

Status of Implementation of the Right of Children to Free and Compulsory Education Act, 2009: Year Two (2011-12)

RTE Forum

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List of Abbreviations

ASER	Annual Status of Education Report
AIMPLB	All India Muslim Personal Law Board
B.Ed	Bachelor in Education
BPL	Below Poverty Line
BRC	Block Resource Centre
CABE	Central Advisory Board on Education
CBSE	Central Board for Secondary Education
CCE	Continuous and Comprehensive Evaluation
CLPRA	Child Labour Prohibition and Regulation Act
CORD	Collaborative Research and Dissemination
CRC	Cluster Resource Centre
CSO	Civil Society Organizations
CTS	Child Tracking System
CWC	Child Welfare Committee
CWSN	Children With Special Needs
D.Ed.	Diploma in Education
DIET	District Institutes of Education and Training
DISE	District Information System for Education
ECCE	Early Childhood Care and Education
EdCIL	Education Consultants India Limited
EGS	Education Guarantee Scheme
EVS	Environment Science
GDP	Gross Domestic Product
GER	Gross Enrollment Ratio
GIS	Geographic Information System
GOI	Government of India
GPI	Gender Parity Index
GPS	Global Positioning System
HTAT	Head Teacher Aptitude Test
ICDS	Integrated Child Development Services
IE	Inclusive Education
IGNOU	Indira Gandhi National Open University
ILO	International Labour organization
IMRB	Indian Market Research Bureau
INGO	International Non Governmental Organization
IT	Information Technology
JRM	Joint Review Mission
KGBV	Kasturba Gandhi Balika Vidhayalaya
KV	Kendriya Vidyalaya
LEADS	Life Education and Development Support
MDM	Mid Day Meal
MDGs	Millennium Development Goals
MHRD	Ministry of Human Resource Development
MIS	Management Information System
MWCD	Ministry of Women and Child Development
NAC	National Advisory Committee

NCE	National Coalition for Education
NCERT	National Council for Educational Research and Training
NCF	National Curriculum Framework
NCLP	National Child Labour Project
NCPCR	National Commission for Protection of Child Rights
NCTE	National Council for Teacher Education
NGO	Non Government Organization
NSSO	National Sample Survey Organization
NUEPA	National University of Educational Planning and Administration
OBC	Other Backward Caste
OECD	Organization for Economic Cooperation and Development
PAISA	Planning, Allocations and Expenditures, Institutions: Studies in Accountability
PIL	Public Interest Litigation
PISA	Programme for International Student Assessment
PPP	Public Private Partnerships
PRI	Panchayati Raj Institution
PROBE	Public Report on Basic Education
PS	Primary School
PTG	Primitive Tribal Group
PTR	Pupil Teacher Ratio
PWD	Person With Disability
RCI	Rehabilitation Council of India
REPA	Right to Education Protection Authority
RSS	Rashtriya Swayamsevak Sangh
RTE	Right to Free and Compulsory Education Act, 2009
RT	Resource Teacher
SC	Scheduled Caste
SCERT	State Council for Educational Research and Training
SCPCR	State Commission for Protection of Child Rights
SCR	Student Classroom Ratio
SCSP	Scheduled Caste Sub Plan
SDP	School Development Plan
SMC	School Management Committee
SSA	Sarva Shiksha Abhiyan
ST	Scheduled Tribe
STSP	Scheduled Tribe Sub Plan
TET	Teacher Eligibility Test
TLM	Teaching and Learning Material
TSP	Tribal Sub Plan
UNCRPD	United Nations Convention on the Rights of Persons with Disability
UPS	Upper Primary School
UT	Union Territory
VEC	Village Education Committee
WCD	Women and Child Development (Department)

Contents

Chapters	Title	Page #
	About the RTE Forum	
	List of Abbreviations	
	Acknowledgements	
	Executive Summary	
I	Introduction	
II	Right to Education Act 2011-12: The Year that Was	
III	Issues of Inclusion in RTE	
IV	Recommendations and Way Forward	
	Appendices	
A	Members of the RTE Forum	
B	Schedule of the II nd National Stocktaking Convention	
C	Report of the Stocktaking Process 3 rd and 4 th April, 2012	
D	Memorandum of the RTE Forum Submitted to the Prime Minister of India	

About the RTE Forum

Right to Education Forum (RTE Forum) is a platform of education networks, national networks, peoples' movements and prominent educationists with a combined strength of 10,000 NGOs from all over India. Its members include, among other, CACL, CRY, NAFRE, NCE, Oxfam India, PCCSS, Plan-India, Save the Children, UNICEF, Voluntary Forum for Education, SCORE, Jharkhand RTE Forum, Delhi RTE Forum, Odisha RTE Forum, AP Action Group on RTE, Rajasthan State Consortium, 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 and Skill share International. It has been working towards building a people's movement to achieve the goal of equitable and quality education to all children through the realization of the Right to Education Act, 2009 in the true spirit. The Forum seeks to strengthen the vision of a National Public System of Education funded by State.

Given the federal nature of India's polity, it has a presence at both centre and states. At the State level, the Forum has nine chapters in Rajasthan, Delhi, Uttar Pradesh, Uttarakhand, Jharkhand, Bihar, Odisha, West Bengal and Andhra Pradesh respectively and is in process of making more. The intent is to bring together all likeminded civil society in support of the Act's implementation across the country. For more details and to get updated with the activities of the Forum, please visit www.rteforumindia.org.

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 Anjela Taneja (Oxfam India) for leading on the entire report and Suman Sachdeva (CARE, who led on the Chapter on Inclusion) and Venkatesh Malur (UNICEF). This report could not have been completed without the inputs of the editors of the report including Annie Namala (CSEI), Avinash Kumar (Oxfam India), Resmi Bhaskaran and Shireen Vakil Miller (Save the Children) and Lajpat Rai (retired IIT Delhi). Chapter 3 on Social Inclusion saw specific inputs from persons working on specific issues, namely Annie Namala (on issues of Dalit children), Farrukh Rahman Khan (Muslim children, Oxfam India/SCORE), Rajasree (Disability, Aarth Astha), Sanjeev Rai (Children in Situations of Conflict), Resmi Bhaskaran (Child Labour and Migrant Children) and Suman Sachdeva (Migrant children). Credit goes to Resmi for compiling the data coming from the states.

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. Stocktaking reports from Delhi, Rajasthan, UP, Uttarakhand, Bihar, Jharkhand, and AP have been referred to. Inputs for the report were received from Karnataka (Niranjanaradhya, Centre for Child and the Law), Odisha (Anil Pradhan, Odisha RTE Forum), Jharkhand (AK Singh, Jharkhand RTE Forum), Uttar Pradesh (Rajesh Kumar, Basic Shiksha Manch/State Coalition on Right to Education), Delhi (Aheli Chaudhary, Delhi RTE Forum), Uttarakhand (Raghu Tiwari, Aman), AP (Srilata, Save the Children), MP (Pragnya, CARE), Rajasthan (Kamal Jha, Save the Children), Chattisgarh (Satish & Dilip Sarwate, CARE), Tamil Nadu (R Devaprakash, CARE), Himachal Pradesh (Prasanta Dass, Save the Children), Kerala (Resmi, Save the Children) and Gujarat (Ashutosh Mishra, CARE). Specific inputs into the report were also provided by Varsha (CSEI), Seema Rajput & S.Gayathri (CARE), Ruchi Chaudhari (Plan India) and Umesh Gupta (ActionAid India). We also acknowledge the contribution made by the supportive process of the groups working on the rights of children with disability that has also fed into the present report. Thanks to Radhika Alkazi and her team and, above all, the activist groups that were part of that process. 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. Credit goes to the RTE Forum's constituent members that include, but not limited to, CACL, CRY, NAFRE, NCE, Oxfam India, PCCSS, Plan-India, Save the Children, UNICEF, Bihar Voluntary Forum for Education, State Coalition on the Right to Education (SCORE)- UP, Jharkhand RTE Forum, Delhi RTE Forum, Odisha RTE Forum, AP Action Group on RTE, Rajasthan State Consortium on Education, UNESCO, AKF, World Vision, Wada Na Todo Abhiyan, Room to Read, AIF, Welthungerhilfe, Action Aid India, NEG FIRE, Child Fund, CARE, Christian Aid, VSO, Water Aid, Skillshare International, as members.

Executive Summary

On 1st April, 2012, India completes two years of enforcement of 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. The Act 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. Only one year is left till that time. Meeting this target would require mobilization of all likeminded persons and organisations to give an appropriate push to hold the state to account for implementing the existing provisions under the Right to Education Act and eventually provide equitable and quality education.

On the second anniversary of the notification of this historic Act, it's time to take stock of the progress that has been made under the Act. The National RTE Forum, which is a coalition of national civil society organisations working on RTE in its annual stock taking report, argues that progress on several fronts has been slow and needs to be urgently prioritised by the government for us to have any chance of achieving the Education for All agenda of MDGs by 2015. There are still thousands of children out of school, and these 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.

Six Thematic Areas

The report of the RTE Forum is based on these six thematic areas: systematic readiness and redressal mechanism, community participation, teachers, private sector, social inclusion and quality. Additionally, after considering broad issues of quality, the report draws out some recommendations for action. The report is in part based on information from different 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.

Systemic Readiness and Grievance Redressal Mechanisms

Two years after the enactment of the Act, states such as Karanataka and Goa have still not notified the rules to operationalize the provisions of the Act for its children. Critically, many states don't have grievance redressal mechanisms (including SCPCRs or REPAs); and often where these mechanisms exist, the rate of disposal of complaints is not very high. Of the 2,215 complaints that the NCPCR received till November last year, only 110 were disposed of. However, states like Madhya Pradesh and Odisha have made innovative provisions for toll free numbers for grievance redressal and Odisha even notifying child participation and information about the functioning of schools through its education portal which is updated pretty regularly.

The financing of the Act remains a big issue, with the government having successively under-financed the SSA. Finance Minister Pranab Mukherjee put aside only Rs. 25, 555 crore for 2012-13 which falls short of its recommended financial requirement of Rs. 1.82 lakh crores for this plan period. The single largest area of spending tends to be on teachers' salaries followed by investment in infrastructure. This large piece of the funding pie doesn't, however, ensure quality of teachers and is no insurance either against lack of proper infrastructure being in place.

Equity of funding has emerged as another major issue not only in terms of disparity of funding within the government systems (such as funding provided to Kendriya Vidyalayas and other schools), but also in terms of differences between districts in a single state. The PAISA 2010-11 District Study showed per-child investment in government schools to vary from Rs. 3,982 in West

Bengal to Rs. 19,111 in Himachal Pradesh; there were also gross differences between districts in a single state. Not surprisingly, Himachal Pradesh tends to be a high performing state.

Due to lack of availability of account staff and computerization of systems, fund flows are delayed which contributes to under-utilisation of funds under SSA. The inclusion in this year's budget of children with special needs as well as the increase in allocation for IE, even though, it still falls short of the requisite amount.

Teacher Performance, Training and Pupil Teacher Ratio (PTR)

The RTE mandates a 30:1 PTR. However, ASER 2011 data shows that about 60 per cent of all Primary School (PS) in the country fail to meet these critical criteria. In states like Assam, Kerala, Manipur, despite the sanctioning of teacher posts, no teachers have been hired. In Bihar, although there has been an increase in teachers' recruitment, the PTR is routinely abused, with 9 out of 10 primary schools exceeding it. To make matters worse, these teachers tend to often be untrained. Bihar and Uttar Pradesh lead the charge with over a lakh untrained teachers. This lack of training translates into being a real obstacle in providing education to disadvantaged and marginalised children, many of them are first generation learners. It was also found that Teachers' Training Institutions and in-service academic support has been neglected in many states even while Madhya Pradesh is proposing to set up a DIET in each one of its districts.

The report dispels an important myth about teachers' absenteeism with over 87% teachers being found present on the day of observation and shows that the real problem is that of teachers being involved in non-teaching administrative or clerical work. The report shows that 12% of teachers' time in school is spent on non-teaching activities. Having said which, all is not grim with respect to teachers; the number of resource teachers for children with disability appointed has increased considerably over the last year.

School Quality

In terms of quality, the report shows that 4% habitations lack a primary school within walking distance. Another critical issue, that of delimitation of catchment areas of villages to ascertain the compliance with the 1 km norm, has not been initiated in the majority of the states.

Progress made on infrastructure with marginal progress being made in enhancement of schools with changes in buildings, drinking water facilities, playgrounds and girls' toilets. In addition, half the schools in the country are multigrade with different classes sitting together. Quality of instruction both in multigrade and monograde settings is still lacking with little compliance with the national curriculum framework. Learning outcome levels have declined from the previous year with the proportion of children in standard V able to read a standard II level being dropped from 2011.

Private Schools

The report also shows that the proportion of private schools have registered an increase.

Community Participation

Awareness around community participation has increased. However, the formation of the RTE mandated School Management Committees (SMCs) has largely been non-compliant with RTE norms with some states even appointing ad-hoc committees. School Development Plans (SDPs) that are meant to be formed by SMCs are often lacking in quality and are often not representative of the will of the community and parents.

Inclusion: Out-of-School Children, Marginalised and Cross Cutting Groups

Out-of-school children remain the biggest hurdle in the successful implementation of the Act. While nominal enrolment is high, gross instances of absenteeism are allowed to persist in the absence of systematic process of tracking attendance that is truly pan-national. The survival rate is that of 1 child in 5 not being able to complete Grade V. The biggest proportion of the out-of-school tends to come from the most marginalised communities due to the prevailing discriminative environment and our systems of mainstreaming them into formal schooling. The absence of definitions and data hits the hardest in this case where appropriate strategies aren't able to be identified because often there's either no acknowledgment of the problem or the extent of the problem is unknown. There's no data available on the number of children who have completed special training and their entry into formal schooling. Of these out-of-school children, there are some that require special focus and others that are cross-cutting.

From the marginalised communities, the Muslim community had the largest number of children who never enrolled and dropped out. Though the enrollment of Muslims in Elementary Education is comparable to their share in the population across the country on average, their dropout rate from primary to upper primary is very high. For Dalit children, GER of Dalit children at primary level has crossed 100%. However, their experience in school is punctured by humiliation, abuse, violence and neglect by teachers and other children. The percentage of out-of-school Dalit children in the 6-14 years category stands at 5.9% when compared to all children at 4.2%.

The report showed that education of the Adivasi/tribal groups is particularly vulnerable and completely overlooked. The language of instruction still remains exclusionary for adivasis, inter-state migrants and other minorities and English has emerged as the second-largest medium of instruction for the fourth year in a row.

The specific groups of children that require focus are child labourers, migrant children and children in conflict areas/areas of civil unrest. India is still home to the largest number of child labourers in the world in the absence of a complete ban of child labour under the age of 14. For children in conflict, the report particularly noted that the functioning of schools are adversely affected due to absenteeism of students and teachers, deterioration in infrastructure, less number of working days, poor supply of books and materials and TLMS. As a result, the enrollment rates of students in general and girls in particular decline in the conflict regions.

The report identifies two cross cutting groups—children with disabilities and gender. With regard to the former, 35% of children with disabilities are estimated to be out-of-school. For gender, the impact of improved access on girls' participation has been significant reflecting itself in higher enrollment rates and improved gender parity almost across the country. Enrollment rates for girls at the primary level have improved while gaps continue to exist for upper primary education and higher level. KGBV has emerged as the key intervention promoting girls' access and retention in elementary education, particularly of those from marginalised communities.

Recommendations and Way Forward

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

1. Awareness building about the spirit of the Act with department officials that are tasked with its implementation. Community awareness on the Act needs to be deepened further.
2. Overall enhancement of allocation as well as a relook at sectoral allocations.
3. Institutionalize regular monitoring “quality and equity in education” through district and block level bodies.
4. Mechanisms for redressal of complaints with a clear time frame of action are needed.
5. Special training for out-of-school children needs to be provided in numbers commensurate to the actual numbers of out-of-school children.
6. 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.
7. 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.
8. Stronger regulatory frame for private schools is required. Ensure transparency and accountability measures are put into place.

CHAPTER I

Introduction

The Right of Children to Free and Compulsory Education Act (RTE), 2009 came into force on 1 April 2010. It came after a century long struggle, beginning with a demand for legislation for universal education initiated by Gopal Krishna Gokhale in the British era, culminating in a time bound promise under Article 45 of the Indian constitution. The Act commits the nation to ensuring that its schools achieve a certain minimum standard of quality in a time bound manner. The Act's existence, and its clear derivation from Article 21A of the Constitution, would make the failure to deliver on the commitments a clear violation of the rights of India's citizens.

The Act lays down a period of three years to ensure the fulfillment of all its milestones except for the availability of trained teachers which is envisaged to be achieved by March 2015. These deadlines culminate on 1st April 2013. The nation in effect has only a year to fulfill this historic promise. The present report is an effort to look at the progress made both at the Centre and in the States towards this goal.

This is not to say that the Act does not have some serious lacunae - as stated in last year's (2010-2011) report: 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.

The urgency of the impending deadline of RTE compliance by 1 April 2013 makes this, the Second Annual Report, more pressing. As with last year's report, its intent is neither just academic nor just to criticize the government. It is intended to trigger action among a broad range of stakeholders that share a vision of an equitable quality education for all of India's citizens, who consider the Right to Education Act's implementation the first stepping stone in this process.

A major achievement of the last year's Stocktaking has been the launch of a pan-national process of civil society synergy in support of the Act. State Chapters of the RTE Forum or action towards the formalization of the same, are on in Rajasthan, Delhi, Uttarakhand, Uttar Pradesh, Bihar, Jharkhand, Odisha, West Bengal, Andhra Pradesh, Chattisgarh, and Karnataka. Stocktakings of the progress similar to the national one have been held in Rajasthan, Delhi, Uttarkhand, Uttar Pradesh, Bihar, Jharkhand, Andhra Pradesh and Odisha (scheduled in April 2012). It is hoped that this year's process would both deepen and further expand the process.

This Year's Focus

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.

The Report

The report relies on governmental sources, existing research, various reports generated by the State Chapters of the Forum, ongoing research and evidence generated through action in the field and newspaper coverage. In addition, structured information on the progress made during the last year came together from 15 States across the country that sought to obtain information against consistent indicators. The chapters were subjected to peer review and are supplemented by inputs received from the actual Stocktaking consultation held on the 3rd and 4th April 2012 at New Delhi. The report, furthermore, looks at the MHRD, Government of India Report of the Second Year of the Right to Education Act.

It follows the six broad thematic areas of the RTE common to those of last year's consultation. Of these, the issue of inclusion, it was felt, deserved more detailed attention and has been taken out into a chapter in its own right. The boxed recommendation sections at the end of each of these sections are based on the deliberations during the course of the Stocktaking Convention.

- I. Systemic Readiness and Redressal Mechanism
- II. Issues related with Teachers
- III. Quality
- IV. Community Participation
- V. Private Sector
- VI. Social Inclusion

It then draws some broad recommendations for action. As promised in the last year's report, this year's has more information from different States, particularly from civil society organisations.

CHAPTER II

Right to Education Act 2011-12: The Year that Was

The present chapter looks at the critical issues of implementation of the Act during the preceding year. This includes two broad sections: the status of implementation and the major policy developments that happened during the preceding year.

A. STATUS OF IMPLEMENTATION

This section looks at the status of implementation of the Right to Education Act and follows the same broad pillars of the report as was followed last year - viz. systemic readiness and redress, issues of teachers, issues of quality, role of the community and issues emerging from schools in the private sector. Specific issues pertaining to inclusion have been moved into a separate chapter.

I. Systemic Readiness and Redressal

- **Issuance of Appropriate Notifications**

As on 1 April 2012, all States and Union territories of the country except Karnataka and Goa have notified their State RTE Rules². The notification of State Rules was a critical development since they lay down the framework for the Act's actual implementation and were to act as the framework for the contextualization of the National frame to the state context. The Rules have, however, by and large followed the national format. However, some states have removed some critical provisions from the Model rules. Thus, both Odisha and Delhi have done away with the provision for Teacher Tribunals (structures under RTE envisaged to redress problems of teachers). Other states have attempted to domesticate some of the provisions to their local context.

In addition, MHRD (Centrally) and State Governments have issued orders on specific issues of concern - 25% implementation, academic authority, REPA formation etc. While some states have produced a series of notifications during the preceding year on a range of issues, relatively few orders have been made in others. The absence of detailed operational guidelines makes it difficult to implement several of the critical provisions of the Act. However, some of the innovative provisions include the establishment of toll free numbers for grievance redressal in MP and Odisha, the notification for child participation in the SMC in Odisha and some of the other States.

Status of RTE ¹	Number of States/UTs	
	2011	2012
Notification of State Rules	15	32
Constitution of SCPCR/REPA	11	21
Notification of academic authority	20	31
Policy on eight year elementary education	28	28
No detention	27	31
No corporal punishment	28	32
No board examination upto elementary level	26	33
Banning private tuition	18	30
Banning screening procedure and capitation fees	18	32
Minimum working days and instructional hours	21	29

- **Financing the Act**

The 11th Five Year Plan comes to an end in 2012. Therefore, it would be essential to take a slightly broader view on the question of financing of the Act. Funds for RTE implementation are being routed

¹ The Right of Children to Free and Compulsory Education Act, 2009- The Second Year, MHRD 2012

² Lok Sabha Unstarred question No. 299 answered 14/3/12

through SSA which makes it imperative to understand the financing method adopted. The enactment of the Act saw the approval of Rs 2.31 lakh crore for the implementation of RTE-SSA. Accordingly, Rs 50,824 crore would be made available in the last two years of the 11th Plan for RTE-SSA, against which Rs 40,838 crore was provided. Thus, the total funds provided in the 11th Plan amounted to Rs 78,000 crore, a figure that is not much higher than the original approved outlay of Rs 71,000 crore without provision for RTE related expenses, and falls significantly short of the funds required for implementation of the RTE-SSA programme. These first two years needed the heaviest expenses including hiring of additional teachers, enhancement of infrastructure and administrative changes necessary to move onto the new rights-based regime. These changes are unlikely to be made in the absence of an adequate allocation.

The budget for 2012-13 had provided the last window of hope for meeting the norms that fall due on 1st April 2013. The allocation made, however, falls short again. The increase was 21.7% for RTE-SSA to Rs.25,555 crore which falls short of the government's own estimate of what was needed for implementation.

However, amidst this negative trend, there are some positive experiences: some states do invest resources on education. Thus, Sikkim has allotted a fifth of its budget on education.

Sikkim to spend 20% of its budget on education³

Aimed at making the state a hub of quality education, the fund will be spent on training teachers and providing students the quality educational kits

Gangtok: The Sikkim government has decided to spend 20 per cent of its budget on education to make the state a hub of quality education. State Chief Minister Pawan Chamling said, one model school will also be opened in each Gram Panchayat.

