

**Status of Implementation of the Right of  
Children to Free and Compulsory Education Act,  
2009: 1 April 2010-2011**

**RTE Forum**

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## Abbreviations

ASER	Annual Status of Education Report
AIATO	All India Association of Teachers Organisations
AIDS	Acquired Immuno Deficiency Syndrome
AIFTO	All India Federation of Teachers Organisations
AIPTF	All India Primary Teachers Federation
AISTF	All India Secondary Teachers Federation
BRC	Block Resource Centre
BRCC	Block Resource Centre Coordinator
CCE	Continuous and Comprehensive Evaluation
CCS	Common School System
CLPRA	Child Labour Prohibition and Regulation Act
CRC	Cluster Resource Centre
CTS	Child Tracking System
CSO	Civil Society Organisation
CWSN	Children With Special Needs
DIET	District Institutes of Education and Training
DISE	District Information System for Education
ECCE	Early Childhood Care and Education
FY	Financial Year
GOI	Government of India
IASE	Institutes of Advanced Studies in Education
IT	Information Technology
IST	Indian Standard Time
JRM	Joint Review Mission
KGBV	Ksturba Gandhi BalikaVidhayalaya
KV	KendriyaVidyalaya
MDM	Mid Day Meal
MHRD	Ministry of Human Resource Development
MSJE	Ministry of Social Justice and Empowerment
MTA	Mother Teacher Association
NAC	National Advisory Committee
NCERT	National Council for Educational Research and Training
NCF	National Curriculum Framework
NCLP	National Child Labour Project
NCTE	National Council for Teacher Education
NCPCR	National Commission for Protection of Child Rights
NUEPA	National University of Educational Planning and Administration
NGO	Non Government Organization
OBC	Other Backward Caste
PESA	Panchayat Extension to Scheduled Areas
PPP	Public Private Partnerships
PRI	Panchayati Raj Institute
PTA	Parent Teacher Association
PTR	Pupil Teacher Ratio
RCI	Rehabilitation Council of India
REPA	Right to Education Protection Authority
RMSA	Rashtriya Madhyamik Shiksha Abhiyan
RTE	Right to Free and Compulsory Education Act, 2009
SAC	State Advisory Committee

SC	Scheduled Caste
SCERT	State Council for Educational Research and Training
SCPCR	State Commission for Protection of Child Rights
SCR	Student Classroom Ratio
SDP	School Development Plan
SDMC	School Development and Management Committee
SE	Solution Exchange
SMC	School Management Committee
SSA	SarvaShikshaAbhiyan
ST	Scheduled Tribe
TET	Teacher Eligibility Test
TLM	Teaching and Learning Material
UNCRPD	Convention for the Rights of Persons with Disabilities
UT	Union Territory
VEC	Village Education Committee

## Contents

<b>Chapters</b>	<b>Title</b>	<b>Page #</b>
	List of Abbreviations	
	Acknowledgements	
	Executive Summary	
1	Importance and Implications of the Right to Free and Compulsory Education Act	11
2	Preparatory Activities for Implementation of the Act	14
3	Community participation and processes including bottom up planning	25
4	Teachers	35
5	Social Inclusion	45
6	Quality	66
7	The Government of India Report and the RTE Forum findings	76
8	Where we are and the way forward	80
	Appendices	
	Members of the RTE forum	
	Peoples' Stocktaking of the First Year of the Implementation of the Right to Education Act"	

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However, the most critical contributor to the success of the event has been the involvement of the thousands of ordinary people. This includes the over 3,000 people who happened to attend the programmes in Delhi and the much larger number of people who have supported the struggle from the States. At the time of going to the press, mass mobilization actions on the Right to Education have been held in Rajasthan, Delhi, Uttar Pradesh, Jharkhand, Orissa and Bihar. Action is planned in AP, West Bengal and Haryana. The prerequisites of a truly pan national movement appear to be in place- for only through a truly nationwide movement whereby India's children, youth, civil society and parents come together in support of the Right to Education can we expect movement to the over a century old goal of quality, equitable education for all of India's citizens.

## Executive summary

1 April 2011 marked one year since the Right of Children to Free and Compulsory Education Act, 2009 was notified. Indeed, the Act comes after a century long struggle, beginning with a demand for legislation for universal education initiated by Gopal Krishna Gokhale in the British era, culminating in a time bound promise under Article 45 of the Indian constitution. The Act makes for a host of provisions that can potentially mark a turning point in the status of delivery of education in the country. While a historic step, the Act does have some serious lacunae. For instance, it does not include children under 6 and over 14 years of age. The norms and standards provided are inadequate for a national system of public education with an assurance of universal quality, let alone constituting a Common School System, as promised in successive educational policies of 1968 and 1986. This calls for another campaign to be started off by the civil society. The Act confers a right to neighborhood school for every child, schools that have to adhere to certain norms and a standard prescribed in the Act, it holds out the promise of a larger financial outlay and offers a critical opportunity for wholesale changes in policies and programmes which is welcomed. The process of convergence of all the key movements around the implementation of these provisions will serve as a trigger for a stronger and wider movement that would eventually remedy the shortcomings that exist today in implementation.

Civil society organizations came together to “take stock of the RTE” in a real sense by collecting the experiences of various stakeholders in the states and this report is an outcome of the collective experience and the happenings in the field.

### **Implementation of the RTE**

State rules for RTE have been notified in only 10 States and Union Territories. The process of drafting of rules has generally not solicited the active participation of key stakeholders, including representatives from disadvantaged groups, civil society organisations. Furthermore, RTE implementation was delayed due to the centre and states taking time to arrive at a funds sharing agreement and there was further constraints when the centre received just 21,000 crore, rather than the 34,000 crore they had requested to fund RTE implementation. States continue to lack resources to be able to spend money and much of it is hurriedly spent in the last quarter of the financial year as we have seen over the years. However, the 12<sup>th</sup> Five Year Plan has encouraging rhetoric of \$100 billion being spent on education; but positive rhetoric must turn into reality.

The NCPCR has been set up as an independent body from the MHRD Ministry to monitor the implementation of the Act which is a good step forward, but it lacks the capacity to do justice to the scale of violations being observed and the ability to reach out and find a solution to the constraints seen. SCPCRs have only been set up in some of the States and where they do exist they are sometimes managed by one or two persons and also not completely independent of the government interventions.

A process of harmonization of SSA and RTE was undertaken, but it is still too early to see the new thinking translate into effective restructuring of the lower rungs of the system. Important measures like the rationalisation of the elementary cycle have taken a lot of time in a number of states.

### **Role of Community in the RTE Act**

Community participation is an integral part of ensuring that this Act is successfully implemented. The initial challenge is the spreading of awareness with evidence suggesting that only 1 in 6 people are aware that RTE Act exists. Similarly, administrators and teachers, who are supposed to translate the provisions of the Act on the ground, also show a lack of knowledge about the new legislations and the methods to implement the act in their schools.

The School Management Committees (SMCs), have been vested with a huge responsibility of ensuring the enrollment, retention and sustaining quality in the schools. SMCs are the first line complaint mechanisms under the RTE Act. However, these have by and large not been formed in most states. This leaves parents and children without a visible place to go if their educational rights are violated. Similarly, School Development Plans have not been prepared for this year by all states. The process to do so is unclear and needs support from civil society and administration to inculcate this process of planning at the school by the teachers and community. Processes for their appraisal, followed by approval, preferably at the local levels, and putting in place appropriate mechanism for devolution of resources should have been worked out at early stages of implementation, but ostensibly concrete steps and support at various levels are required.

While the SMCs are a key way for communities to engage in the education system, the RTE needs to be looked at in conjunction with other existing legislation including the Panchayati Raj Acts to encompass the overall scope that communities have in the process. **Furthermore, the RTE places considerable responsibility on local bodies without giving them any assurance of devolution of funds or controlling authority, or functionaries to handle the responsibility.**

### **Teachers and RTE Act**

The overall teacher shortage is estimated to be 14 lakhs; certain States like UP have a huge shortfall of over 1.8 lakh vacancies, which they are not filling due to lack of resources and 8 States entered 2010-11 with less than 50% teachers professionally qualified and trained. Interestingly, the qualifications among teachers in private unaided schools were lower than that of government teachers (68.8%, compared with 89.2%).

Trained teachers are critical to the success of the RTE and consequently the issue of teacher training needs urgent attention if the targets are to met in three years time. However, the number of untrained teachers is much higher than the existing capacity of recognised teacher training institutions in a number of States (especially if one counts government, low fees charging institutions accepting teacher trainees).

District Institutes of Education and Training, where teachers are trained lack qualified and trained trainers and have poor facilities. This leads to these institutions being unable to produce good quality teachers. Quality of private teacher training institutes is also found lacking. However, there are some progressive steps with the National Curriculum Framework for Teacher Education being finalised and States moving towards holding Teacher Eligibility Tests (TET). However, caution would need to be maintained that people conversant with tribal languages are appointed in tribal areas in an effort to promote the usage of mother tongue as far as possible.

With the quality of in-service training which is very poor, more effort is needed to develop a professional cadre of teachers. Existing trainings are frequently top down and fail to address the actual needs of teachers. Teachers who implement the RTE Act are the ones that know the least about it, which means to get rid archaic practices like corporal punishment. Urgent attention must be given to school based training of teachers.

Another positive stemming from the RTE is that teaching hours and days have been fixed because at the moment too many schools across India are not giving enough contact hours to our children. Furthermore, non teaching activities including clerical work must be stopped as teachers are not able to spend their time in school teaching. Progressively, the Act banned private tuition to ensure support to students is a mainstream responsibility of teachers within the school, not something they can be charged additionally for. This is a positive step but hasn't visibly hit the ground yet.



## **Social Inclusion**

Dropout rates of Adivasis, Muslims and Dalits, particularly girls in these communities, is much higher than the national average. There have been estimates of 8.5 million children out of school, however this has been viewed as an underestimation, as school figures generally depict 'enrollment' and not 'attendance', meaning there are no mutually agreed figures. For instance the official figure for child labour is 12.6 million, and per force, all working children are out of school. Mechanisms of bridging out of school children back into school continue to lag behind the true requirement. A key barrier, despite the push for enhanced infrastructure, is that school closures have happened in the name of 'rationalization', pushing children to risk of dropout.

A preventative approach to drop out must be taken with the adaptation of school and classroom settings to child friendly environments, that are inclusive of all children regardless of their caste, gender, religion or disability. Once they get into schools, discrimination against dalit, adivasi, minority, girls and disabled children must be addressed and dealt with. Efforts must be made to make all children feel 'included'. For instance, for Adivasi children, it is important that teachers speak in the children's mother tongue and for Muslim children recommendations made by the Sacchar Committee should be implemented. Also, gross discrimination against children living with HIV/ AIDS has been known to happen and needs strong action. To ensure access to education for all, the child labour laws, which currently allow certain forms of labour for children under 14, must be amended in line with the RTE so that all child labour is banned and the distinction between hazardous and non hazardous work is removed. All working children should be mainstreamed into regular schools and appropriate measures taken by states to ensure this happens. Despite 27 States banning corporal punishment, several high profile incidents over the last year have shown that reality has not necessarily changed. Furthermore, large numbers of schools in areas of civil unrest remain under occupation by security forces, despite repeated interventions by the Supreme Court. This places the schools in the frontline of the war between the Naxalites and the State and puts children's lives at risk as well as denying them access to education.

While RTE Act makes provision of 25% reservation for disadvantaged children at the entry grade to private schools, this has been received with strong opposition by the private schools. Only a few states have attempted to do this systemically so far and while the government has sought to outlaw the levying of school fees, this has been implemented with varying degrees of success across the country.

## **Quality**

ASER study on the RTE readiness of schools found that only 60% of the 13,000 schools visited had satisfied infrastructure norms specified by the law. Furthermore the annual survey highlighted that the learning outcomes are low and children fail to attain the levels expected for their age. Classroom instruction continues to be chalk and talk with only 30% primary classrooms having some group work.

The RTE outlines the cumulative assessment framework to improve the achievement levels of students, makes provision for no retention and abolishes intermediate board exams at grades 1-8. As in December 2010, 25 States had prohibited detention, expulsion and ended board examinations. However, this is also interpreted as students being promoted without any learning happening, instead of moving towards a system whereby children's learning is continuously assessed and adequate support is provided to the students and teachers.

The RTE Act mandates a move towards compliance with the National Curriculum Framework but only 14 states have revised their curriculum as per the NCF 2005. The past year saw several states

moving towards a restructuring of the curricula as part of the RTE mandate. In many cases, this was accompanied by a revision of the textbooks to bring them in compliance with the new curriculum. However, differences in the various strands of the education system remain which questions the aim of equity. Different standards of quality prevail between elite private schools and rural schools and within the government school system itself - with per child investment in KendriaVidyalaya schools much higher than in private schools.

### **Recommendations to Government of India**

Implementation of the Act and a focus on ensuring quality access to the socially excluded and quality education for all must be the key priorities in the year ahead. To ensure this, we submit to government the following recommendations:

- The process of forming State Rules needs to become more participatory and these rules should be developed at the earliest involving the stakeholders from the disadvantaged groups and civil society.
- Formation of SCPCRs with independent and apolitical people with subject expertise so that child rights violations can be identified and dealt with effectively.
- SMCs: Initiate the process of formation through an elected process giving parents space to influence the process and also capacity building of the SMCs.
- Map infrastructure/teacher availability against new norms for all schools and ensure needs based supply of infrastructure.
- Teacher training system to be reorganized and put in place as per the need in every state
- Transparency systems need to be strengthened. One clear model is of the Madhya Pradesh education web portal where all information is publically available, which may be further strengthened by allowing citizens to input their information of the functioning of the schools on the ground.
- The overall status of implementation should be available on public platform. Parents and civil society have a right to know what is happening in their states. Civil society organisations and networks may be able to extend support if the actual sticking points are more widely known.
- Government must focus adequate resources at central and state level to raising awareness on the Act and should lay down the specifics of what this Act entails not just for the community, but also, and perhaps more critically, for the administrators and teachers.
- Training and capacity building on leadership and school management for head teachers and administrators
- Developing the training systems (start the process of reviving teacher training institutes - especially in UP, Bihar - not resort to nominal training through a few days of distance education) is going to be a long term process, but it needs to be started and not just discussed. Unless this is done, states will continue to hire unqualified para teachers which is the current situation. Teacher shortages, untrained teachers, poor quality of training, no effective systems for building capacities of head teachers and no effective onsite support is a huge unresolved cluster that needs to be critically addressed.
- Budgetary allocation must go towards education based on a systematic analysis of the situation and with the necessary financial checks and balances put into place.
- The issue of regulating the private education providers cannot be postponed forever. With the number of private schools growing, it is imperative to put in place a rational, clear and transparent mechanism to cover a range of issues from RTE- specific issues like the 25% quota to larger issues of commercialisation of education and regulation of private schools and school fees.

## CHAPTER 1

### Importance and implications of the Right to Free and Compulsory Education Act

The year 2011 sees two milestones in the history of education in India. Firstly, it is 100 years since the introduction of the first Bill in 1911, which sought to make education a fundamental right, and one year since the notification of the Right of Children to Free and Compulsory Education Act, 2009. The promise to ensure free and compulsory education for every child up to the age of 14 years within 10 years of Independence that was made as part of the directive principles of state policy remained unfulfilled. When the promise was not guaranteed 40 years after independence, there was a nationwide campaign by civil society for education to be made a fundamental right. Initially endorsed by the judiciary, insertion of article 21A of the Constitution in 2002 marked the beginning of another phase which culminated in the passage of the RTE Act seven years later in 2009. It provides a justiciable legal framework that entitles all children between the ages of 6-14 years to an education of reasonable quality, based on principles of equity and non-discrimination. It provides for children's right to free and compulsory admission, attendance and completion of elementary education. More importantly, it provides for the child's right to education that is free from fear, stress and anxiety. There are several provisions in the Act, including for example, provisions prohibiting corporal punishment, detention and expulsion which need to be fore-fronted to ensure that we move towards a system that, as the National Policy on Education states, provides '*a warm, welcoming and encouraging approach for children to learn*' (NPE, 1986/92). One of the most important aspect, however, is to ensure that the teaching-learning process is free from stress and anxiety (Sec. 29), with obvious implications for curricular reform. Testing and school grading systems need to be reviewed to motivate children to deepen and widen their learning. The RTE Act also lays down the responsibilities of teachers. Teacher accountability systems would need to ensure that children are learning and that their right to learning in an environment that is free from stress and anxiety is not violated.

While a historic step, the Act does have lacunae. For instance, it does not include children under 6 years and over 14 years of age. The norms and standards provided are inadequate for a national system of public education with an assurance of universal quality, let alone constituting a Common School System. These and other issues call for another round of struggle and campaign. Yet in so far as it confers a right to neighbourhood schools for **every** child, schools that have to adhere to certain norms and a standard prescribed in the Act, it holds out the promise of a larger financial outlay and offers a critical opportunity for changes in policies and programme implementation across the country; this development is welcomed. The process of convergence of all the key movements around the implementation of these provisions in the Act can serve as a trigger for a stronger and wider movement that would eventually remedy the shortcomings that exist.

The history of legislations (starting from the time bound promise of the Constitution itself) is that legal commitments are not necessarily effectively translated into practice to reach out across the country. Without a ground swell of public opinion and action across the nation involving various stakeholders, translating the RTE Act into a reality seems difficult. While the government is making its efforts towards implementation, concerned stakeholders need to lend their voice and support to the issue. After all, several social legislations have largely remained valid only on paper for want of endorsement and involvement of society at large. The present endeavour is an effort by civil society to come together to share the achievements and challenges experienced across the country in their effort to support the implementation of RTE.

### **Rationale for Review by Civil society**

The present review is an attempt to highlight the issues of concern in the field and at the same time provide a platform for stakeholders and civil society organisations from various states to come together and identify issues and opportunities to be presented to the Government- both Centre and State for implementation of RTE. Different States stand at different levels in terms of elementary education, and there are state-specific issues which need to be addressed. Faced with great diversity in the prevailing situation, the absence of an open consolidated information source on the status of implementation of the Act across the country has been a major hindrance in this review process.

Indeed, these inter-state variations and the year to year changes provide the rationale for a disaggregated and concurrent evaluation of measures taken for the implementation of the Act. DISE 2009-10 provides the official baseline for the RTE Act, and figures for the current year, or even part of it may not be available before the year end. It is hoped that a concurrent process of tracking progress against the RTE would be initiated in the coming year.

Furthermore, the present process is not envisaged so much as a stocktaking, but as an opportunity to initiate dialogue with the strands of civil society willing and able to engage with the government, seeking to implement RTE and at the same time work jointly to create a transparent and accountable mechanism of implementation.

### **The Report**

The report is prepared by drawing from governmental sources, a few agency and network reports and newspaper articles. The individual chapters also underwent processes of peer review and content validation by subject experts. Inputs from the actual consultation undertaken on 31<sup>st</sup> March and 1<sup>st</sup> April were also incorporated.

This process of triangulation reveals the sluggish pace of implementation for RTE, which has the transformational scope to drive forward quality education in India for all children in India with its huge young population. The implementation of the Right to Education Act has the potential of tipping the balance to put the country on the path to development or pushing it into the potential murkiness of civil unrest as young people are unable to find jobs in the absence of accompanied by appropriate investment into skill development.

### **The Stocktaking Progress and process of implementation of RTE.**

The present document was released in the National Stocktaking of the Right to Education Act that was undertaken over two days- 31<sup>st</sup> March and 1<sup>st</sup> April. The consultation brought participants from across the country who discussed the policy developments at the national and state levels during the preceding year, both in the light of the actual status of implementation on the ground. It brought together a range of voices, including all the established national education networks, agencies working on education, UN agencies, NGOs, teacher union representatives, NGO staff and grassroots activists and community members. Some of the prominent speakers included, Chairpersons of three National Commissions, several National Advisory Council Members, RTE Advisors of the NCPCR, civil society education activist and children. In so doing, the effort was to bring together diverse opinions in order to reach on a common direction of work around the Act. In total, 400 people from approximately 14 States came together for the same.

The deliberations followed six broad thematic areas, namely,

- I. Legal Implications and Redressal Mechanism
- II. Community Participation and Bottom-up Implementation
- III. Teachers
- IV. Private Sector

- V. Social Exclusion
- VI. Quality

The purpose of the present consultation was to take stock and trigger discussion across states to promote action for the Act's implementation. This is the first such Consultation and Status Report to be followed by similar processes in subsequent years.

The above consultation was then followed by a public mobilization at Jantar Mantar where over 3000 people from Delhi and across India came together to demand the Act's implementation. This consisted of delegates from the first day, ordinary people from the national capital Delhi and representatives from Dalit, Tribal and other social movements who spoke about the critically of ensuring universalization of education with quality for their communities. A critical feature of this event was the presence of youth, who undeniably has the greatest stake in the process. The process ended with the principal issues emerging out of the consultation being submitted to the government in the form of a memorandum for their implementation.

The process was simultaneously an effort to hold the State to account for the implementation of its commitments and provide a show of solidarity from the stakeholders to facilitate and support the implementation across the states. The national process of stocktaking was followed by similar processes in other states and emergence of cross-stakeholder processes in several states- especially, Bihar, Uttar Pradesh, Rajasthan, AP and Delhi. Processes are underway in several other states. This has combined multi-stakeholder consultations and processes of consultations at the State level. The present report also takes into cognizance the Ministry of Human Resource Development's own report "The Right of Children to Free and Compulsory Education Act 2010: The First Year" and seeks to associate the experience of civil society with the government's efforts to make RTE a reality for all children in the country.

## CHAPTER 2

### PREPARATORY ACTIVITIES FOR IMPLEMENTATION OF THE ACT

The implementation of the Act calls for a number of measures for its implementation including action both at the systemic level as part of the existing policy frameworks at the national and state level, as well as concrete action on the ground to translate the vision into reality. Some of the critical issues looked at in the present chapter include:

1. Formation of State rules for the implementation of the Act in the States.
2. Addressing some key Amendments being proposed in the Act itself.
3. Requisite structural changes in SSA and State Education Departments under RTE.
4. Setting up of grievance redressal mechanisms at various levels.
5. Ensuring adequate and appropriate resourcing of the RTE Act.
6. The chapter also looks at some of the developments that happened in the present year that have implications for the future of the RTE Act.

The present chapter, thus, looks at each of the dimensions and in so doing, considers both the planning and visioning done and the actual translation of these provisions to the ground.

#### State Rules

State Rules are critical to ensure the overall implementation of the Right to Free and Compulsory Education Act. They outline the modalities of the implementation of key provisions under the Act. A set of central model rules were circulated by the Centre as a minimum basic framework to be adapted by the specific states based on their prevailing reality and with the hope that the process would be consultative in nature. However— when the state rules drafted is scanned, it shows that not much actual adaptation has happened.

As on 1<sup>st</sup> April 2011, only 10 states notified their State Rules. Many of these, were notified days before the completion of the one year anniversary. The remaining states are in differing stages of preparation. The Union Territories are expected to follow the Central Rules. Not only have so many States failed to notify their rules in the time limit specified in the RTE Act, where so ever rule formulation has progressed, activists have criticised the lack of participation in the process. While a few states (e.g. Karnataka, Rajasthan, AP and TN), have taken inputs from civil society and other concerned stakeholders in the process, the experience in several other locations (e.g. Delhi) is that the semi-prepared rules were prepared by the department and only put up on the education department website for comments for an extremely brief period (the UP government has not done that right until the finalization of the report). In many of the cases, even if the draft rules had been displayed and suggestions sent, civil society is not aware whether any of the suggestions have been taken on board.

Karnataka had an exceptionally transparent and inclusive process. However, according to media reports, it still took an intervention by its Chief Minister to convince its education minister to initiate the Act's implementation for the coming academic session<sup>1</sup>. Furthermore, some of the draft State rules have regressive measures compared to the existing reality. For example, the UP government has proposed extending the basic distance norm for setting up schools beyond the 1km norm as

outlined under RTE. Even worse, some States have initiated processes that are in direct conflict with the parent Act. For example, the Maharashtra government is proposing to retain the division of primary education at Classes 1-4, in contradiction with the RTE, citing administrative convenience. Some of these gaps may have since been addressed in higher versions of the Rules; however, these higher versions of the documents are not available in the public domain.

It is, however, important to point out that notification of the State Rules is not a pre-requisite for starting the implementation of the Act. The rules are a set of documents that lay down the overall framework for the implementation of the Act on a few select parameters, not the entire framework. Government orders and circulars are the lifeblood of the government system, with the rules once notified also requiring specific orders to set their implementation rolling. Some states have made critical changes on the ground without waiting for their Rules' notification. For example, Rajasthan has started the process of formation of the SMCs even without formal Rules. Consequently, if the rules are being inordinately delayed, large parts of the Act's provisions can begin along with the process of the finalization of state rules.

**Pending Amendments in the RTE Act** In 2009 when the Act was being passed, a vocal and concerted campaign by disability activists led to the HRD Minister agreeing that amendments would be brought about in the Act to ensure that all children with disability (and not just those included in the Persons with Disability Act) are included under the framework of the legislation. The Amendments have been approved by the Cabinet and have been tabled in Parliament<sup>ii</sup>. The proposed amendment needs to be incorporated and notified at the earliest which will help the states to accordingly frame the rules and at the same time induce schools and the system to become more inclusive.

The pending amendment that relegates School Management Committees to just an advisory capacity in government aided and minority managed schools is a worrisome development. This is a step backwards wherein the voice of parents in determining the quality of education of their children is liable to decrease. This is a serious concern given that the spirit of the Act gives parents and community a direct stake in the decision making process.

### **Administrative Changes under RTE**

Sarva Shiksha Abhiyan (SSA) has been delegated the task of ensuring the implementation of the Right to Education Act. This was an administratively convenient step for the government since it entails using the existing mechanisms of routing resources and taps into the existing staff already in place. However, given the fact that RTE mandates a restructuring of the education system compared to what prevailed under SSA (which was after all a scheme), the issue needs to be looked at carefully. The first year of the implementation of the Act saw several rounds of restructuring of SSA nationally to bring it in line with the provisions under the RTE Act. These include new norms including infrastructural and financial norms and efforts to bring convergence of the structures to streamline implementation. While the document showed a progressive interpretation of the provisions towards a restructuring of the system, a clear mechanism for how this vision would be transferred to the lower rungs of the system is still not apparent. The ultimate test of the implementation of the Act would be whether the teacher, the head teacher and the Cluster Resource Centre (CRC, the lowest rung of the education machinery) staff are able to understand and translate into action what is intended as per RTE. Capacities need to be improved from the grass roots level of education functionaries across the education system through innovative methods to

inculcate the needs and expectations which will lead to effective implementation of RTE. across the system

### **Steps being taken towards actual implementation.**

The implementation and discussion about the critical issues pertaining to the Act were delayed by several months with several states announcing their difficulty to implement the Right to Education Act. The lack of drive seen across the states in implementing this fundamental right coupled with lack of awareness among the stakeholders has slowed down the implementation.

### **Changes in the Management Systems**

In addition to the question of awareness and associated change in mindset, the implementation of the Act requires the unification of SSA structures and the structures of the regular education department. Additional support systems are also required in order to facilitate the implementation of the Act. The revised SSA framework has recommended a restructuring in that direction. However, with the framework being only finalised in February 2011, it is too early for these changes to percolate to the ground. It is critical that the necessary changes happen over the coming year. Furthermore, the existing SSA norms have been revised upwards in line with the new RTE Standards to make the government schools RTE compliant.

### **Rationalising the Elementary Cycle**

A significant change is needed for restructuring elementary education classes in accordance with the consistent definition of elementary education (Class I-V-VIII). Even at the end of the first year of the Act's implementation, some states still conform to the cycle of Class I-IV for Primary and Classes V-VII as upper primary with the Class VIII being covered under secondary education. **A move to a uniform elementary cycle across all the States is essential to ensure consistency in the pedagogy adopted.** This will also facilitate implementation of provisions as per the new RTE norms (calculated across either Classes I-V or I-VIII), and will ensure that children of Class VIII are not deprived of elementary education by being forced to undergo another point of transition. Some states have shown reluctance to implement the provisions (e.g. Maharashtra has proposed retaining their old structure in their draft State Rules due to "administrative convenience").

