



Status of Implementation of
**The Right of Children to
Free & Compulsory Education Act, 2009**
(2017-18)

**A Report by
Right to Education Forum**



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Report by RTE Forum

March, 2018





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About RTE Forum

The RTE Forum is a collective of national education networks, NGOs, INGOs, teachers' organizations, educationists and rights based activists- with a collective strength of about 10,000 organizations- working to strengthen the public system of education and to bring about systemic reforms within it. The objective of the Forum is to ensure equitable and quality education for all children, starting with the realization of the Right of Children to Free and Compulsory Education Act, 2009- in its true letter and spirit.

The Forum works in close collaboration with the Council for Social Development (CSD) which also offers the Forum administrative/operational support as well as houses the National Secretariat. Given the federal nature of India, the RTE Forum has State Chapters that work closely with the National Forum to fulfil the common mission. State Chapters, in turn, are also collective alliances of organizations and networks working with the aim of bringing equitable and quality education within the reach of every child.

The State Chapters are currently present in twenty states of India including Delhi, Gujarat, Rajasthan, Uttarakhand, Uttar Pradesh, West Bengal, Bihar, Jharkhand, Andhra Pradesh, Tamil Nadu, Puducherry, Karnataka, Odisha, Chhattisgarh, Telangana, Himachal Pradesh and Maharashtra. Forum is trying to reorganize state forums in Haryana, Madhya Pradesh and Assam.

Members of the RTE Forum include (but are not limited to) Campaign Against Child Labour (CACL), Child Rights and You (CRY), National Coalition for Education (NCE India), People's Campaign for Common School System (PCCSS), Oxfam India, Plan India, Save the Children, UNICEF, CARE India, ActionAid India, Voluntary Forum for Education Bihar, SCORE UP, Uttarakhand RTE Forum, Jharkhand RTE Forum, Delhi RTE Forum, Odisha RTE Forum, Chhattisgarh RTE Forum, West Bengal RTE Forum, RTE Forum-Telangana, Andhra Pradesh RTE Forum, Rajasthan RTE Forum, TN & Pondicherry RTE Forum, Gujarat RTE Forum, Maharashtra RTE Forum, RTE Forum- Himachal Pradesh, Assam RTE Forum, PAFRE Karnataka, UNESCO, AKF, World Vision, Wada Na Todo Abhiyan, Room to Read, America India Foundation, Welthungerhilfe, NEG-FIRE, terre des hommes Germany- India program, VSO, Water Aid India, ChildFund India and CSEI.

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Acknowledgements

The Annual Report on implementation of RTE Act 2009 and Stocktaking 2017 is the result of collaborative initiatives taken by the RTE Forum and civil society at large on the issue of Right to Education. Over the last seven years, almost all major organizations have been a part of or at times interfaced with the Forum.

Therefore, it is impossible to do justice and acknowledge the contributions of everyone individually-beyond the National and State Forums. However, it would be essential to especially mention the contributions to the report made by Ms Anjela Taneja & Ms. Seema Rajput (CARE India), Dr. Aparajita Sharma, Mr. Mitra Ranjan & Mr. Himmat Singh (RtE Forum), Ms. Annie Namala (CSEI), Ms Alka Singh & Ms Stephenie Samuel (Save The Children), Mr Avinash Kumar (WaterAid India), Ms. Radhika Alkazi (Aarth Astha), Mr Ashok Jha (Baliga Trust), Ms Koninka Ray (NFIW) and Dr. Sanjeev Rai with inputs from the RTE Forum members nationally and in the states. This report and the larger process would not have happened without the support of the State RTE Forums whose untiring efforts form the backbone of our work.

This report has been made possible by the processes on the ground that have been initiated by the constituents of the RTE Forum with the support of thousands of common people and civil society organizations that have come in support of the Act. A special acknowledgement is made to the efforts made by the RTE Forum members in the states to support RTE implementation and the coordinated State Stocktaking processes that have contributed to this national snapshot.

This list remains incomplete and any omissions in this list are not deliberate.

Ambarish Rai,

National Convener, RTE Forum

Executive Summary

The enactment of the Right to Education Act, 2009 was a landmark moment in the history of India as it guaranteed free and compulsory education to every child between 6 to 14 years of age. It rekindled hope and aspirations of those who had never been to school themselves but were eager to carve out a better future of their children.

The RTE Forum has been tracking the implementation of the RTE Act from the beginning. Every year, members of the Forum convene in Delhi in March to take stock of the status of its implementation. This Report is the 8th Stocktaking Report on the Status of Implementation of the RTE Act, 2009.

Chapter 1 presents the status of implementation of the RTE Act and the changes that have been observed in the last year. The recently released U-DISE 2016-17 data has been used to analyse the status of elementary education in India. Information on enrolment by school management types, drop-out and transition rates, shortage of teachers, assessments and learning outcomes are presented.

Chapter 2 highlights the role of inadequate financing and growing privatization in contributing to inadequate RTE implementation. The case of Rajasthan, one of the flagbearers of privatization of school education, is presented. Rajasthan is also a State where education stakeholders and especially teachers' union members have come together to protest and ultimately win a small war (by stalling the PPP Policy of Rajasthan) within the bigger battle against privatization.

The Right to Education is examined from the perspective of children from socially excluded and marginalized communities, including children with special needs in **Chapter 3**. Growing incidences of targeted violence and thoughtless execution of the Act continues to keep large numbers of them out of the system. In this chapter, the recent developments within the elementary education system is further analysed from the perspective of these children.

The last year has seen many new developments in education presented in **Chapter 4**. The longstanding issue of extension of the RTE Act to cover pre-primary and secondary levels was discussed in CAGE and it is heart-warming to see the in-principle agreement to extend the RTE to cover these two levels. The finalization of the New Education Policy is underway and should be finalized soon. Two amendments were introduced by MHRD with respect to the RTE Act. The deadline for the training of teachers, which had to be completed by March 2015, has been extended by four years. A Bill was introduced in the Parliament to scrap the No-Detention Policy which is currently pending in Parliament. The Government is rolling out Samagra Shiksha Abhiyan, an Integrated Scheme for school education which merges SSA, RMSA and TE Schemes. The report also addresses the continued trend of rationalization and closure of schools. While the overall progress has been slow, a number of positive steps have also been taken. The report's **Chapter 5** provides a snapshot of some positive initiatives undertaken by the Central and State governments.

Finally, **Chapter 6** deals with the role that the community is playing to strengthen the public schooling system. The RTE Act institutionalizes SMCs, but much more needs to be done to empower them. This Chapter presents examples of well-informed, strong SMCs doing wonders in improving their schools.

In the end, a synopsis of the proceedings of the 8th National Stocktaking Convention which was held on 27th March, 2018 in New Delhi is presented. The one day convention saw representation of stakeholders from different parts of the country encompassing deliberate on issues related to education. Views on various topics such as social inclusion and safe environment for students, commercialization and privatization of education, loopholes in conceptualization and implementation of the Act among others were shared during the Event.

Preface

When the Right to Education (RTE) Act was introduced as a legal entitlement in 2009, dreams and aspirations of many were attached to its successful implementation. Despite its limitations, it reaffirmed the State's commitment to fulfilling its fundamental duties towards its children. Many believed that the Act was set-out to correct years of injustice, discrimination and lack of opportunities experienced by many due to pre-determined conditions of caste and class, much beyond their control.

The Act introduced progressive concepts such as neighbourhood schooling, age-appropriate learning, continuous and comprehensive evaluation, ban on corporal punishment, no-detention among others. For the first time, standards such as appropriate pupil-teacher ratios, infrastructural norms, minimum teacher requirements and others were defined. With fixed timelines and established roles and responsibilities, the Act was set out to be a game-changer for transforming the Indian educational space.

However, mere intent is not enough and must be reflected with necessary planning and adequate resource allocations. The allocations of SSA has been severely cut since 2014. Indeed, SSA has been underfunded from the outset. This has naturally had a cascading effect on the implementation of various provisions of the Act, resulting in the overall compliance rate never even touching 10%.

Education being a concurrent subject, much could have been achieved had the States stepped up to implement the Act in its true letter and spirit. However, this has not happened. Almost all States face a massive shortage of trained teachers and there is an overall human resource shortage across the education system. Little has been done to strengthen the capacities of officials directly responsible for implementation and monitoring of the Act. Simultaneously, while the Act has institutionalised community participation through the creation of School Management Committees (SMC) to catalyse initiatives to strengthen community ownership of schools, few coordinated efforts have been made to empower and capacitate them.

It is unfortunate that instead of taking steps to strengthen the system by allocating adequate resources, enhancing the capacities of field functionaries and engaging the community to increase grassroots demand for quality education services and addressing the systemic neglect of RTE implementation, the Act itself has come under attack. Processes of amendments to the RTE Act to remove the No-Detention Policy are underway. This was meant to make learning a joyful experience without fear and anxiety but is being solely blamed for the drop in learning levels. Burdening teachers with non-teaching duties while not providing them with adequate academic support infrastructure, failing to provide adequate school infrastructure and failing to invest adequate resources in education is responsible for declining learning outcomes; labelling children as 'failures' will not enhance the quality of education.

This of course does not mean that improvements in the sector are not underway. Several States have made steps to improve implementation of key RTE provisions. These need to be recognized and supported. However, eight years into the Act's implementation, its vision is no closer to be realized across the country. It is time to step away from business as usual. It is time for all stakeholders to join hands, re-strategize and fully implement the Act to achieve the goal of equitable, quality education for all.

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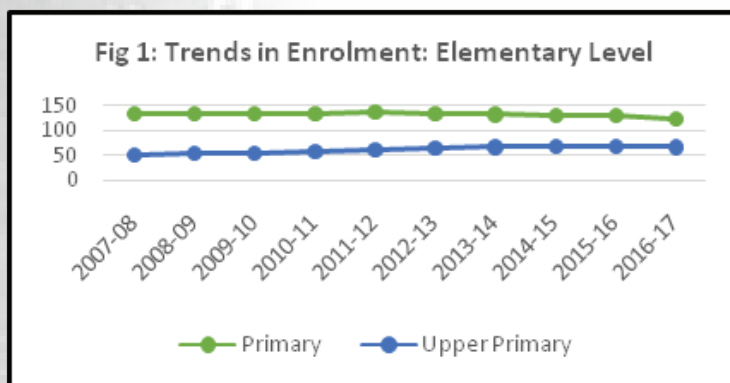


Chapter 1

Status of Implementation of RTE Act, 2009

It is unfortunate that despite having some of the most progressive, rights-based legislations in the world, we have not been able to fully capitalize on them. The RTE Act was implemented to ensure free and compulsory education to every child between 6-14 years of age. The Act has been successful in bringing children to school, but enrolment is just the first step. A series of measures are required between the enrolment and completion to keep a child in-school- interested, happy and curious- as she/he progresses through the years to complete schooling. This chapter takes stock of some of the key education indicators as well as the status of the norms and provisions of the RTE Act. The data used to make the analysis has been taken from U-DISE 2016-17.¹

1.1: Enrolment in Schools

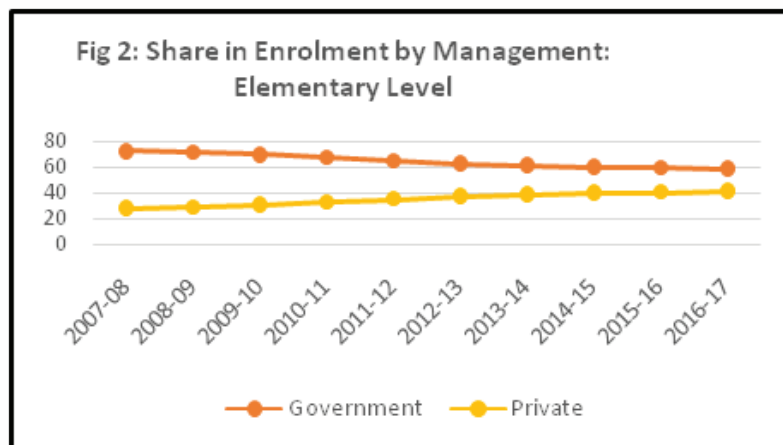


The RTE Act has contributed immensely in bringing children to schools with the official enrolment ratio reaching near cent percent (98.5%) around 2014-15.

