

The background of the entire page is a photograph of two young girls in school uniforms. They are wearing blue and dark blue dresses. The girl on the right has a nose ring and is looking directly at the camera. The girl on the left is looking slightly to the side. Their hands are resting on each other's shoulders.

*Status of Implementation of the*  
**RIGHT OF CHILDREN TO FREE  
AND COMPULSORY EDUCATION**

ACT, 2009: Year Five (2014-15)

MARCH 2015



Status of Implementation of  
the Right of Children to Free and Compulsory  
Education Act, 2009:

Year Five (2014-15)

MARCH 2015



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# About the RTE Forum

The Right to Education (RTE) Forum is a collective of national education networks, teachers' organizations and educationists with a collective strength of about 10,000 organizations working in the field of education with the intent of bringing systemic reform in education. Our effort is to create a platform to bring equitable and quality education for all children, starting with the realization of the Right of Children to Free and Compulsory Education Act, 2009- in its true letter and spirit. Given the federal nature of India, the RTE Forum has State Chapters that work in collaboration with the National Forum to fulfill a common mission. These are currently in place in nineteen states including Delhi, Gujarat, Rajasthan, Uttarakhand, Uttar Pradesh, West Bengal, Bihar, Jharkhand, Andhra Pradesh, Tamil Nadu and Puducherry, Karnataka, Odisha, Haryana, Chhattisgarh, Telangana, Madhya Pradesh, Maharashtra & Assam. The Forum is in the process of expansion into other States including Himachal Pradesh and North Eastern states for deepening the advocacy and mass mobilization for the implementation of the Act. State Chapters in turn are also collective alliances of organizations and networks working for child rights and for bringing in equitable and quality education at the State level.

The RTE Forum is a collective of Education Networks and Civil Society Organizations including, but not limited to, CACL, CRY, NCE, PCCSS, Oxfam India, Plan-India, Save the Children, UNICEF, Voluntary Forum for Education Bihar, SCORE-UP, Uttarakhand RTE Forum, Jharkhand RTE Forum, Delhi RTE Forum, Odisha RTE Forum, West Bengal RTE Forum, RTE Forum-AP, Rajasthan State Consortium, TN & Pondicherry RTE Forum, Gujarat RTE Forum, Maharashtra RTE Forum, Assam RTE Forum, Karnataka RTE Forum, UNESCO, AKF, World Vision, Wada Na Todo Abhiyan, Room to Read, AIF, Welthungerhilfe, Action Aid India, NEG FIRE, CCF, CARE India, Christian Aid, VSO, Water Aid, Skill Share International, CSEI and Sampark as members. RTE Forum works closely and in collaboration with Council for Social Development (CSD) that also offers administrative and operations support.



# Acknowledgements

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We also acknowledge the contribution made by the supportive process of the groups working on the rights of children with disability, which has fed into the present report. As stated earlier- this list remains incomplete and any omissions in this list are not deliberate.

Ambarish Rai, Convenor, RTE Forum.



# List of Abbreviations

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

<b>NCF</b>	National Curriculum Framework
<b>NCLP</b>	National Child Labour Project
<b>NCPCR</b>	National Commission for Protection of Child Rights
<b>NCTE</b>	National Council for Teacher Education
<b>NGO</b>	Non Government Organization
<b>NSSO</b>	National Sample Survey Organization
<b>NUEPA</b>	National University of Educational Planning and Administration
<b>OBC</b>	Other Backward Caste
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>PAISA</b>	Planning, Allocations and Expenditures, Institutions: Studies in Accountability
<b>PIL</b>	Public Interest Litigation
<b>PISA</b>	Programme for International Student Assessment
<b>PPP</b>	Public Private Partnerships
<b>PRI</b>	Panchayati Raj Institution
<b>PROBE</b>	Public Report on Basic Education
<b>PS</b>	Primary School
<b>PTG</b>	Primitive Tribal Group
<b>PTR</b>	Pupil Teacher Ratio
<b>PWD</b>	Person with Disability
<b>RCI</b>	Rehabilitation Council of India
<b>REPA</b>	Right to Education Protection Authority
<b>RSS</b>	Rashtriya Swayamsevak Sangh
<b>RTE</b>	Right to Free and Compulsory Education Act, 2009
<b>RT</b>	Resource Teacher
<b>SC</b>	Scheduled Caste

<b>SCERT</b>	State Council for Educational Research and Training
<b>SCPCR</b>	State Commission for Protection of Child Rights
<b>SCR</b>	Student Classroom Ratio
<b>SCSP</b>	Scheduled Caste Sub Plan
<b>SDP</b>	School Development Plan
<b>SMC</b>	School Management Committee
<b>SSA</b>	Sarva Shiksha Abhiyan
<b>ST</b>	Scheduled Tribe
<b>STSP</b>	Scheduled Tribe Sub Plan
<b>TET</b>	Teacher Eligibility Test
<b>TLM</b>	Teaching and Learning Material
<b>TSP</b>	Tribal Sub Plan
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disability
<b>UPS</b>	Upper Primary School
<b>UT</b>	Union Territory
<b>VEC</b>	Village Education Committee
<b>WCD</b>	Women and Child Development (Department)

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# Introduction

## What is the RTE Act?

The Right to Free and Compulsory Education Act, 2009, provides a legal guarantee by the Government of India for a justiciable right to free and compulsory education for children between the ages of 6-14 years of age. This Act came into force in 2010 and stems from the Fundamental right to education as laid down under Article 21 A. Both the Central and State governments are responsible for the implementation of this legislation.

Some of the key provisions of the legislation include:

- a) Free and compulsory education for all children between 6-14 years of age in government schools, along with special provisions for transfer, attending school in neighborhood, support throughout elementary school even beyond age 14, and never being denied admission.
- b) Central and State Governments are responsible for providing funds for carrying out all provisions of the Act.
- c) Develop framework for national curriculum, enforce standards of training of teachers, and obtain facilities for training.
- d) Infrastructure of school building (along with library, toilet facilities, textbooks), and availability of schools in the neighborhood are mandatory.
- e) Monitoring of students attendance and learning.

- f) Prohibition of school and teachers from
  - a) holding back student in class, b) physical punishment, c) mental harassment.
- g) Set up of School Management Committees: to monitor working of school, recommend school development, monitor utilization of grants, prepare school development plan.
- h) Ensuring prescribed Pupil Teacher Ratio, and filling up of teacher vacancies, and prohibiting deployment of teachers for non-educational tasks.
- i) Introducing comprehensive and continuous evaluation, as well as rights based approach to education – focusing on all round development of child, learning through activities, and building child's potential.

All of the above provisions, particularly those related with teacher training were to be implemented by all schools by March 31, 2015. Earlier, the government failed to meet the three year deadline (infrastructure and deployment of teachers) which were supposed to have been implemented by March 31, 2013. This analysis is being done in the background of the State's commitment to meeting its constitutional commitment to children's education.

It is clear that despite these commitments, many children still remain out of school; many schools continue to fail to meet the Pupil Teacher ratios mandated by law; contract teachers continue to be recruited and their professional working conditions and need for a career path have not been resolved; limited steps have been taken to

improve quality in schools (including training of teachers and implementation of Continuous and Comprehensive Evaluation); and there is a rise in the number of fee charging profit-oriented schools that do not provide quality education.

**This report aims to document key areas where the RTE Act has been successful and the areas where the government needs to provide more support to ensure its legal commitments to education for all children in India.**

## What is the RTE Forum?

Right to Education Forum (RTE Forum) is a platform of national education networks, teachers' unions, peoples' movements and prominent educationists with a combined strength of 10,000 NGOs from all over India. RTE Forum has been working towards building a people's movement to achieve the goal of equitable and quality education for all children through the realization of the Right to Education Act, 2009- in its true letter and spirit, so that the National Public System of Education funded by State delivers on providing quality education for all children of India.

RTE Forum currently has state chapters in 20 states. The state chapters in turn are also collective alliances of organizations and networks working for the rights of children and for bringing in equitable and quality education for all children at the State level.

RTE Forum considers the RTE Act, with all its limitations, a progressive step it constitutes an improvement over the prevailing reality in several States and offers scope for addressing the gaps in teacher availability and teacher training, bans discrimination and corporal punishment in schools, ensures compliance with school infrastructural development, provides for community participation and involvement

through School Management Committees (SMCs).<sup>1</sup>

Since the Act's implementation, the RTE Forum has been preparing Reports on the implementation of the Act across the country and providing recommendations to the Central government on how to strengthen its commitment to compulsory and free quality education for children. This Report is the fifth year report published by the RTE Forum.

## Purpose of this Report

The purpose of this Report, like previous RTE Forum reports is to document and analyse the extent to which the RTE Act has been implemented across the country. Each year, since 2010, the RTE Forum develops a report that aims to present the emerging shortcomings in implementation of the Act and provide recommendations to the Central government for improving implementation and monitoring of the Act.

This year's report is an effort to do the same and go a step further. The members of the RTE Forum report group seek to document the trends of the status of elementary education since 2010 and take stock of the target of implementing the Act. This report is based on both primary and secondary data. A study was undertaken examining the extent to which the provisions of the Act are being implemented across the country.

The report offers recommendations after each chapter as well as at the end of the report, as a means to suggest the best way forward to the government in meeting its legal and judicial commitment towards education. This report is significant as it coincides with the target deadline for implementing provisions of teacher deployment and training, along with others, on March 31st 2015.

<sup>1</sup>RTE Forum. (2015). About Us. Accessible at: <http://www.rteforumindia.org/content/about-us>

## RTE Forum Study 2015

This year, the RTE Forum collected primary data for its national stock taking study.

The objective of this study was to obtain direct primary data as a representative sample that can fill the gaps on RTE Compliance in larger national level studies. This study collected data based on a survey model. The survey (see Annexure I) aims to document the extent to which some provisions of the RTE have been implemented. The categories of the provisions that were examined in the survey were:

- a) School fact sheet
- b) Educational incentives
- c) Children out-of-school and in-schools
- d) Quality infrastructure and supplies
- e) Teacher and RTE
- f) Community participation and bottom up implementation
- g) Social exclusion in education.

Data was collected from one state from every region of the country and where the RTE forum State Chapters are present. States covered included Bihar, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Maharashtra, Telengana, Uttar Pradesh, and West Bengal. Each state convener of the RTE Forum State Chapter provided brief training to on-ground staff for data collection.

From each state, 50 schools were selected based on model of sampling, wherein each state was to collect data from one district each, representing a region of the state (north, south, east, west, and central), and each district was to

select a minimum of 10 schools for survey, based on possibilities of access to schools. All the 50 selected schools were not those in which the NGOs themselves have any intervention or are in direct working relationship.

## Limitations of Data Collection and of Study

In some states like Karnataka and Delhi, we were only able to cover 10 and 24 schools, respectively. On the other hand, in some states like UP, Gujarat and Jharkhand, we collected data from 118, 81, and 51 schools, respectively.

While the samples are relatively small for the country as a whole, the findings and analysis provides a good estimate of the extent of compliance with the RTE provisions. Of course, the sample is not entirely representative of the status of the State in implementing the RTE Act. However, it serves to highlight the ground realities. Even within a small sample of schools, many provisions are not met, which is otherwise not reflected in larger sample statistics. Primary data is, furthermore, triangulated with secondary evidence which highlights the cumulative gaps.

## Structure of the Report

As last year, the report covers seven thematic areas: systemic readiness and grievance redressal; community participation; teachers; quality in education; social inclusion; children in difficult circumstances, affected by civil strife, violence, and disaster; and privatization. This year, the report also includes a significant new analysis on the trends of implementation of the RTE across the country.



# Reflections on the first 5 Years of the RTE Act, 2009

The Right to Education Act came into force in April 2010 in India, promising a real hope for all children between the ages of 6-14 years to receive quality education by law. It stipulated several norms, including pupil teacher ratios; norms for community participation; infrastructure and curriculum reform. Unfortunately, 5 years later, for most children, this right remains a distant dream as millions of children are still out of school and the quality of education remains a major concern. While enrolment figures have indeed greatly increased (97%),<sup>2</sup> and almost every habitation now has a government primary school, drop-out rates continue to remain high with a large percentage of children failing to complete elementary education. Critically, quality of education, or what children actually learn in school, seems to have declined. In 2006, for instance, 53% of children in grade 5 could read, by 2014 this had dropped to 48 per cent (ASER Report, 2015). What we are seeing, therefore, is the presence of larger numbers of children in schools than ever before, but they are not actually being “educated.” Arguably, the RTE Act seems to have therefore delivered more a right to “schooling” than “education.” The Government of India set several deadlines and targets to meet the major and minor provisions of the Act. Most of the provisions of the Act were to be implemented by March 2013, and other major deadlines, particularly related

to teacher regularization and training, was set as March 31st 2015. Now that the second deadline (March, 2015) is also gone, it is imperative to take stock of the trends of the various provisions of the Act to determine areas of the Act that have been implemented and those that remain to be addressed. It is extremely pressing for us to highlight the reflection of the past five years – what achievements were made since 2010, and what targets still remain to be accomplished, particularly since the targets are the government’s legal and judicial responsibility to meet.

This section of the report highlights both the areas to be celebrated- where the Act has been implemented, and the areas for concerns, as they relate to provisions of: teachers’ training and regularization, quality in education, systemic readiness, role of community, grievance redressal, issues of inclusion and exclusion, children in difficult circumstances, and privatization of schools.

Overall, it must be noted that while there have been advancements in implementing some provisions of the RTE, **India is far from meeting its legal responsibility of implementing the Right To Education for all children by 2015.**

<sup>2</sup>DISE, 2013-14. This is the net enrolment ratio in the country.

## Systemic Readiness

For the RTE Act to fully be implemented, it was first important for all States, districts, local bodies, and schools to be aware of all the norms and provisions of the Act. Hence, States were required to develop their own RTE rules and notifications keeping in mind the various demographic and cultural differences. In the first three years since the Act was implemented, India achieved this primary task of creating notifications, government orders, and necessary guidelines. While in April 2011, only 10 states/UTs had come up with their State RTE rules, by April 2012, all states/UTs had formed their RTE rules, except for Karnataka and Goa. By 2013, all states/UTs could notify their RTE rules.

However, the RTE Act's implementation was not enforced by the States as a time bound constitutional provision, but as yet another scheme, and its implementation was viewed as optional. While the states have made efforts to move forward on some of the indicators, the overall compliance to the RTE Act is very poor and not satisfactory in ANY of the states, thus implying clear violation of the deadlines and even some of the mandates of the Act. Several other issues and challenges have emerged during the five years of implementation- along with the heavy budget cut- reflecting the lack of priority of the central and state governments to education.

The other concern is that while State rules have been formed by all states, **they are seldom amended in keeping with current requirements. Also, the very inception of the rules has not been done in line with the state's own specific contexts.**

## Grievance Redressal

The RTE Act required the formation of State and National Commissions for Protection of

Child Rights (SCPCR/NCPCR) for monitoring and support as well as to serve as a mechanism for grievance redressal.

**In 2010-11, only 15 states/UTs had constituted an SCPCR or a REPA,<sup>3</sup> moving to 21 states in 2013-14. 1177 cases of violations were brought to the attention of the Commissions during this period of time, however, only 174 cases were registered, and 484 cases from 2010-11 still remain unresolved.**

**NCPCR has set up an RTE cell. However, over the last year this has not been functional and NCPCR itself has been without a chairperson or members, showing the low commitment to Education and Child Rights as a whole.**

Local Authorities (LAs) have been defined as the first line for redress, and SCPCR has been envisaged as an appellate body for Grievance Redressal at the state level. However, LAs have not moved into the role expected of them. As highlighted in Chapter One of this report, this is partly because the notifications of the local authorities have been delayed and have also occasionally been faulty. In 2013-14, 23 States have notified Local Authorities. While this is a step forward towards a system in place for grievance redressal, there is a long way to go for an effective and uniform grievance redress mechanism to be functional. **The notifications of local authorities by States do not specify the mechanism or system by which the grievances need to be addressed and taken forward and who is finally accountable. This needs to be urgently addressed if the LAs are to fulfil the mandate required of them.**

The NCPCR currently has no chairperson or members hence, the monitoring of the RTE during this critical period has not happened.

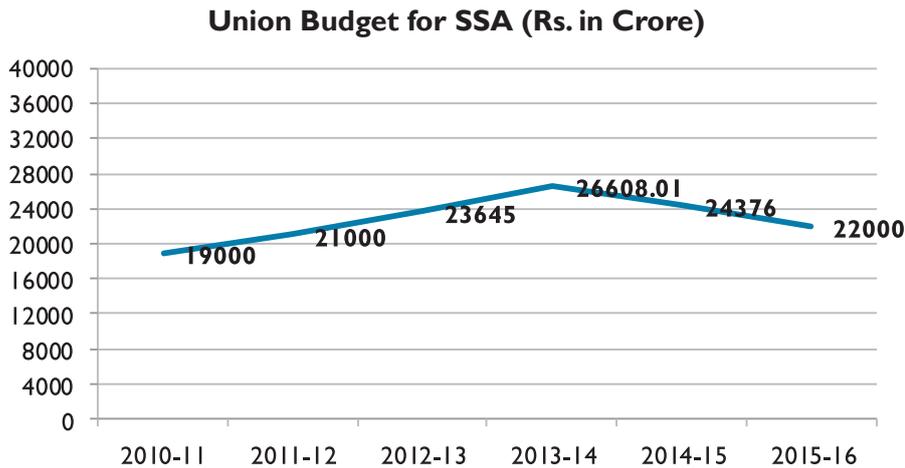
<sup>3</sup> A REPA is present when the constitution of an SCPCR is taking very long.

## Budgetary Allocations

The state has consistently failed to provide adequate resources for the financing of the RTE. As per the RTE Act, 2009, both Central and State governments have equal financial responsibility in ensuring that all the provisions of the Act are implemented entirely. The year

2015 saw a shocking cut in budgetary allocations for education, with a 23% cut in Sarva Shiksha Abhiyan (SSA) budget. Since the funds to implement the Act are processed through SSA, a trend of the union budget allocations for SSA can reveal the financial and political commitments of the Centre.

### Budgetary allocations for SSA:



What is more complex is that despite this allocation of funds, which the government agrees is not at all sufficient to ensure that the RTE Act is implemented in its true spirit and letter, expenditure has not been made towards meeting the targets of the Act.

**With the exception of 2010-11, for all other years the allocated budget could not be fully utilized.** Such a trend does not indicate that funds are not required; but unfortunately misguides the Center in cutting budgetary allocations. **Thus, the Center and State need to identify the problems that hinder usage of funds.**

**There is a heavy cut in the budget on elementary education from the centre and states.** Much of the budget goes to teachers' salaries and infrastructure and several important domains such as cluster forums, block resource centres, teaching/ learning material, MLE which are critical in teacher development and delivering quality education are not adequately budgeted for.

## Community Participation

The role of community participation in facilitating the process of quality education is often debated, in terms of the role of the community, and specifically the extent to which local communities can truly participate in workings of the school and ensure education for all, especially when the judicial responsibility to do so lies with the government. However, there is no doubt that the local community is a critical stakeholder, and need to see these schools as "their" schools; with schools being rooted in the community and local context. The RTE Act has defined a clear role for community participation that aims to support systems of monitoring, developing school plans, and helping resolve local grievances. The RTE Act stipulates that the following should be established: School Management Committees, appointment of Local Authority. One of the main purposes of setting up an SMC is: to increase community ownership and participation in RTE. Each school must have an SMC set up which is representative of the community, and meets the needs of all children in an inclusive way.

### % of schools having SMCs:

DISE 2010-11	DISE 2013-14
46.32%	91%

**It is a great achievement that in the past four years almost twice the number of schools has set up SMCs.** However, more important is the question whether these newly appointed SMCs and their members have received adequate training for their tasks. **In many instances the SMC members are not even aware of their membership, or what their role is.**

### Training for SMC members:

A Study conducted by the RTE Forum in 2011-12 reveals that though 2 days orientation in two phases was provided to the SMC members, they felt it was ineffective and ill-timed (during festival and wedding season). In the latest report, the scenario has improved and around 79% of SMC members (total number school surveyed was 457 in 10 states) received training.

One of the key responsibilities of the SMC members, as per the RTE Act norms, is to develop a School Development Plan (SDP). The SDP is prepared so as to be the basis for plans and grants to be made by the appropriate Government or Local Authority for the school. While initial results are encouraging, especially where strong NGOs have been present to train SMCs, it is important to note that such work requires training, as local SMC members are not experts in this field, rather just parents and other community members. Also it has been noticed that SMC members lack awareness with respect to the financial powers given to them.

### Participation of SMC in preparing School Development Plans

The study conducted by the RTE Forum in 2012-13 in 2200 schools in 17 states shows that 54% SMCs could prepare SDPs, while the 2015 study, which was conducted in 457 schools in 10 states shows that 60.6% of SMCs had a role in preparing SDPs.

This shows that slowly SMCs are getting more involved in monitoring school activities and preparing school development plans, however, the fact is that only one or two members actually receive training. Also it is not necessary that they are always included in the planning processes or give inputs into issues related to school curriculum etc.

The most disturbing fact, which has been noticed in the past five years, is the lack of clarity of local authorities on their roles and responsibilities as defined by the RTE Act. Several researches quote that local authorities have not maintained the database of children in the age group of 0-18 years in their jurisdiction and highlight their minimal participation in the SMC meetings and mapping of schools.

## Teachers and RTE

Teachers form the backbone of the education system and are a key stakeholder in terms of the implementation of the RTE Act. It is, hence, important to examine the progress made in staffing teachers, filling gaps of vacant posts, teacher education and ensuring low deployment of teachers in non-teaching tasks. The trends below indicate the key targets achieved so far.

In terms of recruitment and staffing of teachers, the issue of number of vacant posts has only minimally decreased in the first few years of the RTE Act implementation:

### Number of Teachers:

Posts sanctioned	Posts Vacant
19.14 lakhs	6.9 lakhs
19.83 lakhs	5.68 lakhs

(Source: Status of implementation of RtE Act, Report by RtE forum for 2011-12 and Starred Parliament Question)

Many schools aim to fill this gap of vacant posts by hiring para teachers (contract teachers). **However, the issue of para-teachers is also of grave concern in India** as they do not qualify for full employment, and while they are cheaper to afford, research suggests they are not as productive in ensuring quality education as full time regular teachers.

It is concerning that despite hiring of various types of teachers, the school system in India still has 5.68 lakh teacher positions vacant.

#### Para Teachers (Contract Teachers):

DISE 2011-12	DISE 2013-14
49.37% teachers	55.55%

In terms of teachers' provisions in the RTE, another important criterion that needs to be observed is of teacher education training. Over the years, the government has made many provisions for ensuring that all teachers receive in-service training to update their pedagogic skills. It is necessary that teachers are qualified and receive adequate training because it helps keep them up-to-date with new ways of interacting with students, ensuring a holistic development of the child at school, and updating their pedagogic style.

However, the data as per the RTE Forum study shows that only 80% of teachers were professionally trained and just 22% teachers got in-service training.

#### Professionally trained teachers:

DISE 2010-11	DISE 2013-14
78.66% teachers were professionally trained	80.06% teachers were professionally trained
29.59% teachers got in-service training	22.03% teachers got in-service training

Since the government wants to ensure that teachers provide quality education, the RTE Act mandated that teachers should be in school, and not involved in non-teaching/school related tasks, except for those specifically stipulated in the Act.

#### Time Spent on Non-Teaching Activities:

DISE 2010-11	DISE 2013-14
9.06% of teachers were involved in Non-teaching activities for a cumulative time of 17 days	2.48% of teachers were involved in Non-teaching activities for a cumulative time of 16 days

Although the DISE data shows a small number, a recent study conducted by NUEPA in nine states highlights the

concern of Teacher's engagement in non-educational activities both in schools and outside as a key issue. Despite the fact that state RTE rules have incorporated in their provisions and Government Orders not to engage teachers in tasks other than teaching activities, a study done by RTE Forum reflects a significant number of days (see Chapter Three) when most teachers are involved in non-teaching activities.

Among one of the key targets that the Government of India was supposed to meet by March 31, 2013, is the norm of 30:1 Pupil-Teacher Ratio for primary level and 35:1 for upper primary level. However, when examining percentage of schools that meet RTE norms on PTR, we find many schools are far from meeting this target. DISE data shows about 45 % schools meeting this target.

#### Pupil-teacher Ratio:

DISE 2011-12	DISE 2013-14
Average PTR was 30:1	Average PTR is 26:1
38.9% schools compliant with RTE stipulated PTR	45.3% schools compliant with RTE stipulated PTR
8.86% schools are single-teacher schools	8.32% schools are still single-teacher schools

DISE 2013-14, reports to have 11.46% schools (primary schools) with single teacher, the absolute figure for this % comes as 98,431 while if we look at the total school (including primary and upper primary) having single teacher, and the figure is 8.32% which means 91,018 schools are still dependent on a single teacher.

## Quality

In 2011, Hamid Ansari, Vice President of India, stated that:

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

While access to education has improved, the quality of education, i.e., **what** children learn and **how** they learn, seems to have declined, even on simple parameters of reading and arithmetic. In the first year after the implementation of the RTE, the quality agenda – which focuses on issues of infrastructure, supportive learning environment, curriculum, CCE and learning outcomes had not gained national and local priority. Hence, it is important to observe the trend of implementing quality across various measures since 2010 to 2015. While infrastructure is indeed important, far too much focus has been given to this area in favour of other areas.

This section compiles a few significant trends on quality of education.

Indicators	2010-11	2013-14
% of schools having boys toilets	81.14	94.45
% of schools having girls toilets	72.16	84.63
% of schools having hand wash facilities	58.14*	44.66
% of schools having boundary wall	58.16	61.87
% of schools having library	80.32 <sup>4</sup>	76.13
% of schools having drinking water facilities	94.45	95.31

## Learning Outcomes

What can be understood as an important indicator of quality education is the outcome of learning of children in schools. While schooling is not just about the learning of language and arithmetic, if children are not even acquiring basic language and mathematics knowledge and skills, then their attendance in school remains futile. While there are very few surveys that assess student's learning, ASER study offers some glimpse in comparing the trends in mathematics and language amongst government school children.

In 2012, ASER reported that 26.3% children from standard III could not do two-digit subtraction. In 2014, the figure was 25.3%. A further worrying trend can be observed in children's ability to

## Infrastructure Quality:

As the data suggests, infrastructure quality has improved over the years, except in the case of hand washing facilities and percentages of schools having libraries. In both instances, in 2013-14 the percentages have dropped, which is a cause for concern. Both library facilities and hand washing facilities in schools need to be addressed. It must be noted that the issue is not of merely having the infrastructure, but also their use and maintenance. For instance, while there has been a big push for building of toilets, many of the toilets lay unused due to lack of maintenance and cleaning, resulting in dropouts, especially for girls.

recognize numbers, that is, **the number of children who cannot recognize numbers till 9 from Standard II has increased from 11.3% in 2009 to 19.5% in 2014.**

In terms of reading level outcomes, although we find some improvements over the years the improvement is very small. **The percentage of Standard V students who can read at Standard II level has increased from 46.8% in 2012 to 48.1% in 2014.** However, this is still very low as children are still unable to read as per their grade level. **Furthermore, ASER (2014) reports that “in some states, like Bihar, Assam, Jharkhand, Chhattisgarh, Madhya Pradesh and Maharashtra, there are visible declines in reading levels over the last 5-6 years.”<sup>5</sup>**

<sup>4</sup>\*Data was not recorded on % of schools having library and those having hand wash facility by DISE in 2011. These figures are from DISE 2012-13.

