue to be funded from State Plan funds. Besides these, the major items funded out of State Plans include distribution of free textbooks, scholarships, cooking costs of food grains in states that serve cooked meals, free uniforms, etc. It may be safe to assume that Rs. 2300 crores out of the State Plan expenditure of Rs. 4500 crores, will contribute towards the activities listed above. This implies that current Plan allocations account for an investment of nearly Rupees 5000 crores annually on the items listed in the calculations above. This means that the additional requirement of resources will be as follows:

2000-2001 – Rs. 3145 crores

2001-2002 – Rs. 5555 crores

2002-2003 – Rs. 8607 crores

2003-2004 – Rs. 9790 crores

2004-2005 – Rs. 10610 crores.

38. As per the recommendation of the National Committee of Education Ministers under the Chairmanship of the Human Resource Development Minister for UEE in a mission mode, the additional resource requirements have to be shared between the central and the state governments equally. In the Sarva Shiksha Abhiyan, we propose a 85:15 sharing in the remaining years of 9th Five Year Plan and 75:25 in the 10th Five Year Plan. If resources have to be shared in this proportion, the year wise requirement in the Central Plan would be as follows:

2000-2001	Rs. 2673 crores
2001-2002	Rs. 4721.75 crores
2002-2003	Rs. 6455.25 crores
2003-2004	Rs. 7342.50 crores
2004-2005	Rs. 7957.50 crores

39. As per the Budget estimates for 1997-98 on the Revenue Account, the total proposed expenditure of elementary education (Centre plus States, Plan plus non-Plan) was Rs.20,781.85 crores. The additional resource requirement being projected by the fifth year is barely 50% more than the proposed spending in 1997-98.

SARVA SHIKSHA ABHIYAN

1. The Education Ministers' conference held in October, 1998 had recommended the pursuit of Universal Elementary Education in the mission mode. A National Committee of Education Ministers under the Chairmanship of the Hon'ble Human Resource Development Minister Dr. Murli Manohar Joshi was set up on the recommendation of the conference to work out the approach to the mission mode. The committee submitted its report in October, 1999. The draft framework for a holistic and convergent approach to UEE in the mission mode was circulated to the States for their comments. A revised note on Sarva Shiksha Abhiyan has been prepared incorporating the suggestions made by the States. Most states have welcomed the Sarva Shiksha Abhiyan framework. The major thrust in the SSA will be as follows:-

- i) All 6-14 age children in school/EGS centre/bridge course by 2003
- ii) All 6-14 children complete five year primary education by 2007.
- iii) All 6-14 children complete eight years of schooling by 2010.

2. The approach is community-owned and village education plans prepared in consultation with Panchayati Raj institutions will form the basis of district elementary education plans. Funds to states would be channelised to registered societies at state level. There will be a focus on districts having low female literacy among Scheduled Castes and Scheduled Tribes. The Sarva Shiksha Abhiyan will cover the entire country with a special focus on educational needs of girls, Scheduled Castes and Scheduled Tribes.

3. The formal approval for Sarva Shiksha Abhiyan is under process and it is likely to be operationalised in the current Financial Year.

The Sarva Shiksha approach is an attempt to redress the problems of elementary education by a holistic and convergent approach with community ownership. The Abhiyan is based on the principle that ultimately it is the community to whom the school system has to be accountable. Through a rigorous effort at capacity building through human resource development, the Sarva Shiksha Abhiyan will try to make community prepared Village Education Plans as the basis of the District Elementary Education Plans. By providing flexibility of approach up to the school level and by integrating the educational mainstream in capacity creation, the Sarva Shiksha Abhiyan by provide opportunities for contextual planning and implementation for universal elementary education. It will respect diversity of approaches and smooth fund flows through state level implementation societies will form the basis for investments. It will follow pragmatic approaches for universalisation. The recommendations of expert groups have been made more pragmatic and by a total mobilisation of civil society, it is possible to provide the additional resources for education.