Figure 1 shows the enrolment numbers (in absolute terms) at both the primary and upper primary levels whereas Figure 2 shows the enrolment rates by management types, that is, government and private. It is interesting to note that the enrolment numbers are decreasing for both primary

and upper primary levels.²

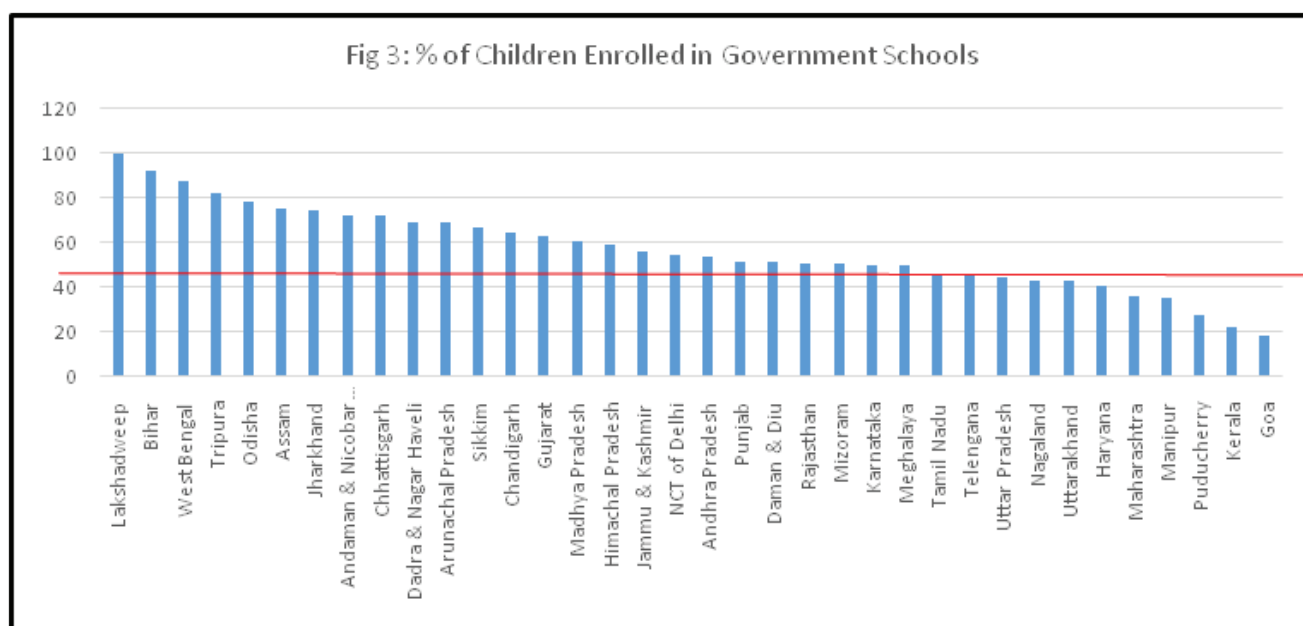
Uttar Pradesh, closely followed by Bihar and Maharashtra, have the largest numbers of children enrolled in government schools. Figure 3 depicts the State-wise scenario of the percentage of children enrolled in government schools out of the total number of children enrolled in schools. Most children in Bihar, West Bengal, Tripura, Odisha, Assam and Jharkhand and Chhattisgarh are completely dependent on government schools for their education. Interestingly, in Uttar Pradesh, the State with the highest number of school-going children, the percentage of students enrolled in government schools is only 45%.



While there is no updated data on the number of out-of-school-children, contradictory statistics have

¹ <https://student.udise.in/>

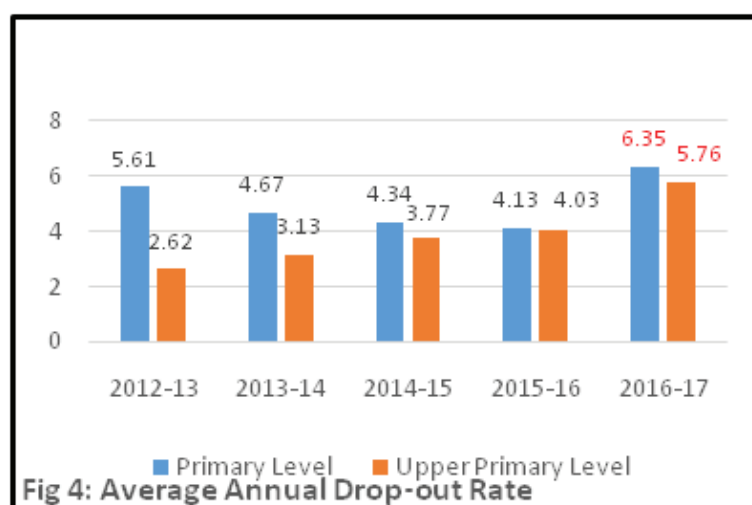
² Data Source for Figure 1&2: <http://14.139.60.146/ReporterModule/ReportModule/Startup/Startup.aspx>



emerged regarding the number of out-of-school children with MHRD presenting starkly different data-sets from the Census. A review of the State PAB Minutes also indicates this conflict. For example, for Karnataka, although the Minutes note a decline between the grades of about 1 lakh students, there are only 21,816 OoSC as per the State.³ A similar problem is noted in West Bengal where the decline between the grades was noted to be as much as 9 lakh students, whereas the state reported a figure of 11,640 students.⁴ In the absence of a consistent mapping mechanism or a comprehensive single data source, it is impossible to peg the exact number of Out of School Children.

1.2: Drop-Out & Transition Rates

The drop-out rates remain high with 6.35% children dropping out at the primary level and 5.67% children dropping out at the upper primary level respectively. As shown in Figure 4, the data for 2016-17 is startling with an increase in the drop-out rates at both primary and upper primary levels by as much as 2.22 percentage points and 1.73 percentage point respectively. Figure 5 depicts the state-wise average annual drop-out rates. Jharkhand has the highest



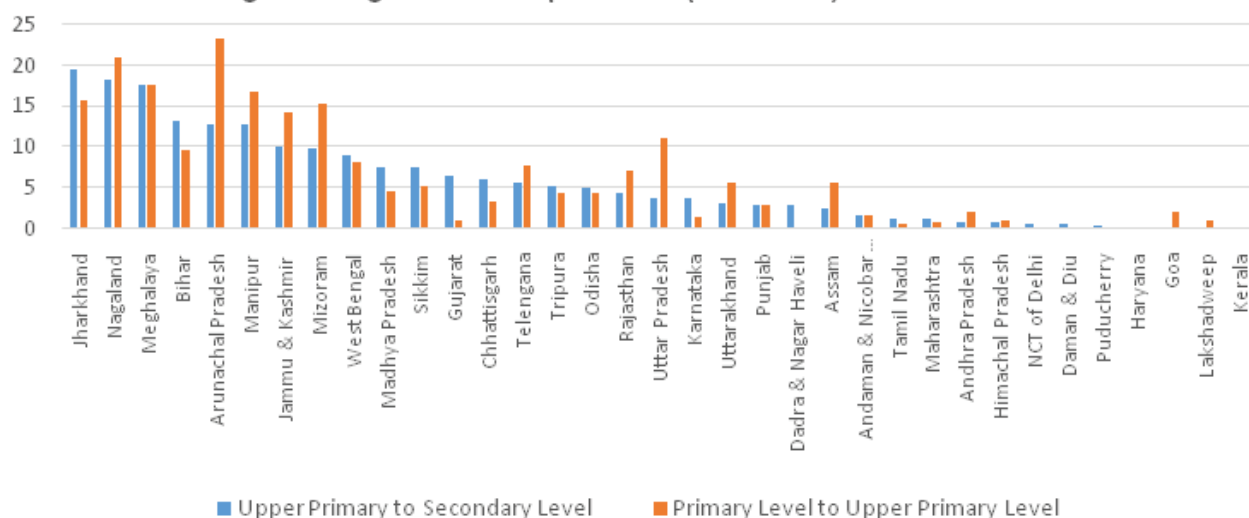
drop-out rate at the upper primary to secondary levels while Arunachal Pradesh has the highest drop-out rate at the primary to upper primary level. The drop-out rates of North Eastern States is particularly high. The drop-out rate for girls as well as boys are almost same at 6.30% and 6.40% at the primary level.

Social group wise, the drop-out of STs is the highest at 8.54%. Over the last year, the drop-out rate of SCs has shot up from 4.96% in 2015-16 to 8.09% in 2016-17. Gender wise, at the upper primary to secondary levels, the drop-out rate is 6.42% for girls and 4.97% for boys. Social group wise, the drop-out rate at the primary to upper primary level of Muslims continues to remain the highest at 9.46%, followed by that of STs at 8.59%. Over the last one year, the drop-out rate of SCs has substantially from 5.51% in 2015-16 to

³ http://ssashagun.nic.in/docs/minutes1718/Karnataka/PAB_Karnataka.pdf

⁴ <http://ssashagun.nic.in/docs/minutes1718/West%20Bengal/WestBengal.pdf>

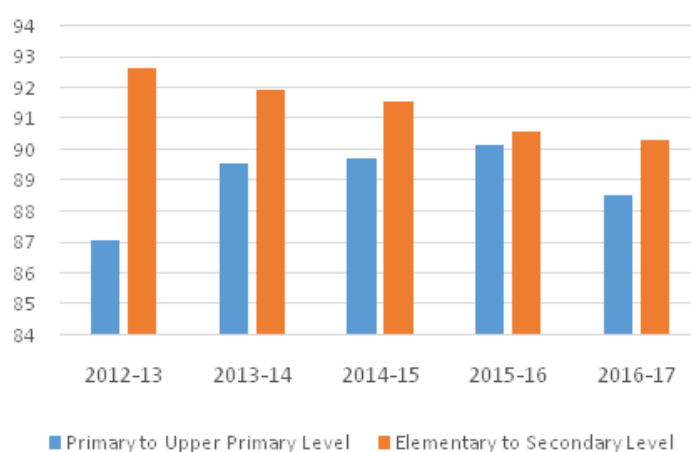
Fig 5: Average Annual Drop Out Rate (State Wise) 2016-17



7.87% in 2016-17.

Figure 6 shows the transition rates from primary to upper primary and elementary to secondary levels. Overall, the transition rate from primary to upper primary is 88.56% while from elementary to secondary rate is 90.32%. The data from 2016-17 shows a marked decrease in transition rate across both levels. The transition rates at the primary to upper primary level for girls and boys are almost equal at 88.72% and 88.41% respectively. At the elementary to secondary levels, the transition rates for boys is higher at 92.62% as compared to girls at 87.91%

Fig 6: Transition Rate 2016-17

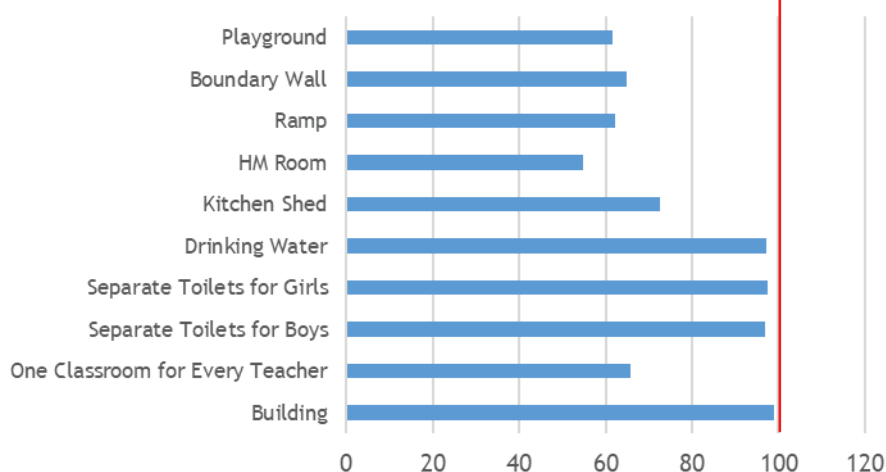


1.3: Compliance with RTE Norms & Provision

figure 7 depicts the status of infrastructure within schools across managements. While most schools now have their own buildings (99.01%) a separate toilets for boys (96.93%) and girls (97.51%) and drinking water facilities (97.11%), the status of availability of the remaining infrastructural provisions is about 60%-65%.

