

Primary Education in India:- Status, Challenges and the way ahead

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Submitted by:-
Akash Tyagi
IIT Roorkee

Mentored By:-
Shri Syed Shahid Mahdi
VICE PRESIDENT(FORMER). INDIAN COUNCIL FOR CULTURAL
RELATIONS

PREFACE

Rakshak Foundation was founded in 2006 by a group of concerned citizens from India's elite educational institutions working in USA. It was in the manner of giving back in a small way to United States and India, countries that had provided them so much in terms of opportunities. The Foundation seeks to create an informed society, aware of its rights and duties, and attempts to address barriers to an equitable and just society. Rakshak Foundation has been submitting well researched opinions on various bills being considered for presentation to the Indian Parliament. Rakshak Foundation has been invited by the Parliamentary Committees of the Rajya Sabha three times in the past two years to depose before them and present their views on proposed Bills which would affect the whole nation once they are enacted by the Parliament.

The Intern is a third year B. Tech student at I.I.T Roorkee. The Intern has a keen interest in taking up the topic of primary education in the country and has tried to go into the intricacies of these social Issues.

The Intern has tried to make an effort to bring forth some of the problems plaguing primary education and the obstacles hindering successful implementation of the Right to Education Act in front of the general mass.

Acknowledgements

Acknowledgement is not always enough when it comes to thanking those who helped me in this project. In this research project, first of all I am grateful to Rakshak Foundation who gave me an opportunity to carry out research on such a pressing issue. I would like to thank My Mentor Shri Syed Shahid Mahdi, who has been a constant guide and has provided me with valuable insight throughout. During this project I have visited the Pratham Delhi centre and talked to Mr. Shailendra from Pratham, who has been very kind and supportive in lending his views. I would also like to express my gratitude towards our program co-ordinator Mr. Jatin Gupta for being a source of constant guidance as well as the internship co-ordinators Anupam, Aniruddh, Rashmi and Ajay for always being there to help. My Co-interns Vishal, Venkatesh, Vidhi, Vinay, Sarthak and Abhishek have been a wonderful moral support. I would also like to thank my Parents and my Institute Director who have continuously showered their blessings on me.

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Executive Summary

Primary education is an area of extreme importance because it lays the foundations for secondary and higher education, which if are not strong in the first place, make the whole investment in the education sector completely worthless. Enacting a legislation in the form of the Right of Children to Free and Compulsory Education(2008) that provides for a legal provision assuring free and compulsory elementary education, was seen as a welcome, albeit a very delayed step. However, a hasty and improperly drafted legislation has not done much to raise the condition of primary education in the country, which already was in a deplorable state.¹

While the problems can be classified under many heads, in this report the intern has restricted his focus mainly to the weakly implemented provisions of the Right to Education Act namely the constitution of School Management Committees and bodies for RTE monitoring and grievance redressal, the importance of pre primary schooling for improving learning outcomes in primary education and the implementation of Section 12 of the RTE Act, which provides for 25 per cent reservation in private schools for the Economically Weaker sections and the disadvantaged groups. The methodology adopted has been extensive review of literature, interaction with representatives from the government and NGO's as well as field visits to six urban poor localities in Delhi in order to gauge the implementation of the Act by conducting a survey.

School management committees have primarily been constituted for increasing accountability of teachers and the school administration through community participation and parental involvement under section 21 of the Right to Education Act². Supposed to include 75 per cent of parents as their members, they are equipped with a certain amount of administrative and financial autonomy relating to school affairs. However, serious issues remain regarding their empowerment as well as awareness about them. An attempt has been made to analyze the impediments in the successful realization of their objectives.

¹ <http://www.educationworldonline.net/index.php/page-article-choice-more-id-3617>

² Complete Right to Education Act in detail can be accessed at http://mhrd.gov.in/sites/upload_files/mhrd/files/free_and_compulsory09.pdf

Local authorities are tasked with the responsibility of implementation, monitoring and grievance redressal of the RTE while the National Commission for Protection of Child Rights along with the respective State Commission for Protection of Child Rights are also assigned the role of the appellate authority apart from being a forum for grievance redressal themselves³. However none of the above mentioned bodies have been effective in fulfilling their roles, either due to lack of clear guidelines or absence of commitment on their parts. Also in many cases, the definition of local authorities has been vaguely listed by the State rules or have been listed in such a way that there exists a conflict of interest between the implementing authority and the one responsible for grievance redressal⁴. The report seeks to analyze these monitoring structures in an indepth manner, study their shortcomings and make recommendations for strengthening them.

Pre primary schooling has been seen as critical in development of the basic cognitive abilities of a child and is something which equips them for primary school⁵. However, with lack of focus on pre primary schooling in rural areas and mushrooming of private pre primary schools in urban areas, with often complaints of charging exorbitant fees and building a competitive environment for getting seats in them, makes lack of proper framework for pre schooling a very concerning issue. An attempt has been made to explore ways for better provision of facilities for pre primary schooling .

Finally enrolment in private schools, even in the rural areas is continuously on the rise which directly indicates the inability of the State in providing quality level education⁶. Furthermore, a contentious provision of the RTE has been in the form of the 25 per cent reservation for the economically weaker sections and the

³ Complete Right to Education Act in detail can be accessed at

http://mhrd.gov.in/sites/upload_files/mhrd/files/free_and_compulsory09.pdf

⁴ Malini Bhattacharjee, Dolashree Mysore and Arun Sivaramakrishnan(2014): "RTE Grievance Redress in Karnataka", *Economic and Political Weekly*, Vol. 48, No 23, 7 June

⁵ Venita Kaul and Deepa Sankar(2009): "Early childhood care and education in India", published by the National University of Educational Planning and Administration. Can be accessed at:-

<http://www.educationforallinindia.com/early-childhood-care-and-education-in-india-1.pdf>

⁶ ASER report 2013 published by ASER centre.

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

disadvantaged groups in private schools⁷. The paper does a study on the role of the private sector vis a vis this Section 12 and aims to analyze the loopholes that exist in its successful implementation..

Key findings

- School management committees are far from realizing the goals envisioned for them due to despairingly low awareness levels and very limited financial and administrative powers. Primary survey findings indicate absolutely no awareness about such a committee or its roles and responsibilities.
- Huge inaccessibility between the common man and the institutions tasked with grievance redressal under the RTE Act. This happens partly because of hazy definitions of local authorities under the RTE rules and partly because of no accessible centre of complaint where the common person can walk in and register his or her complaint.
- Anganwadi worker is hugely underequipped and overburdened to be able to deliver the pre schooling services in an efficient manner. Teaching methodologies at the pre school level are improperly defined and often fail to achieve the purpose of sowing the requisite cognitive skills in the child
- Despite better awareness about the progressive Section 12 under the RTE, which mandates private schools to reserve seats for the economically weaker and socially disadvantaged sections, implementation barriers like faulty reimbursement procedures, poorly defined neighbourhood clause and difficulty in obtaining documents are preventing it from realized completely.

In light of all the findings, the report proposes allotting greater financial and administrative autonomy to the SMC, by untying the funds allotted to them and making their recommendations binding in certain specific areas respectively. There is also a need of outlaying proper procedures for their election and compositions and streamlining training procedures for SMC members. Primary recommendations to improve monitoring include improving access to redressal structures to the common man by making use of online complaint mechanism and upgrading the block and cluster resource centres to enable them to act as facilitators for the common man to lodge complaints.

⁷ Complete Right to Education Act in detail can be accessed at http://mhrd.gov.in/sites/upload_files/mhrd/files/rte.pdf

The proposed solution for better pre schooling services envisions appointment of a co Anganwadi worker to cater exclusively to pre primary education of the child and linking pre primary education with primary schools. Furthermore the broad points the report suggests for improving the implementation process for realization of reservations under Section 12 include revising reimbursement procedures for private schools, doing away with the neighbourhood clause and simplifying processes for issuing documents like income certificates.

The infrastructure for primary education as well as the quality of teaching are at a dismal low. Change can only come about by allowing parents to become part of the school administration in a big way(impossible without the sustained efforts from parents), plugging the loopholes in the existing institutions and supporting the private sector as a partner in realizing the goal of quality education for all.

Proposed Action Points

1. Empowering School Management Committees(SMC):-

- Clear and elaborate guidelines for democratic election procedures and SMC composition to be framed by all the States. Special powers need to be accorded to the SMC on the lines of some states such as power to hire para teachers in case of vacancies. Presence of a social worker in the SMC to be made mandatory in all State rules
- The Central Government should reserve a certain small percentage of its budgetary allocations under Sarva Shiksha Abhiyan for spreading awareness about SMC's and training of SMC members. Awareness drives on radio, television and print media
- Printing of booklets and modules to be given to each SMC member. Training should be carried out in the upgraded Block/Cluster resource Centres. Training should include knowledge of School Development Plan and other RTE provisions. The three funds allotted to SMC should be untied and their amount should be increased. SMC recommendations should be made binding in certain specific areas like teacher absenteeism, mid day meal and corporal punishment

2. Improved monitoring and grievance redressal under RTE Act:-

- Defining local authorities by separation of authorities charged with provision of entitlement, specified as first centre of grievance redress and specified as the appellate authority in the matrix form suggested by NCPCR on an entitlement basis
- Putting in place an online complaint registration and tracking mechanism on the websites of NCPCR, SCPCR's and education department of the concerned Nagar Nigam/Nagar Parishad
- Upgradation of Block Resource Centres by posting a Grievance Redress Officer there and installing computer in each BRC. Benefit outweighs the cost involved as the BRC can serve as a platform for multiple functions. The officer would help people register and track their complaints online and also look at implementation of other provisions of RTE in his area
- Block Resource Centres will also serve as centres for training of SMC members, for which digital resources can be used as well. An exclusive module in the training of SMC members should be dedicated to knowledge about procedures relating to redressal of grievances

3. Improved Pre primary education

- Appointing a co Anganwadi worker to exclusively deliver Early Childhood Education services. Salary equivalent to Anganwadi helper and minimum 12th pass. Training at ICDS centre only.
- Efforts to link primary and pre primary education need to be initiated. This could be either done by relocating ICDS centres to the closest primary school as far as possible. Another alternative is, compulsory pre primary section in government schools for 4-6 year olds
- Revised curriculum and teaching guidelines and modules exclusively for pre schooling. Focus more on joyful learning methodologies

4. Better implementation of Section 12 under RTE Act

- Revising reimbursement procedures by considering capital costs in calculation as well as setting a timeframe for the amount to be revised according to inflation. Also ensuring timely delivery to the schools in two separate instalments
- Neighbourhood clause in the case of Section 12 should be done away with. Information campaigns on print media and radio. Also public display of vacant seats on notice board by schools
- Period to obtain income certificate needs to be reduced by the revenue department. Also make provision for validation of caste and income certificates at a later date after admission, that is when the first list of seats is issued

1. Introduction

1.1 Background Information

Primary Education:- Never a major priority of the political class

Education, for any country, is one area which needs to be accorded primary attention by the State because it is universally recognized as the key towards development by creating a more knowledgeable, aware and skill equipped citizenry. Furthermore, in ensuring that education creates the impact that it is supposed to, it is imperative to build strong foundations in the form of a system of primary education that enables children to be prepared for the challenges of secondary and higher education. In India primary education involves under it the education of children of 6-14 years of age, in effect covering education from Standard I to Standard VIII. Disappointingly, not only has the focus of the Indian political class on primary education been alarmingly low, but its efforts in improving the quality of education dispensed as well as improving the quality of learning have been below par.

This is clear from the fact, that despite setting the year 1960 as the first target for universalization of elementary education, it has taken us 59 years to make education a fundamental right in the form of the Right to Free and Compulsory Education Act for children in the age group of 6-14. In 1950, primary education had only been restricted to the domains of the Directive Principles of State Policy wherein the Constitution had resolved in Article 45 that the ‘...State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen’. This meant that it was more of a duty of the State rather than a mandate under the Constitution. The first major policy document elucidating upon the imminent need for universalization of primary education was the National Policy on Education, 1968, which called for fulfilling compulsory education for all children up to the age of 14, as stipulated by the Constitution of

India, and the better training and qualification of teacher⁸. After a relative hiatus, this was followed up by a National Policy on Education 1986 which called for a "child-centred approach" in primary education, and launched "Operation Blackboard" to improve primary schools nationwide⁹. This program aimed to supply the minimum necessary facilities, mainly essential infrastructure and instruction materials, to the schools and hence was an input specific programme. This need was further reinstated in the National Policy on Education 1992.

However the real thrust on the political class to no longer neglect the area of primary education came in the form of the Unnikrishnan judgement(1993) by the Supreme Court wherein it ruled that Article 45 in part IV has to be read in harmonious construction with the Right to Life(Article 21) because the Right to Life loses its significance without education. To quote the Supreme court,

“ It is thus well established by the decisions of this Court that the provisions of Part III and IV are supplementary and complementary to each other and that fundamental rights are but a means to achieve the goal indicated in Part IV. It is also held that the fundamental right must be construed in the light of the directive principles.”¹⁰

This generated public pressure on the ruling class to bring education under the ambit of a Fundamental Right. Consequently, the State launched the Sarva Shiksha Abhiyan in 2000 which was officially the first pan India programme that aimed at the universalization of primary education in a time bound matter. This was followed by the 86th Constitutional Amendment in December 2002 that inserted a new article 21A in the Constitution which said:-

“The State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State by law would determine”.

