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Foreword



There has been a long history of struggle in India for the right of the school going children to free and compulsory education. A major triumph in this struggle was the enactment of the Right of Children to Free and Compulsory Education Act, 2009. This Act entered into force from 1 April, 2010.

The Act is deficient in several fundamental ways. By far the most important among them are the perpetuation of the present hierarchical system of school education which perpetuates discrimination and inequality, and the exclusion from its ambit of right to free and compulsory education of children below the age of 6 and those within the age group of 15 to 18 years.

Nevertheless, the Act introduces several positive features which, if implemented, can bring about long-pending improvements in the school education system of India. These include: upgrading of infrastructure, recruitment of additional teachers in order to comply with the prescribed pupil-teacher ratio of 30:1 at the primary level, making education free, enrolment of all out-of-school children, constitution in each school of democratically elected school management committees, and doing away with screening procedure and capitation fee for admission of children and with private tuition by teachers.

After the right to free and compulsory education became a law, a number of educational networks and civil society organizations which had earlier been a part of the struggle for winning this right came together to form a Right to Education (RTE) Forum to arouse consciousness among the people regarding the newly acquired right, mobilize them to realize

this right on the ground, engage with the government for ensuring the adoption of necessary measures, including the provision of fund, for implementing the Act, building synergy among the constituents of the Forum and with national and international agencies and institutions working in the field of education, and going beyond the Act, to evolve strategies and work for a thoroughgoing reform of the education system.

The RTE Forum has been carrying out a review of the implementation of the Act and bringing out a report at the end of each financial year. The present Report is the third in the series of these stocktaking exercises. This is of special significance because this comes at the end of three years when all the norms and targets in the Act except those relating to teachers training, were required to have been fulfilled.

The Forum has been introducing improvements every year in the preparation of its annual review reports. The number of schools covered and those of NGOs and volunteers participating in the review process, has increased. In the preparation of the present report, some 500 field workers participated in collecting data from 2200 schools spread across 17 states falling in almost all the geographical regions of the country. The report has been prepared on the basis of both primary and secondary data collected by volunteers trained for this purpose and according to specially designed schedules. Moreover, the exercise has been carried out in a campaign mode which has helped in generating awareness about the Act and making the implementing agencies accountable to the people.

What is the picture of implementation that emerges from this stocktaking at the end of the critical

three-year period? There have indeed been some progress, particularly in putting in place additional infrastructure, recruiting larger number of teachers, making administrative changes at the levels of the Central and State governments. However, very few of the targets have been met. For example, less than ten percent of the schools are fully compliant with the prescribed norms. Some eight million children are still out of school. Most of the school management committees have been established in an undemocratic manner and they have not become fully functional. The process of registration of private schools on the basis of their compliance with the norms laid down in the Act has hardly began. There are serious shortfalls in the recruitment of teachers and shortcomings in facilities for their trainings.

The RTE Act has been in operation for over three years now, and yet the crisis in the Indian school education system persists. Teachers in government schools remain demoralized. They are not given the recognition and social status that is due to them. They are blamed for all the ills afflicting the system, while a large number of them remain poorly paid or unpaid for months, and the schools where they teach suffer from poor provision of basic facilities.

While the government schools remain neglected, profit-making private schools with very poor facilities and quality of teaching are proliferating. Government schools are being auctioned for being run on public-private partnership basis. And public educational institutions responsible for laying down and enforcing quality standards for teaching and teachers education are being handed over to private companies having little experience in this area.

On the other hand, the demand for education is expanding and poor parents, in particular, are restive about the deplorable conditions of government schools on which they still primarily rely to educate their children. At the macro-economic level, it is now being increasingly realized that the government's failure to prioritise quality school education has emerged as one of the biggest constraints to the sustenance of a relatively satisfactory rate of growth in the country. It is also being realized that so long as the school education system remains discriminatory and inequitable, there is unlikely to be an improvement in the quality of education.

This poses a new challenge to the RTE Forum. While continuing with its effort to get the RTE Act implemented, time has come for it to launch a campaign for bringing about a thoroughgoing systemic change in the entire school education system, of which pre-primary and secondary education should be an integral part.



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About RTE Forum



Right to Education (RTE) Forum is a collective of national education networks, teachers' organizations and educationists with a collective strength of about 10,000 organizations working in the field of education with the intent of bringing systemic reform in education. Our effort is to create a platform to bring equitable and quality education for all children, starting with the realization of the Right of Children to Free and Compulsory Education Act, 2009 in its true letter and spirit. The Act entitles each child aged 6 to 14 years to free and compulsory elementary education as the fundamental right. The law that is in force in the country from April 1, 2010 is derived from the 86th Constitutional Amendment Act, 2002 and is a product of a hundred years of struggle. 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. Despite its limitations, its enactment opened new possibilities for improving the quality of school education in the country. Consequently, several initiatives were taken at the national and state levels by individuals, groups, networks and alliances. These were sought to be woven together into a single framework, which came to call itself Right to Education (RTE) Forum.

Given the federal nature of India, RTE Forum has State Chapters that work in collaboration with National Forum to fulfill the common mission.

These are currently in place in thirteen states including Delhi, Rajasthan, Uttarakhand, Uttar Pradesh, West Bengal, Bihar, Jharkhand, Andhra Pradesh, Tamil Nadu and Pondicherry, Karnataka, Odisha, Chhattisgarh and Gujarat. The Forum is in process of expansion into other States including Maharashtra, Haryana, Himachal Pradesh and Assam for deepening the advocacy and mass mobilization for the implementation of the Act. The state chapters in turn are also collective alliances of organizations and networks working for the child rights and for bringing in equitable and quality education at the State level.

A Collective 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, Voluntary Forum for Education-Bihar, SCoRE-UP, Uttarakhand RTE Forum, Jharkhand RTE Forum, Delhi RTE Forum, Odisha RTE Forum, West Bengal RTE Forum, AP Action Group on RTE-AP, Rajasthan State Consortium, TN & Pondicherry RTE Forum, People's Alliance for Right to Education-Karnataka, Child Rights Collective-Gujarat, UNESCO, AKF, World Vision, Wada Na Todo Abhiyan, Room to Read, AIF, Welthungerhilfe, Action Aid India, NEG-FIRE, CCF, CARE, Christian Aid, VSO, Water Aid, Skill share International, Sampark as members. RTE Forum is closely working in collaboration with Council for Social Development (CSD) that also offers administrative and operations support. RTE Forum office is also located in the premises of CSD.

Acknowledgements



The present stock taking and the resultant report is a result of a year's worth of action of the RTE Forum and broad civil society on the Right to Education Act. Almost all the major education organizations have been part of or at times interfaced with the process. Consequently, it is impossible to really do justice to acknowledging individually the roles of everyone who has contributed- beyond the role played by the National Forum and State Chapters.

However, it would be essential to specially mention the contribution made by Action Aid (Dr. Alex George, Amit Mitra), Oxfam India (Anjela Taneja), CSEI (Annie Namala), Save The Children (Dr. Sanjeev Rai), Voluntary Forum for Education, Bihar (Prof. Vinay Kanth), Jamia Millia Islamia (Prof. Janaki Rajan), CARE (Dr. Suman Sachdeva and Seema Rajput), Sampark (Venkatesh Malur), Resmi Bhaskaran, Shukla Basu, Balwant Mehta and Parul Gupta. This report and the larger process would not have happened without the support of the State Chapters - both in terms of formal submissions to the report and their own reports. We also acknowledge the contribution made by the supportive process of the groups and organizations like Aarth Astha working on the rights of children with disability that has also fed into the present report. As stated earlier - however, this list remains incomplete and any omissions in this list are not deliberate!

However, the most critical contributor to the report has been the processes on the ground with the support of thousands of common people and civil society organizations that have come in support of the Act. A special acknowledgement is made for the efforts put in by the innumerable number of field

workers and NGO / CSO members who were part of the primary data collection and collation process as part of the study undertaken across 2200 schools in the earlier part of this year. The state convenors and their efforts are paramount in bringing forward this publication and their untiring efforts are a constant motivator for all of us.

We are grateful to Prof. Muchkund Dubey, President, CSD; Prof. Shantha Sinha, Former Chairperson, NCPCR; Prof. Praveen Jha (JNU); Urmila Sarkar, Chief-Education (UNICEF); Shireen Vakil Miller, Director of Advocacy and Policy (Save the Children); Avinash Kumar, Director- Policy, Research and Campaigns (Oxfam India); Alisher Umarov, Chief of Education and Programme Specialist (UNESCO); Rampal Singh, President (AIPTF) and R.K. Rai, Convenor (NCE) without whom this study and preparation of stocktaking convention would not have been possible.

We could not afford to forget to mention the contributions made by Late Dr. Vinod Raina who supported us and kept us guiding in the campaign for ensuring equitable and quality education to all children of the country.

Ambarish Rai, Convenor, RTE Forum

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Executive Summary



On 1st April, 2013, India completes three years of enactment of the Right of Children to Free and Compulsory Education Act, 2009. This legislation, laid down a time bound agenda to address some of the long pending gaps in the educational system. It lays down a timeframe of three years to meet all the norms except for the target of teacher training to be achieved by 31st March 2013. On the completion of the deadline of three years of the notification of this Act, it's time to take stock of the progress that has been made under the Act. The National RTE Forum argues that progress on several implementation fronts has been slow and needs to be urgently prioritized by both the central and the state governments to achieve equitable and quality education for all children in the country. There are still around 8 million children out of school. These dropout and never enrolled children tend to be the most marginalised and most disadvantaged such as child labourers, street children, migrant children, children in conflict affected areas and the disabled and need more focused efforts. Meeting this target would require huge efforts from the state to accelerate implementation of the existing provisions under the Right to Education Act and eventually provide equitable and quality education.

While its undeniable that additional government resources have been allotted, more teacher posts and infrastructure sanctioned and administrative changes brought about, these efforts have been sporadic and the required quality and rigour. The sheer fact that less than 10% schools are RTE compliant in terms of infrastructure and teacher availability is reflective of the reality of poor performance on the ground.

The tough issues of adequate financing, regulation of private providers, setting up of transparency and redressal mechanisms have not been addressed on the ground. India's commitment to the education of its millions of children has been stagnated between the centre and the states. A crisis, however, is also an opportunity. There is a nationwide call for action to ensure that the hopes of India's millions of children are not betrayed. The RTE Forum calls for the following actions to be taken to ensure the Right's timely implementation.

The stocktaking report of 2013 is based on these six thematic areas:

- Systematic readiness and redressal mechanism,
- Community participation,
- Teachers,
- Private sector,
- Social inclusion
- Quality.

After considering broad issues of quality, the report draws out some recommendations for action. Simultaneously a study has been undertaken by the RTE forum and its constituent members across 17 states in which around 500 field workers visited 2200 schools and observed the compliance of RTE and came up with primary findings. This report is thus created using the primary findings in part and based on secondary information from various states, particularly from civil society organisations on the ground. The executive summary gives a general overview of the report and draws out some key highlights.

Issues where action has been slow are the tough issues of adequate financing, regulation of private providers,

teacher's recruitment; improving quality of teacher's training institutes, setting up of transparency systems and redressal mechanisms. Most issues pertaining to teachers remain unaddressed such as the end of the practice of hiring para-teachers. The process of tracking of attendance, mapping of exclusion, and setting up of adequate number of bridge courses not been put into place.

Key recommendations for this year are as follows:

- An urgent meeting convened of the National Development Council (NDC) by the Prime Minister and bringing the Chief Ministers of the States to plan for the implementation of the Act's provisions.
- The development of a national roadmap and regular review by the NDC in the form of a white paper whereby all schools meet all the norms of the Right to Education Act as per the roadmap.
- A commensurate enhancement of the budget for elementary education in order to deliver on the commitments made.
- A systematic pan-national mechanism of concurrent review of the status of implementation that is commensurate with the urgency of the matter.
- Centre should initiate process urgently through Centre-State consultative mechanisms for ownership by states as education is a concurrent list subject.
- Special training for out-of-school children needs to be provided in numbers commensurate to the actual numbers of out-of-school children.
- Need for a review of the curriculum and textbooks in the schools to ensure they are of

a level commensurate with the actual learning levels of the students.

- Awareness building about the spirit of the Act with department officials that are tasked with its implementation is still needed. Community awareness on the Act likewise needs to be deepened further.
- Recognize the rich diversity of religion, culture, leadership and contribution of Adivasi, Muslim and Dalit communities in school curriculum and create sensitivity and respect for them among all children and teachers.
- Stronger regulatory frame for private schools is required. Ensure transparency and accountability measures are put into place.

This review is an attempt to highlight the issues of concern at the ground level while at the same time providing a platform for stakeholders and civil society organisations from various States to come together and hold the Government - both Centre and State- accountable for its implementation. 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.

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 and the people, seeking to implement RTE and at the same time work jointly to create a transparent and accountable mechanism for an equitable and quality education.

2 Introduction & Background



The Right of Children to Free and Compulsory Education Act (RTE), 2009 came into force on 1 April 2010. It laid down a number of deadlines for implementation that come to an end on 31st March 2013. While it is undeniable that efforts have been made over the last three years, the reality on the ground is that a radical transformation of the ground reality has not happened and India's schools remain far from attaining even the minimum norms laid down by the Act, let alone fulfilling the radical vision of equitable quality education for all of India's young citizens. This is unfortunate, especially considering that we are barely two years away from the second round of deadlines- that of all a universal professionally trained teachers' force that is to be achieved by March 2015.

It is undeniable that different states stand at different levels in terms of elementary education and that there are State-specific barriers. However, what cuts across the entire country is the silent crisis in the education system- no State can be said to reach the commitments of the Act in totality. Having said so, examples of positive action exist that can be emulated by others. There have also been made positive pan-national policy actions over the last three years that have the potential for changing the face of the educational system. There are also rays of bright light that show the direction for the future.

Sarva Shiksha Abhiyan (SSA) one of the flagship programmes of the present Government is being used as the carrier to implement the RTE Act ensuring the basic infrastructure and other requirements. As a result, the enrolment rate has gone up and in some states it has reached near universal access. But the concern remains regarding (1) quality

of education, (2) retention of the enrolled children, (3) infrastructure for education, (4) inclusiveness in accessing education, (5) education within the neighbourhood with essential support, (6) grievance redress in case of denial of rights, (7) roles and responsibilities of local authorities etc. In order to ensure access to education to all children in the age group of 6-14 years, the RTE Act offers the following provisions.

- Right of children to free and compulsory education till completion of elementary education in a neighbourhood school. According to the Act 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the 6-14 age group.
- Local authority should identify out of school children (OoS) with the help of teachers, school management committees (SMCs) and enrol them in age appropriate classes. The Act also provisions for special training to OoS children admitted to age appropriate classes.
- No child should be denied admission due to the lack of birth certificate.
- Child should get transfer certificate at any time of the academic year on request and also should be admitted during any time of the academic year in the age appropriate class.
- No fee should be collected from any child.
- It specifies the duties and responsibilities of appropriate Governments and local authorities. in providing free and compulsory education, and

sharing of financial and other responsibilities between the Central and State Governments.

- It provides for adequate deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than the decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite academic qualifications.
- School should be CWSN friendly with special teachers, learning and transportation support.
- It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition,
- It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potential and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.
- It provisions 25 % reservations in private schools for children from the disadvantaged and economically weaker sections (EWS).
- It has provisions which envisage social inclusion and gender equity in the school management committee (SMC).

Key efforts for the implementation of the RTE Act

One of the unique features of the RTE Act is that it has very clearly put down a deadline for its implementation. It specifies that within three years from the date of enactment, all the provisions except for qualified teachers should be met and that the latter should be fulfilled by 2015. Towards this end, government has taken the following steps:

- Revised the SSA Framework in 2011,
- Brought out the National Curriculum Framework for Teacher Education (NCFTE) in 2009,
- Established the monitoring arm of RTE implementation by strengthening the RTE division of National Commission for Protection of Child Rights (NCPCR),
- Mandated the Central Advisory Board for Education (CABE) to review the status of implementation periodically and
- More importantly ensured that all States notified RTE State rules.

Government's current strategic thinking on education

In India, the Five Year plans are mandated to provide the strategy and roadmap of sectoral progress that are expected to be achieved during the plan period. The focuses of the Twelfth Plan with regard to education are: **(1) reduce the number of out of school children and reduce the dropout rate, (2) improve the school infrastructure status, and (3) improve the learning outcomes for all children.**

The plan however introduces certain coinages such as 'residual access' 'equity gaps' etc to give the impression that access to education has been achieved barring some residues and certain gaps in equity. This is far from the reality. Though enrolment rates have improved at the entry level in the lower primary section, dropout rates even as per the DISE data is huge. This is even higher with regard to the SCs, STs and Minorities. In addition various dimensions of exclusion still exist within the school system and in its relational space; therefore the issue of equity and inclusion is not just that of a gap. Social exclusion is part and parcel of India's very social system which is rooted in caste and patriarchy.

A major thrust of the Twelfth Plan is on improving learning outcomes, which is welcome, but this should accompany an acceptance of the continuing issues of access to education by broad basing its availability, ensuring the functionality of schools in rural areas and urban poor habitats and addressing the issues of inclusion which is socially implicit in the very social organization of India.

Though the *Economic Survey 2012-13, another strategy document of the Government*, deliberated on some of these matters gave a feeling that there would be sufficient budget allocations to achieve the Twelfth Plan targets, unfortunately there is hardly any significant improvement in the allocation for education in the 2013-14 Union Budget. For SSA the union budget 2013-14 it has allocated only Rs. 27258 crores for SSA, which is just a 6.6 % hike from last year. It would barely make good for the inflation and is therefore no real increase given the huge requirements of RTE implementation. The total allocation for school education and literacy however indicate some improvement as it has gone up from Rs. 45542 cores in 2012-13 budget to Rs. 52401 crores in 2013-14 budget indicating a 15 % growth. Total allocation for education to Gross Domestic Product (GDP) still revolves around 3.3 % against the target of 6% set by Kothari commission in the 1960s. In fact, the Ministry of Human Resource Development had requested an amount to the tune of Rs. 1.84 lakh crore for SSA during the Twelfth Five Year Plan period. The present allocation indicate that though the plan strategy document has set up certain targets in view of various commitments, the inadequate fund allocation itself will weaken the entire process of RTE Act implementation very badly. With the widening gap between the demand for fund and targets to be achieved, it is unlikely that SSA will be able to provide the required financial support and the consequent technical and other resources to the states and for our children.