### **The Case of Double Shift Schools**

The RTE Act lays down a minimum number of instructional hours that each school should have and specifies the number of working hours of teachers. The number of working hours is significantly greater than the instructional hours to accommodate preparatory activities and to give time to teachers to enable them to undertake Continuous and Comprehensive Evaluation and complete the other tasks within the school. The instructional hours, in contrast, refers to the actual time on task of teaching-learning. In a large number of instances, these hours would not be met in double shift schools. This would entail either moving schools into single shift (necessitating the opening of a large number of additional schools) or otherwise restructuring the system. Most states have been slow in making this modification- in terms of either the modification of the working hours of teachers or altering the hours of the schools in their jurisdiction. Maharashtra has been one state that had attempted this shift, but eventually rolled back the process under pressure.

### **Early Childhood**

While the RTE applies to children 6-14 years of age, section 11 speaks of the role of the State to provide Early Childhood Care and Education (ECCE), to prepare them to enter school well prepared



and to complete schooling. However, the wording is vague, stating that the Government may (the operative word) make necessary arrangements for providing free preschool education for such children. The RTE has had two sets of implications on the pre-primary sector during the last year; the efforts towards widening of the preschool net in a few states and the beginning of sector regulation. Encouragingly, the Union government has discussed formulation of a policy for education of children under six. Among the States, Maharashtra, Delhi, Goa and Tamil Nadu have seen efforts to regulate private pre-schools using the provisions under the RTE Act (especially on admissions, capitation fees, RTE compliance in infrastructure). The large number of under-age children enrolled in schools (ASER 2010<sup>iii</sup>) once again underlines the need for extending provisions downward into a pre-school section. Among the states, Andhra Pradesh has announced that kindergarten classes would be started in all schools in the coming year<sup>iv</sup>. Most of the other States, however, are yet to follow suit.

### **National Advisory Council (NAC) and State Advisory Councils (SACs) on RTE**

The RTE Act mandates an NAC on RTE be formed to advise the government on the Act's implementation. This has been formed successfully and contains some prominent education experts<sup>v</sup>. Several meetings of the NAC have already been held, and six task groups have been formed to look in detail into specific issues; including inclusion, curriculum, mass mobilisation, and teacher education. The NAC has been fairly low profile in its functioning and the required mechanisms are only slowly being put into place. However, it offers a potential space for interface on strengthening the government system. Very little information is available on the functioning of the State Advisory Councils. However, it would appear that Delhi, Uttarakhand, Kerala, Gujarat, Himachal Pradesh, Jharkhand<sup>vi</sup>, UP& Bihar still lack SACs. As these committees begin to be formed, however, a critical issue that emerges is the necessity to make the proceedings of these meetings public in the interest of transparency. The precedent of doing so exists in the form of fairly updated and comprehensive documentation pertaining to CABE meetings that is displayed on the MHRD website.

### **Redressal Mechanisms**

a. Legal Right: Any legal right needs to be backed by a clear mechanism whereby violation of the right can be systematically followed up and addressed. The RTE makes education a legal right and several instances where this has been violated have been successfully taken to court in the preceding year. However, the law also mandates the setting up of additional mechanisms to ensure that instances of violation are addressed without further burdening the already encumbered judiciary system.

b. The School Management Committees (SMCs) are the first line complaint redressal mechanisms under the RTE Act. However, these have by and large not been formed in most states. This leaves parents and children without a visible place of redressal. Furthermore, in the absence of a clear reorganisation of government structures post RTE, a lack of awareness of key provisions by key stakeholders and an absence of even the frontline SMCs, there is no clarity on how complaints under the Act would actually be taken up, addressed and resolved.

c. Role of NCPCR and SCPCR

Article 31 (1) of RTE explicitly names State Commissions for Protection of Child Rights (SCPCR) as redressal bodies under RTE and issues them with additional functions to the ones provided to them under the Commission for Protection of Child Rights Act, 2005. Together, they are expected to examine and review the safeguards of the rights provided by the RTE, and make recommendations

for their effective implementation. Further, the SCPCR should inquire into complaints relating to a child's rights to free and compulsory education. The mandate given to bodies outside the purview of the line department (in this case MHRD) is a welcome step. With both the SCPCRs and NCPCR being part of the Women and Child Development Department, this gives them relatively more space to raise hard questions about the functioning of the government. However, there are questions related to the capacity (and especially in some states - the scope) of them raising issues given the degree of departmental control.

Disappointingly, only half the states have formed SCPCRs or REPAs (Right to Education Protection Authority (an interim body mandated to look at the issues of education alone until a fully fledged SCPCR comes into force). For those states that have not, there have been various levels of discussion and movement around it. Ironically, the SCPCRs of Jharkhand<sup>ix</sup>, Uttarakhand and Manipur<sup>x</sup> have still not been formed despite orders in that direction issued by their respective High Courts in January, 2011. We understand that a case has also been moved in this regard in Uttar Pradesh as well. Ironically, the above list derived from government press releases during the course of the year does not tally with the MHRD status report of the first year of the RTE Act. One cannot help wonder about the omission of the SCPCRs in several states from the government list. The REPA of Arunachal Pradesh and the full fledged SCPCRs of Karnataka and Goa are not in the report.

Constitution of SCPCR/ REPA (15 States) <sup>vii</sup>	Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Haryana, J&K, Karnataka, Madhya Pradesh, Maharashtra, Mizoram, Orissa, Rajasthan, Sikkim
SCPCRs <sup>viii</sup>	Assam, Bihar, Chhattisgarh, Delhi, Goa, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Sikkim

While the existence of a commission is a first step, their functioning is of more critical importance. While the SCPCR structure is mandated as independent and apolitical in some places the spirit of the same has been violated e.g. the Commission in Rajasthan is headed by an in-service bureaucrat. Furthermore, with the Commissions being formed as generic child protection bodies, many of the incumbents lack hard core subject expertise on education. While additional resources have been allocated to the states for the formation and functioning of SCPCR, most are grossly understaffed in order to enable them to fulfil the role expected. For example, the Madhya Pradesh Commission is a single person commission. Arguably the lowest point in the process of streamlining the processes of grievance redressal under the Act was in the month of September 2010 when according to media reports, the Karnataka SCPCR (by all accounts one of the most active) found its electricity disconnected due to failure of payment of electricity bills<sup>xi</sup>. The issue has since been resolved. However, this incident is illustrative of the extent of the financial and human resources available with many of the Commissions. Consequently, the mere setting up of commissions is not enough, they need to be empowered and given the necessary support to enable them to play the role expected of them.

The NCPCR in particular has been playing an active role on the issue of Right to Education. An RTE Division has been set up which has already developed a concurrent social audit methodology for

NCPCR- 2010-11: Key Actions undertaken	
Total Complaints	1904
Complaints Received through public hearings	1612
Rest	292
Disposed	59
Total Public Hearings held	3
Number of official state visits	5
Policy Recommendations: Draft Guidelines on Corporal Punishment Draft Guidelines on Grievance Redressal	
* Based on NCPCR Presentation to MHRD PAB 2011-12	

schools across the country, conducting public hearings around the violation of educational rights (some of the places where these were held include MP, TN, Rajasthan, and two more undertaken in April in Delhi and Maharashtra) and redressing complaints pertaining to the violation of education rights. While the number of public hearings has been limited, they have generated a mass of complaints wherever they happened. In contrast, the number of individual complaints received is fairly small, perhaps because of the lack of awareness in the people at large about the existence of such a structure. At the same time, the rate of disposal of the complaints is also disappointingly low. The NCPCR has furthermore appointed RTE Advisors from within civil society from several States (10 States) to keep the Commission abreast of developments. However, the Commission, with the best of intent, currently lacks the human and other resources necessary to do justice to a problem of this magnitude.

There is an additional question, however, to be pondered over. While many of these institutional changes being proposed are towards a democratic and transparent implementation of the Act, it is not clear as yet, what the specific mandate of each of these bodies is in the context of RTE? Hence for example, while NCPCR has appointed its NAC as well as state-specific advisory groups, there is supposed to be a separate formation of SACs. Role clarity is essential and how these groups coexist must be mapped out before boundaries become too fuzzy. Another potential issue could be the coordination mechanism between the RTE Advisors and SCPCRs once formed.

#### d. Redressal Mechanisms for Teachers

The RTE Model Rules make a provision for tribunals for redressal of problems experienced by teachers. A perusal of the State Rules in many of the States shows that this clause has been omitted in many states. These have, however, by and large not been formed across the country.

#### **Financing for Right to Education Act**

The issue of readiness for implementation cannot be addressed without considering the question of financing. Article 7 of the RTE simply states that the Central Government and the State Governments are responsible for the funding of the RTE. The implementation of the Act was held up for several months over a Centre - State row over cost sharing. Originally the Central Government planned to start with a 55% to 45%(Centre: State) split with the State Government; following pressure from states, the Central government changed the funding ratio to 68% central and 32% state funding. For the north-eastern states the central government will provide 90% of the funds.<sup>xii</sup>

This model has been approved by the Expenditure Finance Committee. However, even this reduced formula is opposed by some states like Bihar, MP and UP, with the latter even going on record to say that the central government should finance the RTE entirely as it also takes all the credit for the legislation.

The key to state-central sharing is the financing capacity of different states. The pragmatic way to look at it would be to have a more flexible approach towards the poorer states given the fact that these are the states where large educational gaps remain. At the heart of the debate are three issues: the precarious status of the finances of the States, poor financial systems that lead to low ability to absorb resources and the lack of overall will (on the part of both centre and states) to do what is needed to ensure implementation. The following section examines the principal issues:

### a. The quantum

The Union government estimates an overall amount of Rs.2, 31,233crore for a period of five years from 2010. The 13<sup>th</sup> Finance Commission has allotted 24,068 crores for 5 years. However, the outlays have not shown the commensurate increase. These estimates are very conservative compared to those made prior to the passage of the Act. However, both the budgets that fall in the period of implementation of the Act have committed resources below even these rock bottom estimates.

Indeed, the critique of the previous year's budget as a very low investment manifests the lack of interest in seriously working towards the Act's implementation. As the implementation of the Act began, additional allotments (8,521.70 crores) were made to several

Outlays for SSA in the Union Government from 2007-08 to 2010-11 (in Rs. crore)			
2007-08 RE	2008-09 RE	2009-10 RE	2010-11 BE
13171	13100	13100	15000
Source: Union Budget document, various years from Centre for Budget and Governance Accountability (CBGA) RE= Revised Estimate, BE= Budget Estimate			

states to fund their implementation of the Act under the SSA. However, several of the States failed to opt for this additional grant.

The pattern of under-budgeting has continued into 2011. The MHRD had asked for Rs 34,000 crore for the SarvaShikshaAbhiyan (SSA) in the 2011-12 budget to spend on recruiting trained teachers, training untrained teachers, setting up schools and improving basic facilities at schools. However, the ministry only received Rs 21,000 crore for the SSA, just Rs 2,000 crore above last year's revised allocation.<sup>xiii</sup> This is bound to negatively impact implementation since many of the big ticket expenditures were anticipated to happen in the coming year as the system slowly gears up for implementation. The track record of investments committed by the States in the coming year is also patchy- ranging from an impressive and trend setting 109% increase in Punjab<sup>xiv</sup> to an approximate 10-15% increase in Delhi<sup>xv</sup>

What the low quantum of spending entails is States continuing to rely on low cost alternatives like hiring para-teachers (untrained teachers) or back-ending heavy expenditure until resources become available from somewhere. A frequently cited critique of the RTE Act has been the rather low norms laid down and its failure to ensure equitable quality education for all. In this regard, an alternative exercise of fund estimation by People's Budget Initiative to arrive at a figure for financing RTE is attempted based on the norms as prescribed for KendriyaVidyalaya (KV) schools in the country. The rationale to adopt KV norms is to ensure that quality concerns are addressed since KV schools are the most satisfactory model of schools that are financed by the Union government catering only to a small minority of population.

#### **KENDRIYA VIDYALAYA NORMS FOR ALL SCHOOLS**

A frequently cited critique of the RTE Act has been the rather low norms laid down and its failure to ensure equitable quality education for all. In this regard, an alternative exercise of fund estimation by People's Budget Initiative to arrive at a figure for financing RTE is attempted based on the norms as prescribed for KendriyaVidyalaya (KV) schools in the country. The rationale to adopt KV norms is to ensure that quality concerns are addressed since KV schools are the most satisfactory model of schools that are financed by the Union government catering only to a small minority of population.

It is pertinent to look at the existing government outlays towards elementary education, which was Rs.84119 crore (around 1.5 percent of GDP) in 2008-09. Assuming that the government continues to spend the same 1.5 percent of GDP at the elementary level in 2010-11, this would amount to Rs.1.04 lakh crore as existing spending per year. Adding the incremental amount of Rs.36565 crore a year (which is arrived at by taking one-fifth of the proposed amount of Rs. 1.82 lakh crore<sup>1</sup>) that the government has proposed for spending to implement RTE, the total allocations at the elementary level would be Rs.1.40 lakh crore in 2010-11.

<sup>1</sup> Minutes of Meeting of State Education Secretaries, 28-30 January 2010, Ministry of Human Resource Development

There are 981 KV schools in the country with an outlay of Rs.2002 crore in Union Budget 2011-12. The average amount that would accrue to one KV school would be approximately Rs.2.04 crore. The total number of primary and middle schools in the country is known (Statistics of School Education 2007-08); calculating the government spending per school throws up an estimate of Rs.22 lakh per year (*Rs.1.40 lakh crore / 640268 schools*). To adopt KV as a norm, assuming that at least half of the Rs.2.04 crore is spent at the elementary level, the government spending at elementary level based on KV norms works out to be Rs.1.02 crore.

Thus, if the government starts implementing its proposal for increasing budget outlay for elementary education by Rs. 36565 crore per year, our analysis shows that while the government spends at least Rs.1 crore per KV (at the elementary level), the comparable amount being spent for implementing RTE would work out to around Rs.22 lakh per average government school. Clearly, it is inadequate if the government is keen to address *quality* concerns in universalizing the right to education, since this increased amount would be only about one-fifth of what the government is spending on providing quality education to a small percentage of the children in the country.

(Reproduced from CBGA (2010) Education Background Paper for National Convention on Union Budget and analysis of the Union Budget 2011-12)

#### b. **Extent to which resources reach the schools**

Information for 2010-11 is currently not available. However, going by the government's own statistics during 2009-10 (DISE Flash Statistics), 84% schools receive the school development grant and 82% received the Teaching and Learning Material (TLM) grant. Thus, 1 out of 5 schools failed to receive any money for enhancement of school infrastructure or development/purchase of teaching learning materials. The present analysis however does not consider the timeliness of the arrival of the money into the schools. There are also dramatic fluctuations - only 40% teachers received funds for TLM development and 54% schools in Meghalaya received money for school development.

#### c. **Absorption Capacity and Financial Systems**

However, the flip side of low overall budgets is the simultaneously low absorption capacity in several places<sup>xvii</sup>. A major reason for insufficient allocation is the consistent backlog of spending on the part of states. With resources remaining under-utilized, the centre factors this amount as already available with the states and reduces the new allocation accordingly. On one hand this means that states never really receive the resources that are needed, but also that a greater effort needs to be made to address the barriers that impede spending at state level.

Late release of resources leading to low quality of spending is a consistent problem. At the same time, previous history of

In year preceding the implementation of the RTE Act - FY 2009-10<sup>xvi</sup>

- Only 83% of total funds available (opening balance, GOI and state releases) were spent.
- However, expenditure as proportion of planned allocation remained 77% indicating a mismatch between planning, release and expenditure.
- In addition, there is a last minute rush to spend funds. In FY 2008-09, only 37% SSA expenditure was incurred in the first two quarters of the financial year.
- Rajasthan and UP have spent over 90% of their allocated resources under SSA, contrasted with Bihar at only 61%

spending under SSA suggests that while expenditure tends to be higher for infrastructural development, some heads like community participation and teacher training consistently lag behind. Hiring of additional accounts staff and expediting the computerisation of fund transfer systems are some of the recommendations made in the recently conducted Joint Review Mission of SSA as being critical to enhance the ability to absorb resources. The financial manual of SSA underwent a change in the present year, bringing it in conformity with the requirements under RTE. There are also issues related to transparency of the budgets - especially at the grassroots level and the extent to which the fund flow matches the planning that is done. More attention would be given to this issue in the

chapter on Community Participation. Consequently, heavy influx of additional resources that the issue requires needs to be accompanied by an effort to address the systems through which the funds flow.

#### **Developments with future implications for RTE Act**

**a. Right to Education- Extension to Post Elementary Education--**The Right to Education Act applies to children aged 6-14 years of age and Classes 1-8. However, recent signals have emerged from the MHRD that there could be an extension of the same to Class 12. The idea is, according to the Minister himself, at a very early stage of preparation and is a direct offshoot of the process of implementation of the RashtriyaMadhyamikShikshaAbhiyan (RMSA), the SSA's equivalent to secondary education<sup>xviii</sup>. While not enough tangible information has emerged about the actual plans for the forum to respond, this is an issue of critical importance and which is liable to become more important in the months to come and would need to be watched carefully.

#### **b. RTE in the 12<sup>th</sup> Five Year Plan**

The present year saw considerable planning for the initiation of the 12<sup>th</sup> Five Year Plan. The rhetoric on education spending shows signs of promise with spending close to \$100 billion to be spent on education in the 12th plan period<sup>xix</sup>. However, this figure needs to be accompanied by a caveat in terms of the stated intent to open the private sector for more private investment, which may have considerable consequences on equity and these investments would need monitoring to ensure that private players adhere to all rules. Furthermore, similar sounding commitments were made at the beginning of the 11<sup>th</sup> Plan, without the reality undergoing a substantial change. Consequently, it is far too early for optimism and positive rhetoric must quickly be turned into action so that all children have access to inclusive and quality education.

#### **c. Drafting of the revised Persons with Disability Act**

The existing Persons with Disabilities Act, 1995 is currently undergoing a review to bring it in consonance with the UN Convention for the Rights of Persons with Disabilities, 2007. One of the chapters therein is the Right to Appropriate Education. This development assumes significance given the rider within the RTE Act that the provisions for the education for children with disability would be in accordance with the PWD Act. It is hoped that a well drafted Act would supplement the existing provisions under the RTE Act in the interest of children with disability.

#### **Emergent Issues from Consultation**

- a.** Overall the balance sheet of the government in this regard has been mixed. While headway has been made, a lot more needs to be done.
- b.** The issues of children with disability and the legal status of several provisions remains unclear. Thus, it is still not clear whether the provisions of the Persons with Disability Act (especially until it undergoes the ongoing round of revisions) or the RTE Act would prevail for children with disability. The Act has also not been amended to include the National Trust Act disabilities. The legal status of the so-called "Special Schools" is also not completely clear given the fact that they require a different set of norms.
- c.** The education lacks quality. Many children are out of school, and even if they are enrolled, schools lack adequate infrastructure and qualified teachers. There is a need to urgently enhance the infrastructure and overall capacity to accommodate the additional students and to ensure that the education they receive is in accordance with the new enhanced RTE standards.

- d. Media need to play active role in exposing the actual conditions of schools so that the civil society and government may take appropriate action to solve the real problem faced.
- e. There is a need to set up School Management Committees in every state to ensure that atleast the first step of the redressal mechanism is put in place
- f. There is need to simplify the existing procedures of redressal of complaints filed. In many instances, the complaints do not go beyond the school and to the district level. The SCPCRs are often too distant and hard to reach for ordinary citizens. The intermediate steps have not been defined and the sanctions for failure to comply have been weak.
- g. Capacities of the State Commissions are often limited to take cases to their logical conclusion.
- h. The National Commission for Protection for Child Rights is likewise weak and is to some extent a recommendatory body. It needs to be given teeth and capacity to play the role expected.
- i. There is need to strict monitoring system to solve problems of charging capitation fees, proper implementation of 25% quota in Private schools and the levying of fees in government schools.
- j. There is need to create awareness about the provisions of this act to the general public so that they may aware of their rights. Civil society can support the government in this regard.
- k. The provisions for migrant children and how children without a permanent place of residence would take advantage of the provisions of the Act would require some additional clarification in terms of the modalities of implementation.
- l. The standards of the government schools themselves need to be eventually be enhanced to bring them at par with the KendriyaVidyalaya norms.

## Recommendations

1. Ensure immediate notification of the State rules in all States, with proper consultation with all stakeholders to minimize probability of dilution of key provisions.
2. Formation of SCPCRs in all States with the positions held by independent and apolitical persons. Enhance the capacities of the SCPCRs and NCPCR with the necessary capacity to play the role expected of them.
3. Issue necessary orders like formation of SMCs without waiting for even the formation of the State Rules.
4. Take a considered view on the proposed amendments in the RTE Act. While the Amendments for Persons with Disabilities have already been inordinately delayed, the other two require reconsideration. For minority schools, having representation of a majority of representation of parents from the minority community on the SMC would make the SMC's role non conflictual with their minority character. There is little, to no justification visible for the SMCs being given only an advisory role in aided schools.
5. Prioritize the implementation of essential clauses under the RTE Act like restructuring of the education cycle from Classes 1-8, implementation of the clause pertaining to preschool education in mainstream schools.
6. Enhance the budgetary allocation for the Right to Education Act so as to implement key provisions. Minimum projections made by the government are a starting point, but should be gradually enhanced to ensure schools eventually adhere to the KV norms.
7. An enhanced allocation does not amount to an arbitrary and unplanned investment. Well known barriers to spending need to be addressed to minimize wastage of resources and under-spending.

8. Clear and well understood mechanisms for grievance redressal need to be urgently put into place considering the number of schools that remain not fully RTE compliant.
9. The decision to upgrade RTE to Class 12 is welcome. However, mechanisms for the implementation of the same would need to be put into place.



## CHAPTER III:

### Community participation and processes including bottom up planning

'Community' is a term which is given different meanings by theoreticians as well as stakeholders. While often it means the collection of local people, it may be equally relevant to visualise it at broader levels in multiple ways; specific social groups like Dalits or minorities, or community of parents, or civil society organisations, etc. Furthermore, even these communities are not homogenous entities and there are existing dynamics between different subsets of these groupings. Each definition of community can have implications for the RTE Act and it is worthwhile to explore the possibilities from many standpoints and perspectives, particularly when we are discussing rights of people and groups.

Historically speaking, the RTE Act has become legislation due to peoples' demand and pressure, and the community has the largest stake in its comprehensive implementation. No Act, much less a social legislation, can become a reality in a social void and the community itself provides the primary context of this legislation. Community vigil and support will remain crucial to the faithful implementation of the Act, and to ensure that schools are relevant to the communities where they are situated. Indeed, involvement of the community will decisively influence the manner and scope of the implementation.

The Act in its narrow first level reading foregrounds one representation of community, that is, the community of parents of children in the school, who are given three quarters representation in the School Management Committees. At the second level local authorities provide scope for the participation of other members of local communities, should they become conscious of the need and responsibility they have for this act to be implicated. Beyond these there are numerous other open-ended possibilities for community involvement, again in innumerable ways, which ultimately will decide the fate of the legislation in the broader sense. There are obvious problems even with these fairly clear definitions. Thus, the representation for parents on the SMC may not be of particular direct help to orphaned, homeless, migrant, street children or children without care. At the same time, there is a fundamental difference in the role played by the Local Authorities in rural and urban areas.

In this context, the present chapter looks at three critical aspects, viz.

- The role of community in schools- both potential and as understood by the administration
- Levels of awareness about the Act and the steps being taken to build the same
- Role, Capacity and Functioning of School Management Committees formed under the RTE Act
- Role and Capacity of Local Authorities

State apparatus is expected to promote the first level, or at best second level, participation, but concerned members and groups of civil society will need to find ways and opportunities to participate and intervene in the implementation of the Act. While the record of local state apparatus is far from encouraging in this regard, there is evidence of individuals and groups coming forward (the present initiative included) and uniting to ensure that now that the right has been won, the Act is implemented.

#### **Appreciation of the role of communities**

One would have wished for a deeper understanding from the government and the RTE Act as to the role of the community in strengthening the education system and schools in order to ensure universal quality and inclusive education. Such an understanding would have been reflected in a

more clearly articulated understanding of the role of the parents and children, the School Management Committees, the Panchayati Raj Institutions (especially of the Gram Sabha, particularly in the PESA areas - Panchayati Raj Extension into Scheduled Areas Act). Each of these have a different role in any community based programme in education. Instead, much of the government documentation in the wake of the Right to Education Act has focused on the SMCs alone. The Right to Education Act needs to be looked at in conjunction with other existing legislation including the Right to Information, Panchayati Raj Acts and PESA to get a sense of the overall scope that communities have in the process.

It may also be stated at the outset that the SMCs are not the first experiment with empowering communities to form representative bodies to monitor their schools, prepare plans, support implementation and provide an oversight function over school resources. The experiences of the successes and failures of the pre-existing VECs, SDMCs, SMCs, PTAs and MTAs need to be analysed in order to derive lessons for the new structures. Sadly this does not seem to be happening in a majority of States.

The thirteenth Joint Review Mission (JRM) of SSA provides the single most comprehensive overview of the functioning of the community participation component under SSA. It is honest in identifying some gaps in the system and calls for further action. In this respect, it noted, "*The SSA programme needs to give more attention to enhancing participation of community members, particularly in whole school development. This attention would range from a focus on the formation of the SMCs in schools, SMC training on RTE, access to funding and the management of VEC/SMC accounts to innovative mechanisms and practices that are ensuring or promoting community partnerships in the monitoring and management of programs for girls, minorities, urban slums and CWSNs*" (Children with Special Needs).

The JRM also brings up the possibility of community participation defining communities in the social sense: "*Community mobilisation should be strengthened to build better connections with the community. Focused intervention for caste groups and with interesting methodology should also be taken up, with particular attention on remedial classes....Further work needs to be done to take forward the recommendations of the Sachhar Committee Report to address the issue of Muslim children's education, and States should include regular reporting of progress made. The effects of the interventions for minority students need to be tracked separately to assess impact on attendance and achievement.*"

### **Creating Awareness**

Any legislation can only be taken advantage of, if the people are aware of its existence and the benefits that it provides. While some states have made efforts to build awareness about the implementation of the Act, these efforts have been inadequate in scale and fairly limited in scope. The average person is not even aware of the legislation, let alone the key provisions it provides. A report was prepared by BachpanBachaoAndolan (BBA) on the implementation of the Act. The findings show the results were far from satisfactory. Derived from a series of public hearings on education (a self selected audience), only one in six people present were aware that the RTE Act exists. In Bihar, 20 per cent of people are aware of the RTE Act, whereas the migrant population living in slums in Delhi had the least awareness at approximately 1%. There is less than 10% awareness of SMCs) and Village Education Committees (VEC) among the people. Less than 3% people are aware of the existence of the National Commission for the Protection of Child Rights (NCPCR) or State Commission for the Protection of Child Rights (SCPCR), and that these are the authorities to approach in case of any complaints regarding access to education or infringement of child rights.

In the absence of a clear and adequate awareness strategy by the government, civil society groups at state, regional and district levels have been organizing consultations, campaigns and by using other means by which to spread awareness of the act at grass roots level. Media reports also become a frequent source of information on the Act. However, these are disproportionately slanted towards urban issues and focussed on the issues of the middle class. Thus, the majority of media reports focus on issues like 25% reservation of seats in the private schools, which while being significant, deflects attention from the hard questions pertaining to the functioning of the government schools; the main vehicles of universalisation of education. Media, however, have an important role to play in spreading awareness of the different aspects of the Act and analysing the issues that affect the communities.

Furthermore, the level of knowledge of the RTE Act among education functionaries, especially at the district and sub- district levels, is often very low, even though the lower level functionaries were supposed to begin the process of school mapping and assessment of gaps in terms of infrastructure and teachers in the first year itself. It is not surprising, therefore, that the 13<sup>th</sup> JRM itself has recommended that each State prepare a dissemination plan to ensure knowledge of the RTE provisions reaches the people, which is a tacit admission that this has not happened yet.

### **Actions at the community level**

Many of the critical issues pertaining to the implementation of the RTE Act are dependent on an integral relationship and strong working relationship existing between the community, teachers, parents, children, and the Panchayati Raj bodies with open and responsive educational system so that grievances could be addressed effectively and timely.

The idea of school mapping or delineation of catchment/feeder areas of neighbourhood schools and mapping of children in and out of school provides ample scope for community involvement. Some states like Maharashtra, Orissa and Rajasthan have initiated mechanisms of tracking out of school children. While the process being well intentioned and indeed in some places effective, the implementation of tracking children varies drastically. The process needs to be built as an inclusive community wide issue if it is to succeed, instead of being another top down process.