HOW IS IT DIFFERENT

9. The Sarva Shiksha Abhiyan is a multi pronged effort at universalisation. Expression of political will through an amendment of the Constitution to make elementary education a fundamental right, mobilising resources of urban local bodies and Panchayati Raj institutions by making it mandatory for them to promote elementary education, enacting a central legislation for free and compulsory elementary education, demanding 6 % GDP of public investment for education sector as a whole within five years, projecting much less than 1 % GDP requirement for universalising elementary education, ensuring fund flows through Project implementation societies, making implementation people centred and community owned through the District Elementary Education Plans, building partnerships with states for effective monitoring of investments, developing sustainable financial sharing arrangements between centre and states, allowing diversity of approaches as per context specific planning, adopting pragmatic approaches like appointment of para teachers and EGS type schooling facilities, are all parts of the Sarva Shiksha strategy. Considering the financial health of the state governments, the Sarva

Shiksha Abhiyan envisages a sustainable sharing system that begins with a 85 – 15 sharing between Centre and the States in the Ninth Plan period but goes on to a sustainable 50 – 50 sharing on a stable basis, irrespective of Five Year Plan periods, by 2010. This has been suggested keeping sustainability of interventions in mind.

MISSION STATEMENT

10. Sarva Shiksha Abhiyan will promote community owned initiatives for creating social opportunities for the poorest households, especially in the educationally backward Blocks, districts and states. It will try to provide a learning opportunity to every child, especially girls, dalits, tribals, disabled, children in difficult circumstances. By allowing for diversity, it will meet the educational aspirations of all the regions of the country. There will be a special focus on making education relevant to life so that India's comparative advantage in a 'global village' could be enhanced by promoting traditional and modern skills that can improve the quality of life for every Indian. National level institutions like the National Council of Educational research and training, the National Institute of Educational Planning and Administration, and the National Council for Teacher Education will play a lead role in working with state level and district level organization for capacity building for quality. It will promote education in the larger context that is not limited to a narrow pursuit of purely cognitive learning. Sports, work experience, art, music, painting, yoga, life coping skills, learning by doing and learning by observation, will all be integral to the Sarva Shiksha approach. Through pursuit of quality and excellence it will improve the learning outcomes of children along side the thrust for universalisation.

BRIEF NOTE ON ASSESSMENTS MADE EARLIER

A large number of assessments have been made regarding the cost of universalizing elementary education in India. Some of them are as follows :-

J.B.G. TILAK'S STUDY 1994

2. Based on the projections of population of the age-group 6-14, and based on expenditure per student in the 1980s, Tilak (1994) fitted a cost function to estimate the total requirement of financial resources for education for the period 1999-2000 AD. To universalize elementary education by the turn of the century, it was estimated that the resources have to be increased by three times in real terms between 1992-93 and 2000 AD -- from Rs.4.5 thousand crores to Rs.14.1 thousand crores at 1980-81 prices.

THE WORLD BANK STUDY 1997

3. In 1997, the World Bank made an assessment of financial requirement for universalising primary education. While projecting the financial resource requirement, the World Bank study made estimation for three scenarios:-

- a) Maintaining the existing system for the estimated number of children ages 6 to 10 years now in schools;
- b) existing system to accommodate the children ages 6 to 10 years not now in schools; and
- c) Improving the quality of schooling offered to all students.

4. Based on these three scenarios, the study came to the following conclusion for primary education :-

- (a) The cost of maintaining the system would rise from Rs.8000 crores in 1996 to more than 12000 crores in 2007;
- (b) The cost of expansion at constant 1993 prices starting with Rs. 1498 crores in 1996 would rise to 6389 crores in 2007;
- (c) The cost of improving quality would rise from 976 crores in 1996 to 1134 crores in 2007. By these methods at 1993 prices, resource requirements by 2007 was expected to become Rs. 19665 crores.

5. These conclusions were approximation and did not use the 6th All India Educational Survey figures regarding educational facilities. The assessment also indicates that additional financial resources would be required most in States like, Andhra Pradesh, Bihar, Madhya Pradesh, Rajasthan, Uttar Pradesh and West Bengal. The World Bank study did not present the State-wise requirement of resources to achieve universalisation of elementary education by 2000.

V.K.RAMACHANDRAN , ET AL STUDY 1997

6. V.K. Ramchandran et al 1997 have estimated the investment required for universalisation of elementary education in 17 major States and for all India. They have used attendance rate to estimate the number of children in the age cohort 6 to 11 who are attending schools and who are not attending schools. Unit capital cost and recurrent cost of the schools with 150 children were estimated to be Rs.2500 (capital cost) and Rs. 1593 (recurrent cost) respectively in West Bengal. Ramachandran et al have applied the same methodology used for West Bengal to calculate investment requirement for 17 major States and for all India. Their study shows that the investment requirement is several times more than the current level in certain States. (More than three times the current level of expenditure is in the States like, Andhra Pradesh (3.5%), Bihar(3.1%), J&K(4.5%), Uttar Pradesh (3.63%) and West Bengal (4.03%). More than 6% of the SDP

is required to achieve the objective of UEE in States like, Bihar (8.4%), Orissa(8.61%), J&K(6.7%) and Uttar Pradesh (6.5%).

