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# Struggle for Fundamental Right to Education

## ■ Some Strategies

Report of the National Consultation  
on 93rd amendment bill and  
the Lobbying followed

New Delhi  
20th February 2002

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Campaign Against Child Labour (CACL)

CF-26

# **Strategy Planning Meeting of CACL on**

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## **93rd Amendment Bill**

Indian Social Institute, New Delhi

February 20, 2002

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## Introduction

As part of the ongoing struggle for inserting positive changes in the 93rd constitution amendment bill, 2001, Campaign Against Child Labour (CACL) organised a national consultation on Future strategy and Action plan on February 20, 2002, at the Indian Social Institute, New Delhi. About 30 participants consisting of child rights activists, educationists, academicians and legal consultants from various parts of the country took part in it.

The Consultation was imperative in the context of passage of the 93rd Amendment Bill by the Lok Sabha in November 2001. The Bill makes education a fundamental right only for children between the age group of 6-14, completely ignoring the age group of 0-6, diluting the Unnikrishnan judgement (1993) and violating the intention of the Constitution of India, besides the state washing off its hands of providing opportunities for education by putting this onus upon parents. Before the Bill was passed in the Lok Sabha, CACL members campaigned with MPs of Lok Sabha, wrote to the Prime Minister, HRD minister, Speaker of the Lok Sabha and Leader of the opposition to advocate and recommend changes, but yet, it was passed without any changes. The Bill was slated to be put before the Rajya Sabha in the coming Budget session which begins in the end of February, 2002. So in this context, the strategy and action plan on this issue was to be worked out.

## **Welcome Address**

Speaking on the implications of 93rd Amendment Bill, Mr. Joy Maliekal in his welcome address, said that free and compulsory education to all upto the age of 14 years has been a constitutional guarantee, further reconfirmed by the Unnikrishnan Judgement in 1993. But in terms of operationalisation of this strategy, not much has been done. Education should become free and compulsory to all upto 18 years.

## **Keynote Address by Dr Anil Sadgopal**

Dr Anil Sadgopal in his keynote address, emphasised the need to understand the forces that have to be dealt with in the context of the 93rd Amendment Bill. He said when the Bill was introduced in 1997 many were hopeful as the parliamentary group called for a public meeting. The report of this meeting however was in total favour of the government. Parliamentary Standing Committee was not willing to question the Human Resources Development (HRD) Ministry report. The off-hand observations of the secretary of Ministry of HRD like the government had no funds were also not disputed.

On November 28 there was a four-hour debate in the Lok Sabha. It is important to note that after half a century a distorted bill that will dilute the Unnikrishnan Judgement came

and the leadership of the opposition makes speeches of politeness, not anguish. This is a scam that affects an entire generation. The state was not condemned for not doing anything for half a century.



Dr. Anil Sadgopal delivering the keynote address. Sitting next to him are Mr. George Chira of TDH and Mr. Collin Gonsalves, Supreme Court lawyer

He pointed out that the HRD Minister had said they considered 0-6 age group as critical, but they have considered educationists who say the burden of this age group cannot be put upon the state, but 0-6 will be taken care of and NGOs are invited to come forward.

In this way the whole agenda of ensuring education for the age group 0-18 for the poor and neglected sections of the society is defeated, indicating an undeclared consensus in collaboration with the World Bank. If this continues the day is not far when bills will be drafted in Washington and passed even without consultation in the Parliament.

Keshavananda Bharati case says if the Constitution is being affected by an amendment, the court can object. The very intention of the article 45 of the Constitution is to provide education to all in 10 years. But suddenly after the Structural Adjustment Programme (SAP) of the World Bank and International Monetary Fund (IMF), everybody started talking about primary and not elementary education. CPM is also falling on this line of SAP. Globalisation has covered the entire system today and Supreme Court cannot go away from it. The mindset of the judges may have been changed.

The split of age groups into 0-6 and 6-14 is a violation of the constitution. The issue should be raised in the Supreme Court. Part IV of the constitution combined with the preamble gives a complete agenda for compulsory education.