Basic essentials remain a challenge in a large number of

Fig 7: Infrastructural Norms & Standards 2016-17



schools. For example, despite 97.11% schools having drinking water facility, only 86.96% of them have 'functional' drinking water; while 96.93% of schools may have a separate toilets for boys, only 92.58% of them have 'functional' separate toilets and 94.46% have 'functional' separate toilets for girls. Overall, only 53.85% of schools across management have the three basic WASH facilities- toilet, drinking water and hand washing facilities.

Despite being implemented for years now, the rate of compliance of schools with the norms and provisions of the RTE Act has always been less than 10%. As per a recently released CAG Report on the compliance of schools with provisions mandated within the RTE ACT, as of 2016,

- i. 20 out of 34 States & UTs fall below the national average of 8% compliance
- ii. 13 out of 34 States & UTs have less than 3% schools fully complying with the RTE Act.
- iii. 41% of the States have less than 4% full compliance – less than half the National average of 8%.
- iv. 18% States (6 out of 34 states & UTs) do not have even 1% of schools fully complying with RTE Act.

Fig 8: Basic Infrastructure as per RTE Norms in Uttar Pradesh

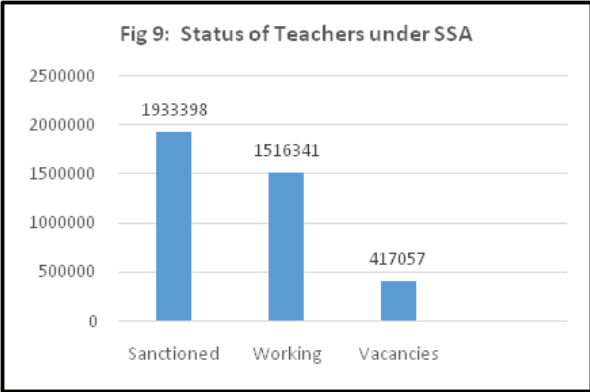
The RTE Forum's UP State Network SCORE undertook a survey to analyze the extent to which the different provisions of the RTE are being implemented in the state. Data was compared against the administrative data of DISE. Even after 8 years of the RTE, significant gaps remain with regard to facilities like separate toilets, playground and boundary wall. While there is reason to feel that availability of infrastructure is not an adequate condition for improvement of quality, it is an essential condition. Girls' retention cannot be ensured without access to separate toilets and reading habits are difficult to inculcate without libraries. It is also important to note the high level of discrepancy between administrative data and sample survey findings, once again reiterating the need for independent verification and social audit of DISE data.

Schools meeting the different RTE norms as per the SCORE Sample Survey and DISE data

RTE Indicators	SCoRE Survey (%)	DISE 2015-16
All Weather Building	87.18	NA
Access by Unbroken Roads	71.94	96.10
Ramps	65.95	86.50
Separate Toilets	85.33	99.80
Safe and Adequate Drinking Water	83.33	98.70
Kitchen for Mid-Day Meal	89.60	82.30
Playground	66.24	70.50
Boundary Wall	64.96	71.60
Library	70.80	74.24
Sports Equipment	36.18	NA
Schools having School Management Committee	98.29	97.27

Source: SCoRE Survey, DISE State Report Card 2015-16, DISE Flash Statistics 2015-16

A study conducted by WaterAid to identify the gaps in WASH in schools across 2409 schools in nine States found that 6% schools did not have any drinking water sources while 2% had access to unimproved open wells. Moreover, one-third of the schools did not have any water storage facility. With respect to school toilets, it was found that 9% schools did not have any school toilets while 13% did not have separate toilets for boys and girls. 18% of the existing toilet units were found to be dysfunctional.



-Source: Lok Sabha Question, 2018

1.4: Teachers

No education system can function without teachers. The RTE Act lays down specific provisions mandating 1 teacher per 30 students at the primary level and per 35 students at the upper primary level. Knowing the shortage of teachers at that time, 3 years (2013) were given to recruit teachers and another 2 years to ensure their training and regularization (2015).

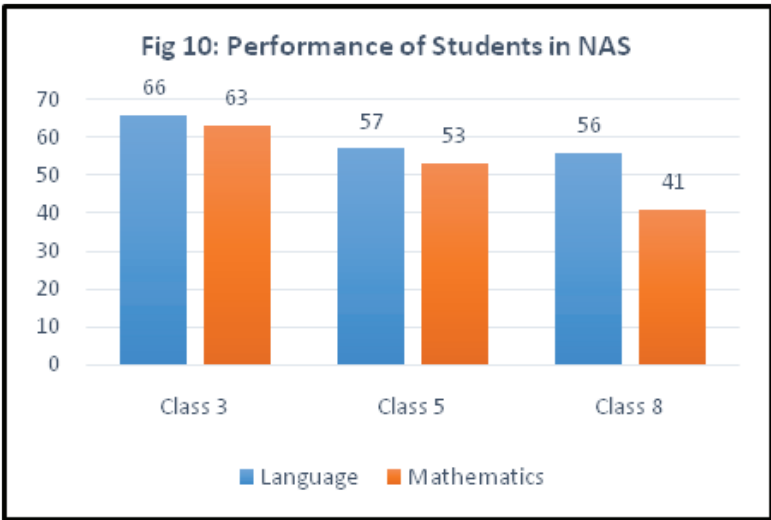
Despite that, shortage of teachers remains a problem. Figure 9 highlights the current vacancies under SSA. The overall Pupil Teacher Ratio (PTR) has substantially reduced over the years and is presently 23. It is the highest in Bihar at 45 closely followed by Jharkhand and Uttar Pradesh at 32 and 31 respectively. This figure conceals significant disparities across schools.

The percentage of single teacher schools have also gone down from 7.50 in 2015-16 to 7.18 in 2016-17. Management wise, the percentage of single teacher schools is 8.50% for government schools, 5.86% for government aided schools, 4.03% for unrecognized schools and 2.85 for private unaided schools. Arunachal Pradesh has the highest percentage of single teacher schools at 26.81%, closely followed by Goa and Jharkhand with 20.94% and 17.07% single teacher schools.

1.5: Assessments & Learning Outcomes

Continuous & Comprehensive Evaluation (CCE) is one of the hallmarks of the RTE Act. Doing away with the examination system which instilled a feeling of fear and anxiety among students, it was felt that a holistic, round-the-year evaluation mechanism was required to assess students, beyond general literacy and numeracy skills, at least in the elementary classes.

Hand-in-hand came the provision for no-detention under which students could not be retained in classes, thereby doing away with the stigma of being labelled as a ‘failure’. The principle behind this was that no child is a ‘failure’ and that if she/he is unable to learn, as may be the case with several first-generation learners with no support mechanism as home, it is the system which is to be held accountable. Provided with a school in the neighbourhood with required infrastructure and qualified teacher, the inherent assumption was that every child is capable of learning if provided with the right set of opportunities as provisioned in the Right to Education, 2009 Act.



Despite being the most progressive provisions which had the potential to revamp the education system, these two provisions have been maligned the most by both state governments and teachers. While the State governments never bothered to implement the CCE or sensitize its relevance among the teachers, the teachers conveniently implemented the no-detention provision without bothering with the CCE. Consequently, anarchy was established where students moved from one level to the other without any assessment.

Naturally, when 3rd party assessments were done to test the learning outcomes- generally comprehending skills, language skills and numeracy skills, the students were unable to perform. Does that mean these provisions were flawed? No. Had the CCE been implemented, students would have learnt far beyond mere literacy and numeracy skills.

The results of the state- level National Achievement Survey (NAS) show that while performance of the students are still better in the primary classes, it worsens as the child moves higher. It won't be a fallacy to connect this with the prevailing shortage of subject teachers. In fact, with 13, 78, 935 untrained teachers in the system, it shouldn't be a surprise to find poor learning levels, especially in the upper primary levels.^{5,6} The results of the NAS for class 3, 5 and 8 is presented in Figure 10.



5 <http://164.100.47.330/loksabhaquestions/annex/14/AU2593.pdf>

6 These teachers have now been enrolled for training through the NIOS

Chapter 2

Some Barriers to the Realization of the Right to Education

The Right to Education is derived from the 86th Constitutional Amendment which made education not only free and compulsory for all children between 6-14 years of age but *justiciable* in the court of law. As the previous chapter showed, the government has failed to secure this right for all the children between 6-14 years of age. This Chapter addresses the barriers which constrain the realization of education as a fundamental right – including inadequate financing and growing privatization and commercialization of education.

Consistent underfunding and overall apathy of the State towards the RTE Act have contributed significantly in weakening the overall public education system. Simultaneously, the push for privatization by the State (which believes that it is incapable of ‘managing’ schools) and regrouping of the private lobby to capture the quality discourse has led to an overall distrust among the masses with regards to the public education system. The school management capacity of the government can be seen in the case of Kendriya Vidyalayas which deliver the highest quality of education since they invest adequately per child expenditure, possess state of the art infrastructure and sufficient number of teachers

2.1 Education Financing

One of the lacunas at the time of implementation of the RTE Act was that there was no financial memorandum attached to it. Consequently, over the years, the SSA (the primary vehicle for driving the Act) has been under funded. The Kothari Commission had called for an allocation of 6% of GDP towards education in 1966.⁷ The Tapas Majumdar Committee presented a figure of Rs 1.37 lakh crore over a period of 10 years, from 1998 to 2008, as being necessary to bring all the children within the 6-14 age group into the system.⁸

In contrast, it is a matter of concern that only 78.56% of schools received the school maintenance grant in the last financial year compared to 81.47% schools in 2015-16. Management-wise, in 2016-17, 80.35% government schools received the school maintenance grant whereas only 51.01% government aided schools received the grant. With regards to the school development grant, around 79.34% schools received the grant in all, out of which 80.35% were government schools and 50.01% were government managed schools.