It also led to the substitution of a new article for Article 45, which hereby read that:-

“The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years”

⁸ http://en.wikipedia.org/wiki/National_Policy_on_Education

⁹ The National Education Policy of 1986- http://www.ncert.nic.in/oth_anoun/npe86.pdf

¹⁰ The complete case history and the detailed final judgment of the Unni Krishnan, J.P. And Ors. Etc. ... vs State Of Andhra Pradesh And Ors can be accessed at:-

<http://indiankanoon.org/doc/1775396/>

While the Amendment was a welcome move, attempts were made by the political class to dilute the provision, which was most suitably reflected in the language of the provision which said that the Right would be given to the children as the State “by law, may determine”, that is it leaves adequate space for the State to decide whether to apply these provisions or not. This difference was noted by none other than Kapil Sibal himself when participating in the debate in May 2002 on the 86th Amendment Bill as a Rajya Sabha Member, then sitting in the Opposition. He declared that this conditionality in Article 21A shall reduce a Fundamental Right to an ordinary statutory right.¹¹

The 86th amendment clearly specified the need for a legislation to describe the mode of implementation of the same, which consequently led to the The Right of Children to Free and Compulsory Education Act, 2009, which codified the statutory provision of providing free and compulsory education for children between 6 and 14 years in India. Comprising many debatable provisions under its ambit itself, the RTE was nevertheless a long delayed, but welcome move and simultaneously also provided the vehicle for the implementation of the Sarva Shiksha Abhiyan. Apart from the RTE, in 2004-05 the central government imposed an education cess of 2 percent on all taxes to mobilize additional funds for the Sarva Shiksha Abhiyan, which gave the programme the necessary impetus.

5 years down the line, after the passing of the RTE, a worthwhile assessment can be made of the status of primary education in the country. Drawing inferences from the popular ASER 2013 report, drafted by the NGO Pratham, what the Sarva Shiksha Abhiyan has focussed on and achieved is, a continuous increase in enrolment. Overall, enrollment numbers remain very high. Over 96% of all children in the age group 6 to 14 years are enrolled in school. This is the fifth consecutive year that enrollment levels have been 96% or more. There is also an increase in quality of school infrastructure, although it is still not upto the mark. However, the two biggest observations were a pressing issue, namely the lack of focus on quality of learning and the other a developing trend with more and more students in rural areas shifting towards private unaided schools, that sparks the whole debate of involvement of the private sector in education. Highlighting the former issue the ASER survey found out that 59 per cent of the kids enrolled in government schools in Standard V were not able to read a Standard II text.¹² Clearly, the focus needs to shift now from universalization towards focus on the

¹¹ Sadgopal, A (2010): “Right to Education vs Right to Education Act”, Social Scientist, Vol 38, No 9/12, September-December, pp 17-50

¹² http://img.asercentre.org/docs/Publications/ASER%20Reports/ASER_2013/ASER2013_report%20sections/aser2013fullreportenglish.pdf

quality of learning, that is a more output based approach rather than an input specific one.

This report aims to highlight some of the major problems that pervade the sector of primary education. While the problems can be classified as manifold, I have restricted my focus to the contentious as well as those provisions of the Right to education Act which lack proper implementation. More specifically, I have categorized these into:-

- a) Role and empowerment of School Management Committees
- b) Monitoring and Grievance Redressal under RTE
- c) Provision for 25 per cent reservation in private unaided and government aided schools for the economically weaker sections and disadvantaged groups under Section 12

Apart from the above provisions under RTE, I have also tried to flag the issue of the absence of enough focus on pre primary schooling or early childhood care, as it prepares the child to enter primary school.

1.2 Main Problems, their scope and impact on society

Dismal quality of education-poor government schools and inaccessible private schools

As described earlier, while the enrolment rate has grown appreciably and is now tending towards a complete cent per cent, the quality of education being delivered is shockingly low. The scenario is near hopeless across the government primary schools across the country, with wide prevalence of teacher absenteeism and lack of parental involvement. Establishment of quality government institutions like Kendriya Vidyalayas, particularly meant for children of government employees highlights the fact that the government can do a lot if it has the will, but it does not want to. Education remains not a primary priority when it comes to expanding the vote bank. Meanwhile, the private schools that have mushroomed have mostly gone into the domain of profit maximization rather than viewing education as a for profit sector which primarily focuses on public good and they, the providers being trustees of society.

Rejection of government schools by the middle class

The quality of the delivery of a service depends more on the one who is availing the service rather than the one who is providing the same. When the recipients of a service would be educated, alert and conscious of their rights, they would possess the voice and the weight to get what they deserve. Unfortunately mushrooming of private education attracted the attention of the emerging middle class of India which rushed out of the government schools in a competitive endeavour to get their wards enrolled in the elite private schools. Instead of competing by raising the standards of government schools, the government started abdicating its responsibility slowly and handed it to the private sector, a complete disaster for a public good like primary education. Consequently the students left in the rapidly deteriorating government schools apart from schools like KV's and Navodaya Vidyalayas, belonged to the socio-economically bottom rungs of the society. This today has created a situation where the government, teachers and even the recipients, have started viewing education as a favour imparted to these kids in government schools rather than a right which they deserve.

Lack of parental involvement and demand for rights

What worsens the situation is that wards of students studying in not only the government but most low to middle budget private schools, are not involved in the education of their child. Involvement here refers to helping the child at home with his or her studies, inquiring of the

teacher what is being taught and raising their voice in case the promised rights of the child are not being provided for. The reasons for the same are varied. Particularly for the people at the bottom of the pyramid, daily job is usually a wage earning one in the informal sector leaving little time to focus on the child's education. Then in the case of first generation learners the parents are not literate and hence view education more as a favour bestowed upon by the State as mentioned earlier.

Policies simply on paper and weak implementation channels

While many positive developments are envisioned under the Right to Education Act such as parental involvement through School Management Committees and reservation for the economically weaker sections in private schools, most of them remain only on paper and suffer from weak implementation. Lack of will on part of the political class and the education bureaucracy are the biggest reasons for the same

1.3 Goals and objectives of this report

This report aims to attain the following objectives through a dedicated research of the policies in place as well as the ground realities:-

- ▶ To analyze the policy decisions so far in the area of primary education.
- ▶ To examine why school management committees are not realizing what RTE envisaged their role as and to come up with suggestions for the same.(Section 21)
- ▶ To inquire into the monitoring and grievance redressal structures and suggest how these can be simplified and made more accessible to the common man(Section 31 and 32)
- ▶ To study the framework of pre primary schooling in India, primarily via Anganwadi centres and come up with suggestions for its improvement
- ▶ To analyze the caveats arising in the implementation of Section 12 that mandates private schools to reserve 25 per cent seats for the economically weaker sections.

2. Methodology

2.1 Literature Search

The Intern did a lot of Literature review in this topic with the primary knowledge of the Right to Education Act in detail being a pre-requisite before proceeding with other things. An in depth understanding was acquired through reading what the Act mandated for the SMC's as well as in analyzing the hierarchical bureaucratic structures it prescribes for monitoring the Act. Case studies by several non government organizations and policy research think tanks such as Centre for Civil Society, Central Square Foundation and IndusAction were studied to know of their views about loopholes in implementation of important provisions. Some of the major reports that the Intern Read in these Weeks are as follows:

- Annual Status Of Education Report, 2013 by Pratham India
A comprehensive report highlighting the serious lack of emphasis on quality of learning under primary education in India. Served the excellent purpose in laying a strong foundation and getting an idea about the present status of primary education in India
- PAISA 2012 report
Provided indepth insight into the fund flows under the Sarva Shiksha Abhiyan- allocations, expenditures, delay in release and areas on which the money is spent. Also provided knowledge about School grants that come directly under the School management Committes.
- Access to Elementary Education in India: Country Analytical Review:-
R. Govinda ,Madhumita Bandyopadhyay

Apart from providing an overall picture of primary education in India, was particularly helpful in giving an idea about pre primary schooling in India, or the lack thereof.

- Early Childhood Care and Education in India- Venita Kaul and Deepa Sankar, published by the National University of Educational Planning and Administration

Was the most insightful report pertaining to the condition of pre primary schooling and aptly highlighted the inadequacies of the Anganwadi centres and workers. Also highlighted how elder girls miss out on elementary education due to lack of child care facilities for their younger siblings

- Mechanism for implementation of 25 per cent reservation in private schools, published by the Centre for Civil Society
- Report on Project Ekalvya, an initiative by the NGO IndusAction to identify the loopholes in the implementation of Section 12 of the RTE Act

2.2 Field Visits

- Pratham Balwadis- Karol Bagh and Trilokpuri

Balwadis are centres for imparting pre primary and primary education to the children of the local community by the leading NGO Pratham. Field visit to these Balwadis was to see how they were providing the pre schooling education and in what manner was the same different from that provided by the Angwanwadi workers

- Anganwadi, Trilokpuri

A visit to the Anganwadi in Trilokpuri to gauge the quality and regularity of pre primary education being imparted in the government Anganwadi centres. Also a means of intereaction with the Anganwadi worker to obtain her viewpoint on the challenges faced by her.

- Urban poor localities of Delhi

In order to conduct a primary survey, field visits were carried out to 6 urban poor localities of Delhi, the details of which are outlined below

2.3 Primary Survey

In order to gauge the quality of education in general and the ground level implementation of the Right to Education in particular, field visits were conducted to 6 slum dwellings of Delhi. These included:-

- 1) Balmiki Camp, Malviya Nagar
- 2) Motilal Nehru Camp,
- 3) Sanjay Basti, Timarpur
- 4) Kusumpuri Pahari, Vasant Vihar
- 5) Arjun Camp, Lodhi Road
- 6) Jhuggi Jhopdi Colony, Trilokpuri.

Details of Survey:-

Total number of respondents:- 260(100 children and 160 parents)

A questionnaire was prepared for the parents in order to know about the degree of implementation of RTE, the questions of which were asked orally. Meanwhile the children were asked to write their names in Hindi and English and do basic arithmetic in order to get an idea about the quality of education being dispensed. The children surveyed belonged to standard five or above.

Methodology of survey involved covering the fourth household from the household being surveyed in order to increase the degree of representativeness of the sample as much as possible.

Limitations:-

Due to constraints of time, survey was limited only to six slum dwellings of Delhi, most of which were in South Delhi, hence the sample space was not very vast and the findings cannot be stringently applied on a district, state or national level.

Survey covered only urban poor localities hence the conclusions attained cannot be applied for rural areas.

Questionnaire for parents

1. What is your annual income?
2. How many children do you have?
3. Are they enrolled in schools?
4. Are they enrolled in the local government school or in a private school?
5. If enrolled in private school, what is the fees charged by the private school?
6. Does the government school provide free entitlements like books, stationary and uniform?
7. Do they go for separate tuitions after school?
8. How much on an average does the tuition teacher charge?
9. Are you satisfied with the quality of education being imparted in the school/Do you think the teachers do enough to impart learning in the schools?
10. Are you aware about the provision that a school is supposed to constitute a School management committee? Does such a committee exist, in your knowledge, in the school of your ward?
11. Have you ever attended a parent teacher meeting being organized by this Committee?
12. Are you aware of the clause under Right to Education which calls for private schools to reserve 25 per cent of their seats for the economically weaker sections and disadvantaged groups?
13. If aware, have you tried applying for admission of your ward in one of these private schools?
14. Is there a local Anganwadi in your area? If yes, how much is it regular in providing pre school education and training?

2.4 Meetings and Interviews

Date	Name	Designation	Institution	Discussion Topic
16/6/2014	Mr. Shailendra	Chief Head, Pratham Delhi	Pratham, an NGO working in the area of primary education	Ground realities and Pratham's work in the area of SMC's and pre primary schooling
3/7/2014	Mrs. Madhumita Bandyopadhyay	Associate Professor, Department of School and Non formal education	National University of Educational Planning and Administration	Gain an idea From about the obstacles arising in the implementation of the Right to Education
3/7/2014	Shri Arun Mathur	Chairperson, Delhi Commission For Protection of Child Rights	Delhi Commission For Protection of Child Rights	RTE monitoring and grievance redressal and role of DCPCR in the same

4. Current NGO and Government Efforts

Primary education is an area which has seen intensive efforts from a number of NGO's, mostly through programmes being run for improving the learning outcomes. In the areas I am covering, namely SMC's, monitoring and grievance redressal of RTE, pre primary schooling and role of private sector in education, NGO's are active in strengthening SMC's on the ground level and providing Early Childhood Care and Education Services.

Role of NGO's- Example of Pratham

Having contacted their representatives and seen the work of the NGO Pratham, an effort has been made to outline the positive work they are doing.

