

## India Alliance for Child Rights

Paper submitted to the UN Committee on the Rights of the Child, on the 2007 Day of General Discussion theme

### Resources for the Rights of the Child - Responsibility of States

# CHILDREN'S RIGHT TO EDUCATION: MEASURING INVESTMENTS & OUTCOMES IN INDIA

**FOCUS: CRC Article #4:** States Parties shall undertake a appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources, and, where needed, within the framework of international cooperation.

India marks the 60<sup>th</sup> anniversary of its independence from colonial rule this year. In assessing how far it has come in setting and meeting economic and social development goals, it is clear that one notable failure has constrained national progress and human dignity and empowerment. This is India's failure to invest in educating its children.

The 2007 theme set by the UN Committee on the Rights of the Child for the Day of General Discussion provides a reminder of how India's defaults in honouring CRC Article 4 have resulted in national failure to achieve several of the rights.

This paper takes Education and the Child's Right to Learning as a telling example of the price India is paying for this investment default. The budgetary allocation of funds for education has been, and continues to be, very low. But money is not the only measure of investment. Recognition of a need and the resolve to address it are prior and primary investments. For a country to change, its decision-makers must invest concern, attention, commitment, energy and activity, equity and justice -- and accountability.

So, what does it mean to mobilise the 'maximum extent of available resources'? If a country's leadership invests in analysing a need or a concern, and recognises a priority for action and then decides to move on it, it is investing commitment. If it does that, it will surely seek the resources needed to set change in motion.

India cannot say it has not recognised the priority of education. As early as 1950, the Constitution of India promised 'free and compulsory education to all children up to the age of 14 years,' and set a deadline of 1965 for its provision. In years since, various government-appointed committees and commissions assessed the lack of follow-through, and urged better investment and better implementation. Education budgets and standards continued to be poor. Over the years, through sheer public aspiration, more and more children enrolled in the first year of primary school, but State indifference to what was really happening persisted.

In 1993, following the Jomtien World Conference on Education for All (1990), India and other "E-9" nations<sup>1</sup> were urged to do more to address their children's learning entitlements. India pledged to raise its education investment from the then 3 % of GDP to 6% of GDP, and to give higher priority to universalising primary education. It did not act on this promise.

Ironically, a historic policy declaration came at about the same time, when India's Supreme Court invoked the Constitution in 1993 in a ruling that 'for all children up to the age of 14 years, education is a fundamental right.' At that point, the constitutional provision on education was under non-mandatory directive principles. Following this judgment, the Government of India moved a Constitutional Amendment seeking to establish the right to free and compulsory education as fundamental for all children aged between 6 and 14 years, and the Amendment came into force. While it short-changed older and younger children, this change at least accorded a vital right to children of elementary school age. The Government then initiated a new legislative Bill, to put the amendment to work. But the Bill has been still not been enacted.

India has launched a large programme initiative -- Sarva Shiksha Abhiyan/SSA -- which it calls its flagship EFA campaign. This clubs together both formal and non-formal schemes, on a sort of 'something for everybody', and 'something is better than nothing' principle. The least formal schemes, with 'under-qualified and under-paid'<sup>2</sup> para-teachers rather than fully trained teaching staff, and with the barest facilities, seem to be on offer to the most marginalised and deprived groups among children. This neither respects children's equal rights to learning, nor gives the less-served children a jump-start opportunity. Funding for SSA gets priority over other schooling measures, and its budget is sizable even if small compared to other sectors. But is such programming genuine investment?

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<sup>1</sup> Nine most populous countries, with poor school education achievement: India, Pakistan, Brazil, Indonesia, Egypt, Nigeria, Bangladesh, Mexico, China.

<sup>2</sup> 'Status of Children in India Inc.' Haq Centre for Child Rights, India 2005.