2.1.1 Overall Spending On Education

The Economic Survey (2017-18) stated that the Union and the State Governments have been spending less than 3% on education.⁹ To put things in perspective, we were spending 3.1% of our GDP on education

7 <http://www.rteforumindia.org/sites/default/files/The%20Kothari%20Commission%20and%20Financing%20of%20Education.pdf>

8 <http://www.nuepa.org/libdoc/e-library/ARTICLES/20041023jbgtilak.pdf>

9 http://mofapp.nic.in:8080/economicsurvey/pdf/167-185_Chapter_10_Economic_Survey_2017-18.pdf

in 2012-13.¹⁰ India's per capita (PPP basis) spend on education is around Rs 32,500, which is about 4 times less than the average per capita spend of upper middle-income countries.¹¹

Figure 12 highlights the state variation in per student expenditure for a sample set of states. Assuming the Kendriya Vidyalayas to be the model government schools spending Rs. 32,263, barring a handful of states, most of the others spend too little.¹²

Fig 11: Spending on Education

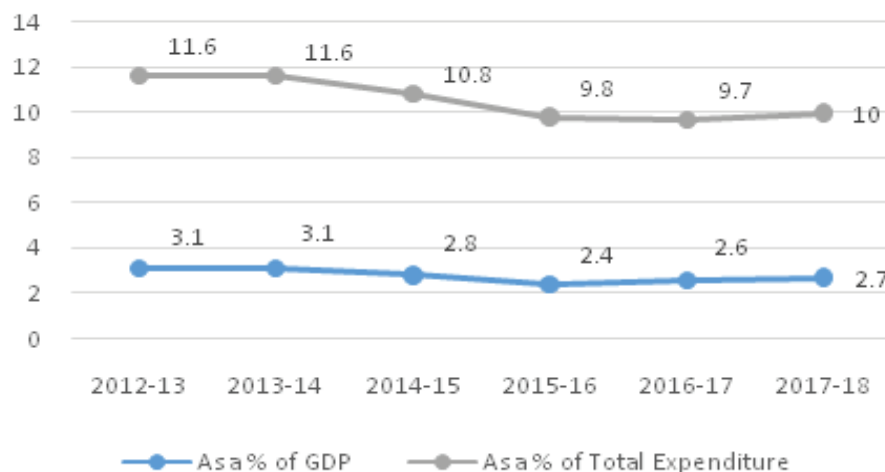
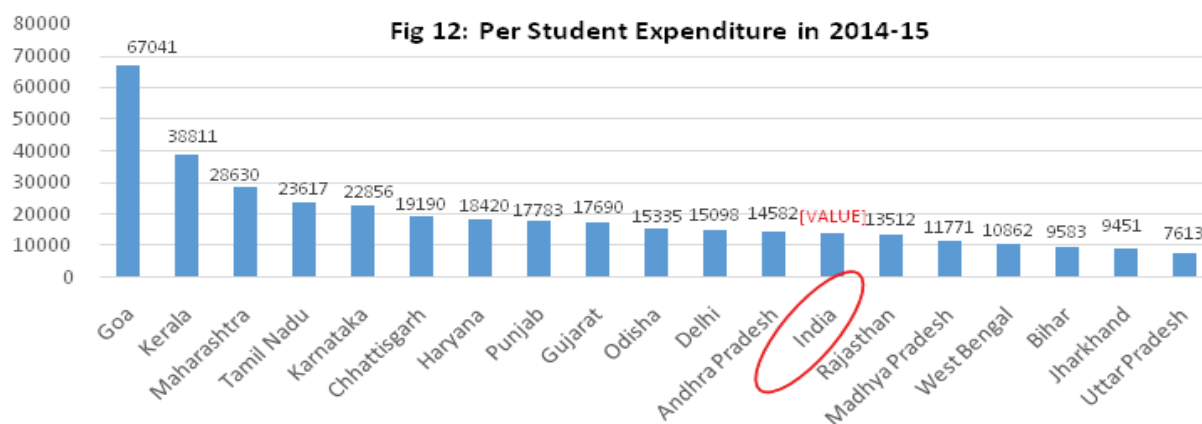


Fig 12: Per Student Expenditure in 2014-15



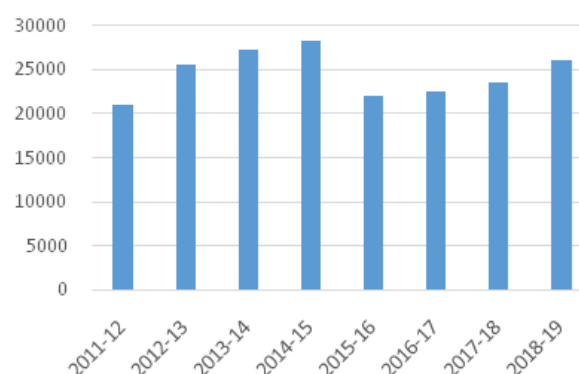
2.1.2 Allocations to Sarva Shiksha Abhiyaan (SSA)

The allocations to SSA is consistently being decreased by the government. As observed in Figure 13, it was the highest in 2014-15 at Rs 28,258 crores. Following this, there has been a dip in the subsequent years and it now stands at Rs 26128.81 crores (BE 2018-19).¹³

As of 2017-18, about 61.8% of the SSA allocation is funded from the education cess. Although the Cess was supposed to complement existing state funds, over the years it has ended by substituting it.¹⁴

If actual allocations are compared to what is

Fig 13: SSA Allocation (in Rs. Crore)



¹⁰ <http://indianexpress.com/article/education/economic-survey-government-spending-on-education-less-than-3-per-cent-of-gdp-5045498/>

¹¹ [http://www.ey.com/Publication/vwLUAssets/EY-vision-for-school-education-3.0/\\$FILE/EY-vision-for-school-education-3.0.pdf](http://www.ey.com/Publication/vwLUAssets/EY-vision-for-school-education-3.0/$FILE/EY-vision-for-school-education-3.0.pdf)

¹² <http://www.cbgaindia.org/wp-content/uploads/2017/08/Is-There-Enough-Public-Resource-for-School-Education.pdf>

¹³ <https://www.indiabudget.gov.in/ub2018-19/eb/sbe57.pdf>

¹⁴ ibid

committed by MHRD as central share to states in the annual work plan and budget meetings, for the last five years the actuals have been much lower than promised, as depicted in Figure 14.

Fig 14: Approved Outlay for SSA vis-à-vis Allocations by Union Government

	PAB Approval for SSA (central share)	Budgetary Allocation (BE) for SSA by Union Govt	Allocation as % of Approved Outlay
2013-14	31016	27258	87.9
2014-15	36391	28258	77.7
2015-16	40200	22000	54.7
2016-17	46702	22500	48.2
2017-18	55000	23500	42.7

2.1.3 Underutilization of Funds

Under-utilization of funds remains a cause of concern. To present an example, the CAG Report analyzed the status of spending across 4 major areas- Computer Aided Learning, Community Mobilization, Research, Evaluation, Monitoring and Supervisions (REMS) and Inclusive Education for Children with Special Needs (CWSN). It was found that between 2010 to 2016, 55% of the funds, that is, a total of Rs 28.97 crores was unspent. For two of these budget heads- computer aided learning and community mobilization, the amount was unspent due to late receipt of funds. For inclusive education of CWSN, it was stated that despite approval, MHRD did not release 100% funds, with the last instalments being released at the end of financial year. It was further mentioned that for certain components such as salary of inclusive education resource teachers, IE volunteers and funds for strengthening resource rooms, the funds could not be utilized due to unavailability of trained resources and teachers.

2.1.4 Impact of Poor Financing & Financial Management

An adequate level of resource allocation is essential to ensure quality of education and attainment of high learning outcomes. The failure of investment is reflected in the poor status of implementation of the RTE Act. While recent years have witnessed some initiatives by the government to improve infra-structural facilities in schools through initiatives such as building toilets in schools, as shown in Chapter 1, 3rd party reports/ independent audits show that we are yet to attain the desired results.

While the net effects of under-funding are manifold, its impact on teachers is particularly critical. While the salary of teachers is not consistent across States, it comprises the biggest share of the education budget. States have delayed recruitment for a long time and in most places, replaced teachers with untrained and under-qualified personnel hired on contract. As per recent estimates, there are about 1 lakh single teacher schools in India.

Training of teachers has likewise been neglected for too long. About 20% of existing teachers are untrained. The share of trained teachers varies from 52.2% in Bihar to 99% in Maharashtra.

According to the CAG Report, between 2010-16, the SCERT had proposed training of 1,07,142 teachers out of which only 91,145 were trained. While Rs 12.46 crores were allocated for this purpose, only Rs 4.75 crore were spent. The reasons cited by the government are delay in fund receipt and a general disinterest by the teachers to get in-service training. The conditions of the District Institutes of Education and Training (DIETs) meant for teacher training and academic support are equally poor with lack of trained personnel and an overall neglect by the system.

Without filling existing vacancies, training the teachers as well as existing staff, fixing the planning and monitoring mechanisms (especially at the district and block levels), activating the District Resource Centres, Block Resource Centres and District Institutes of Teacher Training so that they can emerge as

centres of excellence providing academic support to the teachers, success is unlikely to be achieved.

2.2: Privatization & Commercialization of Education

There has been a growing thrust by the Government to privatize school education. In August, 2017, government think-tank NITI Aayog recommended handing over “non-performing” or “hollowed” government schools to private players under the PPP model. In its 3 Year Action Agenda, suggestions were made to set up Working Groups which will explore and pilot “bolder experiments” such as vouchers and local government led purchasing of schooling services.

The assumptions that the government is incapable of providing quality education and that private education is of better quality than public education are fallacies. Kendriya and Navodaya Vidhyalas are examples of exceptionally well-functioning government schools. As far as learning outcomes are concerned, studies have shown that equalizing socio-economic backgrounds of the students, the results of government schools and low-cost private schools are almost equal.

Historically, it has been seen that fostering commercial interests in education has widened social inequalities and segregation into those who rely on public provisioning and those who can afford to pay for private education.

Rajasthan is one of the flag-bearer of privatization of essential services in India. Last year, it passed the ‘Public Private Partnership in School Education 2017’ Policy, detailed in Figure 15. The Policy witnessed massive protests from members of the teaching community, who came together in large numbers and mobilized the community as well.

The government has had to give in to the pressure and create a sub-committee of three Members to address their grievances. Eventually, faced with immense pressure from all directions, the government has shelved the Policy for the time being. The case of Rajasthan exemplifies the strength of community mobilization and peoples’ movement.

Parallels can be drawn with what happened in Rajasthan to the case of Kenya where members of the Kenya National Teachers Union and others came together to demand the closure of Bridge International Academy (BIA) due to unqualified teachers, unregistered schools, inadequate infrastructure and unauthorized curriculums. In February 2017, the High Court of Kenya ordered the shutting down of 10 BIA schools which failed to meet the standards. As per media reports, the Academy presently has MoUs with the Andhra Pradesh government where it plans to establish its headquarters.

Privatization of Essential Services in Rajasthan

This year, the Rajasthan Government passed the “Public Private Partnership in School Education 2017” policy under which the Government planned to privatize 300 state-run schools by handing over their management to private organizations citing improvement of quality of education as the stated objective. Under the Policy, 75% schools in rural areas and 25% schools in urban areas were to be identified on the basis of their recent results and given to private players who would pay Rs 75 Lakh for operations and development of each school, apart from providing teachers and other staff. The state government would then reimburse the amount over a seven- year period at Rs 16 lakh per annum. Another Rs 20,000 would be reimbursed to the private parties as expenses per student.

In 2015, the State had initiated the “Run a PHC Scheme” through which it had invited private agencies “to improve the availability and quality of primary healthcare services towards meeting the state targets”. However, reports (Hindu Business Line) suggests that the Scheme had been unsuccessful with hardly any improvements in the quality of services and the hired agency had allegedly blatantly violated the MoU terms.

Chapter 3

Socially Excluded Children and their Right to Education

The RTE Act was intended to create opportunities for the ‘out-of-school’, ‘drop-out’ and ‘first generation learners’ to enter schools and complete a minimum of one cycle of eight years of education. However, over the years, half-hearted execution of these provisions under SSA has meant that India not been able to deliver quality education to these children.

Multiple reasons can be cited for this. Most children from marginalized communities lack support system at home and are completely dependent on the school for their education. As Chapter 1 has highlighted, the condition of the school is extremely poor. With a severe shortage of trained teachers, debilitating infrastructural conditions and general atmosphere of mismanagement, it is extremely difficult for first generation learner to attain education. In addition, children from marginalized backgrounds face discrimination, although the RTE Act bans it completely. This chapter is an effort to highlight the need for special provisions and processes to address the specific disadvantages faced by these students.