Pratham, in particular has done significant work through its programme Saajha in spreading awareness about SMC's in rural areas and ensuring SMC's are constituted in the schools it was covering. It has also done appreciable work in providing Early Childhood Care and Services through Balwadi centres that take care of the pre primary education for the children.¹³

Strengthening Anganwadis by voluntary participation

A wonderful example of NGO's efforts to fulfil the gaps in pre primary and primary education was demonstrated in the Anganwadi in the Trilokpuri area. Here, a voluntary teacher of Pratham, after obtaining permission from the Women and Child Development Ministry, was taking care of pre primary education for the children of the locality. Not only did this help in reducing the workload of the otherwise overburdened Anganwadi worker, but also increased the accountability of the Anganwadi worker and made her more regular on her duty.

¹³ <http://www.pratham.org/S-9-3-Balwadi.aspx>

Government efforts

As far as the Government is concerned, no significant efforts have been made in particular in spreading awareness about or empowering the SMC's. However, 2 innovative programmes have been started by the Government under the umbrella of the Sarva Shiksha Abhiyan that lay emphasis on Early childhood Care services. These are :-

- a) National Programme for Education of Girls at the Elementary Level(NPEGEL):- Under this programme, what the Government has recognized is that due to absence of proper child care facilities many a times the elder girl child has to give up her education because she has to take care of her younger siblings. Therefore, this programme has focussed on creating child care centres at the cluster level so that the girls can participate in elementary education.
- b) Mahila Samakhya Program:- This programme aimed at educating as well as empowering the women in rural areas by crating employment too, Under this program ECCE activities are being taken up in the village on a need based criteria.
- c) Positive work done by the DCPCR:- In an interview with the chairman of Delhi Commission for Protection of Child Rights, the positive work done by them in monitoring and enforcing the Right to Education Act was indeed admirable. Some of the initiatives undertaken by them include:-
 - Taking action against schools which reportedly practised corporal punishment
 - Intervention in the drawing of lots for the children belonging to Economically Weaker Sections under Section 12, acting on complaints that the draws were not being fairly drawn.

5. Results and Discussions

5.1 Findings from the literature

5.1.1 Non functional School Management Committees:

School Management Committees-Introduction, roles and responsibilities:¹⁴

In order to ensure greater accountability of the authorities and teachers responsible for delivering education, under Section 21, The Right to Education Act 2009, mandates the formation of a School Management Committee(SMC) in every school that is funded by the Government, hence also including under its ambit government aided schools but not private unaided schools. This as per the provisions of the Act must consist of parents or guardians of the children admitted in such school, elected representatives of the local authority and teachers.

The SMC is supposed to be form within six months of the appointed date and reconstituted after every two years. It must elect a chairperson and vice chairperson from amongst the parents, while the head teacher of the school shall be its ex officio member-convener.

The composition of the SMC must be in consonance with the following norms:-

- 1) Three fourths of the members must be parents or Guardians
- 2) Out of the remaining one fourth members:-
 - One third members from the elected members of the local authority to be decided by the local authority

¹⁴ All provisions catering to School Management Committees can be accessed in the complete RTE act and the Model Rules

http://mhrd.gov.in/sites/upload_files/mhrd/files/rte.pdf

http://mhrd.gov.in/sites/upload_files/mhrd/files/RTI1.pdf

- One third members from amongst the teachers from the school to be decided by the teachers
 - One third members from amongst local educationists or children in the school, to be decided by parents in the said Committee
- 3) Fifty percent of the members must be women
- 4) Proportionate representation must be given to parents or guardians of children belonging to disadvantaged groups and weaker sections.

The Right to Education Act prescribes the following functions to SMC's:-

The RTE prescribes the following functions to the SMC's:-

- Monitor the working of the school.
- Prepare and recommend school development plan.
- Monitor the utilization of the grants received from the appropriate government or local authority or any other source.
- Perform such functions as may be prescribed

In addition to that, according to the RTE model Rules, some of the additional functions that a SMC is supposed to perform are as follows:-

- Ensure that teachers are punctual in attending school and regularly conduct parent teacher meetings to discuss the progress of their wards.
- Ensure that no teacher is engaging himself or herself in private teaching/tuition activity
- Monitor the implementation of the mid day meal in the school.
- Prepare an annual account of receipts and expenditure of the school. Any money received by the Committee for the discharge of its functions under the Act must be kept in a separate account, to be audited annually. The above accounts must be signed by chairperson and convenor and made available to local authority within one month of their preparation.
- Bring to the notice of the local authority any deviation from the rights of the child.

The School Development Plan:-

The SMC must prepare a School Development Plan at least three months before the end of the financial year in which it is first constituted under the Act. It shall be a three year plan comprising three annual sub plans and shall contain the following details:-

- Estimates of class-wise enrolment for each year;

- Requirement of the number of additional teachers, including Head Teachers, subject teachers and part time teachers separately for Classes I to V and for VI to VIII
- Physical requirement of additional infrastructure and equipments over the three year period.
- Financial requirement with respect to b) and c), such as entitlements of children like free text books and uniforms, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.

Rationale behind formation of SMC-The Indian context:

The reasons behind constituting a School management Committee were quite clear. Given the deteriorating condition of the average government school in a rural area, both in terms of infrastructure facilities and quality of education provided, it was most important to bring the most important stakeholders, namely the parents and the community, into the picture. SMC's encourage their participation and hence not only increase the accountability but also give them the power to allocate the school's resources in the right directions, marginally if not significantly.

The SMC should not be viewed as something that only keeps checks and balances on the teachers, but as a body that supports teachers and reduces their load. The teachers can be unburdened in the area of management of school affairs other than teaching where the SMC's can come in and play an active role and hence the teachers can lay a greater emphasis on teaching. Overall, theoretically, the concept of SMC is a very sound one and something that enhances the process of delivery of education through greater democratization of schools.

However, one significant parameter that can't be ignored in the Indian context while evaluating the impact of SMC's, is the educational background and capacity of the parent to be a part of the SMC. As per ASER 2013 report, 29 per cent of students in rural areas are going to private schools, which consequently means that 71 per cent attend government schools in rural areas. Most of these belong to economically the most bottom rung of the society, where in most cases the school goer is a first generation learner and the parents usually do not have an educational background. The question which arises is that whether devolving decision making power to such parents, although always ideologically sound, would actually serve the purpose SMC's were intended to achieve. Such a parent is expected to leave a day of his job and consequently his wage and indulge in a meeting for the betterment of the school. Also the social distance between the teacher and the parent ensures that the parent mostly would be reluctant to raise a voice against the much respected Headmaster or school teachers. The point being put across is not to oppose the formation of a SMC because of the inability of its members to carry out the necessary functions, but to also generate equal focus on training of SMC members as much as is done on simply ensuring that a SMC is constituted. This is where the role of the NGO's and civil society comes in, as the agents towards achieving the purpose of SMC's in the ideal sense. Unless training of SMC members, particularly in the rural areas, is identified as a key requirement as well, SMC would remain another ineffective institution.

Autonomy-Administrative and Financial:

In effect, the Right to Education Act does not grant significant punitive powers to the SMC's and only makes them a reviewing and monitoring body. It has to ensure that teachers are punctual, has to monitor the learning outcomes, monitor the implementation of programs like Mid day meals but it cannot do anything of its own accord to correct a wrong. It can only report that to a concerned authority and is not vested with powers like hiring and firing of teachers. Greater focus presently should be ensuring that the current roles and responsibilities given to the SMC's are effectively realized in the first place. For instance, what logic would the provision of hiring of teachers by the SMC's and making teachers completely accountable to them hold, when in the first place SMC's have not even been constituted in many places. Even where they exist on paper, they have little idea about their responsibilities, about the legislations in place and about the structure of the education system. Not only that, making teachers accountable to a body which the teachers presently view as not suitably equipped to handle the affairs of the school would generate much ire from the powerful teacher unions. Instead, progressive realization of the role which the RTE currently envisages for the SMC's and consequently strengthening the institution of a SMC, would add weight to the argument of making teachers considerably accountable to them. Hence, the idea of devolving more absolute power to the School Management Committees, although a progressive idea, is still a futuristic one.

As far as financial autonomy is concerned, in 2012-13, total SSA allocation for the country (including state share) was Rs. 67,307 crores. School grants accounted for Rs. 1377 crores, about 2% of this total allocation.¹⁵ School grants are those over which the School Management Committees have exclusive spending authority. These are further subdivided into 3 individual grants namely:-

- School Development Grants- For the purpose of small equipment upgradations like blackboards, chalks, stationary equipments etc. Amount allocated is:-
Rs 5000 per primary school per year
Rs 7000 per upper primary school per year
- School maintenance Grants- Intended for the purpose of infrastructural upkeep such as minor repair works, electricity connection charges etc.

¹⁵ Accountability Initiative, "Do Schools Get Their Money?" PAISA Report 2012, available at: http://www.accountabilityindia.in/sites/default/files/state-report-cards/paisa_report_2012.pdf

Rs 5000-7500 per year for schools with upto 3 classrooms

Rs 7500-10000 per year for schools with more than 3 classrooms

- Teacher Learning Material- For teacher learning aids such as books and models.

Rs 500 per teacher per year¹⁶

In addition, the SMCs have some powers over decision making on other monies that arrive in schools including infrastructure funds¹⁷. To facilitate grant utilization, SMCs are expected to follow the norms laid down in the the procurement policies enshrined in the Revised Manual on Financial Management and Procurement for SSA .

Top Down delivery, Late Release of funds and Tied Funds:

A major problem which arises is the top down delivery of funds with clear directions from the district or state level regarding their spending. For instance if the school does not want to spend on infrastructural upkeep and rather wants to spend on improving the teacher learning material, it cannot utilize the SDG or SMG for the same purpose. Sometimes arbitrary instruction from the state direct how the funds should be spent, which is mostly on unnecessary issues and out of consonance with the school needs, such as the case wherein the schools were ordered to whitewash their buildings for the visit of the Chief Minister of the State¹⁸. Another instance lies in the case where in FY 2009-10 all schools in AP were asked to purchase a radio from the School Development Grant for the Interactive Radio Instruction Programme ¹⁹

¹⁶ <http://www.educationforallinindia.com/SSA1.htm>

¹⁷ Gayatri Sahgal(2012):-‘Unpacking Schools and School management Committees: Unpacking decision making in Indian schools’, Accountability Initiative,
<http://www.accountabilityindia.in/accountabilityblog/2510-empowering-schools-and-school-management>

¹⁸ Accountability Initiative, “Do Schools Get Their Money?” PAISA Report 2012, available at:
http://www.accountabilityindia.in/sites/default/files/state-report-cards/paisa_report_2012.pdf

¹⁹ Gayatri Sahgal(2012):-‘Unpacking Schools and School management Committees: Unpacking decision making in Indian schools’, Accountability Initiative,
<http://www.accountabilityindia.in/accountabilityblog/2510-empowering-schools-and-school-management>

Another major issue is the timing of the release of these funds, which is in most cases not synchronous with the time at which the school requires the funds. The PAISA 2012 survey reported that there has been no major improvement in the timeliness of grants between 2011-12 and 2012-13. Just about half of India's schools received their grants by November 2012. What also may be a direct consequence of this is that the schools provided with funds at a later stage, and required to spend those funds in a very short time left in the financial year, may end up under utilizing those funds.

Clearly, while the SMC's have been given a decent financial autonomy in terms of spending the school grants, which is albeit never completely realized due to interferences from the state and district levels, it is also clear that the amount of funds put under its ambit are inadequate. This is quite clear from the fact that they constitute only 2 per cent of the funds allocated under the Sarva Shiksha Abhiyan. As the PAISA 2012 report aptly puts it:-

“the combination of late arrival of funds, overly centralized guidelines, weak human resource capacity, and administrative red tape can together make spending efficiently near impossible”

Composition and Election of SMC's:

The Right to Education does not specify a specific election procedure for selecting the parents who would be members of the SMC's. As a result of this, what happens sometimes is that headmasters include in the SMC's the poorly literate or uninformed parents, who they know would not interfere in the workings of the school²⁰. The actual procedure should involve holding an assembly like the Gram Sabha which is attended by all the parents of the children who go to that school, the interested candidates should file nominations and final members should be elected through a democratic voting process. If one has a look at the State specific RTE rules, only the States of Assam and West Bengal have clearly outlined the procedure of an election as the means for selection of members to the SMC²¹. What is needed is that the other states follow suit and take the lead in setting out election provision themselves, even if it is not provided by a central directive.

Another area where clarity does not exist is in specifying the strength of the SMC. In this regard, a logical example has been set by the states of Punjab and Haryana which have fixed the limit of the number of members in the SMC in direct

²⁰ <http://www.dnaindia.com/india/report-rte-confusion-over-smc-selection-1681819>

²¹ http://ccs.in/sites/all/books/com_books/rte-state-rules-matrix.pdf

proportion with the student strength in the school²². Most states do not have a clarification regarding the number of members that should be there in a SMC and need to issue clear guidelines regarding the same.

²² http://ccs.in/sites/all/books/com_books/rte-state-rules-matrix.pdf

5.1.2 Ineffective monitoring and grievance redressal under RTE:

Structure provided under the Act:²³

The Right to Education Act provides for two independent forums for its effective monitoring as well as for grievance redressal. These include the concerned local authorities and an independent body in the form of the National Commission for Protection of Child Rights, assisted by the State Commissions for Protection of Child Rights at the state level. The NCPCR comes under the ambit of the Women and Child Development Ministry, however its RTE division is funded by the Ministry of Human Development.

