

**Status of Implementation of the Right of Children
to Free and Compulsory Education Act, 2009:
Year Four (2013-14)**

Report by RTE Forum

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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 fifteen states including Delhi, Gujarat, Rajasthan, Uttarakhand, Uttar Pradesh, West Bengal, Bihar, Jharkhand, Andhra Pradesh, Tamil Nadu and Puducherry, Karnataka, Odisha, Haryana and Chattisgarh. The Forum is in the process of expansion into other States including Maharashtra, Madhya Pradesh, Himachal Pradesh and Assam 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 the 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, NAFRE, 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, M RTE Forum, Assam RTE Forum, Karnataka RTE Forum, UNESCO, AKF, World Vision, Wada Na Todo Abhiyan, Room to Read, AIF, Welthungerhilfe, ActionAid India, NEG FIRE, CCF, CARE, Christian Aid, VSO, Water Aid, Skillshare 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.

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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 that has also fed into the present report. As stated earlier- however, this list remains incomplete and any omissions in this list are not deliberate!

Ambarish Raj, Convenor, RTE Forum

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Executive Summary

The “Right of Children To Free and Compulsory Education Act, 2009” (RTE Act) presents a unique opportunity to ensure that all Indian children enjoy their right to a quality, child-friendly and child-centred education. It provides specific time frames for implementation of its provisions, including three years for establishment of neighbourhood schools with infrastructure, pupil teacher ratio and facilities mandated under the schedule to the Act and five years for recruitment and training of teachers. Having come into force in April 2010, the first round of deadlines has passed and only a year is left for the latter.

None of the states have met the RTE Act norms in totality. Only 8% schools across the country comply with the entire set of 10 RTE Act indicators. No state has emerged as a champion state for RTE having implemented the Act in its totality. In an election year, no political party in power across the country has been able to realize the vision of quality education for all.

Systemic readiness

All states and Union Territories have completed the process of rule notification. 32 states have constituted monitoring bodies to oversee the enforcement of the provisions of the Act. Education budgets have been significantly bolstered in the past four years but are yet to reach the amounts calculated to be necessary for the Act’s implementation. Child centered aspects such as no detention, no corporal punishment, no board exams, ban on private tuitions, ban on screening procedure and capitation fees have been notified. Other significant achievements include instituting systems for Teacher Eligibility Tests (TET), amendments to teacher recruitment rules and the movement to an 8-year elementary education cycle. Reforms have been initiated in the academic support and teacher training systems. While notifications of grievance redress systems have been made in several states, there is an urgent need to set up uninterrupted chains of redress that connect local to national levels. Questions about the capacity of the State and National Commissions of Child Rights (SCPRCs and NCPCR) remain.

Recommendations

- Enhance budget allocation for education to ensure that funds projected as being necessary for the RTE Act’s implementation are actually allotted
- There is an urgent need to set up a functional grievance redress mechanism.
- The NCPCR and SCPRCs need to be strengthened and capacitated to address complaints.
- Orient middle level educational functionaries on the spirit of the RTE Act to enable them to play leadership roles in this regard.

Community participation and bottom-up planning

Community participation is crucial for the success of the Act. 88% schools have now constituted a School Management Committee (SMC) to oversee the school functioning and management. However, many of these function only on paper. The minimal public participation in SMCs leads to ineffective school development planning which remains top down. Engagement with the

local self-governance systems has been neglected and efforts towards popularizing provisions of the Act should be strengthened further.

Recommendations

- Provide adequate resources to strengthen SMCs. Their functioning must be transparent and mechanisms for supporting and handholding their functioning put in place.
- Strengthen the processes of planning and make School Development Plans the basis of allocation of school budgets.
- Processes of engagement with and capacity building of Local self-governance structures at all levels need to be built.
- The concept of community should be broadened and apart from members of the SMCs, other members of the community should also be involved in the functioning of the school.

Issues of teachers

5 lakh sanctioned teacher posts remain vacant and 6.6 lakh in-service teachers are untrained. Around 37% primary schools have a pupil teacher ratio adverse to the national norm of 1:30. The share of untrained teachers has actually increased. Around 10% schools remain single teacher schools. Teachers are routinely engaged in non-academic duties. Ambitious and potentially far reaching reforms in teacher training like the launching of the National Mission for Teacher Education have finally been launched this year. There has also been an increase in the pass percentage under the Central Teacher Eligibility Test (from 1% to 10%).

Summary of recommendations

- Immediately ensure that no school remains single teacher. Prioritize recruitment of head teachers and teachers to ensure Pupil Teacher Ratios (PTRs) are met in all schools. PTR to be substituted as Pupil Trained Teacher Ratio with immediate effect.
- Accelerate processes initiated under the Mission on Teacher Education. Enhance and improve quality of pre-service teacher training institutions.
- Teacher working conditions require more focussed attention to ensure long term commitment of teachers to the profession.
- Free teachers from all forms of non-teaching work, leaving them to focus on instructional activities. Extend clerical support to schools for maintenance of records and other necessary administrative tasks.
- In terms of translating efforts to improve pedagogy, classroom experience and learning outcomes, efforts need to be invested in terms of training design, preparation of resource persons, quality of teacher training materials and, assessment of impact of training as a rigorous process -this needs to be made in order to realize the goal of quality education in a comprehensive and holistic manner.

Social Inclusion

Significant gains in enrollment have been reported by the government during the preceding years. However, out of 22 lakh out of school children (reported by the Ministry of Human Resource Development, MHRD), only 44% of the target for training Out of School Children was achievable in 2013-14. Efforts to provide special training and enroll them into schools met with 44% achievement. The MHRD reported that 32.19 lakh Children with Special Needs (CCSN) were identified as on 31st March 2013, of whom 27.64 lakh have been enrolled and that 18358 resource teachers have been recruited.

Social Discrimination continues in schools, despite MHRD's circular prohibiting the same. Children in areas of conflict and chronically prone to disaster situations remain prone to being pushed out of school.

Recommendations

- Consistent pan-national definition of dropout needs to be agreed upon. Real time mapping and tracking of out of school children to be instituted.
- Discrimination in the education system to be identified, mapped, tracked and addressed by orienting teachers on these aspects and providing them with a code of conduct.
- Issue pertaining to equity and inclusion reported by children need to be incorporated into School Development Plans. Sufficient flexibility brought into the planning process to address localized requirements including additional physical and learning equipment, transport facilities, escort facilities, adequate and in-time provisions of books and reading materials, adequate and in-time provision of scholarships and so on.

Private Providers in Education

The percentage of private schools has continued to increase. Regulation of private schools has been tightened in a few states, but no truly pan national mechanism for ensuring compliance with the RTE norms in private schools exist. Twenty five states have notified norms for admission under 25% quota and 16 states reported having implemented 25% by 2013-14. Movement towards handover of government schools to private players has been reported in some states, including Mumbai and Delhi.

Recommendations

- Pan national process of regulation of private schools need to be initiated including ensuring compliance with the RTE norms, implementation of the 25% quota to ensure equity and other aspects like regulation of fees.
- Handover of government schools to private players must end, and focus must be on strengthening the public system of education. Parents and teachers need to unite to ensure good quality education and strengthen the government system of education.

Quality of education

Understanding of continuous and comprehensive evaluation (CCE) has been inconsistent and its implementation improper. Roll out of Special training has been poor. Supply of textbooks has been frequently delayed and curriculum and textbook reform needs to be further expedited.

Recommendations

- All schools across country need to be compliant with all the RTE provisions with priority given to special focus districts. It is essential to move away from single indicator based reporting to planning to ensure compliance with the entire set of RTE norms in all schools.
- Ensure provision of textbooks and teaching learning material at the beginning of the academic year to ensure quality classroom processes,
- Review the modalities of implementation of CCE. Teacher preparation on subject specific competencies and for CCE is most important.
- Institutionalize flexible budgeting for special training to accommodate location specific needs and approach.

The recommendations made in this report have emerged from a process of review of the Act's implementation across the states and are informed by RTE Stocktaking processes nationally and in the States.

1. Introduction

The Right of Children to Free and Compulsory Education Act (RTE), 2009 came into force four years back on 1 April 2010. It entitles each child aged 6 to 14 years to free and compulsory elementary education as a fundamental right. The law is derived from the 86th Constitutional Amendment Act, 2002 and is, with its imperfections, a product of a hundred years of struggle. It has been criticized in that its norms and standards are inadequate for a national system of public education with an assurance of universal quality, let alone constituting a Common School System, as promised in successive educational policies of 1968 and 1986. It laid down a number of deadlines for implementation that come to an end on 31st March 2013- all schools were expected to comply with all the norms of RTE, except ensuring that all teachers are professionally trained. This has to be put in place by 31st March 2015. It is unfortunate that the radical transformation of the schools and the larger educational system that was expected from the RTE Act has not happened. The failure of the state to deliver on its own legal and constitutional commitments on a mass scale is unfortunate. While the government has missed the 2013 deadlines, it is currently likely that the 2015 deadlines are also at risk of being missed.

Of course, different states stand at different levels in terms of achieving RTE and that there are State-specific barriers. However, the report points towards a silent crisis in the education system that is common to all parts of the country. No State has delivered against the commitments of the Act in its totality. No state has achieved RTE compliance, even a year after its deadlines.

However, some positive actions have indeed been taken by some states that can be emulated by others. Some pan-national policy actions have been undertaken over the last four years that have the potential for changing the face of the educational system. There have also been state specific actions that could inspire other states to replicate them. More of these are needed in the years to come.

The last few years also saw initiatives being taken at the national and state levels by individuals, groups, networks and alliances that came together to implement at least the provisions under RTE. These were woven together into a single framework, which came to call itself the Right to Education (RTE) Forum.

This Year's Focus

The focus of this year's report is on the extent to which the necessary institutional mechanisms have been rolled out to ensure RTE implementation across the country with only one year left to the end of the Act's deadlines. The diversity in the prevailing situation, the absence of an open consolidated information source on the status of implementation of the Act across the country has been a major hindrance in this review process.

The report relies on governmental sources, existing research, various reports generated by the State Chapters of the RTE Forum, ongoing research and evidence generated through action in the field and newspaper coverage. In addition, structured information on the progress made during the last year came from RTE State Forums across the country.

As with previous years, the report follows the six broad thematic areas of the RTE. A new chapter on the situation of children in emergency situations was also incorporated this time around. It then draws some broad recommendations for action. As promised in the last year's report, this year's has more information from different States, particularly from civil society organisations.

2. Systemic Readiness and Grievance Redress

The Right of Children to Free and Compulsory Education Act is four years old. India is a year away from the last round of its deadlines. Despite the fact that the legislation makes education a justiciable right, status on the ground is yet to improve in significant ways.

Issuance of Appropriate Notifications

All states notified their state rules during 2012-13. Notification of academic authorities, the policy of eight year elementary education, no detention, no corporal punishment, no board examination at elementary age, and a ban on private tuition is in place in almost all states. A lot of detailed guidelines have been issued on other issues- with MHRD also initiating a process of dialogue with some states whose state circulars are not completely in line with the provisions of the main Act. More critically, there is greater acceptance of these aspects on the ground. MHRD (Centrally) and State Governments have issued orders on specific issues of concern. The extent to which the officials on the ground are actually aware of all the provisions and notifications and the structures created through these notifications are actually in place and active is, however, frequently problematic.

Public Expenditure on Education:

The implementation of the Right to Education Act remains underfunded and India continues to allocate less than 6% of GDP. The financial estimates prepared by National University of Educational Planning and Administration (NUEPA) for implementation of the Right to Education Bill, 2005, drafted earlier, to put into effect the right to free and compulsory education to all children in the age group of six to fourteen years, has since been revised to Rs. 2,28,674 crores over a seven year period from 2008-09 to 2014-15. To finance RTE, the government approved a total outlay of Rs. 2.31 lakh crore (to implement the RTE Act) through SSA over a five-year period from 2010-11 to 2014-15. This includes the 13th Finance Commission (FC) grant of Rs. 24,068 crore (for the States) for the period 2010-11 to 2014-15. Amount provided under the 13th Finance Commission award was deducted from the overall approved outlay of Rs 2.31 lakh crore, and the balance Rs 2.07 lakh crore shared between the Central and State Governments in the approved sharing pattern (65:35 of States/UTs, 90:10 for NER States). By its own admission, the government acknowledges that adequate resources have not been provided to implement this critical legislation in the last three years of the 11th Plan period (i.e. 2009-10 to 2011-12). The 12th Plan Working Group Report notes that the total government expenditure for SSA-RTE during the 11th Plan period was Rs. 70,870 crore (from 2007-08 till August 2011, while the 11th Plan period ended in March 2012). Given that this entire amount was less than the government's own target of spending for just the last two years of the 11th Plan period (i.e. 2010-11 and 2011-12), at Rs. 84,408 crore, we find that the intentions in the domain of financing of RTE have not translated into reality.

The 12th Plan has recommended an allocation of Rs. 1,92,726 crore for five years (2012-13 to 2016-17) for SSA, from the Union Budget, making it Rs. 38,545 crore per year. As compared to

this figure, the budgetary allocations for SSA by the Union Government for 2012-13, 2013-14 and 2014-15 have seen shortfalls of Rs. 12990 crore, Rs. 11287 crore and Rs. 10910 crore respectively.

Table 1: Union Govt. allocation and expenditure under SSA (Figures in Rs. Crore)

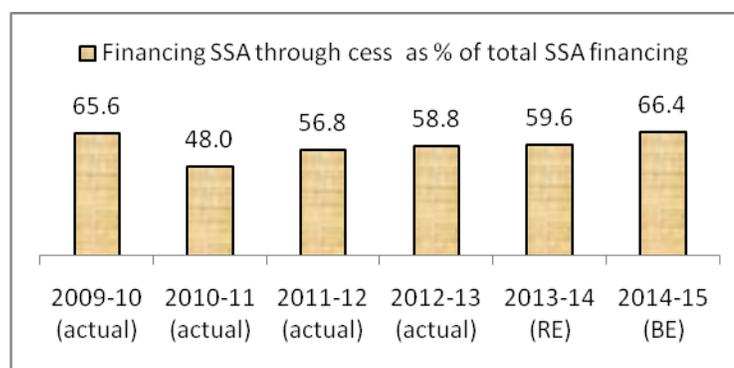
Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Allocation (BE) for SSA	13100	15000	21000	25555	27258	27635
Expenditure (actual) under SSA	12825.4	19636.9	20841.5	23873.4	26608.0*	-

Note: BE- Budgetary Estimate, *Revised Estimate; Source: Expenditure Budget, Vol II, MHRD, Various years

A critical issue is that the allocations made under SSA are less than the Demand for Grants made by MHRD and the actual allocation. In 2013-14, while MHRD has raised the demand for Rs 50,000 crore, only 27,248 crore was actually allotted. Failure to allot adequate funds for the implementation of RTE, makes its implementation unlikely. The Parliamentary Standing Committee on MHRD noted that this is anticipated to lead to a cut in several key provisions- which has indeed happened. Several schools in several states have not received the 500 Rs grant for teaching learning materials. With adequate funds not allotted in 2014-15, failure to adhere with the RTE norms by the 2015 deadline is inevitable. Also given the fact that RTE is a central legislation, a greater burden would have to be borne by the centre, especially for states with a poor fiscal status. The Standing Committee notes that over half the states are unable to meet even 35% that is their earmarked state share. Consequently, greater emphasis needs to be placed on building state capacity.

Financing RTE through Cess:

The Department of Elementary Education and Literacy receives the proceeds from the cess, which the Union Government levies on all central taxes and maintains them under a non-lapsable fund called the *Prarambhik Shiksha Kosh* (Fund created at Union Government level to finance elementary education). Over the last few years, the major chunk of government financing of elementary education had been through education cess. While this began as a measure to inject additional amounts to supplement government's own support, it has become more of a substitute. 66.4% of the SSA expenditure in 2014-15 expected to be born out of the Education Cess.



Union Government's Interim Budget for 2014-15:

Union Government's total allocation for education was 0.7 percent of GDP in 2013-14(BE), which has decreased to 0.66 percent of GDP in 2013-14 (RE). This reduction is attributed to the reduction in Plan budget of MHRD by Rs. 4000 crore. A closer look of revised estimates for 2013-14 shows a 5 percent reduction in budget allocations for the Department of School Education and Literacy for 2013-14. SSA has also experienced a 2.4 % reduction in 2013-14 RE (Rs. 26608 crore) as compared to 2013-14 BE (Rs. 27258 crore).

Some changes in financial norms of SSA:

The Cabinet Committee on Economic Affairs (CCEA) has recently approved some revisions in the financial norms of the *Sarva Shiksha Abhiyan*.