The teachers' salary is the single largest component of spending, followed by investment in infrastructure. The investment in the core basic components of schooling, however, frequently leaves inadequate window for investment in the basics necessary for quality - adequate TLM, community mobilization processes, mechanisms for bridging out-of-school children into formal schooling and filling departmental gaps in personnel at the levels of management and supervision⁴. Therefore, chronic under-spending is only part of the problem as we need to take into account its effect as well, for example, it has a greater effect on some sectors than others (e.g. accounting and administrative staff, TLM related inputs). The year 2010-11 saw the highest increases in the areas of provision for children (89%) and community mobilization and training (973%)⁵. However, this increase - while being a step in the right direction - is inadequate in quantum given the small base from where the increase is made.

A critical issue that emerged in the first year of RTE was the underlying tension of centre-state relations. The question of overall cost sharing and the effect that it potentially has on the federal nature of India's polity has received considerable attention during the last two years and the impasse between the two holding up implementation by almost a year in several States. The Forum holds both the Centre and States responsible for ensuring that funding for the education of its children is made available. The States have, by and large, apparently reconciled themselves to the present cost sharing ratio for the time being. This may be partly attributed to the decision by the

³ http://igovernment.in/site/sikkim-spend-20-its-budget-education?utm_source=newsletter-core&utm_medium=email&utm_campaign=20120305

⁴ CBGA (2012) Sarva Shiksha Abhiyan (SSA): Budgeting for Change Series, 2011.

⁵ PAISA District Studies- Towards a New Frontier for Governing Elementary Education Finances in India. Accessed online on <http://www.accountabilityindia.in/sites/default/files/overview.pdf>

Centre to tie certain additional releases for RTE implementation to the notifications of their respective State rules.

Another issue that has received attention in the previous year is the difference in the perceived priorities of the centre and states in terms of spending. For example, according to the analysis done by the Accountability Initiative, in Rajasthan, the approved 2010-11 SSA budget for infrastructure was 284% more than the amount proposed by the State. The Centre stepping in to ensure that areas neglected in the budget proposed by the States receive due attention further stresses the Centre - State relationship. What is more critical, however, is that this centrally driven allocation raises fundamental questions on the feasibility of undertaking bottom up planning. SDPs are expected to be prepared by SMCs. However, it is unclear whether these would be absorbed within the present polity. Bottom up planning based on community plans fundamentally conflicts with allocations that are decided in Delhi.

Equity of funding is 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. The PAISA 2010-11 District Study showed per-child investment in government schools to vary from Rs. 3,982 in West Bengal to Rs. 19,111 in Himachal Pradesh; there were also gross differences between districts in a single State. Not surprisingly, Himachal Pradesh tends to be a high performing State.

The government has spent just 70% of the funds allocated for SSA (education for all) and Right to Education in 2010-11 compared with 78% in the year earlier⁶. The inadequate availability of account staff and computerization of systems to enable this flow leads to delays in the release of funds, which leads to them reaching schools late and the failure to spend resources adequately and eventually under-spending. Furthermore, this creates a vicious circle where under-spending is then used as an argument for lowering allocations instead of a demand for adequate accounting and auditing systems to be put into place.

The aforementioned report, which surveyed 14,283 schools in rural India, found that the flow of funds had slowed in the first half of 2010-11. The timing of the grant receipts has worsened. By November 2009, only 59% of schools reported receiving grants. Meghalaya had the worst figures with just 29.73% of its schools receiving their share of SSA grants followed by Tripura with 45.78%⁷. In 2011, grants receipt by November dropped to 53% which is unfortunate given that there was a greater expectation of acceleration during the post RTE period⁸. Of course, a gradual but slow gross long term improvement has been taking place and between 2008-09 and 2010-11, the percentage of schools receiving all the grants have improved from 55% to 70%⁹.

A positive feature of the budget this year lies in the area of inclusive education, especially in its focus on inclusion of CWSN. Another feature of the budget this year is the huge jump in budget allocation reported for IE in SSA in comparison to 2009-2010 and 2010-2011. The budget for 2010-11 was 75308.2 lakhs, when compared to the Rs. 28309.65 lakhs of 2009-10, which shows an increase of Rs. 46998.55 lakhs. Since the component wise allocation and expenditure for IE in SSA is not available, a detailed analysis is hard to make. While the amount is still inadequate in total terms, this is a positive development from the perspective of ensuring inclusive education of children with disability.

⁶ <http://www.livemint.com/2012/03/20215832/Education-quality-down-onpoor.html?atype=tp>

⁷ timesofindia.indiatimes.com/home/education/news/Elementary-education-witnesses-negative-trend/articleshow/12352008.cms

⁸ <http://www.livemint.com/2012/03/20215832/Education-quality-down-onpoor.html?atype=tp>

⁹ <http://www.indianexpress.com/news/big-money-in-edu-scheme-little-change-in-schools/926715/0>

- **Grievance Redressal.**

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, these State structures (SCPCRs or REPAs) are not in place in a majority of States. 21 States and UTs have constituted either an SCPCR or a REPA¹⁰. In places with REPAs, the appointment of full fledged SCPCRs is taking an inordinate time. Where they exist often lack the financial and human resource capacity commensurate with the scale of the problems. Thus, an RTI application filed by the National Coalition for Education (NCE) found that only 30 applications pertaining to RTE have been filed with the Madhya Pradesh Commission and that during the two years as on 10/2/2012, only 6 have been resolved. According to another RTI filed by Action Aid India, between April 1, 2011 to March 16, 2012; NCPCR only resolved 100 of the total 1,761 complaints received¹¹. There are also broad definitional issues of the word “redressed” given the experience of the last year when in several cases complaints have been filed, orders issued by the concerned Commissions and ignored by the administration. Furthermore, the failure of a majority of States to notify local authorities for the purpose of receiving grievances and formulate guidelines and procedures for their functioning including the modalities for appeal to the SCPCRs are causing confusion. There is also no clear framework for administrative redressal of violations of the Right to Education and no clear point of accountability. The Draft Grievance Redress Bill pending with Parliament, with all its multiple ambiguities, could potentially expedite redressal on the ground. However, the exact modalities of its implementation are still not clear.

Experiences in States have varied in the extent to which redressal mechanisms have been thought through and implemented. Rajasthan and AP have issued circulars for redressal mechanisms to be followed, while systems are being slowly put in place in other States. Online reporting of complaints is being done in MP, AP, Odisha, Gujarat and Kerala and they 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.

- **Monitoring**

Ideally, if strong monitoring systems are in place and decentralized systems of decision making are followed, the grievances would be minimized. With SSA taking on the implementation of RTE, it would be imperative to understand the processes of its monitoring. 41 independent agencies of National repute have been engaged to monitor the SSA programme. These half yearly reports are available publically 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/UTs¹². Even though these processes are conducted by independent agencies, they could do with a greater element of civil society oversight and input from ordinary citizens. This lack of space for social auditing in the process of monitoring and systemic review remains a critical gap that contributes to the high number of grievances. However, Madhya Pradesh’s online portal remains a pioneer in terms of transparency of information about the functioning of schools during 2011 as well.

¹⁰ MHRD 2 Yrs of RTE Report 2012

¹¹ http://articles.economictimes.indiatimes.com/2012-03-31/news/31266620_1_ncpcr-RTE-act-protection-of-child-rights

¹² Lok Sabha Unstarred Question No. 3280 answered on 14.12.2011

Madhya Pradesh Education Portal- <http://www.educationportal.mp.gov.in/>

MP has put all relevant government information pertaining to the functioning of the schools in the public domain and has been updating this information fairly regularly. This data is obtainable in a user friendly manner. Thus, listing of all school-less habitations, schools with teachers' shortages, schools with excess teachers, schools with inadequate infrastructure, habitation wise lists of school going children, lists of schools with subject teachers in UPS and a whole host of data is obtainable freely at the click of a button to anyone across the country. There is even a separate list of schools that had experienced a drastic change in enrollment from year to year that is maintained for the entire State (and a separate list of habitations experiencing drastic increase of eligible children as per the Village Education Register) with the last two years' cohort data available. An associated sub-portal exists for the private schools- including information of the seats available and admissions made under the 25% quota for all schools. At the same time, all circulars issued by the government are also directly downloadable. A separate listing of all the education schemes run by the government is also maintained with information on each. There are also district level sub-portals for more localized information. There are also links to associated information like soft copies of the textbooks. The website was the winner of several e-governance awards over the years.

- **Other administrative changes resulting from passage of RTE**

The passage of the Act caused an amendment to the SSA Framework to make it RTE compliant. Changes in the administrative structures were expected to take place to make them conform to the expectations of the Act. Furthermore, trainings of teachers and administrators were expected to take place to enable them to play the role expected. Some changes have indeed happened, but not commensurate with the scale of the problem. RTE Divisions have been put into place in AP and Odisha. Orders have been passed for the revitalization or setting up of CRCs and BRCs in TN and UP. Many states have undertaken orientations or sensitizations for its teachers, administrative staff and academic structures on RTE. However, questions have remained in terms of the scale of the same- viz whether all teachers have been reached the quality of training and the extent to which the trainings imparted actually conveyed the spirit of the Act. State Advisory Councils have been formed in HP, AP and Odisha, although the extent of their functionality is too early to be judged. Another critical issue is the recruitment and appointment of Head Teachers. Gujarat has created 5,000 positions for Head Teacher and a Head Teacher Aptitude Test (HTAT) has been introduced. Head Teacher will be placed in the schools having highest number of children in conforming to the norms of RTE.

- **Early Childhood Education and Preschool Component under RTE**

The Right to Education Act fell short of mandating the extension of the right to the under-six age group. This is especially regrettable considering the sheer scale of the population of children under six and the scanty provisioning available. According to the new proposed policy¹³, of the 158.7 million children in the below six years category (Census 2011), about 75.7 million children i.e. 48 percent are reported to be covered under the ICDS (MWCD, 2011). Broad estimates indicate that a significant number is also covered by the private sector, besides some limited coverage by the NGO sector. Considering the standing Supreme Court order for the Universalization of the ICDS and the Unnikrishnan Judgment defining the right to learning for the under six year old as part of the Right to Life under Article 21, it would be the responsibility of the State to provide Early Childhood Care and Education (ECCE). A Draft National ECCE Policy, Regulatory Framework and Curriculum are under preparation and feedback for the same was solicited from civil society¹⁴.

¹³ WCD (2012) Draft National ECCE Policy.

¹⁴ In April 2012

The Act also talks about the extension of provision of pre-school education in schools. Unfortunately, action in the States in this context has been sporadic. Kerala, Gujarat and AP have made provisions for preschool provision in schools. Given that a significant number of 5 to 6 year olds are in PS, convergence with MHRD and State Departments of Education will be maintained to adopt joyful learning approaches and extend school readiness interventions for children of 5-plus years of age. Lastly, plans are underway to extend the Right to Education to the under-six age group- something that has been dwelt into in more detail in a subsequent section of this chapter.

Recommendations

- Enhancement of the budget for education to ensure compliance with the costing calculations made by the MHRD itself and its 6% GDP target for education.
- Barriers responsible for delayed fund flow and under-utilization by the States to be removed and implementation of the provisions of the Act streamlined. Streamline delivery systems to ensure that entitlements and resources flow to the schools in a timely manner.
- Ensure equity in funding with respect to proportion of marginalized communities and current status of education on the ground.
- Set up grievance redressal mechanism to ensure provisions under the Act reach intended stakeholders. This should include a broad framework (that is missing currently) and attention to the ease of complaints by representatives of marginalized communities. Children's complaints require specific supports to be put into place.
- Mechanisms developed for problem solving at the local level to ensure problems are resolved at the point of delivery, without escalating problems to the State and National levels. Creation of a district education tribunal essential to solve problems at the intermediate level. Empowerment of National and State Commissions for Protection of Child Rights to enable them to play the expected role.
- Child protection policies need to be laid down in schools. Provision of space for children's voices in the system needs to be made. Serious cases of violation of child rights should be dealt with by resorting to the legal route.
- Expedite transparency in the system. This includes the up-scaling of existing good government models of transparency like the MP Education Portal. At the same time, mechanisms like the School Watch undertaken through the orders of the Central Information Commission in Delhi (every citizen having the right to inspect the records and facilities in schools) can be used to access information about the functioning of schools in other areas as well.
- Grievance redressal and broad transparency of services undertaken under PPP is essential. Broadly, Government resorting to PPP weakens accountability systems and needs to be discouraged.
- Implementation of RTE in conflict-affected areas requires a strategy different from that adopted elsewhere.
- SMCs must be activated, strengthened and their charter to be clearly spelled out.
- To take the process of development of State RTE Rules forward through issuance of the specific guidelines, government orders and other delegated instruments that could address the operational issues of implementation of the Act.
- Revised SSA Framework and other necessary documents to be widely disseminated in all official languages to make sure that intermediate level functionaries in the administration are aware of the provisions made.

II. Issues of Teachers

- **Availability of Teachers**

Lack of availability and slow recruitment of teachers remains a critical issue. According to DISE data during 2010-11, two schools in five failed to reach the primary grade norm of a PTR of 30:1 and almost 2 out of 3 children are enrolled in such schools that failed this norm. Similarly, 7 out of 10 UPS failed to attain the RTE PTR norm of 35:1 and roughly 1 in 2 children are enrolled in schools that failed the norm. There are huge disparities with 9 in 10 PS in Bihar having more than 30:1 PTR- the minimum norm laid down by RTE. Only Andaman and Nicobar Islands met the PTR norm for Primary education and Andaman and Nicobar Islands and Sikkim meet it for Upper Primary. 8.86% schools were single teacher schools in 2011-12. This is an almost insignificant improvement over the situation that had prevailed in 2009-10, viz 9.33%. This improvement of 0.47% compares with 0.38% annual jump in the preceding pre-RTE year.

This was obviously due to the fact that in the first year of the RTE Act recruitments had not yet happened. One would have, however, wished for the teacher vacancies to be filled in the second year, especially given the budgetary enhancement during this period and the large numbers of additional sanctioned teacher posts. Since the notification of the Act and based on proposals received from the state governments, 6.31 lakh teacher posts have been sanctioned under SSA to enable States to meet the RTE requirements. However, according to government data¹⁵, 6,89,268 sanctioned teacher posts remain vacant. This amounts to 36% of the sanctioned total teacher force. This does not include states that would have to enhance sanctioned teacher numbers to accommodate the reduction of the PTR as per the RTE Act. The 15th JRM noted that Rajasthan continues to have 30.96% single teacher schools at the primary level.

The ASER 2012 data suggests that 59.4% schools fail to meet the RTE PTR norm for primary schools and that the proportion has only improved by 1.5% during the preceding year. It also suggests that 12.4% schools remain single teacher schools. Consequently, the movement that one would have wished for ensuring teachers' recruitment has simply not happened.

While filling the gap of recruitments rapidly is needed, a critical issue is the failure to undertake teacher rationalization. There are certain areas - including in States with the highest teacher shortages, where there are teachers in excess to the PTR norms. These need to be moved to the areas requiring them the most in accordance with the provisions of RTE.

To meet the requirement of the Act can only recruit qualified teachers, unless a State government specifically applies for an extension to meet this requirement. Many States have proceeded to ask for the same leading to the continued practice of hiring para-teachers. While extensions are allowed, the Teacher Eligibility Tests (TET) have also been introduced. The implications of these will be discussed subsequently.

¹⁵ Lok Sabha Unstarred Question NO.1541, 30TH November, 2011

Recruitment against Sanctioned Posts- Based on Lok Sabha Unstarred Question NO.1541, 30 TH November, 2011			
Sl. No.	State/ UTs	Teachers sanctioned till date	Recruitment till 30.09.2011
1.	Andhra Pradesh	38,319	39,847
2.	Arunachal Pradesh	6,441	5,226
3.	Assam	28,793	0
4.	Bihar	4,03,413	1,91,983
5.	Chhattisgarh	66,685	54,985
6.	Goa	169	179
7.	Gujarat	38,372	26,677
8.	Haryana	11,320	9,133
9.	Himachal Pradesh	5,856	3,553
10.	Jammu & Kashmir	43,471	39,739
11.	Jharkhand	1,04,231	83,579
12.	Karnataka	27,195	24,278
13.	Kerala	2,925	0
14.	Madhya Pradesh	1,71,267	98,287
15.	Maharashtra	41,434	15,311
16.	Manipur	2,719	0
17.	Meghalaya	13,262	14,020
18.	Mizoram	2,473	1,886
19.	Nagaland	3,147	590
20.	Odisha	89,901	88,442
21.	Punjab	14,090	9,694
22.	Rajasthan	1,14,132	94,201
23.	Sikkim	568	185
24.	Tamil Nadu	32,918	37,666
25.	Tripura	6,909	5,694
26.	Uttar Pradesh	4,23,553	2,58,924
27.	Uttarakhand	14,155	5,998
28.	West Bengal	1,96,808	1,13,345
29.	A&N Islands	177	194
30.	Chandigarh	1,390	785
31.	D&N Haveli	856	377
32.	Daman & Diu	113	95
33.	Delhi	7,104	36
34.	Lakshadweep	35	36
35.	Puducherry	48	36
	Total	19,14,249	12,24,981

Number of untrained teachers not possessing minimum qualifications as per criteria of RTE Act, 2009 (based on Lok Sabha Unstarred Question No.2243, 7.12.2011)		
Sr. No.	Name of State / UTs	Number of teachers
01	Andaman & Nicobar Islands	50
02	Andhra Pradesh	35,975
03	Arunachal Pradesh	8,224
04	Assam	30,525
05	Bihar	1,65,510
06	Chandigarh	66
07	Chhattisgarh	30,519
08	Dadar & Nagar Haveli	3
09	Daman & Diu	4
10	Delhi	796
11	Goa	77
12	Gujarat	4,497
13	Haryana	1,635
14	Himachal Pradesh	2,816
15	Jammu & Kashmir	27,138
16	Jharkhand	59,734
17	Karnataka	2,063
18	Kerala	1,108
19	Lakshadweep	9
20	Madhya Pradesh	50,207
21	Maharashtra	1,766
22	Manipur	1,394
23	Meghalaya	2,276
24	Mizoram	3,211
25	Nagaland	4,002
26	Odisha	33,090
27	Puducherry	210
28	Punjab	3,175
29	Rajasthan	7,027
30	Sikkim	1,076
31	Tamil Nadu	3,763
32	Tripura	3,182
33	Uttar Pradesh	1,24,694
34	Uttarakhand	2,383
35	West Bengal	58,091
	TOTAL	6,70,296

Another important dimension is that the push for ensuring last mile delivery to get every child in school has in places led to enhanced enrollments, contributing to greater PTRs and hence relative teacher shortages. Thus, the corporation-run schools in Gujarat report a shortage of 500 teachers as a result of this new enrollment¹⁶.

¹⁶<http://www.indianexpress.com/news/RTE-act-has-hit-studentteacher-ratio-admit-school-authorities/900194/>

- **Upgradation of Teacher Qualifications**

The RTE Act enhanced the norm for teacher qualification. However, DISE data suggests that, 21% teachers in all schools in 2010-11 were not professionally trained. The figure stood as high as 23.45% in Arunachal Pradesh (DISE). Ironically, the percentage of professionally unqualified teachers actually went up in the period of 2009-10 to 2010-11 from 19% to 21.3%. Massive recruitment of para-teachers took place in a number of States causing a dip in the numbers of professional cadres. As of early 2011, only Delhi reported having all its teachers as professionally trained regular teachers (despite some contractual appointments actually continuing in government schools). Having said this, the government admits that the number of teachers requiring training exceeds current capacity of recognized teacher training institutes (12th SSA Joint Review Mission¹⁷).

As in December 2011, 6.7 lakh teachers were not qualified as per the norms laid down by the RTE Act. Especially large backlogs exist in some States like UP, Bihar, Jharkhand, MP, Chattisgarh, AP, West Bengal and Odisha. A National Curriculum Framework for Teacher Education, the setting up of a Mission for Teacher Education and other measures are being planned by the government to meet the shortfall. However, the speed of implementation has been slow relative to the time bound targets.

A critical issue pertaining to teacher training is that professional qualifications are not necessarily indicative of actual competency. Just around 7% of the 7.85 lakh applicants for the national TET conducted by the Central Board of Secondary Education cleared the examination¹⁸. This proportion has indeed declined compared to 2011 when the proportion was 9%. This was the case in a large number of States that have held TETs. This is clearly indicative of the quality of instruction of teacher training colleges. The low percentage of teachers qualifying the test also results in low filling of vacancies for which the States were criticized. The seriousness of the issue can be seen from the case of Bihar where one lakh vacancies are to be filled, but only 10% of the applicants qualified the TET. This should, however, serve as a reason for massive investments and a complete overhaul of the teacher training system for better pass percentage, rather than arguing for diluting the recruitment criteria or ignoring the TET. One State that showed a relatively better performance of TET clearance was Gujarat with a pass percentage of 30.70¹⁹. The Uttar Pradesh scenario also needs to be highlighted. Of the 11.53 lakh aspirants appearing for the test, 2.70 lakh qualified the TET. However, the results stayed pending a probe into possible corruption²⁰. UP remains a state with the largest gaps in terms of the availability of trained teachers and it currently looks unlikely that the appointments would happen until this crisis is resolved.

Gujarat proposed objective tests to ascertain the levels of knowledge, language and aptitude to teach subjects from Classes I-VIII of its over 2 lakh teachers in 42,000 schools with the help of the Gujarat SCERT. No penalties are intended to be imposed on teachers who fail the test²¹. Furthermore, the State has also created 5,000 posts of Head Teachers and introduced a Head Teacher Aptitude Test (HTAT)²².

¹⁷ ssa.nic.in/ssadoc/jrm/AIDE%20MEMOIRE%2011%20JRM%20with%20state%20reportss.pdf

¹⁸ <http://timesofindia.indiatimes.com/93-aspirants-fail-teachers-eligibility-test/articleshow/12215862.cms>

¹⁹ http://www.dnaindia.com/india/report_tet-results-out-in-gujarat-only-27pct-clear-language-66-38pct-maths_1558126

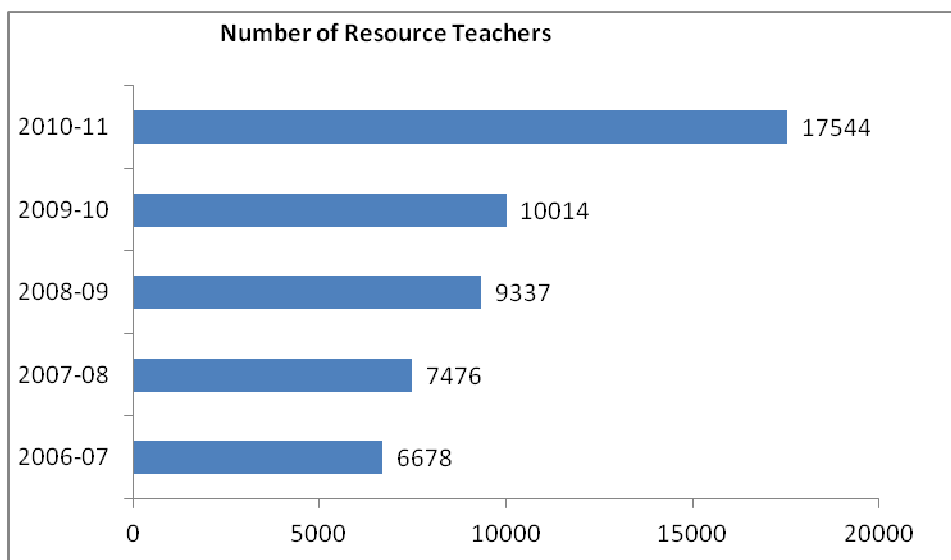
²⁰ <http://news.in.msn.com/national/article.aspx?cp-documentid=5942057#page=1>

²¹ Over 2 lakh primary teachers to be tested, Bharat Yagnik, The Times of India, Date: Oct 4, 2011, Section: Times City, pg 5

²² GR Dated 18/1/2012 http://gujarat-education.gv.in/education/Portal/News/154_1_HTAT-2_11%2019.pdf

The shortage of special teachers for children with disability is a key concern. The Act promises new stimulus to the education of CWSN in an enabling inclusive environment. The NCTE has notified that Special Education qualifications (D.Ed and B.Ed Special Education) as equivalent to mainstream qualifications and as a result they are to be treated to be at par with other teachers in general schools for optimum utilization.