The budgets allotted for education is very little especially when the Twelfth Five Year Plan document points out that only 4.8 % of the school in the country achieved RTE compliance in all the nine indicators.² The improvement is not impressive and also indicates the need of a mission mode intervention to achieve the minimum targets. Interestingly, the lapses are various across the States and as a result though some States indicate better achievement rate, failure of others result in pulling down the average. The percentage of schools that achieve RTE compliance is still around 10 % for all nine indicators.

In this context of poor achievement of RTE Act norms and more importantly the glaring shortcomings in achieving the educational rights of children even beyond the Act, the RTE Forum felt the imminent

need to deepen the debate on educational rights of children in India with the help of more field level data. The RTE Stock Taking Report 2013 is envisaged to provide an empirical as well as policy critique to substantiate the advocacy activities of RTE Forum at National and State Levels in the year of RTE compliance viz, 2013 as the deadline for implementing most of the norms of the RTE Act expires on 31st March 2013.

RTE Stock Taking Report 2013, would be critically reviewing the following aspects of RTE implementation through primary and secondary data. The report focuses on:

1. Critically examining the elementary education policy of India based on secondary literature
2. What is the status of children who are out of school and in school?
3. Whether the schools have been able to improve its infrastructure and entitlements in line with RTE norms.
4. What is the status with regard to teacher availability and qualifications of teachers etc. with regard to RTE norms?
5. Whether community plays any role in school management, preparation of school development plans and in the monitoring the school and its grants?
6. Is social inclusion with regard to Dalits, Adivasis, Muslims, Girls, CWSN achieved in schools
7. Are private schools implementing the norms for reservation of children of disadvantaged and economically weaker sections?
8. Developing policy recommendations based on primary data and the secondary data based policy review.

Methodology

The present report uses both primary and secondary data. The secondary data is mainly the available studies, reports, government orders and notifications, newspaper reports, etc. It covers both national and state level RTE related details. The primary data is the core of RTE Stock Taking Report 2013. It is collected from around 2200 schools in 17 States. Since RTE forum focuses on campaigning for the implementation of the RTE Act across the country,

² Twelfth Five Year Plan, Vol. III, Social Sectors

the methodology followed to collect data is also in line with its core objectives. The states covered in the study include those from all geographical zones of India viz Andhra Pradesh, Karnataka and Tamil Nadu in the South, Maharashtra and Gujarat in the West, Orissa, Bihar, Jharkhand and West Bengal in the East, Assam and Manipur in the North East, Uttar Pradesh, Madhya Pradesh, Rajasthan, Haryana, Uttarakhand and Himachal Pradesh in the North/Central zones.

The entire process of primary data collection and its analysis has been conducted under the umbrella of RTE forum which has Action Aid, Save the Children, UNICEF, Oxfam India, CARE, Aid et Action and several other NGOs as its constituents. The Forum has included all the possible agencies and organisations in the states where the study has been conducted. Designing the study, conducting Regional ToTs and state level trainings, conducting data entry was done with the participation of various organisations. Since it has been conducted in a participative manner, following a certain campaign agenda and activities at the grassroots level; it is essential to delineate the entire process in detail.

3 The RTE Study Across States

3.1 Setting the objective, preparation of questionnaire and selection of schools:

The empirical study used a quantitative survey questionnaire which was developed collectively. The questionnaire is an integrated tool aimed at collecting information on sample schools from various stakeholders such as Head Teachers, Teachers, SMC Members, PRI members, Community, Children

and from school records. Data collection process was a step by step participation process started with a major consultation in Delhi in August 2012 attended by representatives from various NGOs from a number of states who took the lead in the data collection process in the respective states. In this consultation, the objective and approach of the study, key indicators to be analysed, the sampling methodology and the number of schools to be covered, draft questionnaire etc was discussed in detail.

Sample : State wise				
State	Govt. schools	Govt. aided (Pvt) schools	Unaided (Pvt) schools	Total
AP	168	12	38	218
Assam	126	16	13	155
Bihar	135	2	24	161
Gujarat	80	13	12	105
Haryana	88	3	4	95
HP	20	0	0	20
Jharkhand	87	5	8	100
Karnataka	98	19	15	132
Maharashtra	115	22	11	148
Manipur	19	10	3	32
MP	103	0	24	127
Odisha	138	4	9	151
Rajasthan	89	0	11	100
TN	101	15	19	135
UP	248	25	45	318
Uttarakhand	25	1	5	31
WB	8	140	15	163
Total	1648 (75.2)	287 (13.1)	256 (11.7)	2191 (100)

The sampling was decided using the DISE data of the states for government, aided and unaided schools. The presence and strength of RTE Forum constituents at the state levels have been considered while selecting the states. The total sample we have achieved with the state wise break ups as well as bifurcations by the types of schools are presented below. We have a total sample of 2191 schools spread out in 17 states of India from all its geo-cultural zones.

3.2 Limitations

The sample of 2191 schools would present a reasonable picture of educational rights at the national level. When the sample is broken down to the states it would not be adequate to speak about the state level situation though. State data is therefore presented with this caveat; in order to still have an idea about the performance of states. As an independent survey conducted by civil society organisations, which are not part of the education department the study presents a different perspective.

3.3 Access to Elementary Education

Two major access issues are considered, child mapping and the number of days a schools functioned in the previous academic year for both of which the study has yielded data.

Child Mapping

Child Mapping has been undertaken in 61% of the schools leaving out the 256 private schools. The source of information in this case was primarily the teachers followed by the SMC members. The somewhat high figures of child mapping mentioned above when enquired further resulted in about 40% of the schools having a record/register of child mapping. Teachers continue to play a dominant role in the child mapping process and the panchayats and school management committees have a marginal role. Teachers have conducted child mapping in 31 % primary schools and 13 % of upper primary schools. Panchayats and SMCs together have done child mapping in only 6.5 % primary schools and 4 % upper primary schools. That the three should work together to actualise the provisions of the RTE is saying the obvious with regard to Panchayats involving/ conducting child mapping with SMCs but how to implement it remains an open question. The Panchayats can play a critical role but more often

than not the teachers and the Panchayat functionaries stand by each other.

The study reveals that migrant children remain the nowhere kids: nearly 41 % schools do not include them in the mapping process. The nomadic children's plight is worse than that of migrant children. Just 3.7 % schools include them in child mapping. The RTE norms specify that there should be special facilities, including residential, to educate migrant and nomadic children. However, the survey showed that in just 17 schools (0.8 %) did such facilities exist. Children with disabilities seem to fare better as 24.7 % schools include them in the mapping exercise.

However, inclusion in the mapping process does not necessarily transfer into better schooling outcomes for any category of children. Be that as it may, what is relevant is that such large numbers of children who are disadvantaged are left out of the educational processes. That children are nobody's priority is borne out by the fact that in 25 % schools tracking is not done for the students. We do not however have information on the quality of retention monitoring in the 75 % schools which report that they are doing it.

School Functioning

According to the RTE norms, primary schools are supposed to function at least 200 days a year and all other kinds of schools a minimum of 220 days annually. The Study showed that 89 primary schools functioned less than 200 days a year and 228 upper primary schools worked less than 220 days. Thus 317 or nearly 15 % of the schools surveyed worked less than the stipulated norms. It is important to note here that it is among the upper primary schools that there are more schools which do not function for the stipulated number of days. This data on number of working days in schools brings us also to the question of what is meant by 'functionality' of the school. Does merely opening and closing the school amount to functionality? This practice was reportedly followed by some schools in order to record a high number of 'functional' days for schools as required under the RTE norm.

3.4 Quality of Infrastructure

Availability, access and quality of essential infrastructure play a critical role in influencing the learning of children. Many studies have proved it

with empirical evidence³. In India, one of the major reasons for poor education and learning outcome is the lack of sufficient school infrastructure in many parts of the country. A good number of the schools still function in single or two room buildings with one teacher, along with the lack of other basic teaching infrastructure including teaching material. School infrastructure deprivation is very high in the less developed states when compared to Southern States. The geographical terrain, access to road and other critical services also further affect the infrastructure status of the school. It is essential that school infrastructure should be safe and child friendly as well as accessible for all children. Many field level studies and reports very clearly mention also that access to drinking water and toilet facilities increase attendance rate.

Realizing all these factors, the RTE Act 2009 has specified the infrastructure norms in the Schedule of the ACT that are mandatory for all schools. They are:

- All weather building of at least one classroom for every teacher and an office cum store cum head teacher room
- CWSN friendly access
- Separate toilets for girls and boys
- Drinking water facility for all children
- A kitchen where mid day meal is cooked
- Play ground
- Arrangement for secured school building with boundary wall or fencing
- Teaching learning material provided to each class as required
- Library to provide newspapers, magazines, books and all subject books including story books
- Play material, sports/ games material to all classes as required

While setting up these norms, the Act also provided a time bound approach making government to fill the infrastructure gap within three years as per RTE norms that is by 31st March 2013. From its inception to today, there have been some efforts to address the infrastructure gap across the country. However, it is insufficient and far below the required level. Here

it is imperative to note that RTE Act entitles every child a right to elementary education of satisfactory and equitable quality in a formal school satisfying certain essential norms and standards. The JRM 2013 of SSA also points out that many of indicators and the targets are not fully met or need further action. Interestingly, the JRM cities that enrolment overshoot the target, indicating the additional inputs needed in infrastructure as per the increased number of children in school.⁴

Based on the data collected from 2191 schools on various indicators related to school infrastructure, the present study attempts to highlight where the big gaps remain, where there is significant progress and whether it is in line with other findings or tells something different.

Schools in accessible reach of the community

The National Model Rules on Right to Education lays down that there should be one primary school within one Kilometre reach and one Upper Primary school within three kilometres.⁵ The present study highlights that 77 % of the schools comply with the neighbourhood norms as per the RTE Act norms mentioned above and are therefore within the reach of the community.⁶ More than 90 % of the primary and upper primary schools in Karnataka, Gujarat, Haryana, Himachal Pradesh and Madhya Pradesh and more than 80 % of schools in West Bengal, Uttar Pradesh, Orissa, Tamil Nadu and Andhra Pradesh meet the neighbourhood norms. States that need more effort to establish schools as per neighbourhood norms are the North Eastern States (Assam and Manipur) and states like Rajasthan.

School buildings should be safe and secure for all children. All weather buildings can be defined as buildings, which are pucca or nearly pucca. All schools in Haryana are all weather ones. In Gujarat, Uttarakhand and Madhya Pradesh, more than 90 % of schools have achieved this norm. In Rajasthan and Manipur one third of schools do not function in all weather buildings and are therefore poor achievers in this aspect.⁷ On the whole nationally 79 % of the schools have all weather buildings.

3 <http://www.iadb.org/en/news/webstories/2011-10-18/school-infrastructure-and-educational-in-latin-america,9615.html>

4 Seventeenth Joint Review Mission 14th -28th Jan 2013, Aide Memoire

5 Almost all State Rules also are in agreement with the Model Rules, with only marginal changes in the case of few states.

6 Data on compliance to neighbourhood norms for primary and upper primary as per the state rules was collected for each of the schools surveyed. Data in this regard apply to both primary and upper primary norms in the case of schools having both.

7 As per the DISE 2011-12 data, nationally about 70 % of the schools have pucca or nearly pucca buildings.

The present data shows that only 50 % of the schools reported to have boundary wall or some kind of fencing⁸. This could be mainly because this survey took place largely in the marginalized regions and areas close to it. It is essential to create awareness among local implementers and state policy makers as to why a school needs boundary wall to keep children secure. As rural hamlets hardly have any boundary wall this concept would not be easy to convey. However, fencing with locally available material could be done.

Adequate Classrooms

Number of classrooms and how the children are distributed into different classes plays a major role in determining child participation, learning levels and learning outcomes. Single classroom schools are still not a forgotten story in our country, particularly in the rural areas. Around 5 % of the schools in the sample are run in single classrooms. However, more than two third schools have only three or more classrooms and more than 58 % schools have four or more classrooms. More than one third of the schools have seven or more classrooms. Considering the increasing number of the newly enrolled children attending schools, the number of classrooms needs also to be improved in schools where there is a lacuna for it.

Common Room for Teachers

Only in one third of the schools mentioned there was common room for teachers. The implication of this is that teachers did not have space to prepare teaching materials and for sharing and learning etc. This, not only affects the teaching quality but also the assessments.

Access to essential teaching material (TLM)

The study indicates that nearly 80 % of the schools got TLM. If we assume that all those schools who have TLM would be using, it could be very encouraging information. The states that need to improve in this regard are Rajasthan, Manipur and Uttar Pradesh.⁹ Black board is an essential part of the school learning and it is critical TLM for a school. The image of the teacher is always associated with blackboard for the children. According to the present study even after three years of implementation of the RTE Act 2009 around 7 % of the schools still do not have functional black boards. The problem is severe in Bihar and Uttar Pradesh.

⁸ DISE 2011-12 mention that 58% of schools have boundary wall or fencing.

⁹ According to DISE 2011-12, nearly 67 % schools got grant for TLM and nearly 95 % of those who got TLM, used it.

¹⁰ As per DISE statistics 2011-12 show that, only 56 % of the schools had play grounds.

¹¹ In the case of drinking water almost all the schools in the country as per DISE 2011-12 has access to it, i.e. 94 %.

Play ground and materials

Co-curricular activities have a major role in education. Physical and socio-cultural development of children is shaped by the participation of children of children in games. They form their ability to work in teams and help in physical development. In the present study, nearly 58 % of the schools reported to have play grounds¹⁰ and 55 % have some kind of play materials. Nearly 82 % of schools in Tamil Nadu have play grounds, while Bihar, Jharkhand, Rajasthan and West Bengal has to provide play grounds in 44 % to 60 % of their schools. At present nearly 40 % schools on an average do not have play grounds.

Library

With regard to library facility in schools, the present study also indicates that 55 % schools reported having libraries; though this study is not covering all the states and union territories. As per the data, it is reported that wherever library is available, it is accessible to children. However, it is still a question how good these libraries and whether teachers are helping students to use the library effectively. The states that have to improve in the provisioning of libraries are Assam, Manipur, Madhya Pradesh, Bihar and West Bengal.

Drinking water

Safe and adequate drinking water is important in attracting children to school and ensuring their retention. The present study shows a low figure of 77.8 % with regard to availability of safe drinking water. Performance of states such as Andhra Pradesh (19.4), Assam (25.2), Bihar (19.3), Haryana (23.2), Manipur (28.1) and West Bengal (20.2) where almost a quarter or slightly more schools do not have drinking water facility¹¹ needs focused attention.

Midday meal

Midday meal to school going children is one of the flagship programmes of the government. This aims to improve attendance, reduce dropout for child labour and moreover to provide minimum food and nutrition support to children to sustain themselves in the classes. Field level observation have revealed that children of poor families often came to school without having any food in the morning and for them midday meal is a basic requirement to help them attend classes and learn.

Kitchen as specified in RTE Act is available only in 68.8 % of the schools.

Schools in South India ranging from Karnataka (73.5%), Andhra Pradesh (79%) and Tamil Nadu (82%) indicate better performance in this regard. States such as Bihar (36%), Haryana (38.9%), Jharkhand (35%), Maharashtra (39.2%), Manipur (31.2%), MP (41.7%), Rajasthan (31%) UP (28.9%), West Bengal (28.8%) where more than a quarter and above schools do not have kitchens for cooking midday meals need to invest more on building kitchen shed in the schools and make them functional.¹² This field enquiry in schools showed that nearly 60 percent schools in AP, Assam and Bihar to 80 % in Gujarat, 86.5 % in Maharashtra and 88 % in Odisha followed the menu they had made public. Noncompliance in this regard is reportedly high in AP (23.4%), Assam (28.4%), Manipur (37%), MP (16.5%), Tamil Nadu (25.2), UP (18.9%) and West Bengal (17.2%).

Provision of Separate Toilets for Girls in schools

More than 75% of the schools in the states of Karnataka, Gujarat and Tamil Nadu are reported to have separate functional toilets for girls. However, there is a lot to be done to improve the scenario in many states like, Orissa (14%) Andhra Pradesh (46.3), Bihar (46), Jharkhand (45) Uttar Pradesh (59.4), Madhya Pradesh (41.7), Rajasthan (32) and West Bengal (44.8) where only a smaller percentage of schools have separate toilets for girls.

Infrastructure that ensures inclusion of CWSN

The findings of the study shows that it is only 9.2 % of the schools have CWSN friendly toilets available to children for use, another 3.7 % schools have the facility but it is not accessible to children. When it came to the availability of ramps with handrail, nearly 40 % of schools reported to have this facility. Andhra Pradesh and Uttarakhand have apparently almost achieved this target while Bihar, HP, Jharkhand and Tamil Nadu also report 80 % to 90 % in this regard.

3.5 Teachers and RTE

The present chapter is an attempt to analyse the various aspects related to the implementation of teacher related provisions of the Act with the help

of primary data. In this connection it can be noted that of the 2191 schools in the sample, nearly 47 % are primary schools, 35.2 % are primary to upper primary, 7.3 % are primary to secondary and 4.3 % are primary to higher secondary.

Recruited teachers versus para teachers and teachers and 'sub contract' / 'proxy' teachers

We note that a significant number of teachers in some states are para teachers. They are recruited due to the lack of trained teachers. In Bihar 50 % of schools have para teachers. In AP it is 44 % and in Jharkhand 37 %. States like Karnataka (28%), Uttar Pradesh (23%), and West Bengal (21%) also have a large percentage of para teachers. The present study also found that, one out of ten 'teachers' are those who teach on behalf of government appointed teachers and have not come through the selection process nor have their qualifications been verified by the state education authorities. These 'sub contract' or 'proxy' teachers constitute a substantial part of teachers in Himachal Pradesh (15%), Jharkhand (12%), Manipur (9.4%), Tamil Nadu (9.6%) Karnataka (7.6%) and Maharashtra (6%).

