

SECTION I

ON MAHADEVI VERMA

MAHADEVI VERMA ON EDUCATION

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Today's graduate has to think ... those who have all the worldly facilities want our life values. Why should those who already have such values consider themselves poor?

(Mahadevi Verma)

Mahadevi believed that a person is always a student in the realm of thought and of feelings. If not, then somewhere he must have closed the door of his heart and mind. She was renowned as a poetess, but in fact, she devoted a lot of time during her life to education and teaching. She had established the *Prayag Mahila Vidyapeeth*, which she served for as long as she could. Few people know that her devotion to education was a conscious choice as she believed that educational institutions built the nation and some of her great contemporaries have noted that. Sachchidanand Vatsyayan 'Agyeya' drew attention to the fact that according to Mahadevi, her poetry was the reflection of her moments of leisure and 'she would devote the rest of her life to the field of education, where it was required.'²

There are many definitions of 'Vidya' (knowledge/ education) in Indian literature. What Mahadevi liked the most was '*Sa Vidya Ya Vimuktye*' – which means 'education is that which liberates'. She noted that in the past, Indian scholars had a very special regard for education and that is why it was always kept under state control.

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 2. Agyeya, "Adhunik Kavi: Mahadevi Varma" in *Trishanku* (Surya Prakashan Mandir; 1973), p. 117

Analysing education Mahadevi described two aspects of it: internal texture and external structure. The perceptible subject and its communication comprise the internal texture, while the *Guru* (the teacher), the disciple, curriculum and surroundings have a place in the external structure. All these six elements make up "the lotus of education" with all the six petals tied together carefully by language, the lack of which may cause these petals to scatter or fall off.

She considered education to be "the heart of society", which like purified blood, pumps new talent into administration, science, arts and literature, and into society, by and large. If new blood infused into the system by education is healthy, the system would, as a consequence, remain healthy and active. But "if germs of disease enter the system, all spheres would be fatally affected." How painfully true this statement is, can be seen today, in our country.

According to Mahadevi, ancient Indian thinkers planned education carefully since they believed that it played a role in regulating un-chiselled animal instincts in human beings, and shaped human potential. Therefore, neglecting education could take human society back to barbarism. Unfortunately, many countries in the world seem to aptly reflect this fact, today.

Only in this backdrop can it be understood as to why Mahadevi Verma was against drawing divisive lines between tradition and modernity in education. She had pointed out that we have misled ourselves by devaluing the great achievements of our past as the precondition of our future progress. "Only by incorporating the lines of tradition, which carry the history of human progress in the condition of the new era, can we add up new links in the century's long golden chain of development, and not by breaking off with them."³ Only plants, having been rooted in their own soil,

3. Mahadevi Verma, "*Siksha ka Uddeshya*" in Mere Priya Sambhashan (New Delhi: National Publishing House, 1986), p. 3

can tolerate hot or cold gusts of wind coming from any side. "If they leave the base of their soil, neither the life giving breeze of *Malaya* nor the divine water of rain can keep them alive." The same thing was emphasised by Rabindranath Thakur when he said that emancipation from the bondage of the soil is no freedom for the tree. That is why Mahadevi had warned our modernist intellectuals:

Due to the disconnect with the previous achievements of a society, "many cultures have vanished, and this fact can be verified from history." She was not oblivious to the fact that in the process of transmitting the past into present, sometimes unnecessary elements have also come to be preserved along with the valuable ones. In India's case, one more unfortunate fact is that the country had to suffer long periods of foreign subjugation, during which, the preservation of culture was more necessary than choosing valuable elements over those that were worthless. Therefore, it may have happened sometimes that 'a precious element was lost and a useless element was preserved'. However, that is not a matter of serious concern because, according to Mahadevi, in every period only those values last which prove their worth under all circumstances.

Mahadevi had felt from her long educational experience that communicating knowledge was more difficult than acquiring it. Therefore, the sphere of education was a twofold, mysterious laboratory, where one had to provide ample opportunity for the independent development of a student's inner world and of his personality and also help him connect harmoniously with the outer world. This is why Indian thinkers always felt that it was necessary to make the objectives of education clearer by classifying *Vidya* into *Para* and *Apara*, that is, for the benefit of others and valuable in itself. *Para* is a medium of self enlightenment while *Apara* is the means of its development under social circumstances.⁴

4. Mahadevi Verma, "*Matribhumi Devobhava*" in *Mere Priya Sambhashan*, above, p.13

On education, Mahadevi's thoughts are quite similar to world famous educationist Leo Tolstoy. Both believed that education could be called 'preparation for life' only in its limited sense, and that, in its broader sense, it would be the ultimate goal of life. Tolstoy had emphasised that there was no such thing as 'the final goal of education'. Rather, it was the law of perpetual evolution that helped and directed real education. Therefore, by its very nature, the education of a man never ends or finishes forever.

We must understand that if these classical references to education are overlooked or ignored, a serious disruption takes place in a given society. If education, for instance, is taken as beneficial only for worldly development, not only does it become one-sided, its real meaning is also lost. Such an education becomes a resultless activity with a meaningless preparation for life. It results in producing various diseases or malaises, which come to ail society. Therefore, considering one's education as only a means of personal progress and prosperity is not only harmful for the country and for society, it ultimately makes one 'a feeble person, who is devoid of self-perception'.

For Mahadevi Verma these were not idealist talks; these were practical facts about education. If proper care was not taken, concrete problems could arise, irrespective of whether the reasons for these problems could be identified. "From the beginning till the end, children are usually neither given moral education nor is any attention paid to building their character," she observed. This is why we shall find few young men "whose life contains the values of principles, courage, indomitable bravery and sense of respect and reverence for women."

According to Mahadevi, a person is "undeveloped" during childhood and "the question of the goal of his education is left unattended". In his adolescence, he is in his formative years. So the final goal - his education - is not considered. But when a youth arrives at the entrance of active life and faces his duties on his own with an

unhealthy body and a frustrated mind, a critical situation arises for both him and for society. In a sense, this crisis has become severe in our country today.

It saddened Mahadevi to see that India had to suffer prolonged periods of defeat at the hands of foreigners:

*And in this cursed voyage, it lost a valuable portion of life, and that was the philosophy of education. It remains undisputed that a victor is never satisfied with having merely the governing rights over the country he has defeated. He wants cultural victory as well over the conquered, for which the simplest and surest medium is a domination on education. Therefore, the objectives of education in a country ruled by foreigners can't be the same as in a self-governed country.*⁵

It is an irony that in independent India, its effective intelligentsia was not ready to understand this fact, let alone take requisite measures to counter it! But the fact remains that Mahadevi's views on education were fully in accordance with those of nationalist visionaries such as Rabindranath Thakur, Swami Vivekananda, Shri Aurobindo and Mahatma Gandhi. Her view clearly asserted that, "a self governed nation has to build able heirs for its valuable treasury of culture, society and nation, while the rulers of an enslaved country need only the helpers among the ruled people so as to just maintain the *status quo*. It's not surprising, therefore, if in both cases, the objectives of education were quite different, functionally as well with results."

