



**RIGHT TO
EDUCATION
CELL (RTE CELL)**

An ICSSR Recognised Institute

**Max Weber
Stiftung**

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German Humanities
Institutes Abroad



IMPLEMENTATION OF THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009: WHERE DO WE STAND?

Status Report 2024



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Tribute to Prof. Muchkund Dubey

3 November 1933 – 26 June 2024

Professor Muchkund Dubey was a steadfast advocate for the universalization of education for all children. He had deep sense of conviction that the Right to Education (RTE) Act serves as a powerful instrument to fulfill the dream of millions of children in our country.

Whenever he heard about children still being denied access to school, the spark in his eyes would dim, and with a heavy heart, he would say that these children should not be left out. He persistently held the view that we had every reason to work harder to ensure that every child in India claim their educational rights.

He emphasized that no special approach should be made only for economically weaker sections, as our goal is to reach every child, across all classes and castes and we cannot afford to leave even a single child.



Professor Dubey's vision centred on universalizing education, strengthening RTE implementation, and advocating for a common school system. His contribution as the Chairperson of the Bihar Common School System Commission in 2007, which outlined a comprehensive roadmap for implementing it, is a testament to his commitment to the cause of one school for all.

After the passing away of Ambarish Ji, the RTE Forum National Convenor during COVID-19, Professor Dubey felt an acute sense of loss in advancing the mission of RTE implementation. However, his unwavering commitment continued to guide us in CSD. With indomitable determination, he created the Right to Education Cell at CSD in June 2023, outlining a new set of tasks to ensure the effective implementation of the RTE Act.

Though Professor Dubey is no longer with us, he has left behind a profound legacy and immense responsibility of carrying forward his vision. The CSD and the RTE Cell are fully committed to work for the fulfilment of his vision, with the same dedication and conviction he exemplified while he was alive.

We dedicate this report to Late Prof. Muchkund Dubey, our mentor, guide and guardian.

Acknowledgments

This status report, titled “Implementation of the Right of Children to Free and Compulsory Education Act, 2009: Where Do We Stand?” reflects the collective dedication and invaluable contributions of numerous individuals and institutions at the end of fifteen years of its implementation. The profound insights gathered during the National Summit on the RTE Act, held on April 1, 2024, were pivotal in shaping this comprehensive and reflective analysis.

We extend our deepest gratitude to all attendees of the National Summit on the RTE Act. The contributions and perspectives from grassroots organisations, university staff, students, scholars, and passionate advocates for elementary education enriched the discussions, significantly enhancing the Summit’s outcomes.

A special acknowledgment goes to the faculty members and administrative staff of the Council for Social Development (CSD), whose unwavering support have been instrumental in orchestrating the summit and bringing together a diverse array of voices. We are deeply grateful to Professor Nitya Nanda, Director of CSD, for his invaluable support. We are particularly thankful to the late Professor Muchkund Dubey, President of CSD, whose visionary leadership laid the foundation for this status report. His unwavering commitment and foresight were crucial in shaping the report. I also appreciate Prof. Niranjanaradhya, National Coordinator of the RTE Cell, CSD, for his wise guidance, encouraging words, and invaluable insights throughout this journey. Special thanks to Prof. R. Govinda, Distinguished Professor, CSD, and Prof. Ashok Pankaj, Professor, CSD. The quality of this report stands as a tribute to their vision and steadfast commitment to making a meaningful impact on India’s educational landscape and, most importantly, on the lives of its children.

Moreover, we extend our sincere gratitude to the authors of the case studies featured in this report. Their expertise, reflected in their written contributions and showcased as panellists and facilitators during the RTE Summit, has been invaluable. Their dedication to exploring the intricacies of the RTE Act’s implementation and sharing their knowledge with the broader community is commendable and greatly appreciated.

Lastly, we acknowledge the tireless efforts and commitment of all those who contributed, both directly and indirectly, to the Summit's success and the completion of this Status Report. We hope this document will serve as a meaningful resource for policymakers, educators, and stakeholders dedicated to advancing the right to education for every child in India. As we reflect on this journey, let us remember that together, we have the power to shape a brighter future for our children.

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Abbreviations

AISES	All India School Education Survey
AWP&B	Annual Work Plan and Budget
BBC	British Broadcasting Corporation
CAG	Comptroller and Auditor General of India
CBGA	Centre for Budget and Governance Accountability
CCPCR	Chandigarh Commission for Protection of Child Rights
DEO	District Education Officer
DISE	District Information System for Education
DPSP	Directive Principles of State Policy
GDP	Gross Domestic Product
Gol	Government of India
MDM	Mid-Day Meal
MHRD	Ministry of Human Resource Development
NAC	National Advisory Council
NCERT	National Council of Educational Research and Training
NCPCR	National Commission for Protection of Child Rights
NCPCR	National Commission for Protection of Child Rights
NER	Net Enrolment Ratio
NGO	Non-Governmental Organization
NIEPA	National Institute for Educational Planning and Administration
NRC	National Register of Citizens
NSS	National Sample Survey
NUEPA	National University of Educational Planning and Administration

OoSC	Out of School Children
PAs	Personal Assistants
PCMC	Pimpri Chinchwad Municipal Corporation
PS	Primary School
PTR	Pupil Teacher Ratio
PTSD	Post-Traumatic Stress Disorder
REPA	Right to Education Protection Authority
RTE	Right to Education
SAC	State Advisory Councils
SC	Scheduled Caste
SCPCR	State Commissions for Protection of Child Rights
SDPs	School Development Plans
SMCs	School Management Committees
SmSA	Samagra Shiksha Abhiyan
SSA	Sarva Shiksha Abhiyan
ST	Scheduled Tribe
ToI	Times of India
UDISE	Unified District Information System for Education
UNCRC	The United Nations Convention on the Rights of the Child
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UPS	Upper Primary School



**IMPLEMENTATION OF THE RTE
ACT, 2009: A STATUS REVIEW**

1

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

POORNIMA M, RAMANDEEP KAUR AND MEHAK DHIMAN

INTRODUCTION

The fundamental right to education that was inserted through Article 21 A in the Constitution of India in 2002 later took the shape of a legislation in August 2009. Since then there have been several ups and downs regarding its effective implementation and procuring results which facilitate structural changes in the Indian society and lives of children. It is a matter of fact that improvements have been made, children have enrolled into schools, quality of education has improved; but only to a certain basic extent. Such progress could also be credited to the gradual and inevitable curve of general development. With India becoming the most populated country in the world and almost 10% of that population severely poor, it has become a prerequisite for the survival of the Indian society to have an effective education system which creates responsible and self-sustaining citizens. Without achieving the standards and goals mentioned in the Right of children to Free and Compulsory Education Act [hereafter, the Right to Education (RTE) Act], 2009 we cannot visualise a “Viksit Bharat”. The first pillar of development is “Education” which in turn strengthens other pillars such as wellbeing and quality of life of people, sound health, gender equality and exclusivity.

It is widely acknowledged that this issue is not receiving the attention it deserves. There are significant challenges and obstacles to achieving free and compulsory education for all children in India. Scholars have argued that the RTE Act should be viewed not merely as a ‘right to schooling’ but as a ‘right to education.’ They contend that the Act does not place sufficient emphasis on ‘learning,’ focusing instead on infrastructure, facilities, teacher-student ratios, recruiting qualified teachers, and ensuring attendance and enrolment.¹ While it is undeniable that imparting quality education remains a distant goal, it is important to recognise that without establishing the necessary prerequisites, achieving the desired learning outcomes is unlikely. Moreover, these infrastructural and facilitation aspects are crucial for minimising exclusion and inequality in elementary education. In India, the primary barriers to children’s education are socio-cultural, rooted in caste, religion, gender, and income disparities. These challenges can only be effectively addressed by providing adequate facilities and ensuring that schools are safe spaces for all students.

1 Kumar, A., Shukla, S. K., Panmei, M., & Narayan, V. (2019). ‘Right to Education Act: Universalisation or Entrenched Exclusion?’ *Journal of Social Inclusion Studies*, 5(1): 89-111. <https://doi.org/10.1177/2394481119849272>

This report intends to provide a comprehensive review of the implementation status of the RTE Act in India over its fifteen-year existence. It also showcases the ground experiences from few states through case studies from the States. It seeks to present an account of the Act's impact by analysing various aspects of its implementation and present a balanced assessment of the Act's effectiveness and challenges faced in its execution across the country.

RTE ACT: AN OVERVIEW

In 2009, the Government of India introduced a new legislation known as the "Right of Children to Free and Compulsory Education Act", which came into force on 1st April, 2010. Through this legislation, the Constitutional mandate of ensuring the fundamental right to education of every child in the age group of 6 to 14 years received a legal sanctity and thereby became a justiciable right. The larger goal of enacting the legislation is clearly articulated in Para 4 Statement of Objects and Reasons.² It reads as follows:

The proposed legislation is anchored in the belief that the values of equality, social justice and democracy and the creation of a just and humane society can be achieved only through provision of inclusive elementary education to all. Provisions of free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections is, therefore not merely the responsibility of schools run or supported by the appropriate government, but also of schools which are not dependent on government funds.

The RTE Act aims to provide an education to our children that enable them to acquire the skills, knowledge, values and attitudes necessary to become responsive and active citizens of India.³ It was a moment of glory when, RTE implementation was taken up as a common national endeavour and a commitment to take a joint effort was undertaken with resolve and determination by the government at the Central, State, District and Village level to realise the Right to Education. Further, as noted in the National Education Policy 2020, RTE Act 2009 serves as a legal underpinning for achieving universal elementary education.⁴

The Act, crafted with positive intentions to enhance the educational experiences of children in both public and private schools, simultaneously serves as a powerful instrument for societal transformation, instilling core values of the Constitution, and to promote equality and various other rights. It represented a momentous step forward towards universalising the elementary education in the country to ensure comparable quality education to all children. However, the path is not without challenges. Over the years many basic issues and implementation challenges have affected the effective implementation of the Act. As we step into the fifteenth year since the enactment of the RTE Act, the implementation measures at the national and state levels across the country have been found to be in varying degrees depending upon the political will, financial resources, regional disparities and capacity of various states for implementation. Over the decade of implementation, the RTE Act has made several strides, some provisions have led to the achievement of key indicators, and some received criticism for lapses in achievement, while others faced various challenges due to financial constraints, implementation hurdles, and lack of rigour.⁵ Furthermore, the challenges of implementation increased leaps and bounds with the advent of COVID-19 and the nationwide lockdown, derailing the decades of progress made in the efforts towards universalisation of education.

According to a UNICEF report, school closures in India have impacted the elementary and secondary school education of 247 million children and 28 million children in pre-schools and Anganwadi centres.⁶ This is in

2 Gol. (2009). *The Right of Children to Free and Compulsory Education Act 2009*. New Delhi: Ministry of Human Resources Development.

3 Singh, M. (2010, April 1). PM's address to the nation on the Fundamental Right of Children to Elementary Education. *Speech - PMO Archive*. New Delhi.

4 Gol. (2020). *National Education Policy 2020*. New Delhi: Ministry of Human Resource Development.

5 Bhattacharjee, S. (2019, August). Ten Years of RTE Act: Revisiting Achievements and Examining Gaps. *ORF Issue Brief, Issue No. 304*. Observer Research Foundation.

6 Pandit, Ambika. (2020). 'School closure has affected 27 crore kids in India: UNICEF', *Times of India*, June 24, 2020, accessed on December 28, 2023, available at: <https://timesofindia.indiatimes.com/india/school-closure-has-affected-27-crore-kids-in-india-unicef/articleshow/76541506.cms>

addition to more than six million children who were already out of school before the COVID-19 crisis. This suggests that even to this day, a significant number of children in our country have been unable to enjoy the educational rights that they are entitled to under the RTE Act. It is just a clear violation of the right to education of children, when still millions of children are out of school, teachers are not substantially recruited and trained, RTE compliance is not completely met, schools are closed in the name of consolidation and substantial allocation of finance is not made to effectively enforce the rights of children.

It is in this context, the forthcoming section of this review presents an analysis on the status of implementation of the RTE Act by discussing some of the key provisions of the RTE Act.

ANALYSIS OF KEY PROVISIONS OF THE RTE ACT

This section outlines key provisions of the RTE Act, examining their rationale⁷ and providing a reality check through a review of existing literature, facts, and figures. The analysis relies on secondary data sources, including UDISE+ data, National Sample Survey data, various reports from the Government of India (such as those from the Ministry of Education and the Comptroller and Auditor General), parliamentary responses to unstarred questions, as well as reports from UNICEF, media sources, and other relevant documents.

Free and Compulsory Education

As outlined in Section 3 of the RTE Act, every child aged 6-14 years has the right to free and compulsory education in a neighbourhood school, and it is the government's duty to ensure access of children to education. RTE Rule 6(4) states that if a neighbourhood school is not available within these limits, the appropriate government must arrange transportation or provide residential facilities. However, a reality-check of the progress over the years reveals a concerning trend regarding the effective implementation of the RTE Act.

SECTION 3 & 6

Section 3: Right of Children to free and compulsory Education

“(1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education

(2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education”

Rationale

- Neighbourhood school is meant to be a common space, where all children cutting across caste, class, gender lines, learn together in the best inclusive manner
- There is no restriction on the choice of the child to seek admission in a school that may not be in the neighbourhood of the child's residence
- Free education means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him/her from completing elementary education

Section 6: Duty of appropriate government and local authority to establish school

“Appropriate government or local authority shall establish within such areas or limits of neighbourhood, a school, where it is not established within a period of three years from the commencement of this Act”

Rationale

- The rationale is to provide all children access to elementary education
- Universal access requires schooling facilities within reasonable reach of all children
- If schools are not located in or near the habitations where children reside, children may not complete schooling, even if they are formally enrolled in schools, on account of distance factors

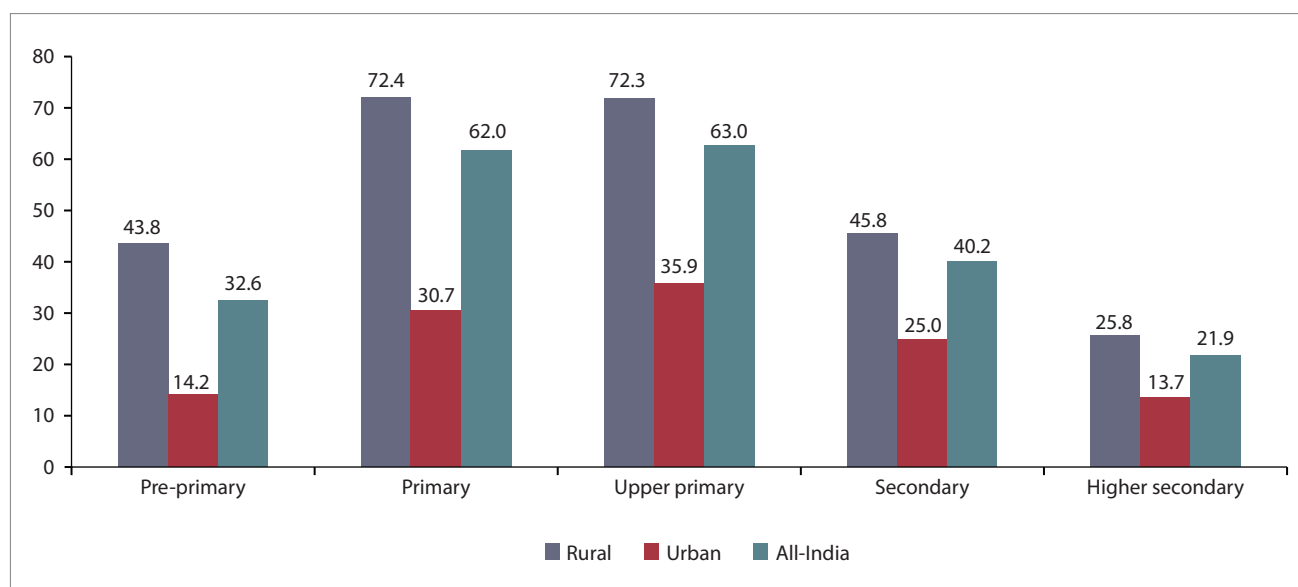
7 Government of India. (n.d.). *The Right of Children to Free and Compulsory Education Act, 2009: Clarifications on Provisions*, New Delhi: Ministry of Human Resources and Development, available at: https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf

Free Education

By way of free education, Section 3 of the RTE Act indicates that the children are not liable to pay any fees, charges or expenses till the completion of elementary schooling.

In Figure 1.1, it can be observed that the proportion of children receiving free education is comparatively high for the category of primary and upper primary schools, in comparison to the pre-primary, secondary and higher secondary category. However, disparities can be noted in the proportion of students receiving free education in rural and urban areas. In the rural areas, as per the 2020 NSS data, more than 70 per cent of the children received free education at the primary and upper primary level, and provision stipulated in the RTE Act is instrumental for high proportion of children receiving free education.

FIGURE 1.1: PERCENTAGE OF STUDENTS WHO RECEIVE FREE EDUCATION



Source: NSS 75th round, 2020.

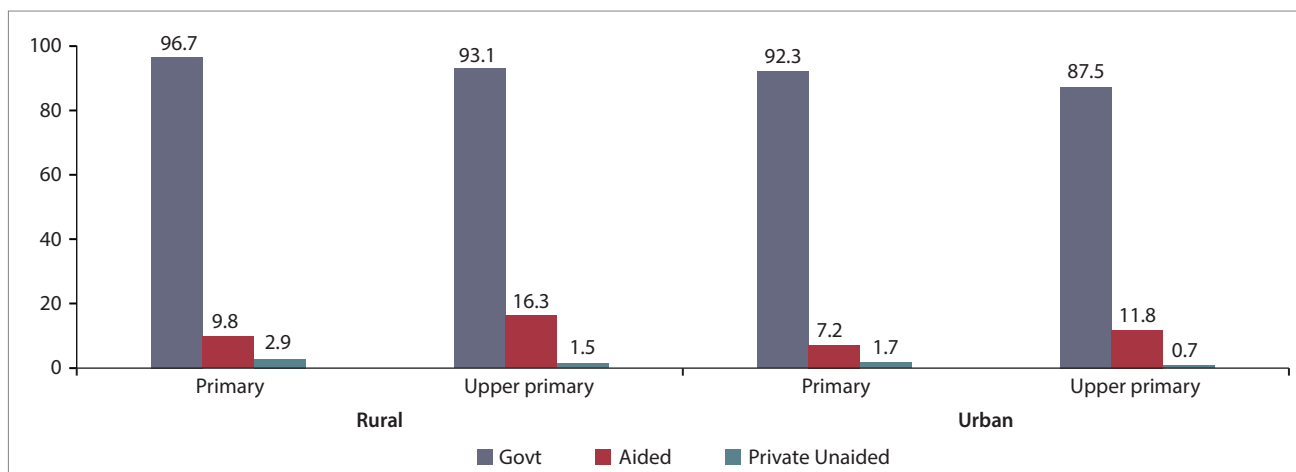
On the contrary, in the urban areas, only around 30 to 35 per cent of the children received free primary and upper primary education. This can be due to various reasons, including the parental preferences to either not send their children to school or due to their preference for private school education of their wards in urban areas. The proportion of children receiving free education is quite low in the category of high levels of education and pre-primary level of education. If the provision of free education under RTE Act is extended to children below 6 years and children above 14 years, it would extend the scope of increasing the educational access to more number of children.

The 2020 NSS report shows that government schools are the primary providers of free education in both rural and urban areas (Figure 1.2). Despite this, for about 12.5 per cent of urban students in upper primary schools of government schools, education is not free, likely due to additional educational expenditure incurred by parents. In private schools, only a small proportion of children receive free education, despite a 25 per cent reservation for economically weaker sections under 12(1)(c).

A local daily reported that several schools in Pimpri-Chinchwad, Pune, were charging full fees from students admitted under the RTE Act⁸, leading to complaints to the education department of the Pimpri

⁸ Pune Mirror Bureau. (2023). 'Parents up in arms against schools recovering full fees from RTE kids in Pimpri-Chinchwad', *Pune Times Mirror*. Accessed on 5 April 2024, available at: <https://punemirror.com/pune/education/parents-up-in-arms-against-schools-recovering-full-fees-from-rte-kids-in-pimpri-chinchwad/cid1684439691.htm>

FIGURE 1.2: PROPORTION OF CHILDREN RECEIVING FREE EDUCATION IN GOVERNMENT AND PRIVATE SCHOOLS



Source: NSS 75th round, 2020.

Chinchwad Municipal Corporation (PCMC). Similar cases were also highlighted in Nagpur where an anonymous guardian revealed that several schools in the city charge a nominal charge of 10-15% of the normal fees. It can be stated that the government schools ensure equitable access and free education for all children, regardless of socio-economic background or location. In contrast, private schools create a differential system, leading to segregation in education quality between the haves and have-nots.

Access in Neighbourhood School

The concept of neighbourhood school means that a school should be made available within the locality of a child and it should be within walking distance from a child's residence. In accordance with the Act, RTE Rule 6(1) specifies that a primary school should be established within a walking distance of 1 km from the neighbourhood, and an upper primary school within 3 km. The norms related to distance have been relaxed in certain cases, such as hilly terrain, sparsely populated areas, and urban areas.

Even before the RTE Act of 2009, Sarva Shiksha Abhiyan (SSA) prioritised spreading access to primary and upper primary schools within reasonable distance from the residence of school children.⁹ As per the 7th All India School Education Survey (AISES), 85.63% of rural habitations had primary schools within 1 km, and 80.91% had upper primary schools within 3 km.¹⁰ These figures in rural habitations increased to 91.2% and 87.58%, respectively as per the 8th AISES.¹¹ However, the 75th round of the National Sample Survey (2017-18) showed only a slight improvement in these proportions compared to the 8th AISES (see Figure 1.3). While urban areas mostly met the RTE Act's distance norms for upper primary schools, only 87.2% of households had primary schools within 1 km.

The 8th AISES also highlighted that ST habitations lagged behind other habitations in access to schools within reasonable distances. Among the SC and ST habitation,¹² access to primary and upper primary schooling facility within 1 km and 3 km respectively was comparatively lower among the ST habitation, which was about 89.6 per cent and 77.6 per cent.¹³

9 NIEPA. 2014. *India: Education for All – Towards Quality with Equity*, New Delhi: National Institute for Educational Planning and Administration.

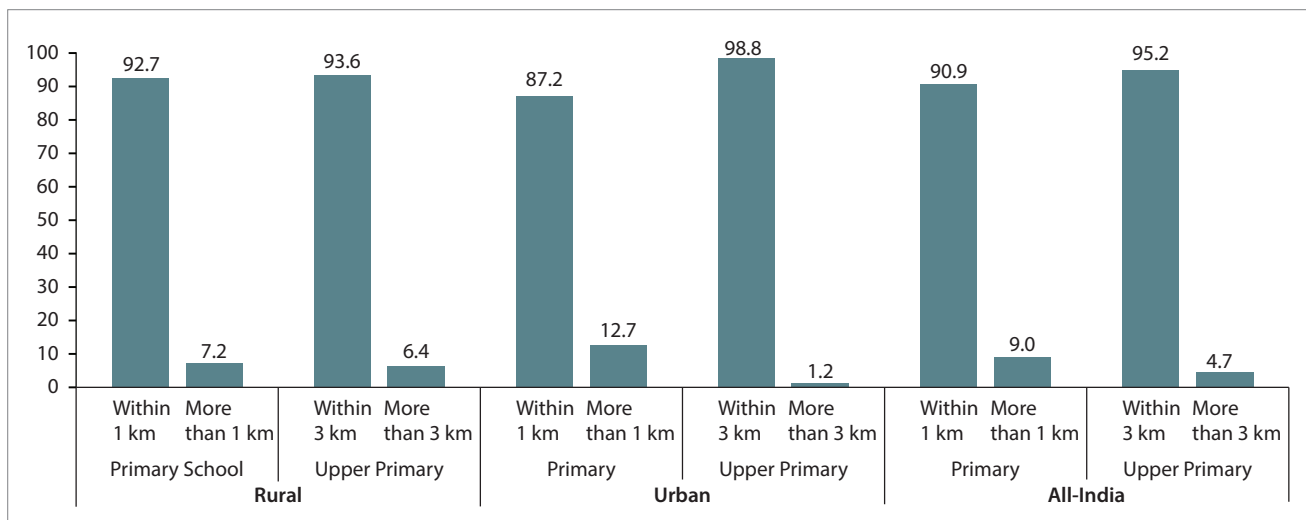
10 NCERT. (2007). *Seventh All India School Education Survey: Provisional Statistics as on September 30, 2002*, New Delhi: National Council of Educational Research and Training.