Similarly, the laying down of norms and standards or possibility of school development plans forming the basis of local educational planning can lead to decentralised planning. It is a question of a people-oriented reading of a legislation which is right now, largely the handiwork of the bureaucracy. Yet for the obvious reason that it confers specific rights and entitlements, individuals or groups, or communities of various kinds can raise demands and claim their rights, provided they become conscious and mindful of the provisions in the Act. Some efforts in the direction of activation of these provisions have been initiated in a few locations. However, this has not reached a pan Indian scale.

### **School Management Committee in the Act**

The principal space for structured community - school interface under the RTE Act is provided by the SMCs which are envisaged as having a parental (especially women's) majority. These offer the potential space for educational machinery and communities coming together to create a joint process of synergy. Unfortunately, the SMCs have not been formed in a majority of States. The risk with this delay is that a historic opportunity is being lost. Obviously, India's children are the losers in this process.

Furthermore, rights based and empowered process of formation and action of SMCs offers the possibility of transformational change for children. Currently, the mindset that prevails in many quarters is that free education, or mid-day meal is a kind of dole being offered to those who may not

be able to afford supposedly good education available in private schools. The RTE provides scope for transforming this outlook which has increased over the years, but it calls for civil society's intervention, ideally, supported by sensitive, well meaning educational bureaucracy. A unique advantage that private schools are said to offer is the so-called "short route of accountability" wherein the school administration is directly accountability to parents from whom they collect fees. The establishment of the SMC, if done properly, offers the scope for setting up such a route in the government schools without the levying of fees- with the law providing the same rights to parents by law, without requiring them to pay for the privilege. Of course, this clause's implementation is dependent on parents appreciating that they are vested with the power to dictate the direction that the school has to follow.

**While many states have school or village structures predating the Act (constituted under SSA, the respective State Education or Panchayati Raj Acts eg. Jan ShikshaAdhiniyam or Madhya Pradesh), appropriate modification, notification, and guidelines should have come in the wake of the RTE coming into force. The older structures would have to be replaced with new bodies across the country. These structures would have a different constitution and (in a large number of cases) set of responsibilities. This should have happened in every government and government aided school across the country. However, in the vast majority of cases this has not yet happened.**

**In her insightful Departmental Order letter laying down the framework of planning in SSA for 2011-12, Anita Kaul, Additional Secretary, Dept. Of Elementary Education & Literacy writes, "Community has an important role to play in the improvement of the learning environment in the schools. While making School Development Plan, the SMC has to pay adequate attention to quality issues including teacher training, availability of child entitlements, teaching learning materials in schools, pupil assessment in consonance with the principles of continuous and comprehensive evaluation, and preparation of pupil cumulative record. The SMC can also act as a bridge for community involvement in sharing knowledge with schoolchildren. Encouragement to work experience would require the attachment of children with professionals, farmers, and artisans. In addition, there should be greater involvement with various extension workers i.e. agriculture, health, Anganwadi workers for more experiential learning. The community leaders and groups, therefore, will need to be sensitised on issues related to monitoring of children's progress and other quality related school activities. This will have to be preceded by community mobilisation as well training of SMC on issues pertaining to quality".**

#### Study on Functioning of SMCs (MHRD)<sup>1</sup>

14 states shows that SMCs -- known by different nomenclatures like village education committee/school management committee/parent teacher association etc -- played a crucial role in monitoring the SarvaShikshaAbhiyan at the grassroots level. In fact, the study recommends legislative measures to accord statutory status to these committees with larger representation of parents. Under RTE, SMCs have a crucial role but there is a move to give them an advisory role in case of minority institutions and aided schools. Since SSA is being aligned with the RTE, SMCs will replace similar committees that have existed under different nomenclatures so far.

The study done across 42 districts and 1,006 schools shows 22.2% parents feel that such a committee helps to a large extent in improving the functioning of the school, 30.5% feel it helps to some extent and only 10.3% feel it does not help at all. As for teachers' perception, 33% of them feel such a committee fully helps, 53% feel it partly helps and 14% feel it does not help at all. As for committee members, 74% said they are satisfied with the functioning while 26% were not. However, the study shows that when it comes to functioning of teachers these committees are not so effective.

The study shows that the children were being persuaded to come to school by the committees through door-to-door campaigns, discussion with parents, prabhatpheris, and meetings with community leaders. The study also shows that 32.2% members of these committees make daily visits to schools while 42.7% of chairpersons of the committees went to school on a daily or weekly basis. Discussions between teachers and committee members are frequent in case of 43% schools. As for the awareness about the role and functions of the committees, Uttarakhand is on top with 90.4% respondents aware about them followed by 87.5% in Jharkhand and 76.3% in Haryana. Madhya Pradesh is at the bottom with only 26% people aware of it, West Bengal at 36% and Bihar at 40.8% are three least aware states.

The ground reality is far removed from these formulations. By and large, there is no appreciation of the vast possibilities for the SMCs' role, either by local functionaries of Education Department, nor by teachers, nor, unfortunately, by members of SMCs themselves. Majority of the States have not formed SMCs. In States where SMCs have been put into force, their implementation has been patchy. Thus, a study undertaken by the Right Track in Kolkatta (sample of 70 schools) only 18% schools had SMCs (2010). There are examples where the governments have shown initiative to ensure SMCs actually play the role expected. Karnataka is a significant exception to the norm, with an SDMC forum linking the SMCs in rural areas into a collectivised process. There is also an effort to award best performing SMCs to promote their involvement in school activities (on indicators like physical, academic and community components). Of course, the work in Karnataka emerges out of a pre-existing process of empowerment of SDMCs. Similarly, Nagaland has formed SMCs largely based on the previous experience of successful implementation of the Nagaland Communitisation of Public Institutions and Services Act, 2002.

Another issue that would require thinking in the long run is the representation of parents from marginalized groups in the SMCs. Thus, disability activists have spoken about how most state rules fail to make provision for representation of parents of children with disability in the SMC which may lead to disability/inclusion issues in schools being underplayed.

**As mentioned previously, both the general body of parents and especially the newly created structures would, need to be trained in order that they can step up to the responsibility and actually play the role anticipated. This would need to go beyond generic one day processes wherein newly elected members are felicitated and told about their responsibilities. A mechanism of handholding and scaffolding their functioning would furthermore need to be built that would last across their entire term of office. While a revision of the SSA framework has enhanced the number of days and the investment made into these trainings, the revised framework may still not be sufficient to ensure the creation of empowered and rights based SMCs. One or two days' interactions with a group of parents in a formal setting is not adequate to ensure sustained action- especially given the enhanced set of tasks that the SMC has to play. Given these constraints, the idea of school development planning is in clear danger of remaining a non starter almost everywhere.**

The SSA Joint Review Mission noted the following challenges affecting the main functions of the VECs/SMCs etc. These constraints that the government itself recognizes would require to be addressed.

Monitoring: Most of the monitoring was limited to looking at inputs and activities rather than at the real outputs and outcomes; and the level and intensity of community involvement in school activities still varies considerably across states and districts, within states and districts, and across sub-districts and schools.

*Assessing:* Community participation is closely linked to learning outcomes, yet for many parents their understanding of school effectiveness is limited to the ability of students to reproduce facts (reinforced by the Class 10 and 12 results, which are considered to be the gateways to employment). With the introduction of CCE, it is especially important that community groups receive capacity building to be able to understand that the new methods and new pedagogy is improving learning outcomes and, to do this, that these groups are directly involved in the assessment process at the school level.

*Funding:* It is recognised that the role of community participation is critical to the degree of success of a large number of vital activities that include: the whole school planning process from identification of needs, planning for change and monitoring the implementation, ensuring the attendance of all children in the neighbourhood, and overseeing construction activities and the day-to-day functioning of the school. But in order for the community groups to fulfil these important roles and to be held accountable for their work, resources need to be allocated for capacity building and this training needs to be done in a more structured way (as recommended in earlier JRM's).

The 13<sup>th</sup> Joint Review Mission recommended that:

*States should be encouraged to use part of the Innovation Funds to enable NGO/CSOs and SMCs to establish new partnerships in order to meet the specific needs of different communities.*

*The States and the GOI need to document the best practices in SMC functioning and share it with all SMCs and, further, that proactive means are found to facilitate schools/districts to support and disseminate best practices. This documentation would include: lessons learnt with regard to community mobilisation (including training and delivery), participation (including the roles of the Panchayat and the PRIs relationship with the VEC/SMC), and management (composition and ability to handle the work/monitoring roles as envisaged in RTE including critically matters pertaining to the management of the school grants).*

Unfortunately, this progressive vision is showing few signs of being translated into practice on the ground in the average village or urban slum school in India.

### **SMCs and the case of private (aided and unaided) schools**

Private schools do not have the provisions for the formation of an SMC. There was, however, space for the provision of an SMC for the government aided schools. The amendment approved by the cabinet for giving merely advisory powers to the SMCs in the aided schools dilutes the powers of parents in regulation of the education of their children. What is more regrettable, however, is that this process followed considerable lobbying by private schools at the highest levels. The media report below is just one example of the kind of pressure that was put to bear.

After fee hike policy, schools to resist RTE clause

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By **YogitaRao** | Place: Mumbai | Agency: DNA

A high-level meeting of several school managements' associations, including the one presided over by DevisinghShekhawat, president PratibhaPatil's husband, has been called on October 14 to discuss how to resist the clause. Depending on its outcome, the Maharashtra School Managements' Association will raise the matter with the state government.

If the government does not comply, the association is all set to take the matter to court. PM Raut, vice president of the association, said, "We have invested heavily in the school. If the school

management committee has parents in majority, will they also be responsible for damage to the school building or to the structure? They have been given powers to operate and manage the school. How can anybody allow their own school to be run by outsiders?"

Members of the association have unanimously decided to not set up SMCs as per the conditions laid down by the RTE Act. "We are ready to bear the consequences, but we will not adhere to this policy. As the word spreads, several school managements will join our cause. Nobody will allow others to control their schools," said Raut.

[http://www.dnaindia.com/academy/report\\_after-fee-hike-policy-schools-to-resist-rte-clause\\_1447767](http://www.dnaindia.com/academy/report_after-fee-hike-policy-schools-to-resist-rte-clause_1447767)

Surely, it is important to look at parents of children studying within the school as the key stakeholders, rather than "outsiders" in an education system that teaches their children. Furthermore, even if one for the time being ignores the social function of school education and the documented need for parents and schools working together on common issues, a private provider has a manifest function and responsibility to ensure transparency and accountability of provisioning to the end user, in this case, parents and children.

#### **Local authorities and local Communities**

**It is indeed intriguing to note that whereas there is so much of discussion on SMCs, there is very little attention paid to the local bodies that are constitutionally mandated to take charge of school education. RTE too has cast all responsibilities on the local bodies without giving them any assurance of devolution of funds or controlling authority, or functionaries to handle the responsibility. At the time of the introduction of the Act, majority of schools are controlled by local bodies only in four states. These are Gujarat (81.16%), Maharashtra (68.88%), Andhra Pradesh (67.34%) and Tamil Nadu (53.65%). In three more states, the substantial portion of schools under the management of local bodies are: Rajasthan (37.20%), Delhi (36.30%) and Punjab (24.14%). The remaining States have less than 4% of all schools under the charge of local bodies. This year saw a move towards the devolution of powers to the Panchayati Raj department in West Bengal, which lead to a lot of heated debate within the State about the preparedness of the PRI to handle the responsibility.**

**For the successful implementation of the Act, it is imperative that there is clear delineation of both responsibilities and authority.** Local Authorities have to be notified, which has apparently not happened in a large number of states. With the definition of the Local Authority under the parent Act having a degree of ambiguity (it includes both the line department and the local authority under its purview), this is liable to be a somewhat tricky issue. The specific role of the elected peoples' representatives and the full time paid professional departmental employee would need to be delineated to avoid confrontation. **A related, but distinct issue is that in three states namely, Chhattisgarh, Madhya Pradesh and Manipur, more than 20% schools are controlled by the Tribal/Social Welfare Department.**

Changes in the roles of PRIs under RTE have to be clarified in state-specific contexts. The 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments vest the multi-tiered Panchayati Raj bodies with a set of powers that are still in force. At the same time, there is the specific case of areas falling in the Fifth (PESA) and Sixth (Autonomous District Councils) Schedules of the Constitution. One would not exaggerate too much to say that not enough thought is being given to resolve these issues of convergence. Large parts of the Northeast fall under the Sixth Schedule and vest significant powers to the Autonomous Councils. At the same time, the PESA Act gives rights to the Gram Sabha in tribal areas. These would require greater role clarity as the new RTE structures come into force and the old

structures are expected to undertake action based on the new law's provisions. The situation in the North East and several of the PESA Areas (especially those falling in areas of civil unrest) would present additional complexities.

Alongside devolution of authority with regard to schools, necessary financial and staff support will be necessary if they are to play the role expected. In the first year of RTE implementation, not enough thought was spared for this aspect of decentralised governance of schools.

Another issue pertaining to the functioning of the Panchayati Raj system is the question of the role of the Gram Sabha. The village assembly remains a strong forum where issues of education can be raised- both a means of moving towards redressal and as a forum for awareness. This would need to be tapped more in the future. This is especially the case in PESA areas.

**Educational planning:**

Likewise, there are questions to be settled in every state in the context of educational and school-related planning. The RTE Act mandates that the School Management Committee is to prepare a school development plan that would be the basis of future allocations. SSA at the time of initial conception too had laid stress on planning from below, starting at the habitation-level with community ownership of the programme. It could not materialise and the RTE provides one more opportunity to revisit the issues raised then. Community resources and their latent energy may be harnessed innovatively to make the RTE an effective tool of social transformation.

Unfortunately, the present signals are that this opportunity is in danger of being missed again with the new revised SSA framework continuing to permit the existence of two strands of planning (via the SDPs and through the existing government machinery processes). RTE has clear provision for school development plans, but it will not amount to much unless there are resources made available for execution of plans. Processes for appraisal of plans, followed by approval, preferably at the local levels, and putting in place appropriate mechanism for devolution of resources should have been worked out at early stages of implementation, but ostensibly nothing concrete seems to have been done. A clearly laid down procedure whereby the demands made by parents under the School Development Plan are incorporated in the overall District and State Plans would be required if the process has to have meaning. Without a radical rethink of the kind of preparation that is required if the community is to play this role, it is likely that the current practice of planning based on the existing DISE/EMIS data would continue.

At the same time, a clear mechanism whereby grants are disbursed based on the plans (and in a timely manner) would be imperative. The process of template based planning followed by SSA till date gives limited scope for local communities to plan for, demand and receive resources based on their actual needs. It is hoped that an element of flexibility would be introduced in the formation of SDPs under the RTE Act. When Rules for RTE are yet to be finalized it is unlikely that adequate thoughts have been given to these areas.

Furthermore, while the majority of the emphasis under the SDP till date has been on the issues of planning for allocation of funds for additional infrastructure and other resources, it would be imperative to take the discussion of the role of the community to higher levels. The community has a significant role to play in determining the curriculum, the instructional procedures in their schools and provide oversight of the pedagogical process. Neoliterate communities are rarely able to play this role in the initial stages of a community mobilization process, however, a clear roadmap to graduate the discussion to that level would be required.



Successive JRMs of SSA have pointed out from time to time the need for delineation of processes especially in the context of financial transactions and decision making. Processes of fund flow, supervision, monitoring and assessment needed to be defined, particularly when SMCs and/or PRIs are involved in the execution of work. These also need to be displayed for the community to see. The norms are fairly simple (display of head-wise financial information of receipts, uses, and balances at a public place), but have not yet been implemented and display of information continued to be poor in several of the schools visited by the JRM.

The discussion would be incomplete without raising one last question about the multiplicity of roles anticipated to be played by the Panchayati Raj institutions and SMCs as contrasted to the role of the State itself. While the empowerment of the SMCs definitely offers considerable scope for parents and communities intervening to reform the education system, with their desire for change backed by legal powers, the risk involved is that they may not be adequately prepared or adequately equipped to take on this task. It would be a pity to lose the critical opportunity for reform.

**Emerging Issues from Consultation:**

1. Awareness of RTE and its major provisions is low requiring greater efforts towards this by the State and civil society. Dissemination of key provisions needs to be made in peoples' own language and using multiple media.
2. The discussion must recognize the gaps in the Act, but culminate in effective implementation of provisions that are already laid down in the law.
3. The government appears to lack a holistic vision on community participation and by and large does not show enthusiasm about implementing this provision. Furthermore, the decentralization of power and resources to the community, SMCs or PRIs needs to happen for the law to be implemented.
4. Implementation would be dependent on the capacity of SMCs and PRIs. The Revised SSA Framework has a budget for the training of only 2-4 members. The entire body will require training and subsequent handholding.
5. Attitude with which community mobilization undertaken by government must change. The system appears to lack faith in people. SMCs & Panchayats need to approach the State as equal partners, not. The community should challenge existing reality, but without an insulting attitude. Collaboration may be an initial strategy, but community should not shy away from confrontation either. At the same time, it would be imperative that that the system respond to the voice and demands of the people if the sense of joint mission is to be maintained.
6. SMCs offer an opportunity for teachers and parents to work together towards a change in societal attitudes. Some issues on which parents and teachers can change each others' beliefs are the setting up of the universal norm of all children being in school, building an understanding on how good schools should run, that corporal punishment is to be avoided and on issues of discrimination against children from particular groups.
7. Teachers, parents and children are the three main actors in schools. SMCs provide space for these stakeholders to come together on common issues. However, unless this is handled properly, there is a risk of communities and teachers coming into opposition. Hence, proper relationships between parents and community members need to be maintained.
8. It would be essential to recognize that there is a potential danger in the excessive delegation of powers to community bodies. In the end, it is imperative to ensure that state responsibly should be recognized.
9. While the focus has gone on the process of formation and strengthening of SMCs, an equal focus needs to be put on strengthening of Panchayats. The capacity building efforts have been woefully inadequate.
10. There is a lot of difference in the shape SMCs are taking in different states. There is a need

for consistent guidelines, structures and procedures across the country.

11. Selection of right members SMCs would be essential. SMCs should be formed only in presence of the entire village.
12. A key responsibility of the local authority is to ensure education of migrant children and child labourers. Provisions of hostels for migrated children and ensuring admission in age appropriate class should be stressed.
13. Strong monitoring is necessary to review the status and check whether the provisions are executed. There should be provision for penalty for the officials not taking accountability. Social audit mechanism should be made a vital point for ensuring proper execution of RTE Act.
14. SMCs also offer opportunity to challenge myth that all children are in school and work towards universal enrollment. At the same time, given the limited implementation of CCE, SMCs may play a considerable role in monitoring learning outcomes.
15. Federation of SMCs appears to be an effective strategy to mobilize voice of parents into a political movement for strengthening schools.
16. Systematic work towards development of school development plans and Social Audits is essential.

### **Recommendations**

- Government to make provision for systematic awareness building on the Right to Education Act to reach the community working with civil society organization to ensure wide reach
- A systematic and consistent process of awareness building, followed by space for planning to ensure restructuring of the education system in accordance with the provisions of the Act.
- Immediate notification for the formation of the School Management Committees under the Act in all states. Adequate and well thought through mechanisms to be adopted for their capacity building and subsequent scaffolding of their actions.
- Develop an effective and transparent manner to respond to grievances highlighted by SMCs and ensure timely redressal of the same.
- Adequate support to be extended to School Management Committees to enable them to undertake preparation of School Development Plans.
- The proposed step to move SMCs to a mere advisory role in private schools is a retrograde step and should be scrapped.
- The process of notification of local authorities and subsequently their capacity building has been sorely neglected so far. This aspect needs to first enter government discourse on the planning process and lead to implementation.
- Hold a special Gram Sabha to discuss the issues emerging from the RTE Act in each village.
- Transparency in budget allocations and incorporation of issues in cluster, district and state plans.

## Chapter 4: Teachers

The success of any educational endeavour in the end always rests squarely on the shoulders of teachers who are expected to translate the pedagogical vision into reality. The number and quality of teachers is critical to a child's education and overall holistic development. The Act provides for an eventual end to the hiring of parateachers and a long overdue move to a professional cadre of teachers. Training, recruiting and then rational placement of teachers are other major challenges which the RTE Act recognises and seeks to address. The present chapter looks at the following issues related to teachers:

- Teacher shortages and compliance with new PTR norms.
- Availability of trained and qualified teachers (including pre- and in-service training, National Curriculum Framework for Teacher Education and the Teacher Eligibility Test).
- Instructional days and teaching hours
- Involvement of teachers in non teaching work
- Working Conditions of Teachers
- Code of Ethics of teachers
- Abolition of private tuitions by teachers
- Leadership role of head teachers
- Onsite support and inspection of teachers
- The Special Case of Teachers for Children with special needs

### 1. Teacher Shortages – Compliance with new Pupil Teacher Ratio norms

The Right to Education Act changes the recommended Pupil-Teacher Ratios (PTR). However, despite all these provisions, the reality has not significantly changed on the ground. At the time of the commencement of the Act, in 2009-10, 28% and 27% Primary and Upper Primary schools respectively were not in adherence with even the old SSA norm of 1:40. 74% of the Primary Schools in Bihar and 48% in Jharkhand were not compliant with the old norm. Not surprisingly, the creation of a legal mandate to ensure compliance with a new enhanced set of norms in each school has created the need for both additional teachers being hired and rationalization (i.e. redeployment of existing teachers). Several states initiated efforts to map teacher availability, with Madhya Pradesh being the first to create an online portal making the data about schools with excess teachers and shortages available online. Comparing the picture against the new RTE norms, the situation comes out even worse. According to ASER 2010, 55.8% schools were compliant with the RTE norms. This varied between 100% (Poducherry & Daman and Diu) and 21.3% (Uttar Pradesh). There are two distinct, but related problems that are behind this situation. Overall, 7 lakh existing teacher posts remain vacant. Furthermore, in addition to filling existing vacancies, the government will need to appoint an additional 5.1 lakh teachers to meet the new norm. The Union HRD Minister has recently said that in the long run we need 12 lakh new teachers in order to meet RTE obligations<sup>xx</sup>. 12 lakh includes post vacant and working untrained teachers who need to be trained. With respect to teacher recruitment under RTE, SSA has sanctioned an additional 1.3 lakh teachers for FY2010-11. Of these, 59,000 were for primary schools and 36,000 for upper primary schools (of which 24,000 maths and science teachers). This will bring the total teacher recruitment under SSA to more than 14 lakh<sup>xxi</sup>

In Uttar Pradesh, the State Government is yet to take steps commensurate with the scale of the problem to fill the required number of qualified teachers in schools. Centre has passed the proposal to recruit one lakh sixty four thousand (164000) Teacher under the RTE. However 80 thousand posts of Primary Teachers remain unfilled. It means there is possibility of recruiting total 2 lakh 44 thousand Teachers. The plan is for 25,713 teacher posts to be filled through promotion with the remaining 2 lakh 18 thousand posts through direct recruitment<sup>xxii</sup>. These ambitious recruitment

plans have, however, not taken off with the state government citing its inability to locate the necessary resources.

The estimates of teachers required have also varied over the year. The lack of transparent habitation and school level mapping identifying the actual requirements make it difficult to come up with an independent verifiable figure. The problem is no less intimidating in Bihar with 100,696 posts already lying vacant.<sup>xxiii</sup>The [staff Selection Commission](#) of the state of Bihar has announced the recruitment notification for 34, 540 posts of Assistant [Teachers](#) for general subjects, Urdu and Physical Education in 2010.<sup>xxiv</sup> Orissa has advertised 11,000 teachers' posts (with talk of hiring of 25,000 parateachers<sup>xxv</sup>). Other states that announced intent to initiate recruitment in the previous year are Delhi (10,000<sup>xxvi</sup>) and Jharkhand (17,000). Overall, however, the problem remains insufficiently addressed and is a critical challenge in view of the clear statistical impact that gross teacher shortages have on children's education levels.

The questions pertaining to availability of subject teachers and part time teachers with core subject expertise have likewise not been addressed in adequate detail. Mechanisms for training of adequate numbers of art or work education teachers are simply not in place, and not enough effort has been made to ensure their training.

Teachers recruited during 2010-11 (as on 30.09.10) under SSA	
AP	55
Chattisgarh	1837
Gujarat	5000
HP	93
Karnataka	1396
MP	19615
Punjab	210
Rajasthan	1082
TN	2412
UP	2011
WB	49087
Chandigarh	36
Daman & Diu	32
<b>Total</b>	<b>82,866</b>
<b>Total Posts sanctioned in 2010-11</b>	<b>13025</b>
Based on SSA data	

A more controversial issue under the Act has been the issue of rationalization of the teacher cadres. Thus, while there are undeniable shortages overall, there are also teachers in excess of the recommended norms in some schools. Several states are yet to initiate the process of rationalization.

## 2. Availability of Professionally Qualified Teachers

Under Article 23, any person possessing minimum qualifications as laid down by an academic authority, authorised by the Central Government can be appointed as a teacher and all the "untrained" teachers who have not received recognised professional training and certification as teachers must obtain this training within a period of 5 years. NCTE has notified a set of national norms of teacher qualifications. However, 20% teachers failed to adhere to the pre-existing standard of qualified teachers at the start of the Act (DISE, 2009-10). There were considerable variations, with Arunachal Pradesh (26.3%) and Nagaland (26.5%) forming one end of the spectrum and Delhi and Punjab (100%) forming the other end. In total, 8 States entered into 2010-11 with less than 50% teachers professionally qualified.

The RTE's move towards laying down a centrally notified acceptable level of qualification, and encouragement of the creation of a "professional and permanent cadre of teachers" would entail the eventual end of the practice of hiring parateachers. The practice is in place for two distinct reasons- namely, the lack of pre-service teacher training capacity and as a cost saving measure in the face of resource allocations that are not commensurate with the requirements. With the requisite resources still not being allotted, there is reason for concern that everything that is needed to hire qualified teachers with a long term stake in the profession is not being done. Orissa, for example, has advertised for another 25,000 parateachers in the present year, adding to the backlog of

teachers requiring training in the years to come. The mechanism of upgradation of core qualifications of in-service teachers (both professional and academic) is not always clear. While it is understandable in principle that lower cost alternatives and use of technology would offer considerable potential for reaching a large audience, the experience of teacher training through ICT has been of limited number of contact hours that cannot in any way replace a full time training. Maharashtra in its draft rules has, furthermore, placed the responsibility of upgrading their own skills within the time frame mandated by the Act on teachers without laying down its own responsibility in this regard.

Interestingly, the teacher qualifications among teachers in private unaided schools were lower than that of government school teachers (68.8%, compared with 89.2%). Consequently, the requirement of appointing only trained teachers is likely to have significant impact on the teachers in private schools.

### **Pre-service Training Capacity**

The norms and standards for ensuring the availability of trained teachers have not been explicitly stated in the Act, but are implicit in the need for trained teachers. Furthermore, the availability of trained teachers is the last deadline to be met under RTE (five years). Therefore, the lack of urgency on the part of several states is most apparent on this dimension. However, this is an issue that cannot afford to wait since the availability of trained teachers would need to be preceded by a number of steps. Setting up of the teacher training infrastructure would need to precede taking teachers (including a huge percentage of in-service teachers) through training.

According to the 12<sup>th</sup> JRM of SSA, the number of untrained teacher is much higher than the existing capacity of recognized teacher training institutions in a lot of states. In fact, the real capacity is even less than what is officially stated, given that many of the NCTE-authorized institutions fall short of the standards required to ensure quality, in both public and private sectors.

NCTE is tasked with the role of laying down the minimum norms for recognition of teacher training institutions. It has, unfortunately, repeatedly come into the news in the preceding year<sup>xxvii</sup>, with recommendations that are frequently ignored<sup>xxviii</sup> and the courts strongly criticising it for its failure to cope with the demand for teachers in a few states<sup>xxixxxx</sup>. At the heart of the problem is the limited strength of the NCTE, a skyrocketing demand for teachers and an inadequate effort by the government sector to meet the market demand for government teacher training institutes which is compounded by the overall failure of regulation mechanism in higher education. The number of courses available at different ages increased from 3,489 courses in 3,199 institutions in March 2004, to 14,428 courses in 11,861 institutions in March 2009. The student intake has likewise increased from 2,74,072 to 10,96,673 during this period. This expansion has taken its toll on quality parameters<sup>xxxii</sup>.

The issue of regulation of private teacher training institutions cannot be seen in isolation from the larger failures of regulation of higher education institutions in other subjects. With the government failing to establish government teacher training institutions, private colleges have stepped in to meet the shortfall with all the concomitant problems of the private sector involvement in higher education. NCTE has attempted to curb malpractices and has already withdrawn recognition of 585 institutions giving B.Ed and Diploma in Education degrees. Madhya Pradesh tops the list with 217 illegal institutions, followed by 103 in Gujarat, 41 each in Rajasthan and Karnataka, 31 in UP and 28 in Haryana<sup>xxxiii</sup>. However, what these incidents highlight is the need for a better thought- through strategy for teacher training if the actual gaps in the availability of trained teachers are to be met.