The number of resource teachers for children with disability appointed has increased considerably over the last year. States are appointing a person with degree/diploma in special education as Resource Teacher (RT). The RT may be posted at the block or cluster level to cover a group of schools where CWSN are enrolled. The reason for appointing the resource teacher for a group of schools, rather than in every school, is because the number of persons with such qualifications is relatively small, the number of CWSN in any single school may be very few with several schools in which no CWSN are enrolled. As an interim arrangement teachers who have been provided multi-category training of 10-15 days duration or have participated in the RCI Foundation Courses are also placed as RT.



- **Teacher Training Institutions and their capacities**

The capacities of DIETs have been neglected. In the meantime, this neglect led to pre-service training being largely privatized. At the same time, mechanisms for in-service teacher support have also not received the attention required with the CRCs and BRCs failing to provide academic support to students due to their own limited capacity. RTE has specific provisions to ensure child-centered, child-friendly education; this poses a challenge to align teacher training, especially pre-service, to prepare teachers for a new kind of classroom.

Some states have made progress in resolving these issues. Madhya Pradesh has proposed to establish a DIET in each of the districts created on or before 31st March, 2011. In contrast, Bihar has proposed to undertake training of teachers through a six month distance education with bridge course run by IGNOU being seen as the medium for training of 1.15 lakh untrained teachers.²³ It is unclear how qualifications equivalent to a year long course of full time study would be transacted through distance mode in six months. The 15th JRM of SSA also expressed its discomfort with the practice. It “noted with anxiety that distance mode is being considered mostly by States where issues pertaining to quality, equity, and existing gender, caste and religious disparities are acute. These States need to take a fresh look at their institutional resources (including unutilized resources, such as colleges of undergraduate education) for chalking out a long-term strategy for addressing the shortage of trained teachers”²⁴.

²³ <http://pib.nic.in/newsite/erelease.aspx?relid=80464>

²⁴ 15th Joint Review Mission SSA 16th to 30th January 2012. Aide Memoire

Under SSA, all teachers are provided with 20 days in-service training in a year. There are 6,633 BRCs and 70,863 CRCs which act as academic support structures for the same.²⁵ In addition, there is a provision for 30 days induction training to new teachers joining service, and training of untrained teachers to enable them to acquire professional qualifications. The trainings received by teachers during the preceding year are indicated in the table below.²⁶ It is important to note that all states have initiated some level of training, although it is slow. The 15th JRM pointed out that Haryana had contracted private players/agencies lacking expertise of working with rural government schools to impart in-service training. The report recommended that capacities of existing government institutions can be better mobilized for in-service training rather than resorting to outsourcing of essential components to external entities.

Details of training provided to number of teachers during previous and current year							
		2010-11			2011-12 (Till 30.09.2011)		
		In-service training up to 20 days	Induction Training (up to 30 days)	Training untrained teachers (60 days)	In-service training up to 20 days	Induction Training (up to 30 days)	Training untrained teachers (60 dys)
1	Andaman & Nicobar Islands	82	0	3,382	0	0	149
2	Andhra Pradesh	0	0	2,29,442	42,944	0	2,48,873
3	Arunachal Pradesh	396	0	9,295	2,920	0	0
4	Assam	0	6,130	1,74,249	0	0	1,60,769
5	Bihar	4,091	50,142	59,084	345	25,312	37,345
6	Chandigarh	150	0	790	192	0	600
7	Chhattisgarh	9,746	7,951	1,23,052	15,428	0	65,019
8	Dadar & Nagar Haveli	0	0	0	0	0	0
9	Daman & Diu	0	0	422	99	0	480
10	Delhi	0	0	12,151	0	0	15,307
11	Goa	133	0	3,458	111	0	4,347
12	Gujarat	0	0	1,48,018	10,493	0	1,31,334
13	Haryana	0	0	39,529	10,406	0	0
14	Himachal Pradesh	0	0	45,502	0	0	43,419
15	Jammu & Kashmir	0	0	35,562	902	0	8,704
16	Jharkhand	943	12,409	65,007	372	0	0
17	Karnataka	0	0	1,31,900	4,525	0	35,800
18	Kerala	0	0	1,27,124	0	0	97,012
19	Lakshadweep	27	0	637	0	0	269
20	Madhya Pradesh	0	0	3,95,397	38,519	3,287	1,96,481
21	Maharashtra	2,119	0	4,44,331	10,586	0	3,21,000
22	Manipur	0	0	11,084	0	900	0
23	Meghalaya	2,036	572	19,590	2,463	2,700	0
24	Mizoram	471	850	11,584	353	573	7,249
25	Nagaland	0	400	8,945	0	800	5,860
26	Odisha	5,276	16,719	1,75,201	17,145	0	50,000
27	Puducherry	65	0	2,849	0	0	2,458
28	Punjab	8,250	0	67,840	3,650	0	25,048
29	Rajasthan	0	0	65,904	0	0	1,61,841
30	Sikkim	0	400	3,558	0	400	1,384
31	Tamil Nadu	2,086	0	1,91,840	1,956	0	1,11,015
32	Tripura	1,439	0	19,190	295	0	3,898
33	Uttar Pradesh	3,566	0	2,79,457	641	0	21,445

²⁵ Lok Sabha Unstarred question number 2,180 answered on 7/12/11

²⁶ Lok Sabha Unstarred Question number 2,243 answered on 7/12/11.

34	Uttarakhand	0	0	42,816	0	0	36,548
35	West Bengal	0	0	2,65,750	0	0	1,29,830
	Total	40,876	95,573	32,13,940	1,64,345	33,972	19,23,484

The Cabinet Committee on Economic Affairs has approved modifications of the existing scheme for Reorganization and Restructuring of Teacher Education to meet the exceptional challenges in the Teacher Education system to cater to the massive spatial and numerical expansion of schooling facilities at the elementary and secondary levels, the corresponding increase in the demand for teachers in the context and to fulfill the statutory obligations of the Government with regard to teacher preparation and teacher training under the RTE Act, 2009²⁷. A new provision under this scheme is the establishment of Block Institutes of Teacher Education to undertake elementary pre-service teacher education programmes in 196 identified SC/ST/Minority concentration districts. In 2011, the functioning of the NCTE which was under controversy over the year has witnessed a major overhaul and it was effectively taken over by the MHRD²⁸.

- **Para-teachers**

On last count (DISE 2011), 1 in 10 teachers in the country is on contract. In Jharkhand, every second teacher is a para-teacher. According to the 15th JRM, 71% teachers in Chattisgarh are contractual. Section 23(2) of the RTE Act provides that where a State does not have adequate number of persons possessing the prescribed minimum qualifications or does not have adequate number of teacher training institutions, the Central Government may relax the prescribed minimum qualifications. In pursuance of this section, the Government has issued notifications for relaxation of the minimum qualifications for the States of Bihar, Odisha, Chhattisgarh, Assam, Manipur, West Bengal and Madhya Pradesh³⁰ which lead to the hiring of contractual and/or less qualified teachers in those States.

Odisha Govt to formulate career policy for para-teachers²⁹

Saturday, March 31, 2012

Bhubaneswar: Coming under pressure from both the Opposition and Treasury bench members, the Odisha government on Friday conceded one of the important demands of the Gana Shikshak Sangh, the members of which were on hunger strike before the State Assembly. The emoluments of trained GSs have been increased to Rs 3,200 per month and the untrained Matric GSs are given increased emoluments to the tune of Rs 2,700.

As a partial result of the same, the figure for contractual teachers saw a 2% increase since the RTE came into force. Only half of these teachers were reported to be professionally trained. This creates the urgent need for the enhancement of their professional and academic qualifications since there are only 3 years to go for all teachers to move to the new RTE norms.

- **Progress Made towards Formation of Teacher Cadres**

Though the practice of hiring of para-teachers has not stopped across the country, some states and UTs have indeed moved to the practice of hiring permanent teachers. For example, the UT of Chandigarh has been directed to ensure that all future appointments under SSA are made permanent

²⁷ <http://pib.nic.in/newsite/erelease.aspx?relid=81562>

²⁸ <http://timesofindia.indiatimes.com/home/education/Govt-takes-over-National-Council-for-Teacher-Education/articleshow/9157359.cms>

²⁹ <http://www.Odishadiary.com/CurrentNews.asp?id=32937>

³⁰ Lok Sabha Unstarred Question Number 4519 answered on 21/12/11

in nature³¹ and Haryana has moved towards permanent appointments by teachers passing the TET has lead to cancellation of 15,000 contractual appointments of teachers³².

Mizoram government teachers not getting salaries³³

2011-12-20 13:20:00

Aizawl, Dec 20 (IANS) Over 4,835 government teachers from 541 schools in Mizoram have not been paid their salaries since October due to lack of funds, state Education Minister Lalsawta said Tuesday. 'The education minister at a meeting, while replying to a query of C. Ramhluna of the opposition Mizo National Front, said the teachers could not draw their salaries as required allocation was not sanctioned in the plan allocation,' an official told reporters. Another official of the state education department on condition of anonymity told reporters that besides the government school teachers, there were thousands of teachers from government-aided schools who also did not get their salaries for several months.

• **Teacher Absenteeism and Freedom from Non-teaching Work**

A critical issue pertaining to teacher availability is their involvement in non-teaching work. According to a government research (EdCil 2010), 12% of teacher time in school is spent on non-teaching activities in the absence of clerical support staff. A frequent critique of the education system in India is that teacher absenteeism is a common problem across the country. However, the ASER RTE Report card (2011) shows that 87% of teachers were present on the day of the observation. The figure was as high as 95.6% in Gujarat. Ten major states had an attendance of 90% or higher. This suggests that teacher absenteeism is actually not as critical an issue as popular accounts suggest. Interestingly, 65.2% schools had all teachers present on the day of the observation and only 0.2% schools had no teacher present on the day of observation - something that is liable to happen in smaller schools. A feature this year was the introduction of biometric attendance of teachers in several states.

In Karnataka, five day training on RTE, NCF, and CCE was held. Interestingly as part of this training 50% of the teachers were not in schools for five days immediately after reopening of school after Dussehra vacations which amounts to gross violation of RTE Act. Hence training on RTE act resulted in the violation of RTE Act itself.

Recommendations

- Teachers' training and appointments need to be expedited if the RTE timeframes are to be met. In contrast, roll out of the issues of teachers' training is yet to start.
- Build capacities of government teachers' training institutes to enable them to play the roles expected. While 80% children study in government schools, 80% teachers' training institutes are in the private sector. This includes the opening of and support to teacher training systems at the district level.
- While undertaking teachers' training of hitherto untrained teachers, ensure that optimum contact hours are maintained and there is no compromise with the framework of the National Curriculum Framework for Teacher Education.
- Resources are needed to make schools attractive to children for better retention and to make process of learning joyful. This would be motivating to both teachers and children. Corporal punishment is often a result of an environment where the teacher lacks the positive environment and tools to keep learner attention.
- Teachers should be represented in structures and processes where decisions around education are taken including the National and State Advisory Councils.
- Redressal mechanisms should be put in place for teachers to voice and address their grievances.

³¹ <http://www.expressindia.com/latest-news/centre-directs-ut-to-recruit-ssa-teachers-as-regular-employees/922359/>

³² http://articles.timesofindia.indiatimes.com/2012-03-16/india/31200814_1_regular-teachers-guest-teachers-punjab-and-haryana

³³ <http://www.assamtribune.com/scripts/detailsnew.asp?id=dec2011/oth04>

- Teachers should constitute forums for exchange of views and experiences, and make their voices heard.
- Formation of permanent teacher cadres needs to be expedited across all states. Rationalization of salaries and allowances of teachers must be made to ensure that multiplicity of teacher grades in a single school is minimized.
- Free teachers from non-teaching work and provide them with secretarial and other support to enable them to teach without interruption.
- Address specific training needs for head teachers within the system.
- Expedite addressing the gross shortages of special educators to teach children with disability. Furthermore, these teachers need to be trained to address issues of multiple disabilities and be equipped to work in an inclusive context. Existing teachers in the system also need to be trained on inclusive education as part of their in-service training, with the modules emphasizing both sensitization to the issues and technical skills.

III. Compliance with Quality Provisions under RTE

Education is not only a basic human right, but also acts as the most critical tool for claiming other rights. It forms a basis for a struggle for self assertion by marginalized communities and a tool to fight poverty. As such, the issue of quality lies at the heart of the broader struggle of empowerment and social transformation of society. In no country in the world has education been universalized (let alone with quality) except through a system of provision by the State. The countries with the highest standards of quality in the world are those with an education system that is most equitable. Thus, Finland, one of the world's leaders on the Programme for International Student Assessment (PISA) test is a country where the education system is public funded and free (all the way to higher education) has few private schools, has high professional standards of teachers and empowers them to make their own decisions in the educational interests of children and does not distinguish between children based on class, race or geography. It once again, was ranked among the highest in the world as part of the PISA³⁴ series of studies on learning outcomes. We would return to India's performance later within this chapter.

The Example of Finland

Until the 1960s, only 1 child in 10 in Finland completed nine years of schooling. Today it has one of the best education systems in the world as reflected in the PISA findings. When Finnish kids turn 7 years old they go into nine years of **compulsory primary school**. All kids start at the same level irrespective of their socio-economic status and receive education of comparable standard. **All teachers** are prepared in academic universities and **require a master's degree**. Only 10% of 5,000 applicants each year are accepted to the faculties of education in Finnish universities. Finland improved its public education system not by privatizing its schools or testing its students, but by strengthening the education profession and investing in teacher preparation and support. The government bears all costs of tuition, warm school meals, learning materials, text books, transportation, new equipment, new facilities, student counseling, etc all the way up to higher education. There are **no mandatory tests or exams till high school**. **Trusting the schools and teachers** is a common feature in Finnish schools. **Political authorities see education as the key to success** in an increasingly competitive world and see it as a national priority. However, what almost all observers of the Finnish education system have highlighted is that the single most important education policy decision taken since Finland established its independence in 1917 was to create a common, untracked comprehensive school system that would serve students from all walks of life.

Based on Sahlberg³⁵ (2011), Maes (2010)³⁶ & OECD (2010)³⁷

³⁴ PISA 2009 Results- What students know and can do. Student performance in reading, mathematics and science. Accessed online on <http://www.pisa.oecd.org/dataoecd/10/61/48852548.pdf>

³⁵ Sahlberg, P (2011). Professional Educators. Lessons from Finland. American Educator. Pgs. 34-38. Accessed online on <http://www.aft.org/pdfs/americaneducator/summer2011/Sahlberg.pdf>

In contrast, India's educational System continues to be **multi-tracked** with different quality of education offered to children based on their socio-economic status and place of residence. While the standard of provision is comparable to the best in the world for the rich, even basic standards of quality fail to be met for the poor. Much of the instruction offered in India's schools (especially those catering to Dalit, Adivasi, Muslim populations and remote areas) is multi-grade with unacceptably high PTRs and with most teachers untrained in handling such a situation.

- **Availability of Schools.**

According to government sources, 4% habitations which could be a significant number of children lack a PS within a walking distance. Access in remote and hilly areas - including a long tract of Himachal Pradesh, Uttarakhand, Uttar Pradesh and the Northeast, large parts of tribal dominated forest areas of Chattisgarh, Madhya Pradesh and Odisha and the deserts of Rajasthan - remains problematic. Alternative arrangements in the form of availability of transport or residential schooling had also not been adequately made during the reporting period. The problem is even more serious in the case of UPS (covering children 10-14). The ratio of PS to UPS/sections is 1:2.12 in 2010-11 (DISE). However, the figure is as high as 5.13 in West Bengal and as low as 1.03 in Chandigarh reflecting a huge range in terms of school availability.

Average Attendance in Selected States (2006) ³⁸	
States	Primary Level
Andhra Pradesh	72.7
Assam	81.3
Bihar	42.2
Chhattisgarh	67.7
Delhi	73.1
Gujarat	75.0
Haryana	82.2
Himachal Pradesh	94.6
Jammu & Kashmir	78.5
Karnataka	86.2
Kerala	91.4
Madhya Pradesh	72.1
Maharashtra	89.0
Odisha	66.8
Punjab	81.7
Rajasthan	62.7
Tamil Nadu	88.3
Uttar Pradesh	57.4
Uttarakhand	80.0
West Bengal	74.2
OVER ALL	68.5

An alarming trend has been that of closure of government schools under the guise of rationalization in several States. Karnataka ordered the closure of 3,000 schools citing low enrolments. The decision was put on hold amidst a burst of criticism and is subjudice. However, the consequences of such a move would have been extremely far reaching. Similarly, Gujarat ordered the "merger" of schools with less than 100 children's enrollment. This includes over 13,576 schools. A decision on this has, however, not been taken³⁹ and the government assures that this will not lead to closure of schools. However, the NCPCR public hearing did identify instances of school closures in the State including five schools in Rajkot area. While the need for rationalization is in principle understandable, it would be imperative to understand that decisions to close schools are disproportionately likely to affect the most poor and those in remote areas who may lose the right to a school in neighbourhood in the process.

Another critical issue that should have been undertaken is delimitation of catchment areas of villages to ascertain the compliance with the 1 km norm. As in January 2012, according to government sources only four States had not initiated the process (Goa, Chandigarh, UP and Sikkim)⁴⁰. Majority of States have undertaken it through GIS or GPS which undeniably saves time and does provide some quick information, but may not provide information on the actual walking distances for children. Furthermore, it would fail to take into consideration issues of social access.

³⁶ Maes, B (2010). What makes education in Finland that good? 10 reform principles behind the success. Accessed online on <http://bertmaes.wordpress.com/2010/02/24/why-is-education-in-finland-that-good-10-reform-principles-behind-the-success/>

³⁷ OECD (2010) Finland: Slow and Steady Reform for Consistent High Results.

³⁸ Lok Sabha Unstarred Question Number 3263 answered on 14/12/11

³⁹ http://www.dnaindia.com/india/report_decision-on-closur-merger-of-primary-schools-kept-on-hold-for-nowe_1594855

⁴⁰ <http://timesofindia.indiatimes.com/city/goa/Goa-among-four-states-to-default-on-school-mapping/articleshow/11517993.cms>

Lastly, in a majority of cases while delimitations have been done, parents are unaware of the boundaries laid down and are unaware whom to approach for admission.

- **Out-of-School, Dropout and Child Labour**

Government estimates (2010) that only 2.7 million children (2010) remained out-of-school. However, this figure does not reflect the actual children's participation in school. While nominal enrollment is high, gross instances of absenteeism are allowed to persist in the absence of systematic process of tracking attendance that is truly pan-national (Child Tracking Survey-CTS, is live only in a few states). Though, MP, TN, Rajasthan, Odisha, Uttarakhand, West Bengal, Delhi have child tracking websites. TN and Uttarakhand's are irregularly updated. Delhi's is not permitting access to the data and Gujarat's is not in the public domain.

It is important to note that generally enrollment rates are higher than attendance rates. There are a large number of students who enroll in school in the beginning of the year but do not attend classes and even drop out at a later stage during the course of the year.

The highest percentage of out-of-school children is concentrated in a few states. Thus, UP alone accounts for 34% of all out-of-school children. UP, Bihar, Rajasthan and West Bengal together have 72% of all out-of-school children according to IMRB 2009. These areas would require specific intervention to ensure universal enrollment. The Department of School Education and Literacy has identified 126 districts with retention rate below 60 per cent (in schools) for the year 2011-12 under SSA.⁴¹

Another issue that has made news during 2011 is fake and double enrollment. A school survey in nine districts of Bihar revealed 4.37 lakh fake admissions. Names of 7.6 lakh students have been struck off the rolls on suspicion of being non-existent in Jharkhand. In UP, the number of students enrolled in UPS level has dropped by over 4 lakh in a year. A drop in enrollment has also been observed in Chhattisgarh⁴². Overall, there has been a drop in the enrollment observed in the government school system since RTE came into force as the system has begun cleaning out records and getting the system into place.

To be able to identify and mainstream out-of-school children, the first step is to have a common definition and strong data systems to know who these children are, where they live, and thus what kinds of strategies are required to meet their right to education. The RTE makes no specific mention

Information on Special Training Under RTE Act			
S.No.	State	Target 2011-12	No. enrolled
1	A&N Islands	282	166
2	Andhra Pradesh	2,50,884	94,227
3	Arunachal Pradesh	12,650	10,061
4	Assam	2,53,832	2,27,194
5	Bihar	5,59,329	1,59,192
6	Chandigarh	5,200	4,470
7	Chhattisgarh	96,217	58,732
8	D & Nagar Haveli	86	9
9	Daman & Diu	246	162
10	Delhi	14,440	3,623
11	Goa	1,199	1,281
12	Gujarat	1,01,459	93,971
13	Haryana	98,241	0
14	Himachal Pradesh	2,309	2,702
15	Jammu & Kashmir	62,873	0
16	Jharkhand	52,749	8,411
17	Karnataka	52,244	28,733
18	Kerala	0	0
19	Lakshadweep	7	0
20	Madhya Pradesh	73,379	51,340
21	Maharashtra	1,25,549	13,201
22	Manipur	17,093	14,695
23	Meghalaya	11,645	0
24	Mizoram	9,759	5,358
25	Nagaland	19,116	19,116
26	Odisha	65,074	15,086
27	Puducherry	901	232
28	Punjab	23,998	44,785
29	Rajasthan	1,06,339	62,520
30	Sikkim	1,769	74
31	Tamilnadu	61,653	49,348
32	Tripura	6,422	3,915
33	Uttar Pradesh	1,57,770	0
34	Uttarakhand	31,393	21,925
35	West Bengal	3,30,559	96,133
	Total	26,06,666	10,90,662

⁴¹ http://zeenews.india.com/news/nation/126-districts-having-60-retention-rate-in-schools_765327.html

⁴² <http://thelinkpaper.ca/?p=13615>

of child labour, a critical group missing out on schooling. There are still challenges regarding the coverage, timeliness, quality and the comparability of educational statistics from household and administrative sources. Some examples of effective strategies in this regard include the undertaking of the CTS in Rajasthan during July 2011 that identified 12 lakh children out-of-School⁴³. Similar processes need to be adopted by other states.

