

Proceedings of the Conference on Challenges of Contemporary Education

India International Centre, New Delhi

August 5, 2010

K Rahman Khan, Dy Chairman, Rajya Sabha:

We have gathered here to ponder over the challenges of compulsory education. We would discuss here the positive and negative aspects of the Right to Education Act 2009.

There is no need to interfere in the education of minorities, including madarsa. We should think it over whether there is a possibility of a Voluntary Madarsa Board that has its separate management to impart contemporary education. We should take the govt as a facilitator. The govt is sincere but it is yet to see how it moves.

We know the pitiable conditions of the existing schools. There is a need for a discussion and making public opinion with a view to remove backwardness in education.

The real problem is how to remove the impending threats to the madarasas.

Maulana Asrarul Haq Qasmi, MP:

This conference is a revolutionary step. As pointed out by Mr K Rahman Khan, the new law is a welcome move but it needs clarifications. Any law that poses challenges to madarasas can't be accepted. It is pity that in this country sex education is being talked about but not the moral education. The need is to review our curriculum of madarasas with a view to provide contemporary education along with religious education.

Prof K Faizan Mustafa, National Law University, Orissa:

This law wants equality and values in education. Now the law has been made and the govt is ready to make any amendments if necessary. The main point is how to take advantages from this law. I want to draw the attention of Minorities Affairs Minister Mr Salman Khursheed. We want govt-aided minority institutions run by us and regulated by the govt rules. Regulations should not be taken as interference by the govt. We should make an appropriate board. Instead of demanding for exemption from this new law, we should move as to how take advantages from it.

Salman Khursheed, Minorities Affairs Minister:

There is definitely a problem of education. We don't want to interfere in the laws prevailing. SC had ruled the govt can't interfere to a great extent. Now the trend is that the minority institutions should be governed by the minorities themselves. Minorities rightly want minority character of AMU. Similarly, Urdu can't be banished from institutions like Jamia Millia Islamia.

There are some misunderstandings regarding the statements of HRD Minister Mr Kapil Sibal with regard to minority educational institutions. They should be removed.

The question is whether the new law would not be misused. We would have to make our own curriculum in our madarsas. It can't be imposed upon us by the govt.

Any amendment in a law takes time. It can be done. Amendment can be made within a short span of time but change of law would take at least two years. Therefore, we should move very cautiously.

Assurances made in the Constituent Assembly can't be snatched away.

Hameedullah Butt:

The point is that our issues should come before us first instead raising it in media. Our only identity is Indian. It is a welcome move that ulema and those known as Secular elements are being seen at a common platform today. This trend should be encouraged. The purpose of this Act was not to deal with education in madarsas or Budhist or any other educational institutions but to implement Right to Education Act.

Maulana Syed Ather Ali, Islamic Scholar:

The problem is that the age for the children studying in madarsas is 6-14 years, the age made compulsory for right to education. We will have to see how to resolve this complication.

Our demand should be to keep exempted the madarsas from this law. If not possible, we should deal with the issue of age of children going to the schools. We won't accept any interference in the curriculum and management of madarsas in any way.

Maulana Qari Syed Mohammed Usman, President, Jamiat Ulama-i-Hind:

The objective of "Ilm" (Knowledge) is not only to learn a language but to know the eternal facts and lead an ideal and exemplary life full of high morals. We establish and run religious educational institutions to impart this knowledge.

It won't right to think that education being taught in schools is education and education in madarsas no education. If govt is sincere, it should exempt us from

the conditions of the new law. The issue of aid to the madarasas is delicate. It should be pondered over seriously. Madarasas are imparting knowledge and education in real sense. Any move that derecognizes our teaching in madarasas can't be accepted.

S M Kazmi:

The need of the hour is to have a coordination of those running the minority educational institutions and minority development officials and other relevant authorities concerned. Agree with Salman Khursheed that our issues should not go every time to courts.

Justice Fakhruddin Ahmed (Retd), Allahabad High Court:

The situation with regard to minorities is more grim than revealed by Sachar Committee. Articles 19, 25, 26, 29 and 30 have got solution to the minorities in India.

Attacks are being made on our Secular system. If any law has been made without taking into consideration the provisions enshrined in the Constitution, it is no way correct and proper. Parliament can't take our rights away or even ignore them.

As a result of the new law, the children of the minorities may be affected.

Father Emmanuel Dominique, Christian Leader:

The Christian community in India is 2.3 per cent but 22 per cent people are getting benefited from its educational institutions. Therefore, the question is why over 15 per cent Muslims can't run such institutions in a large number and taking advantage from RTE Act.

Maulana Mahmood Madani, MP and Leader of Jamiat:

The situation is very grim. Here I want to give an example. When I wanted to establish a school at Dehradun, I faced several hurdles first to purchase land and then build a school. The reason for objection to establishing a school was that the National Military Academy existing at some distance may face a threat due to the proposed Muslim educational institution.