<sup>5</sup>ASER 2014 – Rural. (2015). Annual Status of Education Report. ASER Center. Pp. 81. Also see, S. Miller. UNESCO / PrathamCity Children, City schools, 2005

## **Multi Lingual Education (MLE) and Medium of Instruction**

The language in which children are taught is crucial both in terms of quality and equity. Research evidence from across the world shows that children starting formal education in their mother tongue have a tremendous academic advantage. On the other hand, children whose first medium of instruction is not their mother tongue are at a serious disadvantage. While the question of what constitutes the most suitable medium of instruction has always been a central issue in the diverse, multi lingual Indian context, it acquires even more significance in the context of universal elementary education and the Right to Education in order to provide an “equal opportunity to learn “ at the primary stage. However in this debate, political and economic concerns have often eclipsed educational concerns. This may explain why year after year, reading and comprehension levels of children are low, as children are made to learn in a language they don't understand.

Specific to this, in our context, is the question of English. While the elites in India have always opted for English medium for the schooling of their children, this has been a growing trend in the last 10 years with increasing number of private schools aimed at the economically weaker sections of society, whose key selling point is often “English medium” instruction. Some states (such as J & K) have gone over to English medium in their government schools, despite the fact that most teachers lack basic proficiency in the language. MLE is important not just for tribal children or children of linguistic minorities but for the thousands of migrant children across the country, including in urban areas.

## **Continuous and Comprehensive Evaluation (CCE):**

The RTE Act makes mandates CCE for ensuring quality education across schools. It is therefore necessary to note the progress made by states

in ensuring the use of CCE as a mechanism to evaluate children's progress and learning. Therefore, both pre-service and in-service teacher training needs to ensure an in-depth understanding of the process of CCE- as a form of assessment. However, adequate attention has not been paid to this, and in many cases CCE has made teachers less accountable towards children, especially those from disadvantaged and marginalized groups.

### **CCE Status in 2010:**

#### *Movement toward CCE by States:*

- 22 States/UTs have initiated efforts towards CCE
- 5 States/ UTs plan to undertake initiatives
- 8 States/UTs have not taken any concrete initiatives
- (Based on information provided by the 13th JRM.)

*Source: RTE Forum Report 2010-11*

### **CCE Status in 2014:**

#### *Movement towards CCE by States:*

- 26 States/UTs are developing their own module for implementing CCE (as well as modules for teachers training to implement CCE).
- 5 States/UTs planning on piloting and upscaling CCE.
- 6 States/UTs have not taken any concrete initiatives.

*(Source: Based on NCERT, Annual Report 2013-14, pp. 22)*

### **Status on Curriculum Reform:**

Since the RTE, it has become compulsory to review and reform curriculum that is inclusive of all children's needs and offers diverse pedagogic and learning styles. The National Curriculum Framework 2005 offers a framework for syllabus, textbook and teaching practices, within the school education system. For schools to

meet the RTE requirement for curriculum reform, the starting point of doing so would be by adopting the NCF 2005.

Based on the evidence from the Joint Review Mission reports, we are able to compare how many states have started working on renewing their curriculum.

**In 2010:** According to the information made available to the 13th JRM, **14 states had revised their curriculum** as per the NCF 2005. **In 2014, only 5 more states (19) have renewed their curriculum** based on NCF 2005.

It is necessary for states to begin looking at their progress and shortcomings related to curriculum and enforce changes and revisions of curriculum as per NCF 2005.

### Privatisation of Education

There has been a rapid growth in the number of private schools in India. A study by the Azim Premji Foundation on Privatization of Education shows that the widely held belief that private school education is better than public school education is a myth. Well-designed researches show how it is assumed that just because a

school is run privately; it would be providing quality education. However, in reality, this may not always be the case.

The RTE Act imposes a legal obligation on the private unaided schools to enrol children from the Economically Weaker Section (EWS) and disadvantaged groups at entry level, with 25% seats to be reserved for them, in order to make these schools more inclusive. In the initial year, there was a strong resistance seen from a lot of private schools for this provision. However, by 2013, 25 states had notified the norms for 25% reservation of children from EWS sections. The enrolment in EWS category increased from 21.5% fill rate in 2012-13 to 29% in 2013-14.<sup>6</sup> However, this national fill rate masks the low trends of EWS category filling across states, such as UP fairing the lowest at 3.62%, as recorded by The State of the Nation 2015 report.

The last few years have seen a sharp increase in the number of private schools with 22.09% education now being provided by private providers.<sup>7</sup> The Government of India is supposed to check all unrecognized schools, as per the RTE Act. However, **the data below shows that the issue of unrecognized schools is far from addressed.**

### Unrecognized Schools:

DISE 2010-11	DISE 2013-14
26377 unrecognized schools	21351 unrecognized schools
44.61% teachers were teaching in unrecognized schools	42.01% teachers are teaching in unrecognized schools
Enrolment at :	Enrolment at :
Primary level – 29 lakhs	Primary level – 36 lakhs
Upper Primary level – 59 lakhs	Upper Primary level – 11 lakhs

As the above table indicates, there are still 21,351 unrecognized schools that were functioning in 2014. The Center needs to take immediate action to address this.

The Center and State have also closed down many schools giving the justification of low number of students. **It is important to examine where**

**these students are, and why they are not attending. Have they shifted to private schools, or are they not attending at all. It is important to note that even if there a few number of children who have been deprived of education because of this closure, it is a violation of the rights of all children as they have a legal right to free**

<sup>6</sup> March (2015). State of the Nation: RTE Section 12 (1)(c). IIM Ahmedabad, Central Square Foundation, Accountability Initiative, Vidhi Centre for Legal Policy. Pp. 24. Accessible at: <http://www.centralsquarefoundation.org/resources/PartnerPublications/>  
<sup>7</sup> *ibid*, pp. 17.

and compulsory education provided by the State. Rather than providing a way in which schools can become accessible and offer quality education to children, many state governments are shutting down schools, leaving private, profit-making bodies to fill this gap. This results in wasted land, infrastructure facilities, and teachers appointed, as well as violates the legal right of children to access free and compulsory education. Huge resources have been pumped into creating this infrastructure which now lies wasted.

### School Closures and Mergers:

Name of State	Number of schools closed till 2014
Rajasthan	17129
Gujarat	13450
Maharashtra	13905
Karnataka	12000
Andhra Pradesh	5503
Odisha	5000
Telangana	4000
Madhya Pradesh	3500
Tamil Nadu	3000
Uttarakhand	1200
Punjab	1170
Chattisgarh	790

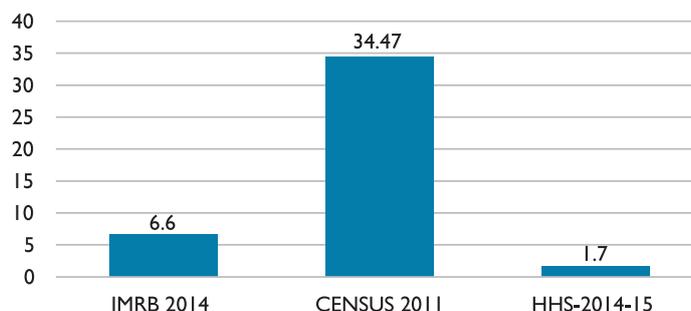
There are cases reported in the RTE forum study wherein (7%) children have been denied admission in schools (most of the schools were in Bihar, Jharkhand and UP). About 2% schools have reported to be collecting fee from students and 53.6% schools have asked children to produce their identity at the time of admission, which is the complete violation of the Act.

### Inclusion and Exclusion in Education

Achieving the goal of all children in schools by 2015 seems impossible for the country. India with 1.4 million children, ranks among the top five nations with children aged 6 to 11 out of school as per the UNESCO (2014) report. Globally, there are 57.8 million children who are out of primary school. However, the country is

among 17 other nations that have managed to reduce the number of out-of-school children in the past decade. The most challenging issue is in enumerating the number for out of school. The data collected by different department/agencies itself is contradictory in nature, as seen below.

### Out of School Children:



As per the latest IMRB report, the highest proportion of out of school children within 6-13 years is estimated in the East zone (4.02%) and the lowest within South zone (0.97%). Odisha has the highest proportion of out of school children in India (6.10%). At a national level, a higher proportion of females (3.23%) are out of school than males (2.77%). Also, more children from rural areas (3.13%) are out of school than from urban areas (2.54%). UP continues to have highest number of OOSC with 16.12 lakhs. The State Governments also conducts the Household survey, from the findings of the Programme Approval Board (PAB) report of 2014-15, all the states reported to have only 1.7 million children out of school in the age group of 6-14 years. The latest census claim to have 34.47 million children out of the schooling system.

However, even among those children who are at school, we find that many of the children with special needs (CWSN) are minimally enrolled.

### Percentage of CWSN children enrolled in schools:

DISE 2001-11	DISE 2013-14
Primary level – 0.70%	Primary level – 1.30%
Upper Primary level – 0.74%	Upper Primary level – 1.18%

As the above data indicates, India has made progress in ensuring that CWSN have been mainstreamed and enrolled in government schools. Primary level enrolment of CWSN children has almost doubled. Since the aim of the RTE Act is to ensure all children must receive elementary education, the government needs to take more measures to ensure that after 2015, the rate of enrolment more than doubles at a faster rate. This must be the governments and states strategy for each of the above detailed indicators of education.

Several groups of children are still out of school- these are children, who are victims of disaster (natural, man made), child labour, street children in urban areas, children who are under juvenile justice homes/observation homes, children affected by seasonal migration, (e.g.- brick kilns) nomadic children, and so on. Census 2011 data shows that there are still 4.35 million children employed as child labour, and UNICEF puts this figure at 11.8 million.<sup>8</sup> The issues of child labour have not been addressed through a coherent strategy. Some residential education schemes targeted at children are infested with serious issues of abuse-physical, sexual and mental, which have not been addressed strongly at any level. The Government of India has a national level policy on safety and security, followed by detailed child protection guidelines but most of the states do not have state policies nor a strong mechanism for grievance redressal.

## Conclusion

The Right of Children to Free and Compulsory Education Act was born out of a struggle.

The Act in itself was fairly comprehensive and addressed several critical issues, providing a set of enforceable norms and standards for the education system as whole, standards that civil society could also rally behind in the hope of

giving millions of children their right to quality education and helping to break through the cycle of inequity and poverty. The RTE Forum and its chapters came into being in support of the Act's implementation and the forum has grown over the last five years. It has tracked the Act's implementation at both the national and state levels. It has also extended its support to the Act's implementation.

Unfortunately, however, today, as India completes five years of the RTE Act, only a fraction of its promise has been fulfilled. **As subsequent chapters of the report will show, government's own figures show that less than 10% schools adhere to the RTE norms, there is a crisis in teacher education and deployment, pupil teacher ratios continue to be high; unrecognized private schools continue to exist and grow, and tens of thousands of children remain out of school.** Still, the government, instead of investing more, has actually cut back budgets.

The states took at least three years for framing the state rules and setting up the SCPCRs. But now they are rampantly closing schools, recruiting contractual teachers, supporting private and low cost schools, clearly diluting the quality of education and creating a larger gap in the quality of education than ever before. Greater political will towards the RTE act is absent.

The movement of the Right to Education from directive principles into fundamental rights did not see a marked change in how the State approached the issue. The devaluation of fundamental rights by the State set a dangerous precedent. The drastic budget cut and the complete lack of any policy pronouncements on the issue by the Government of India takes this to a new level, snuffing out any remaining

<sup>8</sup>UNICEF 2014. Accessible at: <http://www.data.unicef.org/resources/the-state-of-the-world-s-children-report-2015-statistical-tables>

hope that the State cares for its constitutional obligation towards fulfilling the Fundamental Right to Education.

This state failure is one that cannot be placed at the door of either just the centre or just the states. As we have said in every report so far, this was a failure of both central and state governments. Far too many governments saw the RTE Act as a subset of SSA or even just as a new scheme whereby seats were to be set aside in private schools, not a set of universal standards they had to invest and work to adhere to in all schools in a time bound manner, so that all children receive a good quality education- an investment for today and the future. The centre never released the resources that were necessary, nor did it undertake a process to build collective understanding of this central legislation. As a result of this collective failure, its implementation was crippled by inadequate funding, poor implementation and poor monitoring. Both the centre and states failed to prepare a road map for the Act's implementation, and there has been no monitoring mechanism.

The lack of political will of the State to make the necessary foundational investments in education at a time when it seeks to build

itself up as an international player and seeks to trigger industrial growth within India is puzzling and counter intuitive. It is sad to see “shining” India continue to be ranked 102 of 131 countries worldwide for which data is available. India cannot hope to emerge as a global hub of industrial production, or benefit from its demographic bulge, while it has the world's largest illiterate population- single handedly contributing almost 40% of the world's total<sup>9</sup>. It also has the world's fourth largest number of children out of school<sup>10</sup>. While some progress has been made during the preceding five years, this pace cannot be allowed to persist.

The standards set by RTE are justiciable and meant to ensure that governments are held accountable for delivery against provisions as per the legislation, provisions that as the subsequent sections of the report will show, have not been implemented. The solutions to India's education problems are known and have become even clearer during the last half a decade- what is holding India back is the lack of political will. Political will is a reflection of peoples' will. We must ensure that all children get their right to education and the State provides adequate resources to ensure that this is done.

<sup>9</sup><http://www.thehindu.com/news/national/indias-illiterate-population-largest-in-the-world-says-unesco-report/article5631797.ece>

<sup>10</sup>[zeenews.india.com/news/education/global-number-of-children-out-of-school-still-at-58-mn-unesco\\_942830.html](http://zeenews.india.com/news/education/global-number-of-children-out-of-school-still-at-58-mn-unesco_942830.html)



# Systemic Readiness and Grievance Redressal

The recognition of a fundamental and a legal right implies that the government is liable to ensure that it is respected, protected, and fulfilled. The education system, hence, needed to re-orient itself to fulfil the legal mandate. It is important that the various sub-systems within the education system that are responsible for translating the objective of the Act work accordingly so that the educational goals of the country are accomplished and there is greater accountability at all levels. Despite the passage of five years, a shift from understanding education as a scheme, to education as a judicial right has not been fully accomplished at various levels of the educational delivery system.

In order to achieve the objectives of the RTE Act, 2009 it is important that the following primary aspects are addressed:

- a) Operational aspects like mechanisms for ensuring availability of infrastructure and teacher adequacy.
- b) Financial allocations.
- c) Monitoring and accountability.
- d) Grievance redressal.

## a) Operational Aspects

It is understood that a right enshrined in the Constitution does not automatically guarantee

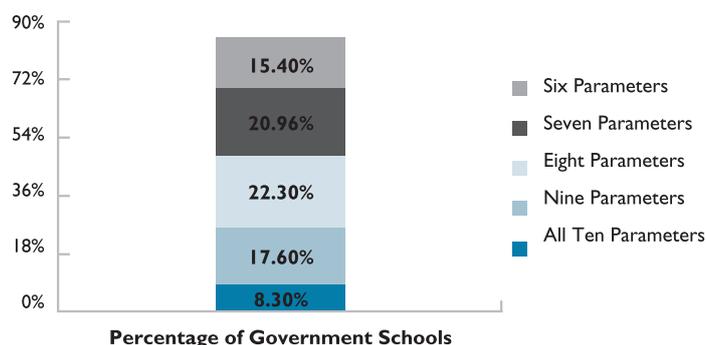
its realization, particularly when a majority of the right-holders are not aware about their entitlements. Given the socio-cultural deprivation through generations, marginalized communities would need to be empowered so that they are able to claim their right and seek justice using appropriate mechanisms in case of violation of the fundamental right.

However, the tasks that were unequivocally entrusted on the Governments by the RTE Act, 2009 have not been fulfilled on such a scale. For instance, standards of school infrastructure were to be met within three years, i.e. by 31 March 2013 and teachers were to be adequately recruited and trained within five years, i.e. by 31 March 2015. The Governments, both Central and States, have failed in meeting both the deadlines.

Even after the deadline (March 31, 2015) for the fulfilment of the provisions of infrastructure and teachers recruitment and quality, we observe that there still remains a huge gap in terms of implementation indicators. As shown in **Figure I**, a large proportion of schools continue to be non-compliant to norms and standards for a school stipulated by the RTE Act, 2009.<sup>11</sup>

<sup>11</sup> Government of India (2014), Education for All: Towards Quality with Equity, NUEPA, New Delhi.

**FIGURE 1:** Compliance of Government schools with parameters stipulated in the RTE Act, 2009



Source: Oxfam India, Policy Brief, March 2015, pp. 2.<sup>12</sup>

As the above data indicates, there are **only 8.30% schools that comply with all the parameters and norms stipulated in the RTE Act.** If only 8.30% schools are able to do so, it is important to question what issues are being faced by schools across states that all parameters are not being met, and who is monitoring this. A systemic readiness of schools must be ensured at all levels.

After the RTE Act was enforced, the states were expected to create notifications of the rules and norms of RTE. While notifications, some of them fairly innovative and potentially far reaching, have been made and circulated, these have not necessarily been implemented. Some progress has indeed been made on single indicators like infrastructure, teacher availability (see Chapter Three and Chapter Four); the overall status reflects the extent to which full compliance with the Act's provisions remain to be fulfilled by the States.

In the last few years, many state governments have in fact closed down and/or merged Government schools, rather than building capacity for the schools to meet the compliance provisions and rules as per RTE. This is an alarming trend and not in accordance with the RTE Act, 2009. A presentation shared by the National Coalition

for Education (NCE) for parliamentarians on 20th March, 2015, documented the following data (See Table 1):

**TABLE 1:** Closure of schools

SN	Name of state	No. of schools closed till 2014
1	Rajasthan	17129
2	Gujarat	13450
3	Maharashtra	13905
4	Karnataka	12000
5	Andhra Pradesh	5503
6	Odisha	5000
7	Telangana	4000
8	Madhya Pradesh	3500
9	Tamil Nadu	3000
10	Uttarakhand	1200
11	Punjab	1170
12	Chattisgarh	790

The Center and State have also closed down many schools giving the justification of low number of students. **It is important to examine further where these students are, and why they are not attending classes. Have they shifted to private schools, or are they not attending at all? It is important to note that even if there are a few number of children who have been deprived of education because of this closure, it is a violation as all children have a legal right to free and compulsory education and it is the state's responsibility to provide this. Rather than providing a way in which schools can become accessible and offer quality education to children, many state governments are shutting down schools, leaving private, profit making bodies to fill this gap. This results in wasted land, infrastructure facilities, and teachers appointed, as well as violates the legal right of children to access free and compulsory education. Huge resources have been pumped into creating this infrastructure, which now lies wasted.**

<sup>12</sup> Oxfam Policy Brief reported this data analysis from: Government of India (2014), Education for All: Towards Quality with Equity, NUEPA, New Delhi.

Many schools remain unrecognized as well. The RTE Act mandated that all schools under the law must be recognized by the government in one way or another to ensure they are meeting norms for ensuring education for all children. However, despite closing down many schools, many unrecognized schools are still functional across the country. DISE 2013-14 data suggests that **21, 351 unrecognized schools still operate** and offer education, which do not meet RTE standards.

DISE 2013-14	
21351	unrecognized schools
42.01%	teachers are teaching in unrecognized schools
Enrolment at :	
•	Primary level – 36 lakhs
•	Upper Primary level – 11 lakhs

Rather than closing down these unrecognized schools, the states and center need to bring these schools up to the standards required as per RTE and recognize these schools so that already established infrastructure and set up for education does not go waste.

### b) Financial Allocations

With regard to the financial resources for education, the Union and the State governments have a concurrent responsibility for providing funds especially for carrying out the provisions

of the RTE Act, 2009. But, so far as the implementation is concerned it is the State Government's responsibility for providing funds for the implementation of the RTE Act, whether it provides for funds from its own revenues or from (and in addition with) the funds received from the Center.

The 13th Finance Commission had allocated Rs. 24,068 crore over a five year period to the State Governments for education sector. An outlay of Rs. 2.31 lakh crore from the Union Budget was required for fulfilment of the provisions of the RTE Act through the Sarva Shiksha Abhiyan (SSA) over a period of five years from 2010-11 to 2014-15, as per the break up given in the Table 2.<sup>13</sup>

### Financial provisioning for SSA in Union Budget (2010-11 to 2015-16)

The allocation under the Union Budget (mentioned under Expenditure Budget, Vol-II, MHRD) increased substantially since inception of the Act till 2013-14, thereafter showing decreasing trend and it has decreased substantially in 2015-16 partly due to changed sharing pattern of centre and states as directed by Fourteenth finance commission as shown in Figure 2.

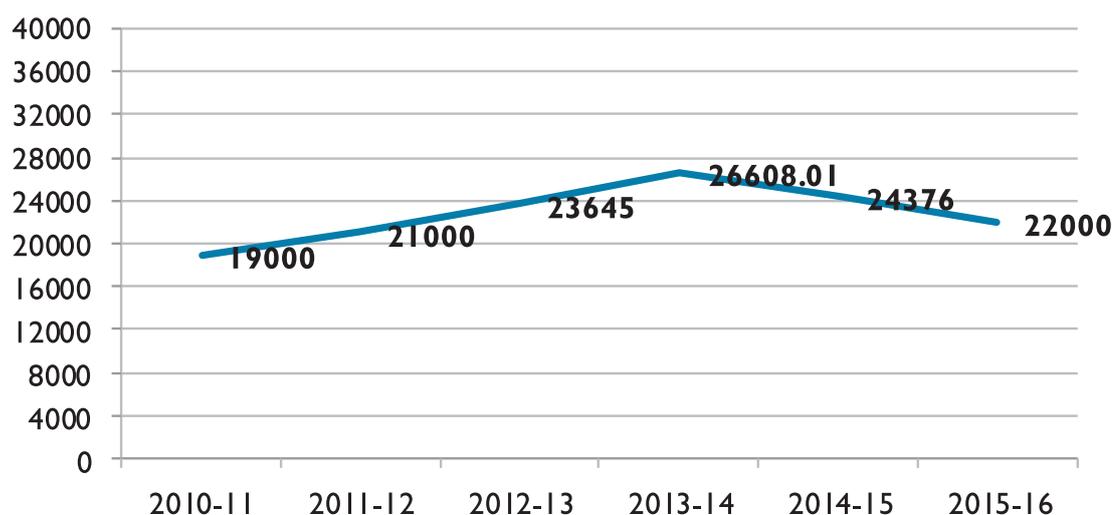
**TABLE 2:** Costs towards implementation of RTE through SSA during 2010-11 to 2014-15

				Rs. in crore
Sl. No.	Item	Last two years of 11th Plan	First three years of 12th Plan	Total
1	Child Entitlements	28852	21535	37626
2	Teacher related costs	38307	82584	120889
3	Infrastructure	17544	23417	40959
4	School related costs	5351	5566	12918
5	Research, Evaluation and	5540	9533	14973
6	Management	84408	146825	231233

Source: Working Group Report on Elementary Education and Literacy, 12th Five Year Plan, 2012-2017, and MHRD, Govt. of India, October 2011

<sup>13</sup> Working Group Report on Elementary Education and Literacy, 12th Five Year Plan, 2012-2017, MHRD, Govt. of India, October 2011

**FIGURE 2:** Allocations for SSA in the Union Budget



The 12th Five-Year Plan has recommended an allocation of Rs. 1,92,726 crore for SSA for the entire plan period of 2012-2017, from Union Budget which amounts to approximate Rs. 38,545 crore per year. Going by the budget amount mentioned in the Budget of the Ministry of Human Resource and Development (MHRD) for various years, the budgetary allocations for SSA by Union Government shows huge shortfall every year.

- The total Union Budget for SSA in 4 years of 12th plan has been only Rs. 96629 crore against the recommended Rs. 192726 crore, meaning that only 50 per cent of recommended amount has been allocated so far.
- Spending of remaining 50 per cent (Rs. 96097 crore) in the last year of 12th plan is highly unrealistic.

- Funds collected from cess to finance SSA in Union Budget are called funds from Prarambhik Shiksha Kosh (PSK) as mentioned in Expenditure Budgets, MHRD. Though the idea of collecting cess was to create additional funds to finance SSA, it has become a substitute and one can easily find that the actual allocation for SSA minus funds from cess has been decreased. Share of funds from Prarambhik Shiksha Kosh (PSK) increased from 59 percent to 67 percent between 2012-13 and 2014-15. This share is 90 per cent with the changed fund sharing pattern of Union Government in forth coming financial year 2015-16, as per the 14th Finance Commission.
- Funds earmarked under Special Component Plan (SCP) and Tribal Sub Plan (TSP) for SSA has continuously declined every year.

**TABLE 3:** Shortfall in financial allocations for SSA (Rs. In Crore)

Recommended 12th Plan Outlay for 5 years (2012-2017)	Recommended 12th Plan Outlay per year	Year	Union Budget for SSA (in Rs. Crore)	Shortfall (in Rs. Crore)
192726	38545.2	2012-13	23645	14900.2
		2013-14	26608	11937.2
		2014-15	24376	14169.2
		2015-16BE	22000	16545.2

Note: RE – Revised Estimate and BE Budgetary Estimate

- ◆ Under the head SCP, Rs. 5408.66 crore was earmarked for SCs in 2013-14RE that reduced to Rs. 4890 crore in 2014-15RE and Rs. 4400 crore in 2015-16BE.
- ◆ Allocation under TSP for SSA reduced from Rs. 2747.69 crore in 2013-14RE to Rs. 2624.61 crore in 2014-15RE that further decreased to Rs. 2350.82 crore in 2015-16BE.
- Even as the allocations for SSA have been much less than the requirement over the years, utilization has not been to the full extent with 7 per cent and 9 per cent of allocated fund being unspent in 2012-13 and 2013-14, which is Rs. 1681 crore and Rs. 1197 crore respectively.

#### **Decrease in Allocation for Elementary Education in Union Budget 2015-16 and the Fourteenth Finance Commission**

Budgetary allocation for elementary education in 2015-16 decreased from Rs. 43126.28 crore in 2014-15 to Rs. 32917.20 crore in 2015-16 as could be calculated from different expenditure budgets. This is a decline of Rs. 10209.08 crore, a decrease of **23.67 per cent**. As per the Union Finance Ministry, this decrease has to be attributed to the rearranged distribution of funds between Union and States as per the Fourteenth Finance Commission. In this context, to understand the implications of the reduced allocations for poor, disadvantaged and marginalised in the Union Budget of India 2015-16 in the context of revised FFC resource allocation method is necessary.

