

To,  
Smt. Vasundhara Raje,  
Hon'ble Chief Minister,  
Chief Minister's Office, Secretariat,  
Jaipur- 302005,  
Rajasthan.  
India.

Date: 9.07.15

Dear Madam,

**Subject:** Response to the Policy for Public Private Partnerships in School Education 2015 in Rajasthan

We, the citizens of India, are disheartened to see the contents of the draft *Policy for Public Private Partnerships in School Education 2015* that has been formulated by the government of Rajasthan. We feel that this Policy is misguided for the following four reasons:

**1. It is based on faulty premises**

The policy appears to be formulated on the assumption that government-run schools are by definition incapable of providing good quality education, inefficient and incapable of innovation (point 1. 1). Both current research and grassroots experience paint a different picture.

Private Schools do not automatically deliver quality education. In fact vast numbers of them do not. There are numerous examples in our country (including in the state of Rajasthan) where government schools are providing education that is of excellent quality- for instance the *Kendriya Vidyalayas*. At the same time, there is considerable evidence that private schools fail to outperform government schools, in which, as in government schools, the demographic and income background of students is controlled. The recently conducted longitudinal study by the Azim Premji Foundation in the state of Andhra Pradesh, clearly states that "contrary to general perception, fee-charging private schools are not able to ensure better learning for children from disadvantaged rural sections as compared to government schools."<sup>1</sup>The global DFID comprehensive review of the functioning of private schools similarly highlights the ambiguities entailing the true effects of private schools.<sup>2</sup>

Private schools are no more innovative than government schools. Indeed, the 2015 UNESCO Global Monitoring Report states that worldwide public schools may have more scope to be innovative with the curriculum while private schools are more wedded to parent demands for good examination results.<sup>3</sup>

Given what we know about the clear connection between access to resources for education and learning outcomes<sup>4</sup>, the large number of children out of school in Rajasthan, and the facilities gap in the State, it is unclear why the government of Rajasthan seeks to argue for lowering input costs. One of the key reasons why our education system is underperforming is the extremely low levels of investment in the public education system. Furthermore, we would like to bring to your notice that the expenditure made by the state government in elementary level of education is little above 3 percent of Gross State Domestic Product and per-student expenditure by the government is much less in Rajasthan than in other states.<sup>5</sup> At a time when only 7.4 % of schools in Rajasthan comply with the provisions of the RTE Act- what is called for is a massive additional investment in the schooling system in the state and not a false feeling of fatalism that change is not possible.

<sup>1</sup> <http://azimpremjifoundation.org/pdf/APF%20141130%20ApscReport%2013thJan2014.pdf>

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439702/private-schools-full-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439702/private-schools-full-report.pdf)

<sup>3</sup> GMR 2015

<sup>4</sup> [http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1134&context=ilrreview&sei-redir=1&referer=http%3A%2F%2Fscholar.google.co.in%2Fscholar%3Fq%3Dfees%2B%2522private%2Bschool%2522%2Bprofit%26btnG%3D%26hl%3Den%26as\\_sdt%3D1%252C5%26as\\_vis%3D1#search=%22fees%20private%20school%20profit%22](http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1134&context=ilrreview&sei-redir=1&referer=http%3A%2F%2Fscholar.google.co.in%2Fscholar%3Fq%3Dfees%2B%2522private%2Bschool%2522%2Bprofit%26btnG%3D%26hl%3Den%26as_sdt%3D1%252C5%26as_vis%3D1#search=%22fees%20private%20school%20profit%22)

<sup>5</sup> [http://www.cprindia.org/sites/default/files/working\\_papers/working\\_paper\\_series1.pdf](http://www.cprindia.org/sites/default/files/working_papers/working_paper_series1.pdf)

The Draft Policy on PPP is silent on the question of equity in the educational system. Past research suggests that the greatest risk in a educational system with a high reliance on private providers is accentuation of inequalities and loss of social cohesion.<sup>6</sup> This risk cannot be ignored.

## **2. It runs contrary to established national and international human rights law**

The growing commercialization and privatization of education has emerged as one of the biggest threats to the principle of the right to education. The last two reports of the UN Special Rapporteur on the Right to Education reminds governments that delivering education is a primary responsibility of the state.<sup>7</sup> Indeed, a resolution adopted by the UN Human Rights Council, which was supported by India in Geneva last week recognized that growing privatization and commercialization of education constitutes a danger to the realization of the right to education. Thus, the Policy of the government of Rajasthan runs counter to international human rights law and to the stand taken by the Government of India in the international forum.

