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Pension for the Elderly

It's No Charity, but Human Right

Rajindar Sachar

It is a truism, though painful, that the Central government's priorities in fiscal matters are determined by the perceived sensitivities of the foreign and Indian corporate sector and the richer class rather than the urgent and humanitarian considerations for the poor and old citizens of India. How I wish that instead the government was to show urgent attention to the plight of about 10 crore elderly people (8 per cent of the Indian population, with 1/6th of them living without any family support). No doubt, under the Central government's pension scheme, persons above the age of 60 get a pension of Rs 200 and those above 80 years Rs 500 per month, but this is applicable to those below the poverty line. The uncertainty is increased by the ever-fluctuating determination by the government of what should be the poverty level; pensions vary in different states - Delhi paying a maximum of Rs 1000 per month while others like Andhra Pradesh, Bihar, etc, only Rs 200 per month.

Of the total elderly population, only 1.97 crore are beneficiaries of IGNOAPS, which means that only about one in every five persons over 60 years receives old-age pension.

Employment-linked pensions are restricted to the elderly in the organized sector or to those who are among the rich and upper middle class categories. But the groups that are most in need of old age pension are largely in the unorganized sector. Between the year 2000 and 2010, the organized sector added less than 0.3 per cent workers annually to the workforce while the GDP of the country more than doubled with an annual rate of more than 7.55 per cent. It is clear that much of the contribution to this growth came from the workers in the unorganized sector. But unlike the organized sector, workers in the unorganized sector do arduous manual labour often in the most difficult physical circumstances and without adequate nutrition and rest. Forcing them then to work beyond the age of 55, in order to survive, amounts to a form of punishment. The demand for old age pension is thus not a demand for charity but a demand for recognition of their contribution to the economy, and the need-based constitutional principles which are to be applied. As the Chief Justice of India S. H. Kapadia has expounded in Human Rights Year-Book 2011:

"What is the need-based approach? Supposing there is no statute but the right to life is involved, is it open to the defence to say tight resource, financial crunch? The answer is 'no' because the right to life is there in Article 21 of the Constitution and the defence cannot toll the bell of tight resource. Take the case of food security. Two out of five people are below

poverty line, and if pension is to be paid to them, the government cannot say I have no money. Now this is what I mean by revisiting welfare rights. And that is where if enforceability is there the rule of law will prevail." (emphasis supplied)

The insensitive and negative approach of various state governments and the Central government to the plight of five crore people in the unorganized sector in the construction industry would show the government's anti-poor face, especially in the way they have dealt with the report of the Justice V. R. Krishna Iyer Committee given decades back.

One of the key recommendation and which on paper has even been accepted by the Government of India but it has persistently refused to enforce in the manner in which the scheme of contribution by the employer along with a contribution by employee is to operate.

Now as construction industry worker is a migrant and has necessarily to be on the move for finding employment, it was accepted by the government that the contribution of the employer and the employee will be deposited in a computerized bank account with a specific identity number for each individual workman. This was so decided because construction labour being migratory, with the result that if a new account was to be opened every time with separate employers, his past accumulation was in danger of becoming irrecoverable. So, the way suggested was that each employer will deposit his contribution in a fixed numbered identity account given to the employee, and which will be honoured by all banks anywhere in the country. But this not having been done, the result is that at least Rs 5000 crore of the Employees Provident Fund is lying in banks but has not been disbursed to the workers because the government has not yet allotted them their identity account numbers. The result is that lakhs of workers are continuing to be near starvation line.

Another callous indifference of the government is shown by the fact that though all government contracts provide for the contractor to make temporary but proper accommodation for the construction labour at the site, it is common knowledge that contractors mixed up with dishonest inspectors do nothing of the kind - forcing female workers to use open toilets and leaving children to the vagaries of weather with no shelters built. A simple solution is for the government itself to provide these facilities and adjust funds at present being given to the contractors. In spite of protests by workers, nothing has moved - probably, the contractor-inspection nexus is all-powerful.

Central government has unapologetically announced many concessions for the corporate sector and the rich with the shameful claim that prosperity so generated will move down and improve the condition of the poor. This is a false claim as given in a warning by Noble Laureate Joseph Stiglitz - "The theory of trickle-down economics is a lie".

According to the ILO's 2010-11 World Social Security Report, the ILO's new recommendation on social protection sets nationally defined guarantees aimed at universal access to minimum income security, especially during old age, and that such guarantees are a human right and an ethical imperative of governments. How can the Central government remain silent?

Government's precedence over poverty reduction: This is a specious argument that shows that poverty is a long-term problem and that current deficits represent a short-term emergency, that poverty can wait but deficits cannot. This is muddle-headed thinking. To reduce and eliminate massive absolute poverty lies at the very core of development itself. It is critical to the survival of any democratic and decent society. It cannot negate the claim for pensions for the old by pleading that development has to take place first. ❑

Pension Bill:

Robbing the Workers to Enrich the Capitalists

Piyush Pant

It seems that Manmohan Singh government refuses to see the writing on the wall or is it that it has deliberately blindfolded itself to avoid seeing the reality. Or can we say that it has conveniently assigned for itself the role of the agent of Multinational corporates bent upon marauding the Indian economy. Otherwise why the Indian government should keep opening mercilessly the door of Indian economy for the foreign capital when the role of unbridled capital in devastating the US and European economy has amply been proved. In order to wriggle itself out from the mounting criticism of policy paralysis and to prove that it has not lost the track of economic reforms, the Manmohan Singh government has now set itself upon the road to further economic reforms knowing it well that these reforms are not the panacea for the falling economic growth and the mounting fiscal deficit. It is well known that these types of reforms played havoc with the economies of Latin American and later East Asian countries. It is to be mentioned that many Latin American countries imitated the Chile and reformed their pension systems in 1990s, turning them into a fully or partially funded system of mandatory individual accounts. But the privatization of pension has not lived up to the promises of its proponents and supporters. It was supposed to improve the coverage

and benefits to the workers and the generation of savings was supposed to stimulate the market. But it failed on both the counts. Even the World Bank, once the ideological and financial supporter of countries willing to follow the privatization path in 1990s, revised its position, indicating the outward signs of the unsuccessful choice.

Instead of handing over the pension and savings of the workers to the vagaries of the financial market, the Manmohan Singh government should pay heed to the fact that in the new social and economic scenario, countries that had made reforms are now working on "reforming the reforms". Chile itself, which is often quoted as the ideal case of pension reforms by the proponents, has recently created a basic pension for low- income earning over 65 citizens who couldn't retire in the private system. This failure was due to insufficient accumulated funds or simply because individuals could never contribute as many had to survive on low incomes in the informal economy. Similarly in Argentina, President Chrstina Kirchner has announced the government's intention of nationalizing nearly 30 billion USD of private pension funds to protect retirees from falling stocks and bonds as a result of the current international financial crisis. In fact the experience of Latin American countries has been that basing itself on the 'advantages' of private investment over a state-run system, the new social security system has been a complete failure. Says international organisation Social Watch-"Far from guaranteeing workers a dignified pension, privatization has established a system in which the saver has less control over his or her destiny. The new prevailing reality has failed to achieve the reform's objectives of greater coverage, more transparency and the promised increase in retirement income."

Take the case of Bolivia. A report published by Social Watch says- In Bolivia pension system reform was presented as a social necessity, an argument that was supported by the clearly dysfunctional state of the existing pension system in force for several decades - but was in fact designed as a potential source of profit for private investment. According to one of the main promoters of the reform (Peña Rueda, 1996), the replacement of the 'pay as you go' (PAYG) social security system was justified by data suggesting its virtually bankrupt state as:

- The proportion of active workers to pensioners was three to one, which is insufficient to financially support the system and much less than what is considered to be the ideal proportion (ten to one).
- The coverage of the system was very limited with only 314,437 regular contributors in an economically active population of 2.6 million.
- The system was discriminatory in its lack of coverage for the substantial number of non-salaried workers.
- The system was vulnerable to inflation and employment fluctuations and mobility.

Hence a new system was implemented that would allow the state to reduce, and ultimately eliminate its financial burden from the old bankrupt system and would provide adequate benefits to guarantee the population a dignified retirement from active working life. The intention was for this new system to have the following characteristics: a broadened reach including segments of the population not previously covered, in particular non-salaried workers; capacity for self-financing; investment management transparency; potential for strengthening the stock market; capacity for continuity in times of economic crisis; capacity to create mechanisms for maintaining the value of pensions; capacity to increase the incomes of Bolivians over the age of retirement.

More than five years after the implementation of pension system reforms, it was found that a comparison of both social security systems' coverage, taking into account their relative size as a proportion of the economically active population, reveals that the situation has not changed significantly since the reform. According to the National Employment Survey, in 1996 the economically active population figures were higher than in the 2001 Census and the projection for 2002.Even worse, if we take the data used by government officials in charge of implementing the reform (an economically active population of 2.6 million in1996), the previous system would have a much greater coverage than the current one, with the number of contributing workers amounting to 12% of the active population. To the discomfort of the reform's designers and implementers, disaggregated data on the number of affiliates per type of worker also fail to indicate any clear superiority of the new system in extending coverage to non-salaried or independent worker categories. According to Pension Fund Association (PFA) information, by June 2003 the number of independent workers affiliated to the pension funds was only 4.3% of the total number of affiliates.