Touching on the issue of handing over of some schools run by the Delhi government to private companies over low results and then revoking the decision, Dr Sadgopal questioned whether the Delhi government produced any report dealing with the causes of low results. Secondly, schools were handed over to private schools that have no experience in dealing with poor children or transforming low performers to high performers.

Giving a few more examples particularly of Gujarat, he contended that the government is determined towards privatisation. BALCO and IBP have been sold to Tatas and now the schools are for sale.

Another crucial thing he pointed is to guard against saffronisation of education. NHRC recognises the right to education as the right informed choices of knowledge. He emphasised that NEP report is just a changed name of a Vidya Bharti report. It is part of monopolization of ideas where only one kind of thought will prevail. The education should create a conducive mental state where the power of critical reasoning blooms. Any move or attempt against critical reasoning is a move against India and the people. Dr Sadgopal suggested to go to the people, talk to them about the real issue and get them with us for the effective campaign.

## **Panel Session**

- Legal Strategy - Mr Collin Gonsalvez**
- Political Strategy - Ms Amarjeet Kaur**
- Social Mobilisation - Mr S.Lahiri**

### **Presentation by Mr Collin Gonsalvez**

Speaking on Legal strategy, Mr. Colin Gonsalvez, Supreme Court lawyer and Head of Human Rights Law Network (HRLN), Delhi admitted that even the judges are not ashamed to say that the present system is a World Bank system. It is favourable for the upper classes to let the poor remain uneducated or else they will demand jobs. Unnikrishnan Judgement by Supreme Court is a powerful tool. The Nagpur Division Bench of Bombay High Court took

the judgement even further, elaborating it that it is the duty of the state to provide other accessories like slates, pencils, books etc. The attack on the 93rd amendment must be one of vision versus vision. The vision by a set of people versus the vision by another set of people should be the way it is presented. The choice will be the future of India. The other issue is of funding. A human right is meaningless unless substantiated by money. Budget analysis must go to the court along with the vision document. The presentation should be different since the issue is not only legal, but profoundly political too.



Mr. Collin Gonsalvez Supreme Court Lawyer presenting his Point of view on legal Strategy.

Dr. Anil Sadgopal agreed that the case is one of vision versus vision. Adding to Mr. Collin's observations, he said that the Kothari Commission had said that in order to provide education to all we need to increase investment in education by 1986 to 6% of GDP.



But a gap has been created over 10 years and now giving 6% does not fill the gap. Tapas Majumdar Committee report which is inadequate also goes by the present level of investment. The state should at least provide that much. Equitable quality education is what is required.

### Presentation by Ms. Amarjeet Kaur

Ms. Amarjeet Kaur, giving her perspective on political mobilisation noted that judgements after judgements are going against education. Sanskriti arguments are used to kill sanskriti. We are dealing with a very clever force. Sangh Parivar plans for 50 years ahead. So our struggle also needs to be long drawn and inclusive of cross sections of people.



This should include leadership of all political parties, local and national, leadership of trade unions, leadership of peasant movements, leadership of khet mazdoor unions. They should be able to incorporate education in their day to day struggles. She suggested the following things to be done:

Ms. Amarjeet Kaur, Secretary of AITUC speaking on the Political strategy. Mr. Gerry Pinto of UNICEF and Mr. S. Lahiri are on the right.

Meetings with leaders of parliamentary groups and political parties who are supposed to take up this issue in the Rajya Sabha should be organised.

At the trade union level, the question of ICDS should be strengthened vis- a-vis the right of agricultural workers and working women.

MLAs should be approached as a long drawn process and whatever teachers' bodies possible at the state level should also be approached.

The prominent part of the Unnikrishnan and Nagpur judgements should be provided to the MPs taking floor on the bill.

Since the ICDS will be at stake at the instance of 0-6 age group is pushed out from the purview of the bill, the ICDS workers will be in trouble. Therefore trade unions are taking their issue. They also can be approached on this issue.

Lastly, she suggested to translate the campaign materials into simple, local languages.

In the followed discussion, the group suggested that Dalit organisations, minority organisations, churches also could be drawn towards our campaign for the fundamental right to education. Reservation for SCs/ STs is meaningless when the people do not pass 10th standard. Because reservation is applied only if they pass 10th standard. 80% of the SCs and 90% of the STs have not got elementary education.