Below is an analysis of the state budgets of Bihar, Rajasthan and Jharkhand. The analysis indicates that there is substantial increase in the States' financial resource pool, as it was made to believe, as a result of changed sharing pattern between the Centre and States, budget for SSA in the States were still decreasing or increasing very marginally.

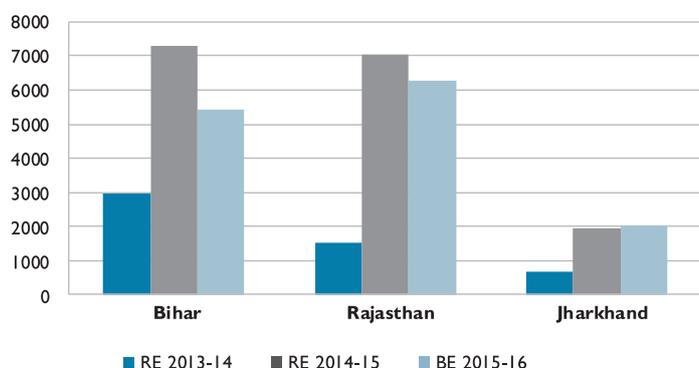
### **Fourteenth Finance Commission**

With regard to vertical distribution, Fourteenth Finance Commission (FFC) has recommended that the States' share in the net proceeds of the Union tax revenues to be 42%. The recommendation of tax devolution at 42% is a huge jump from the 32% recommended by the 13th Finance Commission. As a result the Central's share to the States has been reduced from 68% to 58%. The transfers to the States will see a quantum jump. This is the largest ever change in the percentage of devolution. In the past, when Finance Commissions have recommended an increase, it has been in the range of 1-2% increase. As compared to the total devolutions in 2014-15 the total devolution of the States in 2015-16 will increase by over 45%.

Thus, to keep the budget for such programmes unchanged, States are supposed to contribute from their enhanced resources (which have been increased by 45% in 2015-16 as compared to 2014-15). It is estimated that any shortfall in the schemes for the welfare of poor, disadvantaged and marginalised on account of FFC will be made up by the States from their enhanced resources. Therefore, the total resources available for these schemes should remain unaffected, as has been indicated by the Ministry of Finance, Government of India.

**FIGURE 3:** Trend in Allocation for SSA in Bihar, Rajasthan and Jharkhand<sup>14</sup>

**Trend in Allocations for SSA in States (Rs. in Crore)**



- In Bihar, the outlay for SSA in 2015-16 BE has been reduced by Rs. 1866.59 crore from last year's Revised Estimates (2014-15 RE),
- In Rajasthan, allocation for SSA in 2015-16 BE has been decreased by Rs. 766.42 crore from last year's Revised Estimates (2014-15 RE),
- Allocation for SSA in Jharkhand marked a marginal increase by about 4.5 per cent in 2015-16 BE last year's Revised Estimate.

The argument for declining allocation is always cited along with the extent of utilization of the funds, as utilisation remains a cause of concern in all these states as well. It is calculated that of the allocated funds for SSA, Rs. 783.47 crore in Bihar and Rs. 413.92 crore in Rajasthan remained unspent in 2013-14.

**TABLE 5:** Major components wise fund requirements for SSA and MDM (All India)

Component	Unit Cost as per financial memorandum of Gol	Physical requirement	Numbers	Annual fund requirement (Rs. In cr.)
Teaching-learning;materials	Rs.500 per teacher	No of teachers in Govt school	4612429	230.62
Teacher's in-service training	Rs.100 per teacher for 10 days	No of teachers yet to receive training	3596311	3596.31
Free textbooks to girls/SC/St in UPS	Rs. 250/- per child	No of Children	198899659	4972.49
Uniform to all girls, SCs/Sts, BPL	Rs. 400/- per child	No of Children	96180766	3847.23
School development grant for PS	Rs. 5000 per year for a PS	No of PS	858916	429.46

<sup>14</sup> SSA, 2015.

**Allocations under SCP and TSP for SSA in Bihar and Jharkhand**

There is no mention of funds being allocated for SCP in Bihar in 2015-16 and the share for TSP increased marginally between 2014-15 and 2015-16 as Bihar has very small tribal population as per census 2011. In Jharkhand, the share of SCP in total SSA outlay marked a decrease between 2014-15 and 2015-16, whereas that of TSP increased marginally from 36.2 per cent to 37.8 per cent during the same period.

**TABLE 4:** Share of SCP and TSP in total SSA outlays in States

		In percentage	
	Year	Bihar	Jharkhand
SCP	2013-14	21.4	9.3
	2014-15	7.7	14.3
	2015-16	0.0	12.4
TSP	2013-14	0.0	22.7
	2014-15	1.3	36.2
	2015-16	2.9	37.8

**Fund Requirement and Actual Allocations for SSA**

An exercise has been done to find the additional amount required to be allocated for SSA at Centre and States level based on the physical requirements of different components and their estimated unit cost as per the financial memorandum set by Gol. The amount is shown in Table 5. This is based on the data from Annual Work Plan and Budget of 2014-15.

Component	Unit Cost as per financial memorandum of Gol	Physical requirement	Numbers	Annual fund requirement (Rs. In cr.)
School development grant for UPS	Rs. 7000 per year for a PS	No of UPS	589796	412.86
Maintenance grant (PS and UPS)	Up to Rs. 7500 per year	No of PS & UPS	1448712	1086.53
Additional classroom#	Rs. 4 lakh	No of school requiring Additional classroom	70987	2839.48
Office-cum-store-cum-Head Teacher's room	Rs. 4 lakh	No of school requiring HM room	70987	2839.48
Common toilet	Rs. 75000	No of schools requiring Toilets	79679	597.59
Girls toilet			222667	1670.00
Toilet repair	Rs. 7500	No. of toilet to be repaired	203056	152.29
Hand pump/bore well	Rs. 75000	No of drinking water unit to be constructed	67945	509.58
Drinking water facility repair	Rs. 10000			
Boundary wall/separation wall	Rs. 15000	No. of schools required Boundary wall	552394	828.59
Ramp with railing	Rs.35000	No. of schools required RAMP	255987	895.96
Library	Rs. 13000 for composite school	No. of schools required Library	345808	449.55
Electrification in PS	Rs. 10000	No. of Schools requiring Electricity	699148	699.15
Kitchen shed	Rs. 50000 per shed	No. of Kitchen shed required	526752	2633.76

- In terms of civil works construction, an additional amount of Rs. 14115.43 crore needs to be allocated to fill up the present infrastructure gap across India.
- In terms of training of teachers, 3596311 teachers are yet to be provided with in-service training requiring an additional allocation of Rs. 3596.31 crore.
- 22.9 percent of primary schools (331755 PS) have to receive school development grants which are an additional amount of Rs. 165.88 crore.

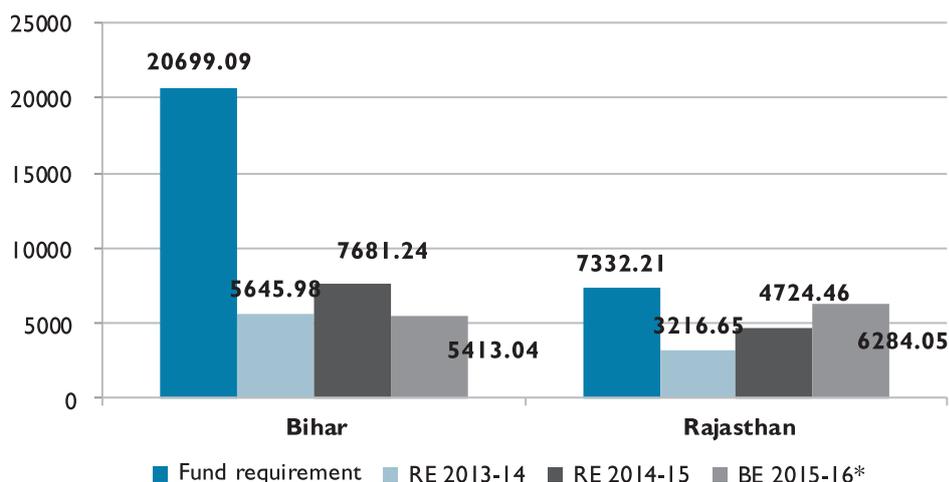
**The gap between requirement and allocation was huge in 2014-15 and the allocation further decreased in 2015-16, accentuating the problem.**

### **Example of Bihar and Rajasthan in terms of gap between Requirement and Allocation**

A recent publication<sup>15</sup> of FLAIR and Save the Children has compared the fund requirement for SSA across components to reach target of RTE Act and the actual allocations for SSA (Union and state's share). It shows huge gap between the fund requirements and the actual budget allocations in Bihar and Rajasthan. This calculation is based on the physical gaps for different components in SSA and subsequent unit cost mentioned in financial memorandum. These physical gaps are multiplied with the unit cost for each component which is then compared with actual allocation for those components to show how much more is required.

<sup>15</sup> "Costing and Budget Analysis: National Flagship Programmes for Children, Union of India and the States of Bihar and Rajasthan (2012-13 to 2014-15)," published by Save the Children and FLAIR (Forum for Learning and Action with Innovation and Rigour)

**FIGURE 4:** Gap between fund requirement and allocation (2013-14 to 2015-16) (Bihar and Rajasthan)



\*data from detailed demand for grants, respective states

As per the Fourteenth Finance Commission, total devolution of the States in 2015-16 (as mentioned above), it is expected that State allocations on important schemes will be increased, though it is up to the State to prioritize the schemes as per requirement. Considering the gaps prevailing in implementing RTE Act in Bihar and Rajasthan, outlay on SSA in 2015-16 is expected to be increased. On the contrary, budget for SSA have been decreased

for both Bihar and Rajasthan between 2014-15 and 2015-16 widening gap between fund requirement and allocations, as can be seen in the following Table (Table No 6).

**Allocations in Bihar for SSA as a whole needs to be doubled from the present allocation whereas in Rajasthan, it needs to be increased by 50 per cent of present allocation to fulfil the physical gaps.**

**TABLE 6:** Category wise fund requirement vs. actual allocation in Bihar & Rajasthan

Interventions	Fund requirement per annum	Actual Allocation in FY 2014-15	Gaps	Rs. in Crore		
				Fund requirement per annum	Actual Allocation in FY 2014-15	Gaps
	BIHAR			RAJASTHAN		
Access	543.98	88.33	455.65	839.2	13.24	825.96
Retention	1775.41	671.86	1103.55	843.83	11.58	832.25
Enhancing quality	8033.7	4196.29	3837.41	4084.51	4143.81	+59.30
Annual Grants	151.73	116.40	35.33	157.71	105.07	52.64
Bridging gender & social gaps	148.77	59.26	89.51	76.19	17.54	58.65
School Infrastructure	9658.1	2316.31	7341.79	1180.2	303.32	876.88
Management	387.4	232.80	154.60	150.57	129.91	20.66
<b>TOTAL</b>	<b>20699.09</b>	<b>7681.24</b>	<b>13017.85</b>	<b>7332.21</b>	<b>4724.46</b>	<b>2607.75</b>

Taking into account, outlay for SSA in 2015-16, the gap between fund requirement as per our calculation and the actual allocations stands at Rs. 15286.05 crore in Bihar and Rs. 1048.16

crore in Rajasthan. In these circumstances, a further curtailment of finances for SSA and implementation of RTE Act is not justified.

**(c) Grievance Redressal<sup>16</sup>**

The poor compliance of schools with RTE norms even after five years of its implementation raises further questions about the status of compliance over last five years and time period required before which there will be full compliance across India. Failure to comply with RTE provisions points towards multiple systemic failures to ensure accountability of government officials at various levels.

The RTE framework of grievance redressal constitutes of mechanisms within the department and includes human rights commissions,

especially NCPCR and SCPCR. In the revised SSA framework, the Local Authorities (LAs) have been defined as the first line for redressal, and SCPCR has been envisaged as an appellate body for grievance redressal at the State level. The SCPCR is also entrusted with the responsibility of looking after overall monitoring at the state level, whereas the NCPCR is envisaged as the grievance redressal authority and overall monitoring at the national level. A maximum time limit of 3 months has been specified for action on grievance received by the local authority (or faster in matters of urgency), in order to afford adequate opportunity to concerned parties.

**TABLE 7:** Year of setting up of SCPCRs in States

	2007	2008	2009	2010	2011	2012	2013	2014
<b>JAN</b>		SIKKIM		KARNATAKA			HARYANA	
<b>FEB</b>						MEGHALAYA		
<b>MAR</b>				ASSAM				
<b>APR</b>				RAJASTHAN	PUNJAB & ANDAMAN		HP & NAGALAND	
<b>MAY</b>						PUDUCHERY	UK	
<b>JUN</b>				CHATTISGARH		TAMIL NADU		
<b>JUL</b>	MAHARASHTRA	DELHI		D&N				
<b>AUG</b>				MIZORAM				
<b>SEP</b>						GUJARAT		
<b>OCT</b>		GOA			JHARKHAND	KERALA	WEST BENGAL	
<b>NOV</b>			ODISHA	D&DIV		MANIPUR	ARUNACHAL & TRIPURA	
<b>DEC</b>		BIHAR		MP		ANDHRA	UP	CHANDIGARH

Table 7 shows that the timeline of constituting SCPCR by various states over the last 4 years. All State rules made provisions for the formation of either an SCPCR or a REPA except Madhya Pradesh, Punjab and Tamil Nadu. Over the four years since the RTE came into force, NCPCR received more than 3,800 complaints of RTE violations where only 41.25 per cent of them have been resolved.<sup>17</sup>

A total of 1904 complaints were received by NCPCR during the first year after the RTEs implementation. These included 1612 cases from Public Hearings held by the Commission and 292 individual complaints. The number of cases received by the commission has declined drastically over the year: there were 1,177 in 2010-11 and 174 in 2013-14. Number of cases NCPCR dealt with in 2012-13: 687, which is less than half of previous year (1,768).

<sup>16</sup>Major source: Taneja Anjela, Chowdhury Aheli et al (forthcoming) , Unknotting Grievance Redress in India's school education: Systems, challenges and opportunities, Oxfam India, New Delhi

<sup>17</sup><http://timesofindia.indiatimes.com/city/delhi/Complaints-of-RTE-violations-pile-up/articleshow/31747297.cms>

Similar trends hold for SCPCRs too. The redress rate is also fairly low. A critical concern is that the percentage of complaints closed has dropped from 57.6 per cent (2010-2011) to 21.54 per cent (2011-2012) and 19.21% (2012-2013). There is also a backlog of cases: there are still 484 open cases from the 2010-11 batch of complaints.<sup>18</sup> Activists believe decrease in number of cases being reported is because of the slow pace of resolution, although NCPCR attributes to better filtering of complaints that are now forwarded to the States. NCPCR also piloted social audits in elementary schools in 225 Panchayats and 10 Urban Wards in 12 Districts (Answer of unstarred question no. 1602, Lok Sabha, dated 06.03. 2013).

### **Grievance Redress (GR) and the Local Authorities (LA)**

According to the RTE Act, the LAs are expected to act as the first line of redress for the Act. Research suggests that the LAs have not really moved into the role expected of them. This is partly because the notifications of the LA have been delayed and occasionally been faulty. 23 States have notified LAs.<sup>19</sup> However, these notifications have largely remained vague in terms of placing accountability on specific individuals or groups for operationalizing the roles anticipated for the LA.

While it is useful to know that a Municipal Corporation is given the task of playing the roles of the LA, it does not explain who a complainant should approach for redress as per the provisions of the Act. In instances when multiple structures have been notified as LAs, their mutual relationships have also not been spelt out (eg: In Himachal Pradesh the Block and District Elementary Education Officers, PRIs and ULBs have been notified as the LAs for a range of issues). Some other states like Meghalaya, Odisha and Haryana continue to

notify government officials as LAs. Surprisingly, Haryana has notified SMCs as one of the LAs under RTE.

The process of grievance redress in education has been relatively poor. An independent audit of grievance redress mechanisms undertaken by the Department of Administrative Reforms and Public Grievances gives the department of Elementary Education and Literacy a score of 30 (of 100%). Only two departments, Food and Public Distribution (27.1) and Defence Research and Development (29.30) from a total of 72 Ministries performed worse.<sup>20</sup>

### **GR Systems for Teachers**

The RTE Act stipulates that setting up of a grievance redress mechanism for teachers is also compulsory. However, the State rules of Jharkhand, Odisha, Tamil Nadu and Chattisgarh omit this section completely. Delhi and Himachal Pradesh specify separate notification, whereas Uttarakhand specifies that Government and aided school teachers' redress would be in accordance with their service rules. Maharashtra's section on GR of teachers only addresses private schools.

There are two main mechanisms available for teacher grievance redressal.

1. There are grievance redressal sessions offered by State education officers at the block and district levels or at the state level by the State commissioner of education.
2. There are specialized dispute resolution tribunals that exist in many States for addressing service related matters of Government employees.

A very large number of writ petitions are also filed in High Courts by existing teachers. When these cases were analysed, it was found that The

<sup>18</sup><http://timesofindia.indiatimes.com/city/delhi/Complaints-of-RTE-violations-pile-up/articleshow/31747297.cms>

<sup>19</sup>For the notifications issued refer: <http://mhrd.gov.in/local-authority>

<sup>20</sup><http://www.performance.gov.in/?q=grm>

High Court of Odisha disposed only 75 such cases between 2009 and June 2014, while the High Court of Karnataka disposed over 6,000. The remaining states were: Madhya Pradesh (160), Jharkhand (187), Punjab and Haryana (279) and Tamil Nadu (544), while Rajasthan had 1285 and Uttar Pradesh 1146 judgments, respectively. Out of the total 9751 cases across the eight States, 47.01 per cent (or 4584 cases) of these related to service benefits, followed by appointment related disputes (33.2% or 3241 cases) and disputes related to regularization of existing appointments (5.9% or 579 cases).<sup>21</sup>

#### **(d) Monitoring and Accountability**

Monitoring is essential to ensure accountability as well as efficient and effective functioning of a programme. The National Commission for Protection of Child Rights (NCPCR) is responsible for monitoring the RTE Act but with hardly any budgetary allocation, the State Commission for Protection of Child Rights (SCPCR) are mandated to monitor the RTE implementation at State levels. Monitoring of RTE is also weak due to lack of investment in processes of data collection and research.

There are provisions for Research, Evaluation, Monitoring and Supervision (REMS) in the SSA budget and the allocation is on the basis of Rs. 1500 per school per year. But the above mentioned study<sup>22</sup> suggests that in the States of Bihar and Rajasthan the following prevails:

- i. Allocations for REMS activities are provided only for monitoring and given to SCPCRs. Therefore, there is no separate allocation for REMS activities.
- ii. In Bihar in 2013-14, government approved only Rs. 291.83 per school at district for REMS activities. Rs. 225.95 is allocated per school at state level for REMS activities including SCPCR @ Rs. 50 per school.

- iii. In Rajasthan in 2013-14, government allocated Rs. 60 per school at district level and Rs. 179 per school for state level activities.
- iv. This restricts the possibility for conducting achievement survey, such as DISE etc.; thereby severely compromising on the monitoring and accountability.

The governments should be made accountable to the legislature and both – (a) the Parliament at the Union, and (b) the Legislative Assemblies in the States, should have sought accountability from the respective Governments on the completion of both the major timelines of 2013 (Year 3) and 2015 (Year 5). There has been no such effort initiated in this regard yet.

The Joint Review Missions (JRM) are a mechanism of monitoring that come out with good analysed observations and recommendations, but are rarely taken into account for planning and budgeting purposes by the executive.

#### **The 20th Joint Review Mission of 7 to 17 October, 2014 has recommended for**

(a) Visioning for Quality, (b) Human Resource Development Plan, (c) Teacher Recruitment, (d) Long term, Outcome based and Evidence based Planning, (e) Capacity building for Learning Assessments, (f) Equity and Participation, (g) Pre Service Teachers Training (Working with NCTE and Institutions for Teacher Education to revamp their curriculum to align with NCFTE 2009), (h) Financial and Procurement (Financial and Procurement practices need to be further strengthened, with special focus at the sub-district level. This would include, inter alia, the timely release and expenditures of funds, settlement of advances, filling of staff vacancies, and timely compliance of audit observations. For School Management Committees (SMCs), the mission recommends that more training

<sup>21</sup>Ramachandran Vimala, Toby Linden et al (forthcoming), Teachers in the Indian education system: Synthesis of a nine-state study, NUEPA and World Bank, New Delhi

<sup>22</sup>ibid

be provided to SMCs to ensure equitable and effective engagement in school planning. The mission also recommends School Development Plan (SDPs) focus on qualitative improvement rather than just data and infrastructure, and that a system is developed so that the plans feed into the cluster/block/district plans. There is a need to implement all the recommendations of the Joint Review Mission in letter and spirit.

### Conclusion and Recommendations

The accomplishment of constitutional promise to the children of the country requires a huge array of systems, processes, and structures to be in place and functional. Though the status of various provisions extended under RTE Act has improved extensively since its implementation, there is still a long way to go before all goals set by the Act can be achieved. A State wise variation is visible, reflecting the commitment and readiness of the State machinery to ensure inclusive quality education to children in the RTE age group.

Along with the commitment of the government, in terms of issuing Government orders; setting up delivery mechanisms and recruiting personals; allocating funds to meet the ground demands and maintaining the system are critical. However, it is a well-known fact that the financial allocation for elementary education in India is gradually declining and the Central Budget of 2015-16 has added more trouble to the on-going challenge. Even if it is argued that the additional amount shared with States as per Fourteenth Finance Commission recommendations can be used to fill the gaps, it is impossible to calculate that the gap can be filled with the additional amount given to the States, based on ground realities. In the present scenario, there is hardly any alternative source or even any deliberations to discuss and plan for filling this gap of funds.

Grievance redressal in RTE Act is entrusted with Government agencies from SMCs to PRIs to SCPCR and NCPCR. But there is limited awareness about their own role on

how to handle RTE or education amidst the various functionaries. Similarly, due to the lack of awareness, parents and community do not know how to go ahead with the grappling issues related to school education and education of their children. The reduced fund allocation for monitoring and research has further weakened the scope for effective implementation of the RTE Act.

The system has to be strengthened and children have to access quality and inclusive education without any discrimination, which can only be ensured by the Government, civil society, schools and community. To achieve this, we need to work on the following suggestions/recommendations on an urgent basis:

- **Focus on implementation and its details:** While issuing notifications on the effective implementation of the RTE Act, the responsible department should be informed about it and ensure that it will be implemented on the ground.
- **Awareness creation on the functioning of the RTE Act, both at the functionary level and community level:** This still needs to be done so that the functionary knows his/her roles and responsibilities and can follow the official processes to ensure effective implementation. It is also important for the parents and community to know their right, entitlements and also responsibilities with regard to the education of their children.
- **Adequate fund allocation:** Without resources, systemic readiness cannot be achieved. The government cannot reduce its role in school education by limiting the resource allocation. The majority of Indian population, especially in the rural and remote areas, rely on public institutions for their capability development. In order to reach out to this section of the society, adequate and appropriate resources must be allocated, and systems and structures for service delivery must be strengthened. Delay, non-functioning, and lapse of the systems and

structures due to lack of funds is a violation of Constitutional right. Hence, adequate fund allocation for education should be one of the non-negotiable commitments of the Government, both at Centre and State level.

- **Strengthen the grievance redressal mechanisms:** To ensure proper functioning, systems should be developed and resources for its smooth functioning should be provided. This will also help in creating awareness among the functionaries (supply side agents) and the community (demand side agents) on what it is and how it functions. **NCPCR needs to be empowered and adequately resourced in order to monitor the RTE. They had set up an RTE cell. However, over the last year this has not been functional and NCPCR itself has been without a chairperson or members, showing the low commitment to Education and Child Rights as a whole.**
- **Elected representatives should seek status of RTE implementation in their area frequently and monitor:** For this, the Parliament at the Union and the Legislative Assemblies in the States must seek a statement from their respective governments in terms of meeting the tasks that were guaranteed to be completed by 31 March 2015.
- **Strengthen the REMS of RTE Act:** Research and monitoring are the essential components for implementation of any programmes and schemes. Being one of the largest social development policy; without proper assessment, evaluation and monitoring, it would be difficult to understand the lapses in the implementation as well as provide a proper road map for the education development in India.

# Role of Community and Civil Society

## Background

The role of community in school education can be immensely valuable. However, if the role of the local community is made central to quality education, the state can abdicate its constitutionally mandated responsibility of providing quality education to every child, and pass the blame for the failure of education on a community. Further, new conflicts could be generated between teachers and community members, resulting in a blame game, if much responsibility of education is placed with the community. Yet, the potential contribution of local community to the school is undeniable.

The system of local governance with community participation has existed since ancient times in India. But the whole idea of community participation, which evolved in 1980s and 1990s, is quite different, and in many ways limited. The RTE Act carries forward the suggestions of New Education Policy of 1986 and the new discourse beginning from DPEP. However, the role of community remains central to the emergence of the RTE Act, as it was enacted primarily because of peoples' demands and pressure. Community has the largest stake in its proper implementation.

## Defining Community & Civil Society

**SMC:** According to the Act and the State rules, the community of parents of children in the school will be given three-fourth representation

in the SMCs. The involvement of the village is not included in this formulation. Further, the principal space for structured community-school interface under the RTE Act is provided by the SMCs, which are envisaged as having a women's majority. This, however, offers a potential space for communities coming together in support of education to create a joint process of synergy.

SMCs may not be equipped to carry out their assigned tasks due to their limited or no empowerment, training or authorization to do so. As a result they have limited decision making authority and their recommendations are not necessarily accepted or respected.

**Local authority:** At the second level, local authorities provide the scope of participation of communities, should they become conscious of the need and responsibility. It is indeed intriguing to note that there is so much discussion on SMCs, but there is little attention paid to the local authorities, even as they are constitutionally mandated to take charge of school education. The RTE Act has also put responsibilities on the local authorities without giving them any assurance of devolution of funds or controlling authority, or providing functionaries to handle the responsibility.

**Civil Society:** A difference needs to be maintained between the role of the local community and civil society organizations (CSOs), NGOs or their networks. Each of these groups has their own distinct identity and potential for engaging with the RTE Act. An effort had been made to delineate the potential

contours of the role of civil society under RTE as part of the Anil Bordia Committee Report for restructuring the SSA and through a number of seminars held in this regard.

## Role and Responsibility

**SMCs:** There are at least four major roles that the SMCs can play:

- a) All SMCs are management bodies created for the decentralized governance of the school to ensure that quality education is imparted to all categories of children, without discrimination. As a governance structure, SMCs are at the first level of the grievance redressal mechanism.
- b) SMCs can also be seen as a means of mobilizing community resources for the school- linking schools with the local community. The knowledge and skills available in the society can be transmitted to the school through the SMCs, and in turn, some constitutional values may be transferred to the society through children and school-based activities.
- c) SMCs can create a sense of community ownership of school in their locality.
- d) They are a potential agent for systemic change, through the creation of pressure groups, in the form of federations.