In evaluating SSA as India's Tenth Five-Year Plan concluded, the Government acknowledged that it has moved too slowly, and that optimistic 100% enrolment targets would be missed. India is already reported 'lagging' on the Millennium Development Goals, and seems doomed to miss reaching Goals 2 and 3 in time. Reporting on MDGs in 2005, the Government confessed that while primary school enrolment (gross, not net) had risen from 84.6% in 1992-93 to 95.4% by 2002-03, the Grade1/Grade 5 retention rate had moved only from 55.% to 65% in that time.

Worse news has followed. Reporting on 2005 and 2006, the Annual Status of Education reports of the NGO network Pratham<sup>3</sup> show that 5 years of classroom retention, and even 8 years, do not produce an educated child. A two-year investigation into actual learning achievement shows that many children who have stayed at school for all the 5 years cannot read or write or recognise words or work out a simple arithmetic problem of the Grade-2 level. A matching survey of children attending school through Grades 6 to 8 and completing eight years in school, again shows that many are far below optimal levels of competence. So what does classroom attendance of 90% achieve?

A large sum of money is reserved for the national 'mid-day meal' scheme for school-going children, and by state governments for their school feeding schemes, with coverage touching 120 million children. Is there similar budgeting and spending on training or re-training teachers, on equipping schools with learning aids? Or should children go to school to get a free lunch? Where is the investment in making schools and teachers more capable of providing food for thought? While it was the somewhat educationally challenged Indian state of Madhya Pradesh that carried out an exciting experiment in 'joyful learning' and showed how ordinary rural teachers in ordinary rustic school-rooms can transform the teaching-learning experience,

Are today's schools in India sites for stagnation? Are they just 'holding stations'? Government reports persist in using gross rather than net figures, cloaking the fact that many children are in grade levels below their grade-for-age standard, and some are too young for their grade. Official reports also cite enrolment and retention data, and seem to miss out on reporting achievement. Where is the real evidence of the dividend on investment?

National planners and programmers must direct their investment not only to inputs and outputs, but to outcomes. The failure to do this has cost India's children dear; it has also cheated the nation of building its greatest potential: the human resource of young minds.

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<sup>3</sup> ASER: Annual Status of Education Reports, 2005, 2006: Pratham, India

Today, 60 years along its national development journey, India has declared the national aim of building a 'knowledge society' of informed and capable young people able to compete with the best brains and talents in the world. On the threshold of a new five-year national development plan period (the 11<sup>th</sup> 5-Year Plan), the national government intends to enhance funding for higher education and technology training, and extend national child education campaign (SSA) from the elementary to the secondary level of schooling. But when all children in India still do not manage to access and complete five years of primary education, and SSA still defends uneven access to schooling for different socio-economic groups among children, whatever investment is taking place is dodging the principle of equity. If children leave five years of primary school with only substandard capabilities, they cannot go to the next stage of education. If some of them manage to struggle through the three years of 'middle' Who then will be entering high schools and colleges and universities? Only the survivors of neglect.

CRC Article 28 enshrines the right to education, and calls for action to achieve its provisions 'progressively and on the basis of equal opportunity.'

CRC Article 29 calls for education which will 'develop the child's personality, talents and abilities to their fullest potential.'

India's next report on CRC implementation, due in July 2008, will be challenged to demonstrate that this is happening.

As far back as 1974, India adopted its National Policy for Children. The text opens with the affirmation: 'The nation's children are a supremely important asset. Their nurture and solicitude are our responsibility.'

Those 33 years ago, the policy expressed the goal for national action: 'The needs of children and our duties towards them have been expressed in the Constitution. The Resolution on a National Policy on Education, which has been adopted by Parliament, gives direction to State policy on the educational needs of children. The goals can reasonably be achieved by judicious and efficient use of the available national resources.'

This was an investment vision. India has to examine its record and find out what happened to it.

India has the world's largest child population, and children comprise 42% of India's people. The India Alliance for Child Rights (IACR) is an open forum and network for advocacy and action to position the child at the centre of development policy, planning and performance. It generates wide NGO discussion of the annual Day of General Discussion themes, and seeks to convey Indian NGOs' view to the UN Committee. The Alliance is currently engaged in country review and reporting on India's CRC performance.