Implementation of PTR Norms

The RTE Act prescribed the PTR ratio at 30:1 in primary classes and 35:1 in upper primary classes. In the present study 56.6 % schools in the primary and upper primary schools follow the respective RTE norms. 36 % did not follow while 7 % did not respond to this question. The state wise analysis shows that almost all schools in Uttarakhand follow PTR norms and the other states with an impressive PTR adherence are Andhra Pradesh with 82.6 %, and Gujarat, Maharashtra, Madhya Pradesh, and Tamil Nadu where 75 % of the schools have achieved it. 66 % schools in Himachal Pradesh, Karnataka, and Odisha also do so. States like Assam (43.9%), Bihar (57.8%), Jharkhand (49%), Manipur (59.4%) and Uttar Pradesh (56.3%) need to take more efforts to implement PTR norms in the school as around half of the schools in these states are not following the PTR norms.

Status of separate subject and language teachers

RTE Act has emphasised the need to have separate subject teachers and language teachers in the schools

¹² DISE State Report Cards 2011-12 indicate that only 41.1 % schools had kitchen sheds in schools.

in classes VI to VIII. In the present study, nearly 33 % of the schools have separate teachers for science (34.3%), mathematics (32%) and languages (33.1%). When it comes to social sciences, 27% of the schools have separate teachers. The state wise analysis shows that Odisha, Gujarat, Manipur and Tamil Nadu have made impressive efforts to appoint separate subject and language teachers. Around 60 % to 85 % posts of subject and language teachers have been filled in these categories in these states. On the contrary states like Bihar, Jharkhand, Uttar Pradesh and West Bengal need to take adequate measures to meet the RTE norms with regard to subject and language teachers as the appointments of subject and language teachers vary between 20% to 60 % for different categories. Briefly, the analysis shows that the need to have separate teachers for subjects and languages in six to eight classes should be highlighted as a major policy implementation need to the state level policy makers. This should be followed by strengthening the subject and language teaching at the college level and then at teaching education level. Overall, the data indicates that there is a major gap in subject teachers and language teachers in the country with the norms in this regard being met by only by a maximum around 35 % of schools nationally.

Special educators/ counsellors for CWSN children

The present study notes that 66 % of the schools do not have special educators or counsellors. However in Gujarat 14 % of the schools reported having special educators, while in Odisha nearly 52.4 % and in Maharashtra 21.6 % of schools provide counselling support to CWSN children. In most other states these facilities are provided only marginally.

Non educational activities allotted to Teachers

The Section 27 of the Act provisioned that “no teacher shall be deployed for any non-educational purpose other than the decennial population census, disaster relief duties or duties relating to election to the local authority or the State Legislatures or Parliament, as the case may be”. The present study shows that 47 % of the teachers were involved in activities other than prescribed ones. More than 41 % of them engaged in one or two such activities. The practice of posting teachers for non educational work, often beyond

the geographical areas of the schools where they are posted is followed in many states.

Distance Travelled by teachers to reach schools

The presence of teacher in the school is influenced by whether the teacher lives in the village or travel long distances to the village every day. In the case of teachers who travel, the distance that teacher travels plays a role in the regularity and punctuality of the teacher in the school. Thus 40 % teachers do not have to travel more than 10 kilometres, while 76 % have to commute only within 20 kilometres, which is not a long distance. However about 25 % of teachers travel longer distances.

To cover the distances large chunk of them use their own vehicles, i.e. 45 % while 25 % travel by bus and around 7 % use shared autos. Bus is the main mode of transportation for teachers in Himachal Pradesh and Karnataka, while in Maharashtra, Haryana, UP and MP majority of teachers use their own vehicles. In Jharkhand 36 % of teachers walk to reach school. This could be also due to the poor transport facilities in the state.

In-service training

In the present study during the immediately previous year three fourth of the teachers have received some form of training. On an average taking all states together one to five teachers have got training in 57 % of schools. But in states like Bihar nearly 69 % of the schools did not respond to the query in this regard. The case was similar with regard to one third of schools in Andhra Pradesh, Karnataka, Madhya Pradesh, and Uttar Pradesh with high levels of no responses ranging from 20 to 36 %. We cannot infer directly from these no responses that no teacher from this many schools received any training. However, that could be the case with some of these schools as no response sometimes is an indirect way of saying no.

The training support that was provided was carried out mainly by Government (62.4 %). NGOs were used in training by 20 % schools in Odisha and 8.4 % in Assam. No in service training was provided by NGOs in Madhya Pradesh and Himachal Pradesh. NGOs on the whole were utilised only marginally in teacher training. Use of private sector for training is also very marginal but this trend is emerging.

3.6 Community Participation in Ensuring Right to Education

Schools with SMCs, Adherence to Democratic and social composition norms

The present study reveals that after three years of implementation of the Act, SMCs have been constituted only in 79 % of the schools.¹³ Though our figures from a sample study of schools from 17 states registers probably an increase in the percentage of schools with SMCs constituted our enquiry into the democratic nature of SMC formation and the quality of its functioning leaves a lot that is expected of them. This failure to meet expectations in functioning however is more due to the failure of the educational system in adopting the right processes for constituting SMCs and providing them handholding.

The study finds that SMCs were constituted through an election process in only half (49.8 %) of the schools. This is in line with the qualitative information which we have received from various geographic zones of the country as part of this study that many SMC members did not even know that they were members. This meant that they were in fact nominated without their knowledge. The provisions regarding the constitution of SMCs mentioned in section 21 (1) above were observed only in the case of 54 % of schools. This brings with it the concerns of gender equity and representation of disadvantaged and weaker sections which is provisioned in the Act, but appears not to be implemented seriously in the constitution of SMCs.

Functions Performed by SMC and involvement of PRIs/ ULBs

Only 54 % of SMC members could prepare the school development plans. It could as well be that they were not included as part of the plan preparation process. A higher percentage of schools had SMC members involved in monitoring their functioning (66.3%) and the in motoring the utilization of school grants (61.2%).

It is reported that the Panchayat Raj Institutions and Urban Local Bodies were involved in the management of the schools in 59 % of them. More details regarding

their involvement have not been reported. Given the fact that basic aspects of community participation such as the election processes were not followed in half the schools and gender and social constitution norms of SMCs were not followed in SMC formation in half the schools it is not possible that there would be any serious involvement by PRIs and ULBs either. It could be that being elected representatives the PRI members and ULB members are included in the SMC as per the RTE Act norms and this nominal membership in the SMC is taken as involvement by those who responded to the questionnaire.

Status of Community Participation in the states

States where most of the schools have constituted SMCs are Rajasthan (96%), Haryana, Odisha and (93%), Maharashtra (91%), Jharkhand (88%) and Gujarat (86%). We have not considered Himachal Pradesh, Manipur and Uttrakhand in this case as their sample sizes are too small to draw an inference, though useful to be included in presenting a national picture. The states of Assam (39%) and Bihar (60%) present a picture very low formation of SMCs which needs to be attended to.

As regards following the election process in the formation of SMCs is concerned Madhya Pradesh (92%), Rajasthan (82%) and Maharashtra (85%) and Jharkhand (81%) present the bright side as per the data. However states of Assam (15%), Gujarat (27%), Bihar (42%), Tamil Nadu (27%) and West Bengal (34%) where SMCs were formed through elections only in a small percentage of schools as mentioned above needs to improve on this account. In terms of constitution of SMCs as per RTE norms ensuring the gender and social group representation the states of Gujarat (82%), Jharkhand (75%), Maharashtra (83%), Manipur (84%), Madhya Pradesh (88%), Rajasthan (85%) appear to be the better performers. States of Assam (26%), Bihar (33%), Karnataka (35%) and Tamil Nadu (30%) seem to lag behind in forming SMCs through elections.

In Maharashtra (80%), Rajasthan (80%), Gujarat (77%), Haryana (91%), the SMC members appear to have received training to support them in performing the functions. Training was available only in 2 % schools in Bihar, 18.2 % in UP and 36 % schools in

¹³ The disaggregated break up of SMCs constituted in all states of India presented by DISE state that only 70 % schools in rural areas and 55 % in urban areas had constituted SMCs. An aggregated figure presented in DISE –State Report cards indicate that 68.3 % of all schools (rural and urban areas) had SMCs. Elementary Education in Rural India, DISE 2011-12, Table 2.19, Elementary Education in Urban India, DISE 2011-12, Table 2.19 and DISE State Reports Cards 2001-12.

West Bengal, which are states which need to take adequate measures to equip the SMC members. School development plans were reportedly prepared by the SMC members in around 80 % of schools in Assam and Rajasthan as well as in 75 % schools in Maharashtra. At the same time in only in 30 % of schools in Andhra Pradesh, 26 % in Tamil Nadu and 38 % in Odisha and 45 % schools in UP were the SDPs prepared by SMCs. These states need to take extra efforts to train and involve the SMC members in preparing the SDPs.

The states where more SMCs were involved in monitoring the functioning of schools were from Assam (81%), Maharashtra (85%), Manipur (96%), Odisha (82%), Rajasthan (79%). States where SMCs measures need to be taken to involve more SMCs in monitoring the functioning of schools are Andhra Pradesh (38%) and Tamil Nadu (47%). A similar pattern with more involvement of SMCs in monitoring the utilization of school grants is found with states such as Assam (91%) Manipur (90%), Maharashtra (79%) showing higher percentage of SMC involvement with the states of Andhra Pradesh and Tamil Nadu showing a low level of involvement by SMCs in 35 % of the schools in both the states. A probable explanation could be that due to increasing spread of privatization in these states which are economically developed, there is a lack of interest in Government and Government aided schools about which this study primarily deals with.

3.7 Social Exclusion in Education

The study revealed that in 31 schools across the country, admission had been denied. While this may be dismissed as a very low percentage (1.4 % of the sample of 2191 schools) the fact remains that the future of many children who would have attended those schools were affected. Age appropriate education was offered in just 13.6 % of the schools surveyed.

Overt Discrimination and Exclusion

The most predominant kind of discrimination, which is reported in the present study was not being given or allowed to sit on benches, which varied for Dalits (9.4%), Adivasi (5%), Muslim (7.3%), and for CWSN (7.7%). The other overt form of exclusion is not allowing children from these categories to take up leadership roles like that of class monitorship. Girls

were denied class monitorships in 8 % of schools. Dalits were denied in 7 % of schools and Adivasis in 5 % of schools and Muslims in 6 % schools. CWSN were denied school monitorships in 6 % schools.

Grievance redress mechanism

From the responses received, 52.8 % schools have in place a redress mechanism for school children. Interestingly, approaching teachers is the predominant form of seeking redress: in 29.2 % schools the teachers are the providers of justice. Approaching the SMC was mentioned by 2 %. What is more interesting is that in only 14 schools (just 0.6 % of the total) grievances were referred to the PRI/ULB as per the RTE Act.

Provisions for CWSN

In just 11.6 % of the schools surveyed there are assistive devices for CWSN. Only 3.3 % schools have provided transportation for CWSN. Perhaps these factors have led to CWSN dropping out in the last academic year from 46 schools.

3.8 Implementation of 25 % reservation for economically weaker and disadvantaged sections in private unaided schools

Another interesting finding of the study is regarding the implementation of the 25 % quota for children of disadvantaged and economically weaker sections which is to be implemented by them as per the RTE Act 2009. There are 256 unaided private schools in the sample. Out of these only 89 (34.8 %) were found to be implementing the quota. The others were either not implementing it or information was not available about them. The fact that only one third of the private unaided schools had a clear response that they were implementing the 25 % reservation for economically weaker and disadvantaged sections despite RTE provision and a court order upholding it, is startling.

4 The RTE Policy Review



4.1 Systemic Readiness for RTE Implementation

Initiating the Process of Roll Out- State Rules, Guidelines and Government Orders

Only four states have defined out of school children and only three states have made provisions for grievance redress for non-teachers in the rules. It would appear that a large number of states have found it easier to omit clauses that are difficult to implement than work towards their implementation. In addition, MHRD (Centrally) and State Governments have issued orders on specific issues- largely pertaining to the issues tracked by the MHRD or causing the most controversy (ie. implementation of the 25% quota). Operational issues of the modalities of implementation (eg. modalities of the formation of SMCs and subsequent processes of supporting the) have often been ignored in these guidelines. This has left many of the operational issues upto interpretation of individual middle ranking officials within the administration. Of course, there has been considerable variation between states regarding the quality and depth of processes and the degree to which the processes of drafting have been consultative. It is regrettable that the government has taken the course of pronouncing that RTE in totality is not applicable on residential schools with a point of admission higher than grade I.¹⁴ There is no real reason why provisions like no detention, minimum infrastructure and teacher norms and ban of corporal punishment should not hold for residential schools.

14 http://mhrd.gov.in/sites/upload_files/mhrd/files/RTE%20act%202012.pdf

15 <http://m.indianexpress.com/news/activists-question-rte-clause-on-disabled/942917/>

16 <http://www.indianexpress.com/news/rte-not-against-home-schooling-and-alternate-education-mhrd/976880>

17 <http://www.deccanherald.com/content/286674/home-schooling-affidavit-incorrect.html>

18 http://www.epw.in/system/files/pdf/2012_47/41/Right_to_Homeschooling_vs_Right_to_Education.pdf

Amendments to the RTE Act

One is the exemption of minority institutions from the RTE Act (discussed further under the section on regulation of private schools) and the other is the right to home schooling that has been introduced for children with disability. This provision was opposed by a large share of civil society¹⁵ as ignoring the prevailing policy that sees home based education was initiated by the SSA as a “pathway to Inclusion” and takes the education department off the hook for ensuring their inclusion. Furthermore, to argue that any child cannot reach a school or participate in school life is putting the blame on the child. The amendments were, however, passed and subsequently served as ground for the proposal to introduce a right to homeschooling and non formal schooling for all children that the MHRD initially endorsed¹⁶, only to withdraw its affidavit as being incorrect and violating the law.¹⁷ This original affidavit violated both the provisions for minimum norms of schools and the right of every child to eight years of compulsory schooling¹⁸.

Plans for the Act’s Extension Upwards and Downwards.

In June 2011, the Central Advisory Board of Education (CABE) constituted a sub-committee to examine the feasibility of bringing pre-school and secondary education under the RTE and prepare draft legislation for the same. Two independent drafting panels of were then constituted under the leadership of the education ministers of Madhya Pradesh and Haryana for pre-school and secondary education, respectively. While discussions on these issues have continued, the stumbling block for implementation appears to

be once again the question of budgetary allocation to move onto a universal frame.

Financing the Act's implementation¹⁹

The notification of the Act has thus, ironically, coincided with decreased thrust in allocations for its implementation. Furthermore, the major chunk of government financing of elementary and secondary education had been through education cess. While this began as a measure to inject additional amounts to supplement government's own support, it grew to be more of a substitute. 60.35% of the elementary education expenditure for 2013-14 (BE) is anticipated to come from the cess. The funds allotted for RTE's implementation have been less than what was committed by the State at the time of the Act's drafting. In this regard, the Department Related Parliamentary Standing Committee Report on Human Resource Development observes that 2012-13 (the 1st year of the 12th Plan) saw a shortfall of Rs.15,000 crore in terms of what was allocated (Rs.25,555 crore) to what was demanded by the Department (Rs.40,000 crore). In this year's budget SarvaShikshaAbhiyan (SSA) and the RTE got an allocation of Rs27,258 crore for 2013-14 as compared to last fiscal's Rs21,328 crore revised estimate. Furthermore, there has also been a decline in the rate of spending. According to the PAISA 2012 Study, in 2011-12, India spent only 62% of the SSA budget, compared to 70% in the previous year. There has also been no major improvement in the timeliness of receipt of grants.²⁰

Equity of funding remains another issue of concern. There are huge obvious variations in the funding provided by the government to KVs and to its other schools. Additionally, there are also considerable geographical variations. Per-Child SSA allocations vary from Rs. 3.049 in Karnataka to 7,111 in Chattisgarh.²¹

The question of Governance: Transparency and accountability Systems.

Transparency is a critical prerequisite for ensuring effective delivery. Some efforts during the last three years have been indeed been taken- ranging from the gradual improvement of the state SSA and Education

department websites. Mechanisms for monitoring of SSA furthermore also exist (41 independent agencies of National repute) and their six monthly reports are available online on the SSA website. Institute of Public Auditors of India (IPAI), which is an independent agency, has also been engaged for the concurrent financial review to cover all the States/UTs. It submits reports to MHRD annually, which are shared with the concerned States/UTs for taking necessary corrective action. In addition, SSA conducts third party evaluation through independent agencies for the civil works taken up in the States/UTs²². These processes could do with a greater element of civil society oversight and input from ordinary citizens. The last year furthermore saw moves to deepen the financial transparency norms for all private schools²³ and a move by the Central Information Commission²⁴ to open Government schools for inspection of infrastructure and records by ordinary citizens through creative reading of the RTI Act. Steps towards data transparency were also taken through further streamlining of the DISE that has moved towards the Unified District Information System for Education- the UDISE.²⁵

Grievance Redressal.

States with SCPCR²⁶

(i) Assam, (ii) Bihar (iii) Chattisgarh (iv) Delhi (v) Goa (vi) Haryana (vii) Jharkhand (viii) Karnataka (ix) Madhya Pradesh (x) Maharashtra (xi) Punjab (xii) Odisha (xiii) Rajasthan (xiv) Sikkim (xv) Uttarakhand (xvi) Tamil Nadu (xvii) West Bengal.

