

SHIKSHA ADHIKAR MANCH, BHOPAL

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27 January 2009

To,
The Chairperson
Parliamentary Standing Committee on Human Resource Development
Room No. 122, Parliament House Annexe
New Delhi 110 001

Sub.: Memorandum on the anti-Constitutional, discriminatory and pro-privatization and pro-commercialization 'The Right of Children to Free and Compulsory Education Bill, 2008'.

Sir,

We are hereby submitting to you a Memorandum in protest against the above-named Bill tabled in Rajya Sabha (December 2008) and under consideration in your Committee. The Memorandum in Hindi (along with the English version) and the proposed amendments in the Bill are enclosed.

As you would see from the attached documents, the Bill not only violates the Constitution but also fails to fulfill the public expectations of access to education equitable quality.

We understand that your Committee is in a great hurry to push the Bill without either holding Public Hearings or following any democratic consultation whatsoever. This is beyond our comprehension, especially when the central government has taken almost 15 long years since Supreme Court's Unnikrishnan Judgment (1993) and six years (four and a half years under UPA government) since the 86th Constitutional Amendment Act to finalise the Bill. The CABE also refused to hold Public Hearings while preparing its Draft Bill in 2004-05 which it forwarded to the Prime Minister's office despite a lack of consensus. Even now the Hindi version of the Bill is not available publicly on any of the official websites. Several concerned groups are presently battling to translate it in various Indian languages across the country before they can even begin to decipher and debate its implications in public.

In the sixtieth year of the Republic, therefore, we urge upon you to open this controversial Bill for Public Hearings in order to allow the people to express their views. The Bill has serious implications for the lives of about 35 crores of the nation's children up to 14 years of age, apart from more than 9 crore children in the 14-18 year age group. It is imperative that the Public Hearings are organized in every state/UT so that people from diverse regions can participate. This will be the only way that justice will be done to the democratic spirit of the Constitution.

With regards,

Sincerely,

Anil Sadgopal
For Shiksha Adhikar Manch, Bhopal

Encl.: 1. Petition with Proposed Amendments (English version); 2. Petition (Hindi) with signature sheets viz. A-1 to A-2, B-1 to B-3 and C-1 (signed in Itarsi, M.P.) and D-1 and E-1 (signed in Bhopal, M.P.).

Cc: 1. President of India; 2. Prime Minister, Govt. of India; 3. Speaker, Rajya Sabha; 4. Speaker, Lok Sabha; 5. Dy. Speaker, Rajya Sabha; 6. Dy. Speaker, Lok Sabha; 7. Minister of Human Resource Development, Govt. of India.

To,
The Chairperson
Parliamentary Standing Committee on Human Resource Development
Room No. 122, Parliament House Annexe
New Delhi 110 001

Date. 2009

Sub.: Our Memorandum on the anti-Constitutional, anti-education, anti-child and pro-privatization and pro-commercialization character of 'The Right of Children to Free and Compulsory Education Bill, 2008' tabled in the Rajya Sabha in December 2008.

Sir,

We, the undersigned, are deeply anguished to inform you and, through you, all members of your Committee that the above Bill is rooted in the framework of the neo-liberal policies being pursued under globalization, rather than the Constitution of India. This Bill violates the solemn resolve of the Preamble to the Constitution to build a socialist, secular and democratic republic and to secure justice, liberty, equality and fraternity for all its citizens. It further violates the principles enshrined in Articles 14, 15(1) and 16 with regard to equality before law, guarantee against discrimination by the State and equality of opportunity in public employment respectively. In case this Bill is passed, the present multi-layered school system resulting in inferior and varying quality of education for different sections of society will stand legitimized. The adverse impact of this discriminatory system will be chiefly on the *dalits*, tribals, most OBCs and the minorities (mainly muslims), the girls and the disabled in each of these communities being the worst sufferers. The concept of Free Education embedded in the Constitution, too, has been circumscribed. By allowing unregulated privatization and commercialisation of school education, this Bill is bound to exacerbate the prevailing disparities in and through education. Please note that the Article 13(2) of the Constitution does not permit the State to make any law that "takes away or abridges" the Fundamental Rights.

We are enclosing herewith the amendments that are, in our considered opinion, critical to make the Bill consonant with the Constitution in both letter and spirit.

We urge upon you to open this most controversial Bill for Public Hearings in order to allow the public to express its view.

