HOW CAN A RIGHTS-BASED APPROACH TO DEVELOPMENT PROGRAMMING HELP TO ACHIEVE QUALITY EDUCATION?
EVALUATING THE EDUCATION GUARANTEE SCHEME IN MADHYA PRADESH

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1. Introduction

It is estimated that around 135 million children worldwide are currently deprived of any form of schooling. The ramifications of this are wide-ranging and severe: children denied access to education are habitually propelled into child labour, early marriage and child soldiering. Educational deprivation is also likely to lead to entrenched poverty, illiteracy, powerlessness and an inability to access information and participate effectively in society. On a broader level, depriving individuals of education is thought to contribute to the stunted economic growth of communities and states. A large proportion of out of school children are concentrated in South Asia. In particular, it is thought, based on a 2000 estimate, that over 30 million children in India are currently not

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3 The PROBE Team, Public Report on Basic Education in India 5 (1998): ‘While some kinds of political action require little education, in general literacy and education are important tools of effective political participation, whether it takes the form of informed voting, or signing a petition, or organising a protest, or just contributing to public debates.’ See also Jean Dreze and Amartya Sen, India:Development and Participation 143 (2002) (2nd ed).
in school. The Indian government’s lack of ability to universalise access to quality primary education throughout the country tells ‘a sad story of wasted minds.’ It is said to have contributed to pervasive and endemic illiteracy, thereby limiting ‘the freedom and well-being’ of the Indian population; high mortality and fertility rates; and limits the potential for social change and economic growth. In addition, as many of India’s out of school children are members of already marginalised groups, such as children living in rural communities, girls and children of Scheduled Tribes and Castes, denying these children education perpetuates a vicious cycle of powerlessness, poverty and oppression, and further entrenches existing gender, class and caste divisions in India. In light of the widespread denial of access to education in India and the grave ramifications of this, ‘heroic efforts’ are now needed to secure universal elementary education for all of India’s children.

Despite the long-time recognition that education is a fundamental human right, development programmes designed to improve access to primary education for children have been most commonly defined as a development goal, rather than a right. As a result, the instrumental value of conceptualising education as a universal human right has been lost. In 1997, however, the state of Madhya Pradesh, one of India’s least developed and traditionally worst performing states in ensuring access to education, instituted a deliberately rights-based programme aimed at universalising access to primary education. The programme, the

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8 Geeta Kindgon, Robert Cassen, Kirsty McNay and Leela Visaria, ‘Education and Literacy’ in T Dyson, R Cassen and L Visaria (eds.) *Twenty-First Century India: Population, Economy, Human Development and Environment* 130, 130 (2000): India has ‘17 percent of the world’s population but some 40 percent of the world’s illiterates.’
9 Dreze and Sen, *supra* note 4, at 22.
10 There are some 573 different Scheduled Tribes living throughout India, accounting for approximately 8 percent of the population. The majority of persons from Scheduled Tribes live in the scattered rural areas and a large portion live in Madhya Pradesh: K. Sujatha, ‘Education Among the Scheduled Tribes in India’, available at http://www.cpsu.org.uk/downloads/Educational%20Issues.pdf
11 The PROBE Team, *supra* note 3 at 5; Dreze and Sen, *supra* note 3, at 145.