Till December 2009, 31 Institutes of Advanced Studies in Education (IASEs) and 104 Colleges of Teacher Education have been sanctioned and all of these are functional. Of the 599 districts in the country, District Institutes of Education and Training (DIETs) were set up in 571 districts, of which only 529 were functional. The main problems are non availability of qualified and trained faculty and poor facilities. This in turn, leads to these institutions being unable to produce teachers of the desired caliber. A classic example is of Uttar Pradesh that had not recruited any senior lecturers for DIETs for a decade. Thus, as in mid 2010, against the requirement of 420 senior lecturers in 71 DIETs, there are just 45 senior lecturers. As many as 32 DIETs did not have even a single senior lecturer. Despite this shortage, many senior lecturers have been posted outside DIETs and the vacant posts are not being filled. Taking a serious note of the matter, the Allahabad High Court, in July 2009, directed the state government to strengthen DIETs. But even after the court's direction, the state government had not taken commensurate action.<sup>xxxiii</sup>.

A specific issue deserving mention is the issue of training of the subject teachers and part time teachers mandated under the Act. Clear mechanisms for their appointment or training by and large do not appear to exist. While space exists for the training of sports teachers, the status of the training imparted leaves a lot to be desired. A case in point is that of Lucknow University which has managed to run Bachelors in Physical Education course without a course curriculum for several years<sup>xxxiv</sup>. The fact that such instances persist is another reminder that more serious thought is needed on the issue of pre-service training of **all** categories of teachers. A piece of heartening news is that there appear to be clear plans to advertise some of the posts of part time teachers in UP<sup>xxxv</sup>.

### **National Curriculum Framework for Teacher Education**

The preceding year saw the National Curriculum Framework for Teacher Education being finalised. It is anticipated that in the next two-three years, B.Ed will become a two-year course, instead of the current one year, and the diploma in education will be completely phased out. NCTE also decided that those with B.Ed and diploma in special education from the Rehabilitation Council of India would be given jobs in regular schools after a short orientation course in elementary education. This is the first time that RCI Certified educators are being considered at par with teachers, entailing eventually the same conditions of work. This has been a long standing demand of the disability sector.

### **Teacher Eligibility Test**

In order to ensure a uniform standard of quality for teachers, this year saw the drafting of the proposal for States to hold Teacher Eligibility Tests (TET), modeled along the lines of the National Eligibility Test for college and university teachers. These are expected to be rolled out from the next year and would be compulsory for new recruits and its validity would be seven years. Until now, only three states -- Haryana, Madhya Pradesh and Chhattisgarh -- conduct entrance examination for school teacher's job<sup>xxxvi</sup>. This is a welcome step that minimizes possibilities of anomalies in recruitment. However, it would be imperative to ensure that teachers from nearby areas are given priority in recruitment in nearby schools. This would minimize the number of subsequent teacher transfers (especially from remote schools) and ensure their familiarity with local culture. This would be especially important for tribal dominated areas where familiarity with the tribal languages and dialect would be of special importance.

### **In-service Training**

This question has two distinct dimensions; the training of serving teachers to enable them to acquire the qualifications necessary, and the ongoing efforts towards extending academic support to teachers. The latter, has the added dimension of ensuring general awareness of the Act and the specific aspects that impinge on their role are explained below.

The SCERT, DIETs, BRCs and CRC are the bodies tasked with undertaking in-service training. In most states, this consists of 20 days (usually taken as an installment of 10 days in the summer, followed by shorter modules imparted at the BRCs or CRCs). However, there has also been consistent criticism of the content, methodology, training environment of the trainings imparted that are seen as not need based, but rather derived from a budget norm (13<sup>th</sup> JRM). Furthermore, the training imparted was often conducted during the teaching hours of the school, which may be expected to bring down the instructional time further.

More alarmingly, according to the DISE data, only 35% of teachers in India received in-service training in the year preceding the implementation of RTE. This ranged from 46.7% of teachers in government schools, compared to only 1.68% teachers in unaided schools. The latter figure is particularly alarming given the fact that the number of professionally untrained teachers in the ranks of teachers in unaided private schools.

The actual trainings imparted, however, would be insufficient without a mechanism whereby ongoing onsite support is extended. This can be undertaken by the head teacher, or delegated to specialist teachers. According to the 13th JRM, 99% BRCs and 99% CRCs are 'functional' (but play a role of data collector than the academic support providers). However, the mean number of visits made by the BRCC ranged from as high as 11.9 in HP to as low as 0.3 in Mizoram. The number of school visits undertaken by CRC/CRP ranged from 0.8 for Kerala and 18.2 for Assam.

A critical question without which the present discussion on in-service training would be incomplete is the question of efforts being made to ensure awareness about the provisions under the RTE Act within the education machinery, both at the level of teachers and administrators. This would be an essential prerequisite for action under the RTE to happen. The experience from the States has been that the efforts towards building this has been somewhat sporadic. Anecdotal evidence would suggest that the degree of knowledge is lower, the further down one goes within the system. This implies that the persons responsible for implementing the Act are the ones with the least understanding of the Act's provisions.

### **3. Instructional Days and Teaching hours**

At present the teaching days and hours across States and within States is not uniform which means that some students get less contact time with teachers, the syllabus is rushed at the end of the academic year and ultimately children do not receive an equitable level of opportunity to education. Teachers in primary and upper primary schools are mandated to work 200 and 220 working days respectively in each academic year. Teaching hours were fixed at 800 for primary level and 1,000 at the upper primary levels. According to the DISE data, the country went into the RTE implementation with an average national figure of working days of 224. This ranges between 190 (Nagaland) and 245 (Jharkhand). The total working days for 4 states fell below 200 and were below 220 in 18. The figures are even more alarming when looking at school level figures- for 6 states, over 50% primary school failed to reach the target figures. Similarly, for 17 States, 50% Upper Primary Schools did not reach the target levels. 12 States have over 75% schools that default on the target.

The first year, saw some efforts towards restructuring the working hours of teachers, but only in a few states (Punjab<sup>xxxvii</sup>, Maharashtra<sup>xxxviii</sup>). However, these were not the ones with the lowest track record in the first case (for primary schools defaulting in only 1.35 and 1.41 schools respectively in the preceding year). Comparative data is not available for the present year; however, with the systemic reforms not having been initiated, there is little reason to assume that things would have undergone an overwhelming change.

A related issue is that of teacher absenteeism. According to the latest figures available with SSA, the average teacher attendance rate was 81.7% and 80.5% respectively for primary and upper primary levels respectively. Biometric Attendance has been introduced in Haryana<sup>xxxix</sup> and is liable to be introduced in Delhi. Furthermore, a dress code for teachers has been introduced in Orissa<sup>xl</sup> in order to make teachers out of school during school hours instantly recognizable. However, these are to a large extent simplistic solutions, given the fact

Instructional Days			
	Average	Highest	Lowest
Average number of instructional days (in previous academic year)	224	190 Nagaland	245 Jharkhand
% Primary only schools with less than 200 working days (government & aided management)	5.92	98.64% Kerala	0% Delhi
% Upper Primary schools/section with less than 220 working days (government & aided management)	30.28	99.70 Kerala	0% Dadra&Nagar Haveli
DISE Flash Statistics, 2009-10			

that teacher attendance is a more complex issue, involving as it does a whole host of factors like involvement of teachers in non teaching, but administrative, work (delivering information, overseeing the midday meal or attending meetings), the quality of working environment in which they operate, the lack of residential facilities in and around rural schools and the lack of effective oversight by either their line department or by the community. These larger and thornier issues would need to be resolved for an effective solution to be found.

#### 4. Non Teaching Work

In order to address this issue, the RTE curtails the number of tasks permissible under RTE to only census work, election duty, and emergency relief work. The present year saw the decennial census, which teachers were engaged in. While their involvement was not in violation of the Act, there has been concern voiced that the engagement of teachers in this type of exercise may have affected the number of instructional days<sup>xli</sup>, potentially curtailed teacher training<sup>xlii</sup> or conflicted with other duties like preparing for school examinations<sup>xliii</sup>.

A ray of hope in this scenario is offered by a ruling of the Supreme Court this year. In a case in the Supreme Court between the Election Commission and Saint Mary and others, the apex court had announced on September 13, 2010, that the school teachers would not do any other job except teaching in school timings. If some non-teaching job had to be given to the teachers, it should be done either before or after the school timings. The Punjab government had issued orders in this regard<sup>xliv</sup>. However, coming as it does above an existing need to increase the working days of teachers, this would make for a very viable proposition. Alternative arrangements would need to be found by the government in the long run.

Another critical aspect, however, is the involvement of teachers in non teaching school clerical work. According to a study undertaken by EdCil in 2010, 12% of teachers' time in school was spent on non-teaching activities. In the absence of clerical support staff in most schools (and without the RTE norms making provision for the same), teachers are involved in a host of tasks like maintenance of records of school construction or Mid Day Meal (MDM) finances. These constitute a constant burden on teachers' time, especially in the face of teacher shortages and specification of teaching hours. Some states have been considering deployment of secretarial support (e.g. Delhi), but few concrete steps have been taken.

#### 5. Working Conditions



This is another aspect that does not strictly speaking apply to the aspects of the Right to Education Act. However, given the fact that working conditions of teachers are directly related to absenteeism and given the fact that proper working conditions would be instrumental in attracting teachers, it does have relevance here. MHRD had made announcements on extending life insurance and Housing<sup>xiv</sup> schemes for schoolteachers to make the profession more attractive. However, both have been slow to take off. In addition to this, and perhaps more critical in the long run, is the fact that the majority of teacher cadres are actually being managed by the States (and not the centre). The conditions of work and pay are determined to a large extent by the States (something that is mentioned in the Model Rules as well). This creates considerable difference in the conditions between States and makes it somewhat more difficult for the centre to dictate conditions. The long standing issues of teachers related to their working conditions have not really undergone a significant change in the preceding year.

**Bihar opposition protests lack of salaries to teachers<sup>xlvi</sup>**

2011-03-25 13:40:00

Patna, March 25 (IANS) Opposition legislators Friday staged a noisy protest against the Bihar government's failure to pay salaries to 2.5 lakh primary school teachers for months. The RashtriyaJanata Dal (RJD), LokJanshakti Party, the Congress and the Communist Party of India (CPI) members demonstrated outside the Bihar assembly complex and demanded immediate release of their dues to the primary teachers.

Bihar Human Resource Development Minister P.K. Sahi admitted that due to work for the three-day Bihar Divas celebration, school teachers were not paid their salaries. However, primary school teachers in the state say they have not received their salaries for six to 10 months. Some teachers have not received it from almost three years.

**6. Code of ethics of teachers**

The National Council for Teacher Education (NCTE) has developed a Code of Professional Ethics for teachers with intent of setting up a professional self regulatory system in the teaching profession. A far reaching process of consultation was held with such a diverse set of stakeholders as the teacher unions and the World Bank producing a document that had been displayed on the NCTE website. However, latest emerging news is that the present process was not done with the consent of the MHRD, potentially putting the process in doubt<sup>xlvii</sup>. Furthermore, several of the unions like AIPTF (All Indian Primary Teachers Federation), AIFTO (All India Federation of Teachers Organisations), AISTF (All India Secondary Teachers Federation) and AIACH (All India Association of Teachers Organisations) already have their own code of ethics and has emerged from a series of consultations. There is a need to conglomerate the NCTE and the Teacher Union Codes.

**7. No private tuition by teachers and remedial teaching within the school**

The Right to Education Act bans the involvement of teachers in private tuition. At the outset, one of the misconceptions about the Act is that this amounts to banning after school support by the teachers. On the contrary, the intent is to ensure that such tuitions are undertaken as part of the existing work of the teachers and not as source of hidden fees. A few states have moved to prohibit this practice including West Bengal<sup>xlviii</sup>, Karnataka<sup>xlix</sup> and Maharashtra<sup>l</sup>. A majority of States, however, have failed to do so. The intent behind the ban on private tuitions is to ensure that support to academically weak students becomes part of the mainstream responsibilities of teachers within the school, and teachers continue to teach “within “classrooms. Few to no signs of such a restructuring of the role are currently visible from the ground.

**8. Role of Head teachers/ School Level Leadership**

Schools having enrollment 150 or above and have head

Discussion to date has mainly centred on ensuring the availability of trained teachers rather than the specific role of head teachers who would be expected to offer school level leadership and support to schools under their jurisdiction. **It is regrettable that more than half of the schools in India lack a full time head teacher.** RTE mandates the

teacher			
	All States	Highest	Lowest
% Distribution of primary only schools	60.92	100% Gujarat	18.32% AP
% Distribution of upper primary schools /sections	57.71	90.52% Gujarat	26.10 Punjab
DISE Flash Statistics, 2009-10			

RTE mandates the appointment of head teachers for larger schools with over 150 children. Of these, 40% of schools went into the implementation of RTE without a head teacher. There appears to be no significant promotion or direct recruitments to fill these posts on scale in any of the states.

The next logical step to the question is the extent to which head teachers are able to play the role expected of them. Most are senior teachers promoted from the ranks without specific efforts made to build their capacities in leadership and management. The Joint Review Mission of SSA has also highlighted this gap. One proposal made within the last few months is the announcement that a proposed National Programme for Leadership Training in School Education should be implemented by a national authority headed by the HRD minister.<sup>ii</sup> This is being envisaged as a detailed 10 month course created to develop a cadre of school administrators with the necessary leadership skills. The programme is to be implemented through a National Centre for Leadership Training in School Education supported by a network of five regional institutes across the country. The intent is apparently to expand this to over 20 centres across India over five years. However, specific information about the provisions has not, as yet, been released in the public domain.

#### 9. School Inspection and Onsite Support to Teachers

If quality of teaching is expected, the teachers require a combination of school based academic support and management based monitoring. Issues pertaining to the functioning of the academic structures have been discussed earlier as part of the section on in-service training. The complexities of reporting with multiple strands of supervisory staff have been partly responsible for the lack of onsite inspection<sup>iii</sup>. The number of inspectors in place is also woefully inadequate in some states. Hopefully, the rationalization of higher level structures under the new SSA Framework may resolve some of the structural issues.

#### 10. Issues pertaining to teachers of children with special needs.

As per the latest data of the Rehabilitation Council of India (2010), the number of trained teachers registered with them is 43,675 (cumulative figure) with an average of approximately 6000 trained in a year. This contrasts with 3042053 children with disability that have already been identified (SSA). Therefore, in terms of sheer numbers, there is a desperate shortage of trained special educators. The SSA made provision for resource groups of teachers to be constituted at the State and district levels.

Inclusive Education for Children with Disability under SSA 2009-10	
Total Children with Disability Identified	30,52,053
Number of Resource Teachers in SSA	12,629 (0 in Arunachal/ Goa/ HP/Manipur/D&N Haveli/ Lakshadweep)

However, a simple analysis of the 2009-10 figures show that there is a single resource teacher for 242 children with disability. This analysis ignores the fact that most of these teachers would be trained to handle only a single disability and would not be able to handle the entire gamut of issues faced by the population she seems to be expected to cover. A multidisciplinary team of teachers would be called for. The real requirement of teachers given the multiplicity of disabilities is much higher. Consequently, there is a need to significantly augment the teacher strength. This would, in turn, require also giving more thought to the availability of teacher educators able to generate trained teachers.

Number of teachers trained through 90 days in SSA	1,24,990 (0 in Kerala, Sikkim, TN, Tripura, A & N Islands, D & N Haveli, Daman & Diu, Delhi, Lakshadweep and Puducherry)
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In such a poor scenario, one would have wished that the teachers already located in schools take on the responsibility. In any case, a truly inclusive environment where children with disability study in the same school as their non disabled peers is an essential right enshrined in the UNCRPD. However, 10 States and Union Territories lacked a single teacher who had received training in this dimension. With total teacher strength of 14 lakhs, training 1.24 lacs is a very small number. The capacities of the DIETS, CRCs and BRCs would also need to be enhanced and linkages built with the existing academic support structures available to teachers.

No discussion on the problems of special educators in the country would be complete without mentioning that the special educators in MSJE special schools are often receiving not a full fledged competitive salary, but a honorarium that is abysmally low. A decent living wage is essential if the extreme shortages of teachers are to be met.

**Emerging Issues from Consultation:**

1. There has been an overall decline in the teaching profession.
2. Teachers are often not spending the necessary amount of time on teaching. The emphasis on the part of the government has been to expect them to complete the requisite paperwork, rather than be inspirational teachers. In the absence of onsite support and monitoring, teacher absenteeism happens.
3. Overall, there is a gross shortage of teachers. One teacher is expected to take many classes and teach multiple subjects- including those for which he may lack expertise because of the staff shortage. So there is need to have sufficient numbers of quality teachers who have specific subject expertise in one particular subject.
4. There is a shortage of basic infrastructure in schools that makes it difficult to teach effectively. The school environment needs to be also congenial for quality learning to happen.
5. However, while the availability of physical infrastructure in schools is important, what is often neglected are the intangible aspects of quality. In the end quality is based on student-teacher interaction and tension free environment that teachers should help to create.
6. Importance of arts, music, culture, sports is completely ignored as they are merely termed as leisure activities, there is need to promote such activities in all schools for the overall development of children.
7. There is need to provide special arrangements in government schools for children with disability. At the same time, there is an especially grave shortage in the number of teacher educators able to train prospective teachers of children with special needs. There is a dire shortage of able special educators.
8. All teachers need to be trained to meet the educational needs of children with different degrees of ability and disability who are educated in the same classroom. This is the norm across the world and should also be practiced in India.
9. PPP model should be discouraged as Private-public partnership is a profit based alternative. The privatization of education would lead to a widening of the gap between poor and rich.

Govt should take the responsibility to provide education to all children.

10. This would also entail strengthening of the existing government teacher training institutions to ensure that prospective teachers from marginalized communities can enter the teaching profession without having to pay fees in private teacher training colleges.
7. There should be proper teachers training programme. The teachers currently produced are not sufficiently trained or equipped to shape the future generation of the country's citizens.
8. There is prejudice against children with disability in society which may be reflected in the perceptions of many teachers. In many cases, ill trained teachers are not able to understand the physical and mental problems faced by children with disability. Some teachers need to introspect about their own behavior to avoid instances of corporal punishment or discrimination in schools.

There is a need to engage with the government and decision makers; lobby with parliament, use the media, hold demonstrations on streets, contact the courts and resort to whatever means necessary to avoid the noble profession of a teacher from becoming market driven. Teaching is a noble profession and not a business.

### **Recommendations**

- The Act cannot be implemented without ensuring adequate numbers of trained teachers. The situation needs to be addressed on priority, especially in some of the lagging states like UP and Bihar.
- The continued hiring of para teachers (qualified and unqualified) is a matter of concern. The capacities of existing para teachers need to be built to enable them to reach the standards laid down under the RTE Act.
- Starting the process of restructuring of the teacher training systems to ensure that all new teacher recruits are trained cannot afford to wait much longer. Hiring large numbers of untrained teachers to meet shortfalls amounts to postponing the resolution of the problem and indeed aggravating it. All teachers would need to have the requisite qualifications in four years and this would need to be completed through in-service training.
- While ensuring a transparent system of teacher recruitment through the setting of the State Teacher Eligibility Tests, the modalities of implementation of the same would need to be looked into to ensure recruitment of teachers from nearby areas and placement of teachers conversant with the tribal dialect in schools.
- The issue of service conditions of teachers in private schools is not regulated by the RTE model rules. It is being left on the private management. This is likely to lead to several anomalies in future. Contractual teachers are another issue in private institutions.
- Involvement of teachers in all forms of non-teaching work must end. Secretarial and clerical support must be provided to teachers (perhaps even shared across schools on a daily rotation system in smaller schools to leave them free to undertake teaching).
- Availability of onsite supports to teachers is imperative. This includes the appointment of full time head teachers, supporting head teachers to extend the leadership role expected of them, strengthening the existing academic support systems like CRCs and BRCs and also ensuring monitoring systems are strengthened.

## Chapter V: Social Inclusion

The discussion till date has been on the overall status of the education system in India. However, it is imperative to recognize that certain groups of India's citizens are less likely to receive benefits of the overall improvement of the educational system. India has always been a fairly stratified and unequal society where blatantly unequal opportunities at birth are tolerated by society. This inequality is also reflected in and perpetuated by the educational system. However, education also offers a critical space for social mobility. Consequently, inclusion of the marginalized groups is an imperative component of ensuring social mobility for this large section of India's society. Furthermore, if India as a whole has to compete in the 21<sup>st</sup> Century, it cannot afford to leave a critical part of its children and youth by the wayside. Consequently, it is imperative for the country as a whole to invest in ensuring equity in its education system.

The history of exploitation and marginalisation of the disadvantaged communities and the prevalence of contemporary forms of inequality requires a different kind of engagement by policy makers and educationalists that are engaged with the right to education. Over the last two decades, the government has increased elementary school provision, and this has significantly increased rates of enrolment among the scheduled castes and scheduled tribes. However, issues of quality and relevance of schooling for these children have persisted. The poor quality of infrastructure and teaching, and a curriculum that does not relate to the socio-cultural lives of these communities, have all contributed to the communities' disenchantment with the public systems of schooling, especially at the elementary stage. Furthermore, the content of school education often devalues their culture and history and undermines their sense of self and community identity. Moreover, tragically, the poor quality of schooling available to children does not prepare them to succeed at higher levels of education nor to compete for jobs, thereby demoralizing young people and depriving them of opportunities of participating in economic and civil spheres. Many also face discrimination within the classroom and school.

Issues of self-worth and dignity that school education has failed to address or even acknowledge also arise for children from Muslim communities. They frequently encounter overt and covert acts of discrimination, prejudice and rejection from teachers and fellow students. Commonly reported instances of cruel treatment include being told to sit separately from other students. Thus, in other words, while elementary schools may appear to be places in which integration can take place, prejudices against SC, ST, Muslims and girls persist in the classroom, playground and in the micro-practices of schooling. Rather than education serving as an important vehicle for integration and assimilation of students into the social mainstream, it can in fact reinforce wider societal discriminations and prejudices if not adequately addressed.

Civil society, education practitioners and policy makers have been talking about ways to universalise education and to deliver quality education in an equitable and inclusive manner. Yet, the gaps in

educational opportunities and achievements of different sets of students belonging to different class, social identity, gender and geographical locations have not been mitigated, if not increased. In other words, the very objective of reducing inequalities through educational expansion faces a challenge at its inception with the failures to include sections of the society into the fold of education. While on its face, there is a clear distinction between the sheer accessibility of education, and its quality, the two are integrally related. They are in turn mediated and influenced by larger structures of disadvantage- including caste and class- and the failure of the State to put in place institutional structures and norms of an equitable culture of inclusion.

The literacy data (Census of India 2001) clearly show that sections of the population, the Scheduled Tribes (Adivasis), the Muslims and the Scheduled Castes (Dalits) lag much behind the state average while the “others” (population minus the three categories mentioned above, mainly high caste Hindus) find a much higher place in the statistical table. Again, this general pattern is particularly reflected in the female literacy rates of the different social groups. Across all groups female literacy levels are less than those of boys. This strongly indicates that societal exclusion and biases play out in the educational area too. However, the social variations do not seem to follow a particular pattern. Rather it tends to take different routes in different regions depending upon the particular social, economic and political fabric – often historically evolved. As regards the literacy rate among the Dalits, Bihar’s performance is worse both in terms of value and also in terms of the difference between the state average of literacy rate (47 percent) and Dalit literacy rate (28.5). It is followed by Karnataka (State average 67 percent and Dalit literacy 53 percent). But, in both the states Muslims are somewhat better placed. In Andhra Pradesh, Muslims (68 percent) are much ahead of the state average (61 percent), but the Adivasis are far behind (37 percent) the state average. In Assam, Dalits (67 percent) are ahead of the state average of literacy (63 percent) but Muslims (48 percent) are far behind. Again, both these communities of Punjab (Dalit 56 percent, Muslims 51 percent) are far behind the state average (70 percent).

The education of girls is a serious issue as they are often doubly disadvantaged, due to both their social status and their gender. Gender equity is a major concern, as the dropout rate is higher among Muslims, Scheduled Caste and Scheduled Tribe girls at the elementary level. In 2004-2005, the dropout rate for Scheduled Caste girls was 60% (compared to 55% for SC boys) and for Scheduled Tribe girls it was 67% (compared to 65% for ST boys) at the elementary level. Girls are particularly disadvantaged because family and social roles often do not prioritise their education. The age of girls also affects when they are forced to drop out. In many states, early marriage and the economic utility of children leads to large scale drop out in the 5-10 year old and 16-20 year old age groups, interrupting the completion of girls’ education. The government has initiated a number of steps, including special attendance scholarships for girl students in order to keep them in school.

As can be seen from the literacy data, the pattern of literacy achievement coincides with the exclusion of particular communities in general and especially the women in those communities. Also, the literacy deprivation follows a geographical pattern, which again goes in line with the geography

of hunger. Precisely, there is a clear pattern where sections of people in the society are adversely located. They are excluded from the social opportunities, particularly education, but are forcibly included in the fold of manual workers. It is a combination of different factors which leads to exclusion – policy design and implementation and other societal barriers – which cause the exclusion of particular groups from the domain of education.

As a general phenomenon, it is the areas with higher concentration of marginalized communities which have lesser number of primary and upper primary schools. These areas suffer from acute shortage of teachers too. And these are the areas where people, in general, and the women, in particular, become the worst victims of exclusion.

It is not only the access to school that is a barrier for the children of the socially deprived communities but the exclusion of these children continues even in the classroom. The necessity of home-work embedded in the curriculum is one of the reasons that give rise to the “unavoidability” of private tuition. While the overload in the curriculum has negative impacts on all children, in general this has particular implications for the children of marginalised communities. Language is also often a major barrier, where the medium of instruction is often different to their own home language.

Therefore, major gaps in our policy and implementation of elementary education still exist, which exclude a large section from the arena of education. That leads to their long term exclusion from the larger societal plane. There is a circular relationship between social backwardness, educational advancement and overall development. An analysis of the status shows that:

- (a) Proportion of non literates among Adivasis, Muslims and Dalits, particularly women in these communities is much higher than the national average.
- (b) Areas with lower literacy rate are more prone to having schools run by a single teacher; given the poor female literacy rate among the Adivasis the areas inhabited by them are more likely to face problems of educational accessibility
- (c) Literacy rate and proportion of agriculture labourer are inversely proportional: where literacy is higher the proportion of agricultural labourers is lower.
- (d) Schools with greater number of Muslim children are likely to have less teachers (with a high pupil-teacher ratio).

Thus, the socially excluded among the poor systematically report lower levels of income and capabilities than others. Furthermore, more detailed qualitative research can help to uncover the nature and mechanisms by which exclusion is reproduced over time. Agencies responsible for collecting data at both national and international levels may need greater disaggregation of the poor than has hitherto been the case.

The Right to Free and Compulsory Education Act, 2009, has addressed children from marginalized communities in two ways. The first is the legal entitlement flowing out of the fundamental right of every child to free and compulsory education between the ages of 6-14, which makes it mandatory for the state to ensure that all children are not only enrolled in school but are retained and complete the elementary cycle of schooling. The second way in which marginalisation is addressed is by making special provisions for children belonging to “disadvantaged groups” as well as children belonging to “weaker sections”, in recognition of the entrenched social and economic disparities faced by children from these backgrounds. However, the latter provision is too broad since it does not really go in the specific structural barriers that prevent inclusion of the multiple marginalized groups.

If both entitlements, having legal ramifications, are implemented successfully, there should be more children enrolled and retained in school so that they complete their cycle of elementary education, as promised by the Act. This will require special attention from both government and non-government agencies. Given the complexities of the issues at hand, this would require further thought in the coming year. Civil Society will have a key role to play and support RTE implementation. The present chapter has been divided into major sections, viz.

1. The System’s Readiness for inclusion as a whole, and
2. Issues of the Specific Marginalized groups.

### **1. System’s Readiness for Inclusion**

Overall, if one takes a long term historic view, States have shown improved physical access in terms of enrolling children in school. However, an interesting trend emerging during the preceding year is the fact that between 2008-09 and 2009-10, enrolment in classes I to IV in Indian schools has dropped by over 2.6 million. The biggest setback was witnessed in Uttar Pradesh, where admissions plummeted by over a million in the last two years. The jury is out as to whether this is reflective of tightening systems to remove “shadow” and “double enrollment” (children enrolled simultaneously in government and private schools) off the school rolls or an actual decline<sup>liiiiiv</sup>. Irrespective of whether the cause is poor information management, or poor efforts to track attendance allowing children to drop out outright, this is a serious cause of concern.