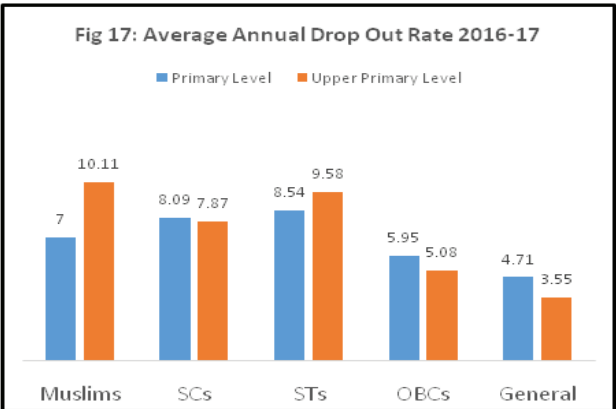
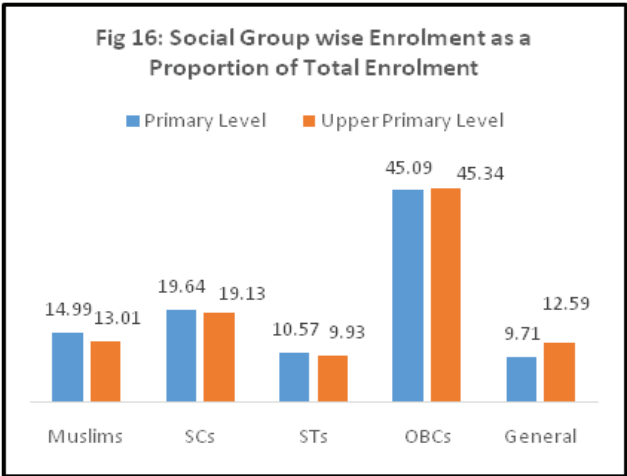
3.1: Locating Socially Excluded & Marginalized Children within the Education System

Figure 16 present students from different social groups enrolled as a proportion to total enrolment. The low proportion of ST and Muslim enrolments remains a challenge and needs special focus. Low transition rates, especially of ST and SC children, and high drop-out rates, especially from primary to upper primary, are a reflection of the system’s failure retain students from marginalized communities.

Figure 17 presents the average annual drop-out rates at primary and upper primary levels. The drop-out rate is extremely high for Muslim and ST students. It is important to note that the enrolment rates are also low for these communities. (Figure 16).

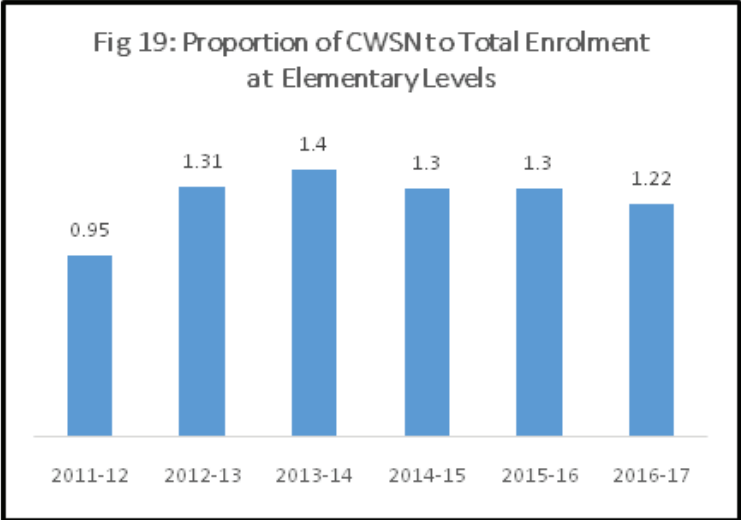
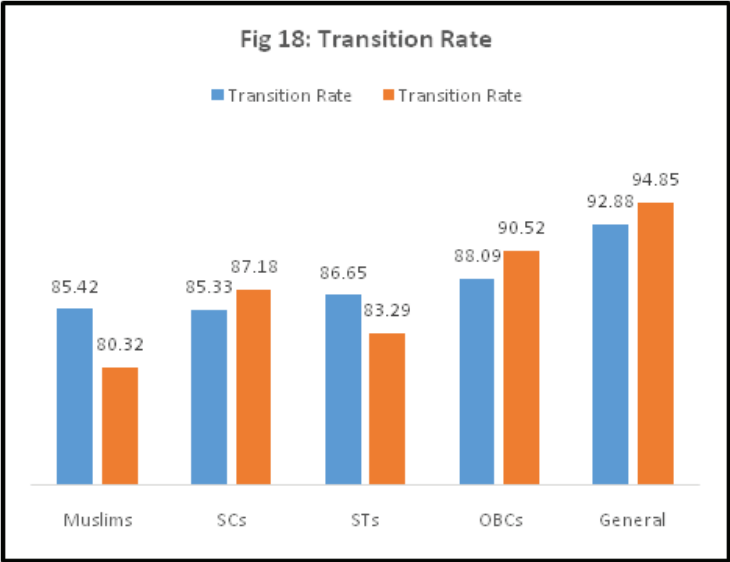
Figure 18 shows the transition rate for children across social groups. As expected, the transition rate is low for Muslim and ST children.

The education system continues to discriminate against children with disabilities, keeping them out of the system and denying them the basic right to education. In addition to the provisions under the



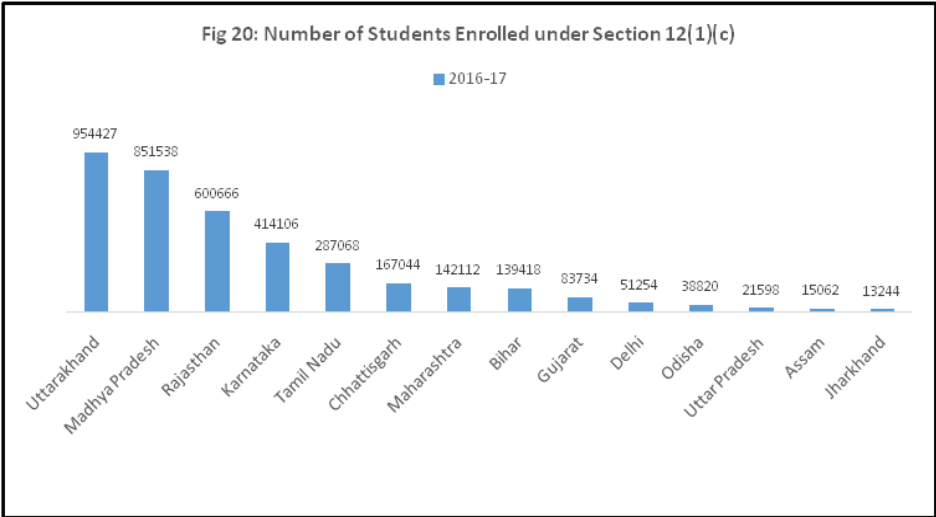
RTE Act, 2009, the RPWD (Rights of Persons with Disabilities) Act 2016 contains critical provisions pertaining to their education. The Chapter III on Education emphasizes inclusion of children with disabilities through provisions including i) Provide education for CwD till the age of 18 years, ii) Make buildings, campus and various facilities accessible and ensure inclusion in sports and recreation, and iii) Provide reasonable accommodation including attendants and attention according to individual's requirements, iv) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them, v) train and employ teachers, including teachers with disability vi) train professionals and staff to support inclusive education at all levels of education, among others.

The RPWD Act also imposes penalties in the form of a fine for violation of provisions of the Act and imprisonment for anyone discriminating against persons with disabilities. In spite of these provisions, as shown in Figure 19, Children with Disabilities comprise on 1.22% of the total number of children studying in schools. There is a complete governance failure in terms of the government's track record of securing the rights of these children. Only 22.22% of schools have CWSN friendly toilets whereas only 62.09% schools have a ramp. Most schools have limited capacity to cater to the academic needs of these children given the absence of trained teachers for children with disabilities or necessary learning equipment.



3.2: Resistance and Poor Implementation of Inclusion in Private Schools under Section 12(1)(c):

It is estimated that 16 million children from EWS (economically weaker section) and DG (disadvantaged groups) can be enrolled in private schools under the section 12 [1] (c). Large numbers of these seats go empty. Only 11 out of the 36 states and Union Territories have reportedly sought funds from the Central Government for implementation of the



mandate, suggesting poor implementation. Only 15 out of the 36 states and Union Territories have sought funds from the Central Government for implementation of this mandate. Discrimination against these children and their parents are reported and there is no responsive or accessible grievance redress system. Elite private schools are able to evade the system, or resist the admissions by imposing independent scrutiny of applications. Figure 20 shows state wise enrolment of students under Section 12 (1)(c) of RTE Act

The findings of a recent study by NCPCR in 663 schools in Delhi shows the increase in enrolment numbers in the last 2-3 years, although it remains below the mandated 25%. Furthermore, students who enrol under Section 12 (1) (c) prefer schools which begin at the pre-primary/ nursery level rather than those which directly start from class 1.

3.3: Impact of Recent Developments on Socially Excluded & Marginalized Children

It is of concern to socially excluded and marginalized (SeM) children that implementation of important equity-inclusion provisions under RTE and RPWD are not initiated or they are being diluted or amended.

3.3.1: School Closure

The mandate to have a primary school in every habitation within one kilometre saw great spurt in the enrolment of children in the primary classes, especially among socially excluded and marginalized children. However, state governments have been following the strategy of 'school closure and merger' under the garb of low enrolment schools not being viable. Enrolment at the primary level is reported to be decreasing and closing schools does not contribute to increasing enrolment.

3.3.2: Parliamentary Committee Recommendation to Withdraw the Non-Detention Policy

There is no doubt that the majority of those who fail, in the absence of robust academic and psycho-social support structures at home and in schools, belong to the disadvantaged and discriminated sections. Their transition rate even now is below the national average, the worst transition rate being that of Muslim children. When children fail to study, parents most often allow them to drop out, and this process will be accelerated if the Parliamentary Committee's Recommendation to scrap the no-detention policy. The amended Child Labour Act, 2016, further propels drop out, allowing children to be engaged in 'family occupations'.

3.3.3: Faulty Continuous and Comprehensive Evaluation (CCE)

A faulty CCE, designed by CBSE (instead of NCERT) also contributed to fuelling the resistance against the Non-Detention provision in the past years. CCE, which was formulated with the purpose of supporting and facilitating enhanced learning for new school entrants and first-generation learners, was wrongly framed and poorly implemented, denying an important equity provision.

3.4: Discrimination & Growing Violence

Communities and media regularly report incidents of discrimination and violence against children from socially excluded and marginalized sections, even as the RTE and RPWD Acts categorically mandate that no child should be discriminated. Valmiki children still face discrimination where they are made to sit separately, not allowed to touch water pots and humiliated by addressing them by their caste name and attributes.

Similarly, there has been an increase in the crimes of sexual violence, particularly more for children from marginalized backgrounds. Thus, a student in Gaya District was taken into a separate room where she was gagged and raped while examinations were going on; a student from Vaishali District, Bihar was found with gruesome wounds on her body; in the pretext of giving additional marks, a class X Dalit student from Mehsana District in Gujarat was abused. These cases lead to children dropping out of schools and not performing to their full potential. This will be exacerbated by growing privatization. The government is the duty bearer to ensure their rights to education.



Chapter 4

New Developments in Education

This Chapter presents some of the key developments which have emerged in the last year. The last year witnessed two important amendments with respect to the RTE Act- the extension of the deadline for teacher training and the introduction of the Bill to remove the No-Detention Policy of the RTE Act. While the deadline for teacher training has been extended, the amendment to the No-Detention Bill is pending in Parliament.