Mechanisms for bridging of these hitherto out-of-school children back into school once their levels are upgraded to age appropriate learning levels need to be put in place. During 2011-12, an amount of Rs. 1,642 crore was sanctioned for the coverage of 26,06,666 out-of-school children by operationalising 49,643 Special Training Centres. State wise data in terms of the number of children to be covered and actual achievement attained (upto January, 2012)⁴⁴ suggests gross underachievement against the target figures. Only 41.84% of the target had been achieved by the end of the third quarter. Four states did not cover a single child through a bridge course. Furthermore, the data is silent on the number of children who completed special training and their entry into formal schooling. The preparation and capacity of teachers in the special training centres needs to be improved and the support from the system needs to be strengthened in order to mainstream the children into formal schools and develop a supportive attitude towards such children. The special training remains an area requiring clarity across the states and needs to be clearly demystified in order to promote them and run the centres effectively and link them with the formal schools for mainstreaming the children and ensuring their continuance in the elementary cycle.

As per the earlier census, 6 lakh children under 6 years of age are currently employed in India. 70% of all child labourers work in agriculture which falls outside the list of prohibited industries. The track record of conviction remains low, including for the worst forms of exploitation. Incidentally, as per the norms set by RTE, the existence of the (admittedly educationally substandard) National Child Labour Project Schools has come under question with their funding being discontinued in several states without making provision for the education of the children enrolled.

Gender differences in the enrollment of children with disabilities			
State	Boys	Girls	GPI*
Assam	31,699	23,654	0.75
Delhi	6,325	4,873	0.77
Haryana	3,988	2,633	0.66
Odisha	39,973	32,928	0.82
Rajasthan	45,444	31,803	0.70
Tamil Nadu	45,599	34,110	0.75
Uttarakhand	2,657	2,164	0.81
West Bengal	55,235	43,979	0.80
Source: DISE data 2010-11			
*Gender Parity Index			

Another category of out-of-school children is children with disability. The Social and Rural Research Institute- Indian Market Research Bureau (SRI-IMRB) survey of 2009 has estimated that there were 28.97 lakh children with disabilities, representing 1.52% of the total child population. Of children with disabilities, 34.12% children are estimated to be out-of-school. Within this, there are clear gender gaps. However, this figure is likely to be a gross underestimate of the actual prevalence.

- **School Fees.**

The Act outlaws levying of fees or other charges in government schools. However, assorted fees and charges continue to be charged. At the same time, education in India entails a fairly high level of out of pocket expenses, including for the most poor. No reliable estimates exist for the reporting period but in 2007-8, the average annual expenditure per child in a government school was Rs 1,267 (Rural: 987, Urban 2744). These figures need to be compared to overall poverty levels. This puts education

⁴³ <http://www.nceindia.org/wp-content/uploads/2012/01/rti-raj.pdf>

⁴⁴⁴⁴ Unstarred Lok Sabha Question Number 358 answered on 14/3/12

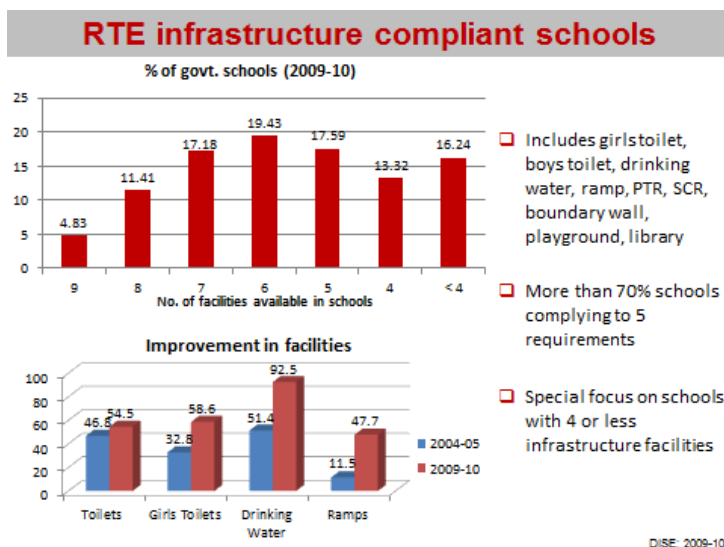
outside the reach of the poorest sections of society. There have also been several instances of fees hikes in private schools that can only be seen as arbitrary leading to legislation being proposed or passed in several states to ensure regulation of fees. The Tamil Nadu law remains a pioneer in this regard, although other States like Maharashtra, AP and MP have shown willingness to do so.

The Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009⁴⁵

The Act calls for the establishment of a Committee expected to be headed by a former High Court Judge and including State government officials that will determine the fees for all classes and courses in private schools will come within the panel’s purview. The legislation emerged from complaints regarding private schools collecting exorbitant fees and the want of a uniform procedure to fix fees. The fees of a school, determined by the committee, would be based on factors such as its location, infrastructure, expenditure on administration and maintenance and reasonable surplus required for the institution’s growth and development. The committee would also act as a grievance cell, hearing complaints regarding excess collection of fees of what was determined by the government. If such cases are identified by the committee then the school’s recognition will be forfeited. In the case of government schools and those that get government aid, the government would itself fix the fees. Constitutional validity of this legislation has been upheld by the Supreme Court⁴⁶. Subsequent to this, other States including Maharashtra, AP and more recently MP⁴⁷ have either passed similar legislations, or are considering doing so. A demand for a national law to regulate fees has also been slowly gathering momentum.

• **Infrastructure**

A critical issue of concern this year is the limited rate of progress achieved. The enhancement in drinking water facilities and girls’ toilets was only 0.11% and 1.46% respectively (2009-10 to 2010-11). The pace is even slower than prevailing in the pre-legislation period (4.83% and 5.22% respectively). These findings are mirrored in the RTE Score Card in the ASER Report 2011. There has not been a significant improvement in the status of building, drinking water, playground and boundary wall provisioning. According to ASER 2011, the proportion of schools without water facilities has been as high as 87.3% in Manipur. This could be attributed to the fact that the necessary significant cash influx to ensure delivery on the ground did not happen during the first year of the Act’s implementation. Approximately 2.91 lakh classrooms at elementary⁴⁸stage are required to be upgraded to meet RTE norms.



This does not mean massive improvements have not been made - since the Act became operative, 38,754 new PS, 11,918 new UPS, 4,85,277 additional classrooms, 24,885 drinking water units, and 2,37,716 toilets have been sanctioned under SSA in 2010-11 and 2011-12⁴⁹. Furthermore, during

⁴⁵ http://indiaedunews.net/Tamil_Nadu/Panel_to_determine_Tamil_Nadu_unaided_schools%27_fees_9584/

⁴⁶ http://www.collegesintamilnadu.com/Education_News/20102/20100512a.asp

⁴⁷ <http://www.mpmidday.com/madhya-pradesh/indore/26804.html>

⁴⁸ Rajya Sabha Question No 1329 answered on 02.12.2011

⁴⁹ Rajya Sabha Question Number 2732 answered on 16.12.2011. Surprisingly, the figures were reported to be higher two days earlier on 14.12. 2011- 4,98,106 additional classrooms, 624,924 drinking water units, and 2,48,605 toilets wide Unstarred Lok Sabha Question no. 3317.

2010-11 and 2011-12, sanctions have been made under SSA for 4,98,106 additional classrooms, 624,924 drinking water units, and 2,48,605 toilets and 0.37 lakh Office-Cum Head Teacher Rooms. A total of 14.10 lakh classrooms, representing 88% are reportedly completed and in progress as on 30.9.2011. An amount of 11,517.10 crore has been approved for 2011- 12 for construction of additional classrooms⁵⁰. There is an overall ceiling of 33% of the annual outlay for construction of civil works under SSA, and the requirement of civil works is met in a phased manner. In the case of districts with infrastructure gaps exceeding 3,000 classrooms, there is provision for relaxation of the civil works ceiling upto 50% of the district outlay. The States/UTs have been advised to expedite construction.

Historically, the biggest backlog is in terms of upgradation of the former Education Guarantee Scheme Schools to the new RTE norms. States have been advised to upgrade all EGS centres to regular PS by March 2012, and no new EGS centres are being sanctioned with effect from 2010-11.⁵³ The end of the EGS schools would mark a historic turning point in the education system - ending 20 years of experiment with para-teacher driven, low infrastructure schools that were envisaged as an experiment in community participation, but turned into a parallel system of provisioning with lower unit costs and norms.

A large part of India is disaster prone including flooding, drought and seismically active areas. Retrofitting of buildings as per the National Building Code has been slow as has been the integration of school safety in the curriculum. Furthermore, schools are inevitably occupied during any disaster- natural or manmade- for prolonged periods to provide shelter to affected people, consistently disrupting education of children during certain parts of the year.

Another critical development during the present year has been the order by the Supreme Court of India to ensure availability of separate girls' toilets in all schools (bench of Justices Dalveer Bhandari and Dipak Misra via order on October 18, 2011). Action for compliance with the order has been slow and the date for compliance with the order has been extended to 31st March, 2012. Even government figures suggest that this has not been complied with. Thus, according to the affidavit submitted by the Maharashtra government in the beginning of the year 13% of schools, or 12,746 did not have any toilet facility for girls and 8% of schools, or 7,509 had no toilet facility for boys⁵⁴. There have also been reports of reality on the ground failing to conform to the government affidavits. An amount of

Infrastructure and RTE

2009-10

- In 2009-10, only 4.8% of government schools have all nine facilities stipulated under the RTE Act⁵¹.
- 11.41% have eight of the nine facilities. Approximately one third of the schools have up to seven facilities and about 30% schools do not have even five.

2010-11⁵²

- 1 in 10 schools lacked drinking water facilities.
- 2 schools in 5 lacked a functional common toilet.
- Half lacked even a ramp for disabled access.
- 2 in 5 lacked a separate toilet for girls.
- 3 schools in 5 were not electrified.
- 1 school in 5 had a computer.
- 40% primary schools have a PTR higher than 30:1.

These government figures do not reflect the quality and usability of these facilities, only their physical availability. Therefore, the actual situation on the ground is worse.

⁵⁰ Lok Sabha Unstarred Question Number 3324, answered on 14/12/2011

⁵¹ Working Group report on Education for the 12th Five Year Plan deriving its analysis on DISE data

⁵² DISE 2010-11

⁵³ Lok Sabha Unstarred Question Number 358, Answered on 14/3/2012

⁵⁴ <http://timesofindia.indiatimes.com/india/Supreme-Court-asks-states-to-provide-toilets-in-schools-by-Mar-31/articleshow/11483231.cms>

Rs. 954.92 crore (Rs. 851.26 crore for girls' toilets and Rs. 103.66 crore for boys' toilets) were sanctioned for construction of toilets facilities during 2011-12⁵⁵.

State may miss school toilets deadline, again⁵⁶

Rageshri Ganguly, TNN Mar 15, 2012, 04.12PM IST

A study conducted by Madhya Pradesh Lok Sangharsh Sajha Manch, a network of NGOs, in February shows of 188 primary and middle schools surveyed in 13 districts, separate toilets for boys and girls existed only in 69 of them. Principal secretary school education Manoj Jhanlani though differed, "The target for toilets has been largely met. Of the 65, 000 odd toilets required around 57,000 have been constructed last year. The remaining 8,000 toilets would be constructed by June 30."

- **Teaching and Learning Material (TLM) and Use**

According to ASER 2011, 1 in 4 schools lacked a library. However, only 2 in 5 schools had the library books accessible to children. The proportion of schools without libraries declined from 37.5% in 2010 to 28.6% in 2011. Children were observed using libraries in 42.3% schools in 2011. 85.2% schools received the TLM grant during 2010-11. This figure was, however, only 53.1% for the first six months of the year. Broadly speaking 80% classrooms had TLM present - with the availability of TLM in standard 2 and 4 enhanced by 1.3% and 2.2% respectively.

- **Curriculum**

The curriculum of the country is expected to happen in accordance with the National Curriculum Framework (NCF) 2005. However, according to the 13th JRM, only 14 States had revised their curriculum in line with the NCF 2005. TN, Rajasthan, Odisha, Chattisgarh. MP, Gujarat are some states where curricula are being revised to make them compliant with the NCF.

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. In some states like Rajasthan and Jharkhand the teachers report difficulty in transacting these textbooks. Furthermore, adoption of NCERT textbooks will not change the classroom culture, if teachers are not trained or oriented to be able to use these textbooks appropriately.

A critical development during the preceding year has been the introduction of a uniform curriculum in TN. The Supreme Court had uphold this principle and judged it as a critical tool to stop discrimination in the system.

"Common syllabus, curriculum will help achieve RTE objectives"⁵⁷

Legal Correspondent

A common syllabus and common curriculum is required to achieve the objectives of the Right to Education (RTE) Act, to provide free and compulsory education to every child of 6 to 14 years, the Supreme Court said on Tuesday. Dismissing a batch of appeals filed by the Tamil Nadu government and others against a Madras High Court judgment on implementation of the Uniform System of School Education, a Bench of Justices J.M. Panchal, Deepak Verma and B.S. Chauhan said "Article 21-A of the Constitution must be read in conformity with Articles 14 and 15 and there must be no discrimination in quality education." The Bench said: "The right of a child should not be restricted only to free and compulsory education, but should be extended to have quality education without any discrimination on the ground of their economic, social and cultural background."

⁵⁵ Lok Sabha Unstarred Question No. 287 Answered on 14/3/12

⁵⁶ http://articles.timesofindia.indiatimes.com/2012-03-15/bhopal/31196360_1_separate-toilets-primary-schools-middle-schools

⁵⁷ <http://www.thehindu.com/news/national/article2340741.ece>

- **Classroom Environment**

ASER 2011 points that more than half the schools in the country are **multi-grade**. Thus, standard 2 was sitting with one or more classes in 58.3% of PS and 57.6% of schools with UPS sections. In J&K, Jharkhand and Meghalaya over 80% of observed standard 2 and 4 classrooms in PS are multi-grade. This raises the question of readiness of teachers to cope with this prevailing reality. Thus, while the majority of the textbooks and materials and the process of teacher training, assumes a monograde learning environment (children of the same age learning the same content from the same textbook), the reality is that of a multi-grade environment with children of different ages - and indeed abilities - in the same classroom. Larger questions of whether multi-grade instruction is being introduced as an instructional or a cost-cutting tool by the government also remain.

Based on Report on RTE Compliance in Delhi schools, Oxfam India and its partners (207 schools) & Study on Status of Right to Education in Delhi, undertaken by SWATI Project, Delhi- 114 Schools

- 61.35% schools had an all weather structure for all classrooms.
- 67.63% schools were reported as having a ramp for disabled access.
- 95% schools had drinking water. However, this was reported to be drinkable by investigators in only 70% schools
- Only 43% of toilets are cleaned daily.
- 94% schools have staff designated for sweeping of school. However, only 63% being cleaned daily. Indeed, it is reported that students pitched in with cleaning the school in 42% schools.
- 80% schools had a computer room. However, student used the same in only 54% schools.
- Teachers in 80% schools report that it has a library. Surprisingly, students in only 62% schools thought that it existed. The RTE Compliance surveyors found the figure to be at 58%, an account closer to the reports of the children.
- 31% schools had a teacher designated as a sports teacher or physical training instructor.
- Only 21.25% schools reported having atleast one teacher trained to work with children with disability.

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. According to ASER 2011, a quarter of all rural children attend PS where the medium of instruction is different from their mother language (excluding J&K and the Northeast). Again, teachers are unable to cope with this reality. Some experiments have been made for instruction in the tribal language in several states. However, most of these have remained small scale and their impact is yet to be fully validated.

A related issue to emerge during the preceding year has been the finding (DISE 2009-10) of the rise of **English** as a medium of instruction. During 2010-11 the number of children enrolled in English-medium schools from Classes I to VIII has crossed the two crore mark- a 274% rise since 2003-04⁵⁸. For the fourth year in a row, English is the second-largest medium of instruction in India. Several States have moved wholesale to English as the medium of instruction creating problems of instructional quality when teachers themselves may have severe difficulties with the language. Out

⁵⁸ <http://timesofindia.indiatimes.com/india/2-crore-Indian-children-study-in-English-medium-schools/articleshow/12105621.cms?inttarget=no>

of the total 13,622,86 schools, 1,58,866 are English medium institutions compared to 7,19,387 where Hindi is the medium of education. There are 4,84,033 other language schools in the country⁵⁹,

Bengal coins its own definition of Corporal Punishment⁶⁰

Aditi Tandon/TNS

New Delhi, March 2

The RTE Act bars all forms of corporal punishment that may cause physical stress or mental trauma to a child aged 6 to 14 years. But the West Bengal School Education Department has coined its own definition of harassment. It has issued a notification listing certain actions which “won’t be considered as physical punishment or mental harassment if taken by teachers, administrators or school authorities to regulate, control and check disciplinary activities of a disobedient child”. The notification, while seeking to protect children from corporal punishment, ironically exempts teachers from a range of punitive actions in the name of discipline. Teachers’ actions that won’t be considered as corporal punishment in West Bengal are: imposition of fine and penalties not contrary to the spirit of free education; punitive requirement of extra academic work; removing a child temporarily from class when his presence is disrupting the class functioning; prohibiting a child from participating in sports and other co-curricular activities on disciplinary grounds; referring a disobedient child to a counsellor; intimating parents of the activities of children with respect to disciplinary matters and calling them for meetings to enable them to understand the emotional and academic needs of a child.

Corporal punishment is prohibited under Section 17 of RTE Act 2009. Under the Act, no child from 6 to 14 years of age shall be subjected to physical punishment or mental harassment. Notification to prohibit physical punishment and mental harassment has been issued by 27 State Governments so far. CBSE has also issued instructions to its affiliated schools not to resort to physical punishment of students⁶¹.

However, these notifications have not really changed the practice on the ground. A study released by NCPCR during 2012, based on evidence collected in 2009-10⁶² found that only 9 out of 6,632

students in seven states who were surveyed denied that they received any kind of punishment in schools. 99.86% children reported experiencing one or the other kind of punishment. As many as 81.2% children were subject to outward rejection by being told that they are not capable of learning. Out of the total, 75% reported that they had been hit by a cane and 69% had been slapped on their cheeks. A set of 'Guidelines for Eliminating Corporal Punishment in Schools' was developed by the NCPCR.

- **No Retention and 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. This has, however, not been fully implemented. The abolition of the old system without the alternative being in place (and in a system that prohibits detention) means that there is no clear mechanism in place in the country at present to track student process and adapt teaching accordingly. Some efforts have been made in the direction of streamlining this aspect. Thus, while gradual roll out of CCE has started with trainings being undertaken on the system in several states, the experience is that teachers are finding it difficult to transact the same in view of absence of handholding on the part of academic support systems and the absence of other supportive measures to facilitate this shift in approach. The CBSE had introduced a form of CCE. However, two years after CBSE introduced CCE system, 67% of the

⁵⁹ http://zeenews.india.com/news/nation/126-districts-having-60-retention-rate-in-schools_765327.html

⁶⁰ <http://www.tribuneindia.com/2012/20120303/main6.htm>

⁶¹ Lok Sabha Unstarred Question Number 3440 answered on 14/12/11

⁶² <http://ibnlive.in.com/news/over-80-pc-students-in-schools-are-humiliated/235957-3.html>

teachers are still grappling with it; 58% of them have a negative or indifferent approach towards it. The only stakeholders of the process who are in favour of it are the students - 64% of the students from the surveyed schools find the new system better⁶³.

Many States are continuing to view assessment as a separate initiative and not an integral part of the teaching and learning process with a focus on only academics. Some States have reported conducting introductory state level workshops; some have developed learning milestones, student report cards and a grading system and a few have rolled out the evaluation methodology in the classrooms. Some States have done away with the biannual examination system and have replaced it with a semester system and unit tests. Unfortunately, in many cases this has led to more number of tests for the children, with little evidence of whether these are really formative in nature. The assessment is also only on academic subjects and not integrated with co-curricular assessment, and over all development of the children.

- **No Screening**

The Act prohibits the practice of screening and testing of children for the purpose of admission up to the age of 14 years. This has, however, often been violated both by government and private schools. Thus a contempt of Court notice has been served to the Director of Education in Delhi for continuing with the practice of testing of children for admission into Class VI in Pratibha Vidyalayas in Delhi⁶⁴

Some Glimpses of School Quality: Findings from Series of Public Hearings undertaken by Action Aid in Uttar Pradesh

Action Aid made an endeavor to study the grassroots realities with respect to implementation of RTE in some selected areas (Kushinagar, Maharajganj, Lakhimpur Kheri, Hamirpur) and found that the situation is really grave. Based on these studies public hearings were organized by the Action Aid in collaboration with its partner organizations which brought forth the instances of denial of right to education to children.

- There are only 50% regular Head Masters, 10% Assistant Teachers, and remaining 40% schools are being run by Shiksha Mitras (para-teachers).
- 8% schools were not found at their specified sites.
- There are no special subject teachers for mathematics, science, English, arts, music and sports in any school.
- Teachers are generally engaged for 70-75 days for non-educational purpose such as population census, disaster relief duties or duties relating to elections to the local authority or the State legislatures or Parliament out of their routine 205-210 days annual session.
- 92% schools lacked provisions for the identification and enrollment of, facilities for education of children with disability, ensure their participation in, and completion of elementary education.
- Only 50% schools had separate/specific rooms for Head masters.
- 83% schools had broken boundary walls.
- 8% schools charged admission fee and same percentage of schools denied the admissions for non-payment.
- Schools are not following child friendly concepts of education, as a few schools were found to have painted slogans like “it’s better to be quite” and “teacher’s stick is better than father’s love”.
- 98% toilets in the surveyed schools are not in use.

Similar public hearings were being organized by some other organizations like Oxfam India, National Coalition of Education (NCE) in some other districts of the U.P. The cases presented in the public hearing have been taken in the consideration by the government, but no stringent action has been taken. NCPDR ordered State authorities to take some action but lots of cases are still pending.

⁶³ <http://timesofindia.indiatimes.com/home/education/67-teachers-are-not-comfortable-with-CCE/articleshow/10163222.cms>

⁶⁴ <http://www.deccanherald.com/content/234797/court-asks-doe-fill-seats.html>

- **Working Days and Hours of Schools**

Kendriya Vidyalaya Sangahtan and the States of Gujarat, Maharashtra, Haryana, Goa and Punjab among others have ordered an increase in the working hours of schools.