- Revision in the recurring costs of the Kasturba Gandhi Balika Vidyalaya (KGBV) component of the SSA programme which had not been revised since 2004.
- The discontinuation of the National Programme for Education for Girls at elementary Level (NPEGEL) component of the SSA programme as the interventions of the programme have been incorporated in the mainstream SSA components.
- Provision for reimbursement of expenditure towards 25 percent admissions to private unaided schools under Section 12(1)(c) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009. This is on the basis of per child cost norms notified by the State and Union Territory (UT) Governments for Classes I to VIII, subject to a maximum ceiling of 20 percent of the total annual work plan and budget for a State/UT.

Administrative Governance System for Implementation of RTE

The processes of monitoring under SSA have continued. SMCs and LAs have been empowered to undertake monitoring and oversight roles of schools. However, these structures are not completely empowered- as is visible from the subsequent section on community participation. In terms of the technical review processes under SSA, there is scope for greater civil society oversight and input from ordinary citizens. Quarterly updation of progress against district/state physical and financial targets under SSA is done on the SSA MIS website (www.ssamis.nic.in), of which some information is available in the public domain. Additional monitoring and transparency mechanisms are also adopted by states who put out a range of information in the public domain through their departmental websites or dedicated information portals. The NCPCR has recommended initiating the process of social audit this year and the modalities of initiating the same continues to be under discussion with MHRD.

Another critical development this year has been the initiation of the process of restructuring of SSA and Education Departments to bring them in consonance with each other. However, the information about the exact steps being taken is frequently not in the public domain. Other steps have also initiated actions towards roll out of dedicated RTE Divisions in several states. This is a critical action requiring attention. State Advisory Councils have been formed in several states, although the extent of their functionality is too early to be judged. The National Advisory Council under RTE was also restructured this year.

Many states have undertaken orientations or sensitizations for teachers, administrative staff and academic structures on RTE. However, questions have remained in terms of the scale of the same- viz whether all teachers have been reached the quality of training and the extent to which the trainings imparted actually conveyed the spirit of the Act.

Grievance Redress

Slow and inadequate implementation could be countered through clear steps for bottom up processes for redress- ordinary citizens asking for steps to be taken to ensure all schools comply with the norms laid down in a time bound manner. Penalties in the case of failure to deliver as per provisions laid down are also needed. However, the roll out of such provisions has been slow.

Considerable focus on the issue of redress has been on the functioning of the State and National Commissions for Protection of Child Rights. According to the last available figures, 20 States have SCPCRs and 10 States have REPAs¹. In places with REPAs, constitution SCPCRs is taking a long time. Where they do exist they often lack the financial and human resource capacity commensurate with the scale of the problems.

At the national level, NCPCR had undergone major restructuring with the appointment of a new Chairperson and the processes of appointment of its members embroiled in court cases. The Supreme Court has put a stay on the appointment of NCPCR members, after criticizing the government on the failure to put in place norms and guidelines for these members.² At the same time, the number of cases coming to the Commission has declined drastically over the years-there were 1,177 in 2010-11 and 174 in 2013-14. There is also a backlog of cases- there are still 484 open cases from the 2010-11 batch of complaints.³

While activists believe that the decrease in number of cases being reported is because of the slow pace of resolution, NCPCR attributes it to better filtering of complaints that are now also forwarded to the States. The situation of the State Commissions is not drastically different. The formation of the UP SCPCR is yet to take off in the face of a pending court case.⁴

A range of public hearings pertaining to the functioning of schools have been undertaken by the National and State Commissions which have led to cases raised being redressed. The Kerala SCPCR instituted an online mechanism of redress of grievances⁵ Tripura formed a Commission last year, headed by a political leader.⁶

¹ MHRD CABE documents

² <http://indianexpress.com/article/india/india-others/sc-stays-appointment-of-ncpcr-members/>

³ <http://timesofindia.indiatimes.com/city/delhi/Complaints-of-RTE-violations-pile-up/articleshow/31747297.cms>

⁴ <http://archive.indianexpress.com/news/child-rights-protection-panel-not-yet-functional/1209817/>

⁵ <http://www.newindianexpress.com/states/kerala/Online-System-to-Monitor-RTE-Implementation/2014/02/27/article2080105.ece#.Ux4IAM4S0bT>

⁶ http://www.business-standard.com/article/news-ians/tripura-constitutes-child-rights-panel-113121800453_1.html

Steps have also been taken this year towards establishing mechanisms for administrative redress of violations of the Right to Education. Seventeen States have established decentralized grievance redress mechanisms of different sorts. A separate line item on redress has been opened under SSA this year as well. 11 states have established timelines for redress. However, experience on the ground is that these are often not adhered to, especially for issues that are more systemic in nature; individual complaints about behavioural issues appear to have a higher success rate. The Draft Grievance Redress Bill pending with Parliament, with all its multiple ambiguities, could have played a critical role in expediting redress on the ground. However, the ruling government has been unable to get it passed, despite even attempting to introduce it through the ordinance backdoor.

Steps taken towards extension of RTE: Below 6 and Above 14 Years of Age

India formally adopted an Early Childhood Education Policy this year for children under six years of age. At the same time, the Central Advisory Board for Education (CABE) committees on RTE Extension in both directions continued to meet and made some recommendations in the direction of extension, although the recommendations are not in the public domain. One is informally informed resource constraints act as barriers for their implementation. However, both committees appear to have been broadly positive in terms of making recommendations for extension.

Major Recommendations from this session on RTE extension during Stocktaking

- It is well established scientifically that the early years are the foundation on which children build their lives. So, there is an urgent need to bring children below 6 years under the ambit of RTE Act to address their developmental and educational needs in a holistic and integrated manner.
- It is essential to put in place an age and developmentally appropriate curriculum and monitor the mushrooming of private schools.
- Need for stronger civil society oversight over the processes of roll out of the Early Childhood Education Policy that has been recently put in place under the aegis of the Ministry of Women and Child Development.
- Need for cross-sectoral interventions to address the holistic needs of the under six year old child.
- RTE needs to be extended till 18 years of age to bring consistency in the definition of the child across various legislations and to ensure that the developmental and learning needs of older children are not neglected
- Need for stronger focus on the needs of Children with Disability and concrete steps towards their equal integration in the system.
- Any extensions to the Act would need to be backed by adequate resources and clear strategies to ensure the implementation of the new provisions.
- Need for stronger popular mobilization in support of these amendments to the Act.

Recommendations from the session on Systemic Readiness during the Stocktaking Convention

- Allocate funds in accordance with the government's own estimates of the resources required for the Act's implementation. Streamline fund flow to ensure that grants are distributed equally across the year and not backend expenditure into the last quarter.
- Urgent action needed to address root causes of underspending by states. This requires the creation of an enabling financial framework.
- Strengthen the mainstream education departments in states as the only sustainable means of ensuring a strong education governance system. Bypassing it would not work in the long run.
- Need to streamline processes of planning. Lack of bottom up planning needs to be addressed.
- Need to free teachers from non-teaching work, including election related work. Need for alternative mechanisms for preparation of electoral rolls that does not engage teachers given the frequency of national and state elections.
- Need for greater thrust and seriousness in ensuring implementation of policies and legislations. While there is a shortage of resources, the lack of effective efforts to ensure funds allotted are used in the best way possible is also a major issue.
- Need to strengthen grievance redress mechanism to give SMCs, parents, teachers and school personnel clear channels and time bound mechanisms to express their problems.
- Need to strengthen SCPCRs and NCPCR to enable them to play the roles expected.
- Where redress mechanisms have been initiated, they are frequently not functioning well. Need for clear strategy to ensure helplines and other such mechanisms initiated actually function.
- At the same time, need to build awareness about mechanisms for redress that have been laid down. Even education officials are frequently unaware of these mechanisms, let alone the community.
- Need to enhance transparency in the functioning of the State. This includes budgetary transparency (ensuring that parents are aware of the resources allotted to their schools), but also covering all aspects of the functioning of schools.

3. Role of Community

The role of community in school education can be immensely valuable, but at the same time it is problematic in many ways. To begin with it is fraught with the risk of the state abdicating its constitutionally mandated responsibility of providing quality education to every child, and passing the blame for the failure on an idea of a community, designed in the form of the SMC. SMCs are the principal platform of community involvement defined in the RTE Act. They have been entrusted with tasks they may not be equipped to carry out, nor adequately empowered, trained or authorized to do so. They have, at best, limited decision making authority, with their recommendations not necessarily accepted, or even respected. Further, the skewed power distribution in the larger community where the school is located, and its often fragmented nature, brings in other problems.

Despite problems, the potential contribution of community participation in the form of SMC is underrated. There are four major roles that SMCs can play. First of 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. Secondly, SMCs can also be seen as a means of mobilizing community resources for the school- linking schools with the local community. Theoretically, the knowledge and skills available in the society can be transmitted to the school through the SMCs, and in turn new constitutional values may be transferred sometimes to the society through children and school-based activities with the support of SMCs. Thirdly, SMCs can create a sense of community ownership of school in a village or urban locale. Lately, a fourth role is also acquiring importance- that of its potential as an agent for systemic change- through the creation of pressure groups, in the form of federations.

Increasing numbers of SMC but it prepared to take on diverse roles

Experiences of SMCs across states

The performance of SMCs continues to be varied and uneven across states. The diversity in the country along different parameters like local problems and traditions, heterogeneous pattern of education in different states or even in different regions or parts of a state play a big role. While real time quantitative data pertaining to the status of SMCs is lacking, according to the DISE 2012-13, 88.37% schools had an SMC (ranging from 6.93% in Delhi, notified officially only in March 2013 and 100% in Lakshadweep). The figures suggest that processes of formation of at least first generation SMCs have by and large been undertaken. There has been a significant increase in the number of schools with SMCs since the preceding year.

Some progress made during the preceding year includes the final notification of SMCs in Delhi in March 2013. In Bihar, State Rules (2011) on the Act 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 and further amended in December 2013. The process of their constitution is still on. In contrast, several states including Rajasthan, Tamil Nadu and Uttar Pradesh have moved into a second round of SMC formation this year. Questions, however, remain about the modalities adopted for formation- with selection (by head teachers) being a more frequent practice on the ground, than election (Jha, 2014). At the same time, there is frequent inadequate representation of marginalized communities in the SMCs and adequate steps are not taken to enable linguistic minorities, women and persons from marginalized communities to engage with the processes of functioning of the SMCs (ibid). Thus, in Delhi, only 18% surveyed school reported to have proportional representation of disadvantaged group. 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 are also seen. (ibid).⁷

While there are exceptions, a large number of SMCs are ill-prepared to take up the numerous responsibilities enumerated in the Act. This raises questions about the processes of training that are being adopted. SMCs continue to require handholding to address issues of social inclusion. Issues of gender, social inclusion, equity and quality need to be addressed through separate capacity building exercises, as holistic training modules cannot do justice to addressing these sensitive issues.

Quality of Training

In 2011, evidence suggests that the actual training was undertaken of only 47% of the schools (8 states, AeA, 2013 based on 2012 data). While this figure would have improved during the preceding year, the quality of training retains much to be desired. Some of the emerging issues based on the materials developed and used with the first round of SMCs are as follows:

Some Emerging Issues from the SMC Modules developed during the first round of SMC trainings⁸:

- The training module provides a prescriptive list of functions for all stakeholders under RTE, but no stress has been laid upon the mechanism of integration of community in this public reform.
- There is a lack of ways of addressing issues or problems cohesively, with other stakeholders. Hence, participatory tools need to be integrated within modules.
- The enormity and characteristics of local issues present in each community have been rarely used as catalyst to affect understanding and sensitisation.
- There is requirement of interactive resource material to supplement the training module, such as short films, radio programmes, cartoon strips, etc. This helps in better impact.
- SMC training modules need to be simple in design and language that is easily understood by all actors. Use of images, slogans, poems, stories allows room for easy-association and retention.

⁷ Jha et al (2014). Unpublished study on functioning of SMCs, supported by Oxfam India, Save the Children and CARE

⁸ Purvi Malhotra (2013) Conceptual Note for SMC 2013, Unpublished document submitted to MHRD

The opportunity offered by the roll over onto the second generation SMCs has provided states with the opportunity to revise curricula for SMC training- for example, such curricula have been revised in UP and TN.⁹

The concern, however, is not just with the content of the modules, but the modalities of their roll out. The reliance on a cascade model of training of SMCs has created considerable transmission losses. Previous 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.

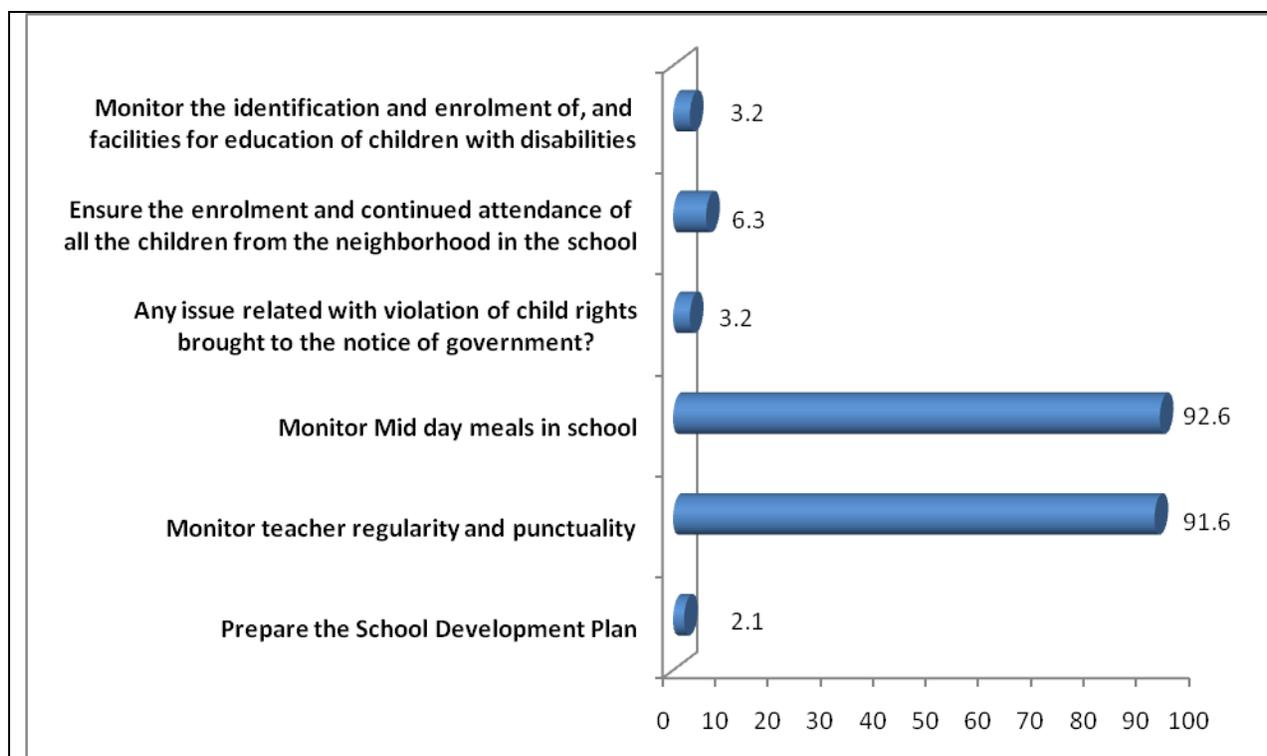
Weak processes of capacity building often translate into weaker action. The concern is that SMC are failing to perform the tasks visualized for them. Visible aspects of the functioning of the school- opening and closing times of the school and tracking delivery of the MDM are more likely to be addressed than more intensive aspects of school quality. Delhi is a case in point. 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 which 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.¹⁰ A more meaningful process of interaction with and handholding of SMCs is required, if impact across the entire set of indicators is to be expected.

While SMCs are to an extent aware of their monitoring roles, they are- in contrast- frequently unaware of their financial powers and their role in the process of redress of grievances (Jha, 2014). They are expected to play a critical role in undertaking long term planning of their schools through the formation of School Development plans. According to DISE data, 80.79% of these allegedly have an SDP in place (ranging from 34% in West Bengal and 99.24% in Tamil Nadu). Ninety four percent (94.7%) of schools with SMCs have opened bank accounts for the same (18.18% in Goa compared to 100% in Karnataka). Three issues pertaining to the development of the SDPs need to be addressed:

- making plans that are actually usable
- making the process of their development more participatory (and not have them prepared by the teachers and head teachers alone)
- building in mechanisms whereby SDPs that have been prepared serve as a basis for actual allocations.