The issue of Extension of RTE to cover pre-primary and secondary levels was discussed at the highest levels and there is a rising consensus, at least in-principle, to extend it. However, financial commitments will have to be made and the same was voiced as a concern. The government presented the Integrated Scheme calling for the merger of the SSA, RMSA and TE.

4.1 Amendments to the RTE Act & Rules

Two major amendments were made to the RTE Act last year. The first was regarding the extension of deadline for teacher training. When the Act was passed, the government had to fill all teacher vacancies by 3 years and train all the teachers within 5 years. However, the time period got over in March 2015. While many governments recruited contractual/ para teachers at much lower salaries to fill in the vacancies, these teachers did not have the necessary professional qualifications. The deadline for the training of these teachers have now been extended to another 4 years from March 2015¹⁵. Mechanisms have been established to acquire professional qualification and training by enrolment into the Swayam Platform, an online medium. For teachers in rural areas, an MoU has been signed between MHRD and Doordarshan to train teachers through the Swayam Prabha television channel, to be run in 32 different languages.¹⁶

Another area which has been in debate is the No-Detention Policy. The Geeta Bhukkal Committee, originally set up in June 2012 to assess the CCE, submitted a Report to CABE in October 2016. The report presented the views of the States (who were asked their state their stand with respect to the No-Detention Policy. Only 6 States/ UTs (Andhra Pradesh, Karnataka, Kerala, Goa, Maharashtra, Telangana) desired that the No Detention Policy be retained, 15 States/ UTs (Himachal Pradesh, Mizoram, Sikkim, Puducherry, Delhi, Odisha, Tripura, Gujarat, Nagaland, Madhya Pradesh, Punjab, Chandigarh, *J&K, Chhattisgarh, Daman & Diu) suggested modifications or review of it while 7 States/ UTs (Bihar, Rajasthan, Uttar Pradesh, Uttarakhand, West Bengal, Haryana, Arunachal Pradesh) asked for the withdrawal of the No-Detention Policy. The CABE, in its 64th Meeting, passed a resolution in August 2016 to dissolve the no-detention policy.

A Bill was floated in the Parliament in 2017 to amend the no-detention policy. It was subsequently referred to the Parliamentary Standing Committee on Education. The Report of the Committee has been submitted to the Parliament and the Committee has recommended leaving to the States to decide whether to permit detention in classes 5th and 8th.¹⁷

15 http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_2nd.pdf

16 <http://www.thehindu.com/news/national/rajya-sabha-passes-rte-amendments/article19403014.ece>

17 <http://www.thehindu.com/news/national/rajya-sabha-passes-rte-amendments/article19403014.ece>

With the objective of focussing on quality, the central RTE rules have been amended to include class-wise, subject-wise learning outcomes. These outcomes have been finalized and shared with state governments. Further, from 2017-18, it has been decided to conduct an assessment of learning outcomes for classes 3, 5 and 8.

4.2 Extension of the RTE Act

During the 58th CABE committee meeting held in June 2011, it was felt that every child in the country-irrespective of gender, caste, class or community must have the right to at least 10 years of formal education.¹⁸ Accordingly, a committee was set up to assess the feasibility of the extension, prepare the draft legislation for the extension of RTE to pre-school and secondary levels and estimation of additional resources required¹⁹. Although the committee was supposed to submit a report within 6 months, the Report was finally presented in the 65h CABE meeting recently held in January, 2018²⁰.

Media reports suggest that the sub-committee, headed by Minister of State for HRD Sh Satya Pal Singh has reached an in-principle consensus on extending the RTE to pre-primary and secondary levels. However, the Committee has also tabled the concern of the expansion would have “strong financial implications” and hence clear commitments are necessary from the government before making a final decision.²¹²² Other important issues discussed during the meeting include extension of RTE to cover students of minority institutions.²³

4,3 INTEGRATED SCHEME FOR SCHOOL EDUCATION: MERGING OF SSA, RMSA & CENTRALLY SPONSORED SCHEME ON TEACHER EDUCATION

In January this year, MHRD circulated a concept note proposing merger of three important centrally sponsored schemes- SSA, RMSA and TE. The overarching belief was that these schemes have been successful in achieving near universal access and strengthening Teacher Education Institutes. The focus, it was felt, needs to move to ensuring quality education. Therefore, the merger of the schemes was undertaken with the broader goal of improving school effectiveness.

Although it is presented to be an administrative move to streamline resource allocations and spending, the merger raises the question of the status of SSA. Sarva Shiksha Abhiyan was the primary channel for the implementation of the RTE Act. The creation of an Integrated Scheme risks the dilution of the Act and a shift of focus away from elementary education. With segmented components, it was easier to keep track of the amount of money being spent on elementary education. However, with the mixing of funds as proposed, it will be more difficult to track spending on elementary education and underpin accountability.

Furthermore, the exact manner in which the new scheme will contribute to improvements in learning outcomes remains questionable. For example, the new Integrated Scheme envisages a rather active support role by the DIETs and Block and Cluster Resource Centres in providing technical support to schools and teachers. However, this was supposed to happen under the SSA as well, but didn't, mainly due to absence of specialized personnel at the DRC/ BRC, shortage of staff, absence of trainings etc. How these things will be addressed through the new Scheme is unclear.

18 [http://www.prsindia.org/uploads/media/RTE,%202017/SCR-%20RTE%20\(second\)%20Bill,%202017.pdf](http://www.prsindia.org/uploads/media/RTE,%202017/SCR-%20RTE%20(second)%20Bill,%202017.pdf)

19 <http://pib.nic.in/newsite/PrintRelease.aspx?relid=177692>

20 http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/RCFCE.pdf

21 http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/RCFCE.pdf

22 http://mhrd.gov.in/sites/upload_files/mhrd/files/Agenda65CABE.pdf

23 <http://indianexpress.com/article/education/panel-for-rte-extension-to-pre-primary-secondary-level-5014671/>

4.4 New Education Policy

The New Education Policy is likely to be finalized shortly. Multiple consultations have been held involving different stakeholders. Initially a Committee for the Evolution of the New Education Policy was set up in October 2015 under the chairpersonship of Sh T. S. R Subramaniam, former Cabinet Secretary to Government of India. The Committee has already submitted its Report to the Government in May 2016, following which the Ministry has prepared 'Some Inputs for the Draft National Education Policy, 2016'. However, later both these documents were discarded as inputs to the actual policy not the Policy Document. A new Committee has been formed under Dr K. Kasturirangan which will submit the final document by the end of March, if the media reports are to be believed. Once again, suggestions and inputs were received from all stakeholders²⁴

4.5: School Integration & Creation of Adarsh Schools

Closing schools due to low enrolment numbers continues to be a problem across the country. The process was institutionalized and systematically initiated in Rajasthan in 2014 as a part of the bigger reform agenda where the State wanted to develop Adarsh Schools- one educational institution in each of the 9895 Gram Panchayats across the State- in a phased manner. These schools were expected to have adequate teachers, all necessary infrastructural facilities and emerge as resource centres for other local institutions.

The trend was picked up in other states as well and schools were closed / continue to be closed due to low enrolment. In Maharashtra, the State Education Minister has explained closure as being intended to "give students a better social setting to learn" as students studying in schools with low enrolment "feel isolated".²⁵

As per media reports, the centre is contemplating location-specific merger of about 2,60,000 small

government schools as part of its rationalization process to "enhance efficiency".²⁶ However, evidence from the field suggests this has resulted in increasing the number of drop-outs, especially children from marginalized communities and girls due to reasons such as distance to school, location of the new schools (often in upper caste areas where children from lower castes feel threatened), lack of transport facilities and safety issues (highway on the way to school) among others.

This "integration of schools" is expected to pave way for the establishment of "model/ Adarsh schools". However, evidence from Rajasthan where 3097 such institutions were developed in 2017 show that these new schools are far from being model schools. They are established hastily without proper preparations. Thus, for example, in the Senior Secondary School in Gangasara 5 teachers handle 12 classes with a strength of 287 students and classes are often held under the tree due to the lack of sufficient classrooms. Similar conditions can be seen at the Madoni Gram Panchayat in Bharatpur District. Data from the Secondary Education Department points to an overall shortage of 13, 932 teachers in

Fig 22: PPP Experience in Punjab

PPP in education have gotten into trouble in Punjab where Sukhsagar Avenue Welfare Association, a Ludhiana-based private school management committee responsible for the management of 3 Adarsh Schools in Faridkot was found guilty of charging students for textbooks (provided free of cost), creating fake firms to claim bills and receiving salaries against fake appointments. In addition to fund misappropriation, the regular Government teachers in these schools were being provided 50%-60% of their salaries, despite being reimbursed the full amount from the government. In addition to facing the current charges, the Chairman of the Association is also facing sexual harassment and rape charges.

24 <http://www.deccanherald.com/content/652479/cabe-may-push-extension-rte.html>

25 http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/65CABERRecord.pdf

26 <http://164.100.47.190/loksabhaquestions/annex/13/AU2256.pdf>

Adarsh Schools across the State.²⁷

In some states such as Maharashtra, the Model Schools are being developed in PPP mode. As per reports, 24 Zilla Parishad Schools in Nagpur which were closed due to low enrolment will now be revived under PPP model. This proposal will allow private trusts/ societies to restart schools where at least 50% students will receive free education. Interestingly, as per the Principal Secretary, School Education, the proposal for revival came from local stakeholders (private party, local body, community leader etc) who wanted to “restart the school and scale it up to an international standard school”.



Chapter 5

Some Initiatives by the State: The Bright Spots

While RTE implementation has been slow, some positive incremental steps have been taken by several governments to improve certain aspects of the overall framework. While one is challenging poor implementation, it is simultaneously critical to acknowledge positive steps that have been taken and encourage other states to push for their replication. The list below is not exhaustive, but is just a snapshot of measures that have been taken.

5.1 Some measures that have been taken nationally

A major achievement of MHRD this have been the introduction of Shala Siddhi and the updating of the ShaGun Portal.

The latter is a portal that lists positive state measures that are worthy of replication.

5.2 Enhancement of WASH infrastructure in schools

The Swachh Vidhalaya Abhiyaan is continuing in most the schools, aligned to the overarching Swachh Bharat Abhiyaan and integrated with the Swachhata Pakhwadas. While MHRD claims that the creation of separate toilets for girls and boys has been completed. However, evidence from the field shows variance in their utility and status of construction. Despite this limitation, however, a coordinated push for improvement of this infrastructure now recognized under the RTE Act has taken place both nationally and the states. Thus, as part of its WASH initiatives, Andhra Pradesh has created a network of 42,145 focal point teachers as WASH champions, covering all the government schools of the state who take up a range of issues such as hand washing days and menstrual hygiene management. Tripura has taken this a step further by creating 'Swachh Doots' - (cleanliness ambassador) to look after proper maintenance of toilets and hygiene issues, under the supervision of a teacher.

5.3 Self-Assessment of Schools through Shala Siddhi

NUEPA under the aegis of MHRD launched the National Programme on School Standards and Evaluation (NPSSE) to undertake a comprehensive school evaluation of all the schools in the country. It has been launched with the inherent belief that in order to improve quality of education, a comprehensive, self-evaluation of the school is required which can then form the basis of strategic planning. The instrument that has been developed for this purpose is called the 'School Standards and Evaluation Framework (SSEF)' which comprises of 7 key domains with well-defined criteria (Figure 23) against which performance is to be measured. As part of the SSEF, a School Evaluation Dashboard 'e-Samiksha' has been developed to consolidate all the evaluation reports, including areas prioritized for improvement. There are components of internal as well as external evaluation. The overall objective of this exercise is to identify school specific needs as well as common areas of intervention to improve school performance.