According to Mahadevi, only in a free country was such an evolution of a future citizen useful, where qualities such as self-esteem, a sense of national identity, and the will to struggle against injustice were developed. Under foreign domination, on the contrary, the development of a new generation of governed subjects was "more threatening than weapons" for the ruling class. Since so far, we haven't

5. Mahadevi Verma, "Siksha ka Uddeshya" in *Mere Priya Sambhashan*, above, p. 6

changed the inferior education system provided by the colonial rulers, our field of education is disturbed, uncertain and disruptive. Free society and subjugated education are not coherent with each other and there is no way for us to move on without solving this contradiction.

Mahadevi also took note of the world scenario in so far as education was concerned. Analysing the extensive rebellion amongst students here and there, she underlined that in countries where the body of a citizen was free but his soul was enchained, and where soul was free but the body was in rigorous subjugation, education was at the centre of wild activity. From this she inferred that something new was taking birth in the inner depths of human consciousness, and that the pain was making the new generation restless. This restlessness was not only the result of a lack of material comfort. If that had been the case, dissent among students of materially prosperous countries like the United States of America wouldn't have been there.

In Mahadevi's view, the world has become unified due to the development of science. However, political conflicts are multiplying divisions among the people. This is a contradictory situation, which can be brought to order only by inducing a sense of higher objective of life. On the other hand, in India, internal and external conditions of the students are so disrupted that to infuse creativity in them is a tough task. The generation born in independent India has altogether different hopes and ambitions. But the last generation, despite being independent now, has yet not got freedom from mental subjugation, nor did it so far even feel it necessary to get it.⁶ This disorder has become a major obstacle in the full-fledged development of our student-class. Our students and educational scenario are in such a condition that although everything is there:

6. This particular thought is recurring in Mahadevi's writings and speeches. Evidently she gave it much importance. She mentioned it also in her significant speech "*Sahitya, Samskriti aur Shasan*" delivered sometime in the Legislative Council of Uttar Pradesh.

education, training and various modes of communication, " what would be trained we don't know yet. There are no books on this, as such things are not in the purview of books. It is in our scriptures, in our philosophy, in our *dharma*.⁷ That is, it is in those things which we have presumed necessary to forget completely.

Finding no means of livelihood after completing education, or being instigation by political parties for various reasons are also causes of dissent amongst students. However, it should be understood that alteration of life's values and beliefs is also disturbing them. Without comprehending the goal of their education, they pass through schools, colleges and universities, and never know where they would land. 'Be it primary or higher, our education system has not paid attention to the overall development of a human being'.

Those who are fortunate find jobs, while others feel that spending the golden years of their youth in colleges and universities is a meaningless waste of their time. But no thought is being given to this. It is the same for a self-governed society. Priceless years of its youth are being destroyed and it is watching silently, unable to think of requisite corrective measures. We have been witnessing that in the hope of decent jobs, millions of youth are engaged in a hopeless rat-race. Thus, having no livelihood solutions, even after completing education, and themselves being blamed by society for this condition, causes confusion among students. Some politicians exploit this state of students for their own selfish ends.

According to Mahadevi, if a student could get education that suits his talent and interest, he would not feel the need to involve himself in undue political activity. 'This question will arise not in student life. It will come to the fore only when he attains a certain amount of maturity, and when he is called upon to perform his social duty. Only then will it benefit society'. If a student who has an

7. Mahadevi Verma, '*Matribhumi Devobhava*' in *Mere Priya Sambhashan*, above, p. 14

interest in science, art or literature finds the desired path for his creative talent to evolve and bloom, he would perhaps know that entering active politics at the wrong time would amount to a misuse of his time. Mahadevi had also advised those active in politics against using the student class as weapon, and asked them to change their ways in the greater interest of society. 'Sects of religion do not scare me but sects of politics do scare me', she said.

However, in Mahadevi's view, the most difficult problem regarding education is related to its inner nature and its medium. It is self evident that only the mother-tongue can be the appropriate medium of education for any child. But from the psychological point of view, the question of language is also concerned with culture and a sense of national identity, especially for a country like India which has been subjugated as a nation despite having a great culture. Even in utility, the English language proves to be an obstruction, as most students fail in it and even those who do not fail, neither comprehend any subject through it nor become capable of expressing themselves fully. This situation persists even today, and we should be apprised of it. Some people may benefit from the predominance of the English medium in our education system but the importance accorded to English builds an inferiority complex and intellectual dumbness in our otherwise able youth. This fact is never taken into account. Mahadevi reminds us that the vision of our great thinkers and seers has helped us so far to counter the vagaries of subjugation, and has kept the path from being lost in darkness. "Language has been the flame of lamp for that light. *Pavaka nah Saraswati*."⁸

Being a sensitive teacher, Mahadevi felt that due to the deep relationship of language with human sensitivities, with perceptions and feelings, the desired development of a student becomes impossible due to the burden of English language. "Nothing can be more miserable for a thinking

8. Mahadevi Verma, "Bhasha ka Prashna" in *Mere Priya Sambhashan*, above, p. 22

person than his inability to express himself and when this state of mind gets reflected in activity, it can only produce destructive tendency." This conclusion based on experience was not only an analysis but a warning too, ignoring which, we have not done the right thing. Mahadevi also tried to persuade those intellectuals and educationists of our country who believe that certain colonial legacies cannot be done away with. The educational framework given by the foreign rulers "has no strength to bestow humanism", she explained. Not only has a foreign language has been the medium of our education for a long time, it has also become for some of us, a proof of being erudite and highly cultured. Therefore, it is no wonder that many of us shudder at the thought of living without it. *Always recalling death as the ultimate fate of human beings, no treatment would seem necessary to an ailing person. So, to fulfil our national life the inner world of our nation must be made free.* This work is hard and demands special efforts, as the chain binding the soul is stronger than the chains tying the body.⁹

Due to her broad-based vision, Mahadevi tried to make our intelligentsia understand that the problems faced by countries with ancient cultures used to be altogether different. Those having young civilisations did not have much to lose or change. And even if they changed, there was hardly anything to fear. But countries with ancient cultures risk great loss in any reckless change. In a misplaced enthusiasm for modernisation or radical transformation, if we lose our valuable heritage, it would be a great loss not only for the particular country but for all humanity. Thus, if a colonial legacy has become a fetter in the natural development of millions of Indians then saying that it cannot be helped is plain defeatism. In the very inspiring words of Mahadevi, "A river that springs from the heart of the Himalayas, whether a small current or a

9. Mahadevi Verma, "Hamara Desh aur Rashtrabhasha" in *Mere Priya Sambhashan*, above, p.26

big one, does never ask for the way from the rocks. Has it ever asked to make banks of gold, silver or marble for it? It never said so. Crossing the mountains it moves on overtaking everything with a gusty speed and it is her principle to make her own banks." Similarly, our thoughtful people must build the path on which our nation could overcome the mental subjugation of centuries, not just the elite but every person in the country. And, this work cannot be accomplished by imitating others medium and models.