No discussion on the question of enrollment would be complete without looking at where the enrollment is happening (or not happening), especially for marginalised communities. The spread in access in remote areas has to a considerable extent been ensured through the opening of Education Guarantee Centres (or other similar arrangements with lower norms). Their upgradation to the old SSA norms (let alone the new norms) is far from being complete. This failure is more likely to negatively impact the education of children from marginalised communities.



There is, furthermore, a consensus that while access to primary schools is still relatively fair, access to upper primary education is much more of a problem. While the overall focus has been on primary education, the upper primary schools (especially in the states where they constitute a separate structure between the primary and secondary schools) have been relatively neglected. Apart from the sheer shortages, there is the question of distance. While Primary Schools are usually expected to be within a 1km distance, the norm has historically been 3km for upper primary. What is critical in this regard is the absence of transportation facilities for children to avoid subjecting them to a 6km daily walk. While the model rules mandated its availability, the lack of their notification and the overall limited planning that appears to have happened for convergence of the various departments seems to have resulted in limited restructuring happening across the country. The distances and the lack of escort facilities for children across the country has been a significant reason for the dropout of girls in particular.

Another issue related to enrollment, which requires attention is the provision under the RTE Act prohibiting the school from demanding a birth or transfer certificate as a barrier for enrollment. The extent to which this has been operationalised on the ground has varied. There are also different definitions of “dropout” adopted by different states. For example, Goa has mandated a baptism certificate. Some states have directed that "the school at its expense shall cause a medical examination of the child by a qualified doctor and enter the date of birth as certified by the doctor"<sup>iv</sup>. Maharashtra’s draft rules mandated that the absence of a birth certificate be certified by a senior official. Most states with draft rules have, however, apparently ruled schools should also accept self-declaration of a candidate's age by his/her parents.

Anecdotal evidence suggests that the implementation of the provision has been patchy with teachers frequently unaware of this development. Furthermore, while the intent of the provision was to not let absence of documentation result in the dropout of children, the operational issues emerging from its implementation need to be addressed. With the move towards comprehensive evaluation and adaptation of instruction to the specific learning levels of children still in progress, placement of children in particular age appropriate grades becomes paramount. The age of the child has until now been the proxy indicator to ease placement and teachers are unaware of any other means of placing children. Furthermore, with support systems for newly enrolled overage children not in place, teachers are reluctant to enroll incoming children from other states who may be at different learning levels. Issues of shortages of teachers and infrastructure also need to be addressed to better support teachers in the task of admitting children in the middle of the academic year.

### **School Closures**

No discussion of enrollment and retention can happen without looking at the availability of schools. It is extremely regrettable that in the year when the country as a whole is expanding its school net,

constructing new schools and talking about compulsory upgradation of all schools to the new norms, schools are being closed in some states in the guise of “rationalisation”. One of the most alarming propositions is made by Himachal Pradesh (box attached) that includes not only extending the walking distance (in a hilly remote area) to 1.5 km one way, it also makes a provision for paying children to walk 6 km daily (over the same hilly and dangerous terrain) and also legitimises single teacher schools under the guise of “merger”. Similarly, closures were reported from other states. While the desire of the government to save costs on schools with small enrollments is understandable, this cannot serve as justification for a 6km daily walk for a 6 year old child. Children from marginalised communities should not be deprived of an education due to an accident of birth whereby they happened to be born in a place having difficult terrain.

**Himachal students to get hardship allowance for walking to school<sup>iv</sup>.**

**Posted: Thu Feb 24 2011, 23:48 hrs**

Students of nearly 353 primary schools in Himachal with an attendance of less than 10 students for the last couple of years will get a special hardship allowance of Rs 600 per annum as compensation from the government for walking to the next nearest school. These low attendance primary schools distributed evenly across all districts will be closed down from the next academic session beginning in April 2011.

The schools with low attendance that have another primary school within a distance of 1.5 kilometres with a higher attendance will be merged with the latter. There are 248 schools in this category, but affected children of these schools will not be entitled to hardship allowance. The students affected from the closure of the second category of low-attendance schools (353), where the next nearest school is located between 1.5 km and 3 km away, will get Rs 600 per annum hardship aid from the government, said Sharma.

The aid will be given to students at the end of the academic session. This is a unique feature introduced by any state as part of implementation of the RTE Act conditions, claims the director.

The third category has 177 schools with low attendance, but these will not be closed down or merged and instead run as branches of the next nearest school. “This is in case where the nearest school is beyond 3 km or has to be accessed after crossing through difficult terrain like gorges or dense forests. Such schools will get one teacher from the nearest school,” said Sharma.

**Dropout and Children out of School**

Government estimates suggest that the number of out of school children in 2009 was only 8.1 million across the country. The more updated government figures till 2010 brings the number down to 2.7 million.

Number of Children out of School: March 2010- Government figure		
	6-11	11-14
Total Population	136479872	69179010
Total Out of School	1511723	1213822
% Out of school	1.11	1.75

However, this is an enrolment figure, and not necessarily an attendance figure. The actual figure is liable to be higher given the presence of irregular children whose names are on the school rolls, but who hardly attend school. Most names are put on the rolls by default irrespective of whether they attend school or not. Furthermore, migrant populations, homeless children, child labourers and a whole range of other groups may also not be adequately counted, pushing the actual figures higher. Reliable estimates by specific category have not been put up in the public domain. However, the

relatively higher dropout among Dalits, Advasis and Muslims (the latter being elaborately described in the Sacchar report) is well known. The results of the 2011 Census are awaited to yield a definitive figure of the number of out of school children.

A spot check of the implementation of the RTE Act was done by Shikshasandhan in the Kalamagadia Gram Panchayat. According to the government figures, there were only 3 children out of school. However, the household survey undertaken by them showed the number to be actually 337. If the teachers concerned are expected to do a thorough job of undertaking the same, more time would need to be devoted to the process as part of their tasks which becomes difficult given the current level of teacher shortages.

Needless to say, merely having a figure of the actual numbers of children affected is not enough. What is required is a mechanism whereby children at risk of dropout are identified and appropriate steps are taken to prevent its occurrence in the first case. Child tracking systems were operationalised in Rajasthan, Maharashtra, West Bengal and Orissa (among other places). In Rajasthan, the introduction of a Child Tracking System (CTS) has led to the identification of 1.2 million students (with 30,996 children in the state capital Jaipur alone)<sup>lvii</sup>.

Given the fact that dropout is also the result of the absence of a congenial learning environment in schools, the necessary steps to ensure classrooms are made welcoming to children from first generation learner families and those who may not even understand the language of instruction (e.g. tribals or migrants) have not been notably addressed. Lack of basic facilities (like toilets for girls) has been identified as a reason for dropout for decades, but again this has not been suitably addressed. Another major reason for drop out cited by children is the issue of corporal punishment.

Aside from preventing dropout, there is also the challenge of getting children that are already out of school back into the classroom, especially child labour. Provisions have been made for residential and non residential bridge courses in most states since the old SSA regime. While some states have been able to start these with some degree of scale, in others the facilities for bridging lag far behind the requirement. Many run parallel to the government mainstream schools with little space for formal convergence and little subsequent onsite support extended to children who have been enrolled. Furthermore, the “Special Training” under the RTE Act makes provision for support to be extended to the extent possible within the school itself. Efforts need to be made to ensure that the schools themselves become more inclusive instead of relying on bridge schools to mop up the children that drop out.

### **School Fees**

The steps taken by the government to abolish school fees in its schools is an extremely welcome step. MP & Rajasthan have stopped the charging of all forms of school fees. Several instances have been reported when fees taken in the first few months subsequent to the Act have been returned.

This is a commendable step for a country where according to the ArjunSengupta Repot; 836 million people live on less than Rs. 20 a day. The matter is sub judice in Delhi. In others, the situation has not really undergone a change. Thus, the notification made in West Bengal (in the absence of notified state rules), limits the amount to Rs 240 per annum at the elementary level and lays down a process whereby a family may seek an exemption (including the formation of an enquiry committee and a procedure stretching over 2.5 months including the process of appeal). A study undertaken by Right Track's Education chapter found that only 16 of 72 schools in their survey were not charging school fees. The lack of uniformity across states is unfortunate.

**Name of the child:** Rafiuddin Ansari & Ayesha Khatoon **Narrator:** Asgari Begum (Guardian)  
"Two of my children are studying in Government school. My son is studying in Belgachia Urdu High school (Co-Ed) in class VI. My daughter is studying in class IV at Mohamadia GSHP School. In the month of April 2010, while admission I had to pay Rs. 600.00 (Six Hundred) and Rs. 200.00 (Two Hundred) without bill respectively and bear other costs like uniform and some books.

From A Survey of Implementation of RTE 2009, State Education Chapter, Right Track

### **Private Schools and other Alternative Providers**

This year's ASER survey suggested that the preceding year saw a growth in the enrollment in private schools. There is a provision of a 25% quota for children from marginalised communities in private schools under the RTE Act (incidentally, being firmly opposed by the private school lobby). Private Unrecognized Schools are about to move out of the shadow systems of regulation and into the mainstream with the clause under RTE that makes their recognition compulsory. Therefore, it is imperative to take a closer look at the issues of extent of inclusiveness and regulation of private schools. The discussion on the issues of alternative providers would need to be taken at multiple levels:

**Issues of Unrecognized Private Schools.** The RTE Act has put into place the requirement for all schools to comply with the new norms and standards as laid down in the Schedule of the Act, to conform to the large number of provisions under the Act and compulsorily obtain recognition. Obtaining recognition has not been compulsory for primary schools in several states. This is no longer the case with schools being expected to move out of the "Shadow Institutional Framework"<sup>lviii</sup> of regulation and enter the mainstream. This would entail private schools investing in enhancing infrastructure and ensuring availability of trained teachers (with resultant higher salaries). The clause requiring ownership of land for a playground is seen to be particularly problematic by the smaller private schools (rather than permitting schools to potentially pool space or use public spaces). A lot of media sympathy has been generated around the risk of the closure of these schools. At the heart of the issue is the question whether the children of the poor are entitled to education of a particular set of standards. Most sources agree that unrecognised private schools lack the necessary infrastructure and teacher qualifications. Their greatest strength is the lower pupil teacher ratio enabling more individual attention to pupils, in turn ensured by employing unemployed youth with no teaching

qualification or long term stake in the profession. In return they charge fees - often considerable fees given the poverty levels mentioned previously. Addressing the core issues of the functioning of the government schools that are the principal providers of education in the country would be critical instead of sympathising with groups that have in the past frequently flouted or bypassed existing regulatory frameworks and admittedly lack the capacity to adhere to even the most rock bottom norms of schooling.

**Issues of Recognised Private Schools, besides the implementation of the 25% quota.** The issue of re-recognition of the private schools to ensure their compliance with the new norms has been a consistent matter of concern for the private providers. The lack of effective mechanisms for school inspection on the part of the government and lack of consistency across the states are issues of concern. Given an unviable number of schools per inspector and not enough checks and balances in place, there is a possibility of malpractice. A more transparent and comprehensive system of regulation of the private sector is needed. Several high profile cases over the last year have highlighted the reluctance of private managements to accept the very idea of an entry of private schools in the larger regulatory frameworks of the State. Unlike government schools, private schools are also often hidden from view and consequently these cases are probably the tip of the iceberg. However, the previous year has certainly highlighted the existence of issues where the private sector and the State have disagreed on the private sector's track record on issues of corporal punishment, arbitrary hike of fees and the introduction of the 25% quota.

**Issues emerging out of the 25% Quota.** This has taken a disproportionate amount of time and space in the discussion over the previous year. By all accounts, over 80% children are still in government schools and consequently, the principal issues of implementation of the Act lie firmly in the government sector. Besides, for profit private schools cannot be the vehicle for delivery of universal education.

**Kolkata's model of inclusive education**<sup>lix</sup>

**Publication:** NDTV

**Date:** Sat, 2011-02-05

**Kolkata:** The Right to Education Act says 25 per cent of seats at the nursery level in all private schools should be reserved for children from economically weaker sections. While many school principals are opposing this, inclusive education is a reality at Sister Cyril's Loreto Sealdah School in Kolkata, where half the students are daughters of lawyers, doctors and businessmen and the other half either orphans taken off the streets of the city or daughters of domestic helps, electricians and jobless parents.

The class is good mix of the very rich and the very poor, all studying under the same roof without any distinction between the two classes. That's how it has been at this school for a decade, much before the Right to Education Act came into being.

"We maintain a very high academic standard so there is no loss from the academic side. And parents over the years are realising how much more well educated our children are because they know how to relate to anyone in society," emphasised Sister Cyril, Principal, Loreto Sealdah.

The experiment began 30 years ago with a handful of disadvantaged children. Today, of its 1300-odd students, only 382 pay full fees. The rest either have sponsors or pay what they can. Some don't pay at all.

"Economic differences don't really matter. We don't really think about all these things. We are friends, we are classmates, we study together and we take education together. So these things don't really matter to us," said Mouli Sarkar, student, Loreto Sealdah.

Sister Cyril wants quality education for all, not separate schools for poor children. "When they are kept separately like that they will not get first class treatment that they so deserve," said the Principal. Her efforts have earned Sister Cyril a Padma Shri and great admiration but only a handful of hesitant followers. But she believes that as soon as principals and parents overcome their fear of the poor, inclusive education will no longer remain a slogan.

However, the implementation of a 25% quota if done well can ensure the removal of barriers between the rich and the poor and has the potential of being the first hesitant step that the country takes towards a common school system. However, its implementation has been late to start and has by and large been mired in operational issues. The private schools have been by and large opposed to the clause for two distinct sets of reasons: concerns about the integration of learners from marginalized groups (either genuine, or more usually stemming from class and caste based considerations) and the question of reimbursement (admitting 25% poor children would entail additional costs to the school management, these they feel would need to either be fully subsidised by the State or passed to the remaining 75% parents). This has been countered by referring to the often barely concealed discriminatory attitude behind the rhetoric of several schools and the fact that the argument of poverty made by many private schools is not true and some have actually been indicted by the Comptroller and Auditor General of India for concealing profits<sup>lx</sup>. Given this pitched battle between the two points of view, the All India Association of Private Unaided Schools had moved the Supreme Court to strike down the Right to Education Act in totality. The matter is subjudice, however, the initial signals from the court appear to be focused on the need for a rational regulatory framework of the private providers with the mission of education for the poor being seen as not contradictory with the self interest of the private sector itself. It is hoped that the coming year atleast would bring some clarity on the mechanisms of reimbursement to the private schools (with clear systems of transparency and accountability in place) and a stronger regulatory system to prevent maltreatment of parents of the children admitted. Of course, a process of building readiness among the middle class parents and the school administration and teachers within the school would be required if this is to happen.

**Specific Case of Minority Education Institutions.** The RTE Act has been criticised as impinging on the rights of minority communities to run their own educational institutions. These were independently raised by representatives of both Muslim and Christian communities. At the heart of the issue is the question of the enforcement of the 25% quota, the role of the SMCs and the applicability of overall guidelines (beyond the laying down of minimum teacher qualifications) on these institutions. Another specific case is that of educational institutions that are run as religious seminaries (Madrassas or Vedic Pathshalas) and not as "schools" per se. The previous year saw much debate over the same. The MHRD has apparently decided to exempt religious madrassas from the provisions of RTE<sup>lxi</sup> and that SMCs' role would be advisory for minority institutions<sup>lxii</sup> but has in the end ruled that the RTE Act per se continues to be applicable to all institutions. Once again, it is unclear how the involvement of parents (including parents from the minority community) can be considered as violating the rights of the minority community. It is our understanding that the participation of parents from the minority communities would fundamentally strengthen the process (for the same reasons for which community participation is being promoted in non-minority schools), rather than weakening it.

**Applicability to Minority Institutions Under Section 35(1) of the Right of Children to Free and Compulsory Education Act: HRD Ministry Issues Guidelines**

Wide ranging consultations have also been held to obtain views and opinion of various stakeholders on the subject, and the following guidelines are accordingly issued under section 35(1) of the RTE Act, 2009. Institutions including Madrasa and Vedic Pathshalas especially serving religious and linguistic minorities are protected under Article 29 and 30 of the Constitution. The RTE Act does not come in the way of continuance of such institutions or the rights of children in such institutions.

Schools are defined in section 2(n) of the RTE Act. Sections or minority organizations covered within the meaning of section 2(n) of the Act, will be governed by the provisions of the RTE Act, 2009. Appropriate Governments and local authorities shall ensure that the rights of Minority Institutions, guaranteed under Article 29 and 30 of the Constitution, are protected while implementing the provisions of the RTE Act.

**Larger issues pertaining to privatisation of education.** No discussion on the issue of the involvement of the private sector is complete without a mention of the larger shifts in the education sector and the tendency on the part of the State to promote entry into Public Private Partnerships (PPP) with assorted private companies. Historical precedent suggests that no country has ever been able to ensure universalisation of education through reliance on for-profit entities. Historically, the decline of the government school system stems from the growth of private schools with parents pulling their wards out of government schools when education began becoming truly universalized. These parents then opted for private schools instead. The entry into PPP would enhance the trend as companies would either have to cut costs (i.e. compromise on quality) or raise revenue through hiked user fees in order to maximise profit. While much of what has been happening has been outside of the purview of the Right to Education Act per se, the consequences of the move would impinge on the delivery of education for all children. With PPP, the issue at hand is not merely the matter of the community and parents against a single profit making school, but of large corporate bodies entering the market, making the negotiations even more unequal. The Planning Commission has been fairly aggressive in promoting PPP across the board, including in school education, during the course of the consultative processes for the 12<sup>th</sup> Five Year Plan. Several states have been entering into PPPs across the board anyway. In the case below, it is unclear how handing over a government school to a private player turning it into a quasi private school would help government schools compete against the private sector.

Private teaching for 30 Ahmedabad Municipal Corporation schools

Published: Wednesday, Jan 12, 2011, 15:30 IST

By **Jitendra Dave** | Place: Ahmedabad | Agency: DNA

The Ahmedabad Municipal Corporation (AMC) may be making tall claims about improvement in educational standards in municipal schools, but it seems chief minister Narendra Modi is not happy.

So the civic body wants to outsource the teaching job in these schools to two private companies — Zee Learn and IL&FS. The first phase of the programme is likely to be launched in Modi's constituency Maninagar from the next academic year. The companies are carrying out surveys of the municipal schools in Maninagar, Isanpur and Amaraiwadi. They are taking stock of the infrastructure facilities and level of education in these schools and they will also take into consideration the results of last Gunnotsava.

The Ahmedabad Municipal School Board, the primary education arm of AMC, will hand over 25 primary schools to Zee Learn for improvement in quality of education. IL&FS will get five schools initially. The school board will provide

buildings, while the companies will hire teachers. "They will adopt the schools for five to seven years and take necessary action for improvement of education level in these schools," said a source. Deputy municipal commissioner (school board) SK Langa said that none of the schools will be transferred to the companies.

"Our aim is to enable municipal schools to compete with private schools. There will be lot more activity other than teaching in municipal schools that will be adopted by the companies," said Langa. A few months back, AMC had taken a decision not to allow any NGO to carry out teaching activities in municipal schools.

[http://www.dnaindia.com/india/report\\_private-teaching-for-30-ahmedabad-municipal-corporation-schools\\_1493591](http://www.dnaindia.com/india/report_private-teaching-for-30-ahmedabad-municipal-corporation-schools_1493591)

## **The Questions of Multiple Stands of schooling and equity**

The RTE Act does not lay down a uniform set of standards across the country, with Kendriya Vidyalaya schools being exempt from several provisions. The education available to the middle class and rich children has remained of a higher standard than that offered to the children of the poorest and most marginalised communities. No chapter on inclusion can be complete without a reiteration of the fact that India's constitution considers all its citizens to be equal. Such discriminatory systems would need to be removed in the long run and the schools that children from Dalit, Adivasi, Muslim and urban poor communities attended need to be supported.

## **2. Issues of Specific Marginalised Groups**

### **Girls' Education**

Gender is a pervasive cross cutting issue that intersects structures and devalued identified, consequently, the discussion of marginalization should start with this all encompassing areas of difference. The prevalence of patriarchy in society subjects girls to discrimination in education manifest in a number of forms. The educational status of boys and girls remains unequal. When the RTE Act was notified, the gender parity index was 0.94 at the primary level and 0.93 in upper primary. According to government sources, only 4.6% girls were out of school in 2009. Apart from social transformation wherein girls' education is now valued more than it used to be, there have been a number of effective programmes to ensure girls' education. The KGBV programme is one such example. However, the number of KGBVs is not commensurate with the actual numbers of girls requiring education. Furthermore, while they have been extremely effective in retaining girls, some more thought may be required to ensure that previously out of school girls are able to catch up with the age appropriate learning levels faster. Girls aged 10-14 face particular difficulties. The distances required travelling to reach upper primary schools, the lack of adequate pre-primary sections in schools (that could have taken off some of the burdens of child care), and the inadequate or complete lack of sanitary facilities for girls in many schools have resulted in dropout of girls persisting despite the passage of the law.

### **Dalits, Tribals, Minorities**



According to DISE data 2009-10, there were about 37 million dalit children (out of which around 18 million are girls), out of which 26.3 million are attending primary grades while around 10 million are attending upper primary in the year entering into the Act. Similarly, 20 million tribal children were pursuing elementary education, out of which 15 million were in primary grades while the rest in upper primary. Around 79 million were OBCs and around 23 million were from the Muslim communities. Around 17 million (or 73% of all Muslim children) attended primary grades. Given the fact that there are huge questions about the overall figure of children out of school, a meaningful analysis by social group is not really possible.

The revised SSA Framework focuses on the issue of exclusion, differentiating between the issues of discrimination being done by teachers, peers and the system and seeks to lay down recommendations for action for each. However, it is far too early to see the extent to which these provision will translate on the ground.

There are some specific issues that affect the education of children from these marginalised communities:

- Children from these social groups are disproportionately likely to come from first generation school going families. They are less likely to devote time to studies at home due to household work, sibling care or even paid work. Consequently, the lack of after school learning support has a more severe impact on this set of children. Furthermore, given the limited scope for meeting expectations of teachers in these homes an enriching learning environment in homes; schools and teachers should step in to provide more support. The training and support systems to enable teachers to do this however have by and large been lacking.
- Discrimination against children from marginalized communities persists. This has included everything from crude manifestations of untouchability, to more covert means (often as part of the hidden curriculum in the classroom). This is based on inherent beliefs which go back centuries, which are difficult to break. However, it is unacceptable that even in the 21<sup>st</sup> century children from dalit communities be treated as inherently unequal. It is understandable that both parents and teachers come from the society and may have the mindset which would require a systematic process of change, however, this is also not acceptable. Teacher education is one site for breaking this cycle, if issues related to structural inequality are integrated into the curriculum etc has not been mentioned at all]. Unfortunately, the state, instead of taking side with the marginalised, has in a few instances shown its willingness at times to side with the oppressor. Thus, while the provision of mid day meals can be one site of breaking structural inequality, excuses are often found not to implement the provision of having dalit cooks.

### **Yet another 'battle' waged over Dalit cooks<sup>xiii</sup>**

Yet another 'battle' waged over Dalit cooks

FaizRahmanSiddiqui, TNN, Jul 8, 2010, 10.20pm IST

KANPUR: Even persuasion by senior district authorities yielded no result when nearly 85-odd students of Jasapur primary school in Sandalpur block, Jhinhak village, refused to eat mid-day meal and boycotted class on Thursday as the two newly appointed cooks were 'Dalit'. The 'strike' ended with the ousting of the two cooks..... Parents were adamant on their stand. "Us school mein hum apne bacchon ko nahipadhayenge jahan par 'achooton' se kha banwaya jata hai (We will not let our wards study in a school where Dalits prepare food)," said a villager. .. School authorities claimed parents were totally responsible for the decision and the cooks had been appointed by a village-level committee, comprising the village pradhan, Anganwadi teachers and parents.

- Dalits are not the only ones to continue to experience discrimination within the system. Similar issues are faced by Muslims, who have to suffer negative stereotypes within classrooms and in some State textbooks.
- A critical issue for the education of tribal children is the question of language of instruction with children speaking a tribal dialect and not conversant with the State language. Furthermore, history textbooks are often silent on the issues of tribal culture.
- The issue of language is also important from the perspective of the Urdu speaking section of the population (Muslim or otherwise). It is also critical in border areas with frequent migration and for the communities that have a traditionally migratory lifestyle.
- A significant minority of educational institutions attended by tribal children are actually in the administrative control of other departments; often Social Justice, Tribal Development or Labour. The issues of inter-departmental convergence are, therefore, disproportionately likely to affect children enrolled in these systems. One of the manifestations of this absence of convergence is the lack of consistency of norms and standards for residential tribal Ashram Schools.
- Positively the Act does offer scope for parents from the marginalised communities to join the School Management Committees and take charge of the schools their children attend. However, with the SMCs not in place in most states, this has remained a potential that has not yet been realised.
- English education has emerged as one controversial area in this regard. Introduction of English language in the curriculum has been one issue that has been introduced to address aspirations of parents, including from the marginalized groups. However, the implementation of this provision that emerges from the aspirations of poor parents has left much to desire in terms of quality. Such provisions if poorly implemented will lead to greater exclusion as children are handicapped. An example in point is the introduction of English sections in MCD schools

### **Children with Disability**

The disability rights groups were arguably the most active segment from civil society at the time of the passage of the Right to Education. The first set of amendments proposed in the Act was to ensure that the educational rights of children with disability were addressed. A set of recommendations were made for inclusion in the new SSA framework and the model rules. Some of these have been taken on board- however, given the shortage of time between the new framework coming into force and the end of the first year of RTE, the reality on the ground has not undergone a change.

In addition to the ongoing re-drafting of the Persons with Disability Act, 1995, mentioned in an earlier chapter, another critical development during the preceding year has been the finalization of the National Curriculum Framework for Teacher Education also made several provisions for ensuring all new teachers were empowered with at least some knowledge about working with children with disability. However, evidence of concrete change on the ground in the actual lives of children is limited. As the chapter on teachers has pointed out, much still remains to be done to ensure availability of adequate number of trained teachers able to teach children with special needs.

The previous year had once again reinforced the fact that systemic thought to the issues of children with special needs has been slow to come. A long standing demand of the disability sector for matters related to the education for children with disability to be handled by the Ministry of Human Resource Development and not that of the Ministry of Social Justice and Empowerment in accordance with the recommendations of the National Policy for Persons with Disability, 2006, This remains unaddressed. The intent behind this demand is to ensure that the educational needs of this category of children receive the attention they deserve, and not been seen as something that is done out of charity.

Another issue that has failed to find resolution in the preceding year is the status of “special schools” for children with disability. Compliance with the RTE norms is an essential prerequisite of

Inclusive Education for Children with Disability under SSA 2009-10	
Total Children with Disability Identified	30,52,053
% Identified/total population	1.50
% Enrolled in School	85.33
Number of Resource Teaches in SSA	12,629 (0 in Arunachal/ Goa/ HP/Manipur/D&N Haveli/ Lakshadweep)
Number of teachers trained through 90 days in SSA	1,24,990 (0 in Kerala, Sikkim, TN, Tripura, A & N Islands, D & N Haveli, Daman & Diu, Delhi, Lakshadweep and Puducherry)
Progress in aids and appliances	72.49
% Schools barrier free	58.01
Realization of outlay on IE in 2009-10	78.88

recognition of all schools. However, the norms for mainstream schools would be too low for children with disability. At the same time, the educational qualifications are different. This should require a clarification from the Ministry (either MHRD or MSJE). However, this is yet to happen. Indeed, ironically the need for obtaining recognition would be welcomed by a large share of the disability sector. There is a need for standardization and rational regulation of special schools. One possibility is of notifying the same as “Special Category Schools” under RTE. This has, however, not happened.

A basic starting point of the discussion, in the first case, is that there are few reliable figures for children with special needs. Mechanisms for early identification are grossly inadequate. Only 1.5% of the child population has been found to be disabled in the education surveys (compared with the 2001 Census that yielded a figure of 2.1% of the population). Interestingly, despite a better health system and higher child survival indicators, a country like the USA has an 11% disability rate for children 6-14. This point underscores the need of setting up appropriate mechanisms to identify diverse disabilities among children for without knowing the correct figure of children with disability, and hence requiring special intervention. There would then be really no question of effective and targeted intervention that is in accordance with their needs.