This is to be remembered that the promoters of social security reform in Bolivia had made promise of dignified pensions that would improve on the social results of the previous PAYG system. This became the main justification put forward by reformers. However, an evaluation of results indicates a worse situation and reinforces the hypothesis that the true objectives of the reform bore little relation to the endeavour to create better living conditions for the working population. In the first place, transforming the system has not generated a significant increase in the number of beneficiaries, so it cannot be said that it has contributed to a reduction in the widespread phenomenon of large social groups being excluded from social security benefits. Secondly, the promise of increased incomes has met with similar disappointment. The new scheme was designed in such a way that access to a pension is linked to

a substantially longer working life and in addition it does not guarantee access to a dignified pension for all workers. There is a special category provision in the Law of Pensions called 'minimum retirement' that is applicable to a worker who has not paid enough contributions to finance a pension equivalent to at least 70% of the minimum national salary but who has reached 65 years of age. He or she will receive a pension or annual income equivalent to this percentage "until the accumulated funds are exhausted," irrespective of whether or not this pension covers all the remaining years of life after retirement. In short, there will be workers who only have access to a very small pension - the current minimum salary is no more than USD 58 a month - for a time that will not necessarily coincide with their remaining life span.

Thus the Bolivian example makes it clear that the two systems are guided by different perspectives: while the previous PAYG (Pay as you go) system regarded the provision of security to workers after their active working life as an inescapable obligation of the state, the new system abandons this state responsibility, delegating the provision of security for the economically inactive population to the 'efficient' workings of the market.

Now the question is-Why Indian government is so desperate to hand over the pension sector to the private players? It should be remembered that when Pranab Mukherjee as Finance Minister had paid a visit to Washington, he had assured the American secretary for treasury that the Indian government would hurry up reforms like privatisation of pension, banking industry and more FDI in insurance sector. However, the oft-repeated and familiar government plea is that the national exchequer no longer has funds to serve the bourgeoning sector. Moreover, banking on the Old Age Social and Income Security (OASIS) report of 2000 the government says that the ranks of the elderly in India are growing at a higher rate (3.8 per cent per annum) than overall population (1.8 per cent). By 2030 the number of people over age 60 is expected to soar from the current 80 million to nearly 200 million. This will sharply increase the number of people per family depending on the working member for sustenance. The current pension system in no way provides for this shift. But the real objective is to privatise the sector. Through the Pension Fund Regulatory and Development Authority (PFRDA) Bill, the capitalists want to use the big pool of savings of the Indian working class, which has so far been under State control. It is said that the Bill is aimed at expanding the coverage of pension funds and converting them into source of finance for monopolist capitalist ventures. The Bill wants to provide cheap source of finance for the capitalist class, at the cost of guaranteed income to the workers once they are retired and old. It is being said in praise of the new pension scheme that it is meant to include crores of people who presently are not covered by any pension schemes. But the real intention is to make the capitalist employers free of their obligation to contribute to the retirement fund of those they employ. It is set to apply for both regular as well as contractual employees. It means that under this scheme, whatever the pensioner will get in the future will come out from his own contribution alone. There will be no contribution from any other source, not even by the central or state government. Thus the new scheme has all the potential to be doomed from the very start as the workers will prefer to keep their savings in long- term fixed deposits, or gold or in any other form they choose than joining a scheme fully financed by them and which puts their savings at the disposal of speculative world of stock markets.

Anti-employee tenor of the Pension Bill becomes clearer if we look at the provisions of the proposed Act. The important features of the Bill are-

1. Pension will be based on the amount of contributions made by the worker during his working life and the value of contribution at the time of retirement, which would be subject to fluctuations in the stock market. In other words, the value of workers' savings would not be protected and there will be no pre-defined amount or ratio of salary that is guaranteed on retirement.
2. The government will give up its role of protecting the value of workers' savings; it will instead hand over charge to various institutions of finance capital, both state owned and private, Indian and foreign.
3. A part of workers' contributions will be invested in the stock market, and each contributing member will be given a choice about the composition in which his or her savings will be allocated, between government debt, shares of private companies and other financial instruments.

Thus a subscriber to the new pension scheme is said to be exposed to the following risks after retirement-

1. As per the scheme, a subscriber is to make the choice of investment portfolio. As bureaucrats are mostly uninformed in finance and investment related matters, one might end up in making wrong choices, which would eventually rob her or him of the old age pension.
2. If there is a major market shock, he/she may end with no ability to purchase an annuity and the entire money contributed by her or him may be lost.
3. Since annuity cannot be cost indexed, its real worth may fall, depending upon the inflationary pressures in the economy.
4. A subscriber is to perforce contribute towards the charges of investment managers, whose priority often is as to how much profit they could make through investment of the astronomical corpus of pension fund in the volatile share market.

Thus these provisions amply make it clear that on the pretext of increasing the reach of pension to all the working people, the

Government is trying to convert the right of workers to pension into a scheme of robbing the workers for the benefit of the capitalists. It is not that this Right of the workers is self-assumed. It has been recognised by the Supreme Court as well in its various judgements. In one of the judgments, the Supreme Court said that "pension was not a bounty payable on the sweet-will and pleasure of the government and ... pension is a valuable right vesting in a government servant." Even the Fourth Pay Commission Report categorically declares "pension is not by way of charity or an ex-gratia payment, or purely social welfare measure, but may fairly be said to be in the nature of a 'right' which is enforceable by law." In one of the judgments, the Supreme Court said that "pension was not a bounty payable on the sweet-will and pleasure of the government and ... pension is a valuable right vesting in a government servant."

Piyush Pant is senior journalist. Presently, he is Editor, *Lok Samvad* ❑

Press Statement: Delhi, 23rd February 2013:

PUCL Statement on Hyderabad Blasts

PUCL strongly condemns the serial blasts in Hyderabad on 21.02.2013, which have resulted in the loss of life and grievous injuries to many. PUCL extends its sympathies to the families of all those who lost relatives and hopes that the injured recover speedily.

PUCL reiterates its stand that all organizations - whether State or non-state players - functioning for the people and in the public arena are accountable and answerable for their acts. PUCL appeals to all organizations to refrain from acts of mindless violence, especially when they endanger innocent persons. Violence can never offer a solution to any issue however genuine it may be.

In the past such blasts have invariably been followed by motivated targeting and illegal detention by the police of scores of educated and young members of the minority community, physical and mental torture, prosecution under as many draconian sections and laws as possible and repeated implication of the same persons in multiple cases thereby stigmatising a section of the population of the minority community who live for years with the shame of being a "terrorist". The stigma is never erased even when prolonged trials end in acquittal. The acquitted persons and their families forever live devastated lives, ostracized and feared by their own community. Such unlawful motivated police action has ended up in immense alienation and disaffection of an already traumatized community.

PUCL reiterates that the State and Central police and various intelligence agencies inquiring into the incidents should uphold the principles of fair, independent and unbiased investigation. This will strengthen rule of law and ensure investigations and interrogations in a civilized manner. Only such conduct of investigating agencies will reinforce established and accepted norms of fair and lawful investigation. We caution the police not to indulge in baselessly targeting of persons belonging to any particular community, especially those from the minority communities.

PUCL is apprehensive that the current events provide fodder for partisan politics and use of the tragedy to score political points. It is crucial that political parties respond with sensitivity and work to create a sense of confidence and amity amongst different social sections.

PUCL is concerned over some sections of the media indulging in speculative reporting and alluding to the alleged involvement of some groups, even when investigation is still underway. Such competitive posturing and motivated reporting fans communal hatred, creates mass paranoia and vitiates communal harmony.

In this time of tragedy and disturbance PUCL appeals to citizens, be they in media, political parties or state agencies, not to fall prey to rumours inciting reprisal by fanning enmity between communities.

Those guilty of this ghastly incident should be expeditiously brought to book. The situation demands that we, as a nation, should remain calm, restrained and peaceful.

Dr. V. Suresh. National General Secretary, PUCL ❑

Jamia Teachers' Solidarity Association press release on Hyderabad blasts: 26th February 2013

Why Hyderabad Investigations are Doomed to Fail

In a grotesque replay of every investigation that follows a bomb blast, prejudice, misinformation and media blitz rules the direction of Dilsukh Nagar bombings investigation too. The same suspects and shadowy organizations are being paraded as executors of the Hyderabad bombings.

But should we be surprised? A day after the Home Minister's humiliating capitulation to the RSS-BJP, virtually giving them and their affiliates a clean chit, the message to the investigating agencies must have been crystal clear. When the Home Minister himself discards the bulk of allegations and material pointing to the existence of Hindutva groups in planning and executing terror attacks, should we really expect the investigating agencies, whose past record inspires hardly any confidence, to sincerely pursue all possible angles and leads? This, when Messrs Aseemanand and

company are being tried for the 2007 bombing of the Mecca Masjid. By asserting that Hyderabad bombing may have been a reaction to the execution of Kasab and Afzal Guru, the Home Minister himself foreclosed any possibility of unbiased investigation.

Hyderabad Police: Can we trust them with the investigations?

The same Hyderabad Police which had, in the aftermath of the Mecca Masjid, raided Muslim mohallas, rounded up scores of young men, tortured them at private farmhouses, alleged to have recovered RDX, arms and ammunition, jihadi literature, incriminating cell phone records and laptops, as well records of journey to foreign countries for terror-training by these young men – all proven to be false now – have been entrusted with the investigation of the Dilsukh Nagar blasts. Have we already forgotten that the additional metropolitan Sessions Judges in throwing out the two related cases of Mecca Masjid blast found the police unable to produce any evidence except for the confessional statements of the accused – statements which had obviously been extracted under harsh and brutal torture, as attested by the Advocate Ravi Chander report.

And sure enough, the various SITs formed by the Hyderabad Police have knocked on the same doors. Mohammed Rayeesuddin, Mohammed Azmath, Arshed Khan, Abdul Raheem, and Abdul Kareem were detained for questioning, while Dr. Ibrahim Ali Junaid was hounded over the phone. Not only were the same people targeted once again, the methods were no improvement over 2007: the same surreptitious whisking away without information to relatives, reviving the horrors of 2007.