7. In India as a whole, 2.85 percent of GDP should be spent on primary education as compared to current expenditures of around 1.5% of GDP.

MAHBUB – UL – HAQ’S REPORT(1997)

8. Mahbub – ul – Haq’s Report on Human Development in South Asia made a very broad assessment of financial requirements for Primary Education (up to Class – V) for the South Asian region. The broad cost per child, including non formal methods of coverage, was projected at \$ 30 per child per year. This works out to roughly Rs. 1200 per child in India. This is higher than the current national spending per child in primary education.

ASSESSMENT MADE BY THE SAIKIA COMMITTEE 1997

9. The Saikia Committee made an assessment of financial requirements on the basis of per pupil cost being currently incurred and estimated number of out of school children in 6 to 14 age group. The estimates were based on per pupil cost of Rs.948. Number of out of school children was estimated at 30 million in the 6 to 10 age group and 33 million in the 11 to 14 age group. After adding the factor of 20% of the cost for meeting the requirement of improving the quality of the environment of the school education to be provided and also allowing for the anticipated rate of increase in the price index, the Saikia Committee had concluded that additional funds of the order of Rs.40000 crores would be required over five years.

ASSESSMENT MADE BY NCAER ON THE BASIS OF THEIR HUMAN DEVELOPMENT STUDY (PUBLISHED IN 1999 ON 1994 DATA)

10. The NCAER carried out an estimation of costs to universalise elementary education as part of their human development study. It assessed the household, public and private expenditure on education to be Rs. 1218 per pupil per year. It also estimated that 59 million (5.9 crore) children in the 6 – 14 age group were out of school. On the basis of this, it came to the conclusion that expenditure (public, private, household) on elementary education will have to be scaled up from Rs. 17,782.8 crores to Rs. 24,969 crores per year. This works out to an annual enhancement of a little over Rs. 7000 crores. This will work out to nearly Rs. 35,000 crores in five years. This, however, does not include the cost of infrastructure and the mid day meal programme. A 2% increase on account of increase in numbers has also been suggested in this study.

ASSESSMENT MADE BY THE GROUP OF EXPERTS (TAPAS MAJUMDAR COMMITTEE) 1999

11. The Government of India had set up a Group of Experts to assess the financial resource requirements for operationalising the proposed 83rd Constitutional Amendment Bill making the Right to Free and Compulsory Education up to 14 years of age a Fundamental Right. The Group of Experts was set up with the following Terms of Reference:-

- a) To examine the financial requirements of the states/UTs with reference to the status of UEE in the context of proposed follow-up legislation on compulsory education by the States/UTs;
- b) To identify the existing financial resources of the States/UTs and suggest measures for mobilising additional resources and
- c) To determine suitable sharing arrangement of financial requirements between the Central and State Governments.

12. The Group of Experts was Chaired by Dr. Tapas Majumdar, Professor Emeritus, Zakir Husain Centre for Educational Studies, Jawaharlal Nehru University, New Delhi. The Report makes the following points:-

- a) The total additional requirement for universalising elementary education over the next ten years would be Rs. 1,37,000 crore. This works out to be an average additional 0.7 % of the GDP. By 2007 - 2008, this would be additionally 1.3% of GDP.
- b) This requires an increase in the public expenditure on education from 3.7 % to 6 % of GDP eventually. Half of the 6 % of GDP should be allocated to Elementary Education, leaving the remaining half for Secondary and Higher Education. The increase in allocation to Elementary education would not be at the expense of Secondary and Higher Education.
- c) In order to translate spending into investment for human development, the Expert Group recommended the setting up of an independent institutional mechanism at the national level, for monitoring and controlling the flow of funds for all UEE related expenditure at the Centre and the States.
- d) The additional requirement can be met by improvement in the tax and non-tax revenues of the Government. An increase in tax revenue from 16% of GDP to 18% and increase in non-tax revenues from 2.9% to 4.5 - 5% of GDP would provided additional budgetary resources of 4% points of GDP by the year 2007-2008. This is sufficient not only to meet the additional requirements for UEE but is also sufficient for enhancing investments in other sectors of education.
- e) While working out the relationship between GDP and expenditure on education, a modest growth rate of 5% per annum has been assumed which, it is thought, is not an implausible scenario.
- f) The total additional requirements for UEE of Rs. 137,000 crores over the next ten years would be sufficient to provide a primary school with at least two teachers and two rooms within one kilometre of every habitation in India, at least three teachers and a room for the Headmaster in Upper