11 NCERT. (2016). *Eighth All India School Education Survey: A Concise Report (as on September 30, 2009)*, New Delhi: National Council of Educational Research and Training.

12 Habitation with 50% or more Scheduled caste population have been termed as 'predominantly populated by SC population' and regarded as SC habitation and ST habitations are also termed in the same manner

13 NCERT. (2016).

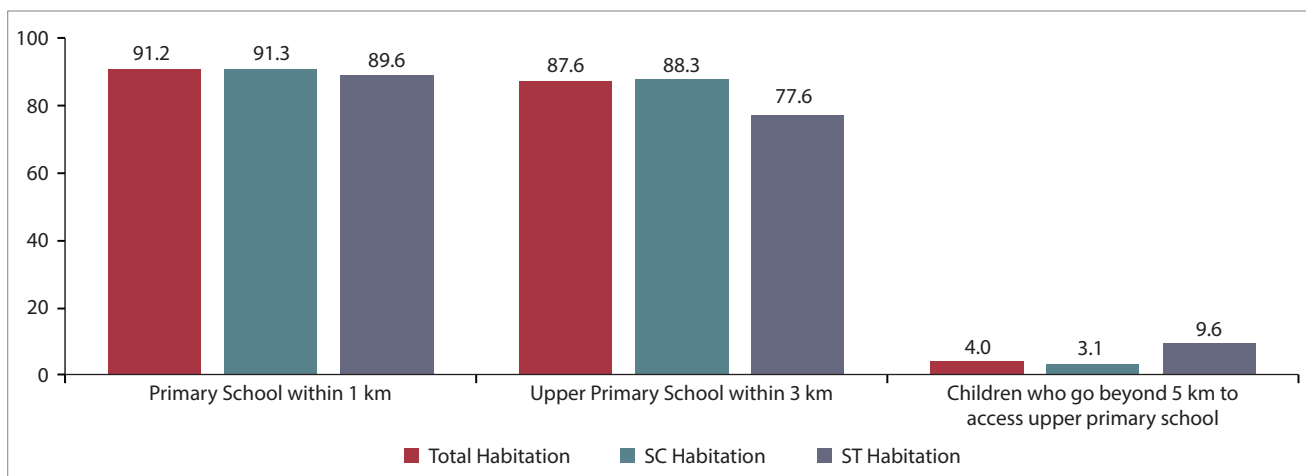
FIGURE 1.3: ACCESS TO EDUCATION FACILITY AS PER DISTANCE NORM IN NEIGHBOURHOOD AREA



Source: NSS 75th round, 2020.

About 10 per cent of the children from ST habitation also had to go beyond 5 km to access upper primary schooling facility. This when corroborated with the recent closure of schools in the name of consolidation and cluster schooling, can be understood that the tribal children coming from difficult terrain are at a disadvantage in accessing schools.

FIGURE 1.4: AVAILABILITY OF SCHOOLING FACILITY IN RURAL AREA (8TH AISES SURVEY)



Source: AISES, 2016.

Despite the progress shown by AISES and NSS on the availability of neighbourhood schools, the CAG report highlights discrepancies and highlights that not all states were able to meet the RTE Act deadline of 31 March 2013 in establishing schools within neighbourhood.¹⁴ In Andhra Pradesh, 2,189 habitations had no primary schools within 1 km, and 2,242 lacked upper primary schools within 3 km, leading to ₹9.66 crore in transportation costs for 59,270 students during 2011-2016. Similarly, Gujarat faced a rising expenditure on transportation due to the absence of neighbourhood schools. In Maharashtra and Uttar Pradesh, despite identifying eligible students from remote locations to avail transportation facility, the option was not provided to the children, due to the failure of the government to notify the habitation for transportation facility. The CAG report thus emphasised that the failure to establish neighbourhood schools has led to increased transportation costs.

¹⁴ Gol. (2017). *Report of the Comptroller and Auditor General of India on Implementation of Right of Children to Free and Compulsory Education Act, 2009. Report No.23 of 2017.* New Delhi: Ministry of Human Resource Development, Government of India: p. 25.

Universalisation of Access and Enrolment

In the decade that followed the enactment of the RTE Act in 2009, there has been only a slight increase in the proportion of elementary schools compared to the previous decade. From 2000-01 to 2010-11, elementary schools increased by 61.22% (from 845,007 to 1.36 million). However, from 2010-11 to 2020-21, the increase was just 5.5% (from 1.36 million to 1.44 million). The number of elementary schools peaked at 14.9 million in 2017-18 but declined by 4.5% to 14.3 million in 2020-21. This decline occurred only in government schools, which decreased by 5.5% (from 1.14 million in 2010-11 to 1.07 million in 2020-21). On the other hand, unaided private schools increased by 61.9% (from 193,722 in 2010-11 to 313,567 in 2020-21).

With respect to the enrolment, there was a 9.8% decline in primary school enrolment in 2020-21 compared to 2010-11. From 2000-01 to 2010-11, primary school enrolment increased by 18.9% (from 113.8 million to 135.3 million). Upper primary school enrolment increased by 13.85% (from 57.8 million to 65.9 million) from 2010-11 to 2020-21, compared to a 45% increase (from 42.8 million to 62.1 million) in the previous decade. Further, the proportion of government school enrolment declined overall. In 2009-10, government schools enrolled 78.5% of students in both primary and upper primary schools, which dropped to 64.4% in primary and 67.9% in upper primary schools by 2021-22. Private school enrolment increased from 21% in 2009-10 to 31.9% in primary and 29.9% in upper primary schools by 2021-22. There was a decline in private school enrolment in 2021-22 due to the COVID-19 pandemic, as many students shifted from private to government schools during prolonged school closures.

TABLE 1.1: ACCESS AND ENROLMENT IN GOVERNMENT AND PRIVATE SCHOOLS

Years	Schools			Enrolment in Primary Schools			Enrolment in Upper Primary Schools		
	% of Govt. Schools [§]	% of Private Schools	Total Schools (No.)	% of Enrolment in Govt. Schools [§]	% of Enrolment in Private Schools	Total Enrolment (No.)	% of Enrolment in Govt. Schools [§]	% of Enrolment in Private Schools	Total Enrolment (No.)
2009-10 [^]	85.83	14.04	1303812	78.56	21.38	133405581	78.48	21.44	54467415
2010-11 [^]	83.35	14.22	1362324	75.68	22.19	135207057	76.86	21.48	57844942
2011-12 [^]	81.52	16.04	1412178	72.46	24.95	137099984	75.19	22.80	61955154
2012-13 [^]	80.66	16.75	1431702	69.70	27.48	134784272	73.39	24.92	64926077
2013-14 [^]	80.20	17.40	1448712	68.30	28.95	132428440	71.4	25.49	66471219
2014-15 [^]	79.30	18.13	1445807	66.51	30.45	130501135	71.41	26.78	67165774
2015-16 [^]	78.91	18.50	1449078	65.52	31.47	129122784	70.45	27.68	67593727
2016-17 [*]	77.86	19.04	1467680	64.51	32.10	123807892	69.95	28.17	66079123
2017-18 [*]	76.32	19.88	1485097	61.48	33.99	122378400	68.09	29.43	65448222
2018-19 [*]	76.05	20.24	1477596	60.94	34.59	120230170	67.00	30.45	64267026
2019-20 [*]	78.59	17.46	1438360	59.48	36.30	121686703	65.78	32.11	64873387
2020-21 [*]	78.51	17.62	1436903	60.66	35.25	122021291	65.76	32.02	65854199
2021-22 [*]	78.89	17.47	1418834	64.44	31.96	121842250	67.97	29.96	66790692

Source: DISE, UDISE, UDISE Plus, various years.

Note: *Data for elementary education was computed by deducting number at secondary level (9-10), higher secondary level (9-12) and senior secondary (11-12) level from the total number.

[^]Total may not add to hundred due to no response and not adding other schools and unrecognised schools.

[§]Government schools also includes aided private schools.

Overall analysis reveals that from 2000-01 to 2010-11, significant progress in universal access and enrolment was achieved, largely due to effective implementation of SSA. However, since the enactment of the RTE Act, efforts toward universal access and enrolment have waned. This is evident from the decline of government schools and the rise of private schools, both in number and enrolment, indicating a neglect of government schools. Though there was a temporary shift back to government schools in 2021-22 due to the pandemic, the overall trend favours private education.

The increasing dominance of private schools raises concerns about equity and justice in education, as private schooling is often unaffordable, exacerbating societal inequalities. This trend undermines the fundamental right to education, especially for marginalized and economically disadvantaged groups. It highlights the need for robust implementation of the RTE Act to ensure equal access to quality education. Strengthening government schools and enforcing the RTE Act's provisions are essential to mitigate disparities and provide equitable education for all children.

Provision for Out of School Children

The rationale for this provision is that many out-of-school children (OoSC) come from vulnerable backgrounds, facing multiple challenges that hinder their education. To address this, Section 4 emphasises special training for OoSC and mainstreaming them into age-appropriate classes. The revised SSA framework offers residential and non-residential support to ensure these children complete their elementary education, even if they exceed 14 years of age. However, the reality is that children from marginalised communities still struggle with poverty and related hardships, which prevent them from attending school and progressing through educational levels.

SECTION 4

Section 4: Special Provisions for children not admitted to or who have not completed elementary education

(1) "When children above 6 years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, he/she shall be admitted in age appropriate classes"

Rationale

- Majority of out of school children (OoSC) belong to disadvantaged communities such as SCs, STs, Muslim minorities, migrants, children with special needs, urban deprived children, working children, children in difficult circumstances (those living in difficult terrain, children from displaced families, areas affected by civil strife, etc.)
- Such OoSC should be admitted in age appropriate classes. The objective is to save children from humiliation and embarrassment of sitting with younger children. This is also to prevent the suffering due to low self-esteem and their consequent dropout from school
- Special training be given to them to be on par with other children.

Out of School Children

It can be noted that even after 14 years of coming up with this provision, not all children are attending the schools and there are still many children who are found out of school. The data that was shared as a reply to the unstarred question in the Rajya Sabha in February 2023 highlights that there are about 9.3 lakh out of school children at the elementary level and about 3.2 lakh OoSC at the secondary level. The highest number of OoSC at the elementary level was found to be in Uttar Pradesh, followed by Bihar, Gujarat and Assam. In most of the states, almost an equal proportion of boys and girls were out of school, and in some states, boys outnumbered the girls and in Gujarat and Arunachal Pradesh, more number of girls was out of school than the boys.

TABLE 1.2: NUMBER OF OUT OF SCHOOL CHILDREN IN INDIA

Sl. No.	State	Elementary Level				Secondary Level			
		Total No. of OoSC	Boys	Girls	Transgender	Total No. of OoSC	Boys	Girls	Transgender
1	Andaman & Nicobar Islands	562	332	230	0	941	589	352	0
2	Andhra Pradesh	18999	11356	7643	0	20443	14551	5892	0
3	Arunachal Pradesh	193	91	102	0	0	0	0	0
4	Assam	80739	50258	30480	1	48795	32985	15810	0
5	Bihar	134252	74881	59354	17	0	0	0	0
6	Chandigarh	4271	2252	2019	0	82	53	29	0
7	Chhattisgarh	13185	7414	5771	0	34395	21031	13362	2
8	Dadra & Nagar Haveli	232	121	111	0	410	227	183	0
9	Delhi	15148	7930	7217	1	0	0	0	0
10	Dnd Dnh	202	109	93	0				0
11	Goa	252	133	119	0				0
12	Gujarat	106885	44751	62125	9	36522	15868	20653	1
13	Haryana	22841	11986	10854	1	6044	3393	2651	0
14	Himachal Pradesh	1571	823	748	0	0	0	0	0
15	Jammu and Kashmir	3232	1655	1577	0	0	0	0	0
16	Jharkhand	6641	3467	3174	0	132	80	52	0
17	Karnataka	5945	3145	2800	0	169	101	68	0
18	Kerala	2758	1556	1202	0	676	410	266	0
19	Lakshadweep	2	2	0	0				0
20	Madhya Pradesh	18678	10921	7756	1	84788	49874	34909	5
21	Maharashtra	15707	8478	7229	0	498	235	263	0
22	Manipur	4226	2206	2020	0	0	0	0	0
23	Meghalaya	5178	3173	2005	0	1342	886	456	0
24	Mizoram	1887	934	953	0	3159	2036	1123	0
25	Nagaland	690	432	258	0	234	152	82	0
26	Odisha	14721	7474	7247	0	54634	30515	24117	2
27	Puducherry	42	22	20	0				0
28	Punjab	2327	1232	1095	0	3221	1960	1260	1
29	Rajasthan	16275	8552	7722	1	2301	2258	43	0
30	Sikkim	74	46	28	0	0	0	0	0
31	Tamil Nadu	20352	10953	9398	1	0	0	0	0
32	Telangana	4556	2451	2105	0	1973	1196	777	0
33	Tripura	777	424	353	0	0	0	0	0
34	Uttar Pradesh	396655	216789	179866	0	0	0	0	0
35	Uttarakhand	3955	2177	1778	0	0	0	0	0
36	West Bengal	6521	4245	2276	0	21729	15950	5778	1
	Total	930531	502771	427728	32	322488	194350	128126	12

Source: Data given as Reply to Unstarred Question No.664 in Rajya Sabha on February 8, 2023 regarding Survey on Out of School Children.

Similar to trends at the elementary level, many children are also out of school at the secondary level, with Madhya Pradesh and Odisha having the highest numbers, and Gujarat and Assam among the top states. In Madhya Pradesh, Odisha, and Gujarat, more girls are out of school than boys, whereas in Assam, West Bengal, and Andhra Pradesh, more boys are out of school. A major issue is the unreliable data on OoSC, with discrepancies across various sources such as state surveys, UDISE, MHRD survey, and State Annual Work Plan and Budget (AWP&B). Studies from Assam, Jharkhand, Karnataka, Rajasthan, and Uttar Pradesh show that official data is often underreported, with poverty, migration, sibling care, and children's economic contributions being key factors.^{15&16} These data inconsistencies and the high number of OoSC highlight challenges in meeting the provisions of the RTE Act, particularly affecting girls and marginalised communities, and suggest potential violations of children's right to education.¹⁷

Access to education is not a privilege but a basic legally enforceable right. However, many children are found to be out of school. Though appropriate authorities are expected to maintain the database of children in the age group below 14 years, such data is not maintained. Though as per the RTE Act, children should have access to age appropriate classes, children above 14 years are still there in elementary schools, which is still a violation of the Act.

Dropout Rate

Similar to the figures related to OoSC, dropout figures also highlights slightly higher proportion of dropout at the upper primary level in comparison to the primary levels, across various school types (see Table 1.3). In 2013-14, government upper primary schools had a dropout rate of 19.60%, compared to 5.45% in private and other schools.

TABLE 1.3: DROPOUT RATE

Year	Primary		Upper Primary	
	Government	Private & Others	Government	Private & Others
2012-13	9.39	NA	11.81	NA
2013-14	4.86	4.39	19.60	5.45
2014-15	7.82	4.72	13.66	NA
2015-16	5.10	2.60	11.73	NA

Source: CAG Report, 2017.

The CAG audit also reported a 35.34% dropout rate in Maharashtra in 2015-16 and an 18.52% rate in Assam at the primary level. By highlighting these figures, the CAG report argues that the dropout rate does not correlate with retention rate, which questions the reliability of the data.

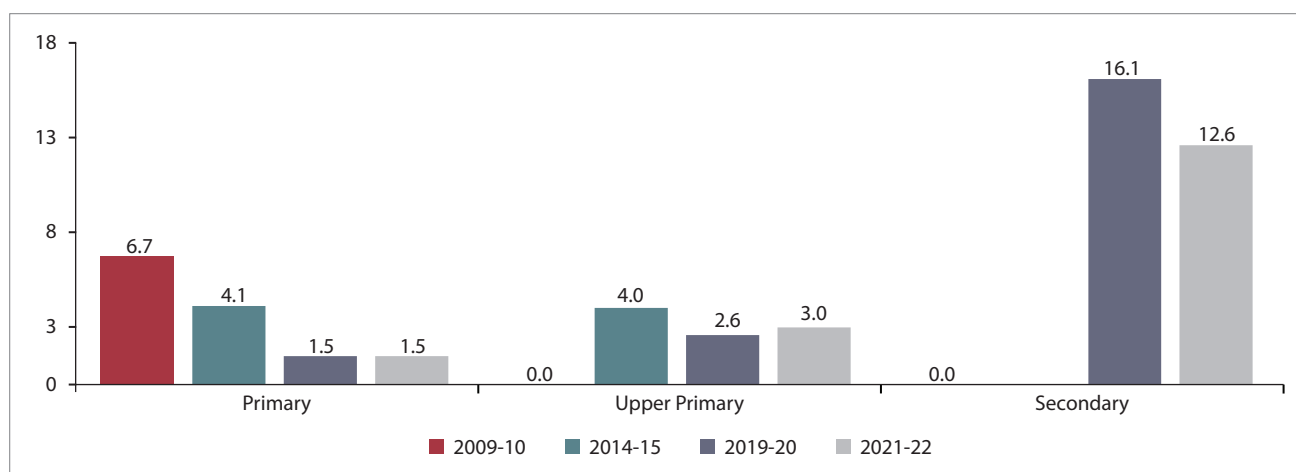
Over the years, UDISE data indicates a decline in dropout rates, with 1.5% at the primary level, 3% at the upper primary level, and 12.6% at the secondary level according to UDISE+ 2021-22 (Figure 1.5). State-wise, Manipur (13.3%), Arunachal Pradesh (9.3%), West Bengal (8.6%), and Assam (6%) show higher dropout rates at the primary level. At the upper primary level, Meghalaya (10.6%), Assam (8.8%), and Odisha (7.3%) have higher rates. At the secondary level, Odisha (27.3%), Assam (20%), and Bihar (20%) are the highest. The low dropout rates, especially after the pandemic years, raise doubts about the data's reliability, which indicates underreporting of dropout figure. The data related to dropout rates, only indicate that despite school admissions, not all children are completing eight years of schooling as envisaged by the RTE Act.

15 Poornima, Mitra, Susmita & Ghosh, Sourindra. (2023). *Impact Assessment Study of the Assam State Initiatives: Addressing Concerns of Out of School Children in Assam*, New Delhi: Council for Social Development & CML, Associate Organization of Tata Trusts

16 Poornima, M, Mitra, Susmita & Sharma, Aparajita. (2022). *Study on the Impact of COVID-19 Pandemic on Children in Four States in India*, New Delhi: Council for Social Development & Tata Trusts

17 Gol. (2017). *Report of the Comptroller and Auditor General of India on Implementation of Right of Children to Free and Compulsory Education Act, 2009. Report No.23 of 2017*. New Delhi: Ministry of Human Resource Development, Government of India.

FIGURE 1.5: DROPOUT RATE OVER THE YEARS



Source: DISE, UDISE, UDISE Plus (various years).

Overall, it can be stated that there has been a significant improvement with respect to educational access, which is discernible from the increased enrolment rate of children and the decreasing rate of dropout children. However, progress has been hindered by COVID-19 and in order to achieve universalisation of education, staunch measures of the government are needed to address the various challenges faced by children, which includes financial barriers, lack of access to quality education, or the need to work to support their families.¹⁸ To bridge the gap between data and ground realities regarding out-of-school children, it is highly important to enhance data collection mechanisms to accurately identify the prevalence and underlying causes of educational exclusion.

Admission, Retention and Completion of Education

The Right to Education (RTE) Act mandates the central and state governments, along with local authorities, to ensure the admission, attendance, and completion of elementary education for children aged 6-14. Sections 8 and 9 of the RTE Act specify these obligations. The data on net enrolment, retention and transition is helpful to understand the extent to which completion of elementary education has been ensured by the appropriate authorities.

SECTION 8 & 9

Section 8 & 9: Duties of appropriate Government and of Local Authority

(1) "The appropriate Government shall provide free and compulsory elementary education to every child...ensure and monitor admission, attendance and completion of elementary education by every child"

Rationale

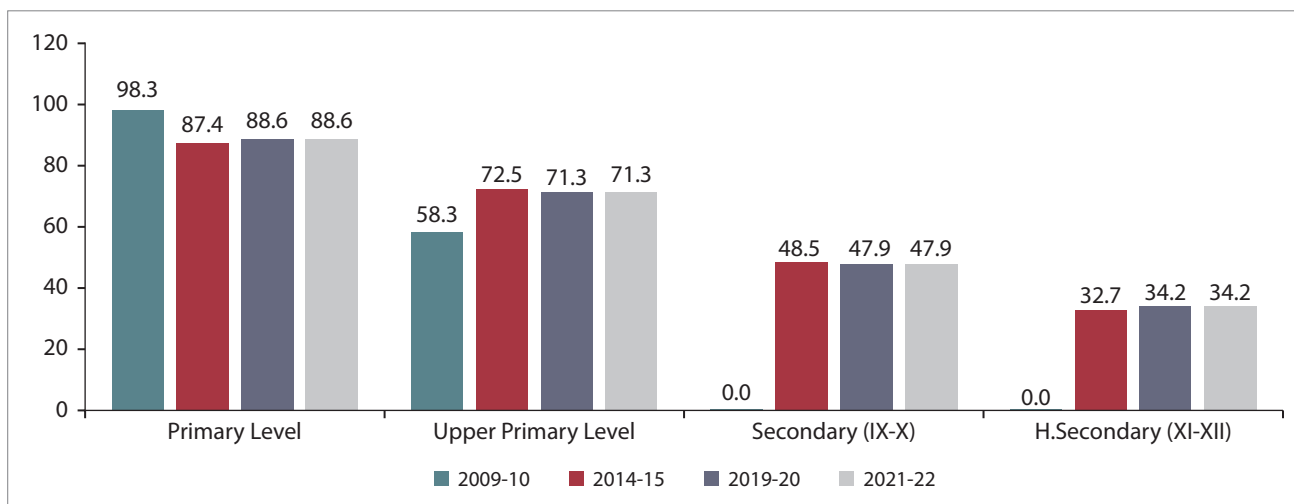
- Obligation of appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education
- Appropriate government to ensure that children belonging to weaker sections are not discriminated against and prevented from pursuing and completing elementary education
- Admission, attendance and completion of elementary education of every child is monitored
- Maintain records of children residing within its jurisdiction
- Provide infrastructure, school building, teaching staff, learning equipment
- Ensure good quality education
- Ensure timely prescribing of curriculum and provide training facility for teachers

¹⁸ Mehta, Arun C. 2023. 'Dropout Rates in Schools in India: An Analysis of UDISE+ 2021-22 Data', *Education for All in India*. Accessed on 18 April 2024, Available at: <https://educationforallinindia.com/dropout-rates-in-schools-in-india/>

Enrolment, Retention and Transition

The data on net enrolment ratio (NER) for various levels of education indicates a high NER at the primary level (88%), followed by the upper primary level (71%), but significantly lower for the secondary (48%) and higher secondary (34%) levels. Notably, the primary level NER has declined from 98% in 2009-10 to 88% in 2021-22, while the higher secondary level has seen a slight increase.

FIGURE 1.6: NET ENROLMENT RATIO OVER THE YEARS



Source: DISE, U-DISE and U-DISE Plus (various years).

State-level analysis of UDISE 2021-22 data at the primary level reveals low net enrolment ratios (NER) in Ladakh (59.8%), Andaman & Nicobar Islands (61.4%), Puducherry (62.1%), and Madhya Pradesh (70.3%). At the upper primary level, NER is notably low in Ladakh (42.8%), Jammu and Kashmir (43.4%), and Nagaland (48.5%). Nationally, NER at the secondary level averages 47%, but ranges from 71.6% in Delhi and 69.4% in West Bengal to just 29% in Ladakh and 31% in Jammu and Kashmir. At the higher secondary level, NER is highest in Delhi (59.2%) and lowest in Bihar (16.7%).

The high NER at the primary and upper primary levels though reflects the positive impact of the RTE Act on children aged 6-14, the decline in primary-level NER from 98% in 2009-10 to 88% in 2021-22 suggests that the effective implementation of SSA significantly boosted NER during the 2000-2010 decade. Extending RTE provisions to secondary and higher secondary education could be crucial for improving NER at higher education levels.

Enrolling children in schools is crucial, but retaining them to ensure completion of education is equally important. DISE data shows that the retention rate at the primary-level increased from 74% in 2009-10 to 83% in 2014-15, 87% in 2019-20, and then jumped to 95.4% in 2021-22. While the gradual increase over the first decade seems realistic, the sharp rise in the last four years raises doubts, especially considering the challenges children faced during the pandemic years, such as financial constraints, migration, child marriage, and child labour. Many children have yet to fully return to normalcy post-COVID-19.