⁹ <http://www.newindianexpress.com/cities/chennai/New-Training-Modules-Give-More-Teeth-to-SMC-on-Funds/2014/01/06/article1985081.ece>

¹⁰ <http://www.accountabilityindia.in/accountabilityblog/2642-community-participation-and-school-functioning-evidence-drc-survey-data>



Functions performed by SMCs: Delhi, 2014 (First generation SMC), Spot survey of functioning of SMCs- Delhi Education Initiative, Oxfam India

Some of the cross-cutting concerns about the functioning of SMCs across the country include:

- a. Lack of awareness about SMCs and low levels of participation amongst the larger group of parents is still being reported from many quarters. In many places the process of formation was so undemocratic and lacking in transparency that even members chosen came to know about it at the time of meeting or training.
- b. SMCs are often dominated by some persons or groups, negating the idea of SMCs working as instruments of greater social inclusion or ensuring quality of education. There is often an expectation of some allowance for members when they come to the meetings.
- c. Attitude of state governments towards community-based bodies like SMCs vary from suspicious to apathetic, to moderately encouraging. Teachers are often not comfortable, as they see SMCs as irritants or interfering. There is a lack of creative bonding between teachers and members of SMCs in most places, or sometimes, an unholy alliance leading to a misuse of public money. There are reports of records of SMC meetings being created artificially or being forged. This would be possible only 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 the experience of working with SMCs was quite 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. 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 and their efforts are beginning to show fruits. 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 likewise has an SDMC federation.¹¹ Civil Society organizations in Jharkhand and Uttar Pradesh have also taken steps to form SMC federations in the respective states.

The following testimonies are from the state of Uttar Pradesh, presented during the state level SMC Convention. 2nd SMC Convention, SCORE, UP, 2014

Sunita, President , School Management Committee

School: Prathmik Vidyalay, Peepalsana

Block : Bhojpura

District : Bareilly

I am a resident of village Peepalsana. Priya and Ankit, two of my three children study in the nearby elementary school. I was elected as a member of SMC in the first election of SMC in 2011. I was a very active member of SMC since beginning and in the second election they elected me in an open meeting as president of the committee.

I monitor my school regularly with the help of school management which helped in the increased enrolment of the children in school. I also pay due attention on maintaining cleanliness in the school, regular presence of children and teachers as well as on preparation and distribution of Mid-Day Meal. I keep regular dialogue with teachers and give suggestions for the betterment of the school functioning. The school administration also takes it positively.

My school was facing lot of problems due to non-availability of teachers compared to number of children. In this situation, the students of class 1 and 2 had to remain free for whole day without study if any of teachers would have to go on leave due to some reason. I discussed this problem with the committee members and teachers in the monthly meeting of September 2013. We decided to take this issue to BEO (Block Education Officer). A delegation of 5 members of the committee went to BEO to discuss the problem. He told that problem is genuine but expressed his inability in doing anything in the ongoing session as no teacher was available there. Then we suggested that 1 teacher can be appointed from another school of the village situated merely 700-800 meters away from this school where number of students is very less. After considering over the suggestion BEO appointed another teacher in our school.

Now there are 4 teachers and 2 *Shiksha Mitra* in our school who take all the periods. It makes me feel

¹¹ <http://e-pao.net/GP.asp?src=26..121013.oct13>

that I have played my role and responsibility in the best possible way.

Tamkeen

Primary School , Chandura

Block : Jani

District : Meerut

I am a member of the school management committee. In our village, a Muslim majority area, the girls are traditionally not educated. We raised the issue of girls' education in the SMC meeting. We got full cooperation of the teachers also. We visited in the areas nearby the school and started dialogue with the parents to make them aware on the importance of the education of the girls. We tried to enroll the maximum number of the girls in the school. Now almost every girl of the village is studying in the school and they are even participating in the national level programs.

In our committee, we discuss about different issues like enrollment of the children, school development plan, periodic assessment/evaluation of the learning level of the children, grievance redress with the help of teachers in case of any complain from students, arrangement of safe and clean drinking water and hygienic environment etc. and also about education in the context of social equity. We try to work for betterment of the schools together with the teachers.

Local Authorities

The Act enumerates responsibilities of local authority (LA) which should be Panchayati Raj institutions (PRIs) or urban local bodies (ULBs). Twenty three States have notified Local Authorities¹². However, these notifications have largely remained vague in terms of placing accountability on specific individuals or groups for operationalizing the roles anticipated to be played by the LA. Thus, while it is useful to know that a Municipal Corporation is tasked with playing the roles of the LA, it does not explain who has to be approached to play specific tasks 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 Himachal Pradesh where the Block and District Elementary Education Officers, PRIs and ULBs have been notified as the LAs for a range of issues). Some states- eg. Meghalaya, Odisha, Haryana continue to notify government officials as Local Authorities. Surprisingly, Haryana has notified SMCs as one of the Local Authorities 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. This is a critical omission given the role of the LA in resolving grievances of parents.

The overwhelming focus on the efforts towards ensuring community participation

From the Gujarat LA notification:

Under the RTE Act 2009 section 9 indicates different duties of local authority and if the local authority shows any negligence in performing their duties any person may complain to the local authorities¹³

¹² For the notifications issued refer: <http://mhrd.gov.in/local-authority>

¹³ http://mhrd.gov.in/sites/upload_files/mhrd/files/la/Gujarat.pdf

have been on the implementation of the provisions pertaining to SMCs, has been at the cost of building the capacities of Local Authorities. It may also be recalled that after 73rd and 74th amendments to the constitution school education should also have come under the control of PRIs/PESA/ULBs. While MHRD appears to have opened dialogue with the States to correct some of the notifications pertaining to Local Authorities 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), this understanding has not necessarily percolated down fully to the state level, let alone the individual Panchayats or Urban Local bodies where convergence is to happen. Efforts to build PRI capacity on RTE and its provisions have not really been systematic.

Broad awareness on RTE

In early 2013, only one out of every two parents were aware about the Right to Education Act and its broad provisions.¹⁴ Some efforts towards building community awareness on RTE have been made in 2014 however, these have not been in line with the requirements. Some of the more visible steps include advertisements taken out in newspapers highlighting key provisions and the development of the RTE Anthem by MHRD. Karnataka had also engaged local film stars in the process of building RTE awareness.¹⁵ Efforts, however, remain weak.

¹⁴ <http://right-to-education-india.blogspot.in/2013/03/survey-reveals-poor-awareness-of-rte.html>

¹⁵ <http://www.thehindu.com/news/national/karnataka/star-power-to-bring-kids-to-school/article5151587.ece?homepage=true>

Major Recommendation from the session

- Need for improvement in the training and capacity building of SMC members.
- Need for focus on ensuring more effective day to day functioning of SMCs. Powers need to be devolved to the SMC which must not just be delegating tasks that the government feels convenient not to undertake directly.
- Need for mechanisms for engaging with the larger community beyond just the SMC.
- Mechanisms like federations of SMCs have proven to be effective in building a critical mass of people active on education in a particular geography. These experiments need to be upscaled.
- Need for processes to generate awareness among people about the Act and their rights
- Processes of community mobilization should also include teachers. Often teachers become scapegoated since they are literally the only members of the education department that are reachable by the community and are therefore blamed for the faults of others.

4. Quality in RTE

India has made significant education policy reforms to reach the remotest corners of the country to impart elementary education to children from all sections of society. Today, 95% percent of India's rural population lives within one kilometer of a primary school and student enrollment and attendance are at all-time high (DISE, 2012). However, even by the government's own admission, 8% habitations continue to lack upper primary schools within a three km radius while 2% lack primary schools.¹⁶ Seven percent (7%) of children living in slums lack access to neighbourhood primary schools within 1 km.¹⁷ 12% schools are not approachable by an all-weather road- ranging from 48.47% in Jharkhand to 100% in urbanized Delhi and Chandigarh. This raises fundamental questions about the access of schooling to children living in remote, tribal and dalit hamlets of India and for children with disability who may not be able to cover long distances over bad roads.

While coverage is incomplete, quality of the education delivered have taken a relative backseat in the push for restricted MDG led agenda that principally stressed enrollment. Gaps remain in terms of educational provision, availability of resources, infrastructure, and adequate numbers of qualified, trained and regular teachers. Much is desired for ensuring contextualized, relevant curricula and quality teaching and learning. Increasing privatization and commercialization of education have emerged as barriers, especially for social inclusion. Notwithstanding legal and policy measures, enhancement in enrolment, expansion of school infrastructure, narrowing of gender gaps in literacy and a reduction in child labour; 16 million children in India remain out of school. These children from the most marginalized sections include children from scheduled castes and tribes, urban poor and amongst them girls.

Access to Quality Infrastructure

As a basic for delivering quality education, infrastructure holds an important place. This includes provisions like drinking water, toilets, playground, and adequate space for school activities and classrooms. Since the enactment of the RTE Act, 2009, 43,668 schools, 7, 00,460 additional classrooms, 5,46,513 toilets and 34,671 drinking water facilities have been sanctioned to States/ UTs under the Sarva Shiksha Abhiyan (SSA) programme to meet the objectives of the RTE Act.¹⁸ The issue is not just of numbers- which reflect a positive trend across states, but also of the quality of provisions.

Yet as per the DISE (2012-13) data only 8.28% schools in the country fulfill all 10 infrastructural parametersⁱ as shown in the picture below. These norms included provisions pertaining to drinking water, ramp, boundary wall, playground, library, girls' and boys' toilets, PTR-SCR ratio and PTRs. As a comparison, only 8% schools complied with the 6 infrastructural parameters in

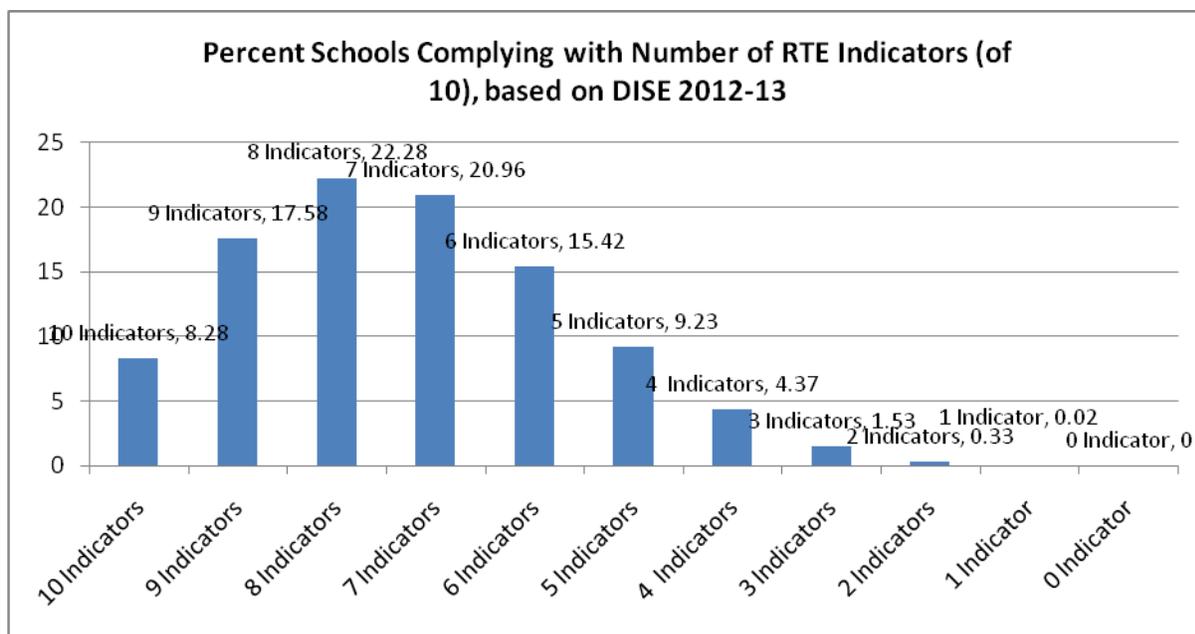
¹⁶ CABE 2013 MHRD presentation

¹⁷ <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=148119>

¹⁸ <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=147991>

2012-13. A study conducted by Aide et Action in 8 states, 2012-13, reports that only 40 out of 1035 schools (3.8%) show compliance on all infrastructure related indicators.

Different states and districts vary considerably in their performance. Thus in Gujarat even Ahmadabad district has an RTE compliance (10 Indicator) figure of 14.36%. In Andhra Pradesh, East Godavari District has an 8% compliance figure. In Uttar Pradesh, Amethi has a mere 1% RTE compliance rate. All states are performing badly. Overall- the largest figure that any district has achieved was Ratnagiri District in Maharashtra at 60.62%. The lowest is the absolutely shocking 0.00% in Serchhip District, Mizoram.



While the national student classroom ratio has been showing a steady improvement, standing at 1:27 for primary schools and 1: 29 for Upper Primary, there are several differences across states. Overall, 33.53% of primary schools and 32.18% upper primary schools fail the RTE norms (1:30 and 1:35 respectively). Surprisingly, 20 and 6 States respectively have shown an increase in the percentage of Upper Primary and Primary schools that fail this norm. With the government figures pointing towards an enhanced enrollment in the post RTE phase, the infrastructure for the schools has not always grown proportionately to accommodate the new enrollment.

According to information tabled in Parliament¹⁹, 95% schools have drinking water facilities and 89% schools have toilets. Only three states- Chandigarh, Delhi and Kerala report 100% coverage on both indicators. Significant progress has, however, been made over the years in terms of availability of both indicators- partly as a result of the consistent monitoring by the Supreme Court.²⁰ ASER also noted there is a significant increase in the proportion of schools with a useable toilet, from 47.2% in 2010 to 62.6% in 2013. In 30.2% schools toilets exist, but are not usable. Many of them are either locked, or without water, or too unclean for children to

¹⁹ <http://164.100.47.234/question/annex/230/Au1939.htm> based on UDISE 2012-13

²⁰ <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=147989>

use. Only a negligible number of schools have infrastructure suited for children with disability. Across the country, there are a smattering of schools that have separate 'disabled friendly toilets'. These toilets are presumably to be used by both girls and boys with disabilities. The lack of a universal perspective is evident in this kind of provisioning where separate toilets are made for children with disabilities. While the state continues to report on the increasing numbers of toilets for girls and boys, it no longer reports on accessibility of toilets for children with disabilities.

Only 59.48% schools have a boundary wall- a percentage that marginally decreased in 14 States. One possibility is that maintenance of infrastructure once established requires greater attention. According to DISE 2012-13, 56.58% schools have playgrounds. This varies from 29.65% in Odisha to 95.21 in Chandigarh.

Seventy nine percent (79.25%) schools are reported to have ramps, ranging from 36.70 in Andaman and Nicobar Islands and 99.15% in Delhi. Data such as this can be a misleading indicator of accessibility. The presence of a single ramp at the entrance of the school does not make the school accessible for children with disability. Other parts of the school should also be adapted to ensure all children with disability, and not just wheelchair users, are able to access all parts of the school. The principles of universal design need to be followed in all aspects of functioning of all schools.

Data suggests over the last three years, there has been a steady increase in the provision of libraries in schools that have been visited. According to DISE 2012-13, 68.95% schools had libraries. However, ASER notes that in the majority of the schools libraries were found to be inaccessible to children. Books were locked in cupboards, not given to children due to the fear of them getting destroyed and mostly stocked with books that are not selected in accordance with the level and interest of children.

Instructional Hours and Working Days

The Right to Education Act provides for 200 working days during the stage of primary schooling and 220 days at Upper Primary. However, 6.63% primary schools fail to comply with this norm. This varies between 97.4% in Kerala and 0% in Daman & Diu. In contrast, a more significant 26.80% Upper Primary Schools/Sections fail the 220 days norm. Eleven states have more than 50% schools that fail this norm.

Another critical issue is the requirement of teachers to put in a minimum of 45 instructional cum preparation hours each week. The Education department, Delhi had increased the working hours of school teachers to this benchmark²¹, but had to roll back the decision immediately in the face of teacher protests.²² The last year also saw criticism that Goa's notification violates the RTE Act by recommending 237 working days and 200 instructional days for both primary and secondary (including upper primary sections therein) level schools²³. In double shift schools

²¹<http://ibnlive.in.com/news/delhi-cm-arvind-kejriwal-increases-working-hours-of-school-teachers/447746-37-64.html>

²²<http://www.ndtv.com/article/cities/delhi-government-announces-rollback-of-its-move-on-working-hours-for-teachers-476134>

²³ <http://timesofindia.indiatimes.com/city/goa/Edu-dept-circular-violates-RTE-Act/articleshow/31303351.cms>

in Pune and other urban areas of Maharashtra, the school day itself has fewer hours of instruction than mandated by RTE Act.²⁴

Textbooks Supply and Procurement

Surprisingly, no state reported 100% supply of textbooks in all schools (DISE 2012-13). Only 76.88% government schools in Mizoram received textbooks. Chandigarh alone reports 100% supply to its primary schools. While 21 States had over 90% schools receiving textbooks overall, a critical issue is the question of delayed supply. In Jharkhand, the process of procurement for 2014-15 has also been drastically delayed.²⁵ Only fifty percent (50%) of schools in Ganjam, Odisha received textbooks²⁶ and even better performing states like Punjab reported problems.²⁷ Focused attention needs to be paid to the modalities of their procurement- with attention to timely initiation of the tendering process, data systems to ensure demand and supply of textbook and action to address frequent supply bottlenecks.