States with REPA

(i) Arunachal Pradesh, (ii) Himachal Pradesh, (iii) Meghalaya (iv) Mizoram

Lacking either SCPCR or REPA

States: (i) Andhra Pradesh²⁷ (ii) Gujarat (iii) Kerala (iv) Manipur (v) Nagaland (vi) Tripura (vii) UP

Union Territories: i) Andaman and Nicobar Islands (ii) Chandigarh (iii) Dadra & Nagar Haveli (iv) Daman & Diu (v) Lakshadweep (vi) Pondicherry

RTE and CPCR Acts do not apply to J&K. List is updated based on updated press release.²⁸

Nagaland, Tripura, Uttar Pradesh and Lakshadweep have been advised to constitute such a body in their own States/UTs.²⁹

19 http://cbgaindia.org/files/recent_publications/Response%20to%20Union%20Budget-2013-14.pdf

20 Do Schools Get their Money? PAISA 2012 by Accountability Initiative and ASER (2013)

21 http://www.accountabilityindia.in/sites/default/files/ssa_2013-14.pdf

22 Lok Sabha Unstarred Question No. 3280 answered on 14.12.2011

23 <http://www.indianexpress.com/news/hrd-plans-school-transparency-norms/815613/1>

24 <http://www.hindustantimes.com/India-news/NewDelhi/Grant-access-to-school-documents-CIC-to-govt/Article1-727897.aspx>

25 http://articles.timesofindia.indiatimes.com/2013-01-25/nagpur/36547468_1_salary-grants-aadhaar-card-database

26 <http://pib.nic.in/newsite/erelease.aspx?relid=92409>

27 A GO has been issued for nomination and formation of the same. The actual SCPCR is not yet in place.

28 <http://pib.nic.in/newsite/erelease.aspx?relid=93743>

29 Unstarred Lok Sabha Question 1423 answered on 06.03.2013- <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=136065>

A clear gap that has emerged over the previous year is the absence of a clear grievance redressal system. The National and State Commissions for Protection of Child Rights have been tasked to take on the monitoring role. However, not all states have formed either an SCPCR or a REPA.³⁰ In places with REPAs, the appointment of full fledged SCPCRs took an inordinate time. Courts have had to intervene to pressure the States for the formation of the Commissions^{31,32} or fill the full complement of members. Where they exist, they continue to lack the financial and human resource capacity commensurate with the scale of the problems. There have also been considerable periods where there are gaps in the membership with the old structures having left and the new Commission not being formed.³³

The Commissions remain distant structures—far removed from the ground. The continued failure of a majority of States to notify local authorities for the purpose of receiving grievances, the lack of capacity building for Local Authorities remains problematic. This creates a bottleneck between the site of grievance (the school) and redress (the State or National Capital). Furthermore, only a handful of states have formulated guidelines and procedures for redress including the modalities for appeal to the SCPCRs which is causing confusion.

All this translates into a limited number of complaints and an even lower rate of redress. Thus, according to an RTI application filed in 2013, the Delhi Commission received 557 complaints of violation of Right of Children To Free and Compulsory Education Act 2009 in last three years. Only 16 cases were solved—a 21% resolution rate. Interestingly, the application states that the Commission has no record of number of notices issued to government officers for violation of RTE. This raises the fundamental question of how the Commission could have solved these complaints without sending notice to the education officers or to schools.

The trend is similar for the NCPCR for whom the percentage of complaints closed has dropped from 57.6% (2010-2011) to 21.54% (2011-2012) and 19.21% (2012-2013). The total number of cases NCPCR dealt with last year — 687 — is less than half of what it was the previous year (1,768). The number of complaints registered has declined

drastically in some states over the three years. In Andhra Pradesh, it fell from 780 in 2011-2012 to 39 in the last year; in Maharashtra, the number of cases was 132 in 2011-2012 and 14 last year and the number of cases dropped from 771 (2010-2011) to just two in Rajasthan (2012-2013).³⁴

The National Advisory Council had formed a working group on the issue of development of guidelines for Grievance Redress that have been put up in the public domain and are anticipated to serve as basis for action by MHRD. There has also been some movement on the Draft Grievance Redress Bill that with all its multiple ambiguities, could potentially expedite redressal on the ground.³⁵ However, the exact modalities of its implementation and the interface that it would have with the Redress systems recommended by the NAC are still not clear. There has also been some action at the state level with Rajasthan, Uttarakhand, and Haryana have laid down fairly comprehensive Grievance Redress guidelines. Online reporting of complaints is being done in MP and Gujarat. AP, Odisha, Gujarat and Kerala have toll free helplines. In Delhi the help line is maintained by the SCPCR. The UP State rules also make a provision for a helpline, but it is yet to become operational.

The roll out of the 12th Five Year Plan

On the positive side, it kept the Right to Education Act's implementation as core of education plan and reiterated its commitment to addressing some of the absolutely critical implementation bottlenecks such as access to quality education to poor and teachers' training. The plan also makes provision for much needed up scaling of secondary education and commits to the foundational investment into early childhood education (albeit with a somewhat unambitious target). Both these steps, if implemented, are likely to improve the poor peoples' access to education. The intent to reposition anganwadicentres as child friendly centres and the extension of preschool education for children under six is overdue. Furthermore, the focus on Girl, SC, ST and Muslim children and disaggregated group specific strategy may play a critical role in promoting Inclusion. Interestingly, among the 25 core indicators listed in the plan document, the lone indicator that pertains to reducing gaps between social groups falls under education.

30 MHRD 2Yrs of RTE Report 2012

31 http://articles.timesofindia.indiatimes.com/2012-09-16/chennai/33879295_1_child-rights-scpcr-ncpcr-chairperson-shanta-sinha

32 <http://www.indianexpress.com/news/hc-gives-ut-two-months-to-set-up-child-rights-body/1019026/0>

33 <http://www.deccanherald.com/content/233730/complaints-gather-dust-children-rights.html>

34 <http://timesofindia.indiatimes.com/city/delhi/RTE-complaints-go-unaddressed/articleshow/19285551.cms>

35 <http://www.thehindu.com/news/national/nod-for-bill-to-make-services-timebound/article4484265.ece>

The plan fails to address the issues of systemic accountability in the elementary education sector- viz. disconnect in entitlement- planning-budgeting-grievance redress or go into the modalities of community ownership of schools. It appears to narrowly define accountability as accountability for ensuring learning outcomes, backed by a pan-national system of standardized testing. One would have preferred that the tax payer's money be invested in enhancing the school capacity to deliver quality since testing is not teaching. Such a strategy fundamentally conflicts with the Constructivist Approach of the National Curriculum Framework. While the document finally prioritizes the issues of teacher preparation and capacity building, it falls short of commenting on the long pending issues of working conditions of teachers (including the setting up of permanent cadres, rationalizing pay and above all freeing teachers from non teaching work). The plan appears to heavily emphasise private 'participation' in provision. This is unfortunate given the poor track of the private schools in ensuring equity or quality and the prevailing weak regulatory frameworks. Fundamentally, the government should show more faith in its' own schools and take a leaf from the RTE book and promote free secondary education as a right largely through its own schools. The heavy reliance on residential schools and setting up of a few schools offering pockets of excellence as measures for ensuring education for dalits and tribals needs further debate given the poor track record of quality and indeed safety of children in residential schools. The overriding consideration is, however about the budget. While a differential costing formula permitting for higher central share for the educationally lagging states has been inbuilt into the new document, no drastic increase in the elementary education budget is anticipated in the 12th Plan.³⁶

4.2 Access & Availability of School as per RTE Norm:

Availability of Schools.

Since the Right of Children to Free and Compulsory Education (RTE) Act, 2009 became operative in April, 2010, sanctions have been given under the SSA for the construction of 30,808 primary schools and

10,644 upper primary schools. Andhra Pradesh, Delhi, Gujarat, Manipur, Mizoram and West Bengal have carried out geo-spatial mapping for determining habitations un-served by schools.³⁷ Other States like Haryana, Jharkhand, Karnataka, Maharashtra, Rajasthan, Assam and Uttarakhand have also used such mapping to a limited extent.³⁸ The 17th JRM pointed out that 5% habitations lack either a Primary or Upper Primary School within a walking distance. This may look like a small figure as percentage, but is still fairly large in real terms. Thus, in Odisha 4,570 villages do not have primary schools within one kilometre radius.³⁹

It is critical to note that 6% schools in the country were not approachable by an all weather road- a fairly large percentage of the total in actual terms. These are likely to precisely be the schools in remote areas which are anticipated to be reached out through payment of transportation allowances. Furthermore, there are regional disparities- only 6.5% schools in Lakshadweep were approachable by an all weather road. 5 States had over 20% schools without all weather access. A critical trend over the last few years has been the decline of the number of schools since the passage of RTE in a few states. The MHRD Standing Parliamentary Committee Report points out that 15 States saw a decline in the total number of schools between 2009-10 and 2010-11.

Out-of-School, Dropout and Child Labour

Government estimates that only 2.7 million children (2010) remained out-of-school. This figure has been criticized on a number of grounds- including the lack of consistency in definition of the term enrollment and the perverse incentives that exist for retaining names on the rolls, irrespective of the actual attendance status. It has indeed been pointed out that the rates of growth. As per the District Information System for Education (DISE), the enrolment at primary level has declined in 2011-12 in Assam, Chhattisgarh, Jammu and Kashmir, Jharkhand, Madhya Pradesh, Maharashtra and Odisha, as compared to 2010-11. However, the States of Uttar Pradesh, Rajasthan and Uttarakhand have reported an increase in enrolment. Moreover, the total primary enrolment in the country has increased by 1.4 percent during this period.⁴⁰

36 http://articles.economicstimes.indiatimes.com/2012-09-21/news/34002278_1_higher-education-secondary-education-school-education

37 Rajya Sabha Question No. 1321 answered on 08.03.2013

38 Lok Sabha Question no. 05.12.2012 on <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=130829>

39 <http://newindianexpress.com/states/odisha/article1492813.ece>

40 Rajya Sabha Question No. 1647 Answered on 07.12.2012

4.3 Community Participation & School Management Committees:

The intent behind formation of SMCs is to empower parents to take charge of their own children's schools and set the agenda for delivery. In 2011-12 68.3% schools had SMCs- ranging from 99.57 (Himachal Pradesh) and 18.50 in Delhi.⁴¹ At this point of time, all States except Delhi⁴² have an SMC (except the East MCD),⁴³ while Bihar has "ad hoc committees". Delays in formation have also been noted in Goa, Assam and West Bengal. As can be noticed from the table overleaf, however, the majority of States report the SMCs being constituted in all schools. This 100% rate looks prima facie somewhat suspicious.

Furthermore, the State Rules have also frequently introduced some deviations from the Model Rules- thus, the term of the SMCs in Chattisgarh, Uttarakhand and Manipur are one year and Nagaland has decided to go with the existing structures under the Nagaland Communization Act, 2002.⁴⁴ Furthermore, a peculiar situation prevails in Delhi where the State Rules appoint the teacher as the President of the SMC that goes against the spirit of the provisions. This would leave teachers as the deciding authority on financial matters. In other states, turf issues have been created between pre-existing structures for community participation (eg. VECs and SMCs in Jharkhand have continued to co-exist in 87.5% schools⁴⁵). Almost all states have seen confusion about the exact modalities to be adopted for formation due to inadequate or imprecise operational guidelines for SMC formation.⁴⁶ The level of capacity building of these new structures also leaves much to be desired, despite an enhancement of the norms laid down under the Revised SSA Framework.

In contrast, experience from the ground during the last years shows that SMC members are usually nominated (and not elected- often not even informed about their appointment) and decisions taken without consultation. Trainings are also rarely of the entire SMC, but rather of 3-4 member (nominated, not selected by the rest of the SMC) and are held at a distance from the general body of parents (CRC or BRC). This adds to the sense of alienation. The

training imparted largely top down and highlights their responsibilities (and not their rights). Spaces for collectivization (building a sense of collective mission and friendly competition) have also been missed (albeit some efforts in this regard are being taken by civil society organizations⁴⁷). All this effectively dooms the SMCs to failure from the start.

A considerable financial oversight role is anticipated from the SMCs. 72.45% SMCs had opened bank accounts in 2011-12- ranging from 98.58% in Tamil Nadu to 3.65% in Jharkhand (where the transfer of powers had not yet happened)⁴⁸. In this regard, an even more critical role expected to be played by the SMC is the development of SDPs. Action in that regard has been initiated a majority of states having SMCs. However, large questions remain over the quality of the plans, the extent to which they are actually reflective of the will of the community and parents, especially in the absence of effective training of the members, and the extent to which these have led to proportionate budgetary allocations. In most States, the SDP is prepared either by the Head Teacher of the school or it is even prepared at the cluster level. Questions, furthermore, remain about the extent of aggregation of the SDPs and the extent to which these serve as the basis for allocations.

PRIs/Local Authorities

While the focus has entirely gone on the SMCs, the existence and role of the Local Authorities especially the PRI structures under the 73rd and 74th Amendments has been relatively neglected. The special role given to the local structures in the 5th and 6th Schedule Areas has not received adequate attention in the course of implementation. Some moves towards devolution of power to the Panchayat have been made during the preceding year in Jharkhand.⁴⁹ This has, however, often been opposed by teachers as impinging on their professionalism. While PRIs have been tasked to hold special Gram Sabhas on RTE, it is unclear how this is expected to happen in the absence of any training of Sarpanches and other PRI members. The role and modalities of the implementation at higher levels of the PRI system and in bodies in the urban areas, especially in the metropolitan areas requires special attention.

41 DISE Flash Statistics

42 UnstarredLokSabha Question 2555 answered on 13.03.2013 <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=136704>

43 <http://www.firstpost.com/delhi/rte-deadline-how-the-delhi-government-has-failed-parents-661770.html>

44 Kaur & Taneja (2012)

45 http://www.telegraphindia.com/1130222/jsp/jharkhand/story_16591196.jsp#.UUXpuTfcC5g

46 <http://daily.bhaskar.com/article/GUJ-AHD-right-to-education-lack-of-guidance-creates-confusion-over-smc-selection-3180462.html>

47 <http://www.rteforumindia.org/sites/default/files/1st-State-level-SMC-Convention-SCoRE.pdf>

48 DISE Flash Statistics

49 http://articles.timesofindia.indiatimes.com/2013-03-08/ranchi/37560441_1_primary-schools-powers-primary-education

4.4 Quality:

Curriculum and Textbooks

According to the 13th JRM, only 14 States had revised their curriculum in line with the NCF 2005. Creation of textbooks which adhere to the principles of the NCF is a huge challenge. This should be a process steered by the government through its SCERTs. While some states like Gujarat and Kerala have developed the internal capacity to steer this process, many others either depend on outside resources or outright outsource the process. Many states have adopted the textbooks prepared by the NCERT despite the fact that teachers report difficulty in understanding and transacting these textbooks. Adoption of NCERT textbooks will not change the classroom culture, if teachers are not trained or oriented to be able to use them appropriately. Another recent move has been the introduction of an autonomous 'National Textbook Council' to monitor textbooks. It would provide ordinary citizens a forum to register complaints regarding textbooks to be followed up by an investigation by the Council⁵⁰.

No Detention & CCE:

The RTE Act prohibits the retention of students in the same class, anticipating a system of Continuous and Comprehensive Evaluation (CCE) would be put into place. CCE was envisaged to assess the progress taking place in a child over time in different subjects, to identify individual and special needs, accordingly plan teaching-learning situations to help the child and to provide evidence of children's progress to parents and community. 22 States/UTs have reported that they are implementing a system of CCE⁵¹. Most states have provided for no detention, but the experience of roll out of CCE in the government schools has been patchy and considerable gaps in understanding remain about what it actually entails.

Multigrade - Multilevel Environment

Data from DISE points that more than half the schools in the country are multi-grade. More than 60 % primary and 50 % Upper Primary classes were multigrade in 2012. However, teacher training usually does not prepare teachers to cope with this prevailing reality.

50 http://www.business-standard.com/article/economy-policy/central-advisory-board-for-education-to-meet-on-april-2-113032900155_1.html

51 UnstarredLokSabha Question 16012 answered on 06.03.2013 <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=136124>

52 LokSabhaUnstarred Question Number 3440 answered on 14/12/11

53 Provisional Statistics of School Education (2009-2010), Ministry of Human Resource Development, New Delhi, 2010

54 MHRD, SSA Framework for Implementation in line with Rte Act, MHRD, New Delhi, 2011.

Language of Instruction:

A critical issue for adivasis, inter-state migrants and other minorities is that of language of instruction. Despite long standing government policy (The Three Language Formula) and new provisions under RTE Act mandating instruction in the mother tongue at the elementary levels, this is yet to be actualized in most instances. This places children at educational risk and discrimination. Again, teachers are unable to cope with this reality. Some experiments have been made for instruction in the tribal language in several states (eg. Odisha). However, most of these have remained small scale and their impact is yet to be fully validated. A related issue is the rise of English as a medium of instruction

Corporal Punishment:

Corporal punishment is prohibited under Section 17 of RTE Act 2009. Notification to prohibit physical punishment and mental harassment had been issued by 27 State Governments until 2012. CBSE has also issued instructions to its affiliated schools not to resort to physical punishment of students⁵² and appropriate guidelines have also been issued by the NCPCR. However, these notifications have not fully changed reality on the ground.

4.5 Inclusion:

Education of Adivasi (Scheduled Tribe) Children:

Children from Scheduled Tribes (ST) communities constitute 8.2% of the children in the country, come from over 573 notified scheduled tribes and speak 218 languages. In numbers, 170.5 lakhs ST children were estimated to be in the age group 6 to 13 years.⁵³ The expanded provisions of schooling under the SSA have increased their enrolments. However, the high rate of dropout among ST children is alarming. Among all children, ST children have the highest dropout rates, both for boys and girls, whether it is from Classes 1-5, Classes 1-8, or Classes 1-10. About a third of all ST children who enrol in class 1 are found to drop out at grade V. Dropout in Classes 1-10 is 75.21%. SSA identified three critical reasons for the gaps in ST children not enjoying their right to education;

- i) pervasive discrimination against ST communities and exclusion by peers, schools and the system;
- ii) physical isolation in remote regions where physical access to schools becomes difficult;
- iii) and issues of linguistic and cultural differences between non-ST teachers and ST students lead to a sense of alienation of these children⁵⁴ “studies show that the schooling experiences of tribal children are characterised by non-comprehension, pre-dominant experiences of failure, non-acceptance of one’s self and identity, recurrent feelings of diffidence and inadequacy of own culture and language’.⁵⁵

Furthermore, a large cross-section of the tribal population resides in the areas affected by conflict and therefore coincides with the issues of children in civil unrest areas. Another critical concern is that of the functioning of the tribal residential schools- the Tribal Ashrams that often do not meet the minimum norms of quality and indeed, several instances of gross abuse of girls residing in the same have been reported.