The questions raised at the time of the passage of the Act about the extent to which schools were actually inclusive for children with disability still hold. Children with disability experience simultaneously the lack of physical and social access, as well as the lack of inclusive institutions.

A critical question is that in addition to the children enrolled in schools and those that

**R.T.E. impact: Rajasthan sets up resource centres for disabled children**

With the Right of Children to Free and Compulsory Education Act (R.T.E. Act) coming into effect, the needs of disabled children are coming into focus. Having decided to implement R.T.E. Act aggressively, Rajasthan Government has decided to set up resource centres for barrier-free learning.

The State Government has already set up one resource centre for disabled children up to the age of 14 in all 249 blocks. Each resource centre has three specially trained resource persons and two helpers. The Education Department conducts camps and surveys in every district where disabled children are identified and their needs are assessed.

[http://www.dnis.org/news.php?issue\\_id=1&volume\\_id=8&news\\_id=1104&i=8](http://www.dnis.org/news.php?issue_id=1&volume_id=8&news_id=1104&i=8)

are out of school, there is a third category. 1.38 lakh children are covered through home based education. Again, keeping a group of children out of mainstream government schools and expecting them to be satisfied with only a few hours of instruction in a week is not in consonance with a rights framework. The acute shortage of trained teachers and rehabilitation professionals remains. The state has taken some steps to ensure enrollment of hitherto out of school children. The new SSA framework looks at home based education as a form of bridging, rather than an alternative form of schooling. This is a welcome step and should not be diluted in any form. In addition, States like AP, Bihar, Rajasthan, MP, Chattisgarh and UP have started some bridge courses for children with disability. However, their availability falls far short of the actual requirements.

Availability of teaching learning materials, the lack of emphasis on universal design in construction of school buildings and planning access and a whole host of other issues have also not been resolved in the preceding year. Furthermore, children with disability are disproportionately likely to suffer from discrimination and violence in the classroom.

**Children Living with and affected by HIV and AIDS**

The information about the educational status of this category of children is notoriously difficult to locate. It becomes especially difficult when the progress has to be looked at for only a particular year. Agencies like the NCPCR have played a critical role in raising the issues of violation of the rights (including educational rights) of children living with and affected by HIV and AIDS. It goes without saying, however, that there is no clear mechanism visible to ensure that stigma is addressed.

Central government statistics have revealed that as many as 61 children have been expelled or removed from various schools across India over the last three years after they were found to be HIV-positive (in AP). After Andhra Pradesh, West Bengal has the worst record with 13 and Haryana with nine expelled students. Other states on the list are Gujarat (four), Kerala (four), Uttar Pradesh (three) and Maharashtra (one). Sources revealed that all the schools involved were let off lightly by the Union human resources development ministry and the respective state education Boards despite demands for severe penalties and de-recognition of such schools. "Though there is a

provision for much harsher penalties for schools indulging in such inhuman and insensitive practices, various Boards have decided to go easy on such schools," said a source.<sup>lxiv</sup>

## Child labour

Every child out of school is a potential child labourer. The last census showed that 12.6 million children under the age of 14 were engaged in child labour in 2001., which clearly means that all these children were out of school. Civil society places the number of child labour at approximately 40 million. The law mandated with tackling child labour, the Child Labour Prohibition and Regulation Act, 1986, makes a distinction between hazardous and non hazardous categories of work for children under 14. So, for example, the law bans child labour in dhabhas deeming it hazardous labour but not in agriculture. Approximately 70 per cent of children in child labour are in agriculture<sup>lxv</sup>. There is an urgent need for an amendment to the CLPRA, to place a complete ban on child labour under 14 years of age, and ensure that ALL children under 14 are in school.

### KEEP IT LOW<sup>lxvi</sup>

There is magic in numbers — especially when a government with a troubled conscience is producing them. A recent report prepared by the West Bengal government's labour department claims that a two-year survey conducted by the department has managed to find only 49 child labourers in Bengal. The 2001 census had put the number of child labourers in the state at more than 8.5 lakh. Even without knowing the census count, anyone living with his eyes open anywhere in the state would find the labour department's latest findings patently — indeed, scandalously — absurd. Most people working with children in the non-governmental sector agree that the 2001 count would have become at least 10 lakh now. Even if one were to count the number of children working in the state's 3,000-odd brick kilns, the number would come to several thousands. Then, there are the fireworks factories, tea stalls, sweetshops, *dhabas* and other eateries, together with the various homes, leather factories, car-repairing sheds, tea plantations and farmlands where children under 14 work illegally. So, the brazenly ridiculous piece of information provided by the labour department speaks of the convergence of different kinds of blindness to child labour — of the State and of civil society, the two kinds often working in collusion.

One would have hoped that the passage of the RTE Act would have provided the impetus for a complete abolition given the fact that education and child labour are mutually exclusive. Unfortunately, the strategic thinking to ensure all children are finally brought back into school has not happened. Despite the Act mandating that all children under 14 are in full time day schools of a certain minimum standard, the practices of child trafficking and child labour (including bonded labour) have not ended.

Another critical development during the preceding year has been the move towards the enforcement of minimum norms and standards in the schools meant for child labourers. This was especially attempted in the context of streamlining of the NCLP (National Child Labour Project) schools into mainstream schools<sup>lxvii</sup>. However, the Central government, instead of ensuring conformity with the new standards, instead opted for their closure forcing the courts to intervene to prevent premature closure. The current trend is to give the NCLP schools three years to upgrade as with the rest of the schools. However, the rate of change in the same has been fairly slow.

## **Urban Poor**

A progressively growing section of India's population now lives in urban areas. Many of the new arrivals move into slums which are frequently unrecognised and are not supported by adequate infrastructure, especially schools. Slums being unrecognised and officially temporary entities, there are often no or inadequate provisions for schools to cater to these growing populations. Consequently, schools catering to slums are disproportionately likely to be overcrowded. They are also more likely to be affected by arbitrary displacement (entailing children suddenly losing access to what had been until then their neighborhood school). In the absence of adequate educational facilities, many of the newly arrived children end up being pushed into child labour. The Commonwealth Games held in Delhi during the first year of the RTE Act saw a large number of underage migrant children being pushed into child labour, including at the very venues of the games in full glare of media publicity. Another category of vulnerable children are the homeless children and children residing on railway platforms who face a host of protection issues, apart from the loss of educational opportunities.

The inadequate facilities for the education of urban poor children on the part of the State are often met through the opening of small, unrecognised and perhaps unrecognizable private schools that fall short of the new RTE standards. There are severe questions about the quality of these institutions. However, the neglect of the state of its duty to reach out to a large population combined with strong aspirations for education and schooling of poor parents has left a vacuum that is being filled by these schools. It is hoped that the next year would see a more clear focus on ensuring that the government school system becomes more responsive to the same.

There is also a host of other problems that have persisted in the previous year and for which not enough thought has been put in. These include the questions of language diversity of migrants that have come from other states and the problems resulting from the necessity of integrating in urban life. At the same time, incoming migrants, especially those speaking a certain language and coming from a particular part of the country face issues of citizenship and identity that can act as barriers for them being able to access schooling for their children.

## **Areas of Civil Unrest**

This is one of the most neglected areas of the country, covering both the areas affected by Naxalite activities and other large tracts of the northeast. Given the overall instability of the region, the concerns about security and safety (especially for girls) and the breakdown of government services in many of these areas, it is not surprising that education is negatively impacted.

Continued military occupation of schools in conflict affected areas has put schools at risk and excluded children from their right to education. The International Education For All Status Report (2011) has described how Naxalite insurgency groups have attacked schools to damage government infrastructure and instill fear in communities in the Chhattisgarh State. Apart from the loss of infrastructure, this creates a constant sense of fear with both students and teachers are reluctant to risk their lives by going to school. However, the army itself has also been implicated in using school buildings. The National Commission for the Protection of Child Rights has identified the use of schools by security forces as contributing to their abandonment. The Supreme Court has repeatedly called for the army to move out of schools (Tripura, Assam, Chhattisgarh, Jharkhand, Manipur)<sup>lxviii</sup>, but the process has been very slow with the army at times saying it has pulled out of schools when in reality it has not. It is especially regrettable given the fact that this situation has persisted despite repeated intervention by the highest court of the land. At the same time, there are issues with children being co-opted into violence as part of the ongoing conflict.

Two additional issues requiring mention in this regard; are the extension of educational provisions to Internally Displaced Communities in the country (permanent mechanism for the education of children residing in camps, with sensitivity shown to children's language and culture if residing in a State with a different language of instruction in the host state, e.g. children displaced from Chhattisgarh residing in AP) and the need to extend psychosocial support to children affected by conflict. Clear, well thought through strategies are not apparent.

**Emerging Issues from Consultation:**

1. The government must prepare a distinct plan of action to counter social exclusion. Mapping the children excluded from school and the forms of exclusion are essential and specific strategies worked out to resolve long pending issues.
2. Schools are a potential site for breaking exclusion, including intergenerational exclusion.
3. The questions of exclusion in education cannot be seen in isolation from exclusion in society. This means addressing the questions of exclusion as a social problem (given the fact that exclusion in schools mirrors exclusion in society). At the same time, linkage with social movements of marginalized groups would need to be built.
4. Essential to work to break boundaries in discussion between community and teachers.
5. Representation of parents from marginalized groups is a critical step towards equalizing relationships within the school.
6. Multiple systems of schooling exist in the country. This creates the need for a strong movement towards a common school system. At the same time, many of the systems of schooling are run by departments other than MHRD. There is a need for convergence between departments and to ensure that all schools are run by the education department. The growth of private schools is another major concern that excludes children from marginalized groups.
7. Special attention for disabled children is required. In the long run special schools are not an option for education of all children with disability. The last year had seen an increase in awareness about the issues of education of children with disability and the recognition that action needs to be taken to resolve the long pending issues. The lack of trained teachers able to teach children with disability is a major issue. Home based education is not an option

from the point of view of breaking inequality in society.

8. Right to education needs to be taken in conjunction with the right to life. Right to education would need to be
9. It is essential to work to change attitudes of people to accept that all children can study together in a single school. There shouldn't be separate schools based on caste and class
10. Special arrangements are needed for children of migratory labourers and children without a permanent address. Transgender children have also not been included in the provisions. Children under 6 and above 14 are obviously not included.
11. Special provision should be made for HIV AIDS affected children. They should not be rejected from getting admission in school because of HIV AIDS
12. A critical issue of concern is of children residing in areas of civil unrest. This includes large tracts of the northeast and the Naxalite affected areas.
13. Gender is a cross-cutting concern that would require action.

### **Private sector and the RTE**

1. There is a need to strengthen compliance with the provisions of the 25% quota in pvt. Schools. Having inclusion of poor and rich children in the same schools would be a prerequisite for truly inclusive growth, social integration. This would also reduce discrimination in society. In reality, however, poor children are ill-treated in private schools. The private schools are reluctant to see the Act implemented and have already filed a case against it in the Supreme Court.
2. SMC can play a crucial role to bring about transparency and solve the problem of maladministration in the process of implementation, atleast for the aided schools. Similar structures are also needed for the unaided private schools.
3. There is a need to have proper monitoring system of the functioning of the school administration
4. The government schools need to be strengthened in order to make every school of comparable quality to the best of private schools. This would be a prerequisite for a common school system where every child has right to get admission in neighbourhood school which would be of comparable quality across the entire country. We can adopt the model of municipal schools of neighbourhood country like Sri Lanka to improve the quality of education in municipal and government schools.
3. Need to have proper standardization like teacher's qualification, infrastructure norms, proper teacher student ratio for the private schools as well. There is a need for a stronger regulation of private school.
4. To bring about quality education we need infrastructure and qualified teachers willing and able to impart better education. It is essential to learn from civil society experiences where alternative NGO providers have been able to deliver education of fairly good quality.
5. There are several potential positives that an alternative sector may provide. However, it needs to be effectively regulated and kept in check to avoid commercialization of the sector. Private schools should not become profit making concerns that treat education as a commodity.
6. The government has been promoting PPP as another excuse to promote the opening of subsidized private schools or outsourcing some of its tasks. There is no real evidence to show that this strategy is being particularly helpful from the point of equity or quality. The lack of transparency and clear regulatory mechanisms of these PPPs is another cause of concern.

### **Recommendations**

1. Mapping of disaggregated data to identify the pockets of exclusion, especially at the district and block levels, to cull out the geographical locations where exclusion has occurred over



the years. At the same time, it would be imperative to identify the various forms of exclusion, beyond the obviously visible ones of enrollment and retention.

2. Closure of schools without alternative and viable means for children to attend schools need to stop. Accelerate processes of extension of upper primary school net.
3. Systems of tracking children's attendance to identify children at risk of dropout to be accelerated. More thought needs to be given to adapting the schools to make them more inclusive and prevent dropout, while also significantly enhancing the bridging system to enable all children to return to school
4. Immediate end of army occupation of schools across the county making them zones of peace.
5. Amendment in the Child Labour Prohibition and Regulation Act to prohibit all forms of child labour under 14 years of age, especially in agriculture and bring it in line with the RTE
6. Ensure adequate provisions for child labourers to be mainstreamed back into schools
7. Capacity analysis of the system at the upstream, midstream and downstream is very crucial to address the service delivery in education process and address discrimination. Different methods need to be used to build capacities of key stakeholders in the system to identify the excluded and meaningfully include them in the schooling process but at the same time making the system responsive to their needs and provide them the opportunity to participate meaningfully. Teacher education is a critical aspect in this regard.
8. Alliance building and partnerships are key to raise the debate of exclusion to a larger audience and then through partnerships address the issue of exclusion. At the same time the inter-sectoral partnerships are very important to address the issues of child labour, discrimination etc.
9. Development of a rational, fair and transparent mechanism of regulation of private providers of education for children under 14 years of age to ensure inclusion of children from marginalised communities in schools and to minimise malpractices of all forms.
10. All of India's citizens are equal. While the RTE lays down a set of minimum norms for all schools, these are fairly low and not enough to ensure true equity. What this entails for the government is that is imperative for it to think of enhancing the provisions in all its schools to the KV norms.
11. A stronger regulatory framework is required for the functioning of the private schools to ensure their compliance with the government norms in general and equity for the excluded groups in particular.

## Chapter 6: Quality

“While the imperative for ensuring access to elementary education is well understood and enshrined as a fundamental right, the “quality agenda” is still not accorded the same priority”

Hamid Ansari VP of India in January 2011.

Quality education is an amorphous term that means different things to different people. A reading of the RTE Act shows that it has tried to define education in terms of certain action points that may (or may not) lead to a quality education for children.

The benchmarks it sets for itself are in these terms:

1. Availability of schools
2. Appropriate environment and learning materials in schools
3. Continuous and Comprehensive Evaluation(CCE) that implies individual teaching customised to a child’s needs and multi level learning. Abolition of Board Examinations.
4. No corporal punishment
5. Inclusive Curriculum
6. Teaching Methodology
7. Trained and full time teachers
8. Full time schools teaching minimum number of hours and days each year
9. Instruction in the mother tongue
10. No discrimination
11. Remedial teaching
12. Learning Outcomes

Of these, trained and full time teachers, provision of remedial teaching , issues pertaining to instruction in the mother tongue, discrimination and the number of instructional days and hours have already been covered in previous chapters.

### 1.Availability of Schools

According to government sources, 96% habitations have a primary school within a walking distance. Availability of schools in remote and hilly areas - including a long tract of HP, Uttarakhand, UP and the Northeast, large tracts of tribal dominated forest area of Chhattisgarh, MP and Orissa and the deserts of Rajasthan remains problematic. Alternative arrangements including provision of transport facilities or opening of adequate numbers of residential schools have not been made yet. Furthermore, given the locations of many of these uncovered habitations, arrangements for transport may not be strictly speaking feasible given the absence of roads in these areas.

Furthermore, government sources agree that the reach of upper primary schools is fairly problematic. Parents often report distance as a reason for dropout, especially for their girls. This shortage would continue until the government alters the norms and ensures that the primary: upper primary norm is revised upwards to 1:1, or until a clearly thought through strategy for ensuring universal access to all children upto Class 8 from remote areas. This is a question that would require even greater thought given the impending plans to universalize secondary education. While the conflict for an upper primary school to be located in a particular village is usually not that grave, there is a strong community demand for schools to be built. That something like the incident in West Bengal (where there is only 1 upper primary school section for every 5 primary schools) can happen in the year when the Right to Education has become a right for every child, is a matter of grave concern.

The Anti-Grams: bitter battle *for* school  
ABHIJEET CHATTERJEE AND INDRANIL SARKAR

**Purbasthali, March 2:** Two villages in Burdwan are locked in bitter battle, not to shut down a factory but to stake claim to a new school.Both villages want the junior high school to come up in their territory, the tussle

arising because inhabitants of the original site initially resisted land acquisition as they were not aware of the purpose behind the project.

The mini-war in Burdwanshines a light on undercurrents that seem to have escaped policymakers. One, a forgotten generation does thirst for education for their children — it doesn't have to be thrust down their throats. Two, little has been done to plug the yawning communication gap between development initiatives.

The two neighbouring villages in Purbasthali have been at loggerheads for the past month over which one would get the government school. The situation in the two villages has come to such a pass that block development officer Snehangshu Shekhar Ganguly has stopped construction to ensure that law and order does not spiral out of control.

A year ago, the school education department had decided to set up a junior high school (from Class V to Class VIII) in Malatipur with funds under the Sarva Shiksha Abhiyan. The department had identified Malatipur for the junior high school as the village already had a primary school. A seven-member committee, including Tapan Pal, the headmaster of the primary school, and education department officials was entrusted with the responsibility of identifying a 6.5-cottah plot for the school. However, none of villagers was ready to part with land. Following the resistance, the committee zeroed in on a 6.5-cottah government plot in neighbouring Kangsharipur. "We tried to get land in Malatipur for almost a year but failed. In January this year, we identified land in Kangsharipur with the help of the panchayat," Tapan said.

But during the bhoomi puja on February 2, around 100 Malatipur residents, armed with axes, sticks and rods, arrived at the site and demanded that the school be set up in their village. "The Malatipur residents demanded that work on the school in our village be stopped immediately and the institution be shifted to their village. We confronted them and soon the argument snowballed into a clash," said Becharam Mondal, a farmer in Kangsharipur.

Four persons were injured. Police dispersed the mob but the tension has shown no sign of abatement since then.

Mahadeb Pal, a marginal farmer in Malatipur, said: "We had not been briefed properly about the purpose for which the land was needed. That is why none of us agreed to part with land." Mahadeb said that "by the time we came to know that the land was required to set up a school, the authorities had already taken the decision to set up the school at Kangsharipur". "We have now decided to arrange for the land. We want the school in Malatipur at any cost."

On February 6, several Malatipur residents demonstrated in front of the office of the sub-inspector of schools (secondary) in Purbasthali and demanded that the school be set up in their village. Hours later, a group of Kangsharipur residents held a similar protest in front of the office, saying they were against any shift.

The next day, the residents of Kangsharipur dug up the roads connecting Malatipur to the nearest state highway. Two days later, two Malatipur residents were beaten up for entering Kangsharipur. On February 10, the Malatipur residents retaliated by descending on Kangsharipur and beating up two villagers. Since then, the residents have been guarding their respective villages at night to stave off possible attacks.

Dilip Ganguly, the inspector in charge of Purbasthali police station, said the police had tried to broker peace but failed. "We are trying to negotiate with the villagers but they have so far stuck to their demands," said Sumita Bagchi, the subdivisional officer of Kalna. Bidyadhar Mukherjee, the district assistant inspector of schools (secondary), said the delay would mean higher construction costs. "We have received Rs 7.89 lakh under the Sarva Shiksha Abhiyan to set up the school. But we have not been able to start work yet," Mukherjee said.

He said the authorities might consider shifting the school "somewhere else" if the deadlock continued.

[http://www.telegraphindia.com/1110303/jsp/bengal/story\\_13661308.jsp](http://www.telegraphindia.com/1110303/jsp/bengal/story_13661308.jsp)

## 2. Appropriate Environment and Learning Materials in Schools

Status of Schools Prior to Commencement of the Act

The country moved into the implementation of the RTE Act with fairly unsatisfactory infrastructural readiness as reflected in the figures revealed through the DISE survey for 2009-10. A quarter of the schools had over 40 children to a classroom (roughly equivalent to the pre RTE Act norm, but falling short of the new norms). With the RTE act mandating the existence of a minimum of one classroom for each teacher and with the prevailing massive teacher shortages, there is bound to be need for considerable additional construction. Toilet facilities remain lacking, which specifically has an impact on the girl child attending school. With India being heralded as an IT hub internationally, it is regrettable that just over 1 in 10 schools had a computer and only a third of the schools were electrified. There is also a shortage of school libraries (both in terms of sheer availability and the quality and use of the books available).

Average Student Classroom Ratio	1: 31
Schools with SCR>= 40 (Primary)	24.96
Schools with SCR>= 40 (Upper Primary)	25.70
% Schools having drinking water facilities	92.60
% Schools having common toilet	54.31
% Schools having functional common toilet (of above)	63.95
% schools having girls' toilet	58.82
% Schools having functional girls' toilet	74.64
% schools having boundary wall	51.45
% Schools having computer	16.65
% School having electricity connection	35.56
% Schools having ramp	47.09
% Schools having kitchen shed in government schools	42.81
% Government and Aided schools providing MDM	87.45
DISE 2009-10 Flash Statistics	

Predictably, access for children with disability (by some estimates one of the largest groups of children left out of school) remained problematic with less than half the schools having a ramp. Access to safe storage and cooking space was also an issue in the context of the MDM with almost 90% schools serving midday meals, but roughly 2 in 5 schools having a separate place for the meal's preparation. Consequently, the problems anticipated to be addressed in the year were extremely grave. Given the fact that a time of three years is allotted for the upgradation of the infrastructure, commensurate steps should have been taken in the first year to address them.

However, the previous year did see some effort in the direction of enhancement of the infrastructure and facilities. The numbers are huge in sheer terms. However, the question remains as to what these figures actually mean when compared against the even greater gaps. In addition to

Items	Targets	Comp.	In Progress	% C+IP *	Low performing States	Good performing States
Primary School	177953	137138	20645	88.67	Assam, Bihar, J&K, Meghalaya, West Bengal,	AP, Assam, Mizoram Rajasthan & Gujarat, MP
Upper Primary School	103990	84894	12258	93.42	Haryana, J&K, Jharkhand, Meghalaya, Uttarakhand, WB	AP, Assam, Bihar, Maharashtra, Rajasthan & UP
Additional Class Room	1277072	966390	200478	91.37	Bihar, Chattisgarh, J&K, Meghalaya & MP	AP, Assam, Karnataka, Rajasthan, Tripura & Punjab
Drinking Water	210529	187789	3172	90.71	Bihar, Maharashtra, J&K, Uttarakhand & WB	Arunachal Pradesh, Assam, Gujarat, MP, Tripura, Jharkhand, TN
Toilets	430881	291172	56685	80.73	Andhra, Assam, Chattisgarh, J&K, Uttarakhand & Orissa	Karnataka, Meghalaya, Gujarat & Punjab
As on 30.09.2010 according to data shared with the 13 <sup>th</sup> JRM						
* Completed and In Progress.						

the already sanctioned amount, a supplementary grant for additional infrastructure was given for SSA Implementation to several states. A new thrust during 2010-11 was on the whole school approach, making use of school infrastructure itself for teaching.

Having pointed out that work is indeed, being done. It would be essential to look at the extent to which it is having a measurable change on the ground. ASER undertook a report card of RTE readiness of schools during the course of the year and found that only 60% of the 13,000 schools visited had satisfied infrastructure norms specified by the law. Given the fact that this particular set of data was collected some six months into the Act's implementation and the two sets of figures do

not diverge too widely, it would appear that the situation has not really changed. This is not surprising given the relatively low level of investment made in the preceding year. Thus, while infrastructure was indeed enhanced in the preceding year, this has been a drop in the ocean.

**A school without roof or walls**

[NDTV Correspondent](#), Updated: March 06, 2011 19:17 IST

**Allahabad:** Every child has a right to education but there are so many poor children in India who are forced to drop out because of the absolute lack of basic amenities in their schools. In Allahabad, a thousand girls in a government school have been studying under a tree for the last 10 years. The building constructed during the British times is now lying in ruins. It is miracle that the school is still running in this condition for the last 10 years under the open sky. The funds are available but due to a legal stay order the building cannot be repaired. The students are sitting in the midst of traffic trying to concentrate. And then there are the occasional animals and rallies that pass through these grounds. But despite all these problems this school has a 100 % result and is considered the best girls school in the city. As far as sports are concerned the participation is very little - the reason being buildings, grounds and society.

<http://www.ndtv.com/article/cities/a-school-without-roof-or-walls-89686?cp>

These figures are significant in view of the fact that the school environment and availability of teaching learning materials within the school has a definite correlation with the learning levels of children. Furthermore, the working environment has been found to correlate with the attendance rate of teachers who are forced to work in substandard conditions.

A critical issue emerging from the 13<sup>th</sup> JRM is the issue of availability of land for school buildings. In Bihar, 12% of existing schools have no permanent building and the state has had to resort to purchasing land. This is an issue of special concern for programmes in urban areas (for both government and private schools). Issues of pooling existing playgrounds across multiple schools (to the extent possible), provision of transport and ensuring capacity of vertical expansion are some of the issues requiring redress in the coming year.

Another issue that does not necessarily find direct mention in the Act, but is of significance is that of the safety, including structural safety, of schools. While the National Building Code exists, it has not

always been adhered to while constructing buildings, resulting in some prominent accidents. 1200 schools in Delhi were found to lack fire safety measures<sup>lxix</sup>.

FACILITIES AGAINST RTE NORMS- ASER 2010		
% of schools with		
Building	Playground	62.1
	Office/Store/Office	74.5
	Boundary Wall	52.2
Drinking Water	No facility for drinking water	17.4
	Facility, but no drinking water available	10.5
	Drinking water available	72.2
Toilet	No toilet facilities	10.1
	Facility, but toilet un-usable	38.8
	Toilet Usable	51.1
TLM	Teaching Learning material in Std 2	80.4
	Teaching Learning Material in Std 4	75.9
Library	No Library	36.9
	Library, but no books being used by children on day of visit	24.4
	Library books being used by children on day of visit	38.7
MDM	Kitchen Shed for MDM	81.3
	MDM served in school on day of visit	83.4

CBSE had issued a circular to make schools under its purview safe, including adherence to the National Building Code of India, installation of fire extinguishers (including training of staff for its use) and probation of storage of inflammable and toxic material on school premises<sup>lxx</sup>. Maharashtra put a cap of eight stories for all education institutions<sup>lxxi</sup>.

Another critical aspect relating to school infrastructure is the question of inclusiveness for children with disability. While ramps are being constructed in many schools, a move towards universal design would be required to ensure true inclusion. The RTE makes provision for barrier-free access

in schools which needs to be interpreted in the true sense of the word, and not reduced to just ensuring ramps are in place while entering the school. Furthermore, ensuring barrier-free access within the school would not be sufficient if barrier free access is not ensured on the way between home and school. At the same time, availability of adequate teaching learning materials and aids and appliances would be required for children with disability. The current allotment per child under SSA seems to be inadequate to the range of issues to be covered.

### 3. Corporal Punishment

The Supreme Court in India has banned corporal punishment for children: but only six states have undertaken any efforts to follow that order in the run up to the Act. From these, three states have completely banned corporal punishment [Delhi (2000), Andhra Pradesh (2002), Goa (2003)], while three other states have sought prohibition on corporal punishment: Chandigarh (1990), West Bengal (2000), and Tamil Nadu (2003). In addition, circulars have been issued under the ambit of the RTE Act in 27 States and Union Territories (in December 2010) to ban corporal punishment in schools. Various efforts have been made by civil society as well as the NCPCR who are currently in the process of developing guidelines for schools on how not to resort to corporal punishment

The passage of guidelines, however, is just a first step in the process of enforcing them. Several high profile cases have been reported from several states in the preceding year highlighting the need for a concerted strategy to address the issue on the ground. While most people would agree that corporal punishment would not be the best way of ensuring learning, there is no consensus among all stakeholders on how this practice would actually end and what would replace it. Positive discipline as an alternative to corporal punishment is one part of the answer. Ensuring the classroom environment is such that teachers feel in control over their environment is another aspect. Both have not been adequately addressed. There is also a need to explore the subtle yet debilitating link between discrimination and corporal punishment. Children from poor, Dalit, Adivasi and Muslim communities face the brunt of punishment in schools.