No Detention Policy and Continuous and Comprehensive Evaluation

The 'no detention policy', under RTE states that no child to be held back till class 8 in order to ensure compulsory education up to the age of 14 years, and prevent dropout in schools. This should be complemented by a process of comprehensive evaluation of children's progress. Blindly following the 'no detention policy' does not help until schools also offer academic support for academically weak children. Continuous and Comprehensive Evaluation promises to address this issue but must be made more explicit and decoded for teachers. (18th JRM, SSA, MHRD).

According to the figures presented before the CABE committee in 2013, thirty States and UTs have put in place modules for CCE. According to DISE 2012-13 76.93% elementary schools in India currently implement some form of CCE. This ranges between 5.40% in Tripura and 100% in Lakshadweep. Interestingly, ASER 2013 suggests that 21.5% teachers had not heard about CCE, 19.3% had heard about the same, but not received the formats, 11.9% reportedly received the formats, but were unable to show them. 47.2% of the schools had heard about CCE, received the formats and had them within reach. While some form of CCE is being rolled out across the country, the modalities of the same vary drastically in terms of quality of the process adopted. Teachers do not necessarily understand the spirit of the process.

NCERT has developed exemplar CCE packages for primary stage and upper primary stage that are expected to illustrate how teachers can assess the learning progress of children. The 18th Joint Review Mission of SSA points out that the CCE models of U.P, Rajasthan and Tamil Nadu look at assessment as an integral part of teaching learning process. In U.P the CCE model has included learning indicators and has been tried out by teachers. A pilot of the CCE is underway

²⁴ <http://www.rtemaharashtra.org/index.php/implementation>

²⁵ http://www.telegraphindia.com/1140125/jsp/frontpage/story_17862901.jsp#.UxsuO84S0bS

²⁶ <http://www.newindianexpress.com/states/odisha/50-percent-Ganjam-students-yet-to-get-books/2013/04/18/article1550135.ece#.UxsvUM4S0bQ>

²⁷ <http://www.hindustantimes.com/punjab/patiala/textbooks-delayed-edu-dept-in-a-bind/article1-1044896.aspx>

in Rajasthan. Meanwhile Tamil Nadu has developed the Active Learning Methodology, in which CCE is an integral part of teaching-learning process. Student records are used to assess learning.

CCE Models of Karnataka, Maharashtra, Meghalaya, Chhattisgarh, Delhi, Andhra Pradesh and Andaman & Nicobar are similar in that these require teachers to conduct four formative and two summative evaluations. There are four to six tests for each subject and about 20-30 tests in a year. In addition to these tests, students are required to submit projects and assignments. Students are also evaluated for non- scholastic areas, personal and social qualities on rating scales. A criticism of this approach is that it fragments learning into scholastic, non-scholastic and co-scholastic areas. Evaluation becomes isolated from the processes of learning and testing occupies a central stage. Teachers spend significant proportion of instructional time in recording and preparing detailed report cards and consider this kind of CCE an additional burden. The JRM notes, “with so many tests teachers start ‘teaching to tests’ leading to rote learning and use of ‘guide books’ by students and teachers both.” A change in the modalities of implementation of CCE in several states is, therefore, needed.

Classes with large student strength also make it difficult for teachers to offer individual attention to students, especially slow learners. The Parliamentary Standing Committee on MHRD stated that without addressing existing scenario with regard to the PTR, introducing CCE will not work.²⁸ CBSE has also undertaken four rounds of review of the experience of CCE and the feedback has been largely positive.²⁹

Despite this and other critique of the provision of no detention, the Supreme Court [refused to stay the implementation of section 16 of the RTE Act](#) that mandates a no-detention policy in school based on a writ petition [W.P. (c) 969 of 2013]. The original petition had contended that the no-detention policy under the RTE Act does not contribute to learning.

Curriculum Reform, Quality Benchmarking and learning enrichment programmes

According to the documents presented during the CABE meeting 2013, 28 States have completed the revision of their curricula in line with the NCF 2005. Class-wise learning indicators have been prepared nationally and also by six states. The former is supposed to serve as a benchmark for CCE being undertaken by States. School performance standards and indicators have been laid down by five states and are in the final stage of finalization nationally.

Fourteen States have initiated targeted action towards early grade reading, writing and comprehension and 10 States have initiated reforms focusing on Science and Mathematics at Upper Primary Level. Activity Based learning has universal coverage in TN, Karnataka and AP and has also been piloted in Chattisgarh, MP and Rajasthan.

²⁸<http://www.newindianexpress.com/magazine/voices/Right-to-education-engulfed-in-dilemma-of-no-detention/2013/10/27/article1853030.ece>

²⁹ Rajya Sabha Question 1283, answered on 19.08.2013

Special Training:

According to government figures, 2.2 million children in India are currently out of school. The figure is, however, likely to be higher given the absence of a consistent definition out of school children across states and viable mechanisms of child mapping and tracking in several states. According to ASER 2013, 3.3% children are out of school. However, even accepting these figures, much more needs to be done to bring even this relatively limited number of children back into school.

According to DISE 2012-13, 54.23% children in government management schools have received special training. The Act has made provisions for age and grade appropriate 'Special training' for out of school children. Across different states there has been no consistency on the definition of drop out, the contents of the special training

Status of OOSC (6-14 years age) from 2011-12 to 2013-14³⁰				
S. No.	State	2011-12	2012-13	2013-14
1	A&N Island	0	751	0
2	Andhra Pradesh	115810	301271	161538
3	Arunachal Pradesh	11343	9688	3443
4	Assam	124577	118603	102518
5	Bihar	352331	282669	271096
6	Chandigarh UT	3782	6018	4544
7	Chhattisgarh	128185	64860	76204
8	Dadra & Nagar Haveli	103	167	171
9	Daman & Diu	409	379	133
10	Delhi	23536	9854	7255
11	Goa	13024	3608	2500
12	Gujarat	58137	102836	84358
13	Haryana	107599	84032	125084
14	Himachal Pradesh	2414	3243	2811
15	Jammu & Kashmir	36281	43153	59061
16	Jharkhand	236265	502942	280617
17	Karnataka	39841	125888	117845
18	Kerala	10043	21425	1406
19	Lakshdweep	7	7	0
20	Madhya Pradesh	70486	126485	74415
21	Maharashtra	16145	218799	86856
22	Manipur	21340	9632	8744
23	Meghalaya	14393	20998	33557
24	Mizoram	9759	8234	7362
25	Nagaland	20108	11719	8589
26	Odisha	72048	30591	19591
27	Puducherry	901	885	341
28	Punjab	30939	18459	17414
29	Rajasthan	1210917	497029	410957
30	Sikkim	2130	1911	1185
31	Tamilnadu	52558	53832	45120
32	Tripura	596	1818	1489
33	Uttar Pradesh	194146	109677	64442
34	Uttarakhand	8168	6893	6858
35	West Bengal	218150	136437	131375
Grand Total		3206471	2934793	2218879

curriculum, or for its operationalization. The MHRD had issued national guidelines for Special

³⁰ <http://164.100.47.132/Annexture/lsq15/14/au638.htm>

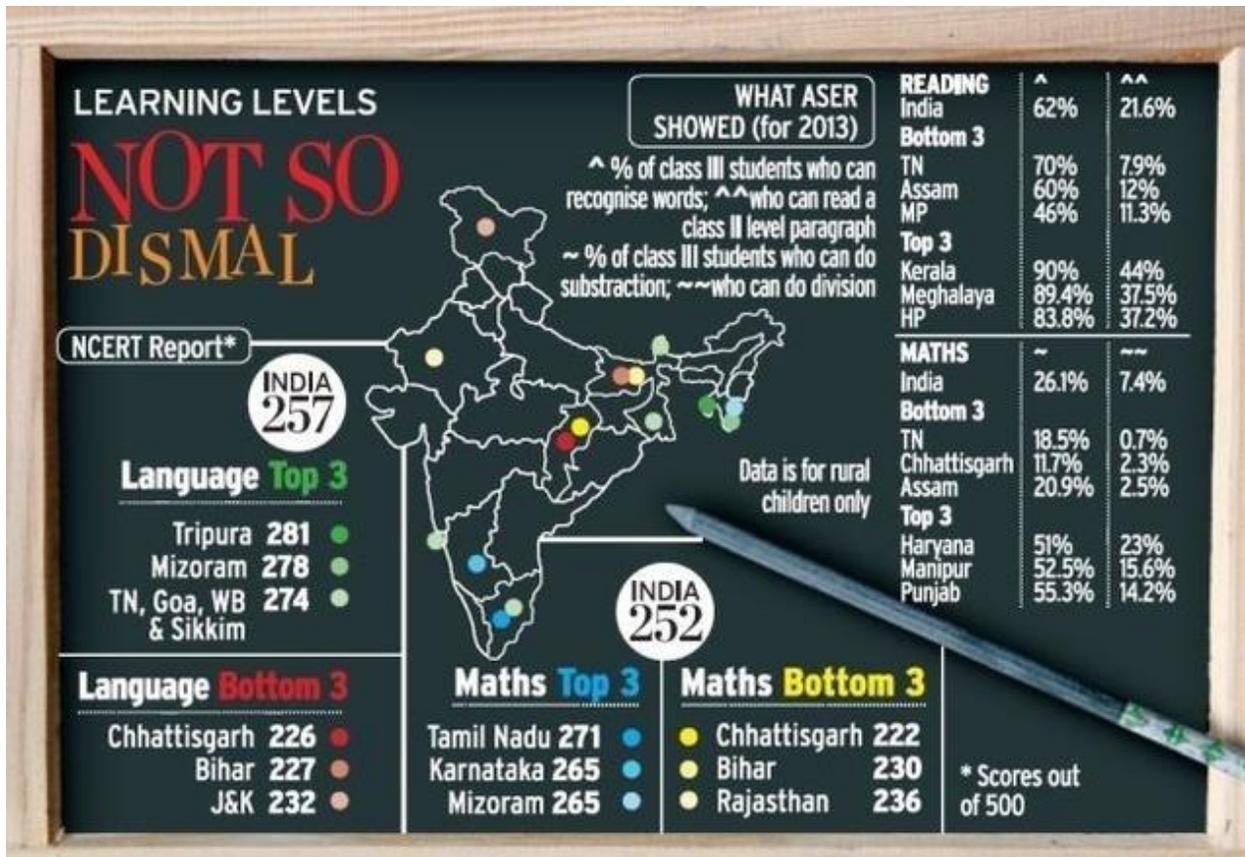
Training in the second half of the year, although this has not been followed up on the ground. There has been very little resource commitment for special training. No specific intensive teacher development efforts have been taken up in any of the states to address the huge challenge of bridging out of school to their age relevant competencies by equipping them with needed psycho social support. The teachers who are involved in the process are frequently the least paid para teachers, community workers or retired teachers, who have no incentive to take up the extra challenge that has been posed to them.

There are also limited efforts to come up with a curricular /pedagogical approaches that would facilitate accelerated learning for children who have been out of school for different reasons, with very few states who have come up with a curricular, teacher development and mainstreaming plan to address the special needs of these learners. At the same time, with the levels of learning fairly low across the board, efforts towards remediation of the children who are in school, but are not learning at age appropriate levels are also needed. Another issue is whether the space available in school is enough to provide additional special training sessions within the same already limited physical infrastructure. This is especially relevant when the number of such children is large.

A study conducted by CARE India in 2013-14 looked at the implementation of special training in four states (UP, Bihar, Odisha & Gujarat) highlights the fact that in most states the curriculum focuses on bridging grade-wise competencies. It fails to equip children with life skills that help them deal with everyday life situations as well as beliefs and prejudices that restrict the most marginalized from accessing education.

Learning outcomes

Reading with comprehension is considered to be a basic life skill that facilitates acquisition of learning competencies at the higher level. Data on performance of students at primary level reveals that children are not mastering reading skills. ASER reports that 52% children in grade 5 are not able to read grade 2 level texts and nearly one third cannot do basic arithmetic. Between 2010 and 2012, the percentage of grade 5 children who can read grade 2 level texts has declined from 50.7% to 41.7%. While questions about ASER methodology have arisen over time, there is no denying that learning levels are low overall. NCERT has undertaken several rounds of learning assessments yielding findings that conflict with ASER. However, both agree on the fact that the learning is overall below what would be otherwise desirable. A national snapshot (The Hindu, 1/3/2014) is given below highlighting this need for improvement.



Recommendations

There is an immediate need to recognize the imperative of strengthening the public system of education and place the onus of achieving any new set of goals and targets on the government/State.

- Every school across the country needs to be compliant with every RTE provision. Priority needs to be given to prioritizing work in the special focus districts. Move away from single indicator based reporting to reporting and planning to ensure compliance with the entire set of RTE norms.
- Ensure provision of textbooks and teaching learning material at the beginning of the academic year to ensure quality classroom processes
- Undertake review of the modalities of implementation of CCE. Teacher preparation on subject specific competencies and on CCE is important. A common understanding on the concept of CCE has to be reached.
- Explicit focus on reading to be maintained across all levels of teacher development.
- The budgetary provisions made for special training need to be made flexible to accommodate diversity of needs and approaches. It would be important to understand the likely financial requirements and the implications for the state government education budgets / SSA guidelines that govern such norms.

5. Teachers and RTE

One of the hopes that the Right to Education Act offered was the greater focus on the issues of teachers. It goes without saying that building the capacity and agency of teachers is critical to ensure quality of education in schools. At the same time, the issue assumes particular significance this year given the fact that the last round of the RTE norms- ensuring that all teachers are professionally trained- fall due one year from now in 2015. The fulfillment of several other provisions of RTE, however, would be impossible without tapping into and supporting the agency of teachers. Despite this recognition and despite efforts towards improvement, adequate steps have not been taken to ensure that the norms laid down are complied with.

Pupil Teacher Ratio

According to the DISE 2012-13, the average PTR in India as in 2012-13 was 1: 27. 19.83 lakh teachers' posts have been sanctioned, of which 14.15 have been recruited.³¹The average PTRs across the country as a whole ranged from 1:10 in Andaman and Nicobar Islands to 1:53 in Bihar.³²The proportion of schools that complied with RTE pupil-teacher ratio (PTR) norms has increased from 38.9% in 2010 to 45.3% in 2013 (DISE 2012-13). As of September 30, 2013, 5.02 lakh sanctioned teacher posts remain vacant. ³³ This figure is largely concentrated in a few states with the most adverse PTR, viz Bihar, Jharkhand, Uttar Pradesh, Madhya Pradesh, West Bengal, Odisha and Chattisgarh.

However, despite these efforts, as per DISE data for the same period, 59.67% of India's children continued to be enrolled in primary schools that failed to adhere to the PTR norms. 44.43% children attended schools that failed the norm at upper primary level. Only Lakshadweep reports 100% compliance with the PTR norms. This is a matter of critical concern given the impact that teacher availability has on quality. The adverse PTR figures have resulted in reduced classroom instruction time and lack of individualized attention for children. This has impacted quality and inclusion agenda in states where huge number of out of school children are entering the schools for the first time.

A critical factor behind the skewed PTR is the slower rate at which teachers posts are created and vacancies filled in comparison with the rate at which children are getting enrolled in the system. The enhancement in enrollment has been acclaimed as one of the greatest achievements of the RTE Act. However, this growth in enrollment has not been matched with a commensurate and planned process of enhancing school infrastructure and teacher (especially trained teacher) availability. In response to a stated question by MP, Lok Sabha with respect to the recruitment and training of teachers, MHRD informs that the enrolment in elementary schools has increased from 18.50 crore in 2007-08 to 19.97 crore in 2012-13. Based on enrolments and commensurate requirement of teachers in elementary schools, 19.84 lakh

³¹ CABE meeting- 10th October based on figures as on 19 June 2013

³² DISE 2012-13

³³http://www.firstpost.com/india/govt-mulling-national-standards-for-schools-performance-1339603.html?utm_source=ref_article

teacher posts have been sanctioned under SSA across the country against which States / UTs have appointed 14.80 lakh teachers. In case of Bihar 4.03 lakh teacher posts have been sanctioned under SSA against which 2.36 lakh teachers have been appointed so far.³⁴ There is a time lag between child enrollment, advertisement, and recruitment (and a further lag for upgrading the qualifications of the unqualified and untrained parateachers being hired to prevent the emerging crisis- we would return to this later) which is contributing to the quality deficit in India's schools.

The RTE Act mandates a minimum of two teachers in every school. However, in 2012-13, 11.79% primary schools were single teacher schools. This percentage did not change significantly from the previous year. Alarming, 16 states showed an increase in percentage of single teacher schools. Consequently, 3.79% of the total enrolment in India was in single teacher schools (a marginal increase from 3.77 in 2011-12). 6.83% of India's primary school children attend single teacher schools (a percentage that also increased marginally).