Within the Tribal populations, nomadic and De-notified communities and the children are among the most discriminated and deprived communities today and face particular disabilities and deprivations in the realm of education. Many of these communities continue to live nomadic lives and the rest have been ‘de-notified’ from the label of criminality, but continue to face the same social exclusion. Spread across various administrative schedules as SC, ST, OBC and even general community, they are not covered with adequate policy, administrative or budgetary provisions, and hence development opportunities are extremely limited. Except for the state of Maharashtra that has a specific Directorate to promote their development, other states include them in other categories. Their real numbers are not known, they are not mapped by local authority, community does not approach schools and schools do not recognize accountability towards these children. The Renke commission report on these communities is yet to be tabled and discussed to explore the development options for these communities and children. The tabling of this report and strategy building is essential.

Several policy measures have been taken to address issues of exclusion including developing residential

school complexes, seasonal hostels for migrating families along KGBV norms, orienting teachers/ hostel staff/NGOs on tribal issues and inclusion as well as child rights and child protection issues, ashramshalas to be made RTE compliant, the use of multi-lingual/regional language, and personality development and confidence building for ST children etc. The 12th Plan further seeks to use Tribal Sub Plan (TSP) funds to meet the needs and overcome the constraints faced by ST children and promote better understanding of the ST children in schools.

Education of Dalit (Scheduled Caste) Children:

The pervasive nature of caste mindset and practices and teacher neglect across educational institutions are reported at all levels of schooling. Discrimination against Dalit learners is perpetrated by peer groups, teachers, and dominant communities. Scheduled caste children also migrate in large numbers to urban areas, further facing education disabilities living in jhuggi jhompris, urban slums and worksites. Specific groups among scheduled caste children whose parents are engaged in cleaning and leather occupations face more severe discrimination. Gender disabilities impact girl children even more severely. A study on inclusion and exclusion of children in schools was commissioned by the Ministry of Human Resource Development in 6 States (Andhra Pradesh, Assam, Bihar, Madhya Pradesh, Odisha and Rajasthan) in 2011. The study revealed incidents of segregated seating arrangements in classrooms in Andhra Pradesh, Madhya Pradesh, Odisha and Rajasthan. Similarly, a study of practice of discrimination against Dalits in Karnataka pointed towards instances of discrimination in midday meals- around 114 families of 825 reported that their children have had to sit separately during lunch and were served in a separate set of plates. Furthermore, school authorities disallowed Dalit children from serving food or entering the kitchen. 72.8% of parents interviewed said their children have never been appointed class monitors, but 33% said their children have been given the task of cleaning classrooms on a “frequent” basis and “during school functions and festivals.”⁵⁶ Similarly, the last year continued to see media reports of Dalit villages being ostracized on a range of issues, including over issues like the appointment of Dalit cooks and Anganwadi Workers, and resultant demand for schools in Dalit hamlets to avoid the consequences of

⁵⁵ Subgroup on elementary education for 12th Plan, Dept of School education and literacy, MHRD, Nov 2011

⁵⁶ <http://www.thehindu.com/news/national/karnataka/study-reveals-discrimination-in-karnataka-schools/article4019883.ece>

social boycott. Untouchability is also reported to be practiced against Dalit teachers both within schools⁵⁷ and in terms of issues like ensuring housing in the place of residence⁵⁸.

Some concrete recommendations have been made in the 12th Plan⁵⁹ to ensure that scheduled caste children access a full cycle of schooling and guidelines. At the same time, MHRD issued a guideline recommending tracking discrimination and laying down norms for positive behaviour. In addition, convergence with the social welfare department and better use of the Scheduled Caste Sub Plan to address the specific needs of SC children are essential.

Education of Muslim Children

Proportion of Muslim children in elementary schools is lower than their share in the population, unlike SC and ST children who are currently more than their population proportions. The share of Muslim boys' enrolment is less at the upper primary level than the primary level, dropping out due to their poor socio-economic and occupational patterns. However, there is also improvement. Between 2007-08 and 2010-11, Muslim enrolment in classes I to V (primary) shot up by 25% and for classes VI to VIII (upper primary) by 50% across the country. For classes I to VIII as a whole, this marked a rise of 31%. In the same period, total enrolment in class I to V inched up by just 1% and for class VI to VIII by 12%. For class I to VIII, this marked a rise of 4%. Girls' enrolment has increased even faster than boys in the Muslim community. For primary sections, Muslim girls' enrolment increased by 26% compared to just 1% increase in all girls' enrolment. For upper primary sections, Muslim girls' enrolment increased 54% while for all girls it rose 15%. For Classes I to VIII, the enrolment was up 33% for Muslim girls against an overall average of 5%⁶⁰. As of 30.9.2012, 544 KGBVs have been sanctioned in 71 Muslim concentration districts⁶¹.

However, some of the barriers experienced by Muslim children in accessing education include discrimination, stereotyping, unfriendly attitudes of peer groups and teachers and exclusion on the basis of religious identity, cultural domination based on their faith and cultural practices. The lack of adequate Urdu teachers leads Muslim children being herded into limited schools (with limited opportunities for upwards progression

due to an even greater paucity of secondary schools), and unable to access other schools near their habitations. Girls are further disadvantaged owing to community hesitation to send them far, lack of transport facilities, lack of adequate infrastructure facilities, protection and security reasons. The poor socio-economic conditions of the community also oblige many children to seek work and technical skills to contribute to the family income. Madarsas and Maktabas located in their habitation have traditionally provided the mandated religious education to Muslim children. The 'Scheme for Providing Quality Education in Madarsas (SPQEM)' seeks to include Science, Mathematics, Environment Sciences etc in the Madarsa education. However this support is limited, is compounded by administrative delays and hurdles and is not accessed by many Madarsas. More critically, as of December 2012, a total of 20512 Primary Schools and 9918 Upper Primary Schools have been constructed in Minority Concentration Districts under the Sarva Shiksha Abhiyan (SSA)⁶². Furthermore, proactive efforts to open KGBVs in minority areas is being done in furtherance of the recommendations of the Sachar Committee Report.

The subgroup on elementary education for the 12th FYP⁶³ points towards the need for a safe and welcome environment to Muslim children in ALL schools. Making Urdu optional second language with adequate TLM/teacher trainings etc will facilitate spread of Muslim children across schools. This is particularly important given their current ghettoising into limited schools, denying their interface with children from other communities. Other measures that can promote education among Muslim children are recruitment of more Muslim teachers, making the unit for planning and monitoring the block for better targeting, provide larger number of schools in urban and densely populated areas, enhance their access to early childhood education. Promoting Muslim girls' education needs special attention through focused tracking, providing transport facilities and residential schools as KGBV more accessible to them. The SPQEM programme needs to be expanded and improved in consultation with the community so that children will be able to access mainstream subjects in Madarsas and Maktabas too. It is, however, too early to see the extent to which these recommendations are being implemented.

57 <http://daily.bhaskar.com/article/RAJ-JPR-caste-discrimination-at-school-headmaster-illtreats-dalit-teacher-woman-4078781-NOR.html>

58 http://articles.timesofindia.indiatimes.com/2012-12-14/ahmedabad/35819197_1_valmiki-community-high-court-untouchability

59 Subgroup on elementary education for 12th Plan, Dept of School education and literacy, MHRD, Nov 2011

60 <http://timesofindia.indiatimes.com/india/Muslim-girls-enrolment-in-primary-schools-up-33-against-average-of-5/articleshow/15564663.cms?inttarget=no>

61 <http://www.meriteducation.in/2012/12/opening-of-kgbvs-in-muslim-dominated-areas/>

62 http://twocircles.net/2013mar20/govt_has_opened_twentythousand_primary_schools_muslim_areas_tharoor.html

63 Subgroup on elementary education for 12th Plan, Dept of School education and literacy, MHRD, Nov 2011

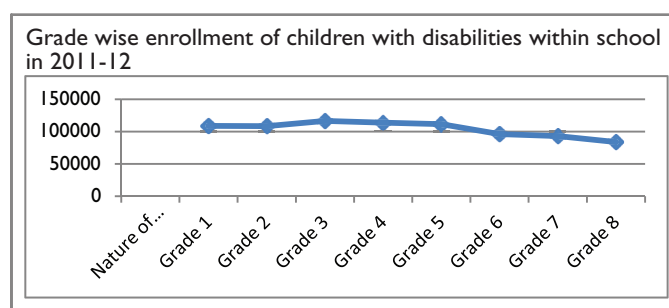
Education of Urban Deprived Children

Growing urbanisation and the projected urban populations makes it important to better plan the education of urban deprived children (UDC). UDC exhibit high degree of heterogeneity and complexity with children living in extremely difficult circumstances, difficulty in enumerating them, living without adult care, availability of tempting activities and opportunities to earn money, slum demolition and constant threat of displacement, safety and security issues in accessing schools, to name a few. The high degree of inequalities in addition to increasing privatisation of schools also place particular challenges in providing education to the UDC. There are also critical gaps in the processes of urban planning with provision for education of the urban poor omitted when allotments for land use are made. Furthermore, the growth of privitization of schooling has been faster in urban than rural areas and consequently, the issues of regulation of private schools (including the imperative of recognition of the currently unrecognized schools and the implementation of the 25% quota) are even more critical for this section of the population.

The recommendations for the 12th Plan⁶⁴ include the need for comprehensive city/town level planning further subdivided into wards/local habitations including unregistered jhuggi/jhompris. Urban planning needs to make adequate provisions of land for schools including provisions for play grounds and infrastructure facilities and services. Given the high mobility of the population in urban poor areas, special focus on mapping children and bridging programmes are essential. Particular attention needs to be given to first generation learners that come primarily from the SC, ST and other marginalised categories. Given the heterogeneity multi-language teaching and teacher training to handle diversity becomes important. Residential schools are recommended for children without adult care. The 11th Plan proposal to set up an urban resource cell under SSA, state level urban resource group with civil society participation, development of data collection and tracking systems need to be further pursued.

Education of children with Disability

Grade wise enrollment of children with disabilities within school in 2011-12



Children with Disability are subjected to negligence, segregation, deprivation and discrimination because of physical and mental characteristics, and the wide-scale negative social attitude towards them. Given the variety of disabilities, the needs of children with disability are category specific and important to be kept in mind while planning and making provisions in education for them. Currently, the number of CWSN identified under SSA stands at 30.28 lakh: 26.46 lakh Children with Disability are enrolled in schools and another 2.41 lakh Children with disability are provided support through school readiness and home-based education. The current coverage of Children with Disability under SSA, thus, stands at 28.87 lakh. While the RTE Act promises new stimulus to the education of Children with Disability, irrespective of the kind, category and degree of disability in an enabling inclusive environment, there is widespread concern that the Supreme Court order providing for homeschooling for Children with Disability. It is feared that this will once again relegate these children to their homes and deny them education.

Lack of reliable data regarding the actual numbers of Children with Disability greatly hampers planning and provisioning for them. Physical barriers and transport facilities are critical barriers to CWSN accessing schooling, with large numbers of schools being non-RTE compliant in this regard. Making all existing school facilities as residential schools, KGBVs, JNVs, KVs will further their inclusion into the larger education system. The training, recruitment and posting of Resource Teachers (RTs) in schools and block level as planned need to be quickened. Orientation to all teachers is recommended to address the exclusion and discriminatory practices

64 Subgroup on elementary education for 12th Plan, Dept of School education and literacy, MHRD, Nov 2011

by children and teachers against the CWSN which greatly contributes to their inability to complete schooling. Specific attention to be made to include parents of CWSN in the CWSN to highlight and address their issues in school development plans is important. Other recommendations of the subgroup for 12th plan includes better identification, community mobilisation and awareness building, engagement of civil society organisations, provision of suitable aids and appliances, engagement of volunteers and caregivers for severe-profound CWSN and individualised education plan for CWSN.

Education of Girl children

Education of girl children and promoting gender parity in elementary education has been focus area under SSA over the past decade too. This has promoted recruitment of women teachers, gender sensitive curriculum and text books, forums for girls in schools, special provisions, EBBs identified with low female literacy, setting up of KGBVs and the Mahila Samakya programme have been some of the prominent efforts. SES 2008-09 data indicates that once given the opportunity, girls tend to be more regular and their dropout rate is less (38.6%) than boys (44.89%). However the actual number of girls reaching the upper primary level is much lower than that of boys. Thus, we see the opportunities of access to education overall are significantly lower for girls. Further, the great diversity and heterogeneity among girls based on their particular identity, socio-economic, and geographic location needs recognition. The cumulative disadvantage emerging out of their multiple identities and disabilities on account of their caste, class, religion and region need special strategies.

As equity issues, the subgroup of the 12th Five Year Plan recommended strengthening and expanding the KGBV system by increasing the number of KGBVs, raising the KGBV level to class X, enhancing the enrolment of Muslims and other particularly vulnerable groups from SCs, STs, NT-DNT children. As quality issues, it is essential to focus on gender orientation of curriculum, pedagogy, teacher training and evaluation; building schools as inclusive safe spaces for girls. At the system level needs attention

on 'special focus groups' like SC, ST, Muslim girls; attention on migrant girls and integrating the KGBV teachers into the regular state teacher cadre.

4.6 Privatisation in the Education Arena:

Private Schools and the RTE Act

The last year started with the Supreme Court upholding the constitutional validity of the RTE Act⁶⁵ and upheld the applicability of the Act to all private schools (except unaided minority schools) on the grounds of it being a child centric legislation that upholds the right of every child to education of a certain standard that every provider has to deliver. During the course of the deliberations it was also pointed out that the argument put forward by the private schools ignores their considerable subsidization (eg granting free or subsidized land) with the purpose of ensuring inclusion for children from marginalized backgrounds. It subsequently refused to entertain a review petition of the same.⁶⁶ However, opposition to its applicability continued including from the Indian army.⁶⁷

The Special Case of Minority Institutions

The RTE Act exempted unaided minority institutions from the RTE Act's provisions. Furthermore, the subsequent amendments in the Act also exempted Vedic Pathshalas and Madrassas from the provisions. This has had a number of implications on the issues of regulation of the private sector. Thus, private schools have again been seeking an appeal to the Supreme Court⁶⁸ stating that the exemption to unaided minority institutions is a discriminatory measure. There have also been reports of unaided private schools applying for minority status en masse to avoid the obligation to provide 25% reservations in several states, eg. Maharashtra⁶⁹ and Rajasthan.⁷⁰ This has culminated in the Supreme Court accepting to hear a review petition on the constitutionality of the differential provisions for minority aided and unaided private schools as a violation of the equal rights of both categories⁷¹. A five justice bench is being constituted for the same since the issue at hand is a conflict between sections 15(5) and 21-A of the Constitution.

65 <http://www.thehindu.com/news/national/supreme-court-upholds-rte-act/article3306454.ece>

66 http://articles.timesofindia.indiatimes.com/2012-09-20/news/33975994_1_unaided-schools-minority-institutions-weaker-sections

67 <http://news.outlookindia.com/items.aspx?artid=777501>

68 <http://www.indianexpress.com/news/private-unaided-schools-to-move-supreme-court-against-rte-act/1044498>

69 <http://m.firstpost.com/india/schoolsrte-loop-look-to-exploit-minority-loop-hole-335539.html?page=1>

70 http://articles.timesofindia.indiatimes.com/2012-04-25/jaipur/31398229_1_minority-status-linguistic-minorities-religious-minorities

71 <http://www.assamtribune.com/scripts/detailsnew.asp?id=mar2413/at044>

Need for recognition of Private Schools

The Act mandates that all private schools have to attain the minimum standard of quality within a three year period and obtain recognition after which unrecognized schools would need to close or face stiff penalties. The basis for recognition has to be the norms of the RTE Act, although four States⁷² have inserted the requirement that the recognition be as per the pre-existing State laws. In other States, the court has had to intervene to enforce the requirement.⁷³

The movement into the formal recognized stream has not been free from teething troubles⁷⁴ as private schools come to grips with the new procedures and norms. Concern has been voiced from certain quarters about the fate of the Low Cost Budget Schools and interventions have been initiated in several states to avoid their closure including Delhi (relaxation of land norms in the Master Plan based on the CM's direct intervention⁷⁵). What is critical is to ensure that the failure of management to upgrade infrastructure and delayed roll out of guidelines by the State do not penalize children. In this regard, relatively few states made concerted efforts to ensure absorption of children from unrecognized private schools into recognized schools- government or private.⁷⁶ Indeed, the Supreme Court this year ruled that recognition of private schools should not be automatic⁷⁷. "Indiscriminate grant of recognition to schools in the unaided sector may have an adverse effect on the state-owned schools as well as the existing schools in the aided sector, by way of division fall, retrenchment of teachers etc", the verdict stated.