In Tamil Nadu, less than 18% reach 10th standard. In this context, dalits and tribals should join in this struggle.

### **Presentation by Mr. S. Lahiri**

Speaking on the strategies of social mobilisation, Mr. S. Lahiri said that education needs to be put in the development paradigm. There needs to be a clear alternate vision. Possible interventions in the social sector can be done by giving ICDS to the states. Political parties will not vote against the Bill because they fear that people outside parliament will think that they are against fundamental right to education. He suggested the strategies such as:

MPs have to be met in their own constituencies which will help in convincing them in much more effective manner.



Mr. S. Lahiri of CACL Advocacy unit, Delhi Presents his view points on social Mobilisation strategy. Mr. Joy Maliekal National Convener of CACL. is on the right.

Women's organizations, mass organizations, Mahila presented in a Human rights angle, we can reach large sections of people.

In the discussion followed, the group suggested that academics, researchers are to be roped in and there should be short term and long term strategies.

In his concluding remarks, Mr. Gerry Pinto who chaired the session, agreed that there is need to see how the issue can be contextualised in the development perspective. The 50% in government schools need to be prioritised. A clear-cut policy statement on this is needed. We will need to search for community based local models as the campaign progresses. It is important to make our strategies in line with the media.

The Director of Indian Social Institute (ISI), Fr. Prakash Louis participated in the session on request and explained the activities of ISI on education. ISI was instrumental in the formation of the Education Discussion Group (EDG) which recently organised the national seminar on 'saffronisation of education' wherein many eminent educationists and education ministers had participated. He said that this effort would continue with more and more such programmes. Stressing on the urgency to safeguard the parameters of education system, he extended support to the campaign for the fundamental right to education.

## Strategies

In the post lunch session, the strategies and action plan were chalked out. Mr Thomas Jayaraj, Convenor of CACL Tamil Nadu chaired the session. The strategies, divided into short term and long term, are the following:

### Social Mobilisation

#### Short Term:

The strategies come under Short Term have to be carried out within three months.

☐ **Public Action during the Rajya Sabha Session** in the end of March. The Event Secretariat of this programme will be HAQ, New Delhi.

The group suggested to have the programme inclusive of everyone. Therefore everyone will be sent invitation for this event.

- ☞ In the Public action, there will be an issue banner followed by individual banners. Whoever joins in the action programme can bring their own banner and display it in the programme.
- ☞ A hand bill will be prepared by the event secretariat saying about the different aspects of the issue in simple language. The contents goes reading in an order like what was earlier, what has happened and what should be there.

□ The group felt that different organisations are to be approached on this issue. The child rights groups only cannot mobilise large sections of people. Therefore, we should **approach the women's organisations, student unions and other groups to join.**

### Long Term:

The strategies come under this have to be initiated now and no time frame has been devised. But CACL and other collaborative groups/networks should work towards this at the earliest.

□ The dalits and tribals are the worst affected communities by the inefficient mechanism of the government. Reservation for these communities has become mockery of it. 80% of these communities never got elementary education and the reservation is applied only if there is an SSLC certificate. In the same manner, minorities also are affected. The anganwadi workers are in trouble as the ICDS will have a setback in the context of pushing the 0-6 age group out. Therefore, **Campaigning with Dalit and Tribal organisations/ Anganwadi Workers/ Minorities** is a very vital strategy in order to mobilise large sections of people.

□ **A document on reservation has to be prepared so as to involve the dalit/ tribal organisations.** The document should look into the different aspects of the reservation policy and the ground reality. The vision and data on this issue should be reflected in the document.

It will be an important tool to take the above groups in confidence. Dalit Sangharsh Samiti (DSS) and National Council for Dalit Human Rights (NCDHR) can be approached to prepare this document.

□ Since Education Discussion Group (EDG), Delhi is devoted to fight the wrong policies of the Ministry of HRD and very active in the field, a **Joint Action with the Education Discussion Group** in Delhi is necessary.

□ **Vision Document and Advocacy material:** In the context of Mr Collin's suggestion on a vision document, the group felt that a document on our vision is utmost necessary. It should be prepared in order to woo others in the campaign. Apart from preparing a Vision Document, an Advocacy Material on the 93rd amendment bill also should be prepared.