**Local authorities:** It is mandated after 73rd and 74th Constitutional amendments that school education should come under the control of PRIs/ PESA/ ULBs. While in most of the States the Act of governing PRIs or ULBs have been suitably amended, no real transfer of authority has taken place with respect to subjects enumerated in the XIth or XIIth schedules of the Constitution.

**Society including the civil society:** The possible role of the civil society is open-ended and of immense importance. In fact, most of the experiments and conceptual innovations in the field of education have been undertaken by

individuals or groups outside the Government system. For instance, Tagore embarked on his *Shantiniketan* or *Sriniketan* experiments out of his own concerns and ideas, while *Nai talim* was conceptualized by Gandhi and his associates as an alternative to the colonial model of education. From more recent times, *Kerala Sahitya Shastra Parishad*, *Eklavya*, *Bodh*, *Lok Jumbish* or many such experiments can be cited as examples. The society provides a repertoire of knowledge and reserve of resources, which can be tapped into for creating new institutions and modes of education, relatively free from the complexities of state-sponsored or market-driven systems. It can be more contextual and locally relevant, with direct linkage with the society, as recommended by NCF 2005.

## Assessment & Evaluation of RTE

The first year of implementation of RTE Act, that is, 2010-11 was rather disappointing on most counts, including notification of Rules by States, which in turn would have led to formation of new SMC structures or redefined role for PRIs/ ULBs. The process of formation of SMCs remained uneven across States for the next two years. If States like Rajasthan, Uttar Pradesh or Tamil Nadu went ahead, Delhi or Bihar failed to put their acts together within the three year's deadline of the Act. In fact, in Delhi, SMCs were formally notified in March 2013, while in Bihar new SMC-related rules had to wait till September 2013. In many cases, whatever existed or formed technically hardly conformed to the spirit of the Act. Apart from the annual stocktaking by RTE Forum and NCE, several other studies were undertaken in 2012 and 2013 such as Odisha-specific study by Shiksha Sandhan (2012) and by Voluntary Forum for Education, Bihar; which assessed implementation of SMCs. During 2013, DISE data and ASER also gave some information on working of SMCs. However, focused studies across States on the changing role of SMCs and PRIs/ ULBs since the RTE implementation are yet to be conducted.

## General awareness & understanding

*Awareness:* Any legislation can only be fully implemented if the people are aware of its existence and value. The level of knowledge of provisions of the RTE Act among the functionaries is often very low, despite the fact that the lower level functionaries had to begin process of school mapping and assessment of gaps in terms of infrastructure and teachers in the first year of Acts enactment itself. It is, hence, not surprising that the 13th Joint Review Mission recommended that each State prepare a dissemination plan to ensure that the knowledge of the RTE provisions reaches the people. It is yet to be implemented. But it is imperative to note that one out of every two parents is aware about the RTE Act and its provisions<sup>23</sup> in early 2013.

*Actions being taken at the community level:* Many of the critical issues pertaining to the implementation of the Act also depend on the dynamics between the community, teachers, parents, children, PRIs and the education administration working together. The idea of school mapping or delineation of catchment/ feeder areas of neighbourhood schools and mapping of children in and out of school provides ample scope for community involvement. However, many of these processes are yet to be systematically undertaken and completed in many States, which in turn affect the progress of the community involvement as desired.

## Experiences of SMCs across states

*Constitution & composition:* The performance of SMCs continues to be varied and uneven across States, given the diversity in the country along different parameters such as local traditions, heterogeneous pattern of education in different states or even in different regions or parts of a

State and more. Therefore, real time quantitative data pertaining to the status of SMCs is lacking.

According to the DISE 2012-13, 88.37 per cent schools had an SMC (ranging from 6.93% in Delhi, notified officially only in March 2013, and 100% in Lakshadweep) which indicate that processes of formation of at least first generation SMCs have by and large commenced in most places. There has been a significant increase in the number of schools with SMCs over the years including the final notification of SMCs in Delhi in March 2013. In Bihar, State Rules (2011) had an ambitious scheme for panchayat like elections by State Election Commission, which never materialized, and subsequently a small seven member ad hoc SMC was constituted. About six months after the three year deadline of implementation of RTE Act, on 26 September, 2013 Rules were notified for a new 17-member SMC, which was amended in December, and the process of their constitution still continues.

In contrast, several States including Rajasthan, Tamil Nadu and Uttar Pradesh have moved into a second round of SMC formation in 2014-15. However concerns remain about the modalities adopted for its formation such as the selection (by head teachers) being a more frequent practice on the ground, than election (Jha, 2014). At the same time, there is an inadequate representation of marginalized communities in the SMCs, and steps are not taken to enable linguistic minorities and women to engage in the functioning of the SMCs (ibid). Delhi, only 18 per cent of school have reported proportional representation of disadvantaged groups. Instances of gendered division of labour- with women's roles relegated to oversight of Midday meals and distribution of uniforms, with the rest of the roles being given to men (ibid). SMCs require handholding to adequately address issues of social inclusion. Issues of gender, social inclusion, equity, quality, etc. need to be separate capacity building exercises, as holistic training

<sup>23</sup><http://right-to-education-india.blogspot.in/2013/03/survey-reveals-poor-awareness-of-rte.html>.

modules cannot do justice to addressing these sensitive issues.

Hence, a rights based process of formation of SMCs offers greater transformational scope, than the current election model for the formation of SMC's, which is an uncertain method.

*Capacity building:* Generally, SMCs are ill-prepared to take up the numerous responsibilities enumerated in the Act, which raises questions about the process of training that are being adopted. The opportunity offered by the roll over onto the second generation SMCs has provided States with the opportunity to revise curricula for SMC training. Such curricula have been revised in UP and TN.<sup>24</sup>

The concern, however, is not just with the content of the modules, but the modalities of their dissemination. Various reports have flagged that the entire SMC body is not expected to be trained. At the same time, experiences of roll out have suggested that there are issues with the design of the training adopted, which remains "one size fits all" (Jha, 2014). Mechanisms for supporting SMCs once trained are also lacking. Structures like SMC federations- potentially useful for promoting cross-learning and extending support to members facing similar problems- are missing.

Issues pertaining to the more visible aspects of the functioning of the school- opening and closing times of the school and tracking delivery of the MDM- are relatively more likely to be addressed than more intensive aspects of social inclusion or school quality. This correlates with the finding of the analysis of the DISE District Report Cards (2011) that suggests that places where SMCs meet very rarely (once in six months) have lower teacher attendance as compared to those that meet more frequently

(once in a month or once in two-three months). SMC meetings, however, did not appear to have an impact on student attendance.<sup>25</sup> A more meaningful process of interaction and handholding of SMCs is required, if impact across the entire set of indicators is to be expected.

*Performance on the ground:* While SMCs to an extent are aware of their monitoring roles, but they are unaware of their financial powers and their role in the process of redressal of grievances (Jha, 2014). They are expected to play a critical role in undertaking long term planning of their schools through the formation of SDPs. According to the 2012 DISE data, 80.79 per cent of schools have an SDP in place (ranging from 34% in West Bengal and 99.24% in Tamil Nadu), while 94.7 per cent of schools with SMCs have opened Bank accounts (18.18% in Goa compared to 100% in Karnataka). However, at least three issues pertaining to the development of the SDPs need to be addressed in 2015:

- To ensure that the plans are actually usable.
- Making the process of SMCs development more participatory (and not have them prepared by the teachers and head teachers alone).
- Build in a mechanism whereby SDPs that have been prepared serve as a basis for actual allocations.

A survey was carried out by the **RTE Forum for the Year 5 stocktaking** in 457 schools across 10 States during January – March 2015. The results of the survey on aspects related to SMCs are as follows:

- According to the study, 88.2% of 457 schools have SMCs (Table 4). It indicates that 11% schools still do not have SMCs.
- The data also suggests that 68.7% schools followed election process to elect SMC

<sup>24</sup><http://www.newindianexpress.com/cities/chennai/New-Training-Modules-Give-More-Teeth-to-SMC-on-Funds/2014/01/06/article1985081.ece>.

<sup>25</sup><http://www.accountabilityindia.in/accountabilityblog/2642-community-participation-and-school-functioning-evidence-drc-survey-data>.

members, which is a democratic process as well as a desired one. Nearly one third of the total SMCs followed other methods including choosing by Head Teacher to form SMCs (Table 5).

- 79% of the SMC members have got training and the government is the main agency that imparted training (more than 71% is

conducted by Government only, remaining are conducted by NGOs: Table 7).

- Only 60.6% of the SMCs are involved in SDP development, 70.9% monitors the functioning of school activities and 67.8 % of SMCs can monitor the school fund utilisation. State wise variations are also provided below (Table 8).

**TABLE 4:** Formation of SMC in schools

State	No. of School Surveyed	No. of School in which SMC is formed	Percentage of schools in which SMC is formed
Bihar	25	25	100
Delhi	24	24	100
Gujarat	81	80	98.8
Haryana	20	20	100
Jharkhand	51	45	88.2
Karnataka	10	10	100
Maharashtra	38	37	97.4
Telangana	40	40	100
U.P	118	117	99.2
West Bengal	50	5	10
All States	457	403	88.2

**TABLE 5:** Process of constitution of SMCs in schools

State	No of Schools	SMC members identified through election process		SMC constitution followed RTE norms	
		No.	%	No.	%
Bihar	25	25	100	25	100
Delhi	24	21	87.5	23	95.8
Gujarat	81	28	34.6	73	90.1
Haryana	20	20	100	20	100
Jharkhand	51	32	62.7	32	62.7
Karnataka	10	7	70	8	80
Maharashtra	38	37	97.4	36	94.7
Telangana	40	40	100	40	100
U.P	118	103	87.3	88	74.6
West Bengal	50	1	2	3	6
All States	457	314	68.7	348	76.1

**TABLE 7:** Trainings to SMC members

State	No of Schools	SMC members received training		Training imparted by			
		No.	%	Government		NGO	
				No.	%	No.	%
Bihar	25	18	72	1	5.6	17	94.4
Delhi	24	16	66.7	4	25	12	75
Gujarat	81	81	100	79	97.5	2	2.5

State	No of Schools	SMC members received training		Training imparted by			
				Government		NGO	
		No.	%	No.	%	No.	%
Haryana	20	20	100	20	100	0	0
Jharkhand	51	42	82.4	30	71.4	12	28.6
Karnataka	10	7	70	6	85.7	1	14.3
Maharashtra	38	37	97.4	36	97.3	1	2.7
Telangana	40	40	100	7	17.5	33	82.5
U.P	118	97	82.2	72	74.2	25	25.8
West Bengal	50	3	6	3	100	0	0
All States	457	361	79	258	71.5	103	28.5

**TABLE 8:** Functions of SMCs

State	No of Schools	Preparing SDP		Monitoring functioning of school		Monitoring utilization of grants by school	
		No.	%	No.	%	No.	%
Bihar	25	18	72	25	100	25	100
Delhi	24	12	50	16	66.7	16	66.7
Gujarat	81	77	95.1	80	98.8	80	98.8
Haryana	20	0	0	20	100	20	100
Jharkhand	51	38	74.5	34	66.7	30	58.8
Karnataka	10	9	90	9	90	9	90
Maharashtra	38	32	84.2	35	92.1	36	94.7
Telangana	40	38	95	37	92.5	35	87.5
U.P	118	48	40.7	63	53.4	55	46.6
West Bengal	50	5	10	5	10	4	8
All States	457	277	60.6	324	70.9	310	67.8

The above findings corroborates with the following cross-cutting concerns about the functioning of SMCs across the country:

- Lack of awareness about SMCs among the larger group of parents is still being reported. In many places the process of formation is undemocratic and lacking in transparency that even members chosen came to know about it at the time of meeting or training.
- The level of participation of parents is reported to be low, often dominated by some persons or groups, negating the idea of SMCs working as instruments of greater social inclusion or ensuring quality of education.
- Attitude of State Governments towards SMCs vary from suspicious to apathetic, to moderately encouraging. There is lack of creative bonding between teachers and

members of SMCs in most places. There are reports of records of SMC meetings being created artificially or being forged that is only possible when there is apathy or ignorance on the part of members and local community or undue influence wielded by some members or head teachers.

Despite all kinds of limitations many among the community members as well as teachers stated that experience of working with SMCs was good. There are stories of positive outcome of working of SMCs reported from several places, and it has generated some enthusiasm for schools particularly in rural India.

While problems pertaining to the functioning of SMCs persist, considerable progress has also been made in several states, especially those with second generation SMCs. SMC members across the country are beginning to assert

their rights. At the same time, several States are beginning to form federations of SMCs (formal or otherwise). Thus, Karnataka has an SDMC federation that precedes the notification of the RTE Act. Manipur also has an SDMC federation<sup>26</sup>, whereas CSOs in Jharkhand and UP have also taken steps to form SMC federations.

### Local Authorities (LA)

The Act enumerates responsibilities of LA, which should be PRIs or urban local bodies (ULBs). Although, till 2013, 23 States had notified LAs,<sup>27</sup> these notifications have largely remained vague in terms of fixing accountability on specific individuals or groups for operationalizing the roles anticipated to be played by the LA. For instance, when multiple structures have been notified as LAs, their mutual relationships have also not been spelt out (Eg. The Block and District Elementary Education Officers, PRIs and ULBs in Himachal Pradesh have been notified as the LAs for a range of issues). Some States such as Meghalaya, Odisha and Haryana continue to notify Government officials as LAs. Surprisingly, Haryana has notified SMCs as one of the LAs under RTE. Irrespective of the notifications issues, however, the extent and processes of engagement with the local self governance structures on RTE implementation has been weak. The overwhelming focus on the efforts towards ensuring community participation has been on the implementation of the provisions pertaining to SMCs, at the cost of neglecting of building capacities of LA.

It may be noted that in the context of 73rd and 74th amendments to the Constitution, MHRD has apparently opened a dialogue with the States to correct some of the notifications pertaining to LAs and to ensure greater convergence between the SMC and the local self governance structures (advocating for notifications of the SMC to be the subcommittee of the Panchayat/ Ward Committee). However, this understanding

has not necessarily percolated down fully to the State level, let alone the individual Panchayats or ULBs, where convergence is still to happen.

**LAs and local communities:** in 2010, only in four States majority of schools are controlled by local bodies. These are: Gujarat (81.16%), Maharashtra (68.88%), and Andhra Pradesh (67.34%) and Tamil Nadu (53.65%). Three more States have substantial portion of schools under the management of local bodies, namely, Rajasthan (37.20%), Delhi (36.30%) and Punjab (24.14%). In Bihar no school is thus far controlled by the PRIs/ ULBs even as it is claimed that teacher recruitments are being done by them.

### Role of Civil Society

Participation of civil society and stakeholders, including communities in various forms have to play a larger role for the pro-people implementation of RTE and that process has been witnessed across different states in different ways. At the national level all the principal education networks like NAFRE, NCE, PCCSS, CACL and Wada Na Todo Abhiyan, etc. have taken up the agenda of RTE. Some of these also have State Chapters and some States have State specific networks such as Voluntary Forum for Education in Bihar. Recently in Bhopal (MP) such a network has come into existence. In the absence of a statewide network or suitable organization, regular advocacy has not begun in some states.

RTE Forum itself is an example of organized civil society intervention regarding full and proper implementation of the RTE Act, 2009. It has emerged as a coalition of education networks, teachers' organizations and educationists with strength of about ten thousand organizations working for systemic reforms in education. It is a shared national platform for those striving for equitable quality education for all children, and till date has succeeded in creating active State

<sup>26</sup> <http://e-pao.net/GP.asp?src=26..121013.oct13>

<sup>27</sup> For the notifications issued refer: <http://mhrd.gov.in/local-authority>

chapters in twelve States. Further activities have begun at least in five more States.

Colleges and universities have also started playing an important role and National University of Educational Planning and Administration (NUEPA) has done some commendable work in this area. Besides compiling and publishing DISE data year after year, it is computing Educational Development Index (EDI) and also holding seminars and discussions on RTE Act. Teacher bodies are also playing a significant role in relation to the Act, nationally as well as at state level. Groups such as Bharat GyanVigyanSamiti (BGVS), Pratham, etc. have made their own contribution, while many more State or local organizations are active in their own ways.

## Recommendations

### 1. **SMCs and community or civil society:**

The foremost concern raised about the role of SMCs is whether they represent the local community and/ or civil society? Though it is difficult to answer this question, it is important to know that SMCs can be:

- 1) A fairly reliable agency or platform for the parents or guardians whose stake in the school system is the highest and it can even be regarded as a representative of the community. It may also be noted that civil society as such, even represented through NGOs or CSOs or other organized groups can play a role from outside as pressure groups or support groups.
- 2) Second important issue pertains to their relationship with Panchayats or ULBs, in view of the constitutional provisions introduced by 73rd and 74th amendments. There is at least one representation from panchayats/ ULBs guaranteed by the RTE Act, but PRIs play little role in the functioning of schools in most of the States. This may be largely due to the reluctance of State Governments in general and bureaucracy in particular to

devolve real authority upon PRIs/ ULBs, combined with lack of functionaries and competence at the lower levels.

2. **Need for acknowledgement of role:** The role of SMCs needs to be clearly defined and duly acknowledged. SMCs may serve as the connecting link between the school and the community, and help schools to emerge as relevant and meaningful social institutions, but it calls for a conducive and supportive administrative environment and more coordination between different stakeholders than what exists currently.
3. **Modification of present composition desirable:** The present composition of SMCs varies from one state to another, and there are representations of some categories, which can be replicated elsewhere. One such case is the inclusion of children in the committee, which gives effect to their right of participation. It is mandatory to give a proportional representation to weaker sections. Further, the representation of parents of the disabled, which forms one of the most neglected segments of child population, can help in correcting the situation to some extent. It is pertinent to note that one of the important expectations from the SMCs is to ensure social inclusion in the schools and also in the class rooms.
4. **More preparation is necessary:** It is important to build the capacity of members of SMCs including teachers so that they can enact their roles efficiently and purposefully. There are certain tasks like preparation of SDP, which is technical task that some members of SMCs (maybe the teachers themselves sometimes) should be capable of formulating and designing, rather than the whole committee. Training programmes should include simple accounting and an awareness of the possible role of SMCs in building of schools as attractive and academic institutions. This should be an ongoing process, rather than a one-time exercise.

5. **Need for greater transparency & an open-ended approach:** It is crucial to remember that SMCs represent parents, students and teachers, and hence they should revert to the larger group as frequently as possible, rather than confining their work to the smaller group. There should be emphasis on broader consultation with experts and community at large, so that institutional vision and strategies are robust and realistic. Moreover, such an approach will prevent the possibility of misuse of funds or authority.
6. **Avoiding direct award of contractual work:** Award of contract for construction or some other work is likely to interfere with their monitoring role and invite suspicion regarding misuse of funds. Hence, it is advisable to avoid such arrangements with any members of the SMC, including president or head teachers.
7. **SDP as a possible entry point:** Making of SDP and subsequent involvement in its execution may serve as a platform and basis for a series of activities to activate local community in general and SMC in particular. This, in turn may entail a broader formulation of SDP going beyond infrastructure development and covering curricular and co-curricular activities in a school.
8. **Organizing Federation of SMCs at block and/or district level:** It will be worthwhile to organize Federation of SMCs at the block and higher levels to give SMCs vibrancy and confidence. This will register SMCs presence and make the appropriate authority take note of their relevance. We already have examples of such Federations from Karnataka, U.P., Jharkhand, among others.

# Quality Education in RTE

The Right to Education Act, 2009, states in Section 8 (g) that, “The appropriate government shall – ensure good quality elementary education.” This chapter examines the extent to which India has met its quality agenda for children’s education.

The RTE has outlined various norms under which a “quality” education can be imparted. For the purposes of this chapter these are categorized as the following:

- i. Supportive Learning Environment
- ii. Textbooks Supply and Procurement
- iii. Learning Outcomes
- iv. Continuous and Comprehensive Evaluation (CCE)
- v. Curriculum Reform
- vi. Language of Instruction and Multi Lingual Education (MLE)

## ***i. Supportive Learning Environment***

If all children must receive quality education, the environment of education should be conducive to learning. A good supportive learning environment for gaining a quality education includes the need to address: infrastructural quality and teacher availability quality. Since chapter Five will address the issue of teachers this section focuses on infrastructural and other quality issues as per the RTE.

In a recent interview about the state of quality of government schools, the **MHRD Minister, Smriti Irani, acknowledged that, “there is a need to ensure that the facilities provided to government schools students are enhanced.”**<sup>28</sup>

## School building related

All weather building: As per the RTE norms, another priority for quality infrastructure is the main school building structure. While schools in most States have managed to set up all weather buildings, the RTE Forum study reports that Telangana is ill prepared to provide quality building for children’s education. **The findings of the RTE Forum Study indicate that only 47.5% schools that were visited in Telangana had all weather buildings. Remaining government schools were being run under thatched roofs with grass, or conducted in open spaces.**

Building established as per neighborhood norms: Schools in all States covered under the RTE Forum Study 2015 reported to have set up school building as per neighborhood norms. **Except for the case of West Bengal, wherein out of 50 schools, 11 schools had not established their building as per neighborhood norms. In UP also, about 17.8% school buildings were not established as per neighborhood norms (21 out of 118 schools).**<sup>29</sup>

<sup>28</sup> Chopra, R. (2014) There is a Need to Review SarvaShikshaAbhiyan& Right to Education: Smriti Irani. *The Economic Times*. Accessible at: [http://articles.economictimes.indiatimes.com/2014-09-11/news/53811424\\_1\\_indian-institute-hrd-national-flag](http://articles.economictimes.indiatimes.com/2014-09-11/news/53811424_1_indian-institute-hrd-national-flag)

<sup>29</sup>In the case of UP, there was missing data on neighborhood norms from 7 schools.

“A good road connectivity is what we have been longing for decades. It would be nice if the district administration comes forward with other schemes to improve our lives and make sure that all our children get educated without any difficulty,” pleads P.Chinnamma, a resident of Sittraruviipatti, Madurai, Tamil Nadu.

Source: Imranullah, M. 2013. *The Hindu*

Connectivity of school building with pucca road: Along with the fact of distance of school, many children, especially girls find it particularly difficult to attend school if the road to school is not easy to commute on. Hence, it becomes important that the road to school is a pucca road, which will enable children to attend school and gain their quality education.

**Presently, as per the RTE Forum 2015 study, many States, including West Bengal (46%), Jharkhand (39.2%), UP (29.75%), and Bihar (24%) do not have pucca roads leading to schools.**

### **Drinking Water**

The 2013-14 DISE data suggests significant advancements across States in terms of drinking water facilities at schools. The statistics indicate that across States 96.1% schools provide drinking water facilities to children. However, on ground, realities reflect a different picture. **According to the small study conducted by the RTE Forum 2015, schools in States such as West Bengal (44%), Telengana (25%), and Maharashtra (10.5%) are not providing drinking water to children.**

According to survey of 131 Government Urdu Primary Schools by AP Urdu Academy, **“out of these 131 govt. Urdu primary schools, 85 schools don’t have proper**

**electricity, and 100 schools lack water drinking facility, 73 primary schools are in rented rooms, only 3339 benches to facilitate more than 21 thousand students, and only 293 black boards in 131 schools. This survey report also showed that there is an urgent requirement of at least 194 primary schoolteachers, and construction of 310 toilets in these Urdu primary schools.”**

Similarly, in 2014, a field visit report by Comptroller and Auditor General of India (CAG) highlights a worrying trend about drinking water in schools in Gujarat when compared to the official State Gujarat Council of Elementary Education (GCEE) reported data on schools.

It has been reported that, “According to GCEE, all the elementary schools in the state were having drinking water facility. However, audit observed (during February-June 2013), that drinking water was not available in 17 schools out of 300 schools visited. Thus, the information available with state government is incorrect” the CAG report said.

The federal auditor also noted that water purifiers were not provided at 105 schools (35%) and among schools provided with purifiers the devices are not working in 53 schools.”<sup>30</sup>

“Many children have left school due to lack of cleanliness in our school. Some children have allergies, so their parents don’t send them to school fearing they will fall ill.”

**-Mehnish, student of a government school in Central Delhi.**

Source: *The Hans India*, March 09, 2015.

<sup>30</sup> The Hindu. (November 12, 2014). Gujarat data provision on provision of toilet, drinking water facilities in schools unreliable: CAG. Accessible at: <http://www.firstpost.com/india/gujarat-data-provision-toilet-drinking-water-facilities-schools-unreliable-cag-1799847.html>

## Toilets

Various reports suggest that since year 2010, toilet facilities have increased in number. This is a great achievement. For example, the ASER study (2014) reports that only 6.3% schools have no toilet facility in 2014. However, 28.5% toilet facilities are still not useable in 2014.

Furthermore, separate toilet facilities for girls are still needed, as 18.8% schools do not have separate provision for girls' toilets. The DISE (2014) data indicates that 80.85% schools have girls' separate toilets, indeed a good achievement from 50.99% in 2009-10.<sup>31</sup> However, the ASER (2014) data reports that only 55.7% girls' toilets that are unlocked and in useable condition. Without useable toilet facilities many girl children stay back at home and hence miss the opportunity for quality education.

In Telengana, the issue of toilets has been identified as an issue of lack of budget allocation for the construction and maintenance of toilet facilities. Yuvraj Akula (2015) reports that, "schools were given only Rs. 300 per month where they actually require Rs 3,000 per month for maintenance of toilets."<sup>32</sup> Furthermore, according to data available with Telangana State School Education department, 6,000 government schools across the State do not have toilet facility.

**The data collected from schools by state conveners of RTE Forum, Telengana, in 2015, indicates that toilet facilities are indeed a serious problem in the State. Almost 75% of the schools covered in the study do not have functional toilet facilities for girls. Telengana schools also do not have separate functional toilets for boys. The RTE Forum study analysis reveals that 80% schools do not have functional toilets for boys either.**

By far, states in the northeast have most difficulty in meeting school facilities for children. In 2014, in Manipur and Meghalaya, ASER 2014 reports that only 19.8% and 16.8% schools respective were able to provide for girls toilets that were useable.<sup>33</sup>

In fact, worst of all, most states do not have separate toilets that can be easily accessible to children with special needs. **RTE Forum Study 2015, finds that other than Karnataka, all remaining 9 states have below 50% provisions for toilets for CWSN children**

**TABLE 9:** Availability of functional toilets for girls

State	Availability of functional toilets with water for girls	
	% Available	% Not available
Bihar	76.0	24.0
Delhi	70.8	4.2
Gujarat	92.6	2.5
Haryana	100.0	0.0
Jharkhand	56.9	29.4
Karnataka	100.0	0.0
Maharashtra	76.3	15.8
Telangana	12.5	75.0
U.P.	62.7	24.6
West Bengal	14.0	80.0
All States	62.4	28.2

Source: RTE Forum Study, 2015.