Reservations for children from marginalized communities in private schools- the 25% Quota

This provision had been vociferously opposed by the private school managements (and indeed often the middle class parents). The Supreme Court verdict ended the uncertainty about its long term existence, leading to a relatively greater push for its implementation in the third year. Several issues pertaining to implementation have emerged- including low rates of filling of seats⁷⁸, corruption in admission⁷⁹, charging of fees from children admitted⁸⁰, inadequate steps taken to academically support children admitted⁸¹ and above all, the gross-discrimination faced by children once admitted.⁸² Other private schools are also trying to avoid implementing the provisions- a proportion as high as 70% in Delhi⁸³, one of the states with the relatively better rates of implementation. Some schools have been claiming minority status to avoid granting admissions⁸⁴ or getting minority status en-mass⁸⁵. All this is not to say that no efforts have been made, with some schools making sincere efforts to meet the inclusion challenges and opportunities as a result of the RTE Act head on with a fair amount of success.⁸⁶ Some states have, however, made some progress in admissions including Maharashtra.⁸⁷

A critical question regarding the reservation is the question of reimbursement. The second year saw the Centre agree to foot the bill for the implementation of the quota.⁸⁸ The third year saw reimbursement procedures being initiated and complaints about delays in reimbursement and unclear procedures have been reported⁸⁹ in several states.^{90,91} The State/UT Governments reimburse the private unaided schools admitting 25% children from

72 Rajasthan, Manipur, Karnataka and Kerala as per Kaur&Taneja (2012)

73 Haryana, Punjab and Chandigarh - <http://www.hindustantimes.com/Punjab/Chandigarh/All-schools-in-Punjab-Haryana-UT-to-get-registered-HC/SP-Article1-859191.aspx>

74 http://articles.timesofindia.indiatimes.com/2011-07-12/jaipur/29764545_1_middle-schools-private-schools-education-officer

75 <http://timesofindia.indiatimes.com/city/delhi/Relax-norms-for-schools-facing-closure-CM/articleshow/18584059.cms>

76 Kerala http://articles.timesofindia.indiatimes.com/2013-02-25/kochi/37288059_1_unrecognized-schools-government-schools-public-instruction

77 http://articles.timesofindia.indiatimes.com/2012-09-06/india/33648337_1_unaided-schools-recognition-grant

78 <http://www.indianexpress.com/news/only-32-per-cent-admissions-under-rte-in-state/981645/0>

79 <http://www.thehindu.com/news/cities/bangalore/parents-allege-graft-in-rte-admissions/article4498017.ece>

80 <http://www.thehindu.com/news/national/karnataka/despise-rte-act-parents-forced-to-shell-out-money-in-karnataka/article3904565.ece>

81 <http://ibnlive.in.com/news/karnataka-rte-fails-to-bridge-academic-gap/285835-62-129.html>

82 http://www.daijiworld.com/news/news_disp.asp?n_id=144268

83 At end of the 2012 session- <http://ibnlive.in.com/news/delhi-70-pc-schools-still-ignoring-rte/250310-3.html>

84 <http://www.deccanherald.com/content/273810/rte-hc-seeks-list-educational.html>

85 http://articles.timesofindia.indiatimes.com/2012-08-22/news/33321271_1_minority-status-ncmei-minority-tag

86 <http://www.hindustantimes.com/Specials/Education/NCRSchool2012/Chunk-HT-UI-NCRSchool2012-RTE-TopStories/Pvt-schools-battle-RTE-Act-s-social-challenges/SP-Article10-922884.aspx>

87 <http://right-to-education-india.blogspot.in/2013/03/67306-admitted-to-schools-under-rte.html>

88 <http://www.hindustantimes.com/India-news/NewDelhi/Govt-to-pick-tab-for-poor-schoolkids/Article1-797681.aspx>

89 http://articles.timesofindia.indiatimes.com/2012-04-25/jaipur/31398804_1_rte-act-reimbursement-ews

90 <http://www.deccanherald.com/content/301645/govt-releases-rs-56-crore.html>

91 <http://dailypioneer.com/state-editions/bhopal/123166-st-josephs-co-ed-awaits-rs450-l-grant-under-rte.html>

weaker sections and disadvantaged groups under Section 12(I) (c) of the Right of Children to Free and Compulsory Education Act, 2009, as per norms notified by the concerned State/UT Government. So far, 10 States/UTs have notified their norms.⁹² Interestingly, MHRD claims to not record details of reimbursements made under this clause.⁹³ More recently, some schools in Chandigarh has refused to provide such seats unless the government provides clarification on the modalities of implementation including the modalities of reimbursement⁹⁴.

Regulation of Fees in private schools

The period up to 2012 saw steps towards fees regulation through issuance of circulars or passage of State Acts has been undertaken in TN, Maharashtra and MP. However, these move appear to have stalled. This is unfortunate given the high rates of out of pocket expenditure for education- including among the middle class. According to media reports, an ASSOCHAM survey,⁹⁵ 65% of parents spend more than half their take-home pay on their children's education, extra co-curricular activities placing significant burden on their family budget. This survey suggest that spending on a single child's education has gone up from Rs 35,000 in 2005 to over Rs 94,000 in 2011 on such items and activities as integral to the school curriculum like fees, transport books, uniform, stationery, building fund, educational trips, extra tuitions and extra-curricular activities. In the absence of any concerted new policy developments, efforts have been undertaken by parents in several states, including Odisha⁹⁶, Maharashtra⁹⁷ and Delhi.

Other Steps towards regulation of private schools

Central Board of Secondary Education (CBSE) has a mechanism of regulation of its members and issues notices to the schools on the complaints received pertaining to non-fulfillment of land norms, lack of infrastructure, non-payment of salary, non-adherence to service conditions, illegal termination of service,

appointment of unqualified teachers, exorbitant fee hike, charging of capitation fee and donation, sponsoring of students of unaffiliated schools in the examinations of the Board etc. However, the numbers are fairly small- in 2012, only 31 notices have been issued against private schools and indeed, since 2010 action has been taken only against 59 schools.⁹⁸ It is in the process of amending its rules towards granting recognition that has been criticized by the States as bypassing them in decision making.⁹⁹

Draft legislation is also being prepared to curb unfair practices in schools and it is under consideration of the CABE Committee¹⁰⁰. Some of the key provisions include charging of capitation fees, misleading and non-transparent processes adopted by schools for the admission of students in higher classes, and the appointment of ineligible and unqualified teachers.

The last year saw issues of working conditions of private teachers, especially women, raised by the Women's Rights Commission in Kerala¹⁰¹ Punjab for the first time made provision for pension of teachers of private schools.¹⁰² In 2010-11, the Himachal Pradesh High Court reinforced the principle of equal pay for equal work.¹⁰³ This principle is also laid down in the Affiliation Bye-Laws of the Central Board of Secondary Education (CBSE) that states that "the school in India must pay salaries and admissible allowances to the staff not less than the corresponding categories of employees in the State Government schools or as per scales etc. prescribed by the Government of India".¹⁰⁴ However, majority of private schools continue to employ teachers under less than optimum labour conditions.

Handing over of Schools or core services to the Private Sector

A critical move in the last quarter of 2013 is the move of handing over of government schools to the private sector in PPP mode. Large scale movement in this direction has been reported in Uttarakhand¹⁰⁵ and Maharashtra (Bombay Municipal

92 Lok Sabha Unstarred Question 2610 answered on 13.03.2013 <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=136721>

93 Rajya Sabha- Question No 554- answered on 01.03.2013

94 <http://www.indianexpress.com/news/ews-seats-pvt-schools-defy-say-no-vacancies/1092238/0>

95 http://articles.timesofindia.indiatimes.com/2013-01-09/india/36236512_1_fee-hike-higher-education-secondary-education

96 http://articles.timesofindia.indiatimes.com/2013-01-29/bhubaneswar/36615418_1_arrest-parents-cuttack-dav-schools

97 http://articles.timesofindia.indiatimes.com/2013-01-23/nashik/36504988_1_fee-hike-deputy-director-fee-structure

98 Based on Rajya Sabha Unstarred Question No. 252 answered on 23.11.2012

99 <http://www.thehindu.com/todays-paper/tp-national/cbse-bill-makes-states-jittery-over-their-diminished-role/article4495651.ece>

100 <http://www.indianexpress.com/news/cabe-to-take-up-bill-to-end-unfair-practices-in-schools/1023262>

101 http://articles.timesofindia.indiatimes.com/2012-12-01/kozhikode/35529941_1_private-school-teachers-school-managements-city-school

102 <http://in.news.yahoo.com/private-school-teachers-pension-punjab-074609961.html>

103 <http://www.tribuneindia.com/2011/20110813/himachal.htm>

104 Lok Sabha unstarred question No. 4251 asked on 19.12.12 <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=134341>

105 http://smartinvestor.business-standard.com/market/story-157156-storydet-Uttarakhand_to_run_primary_schools_under_PPP_mode.htm

Corporation)¹⁰⁶Both moves have been criticized as an exclusionary move that amounts to de-facto privatization.¹⁰⁷ In other states it has been specific activities that are being outsourced- eg. sanitation in schools in Delhi¹⁰⁸ or the provision of midday meal.¹⁰⁹ The experience of their implementation has been that systemic solutions are needed since the implementation on the ground has not automatically improve through mere transfer of management to the private sector.

4.7 Teachers

Recruitment of teachers post RTE

Under SSA, the current total sanctioned teacher posts (till 2012-13) in the country are 19.82 lacs while the number recruited is 12.9 lakhs, leaving a vacancy of over 7 lakhs against sanctioned posts. In addition, the States / UTs have reported 5.65 lakhs teacher vacancies upto end of March 2012 against teacher posts borne on the State budget¹¹⁰. All the States have conducted the mandatory Teacher Eligibility Test (TET) for the recruitment of teachers, except West Bengal, where this test is scheduled to be held on 31.3.2013¹¹¹. More than 99% of the 7.75 lakh candidates who appeared for the Central Teacher Eligibility Test 2012 failed the test.¹¹²

Pupil Teacher Ratio & Single Teacher Schools

The average PTR for the country at the primary level was 31 in 2011-12, which remains above the minimum norm. Ironically, the PTR for Upper Primary is 1:29. These are, however, obviously averages. Across the country, 40.83% schools have a PTR greater than 30 and 31.05% Upper Primary Schools exceed the norm. Another way of looking at the same figures is that 65.25% enrollment in primary level is in schools that fail the national norm. The corresponding figure for Upper Primary Schools is 51.04%.

According to the DISE 2012, 8.31% schools remain single teacher schools in contravention of the RTE Act that mandates a minimum of two teachers per school. Indeed, the percentage of single teacher schools has gone up in Assam, Dadar and Nagar

Haveli, Jharkhand, Kerala, Punjab, Sikkim, Tamil Nadu, and Uttarakhand between the years 2010-11 and 2011-12.

Training of Teachers

As per DISE 79.58% teachers were professionally trained and the percentage has improved over the years. The Government of India has granted relaxation under Section 23 (2) of the RTE Act 2009 in the minimum teachers qualification in respect of 13 States, since these States had inadequate teachers preparation capacity in relation to demand for teachers of classes I to VIII. While doing so is perfectly legal, the continued hiring of para-teachers to fill vacancies is creating a backlog of untrained teachers whose ranks would need to be filled later. 12.16% of the total teacher strength in India is on contract (14.62% in government schools) and the percentage is growing from year to year across 23 states / UTs. The States with high percentage of teachers on contract are Odisha (40.33%), Chattisgarh (23.19). Mizoram (33.74%), Meghalaya (29.54) and Chandigarh (28.56%). This picture may also be deceptive because other states such as Bihar have teachers who may not be on contract, but are on similar pay as contract teachers.

As per current estimates, there are 5.48 lakh untrained teachers at the primary level and 2.25 lakh untrained teachers at the upper primary level. Bihar, Jharkhand, Jammu & Kashmir, Orissa, West Bengal, Uttar Pradesh, Assam and Chattisgarh together account for 6.06 lakh untrained teachers at the elementary level. The Government has taken several steps for improving the quality of teacher preparation and teacher education. These include laying down teacher qualifications under the Right of Children to Free and Compulsory Education (RTE) Act, 2009; specifying passing of the Teacher Eligibility Test (TET) as an essential qualification for being appointed as a teacher in classes I-VIII; the development of the National Curriculum Framework of Teacher Education, NCFTE (2009); the preparation of model syllabi for teacher education courses; the revision of the Centrally Sponsored Scheme of Teacher Education for the XII Plan¹¹³.

106 <http://www.indianexpress.com/news/bmc-okays-ppp-model-for-its-schools/979478>

107 <http://www.afternoondc.in/epaper/EpaperPost.aspx?id=62542>

108 http://www.business-standard.com/article/economy-policy/to-fight-inefficiency-uttarakhand-adopts-ppp-model-for-its-schools-to-fight-112103102004_1.html

109 <http://www.indianexpress.com/news/midday-meal-hc-stays-outsourcing-to-mumbai-ngo/908468>

110 ANNEXURE REFERRED TO IN REPLY TO PART (a) TO (f) OF LOK SABHA UNSTARRED QUESTION NO. 2039 TO BE ANSWERED ON 5.12.2012 ASKED BY SHRI SANJAY DINA PATIL, DR. SANJEEV GANESH NAIK, SHRIVILAS MUTTEMWAR, SHRI JAGDISH SHARMA, DR. RAGHUVANSH PRASAD SINGH, SHRI RADHA MOHAN SINGH, SHRI RAMASHANKER RAJBHAR, SHRI P.C. MOHAN, SHRI HAMDULLAH SAYEED, AND SHRI SURENDRA SINGH NAGAR REGARDING SHORTAGE OF TEACHERS.

111 Unstarred Question No 2637 Answered on 13.03.2013 <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=136730>

112 Question No 1338 asked on 08.03.2013

113 RajaSabhaQn No 2899 asked on 22 March 2013 accessed on <http://164.100.47.4/newrsquestion/ShowQn.aspx>

Teacher Education - Pre-Service and In-Service

The pre-service teacher education has been re-started after two decades in several States with most need. However, the present status is not encouraging given shortages of resource materials and teacher educators. In 2011-12, 34.23% teachers received in-service training- 47.01% government teachers did so. Quoting from the document “However, these are often monotonous and don’t reflect teacher needs. There is a huge backlog of untrained teachers in a few states. Bihar and Jharkhand have opted for the open distance D. Ed programme of IGNOU. Even now more than 1.5 lakh teachers in Bihar are not trained. 70,000 more untrained teachers are being recruited in 2013.

Inclusion in Teacher Education

There is urgent need to:

1. Expand the ‘social equity-inclusion’ dimensions of quality education building conceptual clarity, curriculum, reading materials, teacher education and monitoring mechanisms.
2. Include the contextual issues of children from SC, ST and Muslim communities in teacher training curriculum, training modules. Ensure adequate and up to date reading materials on these in the TE institutes.
3. Enroll local civil society organizations with have track records on working with marginalized communities to collaborate with teacher education institutions and processes.
4. Include social equity and social inclusion as indicators for quality under Samjhe – Seeken or any other monitoring – CCE formats used in the schools.

46.3% of teachers in India are women in 2011-12¹¹⁴. It was 39% and 40% in 2009 and 2010 which is an improvement. However, Assam, Bihar and Odisha, Tripura have less than 40% female teachers. The deployment of female teachers is a major issue. If posted in far-off villages, female teachers tend to come to school late and leave early, according to CSO studies. Posting of a single female teacher poses further problems. The All-India representation of SC

teachers is 12.88%, grossly under-represented in proportion to their population. This will have adverse impact on retention of children of SC communities in schools. The ST representation is slightly better at 8.17% which is on par with the proportion of the population. The OBC representation among teachers all India is 14.71%, that is under-represented in proportion to their population.

Head Teachers/school leadership

Primary schools having an enrollment over 150 and Upper Primary schools over 100 children are entitled to having a full time head teacher. According to DISE 2011-12, 58.46% of the primary schools eligible for having a Head Teacher actually had one. Similarly, only 54.23% Upper Primary schools had a head teacher.¹¹⁵ This translates into limited efforts at leadership within schools. Furthermore, the head teachers may not necessarily have the skills and capacities to impart the role, given the necessity to play a more management role. Specific efforts towards capacity building are, therefore, needed.

Monitoring and Onsite Support

51.17% schools were inspected / visited by the Resource Persons. 65.17% received visits from the Cluster Resource Coordinators¹¹⁶. Monitoring is still patchy in the absence of a comprehensive system, resource support and personnel. Furthermore, BRCCs and CRCCs are busy with administrative tasks and when they visit the schools for inspection, this is often not done in partnership with schools.

114 As per Lok Sabha Unstarred Question No. 1998 answered on 05.12.2012 accessible on <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=130832>

115 Mehta, AC (2013) Elementary Education in India-Progress towards UEE. Analytical Tables 2011-12: Provisional

116 Mehta, AC (2013) Elementary Education in India-Progress towards UEE. Analytical Tables 2011-12: Provisional

5 Key Recommendations



5.1 Systemic Preparedness for RTE

- Ensure complete compliance with the infrastructure norms in all schools of India.
- Put in place a universal definition of Dropout that is applicable across the States and back this definition with comprehensive mechanisms for child mapping (especially at the upper primary equivalent levels and including migrant populations) and subsequent tracking of attendance.
- Initiate special training for the acknowledged 2.7 million out-of-school children, recognizing that the actual numbers of children out of school are likely to be even greater
- Undertake the administrative restructuring streamlining SSA and Education department structures as laid down in the RTE Framework and fill all vacant administrative positions within the departments.

5.2 Teachers

- Fill existing vacancies of 12 lakh teachers under both SSA and State Education Department. In doing so, prioritize recruitment of female teachers and teachers from the marginalized communities. Training for the existing in-service 5.48 lakh untrained, unprofessional teachers to be planned and undertaken.
- No school to remain a single teacher school within the coming three months through redeployment of existing teachers
- Concrete steps to enhance teacher training capacities in the States with the largest training gaps, especially Bihar, West Bengal,

Jharkhand and Uttar Pradesh. Efforts to train teachers at the Block and District level need to be prioritized to ensure that teachers hired come from the same cultural milieu as their students. This training would require contact hours equivalent to the full time training and cannot be left to be done through distance mode alone. Teachers' training institutes need significant enhancement in capacity to stand up to the task. Issues of teacher career path and autonomy needs urgent thought given the continued contractualization of teacher profession in the post RTE period.

- Real time tracking progress of teacher training in the 13 States exempted from qualifications criteria for teachers' recruitment ahead of the 2015 deadline.
- Prioritize the recruitment of head teachers in the 41% schools lacking the same and put in place a comprehensive package for training of head teachers to ensure school level leadership.
- Enhance and make more meaningful the processes of onsite support and inspection systems to ensure handholding and accountability frameworks for teachers, especially for the 48% schools that failed to receive a school inspector visit during the previous year.
- Free teachers from non-teaching work given that an average 19 days of teaching work is lost annually on the same. Bihar's model of hiring of Accredited Statistical Volunteers could be up-scaled across the country¹¹⁷.
- Undertake a system analysis of the reasons of

117 <http://news.biharprabha.com/2012/07/bihar-school-teachers-to-be-freed-from-non-teaching-duties/>

understanding of the funds already committed and take urgent steps to remedy the same through actions like the filling of existing finance staff vacancies (4085 at Block, 496 at District and 113 at State level) and accelerate processes of computerization of the finance systems.