It also runs counter to the Indian Constitution and domestic law, the 86<sup>th</sup> Amendment of the Constitution and the Right of Children to Free and Compulsory Education Act, 2009 that makes education upto the elementary level a responsibility and legal obligation of the state government. It represents a retreat from the obligations assumed by the state government to ensure to the children of Rajasthan a legal right to a good quality education to be provided by the state. Rajasthan has the highest number (in absolute numbers) of out-of-school-children in India, ranks 4<sup>th</sup> among the Indian states with respect to child labour.<sup>8</sup> As per the recent Socio Economic and Caste Census, 2011, Rajasthan has the highest number of illiterates in the country.<sup>9</sup> Its transition rate in secondary education is likewise below the national average<sup>10</sup>. No educational system in the world in history has ever ensured universalization of education through reliance on private providers. There is no reason to believe that Rajasthan can be an exception to this historical trend.

The proposed Policy violates the provisions of the RTE Act in several ways. For example, it mentions that fees will be charged as per government rates while the RTE Act clearly specifies that education shall be provided free of cost to all children till the elementary levels. The policy proposes that the medium of instruction will be determined by the private entities (point 4. 3. iv) whereas the RTE Act states that the medium of instruction at the primary level must be the mother tongue. The proposed policy also leaves it to the private entities to provide teaching and non- teaching staff and determine the affiliation of schools (point 4. 3. ii and 4. 3. iv). All of these form a part of the state responsibility as per the RTE Act. The RTE Act clearly provides that all teachers must be trained and that state has the responsibility of training all the untrained teachers within 5 years. The Policy is silent on the issue of teacher training.

## **3. It fails to delineate critical details, risking corruption**

From a regulatory point of view, there appears to be a dangerous lack of detail in the Policy document- which may later lead to corrupt practices and poor quality. For example, the Policy provides that handing over of schools to private entities on a first come first serve basis and not necessarily on the basis of proven ability to manage schools, efficiency etc. There seems to be a total lack of transparency in several key aspects such as selection of schools, identification of children, methods of appraisal of PPP proposals and standards to be followed. This makes it hard to understand and monitor what is being agreed upon. Similarly, the policy is silent on the role of School Management Committees which are mandated in all government schools as per the RTE Act and essential for micro level planning and monitoring. The removal of SMCs from its overseeing

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<sup>6</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439702/private-schools-full-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439702/private-schools-full-report.pdf)

<sup>7</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/120/82/PDF/G1512082.pdf?OpenElement>

<sup>8</sup> DISE 2013-14

<sup>9</sup> [http://www.secc.gov.in/staticReportData?getReportId=S\\_8](http://www.secc.gov.in/staticReportData?getReportId=S_8)

<sup>10</sup> Secondary Education Flash Statistics 2013-14 (as on 30<sup>th</sup> September 2013)

<http://dise.in/Downloads/Publications/Documents/SecondaryFlash%20Statistics-2013-14.pdf>

responsibilities within a school is illegal, undemocratic and detrimental to the prospect of the implementation of the Act. The proposed Policy lacks scope for community participation and has no provisions for the larger engagement of the community and civil society within education processes.

#### **4. It fails to learn from past experience.**

By stressing that the fees paying and fees free students will be taught in the same classrooms, the Policy opens the students to discrimination in terms of access to school facilities.

In conclusion, we would like to remind you that the State Government has the moral, legal and Constitutional obligation to provide good quality education to all children within the state. We urge you to desist from proceeding with the policy and instead, use your energies and resources for the full implementation of the RTE Act.

#### Signatories

1. Prof. Muchkund Dubey President, Council for Social Development
2. Dr. Santha Sinha Former Chairperson, NCPCR
3. Mr. Ambarish Rai National Convener, Right to Education Forum (RTE Forum)
4. Mr. Rampal Singh President, All India Primary Teachers' Federation (AIPTF)
5. Mr. Ramakant Rai Convener, National Coalition of Education (NCE)
6. Mr. Joseph Victor Raj Convener, Campaign Against Child Labour (CACL)
7. Ms. Razia Ismail Convener, India Alliance for Child Rights (IACR)
8. Ms. Kashinath Chatterjee General Secretary, Bharat Gyan Vigyaan Samiti (BGVS)
9. Dr. Narendra Gupta/  
Dr. Abhay Shukla General Secretary, Jan Swasthya Abhiyan (JSA)
10. Ms. Kavita Srivastava General Secretary, People's Union for Civil Liberties
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