Why have the police officers, who indulged in and who supervised the frame-ups in the 2007 Mecca Masjid blasts, not been punished? Indeed, Hyderabad investigations demand that the policemen who deliberately tried to fabricate and derail a genuine probe the last time, be first punished. What is the guarantee that they will not influence the course of investigation of the recent twin blasts as well? Is there any reason for us to believe that they will not avenge the humiliation of their 2007 fiasco by harassing their victims, many of whom have filed a civil suit seeking damages for their illegal detention and torture?

The detentions of Rayeesuddin and others have in fact again confirmed our fears of collusion and complicity between the Andhra and Gujarat Police over encounter killings and communal witch-hunts. Rayeesuddin is key witness to the cold-blooded murder of Mujahid Salim Islahi by the Gujarat encounter specialist Narendra Amin - currently in jail for Sohrabuddin fake encounter, another instance of the 'cooperation' between the police of the two states - at the *Lakdi ka pul* police station in Hyderabad in 2004. While the Hyderabad Police has shown no inclination to pursue the case against Amin, not even once seeking his custody, there is reason to believe that the cases against Rayeesuddin are a way to intimidate him into withdrawing his witness in the case. In fact, many of the terror accusations against Muslim youth in Hyderabad relate to this incident in 2004.

In sum, the Hyderabad police has shown itself to be thoroughly communal and corrupt, and should not be entrusted with the investigations of the Dilsukhnagar blasts.

Media Trial: Return of the Stenographers

Lack of journalistic skills and ethics, a perverse sense of 'national interest', the mad rush for TRPs has produced a lethal cocktail of 'breaking news', each more pernicious than the other. If nothing else, one has to admire the media's consistency: their refusal to learn from their past gaffes and their unrestrained urge to act as judge, jury and executioner. So what if they flash the photograph of the recently assassinated MQM leader Manzar Imam as one of the key accused? MQM-MIM-IM, all the same, as long as it's a bearded face and a name that fits.

Confessions and Interrogation reports are being dramatized on prime time. Hawala transactions via Dubai, and dark conspiracies are being breathlessly screamed about, slowly coagulating a narrative of guilt. One could have dismissed these televised kangaroo courts as mere rantings, if only they did not play a role in keeping accused in custody for long periods. While in many cases, this media trial may not affect the eventual outcome of the trial; it is enough to pressure the courts into denying the accused bail repeatedly, and even the accused from moving bail applications. Just six months ago, Muti Ur Rehman, a reporter with *Deccan Herald*, was touted as "the face of modern violent Islamic extremism". He was held up as an example of how "the profile of the various groups who come under the rubric of the 'Indian Mujahideen', can be from any segment of society." (http://www.dailymail.co.uk/indiahome/indianews/article-2197303/Spectre-educated-terrorist-Professionals-new-face-terror-swell-ranks-outfits-like-Indian-Mujahideen.html#ixzz2Lvfva4xS). While the NIA has now failed to even file a charge sheet against Rehman and his two roommates, also falling in the educated Jihadi profile, the media's unrelenting mastermind hype ensured that he spent close to six months in jail.

In other cases, we know, that such biased reporting can manufacture a 'collective conscience' that demands retribution even where guilt is not established beyond reasonable doubt. It is this power that the media gloats over, and in its crazed delirium, forgets that it is human lives they destroy by uncritically relaying the deliberate leaks by

agencies as scoops and investigations. If appeals for restraint and previous mistakes breed no introspection, then perhaps large-scale defamation suits would be the only deterrence.

So grave is the situation now that that the Chief Justice was forced to admit recently that (media trial) "can prejudice against an accused in a case."

What about Pune and Nashik modules?

As proof of IM's existence, security experts and agencies have cited the emails that the organisation purportedly sent after every blast they executed. Though no emails were forthcoming this time, the BJP Chief of Andhra Pradesh, G. Krishan Reddy, received by post (not known whether it was speed post favoured by the Home Ministry) a letter from LeT, claiming responsibility for the blasts.

While the investigating agencies see an IM module in every Muslim concentrated town and a sleeper cell in every madrasa, they must explain why those organisations currently being tried for exploding bombs in the same city in 2007 are not even being mentioned as potential suspects. While forensic evidence is still being collected and analyzed – much of it destroyed by the media trampling all over the site – agencies through trusted mouthpieces are chanting about the discovery of trademark IM bombs. What is the basis of this claim? Media reports suggest that Dilsukh Nagar bomb was an IED, as indeed was in the Mecca masjid blast. In December last year, not many months ago, the NIA arrested Tej Ram, which it accuses of planting an IED at Mecca Masjid, the one that did not explode. His alleged partner Rajender Choudhary, whose IED did go off, has been in NIA's custody for a while now. Given that Tej Ram was arrested only months ago, and given also that many of the key aides of Aseemanand and Purohit are still at large, why is there an absolute refusal to pursue that line of investigation?

Are we to forget the conversations between the retired Major Ramesh Upadhyay and the serving colonel in the Army, Purohit, which revealed not in their ability to procure explosives but also their international linkages and patronage? To quote:

Maj. (Retd.) Ramesh Upadhyay:"…for example what happened in Hyderabad Mosque or at other places was not done by anybody from ISI; it was done by our person. On the basis of my information, I can say that it was done by this particular person.[…]

Lt. Col. Purohit:"...I have done two operations. They were successful Swamiji (Dayanand Pandey), I have the capacity to carry out operations. I have no dearth of equipment [explosives]. Once I decide I can procure the equipment..."

[…]

Lt. Col. Purohit: "...I am in contact with Israel. One of our captains has visited Israel. Very positive response from their side. They have said "You show us something on ground". [...] Secondly, they say they cannot support us in the international forum under the present circumstances for two years, till our movement does not gather some momentum. Political asylum any time; equipment and training once we show something on ground. I am trying to achieve that..."

What has happened to the full contents of the laptops recovered by the late Mr. Hemant Karkare? We fear that they may be destroyed to hide the names and details of Right wing terrorists. It is surprising that while one elite anti-terror agency has leaked the Interrogation Report of a suspect to the media, there has been a silencing and secreting of the contents of the two laptops.

The full contents of these laptops should be transcribed and placed in public domain with immediate effect. These transcripts are neither confessions, disclosures nor statements made in police custody – whose genuineness is vitiated by the fact that custodial confessions carry the threat of real or potential violence – these are recordings of their own conversations made by the men themselves under no duress or pressure.

And it might be in order to remember here too that Aseemanand's 'confession' was not made in police custody either, but to the Delhi Metropolitan Magistrate under section 164 CrPC, after he was given two days to reflect upon his decision, as is required to ascertain the voluntary nature of the confession. Those commentators and TV anchors who push the virtuous line that terror has no religion whenever Hindutva terror is as much as mentioned, would do well to reflect on this civilized adherence to procedure against the horrors of torture endured by the young men of Hyderabad in 2007 whose private parts were electrocuted to extract confessions from them.

While NIA teams raid villages and towns in Bihar, and interrogate 'IM terrorists' anew, a man whose name has consistently appeared in Ajmer blast chargesheet, in Purohit's interrogation and Aseemanand's confession, remains free. No raids at the home or office of Indresh Kumar, national executive member and the *sahprachar pramukh* in the RSS, who is said to have been present at a secret meeting to plan the Ajmer Sharif bombing, held in a Gujarati guesthouse in Jaipur on October 31, 2005, in which six other functionaries of the RSS were also present; and who is named by Aseemanand to have financed the now conveniently murdered Sunil Joshi's terror activities. Has a deal been struck to absolve Indresh of all allegations of involvement in terrorism?

Having just exorcised the ghosts of his Jaipur statement, the Home Minister would probably not want to be reminded of this: but the Nanded and Malegaon investigations pointed to arms trainings and camps at Bhonsale Military School in Nashik.

But who dare raid Bhonsale Military School, set up by the ardent fascist B.S. Moonje, and at whose platinum jubilee celebrations almost exactly a year ago, Mohan Bhagwat was the main speaker? A madrasa in Hyderabad is easier to pull down and interrogation of a cleric – even one who has been in jail for a while – likely to fetch you more popularity. "Highly placed intelligence sources" are therefore letting it known through their friends in the media that they intend to question Abdul Nasir Madni, old, ailing and nearly blind.

What we are seeing is not simply a blatant and deep institutional prejudice playing out. It is as if our institutions are hell bent on ensuring that injustice is not only done, but also seen to be done. For all the inane and pious assertions of 'Let's not politicize terror', in fact terrorism has been the subject of the most cynical political competition. Vulnerable targets are being picked on. Hindutva terror is being denied under pressure from the RSS BJP combine and a rabble-rousing media. None – neither the UPA which hoped to add muscle to its anti-terror image by hanging Kasab and Afzal; nor the BJP, the original tough guys, nor the hawks who froth at the mouth demanding blood on TV, are concerned with the fact that the mastermind of the biggest terror attack is safely secreted in the US, having cut a deal with the US agencies, will never be tried for his crimes in India. The continuous cries of Lashkar by various investigative agencies in the aftermath of the Hyderabad blasts should surely fuel the demand for David Headley's extradition?

Only a genuine and unbiased probe will be a true homage to those who lost their lives in the utterly senseless violence of Dilsukh Nagar bombings. But sadly, that doesn't appear likely.

www.teacherssolidarity.org ❑

Politics in Death Penalty

Rajindar Sachar

One had always heard pejorative remarks about politics and morality being distant neighbors, notwithstanding the lifelong struggle by Gandhiji to have some kind of connect between these. This was demonstrated with a telling thud in the way the Central Government has dealt with the case of Afzal Guru, a resident of J & K who was held guilty in the attack on Parliament and sentenced to death by the Supreme Court in 2005. The lower court thereupon fixed 20th October 2006 as the date of execution. However the wife of Guru filed a mercy petition before the President who, after giving personal hearing to her, asked for some clarifications from the Home Ministry, which were never sent.