5.4 Safety & Security Guidelines by CBSE

Figure 24 shows the growing incidences of crimes against children. The rate of unresolved cases is high

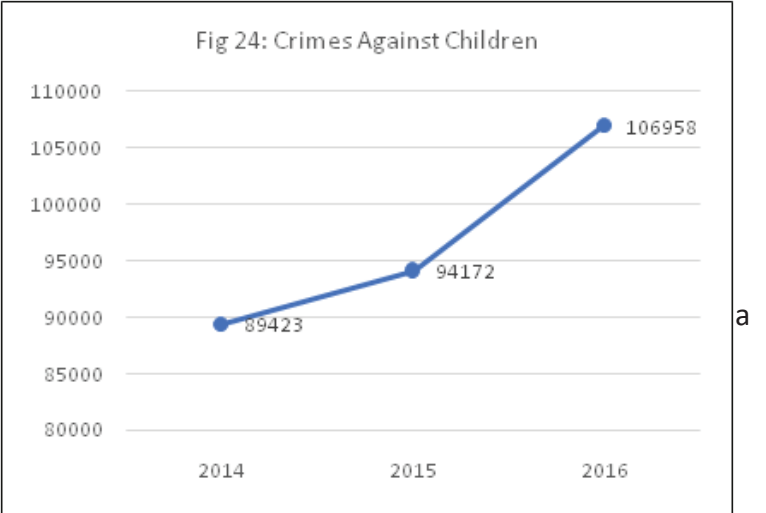
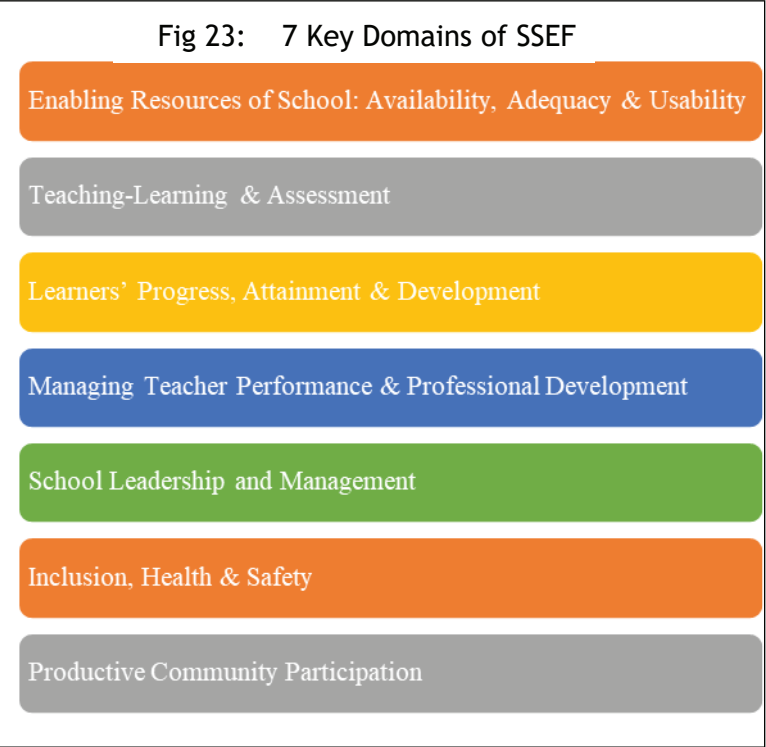
as well. For example, in 2016, 45,245 cases were pending investigation from previous years. Considering 94, 172 total cases were filed, that’s about 48% of the total crimes which remain un-investigated. The top two categories of crimes in 2016 was kidnapping and abduction and cases reported under POCSO.²⁸

Following the death of a student in Gurugram, the Supreme Court had examined safety measures followed by schools throughout the country and issued a notice to the Centre and CBSE to frame safety guidelines to prevent the repetition of such incidents in the future.²⁹ Consequently, CBSE revised its safety guidelines. The new guidelines shift the onus of safety and security of the students on the schools. Some immediate measures include security and safety audits for the school and personnel, installation of CCTV cameras, police verification and psychometric evaluation for all the staff, constitution of parent-teacher-student committees among other things. The guidelines further state that schools can lose their recognition if they fail to adhere to the provisions.³⁰ Similarly, NCPDR has also taken steps to create consolidated frameworks for safety and security and has initiated process of safety and security audit of schools in India that is underway.

5.5 Snapshot of State Initiatives

Several initiatives have been undertaken in **Delhi** to improve the quality of education and strengthen the public system of education. In 2016-17, Delhi allocated 22.8% of its total budget to education, highest compared to the rest of the States. To fill in infrastructural gaps, in the last 2 years, 21 new schools have been created and over 8,000 classrooms were constructed till April 2017.³¹ Most of the efforts of the State have been positive and well-received by all stakeholders. One exception is ‘*Chunauti 2018*’ which received major criticism from educationists as it segregated children into two groups- *Nishtha* and *Pratibha*- based on their ability to perform.

One of the core focus areas of the government has been strengthening School Management Committees (SMCs) through continuous community engagement initiatives. The Government introduced a series



28 <https://www.livemint.com/Education/K3Fgbf1GDrptRvqo0OKFTM/Govt-looks-at-locationspecific-mergers-of-260000-schools-t.html>

29 <https://www.hindustantimes.com/education/school-mergers-privatisation-rajasthan-s-education-reforms-fail-to-hit-bullseye/story-e5WtlqRE6k3gIO-T1KavXqJ.html>

30 <http://ssa.india.gov.in/>

31 <http://ssa.india.gov.in/wp-content/uploads/2018/01/ssa-unicef-report-on-andhra-pradesh-swachh-vidyalaya-wash-mhm-activities.pdf>

of measures to activate SMCs; starting from conducting fair elections and making the entire process transparent. Once that was done, drives were held to sensitize SMC members and empower them to take independent decisions.

A unique initiative undertaken in **Bihar** to strengthen the monitoring mechanism is through the *Jjeevika Didi'* who are members of local self-help groups. They have been given a simple one-page monitoring format of 8 parameters through which the monitoring exercise is to be undertaken. The reports generated through this exercise is submitted to the Block Education Officer. Another unique initiative- *Mo Campaign*- was launched in Odisha to foster a sense of ownership and participation and facilitate volunteerism.

Tamil Nadu took special measures to educate children of migrant families from Odisha, Andhra Pradesh, Rajasthan and West Bengal. The State recruited 108 education volunteers conversant in the mother tongue of the children, to educate 2738 children. Textbooks and learning materials have been developed and the children are issued transfer certificate to ensure continuity when they return to their home state. The State also developed Child Tracking System for all out of school children with unique ID and photograph. The software will be in the public domain shortly. Similar tracking measures with unique IDs have been undertaken in **Assam** and **Karnataka** as well.

Several initiatives have been taken in **Rajasthan** to educate and empower girls given the state's legacy of patriarchy. Programmes *Jaagriti* (mass awareness campaign linked to *Beti Pachao Beti Padhao*), *Abhyaas* (promotion of reading habits among girls), *Saksham* (empowering girls by teaching them self-defence) and *Drishti* (promoting science and maths among girls to inculcate scientific approach) are some of the targeted initiatives in this regard.

Rajasthan has also created *Meena Manch*, a forum to promote leadership, critical thinking and reflective skills among girls- in 9206 nodal schools and 200 KGBVs. In Bihar too, *Meena Manch* has been created with 20 girls- 15 who are in upper primary schools and 5 who are drop-out girls, educated till class 5. The *Manch* is responsible for age appropriate admission of girls and boys into schools, ensuring regular attendance of students, personality development and leadership of students, among other things. Each *Manch* is led by a teacher- *Meena Sugamkarta*.

This list is, by no means comprehensive and only highlights a few initiatives by the Central and State Governments. Several other initiatives are underway, especially to enhance the quality of learning through reading *melas*, performance based tracking, and increase the use of technology in classrooms. These initiatives need to be sustained and scaled up to attain desired results.

Similarly, it is essential to acknowledge that positive measures are taking place not only on scale, but also through the positive agency of individual schools and teachers. One example is the Zilla Parishad School in *Varvandi Tanda, Aurangabad, Maharashtra*- which has completely transformed itself into a model school, with special efforts by its own teachers. The school was marred with children's absenteeism due to seasonal migration of parents. However, through constant sensitization activities, innovative learning methods, contribution to the school development funds by teachers for installation of solar devices, computers and hostel facilities, the school has been able to emerge as a model in the true sense.³²

Where communities, teachers and education officials come together to support public schools, improvement follows. The challenge is to make sure that this happens more often.

32 http://ssaindia-gov.in/wp-content/uploads/2017/08/innovative-measures_svc.pdf



Chapter 6

Role of the Community in Strengthening School Education

The relation between society and education is inherent, each shaping and re-shaping the other. The RTE Act itself is a result of longstanding people's movement, united over the common cause of making education a right for every child in India, irrespective of socio-economic differences. Examples of alternatives, experiments and innovations ranging from Tagore's Shantiniketan to Gandhi's Nai Talisman to the more recent Kerala Sahitya Shashtra Parishad, Eklavya, Bodh Shiksha Samiti and Lok Jumbish- have all emerged outside the conventional, State funded education systems. The two are organically linked and these examples bear testimony to it.

Section 21 (2) of the RTE Act calls for the constitution of School Management Committees (SMC) in every school. These committees, comprising of parents, teachers, local leaders and civil society representatives are envisaged as groups which will catalyse the wider, local community and bring them together for the holistic betterment of their local school. In essence, the Act hands over the management of the school to the people with the highest stake in their success and are thus best to manage them, with the aim to instil the spirit of ownership.

Some of the functions of the SMCs include- preparation School Development Plans (SDPs), school monitoring and overseeing the utilisation of school grants. In addition, they are also the first-point of contact for any kind of grievances that may emerge at the local level.

6.1 Reasons why SMCs have not had the full Desired Impact

Although well intended, SMCs have not been able to emerge as a strong, united front enhancing the demand for quality education services at the local level. Reasons for this are varied and it is the Government who is primarily responsible. No actions were taken to disseminate information in the population, adequately invest in the SMCs' training or spend the money that was allocated for this purpose, year on year. Further, rigged elections and malpractices in selection of members, lack of efforts to build capacities of SMCs and overall poor levels of general education among the parents further worsened conditions. In the absence of coordinated action to empower parents from marginalized communities that form the SMC body, most SMCs are headed by Head-Teachers. It is extremely difficult for these parents to stand-up against people who clearly enjoy a higher position of power within the community.

6.2. What Can Be Learnt From Karnataka & Delhi

Does that mean that ALL the SMCs in general have been a failure? No. While most State governments have failed to see the merit of engaging the community and converting them into pressure groups to strengthen service delivery, there have been States where this has worked.

Fig 25: Status of SMCs: Findings of the CAG Report

The Report of the Comptroller and Auditor General of India (C&AG) on the implementation of the RTE Act, 2009 that came out in late 2017 addressing the status of implementation in 12 states and UTs. It found that the non-formation of SMC in selected schools varied from 4 per cent in Delhi to 88 per cent in West Bengal.

A core function of SMCs is the preparation of School Development Plans-which is expected to form the basis for the plans and grants to be made to the school by the appropriate Government or local authority. The test check done by C&AG revealed that during 2015-16 in nine states/ UTs namely Bihar, Haryana, Jharkhand, Lakshadweep, Mizoram, Nagaland, Rajasthan, Uttar Pradesh and West Bengal, no SDP was prepared by SMCs.

The School Development and Monitoring Committees (SDMCs) in Karnataka have contributed tremendously in improving the education system of the State. SDMCs were initiated by the Karnataka Government much before the passage of the RTE Act and it is only later that they were subsumed within the Act's ambit. With time, these committees were given a structure through the creation of a Federation which brought together teachers, educationists, PRI members, local leaders and civil society organizations to a common platform. Together, enrolment drives, awareness campaigns and sensitization initiatives have been undertaken to increase enrolment and bring children to the classrooms. Actively participating in the school functioning, the SDMCs improved school infrastructure, ensured toilet facilities and even brought back children to government schools from private schools.