In 2021-22, UDISE data reveals significant disparities in retention rates across states. Andhra Pradesh achieved a 100% retention rate at all education levels, while Manipur had a 93.4% retention rate at the primary level. Conversely, Arunachal Pradesh and Uttar Pradesh had low primary retention rates of 63.5% and 62.6%, respectively, with even lower rates at higher levels. At the elementary level, Bihar's retention rate was only 48.3%, while at the secondary level, it was 75.7% in Kerala but just 36.3% in Jharkhand. Despite 14 years of RTE Act implementation, retention rates have not exceeded 90% at the elementary level, highlighting the need for stronger measures to ensure educational access and completion.¹⁹

¹⁹ Gol, 2017.

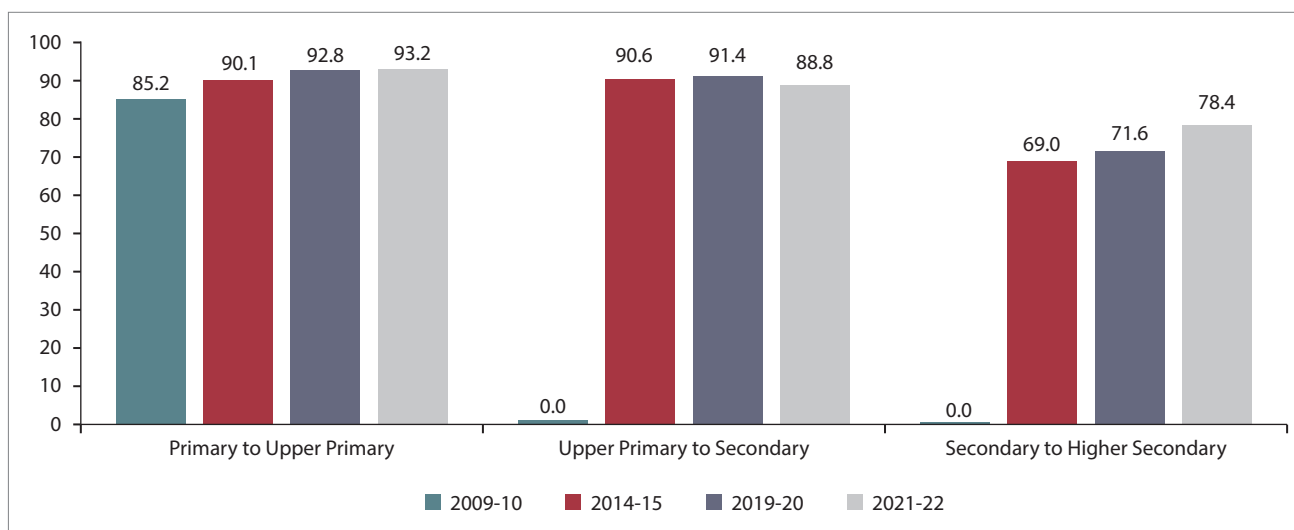
FIGURE 1.7: RETENTION RATE OVER THE YEARS



Source: DISE, U-DISE and U-DISE Plus (various years).

The scenario of transition of children over the years from one level of education to the other level highlights a decline in transition rate from the upper primary to secondary level, while at the other levels of education there has been a gradual increase over the years. Low transition from secondary to higher secondary level indicates that a substantial proportion of children are not able to continue their studies beyond the upper primary level.

FIGURE 1.8: TRANSITION RATE OVER THE YEARS



Source: DISE, U-DISE and U-DISE Plus (various years).

The state-wise analysis of transition rates in 2021-22 shows significant variation. Most states had transition rates above 90% from primary to upper primary levels, though the corresponding figure in West Bengal was 81%. Similarly, over 25 states had transition rates above 90% from upper primary to secondary levels, but Madhya Pradesh lagged at 77%. This indicates progress in elementary education that can be attributed to the RTE Act. However, transition rates to higher secondary levels remain low, at 49% in Odisha and 57% in Bihar, emphasising the need to extend the RTE Act to higher secondary education.

Rule 10 of the RTE Rules mandates local authorities to maintain records of all children within their jurisdiction through regular household surveys. However, the CAG audit report indicates that only 14 states/UTs conducted regular surveys between 2010 and 2016, leading to incomplete and unreliable data on school attendance and dropouts. Such lack of consistent data collection hampers the proper implementation of

the RTE Act, making it difficult to verify the targeted group's coverage.²⁰ Reliable data is essential for the effective implementation of the RTE Act and ensuring educational access for all children.

Financing RTE Implementation

The rationale behind provisions 1 to 5 of Section 7 of the RTE Act is to establish the financial and other responsibilities of the Central and State Governments for effective execution of the mandate in the RTE Act. While there is no separate financial allocation for RTE implementation, it was initially linked to SSA, now subsumed by the Samagra Shiksha Abhiyan (SmSA). The funding ratio between the Centre and States for SSA was 65:35 until 2014-15, which then changed to 60:40 and the ratio was 90:10 for the north-eastern and Himalayan states of Himachal Pradesh and Uttarakhand.

SECTION 7

Section 7: Sharing of Financial and other responsibilities

"The Central and State governments shall have concurrent responsibility for providing funds for carrying out the provisions of the Act"

Rationale

- Central government estimated a total requirement of ₹2.31 lakh crore over a five year period from 2010-11 to 2014-15 to implement RTE Act
- The Thirteenth Finance Commission provided a grant of ₹24,068 crore specifically for elementary education, which is released directly to State governments on an annual basis. After deduction from ₹ 2.31 lakh crore, the balance of ₹2.07 lakh crore is shared between the centre and the state in the ratio of 65:35 for implementation of RTE Act, through SSA

Budget Allocation

Though SSA and later SmSA were seen as the vehicle for implementing the RTE provisions, it is not reflected in the budgetary allocations made for SSA. As noted by Jha and Parvati, the Twelfth Five Year Plan document proposed an allocation of ₹1,92,726 crores for the implementation of SSA, which comes to about ₹38,545 crore per year, which is quite low compared to the recommendation made by Twelfth Plan working group for three years, which was ₹1,46,825 crore, which comes to ₹48,941 crore per year.²¹

TABLE 1.4: BUDGET ALLOCATION FOR SSA AGAINST THE PLANNED OUTLAY

Years	Plan Outlay towards SSA (crore)	Budget allocation for SSA against Plan Outlay	%
11th Plan (2007-2012)	71000	79371	111.8
12th Plan (2012-2017)	192726	78739	40.9
2012-13	45419	25555	56.3
2013-14	31016	27258	87.9
2014-15	36391	28258	77.7
2015-16	40200	22000	54.7
2016-17	46702	22500	48.2
2017-18	55000	23500	42.7

Source: CBGA reports, various years.

Over the years, such shortfalls in allocation could be noted, which indicates the gap between the commitment made and the reality. It was only during the initial years when the RTE Act was implemented, allocation

²⁰ Ibid.

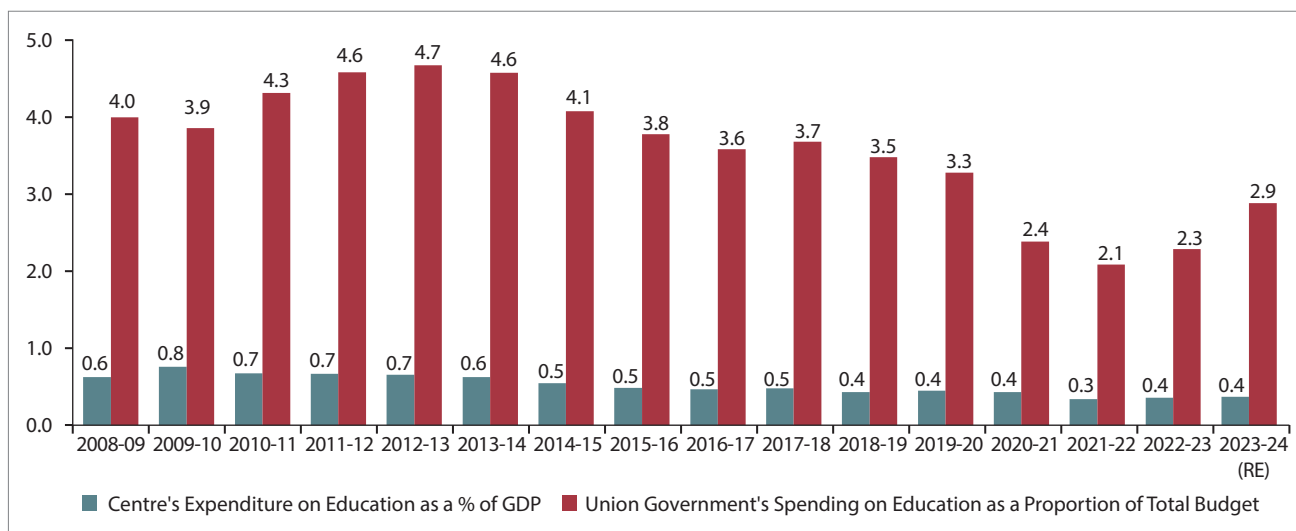
²¹ Jha, Praveen and Parvati, Pooja. (2014). 'Assessing the Progress on Universal Elementary Education in India: A Note on Some Key Constraints', *Economic & Political Weekly*, 49 (16): 44-51.

made for SSA was to the extent of 111.8 per cent, while in the subsequent years there was a shortfall in the allocation made, against the planned outlay.

Educational Spending

Since the time of the Kothari Commission report, it has been recommended that government spending on education should be 6% of GDP. In 2007-08, combined spending by the Union and state governments was 3.7% of GDP. By 2009-10, the Union government's education budget was 0.76% of GDP, after which there has only been a decline. By 2021-22, Union spending had dropped to 0.34% of GDP and for the year 2024-25, it stands at 0.37%.

FIGURE 1.9: EDUCATIONAL EXPENDITURE OF THE UNION GOVERNMENT



Source: Compilation from CBGA reports, various years.

Based on the expenditure made by 25 states on elementary education in 2012-13, the CBGA report highlights that the spending of the states was about 1.17 per cent of the GDP, while the corresponding spending by the centre was about 0.38 per cent.²²

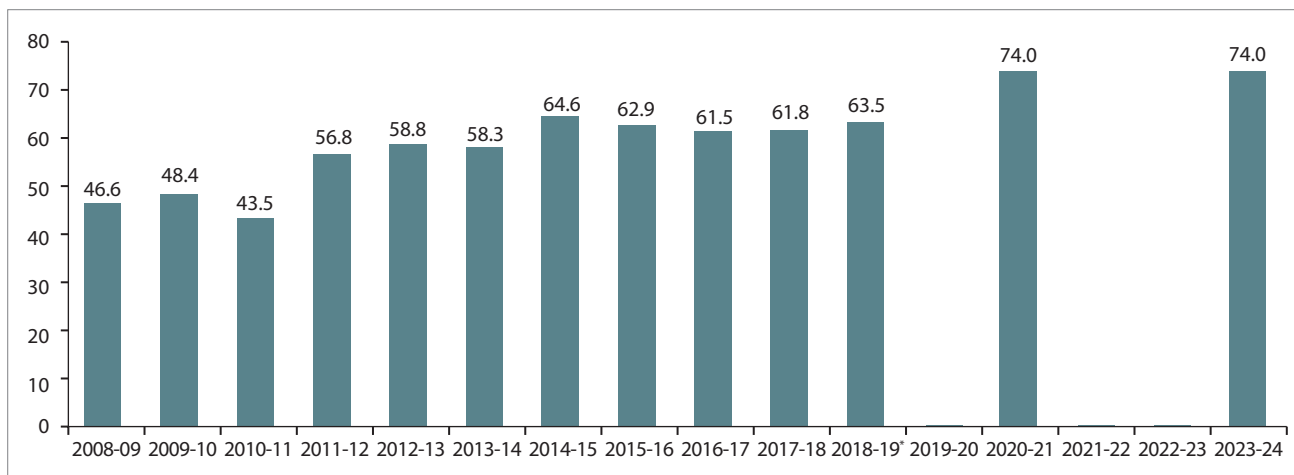
Similar decline can also be noted in the educational expenditure of the union government in comparison to the total budget. The union government's education spending as a percentage of the total budget decreased from 4.7% in 2012-13 to 2.1% in 2021-22, rising slightly to 2.9% in 2023-24 (see Figure 1.9). This trend indicates a declining priority for education funding, impacting RTE implementation amidst competing budgetary demands.

Moreover, major financing for education have been from the Cess, which has come to substitute the funds of the centre, while the purpose of cess was to contribute to additional funding. In 2010-11, it could be observed that about 43.48 per cent of the educational funding for SSA was financed from the Education Cess. However, over the years, a significant reliance on education cess to finance RTE implementation is observed, particularly in the Department of School Education and Literacy, where 74% of funding is sourced from education cess. The breakdown of cess allocation in 2024-25 emphasises a prioritisation towards primary education, with 59% allocated from primary education cess and 14% from secondary and higher secondary education cess respectively.

It could be noted that almost all funding for SmSA (99.9%) comes from education cess, emphasising the significant reliance on Cess for education initiatives, and lack of commitment of the centre towards the

22 CBGA. (2013). How has the Dice Rolled? Response to the Union Budget 2013-14, New Delhi: CBGA.

FIGURE 1.10: CESS AS A % OF TOTAL OUTLAY FOR SSA/SmSA



Source: Compiled from CBGA reports, various years.

Note: *In 2018-19, the 3% Education Cess was replaced as 4% Health and Education Cess, which comprises 2% cess for primary education, 1% for secondary and higher education and 1% for health.

financial commitment for education spending. Thus, lack of prioritisation for education could hamper the effective implementation of the RTE Act.

The total Budget Estimation (BE) for 2024-25 is Rs. 48,20,512 crores. Out of this, the Ministry of Education has received Rs. 120,628 crores. Within this, the share of the Department of School Education & Literacy (DSE&L) is Rs. 73,008 crores and the share of the Department of Higher Education is Rs. 47,620 crores. In terms of percentage of funds allocated to education in the central budget works out to 2.5 per cent in which the share of the DSE&L is 1.5 per cent and the share of Department of Higher Education is 1 per cent. Within the Ministry of Education, the share of the DSE&L is 61 per cent and Department of Higher Education is 39 per cent.

In actual terms, the school education department has received an outlay of Rs. 73,008 crores for the financial year 2024-25. Compared to the revised budget of 2023-24, an amount of Rs. 534 crores has been enhanced in the current budget 2024-25. This is not only a meagre increase but also insignificant and inadequate as compared to the size of school education in India and the challenges before the Federal Government to strengthen public education in a holistic manner across the country to provide equality of educational opportunities to all children.

It is to be noted that at a time when the National Education Policy (2020) is making tall claims to revolutionise the landscape of school education in the country, the government has allocated Rs. 37,500 crores in the budget for Samagra Shiksha Abhiyan, a scheme of national importance and the chief vehicle for the implementation of the Right of Children to Free and Compulsory Education Act 2009. As we know, under Article 21A of the Constitution, education is a fundamental and justiciable right. As compared to the estimated budget of 2023-24 (37,453), the increase is only Rs. 47 crores. In terms of percentage, there is an increase of 0.13 per cent.

More interestingly, as revealed by the CBGA (2024) document, 74 per cent of the Department of School Education & Literacy is met through education cess (p.34). Further, the document states that “99.9 per cent of the budget of both Samagra Shiksha Abhiyan (SmSA) and Pradhan Mantri Poshan Shakti Nirman (PM-POSHAN) will be financed from the education cess. The cess was perceived to supplement the additional resource requirements for universalising school education” (CBGA, 2024, p.34).

In India, as we know, education is in the concurrent list; both the Central and State Governments are responsible for providing education. The State Governments and Union Territories manage schools and higher educational institutions. For example, in the current budget, the Federal Government has provided Rs. 37,500 crores for Samagra Shiksha Abhiyan that will be shared amongst 28 states and 8 Union Territories for the implementation of the RTE Act. One can imagine the plight of the States and Union Territories to enforce the fundamental right to education with such meagre allocation. As per the available information, the RTE Act compliance at the national level at the end of 2022 is 25.5 per cent. The compliance in States like Meghalaya, Tripura, Sikkim, Arunachal Pradesh and Jammu and Kashmir is as low as 1.3, 3.7, 3.7, 5.7 and 9.1 per cent respectively. If the implementation of the Act continues with the same speed and acceleration, it may take another 33 years (2057) to provide the bare minimum infrastructure facilities provided under Section 19 and 25 of the RTE Act which could have been completed by 2013.

Concerns regarding Fund Utilisation: There are significant concerns with regard to educational funding, which includes inadequate outlays, unclear prioritisation, and underutilisation of allocated funds, as noted by a CBGA report.²³ Jha and Parvati assert that poor fund utilisation is often used to justify budget cuts, though they argue it stems from poorly designed and underfunded schemes.²⁴ They categorise the challenges into three main areas: i) underutilisation of funds; ii) quality utilisation of fund; and iii) constraints in fund utilisation due to institutional and budgetary processes.

Underutilisation of Fund: Jha and Parvati (2014) observed that states like Bihar, Jharkhand, Madhya Pradesh, Odisha, Punjab, Uttarakhand, and West Bengal struggled to utilise SSA funds adequately. In contrast, states like Himachal Pradesh, Rajasthan, Tamil Nadu, and Uttar Pradesh saw increased fund utilisation, mainly for para-teacher recruitment and civil works, but not for other components. Recent reports, such as from the Centre for Development Policy and Practice, indicate SmSA fund utilisation was only 82%.²⁵ The CAG report noted that despite fund releases by the MHRD and State Governments, significant amounts remained unutilised, ranging from ₹12,259.46 crore to ₹17,2810.66 crore across 35 states/UTs, with non-utilisation rates between 21% to 41% from 2010-11 to 2015-16.²⁶

Quality Utilisation of Fund: Jha and Parvati (2014) also highlighted skewed spending patterns, with most expenditures occurring in the third and fourth quarters. Spending was better in areas like teacher salaries, maintenance grants, teachers grants and school grants but lower in teacher training, monitoring, and evaluation. The CAG report cited underutilisation for Research, Evaluation, Monitoring, and Supervision (REMS) funds, ranging from 9% in Gujarat to 64.7% in Jharkhand. Shortfalls in Learning Enhancement Programme (LEP) funds were also noted, ranging from 15% in Madhya Pradesh to 88% in Meghalaya. The CAG report argues that though monitoring and evaluation of pedagogical inputs like curriculum and textbook development, teacher training, classroom processes, etc. would have improved education, short utilisation of fund in research and evaluation activities hampered achievement of RTE objectives (p.18). Delayed fund releases by central or state governments and poor planning were primary reasons for these shortfalls.

Institutional and Budgetary Processes that Constraint Fund Utilisation: Various reasons are cited by existing literature, which constraints utilisation of funds. It has been highlighted by Jha and Parvati (2014) that weak reporting of financial information by the financial management staff is a serious concern, including weak financial reporting, delays in settling advances, and discrepancies in data of fixed assets register and physical verification of assets. Delayed fund transfers from one government level to another also impede

23 CBGA. 2012. *Unfulfilled Promises? Response to Union Budget 2012-13*, New Delhi: CBGA.

24 Jha, Praveen and Parvati, Pooja. (2014). p.48.

25 Ramachandra, Apoorva. (2024). 'Indian Budget Series: Budget for Education' Hyderabad: Centre for Development Policy and Practice. Accessed on 5 April 2024, available at. <https://www.cdpp.co.in/articles/indian-budget-series-budget-for-education>

26 CAG. (2017).

implementation. Despite the official disbursement of money, mostly the time is gone in money-in-transit for the fund to move from the state headquarters to the district headquarters and then to the implementing agency (P.50). The CAG report also highlights delay in the release of funds from one level to the other, that is, from Centre to the State, State to Nodal Department, from Nodal Department to various implementing authorities at the district, block and school level, which led to interruption in the implementation of the provisions of the Act in schools (Gol, 2017). For example, in Nagaland, delays from the Centre to the State Nodal Agency ranged from 112 to 373 days, while transfers from nodal departments to districts took 30-60 days in 2014-15. In Arunachal Pradesh, district-level fund transfers took 30 to 300 days in 2013-14. The CAG report also highlighted misappropriation and diversion of funds in states like Chandigarh, Manipur, Andhra Pradesh, Gujarat, Odisha, Bihar, and Assam.

While the RTE Act represents a significant commitment to universal education, declining budget allocations raise serious concerns. Sustained and increased funding, efficient resource utilisation, and collaboration between the Central and State Governments are essential to ensure guaranteed education for all.

No Capitation Fee and No Screening Procedure

SECTION 13

Section 13: No capitation fee and Screening Procedure for admission

“(1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure.

(2) Any school or person, if in contravention of the provisions of the sub-section (1),---

(a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;

(b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.”

Rationale

- The rationale is to ensure that schools adopt an admission procedure that is non-discriminatory, rational and transparent and that schools do not subject children and their parents to admission tests and interviews to decide whether they will admit a child or not
- It is stated that tests and interviews are tools for profiling and eliminating children and such screening should be prohibited
- For EWS children, the guidelines provide for random selection and for other 75%, the school are given freedom to formulate their own admission policy

As per Section 13 of the RTE Act, no school can collect a capitation fee or subject parents or a child to screening procedure, while admitting a child. In such instances, the schools are levied a penalty.

Capitation Fee

Capitation fee, in terms of education, is the amount that parents or guardian is charged by school authorities in exchange for seats, admission or enrolment. The provision lays ground for penalising the defaulters and contraveners who break it. It subjects schools collecting capitation fee with a fine that is ten times the fee collected and it subjects schools conducting screening procedures with a fine of ₹25,000 for first time offenders and ₹50,000 for each subsequent offence.

Despite the provision being laid in the Act, collection of capitation fee is a well-established practice among schooling authorities. Schools have constantly been reminded and warned against such practices by the education department. Despite this, the law is not enforced adequately and schools do not deter from collecting capitation fee. As can be noted in the CAG report, about nine schools in Telangana that were

charging a capitation fee was levied a fine of Rs.15.29 crore. However, such fines imposed were not collected from the schools, even after 2 years of imposition of such penalty.²⁷

Similar instances are also highlighted in the dailies which highlights examples from several states. In Hyderabad, it was reported that the schools are charging lakhs of rupees as capitation fees or donation from parents, apart from the exorbitant fees while seeking admission. As per rules, when admission fees can be up to ₹5,000, many schools have collected a one-time fee in the range of ₹70,000 to ₹2 lakhs.²⁸

Screening of Parents/Children

The RTE clause related to screening specifies the illegality of conducting screening process till completion of elementary education. Screening process involves various methods of assessment and criteria to select the most ideal student for admission to the school. The motive of this provision is to ensure that no child is subject to failure on the basis of some local, incomprehensive testing criteria at a tender age as it can have a deep negative impact on the learning attitude and self-esteem of the child. Moreover, the provision recognises that all children have an equal capacity and a natural tendency to learn and develop. This provision also bolsters the efforts towards Inclusive Education, as it bans a means for schools to discriminate children on bases of any social, monetary or identity based differences.

However, despite such provision, screening processes are used as filters to deny admission to several children on the basis of their socio-economic background or their performance in entrance tests. For instance, a circular issued by the education department of Panaji, Goa in 2018 states that it has come to the notice of the director of education that schools resort to unfair means in the admission process such as holding screening test, interview of parents, etc. The circular stressed that it is mandatory for the school authorities to refrain from such practices, failing which penal actions including suspension of grants will be initiated.²⁹

It can thus be noted that, despite clear prohibitions outlined in the RTE Act against capitation fees and screening procedures, such practices persist in many schools, undermining the Act's intent to provide equitable access to education, which highlights the need for stricter enforcement in ensuring that all children receive fair treatment in the admission process.

Age Proof for Admission

Provision 14 of the RTE Act, yet again covers a very important aspect in elementary education. Due to various reasons, such as poor data management and recording, limited awareness on the importance of registering births, limited access to registration services and other socio-economic reasons, that parents do not show keen interest in registering births or obtaining other documents such as Aadhaar. Section 14, acts as a safeguard for such children and states that denying admission on grounds of lack of proof of age is an act of violation to Article 21A, right to education. The provision stresses that, while birth certificate is to be used as the proof of age, admission cannot be denied to children who are not able to present the document. They may resort to documents such as ANM register record, Anganwadi record or even a declaration of age by the child's parents. It is noted that mostly children coming from rural backgrounds are at the risk of being denied admission due to lack of proof of age, hence, the provision ensures that the marginalised communities are not marginalised further and have unhindered access to education.