Therefore, the objective of our education must be to make the natural relationship with our culture lively. Only material prosperity and economic development cannot be the objective of education. If economic development could not be coordinated with the evolvement of the self, it would become an ugly phenomenon. "If someone asks you to give Ganga-Yamuna in exchange to get you to Mars, you would never agree. There is a reason: we are made of this land, we have a soulful relationship with it. You can harmonise its message with science, but cannot leave it for science."¹⁰ It would be fatal to make merely personal economic advancement the sole goal of anyone's education. That would lead to a blind alley. This can be appreciated by looking carefully at the situation of the so-called developed countries. That kind of selfish goal creates 'mental unemployment', which is as miserable as unemployment itself. Not only has higher education, 'transformed itself into absolute dissatisfaction with life', it has sometimes become merely 'a means to get the necessary amenities for a comfortable life.'

Mahadevi believed that Indian students have the strength to face the challenges of the present times, and contribute significantly. 'If they recognise their inner strengths, then all doors would open automatically.' But for this to happen, one should have self-control over one's life. If our life is not disciplined or if we do not lead a

10. Mahadevi Verma, "*Matribhumi Devobhava*" in *Mere Priya Sambhashan*, above, p.15

balanced life, we can't get inner strength. Giving the example of electricity, Mahadevi explained that electricity is everywhere: in the sky, in the earth and in every atom; but you can't light a single lamp from it. Light would not get activated until it is collected first in a powerhouse which is a centre, and then and only then can the whole city be illuminated. "A similar process takes place in one's heart. If you concentrate or focus and hold your full strength, physical power, inner power, faith, belief and the power of your soul, and consider the strength you have, all dark clouds could go away. All the obstacles coming your way will be removed." She believed that if today's student recognises his latent strength, the disintegration of society could be contained and that social life would be free from all disparity. But if he fails to understand his duty, the entire nation could become weak and lost.¹¹

Mahadevi had a profound thought on the role of creative literature in education. Usually, we make literature a small part of the study of a language and not an essential part of education in general. Mahadevi was of the view that for every student, literature must have a very important place in his/her education. She considered it to be 'a chemical capable of removing the discrepancies of life.' Putting it in the perspective of history, she reminded us that the command of armed force creates a relationship of a conqueror and the conquered between two countries, while the influence of literature always bring harmony between two countries. Therefore, "We have to give such importance to literature and culture in education that a student may get the message of unity, fraternity or brotherhood of human beings and ultimately would become a more complete person."

Those who are familiar with the writings of Mahadevi Verma, knows the value of her thoughts on the status of women and their education. The great Hindi poet (*Maharani*) Nirala wrote this about Mahadevi: "Until now,

11. Ibid, p. 17

through her, thousands of girl students have been benefited and become dignified." And in the field of education, "Mahadevi is greater than Sarojini Naidu. No doubt, her ideal in Hindi is greater than many great men."¹² Mahadevi had studied the contribution of great women scholars of ancient India and emphasised on learning from them. She did research on the great tradition of women education and the high status of women in social life as existed in our country. According to Mahadevi, in Indian tradition "there has been co-education with common methods for teaching. On completion of study, women graduates were involved in teaching also." It continued till 7-8th centuries. But then during the period of successive foreign rules many things changed in our country.

To bring about the required transformation in the life of women was one of her main concerns. According to her, Indian women are presently 'queens of the empire of ignorance.' On the other hand, the modern education currently being imparted to them takes away some good qualities from many young women. "We can't say easily about a girl student that she is an inquisitive student, because she comes out of her home like an unrestrained butterfly, far from the reality and sensitivity of life, and does not mind becoming the centre of attraction of others."¹³ Therefore, we may find 'qualities like simplicity and humility, in illiterate women' but almost all the so-called literate women hardly have more than the ability to recognise letters and read some novels in exchange of giving up all their qualities'. The main reason for this sorry state, according to Mahadevi, is imparting education by the wrong kind of teachers. "If our children learn and get education under the guidance of such persons who do not have character and principles, who carry inherent

12. Surya Kant Tripathi 'Nirala', "Mahadevi ke Janma-Divas Par" in *Chayan: Nibandh Sangraha*, (New Delhi: Rajkamal Prakashan, 1981) pp. 116, 117

13. Mahadevi Verma, "Hamari Samasyayeir: 2" in *Shrinkhala ki Kadiya*, (New Delhi: Radhakrishna, 1995), p. 117

weakness out of their own poor education and character, all these weaknesses would also affect the students." Mahadevi felt sad that we do not care to have even those qualities in our teachers, which we want to see in those people who perform ordinary jobs:

Those teachers responsible for building the future of girls, the mothers of coming generations; our lackluster attitude towards them is an unforgivable fault. To provide the means for country-specific, society-specific and culture-specific mental development is true education by which a person feels harmony in his life and makes it useful for others too. This important task is not such that can be performed by a person ignorant of a distinct culture and one who is frivolous and weak in character.¹⁴

Mahadevi was firm in her view that copying western societies was harmful for the upliftment of women here. Further, mechanical equality with men ultimately makes women more incapable and dependent. And, those educated men, who are 'weak, helpless and useless degree holders', should never be the ideals of women. Abandoning their natural qualities and unsuccessfully imitating men can lead educated women nowhere.¹⁵ Whatever seems on the surface, in fact, such women lose social and personal values. So, if we follow "such suicidal approaches of the western world, it would be as ridiculous as cutting one's feet to copy a disabled person."¹⁶ Basically, western approaches are hedonistic. Hence, relationships between men and women generally may not rise above such limitations even though the social courtesies of western societies may appear praiseworthy. Therefore, according

14. Mahadevi Verma, "Hamari Samasyayein: 1" in *Shrinkhala ki Kadiya*, above, pp. 106-07

15. To understand in detail Mahadevi's thought on the situation, sorrows and the way to solve the problems before Indian women her book *Shrinkhala ki Kadiya* is most valuable. All the essays collected in this book centre on this issue.

16. Mahadevi Verma, "Navin Dashak mein Mahilaon ka Sthan" in *Mere Priya Sambhashan*, above, p.62

to Mahadevi, if our women follow the western model of freedom, it will lead to other forms of distortions and abuses, not towards harmony, which is the life of a society.

Finally, Mahadevi had also assessed the Indian intellectual scenario in connection with the present education system. She noted that the present education system, "is not a bridge to bring us nearer but has become a big gulf to divide us, which our selfishness is widening day by day."¹⁷ This is an education after receiving we try to become persons whom a common man hesitates to approach. It is natural, then, that this type of education transforms our intellectuals into a hi-fi group who neither connect with the Indian people nor do the people feel comfortable mixing with them. Rather, some intellectuals are such, 'in whom education has turned into poison like the drops of *Swati (nakshatra)* changes in the mouth of a snake.'