As highlighted in Chapter 4, several initiatives have been taken up in Delhi to empower the SMCs and involve them in the education process as a part of the broader education reform initiatives of the Delhi Government. The Government has introduced a series of measures to activate SMCs; starting from conducting fair elections and making the entire process transparent. Once that was achieved, major drives were held to sensitize SMC members and empower them to take independent decisions. They have been instrumental in the successful implementation of the Swachh School Abhiyaan, organization mega-PTMs, spear-heading summer camps, conducting reading melas and dengue awareness campaigns.

6. 3 Role of the Community in Realizing the Right to Education

While all states work to strengthen SMCs, cutting edge initiatives, unfortunately, are few in numbers. In most States, civil society has worked to create well-informed and empowered SMCs. At the National Level, the RTE Forum has been conducting National SMC Conferences for the last two years which brings together SMC members from different States for a day-long conference for knowledge sharing and learnings. Over the last year, State level SMC Conferences have been held in Gujarat (in collaboration with IIM- Ahmedabad), Ranchi, Lucknow, Raipur among others demonstrating civil society commitment to strengthening the agency of SMCs.

In fact, in Uttar Pradesh, steps have been taken to form SMC federations. Six Zonal Consultations of SMCs were organized under the broader community mobilization campaign. In four zonal consultations (Bahraich, Kushinagar, Jalon and Meerut) three members including two female and one male SMC members were elected from district

"If the Government can get polio vaccination to every child, why can't they get them to School"

-Ram Mohan, Member (SMC), UP
(Street Seller by Profession)

level SMC Forums to be part of a Regional SMC Forum. At state level, a group of 12 SMC (8 female and 4 male) leaders have formed part of a State Level SMC Forum. These Forums will act as a pressure groups and advocate for effective implementation of RTE Act in the state.

In the last one year, stories have been reported where communities have independently taken charge to reform the system. SMCs in Gujarat have decided to provide education to 6500 migrant students in

Gujarat, mainly children 680 villages.³³ As per reports, parents of children studying in the Brihanmumbai Municipal Corporation (BMC) and Pune Municipal Corporation (PMC) have come together to form a Federation to improve the quality of education in Municipal Schools of Pune. Some of the initiatives to be undertaken include issue of identity cards to student with critical information like blood groups, installation of sanitary napkin vending machines and CCTV cameras in schools.³⁴

In Himachal Pradesh, SMCs have been asked to investigate allegations of discriminatory behaviour suffered by Dalit students. The students had claimed that they are regularly made to sit separately-whether during functions or mid-day meal distribution.³⁵ Latest reports have confirmed the claims and four people have been arrested, including the head-master, a teacher and mid-day meal worker.³⁶

6.4. Checking Growing Commercialization of Education: Success Stories

Krishna District in Andhra Pradesh witnessed an interesting door-to-door campaign this year jointly launched by the Zilla Parishad High School (ZPHS) Students, Teachers and School Management Committees (SMC). The campaign was aimed to enhance the enrolment of students in Government High Schools. The benefits of the education in the government- run schools vis-a-viz a private school were explained to the parents. This campaign is undertaken under the umbrella of the Department of Education's 'Amma Vodi' campaign. Students and teachers carry a banner which display fee, books, uniform, van fee and others expenses and show the comparison between the government and private schools. Private schools were found to collect about Rs 53,000 per year in the name of school fee, uniform, books, van fee, sports, digital classes etc whereas all this is free in government schools.³⁷

Similar developments have been recorded in Telangana where villagers of Vattimarathi in Chityal Mandal of Nalgonda District passed a resolution making it mandatory for everyone to send their children to government schools. The government school teachers have responded positively and extended school hours (up to 5 pm to teach in English). The process started in 2015 when villagers made an assessment and realized that they were spending about 45 lakhs towards private education of their children. Private school vans were banned from entering the villages. The SMC members contributed to improve the school infrastructure and the salaries of education volunteers. Children of government employees and elected representatives along with children from all sections started going to the same school. Taking example from this experience, similar attempts are now being made in the Districts of Warangal and Karimnagar. These examples depict the potential of the community. They can emerge as powerful voices is involved with the education processes at the local level.

The RTE Act institutionalized SMCs and made them responsible for planning and monitoring of their local schools. Leveraged well, they can enhance the demand for quality education services at the local level and unite people over the common cause of education.

33 <http://www.dnaindia.com/ahmedabad/report-smcs-to-help-6500-migrant-kids-get-quality-education-2585842>

34 <http://www.dnaindia.com/mumbai/report-parents-team-up-to-improve-functioning-of-municipal-schools-2592685>

35 <http://www.uniindia.com/discrimination-against-dalit-students-during-pm-s-address-smc-begins-probe/states/news/1143989.html>

36 <http://indianexpress.com/article/india/himachal-dalit-students-discrimination-kullu-school-headmaster-5081873/>

37 <http://www.thehansindia.com/posts/index/Andhra-Pradesh/2017-04-21/Govt-school-students-launch-novel-campaign/295072>



The following recommendation emerged from the day long consultation on the status of RTE implementation in India:

Governance

1. Government should enhance its budget allocation to ensure full and timely implementation of the RTE Act in line with the decades long commitment to allocation of 6% GDP and address the underutilization of resources already allotted.
2. The RTE Act must be amended to extend the right to all children up to 18 years of age.
3. The government needs to phase out the multi-tiered education system of education that promotes segregation and discrimination, replacing it with a common school system.
4. The systemic accountability and grievance redress systems must be strengthened and capacities of institutions like NCPCR and SCPCR enhanced.
5. Strengthen the accountability and regulatory mechanisms of private schools.
6. SMCs must be strengthened.

Quality

7. The government must fill all teacher vacancies, especially recruitment of female teachers and, ensure that all teachers are trained, supported and motivated and freed from non-teaching and non-academic work. Teachers' pedagogic expertise, subject knowledge, vision on equity and research skills must be enhanced. This entails strengthening teacher training mechanisms, strengthening quality control over the same and strengthening public institutions of teacher training.
8. State Governments to make dedicated efforts to make teachers understand about the meaning and using CCE as part of the teaching learning process
9. Autonomy to the teachers is important to promote innovation
10. State Governments need to develop teachers' transfer policies to reduce proxy attendance in schools and a strong monitoring mechanism for teacher's attendance and teaching practices
11. Teacher rationalization must be done to address rural – urban and other disparities in pupil teacher ratio. Female teachers need to be appointed especially in the Muslim minority area to ensure regular attendance and participation of girls in teaching learning process.
12. All gaps in basic facilities mandated by the RTE Act must be filled immediately especially availability of electricity as the focus is on using technology to improve quality. All schools must be safe with functional protection mechanism and child centred and promote holistic development of the child. Specific measures need to be taken during the time of disaster and emergency to address the challenges and maintain continuity of education with psycho-social support to children.
13. Quality must be defined holistically and go beyond attainment of marks or performance on standardized tests. Educational quality should include input, process and a range of outcome measures. It must promote children's holistic intellectual and social growth.
14. State Governments need to make focused efforts to address the cognitive and psycho-social needs of out of school children – specially trained teachers, specially designed curriculum and special budget

Access

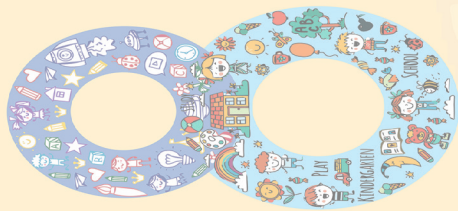
15. Closure or merger of schools must end given the evidence that it contributes to increasing dropout.
16. Greater focus is needed to address educational needs of out of school children by improving identification and strengthening special training provisions. The government needs to adopt a universal definition of dropout, enhance allocation of resources, improve instruction (especially in the mother tongue), strengthen ongoing assessment and put in place mechanisms for tracking student attendance to identify those at risk of dropout.
17. Abolish child labour and remove regressive provisions like the amendments to the CLPRA Act.
18. Simplify processes of admission and ensure that the absence of documents does not become a barrier to access to education.

Equity

19. Social inclusion must be emphasized in teacher training, both pre-service and in-service, with a view of changing perceptions, expectations and classroom practice.
20. Girls' education needs to be prioritized and the government must focus on creating an enabling environment to support their education.
21. Clear strategies backed by adequate resources are needed to address the specific barriers faced by Dalit, Adivasi and Muslim learners. There is a particular need to pay attention to the education of Muslim girls in country.
22. Strengthen the implementation of section 12-1c of the RTE Act to address the increasing segregation between the rich and poor, especially in urban areas.
23. The focus on the education of children with disabilities must be enhanced; gaps in provision like availability of special educators must be addressed.
24. Instruction in the early grades must be in the mother tongue and urgent steps must be taken to address the failure to provide the same which contributes to dropout and poor learning.
25. There is a continued need to address the challenges faced by children in areas affected by civil unrest and affected by disasters.

Internal to RTE Forum

1. The Forum should organize a 100-day Campaign to advocate for accessible, quality, equitable, safe and secure education. This should include both grassroots action and engagement with social media and have a focus on influencing the upcoming election.



8th NATIONAL STOCKTAKING CONVENTION

On the Implementation of RTE Act, 2009

27th March 2018,
Constitution Club of India, New Delhi



Right to Education Forum

सबके लिए
सुरक्षित एवं
भयमुक्त शिक्षा

एंगेजमेंट बढ़ाओ
शिक्षण में 12वीं तक
शिक्षण

Ensure 6% of GDP for Education

शिक्षा का अधिकार
कानून 2009 को पूरी
तरह लागू करो

Stop Cost of School

Make Every School
Inclusive by
Ending
Discrimination

Make All
Schools
RTE Compliant

STOP VIOLENCE
AGAINST
CHILDREN





VP Niranjanaradhya reading out the 'Vijayawada Declaration' during the event held in city on Wednesday | R V K RAO

Do not amend Section 16 of RTE Act, say delegates

EXPRESS NEWS SERVICE
@ Vijayawada

DURING the two-day Southern Regional Consultation on the Implementation of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), organised by RTE Forum and Save the Children, delegates from Karnataka, Tamil Nadu, Puducherry, Andhra Pradesh and Telangana said there was a need to include the Act in the political agenda by the next session of the Parliament.

Senior Fellow and Programme Head (Education), Centre for Child and the Law, VP Niranjanaradhya, based on the delegates' deliberation, announced 'Vijayawada Declaration'.

Addressing the gathering, Niranjanaradhya called upon the Central government to withdraw the bill to amend Section 16 of the Act, which states that no child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education. Once the bill is approved, education will reach all children, irrespective of their caste,

creed or social status, he said.

"The Central government should allocate 6 per cent of the GDP and the State governments at least 25 per cent of their state budgets towards care, protection and development of children's right to equitable education," he said, adding that right to equitable quality education of children

up to 18 years should be a prime agenda in the forthcoming Parliamentary and Assembly Elections.

Karnataka State Government Primary School Teachers Association president Basavaraj Gurikar said state governments should come up with measures to create awareness among people about the provisions of the Act. They should recognise the role of Panchayat Raj Institutions (PRIs) in creating this awareness and

implementing the Act, and should understand that the community at large is a critical stakeholder in the process. Privatization and commercialization of education should be stopped and governments should make sure their schools educate children to grow up and create a cohesive society," he added.



The Central government should allocate 6 per cent of the GDP and the State governments at least 25 per cent of their state budgets towards care, protection and development of children's right to equitable education.

VP Niranjanaradhya, Centre for Child and the Law



Right to Education Forum

In collaboration with



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