Guru had also in 2006 sent petition through the jail to the President. He never received any reply to this application, but nevertheless was hanged on the morning of 9th February 2013. Excepting for a few officials, none including the family of Guru knew of the impending execution. I am personally against the death penalty, being a follower of Gandhiji, J.P. and Dr. Ambedkar. But even if we have death penalty, the manner in which hanging has been carried out in this case certainly outrages principles of humanity.

I am also concerned with the low in politics where hanging of one person becomes the subject of slinging match between the two major political parties, the Congress and the B.J.P. For the last so many years the BJP has ad-nauseam made the issue of hanging of Guru one of its major political strategy and to seek to project the delay by the Congress government as anti-national, unpatriotic and most mischievously as a Muslim appeasement question. The Congress was upto now explaining the delay as an administrative question. But it would appear that the core group of the Congress has now decided that it was necessary to hang Guru to counter the challenge of the B.J.P., because of the proximity of General Elections to Parliament in 2014, and, may be, to advance the date of Election at a convenient date in 2013. So, since a month back Digvijaya Singh, the Congress General Secretary, suddenly and without any provocation invited questions on TV on Guru and making a very pointed statement demanding Guru's hanging.

Having so decided, the UPA Government went about Guru's hanging in the vilest of human rights violations. Nowhere in the world, where a modicum of rule of law exists, can the government hang its citizen without informing his family prior to it and allowing them to meet him. Human dignity of Guru was violated by denying him this right. The Government's clumsy claim that a speed post was sent on 7th February from Delhi to the family of Guru in J & K and since the family did not contact the government, they went ahead with the hanging. Such a convoluted explanation will immediately invite the taunt, "Tell that to the Marines." Admittedly the letter was received by the family on 11th February, when Guru had already been hanged on 9th February. Can one even imagine the deep permanent scar left on the family especially the wife and the small child.

I have no doubt that there was a premeditated decision by the Home Ministry not to allow the family to meet Guru (because this would become public knowledge) and presumably it will naturally result in some demonstrations especially in J & K and Delhi. Admittedly Mr. Shinde, Central Home Minister telephoned Omar Abdullah, the Chief Minister of J & K, a couple of days earlier informing him of the decision to hang Guru and asking for his reaction - Omar is stated to have raised no objection, but asked only

to be told earlier of the date of hanging. The further news report suggests that the Home Minister a few days later himself talked on phone to Omar and in the accepted style of conspirators told him in code language that "the event he had told him earlier will be done in a day or so". What more proof is required to show complete disregard for well-established norms by the government.

This hush on the plea of security is laughable. No doubt there would have been some demonstrations and protests, but so what - it is a normal feature in democracies, unless it is the governments plea that its security machinery is so incompetent that it could not deal with demonstrations by angry supporters of Guru and that it also apprehended a Navy Seal Expedition like done by the USA government to kidnap Osama Bin laden in Pakistan.

Bonafide of the government's intention to hang immediately is also being questioned, considering that government knew that the Supreme Court is still examining the question that if there is delay of over 2 years in disposing of the mercy petition, no execution should take place - in Guru's case the delay is over 7 years - was not that enough reason to suspend hanging of Guru in the meanwhile.

The killers of Indira Gandhi were allowed to meet their family members before hanging. Has the functioning of the Central government become so sullied that their own precedents have no relevance.

Even now with all this inhuman and defenseless exercise, the central government is refusing to return the body of Guru to the family. Both in law and morality, the family is entitled to the body of Guru so that it can be buried with all the usual religious ceremonies at a place of their choosing, so that they can visit the grave like others can. No silly prison rule to refuse the body to the family on the puerile excuse of public disorder can be pleaded in defense. The government in order to conceal its own illegalities, insensitivity and violation of Human Rights has got caught in its own web and succeeded in projecting Guru in death larger than in life.

The Central government should not muddy the situation any further. It has already allowed itself to be cornered by the B.J.P. in the communal cauldron, inviting a legitimate comment that in the matter of belief in secularism, the difference between the B.J.P. and the Congress is that between tweedledum and tweedledee - the former being openly anti-secular and the later being also the same but concealing it under a thin ice which dissolves at the altar of electoral strategy.

As an epilogue, should we not consider that instead of governments repeating in future such nauseating violation of the Human Rights, India should follow the course of over 140 countries which have agreed to abolish the death penalty and have put a moratorium on any more hangings?

Dated: 20/02/2013 ❑

Public Authorities Stonewall Information Requests Relating to Mercy Petitions

We are living in an interesting age. In India one of the interesting elements of the present age is the thirst for blood. We are hanging people in secrecy just so that they may be prevented from approaching the courts, challenging the decisions of the Hon'ble President rejecting their mercy petitions. It started with Kasab and now Afzal Guru. Not only that, our public authorities would like to keep all information about the process of disposal of mercy petitions also secret. Apparently the voter-taxpayer must be denied the right to know all information about mercy petitions even after a decision is made and the convict executed.

The Ministry of Home Affairs (MHA) has stonewalled my request for information about mercy petitions received, pleading for the Late Ajmal Kasab's life to be spared. I sought the following information from MHA in January this year:

1) A clear photocopy of all mercy petitions submitted to the Hon'ble President of India relating to the Late Ajmal Kasab;

2) A clear photocopy of all file notings relating to the disposal of the said mercy petitions; and

3) A clear photocopy of the decision of the Hon'ble President of India on the said mercy petitions.

The MHA has invoked Article 74(2) to reject my request. Under Article 74(2) of the Constitution, courts are barred from inquiring into any advice given by the Council of Ministers to the President. Therefore MHA's reply is in fact quite funny. If mercy petitions for the Late Ajmal Kasab are covered by Article 74(2), then it implies that the Council of Ministers actually made a plea to the President for sparing Ajmal Kasab's life. I say this because mercy petitions submitted by any other person do not qualify for the protection of Article 74(2). So if the Council of Ministers submitted a mercy petition for the Late Ajmal Kasab, how and why did the Hon'ble President reject that advice?

The **Rashtrapati Bhawan** also stonewalled a similar request. I sought the following information in January this year:

1) A clear photocopy of all replies communicated till date, by the President's Secretariat, to persons who have filed RTI applications seeking information about the decision of the Hon'ble President of India on the mercy petition(s) relating to the Late Ajmal Kasab.

The PIO of Rashtrapati Bhawan clearly outclassed the MHA's PIO

in replying to my request. The PIO stated that records of RTI applications received in the President's Secretariat were not held subject-wise, so he would not be able to supply the information unless I quoted the name and address of the RTI applicant and the date of receipt of the application in the President's Secretariat. Now I am wondering how to get hold of the information that the PIO wants me to supply him first. That was the sole purpose of my RTI application in the first place. Had I known those details I would have obtained the replies directly from the applicants. Truly PIOs of MHA have a lot to learn from Rashtrapati Bhawan about humouring an RTI applicant.

Regardless of the silliness of the PIOs' replies, in the eighth year of implementation of the RTI Act, my recent RTI experience is a huge cause for worry for reasons explained below:

1) The State is becoming paranoid to the extreme in the battle against terror instead of treating citizens as equal partners. Combating terrorism is not merely the State's concern, it is a concern for citizens as well. People may continue to exist even if the State were to disappear. But the State will no longer exist the moment people disappear. The State exists for the sake of the people and not vice versa. The rule of law cannot be discarded in the name of fighting terror. Where convicts are executed without giving them all opportunities for seeking legal redress, arbitrariness rules, not law.

2) Article 74(2) is being used as a new excuse to deny the citizen's fundamental right to know. The Delhi High Court has held in a handful of cases that the Constitution being a higher law overrides an ordinary statute like the Right to Information Act. The point that the Hon'ble Court misses is that the RTI Act is a statute that gives effect to a fundamental right unlike other legislations. It is not just another statute enacted on a subject in one of the three lists of the Seventh Schedule of the Constitution. A statute laying down the procedures and systems for giving effect to a fundamental right is as important as the fundamental right itself. It is respectfully submitted that one provision of the Constitution cannot be used as an excuse to extinguish a fundamental right guaranteed by the same Constitution. State privilege cannot prevail over a fundamental right on the mere excuse that the Constitution is a higher law. PIOs are more empowered than before to deny access to information because of such reasoning. They may not take into account all other judgements that expand the right to information but they are quick to use materials that curtail people's right to know.

3) The Delhi High Court in all its wisdom has created a new exemption to disclosure in the name of upholding the Constitution. The RTI Act to the contrary states that a request for information may be denied only for reasons specified in Sections 8 and 9 of that law. With the greatest respect to the wisdom of the Court it must be said that it does not have the power to create new exemptions contrary to the Parliament's intent. Judicial action must protect, buttress, strengthen, and promote fundamental rights including people's right to know.

There is an old saying in Kannada: How can a fence devour the very crops it is meant to protect? State privilege must not be permitted to trounce fundamental rights in so casual a manner.

***Venkatesh Nayak**, Programme Coordinator, Access to Information Programme, Commonwealth Human Rights Initiative (CHRI) ❑

Human Rights Watch (HRW) Press Release on Sexual Violence against Tamils in Sri Lanka: Feb 22, 2013

Probe Sexual Violence against Tamils in Sri Lanka - Human Rights Watch

The Human Rights Watch (HRW), a global human rights organisation, has sought an international investigation into reports of sexual violence, rape, third degree torture against Tamil women and men carried out by the Sri Lankan security forces to get confessions from those suspected to have links with the then Liberation Tigers of Tamil Eelam (LTTE). The HRW, which has prepared a 140-page report, '"We Will Teach You a Lesson': Sexual Violence against Tamils by Sri Lankan Security Forces," which is to be released on Monday, provides detailed accounts of 75 cases of alleged rape and sexual abuse that occurred from 2006 to 2012 in both official and secret detention centres throughout Sri Lanka.