5.3 Grievance Redressal

- Ensure that the 7 States lacking either an SCPCR or REPA start the same at the earliest and the 4 remaining REPAs are converted into full fledged SCPCRs. SCPCRs and NCPCR to be empowered and adequately funded and staffed by professionals in order to take on the role expected.
- Put in place a pan-national and comprehensive Grievance Redress System that completes the loop from the SMC and Panchayat to the NCPCR.

5.4 Regulation Framework for Private Schools

- Enforce the implementation of the 25% quota in private schools, given the extremely poor track record of implementation.
- Put in place a rational regulatory framework for private schools to ensure their compliance with the RTE norms, standards and other provisions and on other issues like regulation of fees through a central legislation on the same.
- Reverse the trend of handing over of government schools to the private sector in the name of PPP, but rather take the steps necessary to reform provisions to ensure compliance.

5.5 Community Participation

- Demand generation towards proper functioning of educational facilities from the people themselves and children should be strengthened to build people's pressure in ensuring educational rights. Media campaigns and community awareness programmes to activate people and children in realizing educational rights should be conducted on a large scale by the state.

- SMCs have to be constituted through elections and giving legally specified representation to women and socially excluded groups. Democratic constitution of the SMCs with gender equity and proportionate representation to excluded groups should be made a responsibility of the Head Teacher, which will be monitored.
- Training of SMCs has to focus on empowering them as functionaries of a decentralised system of education. Being essentially an exercise in decentralization, SMC training should draw from the successful experiments in training of PRI functionaries in some states.
- Overhaul the mechanisms of training and functioning of SMCs to ensure their legitimacy and capacity including ensuring that the same are formed through elections and the entire body is trained
- Deepen the process of bottom up planning through building SMC capacity to prepared School Development Plans, ensure absorption of plans prepared in the education system and fund allotment based on the same.
- Initiate processes of dialogue and capacity building of the Local Authorities (especially the Panchayats and Urban Local Bodies) that have a role to play for education both in terms of the RTE Act and pre-existing 73rd and 74th Amendments.

5.6 Quality Improvement

- Resolve the consequences of non-implementation of CCE on the ground and the inefficient ways of implementation of no detention policy.
- Upscale interventions for instruction in the mother tongue for children from tribal background, migrants and Urdu speakers in the early grades.
- Recognise the rich diversity of religion, culture, leadership and contribution of Adivasi, Muslim and Dalit communities in school curriculum and create sensitivity and respect for them among all children and teachers. Recognise, monitor and address various forms of discrimination faced by Dalit, Muslim and Adivasi children in schools. Undertake studies/mechanisms to

build further information on these practices. Budget allocation under Tribal Sub Plan (TSCP) and Scheduled Caste Plan (CSCP) in education should directly benefit Adivasi and Dalit children's access and achievements in education in terms of providing for additional coaching, additional teaching-learning materials, exposure visits, motivation and personality development programmes, meeting travel costs, etc and not be used for general items already mandated as in construction, school facilities etc. Special emphasis needs to be placed on issues of inclusion of concerns of gender and children with disability to ensure their inclusion in the education system and to put in place the necessary provisions for the same.

- Provide equal and equitable per child budget allocations to all schools run by the government and make education a means of disparity reduction and social leveler.
- Undertake review of the curriculum and textbooks to ensure they are of a level commensurate with the actual learning levels of the students and make necessary adaptations.

5.7 Social Inclusion

- Social Exclusion of Dalits, Muslims, Adivasis and CWSN is by and large not accepted as a reality by many local practitioners of the elementary education sector. This is a bubble that needs to be busted. In this regard sociological and historical training should be imparted to teachers as part of their Teacher Education curriculum and in service training programmes along with sensitization sessions in this regard for the students.
- Gender Equity in dealing with Girl and boy children is another arena which needs to be strengthened in the households, in the society as well as in the elementary education sector. There should be special efforts including media and community awareness programmes to arrest the drop out of girls in the upper primary classes. Gender training needs to be made part of the training curriculum of Teacher Education as well as their in service training.

- A CWSN cell should be constituted in all states with participation of civil society members working among CWSN to monitor the functioning of all provisions of the RTE Act on CWSN.

5.8 Key Enablers for Accelerating RTE Implementation

- Use of the DISE as a temporary immediate basis for planning to ensure compliance with the basic RTE Norms.
- Put in place transparent systems of real time tracking of implementation with the current status of the same available online, using pre-existing models like the Madhya Pradesh education web portal where all information is publically available and adding space whereby local residents can input their information Civil society organisations and networks may be better able to extend support if implementation challenges are more widely known.
- Given the slow rate of change, explore possibilities of out of box solutions to ensure systemic change like the Education Services to ensure availability of trained, professional cadres of workers for education.

6 Third National Stocktaking Convention on RTE Act, 2009: A Brief Report



April 3, 2013

The Opening Session

Third National Stocktaking Convention on RTE Implementation organized by the National RTE Forum which was held on April 3, 2013 at Constitution Club, New Delhi.

The opening session was moderated by Dr. Sanjeev Rai, Save the Children. After a warm welcome and introduction to the event, he called upon Mr. Ambarish Rai, Convenor, RTE Forum to share his opening remarks.

The Context by Mr. Ambarish Rai, RTE Forum

Mr. Rai acknowledged the efforts of all participants who had gathered from across the country to participate in the convention. He regretted that the stipulated deadline to achieve the set goals under the Act have been crossed without the key provisions being implemented on the ground. Thus, the nation has failed in a responsibility as vital as education of its children. This is partly because of the failure of the state to invest adequate resources- even though 6% of the country's GDP has been committed for education, only half of this money is actually sanctioned. Another equally pertinent issue is the improper utilization of resources- estimates reveal that only half of the money allocated has, in fact, been used. Another factor is the lack of awareness, not only among general public but even among the administrators, leading to ineffective implementation. Furthermore, the principal role of education, is not

only improving the GDP, but also improving the quality of life of its citizens. A State can proceed on the path of secularism, egalitarianism and democracy only when there is quality in its education system. This is often compromised when education is handed over to private partners as business projects. He added that assessments made on the basis of learning outcomes have the same negative impact, and should cover more comprehensive human development indices instead.

Mr. Rai concluded by calling for a road map for the Act's implementation. This should start with the current extent of implementation and lay down the comprehensive and time-bound agenda for improvement. This should be prepared through dialogue between various stakeholders including inputs from academia, policymakers, legislators, grassroots implementing agencies, functionaries and activists.

Key Findings of the Research Report by Dr. Alex George, Action Aid India

Dr. Alex George presented the findings of the research undertaken by the Forum in the second year 2011-2012. The study was conducted by partners of RTE Forum in approximately 2200 schools across the country, wherein data was collected on various parameters, to assess the implementation of the Act. The findings of the study form part of this report. He highlighted the need for greater focus on inclusion in government programmes.

Critical Gaps in the System by Ms Anjela Taneja, Oxfam India

Ms. Anjela Taneja began by acknowledging the positive outcomes in the implementation of this Act including the fact that the notification of rules was relatively fast, and changes in the administrative systems have been initiated. However, massive gaps in the status of implementation remain reflected in the fact that less than 10% schools comply with the entire set of RTE norms. Even though different States in India have showed varying levels of accomplishments, yet issues of exclusion of children from the educational systems still prevail. The status of policy implementation has been incorporated in the report.

Key Speakers of the Opening Session

Padma Vibhushan Professor Yashpal

Prof. Yashpal emphasized 'creativity' as the primary principle in teaching learning process. The purpose of education, according to him, is to foster creativity in students; but schools, more often than not, act as an impediment to children's creativity. He stated that teachers are the primary change makers who can help in fostering creativity among students, by providing them space to explore new ideas. Teachers need to interact with students to raise questions and create answers with them. A positive approach is needed while discussing issues of education. One cannot be pessimistic while aiming to achieve such goals. We have to be enthusiastic about the creation of India by the children of India. With lack of education and creativity in it, we will always be dependent on others and never attain the true spirit of freedom.

Mr. S. Eswaran, General Secretary, All India Primary Teachers' Federation (AIPTF)

Mr. Eswaran talked about the rights' approach to education. He said that the process of education is reduced to only attaining learning outcomes. He emphasized changes required in the curriculum to match the conceptual and contextual needs. Every action must also be placed in sync with the international objectives of education, such as Education for All (EFA) and Millennium Development Goals (MDGs). The Right to Education Act is a

legislation that not only ensures schooling, but is part of the right to life for children. In this context, a grave mistake has been made by excluding the first six years of life. The MHRD must accelerate its efforts to ensure implementation and impose severe punishments for those who fail to achieve the goal of RTE implementation.

Professor Krishna Kumar, Department of Education, University of Delhi

Prof. Krishna Kumar spoke about the need for a more nuanced understanding of the status of implementation. While some States have shown tremendous progress, others continue to lag. Furthermore, while the historically better-faring States such as Karnataka and Kerala are continuing to progress, the gap between them and the rest has increased exponentially.

Various facets of RTE Act have to be given due notice for holistic success and quality of services. Some crucial areas are quality of classroom interaction, corporal punishment, management by school management committees and quality of programme.

A critical issue is that of the de-professionalization of the teacher profession. Teachers' associations have been battling for their rights in several states. These struggles in Madhya Pradesh, Bihar, Jharkhand and Chhattisgarh have put the spotlight on the disabling strategies of teacher appointments in these States. For example, in UP, only para-teachers can be appointed for teaching classes I, and higher grades of primary school can be taught by permanent teachers. In MP, the higher paying regular posts were discontinued giving way to low paying contractual jobs. The system continues to overlook the satisfaction quotient for teachers. Dissatisfied, unmotivated teachers cannot deliver quality teaching in classrooms. There is also huge disparity in defining teacher's qualifications and instability in the processes of teacher certification and capacity building. Thus, the University of Delhi is now moving towards creating a course of minimum 2 years of college from the next year. The much acclaimed B.El.Ed (Bachelor of Elementary Education) course started 8 years ago needs to be restructured as a result. The graduating professionals are not allowed to teach in middle school, despite students receiving rigorous training for the same for four years.

Social stigmatic practices in classrooms continue to prevail. Even as we try to get our primary school children to school, it is still a challenge to retain a girl during or after adolescence. Child marriages are common and have cultural sanction.

He concluded by saying that in order to achieve educational rights, various stakeholders will have to partner and perform to their potential along with the government.

Mr. Louis George Arsenault, Country Representative, UNICEF

Mr Arsenault started his presentation by recapitulating that the research findings show signs of progress, although huge challenges are yet to be overcome. 8 million children are still out of school and millions of children drop out before finishing elementary education. This presents an emergency situation. While the lack of quality of education is highlighted, basic facilities like safe drinking water, toilets, playgrounds, ramps, kitchen etc. are still missing in schools. There is a need to look at the good practices in the field of education where innovative interventions have helped in achieving results. He specially focused on three areas: child-friendly inclusive education, empowerment of teachers as key players in implementation and empowerment of the community to enable them to take ownership. He highlighted some 'good practices' including Loreto School in Kolkata, pedagogical processes in Kerala, grievance redressal system in Odisha, School Excellence Programme in Mumbai and role of community in looking at the school management in Rajasthan. There is a need to work on a roadmap for the Act's implementation.

Professor Muchkund Dubey, President, Council for Social Development (CSD)

Prof. Dubey presented a brief history of the RTE Act. He stated that some aspects in RTE Act are wrong fundamentally. These lacunae led many of the educationists to believe that the Act could not be achieved. However, even with these feelings and inhibitions, this Act was accepted and welcomed. After 100 years of struggle, the government has decided to take the responsibility of providing quality education free of cost to all the children of the country. This year's stocktaking is extremely crucial in

this context because the government has a deadline for implementation. It is well understood that this deadline has been missed and the government has failed. Education has always been an interdisciplinary sector. Therefore, the role of different stakeholders and professionals is important. Language plays a major role in imparting education and fostering creativity in a young child. Unless education is provided in his/her mother tongue, the purpose of the education is defeated. With more and more children from the rich families moving into the private system of education, the government school system shows a huge failure. There have been discriminatory practices in the community and school and this has also led to the failure in education. All the discriminatory methods have to be taken away at once and be replaced with non-discriminatory practices taken from good practices around the world. He ended by pointing out that the State is responsible for providing every child with quality education free of cost. Now the education forum needs to rope in the judiciary to enforce the same.

Professor Shantha Sinha, Chairperson, National Commission for Protection of Child Rights (NCPCR)

Prof. Sinha in her crisp speech congratulated the RTE Forum and acknowledged all the achievements of the RTE Act as stated in the report. She expressed her happiness on the fact that the research findings had brought to light so many achievements, which NCPCR as a grievance redressal institution hardly ever gets to hear. Civil society had partnered very well in its implementation. All this while, community has made demands and the government has at least responded to them. The learning that we get is that there has to be a collective consciousness in society to remind the government that the public is watchful and it needs to be on its heels all the time. Every one becomes an equal partner in the case of fulfillment of fundamental rights. It is rightly said that there is need for urgency in fund dispersal and implementation. The poor, being underprivileged, often have more faith on the government that the government has on itself. We have to gain strength from the experiences of people from the grassroots and maintain optimism for all future endeavours.

Right to Education- The Big Picture

Key speakers of this session:

Dr. Praveen Jha, Economist, Jawaharlal Nehru University (JNU) on Financing Education

The allocation for children's education has only gone from bad to worse over the years. In 2001 only 3.94% GDP was spent on education. In the latest economic survey, this figure has dropped to 3.35%. The envisaged allocation was set at 6% as the benchmark. While developing budgets, the Planning Commission scales down the allocation for education considerably, and to make matters worse, the State Governments further scale it down. The resultant impact is that only a negligible amount is earmarked for education of children. Dr. Jha regretted the fact that despite the passage of the three years deadline, the necessary allocations have not been made. One cannot help feel that the government does not take its own calculations seriously. He highlighted several key issues related to financial allocation:

- i. Tension between Central and State governments on the issue of budgetary allocation
- ii. Institutional mechanism related to finance delay. For example, he quoted a case from Lalitpur where the fund for infrastructural improvements was sent in 31 installments.
- iii. Although sub-head expenditure has been earmarked (financial norms), the diversity of the country was not considered.
- iv. Rigid and inadequate unit costs with respect to several areas of education are problematic. For example, allocation for food is too low to cater to the requirements of children. In the words of a girl living in a KGBV (Kasturba Gandhi Balika Vidyalaya), "The only thing that weighs on my mind all day long is acute hunger."

He concluded by stating that such stocktakings are essential, as they help build the much-needed pressure on the government.

Dr. Apoorvanand, Delhi University on Education and Mobility:

He began by stating that he wanted to build on the perspective of teachers. He added that the workload/

contribution of a teacher is adjudged by 3 parameters—their work in terms of teaching, contribution to research and knowledge building. The workload of a school teacher is much higher compared to her colleagues in colleges and universities. A school teacher is expected to carry out multiple activities, which includes several non-teaching activities. At the same time, since teachers are at the bottom-most rung of the educational ladder, they are incessantly blamed for the failure of the education system. In the rural context, the teacher has to battle against various divides of caste, class and gender. More often than not, the teacher is seen as a 'servant' not just to the community, but also to the government system. In the classroom setup, the teacher is generally viewed merely as a medium of transaction of content, without having any agency of his/her own. It is imperative to understand and accept the teacher as an intellectual professional. Linkages between college/university and school teaching should be enhanced. If we want the teacher to be able to effectively deliver the rights of the child, his/her own rights must also be upheld and respected.

Professor Vinay Kanth, Patna University on Schooling and Equity

Prof. Kanth talked about **equity**. It was long promised in various policies and programmes that a 'Common School System' will be established to further the goals of equity. A common school for children of all kinds of castes and classes would have successfully addressed the issue of equity; however, this gap remains. The RTE Act continues to permit multiple strands of schooling. Therefore, the debate on Common School System is still alive.

The curriculum can also be used as an effective instrument to improve the equity and quality of education. There have been some steps towards curricular reforms, but the pitfalls are many. There is also a need to link the local community with the education system.

The larger question he posed is that of the role of education. We have had philosophers on education like Gandhi and Tagore, and have had innovative programmes such as Hoshangabad Science Teaching Project (HSTP) in this country. The ideals of these thinkers and innovators focus on the 'transformative' role of education. He urged the participants to reflect

on this since the country must move further to promote such educational goals. He stated that the campaign for RTE implementation should unite with other campaigns and movements. We must strive to reclaim the rights of children and their schools from the grassroots level.

Dr. Vinod Raina, Member CABE on Implementation of the Act

Dr. Raina congratulated the RTE Forum for its consistency and punctuality in organizing the annual stocktaking of RTE Act successively every year. He talked about the two implementation targets that had been set for the RTE Act. Firstly, it was agreed upon that within the three years of enactment, every child will be able to access education from a neighbourhood school. Secondly, the neighbourhood school of the child will fulfill the norms and standards stated in the Act, like having proper infrastructural facilities, play and learning materials and so on. On the third anniversary of RTE Act, evident gaps and some success indicators are in front of us. He appreciated the openness and honesty of the government who have accepted that they been unable to fulfill the targets of RTE Act. He felt that implementation will have to be looked from a broader perspective-taking social, economic, cultural and political factors into account.

He said that we must take the route of the courtroom and actively involve the judiciary in the implementation of the Act. If we fail to do so, we end up treating the Act as a policy or a programme, not a legislation. Status reports from the states, district and block levels, which describe the pitfalls in the system can be used to seek justice. In this regard, he mentioned there is a lot that can be learnt from the private sector. A group of private school representatives hired an eminent lawyer (Mr. Harish Salve) to file a case that RTE is unconstitutional, on account of the 25 percent reservation clause. However, the Supreme Court upheld the constitutionality of the RTE Act. As the government has failed to meet the requisite deadlines on the implementation map, the road to justice is now open.