## Political Strategy

### Short Term :

The group discussed that some political action should be done urgently in order to stall the Bill or get the suggested changes incorporated in the Bill. The strategies were devised to be done in the forthcoming days of the consultation. It was decided that two delegations should visit the President, the Members of Parliament, leaders of political parties and trade unions.

□ **Meeting the MPs Concerned:** Each political party has assigned some parliamentarian to speak on the issue of the Bill. The CACL delegation should meet such members at this juncture, not necessarily all the MPs.

□ **Meeting the President of India:** Once the Bill is passed in the Rajya Sabha, it will be sent for the consent of the President of India. The President can send the Bill back for reconsideration of the Lok Sabha. Then it would be another opportunity for the Campaign to lobby with the Members of Parliament again. Therefore, meeting the President would be very important at this point of time.

□ **Meeting the Leaders of the Political Parties:** All the political parties have been discussing the Bills including the 93rd Amendment Bill. The Parties assign some one to speak on the Bill in the Upper House. Therefore, meeting and convincing the party leaders will be reflected in the House.

□ **Meeting the Press Persons:** In fact, Media can play a vital role in disseminating the shortfalls of the Bill and the issue of elementary education, if the media persons are convinced and committed to the issue. Therefore it is important to meet the key persons of the prominent media house.



## **Long Term:**

As part of the political strategy in the long term, the group felt that plans and programmes are necessary vis-a-vis the mobilisation of public opinion and alliances with other groups. The literature of the Campaign should reach to the grass root level. If it is in English, it will not percolate among the local people. This factor has to be seriously considered.

Each state is having its own legislations on the elementary education and related issues. There should be a mechanism from the Campaign to monitor the legislations/ amendments, study them and if necessary, intervene effectively.

As part of the grassrootisation of the Campaign, continuous programmes on education should be organised in order to involve the people at the local level. The programmes will definitely attract the people from different sections.

Therefore, the following were formulated by the group.

- Translations of Advocacy Materials in regional Languages**
- Drafting of alternative state legislations/ amendments**
- Programmes on Education at state, district and Panchayat levels**

# Legal Strategy

## Short Term:

Once the 93rd amendment Bill is passed and the President's consent is attained, there is no other way but to go to the apex court of the land. The Bill has been questioned in the Supreme Court since it is a violation of the spirit of the Constitution of India and the Unnikrishnan Judgement. Therefore through a Public Interest Litigation, the Bill should be questioned. It could be done in consultation with the legal experts who are concerned on the issue of elementary education.

**PIL in Supreme Court in consultation with Legal experts:** A consultation on this issue has to be organised : It could be organised within three months and the possibilities of filing the PIL could be explored in the consultation.

## Long Term:

**Monitoring State Level Rules & Acts:** Once the 93rd amendment bill is a law, the states can make laws in an improvised form. CACL has to monitor this and lobby for its effective framing.

**Filing Petitions on individual cases in different courts:** Since the violence committed on children is on the rise, it should be reflected in the courts of the country. Any kind of child rights violation has to be reported in the

courts. Petition on the issues could be filed by individuals or organisations in the respective jurisdiction. The large number of petitions filed in the courts will definitely reflect in the judicial system in terms of delivering justice to children.

In the concluding session, teams were formulated with selected participants to meet MPs and Leaders of political parties for the next two days in Delhi. Mr S Lahiri and Ms Pallavi Mansing of CACL Advocacy unit, Delhi briefed about the appointments of leaders and MPs and the logistics of it. Prof. K.Ramdas chaired the session.

Mr Joy Maliekal thanked all the participants for their valuable contributions in terms of strategies and information in order to formulate CACL's future strategies on the issue of fundamental right to education.



