

Reviewing Human Rights Guiding Principles: Educationists strongly oppose privatisation and commercialisation of education in India

Regional Consultation on Human Rights Guiding Principles for Education

6 April 2018, Bangalore, Karnataka, India



NCE India, in collaboration with the Karnataka State Primary Teachers Association, organised a regional consultation in Southern India on the 'Human Rights Guiding Principles on the obligation of States' with regard to private involvement in education.

The Southern India Regional Consultation on 'Human Rights Guiding Principles on the obligation of States' with regards to private involvement in education was held in Bangalore, India. The event was organised in collaboration with NCE India (an ASPBAE member) and the Karnataka State Primary Teachers Association (KSPTA).

In the past two decades, there has been an increase in scale and scope of private sectors in education, particularly in developing countries. The privatization in education includes increase in traditional private schools catering to the elite and also low-cost profit-making schools targeting the poor. Referring to the International Human Rights law (UNCRC) which protects the right to

education, it is critical to clarify the existing legal human rights framework that applies to the role of private actors in education and provide normative guiding principles against which to analyse reality from a human rights perspective. The Global Initiative for Economic, Social and Cultural Rights in collaboration with Right to Education and Open Society Foundations have thus undertaken a process to develop such Guiding Principles, based on customary and conventional human rights law.

As part of the development of these Guiding Principles, several regional and national consultations have been organised to stimulate an informed debate on the role and limitations of private actors in education based on human rights law. The Southern India Regional Consultation was organised as part of this effort. The main aim of the consultation was to review the draft 'Human Rights Guiding Principles on the obligations of States with regards to the delivery of education by public and private schools' and share feedback on improving the draft document. Approximately 80 participants attended from 12 Indian states.

The consultation began with participants debating the status of education in India, especially emphasising the state of quality education in Karnataka. Dr. Niranjana Radhaya, Fellow and Programme Head, Centre for Child and the Law, highlighted the appalling condition of the implementation of the Right to Education (RTE) Act in Karnataka, citing that only 8.1% of the schools in the state are RTE compliant. He highlighted low education budgets, increasing privatisation of education, and shortage of teachers as major constraints in the proper implementation of the RTE Act.



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In his presentation, Victor Paul, Professor, Department of Sociology and Social Work, Christ University (Bangalore), defined systems that assess education and elaborated on the misconceptions regarding assessments and grading. He clarified that assessments are more than just assigning grades and that through proper assessments, both teachers and learners can work together to set appropriate learning goals. Pointing to the flaws in RTE implementation, he stressed that poor learning outcomes and dropout rates are alarming in India.

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Participants reflected on the 'Human Rights Guiding Principles' based on the education context and the status of privatisation of education in India.

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Some of the main assertions emerging from the consultation were -

- 1) Education is a fundamental inalienable human right.
- 2) As a fundamental right, education cannot be achieved through privatisation or through the Public Private

Partnership (PPP) model. There was strong opposition to all forms of privatisation or any other attempts to commercialise education.

- 3) It is the obligation of the state to build a national system of education funded by state parties, ensuring equitable and quality education to all children without any discrimination.
- 4) In India, education privatisation violates the basic ethos of culture and understanding of education as a social good and a tool for socialisation. A Supreme Court judgment in 1993 treats education as an integral part of right to life. Therefore, right to education and right to life are inseparable. The constitution places the onus on the state to provide for a state-funded education, enabling institutional structure for realising child rights.
- 5) Public schools must be strengthened by providing trained teachers, teaching-learning materials, and community engagement.
- 6) Privatisation of education adversely affects marginalised communities and increases discrimination.
- 7) It was noted that the section on the vision and objectives of education, forming part of the Preamble of the document, is not yet written up – this is an essential section which is critical for a full understanding of the intentions and framework of the document. It should also define the responsibilities and accountability of the government in providing education.

Participants also emphasised that in the Indian context, there are already existing norms for regulating private schools, especially under the Right to Education (RTE) Act 2009. The issue has been the uneven implementation of these regulatory provisions. Further, the participants observed the rise in the number of private religious and minority schools. As these schools do not fall under the RTE Act, no regulation and monitoring are possible from the government. In conclusion, participants offered some caution: that in promoting and advancing the proposed Guiding Principles, care should be taken so that this instrument is not used to justify and further advance privatisation and commercialisation of education.



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