Some of the responsibilities accorded to the local authorities, whichever are the ones specified to take up the monitoring responsibilities as per State rules, are as follows under Section 9 of the Act:-

- Providing free and compulsory education to every child
- Ensuring availability of neighbourhood schools
- Ensure that children belonging to weaker sections and disadvantaged groups are not discriminated against
- Maintain records of children upto the age of 14 years residing within its jurisdiction and ensuring that these records are maintained transparently in the public domain.
- Provide training facility for the teachers

In addition to this, the National Commission for Protection of Child Rights or the State Commissions for Protection of Child Rights, as the case may be, are entrusted with the following functions under Section 31 of the Act:-

- Examine and review safeguards for rights provided under the Act and recommend effective measures for their implementation

²³ Complete list of directions can be accessed at the RTE Act and Model Rules under RTE

http://mhrd.gov.in/sites/upload_files/mhrd/files/rte.pdf

http://mhrd.gov.in/sites/upload_files/mhrd/files/RTI1.pdf

- Inquire into complaints relating to child's right for free and compulsory education
- Take necessary steps under Sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

Also, a State which does not have an existing SCPCR in place, must take adequate steps to constitute an interim authority called the Right to Education Protection Authority(REPA) for the purpose of performing functions specified in section 31 within six months of the commencement of the Act.

Under the model rules, the concerned SCPCR or REPA, should set up a help line to assist people in reporting complaints regarding violation of Rights of the Child under the Act, which may be monitored by them through a transparent online mechanism.

Also the Central Government must constitute a National Advisory Council and the State Government a State Advisory Council, consisting of members having expertise in the area of elementary education, in order to advise the respective Governments on implementation of the provisions of the Act in an effective manner.

For grievance redressal, as per section 32 of the Act, any person having any grievance relating to the right of the child under the Act may make a written complaint to the local authority having jurisdiction in that area, which after receiving the complaint must decide the matter within a period of three months.

Any person aggrieved by the decision of the local authority, may further refer the complaint to the concerned SCPCR or REPA, which hence acts as an appellate authority. Not only this, a person may directly file a complaint to the NCPCR or the SCPCR, thereby putting under them both appellate and original jurisdiction.

Vague definition of local authorities

The major issue that arises is the lack of clarity in defining a local authority and the consequent arising of a conflict of interest wherein an authority responsible for implementation and against whom a grievance would most likely arise, would also be tasked with the responsibility of grievance redressal. In 2012, the Ministry of Human Resource Development (MHRD) issued an advisory to clarify that the local authorities under Sections 9 and 32 of the Act need to be kept separate, as most of the grievances would arise against authorities implementing Section 9. It recommends that all state governments should identify grievance redress institutions at the village, block, mandal and district levels as "local authorities".

The local authority must re-solve a complaint within a period of three months, upon which the complainant can appeal to the SCPCR.²⁴

The SCPCR was designated as the appellate authority for the very purpose of keeping checks on the local authority. However, as a result of lack of awareness regarding the provision of a SCPCR in the State for grievance redressal as well as a large gap between the institutions, with the SCPCR functioning at the State level through a single centre, while the local authority being present at the district level, the SCPCR has not fulfilled its responsibility as an appellate authority. Hence, unless there is a clear demarcation between the local bodies responsible for implementation and those responsible for grievance redressal, the monitoring process would remain weak.

A case study of the grievance redressal system in Karnataka in an EPW article, analyzes the structure of the local authorities. Under state RTE rules, The Chief Education Officer of Zilla Parishad and the Deputy Director of Public Instruction are vested with both the implementation responsibility under Section 9 and the grievance redressal responsibility under Section 32, which creates the possibility of a conflict of interest.²⁵

Analysis of NCPCR and SCPCR's

The NCPCR and SCPCR's possess quasi judicial powers that is they only have the power to make recommendations to the State government regarding the necessary actions to correct the wrongs, but cannot compel the State to act on them.

A major disappointment has been the absence of a website pertaining to the RTE division on the NCPCR website. While, not only a basic requirement such as a website should have been catered to, 5 years after the Act, the Commission should have had a formal online complaint registering and tracking mechanism in place. The current website only contains a RTE subsection that describes the Act in brief and the roles and responsibilities that the NCPCR is tasked with under it.²⁶

What is more concerning is that the States of Uttar Pradesh, Nagaland, Tripura and the Union Territory of Lakshadweep not have in place a SCPCR itself or the REPA required to act as its substitute in case the SCPCR is not there. Another provision of

²⁴ Advisory of MHRD New Delhi F No: 1-18/2010-EE4 dated: 14-02-2012.

²⁵ Malini Bhattacharjee, Dolashree Mysoor and Arun Sivaramakrishnan(2014): "RTE Grievance Redress in Karnataka", *Economic and Political Weekly*, Vol. 48, No 23, 7 June

²⁶ Current website of NCPCR that pertains to RTE:

<http://ncpcr.gov.in/index1.php?lang=1&level=0&lid=591&linkid=21>

the Model Rules that has not been followed is the absence of State Advisory Councils in all the States. Hence, large lacunae exist in grievance redressal in the present scenario.

The performance so far of the RTE division has been marred by conflicts, primarily due to the fact that the RTE division is financed by the MHRD while the NCPCR is controlled by the Women and Child Development Ministry. This is evident from midway resignation of two of the national coordinators of the RTE division, who have cited lack of commitment on part of the NCPCR to work towards grievance redressal. Another major issue that a former co-ordinator highlights is that the RTE division is headed by a consultant and not someone from a Ministry, which undermines the authority of the very position and gives the co-ordinator very less autonomy.²⁷

According to the State RTE rules, the following notification was issued with regards to Delhi which clarified the definition of local authority for grievance redressal. Each District Deputy Director of Education, Directorate of Education, Govt. Of NCT of Delhi has been authorized to perform the function of Local Authority as envisaged in section 32 of RTE Act, 2009 in relation to schools under the administrative control of the Government vide Notification No.F.23(40)/DE/RTE/2012-13/772-83 dated 24/01/2014. The complaints to him can be sent in a written format by any person on behalf of the child. It also states that complaints can be filed online through the website of the Directorate of Education, however no such facility exists on their website. The notification also states that a three member committee comprising the following shall be constituted in each District for the purpose of deciding a matter arising out of a grievance/complaint:-

- a) District Deputy Director of Education - (Chairperson)
- b) Education officer of the concerned Zone/DEO (Member)
- c) Assistant Director of Education {Admn.} or an Equivalent Officer-(Member)²⁸

Meanwhile the local authority tasked with implementation of the Act is as follows:-

²⁷ Interview of Dhir Jhingan, former National Co-ordinator of RTE division of NCPCR. Can be accessed at:- <http://www.governancenow.com/views/interview/some-elements-ncpcr-are-opposed-rte-act.html>

²⁸ http://mhrd.gov.in/sites/upload_files/mhrd/files/GR-Delhi.pdf

- a) In school under the administrative control of the Government, the Government
- b) In school under the administrative control of the Municipal corporation, the Municipal corporation
- c) In school under the administrative control of the Municipal council, the council
- d) In school under the administrative control of the Delhi cantonment Board, the Board²⁹

Now with the Education department of the Municipal Corporation chiefly tasked with the effective implementation of the Act and also given the responsibility of grievance redressal, conflicts of interest are bound to arise.

As far as the DCPCR is concerned, the body is provided with a RTE division headed by an independent consultant. However, the Commission have a detailed RTE portal, let alone an online complaint mechanism. This is a clear indicator that a lot of work needs to be done in ensuring that the DCPCR realizes its role.

Summary of issues in monitoring and grievance redressal:

- Lack of awareness:- There is a considerable lack of adequate awareness among the people regarding the role of the NCPCR and particularly the SCPCR in the States.
- Lack of accessibility:- The first authority of complaint for the common citizens is mostly the Ward Councillor or Nigam Parshad and they have little knowledge of the hierarchy of officers above that. Therefore, it is difficult to expect them to go upto a SCPCR, the only one of its kind in a State, and register a complaint against an authority.
- Non functional websites and no online complaint mechanism:- This lack of accessibility is further accentuated by the absence of a help line or an online complaint registration and tracking mechanism. A person at a district level needs to individually go to the SCPCR office to register a complaint. However a simple provision like a help line can make the task so easier. The most concerning part is the website of the RTE division of the NCPCR itself is not functional
- Ambiguity in definition of local authorities:- Many States have not clearly demarcated the local authorities responsible for implementation and grievance redressal, and in those which have done there is usually a conflict of interest.

²⁹ http://mhrd.gov.in/sites/upload_files/mhrd/files/Delhi_LA.pdf

- SPCPR's are understaffed:- There are more than 50 legal entitlements that have to be ensured under the RTE. However, no separate classifications have been made and no separate officers been assigned as to handling entitlements belonging to a specific area, such as access related entitlements, admission related entitlements and so on. Consequently the SCPCR's that are properly functional, also find themselves loaded with work.
- RTE division under the MHRD- a conflict of interest:- The NCPCR's RTE division is funded by the MHRD. However, being the watchdog agency for ensuring RTE implementation, it would need to be critical of the main implementing ministry which is the MHRD itself. This creates chances of a conflict of interest and further strengthens the argument for the complete autonomy of the NCPCR.³⁰

³⁰ http://ccs.in/internship_papers/2010/supriya-narang-monitoring-the-right-to-education%20.pdf

5.1.3 Improper Pre Primary Schooling Services:

Framework for Early Childhood Care and Education(ECCE):

Pre primary schooling that is education care for children in the age bracket of 3-6 years is a very essential component in developing the child for the challenges of primary education. In learning impact assessment studies carried out under ASER report 2013, children of higher grades were not even able to read basic texts of lower grades. This clearly reflects an absence of a mental growth consonant with the level of education being provided, that is an inability to grasp the curriculum being taught. A major reason can be the lack of effective pre primary schooling, because it prepares a child to enter school by giving the first push to his mental and creative faculties and his capacity to think about and explore things. Effective research in the area has successfully concluded that pre primary education leads to greater cognitive development in the children³¹. As a World bank report(The World bank 2005b:32) concludes, “By the time poorer children in many countries reach school age, they are at a significant disadvantage in cognitive and social ability”. As stated by the National Advisory Council(2012), the purpose of early childhood care should be that children are provided with “a natural, joyful and stimulating environment, with emphasis on necessary inputs for optimal growth and development”

Another hugely positive impact that pre primary schooling leads towards is greater primary education for the girl child. In what has been seen as a common trend in rural areas, the girl child is forced to give up her education in order to take care of the other child/children who are in their formative years, because the mother is usually employed in wage labour(Kaul and Sankar, 2002). With greater participation of children in early childhood care and education centres, where not only emphasis is laid on their pre primary education but also on their nutritional requirements and other aspects of childhood care, it becomes easy for the girl to pursue her education as well.

The 86th Constitutional amendment in 2002 identified the importance of ECCE, when it amended Article 45 of the Constitution to state that, “The State shall

³¹ Venita Kaul and Deepa Sankar(2009): “Early childhood care and education in India”, published by the National University of Educational Planning and Administration. Can be accessed at:-
<http://www.educationforallinindia.com/early-childhood-care-and-education-in-india-1.pdf>

endeavour to provide early childhood care and education for all children until they complete the age of 6 years.”

The Right to Education also emphasizes upon the need for providing basic education to children in the age bracket of 3-6 years. However, the former being a Directive Principle of State Policy and the latter being a mere direction, the focus on this area has not been upto the mark, with none of the laws explicitly calling for its provision.

The first government initiative in this area was the setting up of a Central Social Welfare Board in 1953 which started a grant-in-aid scheme for voluntary agencies working in the field of ECCE.

The subject of ECCE was brought up in the National Policy for Education(1974) consequent to which the Integrated Child Development Services programme was initiated in 1975, primarily aimed at providing early childhood care to children below 6 years as well as taking care of pregnant and lactating mothers and adolescent girls. Furthermore the National Policy on Education identified ECCE as a critical input to human development. Even the 11th Five Year Plan identified ECCE as the stage that lays the foundation for life-long development and the realisation of a child’s full potential and directs that “all children be provided at least one year of preschool education in the age group of 3-6 years”. ³²So clearly, while the policy frameworks have been supportive of ECCE, they have not been adequate because provision of ECCE has never been mandated by a specific law.

ECCE services are provided through three channels in India:-

- a) Public
- b) Private
- c) Non governmental and voluntary organizations

Under the public programmes, the ICDS provides 6 basic services under its ambit, one of which includes pre school non formal education. The delivery of all these services under ICDS is managed through Anganwadi centres as the basic unit of implementation. The Anganwadi centre is mainly managed by the Anganwadi Worker who is a health worker chosen from the community and given 4 months training in health, nutrition and child care. She is in-charge of an Anganwadi which covers a population of 1000. About 20-25 Anganwadi workers are supervised by a

³² WCD ministry report highlighting focus on pre schooling in 11th FYP

<http://wcd.nic.in/wgearlychild.pdf>

Mukhyasevika. 4 Mukhyasevikas are headed by a Child Development Projects Officer.

Meanwhile private pre primary education is provided by fee charging private pre schools, that often have children competing for a very limited number seats, these schools generally being availed by the children belonging to families with relatively better socio economic background.