**In Rajasthan, a recent survey conducted by Bharat BalVigyan Samiti (and submitted to the High Court) revealed that, "Out of 138 schools, the survey carried out, 24 schools have no toilets worth its name while 75% of the schools have no sanitation facilities."**

Source: Joychen, P. (2015). *The Times of India*.<sup>34</sup>

<sup>31</sup>Elementary Education in India. DISE 2013-14. NUEPA. pp. 7.

<sup>32</sup>Akula, Y. (February 19, 2015). 6000 Government schools lack toilets in Telengana. *The Hans India*. Accessible at: <http://www.tehansindia.com/posts/index/2015-02-19/6000-govt-schools-lack-toilets-in-Telangana-132332>

<sup>33</sup> ASER (2014). Pratham. Table 24, pp. 93.

<sup>34</sup>Joychen, P. (Feb 18, 2015). 75% of 138 schools lack sanitation: Survey. *The Times of India*. Accessible at: <http://timesofindia.indiatimes.com/city/jaipur/75-of-138-schools-lack-sanitation-facilities-Survey/articleshow/46279955.cms>

## Library

As per the RTE Act, each school must have provision of library facility with “newspapers, magazines, and books on all subjects, including story-books.” DISE data suggests a steady increase in the set up of library facilities in schools from 52.69% schools having library in 2010-11 to 72.30% in 2013-14. The ASER 2014 study finds that in 2013-14, 21.9% schools do not have libraries.

However, in comparison to the national average, some states are way behind in meeting this target of quality. In Rajasthan alone, only 59.71% schools have library.<sup>35</sup>

State	Free textbooks in 1st month of the academic session	
	Available to all children	Available to some children
	%	%
Bihar	16.0	24.0
Delhi	4.2	0.0
Gujarat	85.2	0.0
Haryana	100.0	0.0
Jharkhand	31.4	2.0
Karnataka	0.0	100.0
Maharashtra	0.0	0.0

State	Free textbooks in 1st month of the academic session	
	Available to all children	Available to some children
Telangana	97.5	0.0
U.P	26.3	26.3
West Bengal	100.0	0.0
<b>All States</b>	50.3	10.5

**The RTE Forum study, 2015, also finds that some states do not provide functional libraries. For instance, many schools in Haryana and West Bengal do not have functional libraries. In Haryana only 35% have functional libraries, and in West Bengal only 14% have functional libraries.**

### ii) Textbooks Supply and Procurement

As per the RTE Act, all children must be provided free textbooks up to class VIII. According to NCERT Annual Report, “in 2013-14 provision was made for providing text books to 8.85 crore children.”<sup>36</sup> However, “while most of the States/UTs distributed textbooks within one week, there are some States/UTs which provided books after one week or even after one month.”<sup>37</sup> See below:

Category	Distribution	Name of States/ UTs
A	Within one week	Andhra Pradesh (93.33%), Arunachal Pradesh (62%), Assam, Bihar (66.67%), Chandigarh, Chhattisgarh, Daman and Diu, Delhi (17%), Goa (80%), Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Lakshadweep, Madhya Pradesh, Meghalaya (80%) Mizoram, Nagaland, Odisha, Punjab, Rajasthan (97%) Sikkim (52%), Tamilnadu, West Bengal (7%)
B	After one week (Within one month)	Andhra Pradesh (6.66%), A & N Islands (Within one month) Arunachal Pradesh (31%), Bihar (33.3%), Goa (20%), Haryana (22 schools of 28 schools), Kerala, Meghalaya (13%) Puducherry, Rajasthan (3%) Sikkim (48%), Tripura (85%) Uttarakhand, Uttar Pradesh, West Bengal (29%)
C	After one month	Arunachal Pradesh (7%), Delhi (3%), Haryana (6 schools of 28 schools), Jharkhand, Maharashtra, Tripura (15%) West Bengal (64%)
D	INP*	Dadra and Nagar Haveli, Manipur

Source: NCERT (2014), Annual Report, pp. 47.

<sup>35</sup>DISE 2013-14. Also see: <http://timesofindia.indiatimes.com/city/jaipur/Most-government-schools-in-Raj-lack-computer-library/articleshow/37930799.cms>

<sup>36</sup>NCERT(2014) Annual Report 2013-13. Ministry of Human Resource Development. Pp. 22.

<sup>37</sup>Kumar, Yogesh. (YEAR) Quality Interventions in Elementary Schools: Report of Quality Monitoring Programme in 100 Clusters of the Country. A National Report. NCERT, pp. 16. Accessible at: <http://www.ncert.nic.in/departments/nie/dee/publication/report.html#>

NCERT also collected responses for reasons why there was late distribution of textbooks. Some of the responses are shared in tabular form below:

Sl. No.	Responses	Frequency
1	Late issue of textbooks	8
2	Inadequate supply of textbooks	2
3	Late admission of students	1
4	Non availability of transport facility	1

Source: NCERT (2014), AR, pp. 49.

Since there are schools where textbook distribution gets delayed, particularly in the national capital, and states of Arunachal Pradesh, Haryana, and West Bengal, there needs to be more coordinated efforts to improve the distribution of textbooks in all schools. Textbooks are the basic tool for learning for students, without which no quality of education can be provided.

### iii) Learning Outcomes

“Improving learning outcomes is a crucial task that stares the Indian education system in its face.”<sup>38</sup> Unless the outcome of what children are learning in school is not measured, there is no way to gauge if children are benefitting from education. To receive a quality education means that children are learning and progressing along each class. The National Achievement Survey (NAS) and ASER assess the learning outcomes of children, which offer a guide on where India’s children stand in terms of their learning.

Unfortunately, many children’s learning outcomes are below India’s national average.

According to NAS, 2014, among all states, Chhattisgarh is fairing the worst in language and mathematics learning outcomes, 51% and 53% respectively. “Overall, Class III children in 34 states/UTs were able to answer 64% of language

items correctly and 66% of mathematics questions correctly.”<sup>39</sup>

Further, it is important to note that the north of India is worse in its learning language outcomes in comparison to the national average. In the case of mathematics, the national picture is only slightly different. Most northern states, except for UP, Punjab and Himachal Pradesh, are significantly below the national average in their scores in mathematics. Interestingly, the NCERT reports that there is no significant difference by gender across most states of India in the learning outcomes of students of class III in language and mathematics alike.

The ASER 2014 (Rural) findings also suggest that reading levels remain low. “In Standard III, only a fourth of all children can read a Standard II text fluently.”<sup>41</sup> Even in Standard VIII, “close to 75% children can read Standard II level text (which implies that 25% still cannot).

The all India level of basic arithmetic has also gone unchanged. In 2012, ASER (2014) reports 26.3% children from standard III could not do two-digit subtraction. In 2014, the figure is at 25.3%. A further worrying trend can be observed in children’s ability to recognize numbers. That is, the number of children who cannot recognize numbers till 9 from Standard II has increased from 11.3% in 2009 to only 19.5% in 2014.<sup>42</sup>

### iv) Continuous and Comprehensive Evaluation (CCE)

As the above section indicates, children in India are not learning well. The national average in basic reading and mathematics are low, and many states of northern India are below the national average as well. One of the reasons for such low learning outcomes and levels has been

<sup>38</sup>Rege, P. (September 23, 2014). Report: Learning Outcomes. DNA. Accessible at: <http://righttoeducation.in/media/news/2014/09/23/report-learning-outcomes#sthash.2kVuYmxq.dpuf>

<sup>39</sup>NAS (2014) Class III Achievement Cycle Highlights, pp. 4.

<sup>40</sup> ASER (2014), pp. 81.

<sup>41</sup>Ibid.

<sup>42</sup>Ibid, pp. 82.

attributed to the problems of the CCE system. MridulaCari, 2014, writes that, CCE tests are aimed to measure a child's holistic development.<sup>43</sup> However, it puts teachers under pressure for testing rather than actually spending time on teaching itself. Since CCE was implemented, the States of Assam and Bihar reflect progressively lower reading scores for Standard V children.

Source: Varma, 2014, *The Hindu*.<sup>44</sup>

### WHAT IS CCE?

- Continuous Comprehensive Evaluation (CCE) calls for a shift to a teaching paradigm that is activity-based, inclusive and child-friendly
- It is a system where the teacher observes children's participation by engaging them in facilitating activities, small assignments, projects or tests

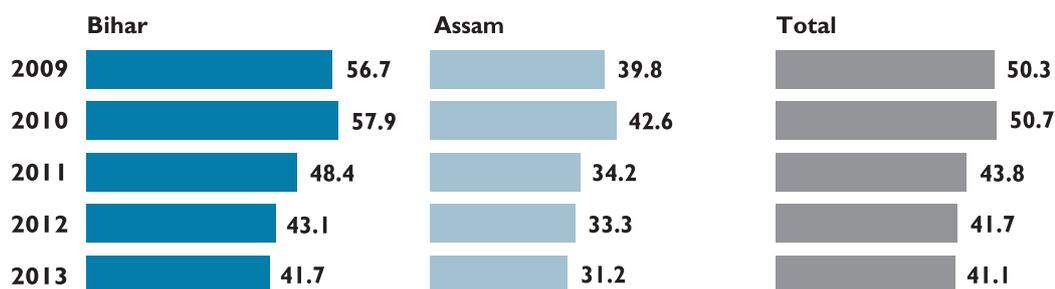
#### BOTILENECKS

- School managements and staff are not comfortable with the tools of daily evaluation and assessment
- Teachers still struggling to gain conceptual clarity and practical understanding of the model

● The trained resource persons are able to absorb only 50 per cent of the concept. A single five-day training session is far from adequate. We want more training phases. SHOUKAT ALI, National Coordinator APPTA

See statistics below on reading scores:

#### % Children in Std V who can read Std II level text



Scroll.in

Data: Annual Survey of Education Report, 2013

It must also be noted that not all state boards have instituted their own state level CCE.

Further, not all schools have heard of CCE, even though the numbers have indeed increased since last year. ASER (2014) reports that percentage of schools that said they had heard of CCE has increased from 78.9% to 88.5% nationally.

**As per analysis from RTE Forum 2015 study, schools in the States of West Bengal (78%) and UP (41.5%) did not receive format for CCE from higher authorities. About 20% of schools from even the state capital, Delhi that were covered in the RTE Forum study, reported that they did not receive format from higher authorities.**

#### Movement towards CCE by States:

- 26 States are developing their own module for implementing CCE (as well as modules for teachers training to implement CCE).
- 5 States are planning on piloting and upscaling CCE.

Based on NCERT, *Annual Report 2013-14*, pp. 22.

#### How does one understand the problem of CCE?

In Telangana, the problem of CCE is understood as the gap in understanding CCE and implementing it. For instance, the Chief Coordinator of Training of Telangana Progressive Primary Teachers'

Association (TPPTA), Mohemmed Shoukat Ali, said that, "teachers are still struggling to gain conceptual clarity and practical understanding of what a viable model of CCE looks like in practice and how this can be implemented in schools. CCE is the need of the hour; but the

<sup>43</sup>Cari, M. (2014). Why children are learning less under the Right to Education Act. Scroll.in. Accessible at: <http://scroll.in/article/658514/Why-children-are-learning-less-under-the-Right-to-Education-Act>

<sup>44</sup>Varma, 2014, *The Hindu*. Accessible at: <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/cce-teachers-flounder-in-confusion/article6315400.ece>

spirit of the programme is lost what with most teachers teaching the new syllabus in the old fashion.”<sup>45</sup>The recent 20th Joint Review Mission reports that:

**“A shift in school culture as envisaged in our curricular documents is yet to be achieved. In practice, both in achievement surveys and CCE, assessments still continue to be external to the teaching learning process and need tighter integration and looping back to pedagogy, curriculum, textbooks and TLMs.”**

#### v) **Curriculum Reform**

According to the NCERT’s Annual Report 2013-14: “The National Curriculum Framework (NCF) 2005 prepared by NCERT calls for a significant shift in the education system towards schools that are more child-friendly and inclusive, and teaching learning processes that are more constructivist in nature. Each State has been urged to renew its own State curriculum in light of NCF 2005 recommendations, by bringing in cohesive changes in their curriculum, teaching learning material, pedagogy and assessment systems.”<sup>46</sup>

#### Current status on curriculum reform:

- 19 States have renewed their curriculum based on NCF 2005.
- 10 States have followed the curriculum of NCERT.
- 3 States have followed curriculum of neighboring States
- 3 States are in process of renewing textbooks

Source: NCERT (2014), AR, pp. 22.

#### vi) **Language of Instruction and Multi-Lingual Education (MLE)**

The language in which children are taught is crucial both in terms of quality and equity. Research evidence from across the world shows that children starting formal education in their mother tongue, have a tremendous academic advantage. On the other hand, children whose first medium of instruction is not their mother tongue, are at a serious disadvantage. While the question of what constitutes the most suitable medium of instruction has always been a central issue in the diverse, multi-lingual Indian context, it acquires even more significance in the context of universal elementary education and the Right to Education in order to provide an “equal opportunity to learn” at the primary stage. However in this debate, political and economic concerns have often eclipsed educational

concerns.<sup>47</sup>This may explain why year after year, reading and comprehension levels of children are low, as children are forced to learn in a language they don’t understand.

Specific to this, in our context, is the question of English. While the elite of India have generally opted for English medium for the schooling of their children, this has been a growing trend in the last 10 years with increasing number of private schools aimed at the economically weaker sections of society, whose key selling point is often “English medium” instruction, and indeed, often a reason why parents want to send their children to private schools rather than government schools. Some states (such as J&K) have gone over to English medium in their government schools, despite the fact that most teachers lack basic proficiency in the language.

<sup>45</sup>Ibid.

<sup>46</sup> Accessible at: [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/document-reports/AR2013-14.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/AR2013-14.pdf) pp. 22.

<sup>46</sup> Accessible at: [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/document-reports/AR2013-14.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/AR2013-14.pdf) pp. 22.

<sup>47</sup>S. Miller. 2005. UNESCO/ PrathamCity Children, City schools.

While children should not be denied the right to learn the dominant language – English or Hindi, and indeed in a diverse context like India it is important that children also learn other languages, this does not mean that it should be the medium of instruction. It is important to start first with children’s own language in the first few years of schooling, and then move on to the standard language. This is important not just for tribal children, or children of linguistic minorities but for the 1000s of migrant children across the country.<sup>48</sup>

According to Mohanty (2014), “Multilingual education (MLE) involves ‘use of two or more languages (including Sign languages) as media of instruction in subjects other than the languages themselves (Anderson & Boyer, 1978).”<sup>49</sup>

MLE is accepted and promoted as an effective model of quality education for the indigenous tribal and other linguistic minorities all over the world. “Experimental programs of mother-tongue-based multilingual education (MLE) started for tribal MT children in two states in India, Andhra Pradesh and Odisha, with effect from 2004 and 2006, respectively.”<sup>50</sup> However, since the RTE Act, 2009, MLE is also present in “Jharkand, and to some extent in Chattisgarh and Bihar, though there is a necessity in every state and UT.”<sup>51</sup>

Out of 51 schools in Jharkand, not a single school follows a tribal language/ other local language as their medium of instruction.

- Data analysis from RTE Forum Study, 2015.

On February 5, 2014, the first meeting of the Advisory Group on MLE, was held at SSA, New Delhi, and opened by Dr. M. ArizAhammed, Director, MHRD. The meeting resulted in highlighting several issues pertaining to MLE at the national level. In particular, the proceedings record that there are no detailed guidelines on MLE from the Center. The Advisory Group also suggests that further efforts need to be made by the NCTE to “come up with appropriate curriculum in Pre-service Teacher education addressing home and school language bridging.”<sup>52</sup>

Furthermore, the Advisory Group—MLE of the MHRD suggests that “States are either adopting NCERT textbooks which do not have state specific tribal and other cultural context or have shifted to English as medium of instruction. SCERT in the states need to take a leadership role in developing local context specific reading material for children in the early grades.”<sup>53</sup>

In Odisha: “Government has taken some initiatives in this regard [MLE] meanwhile, but it needs to be expedited and institutionalized across the state as soon as possible. This would minimize the high dropout rate among the tribal children and language should not be a barrier for the tribal children to join the school to fulfill the basic essence of the Right to Education Act.” (Prof D.P. Patnaik)

-Source: <http://www.mle-india.net/search/label/RTE>.

A concept note prepared in 2014 for Care India reports that, Odisha started mother tongue based MLE as an innovative programme in

<sup>48</sup>S. Miller. 2005. Language in Education.

<sup>49</sup>Mohanty, A. (2014) Multilingual education in multiple language classrooms in Odisha: Strategy Note. Care India. Unpublished Study. Pp. 3.

<sup>50</sup>Ibid, pp. 7.

<sup>51</sup>Ahamed, M.A. (2014). Minutes of the First Meeting of the Advisory Group – MLE. February 05, 2014. Internal Circulation. TSG-SSA, Ed. CIL, MHRD, New Delhi. Accessible at: <http://ssa.nic.in/inclusive-docs/national-workshop-tsg/4Minutes%20of%20Advisory%20Committee%20-%20Bridging%20children%20from%20home%20language%20to%20school%20language%20Feb%202014%20-1.pdf>

<sup>52</sup>Ibid, pp. 2.

<sup>53</sup> Ibid, pp. 2.

tribal education under SSA. The programme is currently implemented in 544 schools in 10 tribal languages<sup>54</sup> with 384 MLE teachers and 428 SikhyaSahayaks (Language Instructors).<sup>55</sup> Tribal Mother Tongue is used as medium of instruction in Odisha MLE from Class I to Class III. Mohanty (2014) reports that Odisha MLE program shows significant positive impact in terms of “children’s classroom achievement, participation and attendance, community perception and involvement, and teacher attitude.”<sup>56</sup> To ensure quality education for all children, including minorities and tribal children in India, with mother tongues different than Hindi and English, it is essential for more successful MLE programs to be initiated across the states.

**According to NMRC, in Odisha, “Language Proficiency test for all grades showed that the MLE children performed better than non-MLE children. The performance of MLE children gradually increased in the higher grades, whereas performance of non-MLE children was not consistent.”**

*Source: NMRC, pp. 27.*

In a longitudinal study conducted by National Multilingual Education Resource Consortium (NMRC), the findings report significant achievements in overall learning by children if they were educated in their mother tongue, and had received MLE classes. When examining the case of schools in Odisha, the study found that, “in Language proficiency, Mathematics, and Metalingual ability measures, significant difference was found between children’s performances when they were tested in their mother tongue and in Odia. When children

were given test in their mother tongue, they performed significantly better than when they were tested in Odia.”<sup>57</sup>

While the RTE Act stipulates that the medium of instruction should to the extent possible be in the children’s mother tongue, little evidence highlights that this is the case in schools across the country. Research evidence highlights the significant benefits of mother tongue instruction as children perform better in school. Further, children who do not begin learning in their mother tongue suffer serious disadvantage often stunting their learning. However, the Center and State have not made it possible for children to learn in their mother tongues.

## Conclusion and Recommendations

As the above analysis indicates, India is far from meeting all its targets of implementing a quality education for all children. While there have been some significant strides in the past 5 years on meeting the quality agenda, schools are still behind in ensuring a safe building with toilet facilities for all girls and boys, creating MLE provisions for children where their mother tongue is different than Hindi, establishing and monitoring CCE guidelines for all States, and making progress in ensuring good learning outcomes in basic language and mathematics for all children.

As a first step for MLE, policy makers and planners must take into account the linguistic diversity of their area, be this in cluster of villages or urban areas. This should be factored into areas specific surveys and plans. Teachers also need to understand and take cognizance of the linguistic needs of all children, including

<sup>54</sup> The languages covered under MLE programme in Odisha are Kui, Saora (Saura), Kuvi, Juanga, Santali, Koya, Kissan, Oram, Munda, and Bonda.

<sup>55</sup> Mohanty, A. (2014). Care India. Pp. 8.

<sup>56</sup> Ibid, pp. 8.

<sup>57</sup> Panda, M., Mohanty, A., Nag, S., Singh, K., Biswabandan, B. (2013/14) Longitudinal Study Report: Phase II. Draft. Pp. 25-26. Accessible at: [http://www.nmrc-jnu.org/nmrc\\_img/longitudinal%20report%20draft.pdf](http://www.nmrc-jnu.org/nmrc_img/longitudinal%20report%20draft.pdf)

tribal children in rural Jharkhand and migrant children in cities. Children should be included in school specific surveys as much as possible.

A key issue identified in this chapter is that while state and national statistics and figures reported by the government may indicate significant strides in implementing quality measures for children, the ground surveys, and small-scale studies such as the one conducted by the RTE Forum highlight a different picture. For instance, DISE data, 2014, suggests that over 70% schools in West Bengal have toilets for girls, whereas the RTE Forum study indicates that 80% schools in West Bengal do not have functional toilets for girls. This discrepancy may not be so much about the presence of toilets, but about their usability and functionality. Hence, data collected by the State authorities needs to account for reality on the ground, or else it misrepresents progress in providing quality education for children. Furthermore, once accurate figures are reported, there needs to be more work on the ground to ensure functional toilets more specifically, and a quality education more broadly. Below are some recommendations that emerge from the analysis in this chapter on how to improve quality education for children.

- Create new data collection strategies for accurate representation of progress of RTE Act's implementation.
- Center needs to reconsider fund allocations for States for elementary education in order to ensure pucca roads, and construction of toilets and schools that meet quality norms and standards.
- Drinking water and sanitation issues are different on the ground and adversely

affect minority schools as well. States and Districts need to acknowledge and address these ground issues not reflected in State data and statistics.

- Textbooks need to be issued speedily and delivered timely. States need to re-evaluate process of distribution and identify the site where delay of textbook distribution occurs. This needs to be rectified immediately.
- Basic language and mathematics learning needs to be priority in providing quality education. Rather than passing all students in all grades, attention needs to be paid in classrooms to the actual learning and growth of children.
- Support to teachers in curriculum and evaluation needs to be provided by States. Ensure teacher-learning material is provided in all schools timely.
- Provide support for CCE to teachers in order to pay emphasis on learning outcomes of children, and for teachers to better understand and then implement CCE.
- Higher authorities need to provide format of CCE to teachers in timely manner.
- Ensure widespread web for MLE across the country. Models of MLE programs of Odisha and Andhra Pradesh to be created in other States as well.
- More responsibility on textbooks, early reading, pedagogy, teaching material, and training, and MLE program implementation to be taken up by each states SCERT.
- Need to develop appropriate curriculum in Pre-service Teacher Education addressing home and school language bridging.

# Teachers And RTE

The role of teachers in the life course of a child's development and education is undeniably extremely critical and crucial. Everyday interactions with a teacher influence children's behavior, mindset, and growth. Teachers, hence, are not only the backbone of children's lives, the education system, but also of the future of the nation. It is therefore extremely important to examine the status of teachers in India, the support provided for them, and the education they provide to children.

Within the RTE Act, 2009, hence, there has been immense attention paid to the role of teachers, their qualifications, support for teachers, training of teachers, and teaching learning material. However, the RTE does not define who is a teacher, and standards of identifying one varies based on qualifications. These qualifications also are not consistent presently across the schools as many schools have asked for exemption from teacher qualification norms. And hence, in a way, anybody can be a teacher, where the education providers have no consistent qualifications for teaching, affecting what the children of our country are learning.<sup>58</sup>

As per the Right to Education Act, 2009, various norms for teacher recruitment, qualification, and training have been specified to ensure uniform and quality education for children. Within three years of the Act's enactment, all schools were expected to appoint teachers to fill all gaps. However, this deadline was

extended. By March 31st 2015, the Government of India was expected to meet teacher position requirements as well as complete the following norms:

- 1) Ensure a 1:30 teacher pupil ratio in classrooms
- 2) Maintain uniformly qualified teachers in schools
- 3) Enforce standards for training teachers
- 4) Appropriate government/ local authority is required to provide training facility for teachers.

This chapter examines the current status of norms for teachers as per the RTE Act and celebrates some achievements as well as highlights key targets that are yet to be completed and need serious and immediate attention.

## Teacher Recruitment and Gaps

One of the first major targets for the RTE was that all classrooms in elementary schools in India must have a teacher, so that all children receive an education. As enrolment of children increases as a result of the compulsory education for all children between 6-14 years, it is imperative that the new open positions for teachers that will be available are filled. **In the past year, 2013-14, the Government of India has**

<sup>58</sup>Some of these points were made by Dr. Poonam Batra at the RTE Forum National Stocktaking on March 25, 2015.

**appointed 46,12,429 teachers.**<sup>59</sup> This figure has increased from 2012-13, where there were 45,20,617 teachers in all government schools. Hence, the number of teachers that have been recruited in schools has increased by 91,812. This is a great achievement, however, the actual number of positions that remained unfilled are quite high.

DISE	Positions Sanctioned	Posts Vacant
2011-12	19.14 lakhs	6.9 lakhs
2013-14	19.83 lakhs	5.68 lakhs

While the government of India has made lots of strides last year in appointing teachers, the number of posts vacant remains quite high. This needs to be addressed after visiting the issue of teacher qualification and support in schools for teachers.

To meet the shortage of teachers in elementary schools, additional teacher posts have been sanctioned under SSA. Around half million posts are reported to have been vacant since inception of RTE Act. Bihar, Uttar Pradesh, Jharkhnad, West Bengal are states where there is a serious problem of teachers availabilities.

Another way to address the shortage of teachers has been to hire contract teachers. **In 2014, there were 55.5% teachers who were contractual teachers.** The issue with having more than half of the teachers' population as comprising of contractual teachers are manifold. To begin with, contract teachers are paid almost a fourth of the pay of regular full time teachers. This pay not only affects the teachers, and binds them to the daily routine of work and work pressure to earn a living, but further, they are unable to prepare for qualifying as a regular teacher and attain a permanent job (as positions are still vacant). Furthermore, contract teachers have also been studied to put in less effort in teaching. Goyal and Pandey (forthcoming)

find that, "not only do contract teachers have fairly low average effort in absolute terms, but those who have been on the job for at least one full tenure have lower effort than others who are in the first contract period."<sup>60</sup> Hence, hiring contractual teachers to fill the gap of vacant teacher position is not a remedy to the problem. In fact, it can create further issues in the education system as the quality of education will be compromised.

Furthermore, along with regular teachers and contract teachers, the education system currently hires contractual teachers for KGBV, and teachers engaged in special training. This sort of hiring can be seen as systemic issue, which is also responsible for creating inequity in the education system. The salaries of teachers range from Rs. 2500-Rs. 40,000. As indicated above, the number of contractual teachers has increased, which is complete violation of the Act. The Act requires that schools employ only regular and trained teachers.