While widespread rape in custody occurred during the armed conflict (with LTTE) that ended in May 2009, "HRW found that politically motivated sexual violence by the military and police continues to the present." HRW Asia Director Brad Adams claimed: "The Sri Lankan security forces have committed untold numbers of rapes of Tamil men and women in custody. These are not just wartime atrocities but continue to the present, putting every Tamil man/woman arrested for suspected LTTE involvement at serious risk."

Mr. Adams said the United Nations Human Rights Council (UNHRC) should direct the U.N. High Commissioner for Human Rights to conduct an independent international investigation. "The government's response to allegations of sexual violence by its security forces has been dismissive, deeming them 'fake' or 'pro-LTTE propaganda.' It's not clear who in the government knew about these horrific crimes. But the government's failure to take action against these ongoing abuses is further evidence

of the need for an international investigation," he said.

Victims' accounts

Quoting from the accounts of a 31-year-old Tamil woman who was picked up from her Colombo house by CID personnel in November 2011, the HRW said: "I was taken to the fourth floor of the CID office in Colombo. I was not given any food or water. The next day, the officials, who included a uniformed armed official, photographed me, took my fingerprints, and made me sign on a blank sheet of paper. They told me that they had all my husband's details and kept asking me to disclose his whereabouts. When I told them my husband was abroad, they continued to accuse him of supporting the LTTE. I was beaten with many objects. I was burned with a cigarette during questioning. I was slapped around and beaten with a sand-filled pipe. Throughout the beatings, they asked me for my husband's details. I was raped one night. Two men came to my room in civilian clothes. They ripped my clothes and both raped me. They spoke Sinhala so I could not understand anything. It was dark so I couldn't see their faces clearly." Another 23-year-old male youth, caught in August 2012, said: "They removed my blindfold [and] I found myself in a room where four other men were present. I was tied to a chair and questioned about my links to the LTTE and the reason for my recent travel abroad. They stripped me and started beating me. I was beaten with electric wires, burned with cigarettes and suffocated with a petrol-infused polythene bag. Later that night, I was left in a smaller room. I was raped on three consecutive days. The first night, one man came alone and anally raped me. The second and third night, two men came to my room. They anally raped me and also forced me to have oral sex with them. I signed a confession admitting my links with the LTTE after the rapes."

Yet another youth, who surrendered before the security forces in May 2009, said: "Two officials held my arms back [while] a third official held my penis and inserted a metal rod inside. They inserted small metal balls inside my penis. These had to be surgically removed after I escaped from the country." A medical report corroborates his account, said HRW.

The rights body alleged that the victims also described being beaten, hung by their arms, partially asphyxiated and burned with cigarettes. None of those who spoke to HRW had access to legal counsel, family members, or doctors while they were detained. Most said that they signed a confession in the hope that the abuse would stop, though the torture, including rape, often continued. The individuals interviewed were not formally released but rather allowed to "escape" after a relative paid the authorities a bribe. ❑

ALRC statement submitted to the UN Human Rights Council on Food Security: February 20, 2013

INDIA: A Long Way to Go To Ensure Food Security

U.N. Human Rights Council, Twenty second session, Agenda Item 3, General Debate

1. Set to overtake China as the world's most populous nation by 2030, India has a population of over 1.2 billion and is facing an enormous food shortage crisis. Government corruption has rendered it impossible to institute any lasting means through which to feed the Indian people. India has the largest population of hungry citizens, and is home to more than half of hungry children worldwide. Overall, these impoverished Indians represent an incredible 25% of the world's hungry. According to government figures, In India, about 43% of the children are malnourished, and 61,000,000 children are chronically malnourished. Malnourishment of child bearing aged women is also an issue, with over 60% of Indian women suffering from anaemia.

2. While the Indian government has made surface level attempts to alleviate hunger and poverty concerns, the reality is that the situation in India remains dire and seriously hinders the economic and social progress of the self touted World's Largest Democracy. The recently introduced National Food Security Bill aims to initiate food subsidies that would help distribute grain to 75% of India's population. While the bill itself appears good on paper, little can be done to implement the bill effectively while government corruption remains as rampant as it is.

3. The Global Hunger Index (GHI) publishes country ratings out of 100 based on the severity of hunger, with a lower score indicating less hunger. As Gross National Income (GNI) per capita increases, the GHI score is predicted to decrease commensurate with economic growth. This is the case with most countries. Alarmingly, India is an outlier in this study, as the disparity between economic development and hunger grew wider, away from the average. This indicates that in relation to increases in India's income, poverty eradication has not kept up at an appropriate level, based on figures from 117 countries used in the study. While there are many possible reasons for this, assuredly one comes from the government not taking action to improve the economic situation of its' poorest citizens.

4. **Case 1**: In Sheopur district in the state of Madhya Pradesh in Central India, the death toll of children under the age of 10 has increased, with little government response to stem the problem. This issue was brought to

the attention of the Asian Human Rights Commission when, in October of 2012, the names of twenty eight more children were added to the death toll due to malnutrition. While the deaths are shocking themselves, what is more alarming is the local administrations refusal to acknowledge the severity of the situation. These deaths have been blamed on gastrointestinal diseases such as diarrhea, which, in and of itself, is unlikely to be a cause of death unless coupled with compromised immune systems due to years of malnourishment.

5. The malnourishment situation was confirmed by personal visit by Vandana Prasad, a member of the National Commissioner for Protection of Children's Rights (NCPCR). She noted that the schools and authorities were unequipped to monitor the health situations of children. This indicates criminal negligence on the part of the administration to effectively monitor the health of students, despite receiving government funds dedicated for that specific purpose. This indicates misuse of funding intended for the underprivileged.

6. **Case 2:** Prime Minister Manmohan Singh called this case the country's "biggest national shame", as private companies were found to be stealing food designated for government welfare programs working to alleviate malnutrition. The Asian Human Rights Commission released an alert in November of 2012, claiming that these private companies have stolen over 1000 Crore INR, a sum equivalent to USD 185,000,000 in the state of Maharashtra alone. These findings come from a report written by Biraj Patnaik, Principal Adviser, Commissioners to the Supreme Court, which was "submitted to the court with reference to SLP (Civil) No. 10654 of 2012 in the matter of Vyankateshwar Mahila Auyodhigik Sahakari Sanstha v. Purnima Upadhyay and Others listed along with Civil Writ Petition 196 of 2001 (PUCL v. UOI)" The report estimates total stolen amount to be close to 8000 Crore INR and finds that all this is done in direct contravention of various orders of the Supreme Court in the Civil Writ Petition 196/2001 (PUCL vs. UOI)."

7. The food was stolen from the Integrated Child Development Scheme, a program instituted by UNICEF and the Indian government with assistance from the World Bank in 1975, which aims to improve health, nutrition, and development of Indian children less than six years of age. The beneficiaries of the program include children under six, mothers, and women between the child-bearing ages of 15 and 44. The program has seen success in decreasing percentages of low weight newborns and infant mortality, while increasing immunization coverage, health services, and child nutrition.

8. According to Bloomberg, corrupt politicians and their criminal affiliates have siphoned away USD 14.5 billion worth of food intended for India's poor, or roughly 60% of the total food allotted for this purpose. Of the food that does reach its beneficiaries, much of it is unfit for humans to consume, even by the minimal standards set by the Indian government. The lack of regulation in the ICDS supply chain and refusal of authorities to respond reiterates the high level of corruption in Indian government. The absolute failure of the Indian executive indicates government inefficiencies, disregard for human rights, and a continued relationship between corrupt private businesses and political players.

9. Addressing the extreme situation of poverty and hunger in India is best done by targeting corruption and impunity in the Indian government. Because the right to food is inherently linked to the right to life, the Indian Supreme Court has itself agreed that it is the responsibility of government to provide nutrition and public health. The Asian Human Rights Commission, its sister organisation of Asian Legal Resource Centre, appeals to the United Nations to act on behalf of Indian's impoverished communities and help stem the corruption that has caused India to be unable to adequately care for its citizens.

10. Recommended steps for helping ensure Indian citizens' right to food:

a. Act immediately in order to prevent even more deaths from malnutrition;
b. Ensure effective monitoring of all stages of the ICDS supply chain to prevent pilfering at any level;
c. Ensure that all government funded welfare schemes are required to keep track of their books and goods according to international financial standards;
d. Work to assure that good and services are reaching their intended beneficiaries;
e. End government corruption and impunity by appointing an independent committee to investigate those who commit crimes;
f. Recognize individual offenders and hold them accountable through the judiciary;
g. Develop a means through which the administration can efficiently deal with any infractions in the future.

The Asian Legal Resource Centre (ALRC) is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at the local and national levels throughout Asia. ❑

Intern's report:

Right to Education and its Possibilities

(With focus on its Implementation in Delhi)

Devahuti Pathak*

Continued from the previous issue…

However, whether the schools in India are in a position to cater to the special needs of such children, and to provide their seamless integration into a classroom of able students is a thought to ponder as most schools are not prepared to receive such students, both as far as trained teachers are concerned as well as in terms of the infrastructure. As Kiran Bhatty said, enabling the differently-abled children to attend regular classes is a good thing, as the diversity enhances the learning atmosphere. However, the schools are yet to come up to the mark to be able to cater to the specific needs of such children.