Major issues in pre primary schooling:

- Overloaded Anganwadi workers:- The Anganwadi worker, who is expected to simultaneously concentrate on the delivery of six different services under ICDS, most often becomes overburdened. Consequently, pre primary education, the most specialized and effort intensive component of the six services is the one which gets ignored.³³
- Anganwadi workers not equipped enough:- An Anganwadi worker is usually tenth or twelfth pass and therefore has not received any special training with regards to the appropriate teaching methodologies to be taken up. While, services like taking care of nutrition and early health care are more general in nature, effective pre school education requires a more specialized approach.
- Absence of any curriculum/guidelines:- There exist no standardized guidelines or a basic curriculum pertaining to education at the pre primary level. NCERT does issue general guidelines and instruction booklets, but they are more of a recommendatory nature and no standardization exists. Absence of these, coupled with inadequately trained teachers, lead to arbitrary instruction being rendered out in the pre primary schools without any thought on whether it is producing the desired outcomes.
- Lack of access to materials:- Another problem which arises, that most of the play materials and learning aids, designed to promote innovative thinking in a child, are often locked up in cupboards in the Anganwadi centres. This is mostly due to a belief that expensive and specialized things like those cannot be handled by children and therefore should be brought out only during inspections(Kaul and Sankar, 2002).
- Inadequate focus on linking pre primary education with primary education:- While the RTE specifies that pre primary schooling is important for school preparedness, no stress has been laid upon linking the two through the flagship programme Sarva Shiksha Abhiyan. As part of the

³³ CREATE India's policy brief on pre primary education

http://www.create-rpc.org/pdf_documents/India_Policy_Brief_1.pdf

District Primary Education Program(DPEP) funded by the Department of Education in the early 1990's, such a linkage was attempted by introducing the component of school readiness as part of the initial curriculum. In a study shown this also led to greater enrolment of the girl child in districts where DPEP was running with ECCE centres compared to the ones where it was running without them.(Kaul and Sankar, 2002). Unfortunately, the Sarva Shiksha Abhiyan did not continue with this practice started under the DPEP and provided for a limited innovations grant for ECCE which did not fulfil the purpose.

- Monopoly of private pre schools:- Pre primary education is not covered under the ambit of the Right to Education Act, which has led to absence of any registration norms or a regulatory framework for the ever mushrooming, profit oriented private sector. Most often, these private pre school become teaching shops that do not respect the developmental norms of the children(Kaul 1998). Also, as a result of a very high competition for limited seats in the reputed private pre schools, the issue of capitation fees and parent interviews is something which also needs to be looked into .

5.1.4 Loopholes in implementation of Section 12:

Section 12 of the Right to Education Act

Under Section 12 of the RTE, a school run by the government or the appropriate local authority shall provide free and compulsory education to all the children admitted in them.

Private unaided schools are legally mandated to reserve a minimum of 25 per cent seats of the total strength class I for students belonging to weaker sections and disadvantaged groups in the neighbourhood. In case, the school provides pre school education, the above provision shall apply to pre school education as well. The government aided school is also mandated to do the same in proportion to the aid received by it.³⁴

The definition of disadvantaged groups includes children belonging to SC's, ST's, OBC's and after an amendment in 2012, children from the physically disabled category. The children from the economically weaker sections would comprise of children of parents whose annual income is below a certain cap laid down by the State. Apart from this, each state has the autonomy to further modify the model guidelines released by the central government and frame its own set of implementation processes. A lot of states like Maharashtra, West Bengal, and Uttarakhand have mentioned preference for girls under this quota and states like Tamil Nadu and Kerala have specifically stated transgenders and HIV positive children in the eligibility criteria.³⁵

The private unaided school would be reimbursed the amount that it is spending on providing education to these children by the State. This reimbursement would be on the basis of the per child expenditure carried out by the State or the actual amount of fees charged by the private school from the students it is admitting, whichever is less.

³⁴ Complete details can be accessed in the Right to Education Act at

http://mhrd.gov.in/sites/upload_files/mhrd/files/rte.pdf

³⁵ INDUSAction report on implementation of Section 12 in Delhi

http://media.wix.com/ugd/772f97_241155d7cd95418d8684d219a0bcfe18.pdf

A school which is already under an obligation to provide free education to a certain section on account of it having received some assistance from the State, namely land, building, equipment or other facilities, would not be reimbursed by the State.

Minority schools and residential schools that admit students after class I are excluded from the provisions provided under this section.

Also the RTE model rules explicitly state that the responsibility of providing free entitlements to the children like books and uniform shall be the responsibility of the concerned schools.

Social inclusion of students

A major argument that has been raised by some academics and more so by the parents of the children studying in the elite private unaided schools has been regarding the social mixing of the children from the disadvantaged background and from children studying in the elite private schools. In a study, many parents were found to be of the opinion that their children would imbibe habits like abusing and fighting from the children coming from the disadvantaged sections³⁶.

Lacunae in the implementation process

- Vague definitions/classifications:- While the Act promises reservation of 25 per cent of seats for children belonging to economically weaker sections and socially disadvantaged groups, it does not classify what percentage should be accorded to each, allowing the possibility of discriminatory behaviour being meted out to one of the sections. Also the income limit for the EWS has been defined as high as upto 3 lakhs per annum in cases like the State of Karnataka, which prevents the benefits from reaching out to the poorest of the poor.
- The case of minority schools:- Minority schools were allowed to be excluded from the ambit of Section 12 because of the argument that these schools were already catering to the needs of the children from the minority. However, in reality most of the minority schools are not following the required norms and enrolling students more and more from the elite section of the society
- Lack of awareness:- An INDUSACTION report which conducted a survey in a locality in Delhi found the awareness regarding Section 12 amongst the

³⁶ [http://www.periglobal.org/sites/periglobal.org/files/12.Clause_12_RTE_India\(Bapna\).pdf](http://www.periglobal.org/sites/periglobal.org/files/12.Clause_12_RTE_India(Bapna).pdf)

parents to be very low. Hence, it is very clear that the legislation remains only on paper with the information unable to reach most of the intended beneficiaries.³⁷

- **Restricted neighbourhood:-** According to the provisions of the Right to education Act, the school must admit children from disadvantaged groups that stay in its neighbourhood, wherein in the neighbourhood is defined as a distance of three kilometres for lower primary schools and a distance of three kilometres for upper primary schools. Often such a provision does not cater well to say a child residing in the slum area which has a very limited number of quality private schools within one kilometre of the locality.
- **Lack of clarity in the reimbursement procedure:-** Most private schools have expressed concerns about the reimbursement procedure, with the primary concern of the private schools being the reimbursement amount is low while that of others being regarding its regularity. Also a major flaw remains that only recurrent and not capital costs are considered in calculation of the reimbursement amount. Not only this no timeframe has been mentioned for revision of the reimbursement amount to account for inflation
- **Inadequacies for the parents:-** Often it has been observed that the parents do not possess the required income or caste certificate which prevents them from availing this provision. This happens because most of the parents work in the informal sector whose employees refuse to produce an income certificate of any kind. Not only this, the process of obtaining an income certificate from the revenue department is quite lengthy and along with the domicile proof takes upto 60 days to be issued. Consequently in the process, the admission deadline is sometimes missed.

³⁷ INDUSAction report on implementation of Section 12 in Delhi

http://media.wix.com/ugd/772f97_241155d7cd95418d8684d219a0bcfe18.pdf

5.2 Findings from the field and impact on the theoretical focus of the project

5.2.1 Primary Survey - Findings and Inferences:

1. Income profile

Out of the 160 respondents surveyed 26 respondents had an annual income above 1 lakh rupees while the remaining 134 respondents had an annual income below 1 lakh

Income Category	Number of respondents
< 1 lakh per annum	134
1- 1.5 lakh per annum	16
1.5-2 lakh per annum	7
2-2.5 lakh per annum	3

2. Choice of schools:-

- 130 out of the 160 respondents sent their children to the local MCD/government school.
- 18 respondents sent their wards to a low budget private school(fee paying) in the neighbourhood
- 12 respondents had their children enrolled in a reputed private school in the neighbourhood free of cost under Section 12 of the Right to Education Act.
- 16 out of the 18 respondents sending their children to private schools in the neighbourhood had an annual income greater than 1 lakh, while the prevalence of such private schools was mostly in the relatively well off areas like Kusumpuri Pahari.
- The private schools in the neighbourhood charged a fees ranging from Rs 4800 to Rs 6000 per annum, with one school also charging a fees of Rs 10000 per annum. This fee did not include the cost of entitlements like books and stationary.

- The findings in this area clearly show that if the parents have enough income, they are slowly taking their children out of the government schools and going for more and more low budget private schools.

3. Private tuitions:-

- 102 out of the 160 respondents sent their children to private tuitions after school because they were not satisfied with the quality of education being delivered in the government schools.
- Parents sending their children to both government and private schools had a tendency to send children to tuitions that is even children going to private schools went to tuitions, however the percentage was less in the private case
- 11 out of 30 children going to private schools (either fee paying or free under Section 12) went to tuitions after schools which accounts to approximately 37 per cent
- 91 out of the 130 children going to government schools went to tuitions after school. This accounts to 70 per cent of the total children going to government schools
- The tuition teacher taught on an average between 2 to 3 hours and mostly covered all subjects. The average fees charged ranged between Rs 50 to Rs 200 per month.
- Another interesting finding was greater interest taken by the parents in the quality of education being provided at the tuition. As reported by a tuition teacher in Motilal Nehru camp, because the parents were paying on a monthly basis they used to inquire of the tuition teacher about the progress of their child and ask what was being taught. This adds some conviction to the argument that free education in government schools, because it takes nothing away from the pocket, is increasingly being viewed as a favour from the government rather than a service to be availed.

4. School Management Committees:-

- The awareness regarding basic knowledge about the existence of a term or body like School management committee was absolutely dismal and shocking. Only 21 out of the 160 respondents, that is 13.1 per cent, had some sort of awareness about a SMC. This was restricted only to 2 areas namely Motilal Nehru camp and Trilokpuri, in the latter's case the awareness being made possible as a consequence of work done by a local NGO.

- Out of these 21 members 6 had attended a SMC meeting at some point of time. However none of these 6 members had any sort of knowledge about terms like School Development Plan or had any idea about the control over funds enjoyed by the SMC.
- All the members complained that their voices were not heard in such a meeting and they were usually asked not to speak with the teachers telling them that they were not sensible and literate enough to run the school's affairs.
- On a general basis, most respondents having some sort of complaint against the teacher or the school were afraid to do so with the fear that the same might result in bad treatment being meted out to their ward by the same teacher who was not likely to be punished by the inefficient government machinery. Also the only other avenue they were aware of in order to lodge a complaint related to schooling and education was that of the local Pradhan, who they felt would not pay any heed to the complaint

5. Implementation of Section 12:-

- Awareness regarding provisions under Section 12 was a bit on the brighter side though still not upto the mark.
- 46 out of 160 respondents that is a decent 28.75 per cent had some sort of awareness regarding the provisions under Section 12 of the Right to Education Act, that mandates private schools to reserve 25 per cent seats for children from disadvantaged and economically weaker sections.
- As discussed before 12 out of these 46 were availing these provisions and had their children enrolled in a reputed private school in the neighbourhood.
- The reasons cited by the remaining 34 respondents for not availing the provision despite some knowledge included:-
 - a) Lack of complete knowledge regarding rules and procedures and the documents to be submitted(19)
 - b) Fear of discrimination to their wards in the elite schools(9)
 - c) No follow up on part of school after initial applications (4)
 - d) Unable to produce income certificate on time (2)
- While the parents availing the provisions did not have any complaint against discrimination as such, the fact that most private schools

were not providing free entitlements like books and stationary were proving to be a burden.

- Sources of awareness had mostly been radio, newspaper and television and also word of mouth from other parents in a couple of cases.
- A very important finding was the strict enforcement of this clause by reputed private schools, while non compliance by the relatively middle budget private schools. This further makes the neighbourhood clause non feasible.

6. Quality of pre school education:-

- Local Anganwadis existed in all the slum areas visited and were quite regular in providing nutrition and child care services
- However only 41 out of the 76 eligible respondents felt that the Anganwadi was providing the right amount of pre primary education to the children aged between 3-6 years.
- 22 respondents complained that the Anganwadi worker was highly irregular during the pre schooling hours and was not present in most of the cases.
- Even amongst the 41 respondents satisfied with pre schooling services, 14 included those from the Trilokpuri area where the NGO Pratham was volunteering by deploying its own teacher as a helping hand to the Anganwadi worker. This was the main reason responsible for good pre schooling there, with the people complaining that before Pratham took up the responsibility, irregularity was high on part of the Anganwadi worker.