Survey of the Implementation of the RTE Act in AP, 2011: A Survey of 279 government schools across 12 Districts undertaken by the Action Group on RTE

- 80% schools reported insufficient classrooms that forced them to club classes together in one room, or hold classes in the verandah, in staff rooms, under trees and other places.
- 41% of surveyed schools lacked a playground & 49% schools lack learning materials.
- 61% schools reported receiving textbooks in the beginning of the year.
- Only 7% of schools have a separate room for the school library. 66% schools reported that there was a library period. 35.5% schools have newspapers in their libraries, while 81% have textbooks, 33% have magazines, 81% have story books and 50.9% have other books.
- 59% schools reported that buildings were as per SSA norms or “good”.
- Only 35% villages/schools have facilities for educating out of school working children. 52% schools reported that their village witnessed migration.
- 73% teachers reported having received trainings on RTE.
- 49% of the schools reported that their SMCs have undergone training on the RTE Act. 61% of the SMCs reported being aware of the RTE and its provision. 31% members were unaware that they were SMC members in the first case.
- 77% schools reported having SMC meetings once a month.
- 68% schools prepared school development plans for the current year. However, 23% of the schools did not receive any information in this regard. In contrast, 54% of the SMC members themselves report that SMCs prepared SDPs. 69% also reported that the SMC had played a role in bringing out of school children into school. 61% reported an increase in enrollment over the last two years.

- **Learning Outcomes**

ASER 2011 suggests that learning levels in many States have declined from the previous year. The proportion of children in standard V able to read a standard 2 level text has dropped from 53.7% in 2010 to 48.2% in 2011. Basic arithmetic levels also show a decline. Nationally, the proportion of standard III children able to solve a 2 digit subtraction problem with borrowing has dropped from 36.3% in 2010 to 29.9% in 2011.

NCERT conducts National Learners’ Achievement Survey for classes III, V and VIII periodically. Till now, two rounds of Achievement Surveys have been conducted. A comparative table of the progress in respect of the two rounds is given below. It shows a trend that runs counter to that generated by the ASER findings, including a broad improvement in learning levels. Consequently, the situation on learning outcomes may not be as gloomy as some of the recent media coverage suggests.

Subject	Class III		Class V		Class VIII	
	Round I	Round II	Round I	Round II	Round I	Round II
Mathematics	58.25%	61.89%	46.51%	48.46%	39.17%	42.71%
Language	63.12%	67.84%	58.57%	60.31%	53.86%	56.57%
EVS	NA	NA	50.30%	52.19%	NA	NA
Science	NA	NA	NA	NA	41.30%	42.73%
Social Science	NA	NA	NA	NA	46.19%	48.03%

NA: Not applicable.

The National Achievement Survey (NAS) 2010-11 reveals significant differences in the average achievement levels of students between States. Some difference may be accounted for by contextual factors, but on balance the results suggest that the quality of educational outcomes is far from equal across the country. Inequity of outcomes suggests that, in some States, more able students are receiving support while their less able peers may not be enjoying adequate support. The following trends were observed in class 5 students.

- There was no significant difference between achievement levels in reading, mathematics and environmental studies of boys and girls.
- There was no significant difference in achievement between urban and rural students.
- But students from minority groups, comprising Scheduled Castes, Scheduled Tribes and Other Backward Categories, scored significantly lower than students in the General category.

The trends suggest that students are unable to tackle questions that appear to be a little different from what they typically find in textbooks or in the class. Their ability to apply what they have learnt to new, unfamiliar problems- so important in today's world – is not very high. The results also show that students tend to slot learning into artificial compartments. They may learn something, but are able to answer it only in the same context, in which the learning first occurred.

India ranks 73rd out of 74 countries⁶⁵⁶⁶

If India's performance on PISA is compared to Finland's (referred to earlier), we were ranked second from the bottom (just ahead of Kyrgystan). There have been methodological issues with the study in India and there are questions about its cultural validity. However, this poor performance can be attributed to the fact that India continues to fail to provide a robust universal public education system, continues to hire para-teachers, does not provide space for teacher autonomy, discriminates in terms of funding of its own schools and broadly underfunds its education system. The TN/HP average 15-year-old is over 200 points behind the economic superstars. The average TN/HP child is right at the level of the worst OECD or American students (only 1.5 or 7.5 points ahead). The best TN/HP students are 24 points behind the average American 15 year old. Even among other "developing" nations that make up the BRICS India lags – from Russia by almost as much as the USA and only for Brazil does India even come close – and then not even that close. This is a direct consequence of the continued neglect of the basics in the government and indeed private education systems - for the study did not find any difference between government and private schools in terms of learning outcomes.

Table 1: Comparing Indian (Tamil Nadu and Himachal Pradesh) students mastery of mathematics to economic superstars, current superpowers, and rising superpowers

Country/Region	5 th	mean	95 th	HP+TN average to comparator average	HP+TN average to comparator 5 th percentile	HP+TN best (95 th) to comparator's average	HP+TN best (95 th) to comparator's 95 th
Points TN/HP is behind (-)/ahead(+)							
Economic Superstars							
Singapore	383	562	725	-217.5	-38.5	-99	-262
Hong Kong	390	555	703	-210.5	-45.5	-92	-240
Korea	397	546	699	-201.5	-52.5	-83	-226
Current Superpower							
OECD avg.	343	496	643	-151.5	1.5	-33	-180
USA	337	487	637	-142.5	7.5	-24	-174
Rising Superpowers							
Russia	329	468	609	-123.5	15.5	-5	-146
Brazil	261	386	531	-41.5	83.5	77	-68
Indian States							
Tamil Nadu	241	351	468				
Himachal Pradesh	223	338	458				
Average of TN and HP	232	344.5	463				

Source: PISA 2009 Plus Results, Table B.3.1 for first three columns and author's calculations.

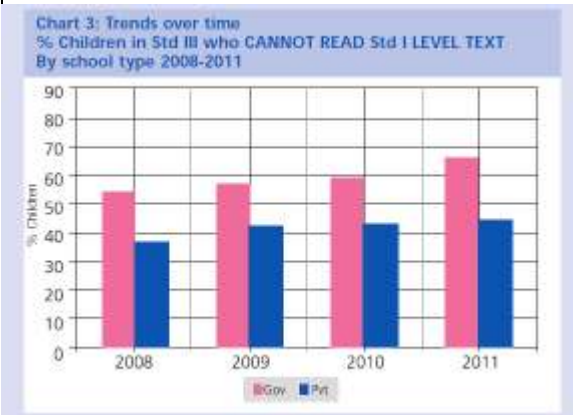
⁶⁵ <http://arvindkumar-ias.blogspot.in/2012/01/indian-ranks-73rd-out-of-74-countries.html>

⁶⁶ India decided to undertake PISA evaluation in 2010. The Ministry of HRD decided that about 16000 children in Tamilnadu and Himachal Pradesh (the two States considered best in the country) would take the examination.

The recent PISA round of student assessment shows that learning levels at age 15 when children pass out of school are consistently low compared to international averages, something that holds true across socio-economic differences. Significantly, it did not find any statistically significant advantages in terms of learning outcomes associated with enrollment in private schools. It is consequently time that the question of quality ceases to be viewed as a dichotomy with well performing private and poorly functioning government schools.

Furthermore, several studies during the preceding years have shown that the categories of government and private are nowhere as monolithic as first impressions may suggest⁶⁷. Besides, the EI-Wipro (2012) study of learning outcomes in India's elite private schools shows that levels of learning in the elite private schools are also below the international average. Thus, it would be imperative to realize that private schools are not uniformly better than government schools and even the best of private schools are not delivering education of an acceptable standard compared to even the average levels internationally.

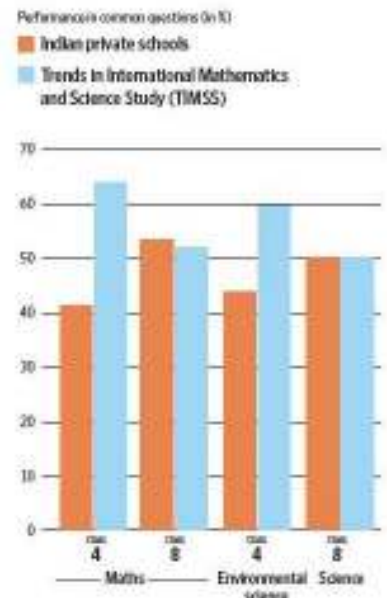
Pratham ASER 2012



Quality Education Study, 2011 undertaken by EI- Wipro^{68 69}

Performance of India's top schools is below the international average. Learning in class 4 is below the international average. Students perform at par with international average in class 8, mainly due to their higher achievement in procedural questions (i.e., questions that require straightforward use of techniques or learnt procedures to arrive at the answers). However, finding that India's best is merely international average is surely not enough either.

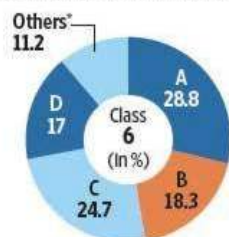
Students exhibit rote learning. Misconceptions acquired in lower classes without any correction in their learning. Indeed, the study found a decline in the learning levels experienced from the first round of the study undertaken in 2006.



BAD NEWS: Nearly three in four believe the rights of minorities should be restricted

Choice

- A. Anyone can live freely in my state
- B. They can live in my state, but should not be given jobs
- C. Anyone can live in my state, but must follow our traditions
- D. It is better they stay in their own state



There are also questions about the social sensitivity of the students. About 40-43% of students in classes 4, 6 and 8 felt that education for a girl is not as important as responsibility towards the family; if a choice has to

⁶⁷ Eg. Chudgar, A (2012) Variation in Private School Performance: The importance of Village Context. EPW, Vol XLVII Vol 11, pgs 52-59. Available on <http://www.epw.in/epw/uploads/articles/17236.pdf>

⁶⁸ http://www.wiproapplyingthoughtinschools.com/sites/default/files/Wipro%20-%20EI%20Quality%20Education%20Study%20-%20Executive_Summary.pdf

⁶⁹ <http://www.livemint.com/2011/12/13005218/A-cause-for-concern.html>

be made between a boy or girl child in providing education, boys are to be preferred over girls. Some of them also felt that in the long run, educating a girl is a waste of resources. About 15-20% of students in Class 4 and 8 believe that abilities are determined by gender. About 15% of class 8 students believe that females are more likely to be burdensome to their parents. The results show deep rooted bias against the girl child even in students from families which probably belong to the educated and higher socio-economic strata of the society. Furthermore, majority (70-80%) of students across different classes think of children with disability as either burdensome, unhappy or not able to do well in studies.

There is a need for a fundamental rethink of how we do education. It is time that the system went back to basics and ensured the minimum essential prerequisites of a quality education system. The low learning outcomes in India are a manifestation of the historic neglect of education in India that is manifest across the divide of government and public schools and require a pan national movement in its support. A calm reflection into the causes of the problems is the need of the hour and concrete steps must be taken to deal with the consequences of this historic neglect. Knee jerk responses to deal with this “crisis” must be avoided. The subsequent chapters would look at some of the recommendations and way forward that emerge from the report.

Recommendations

- Benchmarks are required to measure quality. Indicators for measuring inputs, processes, outputs and outcomes should be clearly defined.
- Systems for tracking children’s attendance and subsequent steps to ensure retention are essential. CTSs on the line of Rajasthan to generate authentic figures of out-of-school children in all States. Timely school level action to address child’s declining attendance (often a reflection of poor quality or inadequate support from the school) to ensure universal retention.
- A common framework for special training is needed to get all children into school and to ensure their retention. The current track record of delivery is poor and needs to be up-scaled to a level commensurate to the total population out-of-school. Effective mechanisms for reintegration of children after special training, including support within the school are required.
- Increase budget allocation to make infrastructure and other facilities available in all schools to make them RTE norms compliant. Special attention and sensitivity is required for ensuring the norms are met in former EGS Centres, Tribal Ashrams and areas with high proportion of marginalized communities.
- Timely availability of adequate TLMs, including textbooks at the beginning of the academic year in all schools. A buffer stock of books forming a book bank is essential to facilitate distribution of materials to late admissions. Appropriateness of textbooks and TLM should be ascertained while developing and procuring materials as per grade and age of children.
- Decentralization of governance and community participation are essentials for quality. The process for defining quality should ensure inclusion of all stakeholders and the community.
- Issue of quality cannot be seen in isolation from the issues of teachers including the issues of wage, working conditions, training and other issues. Teachers’ training needs to be contextualized to the need of the teachers and the specific groups of learners requiring attention (for example, marginalized communities, out-of-school and Special Needs children).
- The Act makes provision for no retention, but the practice of Continuous and Comprehensive Evaluation (CCE) has not been put into place. Consequently, there is currently no mechanism of tracking student progress, addressing learning needs and applying mid course correction if learning is not happening. This has a deleterious effect on quality.
- Private provisioning of schools is also not a solution. Government schools may not be delivering quality education, but neither are the private schools. Consequently, the issue of quality needs to be taken beyond the divisions of government vs private, but rather seen as a cross cutting issue for both systems. School vouchers are not a solution either - they don’t ensure quality, and have the added disadvantage of negatively affecting equity in a country as diverse and unequal like India.
- Need to redefine and set of standards for quality by civil society and community. This process needs to bring together a range of stakeholders and culminate in a movement to demand quality education.

- Systems of monitoring and supporting quality are necessary. This needs to go beyond complying with a few checklist items.
- Quality education should begin at the pre-school level and maintained till the secondary level.
- Awareness of Constitutional values needs to be part of quality.
- Awareness of the Act is low, needs to be increased through advocacy and communication.

IV. Role of the Community

The RTE Act and previous legislations have spoken about the role of the parents, community, local self governance system and broader civil society in holding the State to account for delivery. Actualizing this vision would, however, entail action at a number of levels including work with the broader community, the legally mandated structures for community participation under RTE - the SMCs - and the broader spaces for community participation including structures formed under the 73rd and 74th Constitutional Amendments.

Broadly speaking, there was an up-scaling of the efforts towards building awareness among the community by the government from the previous year. One development was the launch of the Shiksha Ka Haq Abhiyan (SKHA) and the issuance of letters from the Prime Minister to every school in the country on the question of RTE. Special Gram Sabhas on RTE were held in some States. However, in States like Odisha, the Gram Sabha was scheduled at a time when there was little awareness of the Act's provisions among the persons transacting the same. Advertisements in newspapers were brought out on RTE in TN and Gujarat. However, efforts were at best sporadic in the majority of States. The principal space for community orientation was through the training of the SMCs.

The focus in the context of the RTE Act has been on the formation of SMCs (the school based statutory structures under RTE) that have been formed in a number of States during the preceding year. The intent behind the same was to empower parents to take charge of their own children's schools and set the agenda for delivery. However, largely the formation has not always conformed to the framework laid down under the Act, with the process being of selection by teachers, than an election by parents. SMCs have been formed by order in UP during a week long period usually without any democratic process. In Odisha, the circular for formation of SMCs was issued on 11.1.2011 with an instruction to complete the process by 10th June 2011, but the teachers were largely unaware of the Act's provisions. In contrast, the rules in Bihar have gone to the other

Some glimpses of Status of Implementation in Jharkhand 2011: LEADS-Oxfam India Study- 16 Districts, 16 Blocks, 10 schools in each.

- 71% teachers unaware of provisions of RTE Act.
- SMCs were formed in 99% of the schools visited, but were not functional.
- 54% SMCs have heard about RTE. Over 90% are not aware of the specific provisions.
- 95% SMC members were unaware of the fact that SMC is tasked with monitoring of the utilization of the school funds. 91% were unaware of the broad financial role of the SMC. 63% were unaware of the role of the SMC in the formation of the School Development Plans (SDPs).
- Only 33% SMC/VEC members were involved in preparation of annual action plan prepared by teachers
- Only 3% SMCs opened their Bank Accounts till date, but they did not get any grant in the same.
- 81% parents have not heard about SMCs
- 82% SMC Presidents are male.
- 34% SMC members are women. RTE makes provision for 50% women representation.
- 25% schools monitored by BRCs, CRCs, but the frequency of visits were also low.
- 88% schools receive text books very late.
- In 94% schools visited, TLM was kept under lock and key and not shared with students.
- Boundary wall (including both temporary and permanent) present in only 19% schools.

extreme, with SMC members being elected in a manner similar to PRI representatives. Instead, so-called “ad hoc committees” are in place in the State.

In others, turf issues have been created between pre-existing structures for community participation (eg. VECs and SMCs in Jharkhand have co-existed for the last year). 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. One exception to the trend is that of Gujarat that undertook training of SMCs in two phases- a two day orientation in July 2011 and another two day residential training in December. However, the training imparted has been criticized as being too input heavy and its scheduling (in the middle of the weddings and festival season) culturally inappropriate. A one day orientation of PRIs was undertaken as well.⁷⁰ AP also had a process of SMC trainings creating master trainers and then cascading it down wards. Of course all the problems of inadequate number of days, quality of training etc remain.

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 potentially leave teachers as the deciding authority on financial matters. In the old establishment, parents were called to Parent Teacher Meetings in only 67% schools⁷¹.

A critical role expected to be played by the SMC is the development of SDPs. Action in that regard has been initiated in MP, TN, Rajasthan, Chattisgarh, AP, Uttarakhand, Bihar, Jharkhand, and UP. However, large questions remain over the quality of the plans and 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. In most States the Head Teacher of the school has been tasked with its preparation. Gujarat is intending to train SMCs on SDP preparation before the start of the new academic session.

It is important to note that SMCs have to be formed in the Government Aided Schools. It is reported that the process in this regard has been initiated in MP, Gujarat, Uttarakhand and TN, but not Chattisgarh, AP, Kerala and Odisha.

The picture that emerges is that of SMCs have not been capacitated in line with the broad vision of the Act and are broadly unable to act in accordance with the overall potentially revolutionary vision of the legislation. A process of scaffolding of the efforts of the SMCs through enabling efforts by the government would be required if they are to fulfill their true potential. A case in point is Karnataka that has been able to extend this support to its School Development and Management Committees in the pre-RTE regime. Similar processes would be required in other places as well.

Unfortunately, while the focus has entirely gone on the SMCs, the existence and role of the other structures especially the PRI structures under the 73rd and 74th Amendments that are expected to play the role of local authorities under RTE, has been neglected. The special role given to the local structures in the 5th and 6th Schedule Areas has also been set aside in the course of implementation. In addition, West Bengal and MP reportedly held Gram Sabhas where issues pertaining to RTE were discussed. As previously mentioned, 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. Furthermore, the relationship between the SMC and the old PRI based

⁷⁰ <http://www.nceindia.org/wp-content/uploads/2012/01/rti-gujarat.pdf>

⁷¹ Study on Status of Right to Education in Delhi, December 2011 undertaken by Swati Project, a Unit of the Rajiv Neelu Kachwaha Public Charitable Trust.

structures has not been clearly thought through in some places. Thus in UP, the first point of complaint and grievance redressal has been made to VEC Secretary as per the State Rules. The monitoring function lies with SMC. In the absence of a clearly delineated relationship between the two, this can lead to conflict.

Furthermore, the discussion on the role of PRIs tends to be restricted to the role of the lowest level of the PRI structures. 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 like Delhi, requires special attention.

Recommendations

- While SMCs have been formed in several states, they have often been constituted only on paper. The challenge is to activate them, provide hand-holding, make their functioning democratic and transparent and define their roles. Linkage with the PRIs is also crucial. At the same time, the government also needs to let go of the SMC and enable it to take control.
- While government reports state that SMC trainings are being undertaken, the reality is that not much is happening on the ground. The process of training needs to be overhauled and the budgetary allocation for the same to be enhanced.
- Teachers are often not cooperating with the SMCs. There are good models of taking them along (eg Karnataka) that can be replicated elsewhere.
- Beyond the SMC, there is a need for community participation at large. The functioning of the SMCs also cannot be separated from the other issues in the community like the prevailing insurgency in a state, the prevalence of child labour, broad protection and safety issues etc.
- Specific guidelines are required for the implementation of the SMC focusing on the operational aspects. Furthermore, given the issues of grievance redressal currently largely resting on the SMC and the SCPCR, the mechanisms of their linkage is critical.
- Role of pre-existing PRI structures (eg the VECs) need to be revised after the implementation of the Act. The specificities of the roles of these structures in the 5th and 6th Schedule areas also require attention. The understanding of the PRIs that are expected to play the role of Local Authorities for several issues also needs to be built.
- The roll out of SMCs in government aided schools needs to be expedited and necessary operational guidelines for the same issued.

V. Schools in the Private Sector

The proportion of private schools including private aided schools at primary level increased from 9.1 per cent to 14.2 per cent between 2001-02 and 2009-10, at upper primary level from 23.6 per cent to 26.9 per cent, and at secondary level from 56.5 per cent to 60.0 per cent during the same period.⁷² According to ASER, private school enrollment was 25.6% in 2011. Kerala and Manipur have more than 60% children enrolled in private schools. The figure is on the rise, with TN and UP reporting significant increases.

The quantitative increase brings the focus on issues of provisioning in these schools both in terms of quality and equity. The Act has mandated that all private schools have to attain the minimum standard of quality within a three year period and obtain recognition in a time bound manner which has still not taken place in a number of States. For example, the Education Minister of Bihar has been

⁷² Lok Sabha Starred Question Number 25 Answered on 14/3/12

quoted in the media that private school owners would not be “harassed”. The process of registration is, however, underway albeit slowly with the deadline extended twice. In contrast, other States have moved ahead. Rajasthan amended the Rajasthan Private Educational Institution Act 1993 and Rajasthan Private Educational Institutions Rule 1993 and appointed a State level committee to decide per unit cost for reimbursement to private schools. Meetings have been held by District Education Officers to create awareness among the private institution and to give admission as per sec. 12(i) c of RTE Act and private institutions have been directed to and declare admission policy for 2012-13. Steps have also been taken towards fees regulation through issuance of circulars or passage of State Acts has been undertaken in TN, Maharashtra and MP.

Another critical provision is that of reservation for children from marginalized communities in private schools. This provision, popularly referred to as the 25% reservation in private schools, has been vociferously opposed by the private school managements (and indeed often the middle class parents). The private schools had moved the Supreme Court to oppose the reservation in specific and RTE in particular stating that it would interfere with their right to business. The Court first refused to grant a stay to this provision. The Supreme Court subsequently 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. Opponents of the private school position have suggested 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 also ignores the ample evidence (including from the Government’s Comptroller and Auditor General’s reports) that indicate that the financial irregularities take place to hide the true profit margins. Broadly speaking, a rational transparent system of regulation of the private sector would be a critical issue for ensuring quality and equitable education for all children. This would help to both ensure accountability of private providers and facilitate their functioning by minimizing the scope of corruption in places where such spaces exist.

A critical question regarding the reservation is the question of reimbursement. While approving the 13th Finance Commission award for elementary education sector to States, it has been stipulated that State will increase their elementary sector outlay by 8% annually. The additional expenditure arising out of admission of 25% students from disadvantaged groups and weaker sections can be met from the 8% annual increase in elementary education outlay.⁷⁴ Several States who seek an earmarked allocation from the Centre oppose this. Consequently, MHRD expressed willingness to pick up the tabs for reimbursement of the costs.⁷⁵

No harassment over right to education: Bihar⁷³

Patna, Feb 18 (IANS)

Published on 19 Feb. 2012 12:19 AM IST

Bihar Education Minister P.K. Shahi on Saturday announced here that government will not harass or force private schools to follow the rules of the right to education law. “I can assure that the government will not implement RTE (Right of Children to Free and Compulsory Education Act) in Bihar and will not force private schools to follow rules under it,” Shahi said at a function organised by private school owners here. He told private school owners not to be afraid of the law because it will not be implemented in the near future, Shahi said. Last year, state government invoked the act, stating that all private schools will have to enroll with the government.