²⁷ Gol. (2017), p.35.

²⁸ Vatyam, Nirupa. (2024). 'Parents irked over schools charging up to Rs.2 lakh donation in Hyderabad', *Times of India*, April 13, 2024, accessed on April 13, 2024. Available at: <https://timesofindia.indiatimes.com/city/hyderabad/parents-irked-over-schools-charging-up-to-2l-donation/articleshow/109258714.cms>

²⁹ Tol. (2018). 'Education department warns schools against charging capitation fees', *Times of India*. January 26, 2018. Accessed on 13 April 2024. Available at: <https://timesofindia.indiatimes.com/city/goa/education-dept-warns-schools-against-charging-capitation-fees/articleshow/62657220.cms>

SECTION 14

Section 14: Proof of age for admission

“No child shall be denied admission in a school for lack of age proof”

Rationale

- Though proofs are needed, right of a child cannot be denied for lack of age proof
- Admission would be given in the absence of age proof, while an appropriate document of age proof would simultaneously be acquired

Despite this provision, instances of admission denial persist. For example, in 2019, a Chandigarh parent was asked to keep her son out of school until an updated birth certificate was provided, despite having submitted an Aadhaar card and LKG report card. This led to a complaint to the Chandigarh Commission for Protection of Child Rights (CCPCR). The mother filed a complaint against the government school to the Chandigarh Commission for Protection of Child Rights (CCPCR), for not letting the child study in the school.³⁰ Many parents face similar harassment.

Similarly, the State of Aadhaar Report 2019 highlighted that, from a sample of 1,67,077 respondents who were surveyed, about 13 per cent of school age children had faced delay in enrolment, due to their inability to provide Aadhaar and about one-fourth of the children, could not enrol in schools due to Aadhaar-related reasons.³¹ And this was despite the Supreme Court Judgement made in 2018, which prohibited service providers such as schools from demanding Aadhaar document to grant school admission.³² The basic premise of this provision is that, no child should be denied admission for lack of Aadhaar.

Despite the safeguards provided under Section 14 of the RTE Act, instances of continued denial of admission due to lack of age proof or Aadhaar keeps coming up, highlighting the need to provide awareness to teachers and government educational officials on the various provisions of the RTE Act, so that fundamental right to education of every child is ensured.

No Denial of Admission

This provision states that children should not be denied admission in a school at any point of time during the academic year. This provision acknowledges that while the ideal time for admission is the beginning of an academic session, flexibility to get admitted at any point of time should be allowed for children coming from difficult circumstances. Though the provision aims at ensuring the educational rights of children, the reality on the ground deviates from ensuring the rights of children, which is revealed from several instances that frequently appears in the dailies and other reports.

SECTION 15

Section 15: No Denial of Admission

“A child shall be admitted in a school at the commencement of the academic year or within such extended period.... provided that no child shall be denied admission if such admission is sought subsequent to the extended period”

Rationale

- The rationale is that admission of a child in school is a fundamental right and it cannot be denied at any point of time
- Though children should be enrolled in the beginning of an academic session, in case of children in difficult circumstances, including children affected by migration, displacement, or ill-health, etc. schools may need to be flexible to allow admission at any time during the session
- Children admitted after 6 months of academic session may be provided Special Training

30 Mehta, Kamini. (2019). 'No admission without age proof: GMSSS'. *Times of India*. April 27, 2019. Accessed on April 13, 2024. Available at: <https://timesofindia.indiatimes.com/city/chandigarh/no-admission-without-age-proof-gmsss/articleshow/69067030.cms>

31 IndiaSpend. (2019a, December 10). *Because of Aadhaar, over one million children in India were denied admission to Schools*. Retrieved July 22, 2024, from Scroll.in: <https://scroll.in/article/946285/because-of-aadhaar-over-one-million-children-in-india-were-denied-admission-to-schools>

32 IndiaSpend. (2019b, December 9). *Despite Supreme Court Stricture, Schools In 5 States Asked 75% Children to show Aadhaar*. Retrieved July 22, 2024, from IndiaSpend: <https://www.indiaspend.com/despite-supreme-court-stricture-schools-in-5-states-asked-75-children-to-show-aadhaar/>

In 2014 in Hyderabad, a case was reported on the denial of admission by a head teacher of a government school for a 13 year old boy, who approached for admission after 2-3 months of the beginning of the academic year. The boy had to leave a private school as his parents were unable to afford the fees in the school. Despite seeking assistance from the district education officer (DEO), a non-governmental organisation (NGO) and the Child Line, the family was unsuccessful in securing admission.³³ In another instance, it was reported that a Muslim child of class V was asked to get admitted in an Urdu medium school, as the child could not read properly, which later led to the dropout of the child.³⁴ Such instances only indicate the lack of awareness of the school teachers on the key provisions of the RTE Act. Rather than supporting the education of children, such acts of teachers lead to exclusion of children who already face educational barriers.

A particularly troubling instance of non-compliance and discrimination is also highlighted in the CAG report which showcased instances from Goa. The report highlights that 43 children including 13 HIV affected children were not provided admission in the neighbourhood school and were placed in a school that was 10 km away from the neighbourhood school. While the other 30 children were eventually brought back to their original school, the HIV-affected children continued to face discrimination and were denied admission. This showcases an obvious disregard for their rights and a failure to protect them from discrimination.

Such challenges with respect to admission are often faced by children of the migrating families. For instance, in 2019, a fourteen-year-old girl who moved from Nagaland to Delhi³⁵ was denied admission to class VI until the new academic session began in April. However, even at a later time, she was denied admission by the school authorities, citing the reason that she had aged out of eligibility from the provisions of the RTE Act.³⁶ Such situations force children to lose valuable academic time and highlight the systemic issues that exist while accommodating migrating students into the schools.

The instances highlighted indicate that the actual state of affairs at the ground level exhibit non-compliance by schools and mostly lack of awareness on the part of school authorities prevents children from availing their rights. It highlights the need to sensitise school authorities and educational officials on the purpose of the provisions of RTE Act and bring about systemic reforms and strict enforcement of the law to protect and uphold children's educational rights.

Corporal Punishment

Corporal punishment in terms of both mental harassment and physical punishment is prohibited in India as per Section 17 of the RTE Act, 2009. This section of the RTE Act explicitly prohibits corporal punishment and mandates disciplinary action against those who breach this provision. However, even after 14 years of implementation of the RTE Act, the country could not do away with corporal punishments and there are cases of death of children too which is reported in the newspapers.

Incidents of violence, force, fear, threats, humiliation, and torture faced by children in schools shows the gap that exists in the law and the practices at the ground level. Some of the teachers and even parents still hold the belief that discipline is achieved through punishment. As noted in the document on rationale for RTE Act, when punishment prevails over education, schools become correctional centres, rather than serving as nurturing and supportive spaces for learning.

33 Baseerat, Bushra. (2014). 'Govt schools deny admission to students mid-session'. *Times of India*. January 7, 2014. Accessed on April 14, 2024. Available at: <https://timesofindia.indiatimes.com/city/hyderabad/govt-schools-deny-admission-to-students-mid-session/articleshow/28495564.cms>

34 Baseerat, Bushra. (2014).

35 The academic session in Nagaland is from January to December, while in Delhi, it is from April to March.

36 Reporter. (2019). 'Denied admission, schoolgirls moves HC, Govt. schools cited overage as reason'. *The Hindu*. July 17, 2019. Accessed on 14 April, 2024. Available at: <https://www.thehindu.com/news/cities/Delhi/denied-admission-schoolgirl-moves-hc/article28494502.ece>

SECTION 17

Section 17: Prohibition of physical punishment and mental harassment to child

"No child shall be subjected to physical punishment or mental harassment....whoever contravenes...shall be liable to disciplinary action"

Rationale

- The mistaken notion is that 'discipline' of children comes from punishment and fear.
- School must be the space for provision of 'learning environment' in the formative years and must not become a 'correctional' centre
- Physical punishment and mental trauma are counter-productive and may cause a child to become even more defiant and rebellious than before

Globally, the Convention on the Rights of the Child (UNCRC) emphasises that the school discipline aligns with children's human dignity. Article 28(2) and Article 19 of UNCRC emphasises on protecting children from all forms of violence. India, despite being a signatory to the UNCRC and having strict provisions related to corporal punishments, the ground realities seems to evade the legal protective measures and corporal punishments remain a disturbing norm in many schools.

In Uttar Pradesh, a case has been reported, where a teacher of a private school in Khubbapur village, Muzaffarnagar district had beaten a seven-year old Muslim child and also encouraged fellow students to line-up to hit the crying child one after the other, while making derogatory remarks on the child's faith.³⁷ In a government school in Mangaluru, a headmistress inflicted severe mental trauma on students by beating them for not completing homework. In Chandigarh too, it was reported that a student of class IV of a Madarsa was chained for not completing her homework.³⁸ In Dakshin Kannada area of Karnataka, 62 such cases have been reported for similar offence of teachers.³⁹ Similar issues are present in private schools, as demonstrated by a recent incident where a private school in Delhi allegedly locked up 16 students in a basement for five hours due to delayed fee payments.⁴⁰ While cases in government schools often come to light, the situation and extent of corporal punishment in private schools remain largely unknown. There are a series of such incidents across the country, where punishments were adopted as disciplinary measures by school authorities against small children.

Apart from physical punishments, children are also subjected to mental harassments. In a private school in Jharkhand, the principal forced children to place their hands over a candle flame in order to determine who stole money from another student, leading to severe burn injuries for seven students.⁴¹ Another shocking incident has been reported in Arunachal Pradesh, where female students were forced to undress by three teachers and this incident came to light when the local student's union filed a police complaint that 88 girls were forced to undress.⁴² Similar horrifying incident has also occurred in a residential school in Uttar Pradesh, where the warden had forced about 70 girls of 10 year old to undress, to check if they were menstruating.⁴³

37 Kumar, Mayank. (2023). 'U.P. Teacher booked for asking kids to hit Muslim classmate'. *The Hindu*. August 26, 2023. Accessed on 17 April, 2024. Available at <https://www.thehindu.com/news/national/muslim-boy-gets-slapped-by-classmates-on-insistence-of-teacher-in-uttar-pradesh-teacher-arrested/article67237877.ece>

38 Mangalore Today News Network. (2016). 'Corporal punishment at Haryana madrassa: Class 4 student chained for not doing homework'. *Mangalore Today*. August 2, 2016, Accessed on 17 April, 2024, Available at: <https://www.mangaloretoday.com/headlines/Corporal-punishment-at-Haryana-madrassa-Class-4-student-chained-for-not-doing-homework.html>

39 Mendonsa, Kevin. (2018). 'Teacher booked for Corporal Punishment', *Times of India*, June 30, 2018. Accessed on April 17, 2024. Available at: <https://timesofindia.indiatimes.com/city/mangaluru/teacher-booked-for-corporal-punishment/articleshow/64807585.cms>

40 Wire Staff. (2018). 'Problem of Corporal Punishment Persists in Schools'. *The Wire*. July 11, 2018. Accessed on 17 April, 2024. Available at <https://thewire.in/education/problem-of-corporal-punishment-persists-in-schools>

41 BBC News. (2018). India principal 'puts student through trial by fire'. *BBC News*. February 2, 2018, Accessed on April 17, 2024, Available at: <https://www.bbc.com/news/world-asia-india-42918491>

42 BBC. (2017). 'Inquiry after India students 'stripped for punishment', *BBC*. November 30, 2017, Accessed on April 17, 2024, Available at: <https://www.bbc.com/news/world-asia-india-42180151>

43 BBC News. (2018). 'India School's 'Menstruation Check' investigated', *BBC News*. March 31, 2017, Accessed on April 17, 2024, Available at: <https://www.bbc.com/news/world-asia-india-39452245>

Based on the broad framework of the RTE Act, many states have regulations and guidelines to ban corporal punishments in schools. Similarly, the NCPCR had come up with guidelines in 2017 to conduct workshop with teachers on positive disciplinary methods. However, there is no record on whether such workshops were conducted for the teachers and whether it contributed in reducing corporal punishments.

The practice of resorting to punishments has been widely prevalent in the schools across the country, which underlines a deep-seated cultural acceptance of corporal punishment. These practices have far-reaching negative consequences for children, including physical injuries, psychological harm, and long-term impacts on mental health such as post-traumatic stress disorder (PTSD), anxiety disorders, and depression.⁴⁴

The prohibition of corporal punishment under Section 17 of the RTE Act reflects a commitment to safeguarding children's rights and well-being. It is vital to transform societal attitudes towards discipline and to rigorously enforce the legal framework protecting children. Only by fostering a supportive and nurturing learning environment can we truly honour the intent of the RTE Act and ensure the holistic development of every child.

Norms and Standards

The effective functioning of schools depends on quality infrastructure, including school buildings, drinking water, functional toilets and boundary wall, as well as learning facilities like libraries, computers and teaching aids. Section 19 of the RTE Act, mandates basic norms and standards for schools and it expected compliance from both public and private schools within three years of the Act's commencement, and it held the state governments responsible for enforcement. Despite these requirements, many schools still do not meet the norms even after 15 years. The provision further stated that the recognition certificate of private schools should be withdrawn, in case of non-compliance.

SECTION 19

Section 19: Norms and standards for school

"No school shall be established or recognised, unless it fulfils the norms and standards...if not fulfilled, the school shall take steps to fulfil such norms and standards within a period of three years from the date of commencement of the Act"

Rationale

- No private schools can function without a Certificate of Recognition and such Certificate would be issued to schools that fulfil the prescribed norms and standards. (Section 18)
- Both the government and private schools are expected to meet the norms and standards and the norms prescribed will be monitored by the NCPCR

The SSA and RTE provisions have led to progress on certain indicators related to school infrastructure. According to U-DISE data for various years, over 90% of schools have drinking water facilities and boys' and girls' toilets, although functionality of the same is still a question in some of the schools. The availability of functional computers has deteriorated, a significant concern highlighted during the COVID-19 pandemic which made a huge emphasis on shifting to digital mode of learning. The data related to availability of ramps gives a misleading picture, as there are variations over the years. On the other hand, it can be noted that there is an incremental progress with respect to availability of playground and libraries in schools.

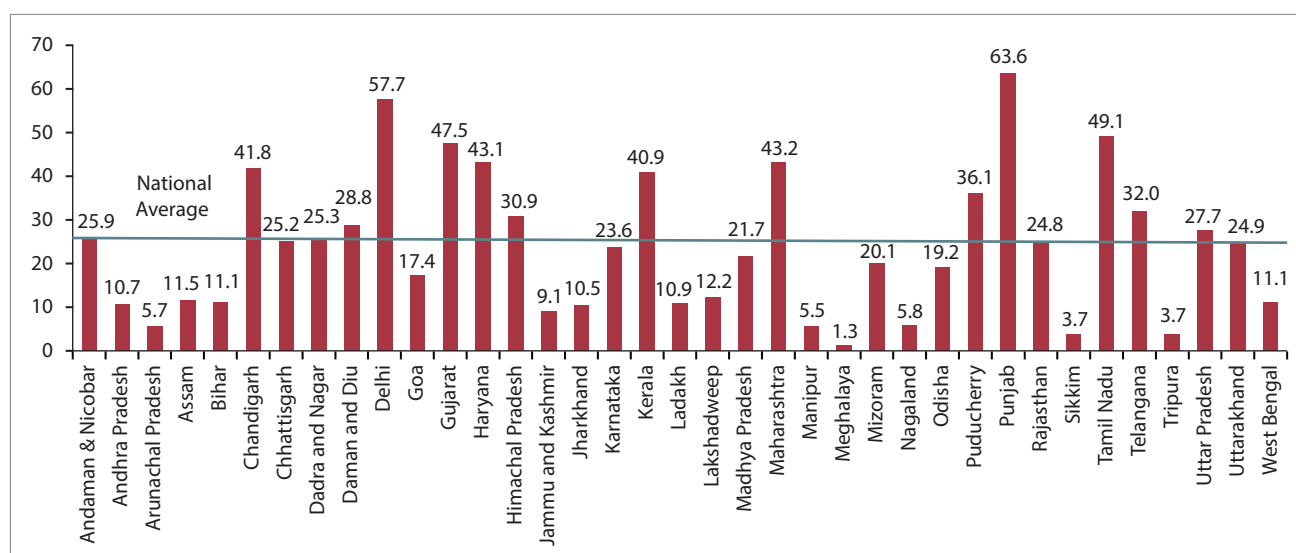
44 Smile Foundation. (2023). 'Cancelling Corporal Punishment in Schools'. *Smile Foundation*, August 27, 2023, Accessed on April 17, 2024. Available at <https://www.smilefoundationindia.org/blog/cancelling-corporal-punishment-in-schools/>

TABLE 1.5: PROGRESS ON INFRASTRUCTURE RELATED NORMS OVER THE YEARS

Percentage of Schools with	2009-10	2014-15	2019-20	2021-22
Functional Drinking Water Facility	92.6	96.1	93.8	95.9
Functional Boys' Toilet	89.0	92.0	91.1	92.7
Functional Girls' Toilet	74.6	92.5	93.2	94.7
Boundary Wall	51.4	64.5	NA	NA
Ramps	47.1	77.4	67.6	71.8
Playground	54.8	59.8	74.6	77.0
Kitchen-Shed (Government & Aided Managements)	42.8	77.4	NA	NA
Mid-day Meal (Government & Aided Managements)	87.4	96.9	NA	NA
Functional Computer	74.1	56.4	37.1	45.8
Library Facility	NA	82.1	84.1	87.3

Source: DISE, U-DISE and U-DISE+ data, various years.

Progress is noted in playgrounds and libraries, but overall compliance is partial. However, despite the progress made, it can still be stated that the compliance level is only partial, as there are still three-fourth of the government and private schools that are not fully RTE compliant even after 14 years of implementation of the RTE Act. It was stated that at the all India level, only 25.5 per cent of the schools were RTE compliant, as per the response to an unstarred Question No. 2186 on August 2, 2021 made in the Lok Sabha. The compliance rate was as high as 63.6 per cent in Punjab and 57.7 per cent in Delhi and as low as 1.3 per cent in Meghalaya, followed by Sikkim and Tripura (3.7%).

FIGURE 1.11: RTE NORMS RELATED TO INFRASTRUCTURE NORMS IN ELEMENTARY SCHOOLS (%)

Source: Response to Unstarred Question No. 2186 on August 2, 2021 in the Lok Sabha on the percentage of schools that are RTE compliant on infrastructure norms such as Additional classrooms, Boys toilet, Girls toilet, drinking water, ramp, playground and boundary wall.

The infrastructure requirements are not met in the private schools too. In a report on 'RTE after a Decade', it was highlighted that about 2469 private schools were closed between 2015-2018 and notices for school closure were issued to about 13,546 private schools for non-compliance of RTE norms and standards.⁴⁵ Proponents of

45 Bose, Arnab. (2020). 'RTE After a Decade: An Assessment of Bottlenecks and Some Ways Forward', *Rajiv Gandhi Institute for Contemporary Studies*, New Delhi: Rajiv Gandhi Institute for Contemporary Studies, available at <https://www.rgics.org/wp-content/uploads/Status-of-RTE-in-2020.pdf>, p.12.

private school argue that the RTE Act is impinging on the autonomy of private schools that offers education to the marginalised sections of the community.⁴⁶ However, it is a basic minimum requirement to meet the basic standards and some of the low cost private schools, compromise the infrastructure requirements in order to maximise their profits.

The CAG report highlighted significant discrepancies between U-DISE data and CAG's physical verification in 18 states. For example, in Lakhimpur district, Assam, U-DISE data claimed 82% of schools had buildings, but CAG found only 40.6% did. The audit noted several such discrepancies. The CAG report notes that the following discrepancies were noticed during the audit:

- ▶ In Delhi, in one of the schools, after spending about 1.16 crore for construction, further work was abandoned due to construction of Metro station.
- ▶ In Tamil Nadu, out of 150 schools, 9 did not have barrier free access, 11 school buildings were in dilapidated condition, 19 schools did not have kitchen sheds.
- ▶ In Uttar Pradesh, 105 schools lacked buildings, 403 operated in dilapidated buildings, 26 school buildings were accommodating 2-3 schools and there were a total of 58 such schools. One school was used as a goat shed.
- ▶ In Kerala, 1412 schools lacked fitness certificate as on September 2016 and as per the Directorate of Public Instruction of Kerala, about 146 schools were in unsafe condition.
- ▶ In Giridih and Pakur districts of Jharkhand, 14 schools were without school buildings.
- ▶ In Puducherry, out of 378 schools that were visited, one school was functioning in a dilapidated old kitchen, 17 schools did not have playground, 37 schools did not have barrier free access and 2 did not have boundary walls.
- ▶ In Tripura, one school operated in a dilapidated Anganwadi centre, another in a bamboo shed. Of 160 computers procured for BRCs/URCs, 26 were used for official purposes, 22 became non-functional, and 112 were unused.

Despite satisfactory data reported in U-DISE on school facilities, reality checks reveal significant deviations. In Munger, Bihar, U-DISE data claims 98.9% of schools have separate toilets for boys and girls, but the actual figure is only 25%. In Gorakhpur, Uttar Pradesh, U-DISE reports 98.9% of schools have safe drinking water, whereas the CAG report finds only 37.5% do. In Unnao, Uttar Pradesh, U-DISE data indicates 71.2% of schools have boundary walls, but field visits show only 24.1% do. These discrepancies suggest that U-DISE data, often self-reported by schools, may be manipulated and highlight the need for rigorous validation and verification.

School Management Committees

Community involvement in school management has long been emphasised by various education commissions in India. The RTE Act mandates the formation of School Management Committees (SMCs) in every school, recognising parents as primary stakeholders. These SMCs, comprising local authorities, school staff, and predominantly parents (with half being women), are responsible for overseeing school operations, managing grants, and preparing school development plans (SDPs).

46 Hindu Post. (2016). 'Sonia's RTE Forcing Closure of Private Schools, Hurting Students', *Hindu Post*, February 24, 2016, accessed on 20 June, 2024, available at: <http://https://hindupost.in/news/sonias-rte/>

SECTION 21 & 22

Section 21: School Management Committees

“A school other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of local authority, parents or guardians of children admitted in such schools and teachers. The School Management Committee can perform functions – monitor the working of the school, prepare and recommend school development plan, monitor utilisation of grants...”

Rationale

- The rationale is that if parents are to be recognised as primary stakeholders in the education of their children, they must be involved in a meaningful manner in the monitoring and management of schools
- RTE Act envisages that SMCs would include parents, elected representatives of panchayats and school teachers
- Parent dominated SMC system will lead to overall improvement of the schooling system

Section 22: School Development Plan

“Every School Management Committee... shall prepare a School Development Plan... and SDP so prepared shall be the basis for the plans and grants to be made by the appropriate government of local authority”

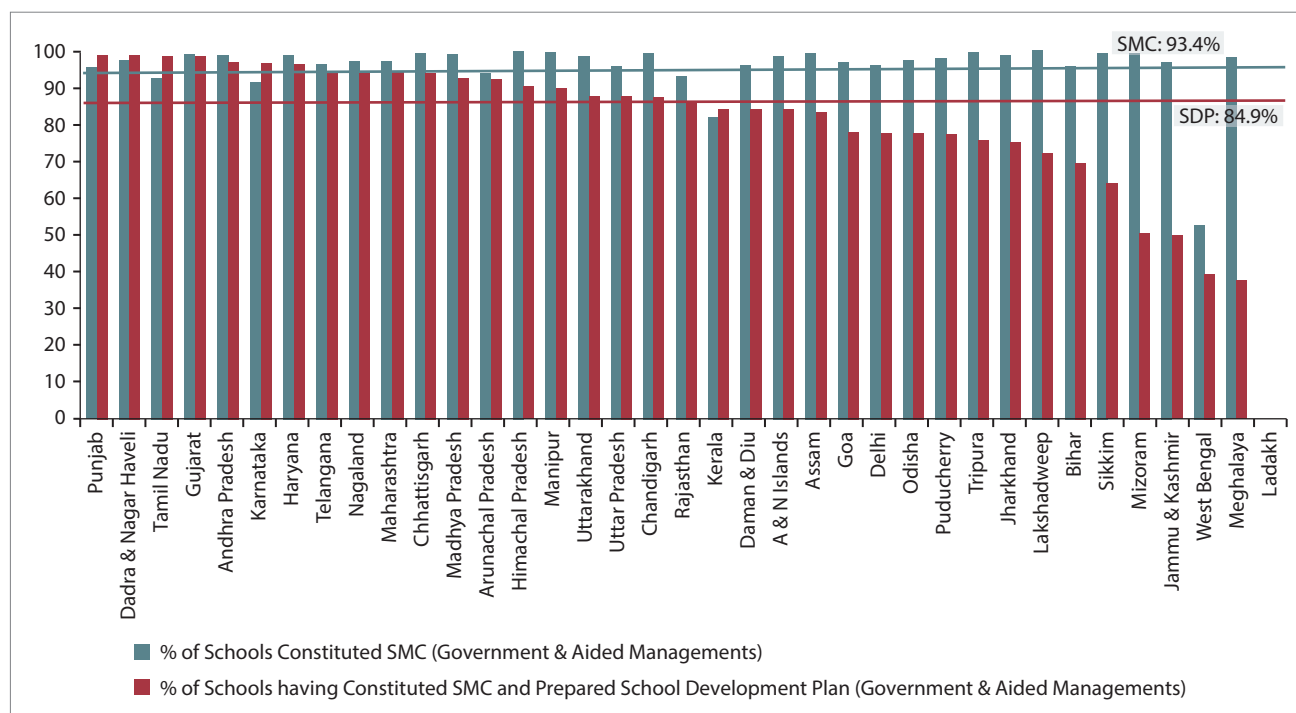
Rationale

- SDP is visualised as a comprehensive plan focusing on all aspects of school, e.g. protection of children’s rights, infrastructure, teacher availability, classroom transaction and child assessments, inclusiveness, etc.