Survey of children:- Quality of education

A total of 100 students were surveyed and were asked to write their names in English, Hindi and do basic arithmetic. All the children surveyed were studying in standard five or above. The results of this survey were as follows:-

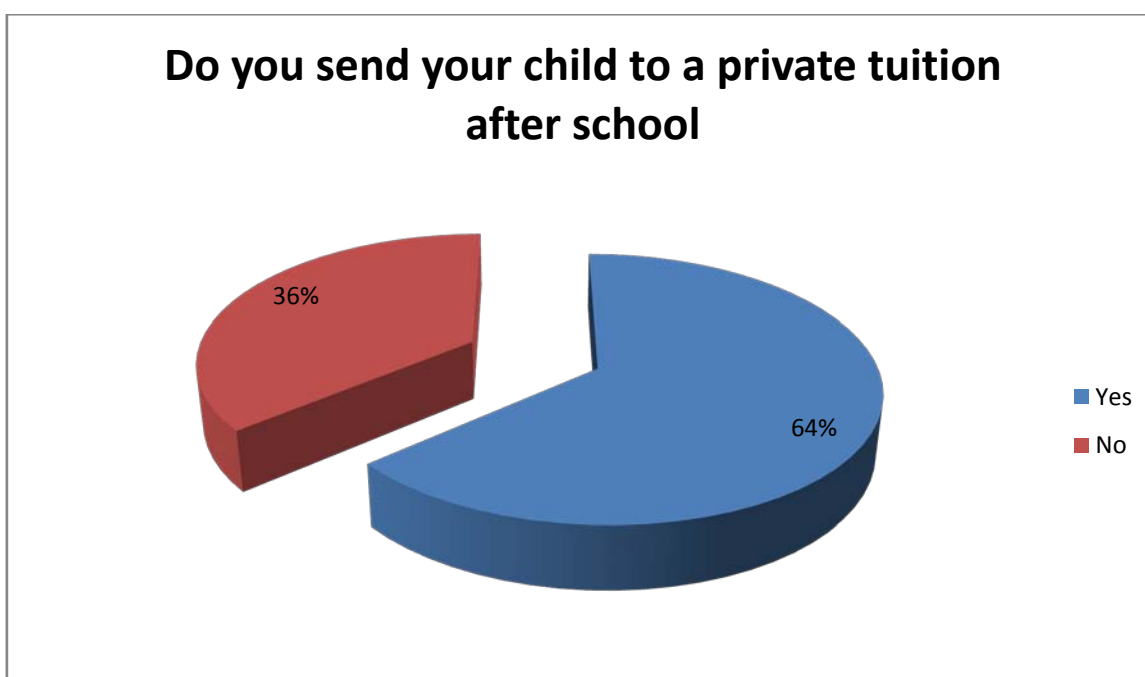
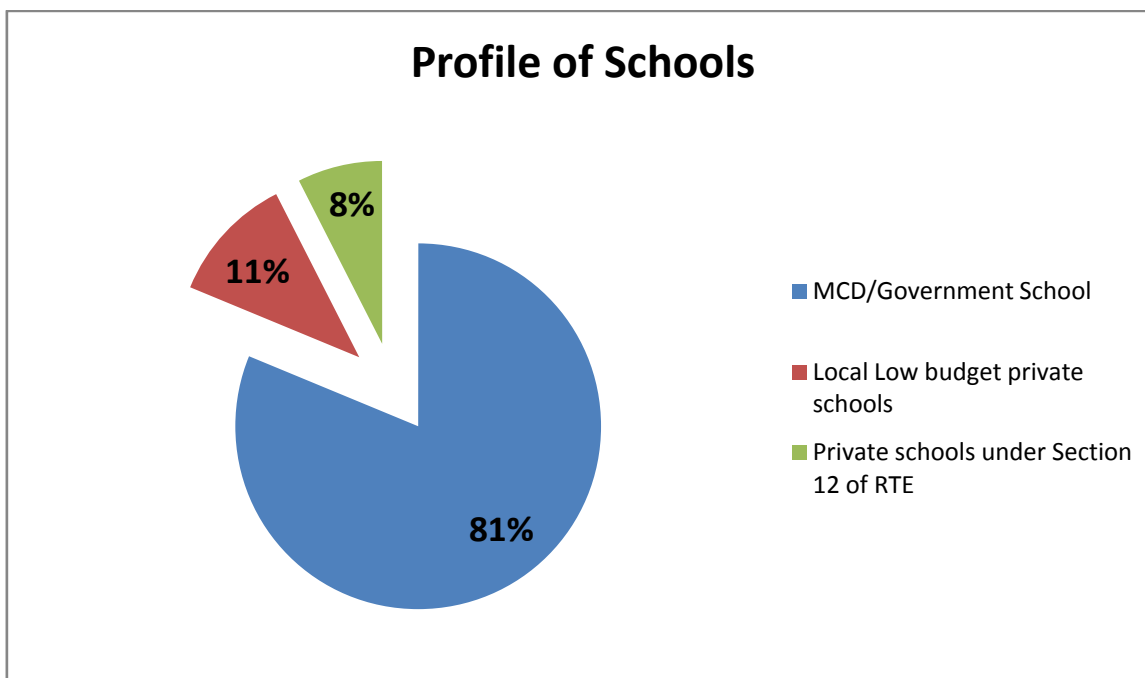
- A total of 99 out of 100 students were able to write their names in Hindi
- 89 out of the 100 students were able to write their names in English
- Only 33 students were able to do basic arithmetic like multiplication and division.
- Also, 43 students claimed that they had received corporal punishment at schools.

The general reasons cited by the parents for the dismal standards of learning were as follows:-

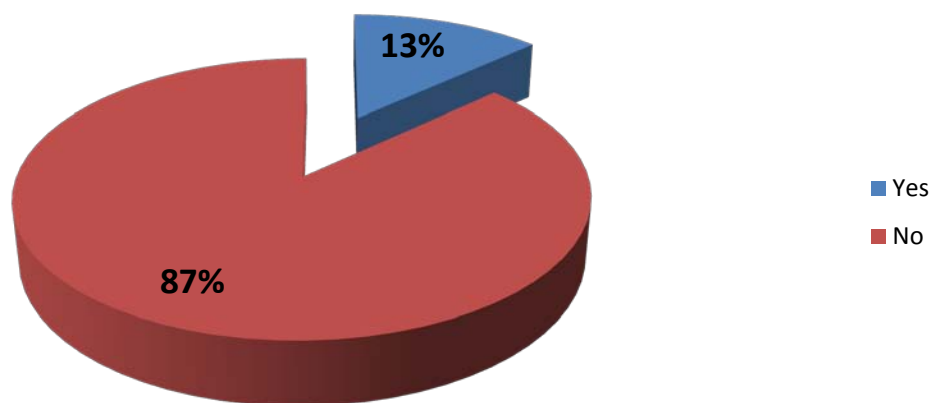
- Extreme negligence on part of the teachers with the teacher either absent or paying no attention to whether the students are learning or not.
- No detention policy is leading to a casual attitude on part of the teachers as well as the students. Amongst the random students surveyed, some said that they were never shown the answer scripts of their final examinations.

Summary of Survey Findings

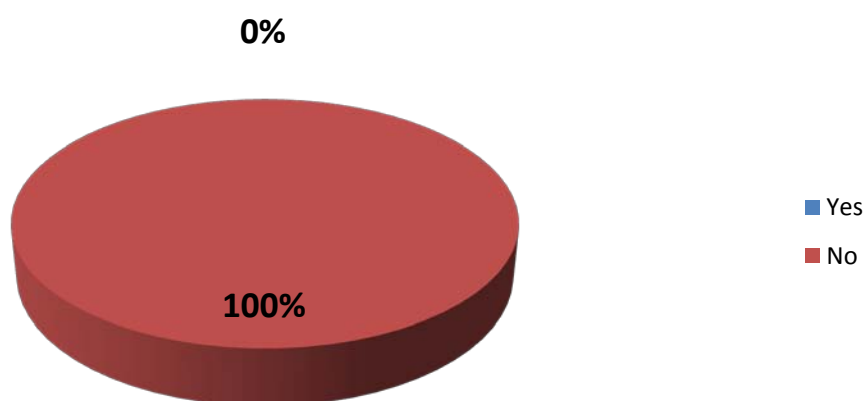
Total respondents(parents):- 160



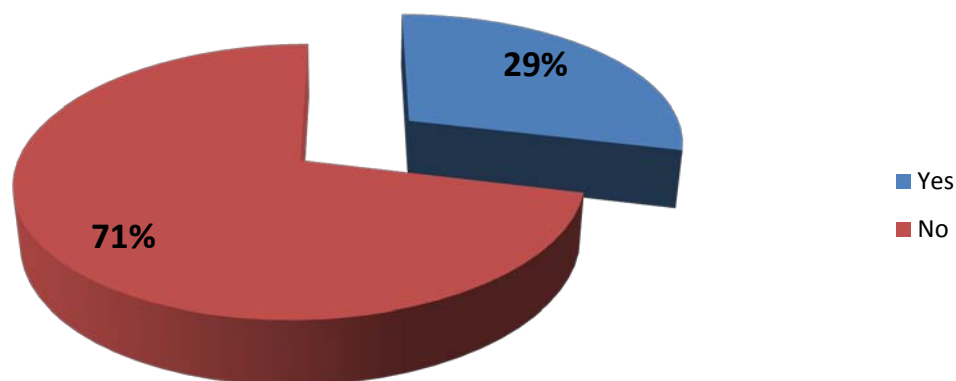
Are you aware of the term School management committee



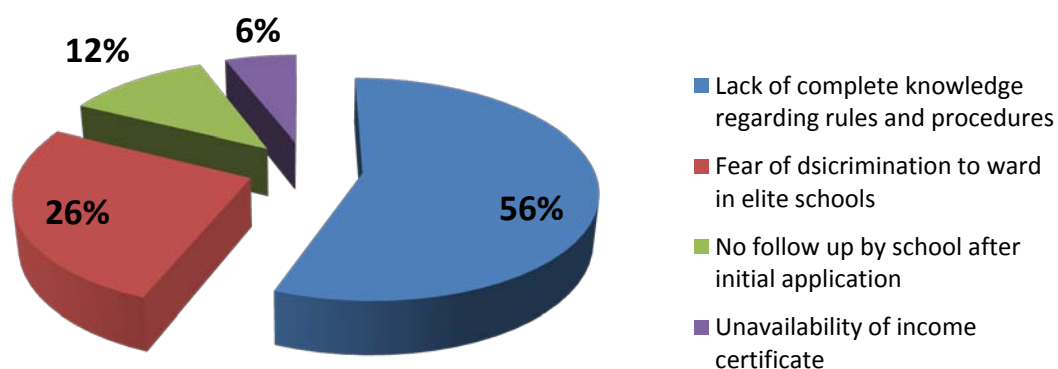
Are you aware of terms like School Development Plan and funds allotted under SMC



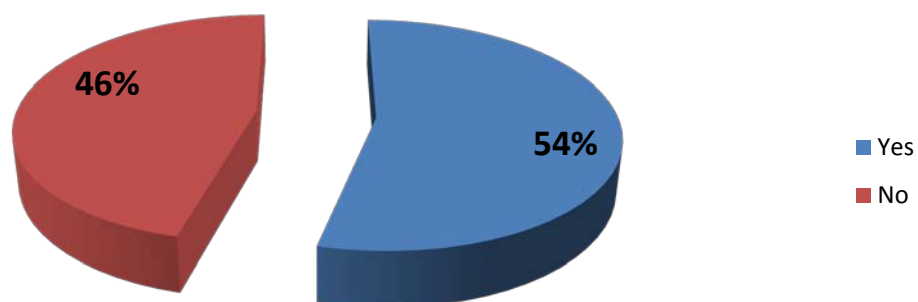
Are you aware about provisions under Section 12 of the Right to Education Act



Despite awareness what reasons have prevented you from taking admission to private schools under Section 12



**Are you satisfied with the pre schooling
services provided by the local Anganwadi in
your area**



5.2.2 Findings from other field visits:

- The Intern learnt a lot through his interaction with the head of the Delhi centre of the reputed NGO Pratham. The insight gained from the field visit is listed as below:-
 - **Date:** 16th June, 2014
 - **Medium:** In person

The first important issue discussed was regarding the empowerment of school management committees. An important point that came up was that given that most of the parents of first generation learners in rural areas are illiterate and daily wage labourers, is it logical to expect such a parent to be involved in the decision making process of the school. Another food for thought was the fact that the quality of the service depends more on the person availing the service than the provider. With more and more affluent middle class parents putting their children out of government schools, this could have been a major reason for the deterioration in the quality of the government school.

- Another insightful visit was to the office of the Delhi Commission for Protection of Child Rights and interaction there with the Chairman Shri Arun Mathur.
 - **Date:** 3rd July, 2014
 - **Medium:** In person

Gained a detailed idea about the work done and interventions of DCPCR in the area of Right to Education. Major work has been done in ensuring that School Management Committees are constituted in all of the government schools of Delhi, taking action against schools practicing corporal punishment and acting suo moto in many cases that involved violation of a certain clause under the Right to Education Act. Another point highlighted was that the infrastructure norms create a situation where it is spatially impossible for certain low budget private unaided schools to expand their physical space. However it is also not possible to shut them down and put at risk future of the students there, hence creating a very ambiguous

situation. Another point of discussion was about the problems associated with the neighbourhood clause wherein a child is supposed to be admitted in the neighbourhood school that should be within three kilometres of his residence. The reason for the same was that the child must not be burdened with the load of travelling long distances. This clause is logical if and only if the quality of all schools is uniform. However, there are huge variations in the quality of schools and it is not fair to deny a child residing in a neighbourhood, which has schools that are not of good standard, a chance to study in a quality school elsewhere.