1. **A point of disagreement also is whether pre-primary children below the age of six are to fall within the RTE Act or not. The government's stand that the RTE is applicable from the "entry level", implying that the 25 per cent quota for children from socially and economically backward backgrounds applies to the first level in a particular school, has led to some ambiguity.**

The point of contention is that the Act specifies the age group of 6 to 14, for which it is applicable. Children admitted to pre-primary school belong to the below six age group (they are usually three years old).

G. Kumar Naik, Secretary, Primary and Secondary Education, maintained that the Act clearly said that the 25 per cent reservation applied from the "entry level", be it pre-primary school or first standard. However, school managements question how pre-primary education can be included under the RTE.

As B. Gayethri Devi from the Association of ICSE Schools in Karnataka said, "When we were briefed about the Act, we were told that admitting disadvantaged students and taking care of their education from the first to eighth standards was where our responsibility ended. The inclusion of pre-primary means we have an additional three years' burden."

The applicability of the RTE to pre-primary school also brings up the question of how a six-year-old is supposed to adjust in a class full of three-year-olds.

"We have not got any communication regarding how these students should be accommodated. We have been asked to wait for further notifications," Ms. Devi said.[14]

But if we observe Section 11 of Right of Children to Free and Compulsory Education Act, 2009 it reads as under:

"Appropriate Government to provide pre-school education – With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children."

The judgment in ***Social Jurist (A Civil Rights Group) vs. Govt. of NCT of Delhi and Another*** has dealt in detail with the above mentioned Section 11 of the RTE Act, 2009.

In the above said judgment, the Hon'ble Judges observed, that every child has a right to Early Childhood Care Education (ECCE) of equitable quality and when ECCE is treated as first step in educational ladder and as a part of Education for All (EFA), the Government as well as schools have responsibility for all programmes for children of 3+ age as well, which is integral part of ECCE. This is recognized by the Right to Education Act as well as mandate is particularly incorporated in Section 11 and Section 12 thereof which lay emphasis on "inclusive elementary education to all."

The Hon'ble Judges also noted that the pre school education can start from the age of 3 years and the Delhi School Education Act does not prescribe any minimum age for pre schooling. On the other hand, RTE Act had changed the entire complexion as it is for the Government now to take care of children of this age as well."

By reading the provisions of Section 11 of RTE Act, 2009 as interpreted by the Hon'ble Judges in the above mentioned judgment, it is evident that the Government is duty bound to provide pre-school education to all the children of 3+ age through State-run regular full-time formal schools. It is also necessary in order to bring uniformity in the education system as most of the unaided private schools begin education at pre-school level where a child at 3+ age is admitted.

1. **Section 19 of the Right of Children to Free and Compulsory Education Act2009 (RTE Act) lays down the criteria for recognition of private schools. For schools established before the commencement of the Act, a maximum time period of**

three years has been set for schools to conform to these regulations, failing which the recognition shall be withdrawn.

These criteria include all weather school buildings, one-classroom-one-teacher, Head Teacher cum Office room; adequate sized library with a specific number of books, toilets of specific dimensions, drinking water facilities, playground, fencing and boundary walls.

However, even after two years of the birth of this legislation, the possibility of realising all private schools to conform to the RTE regulations seems bleak.

The dismal condition of the public (government) schools in India have compelled lower budget parents to send their children to the smaller private schools functioning in ample numbers in the many small and large neighbourhoods, which hire considerably dedicated, not necessarily well qualified, teachers. This is done in the hope of their wards acquiring a decent quality of education which evidently the government schools have not been able to provide.

The RTE regulations demanding the infrastructural changes as mentioned above create insurmountable hurdles for these schools. For instance, many of such small private schools hold classes in narrow rented buildings, with barely any space for a blackboard, let alone a playground or toilets. Hence, even with a three years time frame, barely any changes are possible for such schools, the only option being to shut them down.

The RTE norms do not apply to the government schools, hence putting no pressure on them to improve the conditions there. Thereby, these parents would not want to educate their children in them anyway. Now, with these smaller private schools too facing the threat of being closed, and a purely random admission for the 25% reservation in private schools, where do parents whose children do not get through under such reservation, turn to have a decent education for their children?

Quality of education- Ambarish Rai, national convener, RTE forum, says, "The current status paints a bleak picture for children as more than 95% schools don't adhere to government norms and we have only one year left to meet the criteria laid in the RTE Act. After more than 100 years of struggle now that we have the RTE Act in place, it is sad to see the lackadaisical attitude of state governments in implementing the Right to Education as a fundamental right in the true sense."

Besides, the RTE mandates a 30:1 pupil-teacher ratio. However, the Annual Status of Education Report (ASER) 2011 data shows that about 60% of all primary schools in the country have failed to meet this critical criterion.

According to Rampal Singh, President, All India Primary Teachers' Federation (AIPTF), "Parents, whether rich or poor, want quality education; but with just one teacher per 80 students, how is it possible?" He further adds, "Teachers are often asked to participate in non-academic activities such as election duty, etc. In a three-room school building, five classes are held, which is not an ideal learning environment."

Ashok Agarwal, advocate for the non-governmental organisation Social Jurist is of the opinion that with the significant stirring caused by the RTE Act to deliver a marked improvement of the quality of education, government schools too cannot escape the pressure of revamping their standards. He points out how admissions to the MCD schools are taking place smoother today than during the previous years.

However, what the ultimate consequence of the education of children going to such low budget private schools is going to be will be known only a year hence, with the ending of the three years' deadline to implement the RTE norms.

1. **Monitoring- The Model Rules, 2009 for the Right to Education Act were formulated by the ministry of HRD to operationalise the Act. These rules provided a broad framework which states could use while devising their own state rules on RTE. Article 31 of the RTE Act mandates the National Commission for Protection of Child Rights (NCPCR) under section 3 or as the case maybe, the State Commission for Protection of Child Rights (SCPCR) under section 17 of the Protection of Child Rights Act 2005 to monitor the effective implementation of the Act and the complaints which may arise regarding the child's right to free and compulsory education**.

However, while the NCPCR said 2,850 complaints had been received from 28 States on issues relating to admission, corporal punishment, detention of children, discrimination, teachers' attendance, reservation for economically weaker sections in private schools, overcharging and inadequate infrastructure in the past two years, information received under the Right to Information Act also suggested that from April 2011 to 2012, the commission received 1,761 complaints, of which only 100 were resolved, accounting for only 6 per cent.

Another fact revealed through RTI, filed by Umesh Kumar Gupta of Action Aid India, is that, only 21 summons were issued by NCPCR to government officers for violation of this Act.

Under the Act, this Commission is

the only window where parents, teachers, children, social activists can lodge their complaints[15]. Evidently, the level of inaction on the part of the NCPCR is regrettable.

Moreover, even after two years of implementation of the Right to Education Act, some states are yet to make rules. And even where such rules have been made, they are not in uniformity with the model rules prepared by the centre.

For instance, Andhra Pradesh and Arunachal Pradesh state rules fail to mention that children can be admitted anytime in an academic year as the Act says. The RTE act has done away with exams up to class 8 but calls for continuous comprehensive evaluation. This is not reflected in the rules of Andhra Pradesh. Instead, children have been grouped into two categories depending on those who secure high marks and others with lesser marks. School management committee (SMC) is one of the important elements in the act. The committee, comprising parents, teachers and students, has the responsibility to make the school development plan. In many states, there is a clear violation on this front. Under the Andhra rules the parents of children who secured highest marks and least marks are to be candidates for school management committee.

The model rules do not include mechanisms of grievance redressal and the NCPCR is working on formulating them. But states must ensure that their RTE rules include all aspects of grievance redressal, including the method of lodging complaints, specific authorities from the state machinery to be approached for complaints and timeline for grievance redressal. Most states fail to do so.

In some states like Manipur and Sikkim, grievance redressal system only addresses concerns of teachers and not the children. In West Bengal, teachers' accountability to SMC has not been established.

In Delhi, which is yet to notify its rules, the grievance redressal mechanism has not been defined. Delhi Commission for Protection of Child Rights has set up a helpline to receive complaints but there is no institutionalised mechanism to resolve these complaints.[16]

Because of the absence of a specific structural grievance redress system, what has resulted is an ample amount of litigation. As the awareness of the RTE Act has slowly spread, citizens are growing conscious of their rights, their children's rights, and to assert them, are knocking on the Court's door, mainly because of the absence of an alternative.

Advocate Ashok Agarwal, who has been intensely involved in filing cases on behalf of such aggrieved parties, views such litigation as a positive development as it helps in spreading awareness of the rights in an effective way. However, as Kiran Bhatty states, though such litigation is healthy, what is urgently necessary is a structural redress mechanism which shall independently deal with such complaints.

1. **Quality of education- Though the Act provides for infrastructural development in schools, yet how much the quality of the education imparted will improve, still remains doubtful. Moreover, in the absence of any instrument to gauge it, or any consequent legal redress, 'quality education' remains a difficult concept to be achieved.**

Despite frequent talk of "inclusive growth," "inclusive education," and "inclusive society," no big, countrywide initiative has been taken in this direction. Unfortunately, even "equitable standard" of education has been taken to mean "common syllabi" for all schools. If the RTE is to be successful, the central and State governments must address these issues with more seriousness so that equitable standard education can be provided in a progressive learning atmosphere in schools across the country. It is also vital to set up systems to monitor performance and measure results and to ensure transparency. Monitoring committees must necessarily be made up of representatives drawn from all social strata and sections of the community.