Prohibition of Corporal Punishment (26 States and UTs)	A&N Islands, Andhra Pradesh, Arunachal Pradesh, Bihar, Chandigarh, Chhattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, J&K, Jharkhand, Kerala, Lakshwadweep, Madhya Pradesh, Maharashtra, Nagaland, Orissa, Puducherry, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal
Prohibition of Detention, expulsion (20 States and UTs)	A&N Islands, Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Delhi, Gujarat, Haryana, Himachal Pradesh, J&K, Jharkhand, Kerala, Lakshwadweep, Madhya Pradesh, Sikkim, Tamil Nadu, Tripura, Uttarkhand, West Bengal.
No board examination till completion of elementary education (26 States and UTs)	A&N Islands, Andhra Pradesh, Arunachal Pradesh, Bihar, Delhi, Gujarat, Haryana, Himachal Pradesh, J&K, Jharkhand, Kerala, Lakshwadweep, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Nagaland, Orissa, Puducherry, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal.
Source: <a href="http://pib.nic.in/newsite/PrintRelease.aspx?relid=68514">http://pib.nic.in/newsite/PrintRelease.aspx?relid=68514</a>	

#### Loud Reading in School- Crime?

As the school teachers were busy with the work of voter list for election, they gave responsibility to a midday meal worker to take care of the students of GSFP School at Bali, Howrah. The worker namely Mita Deb threatened BidyutNischinda, a class II student of the school to 'beat him with shoe'. His 'crime' was that he was reading his lessons loudly. The boy told everything to his mother and expressed reluctance to return to school in fear of a beating. According to MoniNischinda, mother of the boy this was not an isolated incident. Bidyut told her that Mita often threatened hit him. So he has been traumatized to go to school. According to the teacher –in-charge the little boy is 'very naughty', so the worker had punished him for some mischief. She also told that they have only two teachers, both of them were busy with the work of voter list. So they told Mita to look after the students so they do not leave the school premises.

#### 4. Abolition of Board Exams till Class 8, No Detention, and Introduction of Continuous and Comprehensive Evaluation

The Act calls for cumulative assessment of the achievement levels of students and as a consequence makes provision for no retention and abolishes intermediate board exams at grades 1-8. By December 2010, 25 States had prohibited detention, expulsion and ended board examinations.

Regrettably, this has been interpreted as students being promoted without any learning happening. Instead, this provision needs to be read in conjunction with the introduction of Continuous Comprehensive Evaluation (CCE). Prohibition of detention and public assessment through public examinations was expected to be accompanied by a change in the strategy of teaching and introduction of processes whereby learning was continuously assessed. The government has perhaps not done enough to make the education administrators, teachers and public at large understand the rationale behind the no-detention policy and the implications of CCE.

On September 6, 2009, the Union Human Resource Development Minister, Kapil Sibal, introduced CCE in the CBSE schools. This has since become the sole visible nationwide example of a functional CCE system in the country. The exact modalities, however, have not been without their share of criticism, especially in the early stages of the process<sup>lxxii</sup> - principally in terms of the burden it places on children to do special projects, instead of assessing the learning that happens in the classroom in the normal course of events. CBSE has stated it would introduce a system to analyse CCE results and figure out discrepancies.

In the meantime, some of the States are in the process of piloting the methodologies in their areas. Bihar, Chhattisgarh<sup>lxxiii</sup>, Gujarat<sup>lxxiv</sup>, Karnataka<sup>lxxv</sup> and Rajasthan are piloting CCE in their areas. Meghalaya has declared its intent to move to CCE across the state for the coming academic session<sup>lxxvi</sup>. However, for CCE to work, it requires a robust system to train teachers, building in checks and balances to avoid favouritism, setting in place a new process of assessing learning to create a continuous mechanism of feedback drawn from all stakeholders, appealing to book publishers and curriculum experts to popularise the system and cultural issues pertaining to parental and children adaptations<sup>lxxvii</sup>. The introduction of CCE would, therefore, require a systematic rethink of how instruction happens. At the same time, it would be imperative to recognize that the introduction of CCE would lead to the change in the tasks of teachers who would be required to frequently assess and record child-wise progress. At the same time, a clearly thought through mechanism would be necessary as follow up of the CCE. Children who are falling behind require support. That level of rethink in the system is yet to happen.

Movement towards CCE by States
<ul style="list-style-type: none"> <li>• 22 States/UTs have initiated efforts towards CCE</li> <li>• 5 States/UTs plan to undertake initiatives</li> <li>• 8 States/UTs have not taken any concrete initiatives</li> </ul>
Based on information provided to the 13 <sup>th</sup> JRM

Another critical issue related to the CCE is its potential catalytic role in assisting children with disability to reach their potential. Preparation of individual education plans are standard practice for instruction of children with special learning needs and efforts are reported to be underway to adapt CCE for this group of children.<sup>lxxviii</sup>

#### 5. The curriculum

The chapter on inclusion had highlighted the pervasive issue of children dropping out of school. One of the critical factors that have been identified as being responsible for drop out since the first PROBE survey in 1999 is 'boredom'. The basic school curriculum has evolved from colonial times; 'what is to be taught' remains in essence a colonial view, deliberately disassociated from whatever

knowledge and skills already existed in India. It is hardly surprising therefore that a large proportion of what is taught is completely alien and alienating to the average Indian child. And while the hapless middle-class child doggedly goes through school anyway, because she/he has no choice, the poor child, the first-generation learner, often takes the easy way out and stays away. Having said so, this cannot serve as justification of dumbing down the content to be taught to the poor. Children of the poor cannot be short-changed in the name of local relevance, non-formal education, etc. If made truly relevant, interesting, child-centred and attractive to learners and parents, formal schooling can provide the poor child with a solid educational base that is in no way inferior to that available to her richer compatriot.

On the solid foundation of a core curriculum needs to be built a child-friendly, locally relevant structure that is welcoming and appealing for first-generation learners. This is the focus of the National Curriculum Framework, a path-breaking document that, together with the Right to Education Act, has the potential to make education meaningful for all those children who have so far stayed away from it. Yes, the NCF has itself received its share of criticism in as much as it lays down a broad framework of action, but may not contain enough details on the actual operational details. The formation of the NCF should have been followed by the process of churning in the individual states that developed their own Curriculum Frameworks based on their local requirements. This has, unfortunately, not happened.

According to the information made available to the 13<sup>th</sup> JRM, 14 states have revised their curriculum as per the NCF 2005. The past year saw several states moving towards a restructuring of the curricula as part of the RTE mandate or otherwise. In many cases, this was accompanied by a revision of the textbooks to bring them in compliance with the new curriculum. As in September 2010, 6 States had completed reviving their textbooks in light of the NCF, while 4 others were in the process of doing so. Gujarat<sup>lxxxix</sup>, Karnataka<sup>lxxx</sup>, Maharashtra<sup>lxxxi</sup>, AP<sup>lxxxii</sup> and Tamil Nadu<sup>lxxxiii</sup> have been in the process of doing so. Kerala, Orissa, Bihar and Chattisgarh prepared their own State specific curriculum documents. According to the JRM report, Jharkhand is using NCERT books and is in the process of developing syllabi for Classes 1 & 2. Karnataka, Uttarakhand, Orissa and UP have completed revision of textbooks for all classes. Though Orissa has not yet developed a curriculum framework, it has developed textbooks in line with the NCF. Bihar has completed the revision of textbooks of Classes 1-4 and 6-7 which are liable to reach the schools in the coming year. Maharashtra, Manipur, AP and Karnataka are working on developing elementary school books in the coming year. In Manipur, the curriculum has been prepared and is being translated into 10 tribal languages. Again, while a lot of effort is being put into the development of materials, this has not fully percolated to the ground. Needless to say, the critical test for any set of materials is the extent to which they are used in classrooms. In this, early signals suggest that the revision of textbooks taking in this round may not offer a solution to the issues of information overload and the manner of transaction of the curriculum.

Another critical, but frequently not appreciated aspect of the RTE Act is the insistence that all schools in the country adhere to constitutional values. The authors of the report are not aware of any instance where the communal agenda of some schools has been challenged against this standard. Theoretically, failure to adhere to the constitutional values can lead to de-recognition of the school since the school's commitment to the constitution is part of the re-recognition process of schools.

## **6. Teaching methodology**

Teaching methodology needs to be child centred and activity based. In contrast, the latest JRM finds that approximately 30% primary classrooms were observed doing some kind of group work. At the upper primary level, it was almost exclusively textbook based 'chalk and talk'. This would be



something mirrored by everyday experience of most education workers that suggest that the processes of teaching have not undergone a significant change. Ensuring high time on task would be a crucial strategy for ensuring effective learning. However, this would also require the development of a large pool of group and individual work activities that can be transacted in classrooms. However, there have been efforts to enable the introduction of child centered learning - with 17 States reporting progress in that direction in 2008-9 itself. This of course, raises the questions of teacher training. Teaching methodology and children's active engagement in the learning process are influenced by training and materials; but there are deep issues about teachers' beliefs in how children learn, the role that teacher has to play etc that would also require change.

While the reality of a large number of classrooms is multi-grade (often under conditions under which multi-grade teaching is not designed to work well, like high pupil teacher ratios), there is by and large not enough effort happening to make multi-grade teaching more than a cost saving measure (and not an extension of a multi-level learning experience).

## **7. Learning outcomes**

The overall poor quality of inputs - including inadequate numbers of (especially trained) teachers, poor infrastructure, poor systems of monitoring of schools, lack of school leadership, inadequate systems for community oversight and input into planning along with inadequate funding have resulted in poor learning outcomes.

The single largest source of information on the prevailing learning standards of learning during the first year; the Annual Status of Education Report (ASER) 2010 shows that more girls in the 11-14 age group joined school in rural India in 2010 and more five-year-olds too, but the quality of education, especially in reading and mathematics, remained low. Even after five years in school, close to half of all children are not even at the level expected of them after two years in school. Only 53.4 percent children in Class 5 could read a Class 2 level text. Similarly, on average there has been a decrease in children's ability to do simple maths. Shockingly, the proportion of Class 1 children who could recognise numbers from 1-9 declined from 69.3 percent in 2009 to 65.8 percent in 2010. India is reaching the goal of universal primary education but also because the learning achievements are sub-optimal as will be borne out by the table below.

National surveys on learning achievement of students are done by NCERT at the end of classes III, V and VII/VIII every three years for a cross state study to assess the level of achievement of children in different subject areas including factors affecting students' learning differentiated by category, area and gender. After the first round of studies in 2002 – 03, NCERT has undertaken the 2<sup>nd</sup> round studies for classes III, V and VII/ VIII. Results show some improvement in the children's performance in different subject areas. Results of the studies are indicated below. Average national achievement increased significantly in all subjects and in all groups (boys, girls, rural, urban, etc.) during Round II. Gap in achievement level within gender, area and social groups has narrowed down. Achievement of SC and OBC children also improved significantly and appreciably (more than 5%) during Round II.

Class	Year of Survey	RESULTS (Mean achievement in %) **				
		Maths	Language	EVS	Science	Social Science
III	2003-04 (Round I)	58.25 (SD 24.89)	63.12 (SD 22.05)	-	-	-
	2006-07 (Round II)	60 (SD 22.6)	67 (SD 20.3)	-	-	-
V	2002-03 (Round I)	46.51 (SD 21.3)	58.57 (SD 18.3)	50.30 (SD 20.67)	-	-
	2006-07 (Round II)	48.46 (SD 19.97)	60.31 (SD 17.57)	52.19 (SD 19.99)	-	-
VII	2003-04 (R I)	30.50	54.24	-	37.78	34.04
	2006-07 (R II)	38.76	51.95	-	39.87	40.89
VIII	2003-04 (R I)	39.17	53.86	-	41.30	46.19
	2006-07 (R II)	41.50	56.13	-	41.75	46.94

It can be seen from above table that the learning achievement is showing an increasing trend in Round II in comparison with Round I. But the concern area is that in the upper primary classes the learning levels are still low and needs to improve in mathematics, science, social science and language. While the focus of RTE is on elementary education, starting at 6 years old may be too late to lay the foundations to be ready for school. Investing in pre-school or early childhood education is a key strategy to reaching out to the most marginalized children in a country which has relatively low pre-school coverage and relatively high over-age entry. It will be important to examine the quality elements for early learning programmes in the Indian context, across public, private and voluntary sectors which will ensure completion and contribute to the overall development of the child. Early childhood care and education is the first among six "Education for All" goals the world is committed to achieving by 2015 and hence will require focused efforts in order to provide appropriate school readiness initiatives in rural and urban India.

### So where do we really stand on quality?

There is little point in children attending school if they do not "learn" while they are there. While the Act has earmarked a benchmark for the right to schooling, as included some input and process elements that could contribute to improving school quality, but not for learning outcomes. Education in India is on the concurrent list. This means that while central government is responsible for providing general direction in terms of educational policy and curriculum, the running of the vast school network is the responsibility of individual state governments. Therefore, tracking aspects of CCE, remedial teaching, orienting teachers on corporal punishment etc is the responsibility of the States. This creates a huge challenge for ensuring universal minimum standards across the country. Other aspects of the Act like setting up SMCs and SDPs can potentially play a strong role in ensuring quality. However, these have, by and large, not been formed across the country and their capacity building leaves much to be desired. Furthermore, the experience with their predecessors the VECs and PTAs suggests that their definition remains too limited and quality aspects do not mandatorily reflect in each school development plan. Discrimination on the basis of caste, class, gender and creed and violence and abuse of children continues. In addition to glaring incidents of discrimination, these are often covert and are a result of unequal access to the learning opportunities of children. Creative inputs in curriculum design for evolving a curriculum and pedagogy suitable for local needs and demands, while keeping in mind the important issue of equity in educational opportunities is critical. Community-based organisations and people's movements may not have the technical expertise to be equipped to develop an appropriate curriculum and pedagogy for local needs within the larger mainstream. Specialist technical support organisations,

along with colleges and departments of education and social work in universities that can bring innovative national and international perspectives, have a crucial role to play in this area.

#### **Emergent Issues from Consultation**

1. There is a need for greater stress on the important role of language in quality education. Research shows that the instruction in the early grades should be in the mother tongue. This is especially critical for tribal children who should be taught in their tribal language in the first few years before graduating them to the state language and then to other languages. English too is required since it gives children a head's start in the present world.
2. There are some problems especially schools in hilly terrain and other remote areas such as problem of drinking water. Local solutions to such problems can be found through resorting to steps like rain water harvesting. However, overall all aspects of school infrastructure would require to improve. The furniture in schools too needs to be in accordance with the age and physique of children.
3. Much of the school architecture in schools is adult centred. The environment in schools needs to change to recognize the fact that children are the prime users. BALA is one example of how the design of school buildings can be of use to ensure quality and equality in teaching.
4. It is essential to strengthen the accountability systems within the teaching profession to ensure that the long pending issues of time on task in classrooms is enhanced, instances of discrimination decline and there is an overall enhancement in the classroom environment.
5. There is need to focused on a 'child-centric' approach, to create an environment of quality education.
6. Children with disability need necessary adaptation of the existing school environments in order for them not to be disadvantaged in the existing schools.
7. Right to education is not just about ensuring the right to attend school of whatever quality, but ensure that the said school is an appropriate standard.
8. Practice of teachers being engaged in providing private coaching needs to be curtailed in accordance with the provisions of the law.
9. Overall there is a need to create an environment for dialogues process to bridge the gaps between parents, teachers and the government. A process of constructive dialogue and the creation of a sense of common mission can lead to solutions being found to ensure quality in education.

#### **Recommendations**

1. Immediate mapping of school availability to ensure adequate access for all children residing in India, irrespective of remoteness of habitation or any other accident of birth. This includes a drastic enhancement in the number of upper primary schools (enforcing a ratio of 1:1) and ensuring rationalisation of the timing of transportation facilities with school hours.
2. Ensure conformity with new RTE physical norms in a time bound manner with compensation for the time lost through slow implementation of the Act in the first year. School safety to be considered in new constructions, and retrofitting of old buildings done. Buildings should, furthermore, follow principles of universal design to ensure the access of persons with disability.
3. Availability of adequate teaching learning materials in schools, setting up of school libraries, book banks and ensuring high quality learning for children is essential.
4. Teachers supported (both in terms of creating an enabling environment in schools and sensitisation) to enable them to adopt positive discipline practices.
5. National and regional campaigns on rights of children – spelling out the main tenets of RTE, right against corporal punishment / mental harassment / discrimination. Right of children to be taught in school needs to be made an integral part of the campaign.
6. Ensure the adaptation of the classroom environment to enable continuous and comprehensive evaluation and more child friendly modes of teaching.
7. Activate provisions of after school support to school children from poor and first generation learner families to enable them to catch up with those receiving family based support.
8. Ensure violence and discrimination ends in all schools.
9. In the end, quality can only be ensured via trained teachers and these need to be appointed in conformity with the RTE norms. Systems of onsite monitoring and support would also be required for teachers to enhance their time on task.

## CHAPTER 7

### The RTE Forum and the Government Report: A Comparison

On 1<sup>st</sup> April 2011, one day after the earlier version of the RTE Forum Report was released; the Minister of Human Resource Development released the official government report listing the status of implementation.

This consisted of two sections- a brief overview of the work done by the Ministry and report cards of the various states. At almost 50 pages, it looks fairly comprehensive. The present chapter is an effort to look at the document more closely and compare the content against what it said and didn't say and drawing some conclusions.

#### A. What the Report Said

The present chapter shadows the structure of the government report, purely responding to the content of the same.

#### Section I: The First Year

- a. The Roadmap presented does not throw light on the deadlines that had to be completed in the first year both in the RTE Act and the model rules. Thus, the recruitment and rationalization of teachers as per the new RTE norms, the re-recognition of all the private schools in accordance with the new RTE norms, the formation of SMCs and the development of the School Development Plans across the entire country was mandated by law. This has not been realized on a national scale and needs to be hastened.
- b. RTE model rules have been drafted in most of the states with 10 states notifying them. In many of the states the model rules have been translated and accordingly being notified. What needs to be looked at is the context of the state and especially pay attention to the out of school children, disadvantaged groups and quality issues. This is an opportunity to bring in features which are lacking in the RTE Act and incorporate them at the state level which will strengthen implementation.
- c. The central government has notified the NCTE as the body entitled to lay down the qualifications for teachers and its norms as the minimum qualifications to be a teacher. The processes for the Teacher Eligibility Test have indeed been delineated. However, the hiring of parateachers contrary to these norms has not abated. The setting up of teacher education institutions has been behind schedule and does not match the required numbers that have to be recruited to achieve RTE norms.
- d. The NCF 2005 has indeed been notified as the national framework for the development for the curriculum across the country. The essence on this document is still not translated into making the curriculum child friendly and teachers across the country are not oriented to the NCF completely and its aspects. In this scenario to expect changes at classroom level and improvements in quality of learning outcomes seems difficult.
- e. Similarly, the National Advisory Council has been formed and provides guidance and oversight to the Ministry. However, none of the transcripts of the meetings have been made public, making it difficult to judge their effectiveness and the role of NAC as an effective body to aid and further the RTE processes. The report mentions the formation of six Task Forces to address specific issues under the Act. At the time of the finalization of the

government report, the NAC had met only one or twice and the Task Forces had effectively not started functioning.

- f. Cost sharing pattern has been agreed between the states and centre at 35:65. However, the States have by and large reconciled to the resources available and have gone on to implement programmes within the funds available. At the same time methods to generate funds at state level to match the required funding for RTE needs to be explored and supported by the centre through certain special purpose vehicles in an effort to make RTE a reality.
- g. SSA norms have been aligned with SSA and the information about the exact provisions has not yet reached the districts and implementing personnel. The new framework is a path breaking document in some respects marking a clear break with past thinking on some aspects. However, a clear mechanism of how this vision would be translated on the ground is not visible.
- h. RTE outlays have increased but it is questionable whether this has happened to the extent required. Given the reduced quantum of funding it is feared that the implementation would again suffer. Having said that, the fact that the government released a Supplementary Plan granting additional resources for the Act's implementation during the course of the year was a highly positive step.
- i. The proposed Amendments in the Act mentioned in the report continue to be pending till date.
- j. Awareness Generation and Consultation with the States was a welcome step. This would, however, need to be followed by a clearly thought through mechanism to ensure awareness is built at the District, Block, Cluster and School levels since these are the actual sites of implementation. While the task of building awareness around RTE in seven states is welcome, the strategy to take the process of awareness building to the remaining 20 States remains to be seen.

## **Section II: The Report Cards**

The section of the government report consists of a single India report, followed by individual reports of each State and Union territory.

- All report cards consist of five major components: the description of the overall population (based on the 2001 Census figures, that are too outdated to be of much use in 2011 given they refer to a period that is eight years prior to the notification of the Act), a description of the status of 10 major notifications under the Act (as on 01-04-2011), the status of enrollment (as in 2009-10, the year before the Act came into force; the figure for out of school children draws on the IMRB Survey 2008-2009, again preceding the law) and the status of infrastructure and teacher availability as per the 2009 DISE data. One cannot help but notice that the only information pertaining to the period of the report is the listing of notifications.
- This once again highlights the lack of concurrently tracked data of the status of implementation of the Act on the ground. This seems to be a problem in common for civil society and government alike. The pre-existing sources of information like the excellent DISE mechanisms do not yield information to track a law that has milestones for its implementation and for which response is required in real time. Mechanisms

whereby cumulative progress can be tracked on an atleast quarterly basis are required. At the same time use of DISE at disaggregated levels to analyse trends and identify pockets of exclusion needs to be carried out to provide required budgets and implement activities to reduce the gaps.

- The report conflates the number of states notifying their own State Rules and Union Territories that are expected to automatically follow the Central Rules. This yields an artificially high figure.
- There is a clear discrepancy between the MHRD and NCPCR lists of SCPCRs formed. Thus, the SCPCRs in Goa and Karnataka are shown as being in process in the MHRD list, but are clearly in place as per the NCPCR website that lists their address and contact details of members. Again, the MHRD list conflates full-fledged SCPCRs and interim REPAs.

Number of States (unless specified, from 34, unless otherwise mentioned)	
<b>Notification of State Rules</b>	10
<b>Constitution of SCPCR/REPA</b>	11
<b>Notification of academic authority</b>	20
<b>Policy on eight year elementary education</b>	28
<b>No detention</b>	27
<b>No corporal punishment</b>	28
<b>No board examination upto elementary level</b>	26
<b>Banning private tuition</b>	18
<b>Banning screening procedure and capitation fees</b>	18
<b>Minimum working days and instructional hours</b>	21
<b>* From 27</b>	

## B. What the Report Does Not Say

- The change at the ground level for schools and children in the year since the Act came into force.
- The status and experience of the disadvantaged and marginalized groups in particular including girls, out of school children, children with special needs, SC, ST and minorities has not been looked at in the last year.
- Mechanisms for tracking RTE implementation at any level- centre, State, District, Cluster, Village or School has not been reviewed. At the same time the complaints mechanism and redressal system finds no mention and needs to be a top priority for RTE to be implemented in true spirit.
- In the past one year there has been no effort to bring together voices of children and their aspirations and needs in the context of RTE. The first year provided an excellent opportunity to bring together children across the country and seek to hear them bring out the difficulties in the education process which could have fed into the planning process for year 2. This needs to be an integral part of the community – school – system interface and also will function as a monitoring process to facilitate RTE

## Conclusion

Given this reality, the government report conceals more than it reveals and once again reiterates the need for tracking of the implementation of this law on the ground. It is regrettable to note that the government report provides no evidence that it is gauging the implementation of the Act to the village level.

Furthermore, the experience of writing the present report has entailed looking at all the principal sources of evidence available about the implementation of the Right to Education currently in the public domain. This has highlighted once again the lack of a clear and systematic process of tracking its implementation. The entire process raised some issues related to data

flow and quality that should be shared with a view of them hopefully being resolved in the future:

- i. **Concurrent Monitoring of Implementation:** The process of compilation of the civil society report and the overview of the government report highlight the absence of reliable and updated information about the status of implementation. The Right to Education Act has time bound commitments that would require tracking in near real time. Admittedly, it is a huge task. However, it is not outside the capacity of the government. SSA has the experience of tracking progress against its goals on a quarterly basis. This experience can be further strengthened to enable that atleast some updated information about the progress on the ground becomes available.
- ii. **Lack of reliable sources of data for issues located outside the school.** There are no mutually accepted sources of evidence about the number of children out of school. Sources of information about the status of formation and capacity building of SMCs are simply lacking. Similarly, little reliable information exists about the functioning of the local governance structures. These are considerable gaps that need to be plugged if SMCs and Local Authorities are to play the roles anticipated of them under the Act.
- iii. **Limited spaces for communities to input into processes of monitoring of their schools and inputting into these mechanisms of information flow.** High quality mechanisms for information flow about the functioning of schools exist that rely on government generated data (eg. DISE). However, a common citizen, especially a rural parent, may have limited space for inputting into this information flow. There is no space where a parent can make it known if ground reality conflicts with the government record. This is an important issue since this data is often used for planning. Structured space for citizens inputting into such processes can strengthen the overall process and we hope that the government would at some point consider creating space for civil society dialogue around the existing government sources of data and create their own systems of raising issues about school functioning and quality.
- iv. **Lack of information about the private education providers.** There is considerable information available about the status of government schools as a result of their relative openness to public scrutiny (eg. Them being subject to the Right to Information Act). In contrast, there is currently limited systematic information about the status of operation of private schools. With the number of private schools on the rise, having a systematic source of data would be an imperative first step towards a more rational and transparent process of regulation of private schools.
- v. **Some states and initiatives for transparency in the education system made during the preceding year are highly welcome.** The Madhya Pradesh Education Portal is arguably the most comprehensive example of a mechanism that is likely to lead to greater transparency in education governance. It is hoped that other states replicate this example. The efforts being made to keep the national SarvaShikshaAbhiyan website updated have also been noted and appreciated. This is over and above the long standing example of the DISE data and the school report cards.

## Chapter 8

### Where we are and the way forward

#### Where we are:

2010 has seen considerable ideation and discussion with regards to the RTE Act at the national and state level. At the national level, guidelines and structures are being established with SarvaShikshaAbhiyan metamorphosing itself to become the vehicle for RTE. To aid this process, documents with potentially far reaching consequences have been prepared and shared with states by the centre to facilitate the implementation of RTE. However, it is disheartening to see that RTE implementation has not really percolated to the ground and resulted in a change with the required speed and rigour. While debates have continued, many of the deadlines to be met during the first year of the Act have been missed. A clear mechanism whereby the progressive vision of some of these documents will be translated to the ground is also not visible. One of the key challenges is the lack of awareness about the key provisions (let alone understanding the detailed philosophy) on the part of the community at large and at the lower and intermediate levels of the state government.

Considerable progress in elementary education is evidenced from the increasing enrolment rates for both boys (51.46 %) and girls (48.54 %) as well as in female literacy rates that has grown from 53.7 per cent in 2001 to 65.5 per cent in 2011.<sup>2</sup>Over 60 years of independence the national female literacy rate has shown a rise from 8.86 per cent in 1951 to the current rate of 65.5 per cent. The efforts of the different education programmes have evidently paid off. However, while the aggregated national level progress has been impressive, it must be noted that progress has been uneven across states and socio-economic groups.

According to a survey undertaken in 2009<sup>3</sup> out of the estimated 190 million children in the age group 6-13 years, the estimated number of out-of-school children in the country was 8.1 million comprising 4.28 per cent of the total children in this age group. The estimated number of children who are out-of-school was seven million in rural areas (4.53%) and 1.1 million in urban areas (3.18%). Percentages of out-of-school boys and girls in the age group 6-10 years were 3.40 per cent and 4.04 per cent, respectively. For the age group 11-13 years, the percentage of out-of-school children was relatively higher among girls (5.79%) than boys (4.77%). Among the different social groups, the estimated percentage of out-of-school children is 7.67% for Muslims, 5.60% for scheduled tribes (ST), 5.96% for scheduled castes (SC), 2.67% for other backward castes (OBC) and Others.

