

ABOUT THE SPEAKER

Ashok Agarwal was born on 2nd September, 1952 in Delhi. He has completed law in 1976 and has been practicing in the Supreme Court and the Delhi High Court. His expertise is in service and labour laws. He has appeared before the courts for the workers in thousands of cases. During the last 12 years, besides doing the usual professional work, has done a lot of work for the rights of the children and particularly for the children belonging to the weaker sections of society. Public Interest Litigation has been specifically used as a tool to highlight the socio-legal grievances of the poor and downtrodden. Several articles have been written in the past on the draft Right To Education bill which has to some extent influenced the framing of the Right of Children to Free and Compulsory Education Act, 2009.



Some of the important PILs are: (i) Banning of interviews of 3+ yrs kids and of their parents by the unaided private schools for nursery admissions, (ii) Forcing unaided private schools which were allotted public lands on concessional rates to provide free seats to the students belonging to economically weaker sections in terms of the land allotment clause, (iii) highlighting the lack of physical and academic infrastructure in Government and

Municipal Corporation of Delhi runs schools, (iv) Forcing private hospitals which were allotted public lands on concessional rates to provide free treatment to the patients belonging to the economically weaker sections, (v) Highlighting the total absence of special educators in the State-run-schools as required for the education of the children with disabilities, (vi) Highlighting arbitrary denial of admissions to the students by the State-run-schools, (vii) Highlighting arbitrary and exorbitant fee hike every year by the unaided private schools, thereby exploiting hapless parents and students (viii) removal of students by the schools in violation of the provisions of Right of Children to Free and Compulsory Education Act, 2009, (ix) Highlighting arbitrary and discriminatory system of State-funded-schools in the country and (x) Highlighting that after incorporation of Article 21-A in the Constitution of India, the existence and continuance of child labour in any form has become unconstitutional.

His work goes beyond the Courts. He frequently visits slums, resettlement and unauthorised colonies and meets parents and children. His mantra is "Court to People and People to Court". He maintains strong linkage between the court work and the people which really enables people to assert their rights.

Outlook Magazine writes, "Call him the scourge of Delhi's education *babus* and the owners of upscale private schools. Or, call him an indefatigable fighter for good schooling for the capital's poor and powerless. Lawyer Ashok Agarwal is both. His *brahmastra* is the

PIL: for 10 years now, Social Jurist, the lawyer's collective set up by Agarwal, has forced accountability upon a reluctant system, by successfully moving the courts. He has alerted them to admission irregularities, the abysmal lack of basic amenities, and dereliction of duty by teachers and principals in state-run schools. He has forced checks on extortionating fee hikes by private schools. If children from poor families are now being admitted free to Delhi private schools that took cheap land from the government but reneged on social commitments, and if a three-year-old is no longer subjected to an admission interview, this down-to-earth man of action has a lot to do with it."

For more information contact

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NCERT MEMORIAL LECTURE SERIES 2010-11

MAHADEVI VERMA FOURTH MEMORIAL LECTURE SERIES



THEME

Role of Lawyers in Education

SPEAKER

Ashok Agarwal

Advocate, Delhi High Court

CHAIRPERSON

Professor Mohan Gopal

Director

National Judiciary Academy, Bhopal

ON 5 OCTOBER 2010

At 2:30 p.m.

AT

The Regional Institute of Education
Bhopal



राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

NCERT MEMORIAL LECTURE SERIES A Brief

The National Council of Educational Research and Training (NCERT) is an apex organisation, assisting and advising the Central and State Governments by undertaking research, survey and development; training and extension activities for all stages of school education and teacher education.

One of the objectives of NCERT is to also act as clearing house and disseminator of ideas relating to school education and teacher education. We have initiated the Memorial Lecture Series in order to fulfil this role and to commemorate the life and work of great educational thinkers.

Our aim is to strive to raise the level of public awareness about the contributions made in the field of education by eminent men and women of India. We expect that such awareness will set off a chain of discourse and discussion.