Many of these schools are in remote, thinly populated locations having low enrolments. Only 10% of these schools have an enrolment of more than 15 children. A strategy adopted by several states to deal with this issue has been closing or merging schools. It is, however, critical to understand that many of these schools are also likely to be in remote, difficult to reach places without adequate access through public transportation. Instances of closure should not lead to children being pushed to drop out in the absence of any realistic mode of reaching their assigned schools. Many of these closure/merger decisions, furthermore, are taken in a less than participatory process further contributing to the sense of alienation of the community.

Teachers' qualifications

According to DISE in 2012-13, 78.58% teachers were professionally trained regular teachers. This is, unfortunately, a marginal decrease from 79.58% in the preceding year. The figure shrank in 18 States. Only Delhi reported having all teachers as being professionally qualified and permanent. However, despite this figure, Delhi too has the phenomenon of guest teachers- teachers paid a lower wage, on an 11 month contract and paid a monthly salary. As per estimates, there are over 10,000 guest teachers and another 8,000 temporary teachers, who have been hired on contract by the Delhi Government.³⁵

According to a District Information System for Education (DISE) report, in 2011-12 only 34.12 percent primary school teachers were graduates, while 17.05 percent teachers were post-graduates.

As stated in the previous section, the shortfall of trained and qualified teachers. While some efforts towards improvement of teacher training facilities have been made, with some extremely far reaching steps being initiated, the pre-service teacher education capacity has not been boosted up to take up this big challenge. The SCERTs and DIETs are given the responsibility of professional development of in service and para teacher. There is also dilution

³⁴ <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=147986>

³⁵ <http://www.thehindu.com/news/cities/Delhi/now-congress-backs-contractual-teachers/article5608516.ece>

happening in the cascading model of training with, as the subsequent sections show, the teacher training and support systems remaining fundamentally weak.

Thirteen States had requested a relaxation in the professional qualifications as laid down by the NCTE, which has been duly considered and permitted by the Central Government under certain conditions. Some States had also sought relaxation from the TET, which has not been agreed to.³⁶

Teacher Eligibility Test

The fourth round of the TET was held this year. About 10% (77,364) of the 7.76 lakh candidates who appeared for the test held in July passed the exam. This is the highest pass percentage among the CTETs held so far. In the November 2012 test, the pass percentage was just about one per cent.³⁷ The Central Board of Secondary Education (CBSE) is conducting the TET at the central level and the respective State Governments/ UTs are conducting the TET in their respective States.³⁸ CBSE attributed the higher percentage this year to greater familiarity with the test format among candidates. As on September 2013, only seven states lacked their own TETs.³⁹ Pass percentages of different state TETs have varied, but have also remained fairly low. Maharashtra state TET had a 5% success rate.⁴⁰ Over the previous years some states had made recruitments bypassing the requirement of TET. High courts in Tripura⁴¹ and Tamil Nadu⁴² intervened in such cases during the previous year. Maharashtra initiated the requirement for TET for teachers of Ashramshalas this year.⁴³

Parateachers

The State Governments have accordingly taken up the training of 6.6 lakh untrained in-service teachers through the distance mode. The Indira Gandhi National Open University's School of Education launched a new, two-year Diploma in Elementary Education (DEEd), offered in ODL mode, for in-service teachers to enhance their understanding and competency at elementary-level teaching⁴⁴. At the same time, some states have seen efforts towards regularization of parateachers. The largest such movement was in Uttar Pradesh where the government announced the regularization of 1.70 lakh Shiksha Mitras.⁴⁵

Head Teachers

According to DISE 2012-13, only 55% of primary schools having an enrollment of 150% and above have head teachers in place. This percentage has surprisingly declined from 58.46% in 2011-12. Overall, an alarming 22 states have shown a decline. For Upper Primary Schools with

³⁶ <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=141217>

³⁷ <http://www.thehindu.com/news/cities/chennai/from-1-to-10-more-candidates-pass-ctet/article5090353.ece>

³⁸ <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=142859>

³⁹ <http://timesofindia.indiatimes.com/city/goa/Goa-among-seven-states-to-not-hold-own-Teacher-Eligibility-Test/articleshow/23326090.cms>

⁴⁰ <http://indianexpress.com/article/cities/pune/teacher-eligibility-test-results-out-only-5-per-cent-qualify/>

⁴¹ <http://timesofindia.indiatimes.com/city/guwahati/High-court-raps-Tripura-on-undergraduate-teachers-appointments/articleshow/30040235.cms?referral=PM>

⁴² http://articles.economictimes.indiatimes.com/2013-11-21/news/44327173_1_tet-eligibility-test-teachers

⁴³ <http://www.dnaindia.com/india/report-maharashtra-to-conduct-eligibility-test-for-ashram-shala-teachers-1898397>

⁴⁴ <http://timesofindia.indiatimes.com/home/education/news/Ignou-launches-diploma-in-elementary-education-for-teachers/articleshow/21577297.cms?referral=PM>

⁴⁵ <http://timesofindia.indiatimes.com/city/lucknow/Over-1-70-lakh-Shiksha-Mitras-to-be-regularised/articleshow/29529448.cms>

an enrollment of 100 and above, 54.95% schools have head teachers. Recognizing this gap, MHRD ministry launched a school leadership programme that would eventually train principals across the country. The programme is intended to be completed within three years. A pilot project was carried out in Rajasthan and Tamil Nadu. Other states like Gujarat, Bihar, Madhya Pradesh and Andhra Pradesh also partook of the exercise.⁴⁶ A "Curriculum Framework on School Leadership Development" and a handbook for the leadership programme have been developed.⁴⁷

Some of the other states also took initiatives to ensure availability of professional head teachers. Himachal Pradesh and Rajasthan have undertaken training of head teachers (18th JRM). Gujarat created the post of principal for around 34,000 primary schools across the state, with the selected Head Teachers to be picked through a Head Teacher Eligibility Test.⁴⁸

Social Composition of Teachers

According to DISE 2012-13, 76.48% schools (having two teachers or more) had female teachers. A progressively greater percentage of teachers from marginalized communities- Dalits, Muslims and Tribals have also been recruited over time.

Armed by dialect, this teacher demolished caste barrier⁴⁹

[Vijaysinh Parmar](#), TNN | Feb 21, 2014, 07.02AM IST

RAJKOT: An initiative by a primary school teacher in Satasan village on Gujarat-Rajasthan border not only improved enrolment, but also changed the social perception towards dalits.

In 2005, Ketan Vyas found that difference of dialects of teachers and students in this school in Banaskantha district was a major hurdle in taking the education process forward. He undertook the tedious task of writing a glossary of the local terms and this turned around the entire scenario.

"The teachers started using these local words while teaching. The children were asked to conduct morning prayers and narrate stories in their dialect which the teachers picked up. We saw that the idea was working," said Vyas, who was recently awarded as an innovative teacher by Indian Institute of Management-Ahmedabad (IIM-A), Gujarat Innovative Education Council (GIEC) and Gujarat Council of Educational Research and Training (GCERT).

Once the villagers realized that their wards were getting quality education, they came forward to demolish the social barrier of caste by offering their houses for rent to Dalit teachers. Previously, the Dalit teachers had to either live in Dalit areas or nearby towns.

"As the education standard improved, villagers started taking interest in the development of the school and their perception towards caste changed. In 2010, I was called by them and

⁴⁶<http://timesofindia.indiatimes.com/home/education/news/Govt-launches-school-leadership-programme-to-train-principals/articleshow/31016753.cms>

⁴⁷<http://timesofindia.indiatimes.com/city/delhi/School-Leadership-Development-Programme-launched/articleshow/31211633.cms>

⁴⁸ <http://archive.indianexpress.com/news/govt-to-recruit-10000-principals-for-schools/974966/0>

⁴⁹<http://timesofindia.indiatimes.com/city/rajkot/Armed-by-dialect-this-teacher-demolished-caste-barrier/articleshow/30764893.cms>

offered a house in the upper-caste locality on rent," said Hasmukh Parmar, a Dalit teacher.

Going a step further, the villagers offered temple land for expansion of the school campus.

Vyas' initiative resulted into an increase in enrolment in the school which went up from 250 in 2005 to 537 at present. The school also got 'A' grade' in the annual 'Gunothsav', a quality assessment drive for primary schools. The initiative is now being replicated in other schools.

Teacher Working Conditions

7.20% teachers in 2012-13 were on contract. This has been an improvement from 2011-12 when the corresponding figure was 12.19%. According to the DISE figures, however, several states continue to keep a fairly large percentage of teachers on contract- ranging from Jharkhand (54%) and 0% in Delhi. Several states appear to have made changes in the employment conditions of teachers.

It is regrettable that teachers in several states saw considerable delays in release of their salaries. Salaries were thus delayed in Mizoram⁵⁰ (by three months), Nagaland (four months),⁵¹ ⁵² and Meghalaya.⁵³

Another issue that events during the previous year has thrown up, is the necessity for specific protection measures for women teachers posted to work in remote locations. A safety policy for women teachers is under development in Assam.⁵⁴ However, similar issues, albeit receiving less media attention have been reported in other states. Punjab likewise initiated some steps towards institutionalizing mechanisms for grievance redress for women teachers in particular.⁵⁵

Non-Teaching Work

According to DISE 2012-13, 5.49% teachers were engaged in non-teaching work. The total time devoted to the same was 16 days. The figure is, likely to be much higher. This is partly because several tasks that are related to the functioning of the school, but not academic in nature are frequently not counted. Engagement with the procurement and supply of midday meal, maintenance of financial and other records of schools (eg. under SSA) and a whole host of other tasks consume a fairly large amount of time. Courts have had to intervene to free teachers from this burden⁵⁶, with mixed results. At the same time, considerable teacher time is consumed in election work.

Mid-day meal scheme should not be teachers' responsibility: Bombay High Court⁵⁷

Saturday, 1 March 2014 - 7:58pm IST | Agency: PTI

⁵⁰ <http://post.jagran.com/mizoram-ssa-teachers-unpaid-for-past-three-months-1380109211>

⁵¹ http://www.business-standard.com/article/pti-stories/ssa-teachers-in-nagaland-threaten-to-boycott-work-114030700808_1.html

⁵² <http://www.nagalandpost.com/ChannelNews/State/StateNews.aspx?news=TkVXUzEwMDA1NTc0Nw%3D%3D>

⁵³ <http://meghalayetimes.info/index.php/front-page/18838-ssa-salaries-delayed-due-to-late-release-of-second-installment-by-hrd>

⁵⁴ <http://timesofindia.indiatimes.com/city/guwahati/Special-safety-policy-for-female-teachers/articleshow/23780779.cms>

⁵⁵ <http://archive.indianexpress.com/news/take-measures-to-check-physical-mental-abuse-of-teachers-education-dept/1042294/>

⁵⁶ <http://www.hindustantimes.com/punjab/chandigarh/despite-education-dept-s-orders-teachers-not-clerks-still-handle-ssa/article1-1191092.aspx>

⁵⁷ <http://www.dnaindia.com/mumbai/report-mid-day-meal-scheme-should-not-be-teachers-responsibility-bombay-high-court-1966056>

In a significant order, the Bombay High Court has asked the Maharashtra Government not to impose the burden of managing mid-day meal scheme for students on teachers, calling it "non-educational work".

Putting such non-teaching responsibility on teachers would amount to violation of section 27 of the Education Act, a division bench headed by Justice Abhay Oka ruled on Thursday. Section 27 provides that "no teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be", the court noted.

The High Court also directed the state Government to create, within a month, an independent authority consisting of expert agencies for periodical supervision of central kitchens in urban areas to ensure quality of the food.

Building Teacher Professionalism

According to information shared during the CABE 2013 meeting, 6.3 lakh in service teachers are currently untrained. Only 36.77% government teachers received training during 2012-13, according to DISE data. This is a significant decline from 47.01% in the preceding year. According to the Aide et Action study, 100% teachers in UP received training followed by Tamil Nadu (95 %), AP (88 %), MP (80%), Assam (74%), Manipur (67%), Rajasthan (65%) and Bihar which stands last at 29 %. These in-service trainings, however, need to be grounded in a systematic process of supporting and enhancing teacher capacities in an ongoing manner.

A series of policy steps had been taken in 2012 to ensure teacher capacities. In order to improve the quality of school teachers, the Government adopted a three-pronged strategy, which includes:

- (i) The strengthening of Teacher Education Institutions,
- (ii) The revision of curriculum for teacher education in accordance with National Curriculum Framework for Teacher Education 2009 and
- (iii) The laying down of minimum qualifications for Teacher Educators and their continuous professional development.

The Government has approved a Rs 6308 Crore Project for Strengthening of Teacher Education. Steps have been taken to revamp the National Council for Teacher Education (NCTE). The Central Government has constituted Joint Review Missions (JRM) to visit States and guide them in strengthening Teacher Education. These have been undertaken for 14 states so far. The NCTE has set up a number of sub-committees to work out the modalities for the implementation of the Justice Verma recommendations including exploration of the possibility of instituting a rigorous and transparent procedure of pre-entry testing of candidates for teacher education courses in order to bring improvement in the quality of school teachers.⁵⁸

⁵⁸ <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=142889>

SSA has nearly 6800 Block Resource Centres across the country. In 2012-13, more than 70,000 CRCs are functional, which is 98% of sanctioned CRCs.⁵⁹

State-wise No. of DIETs, CTEs & IASEs sanctioned and functional

Sl. No.	State/UT	No. of Distts	Number of DIETs/CTEs/IASEs Sanctioned			Number of DIETs/CTEs/IASEs Functional		
			DIETs/DRCs	CTEs	IASEs	DIETs/DRCs	CTEs	IASEs
1	Andhra Pradesh	23	23	8	2	23	8	2
2.	Arunachal Pradesh	15	11	0	0	11	0	0
3.	Assam	23	23	8	2	18	8	2
4.	Bihar	37	24	6	0	24	4	0
5.	Chhattisgarh	16	16	1	1	16	1	1
6.	Goa	2	1	0	0	1	0	0
7.	Gujarat	25	26	8	2	26	8	2
8.	Haryana	19	19	0	1	19	0	1
9.	Himachal Pradesh	12	12	1	0	12	1	0
10.	Jammu & Kashmir	14	14	2	0	14	2	0
11.	Jharkhand	22	22	1	0	19	1	0
12	Karnataka	27	27	9	2	27	9	2
13	Kerala	14	14	3	1	14	3	1
14	Madhya Pradesh	45	45	6	3	45	6	2
15	Maharashtra	35	34	12	2	34	12	2
16	Manipur	9	9	1	0	9	1	0
17	Meghalaya	7	7	2	0	7	2	0
18	Mizoram	8	8	0	1	8	0	1
19	Nagaland	8	8	1	0	6	1	0
20	Orissa	30	30	10	2	30	10	2
21	Punjab	17	17	2	1	17	2	1
22	Rajasthan	32	32	9	2	30	9	2
23	Sikkim	4	3	0	0	1	0	0
24	Tamil Nadu	30	29	5	2	29	5	2
25	Tripura	4	4	1	0	4	1	0
26	Uttar Pradesh	70	70	3	3	70	3	3
27	Uttrakhand	13	13	3	1	13	3	1
28	West Bengal	18	18	4	2	16	4	2
29	A & N Islands	2	1	0	0	1	0	0
30.	Delhi	9	9	0	2	9	0	2
31	Pondicherry	4	1	0	0	1	0	0
32.	Lakshadweep	1	1	0	0	1	0	0
33	Daman & Diu	2	0	0	0	0	0	0
34	Dadra & Nagar Haveli	1	0	0	0	0	0	0
35	Chandigarh	1	0	0	0	0	0	0
	Total	599	571	106	32	555	104	31

⁵⁹ 18th JRM of SSA

Mere existence of the teacher training structures is, however, not enough- their effective functioning is more critical. Joint Review Missions of Teacher Education point out that

- Several institutions have 50% or more vacancies of key staff. This is a critical issue requiring immediate action. A key case point is that of Uttar Pradesh- a state with one of the highest trained teacher backlogs.