Non-Formation of SMCs

Though SMCs are intended to be the primary stakeholders in children’s education, their effectiveness varies widely. According to 2014-15 UDISE data, 93% of schools had established SMCs, and 84.9% had prepared school development plans. However, the CAG audit reveals significant discrepancies. In 12 states, 3% to 88% of audited schools lacked SMCs, with West Bengal showing 88% non-compliance and Kerala and Karnataka at 41%.

FIGURE 1.12: DETAILS OF SMCs AND SDPs IN 2014-15



Source: Prepared by authors based on U-DISE data.

Delay in Formation of SMCs

Even in schools where SMCs were established, there were significant delays and irregularities in their formation and meetings. These delays ranged from three months to two years. In Jharkhand, SMC formation was delayed in 120 schools by three months to two years. In Mizoram, 23 of the 60 schools visited had irregular reconstitution of SMCs. In Tripura, delays ranged from one to 37 months, and in the Andaman and Nicobar Islands, 10 of 60 schools did not constitute SMCs within six months. Similarly, in Chandigarh, 18 of 30 schools faced delays, and in Delhi, 50 of 60 schools visited by CAG team experienced delays ranging from one to 31 months.

Irregularity in SMC Meetings

Rule 3(5) of the RTE Rules mandates that School Management Committees (SMCs) meet at least once a month, with minutes and decisions properly recorded and made public. However, the CAG report found that in schools where SMCs were constituted, meetings were often irregular, and there were deficiencies in preparing School Development Plans. The report highlighted that these shortfalls hindered constructive dialogue with stakeholders. For example, Assam saw a 70-73% shortfall in meetings annually, 85% of schools visited by the CAG team in Chhattisgarh did not conduct SMC meetings, and in Gujarat, only 32.4% of the required meetings were held between 2010 and 2015-16.

Non Preparation of SDPs

Section 22 of the RTE Act mandates the formulation of School Development Plans (SDPs) by School Management Committees (SMCs) to address various school-related issues, such as infrastructure, teacher availability, and inclusivity. However, the 2015-16 CAG audit revealed that SMCs in nine states, including Bihar, Haryana, and Uttar Pradesh, did not prepare any SDPs. In states like Kerala, Chhattisgarh, and Karnataka, around 70-80% of SMCs developed SDPs, while in Goa, 93% of schools visited by CAG team failed to do so. Similar trends were observed in Chandigarh, Sikkim, Madhya Pradesh, and Tamil Nadu, where more than three-fourths of SMCs did not prepare SDPs.

Despite these challenges, there are positive examples of community involvement, as highlighted by a study of government schools in Bihar and Tamil Nadu. In Bihar, SMCs in Begusarai district successfully shifted a significant number of students from private to government schools. Tamil Nadu also saw active SMC participation in resource mobilisation and school improvement efforts.⁴⁷

These examples, while encouraging, highlight the need for stronger adherence to Sections 21 and 22 of the RTE Act. To ensure sustainability and scalability across the education system, SMCs are to be provided awareness on their respective roles and capacitated, to take ownership of schools.

Teachers: Qualification, Pupil-Teacher Ratio, Vacancy and Non-Teaching Activities

To ensure the provision of quality education, the RTE Act introduced several key provisions concerning teachers. These include requirements for teacher qualifications, the filling of vacant positions, mandatory teacher training, maintaining the requisite pupil-teacher ratio (30:1 for primary schools and 35:1 for upper primary schools), and ensuring that teachers are deployed solely for educational purposes for which they are appointed.

⁴⁷ Poornima, M & Kaur, Ramandeep. (2021). *Reviving Government Schools: Case Studies of Best Practices of Government Schools in Improving Public Education*, New Delhi: Council for Social Development.

SECTION 23, 25, 26 & 27

Section 23: Qualification for appointment of teachers

“Any person possessing the minimum qualifications, as laid down by an academic authority, shall be eligible for appointment as a teacher... If a State does not have teachers possessing minimum qualifications, the Central Government may relax the minimum qualifications required for appointment as a teacher, for such a period not exceeding five years”

Rationale

- The Central government has notified NCTE as the academic authority for prescribing teacher qualifications and NCTE has laid down the requisite qualifications for teachers

Section 25: Pupil-Teacher Ratio

“Within three years from the commencement of the Act, the appropriate authority shall ensure that PTR is maintained in each school.... No teacher posted in a school shall be made to serve in any other school or office”

Rationale

- Appropriate authorities should provide for maintenance of PTR norms within three years of the Act

Section 26: Filling up vacancies of teachers

“The appointing authority...shall ensure that vacancy of teacher in a school under its control shall not exceed 10 per cent of the total sanctioned strength”

Rationale

- The rationale is that the States take steps to fill up existing teacher vacancies

Section 27: Prohibition of deployment of teachers for non-educational purposes

“No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament”

Rationale

- This provision ensures that more time is available to teachers for school/classroom transaction and that teachers are not deployed for work that takes them away from their classroom responsibilities

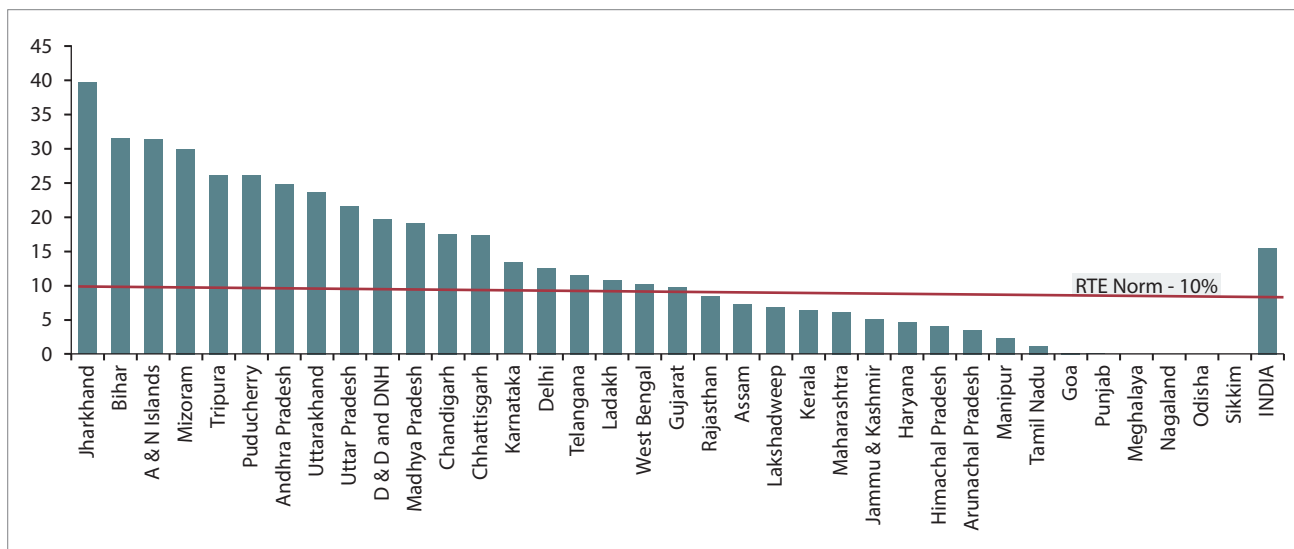
Teacher Availability

SSA played a crucial role in improving teacher-related indicators, particularly in increasing teacher availability and providing in-service training of teachers, to enhance their pedagogical competence.⁴⁸ Over the years, there has been significant progress in the availability of teachers, with the number rising from 5.8 million in 2009-10 to a peak of 9.08 million in 2019-20, before declining to 8.9 million in 2021-22 after the COVID-19 pandemic. However, the 2016-17 data of U-DISE as shared in the Rajya Sabha, indicates that about 5 lakh schools did not have the requisite number of teachers as per the RTE norm, which was to the extent of 34.4%. Despite the overall increase in teacher numbers, there are still about 7.4 lakh vacant teacher positions against a sanctioned strength of 48.1 lakh, representing a national shortfall of 15.5%, which exceeds the RTE norm of 10% (see Figure 13). The situation varies across states, with 16 states having vacancies exceeding 10% of the sanctioned strength, and some states like Jharkhand (40%), Bihar, Andaman & Nicobar Islands, and Mizoram experiencing shortfalls of over 30%. Additionally, challenges such as the presence of excess teachers in some schools and unfilled vacancies in others highlight an improper review of teacher requirements, as noted in the Performance Audit on the RTE Act in Madhya Pradesh.⁴⁹

48 NUEPA. (2014). India – Education for All: Towards Quality with Equity, New Delhi: NUEPA.

49 (2017). Performance Audit on RTE Act.

FIGURE 1.13: VACANT POSITION OF TEACHERS



Source: Lok Sabha unstarred question no. 1719 on the 'Status of Teachers for Class I to VIII', as on July 31, 2023.

Qualification

The RTE Act mandates the appointment of professionally qualified and trained teachers, and requiring those without the necessary qualifications to obtain them within five years of the Act's implementation. While the government has implemented measures to train unqualified teachers, significant challenges remain. According to a UNESCO report, 15% of teachers in government schools and 30% in private unaided schools are still unqualified.⁵⁰ Additionally, the percentage of teachers receiving in-service training has declined from 35.03% in 2009-10 to 14.9% in 2015-16 (see Table 1.6).

Poonam Batra's analysis reveals that when the RTE Act was enacted, approximately 10.6 lakh teachers lacked professional training, a number that rose to 15.4 lakh by 2016-17.⁵¹ Despite the initial five-year deadline for teachers to obtain qualifications being extended to 2019, the shortage of professionally trained teachers remains a pressing issue. Many states, including Bihar, Uttar Pradesh, Jharkhand, Odisha, Chhattisgarh, Assam, and West Bengal, face a growing challenge with unqualified teachers, as noted by Batra. In unaided private schools, the proportion of under-qualified teachers reaches 41.3% at the primary level and 55.4% at the upper primary level.

Moreover, many schools, particularly private ones, employ unqualified contractual teachers to meet pupil-teacher ratio norms, often at lower pay. These contractual teachers lack the service conditions, salaries, and benefits provided to regular teachers, including leave, social security, and job security. A study of private schools in Karnataka, Rajasthan, Tamil Nadu, and Uttar Pradesh found that unqualified teachers were commonly employed due to their willingness to work for lower salary.⁵²

50 UNESCO. (2021). *No Teacher, No Class: State of the Education Report for India 2021*, New Delhi: UNESCO New Delhi Cluster Office.

51 Batra, Poonam. (2017). 'RTE amendment giving teachers more time to get qualified is poorly thought out and contrary to law', *Scroll.in*. Accessed on June 5, 2024, Available at: <https://scroll.in/article/847310/rte-amendment-giving-teachers-more-time-to-get-qualified-is-poorly-thought-out-and-contrary-to-law>

52 Pankaj, A, Poornima & Kaur, R. (2021). *Reach and Role of Private Schools in India*, New Delhi: Council for Social Development.

TABLE 1.6: TEACHER RELATED INDICATORS

Year	Total Teacher: Elementary	PTR: Elementary		% of Teachers with In-Service Training	% of Teachers with Professional Qualification		Teachers without Professional Qualification	% of Contractual Teachers to Total Teachers	% of Schools with PTR >30		% of Schools with PTR >35	% Teachers engaged in Non-Teaching Activities
		PS	UPS		Regular	Contractual			Primary	Upper Primary		
2009-10	5816673	36	32	35.03	81.01	44.64	NA	10.97	45.76	34.34	9.55	
2010-11	6403234	34	31	29.59	78.66	49.37	NA	11.22	42.44	31.32	9.06	
2011-12	6687983	34	31	34.23	79.58	62.02	NA	12.16	40.84	30.77	10.13	
2012-13	7354152	34	23	25.75	78.58	54.01	NA	7.2	59.67	44.43	5.49	
2013-14	7721903	31	25	22.03	80.06	55.55	NA	6.45	29.9	15.35	2.48	
2014-15	7963161	29	26	18.34	81.14	65.84	20.91	13.64	27.11	14.11	3	
2015-16	8076756	30	26	14.9	82.41	67.02	18.74	13.18	25.93	13.46	1.99	
2016-17	8323024	28	25	NA	NA	NA	18.08	NA	NA	NA	NA	
2017-18	8634476	29	21	NA	NA	NA	18.65	NA	NA	NA	NA	
2018-19	8822923	27	19	NA	NA	NA	NA	NA	27.7	19.1	NA	
2019-20	9080212	26	18	NA	NA	NA	NA	NA	26.5	18.5	NA	
2020-21	9079219	26	18	NA	NA	NA	NA	NA	26.3	18.9	NA	
2021-22	8903811	26	19	NA	85.22	14.78	NA	NA	26.0	19.0	NA	

Source: DISE, U-DISE and U-DISE+ Data, various years.

Note: From the year 2016-17 onwards, indicators related to teachers are provided in a different format, which does not match the pattern provided earlier.

Pupil Teacher Ratio

The Right to Education (RTE) Act mandates achieving the prescribed pupil-teacher ratio (PTR) of 30:1 for primary schools and 35:1 for upper primary schools within three years of the Act's commencement. At that time, the PTR was 36:1 at the primary level and 32:1 at the upper primary level. By 2021-22, there were notable improvements, with the PTR reducing to 26:1 at the primary level and 19:1 at the upper primary level.

However, these national averages obscure significant disparities at the school level. In 2021-22, 26% of primary schools still had a PTR exceeding 30:1, and 19% of upper primary schools had a PTR above 35:1. State-level differences are stark, with Bihar, for instance, recording a PTR of 54:1 at the primary level in 2021-22, far above the RTE Act's norms. The CAG report also highlighted issues in 11 states, where either teacher surpluses or single-teacher schools have negatively impacted education quality. Case study covered in this report from the state of Jharkhand indicates a stark ratio of 1:150.

The RTE Act prohibits teachers from being reassigned to non-teaching roles, emphasising the need for adequate teaching staff. Yet, states with high PTRs and single-teacher schools face significant challenges in implementing these provisions effectively. Single-teacher schools, which are prevalent in states like Bihar, present a substantial obstacle. According to UDISE data, 56,056 out of 10.22 lakh government schools are single-teacher schools, with 31% located in Bihar (17,359).⁵³ These schools significantly impede the implementation of teacher responsibilities and the quality education standards outlined in the RTE Act, 2009.

53 Education for All in India. (n.d). 'Analysis of Pupil-Teacher Ratios in India by Level of Education: A State-wise Examination based on UDISEPlus 2021-22 Data, available at: <https://educationforallindia.com/analysis-of-pupil-teacher-ratios-in-india-by-level-of-education-a-state-wise-examination-based-on-udiseplus-2021-22-data/#:~:text=Some%20states%2FUTs%2C%20like%20Bihar,to%20provide%20optimal%20learning%20environments.>

While overall PTRs have improved, the disparities and challenges necessitate urgent attention. Ensuring compliance with Section 25 is critical for achieving the intended educational standards and creating an environment conducive to quality learning for all children in India.

Teacher Deployment for Non-Educational Purposes

Section 27 of the RTE Act mandates that teachers should not be deployed for non-educational work, except in specific circumstances like decennial population censuses, disaster relief duties, or election-related tasks. However, the CAG report identified that in nine states, teachers were deployed in various non-educational activities, which undermines the Act's objectives. For instance, in Andhra Pradesh, 37 teachers were posted as personal assistants (PAs) to public representatives. In Assam, 1,559 teachers were engaged in field verification for the National Register of Citizens (NRC) in 2014-15. In Kerala, 12 teachers served as Gram Sabha coordinators in Thrissur and Idukki districts, while in Mizoram, teachers were assigned roles such as coordinators, project assistants, and data entry operators. In Rajasthan, 112 teachers were deployed in offices like the Nagar Parishad, Zila Parishad, and Rajasthan Council of Rural Livelihood during 2010-16.⁵⁴

To ensure the provision of quality education, it is crucial that teachers are relieved from non-educational duties and that their workload is rationally allocated to focus on their primary educational responsibilities.

Governance Mechanism: National and State Advisory Council, NCPCR and SCPCR

When the RTE Act was introduced in 2009, it established provisions related to governance mechanisms to ensure effective implementation. This included the constitution of the National and State Advisory Councils, and it assigned the responsibility of safeguarding children's educational rights to the National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights (SCPCR).

SECTION 31, 33 & 34

Section 31: School Management Committees

"The NCPCR and the SCPCRs constituted under the Commissions for Protection of Child Rights Act, 2005 shall also perform the following functions: examine and review the safeguards for rights provided by or under the Act and recommend measures for effective implementation; inquire into complaints relating to child's right to free and compulsory education"

Rationale

- The rationale is to provide for an institutional mechanism for protection of rights of the child through NCPCR.
- Monitor OoSC to facilitate their access and participation in the schooling system. This would include children who have never enrolled or have dropped out, children who are temporarily absent, children who are permanent migrants, who migrate seasonally with their parents.

Section 33: Constitution of National Advisory Council

"The Central government shall constitute a NAC...and the function shall be to advise the central government on implementation of the provisions of the Act in an effective manner"

Rationale

- The rationale for constitution of the NAC is to give expert advice to the central government on implementation of provisions of the Act.

Section 34: Constitution of State Advisory Council

"The State government shall constitute a NAC...and the function shall be to advise the state government on implementation of the provisions of the Act in an effective manner"

Rationale

- The rationale for constitution of the SAC is to advice the State Governments on implementation of provisions of the Act.

54 CAG. (2017).

The National Advisory Council (NAC) was tasked with overseeing the implementation of the Act and advising the central government on effective execution (Section 33). The NAC was constituted on July 8, 2010, with the MHRD Minister as the ex-officio chairperson. Other ex-officio members included the Secretary of the School Education Department, Director of NCERT, VC of NIEPA, and Chairpersons of NCTE and NCPCR, along with nine members nominated by the central government. However, as noted by the CAG report, the NAC has been non-functional since 2014. Initially, it was agreed that the NAC would meet quarterly. However, in the first two years (2010-11 and 2011-12), it met only twice, and in the following two years (2012-13 and 2013-14), it met just once. There has been no NAC formation since November 2014. When an inquiry was made by the CAG team in 2017, the MHRD responded that the constitution of a new NAC was under process, but the council largely remained inactive.

Similarly, Section 34 of the RTE Act mandates that state governments constitute State Advisory Councils (SACs) to advise on the Act's implementation. The State Education Minister serves as the ex-officio chairperson. SACs were required to meet regularly, with intervals not exceeding three months. However, the CAG report found that 7 out of 35 states had not constituted SACs, and in 13 of the 28 states that did, it took over three years after the RTE Act's implementation to do so. For instance, Maharashtra only constituted its SAC in February 2016. Among the 28 states that formed SACs, 11 had not held a single meeting, and 17 states did not comply with the requirement to meet every three months.

Additionally, other independent bodies like the NCPCR and SCPCR were expected to monitor the RTE Act's implementation. Section 31 of the Act empowers these bodies to protect and monitor children's rights and address grievances. However, the CAG report identified delays in resolving complaints. As of May 2016, 993 cases were pending with the NCPCR, including 420 related to school infrastructure. Complaints involving corporal punishment, denial of admission, and teacher absenteeism had been pending for over two years.

Section 31(3) of the Act allows state governments to establish Right to Education Protection Authority (REPA) to perform SCPCR functions if the SCPCR is not constituted. The CAG report states that by April 2010, 10 states had established such authorities, with the remaining 25 states doing so between June 2010 and April 2015. Rule 28 of the RTE Rules requires SCPCRs to set up child helplines to register complaints of rights violations. However, the CAG report notes that such helplines were not established in 12 states, including Arunachal Pradesh, Bihar, Gujarat, Jharkhand, Madhya Pradesh, and others.

The audit further revealed significant backlogs in complaint resolutions. For example, in Assam, all 356 complaints filed between 2010-2016 remained pending as of March 2016. In West Bengal, 310 out of 360 complaints were unresolved, and in Rajasthan, 663 out of 1,041 complaints were pending. In Odisha, however, 17,527 out of 17,796 complaints were settled, with only 269 cases pending. The absence of child helplines and delays in complaint resolution has deprived children of their right to grievance redressal as mandated by the Act.

Overall, it can be stated that the institutional governance mechanisms established to ensure the effective implementation of the RTE Act have largely remained weak and inactive, resulting in a significant lack of accountability. It is critical that the government takes decisive measures to strengthen these governance mechanisms to uphold the Act's objectives and ensure the educational rights of all children are fully protected and realised.

CONCLUSION

As discussed in this background chapter, the right to education became a fundamental right in 2002, marking a significant milestone in Indian constitutional history. It was a remarkable achievement that the Right to Education, initially included in the non-justiciable Directive Principles of State Policy (DPSP), received the status of a fundamental right after 50 years of independence. Govinda (2023) argues that this shift toward embracing the rights perspective in education in 2002 was largely due to the compelling circumstances of the 1990s, driven by a combination of judicial activism and civil society mobilisation efforts.⁵⁵

Despite these significant steps, the effective implementation of the RTE Act has often taken a backseat, with inherent deficiencies, as highlighted throughout this chapter. Over the past 15 years, the status of RTE implementation suggests that it has not been taken as seriously as it should have been. The analysis indicates that while substantial progress has been made in several areas—such as increased school enrolment and decreased dropout rates—RTE implementation still faces numerous challenges. These include providing access to neighbourhood schools, ensuring quality education, addressing dropout issues, recruiting qualified teachers, tackling teacher shortages, providing adequate infrastructure, ensuring sufficient financial allocation for education, and giving teeth to the institutional mechanisms that are in place to support RTE implementation. It is crucial for the government to take decisive measures to overcome these challenges to fully realise the objectives of the RTE Act.

The forthcoming section of this report will present case studies from various states, highlighting the current state of RTE implementation across the country.

⁵⁵ Govinda, R. (2024). *The Routledge Companion to Primary Education in India: From Compulsion to Fundamental Right*, Oxon: Routledge.



**GROUND EXPERIENCES ON
THE IMPLEMENTATION OF THE
RTE ACT, 2009: CASE STUDIES
FROM SELECT STATES**

2

RTE Act 2009 and Equitable Education in the State of Telangana: A Critical Policy Analysis

SUNKARI SATYAM⁵⁶

Abstract

The global agenda of providing quality and inclusive education for all continues to dominate the debates from public policy perspectives. However, it continues to remain unclear how to understand issues related to quality and inclusive education in practice, and translating policy objectives to reality remains a challenge. The paper critically examines the RTE Act 2009 based on qualitative observations collected from girl children covering schools located in rural and agency areas of Telangana. The observations conclude that there is a need to adopt an 'inclusive learning environment' to streamline the educational atmosphere for marginalised students.