A Partial view of the participants

## **Lobbying Against the 93rd Amendment Bill**

Delhi, 21st February onwards

In continuation of the national consultation on the strategies and action regarding the 93rd amendmnet Bill, 2001, during the months of February and March, 2002, CACL's Delhi *Groups were involved in hectic lobbying with MPs of Rajya Sabha, opposition leadership and trade union leadership, against the 93rd Amendment Bill which was passed in the Lok Sabha on November 28, 2001. It is slated to be tabled in the Rajya Sabha in the session beginning in April 2002.*

This lobbying was organised following a decision taken at the CACL's Strategy Planning Meeting on the 93rd Amendment Bill, in Delhi, on February 20, 2002. It was decided here to adopt three strategies of mobilisation against the 93rd Amendment Bill: political mobilisation, social mobilisation and legal measures. As a part of political mobilisation, it was decided to lobby with Rajya Sabha MPs, opposition leaders and trade union leadership and make them aware of the issues of concern.

The objective of this lobbying was to ensure that the bill is not passed in its present form and that **a) if it is passed it should be passed with amendments or b) it is recommended to a select committee or a parliamentary standing committee.**

The lobbying was a part of the ongoing process of campaigning against the 93rd Amendment Bill. The Bill in its present form violates the very intentions of the constitution and also dilutes the Unnikrishnan judgement, by making education a fundamental right for the age group of 6-14, completely ignoring 0-6 (0-6 age group includes a total of 16 crore children out of which 7 crores are female). Further, it conveys that what would be free and compulsory for the age group of 6 -14 will be what the state will by a subsequent law determine. The state will also wash its hands off its responsibility of providing opportunities of education to the children, by putting this onus on the parents, who may now be penalised for not sending children to schools. Finally regarding the financial implications of the bill, an additional sum of Rs 9800 crores will be provided every year, for the next ten years, to implement the Bill. This goes even against the recommendations of the Tapas Majumdar Committee of 1999, which recommends an additional allocation of 14000 crores per year, for the next 10 years, as necessary to provide school education to half of the children of the age group of 6-14, who are out of school.

Members of the delegations included Prof. Yashpal, Prof. Anil Sadgopal of BJVJ, Ms. Jaya Srivastava of Ankur, Ms. Devika Singh and Ms. Vandana of FORCES, Ms. Sujata of HAQ Centre for Child Rights and Mr. S. Lahiri and Ms. Pallavi Mansingh of CEC. Mr. Joy Maliekal, Convenor CACL-CS, Mr. P.P.Baburaj and Mr. Raghavendra, Co-ordinators, CACL-CS, Mr. Thomas

Jayaraj, Convenor, CACL-Tamil Nadu, Mr. K. Ramdas, CACL Karnataka, Mr. Arun Das, Convenor, CACL-Bihar, Mr. Prabir Basu, Convenor, CACL-West Bengal, Mr. Arun Jena and Mr. Prasanna Kumar Misra of CACL Orissa and Mr. Hemant Bamre, Convenor, CACL-Maharashtra were a part of the delegations on February 21-22, 2002.

The first appointment was fixed at the Rashtrapati Bhawan on the morning of February 21 with **Mr. S. K. Aggarwal**, a director at the Rashtrapati Bhawan, who receives delegations on behalf of the President of India. After half an hour of discussion, Mr. Aggarwal assured the delegation that their concerns would be conveyed to the President.

This was followed by an appointment with **Dr. Manmohan Singh**, Congress MP of Rajya Sabha and a senior leader of the Opposition. He informed that he was aware of the concerns raised by CACL and suggested the delegation meet Ms. Sonia Gandhi and helped the delegation get an appointment with her.

The same day in the afternoon, the delegation met **Com. A. B. Bardhan**, General Secretary of CPI. Com. Bardhan who has been associated with CACL for a long time assured that his party would look into the issue seriously. There was a feedback as well. **Mr. V. V. Raghvan** and **Mr. Chittaranjan** were informed about the issue and it was decided that Mr. V. V. Raghavan would speak on it in the Rajya Sabha from their party. Delegations also met **Dr. M.N.Das** of Congress and **Mr. V.P.Singh**, former Prime Minister.

**Com. K Vardarajan** of AIKS, **Mr. Suneet Chopra** of AIAWU, **Mr. Ramachandra Khuntia** of INTUC and Rajya Sabha MP of Congress and **Ms. Hemalatha of CITU** and **AIDWA** were among the other trade union leaders met by the delegation. They expressed their concern over the issue and assured their support to the delegation.