The role of the press and other news media in reporting, analysing, and commenting on the issues raised by the RTE, and on how the governments, schools, and communities across India go about implementing it, will be evidently, crucial.[17]

Thus, it can be seen that since the coming into effect of the Right to Education Act, the elements of debate and criticism in it are numerously mushrooming. This was apparent at a press briefing by the Minister for Primary and Secondary Education of Karnataka, Vishweswara Hegde Kageri after he held discussions with representatives of private school managements, at Bangalore; an example of how the RTE is being implemented in the states.

There is a lack of clarity on issues pertaining to the admission process, even as most schools reopen for the next academic year later in the month of May 2012. In addition, the profile of the 25 per cent students, forming part of the category earmarked for a local area, is yet to be defined, and there is no clarity on what should be done about schools that have already completed admissions.

"The RTE will be implemented this year," the Minister said. There is no truth in the reports that efforts are being made to postpone its

implementation. Admission dates have been extended to ensure that schools reserve 25 per cent seats for students who are socially and economically backward from the first stage of admissions," he said.

When asked about why the Government is dilly-dallying on critical aspects of implementation, he said there were practical difficulties since the RTE was being implemented for the first time.[18] How this will translate the purpose of the Act- to ensure quality education for the children of India, will be assessed through critical observation at the end of the next year.

Implementation of the RTE Act In Delhi

The Delhi Commission for Protection of Child Rights (DCPCR) constituted under the provisions of The Commission for Protection of Child Rights Act, 2005 has been entrusted with the responsibility of monitoring the implementation of the Right to Education Act in the city of Delhi.

The Commission has invoked the Right to Education Act, 2009, while dealing with numerous cases of children in Delhi ranging from denial of education to lack of infrastructural facilities in the schools. Proactive approach of the Commission has resulted in a flow of cases of large number of children (about 12000 children till 31st March, 2011), dividing these cases in various categories. Following are some of those categories as mentioned by the DCPCR on their website:

Non-issuance of Registration forms by recognized unaided public school for admission of children belonging to EWS category

A schedule for issuing registration forms for admission of children belonging to EWS category was notified by the Govt. of NCT of Delhi, which was given wide publicity. A number of complaints were received by the Commission alleging that some schools were not issuing registration forms for admission to children belonging to EWS category. Consequent upon receipt of such complaints, notices were issued to these schools after which registration forms were issued. Steps were taken to ensure that registration forms to such children were issued free of cost and a schedule for draw of lots was notified.

Lack of transparency in conducting draw of lots for children belonging to EWS category

After obtaining registration forms from parents belonging to EWS category for admission of their wards, the public schools were supposed to conduct a draw of lots on a particular date and time, which was to be conveyed to the parents. The Commission received a number of complaints alleging that parents were not invited to witness the draw of lots. Taking cognizance of the matter notices were thereby issued against such schools and appropriate action was warned to be taken if such allegations are found true.

Corporal punishment to children in schools

Under Section 17(1) of Right to Education Act, 2009, it has been clearly mentioned that no child shall be subjected to physical punishment or mental harassment. Despite clear directions on the subject from all quarters, a number of complaints have been received in the Commission regarding corporal punishment and mental harassment to children in school. Notices to the defaulting schools were issued by the Commission after which disciplinary proceedings have been started against the erring teachers and other functionaries of school.

Lack of basic amenities and infrastructural facilities in schools

In many complaints received in the Commission, it has been alleged that children in some Govt schools do not have access to basic amenities like usable toilets, safe drinking water, sufficient accommodation to hold classes, safe structures and furniture for children etc. The Commission took *suo-motu* cognizance of several matters reported in print media as well as the complaints received from parents and notices were issued to the concerned Govt/MCD schools.

Screening test for admission of children in nursery classes

Under Section 13(1) of RTE Act, 2009, it has been provided that no school or person while admitting a child will subject the child or his/her parents or guardian to any screening procedure. It has been further provided that subjecting a child to screening procedure shall be punishable with fine, which may extent up to Rs. 25000 for the first contravention and Rs. 50,000 for each subsequent contravention. Though the Directorate of Education has issued clear-cut directions to all unaided public recognized schools on the subject, the incidence of conducting an admission test for children by a public school in Delhi was brought to the notice of the Commission. A notice was served upon the concerned school and it was forced to scrap its plan of conducting an admission test. The concerned school was forced to insert information regarding cancellation of the proposed test to this effect in a national daily.

Denial of benefits of free ship to children with special needs

As per a notification issued by the Govt. of NCT of Delhi, children with special needs are to be given the benefit of free ship in public schools under EWS category. In a number of complaints reported to the Commission children with special needs were not being considered for award of free ship under EWS category as per Section 12(1)(c) of

RTE Act, 2009. This benefit was denied to a nine years old boy who is 60% handicapped suffering from Cerebral Palsy with Spastic Quadric paresis with Mental Retardation by a reputed school in Ashok Vihar Area. After the intervention of the Commission, the benefit of free ship has been granted to the aggrieved child.

Feedback from public schools regarding the ways and means they would be adopting for the education of children belonging to EWS category in their schools

Regarding the induction of the EWS students in the private schools, they shall be required to strike a balance between the children belonging to two different/ divergent groups of students. DCPCR has taken up an exercise of getting feedback from public schools regarding the problems faced/ visualized by them in the implementation of the this provision.[19]

However, currently, the DCPCR is facing a severe staff crunch, which is proving to be a major roadblock to effective redressal of complaints related to RTE, which it is authorized to monitor. The term of office having ended for most of the members by the end of February, the DCPCR office wears a deserted look with no appointments thereafter. The bearers of this brunt are none other than the parents of nursery school children as there is no one to address their complaints, especially since January to March was the admission season, and grievances inadvertently had arisen.

New appointments had been frozen till after the municipal elections held on the 15th of March 2012. However, even after more than two months of it, nothing has been done by the government to make the appointments.

Positive Developments-

As far as the implementation of the RTE Act goes, positive developments though minimal, are not absent. One such glimmer of effective implementation being that the Delhi Government has started the process to fill up vacant seats in private schools for children belonging to economically weaker section (EWS) into preschool and pre primary classes.

Education Minister Arvinder Singh Lovely said although admission of students belonging to general category came to an end on March 31, the enrolment of students under the EWS category would continue till July 31. He said according to the provisions of Right to Education Act, admission can continue throughout the year.

Lovely said strict directives have been issued to all concerned officials for total compliance of order relating to filling up of 25 per cent EWS category seats in private schools. The Education department has already uploaded list of vacant seats in preschool and pre primary classes under EWS category in various schools.

He directed the officials of Education Department to give an advertisement in the leading newspapers regarding school-wise vacancies under EWS category. "These seats belonging to EWS category would be filled as per the rules and regulations of RTE Act," he said.[20]

This would hopefully enable a smoother admission process for the incoming EWS students. However, a wider dissemination of this facility of the 25% reservation is required, as people, especially those coming from economically weaker classes are still widely unaware of the rights they can avail, for their children under the RTE Act.

Areas of Improvement-

However, this is hardly any light to the dismal rate of addressing of the complaints. After the upholding of the 25% reservation by the Supreme Court in April 2012, there have been considerable qualms when the time came for admissions in schools in Delhi, with disputes arising mostly over the private schools refusing admissions to the EWS students.

As previously mentioned, over the last two years, the NCPCR received 2,850 complaints regarding the RTE Act. However, it has been able to resolve just 692 cases, or just 24 per cent of the entire lot, by now. From April 1, 2011, to March 16, 2012, the Commission could only resolve a mere 100 of the total 1,761 complaints received.

Despite what looks like a dismal performance, Delhi seems to be better off than most other states. According to the document, in 2011-12, of the total 517 complaints received from Delhi, 80 were resolved.[21]

However, the friction in the implementation caused by defects in the redress system is only accentuated by the non-cooperation by the schools. Till January of 2012, Mr. Lovely said as many as 137 complaints have been received as against 642 by the same period last year. "They primarily pertained to refusal to issue/accept EWS forms or insistence of submission of attested certificates; charging higher price for admission forms by clubbing the forms with the prospectus; violation of admission schedule, given by Directorate of Education; or violation of admission criteria or guidelines,'' he said.[22]

CNN-IBN has documents that show that 70 per cent of private schools in the capital have found innovative ways to keep the economically weak children out. For instance, in 2012 after the rule came into effect, 765 out of roughly 1200 private unaided schools did not take the requisite number of economically weak students.

Since the monitoring is only done at the entry level, the modus operandi is simple; the schools cut down the

number of students at the entry level and add these seats at the higher classes. This not only reduces the number of seats for the economically weak children but also takes away the level playing field for the regular students.

An RTI application reveals that some of the city's top schools like Birla Vidhya Niketan, Bal Niketan Public School, St Xavier's School, did not admit a single economically weak student.

"Not only the schools, even the Director of Education is responsible. They should take stricter action," a resident Khagesh Jha said.[23]

Even apart from the issues of admissions, other problems have also cropped up, most of which have come to light because parents are taking them to court, again because of the absence of an effective means of redress.

For instance, the Delhi High Court on 13th April, 2012 lashed out at the Delhi government for failing to print and provide in time, approximately 1.2 crore free textbooks to over 18 lakh students studying in Classes I - VIII in MCD and Delhi government schools. The current academic session for these students started on 1 April, almost two weeks before. In the previous hearing on 11th April, the court had then ordered the Delhi government to specify by the next hearing, the date on which the books would be made available to the students. To that, Amit Singla, Director of Education who was present in Court, offered a deadline of July owing to tender and printing problems, only to be received by a flurry of grilling questions by Justice Sikri. However, the bench also ordered the Director of Education to explain the details on the affidavit by the next hearing on 25th April 2012, as to why the books were not distributed to the students in time. Clearly, silence is not an option.[24]

As previously mentioned, in the absence of a structural means of redress, the resorting to litigation has been ample, when faced with injustice in the delivery of the RTE Act. The city of Delhi could be adjudged the hub spot of such litigation. Particularly, with people like advocate Ashok Agarwal being forerunners in this category of litigation, a number of potholes of this legislation have been brought to focus. Be it violations in admission guidelines, unjustified hike in fees without sanction of the Director of Education, Delhi, non-cooperation of schools with the parents, fulfilling infrastructural requirements to even ensuring medical safety and prevention of accidents to the basic safety standards of the schools.