Primary schools, at least one Upper Primary school for every two primary schools, and full coverage of disabled children in the school going age group. Provision for teaching learning materials have been made for all children. The coverage for scholarships and uniforms has been restricted to poor children and provision for 50 % of all children has been provided. Mid Day Mcals/foodgrains distribution programme has been limited to poor regions and here again a 50 % coverage has been suggested.

- g) It has been assumed that the Elementary Education system in India will have 200 million children in the 6 - 14 age group by the turn of the Century. Of these, nearly 70 million have been estimated to be out of school. We have nearly thirty lakh teachers at present, in Primary and Upper Primary sections. For providing teachers for a teacher pupil ratio of 1 :30 with full enrolment, more than 40 lakh additional teachers would be required. The estimates provide for these as also a class room for every Teacher.
- h) As regards the sharing between Centre and the states, the Expert Group was of the view that it was beyond its purview as the Finance Commission has been given this Constitutional role. It, however, felt that the Central government will have to take the lead in stepping up investments for achievement of UEE.

13.. The Expert Group has stressed the need for stepping up investments in the elementary education sector with full community participation through the institutional framework of Panchayati Raj and Village Education Committees. Involvement of the community in the management of the school together with stepping up of public investments for elementary education would be essential for national development.

**COMPARING MAJUMDAR COMMITTEE RECOMMENDATIONS WITH
DEPARTMENT'S INTERIM, INCREMENTAL APPROACH TO
UNIVERSALISATION OF ELEMENTARY EDUCATION**

ITEM	National Policy norm, if any	Majumdar Committee recommendation	Department's approach to universal elementary education
1. School building construction and other school facilities	At least two pucca rooms under Operation Blackboard. Later revised to at least three rooms, a room for every teacher and a room for Had Master in Upper Primary schools	Provision of at least two rooms in every Primary school and a room for every teacher. It also provided for a room for Head Master at the Upper Primary stage.	Provision of at least two rooms in a primary school, a room for every teacher and a Head Master' room in Upper Primary schools has been provided for. The reduction in requirement is on account of accounting for presence of the private unaided sector(15%) and by following a 1: 40 teacher pupil norm instead of 1:30 as followed by the Majumdar Committee.
2. Renewal of school equipment	No stated national norm	As per regular requirement of schools	Same as Majumdar Committee norm
3. Recruitment of teachers/ para teachers	does not rule out pragmatic approaches without diluting minimum norm of 12 years of schooling and 2 years of training	Provided for teachers on full salary of Rs. 5000 for Primary and 6000 for Upper Primary school teachers	Provides for total emolument of Rs. 2500 per month in the interim phase. States may or may not enhance. No dilution of qualification is suggested. Only in exceptional cases, two years training could follow after recruitment but within stipulated period.
4. Establishment of 1.8 lakh EGS centres	permits setting up of non formal centres.	Provided for regular schools in unserved habitations.	Provides for EGS in unserved habitations. 30,000 to be up graded into regular schools.
5. Upgradation of EGS to regular Primary school	-		Provides for 30,000 primary schools by upgradation.
6. Maintenance and repair of schools		Provides for annual maintenance under community suspension	Provides for annual maintenance under community suspension

7. Teaching Learning Equipment for 50 % children (targeted for poor households)		Provides for all children (lower unit cost).	(50% of any ...)
8. Cooked Mid day meals for 50 % area/ population coverage		Provides for foodgrain distribution	Provides for cooked meals with focused coverage
9. Free uniforms for 25 % children (targeted poor households)			Targeted coverage of poor
10. Training	Priority	priority	priority
11. Scholarship for children			Targeted coverage of the poor
12. Provision for disabled children		Provision for all children	Provision for all children
13. Innovative Projects			Provides for innovative projects
14. Upgradation of Primary and Upper Primary	2:1 ratio of primary to upper primary	Provides as per NPE	Provides as per NPE
15. Monitoring and Supervision		Provided for	Provided for

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