On February 22, there was an appointment with **Mr. Kuldeep Nayyar**, MP Rajya Sabha. He expressed that he was aware of CACL's position and would speak on the same lines in the Rajya Sabha.

The CACL-Advocacy Unit continued the lobbying from next day. The delegation met **Mr. Kapil Sibbal**, **Congress** MP of Rajya Sabha. He conveyed that his party was aware of the objections against the bill raised by CACL, but as the bill intended to make education a fundamental right, their party had supported it in the Lok Sabha. He assured however that he would speak in the Rajya Sabha against the Bill raising all the concerns.

The delegation also met **Mr. Yerra Naidu**, the Parliamentary leader of **TDP** on the same day. Mr. Yerra Naidu supported CACL's concerns. He also suggested that the delegation should meet Ms. Vanga Geetha, TDP MP of Rajya Sabha and member of the Parliamentary Committee on Women Empowerment.

Congress President and leader of the opposition in the Parliament **Ms. Sonia Gandhi** met the delegation on February 25 along with **Mr. Shivraj Patil**, a senior party leader. Ms. Gandhi's speech at the time when the Bill was introduced in the Lok Sabha contained almost all the objections raised by CACL. In the 45-minute discussion Ms. Gandhi appeared inquisitive about the bill and asked several questions on how it was diluting the Unnikrishnan judgement and what would happen if the Bill was defeated in the Rajya Sabha. In the end she expressed willingness to take up the issue with her party members.

The delegation met **Mr. Sitaram Yechury**, Politburo Member of CPI (M) on February 26. Mr Yechury was aware of the concerns raised by CACL and supported them. He also assured full support against the bill from their party if the Congress took a similar stand.

On February 27 the delegation had an appointment with **Ms. Vanga Geetha**, TDP MP of Rajya Sabha and member of the Parliamentary Standing Committee Empowerment of Women. She assured that she would support the issue in their parliamentary committee meeting. A meeting followed with Mr. Abani Roy, MP of RSP who also supported CACL's position.

**Ms. Bharati Ray, CPI(M)** MP of Rajya Sabha and member, Parliamentary Committee on Empowerment of Women, also met the delegation on the 27th afternoon. She was



aware of CACL's position and assured that she will always support the issue. She had already filed an amendment in the Rajya Sabha.

**Ms. Saroj Dubey, RJD MP** of Rajya Sabha and also member of the Parliamentary Committee for Empowerment of Women, was also met on the same day. She expressed deep concerns especially over the fact that the bill was anti dalit and anti girl child and promised to take up the issue in her committee meeting and also file an amendment against it.

The delegation also met **Mr. Nagendranath Ojha** of CPI MP in the afternoon. He is the member of the Parliamentary Committee on Welfare of SC and STs. He seemed satisfied by the fact that atleast something was being done to make education a fundamental right, but at the same time agreed with the concerns against it. He also assured to convey CACL's concerns on the issue to his committee.

Then there was also a meeting on the same day with the chairperson of the Parliamentary Committee on Women Empowerment, **Ms. Margaret Alva**, (Congress M.P.) in the evening of 27th. Though a little defensive in the beginning, after hearing CACL's concerns, she assured she would take up the issue with her committee and suggest that the bill be recommended to a select committee. She also did the same.

On 28th, there was a meeting with **Mr. A. Vijayaraghavan**, **CPI(M)** MP of Rajya Sabha. He was also aware of CACL's position and assured that he supports the concerns.

Mr. **Eduardo Faleiro** was met on March 4. He agreed with the concerns raised by CACL.

Mr. **Arjun Singh** of Congress was approached with the intention of requesting him to pilot a petition. He accepted this in principle but said that he needs to discuss the issue in his party. Mr. Singh's daughter Ms. Meena Singh, who is a social activist, was also present during the meeting. She expressed her concern over the issue and suggested that we meet Ms. Mabel Rebello, Congress MP and member of the Parliamentary Standing Committee on Women Empowerment.

Following this there was a meeting with Ms. **Mabel Rebello**. She was aware of the fact that 0-6 age group is left out, but about the other issues she had to be briefed.