INTRODUCTION

For about one and a half decades, education has been free and compulsory for children aged six to fourteen under the framework of the Educational Guarantee Act. On April 1, 2010, the Act, popularly known as the Right of Children to Free and Compulsory Education Act, 2009 (henceforth RTE Act 2009), was brought into force to enable children belonging to socially, culturally, economically, geographically, or linguistically and educationally backward classes to enter the formal schooling system and access schooling, especially children of the Scheduled Castes, the Scheduled Tribes, and other backward classes. The Act was part of the historical process of the Universal Declaration of Human Rights (1948) in Article 26 to provide education to all under the framework of universal primary education as part of the global goal to achieve universal primary education by 2015. Education for all has been a crucial component, which was adopted at the Global Education for All Meeting (GEM) in 2014 and became an integral part of the Sustainable Development Goals (SDGs) of the UN General Assembly to "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all".⁵⁷ It is an important goal among all other SDGs as the processes of sustainable development largely depend upon its transformative effects on other SDGs as education enables upward socio-economic mobility, and various studies have also confirmed similar observations.^{58,59&60}

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57 United Nations - Department of Economic and Social Affairs (2024). Sustainable Development, <https://sdgs.un.org/goals/goal4>, viewed on 21 February, 2024

58 Jolliffe, D. (2002). Whose education matters in the determination of household income? Evidence from a developing country. *Economic Development and Cultural Change*, 50(2): 287–312. <https://doi.org/10.1086/322880>

59 Majumder, R. (2010). Intergenerational mobility in educational and occupational attainment: A comparative study of social classes in India. *Margin: The Journal of Applied Economic Research*, 4(4): 463–494. <https://doi.org/10.1177/097380101000400404>

60 Chetty, R., Hendren, N., Jones, M. R., & Porter, S. R. (2020). Race and economic opportunity in the United States: An intergenerational perspective. *The Quarterly Journal of Economics*, 135(2): 711–783. <https://doi.org/10.1093/qje/qjz042>

Since the initiation of the RTE Act 2009, education has expanded dramatically in India over the last one and a half decades in general and in the state of Telangana in particular. The school education system of India emerged as the largest in the world, with about 14.89 lakh schools, more than 95 lakh teachers, and about 26.52 crore students (UDISE+ 2021-22). However, in 2011-12, there were 13.15 lakh schools; the increase in the number of schools between 2011-12 and 2021-22 is about 1.74 lakh. The average annual increase is found to be about 17,000 schools across the country, and state-wise, nearly 600 schools. Interestingly, the data reports that there was a drastic increase in the number of teachers from 2011-12 to 2021-22. In the state of Telangana, 41,337 schools have been reported to be functioning, of which 57.25 per cent are only primary schools, 18.57 per cent are primary with upper primary, only 0.59 per cent are primary, upper primary, secondary, and high schools, and only 0.50 per cent are schools with upper primary and high school levels, while 15.37 per cent are upper primary with secondary school levels (NIEPA 2019). The net enrollment ratio (NER) in primary, upper secondary, and higher secondary levels is 82 per cent, 75.8 per cent, and 75 per cent, respectively (NSS 75th Round 2017-18). The basic model of the education system in the state is the 10+2+3 method, while different higher, professional, and technical educational systems have different patterns within the education system.

KEY AREA OF FOCUS

The Government of India has brought out a historical act, popularly known as the Right to Education Act (RTE Act 2009), to ensure that all children can get their right to education as part of the global agenda. Despite continued efforts to streamline the educational rights of children, marginal sections of children, especially those from rural areas and agencies continued to be dropped out of schools due to various reasons. Many girl children from rural and agency areas are reported to have dropped out of school, and this can be viewed as a denial of schooling. Under the RTE Act, the financial burden of school fees, capitation fees, and any other charges or expenses to be paid by children to get an elementary education was removed. The Act has removed the screening procedure for admissions, which previously subjected a child's parents to an extensive procedure. Children aged six and older who had not attended school, were not enrolled, or were unable to continue their studies, are now given the right to continue their education. This is facilitated by providing appropriate learning opportunities to help them reach the level of their peers. Additionally, under Section 5, which pertains to the right of transfer to another school, a child can continue their education even after turning 14 until they complete elementary education if their current school fails to provide the necessary facilities for completion.

It also provides qualitative information on whether the child receives free elementary education, if there are special provisions related to facilities in schools to ensure quality education for children from marginalised sections, whether primary schools have sufficient teaching staff, how a school can ensure high-quality elementary education in line with standards and norms, and if the school prescribes curriculum and courses of study in a timely manner.

This chapter examines the contextual challenges to the right to education under the RTE Act 2009, using narrative inquiry to explore students' experiences and teachers' observations within the schooling system. The study critically assesses whether the RTE Act 2009 effectively protects the educational rights of all children, with a particular focus on girl children, especially those from Adivasi communities. It questions whether the Act possesses the moral and legal authority necessary for enforcement, given that observations from rural and agency areas suggest that the girls' education remains in a state of uncertainty.

The study aims to provide unique perspectives and a deeper understanding of girl child education under the RTE framework by capturing detailed experiences through narrative observations. The choice of 'Narrative Inquiry' as a research method allows for an in-depth exploration of the relationship between actions and the

influential factors^{61,62,63&64} that shape personal interactions and conversations within a socially constructed environment, organising the social world from the students' own perspectives.

The study is constructed from three narrative perspectives: temporality, sociality, and spatiality. Temporality focuses on how past experiences and changes over time have shaped the students' views. Sociality explores the influence of personal, social, cultural, and traditional factors on these experiences, while spatiality examines how the specific location as a social environment has impacted a student's life.

Although Telangana has been reported to perform well in education, with a significant increase in the number of schools and enrolment in both government and private institutions, in-depth interviews have revealed several important issues that require attention from a policy perspective. The narratives on schooling and its influencing factors highlight the dynamics and continuity of education.

For example, an interview with a 9th-grade girl from Macharam village in Amrabad Mandal, Nagarkurnool district, Telangana, reveals, 'I have a great interest in continuing my education. I was studying in government schools until recently, but my *naana* (father) moved me to a private school because of the lack of subject teachers and inadequate time for proper revisions to strengthen my understanding of all subjects. I asked my *naana* to change the school. Initially, we tried to get a seat in a residential school, but it wasn't available. With no other options, my *naana* enrolled me in a private school, even though it was a financial burden for him' (June 22, 2018).

A 7th-grade girl from Panchagama village in Narayankhed Mandal shared, 'I want to do well in my studies because my mother encourages me to be a good student. I struggle with reading and did not receive a proper education at my village's primary school. Now, I am attending a government high school, but I considered moving to a residential school. However, my mother asked me to stay closer to home to help her with farming activities, since my father has been bedridden for the last three years after an accident. Despite the challenges, I am determined to continue my education' (October 8, 2022).

The perspectives of these two girl students from remote areas highlight how a girl's daily life is shaped by her parents' economic situation. The 9th-grade student noted the lack of subject teachers and inadequate time for revision, while the 7th-grade student expressed her determination to pursue education despite difficult circumstances. These challenges must be addressed at the school level, particularly in providing moral support, yet observations indicate a lack of such support from mentors or teachers.

A teacher from Mulugu town reported on September 12, 2022, 'Teachers haven't been recruited in the last ten years, and subject teachers are often replaced by part-time or contract teachers. We face challenges in addressing dropouts, especially unofficial ones where we can't remove students' names from the roll unless they join another school. Additionally, some parents force their daughters to stop their education. There is a need for legislation to protect girls' education and ensure they continue their studies. While we inform parents about the future prospects of educating their daughters, we need more sensitisation activities to promote girl child education.'

'I teach at a government high school, where the student-teacher ratio is somewhat better, but in primary schools, it is very poor. Most primary schools operate with a single teacher. How can a child receive quality and equitable education under such conditions? Primary education is largely neglected, and students from these single-teacher schools struggle as they advance to upper primary and higher secondary levels. Expecting quality learning from students with such a primary schooling background is unrealistic,' stated a

61 Polkinghorne, D. E. (1988). *Narrative Knowing and the Human Sciences*. Albany: State University of New York Press.

62 Somers, M. R. (1994). The Narrative Constitution of Identity: A Relational and Network Approach. *Theory and Society*, 23(5): 605-649.

63 Schultz, A. (1967). *The Phenomenology of the Social World*. Evanston, IL: Northwestern University Press.

64 Riessman, C.K. (2008). *Narrative Methods for the Human Sciences*, Thousands Oaks: Sage Publications.

teacher and headmaster from Pusugudem village in Mulakapally Mandal, Bhadradi Kothagudem district (March 12, 2024).

The RTE Act 2009 mandates that children over six years old must continue their schooling, regardless of their circumstances. However, this is a significant challenge, especially in agency areas where many students do not attend school regularly. With numerous schools operating with only one teacher, it is nearly impossible to monitor student absenteeism. How can we provide meaningful learning opportunities or expect quality learning from students who are frequently absent? A specific mechanism is needed to address regular absenteeism in primary schools; otherwise, dropout rates will increase as students, progress to higher studies or professional courses,' expressed a primary school teacher from Medaram village in Tadwai Mandal, Mulugu district (November 11, 2022).

In such conditions, how can a child receive quality education under the RTE Act without financial burdens like school fees or other expenses, even though the Act mandates it?

A 10th-grade student from Phullara village in Sirpur-U Mandal, Komurambheem Asifabad district, shared her concerns: 'I am nearing the end of my schooling and will join an intermediate course next year. However, I am unclear about how to study effectively or what my future prospects are. I am uncertain about which course to choose because I lack proper guidance and don't fully understand my strengths or career options. Despite my best efforts, I haven't performed as well as I hoped in my exams. I believe I would have done better with more support, like having a special teacher to help us prepare. I struggle with reading and writing in English, and while I need more assistance, the teachers are too busy with their regular duties' (December 23, 2019).

The situation is exacerbated by the fact that most primary schools in the area operate with only a single teacher. The state government allocates teachers based on the total student count, typically assigning just one teacher if the school's strength is around 30 students, regardless of grade distribution. This approach severely compromises the quality and equity of education in rural and agency areas. With only one teacher handling multiple classes, students often lack basic reading and writing skills. Despite efforts to increase enrolment, the reality is that many schools struggle with inadequate staffing. Some villages hire Vidya volunteers, but their numbers are insufficient to ensure quality education. As a result, dropout rates increase at higher levels, and students often develop an inferiority complex due to the lack of quality teaching. When the root issues remain largely unaddressed, the focus at the secondary level has been on maintaining the pass rates. A senior teacher from the Government High School in Velpoor Mandal, Nizamabad district, expressed concerns on March 17, 2024: 'We face immense pressure from higher officials if our SSC exam pass percentages are low.'

Similarly, a parent from Dichpally village, Nizamabad district, shared their frustration: 'Even though I am a daily wage labourer, I send my child to a private school because of the poor quality of education at the local government school. When I was in school, teachers were engaged, and I learned to read and write well by the 5th grade. My daughter is now in 4th grade, but she struggles with basic reading and writing. Whenever I visit her school, the headmaster is always busy with other duties, either at the Mandal Resource Centre (MRC) or overseeing the midday meal programme. He rarely focuses on teaching. I have noticed that teachers spend more time preparing records for higher officials than on student learning outcomes.'

This narrative highlights not only the lack of quality education but also the inequities in the system. Despite the student's desire to excel, she lacks the necessary support from teachers and the resources required for academic success. The situation highlights the state's negligence in providing quality and equitable education. True equity in education means that all students, regardless of their social, economic, or academic circumstances, receive a quality education.

RECOMMENDATIONS AND FUTURE DIRECTIONS

To address the negative aspects highlighted, a shift in policy is necessary. While large data sets provide a broad overview, they often miss the nuanced realities of the situation on the ground. Policies should focus on understanding these realities from an applied perspective, emphasising the experiences and interpretations of those directly affected—students, teachers, and parents.

Current observations show that despite the Right to Education (RTE) Act's intentions to remove financial burdens and admission screening procedures, these issues persist. Many parents still bear the financial burden due to the lack of quality education, which forces them to transfer their children to private schools. This indicates that the fundamental goal of providing quality education, especially at the primary level, is not being met.

For a policy to be effective, it must prioritise building a strong educational foundation at the elementary level. Without this, students will continue to struggle with basic skills like reading and writing. The education system needs a rigorous mechanism to ensure quality and equity in education, particularly in government schools. This could include better teacher training, increased monitoring of teaching practices, and the allocation of sufficient resources to support both teachers and students. By focusing on these areas, policies can more effectively achieve their objectives and address the gaps in quality and equity that currently exist.

POLICY RECOMMENDATION

Here are some important policy observations to enhance the implementation of the RTE Act 2009:

- ▶ *Subject Teacher Availability:* Ensuring the presence of subject teachers in primary schools to maintain quality and equitable education, which is a significant challenge as noted by teachers and parents.
- ▶ *Uniform Quality Education:* Addressing disparities in the quality of education across different types of schools is needed. It is important to implement a uniform teaching model to support continuous education for children beyond the age of 14.
- ▶ *Improving Reading-Writing Skills:* Focus has to be laid on improving reading and writing capabilities among children, as current levels are insufficient. Special attention and resources are needed to support literacy development.
- ▶ *Special Training Mechanism:* Mechanisms should be established for specialised training in reading and writing for the teachers, which should be separate from regular teaching duties. This aligns with the provisions of Section 8(e) of the Act.
- ▶ *Teacher Recruitment:* It is critical to address the long-standing issue of teacher recruitment. The state should fill all vacancies promptly to ensure quality education and adequate learning support for students.
- ▶ *Monitoring Absenteeism:* A regular monitoring system should be implemented at the school level to address and manage student absenteeism, to ensure that students stay on track with their peers in the class.
- ▶ *Moral and Value Education:* A clause or section focusing on moral and value systems in education should be introduced so as to promote responsible citizenship and address issues such as alcoholism among students in rural and agency areas.

Observations have reported that there are different situations that have been influencing girl child education, especially dropout rates. These observations aim to address current challenges and improve the overall effectiveness of the RTE Act in providing quality and equitable education for all children.

3

RTE in Karnataka: Pursuit of Equitable and Inclusive Education through RTE

GURUMURTHY KASINATHAN⁶⁵ AND MARZIA IBRAHIM⁶⁶

Abstract

Karnataka has neglected crucial investment in education, necessary for implementing the RTE. Instead of enhancing the overall physical and academic infrastructure of all government schools, the state has focused on creating 'Karnataka Public Schools,' a model that is inequitable and has consistently failed. The emphasis on English medium instruction, reintroducing public exams for grades 5 and 8, and the extensive hiring of guest teachers all demonstrate a disregard for RTE requirements. The RTE mandates the government to provide quality elementary education and adequate teacher training. However, independent assessments like Annual Status of Education Report (ASER) show poor education quality, largely due to inadequate and inappropriate teacher professional development (TPD). Karnataka, like other states, has mostly confined TPD to online courses and virtual resources (e.g., NISHTHA, DIKSHA), which are ineffective and often tokenistic. Kerala's use of free and open digital technologies for TPD offers a more meaningful approach that Karnataka and other states could adapt to improve teacher and school education, thereby upholding children's fundamental right to education.

INTRODUCTION

A 2023 report of the Union Ministry of School Education and Literacy on RTE compliance in the country says that only 25.5% of its norms have been achieved, which is poor, given that 14 years have elapsed since the enactment of the Act. Karnataka's score is 23.6%, which is deplorable given that South Indian states have managed much higher levels of socio-economic development which should have enabled higher investment in education.

Previously, the UDISE data—collected annually from every school in the country and containing crucial information for monitoring RTE compliance, such as the status of school buildings, classrooms, drinking water, toilets (including girls' toilets), compound walls, libraries, play equipment, and the sanctioned and appointed teacher count—was publicly accessible. However, the government is no longer making this information available on its website, making it difficult to conduct macro-level state or district analyses of RTE compliance. The government should restore public access to this data to enhance transparency and accountability in implementing the RTE.

This chapter discusses the challenges to implementing RTE in Karnataka, across key important aspects.

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KEY AREA OF FOCUS

Regional imbalances

The Kalyana Karnataka division in North-East Karnataka, comprising the districts of Ballari, Vijayanagara, Bidar, Kalaburagi, Koppal, Raichur, and Yadgir, is facing a severe crisis compared to other regions, with many schools having zero teachers and zero enrolments. The literacy rate of the region as per the 2011 census is 63.71%, which is significantly lower than the state average of 75.36%. As per a 2023-24 report of the Department of School Education and Azim Premji University, the region has 115 government schools with zero enrolments and 241 government schools with enrolments of just 1 to 10 students. The teacher vacancies stand at 14,139 and the region has 1,046 (11.65%) single-teacher schools,⁶⁷ compared to the state average of 6% as per 2023-24 SATS data and the national average of 7%. One reason for this is the inter-divisional transfer of teachers.⁶⁸ Given the region's historical socio-economic backwardness, it requires significantly higher support from the state.

The Kalyana Karnataka Regional Development Board (KKRDB), specially set up to address the regional imbalance, has designated 2023-24 as 'Academic Year' for the holistic advancement of schools in the region. Under the 'Akshara Aavishkara' initiative, the board has allocated 25% of its annual grants for enhancing educational quality. A grant of ₹45,675 (lakhs) under micro schemes and ₹19,575.00 (lakhs) under macro schemes has been allocated for 2023-24. The recruitment of 'Akshara Mitras' (guest teachers) aims to address teacher vacancies. However, it is known that having short-term guest teachers (at much poorer compensation) will not help in providing quality education. Thus a much higher and sustained level of funding is necessary to reduce regional imbalances.

Teacher Vacancies

Karnataka has 1,41,358 teacher vacancies, which is the highest in the country⁶⁹. The number of single-teacher schools has increased, and many schools are grappling with high PTR.⁷⁰ Like most states, Karnataka misleadingly relies on state and district PTR averages to claim RTE compliance on the norm of PTR. Only 68% of high schools have teachers for all core subjects. In addition, the State Council for Educational Research and Training (SCERT) has a vacancy of academic positions to the extent of 60% and there is 27% vacancy in the District Institute of Education and Training (DIETs).⁷¹ These vacancies severely impact the academic support available to schools.

Since government teachers and officials usually work till superannuation, the hiring can be proactively planned to ensure that replacement teachers and officials are in place well in advance. Thus, the large extent of vacancies shows a lack of seriousness in addressing the educational needs of the state. Vacancies that are arising over the time only indicate a long-term neglect of this serious concern.

Closure of government schools

The share of private schools in Karnataka has risen in recent years, which coincides with an increased emphasis on the phenomenon of 'rationalisation'—the closure or merger of small, low-enrollment government

67 Government of Karnataka & Azim Premji University (2024). *Knowledge Partners Conference (KPC) Kalaburagi 2024: Sharing, Caring and Learning*, Kalaburagi: Department of School Education, Kalaburagi Division and Azim Premji University, available at: <https://cpikalaburgi.karnataka.gov.in/storage/pdf-files/Knowledge%20Partners%20Conference%20-2024/KPC2024finalbrochure.pdf>

68 Buradikatti, Kumar. (2023). 'Inter-divisional transfer leaves 464 schools in Kalyana Karnataka with no permanent teachers', *The Hindu*, August 28, 2023, available at: <https://www.thehindu.com/news/national/karnataka/inter-divisional-transfer-leaves-464-schools-in-kalyana-karnataka-with-no-permanent-teachers/article67219523.ece>

69 Hindu Bureau. (2023). '13 years on, implementation of RTE still poor; Political Commitment lacking', *The Hindu*, April 1, 2023, available at: <https://www.thehindu.com/news/national/karnataka/13-years-on-implementation-of-rte-still-poor-political-commitment-lacking/article66687994.ece>

70 See Minutes of the Annual Work Plan & Budget (AWP&B) 2023-24 of Samagra Shiksha Karnataka

71 https://dse.education.gov.in/sites/default/files/2023-04/KA_Minutes_2023_24.pdf

schools. It was reported that in 2017, about 12,990 schools in Karnataka had been closed or merged.⁷² This has exacerbated inequity, with many students dropping out of schools as parents, particularly those from socio-economically marginalised groups, are unwilling to send their children to schools that are not within easy walking distance of their homes.

By not filling teacher vacancies and closing schools, the government is effectively 'shrinking' the public education system and reducing access to education.

Examinations instead of CCE

Karnataka conducts public exams for children studying in grades 5 and 8. This is counter to the RTE recommendation of continuous and comprehensive evaluation (CCE) and signals a move from holistic forms of learning to one that is based on narrow learning outcomes derived from centralised assessments. Ironically, though standardised tests are supposed to reveal the truth, National Academic Survey (NAS) and ASER findings are in sharp contrast. This may be due to the fact that in NAS, with the support of teachers, students often memorise and reproduce 'right answers', the same way they do for their SSLC exams.

The education system seems to be content with creating a misleading impression of high levels of learning, as can be noticed in the SSLC pass percentages that exceeds 80%. However, critical issues such as teacher shortages, inappropriate syllabi that do not suit the context of children coming from marginalised background, inadequate physical and academic infrastructure in schools, inadequate teacher capacities to address heterogeneous/multi-level student contexts and needs are side-lined. The concepts of inclusion and 'learning as meaning-making' seem to have been side-stepped by the desire to improve 'learning outcomes'. This can be termed as an 'Operation Successful, Patient Dead' syndrome, where the student suffers despite the system's 'performance'.

Covid caused devastation

Starting in 2020, India suffered the second-longest school closure in the world. For around 18 months, 12 million students of Karnataka did not go to school, and a significant proportion did not have access to any structured learning opportunities. During this period, the state witnessed a reverse trend of movement of students from private to government schools, mostly in rural areas, as families moved back to villages due to loss of job and financial crisis during the pandemic.⁷³ Unfortunately, these students have now shifted back to private institutions, due to the continued under-investment in government schools.

Another indication of the pandemic's impact on formal education is the low enrolment in first grade across the state, which reached only 25% by July 2021 when schools finally opened.⁷⁴ Many students who could not enrol during the pandemic were seeking direct admissions to grade two. In 2021, there was also a huge delay in issuing textbooks and these were made available to students only in September.⁷⁵ This delay was partly due to revisions in Karnataka's textbooks, justified under the guise of NEP implementation, which, in reality, reinforced sectarian thinking.⁷⁶

72 RTE Forum. (2021). *Status of Implementation of the Right of Children to Free and Compulsory Education Act, 2009: A Report Card of the Last Decade*, New Delhi: RTE Forum, available at: <https://rteforumindia.org/wp-content/uploads/2022/06/10th-Stocktaking-Report.pdf>

73 D'souza, P.M. (2020). 'Reverse Migration: 1.5 lakh kids switch from private to government schools in Karnataka', *The New Indian Express*, September 24, 2020, available at: <https://www.newindianexpress.com/states/karnataka/2020/Sep/24/reverse-migration-15-lakh-kids-switch-from-private-to-govt-schools-in-karnataka-2201086.html>

74 DHNS. (2021). 'Admissions to Class 1 drop drastically in Karnataka', *Deccan Herald*, July 13, 2021, available at: <https://www.deccanherald.com/india/karnataka/admissions-to-class-1-drop-dramatically-in-karnataka-1007974.html>

75 Belur, Rashmi. (2021). 'Textbooks to reach school children only in September', *Deccan Herald*, June 8, 2021, available at: <https://www.deccanherald.com/india/karnataka/textbooks-to-reach-schoolchildren-only-in-september-994889.html>

76 Adarsh, T.R. (2022). 'Explained: The row over textbook chapters in Karnataka', *India Today*, June 7, 2022, available at: <https://www.indiatoday.in/india/story/karnataka-textbook-controversy-bhagat-singh-rss-speech-basavanna-seer-protest-cm-bommai-1959549-2022-06-07>

Investing in education

The RTE Act emphasises governments' responsibility for providing funds to carry out provisions of the Act. On an average, states are estimated to allocate 14.7% of their budget towards education and in 2023-24 Karnataka's spending was only 11%. For a state that considers itself amongst the socio-economically advanced States of the country, this under-investment is unfortunate.

It has become increasingly common for ministers to seek CSR support⁷⁷ to provide the required infrastructure for schools. As wealth becomes increasingly concentrated among the elites, due to huge concessions provided to businesses, we have limited resources for basic necessities of the society, such as public funding for education. There seems to be a general unwillingness to accept that if the school system does not provide quality education to all children, we risk a society where there is both social and economic distress in terms of strife and unemployment.

While the 'five guarantees' of the current government aim to transfer resources to the poor and vulnerable sections of society, it is crucial to recognise that without guaranteeing universal quality education, future prosperity and social harmony are unlikely. Although a few organisations and networks, such as PAFRE, focus on raising awareness of the government's obligation to provide such education, most civil society organisations (NGOs) focus primarily on supporting the 'supply side', supplementing and complementing the government efforts. Broader social mobilisation is essential.