⁷³ <http://www.nagalandpost.com/ChannelNews/National/NationalNews.aspx?news=TkVXUzEwMDAxMzg1OQ%3D%3D-ufQ7IDuzlw%3D>

⁷⁴ Rajya Sabha Question Number 2735 answered on 16.12.2011

⁷⁵ <http://www.hindustantimes.com/India-news/NewDelhi/Govt-to-pick-tab-for-poor-schoolkids/Article1-797681.aspx>

Another issue pertaining to the private sector is that of the regulation of the private providers. In a potentially far-reaching judgment, the Supreme Court has asked the Himachal Pradesh Government to prescribe the salary structure for the teachers of unaided, recognised private schools at the earliest under the RTE Act, keeping in mind Article 39(d) of the Constitution that stipulates equal pay for equal work⁷⁶. This could provide a framework of bringing about equivalent of working conditions in both systems of education.

Recommendations

- Issues of privatization of education and engagement with the private sector should be viewed in the larger frame of globalization. The share of private schools is growing and middle class is exiting from the government system. The education movement needs to address these issues and try to build a bridge to the middle class. There are also issues of increased fees and teachers' salaries in private schools that are the possible starting points for engagement. Studies like the EI report that highlights the lack of quality in the elite private schools makes the task of ensuring quality a common concern of parents of children that go to both government and private school.
- The private sector is finding ingenious ways to defeat the Act, which needs to be tackled. Protection systems wherein people can complaint against private schools are lacking. A strong comprehensive mechanism for the regulation of the private education sector is required.
- Roll out of the provisions pertaining to regulation of the private schools under RTE have been slow and the governments have been reluctant to intervene in the affairs of private schools. Issues of recognition of private schools, the formation of SMCs and the regulation of fees have been making slow progress.
- The political and bureaucratic systems operate in a kind of nexus to weaken the government school system and bring in the private sector. Doing so ignores historic precedent and the past failures of private providers. Engagement with stakeholders, both administrative and political, is required on these issues.
- Parents and teachers need to unite to ensure good quality education. A common school system is the goal for which mobilization and engagement with the system is necessary.
- Entry into PPPs is not a solution for strengthening the governance system and delivering quality and equity in schools. A robust framework for the regulation of the existing PPPs needs to be brought into place.

B. The Year that Was: Some Changes in Policy

The preceding year witnessed the adoption of the revised SSA Framework that seeks to make SSA conform with the provisions of the Act. This has included, among others, an upward revision of budgetary norms on a number of issues, a realignment of the structures (eg. role of the State Education Department and SSA personnel) and a relatively greater focus on the issues of inclusion. However, while the provisions under the new Frame are commendable, the document has not really been disseminated, especially to the lower and middle rungs of the administration. This creates the anomalous situation where the people expected to implement its provisions are largely unaware of them. This lack of effort towards dissemination and awareness building within the education departments may contribute to the slow progress referred to earlier. Another reflection of this is the lack of notification of several key aspects under the Act in several states.

A positive step that would be attempted in the coming year is the “Shiksha Ka Haq Abhiyan” a community campaign initiated by the MHRD to build awareness about the Act's existence and provisions. It fills a major programmatic gap experienced over the last two years. However, it would be essential to see how this would be effective as the administration has to act upon the responses generated through awareness building. With activities taking place from the national to the village level, the core component of the campaign will be the development of a team of volunteers who will

⁷⁶ <http://www.tribuneindia.com/2011/20110813/himachal.htm>

visit every school in the country spreading awareness about RTE and helping schools and SMC to become RTE compliant. The success of the campaign depends not only on the efforts of governments at all levels, but also the strong central role that civil society must play to achieve the RTE roadmap.

A series of far reaching processes have been initiated in 2011 such as the pronouncement of the beginning of the processes leading to the development of a new Education Policy, the concretizing of the plans to extend a legal right to education to secondary level through the formation of a CABE committee to look into the modalities⁷⁷. The debate about the extension of the right to pre-primary education had also intensified. The Central Advisory Board of Education (CABE) in its 58th Meeting held on 7th June, 2011 had recommended the extension of the RTE Act to the secondary stage of education. The Government has constituted a CABE Committee under the chairpersonship of Dr. D. Purandeswari, Minister of State for Human Resource Development to formulate the draft legislation and estimate the requirement of funds for extension of the RTE Act to the secondary level.⁷⁸ At the same time, consideration is also being given to the extension of RTE downwards to ages 4-5 after inputs from the NAC. Lastly, plans to draft a new Education Policy have also been announced⁷⁹.

A critical area of concern this year is the proposal floated for a set of amendments to make the right to home based schooling to be extended to children with disability. An Amendment in this regard is under consideration in the Ministry⁸⁰ (since passed). The proposal ignores the prevailing policy that sees home based education was initiated by the SSA as a “pathway to Inclusion” and appears to see some children (children with severe and multiple disabilities) are not “educable” within the existing system of education. This 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. A child does not choose to be severely impaired or have HIV, or to work or live on the streets. Children with disabilities including children with very high support needs are equal holders of this fundamental right and instead of the school, the home should not be offered as a legitimate, alternative option for the education.

The government has proposed to bring a National Mission on Teachers' Education in the 12th Five Year Plan⁸¹. The Mission is aimed to impart high quality training to teachers to improve teaching standards in the country. This, it is hoped, would help to resolve some of the historic problems affecting teacher quality in the country.

The processes pertaining to the roadmap for the 12th Five year Plan were also undertaken this year. The Draft Approach Paper made several alarming recommendations that were indicative of pushing for a greater role of the private sector in the education system, including in the realm of school education. Overall, continued failure on the part of the State to resolve core issues pertaining to quality has led to an argument in favour of enhanced privatization of education. This has taken diverse forms including opening of new fully private schools, gradual migration of student population to private schools and handing over of government schools to the private sector as PPPs. This is a concern since this is a reflection of the failure of the State to provide quality education to India's citizens, forcing a poor population to resort to paying for private schooling. Education in private sector is not free (5 times more expensive than government schooling at primary level-

⁷⁷ <http://pib.nic.in/newsite/erelease.aspx?relid=72555>

⁷⁸ Lok Sabha Unstarred Question No. 237 answered on 14/3/2012

⁷⁹ Lok Sabha Unstarred Question No. 4492 answered on 21/12/12

⁸⁰ http://articles.economicstimes.indiatimes.com/2012-03-14/news/31169160_1_RTE-provisions-open-schooling-RTE-act

⁸¹ http://www.newzfirst.com/web/guest/full-story/-/asset_publisher/Qd8I/content/govt-proposes-to-bring-national-mission-on-teachers%E2%80%99-education-in-12th-five-year-plan?redirect=%2Fweb%2Fguest%2Fhome

PROBE Revisited, CORD, 2011), has a fairly poor track record of equity (ibid) and is to a large extent unregulated. The myth of higher standards of quality in the private sector is also broken by the quality of findings of the EI-Wipro Study referred to earlier. Overall, there is a need for stronger regulation of the existing private schools and a need to stem the bleeding of quality in the government provisions.

CHAPTER III

ISSUES OF INCLUSION IN RTE

The Right to Free and Compulsory Education Act, 2009 has defined children belonging to disadvantaged groups and children belonging to weaker sections who eventually get marginalized as being “the SC, ST, socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender, or such other factor as may be specified by the appropriate Government by notification.” These are entitled to specific inputs to compensate for historic neglect. It provides a platform to ensure every child’s right to a quality elementary education with specific provisions for disadvantaged groups. The GoI and State governments, with the help of families and communities, now have a legal obligation to provide what is needed to effectively implement the Act for children in India.

While RTE lays down a universalist frame, prohibiting discrimination against persons from specific marginalized communities, large sections of India’s young population continues to be discriminated in terms of the opportunities, resources, respect and recognition due to their belonging to certain caste, class, religion or tribe. Indeed, India continues to fail to ratify the International Convention on Discrimination in Education that has been in force since 1962. The present chapter highlights the description and issues related to children from specific marginalized groups.

1. Broader Institutional Inequality and Exclusion in the Education System

India’s educational system is extremely unequal. There are gross inequalities in the quality of provisioning. A different level of quality is accessible to children from financially better off families than that accessible to the poor - in short good for the better off, poor for the poor. This unequal and discriminatory playing field is a reflection of inequality in society and provides the terrain on which children from marginalized communities are expected to compete and achieve a high standard of educational quality.

However, at the same time education is also one of the most powerful tools for social mobility and social change. The present section is intended to reiterate the facts that while each social group have specific barriers that prevent its educational progress, some of the problems are cross-cutting and lie in the inherent acceptance of social inequality in a society that continues to accept substandard provisioning for the poor. Areas with Dalit and Tribal populations suffer from the historic legacy of being the areas with the highest number of EGCs. These are the schools with the highest numbers of para-teachers and poorest infrastructure which are lagging against RTE norms at present. Similarly, the perceived decline in the standards of quality in government schools can also partially be attributed to middle class flight from government schools as persons from poor families and Dalits started sending their children to these schools.

Against this background, a universal system of public education of equitable quality with all neighborhood schools of an acceptable standard of quality should be the eventual goal to ensure equitable quality for all children, irrespective of caste, class and gender. Incidentally, this is also a principle reinforced by the Supreme Court verdict in the TN uniform curriculum case⁸².

⁸² <http://www.legalindia.in/supreme-court-approves-common-curriculum-for-tamil-nadu-schools>

2. Children from Marginalized Communities

Updated information on the progress made during the preceding year in terms of the education of children from specific marginalized communities - Dalits, Tribals and Muslims in government schools is not available - an issue of concern its own right. Consequently, the section relies on data that falls just outside the reporting year. There is no reason to assume that situation would have changed drastically during the preceding year.

Muslim Children

According to the Sacchar Committee Report, 96 % of the school going Muslim children between 7-16 years age group are enrolled in formal schools - government and private schools. Only 4% children attend Madrassas.

As in 2009-10, the last year for which data is available, the enrollment of Muslims in Elementary Education was comparable to their share in the population across the country on average. However, enrollment falls drastically from PS to UPS, especially in States like Bihar, Gujarat, Haryana, Jharkhand, Rajasthan and UP. (Primary Schooling: 13.48% compared to 13.43%, 11.89% for UPS. This has seen improvement over the last few years, but the pace has not been enough to catch up with the historic neglect.

The Muslim social group has the largest number of never-enrolled and drop-out children. The greatest gap seems to be in the most populous state of UP. It is also significant that the share of Muslim boys' enrollment is less at the UPS level as compared to the PS level. This goes against the traditional image of a society that is reluctant to send their girls to school.

Much of the focus during the preceding year has been on the issue of the functioning of Madrassas. There has been great apprehension amongst clerics and Muslims running educational institutions especially Maktabas and Madrasas who perceive Right to Education Act as violation of the right to set up minority institutions under Article 29⁸³ and 30⁸⁴ of the Constitution. Other concerns raised by the

Muslims Population Share: 13. 43%: Enrollment at PS: 9.39; UPS: 7.52			
States	Muslim Population Census 2001	Primary	Upper Primary
A & N	8.22	4.29	3.01
Bihar	16.53	8.95	6.6
Delhi	11.72	5.4	7.36
Gujarat	9.06	4.11	4.25
Haryana	5.78	0.55	0.41
Jharkhand	13.85	7.29	6.3
Kerala	24.7	10.13	9.59
MP	6.37	2.3	2.3
Maharashtra	10.6	7.94	5.83
Rajasthan	8.47	2.3	1.38
Tamil Nadu	5.56	3.82	3.95
Uttar Pradesh	18.5	9.24	7.18
Uttarakhand	11.92	0.31	0.2

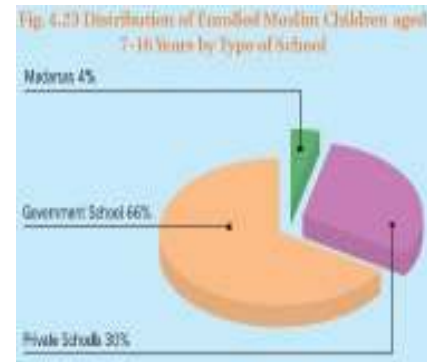
Source:
[http://ssa.nic.in/page_portletlinks?foldername=planning; AWP & B 2008-09 : Priority Areas under SSA 5-6 February 2008 \(Power Point Presentation\)](http://ssa.nic.in/page_portletlinks?foldername=planning;AWP & B 2008-09 : Priority Areas under SSA 5-6 February 2008 (Power Point Presentation) cited in Task Group on Educaton of Muslim Children, Subgroup on Elementary Education and Literacy, 12th Five Year Plan) cited in Task Group on Educaton of Muslim Children, Subgroup on Elementary Education and Literacy, 12th Five Year Plan

⁸³ **Article 29. Protection of interests of minorities** (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them

⁸⁴ **Article 30. Right of minorities to establish and administer educational institutions** (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice (1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause

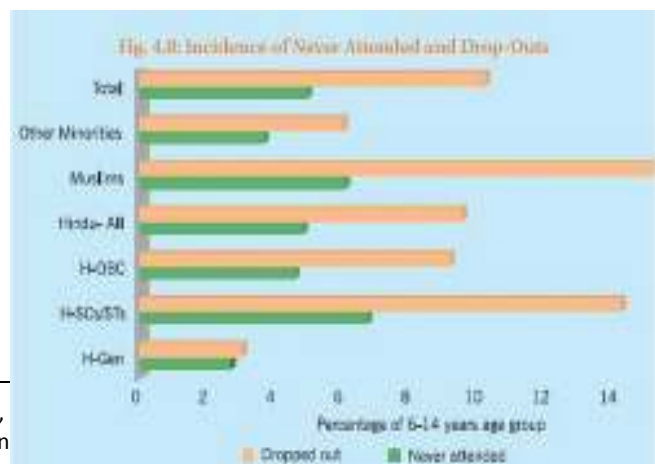
Minority representative organizations such as All India Muslim Personal Law Board (AIMPLB)⁸⁵ include provision of SMCs, imposition of 25% quota and time bound compliance to RTE standards and norms. The Department of School education and Literacy under MHRD, GoI, had issued a guideline as early as on 23rd November, 2010 regarding RTE applicability to minority institutions, the RTE Amendment Bill, 2010 seeks to ensure that the SMC performs only an advisory role in institutions established by minorities.

Some of the debate would hopefully have been temporarily laid to rest with the amendments in the Act excluding Madrassas from RTE and redefining the role of the SMC as being advisory in all government aided schools and the Supreme Court verdict wherein children from minority unaided institutions are exempt from RTE provisions. It is, however, unfortunate that a blanket exemption has been granted, instead of freeing these institutions from provisions like 25% reservations for underprivileged children. There is no real reason why a child in a Madrassa should not be protected from corporal punishment or not have access to a separate toilet for girls as any other child in India is entitled.



AIMPLB in its meeting held in July 2011 at Lucknow passed a resolution opposing RTE stating that it would take away the rights of the minority institutions to offer religious education and mother tongue learning. The board has demanded that the Madrasas and minority institutions should be exempted from the RTE Act 2009. In its meeting held at New Delhi in November 2011, the Board has declared that it will start an agitation in the country to create a momentum on these demands. The campaigning by the Board towards exclusion of minority educational institutions gained momentum during recent assembly elections in UP, Uttarakhand and Punjab and exerted enough political pressure to make ruling coalition leaders and Central Minister like Digvijay Singh and Kapil Sibal⁸⁶ give assurance to the Board that the RTE Amendment Bill which has been introduced in Parliament will be passed in the next session. Besides Samajwadi Party leader Mulayam Singh Yadav has also given assurance to support their demand. In fact an interesting and unexpected alliance has emerged bringing together organization like AIMPLB, right wing controlled Vedic schools and private schools on common platform in Uttar Pradesh under the banner of "Shiksha Sangharsh Sanyukt Morcha".

Another major issue is the language of instruction. While the question of Urdu medium instruction is not specifically a Muslim question (with the language emerging as a syncretic tongue), it is certainly one that impacts the educational status of Muslims. There appears to be a shortage of Urdu teachers and textbooks, making it extremely difficult for children whose medium of instruction is Urdu.



(2) The state shall not, in granting aid to educational institutions, that it is under the management of a minority, whether based on

⁸⁵ The **All India Muslim Personal Law Board** is an organization constituted in 1973 to adopt suitable strategies for the protection and continued applicability of Muslim Personal Law in India, most importantly, The Muslim Personal Law (Shariat) Application Act of 1937, providing for the application of the Islamic Law Code of Shariat to Muslims in India in personal affairs. The Board presents itself as the leading body of Muslim opinion in India.

⁸⁶ http://www.ummid.com/news/2010/July/26.07.2010/kapil_sibal_on_RTE.htm

Despite all the above odds, opposition and challenges some significant positive steps and advocacy efforts made by government and civil society towards inclusion and accessibility of Muslim children to mainstream education over the past one year include-

- Scheme of Infra-structure Development in Minority institutions has been operationalised to augment infrastructure in private aided/unaided minority schools/institutions in order to enhance quality of education of minorities. A provision of Rs. 25.75 cr. was made for the year 2010-11. An amount of Rs. 22.98 crores (89.24%) was released for assisting 124 Institutions in 10 States.
- Scheme for Providing Quality Education for Madrassas to bring about qualitative improvement in Madrasas to enable Muslim children to attain standards of the national education in formal education subjects. An amount of Rs. 104.00 crore was earmarked for the year 2010-11. An amount of Rs. 101.47 cr. was released for assisting 11,382 teachers in 5,054 Madrasas in 12 States.
- Dialogue with members of AIMPLB, representatives of minority institutions, prominent Muslim intelligentsia and academics by State Collective for Right to Education in Uttar Pradesh and civil society organizations in other parts of the country.
- Advisory on implementation of the provisions of section 29 of the RTE Act emphasizing on using the mother tongue as the medium of instruction [MHRD, 31st January 2012]
- The Prime Minister's 15 Point Programme for the Welfare of Minorities continues to lag behind its targets. In 2010-11, only 66% of the annual target for setting up of PS, 71% for UPS, 64% for sanctioned teachers and 71.5% of the targets for additional classrooms were met.
- An issue of continued concern is the tendency towards saffronization of the curriculum in a few states. Two prominent examples from the previous year are given below. Classroom environment and curriculum is not always amenable for the education of children from religious minorities.

Must read for Madhya Pradesh students — an RSS magazine⁸⁷

Bhopal, Wed Aug 24 2011, 03:11 hrs

The students of government-run primary schools in Madhya Pradesh are now compulsorily reading what their counterparts in the RSS-run Saraswati Shishu Mandirs have been doing for a long time. The first copies of Devputra, a children's magazine published by Indore-based Saraswati Bal Kalyan Nyas, have reached over 83,400 primary schools across the state. The Hindi monthly, which boasts of a circulation of 1.3 lakh, has devoted a special issue to RSS ideologue M S Golwalkar in the past. Senior RSS functionary Krishna Kumar Ashthana heads the trust that brings out the magazine.

The magazine will cost the exchequer Rs 1.5 crore. The School Education department had last week issued a circular to Block Resource Coordinators asking them to ensure prompt delivery to schools. The periodical will register a quantum jump in its circulation with each of the government primary schools getting two copies. When the BJP government mooted the proposal last year, officials in the Education department had raised concerns as a major chunk of funds under the SSA to get children to read books was being diverted towards paying annual subscription of Devputra.

Read Gita in school or leave India: Karnataka education minister⁸⁸

ANI Jul 20, 2011, 04.04pm IST

KOLAR: Karnataka education minister Vishweshwar Hegde Kageri has said that it the duty of every Indian to respect sacred Hindu text, Bhagavad Gita, else they should leave the country. "The Bhagavad Gita is like the Sun. I think that

⁸⁷ <http://www.indianexpress.com/news/Must-read-for-Madhya-Pradesh-students---an-RSS-magazine/836218/>

⁸⁸ http://articles.timesofindia.indiatimes.com/2011-07-20/india/29794333_1_bhagavad-gita-bhagavad-gita-vishweshwar-hegde-kageri

it is the duty of every Indian to respect the Bhagvad Gita like they respect other elements surrounding them. I strongly feel that if someone does not respect it, they have no place in India. They should leave the country and settle abroad," said Kageri.

Some suggestions and next steps

- Desegregated data identifying school drop-out and out-of-school Muslim children should be collected and published.
- Adequate representation of Muslims in the National & State level Councils, Commission and other bodies including SMCs constituted under the Act.
- All the guidelines, communication and awareness materials pertaining to the Act by government and civil society organizations must be published and disseminated in Urdu language.
- Prejudice and Discrimination that Muslim children often face in schools needs to be addressed. Mechanisms for redressal on these issues are needed.
- Strengthening of Urdu Medium Schools is required. This needs to be done to ensure textbooks are available in Urdu, CCE/assessments are undertaken in their mother tongue and avenue for UPS and Secondary Education are not blocked.
- Review of textbooks for ensuring sensitivity of Muslim culture.

While we must understand that it is Madrassas and Maktabs where children from the poorest Muslim families are enrolled to fulfill their educational aspiration, more attention is needed to improve physical and human resources towards the 96% Muslim children enrolled in government & private educational institutions.

Dalit Children

The RTE Act recognises Dalit children as children from 'Disadvantaged Groups' thereby acknowledging both historical caste based untouchability and discrimination and current social exclusion practices they are subjected to in education. GER of Dalit children at primary level has crossed 100%; recent school data reflects that 20% of children enrolled in the primary level come from Dalit communities, while their population percent is about 16% (DISE 2009-10) reflecting greater availability of schools and increased parental awareness and commitment to education.

However, various studies and personal stories report that their experience in schools is punctured by humiliation, abuse, violence and neglect by teachers and other children. Not surprisingly, the percent of out-of-school Dalit children in the 6-14 years age category stands at 5.9% compared to 4.2% for all children, with states like UP, Bihar, Rajasthan and West Bengal having high Dalit population accounting for 72% of all Out-of-School Children (IMRD, 2009). The 14th JRM of SSA report was that Dalit and other marginalized children are over represented among those who attend school irregularly and usually have lower learning levels. The National Learning Achievement Survey 2010, conducted by NCERT showed that SC and ST children continue to perform poorly in all subjects: language, mathematics and EVS.

Recommendation

- i. Policies and strategies to promote better retention and learning outcomes for Dalit children need to be based on the tripod of quality, equity and social inclusion within an overarching frame of social justice. The Act must define and take into its ambit all categories of marginalized children and make provisions for them. Discriminated children should get priority rights to education.
- ii. Ensure RTE norms and better coordination between social welfare and human resource departments that run schools/hostels for Dalit children.
- iii. Incorporation of caste based discrimination and untouchability practices under the grievance redressal mechanisms.
- iv. Provide high quality residential schooling facilities for children particularly at UPS levels.
- v. The budget allocation and utilization under Scheduled Caste Sub Plan (SCSP) to be used as per the mandated objectives of providing additional support to overcome inequalities between Dalit children and others.