This we hope, will make education a lively subject of inquiry while simultaneously encouraging a sustained public engagement with this important domain national life.

The Memorial Lecture Series covers public lectures commemorating the life and work of nine eminent Indian educational thinkers and practitioners.

We invite persons of eminence from academia and public life to deliver these lectures in English or any other Indian language. Our intention is to reach large audiences consisting particularly of

teachers, students, parents, writers, artists, NGOs, government servants and members of local communities. We hope these lecture series will be of use to our audience as well as the public in and outside the country in general.

TITLES OF MEMORIAL LECTURES

- *Gijubhai Badekha Memorial Lecture*
- *Rabindranath Tagore Memorial Lecture*
- *Zakir Hussain Memorial Lecture*
- *Mahadevi Verma Memorial Lecture*
- *B.M. Pugh Memorial Lecture*
- *Savitribai Phule Memorial Lecture*
- *Marjorie Sykes Memorial Lecture*
- *Sri Aurobindo Memorial Lecture*
- *Mahatma Gandhi Memorial Lecture*

TALK BY ASHOK AGARWAL Role of Lawyers in Education

ABSTRACT

Until not so long ago, lawyers had little or no role in school education, except perhaps in relation to cases regarding service matters of teachers and of cases of school managements against teachers etc. The phenomenon of voluntary action by lawyers acting on behalf of children too poor to afford either private schooling or lawyers is a fairly recent trend, perhaps not more than 10 to 15 years old. However, as soon as education comes to be defined as a right of the child, the importance of lawyers in completing the circuit that which will ensure the right to education becomes inevitable.

This lecture will trace the movement for defending the right to education from the

advent of PILs to the present, before discussing some issues that can and have emerged in the context of right to education in schools. Some of these relate to — denial of admission in government schools; against child cruelty in the name of private school admissions; lack of basic provisions in schools — water, electricity, tin roofs and tents: protection from the weather; corporal punishment and other forms of humiliation; lack of connection from primary to upper primary education; the dissociation between the aims of education vs the goals of schools; the issue of unjustified Fee hike in private schools and of the issue of free land to schools and deprivation of educational rights of poor children.

This lecture will then discuss how in taking action on behalf of educational rights of poor children, one comes to awareness that simply finding a case and fighting it is not enough. Unless public opinion and public anger is also built up against such denials, these wrongs will continue. It will then discuss how I learnt to enlist the support of the media in creating awareness and opinion.

At the same time, however, I realised that going to the courts alone cannot and should not be an answer to all ills in education. Mobilising public outcry is also important. Sometimes, when people come together to demand action, matters can be rectified without going to a court. I will discuss in my lecture how at this point, I learnt to strategise, when to use what strategy to achieve justice for children's right to education.

However, there is a limit to what one lawyer can do. There are many problems for

one lawyer to cope with. Through my work so far I have merely demonstrated what lawyers can do and how to do it. But it cannot be denied that there needs to be an escalation of lawyer intervention on behalf of the child. Perhaps time has come to move from individual initiative to networked legal aid; to development of systems of case support to lawyers; to NGO linkages with lawyers, to evolution of government schemes of lawyer involvement; for informational systems to be developed for orientation and briefing of lawyers and judges in right to education.

Maybe it is also time for including Right to Education (RTE) in the formal and informal curriculum of legal education. Students in law colleges should learn about child rights and their defence in the curriculum, just as they learn about contracts and criminal law. Universities should actively think about separate optional papers, diploma and certificate courses in RTE. Similarly, there could be research on PILs in education

In closing, I would like to argue that legal intervention acts as a trigger to reform in education. Not only does it serve to highlight wrongs and rectify them, but ultimately, it will also build communities in schools who know their rights and duties and there are fewer predispositions towards misbehaviour. Already, the parents in private schools are no longer as timid as they once were, and already government officers are becoming alert to ensuring transparency and justice. Through the intervention of lawyers, I see a vision of future with mutual respect and improved provisioning of education from a rights-based perspective.