The teachers engaged in special training also do not get proper training and on-site support despite the fact that they are engaging with the heterogeneous group of children whose socio-cultural background is so diverse and also their age. CARE study (2014), reports that in Odisha special training teachers get the remuneration for Rs. 100 per child whereas in UP the retired teachers task force has been chosen to reach the last mile child and ensure their age appropriate admission in schools.<sup>61</sup>

The latest National evaluation of KGBV, highlights the concern for teachers. "Several KGBVs do not adhere to the norms and standards of RTE and therefore compliance to the RTE needs to be taken as a priority. This covers a range of RTE related norms on pupil-teacher ratio, required space for teaching-learning, qualification of teachers, availability

<sup>59</sup>DISE 2013-14. Flash Statistics. Pp. 13.

<sup>60</sup>Goyal, S. and Pandey, P. (Forthcoming). Contract Teachers in India. Accessible at: [http://www.isid.ac.in/~pu/conference/dec\\_10\\_conf/Papers/SangeetaGoyal.pdf](http://www.isid.ac.in/~pu/conference/dec_10_conf/Papers/SangeetaGoyal.pdf)

<sup>61</sup>Care India (2014). Special Training Programme: Realities, Issues and Challenges A Study of Some Select Districts of Bihar, Gujarat, Odisha and Uttar Pradesh.

of essential learning material including library, facility for sports and overall development of children. *RTE compliance needs to be addressed urgently.*

The KGBV teachers are not offered in-service training or orientation in assessment, classroom teaching methodologies or accelerated learning techniques. There is no bridge course material available to them.

The study suggests that there should be clear definitions of “full time” and “part time” teachers and uniform terms and conditions of service for teachers and staff. This information should be disseminated to all the officials of implementing agencies, at all levels, including the NGOs. Adherence to these norms should be monitored by the State.

### Observation of 20th Joint Review Mission

Over the last two decades, several states have appointed contractual/para teachers. This tendency is now abating, but the problem of mainstreaming such teachers persists. In UP, Classes I and II are assigned to such teachers as a matter of policy. This is unfortunate because children of Classes I and II require the best possible academic and emotional support. In Madhya Pradesh, there are no para-teachers as such, as they have all been absorbed in a new cadre that the state has created. This cadre is soon going to replace the old cadre of teachers, which the state had declared to be a ‘dying cadre’ several years ago. Through this trajectory of policy evolution, MP has, in effect, significantly lowered the financial status of its teachers, compared to the neighbouring states of UP and Rajasthan. Bihar is now moving in the direction of MP. The JRM feels deeply concerned about the developments in these two states as the quality dimension of SSA/RTE depends on the teacher’s job remaining attractive to the talented young men and women. The Mission is aware that under RTE provisions, it is the state’s prerogative to determine the salary of a teacher. Therefore, the Mission would urge states to evolve a salary scale at par with best practices in the country to attract the best talent to this profession. The Mission recommends that the MHRD should refer to the Chhattopadhyaya Commission and prepare a guideline for recruitment of teachers at elementary level in a manner that it encourages highly qualified men and women to become teachers at this level.

## Pupil Teacher Ratio

Learning is not possible for children, if there is overcrowding of students in class, and if

teachers are unable to offer to some extent direct and personal interaction. The following are the norms as per the RTE Act:

Sl.	Item	Norms and Standards	
I.	Number of Teachers (a) For class I – V	Admitted Children	Number of Teachers
		Up to 60 children	Two teachers
		Between 61 and 90 children	Three teachers
		Between 91 and 120 children	Four teachers
		Between 121 and 200 children	Five teachers
		Above 150 children	Five teachers + one head-teacher
		Above 200 children	PTR (excluding head teacher) shall not exceed 40:1.

Sl.	Item	Norms and Standards
	(b) For class VI – VIII	(1) At least one teacher per class so that there shall be at least one teacher each for: - (a) Science and Mathematics; (b) Social Studies; (c) Languages (2) At least one teacher for every 35 children. (3) Where admission of children is above 100: - (i) Full time head-teacher; (ii) Part time instructors for (a) Art Education, (b) Health and Physical Education, (c) Work Education

(Source: RTE Portal. <sup>62</sup>)

To meet the above mentioned norms for PTR has been a big challenge for the country, however, there have been some significant strides in achieving the PTR of 1:30 for class first to fifth. **According to DISE 2013-14, the pupil teacher ratio is 1:26. In 2012-13, the pupil teacher ratio was 1:28.**

The situation of teachers in classroom cannot be properly explained by the data by reducing PTR only. This is because the RTE stipulate school wise PTR not state wise or nation wise PTR. The number of single teacher's schools are slightly on the increase than base line of inception of RTE Act. States have not taken up rationalization of the deployment of teachers to correct the inter- school imbalances and even if there are claims that States do so, it is not reflected in the number of schools with adverse PTR. **More than 11% of Primary school and more than 7% of primary schools are still functioning with single teachers.**

**Many states and minority children schools still face issues where more than 30 students have one teacher.** It was reported in 2014 that, "More than 80,000 students of Urdu medium schools, enrolled in 2012-14, in the states of Telangana and Andhra Pradesh are victims of a poor pupil-teacher ratio (PTR)."<sup>63</sup> There are violation of the 1:30 PTR for class

first to fifth in many of these Urdu medium schools where one teacher is assigned to over 30 students. Hence, while the government has made progress across the country in meeting an average PTR of 1:26, it is imperative that the status needs to be investigated at the ground level, and not just trust the large statistics reported by each state. Schools with minority children are still suffering with the complex problem of lack of teachers and simultaneously, high enrolment of children.

## Teacher Qualification

After the RTE Act was implemented there was a more uniform system of who qualifies to teach in a government school. Section 23(1) of the RTE Act provides that persons with minimum qualifications as laid down by the academic authority authorized by the Central Government only shall be eligible for appointment as teacher. The provision to Section 23(1) lays down that teachers without the minimum qualifications shall acquire such qualifications within a period of five years.

The RTE implications coupled with the previous back log of teacher recruitment and cadre of untrained teachers has led to a humongous challenge for states, RTE dead line is supposed to over by 31st march 2015, and even now it is no

<sup>62</sup>Right to Education Act. Norms. Government of India. Accessible at: <http://www.educationportal.mp.gov.in/RTE/Public/Norm.pdf>

<sup>63</sup>TNN (June 29, 2014). Poor pupil-teacher ratio plagues Urdu schools. Times of India. Accessible at: <http://timesofindia.indiatimes.com/home/education/news/Poor-pupil-teacher-ratio-plagues-Urdu-schools/articleshow/37417191.cms>

easy task to provide trained teachers at the 1:30 (around) PTR in the state over the next three to five years with current pace of progress. Not only is it required that around 6 lakh untrained teachers must be trained, but there is also a need to appoint 10 lakh (one million) new teachers. However, this estimate may undergo a change once the States undertake the redeployment process and calculate the exact requirement of additional teachers for each school.

Since 2010, all teachers were also required to pass a Teacher Eligibility Test (TET) after having completed at least some two years training in the field of education. This test was set up by the National Council for Teacher Education (NCTE) in accordance with the provisions of sub-section (1) of Section 23 of the RTE Act. The aim of instituting TET is that it will help scan the quality and/or eligibility deficit of prospective teachers. The complete success of this new testing method for gauging qualification

of teachers is however yet to be fully examined as it is still in its initial years.

The TET is organized both at the Central and State level. However, the teacher pass rate of CTET is shockingly low. In 2012, over 99% teachers failed. In 2014, “The Central Teacher Eligibility Test (CTET) 2014 has recorded a failure percentage of more than 98% that question the country’s position in having quality teachers for schools.”<sup>64</sup> Out of 7.50 lakhs aspirants, 13,428 candidates could manage to only clear either Paper I or II or both. This failure of sufficiently qualified teachers raises two concerns: 1) lack of qualified teachers in the system, 2) the training available for teachers to prepare for TET and pass the exam.

However, even within the school system currently, many unqualified teachers are teaching. The RTE Forum Study 2015 identifies that some states over others are recruiting more qualified teachers than unqualified teachers. See below:

### Qualification of Teachers:

**TABLE 10:** Qualification of Teachers, RTE Forum Study 2015

State	No. of teachers in class I-V					
	Qualified fulltime	Unqualified fulltime	Qualified part time	Qualified full-time contractual	Unqualified part-time	Unqualified part-time contractual
Bihar	108	71	30	36	0	9
Delhi	221	1	0	38	0	0
Gujarat	445	0	0	41	0	0
Haryana	49	2	0	13	0	0
Jharkhand	65	0	0	52	0	0
Karnataka	46	1	0	0	0	0
Maharashtra	109	0	0	0	0	0
Telangana	109	0	4	0	0	0
U.P	194	40	10	18	2	4
West Bengal	75	67	1	20	9	3
All States	1421	182	45	218	11	16

**In terms of full time teachers, the state of Gujarat, Jharkhand, Karnataka, Maharashtra, Telangana and Delhi are doing well as they have no (or just one) unqualified teacher in the school system.**

On the other hand however, states of **Bihar, UP, and West Bengal have employed many unqualified teachers in their school.** This recruitment of unqualified teachers is against

<sup>64</sup>Jagaran Josh. (March 2014). CTET 2014 Witnessed Mere 2% Qualified Candidates

Accessible at: <http://www.jagranjosh.com/articles/ctet-2014-witnessed-mere-2-qualified-candidates-1395653405-1>

the legal norms of the RTE Act, and each of these individual states must take up immediate action to rectify the same.

### **Working conditions of teachers:**

Many times, even qualified teachers are unable to offer full attention to their teaching responsibilities because they are tied up in administrative work at school, or are overburdened with tasks outside of the school—such as deployment for non-teaching activities by principals or government. The RTE Act hence wanted to ensure that teachers' primary responsibility should remain teaching and not non-teaching tasks. No teacher is to engage in non-teaching related activity, other than that specified in the RTE Act. In 2014, DISE data suggests that 2.48% teachers were involved in non-teaching tasks for a cumulative of 16 days. Whereas this is a significant improvement from 2011, where 9.06% of teachers were involved in non-teaching tasks, many of the non-teaching tasks that teachers continue to do, go unrecorded. For instance, supply of mid-day meal, maintaining financial records, are not counted as non-teaching tasks and hence, the large figures are not entirely reliable in gauging teachers tasks and time spent in non-teaching tasks that take them away from educating children.

### **In the RTE Forum Study 2015, we found that all states reported that their teachers were engaged in non-teaching tasks other than those specified by the RTE Act.**

Furthermore, the study also identified that many **teachers travel more than 25 kilometers distance to teach at the school.** About 10% teachers travel more than 25 kilometers, while others (36.5%) travel at least 10-15 kilometers, and many others (10%) travel 15-20 kilometers to come and teach.

Both these factors of 1) spending time in non-teaching activities, and 2) travelling long distances to teach at schools highlights the

current working conditions of teachers. If these are not seriously addressed immediately, it will continue to affect teachers' pedagogy and children's learning outcomes.

Finally, another grave issue of teachers and principals in schools is related to their appointment and salaries. The RTE Forum 2015 study identified that there are teachers and principals in schools who are getting their salary even when they are not coming to school. While this percentage of appointed teachers and principals who are getting paid without coming to schools is low, around 8.5%, it needs to be addressed. Central and State government resources are going towards teachers who are not working, while many working teachers (such as contract teachers) are not getting adequately paid.

### **Teacher Training**

Teacher training policy in India have existed since 1966 (Kothari Commission), and after the RTE Act, 2009, pre-service teacher training has become mandatory for all teachers to receive training. Within the broad objective of improving the learning achievements of school children, the twin strategy for teachers is adopted (a) to prepare teachers for the school system (pre-service training); and (b) improve capacity of existing school teachers (in-service training).<sup>65</sup>

The NCTE is responsible for pre-service training, and the in-service training draws upon a broader support framework, which includes, government owned teacher training institutes (TTIs), NCERT, Regional Institutes of Education (REIs), College of Teacher Education (CTE), Institute for Advanced Learning in Education (IALEs), District Institutes of Education and Training (DIETs), along with institutional support from NUEPA and SCERT.

As per DISE 2013-14 statistics, it was found that only 46.7% contract and 17.2% regular teachers in government schools were professionally trained.

<sup>65</sup> MHRD. (2014). Teacher Education. Accessible at: <http://mhrd.gov.in/teacher-education-overview>

## % Professionally Trained Teachers

Gender	Government		Private
	Regular	Contract	
Male	17.3	41.8	34.9
Female	16.7	52.3	28.6
All Teachers	17.2	46.7	22.3

The data collected from RTE Forum survey

2015 highlights that overall only 53.6% teachers attended in-service teacher training programme, with the state of Gujarat and Karnataka faring well, while Maharashtra and Haryana doing poorly in ensuring that their teachers receive and attend in-service training programmes.

## Teachers attending in-service training programme:

State	No of Schools	Attended in-service teacher's Training Programme											
		All		75%		50%		Only one		None		Missing	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bihar	25	7	28.0	2	8.0	0	0.0	0	0.0	1	4.0	15	60.0
Delhi	24	10	41.7	4	16.7	3	12.5	1	4.2	3	12.5	3	12.5
Gujarat	81	77	95.1	0	0.0	0	0.0	1	1.2	0	0.0	3	3.7
Haryana	20	3	15.0	6	30.0	1	5.0	0	0.0	10	50.0	0	0.0
Jharkhand	51	21	41.2	14	27.5	3	5.9	2	3.9	6	11.8	5	9.8
Karnataka	10	8	80.0	1	10.0	0	0.0	0	0.0	1	10.0	0	0.0
Maharashtra	38	2	5.3	12	31.6	6	15.8	9	23.7	6	15.8	3	7.9
Telangana	40	37	92.5	1	2.5	0	0.0	2	5.0	0	0.0	0	0.0
U.P	118	58	49.2	16	13.6	11	9.3	14	11.9	3	2.5	16	13.6
West Bengal	50	22	44.0	7	14.0	7	14.0	8	16.0	6	12.0	0	0.0
<b>All States</b>	<b>457</b>	<b>245</b>	<b>53.6</b>	<b>63</b>	<b>13.8</b>	<b>31</b>	<b>6.8</b>	<b>37</b>	<b>8.1</b>	<b>36</b>	<b>7.9</b>	<b>45</b>	<b>9.8</b>

While the government is making many efforts to ensure teachers are adequately trained the issue that goes completely un-recorded and has received limited support is the training of teachers who are working with special needs children. **DISE does not collect such data on teachers who need training for special needs children and it must be addressed.**

State/UT	% Untrained teachers
A & N ISLANDS	3.12
ANDHRA PRADESH	10.89
ARUNACHAL PRADESH	59.74
ASSAM	11.43
BIHAR	51.51
CHANDIGARH	1.60
CHHATTISGARH	29.98
D & N HAVELI	0.09
DAMAN & DIU	0.00
DELHI	1.14
GOA	1.49
GUJARAT	3.03
HARYANA	2.40
HIMACHAL PRADESH	9.01

State/UT	% Untrained teachers
JAMMU & KASHMIR	35.07
JHARKHAND	54.50
KARNATAKA	0.62
KERALA	2.85
LAKSHADWEEP	2.14
MADHYA PRADESH	10.25
MAHARASHTRA	1.20
MANIPUR	29.43
MEGHALAYA	60.37
MIZORAM	25.70
NAGALAND	30.80
ORISSA	17.64
PUDUCHERRY	2.07
PUNJAB	2.14
RAJASTHAN	2.88
SIKKIM	19.27
TAMIL NADU	1.58
TRIPURA	29.25
UTTAR PRADESH	27.99
UTTARAKHAND	5.65
WEST BENGAL	40.50
<b>Total</b>	<b>19.69</b>

One of the biggest challenges confronting States is training for the large number of untrained teachers. **Currently there are 8.81 lakh teachers in government schools who are untrained.** A statement showing state-wise position (cut off date 2014):

Some states viz. Bihar and Odisha are continuing with appointing untrained teachers under special provision of RTE act, 2009 but it is not clear that what is the strategy to trained these teachers , particularly by time line provided by RTE act.

Not only is there an issue of training itself, but training facilities also remain minimal. Block Resource Center (BRCs)/Cluster Resource Center (CRCs) are an important training decentralised facility, particularly in the context of the duties of the appropriate government and local authority to provide training for teachers under the RTE Act, 2009. (Sections 8(e) (f) (g) & 9(h) (j) & (l)) The current norms of BRC/CRC are inadequate and need to be reviewed.<sup>66</sup>

Furthermore, in the 2015 RTE Forum Study, it was reported that **68.5% teaches did not receive any frequent support from CRCs/ BRCs.** Teachers also did not receive academic on-site support from CRC/BRCs. Almost **72.6% schools reported that their teachers did not receive on-site academic support.**

Another recent study conducted by Vimala Ramachandran et al (2015) also highlights the limited role of BRCs and CRCs in offering actual support to teachers. Conducted in 9 states across India, this study suggests that “for teachers to perform effectively, they must know that there are systems in place to protect their professional interests and aspirations.”<sup>67</sup>

## Recommendations

- The issue of filling the gaps of teachers in the schools needs to be addressed. However, the solution does not lie in hiring more para/ contract teachers. More capacities need to be built for contract teachers to ensure higher quality education as the current system includes more para teachers than regular teachers.
- There is an urgent need to focus on single teachers schools.
- State should focus on teacher's redeployment and make sure each school must maintain RTE norm related to teacher-pupil ratios.
- The salaries of contract teachers should also be examined and those teachers who are receiving salaries without attending school need to be identified and this issue needs to be addressed at the ground level.
- Central TET exam needs to be studied to understand if it is the best method to identify qualified teachers. Furthermore, teachers need support in preparing for the TET as the current fail results are shocking and the school system lacks qualified teachers.
- Working conditions of teachers needs to be examined at the ground level. Large statistical data does not capture the on-ground working conditions. Small scale studies and surveys can reveal more information.
- On-site academic support for teachers needs to be addressed as the CRCs and BRCs are not currently providing the same. The BRCs and CRCs need to be monitored.

<sup>66</sup> pp. 115 Accessible at: <http://ssa.nic.in/quality-docs/Appendix%20-%20annex.pdf>

<sup>67</sup> Ramachandran, V. et al (2015). Teachers in the Education System: Executive Summary. NUEPA, the Rajiv Gandhi Foundation, the International Bank for Reconstruction and Development/The World Bank pp. 16.

Systems to do so need to be established. Further, to ensure support for teachers, as suggested in report on Teachers In education System, 2015, “The Government of India could initiate a nation-wide dialogue on grievance redressal mechanisms by drawing upon good practices in different states. Government of India could also encourage the state governments to make sure that all schools and education related institutions like CRC, BRC, DIET, SCERT etc. come under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act Of 2013.”<sup>68</sup>

- In-service training programs need to be monitored to understand where the gap lies in the system, as many teachers are not receiving these trainings.
- Data collection systems on teachers need to be improved. It should include information on training for teachers who teach children with special needs.
- Teacher education needs to be urgently addressed if we are to have the quality of teachers needed. The current design of teacher education comprises of diverse institutions policy and standard setting institutions, technical support and research institutions, traditional teacher training organizations, state level government institutions and distance education institutions. The main mandate of NCTE is to achieve planned and coordinated development of the teacher education system throughout the country, the

regulation and proper maintenance of norms and standards in the teacher education system. However, NCTE is actually involved in change in norm and standards on frequent basis, which does not match the requirement. This organization must work on research-based evidence which match with reality of country.

- Private, unregulated teacher training colleges need to be checked and regulated, so that teachers receive apt training.
- In order to augment the pre-service teacher education courses and their delivery, DIETs need to be strengthened and colleges and universities mobilised to cooperate with SSA. Such a collaborative effort (i.e. involving higher education and school education) will be in accordance with the recommendations Kothari Commission had given more than 50 years ago. In states like UP, teacher training courses like B.Ed. exist within liberal undergraduate colleges in nearly all districts. But even in the case of ordinary colleges, science laboratories and other facilities can be utilised to supplement the training programmes undertaken through distance means.
- Teacher training needs to be interdisciplinary, wherein training should not be intellectually isolated for teachers. That is, there is a need for teacher development, which is not just associated with technical or pedagogical aspects, but also linked to social and hisotrical knowledge about education, children, diversity, and social backgrounds.<sup>69</sup>

<sup>68</sup> Ibid, pp. 17.

<sup>69</sup> This recommendation was suggested by Poonam Batra at the RTE Forum National Socktacking On March 25, 2015.

# 5

## CHAPTER

# Inclusion and Exclusion in Education

The fundamental and essential purpose of the RTE Act is to create an education system that ensures equitable quality education with social inclusion for children from the hitherto socially excluded and marginalized sections of society. Therefore, it is important to take stock of changes in numbers of children in schools, and also of how equitable and inclusive our education system has become since the enactment of the RTE Act. RTE Act recognised disadvantaged groups and weaker sections with clauses to ensure non-discrimination and their full and equal participation in education. This section briefly reviews how the centre and state governments address non-discrimination, equity, and inclusion under the RTE Act in school education since implementation over the past five years. This chapter further examines how children from socially excluded communities, marginalised sections, and those with disabilities access equitable quality education in an inclusive environment.

## I. Enrolment

Since the implementation of the RTE Act elementary education in India has witnessed a steady growth in enrolment of children. Children from all sections of society, particularly from weaker and disadvantaged sections, such as girls, children from SCs, STs, and linguistic, ethnic and religious minorities and children with disability have come forward to attend school. The enrolment rate has gone up to 96% -97% nationally. Owing to the increased inflow

of children from weaker and disadvantaged sections, classrooms and schools are becoming increasingly diverse. This has brought a new set of challenges with regard to how the education system adapts to the knowledge and needs in the schools, class rooms, teaching-learning process, and engagements between different groups of children.

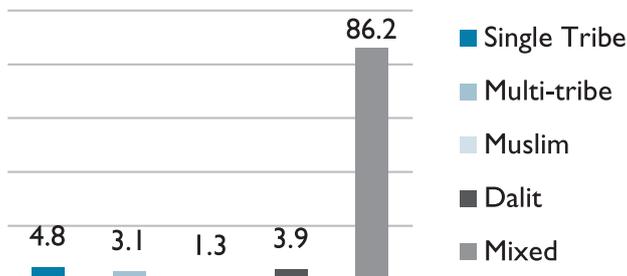
Social composition wise enrolment data shows that at the primary level the share of SC and ST enrolment with respect to total enrolment in 2013-14 is 20% and 11.1%, respectively. At the upper primary level, it was 19.4% and 9.7%, respectively. Notably, at all levels, government schools are the main providers of education to the marginalised communities. SC and ST enrolment together had a share of 37.4% and 35.4% respectively of the total enrolment in government primary and upper primary schools. The share of OBC enrolment in the primary and upper primary classes across the country was 44.1% and 44.4% respectively.<sup>70</sup>

Primary data collected by RTE Forum from 457 schools across 10 states shows that more than 86% of schools have mixed child population. Schools reflect the local and social composition in its child population (See Graph No1). However, this inference has many limitations given the small sample, wherein majority of schools are primary/ elementary. However, what cannot be ignored is that large numbers of children from marginalised sections and children with disabilities are coming to

<sup>70</sup> Analytical Tables. DISE. 2013-14.

schools expecting quality education. Making our schools the foundations for their learning and development is a challenge that needs urgent and comprehensive attention.

**GRAPH.1:** Social composition of children in the school



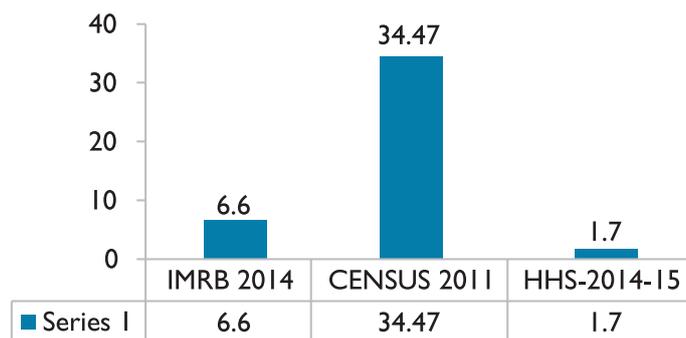
## 2. Out of School Children

The data on ‘Out of School (OoS) Children is a first indicator of exclusion from education. This is a complex indicator both in terms of the disagreement in numbers across different reports and also the diverse groups of children who are out of school.

The statistics of out of school children varies from data set to data set. **The SRI-IMRB report (September 2014) estimated 6.6 million children are OoS** in the RTE age group (those who have not completed 14 years of age).<sup>71</sup> The data on OoS children gets further complicated when one reviews other data in the public domain, let alone micro-level reports and data. The Public Interest Litigation (PIL) filed by National Coalition on Education (NCE) compares the Census data on children aged 6 to 14 years and children in school. The child population in 6-14 years as per the Census is 233.52 million while the reported numbers of children in elementary schools at that time is 199.05 million. The Census 2011 further reports 4.35 million children employed as child labour<sup>72</sup> and the **total OoS children in India based on Census 2011 is 34.47 million**. A large number of out of school children are child labour. The

House Hold Survey conducted by **SSA 2014-15** (PAB minutes) gives another figure, **1.7 million children as OoS children** (See Graph 2). The differences in all these data sets raise concerns firstly about the very definition of OoS children. It also raises questions about each data set and the data collecting mechanisms. The differences in the definition and numbers complicate the planning of strategies and resources allocation to address the issue of OoS children in the country. The Care Study on status of Special Training Centres by CARE India in 2014, which is a critical component as per the RTE to ensure age appropriate enrolment of OoS children, also highlights the **need to bring out a commonly accepted definition for OoS children** (See the box I for details).

**GRAPH 2:** Out of school children in three data sets



Unequal access to schools is also reported across social groups with 4.43% of Muslim children and 4.2% of Tribal children are OoS when compared with the national average of 2.97%. In absolute numbers, of the 60.6 lakh, 15.6 lakhs are estimated to be out of school children; i.e 25.7% of out of school children are from the Muslim communities even as they constitute only 17% of the child population in the 6-13 years age group. Likewise 16.6% of the OoS children belong to Tribal communities even as their child population in the reporting age group is only 11.8%. Children with disabilities continue to be the worst victims in not accessing

<sup>71</sup> National Sample Survey of Estimation of Out-of-School Children in the Age 6-13 in India. Fixing the Broken Promise of Education for All, UNESCO, 2015.

<sup>72</sup> This is a reduction from the reported numbers of 13 million child labour in 2001 census.

schools - about 28% of children with disabilities continue to be OoS.

Although we see a fall in the percentage of OoS children with disabilities over the successive years, 28% out of school children with disabilities is too large to be ignored. One of the major

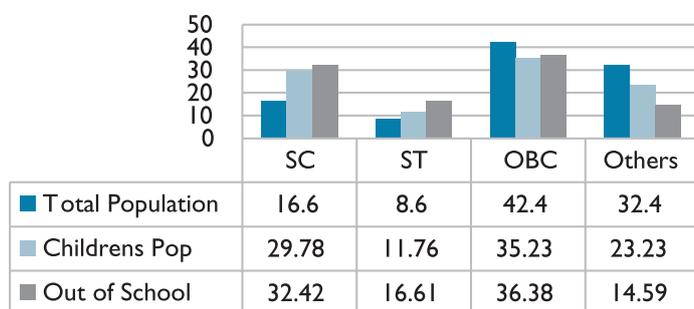
reasons for this is the failure of our system to adapt and provide the requisite reasonable accommodation, individual support, trained and caring teachers and personnel within the education system to promote a facilitative environment for these children.