- vi. Undertake a study of the adequacy and implementation of scholarships, other special provisions to ensure free and compulsory education.
- vii. Additional research on caste based discrimination and untouchability practices needs to be conducted. The provisions of equity funds under RTE and the Scheduled Caste Special Component Plan (SCSCP) budget can be better employed to reduce inequalities and overcome the specific disabilities faced by them.
- viii. Confront teacher, children and dominant caste attitudes and behaviour in teachers' trainings, setting desirable norms for class-room behaviour, and massive public education against caste biased practices.

Tribal Children

There are more than six hundred Adivasi/ Tribal communities in India. A total of 75 districts records more than 50% Adivasi population, while 41 of these districts are in North Eastern region of India. Education of Primitive Tribal Groups (PTGs) tends to be ignored.

1. In 2011-12, Budget Estimate for the SSA is 21,000 crore. Out of which, 4,200 crore for SC children and 2,247 crore for ST children have been earmarked in the budget.
2. Efforts ranging from undertaking curricular reform to content-specific interventions are undertaken to ensure that there is no discrimination. Following are the some initiatives taken up by the States to address issues of language:
 - a. Initiatives for promoting multi-lingual education for tribal children by starting with the children's mother tongue and slowly moving to the State's official language and English. Several states have introduced pilots for introducing multilingual education in tribal areas. Thus, in Odisha the pilot programme covers 544 schools. The tribal language is eventually intended to be taught as a subject till High School level as a way of maintaining a link to the tribal language. While materials have been developed in tribal languages, these often fail to reach the intended population, or do so late.
 - b. Development of textual materials/primers in children's mother tongue based on their experience and culture for use in classroom.
 - c. Orientation of teachers (mostly non tribal teachers) on attitudinal issues and specific technical issues. Development of specific modules for training of teachers in tribal areas (AP, Gujarat, Odisha). Some other States organize 2-3 days special capsule for teachers teaching in tribal areas within the annual general teacher training module.

Tribal languages: 90 teachers appointed⁸⁹

[Express News Service](#)

Last Updated : 19 Dec 2011 12:22:56 PM IST

BHUBANESWAR: The State Government has imparted training to 200 teachers by the Tribal Regional and Culture Academy in residential sevashrams in eight districts during the last two years for teaching regional tribal languages. While 25 teachers have been trained to teach Kui language in tribal schools of Kandhamal district, 27 teachers will teach Koya language in Malkangiri district. Training has also been imparted to 23 teachers each in Desia and Saura languages for Koraput and Gajapati districts respectively. Similarly, 27 teachers have been trained in Ho language while 24 have been given training in Mundari language. Ho and Mundari languages will be taught in tribal schools of Koraput and Sundargarh districts respectively. Official sources said 90 teachers had been appointed on contract basis in eight tribal-dominated districts. Ten more teachers will be appointed soon. The teachers, appointed on contract basis, are getting salary of Rs 3,050 each.

3. Ensuring basic RTE compliance in schools attended by Tribal Students.
 - a. Schools run by the Tribal Department often have lower unit costs and lower standards compared to those run by MHRD. These discrepancies, where such exist, need to be removed.

⁸⁹ <http://expressbuzz.com/states/Odisha/tribal-languages-90-teachers-appointed/344929.html>

- b. Ashram Shalas' quality needs a significant revamp.⁹⁰ In AP, the total student coverage under Ashram Schools in 2008-9 was 1,56,113 for a total population of around 13 lakh tribal students aged 6-14. This implies that each class can absorb only over 17,000 children each year. The available 599 Ashram Schools are, therefore, grossly inadequate if they are to be seen as the vehicle for delivery of elementary education for tribal populations. Furthermore, the environment in these schools is often substandard. Most lack separate dormitories and classrooms double as places for sleep. There is also no provision for either ensuring security or emergency medical care for students. Instances of sexual abuse have also been reported during the reporting period.
4. Issues of tribal education cannot be dissociated from broader issues of the community. One issue is that of displacement. Thus, during a recent study of tribal education in AP & Odisha (Dhaatri, 2012), in Khammam district an entire mandal (Kunavaram) was proposed to be submerged by the Polavaram dam. In Khammam District again, the problem of in-migration of the Gothi Khoya from Chattisgarh due to political disturbance has created a problem of child labour and children out of school. Keonjhar has one of the highest number of child labour and dropout among STs. Sundargarh district is reported to have a high rate of trafficking among ST girls. The educational status of the tribal population is unlikely to change unless the State takes cognizance of and takes action on these larger issues.

Recommendations

- Rationalize functioning of the multiple forms of school provisioning reaching out to Adivasi learners. Schools run by different departments need to conform to the same RTE norms. KGBV norms should be the minimal starting point for costing of the running of residential schools. Provisioning in terms of trained teachers and other facilities need to reach day schools in tribal areas that are disproportionately likely to suffer from the legacy of Education Guarantee Scheme centres and other such provisioning.
- Institutions such as Ashramshalas, Tribal Research Institutes developed are inadequate in their reach, content and functioning.
- Democratic decentralization in the true sense will involve community inputs and ownership.
- Develop a specialized cadre of teachers for Adivasi areas with focus on recruiting representative members from varied Adivasi communities.
- Emphasize improved teacher training (including integrated and multi language abilities, new pedagogies etc.), professionalism, equal pay and career growth opportunities to such teachers. Develop additional teacher education programme/modules including incentives for teachers working in schools in Adivasi areas.

III. Specific Groups of Children Requiring Special Focus

Child Labour

Every child out-of-school is a potential child labourer. Exact statistics for child labour are hard to come by due to the largely invisible nature of labour. India has the highest number of children engaged in work. Estimates of Child Labour vary from 12.6 million according to the 2011 Census to ILO estimate of 44 million. The figures generated by many civil society organisations vary further. Additionally, there are around 75 million children who fall under the category of 'nowhere

⁹⁰ Dhaatri Centre for Women and Children (2012) A Report on the Status of Primary Education of Adivasi Children in Andhra Pradesh and Odisha in the Context of the Right to Education Act 2009 (2012)

children,⁹¹ who neither attend school nor engage in work (NCPCR 2008). Children's work is largely invisible in nature. Though estimates show that, there is a decline in the number of child labourers in the country across all social categories, the issue still remains acute.

The Child Labour (Prohibition and Regulation) Act (CLPRA), 1986 in its current form is not sufficient to address child labour issues. It is widely accepted that CLPRA should be amended to completely ban all forms of child labor for children at least up to 14 years of age. Papers from the NAC⁹² and a Working paper of NCPCR on Abolition of Child Labour released during the preceding year emphasized this argument. Ministries like Women and Child Development, Human Resource and Labour released media reports on the proposal for complete ban of child labour upto 14 years. Ministry of Labour has set up a committee to look at the various provisions in the Amendment in detail in 2011⁹³.

Brick industry has been one of the critical sites of child labour including bonded child labour, one of the hazardous industries for children. The study by ROSA in 2011 of 5 brick kilns in Azargarh district in UP once again confronts us with the realities of gross violation of children's right to education and all other rights. About 20-25 brick kilns are found in a 10sq km area where the study was done. A medium sized brick kiln engages about 95 workers at various levels and tasks and invariably 12-15 child labour are found among them. A study of 207 families across 5 brick kilns reported 260 children in the 6-14 age group in them which was 24% of the members in the families. The families almost completely came from Dalit communities with minor exception. Of the 260 children in the 6-14 years age group in 207 families, 166 were without any education and were labouring in the kilns. In addition, 34 were educated up to 5th standard and 60 upto 8th standard.

(Promotion of Child Rights in Dalit & Marginalised Community in district Azamgarh, UP, by Rural Organisation for Social Advancement, (ROSA) Sansthan, UP, 2011)

Migrant children

It is roughly estimated that around 10-100 million people move annually. Nearly 30% of these migrants are children. Child trafficking is also prevalent. Inter-state migration is also used to procure child labour. There are five categories of migrant children such as children (i) living with families but not engaged in work, (ii) living with families and engaged in work, (iii) not with their families and migrated for work, (iv) not with families who are run away and (v) that are left behind at home while their parents migrate in search of work. All of them are vulnerable in their own way, but children without families and working children are the most at risk of violation of their basic rights including education. Some of the contributing factors include language differences, their seasonal migration between source and destination, and the overall work conditions. Left behind children at the source by parents either alone or in the care of relatives, invariably lose out on education. Migrant workers are often bonded and live in distant, unfamiliar and hostile places, and face neglect and/or exploitation. They lack access to health, food and education.

India is the third largest supplier of salt in the world, 73% of which is produced by the saltpan workers of Kutch.⁹⁴, along the coastal line and in the Little Rann of Kutch (a seasonal marshy saline clayey desert). More than 200,000 families are engaged in this work – mostly from vulnerable communities. Workers from different parts of Kutch and neighboring districts migrate to work on saltpans for 8-9 months in a year, usually along with their families, only to return home during the monsoon season.

⁹¹They are usually children who do not attend school for one reason or other, but are not recognized by the enumerators to be in the labour market. They are presumably engaged in the home-based activities, household chores and sibling care.

⁹² <http://www.livemint.com/2011/10/21211516/NAC-demands-complete-abolition.html>

⁹³ http://articles.timesofindia.indiatimes.com/2012-01-10/india/30610972_1_child-labour-act-nac-hrd-ministry

⁹⁴ Vibrant Gujarat, Biannual Summit of Govt. of Gujarat, <http://www.vibrantgujarat.com/documents/profiles/kachchh-district-profile.pdf>

Generally, 30 – 40 families work together on a salt pan. However, the same families do not necessarily migrate to the same salt-pan each year – typically only about 50% of families work on the same salt-pan each year. Children also sometimes work with parents in salt fields which is health hazardous - case of child labour and clear violation of child rights. While children are enrolled in the schools of their villages, they do not find any space in the schools close to the salt pans. Most of the time schools are unavailable, distant or unreachable from the salt pan. Thus, children of these workers are largely drop outs. Studies by SETU, Adesar in 20 villages in five blocks Bhachau, Anjar, Mundra, Gandhidham and Naliya, show just 24% literacy rate and 53% of school-age going children not attending school.⁹⁵ The district also has fishing communities living on the coast for 8 to 10 months away from their villages, in areas unserved by basic facilities.

Subsequent to a PIL in 2006, Government of Gujarat took initiative for education of children of salt pan workers by adopting two models for the education of children -1. Seasonal Hostel and 2. Mainstream Schools at worksites. In 2006-07, fifty seasonal hostels and mainstream schools were opened at various location of Gujarat for salt pan workers children and during year 2007-08, numbers of both components were doubled. Funds were allocated smoothly for consecutive two years and SSA was made the implementing agency. After that there was slackness in provisions and allocations, with the allocated funds barely utilized. Similar experiences can be narrated for other migrant populations of India that need a stable and long lasting solution to these well known problems.

Recommendations on the issues of Child Labour and Migrant children

A two-pronged approach of looking at each set of children individually, and in their specific contextual setting, as well as looking at child labour and child protection laws in conjunction with the RTE Act is recommended.

- i. Comprehensively map all out-of-school children. Numbers and forms of child labour and migrant children, as well as their age of entry should be mapped out by a Management Information System (MIS) installed by the labour department, and the Child Welfare Committee (CWC) of each district, in close coordination with the education authorities.
- ii. Ensure proper implementation of Bridge Course Centres⁹⁶ for age appropriate admission. These must be connected to the nearest government school or be as a part of such schools for subsequent enrollment. Children passing out from the same need to be placed in age appropriate grade. Unit costs of the bridge courses have to be enhanced to ensure adequate standard of provision.
- iii. Effective implementation of the clause mandating instruction in the mother tongue would go a long way to ensure retention of migrant children.
- iv. For children whose parents have migrated leaving them behind at their native place, hostels and residential schools should be provided. Though the schools could be co-educational, residential quarters should be separate for girls and boys. When the children left behind are disabled, extra care is necessary to ensure disabled friendly schools and hostels.
- v. Education should be the responsibility of the Education Department and not the Ministry of Labour. The National Child Labour Project (NCLP), which envisages the running of special schools for child labourers withdrawn from labour needs to be urgently reviewed so that it focuses on its rescue and rehabilitation components.
- vi. In order to realise the RTE, the CLPRA must be amended so that the minimum age of work is in line with the prescribed RTE Act. This would mean a complete ban on all forms of child labour until 14 years of age. The RTE Forum also recommends that the amendment to the CLPRA should be so worded such that the age of total prohibition will automatically be upgraded to 16 years, or 18 years, when the RTE Act is so amended. Special tribunals (trial/appellate) need to be set up in order to ensure speedy determination of disputes. These could be set-up at the district level with appeals restricted to the High Court and the Supreme Court. Harsher punishment for those who employ children should be prescribed.

⁹⁵ Open Architecture Network, <http://openarchitecturenetwork.org/node/4212>

⁹⁶ We are recommending the use of the term *Bridge Course Centres* in place of *Special Training Centres* as the latter can be taken to denote a parallel education system.

- vii. Clear rescue and rehabilitation protocols need to be developed which include mainstreaming marginalised children into formal schooling. Wherever they are engaged in situations of labour, the labour department and police have the onus of visiting the work sites and mounting rescue operations, along with other relevant agencies like the Child Welfare Committee (CWC) & sub-divisional magistrate to release them. Children's statements must be recorded and cases of abuse/violence dealt with extra sensitivity. The employers must be prosecuted to create deterrence.
- viii. Separate budgetary allocations should be put in place to provide education for all child labourers and migrant children. There should be provisions for recruiting sufficient number of native language teachers, training the teachers on rights of migrant children and child labourers, provision of text books and TLM in the child's mother tongue, running of good quality bridge courses and maintaining the necessary MIS and helpline.

Children in Conflict Areas/ Areas of Civil Unrest

According to Government report, 180 districts of 10 states experiences challenges from extremist groups⁹⁷. This belt cuts across remote districts of central India and tribal areas. Conflicts increase the vulnerability of the Sts and SCs. It denies basic rights of children as the safety and security of children are placed at risk. Children are forced to live in constant fear and trauma. Children are often killed as a result of direct violence. They are recruited by extremist groups at a young age. According to the April 2010 Report of the United Nations Secretary General, forced recruitments take place in the south of Chhattisgarh, where villagers are forced to provide children to the armed groups. The child recruitment also takes place in schools.⁹⁸

They are also denied their right to education due to the overall instability in the area. Functioning of the schools are adversely affected due to absenteeism of students and teachers, deterioration in infrastructure, less number of working days, poor supply of books and materials and TLMs. As a result, the enrollment rates of students in general and girls in particular decline in the conflict regions.

Human Rights Watch 2009 detailed out how the conflict between the Naxalites and the government forces disrupt education. When, the Naxalites were targeting and blowing up State-run schools, the police forces were occupying and using school buildings as a base for their operations to combat the Naxalites. This puts the school at risk and created fear amongst the teachers and students. As a result, many students reluctant to risk their lives tend to drop-out of school. The schools are often also shut for long periods of time. The Supreme Court has repeatedly called for the army to move out of schools (Tripura, Assam, Chhattisgarh, Jharkhand, Manipur)⁹⁹, but the process has been very slow with the army at times saying it has pulled out of schools when in reality it has not. This has led to dislocation of children on a scale that statistics cannot capture and absence of clear records is part of the problem.

To protect child rights in Naxal affected areas, the government initiated The Bal Bandhu scheme, a three year pilot program launched in December, 2010. This scheme is prepared by the MWCD and NCPCR. It is being piloted in the conflict-affected areas of AP, Bihar, Assam, Chattisgarh and Maharashtra. Young people termed as 'Bal Bandhus' work to ensure that children in these areas go to school as mandated by RTE. It is reported that the 177 Bal Bandhus have so far been able to enroll

⁹⁷ Government of India, Press Information Bureau, Press Releases, Naxal Problems need a Holistic Approach, <http://www.pib.nic.in/release/release.asp?relid=50833> (02.11.2010); Thaindian News, Sonia Gandhi says Naxalism is biggest threat to internal security of India, http://www.thaindian.com/newsportal/india-news/sonia-gandhi-says-naxalism-is-biggest-threat-to-internal-security-of-india_100453638.html, (accessed on 02.11.2010).

⁹⁸ United Nations, General Assembly, Children and Armed Conflict, Report of the Secretary General of the United Nations 13th of April 2010, A 64-742-S2010-181, p. 34.

8,633 children into schools, made 594 schools and 458 anganwadis functional, and registered 1,797 children into residential bridge courses and Kasturba Gandhi Balika Vidyalayas. The challenges are huge as many schools have been occupied by extremists and para-military forces.

Recommendations

- i. School to be developed as zone of peace.
- ii. Vacate the schools currently occupied by para-military forces.
- iii. Provide psychosocial counseling to children in conflict areas, including - but not limited to - refugees to cope with the consequences of trauma.

Cross Cutting Categories

Children with Disability

A critical group requiring special attention for ensuring universalization of education is of Children with Disability. Disability is both the reason for and the consequence of poverty. Persons with disabilities often lack adequate schooling and access to gainful employment. They have no social protection and are excluded from social processes, which increase their risk of falling into poverty. On the other hand, poor people are more likely to be affected by disability since they are often unable to feed themselves and their families properly, have to pay for treatment in the event of illness and protect themselves against social risks or natural disasters.

The figure for Children with Disability identified (under SSA) is 3,052,053 with 12,629 resource teachers (2009-10). A simple reading of these 2 figures yields 1 resource teacher for 242 children.

India has only 43,675 teachers (cumulative figure) registered with the Rehabilitation Council for India (2010) with an average figure of 6,000 trained per year. There is a huge gap in the availability of trained



Figure 8.7 Mismatch in the Number of Trained Personnel for the Differently-abled

Source: Sharma (2009).

personnel for working with people with disabilities. In-service training of teachers for issues of inclusive education continues to also remain inadequate.

Putting all the states together, 3,028,060 CWSN were identified this year. According to the information provided, 2,646,011 children are enrolled in schools and 78,599 are covered through the School Readiness Program, and additional 1,62,072 received home-based education. However, in comparison to last year the number of CWSN identified decreased from 3,042,053 (2009/10) to 3,028,060 (2010/11) corresponding to a diminution of 13,993 children. Consequently, the percentage of coverage of these children has increased from 91.5 to 95. This decline has largely occurred in U.P., M.P. and Kerala. The large number during the previous year could be due to the fact that this exercise was relatively new. However, the States need to put in rigorous efforts to streamline their mechanisms for identification of these children. Two major challenges remain: 1) the orientation and capacity building of teachers on inclusive teaching 2) assessment of children with mental retardation and remedial teaching. A number of states have a large number of vacancies

due to the difficulty to find qualified personnel in Inclusive Education. Some states face delays in procurement as only limited companies supply the required aids and appliances.

Only 79.28% of the total allocated budget for IE under SSA was spent in 2009-2010. The highest expenditure reported in Kerala (101.73%) and the lowest expenditure reported in Manipur (14.03%)

Recommendations:

- i. Amendment of the Act which proposes the definition of disadvantaged child should include all children with disabilities (including children specified in both the PWD Act and National Trust Act).
- ii. Special schools must be included in the definition of schools and there should be specific notifications on policy framework for special schools in convergence with MHRD. These schools need to be upgraded and their curriculum adapted for inclusion.
- iii. Ensure hiring of adequate number of special educators. Children with disability often drop-out in the absence of adequate attention and imposed segregation in schools.
- iv. The provision for free special teaching learning and support material for child with disabilities needs to include materials for education, habilitation and rehabilitation.
- v. The clause on Age appropriate class should be elaborated considering the children with disabilities. The age for children with disabilities should be notified till the age of 18 as specified in PWD Act as has been done by the Kerala rules on RTE Act.
- vi. The provision for safe and appropriate transport of children with disabilities to school and back should be made as a strong commitment by all States.
- vii. State should ensure that experts from disability sector are included in all implementing and monitoring authorities like State Advisory Council, Academic Authorities and SCPCR.
- viii. There should be better convergence between Commissioner for Persons with Disabilities and the SCPCR on issues related to children with disabilities.
- ix. Guidelines and trainings for SMCs to monitor the identification, enrollment, facilities for learning and participation of children with disabilities need to be developed. School Development Plans should include barrier free access. Interpretation of barrier-free should be expanded beyond ramps and rails.
- x. The buildings of SSA schools where visually impaired children study to be made more blind-friendly. Schools must have the required number of textbooks in Braille or in enlarged print. This would entail both development of necessary books, devices, planning and care in their distribution.

Gender

In 2009-10, the enrollment of girls at primary and Upper Primary levels was 48.5% and 46.5% respectively. The Gender Parity Index (GPI) has also shown significant increase being at 0.94 at primary level. The annual average growth rate of enrollment for girls is also higher compared to boys. The primary completion rate also improved¹⁰⁰. As of now, primary enrolment of girls has nearly reached that of boys. While enrolment rates for girls have improved at the primary level, gaps continue to exist for upper primary education and higher. Furthermore, the prevalence of male bias is seen from the fact that girls are in a minority in fees charging private schools. Issues of gender stereotypes in the curriculum, incidents of violence- including sexual violence- in schools continue to be reported. Absence of girls' toilets in schools remains a major area of concern. At the same time, social practices like child marriage and the expectation that girls are to undertake household chores, often at the expense of school work tend to be limiting factors in their education.

The impact of improved access on girls' participation has been significant reflecting itself in higher enrollment rates and improved gender parity almost across the country. All the states have reported positive trends in indicators relating to gender and social gaps. Majority of the states are reporting high transition rates from primary to upper primary leading to parity even at upper primary levels. Haryana and Punjab are the only two states where gender gaps persist in a high number of districts.

¹⁰⁰ <http://unstats.un.org/unsd/mdg/>

KGBV has emerged as the key intervention promoting girls' access and retention in elementary education, particularly of those from marginalised communities. Out of 3,599 sanctioned KGBVs till date 3,435 have been operationalised with a total enrollment of 3.18 lakh. Of these enrolled girls, 33 percent belong to SC category, 22 percent to ST, 29 percent to OBC, 8 percent to Muslim, and 8 percent to BPL category. It is clear that the representation of the SC and ST girls is higher than their share in the population. The representation of Muslim girls is still low in some states such as Gujarat.

Additional Recommendations

- i. In addition to the above, other marginalized groups requiring attention include children of scavengers, children of parents who are stigmatized (sex workers, affected or infected by HIV/AIDS, leprosy) urban poor (slums, railway platforms and the streets) and children in institutional settings (orphanages, juvenile homes etc). Children of marginal farmers are also at risk.
- ii. There is a need to recognize the indivisibility of rights. Right to education needs to accompany the right to life, protection, health, food and other rights.
- iii. All teachers in schools should be sensitized to issues of exclusion.
- iv. The definition of 'child' should be standardized in keeping with various other acts/conventions to avoid contradiction.
- v. Education must be imparted in the language that can be understood in the particular region.
- vi. The government needs to take a serious look at where children who are neither in school nor employed as child labour are.