This is why the intellectuals, who consider themselves so very important, are actually extremely incapable of contributing to the interest of the country. Most of them live and grow up with an intellectual inferiority complex, "*whose even totally a lame dream, and who believe that just by attaching some foreign feathers, they have turned into messengers of heaven. Even their ugliest ideals, because they are in a western moulding, are identified as nothing more than being just pretty. Even their shoddiest views, with some foreign patches here and there, are taken to reign in the world of thought.*"¹⁸ Women intellectuals too, are the same. "As a pot of cold water lying near hot water loses its cool unknowingly, similarly, educated women have silently adopted the weaknesses of men and come to visualise this condition as the reflective of success."¹⁹ That is why most women intellectuals also give

17. Mahadevi Verma, "*Hamari Samasyayein: I*" in *Shrinkhala ki Kadiya*, above, p. 103

18. Mahadevi Verma, "*Chintan ke Kuchh Kshan*" in *Deepshikha* (Allahabad: Bharti Bhandar, Samvat 2022 Vikrami), p. 41

19. *Ibid*, p. 104

more importance to meaningless mental exercises than the simple and truthful feelings of the people. They even take individual confusions as some valuable formulations, publicise it and make selfish enterprises their petty 'knowledge business'.

Mahadevi observed sadly that in such intellectuals, the outlines of culture are found broken and that the images of life are incomplete. For this reason, she tried to inspire us to be attached to our cultural roots, although with an independent mind, and find our way in a new era. Mahadevi's great contribution to education, culture and literature is comparable to any thinker of modern India. This doesn't pertain only to the subject of women education, to which Mahadevi devoted a lot of effort during her whole life to everything she had taken up to write and speak about. Her views send us valuable messages even till this very day:

*Why I ask this night of separation,
how much passed or remained?
Moments echo and the particles sing,
whenever they this way unwillingly come,
writing self-sacrificing for them
remained I an indelible message!*

SECTION II

ROLE OF LAWYERS IN EDUCATION

ASHOK AGARWAL

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 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; cruelty against children in the name of private school admissions; lack of basic amenities in schools, such as, water, electricity, proper roofs and walls which can protect from harsh weather, etc.; corporal punishment and other forms of humiliation; lack of connection between primary and upper-primary education; the dissociation between the aims of education and the goals of schools; the issue of unjustifiable fee hike in private schools; the issue of allotment of free land to private schools; and violation of educational rights of poor children.

This lecture will then discuss how in taking action on behalf of poor children for ensuring their educational rights, one comes to the awareness that simply finding a case and fighting it is not enough. Unless public opinion and public anger are also not built up against such denials, these wrongs will continue. I 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 the 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 make correct 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 build 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 hence there are fewer predispositions towards violation of children's right to education. 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.

I am grateful for this honour of being chosen to deliver 4th Mahadevi Verma Memorial Lecture, which gives me an opportunity to talk to you about some matters related to the right to education that has been very dear to my heart and to which I have devoted most of my working life and will continue to do so I hope, for as long as I am needed and am able to serve. I am all the more grateful for this honour because we lawyers are seldom remembered at happy moments. Generally lawyers are seen as associated only with bad moments, and when you curse someone you wish them on your enemies, you would wish them to have trouble and to visit courts and lawyers. We lawyers seem to be associated with nothing but trouble, and therefore, I am all the more grateful that I have been remembered as a friend among this much respected community of educationists.

The fact that I have been remembered by educationists is in itself a sign of the change in the relationship between the world of education and the world of the courts. Until not very long ago, we lawyers had very little, if at all anything, to do with school education. May be these two worlds met in relation to cases regarding service matters of teachers and of cases of school managements taking action against teachers, etc. Other than that, to this world of educationists, a lawyer was either someone you hired, or someone who was an adversary—the lawyer was never

a friend or a partner. The phenomenon of the lawyer as a friend of the educationist is of very recent origin, perhaps not more than 10 to 15 years old, and it is about this phenomenon, its evolution, its progression and its potential, that shall be the subject of my lecture today. Many consider me to be one of the pioneers in this area, that may or may not be true, but certainly because of the media reports of my cases, the positive role that lawyers can play in defending the right to education has become known to more and more people. In many ways, the evolution and progression of the new role of lawyers in education follows along the trajectory of my own career in fighting for the right to education, and the rights in education.

You must be very well aware that the whole concept of human rights is itself very recent. The term human rights came in after World War II with the birth of the United Nations, and the Universal Declaration of Human Rights. The very idea of a right, and an equal right to all humans simply by virtue of being human was itself a novel idea around that time. Some races were considered superior to other races, some castes higher than others and the males superior to females—many of these ideas still linger on in the minds of some people, but they have been more or less eradicated in the laws of the nations. In such a context, there was hardly any space to even consider the question of children having rights of their own.

People had duties and responsibilities towards children, that much was there, but that a child should be having rights, may be even against parents, simply by virtue of being a child, in the same way that humans had rights simply by virtue of being human—that idea was perhaps too progressive for that period—as the world in that period had enough problems with accepting all humans as equal.

You may be surprised to know that it was only in 1989 that the rights of children came into being in international law, through the UN Convention on Rights of the Child (CRC), and India signed it in 1992.

Most of us, who are present here today, have spent their childhoods without being the subject of rights. But the very fact that we are here today, shows that we were the lucky ones who received food, shelter, clothing, education, etc., and everything else that made it possible for us to be what we are today. Many children even today are not so lucky. They continue to be deprived of all those things that we have perhaps enjoyed and which have enabled us to reach where we are today. So if even after having these things called rights, if children are still no better off than before, then you will say, of what use are these things called rights if it makes no difference whether you have them or not? If ultimately everything is only going to depend on personal goodwill, and you may even say, on the sweet will of others, then why talk of rights if they mean nothing at all?

When we say that someone has a right to something, or that children have rights today, it does not mean that such as, with a magic wand, things that children have a right to, such as, food, shelter, clothing education, etc., will appear out of nowhere for each child. Then what does it mean to say that we have a right? To understand this, let us think back to those days when these rights did not exist even on paper. For example, not so long ago, it was believed that the children are the property of their parents—they are owned by their parents, and that parents can do anything to them. While many still think in this way even today, the majority of us tend to believe that there are some things that even a parent has no right to do to a child and that children cannot be treated as wished by those in authority. In our time, our father's words were taken as law, fathers (or grandfathers) decided for us, what we are to become, how we are to act, what we are to do or not do, and it was our duty to pursue that course and no other. Is that the case in our own homes today? Not at all, for my generation it seems that we were dictated to by our parents and now we are dictated to by our children. Certainly the ideas of a parent-child relationship have changed in many homes. How did these ideas change?

I would say that the ideas of rights have gained a lot of ground since then—just as we were first intrigued and then obsessed by the idea of gaining freedom. It is as though a wind blows and it changes what we think and how we do things. At one time, we used to think it was the parents' wish whether to send their children to school or not—now we tend to think that any person who chooses not to send their child to school is doing something not good for the child, they are depriving the child of education and the child will suffer later. Nowadays we tend to regard as neglectful or ignorant any parent who does not send a child to school. People have now come to believe that children have a right to education; people now believe parents should not prevent them from getting that right. As I said our ideas change—these days hardly anyone will side with those who argue that it is the right of the parent to keep the child ignorant.