Dr. Raina then gave a socio-historical perspective to the educational policies and programmes in our country. Right from pre-independence era to the present times, progressive policies and programmes

came in. However, the RTE Act was adopted only recently in the neoliberal post modernist era. There have been progressive policies and programmes (like the Kothari Commission [1966], National Policy on Education [NPE, 1986/92]), but there was never enough political or financial commitment to ensure that children receive their right to quality to education.

We need all sorts of stakeholders to get together and chalk out a road map to further the goals of the RTE Act. The beginning, for instance could be the constitution of a judicial committee which looks at aspects of justiciability of the RTE Act. There could also be committees that work on specific segments like learning outcomes for children, involvement of civil society and so on. We also need to address other pertinent questions like training of teachers.

After the common plenary session on the 'Right to Education: the Big Picture', three breakaway sessions were carried out in different venues. These breakaway sessions were on Community Participation and Inclusion; Systemic Readiness & Privatisation and Teacher's Challenges and Quality. The recommendations emerged from these sessions have been fed into the recommendation note of this report.

Key Points Emerged from the breakaway are as follows:

- To ensure community participation through SMCs there is a need to bridge the great divide between teachers and parents and infact they are present in large numbers that could be enough to make education a political agenda in the 2014 election.
- To address inclusion there is a need to ensure that no child is excluded from Education and in education and the diverse needs of children are addressed. The lack of data related to CWSN causes apathetic attitude of the government machinery.
- Government schools should at least have the quality standards matching the levels of Kendriya Vidyalayas (KVs)
- Regarding Early Childhood Care and Education, a lot of overhauling, restricting and working together of various departments and ministries is required to ensure the State's systemic readiness for ensuring quality ECCE services.

There is a need to have structures in place with defined agencies that could maximise the entitlements.

- Notification of Local authority responsible for introducing curriculum and evaluation reforms are important.
- Grievance Redressal and RTE Act: grassroots level complaints remain largely unaddressed. The structure of NCPDR and SCPCRs need to be realigned and redefined in a time bound manner
- School Closure is another contentious issue especially in hilly areas that need to be addressed to save the National System of Public Education.
- There is a need to address the issues of accessibility, availability, autonomy of education to improve learning outcomes
- Teacher education (curriculum/examination pattern) should enable them to create conducive learning environment in class.
- To bridge the gap between teachers and children through innovative teaching learning material.
- To devise appropriate methods to address issues of migrant children.
- There is a need to converge Juvenile Justice Act with the RTE Act, 2009 as children in destitute homes are not covered by the provisions under the RTE Act.
- Raised demand for providing right to education to all children upto 18 years of age.
- Need to review the exemption of minority institutions from the RTE Act.
- RTE should be perceived in the larger picture along with EFA and MDGs

Concluding Session: Key Action Points for RTE Road Map

Challenges and Expectations by Mr. Ambarish Rai, RTE Forum

At the outset of the concluding session, Mr. Rai mentioned that this particular session was especially organized for the Parliamentarians to showcase what the Centre and/or State government(s) have done in

the past three years for the implementation of RTE Act. Education, in his opinion, does not feature as a political priority, which is disappointing. Education has become target-oriented, focusing largely on learning outcomes. Mr. Rai stated that the discourse on education should be kept alive, and the larger aims and objectives of education, like creating an egalitarian society, protecting and promoting cultural and linguistic diversity, should not be forgotten. The second major concern is having a regulatory mechanism in place for increasing role of the private sector in education.

The session was moderated by Ms. Urmila Sarkar, UNICEF.

Highlights from the Day's proceedings by Mr. Venkatesh Malur, Sampark Foundation

Mr. Malur summarized the day's proceedings through a power-point presentation, the outline of the presentation basically highlighted the gaps of implementation which are being listed earlier and in the report as well.

Mr. Harsh Mander, Former Member of National Advisory Council (NAC)

Mr. Mander's started by stating the objectives of universalization of elementary education which are to make our children more employable, create greater equality for opportunity and help make better human beings who are less communal, casteist, and more rational and compassionate individuals. We are to some extent fulfilling the first objective. However, to actually meet the (ii) and (iii) objectives, we need to reach out to the 'last' child. He sharply critiqued the RTE Act, which does not try to break the cycle of inequity. Inequality of our society is reflected, produced and reproduced in our education system, and this is a tragedy. RTE operates on the assumption that every child has a family, but fails to provide means for reaching out to the millions of children who are homeless and/or vulnerable. These are the larger questions which require critical appraisal.

Mr. Oscar Fernandes, MP, Head of Parliamentary Standing Committee on Education

Mr. Fernandes praised the organizers for taking stock of the progress attained by the RTE Act. He shared

with the house that the Parliamentary Standing Committee will discuss the issues emerging from the implementation of the RTE Act. He said that education does not have a narrow economic function, but a larger role of altering the social structure. He urged participants to conceptualize and create educational programmes that are sensitive to the context of children.

In the past the local self government was given the responsibility to monitor participation of children in school. The panchayats took stock of the learning of all children at the village level. In his view, the role of local community should be to monitor learning and check against prejudices being perpetuated at the school level. There have been instances where a member belonging to a particular caste group was denied the opportunity to be a MDM worker. The panchayats can play an exemplary and effective role in this regard. He then shared an example from Karnataka, where the government run schools are functioning well. The teachers are selected without any bias; and the salary of teachers in both government and private schools are distributed through the government agencies. The speaker concluded by saying that such promising practices should be tabled as recommendations to the government.

Mr. Prakash Javadekar, MP, Member of Parliamentary Standing Committee on Education

Mr. Javadekar began by appreciating the Forum's initiatives to take stock of the RTE Act. He believed that such discussions deserve the attention of media. He shared his field experiences from Maharashtra, reflecting on the times when he himself was studying at a government run school, which back then delivered high quality education. He stated at present even the poorest of the poor parents send their children to private schools. Parents are ready to pay fees of around Rs. 200-500, and avoid the free government schools as they believe they are of poor quality. In his view, we need suitable infrastructure and capable teachers to revive government schools. Only then can government schools compete with their private counterparts. Parents are the customers of education, and it is essential to keep them happy. While concluding his speech he mentioned that schemes like school vouchers can be tried. This, in his view, would create competition between government

and private systems and will ensure that there is an overall improvement in the quality of education.

Mr. Colin Gonsalves, Sr. Advocate, Supreme Court

Mr. Gonsalves said that he had just a single suggestion to make. He laid the background by describing the several drawbacks, which he believed that the RTE Act has. He criticized the law for leaving out the critical age group of 0-6 years, for not having enough measures to improve the quality of government, schools, and for leaving scope for privatization of schooling. In his opinion in the name of RTE we have been given crumbs as beggars, and we are even happy to take it! He shared the experiences of limitations of powerful legislations like NREGA and RTI. He said that he had no hopes from the government and its programmes; which are in no means meant for the public good in the first case. The only solution that he believes could work in the present context is litigation against the government. He felt that the facts, figures and data from state and national reports should be used to litigate every possible court of this country to demand implementation for the state and national government(s).

Recommendations and Way forward

Synopsis by Ms. Urmila Sarkar, UNICEF

Ms. Sarkar summarized the emerging concerns from discussions which have been presented below. She highlighted the following key points and highlights of the sessions:

- i. Importance of building schools as inclusive spaces
- ii. Support teachers as change makers
- iii. Need to reiterate and reinforce the significant role of SMCs and community ownership
- iv. Prioritizing education on the political agenda
- v. Need for strengthening government institutions, and collaboration with civil society
- vi. Seeking the judicial path
- vii. Creation of a road map for RTE with specific steps and time frame

Vote of thanks

Wrapping up the stocktaking programme, the presenters, the participants and the organizing team were thanked for their contribution towards the success of this event. Participants and delegates were encouraged to keep the struggle for the goal of equitable and quality education for all children of our country alive.

RTE Forum joined hands with All India Primary Teachers Federation (AIPTF) on April 4, 2013 in the following day of the convention. Joining hands with teachers' association was in continuation of strengthening relations with teachers and their demands since the adoption of "Joint Bhubaneswar Declaration-2012" symbolizing understanding being developed during last RTE and Teachers Convention held on December 19-20, 2012. Thousands of primary teachers from across the country thronged at Ramlila ground and marched towards Parliament on April 4, 2013 and submitted a memorandum of demands to Prime Minister for consideration.

RTE Forum submitted a Memorandum of Demands based on the recommendations emerged from the process of status report and stocktaking convention. Copy of Memorandum to PM is enclosed as Annexure B.

Annexure A

Agenda

Time	Session
09.30- 10.00	Registration - Reception
Plenary Session - Speaker Hall	
10.00- 11.30	<p>Opening Session:</p> <p>The Context – Mr.Ambarish Rai, Convenor, RTE Forum Key findings of the Research Report – Dr.Alex George, Action Aid India Critical Gaps in the System – Ms.Anjela Taneja, Oxfam India</p> <p>Key Speakers –</p> <ul style="list-style-type: none"> • Padma Vibhushan Prof Yash Pal, Eminent Scientist • Prof. Krishan Kumar, Dept of Education, DU • Mr. S. Eswaran, General Secretary, AIPTF • Prof. Shantha Sinha, Chairperson, NCPCR • Mr. Louis-Georges Arsenault, Country Representative – UNICEF • Prof. Muchkund Dubey, President, CSD <p>Moderator : Dr. Sanjeev Rai, Save the Children</p>
11.30 – 11.45	Tea Break
11.45 – 13.15	<p>Thematic Session-I Right to Education-The Big Picture</p> <p>Key Speakers –</p> <ul style="list-style-type: none"> • Prof.Vinay Kanth, Patna University on Schooling and Equity • Dr. Praveen Jha, Economist, JNU on Financing Education • Dr.Vinod Raina, Member, CABE on Implementation of the Act • Dr.Apoorvanand, Delhi University- Education and Mobility <p>Moderator : Dr. Sanjeev Rai, Save the Children</p> <p>Q&A</p>
13.15 – 14.15	Lunch Break

Venue:	Speaker Hall	Dy. Speaker Hall	Dy. Chairman Hall 2 nd Floor, Main Building
14.15 – 16.30	<p>Thematic Session – 2 A</p> <p>Community Participation and Inclusion</p> <p>Key Speakers</p> <ul style="list-style-type: none"> • Ms. Radhika Alkazi, Aarth Astha on Disability and The Act • Mr. Probir Basu, CACL on Child Labor • Mr. Dayaram, Educationist on SMC • Mr. A K Singh, Jharkhand, on Community Initiatives • Mr. Murali, AP, on Children Participation • Ms. Jaya Singh, CRY on Status and what next at ground • Mr. Noor Mohammad, Rajasthan on Muslim Children • Mr. Anil Pradhan, Odisha on Tribal Children • Mr. Binod Kr. Sinha, SCoRE-UP on SMC • Moderator: Ms. Annie Namala, CSEI • Q & A 	<p>Thematic Session – 2 B</p> <p>Systemic Readiness & Privatization</p> <p>Key Speakers</p> <ul style="list-style-type: none"> • Mr. Ashok Agarwal, Sr. Advocate, Supreme Court on Privatization • Ms. Devika Singh, on ECCE & Children below 6 years • Mr. Asadullah, EdCIL on Planning for RtE • Mr. Saurabh Sharma, Delhi on Grievance Redressal and RtE • Mr. Raghu Tiwari, Uttarakhand, on Closure of Schools and RtE • Mr. Victor Raj, Puducherry on new initiatives and RtE <p>Moderator: Dr. Suman Sachdeva, CARE</p>	<p>Thematic Session – 2 C</p> <p>Teacher's Challenges and Quality</p> <p>Key Speakers</p> <ul style="list-style-type: none"> • Mr. Alisher Umarov, UNESCO on Learning Outcomes • Prof. Daisy Narayan, VFE, Bihar on Excluded Children • Mr. Indra Shekhar Mishra, All India Secondary Teachers Federation • Dr. Bharat Singh, APR on Challenges with parents • Mr. K. Murthy, Tamilnadu on People's expectation on Quality • Mr. Ajay Singh, EdCIL on Teacher's Preparation and RtE <p>Moderator: Dr. Ramakant Rai, NCE</p>
16.30 – 16.45	Tea Break		

Time	Session
Plenary Session - Speaker Hall	
16.45 – 17.30	<p>Session-3 Key Action Points for RtE Road Map</p> <p>Challenges and Expectations – Mr.Ambarish Rai, RTE Forum</p> <p>Key Highlights from the Day’s Proceedings - Mr.Venkatesh Malur, Sampark Foundation</p> <p>Key Speakers</p> <ul style="list-style-type: none"> • Mr. Oscar Fernandes, Member of Parliament • Mr. Prakash Javedkar, Member of Parliament • Mr. Harsh Mander, Former Member of National Advisory Council (NAC) • Mr. Colin Gonsalves, Sr.Advocate, Supreme Court <p>Moderator: Ms. Urmila Sarkar, UNICEF</p>
17.30-17.40	<p>Vote of Thanks Mr.Ambarish Rai, RTE Forum</p> <p>*Memorandum will be submitted to PMO/MHRD by RTE Forum</p>

Annexure B

MEMORANDUM OF DEMANDS TO PRIME MINISTER

RIGHT TO EDUCATION FORUM

Date: 17th April, 2013

Dr. Manmohan Singh
Honorable Prime Minister of India
South Block, Raisina Hill
New Delhi 110101
Fax: +91-11-23019545/23016857
E-mail: manmohan@sansad.nic.in

Subject: Need for enhanced energy and effort in the Implementation of Right of Children to Free and Compulsory Education Act 2009 in India

Honourable Prime Minister Dr. Manmohan Singh,

We, the representatives of the Right to Education Forum, a platform of education networks, people's movements, civil society organizations and agencies working on education with a combined strength of 10,000 NGOs from all over India had met in Delhi on 3rd April 2013 to take stock of implementation of RTE Act 2009.

We recognize that the Act is a progressive step with potentially far reaching consequences for reforming the scenario of education in the country and appreciate the fact that its implementation across the country has been initiated with all states notifying the Rules. However, we are concerned that various parameters laid down under the Act have not been reached on schedule by 31st March 2013. Furthermore, more than half the time until the second set of deadlines, that all teachers are professionally qualified, by 2015 has elapsed.

Unless action is taken on a war footing, there is a clear danger of the Act's vision not being translated into reality and the fundamental right to free, compulsory and quality education being denied to millions of children in India.

We appreciate the decision by the Government to not abide by the deadlines of the RTE Act and the efforts made to allocate additional government resources, the fact that all the states have notified their State rules, that more teacher posts and infrastructure sanctioned and administrative changes brought about. However, the fact that less than 10% schools are RTE compliant in terms of infrastructure and teacher availability suggests that the required quality and rigour of implementation was unfortunately lacking. A crisis, however, is also an opportunity. It is time for a nationwide call for action to ensure that the hopes of India's millions of children are not betrayed.

Consequently, we would like to draw your attention to present status and request you to exercise your role as Head of Government to:

- Convene an urgent meeting of the National Development Council (NDC) to plan for the implementation of the Act's provisions and take up its monitoring in each consecutive NDC meeting until the task of RTE implementation is fulfilled. The NDC must assess the gaps honestly and prepare a roadmap for each state, district, and school in order to plug them on war footing.
- Put in place a systematic, pan-national, transparent mechanism of concurrent review of the status of implementation.
- Enhance the budget for elementary education to ensure that the RTE norms are met in all schools within a next year and streamline fund flow to ensure complete utilization of funds sanctioned.
- Initiate and deepen the systems of bottom up planning, build capacities of community based structures- school management committees (SMC) and Panchayats and involve civil society in monitoring and enshrining accountability.

The roadmap mentioned earlier needs to,

- Institute procedures for implementation of RTE including child mapping and tracking, notification of the Local Authorities, universal definition of out of school child and streamlining SMC functioning within 3 months
- Set up Grievance Redress mechanism, especially at Block and district levels, define procedures for complaints, support the NCPCR/SCPCRs to enable them to play the role expected and support the Panchayati Raj system in its role as the Local authority.
- Special training for out-of-school children to be launched in numbers commensurate to the actual numbers of out-of-school children within the next year.
- Fill existing teacher availability gaps, restructure teacher training systems, and put in place well defined teachers' cadres in every state. Doing so would entail serious rethinking of teacher emoluments, service conditions and policies of recruitment.
- Complete restructuring of education departments to converge SSA and Education departmental structures, train officials about the Act, define systems of accountability placing responsibility and punishment for lapses, and fill vacancies in school inspection and finance and admin staff.
- Undertake a review of the curriculum and textbooks in the schools to ensure they are of a level commensurate with the actual learning levels of the students.
- Recognize the rich diversity of religion, culture, leadership and contribution of Adivasi, Muslim and Dalit communities in school curriculum, create sensitivity and respect for them among all children and teachers and supervise the roll out of the recommendations of the NAC on ensuring social inclusion of children from marginalized communities.

- Put in place a stronger regulatory frame for private schools, put transparency and accountability measures in place and reverse the trend favouring PPP in education
- Bring amendments in the RTE Act to extend the right to education and development to children under six and 14-18. .

The Forum and its constituent members had also undertaken a study across 17 states in which around 500 field workers visited 2200 schools and observed the compliance of RTE. The report of this and the last stocktaking is attached herewith.

We hope the government will tap into the energies civil society, parents and teachers who are committed to ensuring universal, quality education and take into consideration the above points of concern to make “Right of Children to Free and Compulsory Education Act 2009” a reality in India.

Thanking You

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(On behalf of Right to Education Forum –A Collective 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, Action Aid India, Voluntary Forum for Education, SCORE-UP, Uttarakhand RTE Forum, Jharkhand RTE Forum, Delhi RTE Forum, Odisha RTE Forum, West Bengal RTE Forum, RTE Forum-AP, Rajasthan State Consortium on Education, Tamil Nadu & Pondicherry RTE Forum, PAFRE-Karnataka, Chhattisgarh RTE Forum, CSD, CSEI, UNESCO, AKF, World Vision, Wada Na Todo Abhiyan, Room to Read, AIF, Welthungerhilfe, NEG FIRE, ChildFund, CARE, Christian Aid, VSO, Water Aid, Skillshare International, Sampark Foundation as members.)

Attached: Reports of National Stocktaking of RTE – 2012, 2013