Yusuf Hatim Muchhala, Sr Advocate:

The condition in the RTE Act is that the educational institutions and curriculum would be approved by the appropriate govt. This clearly violates the provisions and spirit of the Constitution guaranteeing the rights of the minorities to establish and run educational institutions of their choice.

The minorities need special treatment under Art 30. There are issues related to the management of educational institutions, curriculum and language.

P A Inamdar, Educational Baron:

RTE has already come in. While going through it, it appears that it may be enforced in madaras and also not enforced. There are both the chances. Our effort should be to pursue the Govt to exempt the madaras from the new Act. There should be made a committee to ponder over the entire law. There is no mention of the education of minorities in the new law. There exist in our country minority and non-minority educational institutions, aided and un-aided institutions, and professional and non-professional educational institutions. We should keep in view these facts while discussing this new Act.

Maulana Syed Jalaluddin Oomari, Ameer, Jamaat-e-Islami Hind:

It is not correct to think that Muslims don't consider the new law right. The Muslim community welcomes the new law but express apprehensions about the existence of madaras and other educational institutions under the new Act. These apprehensions should be removed.

There are a number of madaras whose education and degrees are recognized by the modern educational institutions. The students coming from madaras perform well in modern educational institutions. Therefore, education imparted in madaras are valid and up to the mark.

Muslim organizations have expressed concern since the introduction of Bill and also raising questions after becoming it an Act.

The Govt should always take Muslim leaders into confidence before moving for any Bill and making it an Act.

Sharfuddin Sharique, MP:

We should keep us united and then raise the community issues collectively.

P A Ibrahim, President of the Session:

Afternoon Session

Dr Shakeel A Samdani, AMU:

The madaras should be exempted from the new law. It is not correct to say that we awaken very late. MPs are in the Parliament and it is their responsibilities to raise the issues related to minorities. We should strive to take advantage from the new

Maulana Khalid Rasheed Firangimahli, Lucknow:

The need is to exempt the madaras from the new law.

Maulana Mohammed Salman Mansurpuri, Moradabad:

Lord Macaulay had pointed out in his Minute on Education that they would enforce an education system in India as a result of which persons equipped with colonial trends would be produced. What we are seeing today is the result of the

above mentioned education system. We should not accept this law unless it is amended.

Maulana Salman Bijnori:

The fact is that "*naya jaal laya purana shikari*". As said earlier, there is an effort to bring the education systems in different countries under one singular regulation and rule. And, this new law serves the same purpose.

Kapil Sibal, HRD Minister:

A meeting is going to be held on August 14 with regard to the implementation of the Right to Education Act. Therein would be discussed the points being raised here.

If we have to take forward our country, it can be done only through education. Such education through which they can stand on his own.

If you want to constitute a Board, you take initiatives, the govt would follow it. I want to make it clear that the Government does not at all intend to interfere with the education being taught in madarsas. There is nothing about minority or madarsa education in the new law. I assure you that a guideline can be issued by the HRD Ministry with regard to having no link of the new law with the minority or madarsa education.

There is a need to start vocational courses in the educational institutions. We are thinking on this line in a big way. This is not interference but promote education.

As enshrined in the new law, the educational institutions should have required rooms and meet other necessary conditions so that students should get standard education. We don't want to close down any school. The Act sets the standards and it is necessary.

Art 30 can't be annulled. Under the Arts 29 and 30, it is the right to administer not maladminister.

Management committee would be of schools, I assure you, there would be no interference all all.

There is no threat to the madarsas from the new law. One should not have any doubt about it.

If needed,

I am ready to talk about any issues related to minority education any time. I fully assure to dispel any apprehensions about the new law. Amendment would need time and formalities. Steps would be taken in this direction. However, I assure you to issue a guideline immediately from the HRD Ministry.

I agree with all the points enshrined in the questions and resolution adopted at the conference.

Questions

1. Whether the law would universalize elementary education or it become a tool to restrict and close down thousands of poor schools of financial means where millions of poor and weaker section children, especially educationally most backward Muslim community children are presently being educated?
2. Whether the Act would raise the standards of education or push it further downward?
3. Whether it would affect the constitutional guarantees and freedom of minorities for establishing and running educational institutions as envisaged in Art 29, 30 (1) of the Constitution?
4. The new regulation regarding management committee for the school would result into diminishing of the minority control over their own institutions?
5. How substantive is the threat and challenge to existing madarsa system?
6. While retaining the positive effects of the Act, what amendments are called to cleanse the Act of its negative elements?
7. Whether the law affects only the Muslim society and its institutions or covers whole gamut of school infrastructure of the country of which private sectors constitute overwhelming majority share?
8. What is the role and duty of the madarsa system to provide contemporary education to its children and steps they intend to take voluntarily to contribute to universalization of elementary education?