To me, this is what a right means, a right is first adopted by the mind, it makes our ideas change, and as our ideas change, society changes. It is the society that ensures that rights are achieved. Rights do not make things appear as if by magic out of thin air. As I said, by making or adopting something, for example, education as a right, that something does not appear out of thin air by magic, but certainly our ideas begin to change, we begin to recognise that all children can and should get education. The adoption of a right on paper is merely a milestone. Some would say, it is a goal post, it gives us a point and a direction to work towards.

So friends, to me, that is what changes when we say someone has a right to something, a standard is established, and gradually, attitudes, values and practices start to follow until real life, reality, or the norm becomes that situation what was aspired by the right.

And when rights get established in law, such rights can be claimed by well-wishers on behalf of children. Even if a child is not so lucky as to have family and friends to fight for them, the fact of having a right works to ensure

that some agency, or even the government, works for the child to ensure that the child's care, shelter, food and education along with an identity, a birth certificate, nationality, dignity even at school, the right not to be beaten under the pretext of education, etc., are all taken care of. All of these rights became accepted the world over with the acceptance of the CRC.

You might ask why am I talking about the CRC, which is an international convention, and which is not binding as a law in India? While that is the case, it is also true, that our Constitution asks us to honour international treaties and conventions and our judgments are in harmony with international conventions. For example, as soon as India signed the CRC in 1992, the Supreme Court of India passed a historic judgment in the case of *Unnikrishnan J.P. vs. The state of Andhra Pradesh*, which made education a fundamental right. And even though the judgment itself did not move the government to take any great steps, a movement began which ultimately led to the right to education being placed even on election manifestoes, on Common Minimum Programmes, and eventually to amendment of the Constitution and education becoming a fundamental right.

A fundamental right is a justiciable right. Justiciable means that if the right as it is stated is not given, or if the government or anyone else who is bound by it defaults in some way, then one can turn to the courts for remedy. And even before the courts come into the picture, the lawyers have to be brought in, in order to complete this circuit of justiciability for which we amended the Constitution. Therefore, although we do not hear too much on this issue, and even the government has not taken steps in this direction, the right to education cannot be enforced without a lawyer coming into the picture. But you will surely see the irony of this situation—How can a child who is not even able to afford a school, or a teacher, can afford a lawyer? As you know, lawyers are private practitioners—we lawyers depend on the income from the practice, we

depend on the fees. So on the one hand, we make free and compulsory education a fundamental right, and on the other, in order to enforce this right, we have to go through lawyers, who are by no means free and compulsory, then how is the child to get the right?

Therefore, if without a lawyer, it is not possible to seek to enforce the right in the courts, then it surely amounts to the right remaining where it is—on paper. The purpose of my talk today before this august audience is just this—to reflect on the role of the lawyer in the right to free and compulsory education.

You will ask—but I am a lawyer—why am I doing this? How am I fighting for the right to education? How does a child who cannot even afford a teacher, who does not even *know* that he has a *right* to a teacher, would come to me and expect me to fight for him in the courts? What are the problems that children face? In order to reflect on the role of the lawyer in education, I will tell you about my role as a lawyer fighting for the right to education, and then perhaps we can together reflect on whether a lawyer is enough, or we need more lawyers, and if we need more lawyers, where are they to come from? Why would they come? How to sensitise them about denials of rights in education? How to ensure that the lawyer finds the children, because surely, such children cannot find the lawyer?

My own initiation in the right of children to education was actually very conventional. I basically fought labour cases. My ideological leanings were also sympathetic to the right of the workers and the poor, but my first case in education came from a very typical route—some people known to me were concerned that the private school that their children were attending had again raised the fees and there seemed to be nothing that the schools were afraid of. My own education had been in a government school, and I told these people—‘instead of complaining, you should send your children to a government school, there would be no question of fees.’ I told them, ‘you have come from a government school, I have come from a government school,

and we are doing OK'. They told me 'when was the last time you saw a government primary school, go and see a government primary school'. So I went to a government primary school. When I saw the state of the school, and the attitude of the head master and the teachers, I found that even the teachers were very few and they were not teaching, only minding the children so that they do not run around or make noise.

After seeing the state of the government schools, I realised that the reason that parents are at the mercy of the private schools is that the government schools are in a very bad shape, and that the reason that the government schools are getting worse is because more and more people are leaving them for other kinds of schools, and the ones left have no power to make a demand for better schools and better management. Therefore, I came to the realisation that if the situation has to change, then both schools have to improve. Only when children in government schools get their due rights, then only will the children in private schools also get their rights and not be at the whims and mercy of the private managements. There is one system, one set of rights, one set of laws, so improvement has to be done in both kinds of schools.

Anyway, I was lucky to win the case of the fee hike in private schools, and it had the effect of enforcing the law in respect of other private schools. Because it was a private school case, the news was carried in many of the papers, and people came to realise that the private schools were making profits from one school, and using that profit to set up another school, and another, until they became more and more powerful as a chain of schools. Now Godrej and Reliance, for example, can set up chains of establishments. They are commercial organisations and are subject to the tax, the scrutiny, the quality standards, and consumer interest laws that all such commercial establishments are subject to. Now any philanthropist can set up any number of schools if he has the money and make a chain. But one school cannot give birth to another school to make a chain.

A school is a philanthropic, non profit organisation in our country. So where is the question of profit, and that too so much profit that you can set up another and yet another school? And if there is profit, then where is the question of not being able to meet the costs, and of hiking fees? It was decided after that case that no school can use the fees from one school for the purpose of another school even under the same trust. And in order to establish profit, the rule regarding submission of audited balance sheets got highlighted. Thirdly, another rule regarding submission and approval of statement of fees before every term got known and enforced.

It was also during this case that I realised that the reason why the profits from one school can be used to set up another, is because everywhere the governments were supporting the establishment of philanthropic effort such as educational institutions and hospitals for public purpose by giving them free land. So if the land is free, and the proceeds from another school are funding the building, then where was the problem in building chains of schools? Also, as with any private commercial enterprise, the 'brand marketing' exercise ensures that the school is seen to be better and more desirable than the existing government schools. So why should people who have more money not show they have the money? Private schools, far from serving a public purpose, became status symbols and everyone wanted to be seen only in these schools.

We all know the story of Akbar and Birbal in which one day Akbar drew one line, and told Birbal to make it smaller without touching it. All Birbal had to do was to make another bigger line next the first line and the first line became the smaller one. Same is the case with the government school. If another school next to it, is seen as better, even if only because of the shiny building and the brand marketing, then automatically, the government school is seen as lesser and less desirable, and all those who would have attended it, want to go to the status-

symbol school, and the private school is placed in the powerful position of being able to select and reject the children of the rich. Other ancillary industries also develop—one industry is that of patronage, anyone who is anybody or knows anybody tries to use influence to get admission; and the rest go to the other industry—that of training the children like animals in a circus—even that is not allowed nowadays, but this is allowed to train children to perform in the admission interview. In all of this unfortunate activity, the school becomes more and more powerful, and even the government officers fear to oppose anything the school does. It seems that they cannot be approached twice even to secure the filling up of the DISE Information Proforma, which carries individual report cards of 1.3 million schools in India. But surprisingly, how many private schools are there in the list? You only need to check to see if the schools you know about are represented there, and you will have your answer.