Talking about this piece of legislation, Agarwal emphasises that a positive development has definitely taken place in a pan Indian manner because of this legislation, and the benefit to the children is getting delivered, the pace could have been faster, but it is not absent.

Hence, for the city of Delhi what this Act shall deliver, in totality of all the disputable elements, be it admissions based on the draw of lots, or be it the assimilation of incoming students from the EWS classes with middle class children, will show itself once schools across the city open after the vacations in July.

Conclusion

After the first two years of the existence of this Act, certain observations have been made regarding its implementation, some worthwhile, some, which continue to be areas, which need work. A portrayal of it is as follows:

Positive developments

- A government report has indicated an improvement in the implementation of the Right to Education Act in the last two years with the schools registering an additional enrolment of over 18 lakh children at the primary level across the country in 2010-11.
- According to the report, prepared by the HRD ministry, over 13.52 crore children were enrolled at primary level across the country under the RTE Act in 2010-11. Last year, about 13.34 crore children had been enrolled in primary schools.
- While the accessibility to primary education has gone up, the annual average dropout rate was also found to have come down to 6.8 in 2010-11 from 9.1 recorded last year.
- The minister said that a "10-point agenda" has also been charted out for the states as they are in a position to carry forward the mission and objectives of the implementation. Under the agenda, the states are required to fill up the vacancy of teachers, initiate efforts for curricular reforms to improve quality of education, and put all "child-centered provisions" of the Act into practice in schools "including prohibition of corporal punishment, detention and expulsion". They need to create the required infrastructure for the implementation of the law and complete all spill-over and fresh work required to provide drinking water facilities and toilets to the children as per a recent directive of the Supreme Court.[25]

This requires intense proactive efforts on the part of the state governments, to see to the proper implementation of the norms under the RTE, and also in the setting up of efficient SCPCRs.

Infrastructural Roadblocks

Infrastructure also continues to be a major bottleneck in this regard. According to the Annual Status Report of Education 2011, quoted by the union government itself in its Annual Economic Survey 2011-12:

- 56 per cent of the schools in

India still have no separate toilets for girls.

- 28.6 per cent of the schools still do not have libraries.
- 60 per cent of the schools still do not comply with the Teacher pupil ratio of 1:30 as stipulated in the RTE Act.
- 28 per cent of the schools have no playground.
- 16.6 per cent of the schools have no provision for drinking water.
- Around 45 per cent of the schools do not have even their own boundary wall.
- More than half of standard 2 and standard 4 classes sit together with another class.

Standing at a two-year mark of the RTE Act, more than 95 percent of schools across India still don't comply with RTE standards for infrastructure, a study suggests.

A review of the legislation's implementation by the Right to Education Forum, a civil society collective comprising around 10,000 NGOs and three networks, has shown that while some progress has been made in implementing the act, it is far from adequate. There port reveals that 95.2 percent of schools are not compliant with the complete set of RTE infrastructure indicators, and in 2009-10 only 4.8 percent of government schools had all infrastructure facilities stipulated under the RTE Act.

The forum members add that monitoring the work is in the domain of the national and state commissions for protection of child rights; however, only 21 states have constituted State Commissions for Protection of Child Rights (SCPCRs) or the Right to Education Protection Authority (REPA).

There port also cites DISE (District Information System for Education) data, which suggests that 21 percent of teachers in schools were not professionally trained. The number of such teachers in December 2011 was as high as 670,000.

States like Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, West Bengal and Orissa have especially large pools of unqualified teachers, which directly impacts the quality of school education.

Things have only become worse in comparison with 2010, when 91 percent of teachers failed to clear the national Teacher Eligibility Test (TET) - the latest figure stands at 93 percent.[26]

Hence, it is evident that the necessity to bring the various schools to comply with the RTE Act norms, an immense surge of effort is needed on the part of not only the government, but also the school administration as well as the parents. The process of monitoring needs to be faster too, as the longer it takes to repair the loopholes, the more the increase in the pile of such holes. The possibilities of bringing about greater efficiency of the implementation are discussed below.

Recommendations:

Some possible steps towards greater fulfillment of the Right to Education Act, may be as follows:

A) State governments should proactively engage in the implementation of the RTE Act, not only in the framing of the model rules, but also in the setting up of an effective system of redress. This should also happen at the earliest at the Central level, because otherwise, in the face of having their grievances ignored, people will lose faith in this promising piece of legislation.

B) As Mrs. Kiran Bhatty stated, the spread of awareness is still slow. Hence, a wider dissemination of the provisions and the rights of the people under this Act is necessary. Particularly so in the rural areas where the ignorance about the Act tends to be higher.

C) What is also needed is an urgent improvement of the government schools. Though a 25% reservation for the EWS children is provided in the private schools, the seats will be limited and the vast majority of the children belonging to this category will have to continue going to the government schools. The RTE norms do not cover the government schools so they do not have any pressure to improve their dismal situation. However, this should not be a reason for any complacency and immediate steps ought to be taken to enable the government schools to improve the standard of education they impart.

D) Further, derecognizing the unaided private schools (which have no means to comply to the RTE norms, mostly the infrastructural ones) will deny a decent education to innumerable children. Hence shutting them down may not be a feasible solution. Thus, the government ought to find alternate means to allow them to subsist.

E) The increasing amounts of litigation, resulting from aggrieved parents taking the schools to Court need to be dealt with as deftly as possible, not only bringing the loopholes of the Act into view but also not allowing them to pile on endlessly without consequent action on them.

F) Moreover, the ultimate purpose of the legislation should be kept in mind, which is to provide quality education to the children of the country. Hence, co-operation in complying with the RTE norms should come from not only the government, but also the schools and parents.

Thus the Right to Education Act stands as an undeniably revolutionary piece of law, having

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finally brought the attention of the country to the much needed issue of imparting quality education to the masses of children who have so far not been able to afford it. Much needs to be done regarding an effective implementation of this Act, definitely. However, this Act is unquestionably a milestone in the field of primary education in India, and needs much structural development hereon to encourage the education of the EWS children, many of whom are first generation learners. With the efforts in the right direction and the immediacy that it deserves, it is expected to deliver what it stands for- quality education to the growing generation of the country.

Concluded.

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References:

14) K. C. Deepika, *It's 'Entry Level' That is the Bone of Contention*, THE HINDU, May 6, 2012, available at: <http://www.thehindu.com/news/states/karnataka/article3390169.ece> (last visited May 15, 2012)

15) Aarti Dhar, *As RTE Turns Two, Monitoring Division Sans Staff*, THE HINDU, April 3, 2012, available at: <http://www.thehindu.com/news/article3273840.ece> (last visited May 15, 2012)

16) Jasleen Kaur, *No Uniformity in State and Centre RTE Rules,* April 27 2012, available at: <http://www.governancenow.com/news/regular-story/no-uniformity-state-and-centre-rte-rules> (last visited May 15, 2012)

17) S. Viswanathan, *They Need Schools of Joy, Not Hate*, THE HINDU, April 12, 2010, available at: http://www.thehindu.com/opinion/Readers-Editor/article393711.ece (last visited May 15, 2012)

18) Staff Reporter, *Confusion Over Implementation Of RTE Act*, THE HINDU, May 4, 2012, available at: <http://www.thehindu.com/news/states/karnataka/article3381105.ece> (last visited May 15, 2012)

19) *Right to Education,* available at: <http://www.delhichildrencommission.gov.in/rte.html> (last visited May 15, 2012)

20) *Admission process starts for Economically Weaker Section (EWS) students,* JAGRAN POST, May 9 2012, available at: <http://post.jagran.com/admission-process-starts-for-economically-weaker-section-ews-students-1336583782> (last visited May 15, 2012)

21) IANS, *76% Cases of Right to Education Act Violations Remain Unresolved* , THE ECONOMIC TIMES, March 31, 2012, available at: <http://articles.economictimes.indiatimes.com/2012-03-31/news/31266620_1_ncpcr-rte-act-protection-of-child-rights> (last visited May 15, 2012)

22) Special Correspondent, *Delhi Schools Directed To Abide By Admission Rules*, THE HINDU, January 11, 2012, available at: <http://www.thehindu.com/news/cities/Delhi/article2792390.ece> (last visited May 15, 2012)

23) Subhajit Sengupta, *70 pc schools still flouting Right to Education norms,* Apr 20 2012, available at: <http://ibnlive.in.com/news/delhi-70-pc-schools-still-ignoring-rte/250310-3.html> (last visited May 15, 2012)

24) Shonali Ghosal, Delhi *Violates RTE Clause, Delays Providing Books to 18 Lakh Children*, TEHELKA, 13 April, 2012, available at: <http://www.tehelka.com/story_main52.asp?filename=Ws130412RTE.asp>, (last visited May 15, 2012)

25) *Improvement in implementation of RTE: Report*, DECCAN HERALD, March 31 2012, available at: <http://www.deccanherald.com/content/238639/improvement-implementation-rte-report.html> (last visited May 15, 2012)

26) *Huge Gaps Visible in Implementation of RTE: CRY*, March 30 2012, available at: <http://www.cry.org/mediacenter/hugegapsvisibleinimplementationofrtecry.html> (last visited May 15, 2012) ❑

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