Adequate financial resources are critical for the full implementation of the RTE as per the norms. However, the budget 2011 saw only a small rise in education funding, leaving a gap in funding at

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<sup>2</sup>Census of India 2001 and 2011

<sup>3</sup>All India Survey of Out-of-School Children of Age 6-13 Years and Age 5, Social & Rural Research Institute, A Specialised Unit of IMRB International and Educational Consultants India Ltd, New Delhi. 2009



both the national and State levels. With the possible exception of Punjab which has allocated significant resources to RTE implementations, States have not shown the intent to notify the rules and accordingly commit and spend more funds. In addition, the absorption capacity is limited in many states and funds allocated are lapsing annually. Procedures remain dilatory and cumbersome, or mechanism and machinery is not in place, or there is sheer lethargy and lack of commitment to making the change for children.

Only ten states having notified their Rules is a clear indicator of the lack of speed in the legislative process. Even launch of a programme like SSA was done with greater fanfare and preparation especially at the national level. Despite the RTE being an explicit constitutional right, the corresponding response from the government has failed children.

While the NCPCR has sought to fulfill the task entrusted to it under the RTE Act, albeit belatedly and without the requisite capacity to do justice to the scale of the problem, large number of states have defaulted in creating their SCPCR, or REPA in its absence, both as an appellate authority and monitoring agency. Where they have been created, the choice of persons to head the Commissions, the support being extended to them and the manner of functioning observed in the first year does not inspire confidence. There are honorable exceptions but the overall picture is disappointing considering the dramatic education change that is needed. The story of NAC and SACs is similarly worrying and disappointing.

At the school level SMCs as visualized in the Act have not come into being in most of the states leaving a big gap in the institutional support to the provisions of the Act. The planning process to form the SMCs, capacitate them to support the implementation of RTE and making them responsible and accountable to ensure every child in their neighbourhood comes to school regularly does not seem to be happening.

The huge quality deficit in the system of public education in the country has been noted by virtually all stakeholders, but there is no urgency visible in creating, streamlining or strengthening institutions linked with quality issues. SCERT is weak in many states, DIETS are non functional and at the sub-district level facilities like BRCs or CRCs have also not contributed to improving quality in education. These issues largely remain unaddressed on the ground in the first year, revealing the cavalier manner in which the RTE has been viewed and implemented so far.

Quality in educational programmes is usually measured in terms of learning achievement of students. Successive ASER reports (especially this year's RTE report card) confirm our worst suspicions about the quality deficit in education. There are several factors influencing quality including infrastructure, facilities, teachers, curricula and learning material, among others that have

not really reached the ground in correspondence with the urgency that a three year deadline demands. To bring about suitable changes in the teaching-learning processes the NCF has made many recent suggestions on this. A great deal of effort is required supported by augmentation of facilities and creating the right educational environment for children.

This year saw several distracting debates on reservation in private schools or applicability of the Act to minority institutions etc, while major issues like mainstreaming socially excluded children back into schools were hardly mentioned. The critical issues like mainstreaming socially excluded children back into schools, or creating really inclusive schools for all children regardless of caste, gender or income, were hardly mentioned. The basic commitment of the Act to give a reliable system of public education, and right to a functional neighbourhood school to every child is not getting the attention they deserve. Every child is entitled to quality education, regardless of her background, and thus inclusion-related issues must be accorded the highest priority.

There are several inclusion-related issues that are unresolved. Children from marginalised groups such as SCs, STs and Muslims are disproportionately likely to remain out of school, underperform and eventually dropout. Child labour is another area that needs attention, with at least 13 million children under the age of 14 still working. Education of children with disability requires much more emphasis than it currently receives. Large numbers of schools in areas of civil unrest do not function regularly or are used by military groups, which denies education to children as well as putting their lives at risk. Despite the RTE Act mentioning that instruction must be to the extent possible in the mother tongue of children, a huge share of the Adivasi children attend school without understanding the language of the teacher.

Discrimination based on caste, class, religion, disability and gender is still prevalent in many parts of the country and is seen explicitly in the schools. While progressively more focus is beginning to be put on the issues of urban poor, education of slum, street and railway platform children is often disrupted due to multiplicity of factors including forced displacement, e.g. during the Commonwealth Games. While the RTE Act makes provision for 25% reservation for poor children at the entry grade, this has been received with strong opposition by the private schools. Only a few states have attempted to do this systemically so far. Different standards of quality prevail between elite private schools and rural schools and within the government school system itself- with per child investment in Kendria Vidyalaya schools much higher than in private schools. Further work needs to be done to take recommendations of the Sacchar Committee forward regarding the education of Muslim children.

The Act places major responsibilities on local bodies and teachers. While little attention is being paid to local bodies, teachers too remain a weak link of the chain. It is not only a matter of more teachers being recruited, and more facilities for training of teachers, which is critical, it is equally important to create an environment for teachers to be able to work effectively. This, among other things relating to physical facilities available in the school, involves issues of governance and emoluments. Respect for teachers, decent salary and service conditions and trouble free work environment is desirable if it is expected that they take the primary load of implementing this legislation. The Act dangles the hope for a permanent cadre, but states continue with para-teachers, whatever the nomenclature. In

the post-RTE revamping of the system, teachers deserve a better deal and more assurance of dignity. Higher quality training and special training programmes for head teachers or special teachers for CWSN are other areas calling for attention.

Schools are the basic unit where change should become visible. The process has to start with school mapping which is imperative to ensure a neighbourhood school for every child, or alternatively some facility for transport and escort in some localities. Adherence to norms and standards in a neighbourhood school is the first promise of the Act which must be redeemed everywhere, whether by the state on its own, through parents' pressure or community initiatives. Proper formation and effective working of SMCs has the potential to go a long way to ensure the proper implementation of the RTE Act. Schools have to prepare development plans, but that in turn will require motivation, training and encouragement through approval of the plans. As for pupils, RTE calls for cumulative assessment of the achievement levels of students, makes provision for no retention and abolishes board exams till grade 8. However, this has been interpreted as students being promoted without any learning happening, instead of moving towards a system whereby children's learning is continuously assessed and teaching is targeted to the current learning level of children. Schools, teachers, educational administrators and community must understand the letter and spirit of the Act

It is widely accepted that the disconnect between the community and the school was one of the critical factors behind the decline of public system of education. SSA had underlined the importance of community participation, and had gone to the length of prescribing that the ownership of the Abhiyan be vested in the community. Despite this not materialising, the importance of community involvement remains undeniable. The RTE Act is not explicit about the criticality of the community support and participation in the overall success of the Act. The programmatic framework unfolding for the implementation of the Act so far, whether at the Central level or in the states, neglects the importance of the community. There is little consultation with civil society or members of the community at all levels, not to speak of a possible larger or decisive role. The level of community awareness and involvement continues to be low, and there is no thought spared for mobilising and harnessing community resources in various forms. The important synergy between the state and civil society is totally missing this time, which is unfortunate.

### **What are the first steps needed by the government to speedup implementation?**

Some of the steps that the government would need to take to compensate for some of the delays include to:

- Complete the process of notification of State Rules. However, the process must be consultative involving various stakeholders and their views.
- Immediately form SCPCRs with independent and apolitical people with subject expertise. Enhance the capacities of the SCPCRs and NCPCR to enable them to effectively monitor RTE implementation jointly with the SMCs.
- Initiate the process of formation of SMCs through an elected process giving parents space to influence the process.
- Map infrastructure/teacher availability against new norms for all schools and ensure needs based supply of infrastructure.

- Strengthen transparency systems. One clear model is of the Madhya Pradesh education web portal where all information is publically available. This must be replicated by other states. Adding space whereby local residents can input their information would improve the potential for RTE Act implementation Parents and civil society have a right to know what is happening in their states and the government should be transparent about the RTE rollout. Civil society organisations and networks may be able to extend support if implementation challenges are more widely known.
- Create awareness and understanding of the Act at various levels using different media, but especially through structured spaces for discussion and dialogue with all stakeholders.

#### **Other steps needed to compensate for missed deadlines include**

- Resolution to the challenges affecting teacher training systems (start the process of revival of teacher training institutes- especially in UP, Bihar- not resort to nominal training through a few days of distance education). This is going to be a long term process, but it needs to be started. Unless this is done, states will continue to hire unqualified parateachers which is the current situation. Teacher shortages, untrained teachers, poor quality of training, no effective systems for building capacities of head teachers and no effective onsite support is a huge unresolved cluster that needs to be addressed immediately.
- Put more money into the education system based on a systematic analysis of the situation and with the necessary financial checks and balances put into place.
- Issue of regulation of the private education providers cannot be postponed forever. With the number of private schools growing, it is imperative to put in place a rational, clear and transparent mechanism for the whole range of issues from RTE specific issues like the 25% quota to larger issues of commercialisation of education and regulation of school fees.
- The child labour law should immediately be brought into line with the RTE and all labour for children under 14 should be banned. Furthermore, the distinction between hazardous and non hazardous work under the Child Labour Prohibition and Regulation Act 1986 has not been removed and that comes in the way of universal education and the implementation of the RTE.

#### **The Way Forward**

The challenges before civil society at this juncture are large but not insurmountable. Delivering education is the responsibility of the State, but it does not imply that civil society can afford to be neutral or complacent. Its principal role is to hold the state responsible to its commitments under the Act. A concurrent struggle needs to be carried on with respect to the areas not yet covered by the Act or to remove its deficiencies. Creation of a large national alliance would help greatly in promoting the cause of universal quality education. The national stocktaking on the 31<sup>st</sup> March and 1<sup>st</sup> April was followed by a series of similar processes in Rajasthan, UP, Jharkhand, Orissa and AP that drew inspiration from the national process. Furthermore, processes of civil society convergence are underway in Bihar, Delhi and Jharkhand. Developing a national alliance calls for concerted and continuous collective effort on the part of many groups and individuals at all levels. There is considerable diversity in civil society and different component organisations bring in their own unique contributions and skills which may be pooled for both supporting the overall mission of universal, equitable, quality education and holding the State to account for its implementation. This process would need to be grounded in the sharing of information and experiences on a continuous basis.

This is the first Status Report which, hopefully will be followed by several more. It is part of the process of holding the government accountable to its responsibility of providing quality education to every child. Future reports will have more information from different states, particularly from civil society organisations. Combining the government data and reports with field experiences articulated in public hearings or case studies or other reports prepared by CSOs, a more realistic picture will develop which may be used for more realistic planning and effective implementation. These identified gaps would also need to be redressed-ultimately through the intervention of the State, but with the support of India's citizens at large and civil society in particular.

While the scenario in the first year has been disappointing, the situation can and must change. Your support is critical to ensure that government pledges and promises are turned into reality for every child of school going age. Together, we can ensure that this change happens and every child accesses quality education ensuring their individual future and the collective future of India.

## **Appendix I**

### **Member Organization of the RTE Forum**

AarthAstha  
ActionAid India  
AIF  
AKF  
APR  
BBA  
CACL  
CBGA  
Christianaid  
CRY  
EFRAH  
JOSH  
NCDHR  
NACDOR  
NCE  
NAFRE  
NEG FIRE  
Oxfam India  
PCCSS  
Plan India  
Room to Read  
SARD  
Save the Children  
UNESCO  
UNICEF  
VSO  
Wateraid  
WNTA  
Worldvision  
Welthugerhilfe

## Appendix II

### “Peoples' Stocktaking of the First Year of the Implementation of the Right to Education Act”

**Day 1:** 31<sup>st</sup> March 2011

Venue: Constitution Club, Rafi Marg, New Delhi

India completed one year of enforcement of Right of Children to Free and Compulsory Education Act, 2009 on April 1<sup>st</sup> 2011. The National Education networks and several Civil Society Organizations converged around a “**Peoples' Stocktaking of the First Year of the Implementation of the Right to Education Act**” for an interface with stake holders of different states.

#### 1. Session I: Inaugural Session

The first session started with the welcome note from **Shireen Miller of Save the Children, India**.

The session was started by **Ambarish Rai, Convenor Peoples' Campaign for Common School System, and Spokesperson for the RTE Forum**, initiated his speech with citing many recommendations made by Kothari, Ramamurthy and Unnikrishnan Reports. Mentioning the Unnikrishnan Report, Ambarish said that it is the responsibility of the state government to ensure free education for all. The government should make provision to invest 6% of the GDP on education. Ambarish continued that power of people is amazing. History itself speaks how people came together to fight for forest rights and labour rights. It is because of this power we all are here to fight for the right to education for children. The Right to Education Act has completed one year yet children are struggling to get into school. The private schools are flourishing. Parents are forced to send their children to fees charging private. The quality of education in government schools is in decline. Education is becoming commercialised. Education is a social issue and we have to come together to solve the problems staring us in the face. This convention will help bringing people from different backgrounds together to fight for the cause. Ambarish called upon all participants to speak out and join hand in putting pressure on government for proper execution of provisions under the RtE Act.

**Anjela Taneja, Oxfam India**, presented the preliminary findings of the Status of Implementation of the Right to Education Act in the First Year. The effort was to look at what worked and what did not with a view of learning from each other. A number of policy changes are happening, albeit slowly, however, all or almost all ground level deadlines have either been missed or at risk of being missed. The mechanism for the ambitious vision of the RTE Act to be translated into reality is not completely clear. While the implementation process has been slow, the situation is not beyond remedy. Issues need to be pushed more to compensate for a shrinking timeline. At the end, she stressed the need for the civil society to support for a concerted push to ensure implementation of RtE's minimum norms in direction of equitable, quality education of all the young citizens of the country and setting up of a comprehensive system of public education system along the lines of a common school system. The mission would only be accomplished if all stakeholders across the country come together for the cause.

**Ram Pal Singh (President, All India Primary Teacher Federation)**, started by thanking the Forum for giving him an opportunity to speak. He congratulated it for bringing people from different background and giving them a platform to speak out for the cause. He claimed that only 10% of the expected work has been accomplished by the end of first year of RtE. Vacancies of teachers had not been filled. The government should have taken steps on the regularization of teachers but they are not ready to take the accountability. He continued by saying that teachers are still being engaged in non teaching activities such as electoral work, census work etc. It impacts on the quality of

education as teachers are away from their main responsibilities most of the time. Mr Singh raised concerns about the way private schools are operating. He asked why private schools have not been asked to follow provisions of RtE Act. All children, irrespective of whether they come from urban slums or villages or anywhere else must have equal opportunity to receive education of quality. Mr Singh said that there are advisory councils in India for betterment of education but there is hardly any member from the teacher fraternity. While planning for setting up model schools, no teachers have been consulted. NCPCR and SCPCR believe that teachers are solely responsible for corporal punishment in schools. However, at the same time there is hardly any teacher in any grievance committee. Teachers have their own problems, challenges and limitations. However, we must appreciate that teachers are prime agents in the smooth execution of RtE. Mr Singh concluded his speech by saying that All India Primary Teacher Federation is fully committed to the cause and will fight together.

**ShantaSinha (Chairperson, NCPCR)** after thanking the participants expressed her concern that we are far away from the goal. It cannot be achieved without a combined effort of government officials, policy makers, teachers, community, children, NGOs and other stakeholders. More over along with coordinated efforts, strong political will is required. It is true that we failed to follow the timeline set up in the first year to meet the targets because a number of reasons, but we have to also accept that we failed to come together through a synergic approach. MrsSinha continued her speech by briefing about NCPCR's work since its inception. The commission has constituted an expert group to monitor the progress. She brought the attention of participants to the need to identify cases of RTE violations at the sub district and village levels. In most states SCPCRs are still non-functional and cases at remote places are getting unnoticed. Private schools across the country have approached the Court with the request to exclude them from the RtE Act provisions. MrsSinha reiterated that the RtE Act is the fundamental right of all. However, there is a need for strategic planning and execution. MrsSinha opined that a lot more needs to be done. MrsSinha concluded her speech by requesting all not to hesitate in approaching her and members of the commission.

**MuchkundDubey (Former Foreign Secretary)** started his speech by asking all participants whether mere formulation of provisions under the RtE Act will help bringing all out of school children back to school and ensure quality education. The problem is in the mechanism through which it is being executed. The large section of the society is still not aware of what the provisions under the Act are. The timeframe decided initially for attaining targets has not been adhered to. SMCs are still non-functional in most places. The success of the Act will depend on how efficient are our planning mechanisms and how proficiently we are going to be in executing our plan.

MrDubey stressed that school education couldn't be thought in fragmented way. Pre schooling cannot be considered in isolation. Other developing nations such as Brazil have incorporated pre primary education as part of their basic education system. UNESCO in 2009 considered during its Expert Committee meeting that basic education should be atleast for the first 10 or 12 years..

The percentage of people between 17-35 yrs of age enrolled in higher education is much higher in other part of the world. The figure stands at 70% of people in Scandinavian countries, 55% in other European countries, 60% in USA and 25% in developing countries such as Mexico, Philippines etc. In India, this figure it is only 7% largely because the foundation of the schooling system are weak. To compete at the international level, we have to make our base strong through greater investment in the foundational years. He concluded his speech by saying that we need to follow the UNCRC provision for education and extend the right to all children below the age of 18.

**Major recommendations of the Session:**



- More optimistic attitude is needed for RTE's implementation and more emphasis should be given in the upcoming year.
- While we do talk about time lines one can shorten those time lines, providing there is political will and coordinated action.
- An urgent need for greater support the mission of the RTE's implementation from within the government and civil society. This is especially important considering monitoring agencies like SCPCRs and NCPCR have limited human resources.
- Dedicated and responsible individuals are needed to go at sub district level to identify the real problems and inform the concerned authorities.
- Addressing the educational needs of children under six and above 14 require urgent attention.
- Implementation of the Right to Education Act would require greater stress on the issues of teachers to enable them to play the role expected of them. Greater space for participation of teachers in decision making on issues that affect them is also required.
- A new holistic and inter-agency movement is required bringing all concerned stakeholders across the country in support of the law is required.

#### **Sessions II and III: Deliberation on RTE Issues**

The subsequent two sessions consisted of detailed discussions of the specific issues. The major emerging issues from these sessions have been incorporated into the text of the main report.

#### **Session IV: Building a National Movement**

The session started with introductions by **Lakhi Das** of **NAFRE**. **Mr. Sanjeev Rai, Save the Children**, spoke about the need for all key stakeholders to come together to strengthen the process and sought inputs for a clear strategy for the same. Some of the issues raised during the subsequent presentations included:

- The present initiative recreated the spirit of the 1997 movement around the time of the passage of the constitutional amendment. A similar movement needs to come out of this coming together of people across the country.
- The intention of the State to go out of the way to ensure the Act's implementation seems to be lacking. Consequently, the role of civil society that asks for its implementation is not of "brand ambassadors of RTE" who feel that its an exceptional piece of legislation, but to demand that the minimum norms laid down under the law are enforced and the required budget allocation is committed by the government. Civil society needs to move into a watchdog role.
- There is a need for overall convergence of all the multiple stakeholders on RTE. This would entail pooling each others' knowledge and resources for a common mission and avoiding duplication of each others' efforts.
- In many parts of the country private schools are denying admission to children under the 25% quota. There is also an ongoing petition in the Supreme Court by the private school lobby to challenge the very existence of the RTE Act. There is growing privatization and commercialization of education overall. The movement as a whole needs to evolve a strategy for dealing with market forces, especially given the fact that the State and market are currently aligned.
- There is a need to hold the government to account. One of the possible means is that of the legal route. The experience of the Right to Food movement can be looked at to see how judicial intervention can lead to change on the ground. This would entail a PIL at the Supreme Court level and perhaps a series of PILs in the States which have strong Chief Justices like UP, Assam and Gujarat. A process of sensitization of lawyers and judges can also be undertaken to build the second line of capacity.

- The other means is that of a peoples' movement around the RTE Act. This in turn has to be a community and not an NGO movement. Those concerned about the status of the government schools need to become organized and take up the challenge in a more systematic way. Some examples of public facing actions around critical dates could be undertaken like the "million lights for educational rights" campaign that the state network has launched in Uttar Pradesh.
- There is a need for convergence of the multiple splinter groups of networks and coalitions at the state level. They would also require support and linkage from the national level. Micro and Macro level action would both be needed as part of the movement.
- The implementation of the Act cannot be completed without addressing the issues of and building synergy with teachers, since in the end the task of ensuring universalization with quality would be that of teachers.
- Need to build synergy with elected peoples' representatives at various levels. If education has to be made a political issue, it would require a more structured process of engagement at all levels- from the local Panchayat to the MP and MLA. The accountability of the elected representative to strengthening education would need to be strengthened.
- While the movement is currently focussing on the implementation of the existing provisions, one needs to keep a broader vision and push the boundaries of the Act, both in terms of inclusion of the excluded age groups, the movement to an enhanced set of norms and eventually a common school system.
- Essential to also work with the secular muslim representation of education and build a movement around the same. In the end, majority of Muslim children are not in madrassas and maktabas, but in government schools.

**Ambarish Rai** in his concluding address said that a peoples' movement around RTE is needed. This can take all the necessary modes of protest- including the legal means and democratic protest. In the end, if education is a tool of social transformation, it would require a stronger movement to bridge all differences and come together to ensure it is universalized. In the end, education has to emerge as a political issue. In this struggle, the implementation of RTE is a first step, with the common school system as the eventual goal. Both the long term and short term agenda need to be worked upon, especially in the face of the threat of commercialization of education. At the same time, work at the grassroots level is required to ensure that the new RTE norms as a start are implemented.

The session ended with the resolution read out by Lakhi Das of NAFRE that was then passed by a voice vote. The text of the same was as follows:

The delegates that had gathered for the People's Stocktaking of One Year of implementation of the RTE Act resolved that

1. A coalition of national and state education networks, mass organizations and civil society organizations will be formed at national level to build a people's movement for implementation of the Right to Education Act and to take forward the long term agenda of equitable and quality education to all, in the direction of common school system
2. This coalition would simultaneously play a watchdog role for holding the State to account for implementation of the RTE Act and support its implementation on the ground.
3. Similar processes would be repeated in the States to bring all stockholders and like-minded people together for building pressure on state governments and adding strength to the grass root movements.
4. Networks, mass organizations and civil society organizations at the States would come together six months from now to take stock of the implementation of the Act in their State.

**Day II**

Date: 1<sup>st</sup> April, 2011

Venue: JantarMantar, New Delhi

This day marks the anniversary of the Act being enacted on 1<sup>st</sup> April, 2010. The gathering converged into a rally followed by a public meeting and submission of a memorandum to the Prime Minister. Representatives from different organizations, NGOs and educationists from various states also participated in the public meeting.

The gathering started with a song on education issues by the youth group of 'JOSH'. Slogans were raised by participants in favor of their demands as 'Sabkshikshaeksaman, varnahoginind haram' (translation?), 'RTE, Act lagukaro' (Implement RTE), 'Shiksha par GDP ka 6% kharchakaro' (Invest 6% GDP in education) etc. The public meeting started in a very enthusiastic atmosphere. Participants had placards in their hands highlighting their demands. Renowned activist Swami Agnivesh, Veteran Gandhian PV Rajagopal, Dalit activists Paul Diwakar & Ashok Bharti, Teacher's leader Rampal Singh and leaders of different state and National networks addressed the public meeting. The meeting was conducted by Ambarish Rai and status of one year of RTE Act was presented by Anjela Taneja.

Addressing the public meeting, Bandhua Mukti Morcha president, Swami Agnivesh said that it is a shame that India has yet not been able to ensure elementary education for all its young citizens despite the fact that the commitment for the same was made more than 60 years ago at the time of drafting the Constitution. He declared his support to the campaign launched by the RTE Forum for the realization of right to education across the country.

"The right to education is essential for the future of children and the nation. People are not ready to compromise if the government fails to implement quality, equitable education," Swami Agnivesh said.

Veteran Gandhian PV Rajagopal asked the central government for making this act a reality without any delay. He said that we have already lost valuable time. He warned that this Act was made possible only after a long battle of people and they deserve to get it. India has no real shortage of funds for improving the education of its children. All that is required is that the Government should show its commitment and political will to implement the RTE Act in its true sense. Other speakers, too, emphasized the need for the Government to stop discriminatory practices in schools and highlighted the requirement for the State and Central Governments to work together for effective implementation of the Act rather than passing the ball in another court. According to the speakers, Indian public which was highly enthusiastic when the Act came into force, is now disappointed with the way it is being implemented. Government has taken very little effort to make people aware about the Act. The awareness level is such that only one in six people are aware of the Act. Basic provisions like safe drinking water and clean toilets are also not available in large numbers of schools.

In a memorandum addressed to the Prime Minister, Manmohan Singh, the Forum placed a number of demands related to the Act's implementation. These included ensuring availability of adequate resources for its implementation, pushing for more effective mechanisms for creating awareness regarding key provisions, formation of State Commissions for Protection of Child Rights, accelerating recruitment of adequately trained teachers against all vacant teacher positions, revival of teacher training institutes and addressing the issue of regulating private education providers were some of the demands.

## **RIGHT TO EDUCATION FORUM**

**Date:1st April 2011**

**Dr. Manmohan Singh**

Honorable Prime Minister of India

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### **Subject : Status of implementation of Right of Children to Free and Compulsory Education Act 2009 in India**

Honorable Prime Minister Manmohan Singh,

We, the representatives of the Right to Education Forum, a platform of education networks, peoples' movements, civil society organisations, and agencies working on education with a combined strength of 10,000 NGOs from all over India have assembled today to take stock of implementation of RTE Act 2009 in Delhi.

While the Act was a welcome step which has potentially far reaching consequences for reforming the long standing problems of education in the country, we regret that most of the deadlines laid down under the Act have either been missed, or are in danger of being missed. The deadline for re-recognition of private schools, formation of REPAs in the States still lacking SCPCRs, preparation of School Development Plans have been missed. A third of the time given by the law for enhancing the standards of schools to the new RTE norms has also elapsed.

### **Consequently, we would like to draw your attention to this unfortunate status and request you to exercise your role as Head of Government of India to:**

- Facilitate dialogue between the Centre and States for accelerated implementation of the Right to Education Act, to compensate for the missed deadlines
- Ensure availability of adequate resources for the implementation of the Act commensurate with the MHRD estimates for funding education and progressively enhance the allocation to ensure every school is brought to the KV norms. Apply appropriate push on respective ministries under your control to strengthen synergy between multiple departments and ministries to ensure smoother implementation of key provisions
- Push for more effective mechanisms for creating awareness about key provisions of the Act and inter-state and inter-departmental collaboration to ensure effective implementation of the norms mentioned under the act

### **Our specific Demands include,**

- Completion of the process of notification of State Rules. However, the process must be consultative involving various stakeholders.

- Immediate formation of SCPCRs with independent and apolitical people with subject expertise. Enhance the capacities of the SCPCRs and NCPCR to enable them to effectively monitor RTE implementation jointly with the SMCs.
- Initiate formation of SMCs across the country through an elected process giving parents space to influence the process. Bottom up plans for strengthening government schools need to be prepared in line with the provisions under the law and ensure needs based supply.
- Move to bring Amendments to the RTE Act to relegate SMCs to an advisory role in government aided schools is to be opposed, since this amounts to a dilution of existing provisions.
- Accelerate filling of all vacancies in teacher positions, through adequately trained teachers. This would all for revival of teacher training institutes- especially in UP and Bihar- not resort to nominal training through a few days of distance education. Teacher shortages, untrained teachers, hiring of para-teachers, poor quality of training, no effective systems for building capacities of head teachers and no effective onsite support is a huge unresolved cluster that needs urgent work.
- Strengthen transparency systems. One clear model is of the Madhya Pradesh education web portal where all information is publically available. This must be replicated by other states.
- Make status of implementation of the Act available publically and in a manner that enables concurrent tracking of the same to the extent possible. Parents and civil society has a right to know what is happening to the education system in their states.
- Awareness on the Act to be created at various levels using different media, but especially through structured spaces for discussion and dialogue with all stakeholders.
- Issue of regulation of the private education providers cannot be postponed forever. With the number of private schools growing, it is imperative to put in place a rational, clear and transparent mechanism for the whole range of issues from RTE specific issues like the 25% quota to larger issues of commercialization of education and regulation of school fees.
- Redefine the “Child Labour Prohibition and Regulation Act, 1986” as ‘Child Labour Prohibition Act’ and ensure total eradication of child labour, child servitude and child trafficking.

We hope that you will take into consideration these points of concern to make 'Right of Children to Free and Compulsory Education Act 2009' a reality in India.

**On behalf of Right to Education Forum**, an informal alliance of Education Networks and Civil Society Organizations including, but not limited to, CACL, CRY, NAFRE, NCE, Oxfam-India, PCCSS, Plan-India, Save the Children, UNICEF, UNESCO, AKF, World Vision, Wada Na TodoAbhiyan, Room to Read ,BBA, AIF, Welthungerhilfe, ActionAid, ChristianAid, VSO, Skillshare International, Water Aid, APR, EFRAH as members, representing a combined strength of over 10,000 NGOs from across the entire country.

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