You will find that I started from one case, and it was not a case, it was a box—a Pandora's Box. I have linked everything to everything else through it—actually that is exactly what happened. One thing just led to another. I also realised that when the government granted the free land to the schools, they attached a condition, that the schools would reserve 25 per cent of its total pupil strength for poor children and provide them free education. But the schools never bothered, and no one bothered to trouble the schools on behalf of the poor.

This realisation that served me well, because it set the basis for some of my future cases, for example, the case about nursery schools admission, about the free seats in land-grant schools, the poor condition of government schools and the fee hike in relation to the 6th Pay Commission. But after my first case, I wanted to do something about the government schools. But where to start?

I started visiting the government schools and meeting the teachers and the headmasters and the parents in order

to see where the problems lie. Every Saturday when there was no court, I would take my car and go and visit some government schools. I noted the poor conditions, the apathy of the government towards the teaching staff, the apathy of the teaching staff to the children, etc.

One of the first cases I filed was about the infrastructural facilities. Many schools were running in tents, in rooms with tin roofs, which became unbearable in summer and bitterly cold in winter, even the buildings were in dilapidated conditions. I took photographs, and filed them in the court in a series of cases. The courts were kind enough to issue orders banning the use of tents, the use of tin roofs, stating that only proper prefabricated structures may be used for temporary classes. Noting that the schools were running in old and insecure buildings, the courts ordered for the buildings to be replaced by new structures. Today, you will find the teachers working not under trees and in verandas, but in well-constructed classrooms, and people are surprised to see the new face of schools of the Municipal Corporation of Delhi.

During this process, it came to my notice that one child had been run over by a truck just outside a municipal primary school. What was the child doing outside the school? And what had caused the child to run outside without looking? It came to light that the school had no facilities for drinking water. When this issue was raised in the courts, the officials quickly, practically overnight put in place the hand pump and water tap, and tried to explain to the inspection team of the court, even though they could see that the cement was still wet, that the school had facilities for water, but that the child had run out simply out of mischief.

The moment they pleaded in that direction, they got caught for not having a proper boundary wall with a gate and a guard. The people had trusted the schools with their children, and the schools were responsible for their safety and care. With this case, all the municipal schools became equipped with water, boundary walls, and security guard.

In another case, it was also made the duty of the government to ensure that electricity supply to a school was never cut off for non-payment of electricity bills. The fault was of the government, and the children were made to suffer.

As you can imagine, I became fairly well received in the schools. Even the senior officials in the municipal corporation surprisingly did not resent me—they saw that I had managed to bring about the orders for the improvement in the schools, which they had wanted but were not able to bring about.

Alongside the improvement in the structures, I had noted that a number of processes also needed improvement. I realised that in the school there was a regular turnover of teachers—some joined the secondary schools, some got married and left, some retired, etc. But there seemed to be no regular system to take note of this need for teachers or to ensure that there were enough teachers in the schools. So the matter was taken to court to say that if the government was indeed serious about ensuring education, then the process of recruitment of teachers should have begun, but not even the vacancies have been advertised to date. The court eventually ordered that a regular calendar of recruitment be prepared and followed every year to streamline this process.

Another example, the schools were saying they wanted universal enrolment, but they themselves were hampering this process, due to their demand for this or that certificate. So a court order was obtained (after a PIL) that the parents could admit the child without birth certificate or affidavit. But what about the children without parents, i.e., the children on the streets. We took this issue to the courts and there was great drama, because we had brought some street children into the court, and the judge asked the director of education, who is the parent of these children? The media also had a great moment reporting cases like these, and I realised that in the right to education, the greatest battle is that of realisation—once people become

aware and realise what is a right, then they also begin to recognise the violation of the right. So I realised that the media can play a big role in creating that awareness.

By this time the Internet had also come into being, and I learnt how to use it. I learnt how to use the email, and kept the media and a few friends and well wishers aware of my cases, and they in turn gave publicity in the papers. I created a website, and kept some important background information on the website for ready reference.

I gradually made friends in education among the educationists also, and through them also I became aware of some of the issues. Many times, they would be useful to me in discussing the different aspects of a case. What I am trying to say, is that there is very little that I can take sole credit for, and indeed this battle requires teamwork and team support. If I had anything, it was my persistence, and the support of my family that did not complain that I could have earned more or had a better standard of living if I had devoted this time to paid cases. If you think I am rare, I think my family is rare. But if lawyers who are to fight for children are not to be rare, then we must do something that will enable the average person to join as a lawyer in the right to education. I will return to this issue later, and let us first discuss the ways in which children are denied the right to education, and how there is need for support in little, little ways.

Along with the removal of document barriers to admission, I supported the 'Dakhila Abhiyan'. This was a process that had the support of the SCERT of Delhi, and was instrumental in generating awareness about school enrolment. Similarly, I found through my friends and unofficial team members that some fees (not exactly fees but some amount for some fund or the other) was being collected at the time of admission in the municipal schools. We first asked the MCD how the schools were collecting anything without receipt. So they issued an order to give receipt. The moment we had a receipt, we produced it in the court saying that here is proof that

contrary to the stated policy the schools are charging money, and that free and compulsory education is not free. After that court judgment, now admission is truly cashless and paperless.

Another barrier to the right to elementary education in Delhi was also realised quite by chance. One of my educationist friends mentioned about the system in Mumbai, where despite education being a right until the age of fourteen, the municipal schools would give the children a TC at the end of the last class of the municipal school. The upper primary stage is in an aided school, also free, but it was not the responsibility of the government to see that the child who left the municipal school also was able to join an aided school. Then I realised that same is the case in Delhi. Even though the government provides secondary education, they do not care to take the children of the municipal schools from the last class of the municipal school to the next class in the upper primary in the government secondary school. I added this issue to an ongoing case, and sure enough, the order came that the right to education meant that the onus of education within the elementary stage was on the government, and that it was for the government to ensure the transition of children from the primary stage in the municipal schools to the upper primary stage in government schools. At first, there was little response, but after filing a case of contempt of court, I think the government also realised that this was a good way to ensure a high transition rate. Today, each government secondary school has a number of feeder primary municipal schools attached to it, and the government is proud to have taken a lead in something that is now mandatory through the Right to Education Act.

You can see therefore, that although when I started out, I neither knew about education, or about the ways in which children are deprived of their rights in the schools and outside the schools. I slowly began to gain awareness of what is happening. My only guide was the law, the

Constitution of India, and the International Conventions. These gave me a frame of reference to judge whether what is happening is right or not.

However, I still go to the schools, especially the schools in the outlying areas in Delhi in order to see if children are being deprived of their rights, and in what way. However, the problems of the rich are also no less the problems of right to education. Even though my practice also picked up regarding violation of rights in schools, I kept my time for my 'own' suo moto cases. One of these was regarding the admission of children of the weaker sections to the free seats that these children were to get after the school got a land grant from the government.