On March 6, there was a meeting with Mr. **Jyaneshwar Misra of S.P.** Mr Misra was made aware of CACL's stand and he suggested that the delegation meet Mr. Amar Singh of SP.

Same day the delegation met Mr. **Manoj Bhattacharya of RSP**. He was aware of the issues and was going to be the speaker from his party in the Rajya Sabha when the bill is tabled. He gave insights into what CACL can do further. He suggested following up with CPM and approaching Mr. Pranab Mukherjee of Congress.

The delegation met Mr. **S.B. Chavan**, MP of Congress and Chairman of Parliamentary Committee on HRD on March 11. After hearing the issues raised by CACL, he expressed that he was not aware of most of them and now that he has been informed, he would make sure that the issue is discussed in his committee and that the Congress takes a stand on it.

On March 19 the delegation met **Mr. Pranab Mukherjee**, MP of Congress. He also expressed his concern over the issues raised and assured the delegation that he would take up the issue in the Congress Parliamentary Affairs Committee.

**Amendments Filed by  
Prominent Rajya Sabha MPs:**

**Fali S. Nariman:**

**Clause 2**

That at page 2 for lines 2 and 4 the following be substituted  
namely:

"21A. the state shall make provision by law for free and compulsory education to all children upto the age of fourteen years."

**Clause 3**

That page 2, line 7, for the words "early childhood care and education" the words "early childhood care and development be substituted.

**Clause 4**

That page 2, line 11 for the words "to provide opportunities for education" the words "to avail of opportunities provided for education be substituted.

**Bharati Ray:**

**Clause 1**

Page 1, lines 3 and 4 be deleted.

**Clause 2**

Page 2 line 3 for the words "of the age of six to fourteen years" the words untill they complete the age of fourteen be substituted.

That at page 2, after line 4, the following be inserted:

Explanation: In this article, "free and compulsory education" shall mean and imply

- a) That the state shall be duty bound to provide education to all such children.
- b) That the state shall also provide all such children free of charge text books, stationary, other material, uniform, day-boarding and wherever necessary requisite free transportation.
- c) Provision of reasonably satisfactory quality education.

**Clause 4**

At page 2, for lines 11 and 12, the following be substituted namely :

"k) to inspire every child to receive education"

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## **OUR POSITION ON THE 93rd AMENDMENT BILL**

Campaign Against Child Labour (CACL) had organised a national consultation on 21st October 2001, where representatives from NGOs, CBOs, Educationists, child rights groups and other networks working on education, evolved a set of recommendations after two days of deliberations. CACL had lobbied with the Lok Sabha MPs to demand positive changes in the Bill. CACL had also initiated a signature campaign, where nearly 15000 letters were written to the Prime Minister, HRD Minister, Speaker and the Leader of the Oppositions requesting them to advocate changes in the Bill.

I. This act shall come into the force with immediate effect from the date of its adoption, and the Central Government shall so notify in the Gazette;

II. The following formulation of Article 21A should replace the draft Article 21A as proposed by the Government;

21(A) 1) The State shall ensure provision of free, equitable and quality education for all children until they complete the age of 18 years, including early childhood care, education and related services;

2) Ensuring provision as in 21 (A) (1) shall be a compulsion on the State, and shall be applicable to government, aided and unaided educational institutions;

3) The State shall, upon coming into force of this amendment, allocate all resources that are necessary to achieve this right from the Consolidated Fund of the Union and the States;

4) In fulfilment of this right, the State shall provide by law the manner in which children in this age group from the Scheduled Caste, Scheduled Tribes, educationally deprived sections of religious and linguistic minorities, and other weaker sections of society, with particular attention on girl children and children with special needs are enabled to exercise and enjoy this right;

5) The State shall by law assign accountability to designated officers, and failure to provide conditions for the exercise and enjoyment of this right shall be an offence punishable at law and Parliament shall, as soon as possible, notwithstanding anything in the Constitution, enact such a law;

III. The Article 45 stands deleted in view of the education being made a fundamental right up to 18 years of age

IV. There is no need to add fundamental duty for education as proposed by the Government in 51A(k)

V. The Bill should delete the reference 'in such manner as the State shall by law, determine' in Article 21(A) (1) proposed by the Government.