Staff Positions: Uttar Pradesh

Designation	Sanctioned	Filled	Vacant
Principal	70	23	47
Vice Principal	70	16	54
Sr. Lecturer	420	79	341
Lecturer	1190	417	773
Statistician	70	34	36
Technical Assistant	70	36	34
WE Teacher	70	47	23
Support Staff	1386	848	538

- Revision of service rules for appointment of Lecturers is in process
- Guest Lecturers have been invited in DIETs
- In 47 DIETs, Vice Principals, DIOS/BSA/Senior Lectures are working as Principal
- Academic Staff Profile: MPhil-9, PhD-61, MEd-80, BEd/LT-499, DLEd-32, BPed/MPEd-6

- Institutions like SCERTs and DIETs often lack autonomy and processes of collaboration between these structures and other academic support systems require attention.
- SCERTs also frequently lack resource materials in local languages and the nature of materials prepared often shows limited conceptual clarity and quality in the material produced.
- Eleven States have not revised the curriculum as per NCFTE.
- There is a need to move towards a separate cadre of teacher educators. Several states are taking steps in that direction progress has been slow.
- Teacher educators are frequently lacking in motivation and are treated poorly in terms of pay scales and regularity of payment of salary in comparison with their colleagues in the college education system.⁶⁰

The 18th Joint Review Mission of SSA stressed the need for professional development of BRCs and CRCs to enable them to extend educational leadership and technical support to teachers. The report likewise notes that they are serving far too many schools in many States and are unable to maintain a balance between their administrative and academic roles, the latter suffering in the process. In several states teacher trainers at cluster and block levels are in the same grade as the teachers they are training, making the task of enthusing and inspiring teachers difficult. More synergy is needed between District Education Officers and the sub-district level academic support structures. The report stresses mandatory visits to schools by the BEOs at least once in six months and by the DEO to at least a fixed number of schools a year. There should be regular convergence meetings at district level involving DIETs, BEOs, BRCs and others by the DEOs.

⁶⁰ <http://www.teindia.nic.in/Files/teab/2nd%20Meeting%202013-14.pdf>

Recommendations:

- Prioritize teacher recruitment to ensure PTRs are met in all schools. Likewise, prioritize recruitment of head teachers. Pupil Teacher ratio to be substituted as Pupil Trained Teacher Ratio with immediate effect.
- Processes initiated under the Mission on Teacher Education need to be accelerated and prioritized. Structures for pre-service training need to be established.
- Teacher working conditions require more focussed attention to ensure long term commitment of teachers to the teaching profession. Focus on ensuring a career path for teachers is imperative.
- Free teachers from all forms of non-teaching work, leaving them to focus on instructional activities. Secretarial support needs to be provided to schools to enable them to maintain records and do other necessary clerical tasks.
- In terms of translating efforts to improve pedagogy, classroom experience and learning outcomes, considerable efforts needs to be invested in terms of training design, preparation of resource persons, quality of teacher training materials and, assessment of impact of training as a rigorous process -this needs to be made in order to realize the goal of quality education in a comprehensive and holistic manner.

Recommendations from the session on teachers and quality

- Need for greater efforts towards strengthening the training and capacity building of teachers
- Need to free teachers from non-teaching work so as they can give ample attention to students and their individual needs
- Need to strengthen parent-teacher relationships to ensure better understanding of the needs of children and proper communication
- Need for better understanding of the contexts in which policies like no detention and CCE are being rolled out and support teachers to enable them to implement them effectively.
- Need for support mechanisms for teachers to undertake special training. Infrastructure and facilities are frequently inadequate to ensure individual attention to children at risk of dropout or to provide support to re-enrolled children.
- Tendency to roll out curricula and testing models in Indian schools without prior research and testing is regrettable. Schools become laboratories for experimentation.
- Need to address root causes of poor quality of education: inadequate resourcing, poor infrastructure and working conditions of teachers if quality in schools is to improve.

6. Caught in Crossfire Children affected with Civil Strife, Violence and Disasters

Children are among the worst sufferers and most vulnerable in conflict and humanitarian disaster situations and its aftermath especially in cases of forced displacement. Conflict and resultant displacement exacerbates vulnerability of children in multiple ways, putting children at the risk of being exploited, trafficked, and made to work as child laborers. The impact of conflict and its aftermath on children is aggravated by the loss of familiar and safe spaces, within which children construct meaning and through which they relate to the wider world. The loss is heightened in cases where children have lost parents/ sibling/ family members and friends. The present chapter looks at three forms of humanitarian emergencies- conflict situations (especially in the so-called red corridor, families affected by riot situations and lastly in disaster situations (with a specific focus on Uttarakhand).

Children in Conflict Situations

Globally, 28.5 million children were out of primary school in conflict-affected countries in 2013 (UNESCO estimates). As a result, 21% percent of children in conflict-affected poor countries are illiterate, compared to 7% in other poor countries. The situation is echoed in India. In the heartland of the conflict areas there is severe lack of data on the people as no census has been conducted for many years. These areas are also often deprived from the efforts made towards RTE implementation and children are caught in competing ideologies. Children here face issues of safety and shelter and also struggle for food along with education and health services. They became vulnerable to injuries, disease, malnutrition, and recruitment to the armed groups. There is also a growing trend of attacks against schools. In India, at least nine states have been identified by the government as having a high incidence of violence. The condition of children, the status of their education and child protection issues in these civil strife-affected regions have been overshadowed by the discourse on conflict and conflict-resolution. In addition to states, many pockets of the countries observe riots between religious and ethnic groups leading to vulnerability of children.

According to the Government of India, as of July 2011, eighty three districts (this figure includes a proposed addition of twenty districts) across nine states are affected by left-wing extremism⁶¹ down from 180 districts in 2009.⁶² Currently nine districts each of Odisha and Chattisgarh and 18 of Jharkhand have been notified as Maoist affected districts by the government. Education in these areas has suffered collateral damage in this ongoing conflict between the State and the Naxals. Security forces occupy schools as they advance into the interior areas combing for Maoists, who in turn, demolish the schools to thwart the security forces' strategy.⁶³ The Maoists

⁶¹ The Union Government of India to Bring 20 More Districts in the Naxal-hit states

⁶² Press Information Bureau English Releases

⁶³ <http://www.thehindu.com/news/national/other-states/maoists-damage-school-building-in-Odisha/article502793.ece>

have claimed that they only attack schools that are being used as bases by the government security forces. However, many attacked schools were not occupied by security forces at the time of attack, and were therefore not legitimate military targets.

Naxalite violence during the years 2006-2010 (up to November 30, 2010)					
Parameter	2006	2007	2008	2009	2010
No. Of Incidents	1509	1565	1591	2258	1995
Civilians Killed	521	460	660	799	937
Nos. Of Security forces killed	157	236	231	317	277
Nos. Of Naxalites killed	274	141	199	217	161
Source- Ministry of Home Affairs Website, 05/12/2011					

Despite directives from the Indian central government, state courts, and the Supreme Court, police and paramilitary security forces have carried out short-term and long-term occupation of schools in India. The number of long-term occupations appears to be on the decrease, with states slowly vacating schools in response to court orders. However, this has not ended putting the life of children and teachers, the integrity of the infrastructure at risk. Elevated surveillance structures erected by the BSF have violated the privacy of the toilets and made them unfit for use by female students. Parents of female students are hesitant to send them to school, fearing sexual harassment. Many students are transferred to other schools, the nearest being about 25 km away – a big distance in a state which does not have a public bus service anymore, with as a result of decades of corruption by politicians and bureaucrats.⁶⁴

At the same time, the scars left by previous occupations and their aftermath have not healed. In pockets of states like Odisha, Jharkhand and Chhattisgarh many schools were destroyed by Maoists and have yet not been rebuilt. The government’s failure to repair the bombed schools promptly prolongs the negative impact of these attacks on children’s education.

The ongoing state of conflict has also bred apathy. Even after four years of RTE Act, 2009, in Odisha, districts like Koraput, Raygada ,Malkangiri, Gajapati and Mayurbhanj which have been affected with prolonged violence, many schools have only two classrooms and majority of the teachers are –*GanShishaks* (untrained contractual teachers). The overall neglect is also reflected in other aspects- many teachers do not speak and understand local dialects which creates silence or monotony in the classroom. Tribal children have not been exposed to the state language and schools have the policy of using the state language. Grades 1 to 5 are accommodated in two classrooms and are being managed by untrained teachers. The teachers posted in these pockets often either do not come regularly or work with block/district education officials in their office. As most of the untrained teachers have been deployed here, they find it difficult to improve quality of learning with their limited capacity and alienated curriculum. In Jharkhand, a substantial number of school children of Maoists affected districts like Gumla, Lathar and Chatradonot have moved to other destinations to continue their

⁶³ <http://www.indianexpress.com/news/maoists-blow-up-school-building-in-Odisha/708189/>

schooling. Similarly many children of Maoist affected areas of Garhchirauli of Maharashtra leave their villages to continue their schooling.

Children affected by chronic conflict have often moved to camps, where temporary school facilities – often porta cabins- have been made available. However, the quality of the infrastructure and facilities in the same has been consistently criticised.⁶⁵ This assumes specific significance given that several of these camps are no longer transitional spaces, but have been sites for habitation for considerable periods of time. More consistent planning is needed to accommodate the needs of these children. While the section focuses on conflict in the so called “red corridor”, it is essential to recognize that conflict brews in other parts of the country, especially in the North- East. Similar reports have surfaced from that part of the country as well.

Extortion bid sparked Assam riots

Kaushik Deka July 5, 2013 | UPDATED 13:10 IST

A foiled attempt by National Democratic Front of Bodoland (NDFB) rebels to extort Rs.9,000 from a primary school sparked off last year's ethnic violence in Bodoland Territorial Autonomous District (BTAD) and Dhubri district in Assam which left over 100 dead and over 450,000 people homeless in Kokrajhar, Baksa, Chirang and Dhubri districts, according to two chargesheets filed by the Central Bureau of Investigation (CBI) on May 27.

On February 21, the primary school, located in Chirang district, received Rs.1.64 lakh under the Sarva Shiksha Abhiyan scheme, the first installment of a total grant of Rs.3.28 lakh. The next month, NDFB militants issued an extortion notice to the school's headmaster Kanteshwar Ray and asked him to pay Rs.9,000, roughly 3 per cent of the total grant. Following several threats from the banned organisation, Joyanuddin Sheikh, president of the school management committee, paid the money to NDFB rebels in April at Mongolia Bazar, 5 km from Bijni town. When the second instalment of Rs.1.64 lakh was released on July 4, 2012, there was an extortion notice for an additional Rs.9,000.

On July 19, two NDFB militants visited Sheikh's home in Bhalatal to collect the money. But Sheikh, with the help of some villagers, overpowered the militants and handed them over to police. "This is where the problem started. Sheikh has close links with All Bodoland Minority Students Union (ABMSU), which is very vocal against Bodo militant outfits. This led to the involvement of armed militants and raised tensions between the Bodos and immigrant Muslims," said a top police officer, then posted at Kokrajhar.

In a show of strength, two unidentified miscreants fired in the air at Bhatipara in Kokrajhar the next evening at 8.15 p.m., which prompted a crowd of 500-odd people to assemble in the adjoining Joypur market and shout anti-Bodo slogans. The irate crowd captured four motorcycle-borne Bodo youths and despite a police team reaching the spot, insisted that they

⁶⁵ <http://www.thehindu.com/news/national/other-states/makeshift-schools-meant-to-save-children-from-maoists-are-hellholes/article4582520.ece>

were behind the firing incident and lynched them. "These were former NDFB militants who happened to be at the wrong place at a wrong time," says a police officer.

Two days later on July 22, at around 3 p.m., two persons, who had helped Sheikh capture the two NDFB militants, were shot dead at Mongolia Bazar. In the next two hours, a mob of 40 from Bhalatal attacked the neighbouring Bodo-dominated Hashrawari village. From here, the violence spread to three districts in BTAD and Dhubri.

<http://indiatoday.intoday.in/story/assam-riots-2012-cbi-probe-tarun-gogoi/1/287092.html>

Riots and their aftermath

According to information tabled in Parliament, from 2009 to 2013 (up to March), there were 2,969 incidents of communal riots in the country where 9,228 people have been injured and 442 were killed.⁶⁶ In 2013, until September there were 479 incidents of communal violence in which 107 people were killed and 1,647 people injured.⁶⁷ This phenomenon is often neglected or the focus reduced to reporting on a few relatively more high profile incidents. However, the phenomenon is more insidious and has far reaching and long term consequences than the immediate humanitarian consequences generated by the riot.

Much attention during the preceding year has been on the aftermath of the riots in Muzaffarnagar. In Uttar Pradesh, more than 2500 children of Muslim Community from Muzaffarnagar and Shamli are living in relief camps, after the communal riots of August 2014. A report by the National Commission of Protection of Child Right (NCPCR)⁶⁸ points out that there are approximately 2500 children in the age group of 0-18 years residing in makeshift camps and few of them belong to class 9-12. Education of these children has been sabotaged and disrupted due to the riot and forced displacement. While the children in the camps have clearly been affected by the riots, so have the other children. Media reports point towards a drastic drop in school attendance across the district- 60,000 children had reportedly not attended their schools since and that the mid-day meals have not been prepared in over a hundred schools owing to the low turn up in the months immediately after the riot.⁶⁹ Children are, furthermore, traumatized by the conflict.⁷⁰

Excerpts from the report of NCPCR Teams Visit to Primary School, Baseekalan

The NCPCR team visited the local primary school and interacted with the school children. The team was dissatisfied with the situation prevailing in the school. It was observed that till 1.30 p.m. noon meal was not served to the children. The mid day-meal in charge informed that normally till 2.p.m food is not given to the children. There was only one toilet, which was

⁶⁶ <http://164.100.47.132/Annexure/lsq15/13/au6502.htm>

⁶⁷ <http://timesofindia.indiatimes.com/india/Government-releases-data-of-riot-victims-identifying-religion/articleshow/22998550.cms>

⁶⁸ Report of Displaced Communities of Communal Riot Hit Districts of Muzaffarnagar and Shamli Districts, National Commission of Protection of Child Rights

⁶⁹ <http://www.indiatvnews.com/news/india/muzaffarnagar-riots-children-elude-schools-29002.html>

⁷⁰ <http://www.countercurrents.org/cit151013.pdf>

common for both boys and girls. It had no roof and there was no water. The children had to take water from nearby hand pump and use it in the toilet. In addition, there were no facilities of overhead water tank for storage of water. The team also observed that there was a pond in front of the school, which can be dangerous for children of either getting drowned or being attacked by reptiles. Some of the camp children had got admission in the nearby primary school Baseekalan and have received their entitlements like books, mid-day meal etc. The camp inhabitants informed that para-military forces had occupied the school and there were no classes held during the leave period.

The consequences of the conflict are likely to be fairly long term and would last even after the media spotlight moves away from the conflict's immediate aftermath. A case in point is that of the Bru tribals in Tripura. More than 37,000 people, largely Bru Tribals, live in relief camps in Tripura, which fled from Mizoram in 1997 after communal riots with Mizos. Children of the camp face challenges of not having birth certificates and residential proof. Therefore, they are not able to avail basic services in the neighborhood. Through NCPDR's intervention, birth certificates have been issued to 300 children and process started to establish 8 schools but many more visits and initiatives needed to ensure right to education for the displaced children along with entitlement of free health services and protection mechanism.⁷¹ Consistent and long term planning is needed for populations displaced or otherwise affected by riots.

State of Education in Disaster situations

Another form of emergency that children face is that of disaster situations. These take a range of forms- floods, earthquakes, disasters and others. Floods made the news during the preceding year, with the flash floods in Uttarakhand and the aftermath of the cyclone in Odisha making news. At the same time, large parts of Northern India that are chronically flood prone have continued to be impacted.

In Uttarakhand, over 100 government, private and government-aided schools have been partially or fully damaged in Kedarnath and Yamuna valley the worst affected by the floods. The government's immediate assessment was that 53 government owned schools were washed away, of which around 40 are government owned and were being run in Chamoli, Rudraprayag and Uttarkashi. Subsequent estimates were much higher including those that were affected and not completely destroyed. Much of the support infrastructure for children to reach schools was also impacted. Thus, due to landslides, many of the roads and footbridges were damaged or destroyed which increased travel time for children and teachers to reach school. In many schools, it was observed that teachers had stopped coming to the villages due to the fear of landslides. This has further compounded the misery of school children, especially in areas where there are single-teacher schools. As the only livelihood of people, their farms, have been destroyed, children started helping their family by doing petty jobs, a step towards child labour and dropping out from the school.

⁷¹ <http://timesofindia.indiatimes.com/toireporter/author-Padmaparna-Ghosh.cms>

Other parts of the country were likewise affected by floods. In Odisha, cyclonic Storm Phailin and the resultant floods is estimated to have damaged 7234 schools including 6057 elementary schools and 1177 High Schools. The School & Mass Education Department has estimated Rs.32841.50 lakh are needed for the immediate repair and restoration work of the damaged school buildings.⁷² About 350 schools had been closed in the East and West Midnapore affecting over 60,000 students as marooned villagers along with their cattle have taken shelter in most of the institutions.⁷³ Premises of four dozen schools in Bihar's Bhagalpur district have been inundated with flood water disrupting classes of over 15,000 students.⁷⁴ While the necessity of using schools, and other available infrastructure, for providing emergency relief is understandable, this needs to be a time bound phenomenon. At the same time, it is critical to plan for resumption of normalcy for the children affected. Resuming schooling and provision of psychosocial counseling is critical in this regard. In areas which are chronically flood prone consistent planning is required to ensure that instruction time is not lost every year. At the same time, the large numbers of schools damaged and destroyed in such situations often raise serious questions about their structural safety and the processes adopted for their construction. This concern is echoed by the frequent instances of schools damaged during earthquakes. 2013 saw several low and medium intensity earthquakes. In Assam a 5.5 richter scale earthquake left six children dead as cracks appeared in the roof of a school building.⁷⁵ In Jammu, a 5.8 richter scale earthquake caused a primary school to collapse. ⁷⁶ Seven teachers and two teachers were injured in collapses.⁷⁷ It was fortunate that neither earthquake was severe; the incidents, however, do once again point towards certain schools not being safe in case of more severe emergencies.