When I took this case to the court, suddenly, a large number of schools in Delhi spontaneously developed a change of heart and opened non-formal education classes in the afternoon. The Delhi Government which had so far, not bothered to enforce this clause, suddenly became aware of it, although the same rule gave free land to the schools. They blamed the DDA which gave the land, and the DDA blamed the Directorate of Education, and ultimately rules were prepared, a criterion was evolved to decide who would be called 'weaker section', a process was evolved for securing an income certificate of economically weaker section. NGOs joined in the process to make the weaker sections aware of the process of obtaining admission to the schools. Even then, the schools were reluctant to admit the poor.

The schools which had all along been claiming to give quality education, now when the time came for them to prove it, their behaviour gave away the truth, that the 'quality' they professed to be manufacturing in the schools, actually lay in the selected and handpicked batch they admitted every year to the school. Children of professionals, who may be expected to be genetically endowed with this thing called intelligence, and by the success achieved by their parents, they may be expected to have the right attitudes and home circumstances to foster good grades—

their indicator of 'quality'. Of course they also had a good mix of children of business-class parents. Very reluctantly, these schools gave admission to only those children who were assisted by some NGOs or whom they could not manage to push away. Some schools of course truly embraced their obligation and are educating the children of the poor and of the rich, but such schools are rare. Although schools all over India receive land grants under the same conditions, but since law is a state subject and the case was in the High Court and restricted to Delhi, the implementation of this nationwide obligation is also limited to Delhi. Now of course, this need for social mixing and the harmful effects of economic apartheid in education have been widely recognised, and now this clause is one of the best-known clauses of the 'Right of Children to Free and Compulsory Education Act 2009'.

Admission to a private school of choice is an annual affair marked with a lot of tension for both parents and children, but for the schools themselves, it is said it is like the harvest festival. I hear that money is made, and people are 'obliged'. Children who 'fail' the admission test and interview recognise early in life, for the rest of their lives that they are somehow 'less' than those who were 'clever' enough to make it to a particular sought-after school. A case regarding this admission process of private school was taken by me to the court. The court naturally spoke on behalf of the child, but recognising the need to have some criteria other than the present ad hoc tests and interviews, appointed a committee to be headed by then CBSE Chairman, Mr. Ashok Ganguly to develop some criteria. The Ganguly Committee debated and evolved a method to restrict admission to children who live within a certain radius of the school, and also gave 'points' for other criteria such a sibling in the same school, parents being alumni of the school, etc. Although even now the system is far from perfect, the fact remains that an evil in education and its vicious effects on children was recognised as such and an effort made to induce transparency into a system

that had so far resisted all interference into a domain that gave it great power and privilege.

Whether rich or poor, children suffer equally from corporal punishment. They suffer disproportionately when they have disabilities. All types of schools try to hide the fact of child abuse by terror and torture, and all try to keep the disabled out. Even the so-called schemes of the education of disabled children are not able to identify the disabled through household survey. I do not know what kind of survey is conducted, because when I went into a *basti*, I was surprised to find a large number that were there and known to all to be there but were unable to access schooling. If you keep only the face of the child in your mind, it might occur to you, if you had been that child what would have been your fate? They deserve better, and a society that calls itself civilised should look after its people especially those who cannot look after themselves.

This brings me to the role of the lawyer in education. It is for you to decide, whether a lawyer is the last mile link to the seeking remedy from a court of law or not. I also wish that a lawyer is never needed and that no child or parent needs to enforce their right to education through a court of law. But I have seen that the real world is not like that and if you have reached the same conclusion after hearing about some of the types of issues that I have had to handle through courts, you will also wonder how to bring about situations in which lawyers seek opportunities to serve free of charge for the cause of education. I have no doubt that many more lawyers would like to serve but they do not know where to start or what kinds of issues need their attention.

I have made a start in my community by sensitising more and more of my colleagues, but they will be confined to Delhi. What about Madhya Pradesh, Kerala, West Bengal, Sikkim, Gujarat? Every state, every town and every village needs someone to protect the interests of children, because they are unable to look after their own interests.

I realise my own example may not be that easy for everyone to follow, but what if NGOs who are already sensitised to serve, were also sensitised to rights to education, rights in education, and how to enforce them. It could happen that these NGOs could work in coordination with lawyers, I am sure there will be enough lawyers who would be happy to provide free service, or like any other service that NGOs pay for, the cost of a lawyer and court charges could be built into their plans. NGOs in the education sector, use many strategies—the legal route could be one of the strategies that the NGOs could learn to use, and in the process train the lawyers who work with them.

NGOs could also link with legal service authorities that are there in every state. So far these authorities are fairly understaffed and over worked, so they do not actually go looking for instances where the rights have been violated. They are not used to dealing with situations in which even the victim does not realise they have been wronged. NGOs could link with them as well.

There is a need I think for a centralised resource—maybe through websites where information about cases related to the right to education could be collated and made available. Such sites would serve to sensitise all, NGOs, lawyers, judges, etc., about the types of problems encountered by children in the field. Such a site would be essential especially for a state subject such as law, because the cases would be limited to the district or the High Court of a state. Cases in one state would create awareness about issues and inspire other states to get the same or similar situation remedied. The fee hike following the 6th Pay Commission, for example, is an issue that many states have in common. For the first time, an All India Parents Association has been formed and is informing other states about issues and rights. What is needed perhaps is a less partisan and more stable informational resource.

I would say, even sensitisation lectures are useful. There may be some among you, who did not know about the many of the rights or how they are violated even by

governments or schools. It is my suggestion that organisations like NCERT, RIE, SCERT, NUEPA, etc., should give lectures even in law colleges and judicial academies. They could even run courses on right to education and its defence. They could in collaboration with law colleges run course in public legal education and even train children to know their rights and recognise their violations.

Friends the possibilities are endless. Now that we have amended the Constitution and made education into a justiciable fundamental right, the role of lawyers in making that connection with the court of law becomes inevitable. Children have been denied their right to education for far too long. I envisage a day in the not too distant future, when speaking softly but carrying a big stick, we will build a future of mutual respect and improved provisioning of education from a rights-based perspective.

With these words I thank you for listening to me so patiently, and for giving me this honor of speaking to you.
Thank you.

ABOUT THE SPEAKER

Ashok Agarwal was born on 2 September 1952 in Delhi. He completed his law degree in 1976 and since then has been practising in the Supreme Court and the Delhi High Court. His expertise lies 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, he has done a lot of work for the rights of the children and particularly for the children belonging to the weaker sections of the 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 filed by him 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.”