**TABLE II:** Out of School children by social categories in absolute numbers and percentages

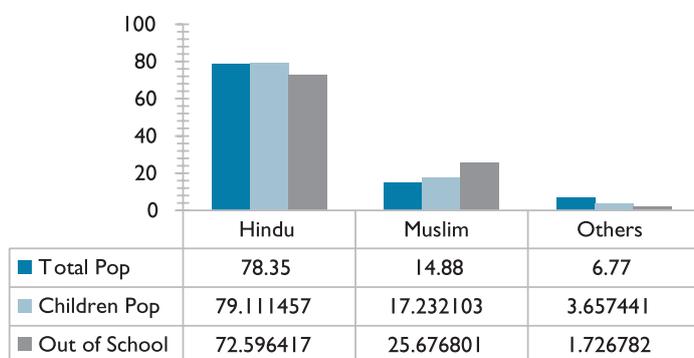
Child Population by Category (Total)	Total Child Population in 6-13 years	Out of School Child Population in 6-13 years	Percentage of Out of School Children in the category (%)
Child Population	20,40,87,274	60,64,229	2.97
Male children	11,44,16,418	31,66,409	2.77
Female children	8,96,70,856	28,97,820	3.23
SC children	6,07,72,699	19,66,027	3.24
ST children	2,39,91,282	10,07,562	4.20
OBC children	7,18,99,270	22,06,001	3.00
Other children	4,74,24,023	8,84,639	1.87
Muslim Children	3,51,68,529	15,57,100	4.43
Children with disability	21,39,943	6,00,627	28.00

Source: SRI-IMRB survey, 2014

**GRAPH 3:** Social Groups: Population-Child Population and Out of Schools Children in the age group of 6-13 years (in %)



**GRAPH 4:** Religion: Religion wise Child and Out of School Population in Percentages



Source: SRI-IMRB survey, 2014.

## 2.1 Migrant Children: Rajasthan

Rajasthan, which is ranked 23rd as per the Education development Index (EDI) of U-DISE, 2013-14, reported more than 12 lakh children in the age group of 6-14 years as out of school (HHS, 2011-12). As in many states, most of these are child labour- Many children from the marginalized communities are working in stone mine, construction and brick kilns.<sup>73</sup> According to a survey in Bundi, Alwar, Bhilwara and Kota, out of 468 children (of them 40.6% were girls), only 12.6 per cent were dropout whereas remaining children were never enrolled in school. Out of 468 children, 219 were involved in mining activities and remaining were found to be engaged in domestic work. Children were being given low wages. Most of the families in the mining area are migrants from other places. The surveillance of labour and police department is negligent and employers are fearless of any punitive action. There is no identification process conducted by the authorities or appropriate Government as prescribed in the RTE act for

<sup>73</sup>Report of public hearing; Challenges of Right to Education for children in stone mines in four districts of Rajasthan, March, 2014.

the identification of out of school children. Also, there were no Anganwadi centres found to cater to health, education and nutritional needs of children below 6 years.

In the public hearing, SMC member's admitted that they were not oriented or trained effectively with respect to their roles and responsibilities and villagers were completely unaware about

the provision related to admission of children from economically weaker section in schools.

The below case study highlights how in the state of Rajasthan, there are many out of school children employed in mines, and other forms of child labour but the state is not addressing this issue adequately.<sup>74</sup>

**Milfaid, 13 yrs old, Father's name, Mr. Ishaq - Mulfaid said that he is working in mines for last 4-5 yrs. Mulfaid's elder brothers also work in the same mines. He never went to school. No official from Labour Department or from Education Department or from Block office visited his home.**

**Mulfaid said that 20-30 more children are working in mines. Though school is there and education is provided free, but his parents do not send him to school.**

**Mr. Fazzi, uncle of Mulfaid, said that there are many more children who work in mines along with their parents. Though food, clothes, books etc are provided in schools free but to feed their family children work in mines. Mr. Fazzi was instructed to send his children to school, by the jury.**

## 2.2 Dropping Out of Schools

High levels of enrolment reflect the availability of schools from the supply side and the recognition and desire for education from the demand side. Between these two positive ends, concern is about the large number of children who are dropping out of schools. The SRI-IMRB analysis identified three groups of children in the OoS category – i) Never-enrolled, ii) Enrolled and Dropped Out and iii) Enrolled but never attended. 44.5% (46.27% males and 42.55% females) which is nearly half of the total out of school children were never enrolled in the school and are yet to even reach schooling; 18.5% (17.25% male and 19.93% female) enrolled but never attended the class and 37% (36.49% among boys and 37.50% among girls) had enrolled and dropped out at various levels. 60.6% of them dropped out by class III.

Despite the fact that India is on the verge of achieving universal enrolment at primary level, drop out rates remain high. **27% children drop out between Class I and 5, 41% before reaching Class 8, and 49 per cent before reaching Class 10.** The figures are higher for children from SC (27%, 43%, and 56% respectively) and STs (36%, 55%, and 71%). **When it comes to girls from marginalized communities, the condition further deteriorates as 62% drop out while moving from primary to upper primary and 80% drop out on their way to higher secondary.**<sup>75</sup>

Given the reported poor learning of children even in class V, it can be surmised that these children would in all probability turn out to be non-literates in a span of a few years. This is a huge burden on the nation in terms of economic growth and development inequalities. The

<sup>74</sup> NCE (2014). Public Hearing on implementation of RTE Act, 2009: Final Report. NCE & AIPTF.

<sup>75</sup> Census report on SC and tribes, 2013.

ability of national economic growth and global competition are highly compromised. That only 12.5% dropped out in the 6-8 class shows the need for ensuring child sensitive environment and motivation to attract and retain children in the schools. It can be assumed that once children understand the relevance of education, they are more prone to stay on in schools. Children have reported how they have struggled to stay on in schools once they themselves understood the relevance of education.

**Special Training Programme (STP):** STP plays crucial role in age appropriate admission of the OoS children according to the RTE Act. Study conducted by Care India (2014) on the status of the STP in the states of Bihar, Gujarat, Odisha and Uttar Pradesh indicates clear similarity in trends between these states on the functional status and its impact among the young lot. Key findings of the study re-emphasise the role of teacher training, teachers' learning level to understand and respond to their specific needs which in turn could help to address some of the above mentioned issues that lead to drop out of OoS children. Some of the key suggestions of the study are:

- There is a need to devise effective mechanisms of tracking and monitoring of OoS.
- From the very beginning, learners need to be exposed to age appropriate information about the world around them.
- Procedure of mainstreaming of students and monitoring of their performance in the classroom need careful attention, where support can be provided.
- Proper training and on-sight support for different stakeholders is necessary for the proper functioning of STC and dealing with concerns emerging from diverse aspects of STC.
- Training of Head Teachers in mainstreaming and integration of OoS in schools is needed.

- Appropriate psycho-social support system should be put in place for children who have completed their special training and are in the process of mainstream schools.

### 2.3 Children with disability

Both at the national and international level there is a growing interest in understanding the barriers that faced by children with disabilities. In 2013 the UNICEF State of the World's Children report focussed on children with disabilities and Global Campaign on Education also focused on the education of children with disabilities in 2014. Within India, the National Commission for Protection of Child rights (NCPCR) organised a national Convention on the Right of Children with Disabilities to Inclusive Education in 2013. More recently, both UNESCO and UNICEF have held national conventions on the use of information technology for education of children and persons with disabilities.

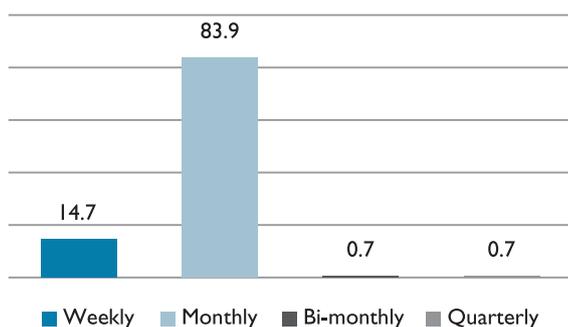
**Improvement in enrolment:** After over a decade of below 1% enrolment of children with disabilities in elementary education, the year 2012-13, has seen a breakthrough and the percentage of enrolment of children with disabilities to all children has gone above one per cent! In 2012-13 it was 1.18% and in 2013-14 it went upto 1.30% at the primary level and 1.18% at the upper primary level (Elementary education in India State report card 2013-14). State wise data reflects significant variations such as Chhattisgarh (0.57-1.87), Andhra Pradesh (0.56-1.59), Odisha (1.27-2.04) and Kerala (2.94-4.58), show big jumps in the percentage of enrolment of children with special needs/ disabilities from 2009-10 to 2013-14. There are States still the percentage enrolment continues to be below one per cent.

The ratio of girls with disabilities to boys with disabilities has continued to be much lower (0.75 in 2013-14) than that of girls to boys (0.94 in 2013-14). The real tragedy lies in the fact that this difference between the two has remained the same for the last four years or more of the

enactment of the RTE Act. One of the reasons could be the fact that girls with disabilities are often not included in programs, plans and strategies for girls either at the State or the national level. In our move towards inclusion, it is inadvisable to only have stand-alone strategies for girls with disabilities as they can never cover the whole nation. Further, field experience and an understanding of schemes in education or schemes for children with disabilities show no focus on the girl child with disabilities.

**Long way for inclusion:** The positive and encouraging information needs to be reviewed from the background that families of children with disabilities all over the country continuously report the story of rejection, humiliation and the lack of small changes to include a child with disability in the school. Many parents continue to report that children with disabilities are asked to come to school only on the days that special educators visit. Further, they are excluded from participating in many aspects of school life (like accessing library and midday meal with other children, participating in games, etc. and children with intellectual disabilities are often ignored). In case the children are asked to attend only the days the special educators visit the school, the data collected from 300 schools reveal that most of them attend school once in a month which is equal to denying their right to education. Only in 15% schools special counsellor visits once in a week (See the Table No. 5). In short the refusal to take responsibility of a child who is acknowledged as disadvantaged under the RTE Act still continues.

**GRAPH 5:** Special counsellor's visits for disabled/CWSN children



The clauses of the RTE Act that enumerates discussion on special training, CCE and prohibition of mental harassment and corporal punishment offer great possibilities of education for children with disabilities. Special training can support a child to learn to communicate in different ways and learn to develop physical skills. The work of NGOs focussing on disability in the rural and urban areas and other organisations such as the National Association of the Blind at national level show that children with disabilities and their families are supported to acquire skills, and are encouraged participate fully in education. Under the RTE Act, SMCs have been given specific responsibilities with regard to children with disabilities. However, their training has not incorporated the needs of such children child yet.

### Urbanisation and Education

Slums are an outcome of India's skewed economic growth. The percentage of slum population in the urban population varies across states –77% (Puducherry), 68% in Karnataka and Tamil Nadu, and the national average is at 36.80%. The access to education for children in urban slums is of special concern. The percentage of out of school children in urban slums varies in different states: 20.34% in Uttarakand, 13.25% in Punjab, and 2.4% is the national average. Various efforts of the civil society organisations have ensured their enrolment to the school education system. However, it is also a well-known fact that many of these children face various kinds of stigmas because of their identity as slum and street children.

Research has evidenced that families of children with disabilities often migrate to the cities in search for better livelihood and educational facilities and rehabilitation for their children with disabilities. Once in the city, families experience various roadblocks and difficulties in trying to obtain a disability certificate, establish their identity and then find a school that does not reject their child.

### 3. Issues and Strategies

Studies, reports, work of civil society organisations and community experiences point to some important areas that need to be incorporated into our strategies and plans for ensuring equitable quality education with social inclusion. It is imperative to create equal educational opportunities for every child as mandated in our Constitution and international commitments.

#### 3.1 Improving learning in School

A NCERT study in 2014 on the disadvantaged children who were enrolled under age appropriate provision substantiate certain prevailing notions with regard to exclusion. This study identified with evidences some of the challenges that schools in India face in promoting quality learning:

- Orientation of teachers for RTE (except for Orissa) did not include information about disadvantaged children and children with disabilities.
- Untrained teachers is a major issue in many states, which affects the quality of education.
- Scholarship plays a major role in the enrolment and retention of SC/ST/BPL children. But when comes to the scholarship for disabled children, there is a long way to go.
- Age appropriate admission of disadvantaged children and children with disability is still a challenge. This is mainly due to the lack of training to teachers to teach the children admitted under age-appropriate admissions.
- Most of the States/ UTs have limited plans for arranging for different types of educational materials for children with various disabilities and as a result, educational materials for children with disabilities are still non-existent in most schools across India.

- Poor infrastructure, non-availability of appropriate furniture for children with disabilities, non-availability of special aids and appliances, poor quality of aids and appliances for children with loco motors disabilities are major challenges in education system.

The NCERT study also reports that issues of safety and security affecting children hinders their regular access to school in many places in the country. For instance, on conflict situations, abuse and violence, physical and emotional harm also affects children daily. A Safety and Security Manual prepared by Care and CSEI, 2015, also highlights these risks of safety and security – physical emotional, sexual, health and hygiene, educational neglect, social discrimination, emergency and disaster conditions that continually affect children's safety and particularly their access to and experience of education. It also highlights how girls are often more severely affected due to the adequate safety and security support to attend and continue in schools.<sup>76</sup>

The learning outcome reports show that the worst victims of poor learning are children from Dalits, Tribals, Muslims, Nomadic and De-notified tribes. Girl children from these communities and children with disability are further disadvantaged owing to other intersectional dimensions.

While the expansion of schools and their own aspirations have resulted in their enrolment in schools, the education system is not inclusive enough to keep them there or engage them. Many issues have been identified and even notified in this arena with little systemic effort to address them.

- I. Promoting non-discrimination in education: Studies report various forms of discrimination against children from Dalit, Tribal and Muslim communities.<sup>77</sup> Children with disabilities report often being totally

<sup>76</sup> Dar, A. Namala, A., Rahmath. 2015. Safety and Security Manual. CARE India.

<sup>77</sup> Seated at the back, abused on caste and religious identities, forced to do caste and gender based tasks in school, not encouraged or facilitated to study, not encouraged to participate in school leadership roles and so on.

ignored in the classroom and given no work to do. Bullying teasing and taunting on the basis of disability are common. There is often little attempt to make a system or change practices a little so that children can participate. The MHRD had prohibited some of these practices through their circular of 26th October 2012.<sup>78</sup> The NAC and MHRD had made recommendations on this regard. Unfortunately, nothing has been done to address these issues.

2. Facilitating Early Learning in Child's Mother-tongue: Language issues for Tribal children, Muslim children, migrant children have also been flagged for years. Small experiments have been undertaken by many states. For example, the Kokborokas a successful MLE experiment in Odisha and also a study conducted by NEG-FIRE on MLE emphasis as well reveals that if the teacher has orientation on the tribal language the overall performance of the child is impressive in many schools including single teacher schools in Mandala and Dindori districts of MP. But the need to ensure that schools engage with children in languages they can understand and further teach them other languages has still not become a fundamental responsibility of the state.
3. Convergence between the educational institutions managed by the different ministries/ departments: Currently different aspects of management of school education come under different ministries/ departments, many of them do not consider RTE Act applicable to them. The MHRD also did not include these institutions while implementing the Act. The Kasturba Gandhi BalikaVidyalayas (MHRD), the social welfare hostels and residential schools (MSJE), the ashram shalas (MOTA) are such examples. Various studies report the poor maintenance, low budgets, and poor education that is being provided in

these schools (except the KGBVs in some instances). Given that the most marginalised and vulnerable children from 6 to 14 years are studying in these institutions need greater institutional support and attention is essential.

4. Increasing special budgets to address the challenges of socially excluded children: Recognising that the generational disadvantages cannot be addressed without added specific category budgets, the Scheduled Caste Sub Plan (SCSP) and the Tribal Sub Plan (TSP) were instituted in the 70s. These population proportion budgets are mandated to address the specific challenges faced by these communities and reduce the gap between them and other communities. Similarly special budget is provided for the Muslim children through the Multi-sector development plans (MsDP). Budget provisions are also available for children with disabilities. The Education department is expected to make creative plans and provisions under these budgets to address the specific issues and reduce education inequalities between them and other children. These budgets outlays are much lower than the mandated population-proportionate budgets as well not considered the needs and issues from the ground. These budgets need to be revised in keeping with on the ground costs of schooling including tuitions, hostels, transport and additional education materials. Added, many of these budget provisions are made through the Ministry of Social Justice and Empowerment for SC and Disabled children, Ministry of Tribal Affairs for Tribal children and Minority Ministry for Muslim children. Likewise little coordination exists between the labour welfare department, Ministry of Women and Child development or other relevant ones for comprehensively addressing their issues.

<sup>78</sup> MHRD, 2012.

5. **Fine-tuning Redress through GR mechanisms:** The Grievance Redress mechanism is a mandated part of the RTE Act and both centre and states have considerably delayed the process. Even here, the framework and mechanism provided do not cover issues of children from socially excluded, economically weaker and disabled adequately. Identity based social discrimination, stigmatisation and abuse which are perpetrated on these children need to be detailed and covered by the GR mechanism. These issues need to be addressed within a much shorter time frame of 24 to 48 hours. They cannot be prolonged to 15 days and 3 months. Guidelines need to be created taking the trends in these cases as these are often neglected or overlooked as cultural or social issues and not necessarily violations.
6. **Ensuring teachers understand issues of socially excluded and marginalised children and have the skills to promote diversity and inclusion in their classrooms and schools is important too.** Pre-service and in-service trainings should incorporate these matters, a check list for quick audits, incorporation into school monitoring etc are essential to change the current culture of negligence, omission and commission by teachers.
7. **Regulation of private schools:** The RTE Act addresses children from Disadvantaged and Economically weaker sections as well as children with disability under Section 12 (I-C) in unaided private schools. In addition, parents from these sections struggle to educate their children in private schools perceiving that they provide better quality education. The States role in monitoring private schools to ensure that they provide equal opportunities and do not discriminate against these children is essential. Periodic review of the fees structure, provision of books and extra-curricular activities also need to be regulated to ensure that these children are not disadvantaged or discriminated against.

### **Monitoring: Perennial challenge to collect credible data**

The issue of social exclusion can be monitored based on certain systems and structures that are provisioned under the Act. The challenges with regard to the social inclusion are still starking as the caste, class, ethnicity and gender dynamics of the Indian society remains the same. Collection of data on this regard is, hence, major challenge.

Despite this, the agency that is mandated to monitor the implementation of RTE Act as well as address the grievance redressal is almost non-functional at the centre and in most of the States due to lack of appointment of key functionaries. In fact, the NCPCR and the SCPCRs are also expected to collect data and status of implementation of inclusive aspects of RTE provisions. Due to the non-functioning of these agencies, data collection is not taking place.

Although there is a growing body of data on children especially with disabilities in the country, no change in the fact that each set of data uses different definitions of disability/ special needs and reports on different impairment groups making it difficult to compare data or even come up with strong and correct analysis of trends. For example, both DISE and the now regular national sample survey on out of school children in the ages of 6-13 report on different impairment groups. While DISE has now started collecting data on children with cerebral palsy, autism, learning disability, the latest 2014 sample survey of out of school children does not report on these categories. Neither does it make a distinction between children with low vision and blindness, even though the Disability Act has made this distinction since 1995. Despite these imperfections which should now be corrected it is important to look at what data is reflecting with regard to the health of inclusive education in our country.

## Conclusion and Recommendations

The primary intent of the RTE Act is to ensure that all out of school and disadvantaged and disabled sections of children access quality education. Their withdrawal from education due to any issues that primarily emerge from prevailing exclusionary practice must curtailed.

Another important dimension of the RTE Act is to provide inclusion through education using Constitutional values and norms. While some awareness and progress have been made in a few dimensions, the central issues of these children are yet to be taken on board. Initiatives and tokenistic measures, some of them merely on paper are available.

The real-time quality education, equity measures, non-discrimination/ non-stigmatisation and social inclusion that are central to the education of these children are not even on the drawing board. We surely have a long way to go and the concerted and convergent efforts of all stakeholders are essential to ensure universalisation of education in our context.

Finally, while emphasising on the rights of the children under RTE Act, there is an increasing need to invest more in making the community more aware of such children's needs and help them understand the implications of their beliefs on children's social life and education.

### Recommendations

- Promote non-discrimination in education.
- Facilitate early learning through child's mother-tongue.
- Convergence between school run by different ministries/departments.
- Increase special budgets to address challenges of marginalized children.
- Fine-tune redress through the GR mechanism.
- Teacher support to understand and address social exclusion issues
- Regulate private schools providing admissions under DA/EWS, under Section 12 (1-c).

# 6

## CHAPTER

# Children Affected by Civil Strife and Violence

The enactment of RTE Act, 2009 guarantees every child of 6-14 years age group free education and has brought hope for ensuring right to education of the children in difficult situations. However, after 5 years of its existence, it has not been able to address the educational needs of children, especially those most marginalised, and in difficult circumstances, whose needs are dynamic and evolving and their access to education is still a distant dream. It is a common sight that schools transform into relief shelters for the community during floods and riots. These institutions take the form of bunkers for security forces in extremist dominated pockets rendering children away from learning. Trends also show that there is a steady rise in destruction of school buildings by extremists as they provide safe shelters for security forces fighting them. The increasing attacks on schools and education institutions are emerging as a key challenge for education policy makers, children, and teachers.

## Children in conflict situations

Globally, almost 42 per cent out of 57 million children who are out of school are in the conflict affected countries. In India, 173 districts in 9 States have been identified as Left Wing Extremism (LWE) districts and often children and their parents find themselves in crossfire between armed forces and rebellions. In these areas, many schools have been bombed earlier and the new school buildings have one or two rooms with low rise walls with cemented

sheets. As per the statistics of the Ministry of Home, Government of India, 258 school buildings have been destroyed, mostly in the States of Chhattisgarh, Jharkhand, Bihar and Orissa between 2006 and November 2011.

Some of the worst affected States like Odisha, where 17 districts have been declared as Maoist affected, have witnessed destruction of schools by Maoists and also occupation of security forces for shelter, as schools are the only 'pucca' constructed buildings in rural areas that can protect these forces from bullets and bombs. Maoists have repeatedly attacked schools so as to deprive the security forces of safe spaces, but children are affected as a result. There have been instances in the recent past about sexual abuse cases of girls by the security forces that has resulted in parents not sending their daughters to schools. Teachers are often in a dilemma during conflict situations about their security concerns, therefore schools are marked by high rate of absenteeism of teachers that affects the quality learning outcomes. Some district administrations in the LWE states have devised a strategy of residential schools that house children living away from their villages and families. Some child rights activists view this impacting the development of the child as they are away from their parents and other family members and such an approach has an impact on the family as an institution. However, the administrators speak about their helplessness and while agreeing that family is the best place for a child, they are compelled to devise such approaches so that the children grow away from conflict and avail good education.

In the Bastar region of Chhattisgarh, more than five hundred schools have been closed in last two years and many schools have been shifted from the interior villages to highways to protect them from being destroyed by the Maoists. Children, who are supposed to get primary schools in their neighborhood after the enactment of the RTE Act, have been transferred to POTA Cabins at district headquarters. These POTA cabins have been supportive to children in some ways as they get free accommodation and food, but the quality of learning is a challenge in absence of qualified teachers. The State government has announced to give priority to children, who have lost their parents or suffered with physical disability during admission to residential schools such as KGBV/ Girls' Residential Schools and POTA Cabins.<sup>79</sup>

*Two girls who dropped out of school to support their families' income. 'I would go back to school if my parents let me, but we can't afford it', told us 9 year old Ravva, collecting firewood, looking after livestock and as a daily labourer when agricultural work is available.*

In another context of alienation, tribal families that are affected by violence perpetrated by either state or Maoists in the State of Chhattisgarh have migrated to other states for their survival. In other words, they are displaced and now leading a life of refugees in their own country. More than 55,000 people belonging to GuthiKoya or the Muria Gond community from Chhattisgarh have been displaced internally and are living in Khammam and Warangal district of the then undivided Andhra Pradesh State and now Telangana State for more than 5 years.

We want school and good education for our children," says Sankar when asked to prioritize the critical need of the community members. Sankar is community leader of one settlement dwelling in the forest of Warangal. He, like hundred others fled Dantewada and Sukuma districts of Chhattisgarh about 5 years ago due to civil strife. 'Life is better because it is safe here' express some community members.

This Internally Displaced Population (IDP) faces identity crisis and have the risk of passing on serious effects of trauma and stress to the next generation. This may bring even more adverse effect, if on urgent basis education and health services are not provided and streamlined to ensure that this disadvantaged community, particularly children, do not achieve their potential due to poor health and lack of education. In a study conducted by organizations working on IDP community found that 47 per cent of children are categorized under Severe and Acute Malnutrition (SAM) category. The number of children vaccinated after their birth is less than 10

per cent and it is observed that 10 per cent of the children attend local primary schools and residential school established by ITDA. For the parents of these children, living conditions of the settlements are harsh and the problems faced are as basic as hunger because they do not have means to produce food for themselves or in some cases, even to purchase it. The forest authorities however safeguard forests to ensure that no form of exploitation of forest land for agriculture or any other purposes takes place. Hence, employment is in the form of wage labour, which is erratic and seasonal.

It has been found that many of the children are involved in cattle grazing and collecting fire wood activities and also extend their support by working as labour. As the community elder says, conflict causes a breakdown of traditional community structures and systems such as education, health and protection for children. When survival is at stake, all other aspirations are brushed under the carpet and entire families including children are forced to work and fend for themselves and their family.

<sup>79</sup> PTI, September 3, 2014 reported by News 18-<http://www.news18.com/news/chhattisgarh/naxal-violence-hit-children-to-get-priority-for-admission-591749.html>

**TABLE 13:** Number of children and their enrolment status

Total No			No. of Children going to schools			No. of Children school dropouts			No. of Children never enrolled in schools		
Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1111	960	2071	310	206	516	172	125	297	629	629	1258

The status or access or sensitivity towards education is very poor, and is worse in most of the IDP settlements, which are hard to reach due to the geographical location. In these areas where schools are available (settlements within the Panchayat); children often dropout at the age of eight to support the family or engage in grazing livestock. The legal status of the settlement prevents schools from being opened in these communities, with alternative schools known as ALS favored instead. Less than 20 per cent of settlements have an ALS, and even those that do don't have teachers attending regularly.