- A field visit was conducted to the National University of Educational Planning and Administration where the intern interacted with Mrs. Madhumita Bandyopadhyay, Associate Professor, Department of School and Non formal education, NUEPA.

- **Date:** 3rd July, 2014
- **Medium:** In person

A topic of discussion was regarding the evolution from Village Education Committees to School Management Committees. Earlier village education committees were supposed to be formed. SMC's were different from these VEC's because it was necessary in SMC's that the members be from the parents of the children going to that particular school which was not necessarily the case with VEC's. Hence SMC's directly gave more power to the parents to ensure that quality education is given to their child. However in most cases even if the parents possessed the required awareness regarding SMC and came to attend the meetings, they still did not feel empowered enough to raise arguments against the teachers while the teachers often scolded them and cowed them down further instilling fear in them.. Therefore thought must be given to including a member of a local NGO if possible in the SMC so that someone can check whether the teacher is not misusing his or her authority. Also, another notable thing was Lack of quality education in government schools led parents to admit their children to paid private tuitions in the locality. In the research studies conducted by

the concerned person, it was observed that the parents were very concerned about what their child was taught in these tuition classes and went and talked to the tuition teachers. However, as far as school studies are concerned most of the parents hardly used to pay attention. This can be indicative of the fact that since parents are paying for tuitions, and not for education in the government schools, this makes them directly question the tuition teacher because they are shedding money from their pockets

5.3 Gap analysis

Major gaps exist between the government directives and policies on paper and the ground realities with regards to almost all the provisions of the RTE, from infrastructure norms to grievance redressal mechanisms. This was all the more evident from the field visits conducted as part of the project.

In many areas, School Management Committees have not even been constituted in the primary schools of that region. In others, where they exist, most of them do not have clear guidelines for the election procedures, which is the duty of the State administration to specify. Also importantly even if the SMC's are existence the parents who were a part of them had no knowledge about their roles and responsibilities.

The SCPCR's have been assigned the duty of monitoring RTE, but with a single SCPCR in the state, that too running without a help line or an online complaint registration and tracking mechanism, a huge gap exists between the aggrieved at the district level and the authorities. The only authority to report grievances to that the common man was found to be aware during the survey was the local Pradhan. The people did not possess any knowledge of a body like a SCPCR, or for that matter even the education department of the MCD which is the local authority defined under the Act.

As far as delivery of pre primary education is concerned, the major gap exists in overestimating the capabilities of the Anganwadi worker, who is clearly underequipped to cater to pre schooling needs of the child. In general, the area of pre primary education has not been accorded the attention that it deserves by the Government, with the system being largely run by inadequately equipped Anganwadis and unregulated private sector.

Lastly, the major gaps existing in the implementation of the progressive Section 12 basically relate to poorly defined reimbursement procedures for compensating the private schools and not realizing that the neighbourhood clause sometimes leads to denial of access to good private schools for children residing in the relatively less well off areas, which do not have a decent private school at all in the region defined as the neighbourhood.

6. Recommendations, Scope and Strategy for Implementation

Recommendation & Scope:

6.1 Empowering School Management Committees

6.1.1 Clear guidelines for election and composition

The first and foremost thing that needs to be done by the States is define clear and elaborate guidelines pertaining to the composition of SMC's and means for election of SMC members, something which is their responsibility under Right to Education Act.

As far as election of SMC members is concerned, states like West Bengal and Assam have outlined a very elaborate procedure of election of SMC members. While the concern shown is appreciable, a problem in this has been too complex guidelines for election for instance by the state of West Bengal, which mandate the appointment of many officials for SMC elections and extend the process unnecessarily³⁸. Therefore what is needed is not simply a detailed set of rules outlining election of SMC members, but a set of simple guidelines that mandate elections by a simplified procedure like holding a Gram Sabha like meeting of all the parents sending their ward to that school and getting done with the elections in a single day.

Also what is needed is a uniform and democratic procedure across all States. For instance, the RTE rules of Andhra Pradesh call for directly appointing the parents of the wards scoring the highest marks in the class as SMC members. Such provisions need to be done away with and all States need to follow a simple democratic procedure for elections.³⁹

There is also a need of greater clarity on rules pertaining to composition of these School Management Committees. The composition that is the number of members

³⁸ http://mhrd.gov.in/sites/upload_files/mhrd/files/rte-state-rules/west-bengal_rte-rules_%20.pdf

³⁹ http://mhrd.gov.in/sites/upload_files/mhrd/files/rte-state-rules/Andhra_rte_rules.pdf

can be defined in proportion to the strength of the children studying in the school, as has been done by the States of Kerala, Punjab and Haryana, who all have their different number of members, but have defined it according to the strength. For instance, in Kerala in case of students less than 750 the SMC is supposed to have 16 members and in case the students are more than 750, the SMC is supposed to have 20 members. What defining the upper limit of members does is that it makes the whole election and constitution process more orderly.

Another thing that needs to be done uniformly across all states is fixing the tenure of SMC members as 3 years which currently stands at 2 years in most states. This is needed because most SMC members are not aware of the procedures of the school administration and require a considerable time to be familiar with it. Not only this guidelines for removal of SMC member also need to be in place because a certain section of the responsibility also lies on the shoulders of the parents if they want to ensure their child is receiving the right standard of education. 1 SMC meeting should be scheduled every month and failure to attend 6 such meetings in a year should lead to removal of that member from the SMC. Also the reasons for absence in meetings should be duly approved by the SMC chairman.

6.1.2 Increased awareness about SMC's and hand holding by NGO's

As the survey findings indicated, only a meagre 13 per cent of the respondents surveyed were aware of the term School Management Committee and none amongst those had any detailed knowledge of its functions or the financial autonomy enjoyed by this body. Quite clearly, a SMC remains a significant instrument of raising accountability of teachers and enabling the parents to ask for the services their child deserves. Hence the central and state governments need to allot a separate section of their education budget under the Sarva Shiksha Abhiyan to raising awareness about SMC's. This can be done through campaigns on radio and visual and print media. Also, booklets or training manuals outlining what all are the powers that a SMC enjoys should be printed and distributed to all the SMC members.

From the survey findings, one thing was quite clear that most parents were afraid to complaint because they feared bad treatment might be meted out to their wards as a result of complaining. Even the parents attending the SMC meetings were often chided by the teachers and their voices were not heard. Something which can help the parents in finding their voice and being confident enough to complaint is mandatory inclusion of a social worker from a local NGO in the SMC. The SMC should receive applications from such social workers who want to be a part and take the decision to select one in case there are more applications. Presence of a social worker who is well informed about the legal provisions would not only give

the parents the confidence to raise complaints but also help the other members in knowing about the roles and responsibilities accorded to the SMC's under the law.

6.1.3 Facilitating greater training of SMC members

Currently the training process for SMC members is excessively inadequate and irrelevant. Training should be carried out at the Block or Cluster Resource Centres and apart from representatives of the Education department of MCD, must include a member from the local NGO. SMC members should be enlightened on terms like School Development Plan and given training on how to draft these SDP's. Not only this, they should be made aware about other important provisions of the RTE Act in general such as reservation in private schools under Section 12 and the structures that exist for grievance redressal.

6.1.4 Improved financial autonomy

There is an urgent need to untie the three funds available to the SMC's and increase them by some amount. The School Development Grant, Maintenance Grant and funds for Teacher Learning Material should be granted as such under the existing heads. However, by untying them the SMC should be free to choose where it wants to spend these funds, that is if it feels that enough teacher learning material exists, it should be able to utilize TLM funds for development of school infrastructure.

Another step which needs to be taken is to ensure that any directive issued by the district or state administration pertaining to purchase or maintenance to be taken up all schools, should not extract funds from the amount allocated to the School Management Committee.

6.1.5 Improved administrative autonomy

Despite the progressive role envisaged for it, the School Management Committee in effect remains a toothless body, with its recommendations not being binding. Some states have set good examples by allotting certain special additional duties to the SMC. For instance, the states of Andhra Pradesh and Himachal Pradesh give the SMC the power to hire para teachers in case of a vacancy or if the teacher is on a long leave. In the state of Assam, a teacher's application for casual leave can only be endorsed by the Block Education Officer if and only if it has been approved by

the members of the SMC⁴⁰. Such examples of giving some additional powers to the SMC should be taken up by all the States.

Also, in certain specific and crucial areas like teacher absenteeism, non compliance in case of mid day meals and corporal punishment, the SMC should be given greater authority. Here an example to be embraced comes from the State of Uttarakhand, where SMC with approval of at least 30% members shall inform the deputy BEO for necessary action against absent/irregular teachers which shall take action and report back to SMC. If SMC is not satisfied, it can appeal to DEO or SCPCR⁴¹. Similar powers to the SMC should be given in matters relating to mid day meal and corporal punishment.

6.2 Improved monitoring and easier grievance redressal

6.2.1 Revising infrastructure norms

Infrastructure norms specified under the RTE Act, prove to be a major hurdle in the monitoring of the Act in urban poor localities, as reported by the Chairman of the DCPCR himself. Clearly the schools in urban poor localities are nowhere close to fulfil them due to constraints of physical space. At the same time, depriving these schools of recognition can put the future of the children studying in them at great risk, who have no better schools to go to. Not only does this provide a dilemma for authorities seriously working to monitor RTE, it also lays open an opportunity for extorting bribes for corrupt officials. The way out can be the example followed by the State of Gujarat which has included the learning outcomes as a necessary criterion for school recognition and has asked for revised infrastructure norms⁴².

6.2.2 Online complaint mechanism

Something clearly observable was the huge gap existing between the common man and the authorities tasked with redressal of grievances, as demonstrable in the

⁴⁰ http://mhrd.gov.in/sites/upload_files/mhrd/files/rte-state-rules/assam-state-final-rte-rules_2011_notification.pdf

⁴¹ [http://mhrd.gov.in/sites/upload_files/mhrd/files/rte-state-rules/Uttarakhand Notified RTE Rules English\(2010\)_1.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/rte-state-rules/Uttarakhand Notified RTE Rules English(2010)_1.pdf)

⁴² http://mhrd.gov.in/sites/upload_files/mhrd/files/Gujarat-State%20RTE%20rules.pdf

case of the SCPCR, which has only one centre in the state, thereby creating a huge vacuum between itself and a person willing to complaint who resides in a remote district. Something that can help in bridging this gap is putting in place an online complaint registration and tracking mechanism. This needs to be adopted by the websites of NCPCR and the SCPCR at the State level. Not only this the website of the Municipal Corporation must have an online portal that allows for registration of complaints, which can then be forwarded to the concerned official in the Education department.

The portals such mentioned should have fields such as locality, school and the denial of the entitlement to which the complaint relates such as mid day meal, corporal punishment etc. Meanwhile bodies like NCPCR and SCPCR, being appellate authorities as well, should have a separate section where the complaint can be made if the local authority did not act upon the first complaint.

Clarification of local authorities-separation of roles on basis of entitlements

Separate specifications of the authority charged with provision, authority for first centre of grievance redress and appellate authority should be made in the matrix format suggested by NCPCR. Furthermore the criterion for this specification should be the entitlements under the RTE Act. The example to look forward to is the state of Gujarat again which has listed out the authorities in an orderly manner. Implementation is definitely a tough task despite these specifications, but still this is the first step that can be taken by all states to avoid ambiguity rising from the definition of the local authorities⁴³.

6.2.3 Upgrading block resource centres

Respondents covered in the survey reported that the only authority to which they could complaint according to them was the local Pradhan, who too was not the most enthusiastic in listening to these complaints. The way ahead in bridging this gap should not be creating more centres of grievance redressal at the district level which would add to the unnecessary bureaucracy, but rather upgradation of the existing block resource centres.

This should be done by:-

- Appointing a Grievance Redressal Officer at each BRC who would receive complaints of the local residents.

⁴³ <http://www.ssagujarat.org/Matrix%20For%20Grievance%20Redressal%20under%20RTE%20Act.pdf>

- Installing computers in the BRC in order to enable the officer to help the residents register online complaints. The officer can help them in directing their complaint to the right authority and should be responsible for ensuring and tracking the response to these complaints. These computers can serve additional purposes such as training of members of School Management Committee.
- Other duties of the Grievance Redressal Officer should be carrying out checks to see the rate of compliance of provisions like formation of School Management Committees and implementation of Section 12.

6.2.4 Making SMC's aware about redressal mechanisms

An important platform for spreading the requisite awareness about grievance redressal structures amongst the common public can be the School Management Committee. In this regard, the SMC training should mandatorily include a module on the procedures and authorities related to redressal of any problems or complaints.

6.3 Better Early Childhood Care and Education(ECCE) Services

6.3.1 Supporting the Anganwadi worker

Although 54 per cent of the respondents were not satisfied with the pre schooling services provided by the Anganwadi, it is also quite clear that the Anganwadi worker is both overburdened and underequipped to provide for pre primary education services. It is imperative for the government to appoint a co Anganwadi worker to cater exclusively to Early Childhood Education services, that is pre schooling for kids between 2-6 years of age. Her salary should be equivalent to the Anganwadi helper and the minimum qualification should be of being a twelfth pass. The training of this new worker should be carried out at the ICDS centre only and focus should be more on teaching by employing joyful learning methodologies.