ANNEXURE I
Memorial Lectures 2007-08

Name	Date	Venue	Speaker	Theme	Chairperson
Mahatma Gandhi Memorial Lecture	17 January 2007	India International Centre, New Delhi	Professor Christopher Winch Educational Philosophy and Policy, Kings College London, UK	Individuals, Workers or Citizens: Reflections on the Limits of School-based Educational Reform	Professor Mirnal Miri <i>Former Vice Chancellor</i> NEHU, Shillong
Zakir Husain Memorial Lecture	19 January 2007	RIE Mysore	Dr Radhika Herzberger, <i>Director</i> Rishi Valley School Chittoor Andhra Pradesh	Religion, Education and Peace	Prof. B.L. Chaudhary <i>Vice Chancellor</i> Moharlal Sukhadia University, Udaipur Rajasthan
Mahadevi Verma Memorial Lecture	17 August 2007	RIE Bhopal	Prof. Karuna Chanana <i>Former Professor</i> Zakir Husain Centre for Educational Studies School of Social Sciences, JNU	Women in Indian Academe; Diversity Difference and Inequality in a Contested Domain	Prof. R.S. Sirohi <i>Vice Chancellor</i> Barkatulla University Bhopal
B.M. Pugh Memorial Lecture	11 March 2008	Laitumkhrak Women's College Shillong	Shri Ratan Thiyam <i>Chairperson</i> , Chorus Repertory Theatre Imphal	Theatre Language and Expression	Professor T. Ao <i>Dean</i> , School of Humanities, NEHU Shillong

Marjorie Sykes Memorial Lecture	8 April 2008	RIE Ajmer Jawahar Rang Manch, Ajmer	Ms Medha Patkar Social Activist	Socialisation vs Politics of Education	Professor M.S. Agwani Former Vice Chancellor JNU
Sri Aurobindo Memorial Lecture	2 July 2008	Dorozi Hall Presidency College Kolkata	Shri Manoj Das International Centre of Education Sri Aurobindo Ashram Puducherry	Education for a Faith in the Future	Professor Sanjib Ghosh Principal, Presidency College, Kolkata
Rabindranath Tagore Memorial Lecture	19 July 2008	RIE Bhubaneswar	Professor N.R. Menon Member, Commission on Centre State Relations	Realising Equality of Status and of Opportunity: Role of Government, Judiciary and Civil Society	Professor Chandrashekhar Rath Eminent Writer
Gijubhai Badekha Memorial Lecture*	11 September 2009	RIE Mysore	Shri U.R. Anantha Murthy Jnanpith Awardee	My Writing My Times	Professor G.H. Nayak Kannada Literary Critic
Savitribai Phule Memorial Lecture	12 December 2008	Mamiben Nanavati Women's College, Mumbai	Dr Sunderaraman Director State Health System Resource Centre	The Educational Institution as a Health Facility	Dr (Ms) Vibhuti Patel Professor, Head and Director PGSK SNDT Women's University, Mumbai

*Lecture was delivered in 2009 because the speaker was ill in 2008.

ANNEXURE II
Memorial Lectures 2008-09

Name	Date	Venue	Speaker	Theme	Chairperson
Mahatma Gandhi Memorial Lecture	28 January 2009	National Institute of Education NCERT New Delhi	Shri Anupam Mishra Gandhi Peace Foundation Delhi	Raj Samaj Aur Pani	Professor M. H. Gureshi <i>Former Professor</i> Geography, Centre for the Study of Regional Development JNU
Zakir Husain Memorial Lecture	30 January 2009	RIE Mysore	Professor Padmini Swaminathan Madras Institute of Development Studies Chennai	Literacy and Levels of Formal (General and Professional) Education of the Indian Population: A National Report Card	Professor B. Shaik Ali <i>Former Vice Chancellor</i> Mangalore University and Goa University
Mahadevi Verma Memorial Lecture	5 January 2009	RIE Bhopal	Ms Kalpana Sharma <i>Former Chief of the Bureau, The Hindu</i> Mumbai	Can Media Teach us Anything?	Dr Pushpendra Pal Singh <i>Head, Department of Journalism, National University of Journalism and Communication, Bhopal</i>

Rabindranath Tagore Memorial Lecture	14 January 2009	RIE Bhubneswar	Professor Swapan Majumdar <i>Director, Culture and Relations</i> Visva Bharati	Education as Empowerment : Twins in Search of an Alternative Education	Professor Shantanu Kumar Acharya <i>Eminent Writer</i>
Gijubhai Badekha Memorial Lecture	20 January 2009	MIDS Chennai	Professor T. S. Saraswathi, <i>Former Professor</i> , Maharaja Sayaji Rao University Baroda	Culture and Development Implication for Classroom Practices	Professor S. Janakaraajan <i>Director</i> Madras Institute of Development Studies Chennai
Savitribai Phule Memorial Lecture	29 January 2009	SNDT Women's University Mumbai	Professor Sharmila Rege, <i>Director</i> Kratiyoti Savitribai Phule Women's Study Centre, University of Pune	Education as Tertiary Ratna: Towards Phule Ambedkarite Feminist Pedagogies	Professor Chandra Krishnamurthy <i>Vice Chancellor</i> SNDT Women's University Mumbai
Sri Aurobindo Memorial Lecture	27 March 2009	Presidency College Kolkata	Professor Jasodhara Bagchi, <i>Former Professor</i> Jadavpur University Kolkata	Education for Women and Women for Education: the Case of Bengal	Professor Sanjib Ghosh <i>Principal</i> Presidency College Kolkata
B. M. Pugh Memorial Lecture	27 March 2009	Don Bosco Youth Centre Shillong	Shri P. Sainath <i>Rural Affair Editor</i> The Hindu, Mumbai	India in the Age of Inequality: Farm Crisis, Food Crisis and the Media	Ms Patricia Mukhim <i>Editor</i> Shillong Times
Marjorie Sykes Memorial Lecture	28 October 2009	RIE Ajmer	Professor Kamal Datta <i>Former Professor</i> Department of Physics University of Delhi	What should we Teach? An Examination of Issues Underlying the College Curriculum	Professor Bhagrath Singh <i>Vice Chancellor</i> MDS University Ajmer

ANNEXURE III
Memorial Lectures 2009-10

Name	Date	Venue	Speaker	Theme	Chairperson
Mahatma Gandhi Memorial Lecture	9 February 2010	India International Centre New Delhi	Shri Jatin Das <i>Chairman</i> J.D. Centre of Art	Art at Home, School, University and in Public Life	Shri Ashok Vajpeyi <i>Chairman</i> Lalit Kala Akademi Delhi
Zakir Husain Memorial Lecture*					
Mahadevi Verma Memorial Lecture	11 February 2010	RIE Bhopal	Shri Arvind Gupta	Science through Activities	Dr. M.N. Buch I.A.S. (Retd) <i>Chairman</i> , National Centre for Human Settlement and Environment, Bhopal
B. M. Pugh Memorial Lecture	9 October 2009	N.E.C.A. Nongrim Hills Shillong	Professor Nandini Sundar <i>Professor of Sociology</i> Delhi School of Economics Delhi University	Social and Political Exclusion, Religious Inclusion: The Adivasi Quest in Education	Dr Kharkonger Glen <i>Vice Chancellor</i> Martin Luther Christian University Shillong
Rabindranath Tagore Memorial Lecture*					
Gijubhai Badekha Memorial Lecture*					
Savitribai Phule Memorial Lecture*					
Sri Aurobindo Memorial Lecture*					
Marjorie Sykes Memorial Lecture*					

*These lectures are yet to be organised.