Recommendations:

- Schools should be treated as Zones of Peace by all the parties.
- Deployment of trained teachers to work in areas affected by conflict and specific steps to ensure safety of teachers, especially women teachers.
- Provision for transportation and establishment of transitional education centers/sessional hostels as per context.
- Immediate evacuation of schools by military, in line with standing Supreme Court orders
- Provision of psychosocial counselling and immediate interventions to ensure resumption of education in areas affected by emergencies- natural or man-made (riots).
- Setting up KGBVs and recruitment of female teachers in the schools.
- Immediate audit of structural safety of schools in chronically disaster prone areas to minimize damage to the same.

⁷² <http://www.orissadiary.com/CurrentNews.asp?id=45268#sthash.nc7Lp4f5.dpuf>

⁷³ http://www.telegraphindia.com/1130827/jsp/siliguri/story_17276558.jsp#.UxwG4c4S0bR

⁷⁴ <http://www.financialexpress.com/news/four-dozen-schools-under-flood-water-in-bihar/1149809>

⁷⁵ <http://archive.indianexpress.com/news/5.5-magnitude-earthquake-rocks-assam-six-children-injured/1191569/>

⁷⁶ <http://news.webindia123.com/news/articles/india/20130501/2198112.html>

⁷⁷ <http://www.dnaindia.com/india/report-earthquake-injures-7-school-children-2-teachers-in-kashmir-1829396>

7. Private Sector

Continuing with the trend of the past year, there is an increasing enrolment of children in private schools in both rural and urban areas. ASER 2013 (Rural India) report shows that the enrolment in private schools ranges from 6.6% in Tripura to 70.5% in Manipur. This rate of enrolment in private schools is increasing in all states.⁷⁸ The report also establishes a positive correlation between income and private schooling indicating that as household income increases, there is a greater tendency to send children to private schools implying that it is the children from the poorest households who continue to access government schools. In keeping with the expansion of private schools, the 'education market' is also estimated to be getting bigger and is pegged at Rs.3.83 trillion in the last financial year. Of this, 59.7% the market size is accounted for higher education, 38.1% by school education, while the pre-school segment accounts for 1.6% of the market, and technology and multi-media contributing to the remaining 0.6%⁷⁹. The RTE Act recognises the regulatory role of the state vis-a-vis this expanding market.

Recognition of private schools:

The three-year time period given to schools to comply with the norms and standards given in the Schedule of the Act came to an end on 31 March 2013. During the last year, schools failing to fulfill this obligation were at the risk of losing their recognition status, facing school closure and a fine of Rs 1 lakh and Rs 10,000 per day for continuing contravention. There was a considerable resistance from the private schools, especially the low-cost budget schools which argued that closure of these schools due to non-compliance of norms and standards would result in lakhs of children getting thrown out of school and the government would not be in a position to absorb these children into the government schools. There was also a move to seek extension of the deadline among a few state governments (for instance, Bihar Government wanted an extension while the other states were not in favour of such an extension). The Central Advisory Board on Education which met on 2 April 2013 discussed the proposal of extension and did not support it, thereby requiring all schools to comply with the norms and standards with redoubled efforts.⁸⁰

A review of the media reports and official websites shows a mixed picture on the implementation of this provision on recognition. Most of the State Rules provide for recognition through a process of self-declaration, and states like Karnataka, allow for an online process for submitting the formats. In some states/districts, applications for recognition have been low. For instance, in Nagpur district only 2 schools out of the 2500 private unaided schools had applied for certificate of recognition.⁸¹ Maharashtra was reconsidering extending the time for following the RTE norms and it has relaxed certain norms on infrastructure keeping in mind the practical constraints of lack of space.⁸² In April 2013, the Rules⁸³ that were notified under

⁷⁸http://img.asercentre.org/docs/Publications/ASER%20Reports/ASER_2013/ASER2013_report%20sections/aser2013fullreportenglish.pdf

⁷⁹<http://right-to-education-india.blogspot.in/2014/02/care-rating-pegs-indian-education.html>

⁸⁰http://www.mhrd.gov.in/sites/upload_files/mhrd/files/HRMCABE02042013_0.pdf

⁸¹<http://timesofindia.indiatimes.com/city/nagpur/Only-2-out-of-2500-schools-apply-for-RTE/articleshow/14538765.cms?referral=PM>

⁸²<http://timesofindia.indiatimes.com/city/aurangabad/Schools-heave-a-sigh-of-relief-as-Maharashtra-govt-softens-RTE-norms/articleshow/20935458.cms?referral=PM>

the Maharashtra Self Financed Schools (Establishment and Regulation) Act, 2012 also relaxed certain norms and schools were given approvals pending the schools meeting with the requirements – land, infrastructure etc.⁸⁴ Schools in Delhi received provisional recognition after the revisions in the land norms requirements as per the Master Plan of Delhi.

In some states, private schools did not apply for recognition because they thought the requirement was not applicable to them. For instance, in Punjab, schools did not apply for recognition because they claimed they were already affiliated to the state education board. Thus, out of 9800 only 3000 applied for recognition.⁸⁵ While the application of this provision was being contested in some places, the Madras High Court held that every educational institution including a pre-primary school should get recognition⁸⁶ based on the existing state statutes on education in addition to RTE Act.

In some states like Andhra Pradesh, Karnataka, Tamil Nadu and Haryana, schools have started getting notices from the state governments for non-compliance with recognition requirements. Such notices were mostly on account of schools not meeting the norms and standards and violating the provisions of RTE Act. In Karnataka, schools facing de-recognition also included schools that had not provided 25% seats for the children from the disadvantaged and weaker sections. In Andhra Pradesh, 330 schools were closed down in Krishna district and the Government held that it would not grant any concessions to students admitted in unrecognised institutions. Students would face problems as their transfer, study and conduct certificates would not be considered valid. The district officials launched an awareness drive and encouraged parents to admit children only in recognised schools.⁸⁷ In Hyderabad district, 500 schools were given notice and 75 schools were already shut down owing to poor infrastructure and for not meeting the RTE norms.⁸⁸ In Ludhiana, 62 lower primary schools and 303 upper primary schools⁸⁹ were closed down. However, the Punjab and Haryana High court stayed the closure of 1,372 unrecognised private schools in Haryana. These were facing closure as they had failed to comply with certain norms and were being run without recognition from the authorities concerned. The managements of these schools had not even applied for recognition from the government. The survey was conducted following a PIL in Punjab and Haryana high court. All such schools were issued show-cause notices by the government in July.⁹⁰ However, there are no reports of arrangements being made for students to continue their education in event of their school closure. There is no data on state governments taking over the private schools in the event of their closure, although legislation in some states provide for the same.

83http://depmah.com/Self_finance_6.4.2013.pdf

84<http://www.hindustantimes.com/india-news/mumbai/starting-self-financed-schools-in-maharashtra-made-easier/article1-1087367.aspx>

85<http://archive.indianexpress.com/news/private-schools-shy-away-from-seeking-government-recognition/948853/>

86<http://www.thehindu.com/news/national/tamil-nadu/nursery-schools-need-recognition-too-hc/article4834498.ece>

87<http://www.thehindu.com/news/cities/Vijayawada/330-unrecognised-schools-to-be-closed/article3439010.ece>

88<http://timesofindia.indiatimes.com/city/hyderabad/Unrecognized-schools-served-closure-notices/articleshow/30245571.cms?referral=PM>

89<http://timesofindia.indiatimes.com/city/ludhiana/62-schools-closed-for-violating-RTE-guidelines/articleshow/20037695.cms?referral=PM>

90<http://timesofindia.indiatimes.com/home/education/news/Hc-stays-closure-of-1372-unrecognized-private-schools-in-haryana/articleshow/23489147.cms>

25% seats for the disadvantaged and weaker sections:

The applicability of RTE Act to private unaided schools continues to be contested as the review petition on constitutional validity of RTE Act has been referred to a larger bench of the Supreme Court which is now hearing the arguments. Pending this, as per the apex court verdict in April 2012, the implementation of Section 12 (1) (c) has started in some states more vigorously than others. In states like Karnataka, activists point out that the government is busy implementing only this provision at the cost of other provisions. Except Karnataka and Delhi, state governments have not publicised the procedures for claiming rights under this provision on their official websites.

Twenty five states have notified norms for admission under this provision and 16 states reported having implemented 25% in the year 2013-14.⁹¹ The MHRD moved the Expenditure Finance Committee for assisting state governments to meet the reimbursement requirements. In February 2014, the Cabinet Committee on Economic Affairs (CCEA) approved some revisions in financial norms of the Sarva Shiksha Abhiyan (SSA) for providing for reimbursement of expenditure on the basis of per child cost norms notified by the State and Union Territory (UT) Governments for Classes I to VIII, subject to a maximum ceiling of 20 percent of the total annual work plan and budget for a State/UT.

In the meantime, networks of private schools in states such as Karnataka, Tamil Nadu, Madhya Pradesh have raised issues about delayed reimbursements and lack of communication from the Government. In Karnataka, private schools have threatened to not give admissions under 25% if their demands are not met. In Rajasthan, private schools complained that the government was reimbursing only the tuition fees which was only 40-60% of the total fees charged and therefore, schools were being only partially reimbursed. In Jharkhand, private schools complained that the rate of reimbursement was very low. The state governments are seeking central government assistance to meet this resource requirement. While schools have complained of lack of timely reimbursement from the government, associations of parents (in Mumbai and Jaipur) have held that the schools were raising fees of remaining 75% children under the pretext of having to support the 25% seats given under the RTE Act.

A perception study conducted in Delhi showed that the awareness among parents about the provision is low.⁹² Due to lack of awareness, procedural difficulties and parental choice, a large number of seats were vacant during academic year 2013-14. This was in the range of 55% in some districts of Maharashtra⁹³ and 45% in Madhya Pradesh. The figures were also low in Gujarat, Chhattisgarh, Haryana, Delhi and Jharkhand. Reports on admissions for the 2014-15 also indicate persistence of vacancies in several schools with not even a single application received in cities of Jamnagar and Junagadh in Gujarat. On the other hand, in cities like Bangalore, Delhi and Mumbai where there is greater awareness, a large number of applications

⁹¹http://www.mhrd.gov.in/sites/upload_files/mhrd/files/Sumrec62CABE_0.pdf

⁹²<http://righttoeducation.in/sites/default/files/Perception%20study%20on%20the%20implementation%20and%20impact%20of%20Clause%2012.pdf>

⁹³<http://archive.indianexpress.com/news/rte-act-takes-a-hit-poor-are-coldshouldered-in-state-schools/1173842/>

were received for academic year 2014-15. A few state governments like Karnataka also sought affidavits from schools explaining reasons for vacancies.

Reports have questioned if those availing the entitlements under this provision are indeed coming from disadvantaged and weaker sections. In Karnataka, the Lokayukta took up the matter of fake income certificates and asked the government to constitute an inquiry. Ineligible claimants accessing the benefits have also been reported from Delhi and Tamil Nadu.⁹⁴

Some of the judicial pronouncements have also shed light on the application of this provision. In terms of the definition of neighbourhood, the Delhi High Court as well as Punjab and Haryana High Court have pronounced that admission shall first be offered to eligible students belonging to EWS and disadvantaged group residing within 1 km of specific schools. In case of unfilled vacancies, students residing within 3 kms of the schools shall be admitted. If there are still vacancies, then admission shall be offered to other students residing within 6 kms. In Maharashtra, the question of what constitutes aid came to the fore. The Pune Zilla Parishad had ordered a stay of admissions granted during 2013-14 in two schools as they had not provided 25% seats to children from disadvantaged and weaker sections. The schools challenged this order and the Bombay High Court held that unaided minority schools are outside the ambit of RTE Act and such schools are free to conduct admissions as per their own rules. The Zilla Parishad had argued that the schools received various benefits from the central and state governments, including land on lease at concessional rates as well as concessions in water, property and other taxes. The government lawyers argued that all these constituted aid.⁹⁵ Thus, the question of what qualifies as aid requires further analysis.

The Punjab and Haryana High Court held that the upper limit for admitting students from economically disadvantaged sections of the society to private schools of Chandigarh is 25 per cent.

Holding that the Right to Education (RTE) Act will prevail, a division bench of the High Court ruled that private schools in the city will be under contractual obligation to comply with the conditions laid down for providing education to economically weaker section (EWS) students in lieu of land provided to them by the Chandigarh Administration at concessional rates. Thus, the schools will not be entitled to claim reimbursement for admitting 15 per cent EWS students but only for the remaining 10 per cent students admitted under the RTE Act.⁹⁶ In another matter pertaining the rights of the private unaided schools, the Karnataka High Court held that schools are required to formulate their own rules/regulations for admitting the remaining 75 per cent seats and while framing such rules/ regulations, the only condition imposed is that the same shall be pursuant to, in accordance with and, adhering to the aims and objects of the school and same shall be logical, justifiable and traceable to aims and objects of given institution to ensure transparency in admission.

⁹⁴ <http://www.thehindu.com/news/cities/Coimbatore/only-a-few-admissions-under-rte-are-genuine/article5420877.ece>

⁹⁵ <http://timesofindia.indiatimes.com/city/mumbai/Private-unaided-minority-schools-not-under-RTE-HC/articleshow/27870599.cms>

⁹⁶ <http://indianexpress.com/article/cities/chandigarh/city-private-schools-can-admit-only-25-ews-students-hc/>

There has been little research on the status of inclusion of children admitted to the 25% seats. A research carried out in Delhi pointed to disciplinary issues perceived by private schools on account of the provision.⁹⁷ There is also evidence based on two separate studies in Andhra Pradesh and Delhi which argues that including EWS students in private schools is likely to improve equality in educational access, at limited or no academic cost to students in private schools, while improving pro-social preferences among wealthy students. Combined with evidence that private schools are slightly more effective at improving learning outcomes (at much lower costs per student), the evidence suggests that this provision is 'one of those rare policy opportunities that can increase equity as well as efficiency, and also do so at lower cost than the status quo.'⁹⁸

Public-Private Partnerships (PPP):

In the second year of the 12th Five Year Plan, the first phase of the Model School Scheme under the Public Private Partnership was rolled out. In July 2013, the first 50 of the proposed 2,500 PPP model schools that would be operational on a pilot basis from 2015-16 were announced. These schools are to be set up in educationally backward regions and private providers who can bid are assured greater control over school governance and use of school premises for vocational education, skills training or any other approved educational activity to enhance their revenue. The Government will spend the same amount incurred by it for each Kendriya Vidyalaya student, where it's spending per child is about Rs 21,000-22,000 annually. However, the private party running the school will have the authority to determine the fees for 60 per cent students and the remaining 40% students will be funded by the Government.⁹⁹

An outlay of ` 1000.00 crore has been proposed for the Model School Scheme for the year 2013-14. The revisions in the scheme provide that a corporate entity would be eligible for one school for every Rs.25 crore net worth subject to interest-bearing deposit of Rs.50 lakh each for upto 3 schools and Rs.25 lakh per school thereafter. It is clarified that such corporate entity may not necessarily be a society or trust or Section-25 company to be eligible for bidding for these model schools.¹⁰⁰ The requests for qualifications for the first phase of bidding which includes 500 schools in phase 1 were assessed recently.

Besides this, the South Delhi Municipal Corporation had proposed handing over its schools to private providers under the PPP model. But this proposal was shelved owing to political changes.

Bill on Unfair Practices in Schools:

The bill to curb unfair practices in schools such as charging capitation fees, transparent and misleading admissions process, appointments of ineligible teachers which was proposed by the

⁹⁷<http://www.iimahd.ernet.in/assets/snippets/workingpaperpdf/1423255082013-10-01.pdf>

⁹⁸Muralitharan, K (2014). Building a new school system. Jan 28 in Live Mint. Retrieved from <http://www.livemint.com/Opinion/JRx9vpFUQwI9815HvpHmYK/Building-a-new-school-system.html>

⁹⁹<http://www.thehindubusinessline.com/industry-and-economy/education/ppp-model-schools-worries-over-commercialisation/article4963886.ece>

¹⁰⁰http://mhrd.gov.in/sites/upload_files/mhrd/files/clarification.pdf

Central Advisory Board on Education is still pending even after the CABE Committee constituted on the subject had presented its report in 2011.