Teacher Education

As per the minutes of the Annual Work Plan & Budget (AWP&B) 2023-24 meeting of Samagra Shiksha, Karnataka, the 2023-24 budget estimate had no fresh allocation of funds for teacher education and Teacher Education Institutions (TEIs) as seen in Tables 3.1 and 3.2:

TABLE 3.1: BUDGET ALLOCATION FOR TEACHER EDUCATION (₹ IN LAKHS)

Head	Spill Over	Non-Recurring (Fresh)	Recurring* (Fresh)	Total Fresh (3+ 4)	Grand Total (Including Spill-Over) (2+5)
1	2	3	4	5	6
Elementary	24586.14	3928.58	131860.75	135789.33	160375.47
Secondary	18792.89	4563.92	13290.69	17854.61	36647.5
Teacher Education	82.778	0	4937.98	4937.98	5020.758
Total	43461.81	8492.50	150089.42	158581.92	202043.73

Source: Annual Work Plan & Budget (AWP&B) 2023-24 of Karnataka.

TABLE 3.2: BUDGET ALLOCATION FOR VARIOUS COMPONENTS OF TEACHER EDUCATION

Teacher Education	Proposal			Final Approval			
	Major Components	Non Recurring	Recurring	Total	Non Recurring	Recurring	Total
BITEs		0.00	0.00	0.00	0.00	0.00	0.00
CTEs			632.10	632.10	0.00	534.78	534.78
DIETs		0.00	4448.80	4448.80	0.00	4298.80	4298.80
IASEs			0.00	0.00	0.00	0.00	0.00
SCERT		0.00	223.65	223.65	0.00	104.40	104.40
Total		0.00	5304.55	5304.55	0.00	4937.98	4937.98

Source: Annual Work Plan & Budget (AWP&B) 2023-24 of Karnataka.

77 Hindu Bureau. (2023). 'Govt. eyes ₹2,854 crore CSR funding for education sector', *The Hindu*, August 4, 2023, available at: <https://www.thehindu.com/news/national/karnataka/govt-eyes-2854-crore-csr-funding-for-education-sector/article67153970.ece>

Islands of excellence

The state is prioritising the creation of ‘Karnataka Public Schools’—islands of excellence that would receive higher funding and provides education from grades 1 through 10. However, instead of developing a long-term programme to extend similar support to every public school, the government seems content with establishing just one such school per panchayat. It is a well-known fact that the ‘model’ schools are often not able to support neighbouring schools. In addition, while the other schools constantly remain underfunded, these ‘model’ schools eventually reflect the challenges faced by other schools. The ‘model school’ approach is inherently inequitable and runs counter to the spirit of the RTE Act. Governments often use the ‘model school’ concept to showcase ‘achievement’ while neglecting the broader requirement of quality education for all.

Secondly, these schools offer only English as the medium of instruction (MOI), which violates the RTE Act’s requirement for using the child’s home language as the MOI. Karnataka is also encouraging government elementary and secondary schools to adopt English as the MOI, with many schools now offering English in addition to Kannada. However, students often lack adequate resources both at school and at home to effectively understand and learn in English. In such circumstances, it is unrealistic to expect them to ‘learn through English’. The push for English medium instruction creates significant challenges for student learning. Despite this, Karnataka, like other South Indian states, continues to increase English medium sections in its government schools, even though no rigorous research has been conducted to determine whether this shift has helped or harmed students.

Other serious challenges to RTE implementation include the following:

1. Conducting public exams for grades 5 and 8 is counter to the aim of ‘formative assessment’.⁷⁸ Public exams do not help in supporting student learning; instead cause huge stress to students and teachers. Valuable instruction time is lost in conducting these examinations as well as preparatory examinations. It is akin to conducting blood tests repeatedly when it is well acknowledged that anaemia and malnutrition is prevalent, and conducting such tests diverts attention and energies from providing required nutrition.
2. Large-scale hiring of guest teachers demonstrates a high level of callousness, as regular and qualified teachers are essential for quality education.
3. In addition, there are other challenges, such as inadequate and inappropriate teacher professional development (TPD), lack of funds for TPD, and limiting TPD to online courses/resource repositories (NISHTA, DIKSHA). These days, YouTube video guides are also available for answering DIKSHA courses, indicating that the reduction of education to merely ‘passing exams’ now afflicts teacher education as well.

RECOMMENDATIONS AND FUTURE DIRECTIONS

There is an urgent need to substantially increase investment in education and ensure that all schools fully comply with the provisions of the RTE Act. After all, the RTE outlines the basic facilities necessary to provide quality education, and it is a national shame that, 15 years after establishing this fundamental right, we remain far from realising it for all children, even as we launch space missions and allocate significant budgets to defense, corporate subsidies, and tax exemptions. In this section, we aim to highlight an area often overlooked in discussions about RTE compliance: the quality of teacher training, which directly impacts the quality of education provided in schools.

Teacher Professional Development

The National Curriculum Framework for Teacher Education (NCFTE) emphasises the importance of teachers who are both “professional and humane”. Teacher Professional Development (TPD) should not only enhance

⁷⁸ Kasinathan, Gurumurthy. (2023). “The ‘operation successful, patient dead’ tragicomedy”, *Deccan Herald*, March 24, 2023, available at: <https://www.deccanherald.com/opinion/the-operation-successful-patient-dead-tragicomedy-1202948.html>

content knowledge and subject-matter expertise but also promote sensitivity towards children and their diverse needs. Currently, TPD is inadequately addressing these areas, with an overemphasis on online courses and resource repositories.

Kerala has demonstrated a more meaningful and effective use of digital technologies for TPD by leveraging Free and Open technologies. Karnataka and other states can adapt these approaches to improve the quality of both teacher education and school education. The prevailing 'private and centralised' EdTech model, which depends on proprietary vendors, should be replaced by a 'public decentralised EdTech'⁷⁹ model to rejuvenate public education.

A comprehensive TPD program is needed, one that includes subject-matter expertise, diverse pedagogies, and affective aspects—such as enhancing the empathy of government school teachers towards the contexts and priorities of their students, who predominantly come from marginalised communities.⁸⁰ This approach is essential to elevate the education system from its current state of low equitable quality. Such a programme can be designed by way of appropriate integration of digital technologies in the following ways:

1. Teachers should be supported to learn how to use digital technologies to access a variety of teaching-learning materials both for their professional development as well as for integration in their practice. This is essential to broaden and deepen their perspectives and understanding of different aspects of education, not only covering subject matter and pedagogy but also broader aspects of education including the foundational disciplines, as well as sensitivity and empathy.⁸¹ The biggest educational contribution of digital technologies is the 'World Wide Web' which needs to be seen as a 'global digital library' that every teacher must be trained to use (and use wisely), as well as contribute to this library.
2. Using digital technologies to create text, image, and audio-visual contextual teaching-learning materials which are multi-level, multi-modal, and multilingual for supporting their students learning.⁸² Textbooks developed in a centralised manner can never meet the diverse learning needs of learners. Only a teacher who is capable of contextualising curricular resources for the needs of different learners can guarantee equitable and inclusive education.
3. Integrating technology for diversifying and contextualising pedagogies can enable teachers to provide richer learning experiences, essential for inclusive education.
4. Lastly, digital technology should be used to help teachers to collectivise themselves into 'professional learning communities' for teacher empowerment. This is necessary to negotiate with the education bureaucracy for a more agentic role for teachers. Such networking is also needed with parents and local communities to strengthen links between school and the community, a missing link in RTE implementation and sustenance. Such local networks can collectivise to work for institutional autonomy to counter the excessively centralised education bureaucracy in our country.

In schools that do not have computer labs, TVs/projectors and audio libraries (accessible through smartphones) can be made available. Of course, this investment must be seen as a part of the overall infrastructure investment and hence informed by the school and community needs and priorities. A computer lab at the block level/cluster level must be seen as a necessary component of TPD.

The Kerala EdTech model has successfully implemented many of these TPD elements. Karnataka and other states should adapt and contextualise this model to support inclusive, universal education across the country.

79 Kasinathan, Gurusurthy. (2015). 'Domination and Emancipation - A framework for assessing ICT and Education Programs', available at: https://itforchange.net/sites/default/files/Gurusurthy%202015%20-%20Domination%20and%20Emancipation_A%20framework%20for%20assessing%20ICT%20and%20Education%20Programs%20%28PRESENTATION%29.pdf

80 The NCFTE 2009 document calls for development of 'professional and humane' teachers

81 This can be designed as a TPD program to support the 2024 budget announcement by the Chief Minister, that 'Navu Manujaru', an interactive two-hour discussion will be conducted in all schools and colleges to foster scientific temper, social harmony and critical thinking.

82 See as an illustration, <https://itforchange.net/breaking-barriers-a-closer-look-at-technology-integration-for-inclusive-education-tiie-program>

4

Situation and Condition of Primary and Upper Primary Schools of Pakur Jharkhand

RITU PANDEY⁸³

Abstract

The RTE Act, 2009 is a legal framework designed to ensure elementary education and the realisation of the Right of Children to Free and Compulsory Education. It was developed through consultations with various civil society organisations across the state, renowned academicians, social activists, academic institutions, state budget groups of civil society organisations, government officials engaged in educational programmes, Teachers' unions, children (as key stakeholders in accessing quality education) and School Management Committee (SMCs) who have an integral role in the RTE Act 2009 and its implementation. Although the Act has certain limitations, such as excluding children under six years and those over 14 years, and the standards provided may be insufficient for a comprehensive national public education system, it is crucial to address these gaps and respond to other necessary provisions to ensure child education in a civilised society. In this context, this chapter examines the current situation and conditions of schools in Jharkhand.

INTRODUCTION

According to the RTE Act, every child between 6-14 years has a right to free and compulsory elementary education in a neighbourhood school. The school will charge no fee for the completion of elementary education. Children with more than six years of age can be admitted to a class appropriate to his/her age and continue their studies even after 14 years of age. These children can take free special training to attain higher grades and inclusive education. Equal opportunities, protection, full participation, etc., will be provided to the children with special needs, SCs, STs, and girls. Transfer to other schools is permitted if there is no facility to complete elementary education in the previous school. The head teacher or person in charge of the school will issue a transfer certificate. A delay in the issue of the transfer certificate will not create a barrier to the child's admission to other schools. If a child is required to move from one school to another, either within a state or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school to complete his or her elementary education. For seeking admission to another school, the head teacher in charge of the school where such a child was last admitted shall immediately issue the transfer certificate.

⁸³ Director, Foundation for Awareness Counselling and Education (FACE) Rajapara, Pakur, Jharkhand.

The RTE Act thus provides various protective measures to ensure that every child can complete their elementary education and claim their right to education. However, the ground reality varies across different states. This chapter presents an overview of the situation in Jharkhand, through a case study of Pakur district.

STATUS OF RTE IN JHARKHAND

While talking about Indian states, Jharkhand is almost at the bottom layer of the educational system, and its impacts are visible through various pan-India educational surveys. Jharkhand Right to Education Forum (JRTEF) has been constituted to supervise the effective implementation of the act in Jharkhand with the support of other social groups and bodies. Although partner organisations have been developing various supportive tools for JRTEF since 2012, it still seems a distant dream for us to get a hopeful reflection of the Act for which it has been brought into effect in the context of Jharkhand. Formed in 2000, Jharkhand is a state with bio and cultural diversities. Educational surveys always put lower marks for the state in literacy rate, dropout students, girl-child education, resource management, fund-utilisation, TLM utilisation, parents' awareness, community linkage, teachers' quality, and many more. Like all other states, the pandemic also affected Jharkhand's elementary education system, and school closures resulted in a considerable reduction in elementary-stage students. A 2023 State report also revealed that approximately 87,000 children in Jharkhand are not getting an educational benefit, which is a big hindrance to the Act, although state initiatives are going on for the change in scenario. When we see the literacy part, Jharkhand has only a 67% literacy rate and stands below the state level table.

Insights from a Study on Jharkhand's RTE

Insights from a report generated by NCERT Regional Institute in Bhubaneswar on the status of RTE implementation in Jharkhand⁸⁴, highlight several loopholes and actionable areas, which includes the following:

The points you provided offer a detailed overview of the challenges faced in implementing the RTE Act in Jharkhand. Here's a refined version:

1. Although headmasters (HMs) and teachers are familiar with the RTE Act, they lack a proper understanding of its specific provisions.
2. There is a lack of clarity among HMs, teachers, and School Management Committees (SMCs) regarding the concept of neighbourhood schools.
3. Nearly 20% of SMC members are unaware of the age group that the RTE Act covers.
4. Approximately 43% of elementary schools are located beyond 1 kilometre range from students' habitation.
5. Around 14% of elementary schools do not have separate classrooms for each class.
6. Nearly 7% of schools face issues with access to drinking water.
7. More than 70% of schools lack a regular headmaster, leading to inconsistent implementation of the Act.
8. Due to a shortage of teachers, most schools are unable to maintain the required pupil-teacher ratio.

84 Soni, R.B.L & Rahman, Md. Atiqur. (2013). *Status of Implementation of RTE Act 2009 in the Context of Disadvantaged Children at Elementary Stage*, New Delhi: National Council of Educational Research and Training (NCERT).

9. Many schools do not have separate toilets for boys and girls.
10. The community's lack of awareness about the importance of education, driven by poverty and illiteracy, hinders the proper implementation of the Act. This is reflected in irregular school attendance and low parental participation in parent-teacher meetings.
11. On average, more than 60% of teachers are found to be deficient in utilising ICT, promoting pair/group work, applying capability or level-based teaching methods, raising parental awareness, and suggesting additional learning materials for students.
12. The absence of a well-formed resource pool, lack of follow-up in Act implementation, and insufficient regular training for HMs, teachers, and SMC members are significant challenges in achieving effective outcomes.
13. Teachers' non-teaching responsibilities also disrupt the educational environment in elementary schools, creating gaps in student engagement and undermining the Act's objectives.

The study also suggested that for the RTE Act to be effectively implemented, all stakeholders—from the government to SMCs and parents—must collaborate on a unified platform. In addition to addressing the identified challenges, the government should take the initiative to integrate other child-focused schemes, such as the Child Welfare Scheme and Mission Vatsalya, to achieve more comprehensive and impactful outcomes under the RTE Act.

CASE STUDY OF PAKUR, JHARKHAND

To gain deeper insights into the current status of RTE implementation in a backward state like Jharkhand, a detailed survey was conducted in two schools within Pakur, an aspirational district in Jharkhand. The data collected from this survey is presented in this chapter. The survey targeted two randomly selected schools, specifically those serving tribal and minority-dominated areas. To ensure transparency, schools were chosen from various locations with different profiles. Given that the RTE Act primarily applies to children aged 6 to 14, the schools selected were those that cater to this age group, focusing on middle sections or upper primary grades (1 to 8) and primary sections (grades 1 to 5), thus covering the elementary level students.

Although the study was conducted in only two schools, it is indicative of the overall situation in the district, as the issues observed reflect broader trends.

Profile of Schools visited in Kolajora and Beldanga

Kolajora is a remote village characterised by its natural landscapes, far removed from the fast-paced life of the town. Surrounded by rocky hills and green agricultural fields, the villagers lead a simple, traditional lifestyle rooted in Tribal and Paharia culture. The community remains distant from modern developments, and poverty persists due to limited income sources, which also hampers awareness of education and health-related issues. In Kolajora, the survey was undertaken in an upgraded Middle School located on the outskirts of Pakur, known as UMS Kolajora, which serves a population predominantly composed of SC/ST tribals and minority/OBC communities. The area has a low literacy rate, and education is not a primary concern for many residents. The village is connected to the township by a road known as the Coal Road, which is used for transporting coal products, leading many villagers to engage in coal-related labour and transportation. Unfortunately, child labour is also prevalent, with minors often seen picking and transporting coal due to the pervasive poverty. Farming and small businesses are also common occupations in the area.

TABLE 4.1: PROFILE OF SURVEYED SCHOOLS IN PAKUR, JHARKHAND

School name	UMS Kolajora	UPS Beldanga
UDISE	20101008101	20101014301
Foundation year	1971 as Primary school (1 to 5)	2002 as an Abhiyan School
Upgradation year	2004 (Upgraded to Middle School 1-8)	2005 as Upgraded Primary School-UPS (1 to 5)
Cluster/BRC	Pachathol/Pakur	UMS Hiranandpur/Pakur
Distance from HQ	3 km	2.5 km
Total Students registered	422 (SC/ST: 240, Minority: 120, OBC/Others: 62)	307 (Boys/Girls: 150/157, Minority: 279, ST: 18, OBC/Others: 10)
Attendance	60 to 65%	70 to 75%
Total teacher strength	4 (1 Head teacher & 3 Para teachers)	2 (All Para teachers)
School building	Pucca	Pucca
Rooms	5 Classrooms for 8 classes	2 functional + 2 incomplete/non-functional
Toilets	Separate for boys and girls	Separate for boys and girls
Bal sansad	Functional with 13 member students	Functional with 23 member students with regular activities
Mata Bahini	Functional	Functional
SMC	Functional with 16 members (only 3 active)	Functional with 16 members (with 50% active members)
Playground	No	No
Drinking water	major issue	Self-installed boring system for water
Smart class	Non-functional	Not provided
TLM utilisation	Irregular due to teacher shortage	Stock sufficient, but irregularly used due to teacher shortage
PTM	As per norm but low presence of parents	As per norms, but presence of parents is an issue
MDM Kitchen	Inadequate space for proper functioning	Properly maintained
Library	Combined with HM's chamber	Managed inside HM chamber due to space shortage
Nearby schools	UHS Pachathol - 2.5 km; UPS Rampur -2 km	HS Harindanga-1 km; UMS Hiranandpur-1.5 km

On the other hand, the study also examined another elementary-level school located in the village of Beldanga, near the Pakur-West Bengal border. This village, predominantly inhabited by minorities with Bengali as their mother tongue, has a Primary school named UPS Beldanga, which serves grades 1 through 5. The school is located in the heart of a densely populated area near the township, where the majority (90%) of the village population belongs to minority communities. Bengali is the primary language of communication, influenced by the proximity to the West Bengal border. The literacy rate in the community remains low. The main sources of income include agriculture, business, transportation, stone mining, and wage labour. While the standard of living is gradually improving, significant development is still needed.

STATUS OF RTE IN THE SURVEYED SCHOOLS

This case study of UMS Kolajora and UPS Beldanga provides a detailed look into the current state of RTE implementation in the schools and offers insights into the broader challenges facing education in the district.

Status of RTE in UMS Kolajora

The survey findings indicate that, although the RTE Act is in effect at the school as per government regulations, the reality presents a different scenario. The scarcity of essential resources, such as qualified teachers, adequate classrooms, engaged SMC members, regular student attendance, and parental awareness, creates significant obstacles to the effective implementation of the RTE Act, resulting in outcomes that fall short of its goals.

The school currently has only four teachers for eight classes, serving a total of 422 students. The Head Master (HM) is primarily occupied with departmental reporting and follow-up functions, leaving the three assistant teachers to manage the classes. This leads to an abnormal PTR, which is officially recorded as 1:105, but practically closer to 1:140. Higher grades lack subject-specific teachers, which hampers the ability to provide focused, goal-oriented learning environments. Moreover, the engagement of teachers in non-teaching activities disrupts the regular learning atmosphere and consistency for students.

Inadequate classroom space—five classrooms for eight classes—further challenge the individualised learning environment. Combining classes diminishes the level-based progress of students and reduces their interest in educational pedagogies, often keeping them disengaged from the learning process.



The SMC, a key functional body within the school, can play a vital role in the overall progress of the school. However, out of the 16 members (including two teachers), only two or three outside members regularly visit the school. Due to their non-educational backgrounds, they often do not take student learning seriously, which undermines the objectives of the Act.

Additionally, students are frequently engaged in family work, such as coal collection and transportation, as well as household chores, leading to frequent absences. Parental disinterest in education results in poor attendance, which greatly impacts the goals of the RTE Act. The role of parents and guardians is crucial in shaping a child's educational journey; however, in this context, education is a secondary priority for many parents. This is evident in their minimal participation in school Parent-Teacher Meetings (PTMs), indicating a lack of concern for their children's educational progress.

The challenges extend beyond these issues. Language barriers create difficulties for many elementary-grade students, hindering their understanding of concepts and expression of their abilities. Socio-economic conditions also impede the effective dissemination of education to a majority of students.

The survey findings serve as a reference to illustrate the obstacles hindering the effective impact of the RTE Act in schools throughout Pakur district and across Jharkhand state, as the situation is similar in many other schools.

Status of RTE in UPS Beldanga

RTE implementation in the context of this school portrays 2 major challenges which are prevalent across many schools in Jharkhand and need to be resolved systematically through proper execution of policy. It includes:

1. *Shortage of Teachers*: The school has only 2 teachers for 307 registered students.
2. *Inadequate Classrooms*: The school has only 2 functional classrooms for 5 classes.

The RTE Act's implementation at UPS Beldanga faces critical challenges that require urgent departmental intervention. A pupil-teacher ratio (PTR) of over 1:150 is unacceptable for effective education, as managing such a large student group with a single teacher is impractical. This results in deteriorating learning outcomes due to the inability to provide individualised attention. Notably, one of the two teachers is frequently occupied with departmental reporting and other non-teaching duties, which affects the teaching environment of the school.

The community's lack of awareness about the RTE Act and lack of clarity on the type of education required for their children exacerbates these issues. In addition, despite adequate resources in other areas (except classrooms and playground), the issue of teacher shortages hampered the progress.

Another significant challenge is the inadequate number of classrooms. The school operates with only two functional classrooms for five classes, forcing some students to sit in the passageway. This arrangement disrupts the learning process and makes it difficult to effectively deliver educational materials and assess individual student competency. Currently, grades 1 and 2 share one room, while grades 3 to 5 share another, which is a direct consequence of the shortage of both teachers and classrooms.

To address these issues, alternative teaching methods such as group or peer learning should be considered, with appropriate follow-up and training. Additionally, Balsansad members and SMC members could play a crucial role in managing the situation and supporting effective implementation of the RTE Act.



WAY FORWARD

Although the RTE Act was launched with the ambitious aim of ending the educational deprivation of our future generations, the ground realities compel us to advocate for a collaborative mechanism involving all stakeholders. This collective effort is essential for the goal-oriented implementation of the Act, addressing the gaps that hinder the realisation of its true vision.

5

Assessment of RTE Act in Delhi: Implementation of EWS in Private Schools a Distant Dream or Reality

AMRITA SASTRY⁸⁵

"All of us do not have equal talent. But, all of us have an equal opportunity to develop our talents."

— A.P.J. Abdul Kalam

Abstract

The Right to Education Act, 2009, aims to provide free and compulsory elementary education for children aged 6 to 14, fulfilling the vision of Article 21-A of the Constitution. The Act legally binds state and local governments to adhere to its norms. Up to Class VIII, it guarantees admission for up to 25% of students from Economically Weaker Sections (EWS) in private schools, covering tuition fees, course materials, and uniforms. Schools failing to meet RTE standards may be denied state grants and recognition. The Act mandates "free education", meaning no child should pay fees that hinder their education, and "compulsory education" obliges governments to ensure all children within the age group attend and complete elementary education. This marks India's shift to a rights-based framework, legally enforcing the implementation of this fundamental right.

WHO BELONGS TO THE ECONOMICALLY WEAKER SECTION

The Economically Weaker Section (EWS) in India is a category of people who are not from the Scheduled Castes (SCs), Scheduled Tribes (STs), or Other Backward Classes (OBCs) but who have an annual total family income of less than ₹8,00,000/- (around US\$10,000). They are eligible for a 10 per cent reservation in government jobs and educational institutions. However, income criteria often vary from one state to another. To be eligible for an EWS certificate (2023) a person must meet the following criteria:⁸⁶

- ▶ They must not belong to SC, ST, or OBC categories.
- ▶ Their family's annual income must be less than ₹8,00,000/-.
- ▶ They must not own more than 5 acres of agricultural land.
- ▶ The area of their residential flat must be less than 1,000 square feet; and
- ▶ The area of their residential plot must be less than 100 square yards in a notified municipality sector and 200 square yards in a non-notified municipality sector.

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⁸⁶ EFA in India. (2023). 'Admission under Educationally Weaker Sections (EWS) Quota: Meaning, Criteria, Eligibility and Sources of Data', available at: <https://educationforallinindia.com/admission-under-educationally-weaker-section-ews-quota/>

The EWS reservation⁸⁷ was introduced to provide opportunities to people from economically disadvantaged backgrounds who are not already covered by other reservation schemes. It has been met with some criticism, with some arguing that it is unnecessary and dilutes the benefits of reservation for other groups. However, the Government has defended the EWS reservation, arguing that it is necessary to address the problem of economic inequality in India.