6.3.2 Linking Primary and Pre Primary Education

Efforts to link primary and pre primary education need to be initiated. This could be either done by relocating ICDS centres to the closest primary school as far as possible. Another alternative is, creating a compulsory pre primary section in government schools for 4-6 year olds, with pre primary education by the Anganwadi being provided only for children aged between two to four. Without

bringing pre primary education under the ambit of Right to Education Act, this is the only way to increase the focus on it. What this would also help in is increasing retention in the school to which the ward starts going from the age of four rather than the current prescribed age of six.

6.3.3 Developing standardized teaching modules and guidelines

Attention also needs to be paid to creating teaching modules and a curriculum exclusively for pre primary education, the reason being it is a specialized area and cannot be handled in the same manner as primary education. The focus here need to be on adoption of joyful and creative learning methodologies and less emphasis on advanced skills like arithmetic and writing as such. The curriculum should focus on encouraging the child to think creatively instead of burdening him with the level of education that needs to be introduced only at the primary level.

6.4 Improved implementation of Section 12

6.4.1 Revised Reimbursement Procedures

While reservation in private schools under Section 12 is a positive step, it is important to ensure timely delivery of the reimbursement amount to the private schools under this clause to enable them to effectively implement this. Half of the reimbursement should be dispensed at the start of the academic year according to the number of seats filled by the school, while the other half should be given only after proper verification of enrolment at the end of the academic year as is being done by many States. Such a thing would both enable the school to meet its costs as well as keep it on its toes to implement this provision.

As far as the reimbursement amount is concerned, per child expenditure should be calculated by also including capital costs into account and not simply recurrent costs as is done now. Also a time frame, such as 2 years, should be defined for re calculation of this per child expenditure in order to account for rise due to inflation.

6.4.2 Doing away with neighbourhood clause

From the primary survey conducted it was clearly observable that the relatively high budget schools were more regular in ensuring that seats under Section 12 got filled by the beneficiaries compared to middle or low budget schools. A reason could be the inability to meet expenditures for the latter in absence of proper reimbursements. This clearly puts the children residing in localities which do not have reputed private schools within the neighbourhood limit of their locality at a slight disadvantage.

Another point of concern is the absence of any good private school, whether middle or high budget, in the area specified as the neighbourhood, which can be a common occurrence provided most of the beneficiaries reside in urban poor dwellings usually away from the relatively well off regions. This again deprives the students from gaining access to good private schools. Hence, the neighbourhood clause is not logical unless equitable access to private schools exists in a homogenous manner across all areas.

A positive example to follow is from the state of Rajasthan which has defined the neighbourhood as geographical limits of concerned Gram Panchayat/Nagar Palika/Nagar Parishad/Nagar Nigam⁴⁴.

6.4.3 Awareness Drives and Proactive Disclosure of Information

While every school under Directorate of Education has listed out the number of eligible seats and the number of vacancies on the DoE website, which is an appreciable step, more needs to be done by the schools to bridge the awareness gap. Schools should display the same information on their notice boards along with the contact number of a certain official or the concerned person within the school who would be handling the admission queries.

In the primary survey, a major percentage of respondents attributed awareness regarding Section 12 to newspapers and television/radio campaigns. This needs to be built upon by the government by providing funds for more sustained awareness campaigns, particularly through print and visual media. Also, respondents who were aware of the provision but still didn't use it cited one of the reason as their anxiety towards discriminatory behaviour being meted out to their ward. Therefore, NGO's should also lead awareness drives whose sole focus should not be on spreading awareness regarding the provisions as such, but also having a dialogue with parents and assuaging their fears regarding discrimination towards their wards in the elite schools.

⁴⁴ http://mhrd.gov.in/sites/upload_files/mhrd/files/rte-state-rules/rajasthan_rte-rules_29032011.pdf

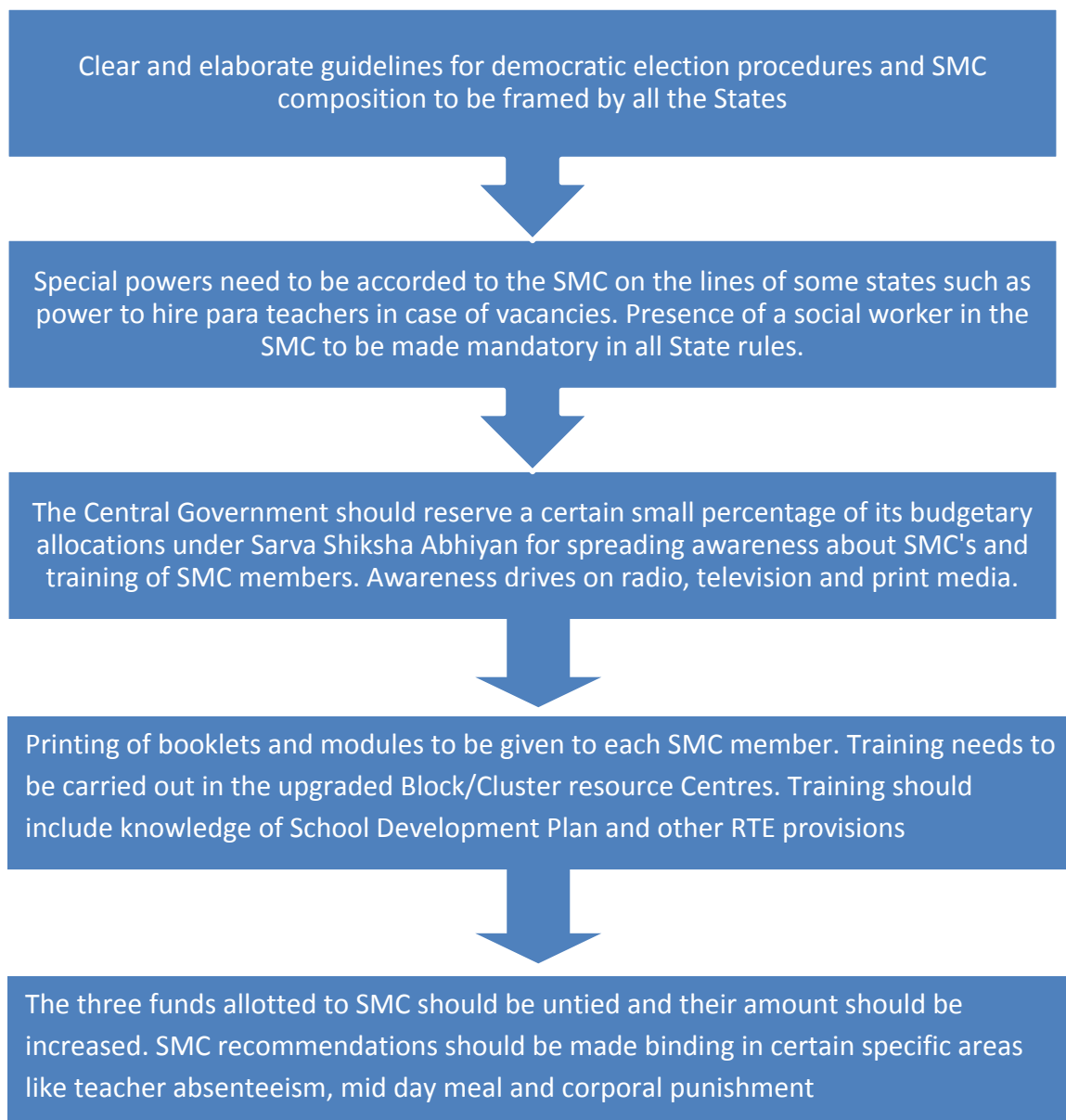
6.4.4 Simplifying entry barriers

Almost all the respondents who were availing free education in a private school for their ward or had tried for the same, reported inconvenience in obtaining the necessary income or caste certificates within the required duration. Something which can be done, is allowing validation of these certificates after the issue of the first list of allotted seats. What this would do is allow parents to apply even if the issue of certificate is taking time and at the same time, in case the certificate cannot be produced at the later date, the seat can always be allotted to the next candidate in the second list.

At the same time, the Revenue department must look into reducing the number of days required to obtain the income certificate which needs to be shown as a pre-requisite.

Strategy for implementation

- School Management Committees



- Monitoring and Grievance Redressal

Defining local authorities by separation of authorities charged with provision of entitlement, specified as first centre of grievance redress and specified as the appellate authority in the matrix form suggested by NCPCR on an entitlement basis.



Putting in place an online complaint registration and tracking mechanism on the websites of NCPCR, SCPCR's and education department of the concerned Nagar Nigam/Nagar Parishad..



Upgradation of Block Resource Centres by posting a Grievance Redress Officer there and installing computer in each BRC. Benefit outweighs the cost involved as the BRC can serve as a platform for multiple functions. The officer would help people register and track their complaints online and also look at implementation of other provisions of RTE in his area.



Block Resource Centres will also serve as centres for training of SMC members, for which digital resources can be used as well. An exclusive module in the training of SMC members should be dedicated to knowledge about procedures relating to redressal of grievances

- Pre Primary education

Appointing a co Anganwadi worker to exclusively deliver Early Childhood Education services. Salary equivalent to Anganwadi helper and minimum 12th pass. Training at ICDS centre only.



Efforts to link primary and pre primary education need to be initiated. This could be either done by relocating ICDS centres to the closest primary school as far as possible. Another alternative is, compulsory pre primary section in government schools for 4-6 year olds



Revised curriculum and teaching guidelines and modules exclusively for pre schooling. Focus more on joyful learning methodologies.

- Implementation of Section 12 of RTE Act

Revising reimbursement procedures by considering capital costs in calculation as well as setting a timeframe for the amount to be revised according to inflation. Also ensuring timely delivery to the schools in two separate installments.



Neighbourhood clause in the case of Section 12 should be done away with. Information campaigns on print media and radio. Also public display of vacant seats on notice board by schools



Period to obtain income certificate needs to be reduced by the revenue department. Also make provision for validation of caste and income certificates at a later date after admission, that is when the first list of seats is issued.

6. Suggestions for future work:

Despite the completion of the report, the study remains a field analysis of a very limited and small area. Following are the suggestions for undertaking future work in this area:

- A more detailed and representative primary survey can be conducted, particularly by taking the sample space as a rural area because the problems faced in rural areas could not be covered in this survey
- A cost benefit analysis can be taken up of using teleconferencing and internet as a medium to dispense primary education in the underdeveloped areas.
- A separate study can be conducted on the psychological and intellectual development of a child from an underprivileged background who is studying in an elite private school under reservation provided by Section 12.

7. Conclusion

- Primary education has never been a central priority of the political class, and a hasty legislation in the form of RTE reinforces that lack of will.
- From the secondary research through mostly literature study and primary surveys the intern was able to identify the roles assigned to the SMC and the amount of administrative and financial autonomy they enjoy. Crucial barriers arising in the SMC's not being unable to fulfil the responsibility accorded to them were also identified. Not only greater awareness but hand holding of these SMC's by NGO's and civil society groups are essential to empower them.
- The monitoring and grievance redressal mechanisms remain weak, vague and inaccessible to the common man. With lack of accessibility and no online complaint mechanism, the situation is grim in this area. There is an imminent need to clarify the local authorities under the Act and upgrade Block Resource Centres to act as facilitators for lodging complaints.
- It is unfortunate that an area as crucial as pre primary education has no legal provisions to make it compulsory. Even though it is provided through ICDS, that as seen is inadequate due to lack of training and the extra load on the Anganwadi worker. The need of the hour is appointing a separate co Anganwadi worker to cater exclusively to pre schooling and initiating efforts to start linking pre schooling centres with primary schools as much as possible.
- Reservation in private schools for the underprivileged is a brilliant step ahead and is slowly gaining pace. However caveats in its implementation should be done away with by simplifying entry barriers like problems in obtaining income certificate for the poor as well as by making private

schools partners in the true sense by revising and properly following the reimbursement procedures.

8. References

9.1 People Met

- a. Shri Syed Shahid Mahdi, ex Chancellor Jamia Millia Islamia University
- b. Mr. Shailendra, head of Pratham, Delhi Centre
- c. Miss Chanchal and , hub incharges of Pratham Balwadis, Karol Bagh and Trilokpuri respectively
- d. Mrs Madhumita Bandyopadhyay, Associate Professor, Department
- e. of School and Non formal
- f. education, NUEPA
- g. Shri Arun Mathur, Chairman, Delhi Commission for Protection of Child Rights

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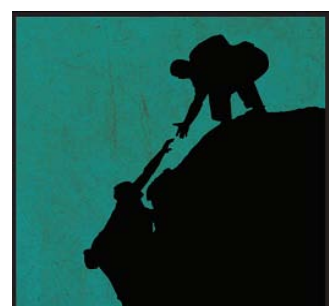
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- Website of Women and Child Development Ministry highlighting ICDS(www.wcd.nic.in/icds.htm)

“The highest measure of democracy is neither the
‘Extent of freedom’ nor the ‘extent of equality’ but
Rather the highest measure of participation.”
- A.D. Benoist

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