Faithfully yours,

The Undersigned

Cc: 1. President of India; 2. Prime Minister, Govt. of India; 3. Speaker, Rajya Sabha; 4. Speaker, Lok Sabha; 5. Dy. Speaker, Rajya Sabha; 6. Dy. Speaker, Lok Sabha; 7. Minister of Human Resource Development, Govt. of India.

We, the following undersigned, append our signatures in protest against 'The Right of Children to Free and Compulsory Education Bill, 2008'

Place Date. 2009

| No. | Name | Organisation | Address | Signatures |
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प्रति,

दि. 2009

अध्यक्ष,
मानव संसाधन विकास मंत्रालय संसदीय समिति
कमरा न. 122, संसद भवन एनेक्सी
नई दिल्ली 110 001

विषय – ‘बच्चों के लिए मुफ्त और अनिवार्य शिक्षा अधिकार विधेयक, 2008’ के संविधान-विरोधी, शिक्षा-विरोधी, बाल-विरोधी एवं निजीकरण-बाजारीकरण समर्थक चरित्र पर हमारा ज्ञापन।

महोदय,

हमें आपको और आपके जरिए मानव संसाधन विकास मंत्रालय संसदीय समिति के सभी सदस्यों को अत्यंत क्षोभ से सूचित करना पड़ रहा है कि उपरोक्त विधेयक की जड़ें भारत के संविधान में होने के बजाए वैश्वीकरण के तहत चलाई जा रही नवउदारवादी नीतियों के खाके में हैं। यह विधेयक संविधान की प्रस्तावना (प्रीएंबल) के समाजवाद, समानता एवं सामाजिक न्याय के संकल्प और अनुच्छेद 14, 15(1) व 16 में दिए गए क्रमशः कानून के समक्ष बराबरी, राज्य के भेदभावपूर्ण रवैये से संरक्षण एवं सार्वजनिक रोजगारों हेतु समान अवसरों के मौलिक अधिकारों का उल्लंघन करता है। यदि यह विधेयक पारित हो गया तो देश में बहुपरती (मल्टीलेयर्ड) स्कूल व्यवस्था और घटिया गुणवत्ता की शिक्षा का वैधानीकरण (लेजिटीमाइज़ेशन) हो जाएगा। इस भेदभावपूर्ण व्यवस्था का नकारात्मक असर मुख्यतः दलित, आदिवासी, अतिपिछड़े और अल्पसंख्यक बच्चों पर पड़ेगा, खासतौर से इन समुदायों की लड़कियों व विकलांगों पर। इसमें मुफ्त शिक्षा की संवैधानिक अवधारणा को भी सीमित कर दिया गया है। स्कूली शिक्षा के बेलगाम निजीकरण और बाजारीकरण के पक्ष में यह विधेयक शिक्षा की वर्तमान विषमता को और बढ़ाएगा। अनुच्छेद 13 (2) राज्य को मौलिक अधिकारों का उल्लंघन करने वाले किसी भी कानून को बनाने की इजाजत नहीं देता। इस विधेयक में जो संशोधन करने अतिआवश्यक हैं उनका प्रस्ताव हम संलग्न प्रपत्र में दे रहे हैं।

हमारा अनुरोध है कि इस बेहद विवादास्पद विधेयक पर जनता के विचार जानने के लिए आपकी संसदीय समिति द्वारा विधिवत सार्वजनिक सुनवाई का आयोजन किया जाए।

भवदीय

अधोहस्ताक्षरकर्ता प्रार्थीगण

प्रतिलिपि – 1. महामहिम राष्ट्रपति महोदया, भारत गणराज्य 2. प्रधानमंत्री, भारत सरकार 3. अध्यक्ष, राज्य सभा 4. अध्यक्ष, लोक सभा 5. उपाध्यक्ष, राज्य सभा 6. उपाध्यक्ष, लोक सभा 7. मानव संसाधन विकास मंत्री, भारत सरकार

‘बच्चों के लिए मुफ्त और अनिवार्य शिक्षा अधिकार विधेयक, 2008’ के विरोध में पेश ज्ञापन के
निम्नांकित हस्ताक्षरकर्ता

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'बच्चों के लिए मुफ्त और अनिवार्य शिक्षा अधिकार विधेयक, 2008' के विरोध में पेश ज्ञापन के निम्नांकित हस्ताक्षरकर्ता, स्थल दि. 2009 – जारी पिछले पृ. 1 से . .

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निम्नांकित हस्ताक्षरकर्ता, स्थल दि. 2009 – जारी पिछले पृ. से . . .

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