Fee Hike in Private Schools:

The issue of fee hikes has been raised in many states, primarily by parents' groups. In Delhi, the High Court Committee set up in 2011 to look into fee hike by private unaided schools ordered 100 schools to pay back excess amount to parents, but only one school has followed these orders.¹⁰¹

The Supreme Court Committee formed under the Rajasthan School Fees Act has been given the responsibility to determine the fee structure for schools. The Committee noted that schools were making profits and were reluctant to share data and hence the Committee would determine the fees based on the information available on their website. The committee has said that fees should not be charged under different categories like development, capitation, sports, ECE etc. It should only be tuition fee. The committee said that errant schools have to return fees charged other than tuition fees.¹⁰² The Fee Regulatory Committee of the Punjab and Haryana high court has allowed CBSE schools to hike fees by 10% to 15% every year and also charge development fee.¹⁰³

Major recommendations from session on privatization of education

- Need or a clear strategy to strengthen the public education system to control privatization of education. In the end, the Common School System should be the vision.
- Need to popularize the evidence that already exists that private schools are not inherently better than government schools.
- There is wide spread subversion of the provision of 25% reservation in private schools with complicated procedures put in place that act as barriers for children from poor families to apply for these seats. At the same time, it is essential to break the myth that the RTE Act is synonymous with the provision of 25% free seats in private schools and that this provisions has been introduced as a tacit recognition of the alleged superior quality of private schools.
- Need to strengthen regulatory mechanisms of private schools to ensure that they comply with the legally mandated norms and other legal commitments.
- Need to improve processes of planning in the education system to curtail unplanned mushrooming of private schools since the growth of these serves as an excuse for school closures, forcing children from poor families who cannot afford to pay fees to drop out as their school is closed.
- Need for a strategy to counter the trend towards the growth of PPP in education. Most PPPs are entered into with a view of enriching the private sector

¹⁰¹<http://newstimes.co.in/readnews.aspx?id=35380>

¹⁰²<http://timesofindia.indiatimes.com/home/education/news/Committee-to-determine-fee-as-per-info-given-on-school-websites/articleshow/31305273.cms>

¹⁰³<http://timesofindia.indiatimes.com/city/ludhiana/Fee-regulatory-body-allows-yearly-school-fee-hike/articleshow/31194157.cms>

Social Inclusion and Exclusion in RTE

Fully or partly excluded from the education system: who are they?

While the Right to Education Act promises every child from 6 to 14 years a fundamental right to free and compulsory education, large numbers of children continue to be wholly or partially excluded from the education system. The National Policy of Education, 1986 and its program of Action 1992 listed the categories of those who have been denied equal opportunity in education as 'women, SC, ST, educationally backward sections and areas and the Disabled'. The RTE Act recognizes two broad categories of children who are vulnerable and at risk of not completing elementary education; the Disadvantaged Groups¹⁰⁴ and the Weaker Sections.¹⁰⁵ The RTE-SSA Framework, 2011 identified Girls, Children from SC, ST and Muslim communities, children belonging to most under-privileged groups¹⁰⁶ as being vulnerable and at risk of not accessing their rights to education. Children affected by HIV-AIDS are further recognized to be vulnerable and deprived of their education rights.¹⁰⁷ The list is not exhaustive as additional categories of children remain excluded in specific contexts. Even as some children may overlap across categories, the sheer magnitude of children who are excluded wholly/partially from education is alarming.

Education Inequalities of the Excluded Children

Educational inequalities are recognized as indicative of social exclusion to an extent. While data is not available for a number of groups, inequalities is reported in the available ones, primarily for SC and ST children and communities. Census 2011 reflects lower literacy rates for SC (66.1%), ST (59.0%) communities when compared to national overall literacy rate at 73.0%. Executive Committee meeting of the SSA¹⁰⁸ reported increased enrolment and continued drop out for SC, ST and Muslim children.

¹⁰⁴ Disadvantaged groups are recognized as children from SC, ST, CWSN, and other socially and educationally backward class or such other groups having disadvantage owing to social, cultural, economical, geographical, linguistic or such other factors as may be specified by the appropriate government. Children with Special Needs were incorporated through Amendment.

¹⁰⁵ The Weaker Sections are defined as those belonging to such parent or guardian whose annual income is lower than the minimum specified by the appropriate government by notification.

¹⁰⁶ Urban deprived children, child labour particularly bonded child labour, children in ecologically deprived areas, children in poor slum communities and uprooted urban habitations, children or manual scavengers and other stigmatized professions, children of itinerant or seasonal labour, children of landless agricultural labour, nomadic and pastoralists, forest dwellers and tribals in remote areas and children in desert hamlets, children in areas affected by civil strife.

¹⁰⁷ PIL filed by Naz foundation reported that 1.45 lakh children affected by HIV-AIDS are not admitted to schools or discriminated in schools, 4th March 2014, TNN

¹⁰⁸ MHRD report presented at the SSA Executive Committee meeting on 5th Dec 2013

Indicators	ST 2012- 13		SC 2012-13		Muslim 2012-13	
	Primary	Upper Primary	Primary	Upper Primary	Primary	Upper Primary
% share of enrolment	11.31	9.75	20.57	19.47	14.20	12.11
Drop out rate 2010-11, (drop out rate in 1990-91 in bracket)	35.6 (62.5)	55.0 (78.6)	26.7 (49.4)	43.3 (67.8)	NA	NA

The increased enrolment rates more than their population share¹⁰⁹ reflects increased awareness and motivation for education among parents and children and greater availability and accessibility to schools. The continued high dropout rate despite expansion of education facilities and additional/special measures is a matter of concern both among these communities and as a whole in the context of universalizing education and promoting knowledge communities. The dropout rate has only managed to drop by half over two decades for SC and ST children.

Achievement Gaps in Enrolling Out of School Children

Given the social and economic conditions in society, it can be assumed that the majority of Out Of School Children (OOSC) comes from the above categories of children. Even as there are contestations over the actual numbers of OOSC, efforts by the MHRD reports that out of 22 lakh reported OOSC only 44% of the target for training OOSC was achievable in 2013-14 (till Dec 2013).¹¹⁰ Efforts to provide special training and enroll them into schools met with 44% achievement. The MHRD reported that 32.19 lakh CWSN children were identified as on 31st March 2013, of whom 27.64 lakh have been enrolled and that 18358 resource teachers have been recruited.¹¹¹ Further concerns about the education of these children are their increased absenteeism and lower performance levels.

Physical Access Challenges remain:

Sections of children from the above social groups and categories are out of school for the sheer inability to physically access the schools. Importantly, they include children with disabilities, tribal children in difficult terrain and hard to reach areas, urban poor children in densely populated areas. In-accessibility may remain owing to the mere absence of adequate education infrastructure and teacher availability in these areas. In addition, specific context related barriers as inaccessibility in monsoon seasons, inaccessibility owing to rivers/roads/difficult

¹⁰⁹ The population share of STs is 8.6%, SCs is 16.6% and Muslims is 13.43% as per census 2011.

¹¹⁰ During 2013-14, 2951 residential centres functioned providing special training to 147,527 children (46% of target of 311334 children) and 28482 non residential centres provided special training to 569639 children (50% of target of 1141580 children). In the case of migrant children, it was reported that 1069 centres functioned providing training to 53433 (26% of target of 202411 children) and 452 Madarsa/Maktab centres provided training to 25384 children (19% of target 131170 children). The overall target was to do special training for 1786495 children and 795983 were trained (44%).

¹¹¹ MHRD report presented at the SSA Executive Committee meeting on 5th Dec 2013

terrains are also reported. Physical in-accessibility does not end with merely reaching schools for children with disability, and physical layout of the class room space as well as access to various facilities (seating, water source, toilet access, playground, mid day meals) may further challenge their access within the school and class rooms. It is not difficult to understand that children who do not regularly and meaningfully access schools would tend to eventually drop out as seen from high drop outs captured in class V, VIII, X and XII.

States and districts have reported their intention to close down schools with poor enrolment of children. Pune district reported 322 schools having low attendance in 2012-13 and the intention of closing them. It is estimated that there may be 1000 such schools in the district¹¹². 25 schools were shut down in Goa state since March 2012¹¹³. In 2010¹¹⁴, Kerala state identified 3962 schools as un-economical to maintain across government and government aided schools based on poor enrolment. 3209 were primary schools. This comprises about a fourth of the total government and aided schools in the state and has serious implications on social and economic access to schools for the marginalized communities.

Social Access Challenges remain:

Discrimination and neglect, abuse and corporal punishments within schools pose a threat to retention and performance among children from vulnerable sections. The RTE-SSA Framework identifies the different forms of exclusion and discrimination experienced by excluded groups of children inside schools and classrooms. These include discrimination across peer group, between students and teachers, in teacher attention and motivation, in class room environment, in task allocation to mention a few. A more recent study¹¹⁵ by the MHRD further acknowledged the widespread prevalence of discrimination inside schools and class rooms. The National Advisory Council (NAC) Working Group on RTE has further developed a Discussion Note 'Towards Ending Discrimination in Schools' in Dec 2012 which has been forwarded to the Ministry.¹¹⁶ The MHRD has also developed guidelines on addressing discrimination in schools in October 2012. All these indicate the need to recognize the complex nature of social access challenges of socially excluded children's rights to education.

Economic Access Challenges remain:

Economic inequalities in society are already laid out in the unequal concentration of wealth across social groups (against which the Constitution mandates that such unequal accumulation is prohibited) current education system further sharpens and perpetrates them. The huge inequalities in terms of school provisions across various types of schools becomes the icing to the existing inequalities, both within the government education system and within the private

¹¹² 30th Sep 2013, TNN

¹¹³ 21st Octo, TNN

¹¹⁴ 'Children of Dalit, Adivasi and Fishing Communities in Kerala Development', Study by Rights, Trivandrum, Sep 2011

¹¹⁵ Inclusion and Exclusion of students in the School and in the Classroom in Primary and Upper Primary Schools; A Qualitative Study commissioned by SSA, MHRD, GOI, September 2012

¹¹⁶ An NAC working group on RTE was constituted under the chair of Ms Farah Naqvi. The group has submitted a comprehensive report on the nature of discrimination in schools and class rooms and strategies to address them.

education system, between the government and the private education system. Further, while elementary education is stated to be 'free' calculations show that families spend anywhere from Rs.3000/- to Rs.7000/- per child annually for elementary schooling. The costs increase enormously for schooling beyond elementary levels. Given that --- percent of families live below poverty, providing additional costs to 3-4 children is impossible. Hence children are forced to drop out for lack of education provisions on time, remain out of school owing to migration, absent themselves periodically, work part time to meet family or education needs.

Mid Day Meal implementation challenges remain:

The Mid day meal tragedy in Dharmasati-Gandaman village in Saran district in Bihar on 16th July 2013 where 23 children died of food poisoning, highlighted the neglect and corruption in the mid day meal scheme. Hailed as the largest school feeding programme and purported to reduce school hunger and improve school enrolment and attendance. However, field reports are replete with poor implementation, MDM has become a 'poor feeding' programme as all children do not part-take of the meal owing to its reported poor quality. In addition, reports of discrimination against Dalit and Muslim children and community members who serve as cooks and helpers are replete. Dalit and Muslim children are often told that they come to school 'not to study but to eat' and they are discriminated by being seated separately, asked to bring plates from home, not allowed to use plates provided by the school on the reason that other children will not eat from these plates. Children have reported that they are served last, that they are not served adequately etc. The scheme takes away considerable time of the teachers which is precious time taken out of teaching-learning time. Given that the budget for the scheme for 2013-14 according to the government is 32% of the total education budgets, the efficiency and impact of such a scheme merits more streamlined and efficient management. The 2012 study in Bihar and Uttar Pradesh reported that only 60% of the enrolled students received mid day meal on a given day.¹¹⁷

Data challenges remain:

In its most recent global monitoring report on education, UNESCO points out failure over the past decade to assess progress in education goals by various population sub-groups has concealed wide inequality. Its invisibility is further reflected in country plans' lack of national targets for assessing progress in narrowing gaps in access or learning. A major concern is the lack of comprehensive data in quantitative and qualitative forms to build effective policy and strategy for ensuring that children from these excluded sections are brought back into the education system. Broad data is available for girls and SC, ST children. Some data on Muslim children is being captured more recently. The data on CWSN, in preliminary stages tend to identify the number of children who have been enrolled into schools. There is negligible information on 'children belonging to most under-privileged groups.'

Even as equity and discrimination are recognized as the central issues in universalizing the right to education, there are no institutional mechanisms to capture them. The RTE-SSA Framework has identified various dimensions of discrimination and inequity to the different groups of

¹¹⁷ 'Budget brief for Mid day meal scheme 2013-14, Accountability Initiative

excluded children. However, capturing data continues to be a challenge. Indicators, standards and measures are not available within social groups and across groups. For example the data on children with disability does not capture disaggregated data across all impairments and children with mental illness is not counted in any data in the country. The lack of mandated reporting on the various schemes for children and persons with disability overlook how they access their rights. The indicators for data collection are not comprehensive enough for a full analysis of the right.

Inclusion of children under Section 12 (1) (c)

Section 12 (1) (c) of the RTE mandates non-minority private unaided schools to admit 25% children from Disadvantaged Groups and Economically Weaker sections. Even as the private schools challenged the provision on various counts, the courts have upheld the provision. However few states have put in mechanisms to implement or monitor the same and the majority have left it to the individual schools to implement the provisions. Data has not been forthcoming in majority of the states and from the occasional news reports and available data, it is clear that the provision is not being implemented even at the level of admissions. Very little information is available on what are the issues in the schools or that experienced by children and parents within schools after admission. Private schools report that state reimbursements have not been made even for those admissions made in earlier years.

Recommendations: Efforts Needed Beyond Conventional Forms

Given that the education system has expanded the availability of schools considerably, one needs to explore other complex and multiple reasons for the continued OOSC, drop out and poor performance of children from socially excluded categories. Two important reasons for not accessing their rights to education identified are poverty and discrimination and hence 'equity and inclusion' have been identified as the major challenge in ensuring the education rights of all children. In more recent times, there have been efforts by the state to acknowledge the nature of these discriminations. The strategy ahead would be to pursue these efforts more vigorously and develop multi-dimensional and multi-stakeholder effort bringing together SMC members, local authority members, marginalized communities, civil society organizations. Pro-active and planned strategies for promoting equity and inclusion are the need of the hour.

- Real time definition, mapping and tracking of out of school children is essential to ensure the fundamental right of every child to education.
- Discrimination in the education system needs to be identified, mapped, tracked and addressed in real terms. The recommendations by the NAC and the MHRD needs to be taken as a starting point and incorporated into teacher education modules, school/class room practices, SMC orientations, school development plans, and grievance redress mechanisms. Local authority and SMCs need to map context specific barriers to physical and social access, education costs and discrimination within schools and class rooms. These need to be tracked and addressed urgently and comprehensively.
- Additional stakeholders, particularly from the excluded sections need to be brought in as important stakeholders in identifying and addressing exclusion-discrimination issues.
- Equity and Inclusion demands that arise from the different groups of children need to be incorporated into the School Development Plans and provisions made accordingly. Equity

measures are essential to ensure that 'the right to education meets the educational needs' of every child. They may vary from additional physical and learning equipments, transport facilities, escort facilities, adequate and in-time provisions of books and reading materials, adequate and in-time provision of scholarships and so on.

- Equity has to be laid out in the pre-school stage, providing pre-school and early child development and education facilities for every child. Every child should have a level playing field into education system through a well laid out quality early child development and education system to prepare them for the school age.
- Elementary education should lay the foundation and make adequate provisions for higher education and employment which can off-set the current socio-economic exclusion and inequity to motivate children and communities to invest in education.

Major Recommendation from the session on Equity in Education

- While RTE implementation is poor across the country, certain parts of the country require more urgent attention to address educational inequality based on geography and class.
- Need for more focused efforts towards ensuring inclusive learning environments in all schools for children with disability. This category has been historically most neglected.
- Need to strengthen teacher training to sensitize teachers to the variety of children in the classrooms
- The language of instruction emerges as a major issue responsible for the dropout for a large numbers of children from marginalized communities. Mother tongue education in the early grades should be promoted. At the same time, there is need for consistent planning on this issue since the lack of adequate number of schools with Urdu medium emerges as one of the reasons for dropout for Muslim children.
- Girls as a category remain marginalized and there is need for clearer strategies to mainstream gender concerns in educational systems.
- While schooling is supposed to be free, charges continue to be taken from students for Transfer Certificates and other such heads.
- Need for planning for ensuring enrollment of former child labourers.
- While large parts of the country are migration prone, there are no clear pan national policies to ensure uninterrupted education of migrant children.
- Large parts of the country are affected by conflict. Need for a strategy to ensure uninterrupted education of children and safety of teachers in Naxalite affected and other conflict affected areas.