- Though the local primary school admits the children, learning is difficult as these children do not have basic alphabetical knowledge.
- Other important factor are related to special care education for these children in classrooms – KoyaBharati books to be introduced.
- Children drop-out from Ashram schools (ITDA) because they are admitted in the class based on their age. This is a challenge as they cannot follow the Telugu language – KoyaBharati books to be introduced.

## Current Situation

RTE Act has come up with free and compulsory education to all children, but in this case, emphasis on special care is missing.

The ITDA initiated residential schools for the tribal community, focus on retention through Ashram schools, where emphasis is on micro-level monitoring. In 2014, around 110 children from the IDP community were enrolled in local primary schools and in Ashram schools in Khammam district, out of which only 32 remain functional. There are several challenges ranging from the level of the child to community and also prevalent at the institutional level that need to be addressed.

### The following are few practical difficulties:

- IDP children do not have basic education. Therefore, enrolling them in schools is a challenge for them to cope up.
- IDP children are not prepared for schooling due to absence of transition through pre-primary education - neither ICDS nor ALS in place at the community level.

**SodeBhumika, 11 years-aged girl lost her mother at the age of five in her native village Korr, Dantewada District. In Chhattisgarh, she was often neglected and depended on neighbours for food and other needs. Every day she had to beg for food and sometimes it went in vain. Her father does not take care of her and she is dependent on her siblings. In 2009, during the school enrolment campaign by the Government, SodeBhumika was identified and enrolled in Paloncha bridge school. She continued education for 1 year and dropped out of the school and came back to BC Colony, as there were no students in the bridge school in Paloncha.**

Source: Case study provided by Sanjeev Rai, Save the Children, India.

Save the Children is supporting Child Friendly Spaces to help parents go out to work for wages and have deployed volunteers from the community itself to take care of the children. Children are engaged in activities to foster their interest in creativity and learning.

**Laxmi, 8 years old, had fled with her mother and three sisters about 7 months back. She was attending school in Dantewada but here she is unable to understand Telugu and hence discontinued school. Though she is very fond of her school uniform and loves to study, therefore she goes to CFS regularly. Like other children, she helps the family in mahua seed cleaning, fetching water from the stream, taking care of her younger siblings and other work.**

*Source: Case study provided by Sanjeev Rai, Save the Children, India.*

There had been efforts in getting children enrolled in the tribal hostel schools but retention is poor. The children from this community have faced negative experiences and due to language and identity are differentiated from the locals. Poor student-teacher relationships, racism, break of few years/months have affected their interest in continuing education. To improve retention and educational outcomes, there is a need to engage them behaviorally, emotionally and cognitively.

## Situation in Assam

In Assam's Chirang district, 18 children were killed along with 21 women in a brutal attack at night. The militants of National Democratic Front of Bodoland are being suspected in this case. In Assam, the conflict between the state and the society pertains to the designated land under Tribal Belts and Blocks. These areas are in the Northern part of Goalpara, Kamrup, Darrang and Sibsagar districts, including the Mauli area along the foot hills of Bhutan. Apart from this, the plain tribal are predominantly in the South bank of the river Brahmaputra in the Goalpara and Kamrup Districts. These south bank areas are contiguous to the Khasi, Jaintia and Garo Hills. There are plain tribal in the district of Nowgaon also. In the hill district of North

Cachar, the Dimasas are indigenous inhabitants. Apart from Dimasas there is a considerable population of Bodo-Kachari in the district of Mikir Hills. This composition and distribution of population and the inflow of people from across the country and neighboring countries is aggravating conflicts to an extent that today Assam is facing four separatist movements within the state itself. Bodoland, Dima Hasao homeland and Kamatapur not to forget the oldest movement for a separate state of Assam, are the various insurgent movements grappling the state for many decades now.

Children in these areas have been affected on account of the intractable conflicts, which this state has witnessed over the years. Due to the burning of villages, families shift to relief camps and children fail to attend school, eventually dropping out from school. An institutional ethnography study of ten schools in Udalguri reveals that there is no mechanism of counting these children and of tracking their school education after a riot breaks out. Due to burning of certificates children have to opt for gap year as admission into a new school requires proof of prior schooling experience. It has been observed that children move to community specific neighbourhood school after riot. In Udalguri, today a majority of Muslim children attend a particular school, which is at the border.

Another major reason that affects children's education in these areas is the major demographic shift, which happens overnight and people are shifted forcefully to different neighborhoods. As a result of this shift the composition of villages are changing radically. Children in these circumstances are facing different forms of violence and the state has failed time and again to address these issues or even acknowledge the presence of conflicting interests and aspirations of school children. The larger question of whose Assam? And who is an Assamese? Are crucial and have been untouched in the school curriculum in the context of

changing social realities. There is a dearth of data in these regards vis-a-vis. the entire state or the north east as a whole.

Identity perpetuated conflicts are further reinforced in which the dialogue among teachers and students are completely absent in classroom discourse. The socio-cultural locale is replete with stories from the teacher and student on various forms of conflict. In conflict-prone regions these are as critical as learning for building sustainable peace discourse in the State. This would ensure democratic accessibility to the child more than the physical accessibility to school, which has potential for transformation of the culture of silence around the violence to a culture of democracy and participation. The SMC requires further strengthening to build the school, community linkages in a way specific to the region's requirement.

Children in the areas affected with conflict are often forced to stay back because of security reasons and non-functioning of schools. Teachers also hesitate to come to schools that are in sensitive villages and manage to get transferred to district/ block headquarters. Children who are not going to school and staying in the village will be more at risk. They will be forced to join the armed groups as 'Child Soldiers' or police will use them as informer, therefore a substantial number of children have left their villages and reside at district headquarters in the state of Jharkhand, Chhattisgarh, Orissa and Maharashtra. Also, police interrogates students and teachers in this area and many children have witnessed encounters and deaths in their villages. Trauma, loss of family members and physical disability makes life tough and often these factors contribute in discontinuity of education. Lack of effective Government system, non-availability of trained teachers and challenges of sustained efforts make the situation worst for the vulnerable children. In last three years, more than 140,000 people have migrated

from Chhattisgarh to neighboring states like AP/ Telangana in search of secured places. In a situation of forced migration, livelihood becomes the first priority of the family not education

The impact of armed conflict on children is largely invisible though it has long lasting impressions on their growth and development. All the above mentioned actions impact education of children as they restrict the access to schools. It is a well-known fact that the children who are out of schools in difficult situations are vulnerable to exploitation, abuse and trafficking. Therefore, it may be concluded that deprivation of right to education poses threat to their survival and protection which form the core principles of UNCRC.

## The scenario in Rajasthan

Rajasthan, which is ranked 23rd as per the Education development Index (EDI) of U-DISE, 2013-14, reported more than 12 lakh children in the age group of 6-14 years as out of the schooling system (HHS, 2011-12). Many children from the marginalized communities are working in stone mine, construction and brick kilns<sup>80</sup>. According to a survey in Bundi, Alwar, Bhilwara and Kota, out of 468 children (of them 40.6% were girls), only 12.6 per cent were dropout whereas remaining children were never enrolled in school. Out of 468 children, 219 were involved in mining activities and remaining were found to be engaged in domestic work. Children were being given low wages. Most of the families in the mining area are migrants from other places. The surveillance of labour and police department is negligent and employers are fearless of any punitive action. There is no identification process conducted by the authorities or appropriate Government as prescribed in the RTE act for the identification of out of school children. Also, there were no Anganwadi centre found to cater to health, education and nutritional needs of children below 6 years.

<sup>80</sup>Source: Report of public hearing; Challenges of Right to Education for children in stone mines in four districts of Rajasthan, March, 2014

In the public hearing, SMC member's admitted that they were not oriented or trained effectively with respect to their roles and responsibilities and villagers were completely unaware about the provision related to admission of children from economically weaker section in schools.

## Riots and Aftermath

Riots are a result of hatred of one community with another, divided on the lines of language, religion, culture and geography. India has witnessed several riots in its history and some towns and cities in the country are infamously remembered for the scale of violence that was witnessed. Riots not only trigger the distress and forced migration of the families, but also leave the children traumatized. Riots have always impacted the education as schools are closed for indefinite periods, resulting in young children and especially girl children dropping out from schools in anticipation of further threat.

### *Case of Muzaffarnagar*<sup>81</sup>

- The locations of the primary school or inter-college are far from resettlement colonies or camp sites. Over concerns of safety, families do not send children to schools. This is a major reason for the dropout of children in primary schools and girls of all ages.
- Despite orders from administration to relax the requirement of presenting a Transfer Certificate at the time of admission, many students have been rejected admission for non-availability of a TC. This is observed in case of some primary schools and in inter-colleges for admissions from 9th -12th. In the absence of a TC, in some cases it was found that school authorities have treated new admissions as temporary admissions, refusing students to take exams in their schools. If children were allowed to give exams, then their exam results were not provided.
- Many students have dropped out of primary school because of poor quality of teaching and environment in government schools and the inability to afford admission in private schools. Children who are enrolled in local schools post displacement often face discrimination from school authorities. There are complaints of mid-day meal not being provided to children. Many students dropout because they were being beaten by teachers and school authorities in a government school (Ucch Prathmik Vidyalaya) in Joula. None of the students were given admission in Harsauli as the authorities are refusing to accept that they are permanent residents of the area.
- A number of students from class 9-12 have left their studies due to non-availability of funds for education. For primary education, government schools provide free education, books, uniforms and scholarships to cover additional expenses and if students in class 9th and above do not have these facilities, the entire expense is the responsibility of the family. Due to displacement many people are not in a condition to bear this cost. A few dropouts from this age group have also been pushed into labour work to contribute to the family income. Nobody is enrolled in nearby government schools.
- Some children were enrolled but left due to distance of the school. Teachers' absenteeism is evident.
- Non-cooperation from school administration.
- Children have to look after younger siblings as they live in tents without any safety.
- Some parents approach the nearby government schools but are sent back by school authorities without admissions, due to lack of TC and birth certificate.
- A child can receive all benefits (free uniform, text books, MDM) only from his/ her original school where s/he was enrolled.

<sup>81</sup>Information provided by Sanjeev Rai and SreedharMether, Save the Children, India.

- Mostly the children (7-12 age group) attend nearby Madrasas/or the Madrasas in the settlement itself. (Maulvies in Madrasa of the settlements are paid less or not paid and some of them have left their job and some will leave soon). A few children are also enrolled in nearby private schools.
- Adolescent age group girls/ boys have been completely out of the education system. Some are also engaged as daily wage laborers/ domestic workers.
- As per the community, there is no response/ aid from the state.

## Recommendation for Education in riot situations

- Education volunteers: - One male and one female (so that she can approach the adolescents girls) volunteer for each rehabilitation settlements can be recruited. They will function as facilitators in the settlement and establish linkage between community, parents and school/ AWC and ensure children are enrolled in schools/ AWCs and receive good quality education. They will also sensitize community and parents and will strengthen community institutions around the issue of education rights of displaced children.
- Sensitization and awareness activities: - There is a need to conduct awareness activities in order to sensitize parents and community on the importance of school education, pre-school education and children rights to quality education.
- Sensitization of teachers/ Maulvies and AWWs: - Teachers and AWWs also need to be sensitized on the diverse learning needs

of internally displaced children and how they can address this need and provide psycho-social support. Sensitization program also needs to include teaching how to use TLM/ literature provided to children/ schools.

- Formation, strengthening and activation of SMCs: - SMC can play an effective role in creating education opportunities for displaced children, ensuring their right to education and bridge the gap between school/ local community and the community in the rehabilitation camps. SMC members can be provided inputs through in-house trainings and workshops.
- Teacher – parent meeting: - Teacher – parent meeting can be organized once in two months, where teachers can apprise parents on the learning achievements of their children and on attendance. Parents can also ask teachers about any issues related to children and school management. It will create mutual trust between teachers and parents.
- Set-up libraries and provide TLMs: - Teachers may face the lack of alternative resources and TLMs in order to address the diverse learning needs. NCF suggests that school education should go beyond textbooks. Plan to add adequate, age appropriate and relevant children literature and make school library functional. Also provide relevant grade appropriate TLMs and aid for each grade; like mathematics kit, science kit, reference books and other material, which supplements to school curriculum. It can be provided in authorized Madrasas, AWCs and Government Schools. Wooden Toys and TLM on pre- school education can be provided to AWCs and AWW needs to be sensitized on their usage.

# Privatisation of Education

According to the Constitution of India, the State is both the guarantor and regulator of education, which is a fundamental human right. Providing free basic education is not only a core obligation of the State: but also a moral imperative. This was also highlighted by the UN Special Rapporteur on Right to Education Mr. Kishore Singh who submitted a report in 2014 to the UN General Assembly on Privatization of education. In his report he highlighted the issue of privatization and commercialization of education as a human rights violation and advocated strengthening of the public education system for the implementation of Right to Education.<sup>82</sup> He argued that the privatisation of education has proved detrimental to the fulfilment of the fundamental right to education to millions of children in the world. He also made it clear that fees and other charges associated with private schools are exacerbating inequality in societies, as poor and marginalized groups are excluded from going to them. After the passing of the RTE act, there has in fact been an increase of privatization, public-private partnership (PPP), school-nurturing programs, corporate social responsibility, voucher system, and so forth. ASER 2014 study has also illustrated the dismal State of public education in terms of learning outcomes in comparison to private options.<sup>83</sup>

The recently tabled Central Budget for 2015-16 brought further worry to the public education system in India, wherein total budgetary outlay by the Central Government on Department of

School Education and Literacy has seen gross decline. At a time when the vast numbers of non-school going and drop-out children are outside the mainstream school education system and schools fail to adhere to the norms, the massive fund cuts will contribute to privatization of education at large.

## Growth of Private Schools

Private schools across rural and urban areas have been on a rise and a significant segment of education today, almost 22% of elementary education, 60% secondary education, and 75% higher education are privatized.<sup>84</sup> There are different types of private unaided schools with varying fee structures: from low fee to elite and high fee demanding schools. Private schools are also trying to redefine the quality of education by their minimal standard of learning outcomes like reading, writing and numeracy. The percentage of children enrolled in private school till elementary level as per ASER 14 is 30.8 per cent. This is a huge increase from only 18.7 per cent in 2006. There was an increase of 1.8 per cent from 2013 (when the figure stood at 29%). The rate of enrolment is increasing in private school in most of the States. Five States of India – Manipur (73.3%), Kerala (62.2%), Haryana (54.2%), Uttar Pradesh (51.7%), and Meghalaya (51.7%) – have more than 50 per cent children in private schools (in the elementary school age group).

<sup>82</sup><http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/546/82/PDF/N1454682.pdf?OpenElement>.

<sup>83</sup><http://www.asercentre.org/Keywords/p/234.html>.

<sup>84</sup>DISE 2013-14.

The DISE 2013-14 indicates that there are 4.69 per cent aided private schools and 17.4 per cent unaided private schools. The highest percentage of private schools is in the States of Kerala (59.63%), Delhi (47.54%) and Chandigarh (41.67%) and the lowest is in Bihar (2.2%), Jharkhand (5.04%) and Tripura (5.96)

*This trend of increase in private schools indicates the fact that education as 'social public good' is losing its base and privatisation, commercialisation and corporatisation of public education is gaining momentum.*

There is an internationally known trend that reinforces the positive correlation between income and private schooling. In India, as household income increases, there is a greater tendency to send children to private schools, whereas children from the poorest households continue to access government schools. The data also clearly highlight a gender bias in terms of more number of boys being sent to private schools as compared to girls. As per the ASER 2014 data, in the age group 7-10 years, 35.6% of boys are enrolled in private schools as compared to 27.7 % of girls. For the age group of 11-14 years, 33.5% of boys are in private schools as compared to 25.9% of girls.

At a time when there is a fast growth of private schools in the country, thousands of government school are getting closed across States such as Andhra Pradesh<sup>85</sup>, Rajasthan<sup>86</sup>, Karnataka<sup>87</sup> and Maharashtra.<sup>88</sup> Many other States are in the pipeline to closedown schools. If the trend continues in the same phase, probably in another 10 years most of the Government schools may be closed paving the way for complete privatisation and commercialization of education.

<sup>85</sup><http://www.thehindu.com/news/national/telangana/closure-of-government-primary-schools-opposed/article6455069.ece>.

<sup>86</sup><http://sanhati.com/articles/11481/>.

<sup>87</sup><http://nasheman.in/aifрте-condemns-rajasthan-government-for-closure-of-government-schools/>.

<sup>88</sup><http://nisaindia.org/data-on-school-closures>.

## Private School and Quality Education

This growing enrolment in private schools has led to concerns about deepening existing economic and social stratification. While this increase in enrolment in private schools is happening, there is hardly any proof showing their effectiveness vis-à-vis government schools. The recent longitudinal study carried out by Azim Premji Foundation in Andhra Pradesh on school choice programme has concluded that “contrary to general perception, fee-charging private schools are not able ensure better learning for children from disadvantaged rural sections as compared to Government schools.” It also makes it clear that private schools do not add any value as compared to Government schools when socio-economic factors are adjusted. It also says that several factors both inside and outside of school have a bearing upon the learning outcome of a child. This is a trend that is also highlighted in international literature: the DFID comprehensive review on the functioning of private schools (Day Ashley et al, 2014) also concludes that there is ambiguity about the size of the true private school effect.

## Privatization of Education and Inequality

Thomas Piketty's “Capital in 21st Century” has articulated that education and skill are critical factors in reducing inequality. Ensuring that all schools adhere to the same standard and high norms of quality, a common school system (CSS) would be critical in levelling the playing field. There have been several policy commitments and recommendations for the

CSS in order to create a national system of education. In its place what has emerged is a system that is unequal, multi-layered and unfair. It is widening the gap between the rich and the poor through discrimination based on caste, class and economic status. Those that are affected the worst through this practice are the poor in general and the SC/STs, minorities, persons with disabilities and other subaltern communities. It has been argued that the rise of private school is resulting in the removal of middle-class children from the public schooling system based on affordability and 'choice.'<sup>89</sup> The exodus of the rich and middle class from the public education system reduces public schools into schools catering to only marginalised section of the society. This international debate also has relevance in India.

### **RTE Act and 25 per cent Reservation in Private Schools**

Section 12(1)(c) of the RTE Act provides for inclusion of children from disadvantaged and economically weaker sections (EWS) in private unaided schools. Private schools are required to reserve 25 per cent of their seats for EWS category children at Grade I or pre-primary level. The provision has been opposed by the private schools association and has received a mixed response from the civil society actors. On one hand, it is considered a significant legal and social attempt at addressing highly prevalent disparities within the education system; but on the other hand, critics of the provision see it as only a symbolic gesture in intent and speculate that it will open floodgates for the privatisation of elementary education in the country.

Despite five years of implementation of the Act, the 25 per cent reservation provision has remained dismal in most of the states. There are

only five States with more than 50 per cent seat filled under the provision such as Delhi (92%), Karnataka (83%), Rajasthan (81%), Uttarakhand (74%) and Madhya Pradesh (56%).<sup>90</sup> Some of the issues pertinent to the provisions are the absence of structural linkages in implementation of 25 per cent; recognition of private schools; ill treatment of children admitted under the provision by the schools; lack of initiative by the states to create awareness among the disadvantaged sections, which has been mostly limited to website or print media; bureaucratisation of procedures; corruption; delay in reimbursement and lack of communication between education department and parent or school management association.

The 25 per cent provision has remained ambiguous when it comes to the schools affiliated under various international boards as well as the residential schools. The Supreme Court verdict that came out in 2014 has led to a rise in the numbers of private schools applying for minority status.<sup>91</sup> However, there is great deal of ambiguity and contestation on granting such status.

## **Regulation of Private Schools**

The section 18(1) of the RTE Act mandates that all schools in the country should be registered under the appropriate authority. The section 19(2) mandates private school to have infrastructure in place within 3 years of the Act. Interestingly, the DISE 13-14 survey covered 21,351 unregistered schools with the highest in Assam, followed by Jharkhand and Bihar. While there are many good private schools, which provide a good education, albeit for the elite, the recent trend has shown a mushrooming of private schools that are low grade and are

<sup>89</sup><http://www.periglobal.org/role-state/document/privatisation-schools-selling-out-right-quality-public-education-all>

<sup>90</sup><http://www.25percent.in/home>

<sup>91</sup>[http://articles.timesofindia.indiatimes.com/2012-04-25/jaipur/31398229\\_1\\_minority-status-linguistic-minorities-religious-minorities](http://articles.timesofindia.indiatimes.com/2012-04-25/jaipur/31398229_1_minority-status-linguistic-minorities-religious-minorities)

<sup>92</sup>Nambissan, G. 2014. Poverty Markets and Elementary Education in India. Max Weber Stiftung.

violating several of the RTE norms. These schools have been set up as profit making enterprises often delivering a low quality of education.<sup>92</sup>

The CBSE has tried to fix the fee charged by the private schools affiliated to it. Various state governments like Tamil Nadu, Karnataka, Maharashtra, Rajasthan, etc. have come out with their own legislations for regulating fee charged by private schools. However, in many cases the private school management associations have gone to Court challenging the government's initiative. The Supreme Court of India in one of its orders in 2014 has set aside the Rajasthan government's initiative to fix the fee of private unaided schools by terming it as violation of apex court's order.<sup>93</sup>

## Recommendations

The way forward is to build a national system of education on the lines of the common school system. Different players can co-exist as long as they are committed to providing an equitable quality education to all children, which is genuinely free, honestly empowering and truly nation building on the principles of egalitarianism. This is also the right time to mobilize the Indian masses to protect the public education system. It must also be restructured

to ensure equitable quality education to all children on the principles of social justice and equity, and to uphold constitutional values. More specifically:

- Need for the state to put in place clear policies, resources, and legislations to ensure implementation of a School System that is equitable and meets basic standards of teaching and infrastructure in all schools.
- Strengthen the public education system to ensure quality and equity of education.
- Ensure strict regulation of private schools. Undertake area mapping to identify school catchment areas and ensure that new private schools are only opened in underserved areas, where there are no government schools. Strictly implement district level tracking of enrolment and attendance.
- Development of action plans in districts with declining enrolment in public schools to address core reasons for the same. District level strategies would need to culminate in a State plan.
- Ensure regulation of the private schools: that is ensure they are recognized, follow 25% reservation, have regulated fees and are addressing other RTE provisions.

<sup>93</sup><http://www.dnaindia.com/india/report-fee-panel-in-rajasthan-against-supreme-court-ruling-1963476>

To,

**Shri Narendra Modi**

Hon'ble Prime Minister of India,  
152, South Block, Raisina Hill,  
New Delhi-110011.

**Subject:** Submission of memorandum to appraise you on the status of implementation of RTE Act in the country.

Respected Modiji,

RTE Forum is a network of civil society organizations, teachers' union members and educationists in the country and writes to you to appraise you on the present state of elementary education and status of implementation of the RTE Act, 2009.

Sir, you have secured a historic mandate in the general elections last year on the promise of inclusive development. We are happy to have a Prime Minister who is a visionary and determined to make India a global power. As you know, education is the key to our nation's development. Investing in education and ensuring the complete implementation of the RTE Act, 2009 is not merely securing the lives of millions of children; it is an investment for a better future of the country.

The Right of Children to Free and Compulsory Education Act, 2009 was introduced to ensure quality education to all the children in the country within a 5-year timespan; to ensure all schools in the country complied with a minimum set of norms and standards. This period comes to an end on 31st March 2015. It is a matter of national concern that presently, less than 10% of the schools in the country are compliant with all the norms and standards of the RTE Act, thereby defaulting on all the deadlines set by Parliament. The children who would be most affected by the delay in implementation of the RTE Act are children of the marginalized sections, especially the SC, ST, Muslims, OBC, girls and children with disabilities; migrant children, displaced children, children in urban poor and children in conflict affected areas.

RTE Forum, along with our State Chapters in 19 states in India, have been actively tracking and supporting the Act's implementation across the country from its inception. Our assessment of the implementation of RTE in the last 5 years suggests that:

- Successive governments have consistently failed to provide adequate resources for the financing of the RTE. In fact, the present union budget witnessed a cut-back in SSA from Rs. 27,635 to Rs. 22,000 crore, a matter of grave concern. What is more complex is that despite this allocation of funds, the expenditure has not been made towards meeting the targets of the Act.
- School enrolment figures have increased to 97%. However, drop-out rates remain high with a large percentage of children failing to complete elementary education. More than 6 million children currently remain out of school.
- 1.2 million teacher positions are still vacant. In the absence of trained teachers, state governments are hiring untrained para teachers (education volunteers) leading to poor quality learning. According to DISE 2013-14 data, 55.5% of teaching workforce are para-teachers. Trained teachers are also not receiving regular in-service training. It is found that only 22% of them received such training.
- Over the last few years, approximately 1 lakh government schools have been closed, leading to further deprivation of the children from their right to education.

- Due to the improper implementation of the RTE Act and lack of any regulatory framework, low- cost private schools have mushroomed throughout the country hampering the quality of education.

**India is far from meeting its legal responsibility of achieving the goal of good quality education for all its children through the complete implementation of the RTE Act by 2015. Given your personal interest in education and commitment to strong and effective governance, we seek your intervention to ensure that there is clear action on this Act.**

### **Charter of Demands**

1. Complete implementation of the RTE Act, 2009. Ensure all schools comply with all the norms of RTE Act.
2. Take urgent action to ensure that all teacher vacancies are filled by professional, qualified and motivated teachers. Institutionalize immediately fully functional, adequately staffed and fully funded academic support structures for teachers across the country.
3. Convene a meeting of all Chief Ministers and Education Ministers of the state to take stock of the implementation of RTE Act and prepare a road-map for making RTE Act a reality.
4. Increase the allocation on education to 6% of GDP and address the long pending barriers responsible for delayed disbursement and underspending of the funds allotted.
5. Extend the Right to Education to children under 6 and up to the age of 18 years.
6. Put in place rational regulatory framework for private schools including ensuring their compliance with minimum norms.
7. Empower parents to exercise control over their schools- ensure that bottom up planning forms the basis for allocations and roll out a process of social audit in all schools.
8. Take steps needed to end discrimination and to ensure total inclusion of Children with disability, Dalit, Tribal and Muslim learners in classrooms. Put in place policies and resources to ensure instruction in the mother tongue for all children from tribal background, migrants and Urdu speakers in the early grades.
9. Bring all children back into school by end of 2015- roll out nationwide child mapping and tracking systems, special training for all children out of school and ensure that budget allocations for the same are adequate.
10. Strengthen the National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights by making them functionally independent, adequately staffed and financed entities and put in place an uninterrupted chain of redressal of complaints from the grassroots to national level

There is a wide conviction across the country that Right to Education is a Birth Right of every person and a concern that the Centre and States are not serious in their intent to provide this right to the children of the masses. We urge you to lead a wave that will restore people's faith in the government's commitment to ensure the right to education- in letter and spirit; while simultaneously showcasing India to the world as a country that can equitably nurture and educate its children.

Regards,

**Mr. Ambarish Rai,**

National Convener,

Right to Education (RTE) Forum

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