CHAPTER IV

RECOMMENDATIONS AND WAY FORWARD

The year 2011-12 saw movement away from discussing the ways and means of the implementation of the RTE Act and towards the beginning of implementation. An overwhelming majority of States have notified their State Rules and initiated action on the ground. It is undeniable that additional resources have been allotted, more teacher posts and infrastructure sanctioned. However, the efforts have been sporadic and the required quality and rigour is not seen in implementation for fulfilling the vision of equitable quality for all of India's children. There is now a real urgency given that all schools in the country are expected to meet the norms as mandated by RTE Act on all parameters excluding training of teachers by April 2013.

So what has moved and what has not from what we had recommended last year?

This report offers a chance to look back at the recommendations made last year and see the extent to which progress has been made. Many of the pointers for action have now been implemented or are in process. Notifications of State Rules have been done, albeit often not in the most participatory of manners. SMCs have been formed or are in the process of formation although they are often not functioning in the most democratic of manners. Mapping of infrastructural and other gaps has been done in several States, although one can of course argue that the process has lacked the urgency it deserves. Steps towards awareness building are being made through the Shiksha Ka Haq Abhiyan.

Other issues where action has been slow are the tough issues of adequate financing, regulation of private providers, setting up of transparency systems and redressal mechanisms like the setting up of SCPCRs, their capacities on one hand and broad mechanisms for administrative redress on the other. At the same time, most issues pertaining to teachers remain un-addressed - be they the total end of the practice of hiring of para-teachers, setting up of adequate and quality teacher training systems, onsite support to be provided to teachers and the extension of secretarial support to enable non-teaching, but school related, work to happen. At the same time, the broad rethink on how community participation needs to be done to maximize the potential of the role of the community has not happened. The processes of tracking of attendance, mapping of exclusion, and setting up of adequate number of bridge courses have not been put into place. School closures have continued. Notification of local authorities - and the consequence processes have largely not been undertaken. The financial system remains weak in the absence of adequate investment in the critical areas of monitoring, auditing and accounting leading to low utilization and continued under-spending by the State. A robust mechanism for the regulation of the private sector remains lacking. Grievance redressal systems are still largely effectively not in place.

So what do we want this year?

As is apparent from the report, the implementation of the Act on the ground had effectively started during the present reporting period. This has thrown up some basic ground level issues that require attention during the coming year if the time bound provisions of the Act are to be implemented.

The present section is derived from the findings of the stocktaking report, the recommendations made by the RTE Forum State Chapters and constituent National Networks and agencies during the preceding year and also derives from existing government data.

What we recommended last year?

What is the first step needed by the government to speed-up implementation?

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

- Complete the process of notification of State Rules. However, process must be consultative involving various stakeholders and their views.
- Immediately form SCPCRs with independent and apolitical people with subject expertise. Enhance capacities of the SCPCRs and NCPCR to enable them to effectively monitor RTE implementation jointly with the SMCs.
- Initiate process of formation of SMCs through an election process giving parents space to influence the process.
- Map infrastructure/teacher availability against new norms for all schools and ensure needs based supply.
- Strengthen transparency systems. One clear model is of the Madhya Pradesh education web portal where all information is publically available. This must be replicated by other states. Adding space whereby local residents can input their information would improve the potential for RTE Act implementation Parents and civil society have a right to know what is happening in their States and the government should be transparent about the RTE rollout. Civil society organisations and networks may be able to extend support if implementation challenges are more widely known.
- Create awareness and understanding of the Act at various levels using different media, but especially through structured spaces for discussion and dialogue with all stakeholders.

Other steps needed to compensate for missed deadlines include

- Resolution to the challenges affecting teacher training systems (start the process of revival of teacher training institutes - especially in UP, Bihar - not resort to nominal training through a few days of distance education). This is going to be a long term process, but it needs to be started. Unless this is done, states will continue to hire unqualified para-teachers which is the current situation. Teacher shortages, untrained teachers, poor quality of training, no effective systems for building capacities of head teachers and no effective onsite support is a huge unresolved cluster that needs to be addressed immediately.
- Put more money into the education system based on a systematic analysis of the situation and with the necessary financial checks and balances put into place.

- Broadly speaking, there is need for awareness building about the letter and spirit of RTE with the lower and middle level education department officials that are tasked with its implementation. Similarly, while community awareness on RTE has broadly increased, this needs to be deepened further, especially on specific entitlements and the person/s to be approached in case of violations of rights. This should not only highlight the provisions, but also motivate towards action given the limited time window available.
- The implementation of the RTE Act would not happen unless budgetary allocation is significantly enhanced from current levels. This includes an overall enhancement, but also specific relook at sectoral allocations. Areas of teachers' training, community participation, child centred allocations and investment in supporting robust financial systems.
- Information on the Act's implementation, especially actionable real time data, is limited. This would be needed if the Act is to be implemented in time. Mechanisms of community and civil society monitoring with information produced placed in the public domain must be set up. Broadly speaking, the overall transparency of the education system needs to be enhanced-with the MP Education portal continuing to be a standalone model of how such a system may look. It requires to be adopted by other States as well. Institutionalise regular monitoring "Quality and Equity in Education" through district and block level bodies.
- With implementation of the Act starting and popular mobilization in support of the Act gathering pace, the absence of a clear grievance redressal mechanism is emerging as a critical issue. Mechanisms for redressal of complaints with a clear time frame of action on

the same are needed. The way forward, if the orders given by the appropriate grievance redressal bodies are not adhered to, need to be laid down and penalties imposed.

- Expedite teacher appointments, especially the filling of the sanctioned but unfilled posts. These need to be filled with qualified teachers - the practice of appointments of teachers on contract and para-teachers needs to be abandoned. The existing pool of untrained teachers needs to be trained. 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. Lastly, issues of teacher career path and ensuring their autonomy needs much more thought than is currently being given.
- Given the fact that less than 5% schools were compliant against all infrastructure norms during 2009-10, there is a severe need for enhancement. This would, however, also require a much more thorough mapping of what needs to be done to fill these gaps and ensure that commensurate resources are provided.
- The RTE Act's provision of no retention till Class VIII has to a large extent been implemented at least in the majority of government schools this year. However, this has happened without the corresponding move towards CCE in schools. This has in turn meant that there are currently no mechanisms for assessing of students' progress and ensuring appropriate needs-based inputs are provided. This needs to be put in place with the greatest urgency.
- Large numbers of children in India remain out-of-school, especially at UPS equivalent levels. Special training for hitherto out-of-school children needs to be provided in numbers commensurate to the actual numbers of children out-of-school.
- While RTE prohibits non-academic work, schools continue to expect a whole range of non-teaching, but school related work to be performed by teachers. Secretarial support needs to be provided to teachers in all schools to support the schools with non-teaching work.
- There is a 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. At the same time, the question of medium of instruction needs urgent attention to ensure children from tribal background and Urdu speakers receive education in a language they are able to understand, at least in the early grades.
- The spirit of the Act cannot be realized without a clear mechanism for community participation. This would require a clear strategy for empowering of the SMC and building understanding of the Local Authorities on the Act. The latter has not happened at all, and only the first steps have been taken with regard to the former. A rethink of the planning process would also be required to provide space for true bottom up planning by SMCs that is not happening in the present culture of bottom down plan preparation. Empower Gram Sabhas to monitor and evaluate the functioning of the SMCs.
- 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.
- The growth of private schools and the predilection of the current establishment - both in the Centre and in the States towards entering into Public Private Partnerships - calls for a much

stronger regulatory frame for private schools. This includes not just a framework to ensure immediate RTE compliance, but also ensuring transparency and accountability measures are put into place. Other areas not currently covered under the RTE Act like regulation of the fees charged by private schools also require attention. Regulate and monitor 25% reservation under section 12 of the RTE Act to ensure that children from marginalized communities also access the provision.

- 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 leveller.

The Way Forward

Delivering education is the responsibility of the Central and State governments, but it does not imply that civil society can afford to be neutral or complacent. Its principal role is to hold the state responsible to its commitments under the Act and work in the support of this mission. The present report and the recommendations are an effort in this direction- providing an outline of the current status on the ground and consequent issues for advocacy. These issues will be adopted as part of the advocacy agenda by civil society and concerned citizens in the country at this critical stage of RTE implementation.

APPENDIX I

Member Organizations of the Forum

- Action Aid India, New Delhi
- Aga Khan Foundation (AKF), New Delhi
- America India Foundation (AIF), New Delhi
- AP Action Group on RTE, Andhra Pradesh
- Campaign against Child labour (CACL), New Delhi
- CARE India, New Delhi
- Child Fund International (CCF), New Delhi
- Child Rights and You (CRY), New Delhi
- Christian Aid, New Delhi
- Delhi RTE Forum, Delhi
- Jharkhand RTE Forum, Jharkhand
- National Alliance for the Fundamental Right to Education (India) NAFRE, New Delhi
- National Coalition for Education (NCE), New Delhi
- New Education Group Foundation for Innovation and Research in Education (NEG FIRE), New Delhi
- Odisha RTE Forum, Odisha
- Oxfam India, New Delhi
- People's Campaign on Common School System (PCCSS), New Delhi
- PLAN-India, New Delhi
- Rajasthan State Consortium on Education, Rajasthan
- Room to Read, New Delhi
- Save the Children India, New Delhi
- State Coalition On Right to Education (SCORE), Uttar Pradesh
- Skill share International, New Delhi
- United Nations Children's Fund (UNICEF), New Delhi
- United Nations Educational, Scientific and Cultural Organization (UNESCO), New Delhi
- Voluntary Forum for Education, Bihar
- Volunteers Overcoming Poverty (VSO), New Delhi
- Wada Na Todo Abhiyan (WNTA), New Delhi
- Water Aid, New Delhi
- Welthungerhilfe, New Delhi
- World Vision, New Delhi

Appendix II
Schedule

IIInd National Stocktaking Convention: On the implementation of the RTE Act, 2009
April 3, 2012
Venue: Constitutional Club, New Delhi

S.No	Topic	Time
1	Registration	9.30- 10.00
2	Opening Session Setting the Context – Ambarish Rai, Convenor, RTE Forum Highlights for 2011 – Anjela Taneja, Programme Coordinator-Education, Oxfam India Key Speakers – <ul style="list-style-type: none"> • S Eswaran, Secretary General, AIPTF • Prof. Jayati Ghosh, Economist, JNU • Medha Patkar, Activist Moderator – Shireen Vakil Miller, Director of Advocacy and Policy, Save the Children	10.00- 11.30
	Linkage Person: Sanjeev Rai, National Manager-Education, Save the Children	
	Tea Break	11.30 - 11.45
	Parallel Sessions:	11.45 – 13.30
A	Systemic Readiness & Redressal Mechanisms under RTE <ul style="list-style-type: none"> • Nina Nayak, Chairperson, SCPCR Karnataka • A K Singh, Jharkhand RTE forum • Saurabh, JOSH • Asadullah, TSG Q & A Moderator: R. Venkat Reddy, National Convenor, MVF	11.45 – 13.30
	Linkage Person: Randeep Kaur	
B	Community Participation and Bottom Up Planning for Implementation of RTE Act <ul style="list-style-type: none"> • Murali, Andhra Pradesh • Raghu Tewari, Uttarakhand • Riju Sharma, Assam Child Rights Forum • Dayaram, Educationist Q & A Moderator: Dr. Niranjanaradhya, NLSIU	11.45 – 13.30
	Linkage Person: Jaya Singh, CRY	
C	Issues of Teachers in the Right to Education Act <ul style="list-style-type: none"> • Rampal Singh, President, AIPTF • Ajay Singh, TSG-SSA • Rajesh Kumar, Lokmitra, UP • R.C. Dabas, Delhi Teachers' Union Q & A Moderator: Ramakant Rai, Convenor, NCE	11.45 – 13.30
	Linkage Person: Dr. Suman Sachdeva, Technical Director, CARE India	
	Lunch	13.30 – 14.30
D	Inclusion under RTE <ul style="list-style-type: none"> • Radhika Alkazi, Managing Director, Aarth Astha • Annie Namala, Executive Director, CSEI • Gautam Bandhopadhyay, CG Net, Chattisgarh • Prabir Basu, CACL • Mashkoor Alam, NACDOR 	14.30 – 16.15

	Q & A Moderator: Harsh Mander, National Advisory Committee (NAC)	
	Linkage Person: Biswajeet, NEG FIRE	
E	Privatisation of Education <ul style="list-style-type: none"> Ashok Agarwal, Advocate Kaveri, Doosra Dashak Prof. Praveen Jha, JNU Moderator: Avinash Kumar, Director-Policy and Research, Oxfam India	14.30 – 16.15
	Linkage Person: Umesh Kumar Gupta, Manager-Communications, Action Aid India	
F	Quality <ul style="list-style-type: none"> Alisher Umarov, Programme Specialist-Education, UNESCO Anil Pradhan, Convenor, Odisha RTE Forum Jitendra, APR Prof. Apoorvanand, DU Q & A Moderator: Prof. Vinay Kantha, Patna University	14.30 – 16.15
	Linkage Person: Saraswati Rao, Welthungerhilfe	
	Tea Break	16.15 – 16.30
	Interface with Stakeholders <ul style="list-style-type: none"> Key Points emerging from the Stocktaking – Venkatesh Malur, Education-Specialist, UNICEF Key Speakers <ul style="list-style-type: none"> Prof. Shantha Sinha, Chairperson, NCPCR Mukesh Bhairavdanji Gadhvi Prof. Muchkund Dubey, President, CSD Ambarish Rai, Convenor, RTE Forum Moderator: Urmila Sarkar, Chief-Education, UNICEF	16.30 – 17.15
	Way Forward <ul style="list-style-type: none"> State Chapters National Alliance & RTE Forum Members Moderator: Sanjeev Rai, National Manager-Education, Save the Children	17.15 – 18.30
	4th April, Public Gathering At Jantar Mantar, 10am	

Appendix III

Proceedings of the Stocktaking

Background

The second national stocktaking convention was held in New Delhi and was attended by representatives from several states across the country. The aim of the convention was to take stock of the status of implementation of the Right to Free and Compulsory Education Act, 2009 and identify the issues that needed urgent attention. The stocktaking was divided across two days- a consultation in Constitutional Club on 3rd April 2012 and a rally at Jantar Mantar on 4th April 2012.

Day 1: 03 April 2012

Opening Session

Ambarish Rai, Convenor, RTE Forum opened the proceedings by stressing the liberating role of education as a tool of empowerment and social transformation. He stated that the present system of different categories of schools encouraged discrimination.

Anjela Taneja, from Oxfam India, presented the highlights of the Draft RTE Forum Report for the second year. The report followed the six pillars of the subsequent convention and highlighted the status of implementation on the ground during the present year.

S. Eswaran, AIPTF felt that the Act needs amendment to include pre-school children. He highlighted the fact that there was a shortage of teachers. Furthermore, by creating different categories of schools, many of which are not free, the government was creating a poor-rich divide.

Jayati Ghosh, Economist, felt that the way forward for the Forum was to concentrate on a few specific issues. The most critical was that of resources. The government must honour its commitment to allot 6% of the GDP towards education. Decentralization was needed at all levels. Grievance redressal mechanisms should be set up and made functional and transparent. Teachers' training was a high-priority area. Privatization of teachers' training would be disastrous. Data systems need to be put in place to enable tracking the progress of each individual child.

Medha Patkar, Activist highlighted the role of education in creating an equitable nation. She also stressed that the public-private partnership (PPP) model must be shelved.

The moderator concluded that education can only flourish in a just and equitable society.

Parallel Sessions

These sessions consisted of detailed discussions around the issues that form the six pillars of the report. The major issues raised and the emerging recommendations have been incorporated in the body of the report.

Plenary Interface with Stakeholders

A summary of the recommendations made at all parallel sessions was presented. A few additional observations and recommendations made by speakers at this session were:

- There is enormous demand for education.
- Children below six and above 14 years of age should also be included in the ambit of the Act.
- A large number of children are out of school. The figures in this regard given out by the government are unreal and need to be countered.

- The Child Labour Act should be amended to abolish all forms of child labour up to the age of 14 years.
- SMCs should be strengthened. For this, political will is required.
- The scope of the struggle has to be widened by including people from all walks of life, including Adivasis, Minorities and representatives from other marginalized sections of society.

Reports from the States

Sanjeev Rai, Save the Children, moderated the session and emphasized the importance of the people working in states that form the strength of the movement.

Nine is Mine, a campaign by Wada Na Todo Abhiyan stressed that the government is failing to allocate the promised GDP towards education. They recommended having a common and quality education schools for all children, zero tolerance to any form of discrimination and the extension of right to education to include from early childhood to the age of 18 years.

Raghu Tewari, Uttarakhand, showed his commitment towards taking this agenda forward to Uttarakhand and to formalize a state chapter of the RTE Forum. Dr. Bharat, Convenor, APR stressed the need to push educational rights onto the political agenda.

Madhukar Gumble, Maharashtra stressed synergizing the strength of different organizations working on education under a collective process to add momentum to the movement and taking the voice of the community to the national level. Ashok Jha, CACL recommended to build groups that could play the role of a Rapid Action Force to ensure awareness and capacity building on RTE and to make interventions where necessary. There is also a need to establish an authentic figure for children out of school through a census method.

A.K. Singh, Convenor, Jharkhand RTE Forum, shared the plan for Jharkhand. At village level, they would run a SMC campaign covering 24 districts and hold the next year's stocktaking convention under the theme of SMC and community participation. District level committees would work on district level issues and the state forum would do policy advocacy. Amrit Lal, Uttar Pradesh, informed that State Collective for the Right to Education (SCORE) has been formed for the advocacy on implementation of the Act and are planning to have Siksha Samvad in various districts. Mohd. Israfil, West Bengal, observed the lack of political will and the poor track of implementation of RTE in his state.

Prof. Vinay Kantha, Bihar, recommended broad basing the movement by gathering support from other movements and peoples' struggles. There is a need to think about the strategy, organizational structure, issues to be formulated and the linkages to be establish in order to bring about an impact to create a political challenge by 3rd National stocktaking convention. Ramesh Reddy, Convenor, Andhra Pradesh RTE Forum recommended to have a uniform strategy for the entire country, to carry down the discussion to the mandal level.

Rajesh, Madhya Pradesh, from MP Lok Sangrash Sanjamanch recommended strengthen the role of community participation and to empower the SMCs. Smriti Jena, Odisha stressed the need for advocacy for designing curriculum and material in place in Mother tongue for tribal communities like in Odisha. Anil Pradhan, Convenor, Odisha RTE Forum recommended lobbying with the

government to bring effective amendments in the central Act to address the diversity of the country and to have a structure in place for the pre-school component.

Sanjeev Rai, thanked all the speakers, participants and organizers for the National Stocktaking Convention and reiterated the objective to work towards making education accessible to children especially those from marginalized sections of society.

II. Mass Mobilization at Jantar Mantar on April 4, 2012

The Forum chose Jantar Mantar as the place to call for mass mobilization in support to put forth the peoples' demand for the strict implementation of the RTE Act, 2009 within stipulated timeframe. 2500-3000 people from all walks of life- children, youth, adults and elderly people from 18 states of the country came together in support of demand for the implementation of the Act. The people were addressed by Mr. Ambarish Rai, Convenor, RTE Forum who reiterated the demands of the Forum towards making the Act a reality. The group was also addressed by representatives of other allied movements- including secularism (), health () and Dalit (Annie Namala, CSEI) and tribal () rights. The teacher associations also supported the process and Shiri Rampal Singh from AIPTF addressed the gathering. State representatives stressed the lack of political will to implement the Act. The state representatives who addressed the public were Dr. Bharat, Delhi; Saurabh Sharma, Delhi, Sayeed Ahmed; Asha Mishra, BGVS, Madhya Pradesh; Raghu Tiwari, Uttarakhand; Prof. Vinay Kantha, Bihar; Anil Pradhan, Odisha; Mohd. Israfil, West Bengal; A.K. Singh, Convenor, Jharkhand and others. Representatives from the National Education Networks and organizations working on education that also addressed the gathering included Ramakant Rai, Convenor, NCE; Prabir Basu, CACL; Anjela Taneja, Oxfam India and Sanjeev Rai, Save the Children.

The RTE supporters thronged at Jantar Mantar marched towards Prime Minister's Office, Raisina Hills to submit the "Memorandum of Demands" to Dr. Manmohan Singh, Honorable Prime Minister of India.

Appendix IV
Memorandum Submitted

Memorandum of Demands
Submitted to Prime Minister Office

RIGHT TO EDUCATION FORUM
53 LODI ESTATE, NEW DELHI-110003

Date: 4th April, 2012

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: Status of Implementation of Right of Children to Free and Compulsory Education Act 2009 in India

Honourable Prime Minister 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 have assembled today to take stock of implementation of RTE Act 2009 in Delhi.

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 undertaken with 32 states notifying the Act. However, at the same time various parameters laid down under the Act are at risk of not being reached by 31st March 2013. Only a year is left for reaching the standards of schools to adhere to the RTE norms. More than half the time for ensuring that all teachers are professionally qualified 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 of every child to free and compulsory education being denied.

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

- Facilitate dialogue between the Centre and States accelerated implementation of the RTE Act, to accelerate the implementation process in order to reach the RTE mandate.
- Ensure availability of adequate resources for the implementation of the Act commensurate with the MHRD estimates for funding education, fulfil the long standing commitment of providing 6% of GDP resources to Education and progressively enhance the allocation to ensure every school in brought on par with the norms and standards of Kendriya Vidyalaya.
- Make status of implementation of Act available publically and in a manner that enables concurrent tracking of the same to extent possible. Parents and civil society have a right to know what is happening to the education system in their states.
- Issue of regulation of private education providers cannot be postponed forever. With the number of private schools growing, it is imperative to put in place a rational, clear and transparent mechanism for the whole range of issues from RTE specific issues like the 25% quota to large issues of commercialization of education and regulation of school fees.

- Redefine the “Child labour Prohibition and Regulation Act, 1986” as a “Child Labour Prohibition Act” and ensure total eradication of child labour, child servitude and child trafficking.
- Large numbers of children in India remain out of school, especially at UPS equivalent levels. Special training for hitherto out of school children to be provided in numbers commensurate to the actual numbers of children out of school.
- 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. Recognise, monitor and address various forms of discrimination faced by Dalit, Muslim and Adivasi children in schools. Budget allocation under Tribal Sub Plan (TSP) and Scheduled Caste Plan (CSP) in education should directly benefit Adivasi and Dalit children’s access and achievements in education. Ensure that instruction in the mother tongue.
- 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 leveller.
- Ensure that early childhood education provisions are extended to children under six and appropriate steps are taken to ensure the extension to the right to education to the post-elementary levels.

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

Thanking You

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, Voluntary Forum for Education, SCORE, Jharkhand RTE Forum, Delhi RTE Forum, Odisha RTE Forum, AP Action Group on RTE, Rajasthan State Consortium, 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, as members.