EWS UNDER RTE ACT 2009

The EWS education quota is based on the Right to Education (RTE) Act 2009, which mandates that all private schools in India reserve 25 per cent of the seats for children from economically weaker sections of society under Section 12(1)(c), which states that:

“(1) Every school shall admit at least twenty-five per cent of the strength of its pupils in classes I to VIII, as the case may be, in the neighbourhood to be filled up in the following order of priority, namely: (a) children belonging to the weaker sections of society as defined in clause (e) of Section 2; (b) children belonging to the Scheduled Castes; (c) children belonging to the Scheduled Tribes; (d) other backward classes.”

Section 12(1) (C) also defines the term “economically weaker sections of society” as:

“(e) economically weaker sections of society means such families as may be notified by the appropriate Government in this behalf following the criteria prescribed by the Central Government.”

ADMISSION PROCESS UNDER EWS

Parents wishing to apply for an EWS⁸⁸ seat must apply form in online or offline mode and the required documents. Regarding the list of schools for EWS admission near the location of residence, the official website of the Directorate of Education of the concerned state should be visited. The school or the government authority responsible for implementing the RTE Act conducts the lottery system results, which are mandatory to be announced on the school’s/Government’s websites. Children who are selected are admitted to the school, and the Government subsidises the fees of such EWS students, the amount of which depends on the total income of his/her family. The EWS quota, a significant step towards ensuring that all children, regardless of their economic background, have access to quality education, plays a crucial role in promoting social inclusion.

METHODOLOGY AND SIGNIFICANCE OF THE STUDY

The present chapter focuses on the less studied aspect, i.e. clause 12 of the RTE Act 2009. Although some studies are available on the Right to Education Act 2009, they were limited to checking the status of implementation of the various provisions of the RTE Act 2009. This chapter investigates the status of implementation of clause 12 of the RTE Act 2009 and examines the participation and regularity of the students admitted under the EWS Quota of the RTE Act 2009. Further, it also explores the expectations

87 A person can apply for an EWS certificate online or at a government office and must furnish proof of his/her income, family size, and property ownership upon submitting the information; an EWS certificate may be issued, which may be used to apply for jobs and admission to educational institutions that offer reservations for EWS candidates.

88 As has already been mentioned that the Government of India has prescribed the following criteria for determining whether a family belongs to the EWS category:

- The family’s total annual income must not exceed ₹8,00,000/-
- The family must not own more than five acres of agricultural land
- The family must not own a residential house with more than 100 square metres of the built-up area; and
- The family must not own a motor vehicle.

and experiences of the EWS parents and other stakeholders. Efforts have been made to identify the factors promoting and hindering the process of Social Inclusion through EWS Quota.

All these are being done by analysing the secondary data sources published by the Government of Delhi and the Ministry of Education, as well as various research papers and reports published in print media. The chapter also incorporates a few narrative interviews from school teachers teaching in Private Schools in Delhi, ensuring a comprehensive and in-depth understanding of the topic.

The main objective of this study is:

1. To examine the implementation of the RTE Act 2009 in Delhi's Private schools;
2. To gauge the awareness and expectations of the EWS and non-EWS parents and other stakeholders such as teachers and school management; and
3. To identify the hindrances, if any, in achieving social inclusion through the provision of EWS Quota

The state-wise number of EWS seats and percentage filled in 2022-23 show that the states with the highest percentage of EWS seats filled are Maharashtra, Kerala, and Tamil Nadu, and the states with the lowest percentage of EWS seats filled are Uttar Pradesh, Bihar, and Jharkhand. However, the number of EWS seats and the percentage of EWS seats filled vary yearly.

Although it will be over a decade since RTE was introduced, many of its recommendations are yet to be implemented. The country is yet to achieve the target of 100% literacy, and many students are still dropping out of school. RTE is meant to promote education, including both Primary (classes 1-5) and Upper Primary (classes 6-8) education. However, due to poor grounding of the subject at the primary level, the students find it difficult to continue their education. Significantly, the RTE Act emphasises quantitative expansion and quality education, but quality remains at the back seat. Interestingly, the scenario across the country shows that none of the states or UTs have filled up 100% of seats allocated under EWS seats. Being the country's capital, Delhi should have been the role model. Still, according to the Delhi government's outcome budget 2022-23, 35% of around 40,000 EWS seats reserved under the RTE act across Delhi private schools remained vacant until September 2022. The situation was just as dismal in the previous years, with only 67% of seats being filled in the academic year 2021-22 and 62% in 2020-21, government data shows.⁸⁹

This chapter tries to examine and take stock of the RTE Act while highlighting its challenges: streamlining the 25-per cent reservation system and the need to include early childhood care and education within its ambit. It also tries to provide some suggestions at the systemic and policy levels on addressing these challenges in the next iteration of the Act.

EWS QUOTA: AN INCLUSIVE DREAM

Under the RTE Act, inclusive education should be promoted in schools. Inclusive education refers to the education given to children of all sections, economically backward children, differently abled girls, etc.

Section 12(1)(c) of the RTE Act mandates all unaided private schools, as well as minority schools, to reserve 25% of their entry-level seats for the economically weaker sections (EWS) and disadvantaged groups up to the completion of elementary education. However, many schools are still struggling to find out how to address their specific needs. Indeed, teachers are trained to teach based on student needs, making the

⁸⁹ HT. (2023). 'Admission denial under EWS category violates Fundamental Rights: Delhi HC', *Hindustan Times*, March 4, 2023, available at: Report Published in HT city, <https://www.hindustantimes.com/cities/delhi-news/admission-denial-under-ews-category-violates-fundamental-rights-delhi-hc-101677837065945.html>

environment more accessible to everyone. The idea is that providing support to these children in school creates an inclusive environment.

It has been observed that while students show progress, fostering a genuinely inclusive environment remains an elusive goal. Many teachers continue to single out 'weaker students', labelling them in the classroom. This identification pushes them into a 'zone of silence', creating a sense of separation. Various studies indicate that the EWS quota places children in a challenging social position, straddling two different worlds. These children, attending private schools under the EWS quota, often lose connection with their neighbourhood peers due to differences in exposure and educational standards. However, they also struggle to fit into elite circles, as they do not share the same socio-economic means as other students. This gap between their actual and perceived worlds creates a lifelong dilemma, leading to an on-going negotiation with reality that eventually culminates in an 'existential crisis.'

Teachers have reported a significant achievement gap among EWS category students, attributing it to factors such as family background, poor diet, and a lack of a conducive learning environment at home. In one school, the counsellor noted that out of 19 students identified as slow learners, 15 belonged to the EWS category. The primary reason for this achievement gap was language barrier, as EWS students often struggle to learn English well enough to keep up with their studies in higher primary classes and beyond. A teacher stated that parents were less aware and accountable towards their children. They hardly engaged with their children's education, and frequently failed to attend parent-teacher meetings (PTMs) despite repeated notices through notes and phone calls. However, parents reported that their children were attending English language tuitions. There were also instances where schools prohibited students from taking private tuitions in order to ensure uniform and standardised learning for all. Section 29(2) (f) of the RTE Act, 2009 states that the medium of instruction should be in the child's mother tongue as far as practicable (p.18).⁹⁰

The National Commission for Protection of Child Rights (NCPCR) study that examined the implementation of RTE in New Delhi in 2016, found that nearly '33% of teachers have expressed their views in favour of the existence of achievement gap in children coming from EWS Category. In one of the inspected schools, the teacher and especially the school counsellor felt that most students from the EWS category cannot cope academically with other students and end up feeling distant and discouraged due to circumstantial limitations. The major reason cited for the achievement gap was language, as the English language is not learned by EWS students well enough to cope with studies in primary classes and above.'⁹¹

The English teacher at a renowned private school expressed her concern: "We need to prepare both students and parents for acceptance. EWS students can develop an inferiority complex, and other children may begin to look down on them. The gap in the classroom is very evident. The solution lies in educating the parents, but are the non-EWS parents willing to change? Has any nation ever progressed by segregating its communities?"

Certainly, the government faces a daunting task in implementing the EWS quota, as challenges arise from multiple sources. It is essential for all stakeholders to remain vigilant and collaborate effectively to ensure its successful implementation.

A positive narrative has emerged from one of the most sought-after private schools in South Delhi, where a highly encouraging mechanism for inclusivity has been developed. A teacher shares the school's strategy

90 NCPCR. (2016). *A Study on Implementation of Section 12(1)(c) of RTE Act, 2009 in Delhi pertaining to Admission of Children from Disadvantaged Sections in Private Schools*, New Delhi: NCPCR. Available at: https://ncpcr.gov.in/uploads/165650379062bc3dee60c54_a-study-on-implementation-of-section-121-c-of-rte-act-2009-in-delhi-pertaining-to-admission-of-children-from-disadvantaged-sections-in-private-schools.pdf

91 Ibid. (p.20).

to address the “colonial hangover” of the English language and how they work to bridge the gap for EWS students:

“Inadequate English language skill is a significant problem because, unlike general category students, EWS children do not have home support for learning English, as their parents are often unfamiliar with the language. In our school, we follow the ancient Indian tradition of peer-to-peer learning and appoint class X students as mentors to teach English to EWS children from classes I to VI. As part of the National Social Service (NSS) programme, these student mentors stay back after school three days a week to help EWS children improve their English skills.”

Under-developed English language skills and inadequate parental support are not the only hurdles impeding the progress of EWS students admitted into private schools. Another major challenge is integrating them emotionally and socially with children from middle and upper-middle-class households. One can see a general sense of insecurity that has crept into the minds of people from all sections of society regarding the clause about the reservation of 25 per cent of seats for children with underprivileged backgrounds. While parents not belonging to the EWS category have also raised their voices against the behavioural traits their child is likely to learn by mixing with children from underprivileged backgrounds and the long-term impact of such an environment later in life, teachers are worried about the issue of handling children with different academic credentials, home environment, and cultural backgrounds and have expressed their inability to do so. The reason behind this psychological insecurity has a more profound connotation with the idea of ‘Cultural Capital.’⁹² According to Bourdieu, cultural capital refers to the stock of cultural knowledge individuals possess. It is gained through initial learning and is influenced by one’s surroundings. Cultural capital is related to the resource of knowledge and how individuals view and understand the world based on their specific culture.⁹³ Thus, the psychological insecurity of parents is reinforced by the idea of cultural capital, which certainly creates a divide in the classroom.

After analysing a few reports, it was found that in the 2022-23 academic year, 17,000 EWS seats were available in nursery classes in private schools in Delhi. Over 2 lakh applications were received for EWS admission at the nursery level in Delhi in the 2022-23 academic year. Some of the potential reasons why EWS seats remain vacant in Delhi are:

- ▶ **Cost of private school education:** The cost of private school education in Delhi is very high. In addition to the tuition fee, EWS students sometimes may have to pay additional fees, making it difficult for a few families to afford to send their children to private schools, even with the government subsidy.
- ▶ **Lack of awareness:** Some families may not be aware of the EWS quota or the application process. This can result in missing out on the opportunity to apply for EWS seats. Even if they do avail themselves of the opportunity, they are not able to complete the form and do the necessary formalities mandated by the school.
- ▶ **Cutthroat Competition:** The competition for EWS seats is very high. There are a limited number of seats available, and many families are eligible to apply.
- ▶ **Distance:** Some families may live far from private schools that offer EWS seats, making it challenging to send their children to these institutions. This challenge is compounded by the “neighbourhood” criteria used for nursery admissions in Delhi. However, a recent high court judgment addressed this issue. The court stated, “If seats under the EWS or DG category are allowed to go waste merely on the ground that the applicants who have been allotted such seats do not meet the neighbourhood

92 Bourdieu, P. (1977). ‘Cultural Reproduction and Social Reproduction’, In. J. Karabel, & A. H. Halsey (Eds.), *Power and Ideology in Education*, New York: Oxford University Press: 487-511.

93 Bourdieu. (1974). “The school as a conservative force: Scholastic and cultural inequalities in J. Eggleston (ed.) *Contemporary Research in the Sociology of Education*. London.

criteria strictly, then the whole purpose of reservation of seats for admission under the said category will be defeated." Justice Pushkarna emphasized that the court "cannot be oblivious to the noble purpose" behind the reservation and criteria.⁹⁴

- ▶ **Paper Work:** Most parents were illiterate or less educated. Further, most of them were either self-employed or doing private jobs. The source of income is not fixed. They face problems filling out income tax returns for the income certificate required to fill out the admission application. It is also difficult for them to take off from work due to the nature of their occupation. Moreover, most of the EWS families have never filed Income tax returns. Paperwork happened to be a source of stress for the EWS families.

The Government of Delhi has taken a few steps to address the issue of vacant EWS seats, such as conducting awareness campaigns, strengthening the SMCs, conducting regular teacher training programmes, etc. However, more must be done to ensure all EWS children have access to quality education. Another significant challenge about admission under the EWS quota is that it is only till Grade VIII; many families and students reported facing problems in transiting to the next higher level of education, and those who could secure admission cannot pay fees in the private schools. Looking at this situation, it is important to expand the EWS quota till Grades XII without further delay. This will also address the issue of dropping out from school and ensure that the children admitted to the nursery can reach and complete Grade XII.

CONCLUSION

It can be concluded that enrolment under the EWS quota under the RTE Act has increased substantially over the years but with a low level of quality. There is no denying the fact that RTE is a commitment by the government of India to the entire citizen and to give free and compulsory education to all children between the ages of 6 and 14. However, with the expansion of enrolment at the primary level of education, quality remained at the back seat.

Some questions remain unanswered when one examines the fine print of the Right to Education Act and the implementation of the EWS quota. It is worrying that the Act has not visualised the long-term consequences of the revolutionary provision of providing 25% reservation to children from the weaker sections.

The first big issue is related to the fate of children from the weaker sections after they complete their free elementary education in the elite schools. Predictably, they will have to leave these schools (since the act takes care of schooling till class VIII), and these children will slip back to schools of questionable standards, which is bound to be psychologically traumatic. The sudden fall in the quality will have a lifelong impact on their mental health.

Secondly, the most ambiguous aspect of the RTE Act relates to the government's obsession with numbers. The emphasis on increasing enrolment figures and other numbers, often overshadows the need to improve the quality of education, which remains a critical challenge.

Thirdly, several schools charge capitation fees and donations from poor parents by taking advantage of their illiteracy. Despite the enactment of the RTE Act, which guarantees free and compulsory education, organised corruption remains an invisible obstacle to its implementation.

⁹⁴ Kohli, Tushar. (2023). 'Noble purpose of EWS quota can't be defeated by excuse that students seeking admission live too far away from school, says Delhi High Court', *The Leaflet: Constitution First*, available at: <https://theleaflet.in/noble-purpose-of-ews-quota-cant-be-defeated-by-excuse-that-students-seeking-admission-live-too-far-away-from-school-says-delhi-high-court/>

WAY FORWARD

There is no denying the fact that the Right to Education has travelled a long and arduous journey, and it continues to strive for excellence even in its present form despite its shortcomings. Certain amendments could be sought through a concerted effort by educationists, civil society members, policymakers, and parliamentarians to access the gaps and address them so that the Act can be strengthened further, keeping in mind the need of the hour. Preserving the act meaningfully will require not only a vast amount of financial and human investment resources but also a lot of work on the ground level. I want to suggest two systemic changes that can facilitate the implementation of the RTE Act.

The first step is to view free and compulsory education for children not only as a right but also as a shared responsibility. All stakeholders must recognise this as their primary duty and work together to address the challenges systematically from the outset.

Secondly, it is important to assess, investigate, and move beyond the idea of the EWS quota, as this might act as the biggest hurdle in dropping out of the schooling system altogether and will impact the children's mental health. The time has come to rethink and create a common schooling system that will move beyond any hierarchy and be inclusive in all forms from the beginning. A common school system will be the best way to achieve the RTE goals.

6

Panshet Samooh Shala in Maharashtra: Weakening Government Schools through Resource Mobilisation!

KISHORE DARAK⁹⁵

"...it appears that the decision of the State indeed contradicts the Right of Children to Free and Compulsory Education Act, 2009. It is common knowledge that accessibility is a critical issue for schools in remote villages, tribal areas, or forest areas. Cluster schools will not be a feasible option.... It is the State's responsibility to uphold the provisions of the Right to Education Act."⁹⁶ The Nagpur Bench of the Bombay High Court expressed its concern in these words in the second half of 2023 while registering a Suo Motu Public Interest Litigation (SMPIL) based on reports in sections of media about Maharashtra's innovative 'Samooh shala,' i.e. 'School Complex' or 'School Cluster'. The SMPIL has subsequently been transferred to the Principal Seat of the High Court at Bombay, and the matter at present (March 2024) is sub judice.

INTRODUCTION

Implementation of the Right of Children to Free and Compulsory Education Act, 2009, ever since its enforcement on the 1st of April 2010, has remained a significant concern for education activists, civil society organisations (CSOs), academia, policy analysts, parents particularly from the disadvantaged communities, and people at large. Reluctant planning by the union and state governments and their disinclined responses to the demand of any entitlement mandated by the Right to Education (RTE) Act has vexed all those who trust the RTE. Even after 14 years of its enforcement, the ground reality of RTE implementation remains disheartening. The initial hope kindled by the RTE in the lives of millions of first-generation school-goers began to diminish within less than a decade of its enforcement.

Maharashtra performs much better on many developmental indices compared to most northern and eastern states and is on par with national averages. The state has seen early advancements in schooling in rural areas and educational access for girls, SCs, STs and other marginalised sections due to the efforts of pioneers such as Jotirao Phule, Savitribai Phule, Fatima Shaikh, Pandita Ramabai, Dhondo Keshav Karve, Gopal Ganesh Agarkar, Dr. Bhimrao Ambedkar, Karmavir Bhaurao Patil, and Panjabrao Deshmukh. With over 2.2 crore school-goers aged 5-17 years, more than 7 lakh teachers (approximately 5.5 lakh working under the Government, either directly or indirectly), and over 1 lakh schools,⁹⁷ Maharashtra is among the leading states in education. However, recent policy decisions by the Department of School Education and Sports (DSES) appear to be counterproductive at best and detrimental at worst in the context of the RTE. Contrary to the popular perception, the RTE implementation status in Maharashtra does not meet due expectations.

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⁹⁶ SMPIL No. 04/2023, Bombay High Court, pg. 6

⁹⁷ UDISE+, 2021-22.

Several recent decisions by the DSES over the past 6-8 months have raised concerns about moving away from both the spirit and the letter of the RTE Act⁹⁸. In September 2023, the Minister of DSES announced a scheme to handover the management of schools to industrial houses, funded either through Corporate Social Responsibility (CSR) contributions or other means⁹⁹. Schools would be renamed after these corporations or individual donors in exchange for donations ranging from one to three crore rupees for a period of 5 to 10 years. Additionally, the Minister revealed that a single corporate house had expressed interest in 'adopting' 5,000 schools.

Another concerning decision was made just before the announcement of the 2024 Lok Sabha¹⁰⁰ General Elections, with the issuance of a Government Resolution (GR) introducing an 'innovative' formula for teacher deployment. This GR proposed assigning fewer teachers than the Pupil-Teacher Ratio (PTR) mandated by the RTE Act¹⁰¹. For example, under this GR, schools with enrolments below 20 would be designated as single-teacher schools¹⁰² with the second teacher potentially coming from a pool of retired teachers. The GR also adjusted the PTR range for schools, increasing it from the RTE Act's mandate of 3 teachers for 61-90 students to a range of 76-105 students.

Another notable decision is the establishment of Samooch Shalas (SS), or school complexes, across the state. The following discussion will delve into the SS concept in detail, using the case of a SS in Panshet (Velhe block, Pune district), located approximately 40 km from Pune in Maharashtra. Panshet, known for the dam on the Ambi river—a tributary of the Mutha river—carries historical significance due to the devastating flood caused by the dam's bursting in 1961.

Panshet Samooch Shala (PSS) Scheme

The PSS initiative began around 2020-21, when the Chief Executive Officer (CEO) of Pune Zilla Parishad (ZP), in collaboration with an external consultant¹⁰³ and a Civil Society Organisation (CSO), proposed developing a centrally located school equipped with the minimum entitlements mandated under the RTE Act. An old school of the Pune ZP situated in Panshet was selected for the Scheme, and 16 other schools situated in a radius of 17-18 km around Panshet, with enrolment below 20 were identified as the 'catchment' schools.

With support from multiple foundations and CSR¹⁰⁴ contributions, the PSS became operational in June 2023. The Jankidevi Bajaj Foundation donated around ₹1.5 crore for the construction of the school building. Force Motors donated a bus for bringing children from the catchment area, while another bus was provided by Pune ZP. The Think Sharp Foundation established a digital classroom, STEM (Science, Technology, Engineering, and Mathematics) lab, and library, while the PiJam Foundation set up a computer lab. Both Think Sharp and PiJam foundations also arranged for weekly trainers to teach 21st-century skills and introduce students to computers.¹⁰⁵ The school emerged as an attractive, colourful, two-storeyed building with 8 spacious, well-lit classrooms with electricity along with a laboratory, a library, a computer lab, a spacious office room and a small playground. It was a dream-come-true for the region, which is populated with small villages and

98 Ever since the enforcement of the RTE Act, the State has been taking decisions that contradict the provisions of the Act, but the frequency and intensity of these in the past year or so is more worrying.

99 Government of Maharashtra (GoM), DSES, Government Resolution dated 5th September 2023

100 Announcement of elections enforces 'model code of conduct' in India which prohibits Governments from taking any policy level decisions.

101 GoM, DSES, GR dated 15th March 2024.

102 As per the provisions of the RTE Act, every school is expected to have at least two teachers for enrolment upto 60.

103 A Mahatma Gandhi Fellow worked as a consultant in developing Panshet Samooch Shala. Mahatma Gandhi Fellowship is a part of a programme initiated by the Ministry of Skill Development and Entrepreneurship (MoSDE) and hosted by Indian Institute of Management (IIM), Bengaluru in collaboration with other IIMs.

104 Presentation circulated with the Letter dated 19th September 2023 by the Commissioner, Education.

105 Within a few months of beginning of school, there were media reports suggesting many of the promised attractions were either not fulfilled or were dysfunctional. See for example report from Indian Express dated 31st December 2023. "Panshet Cluster School battles infra hurdles amid state-wide expansion plan." URL - <https://indianexpress.com/article/cities/pune/panshet-cluster-school-battles-infra-hurdles-amid-state-wide-expansion-plan-9089169/> accessed on 20th March 2023. It is also interesting and important to note that the same reporter of the same newspaper did a prequel praising the Panshet SS barely four months before the story about infra issues was published. See Indian Express dated 4th September 2023. "The distance between a smile and a school: A yellow bus" URL: <https://indianexpress.com/article/cities/pune/panshet-school-yellow-bus-8920795/> accessed on 20th March 2023.

hamlets, that perpetually struggle to get even a minimum functional school infrastructure. However, it seems that with this initiative, all attention and resources have been concentrated on the single Panshet SS, at the expense of the other 16 schools in the surrounding locality.

Hurried Universalisation of the PSS Model

Even before the school year could begin, the Pune ZP and the Education Commissionerate enthusiastically promoted the advantages of larger schools, and the range of facilities that would be provided. However, the promise of one teacher per grade was not fulfilled throughout the 2023-24 academic year. In a letter addressed to all regional Directors and District Education Officers (Primary), the Commissionerate made a case in support of ‘big’ schools. The letter emphasised the basic requirements for quality education, such as educational materials, audiovisual equipment, playgrounds, sports materials, and a sufficient number of peers to promote socialisation and develop a competitive spirit. It argued that schools with low enrollment lacked these facilities, which negatively impacted the quality of education and students’ overall development.

The letter further outlined several points: i) except for having a school within their own village, students in low-enrollment schools are often deprived of true educational quality; ii) though availability of 18 varied basic facilities are required to provide quality education and extra-curricular activities, there are certain obstacles in providing the same in public schools with low enrolment; and iii) low enrollment hampers the development of a competitive spirit among students.¹⁰⁶ The letter termed schools with less than 20 students as ‘small’ schools and there were about 14, 873 small schools that existed.¹⁰⁷

This raises several questions: Is the lack of facilities—essential for quality education—in low-enrollment schools accidental, or is it by design? Are the mandates of the RTE Act being willfully ignored by the state? Should the availability of a school in one’s own village be exchanged for one well-equipped school located farther away? Should access to education and its quality be mutually exclusive, even after 14 years of the RTE Act’s implementation? If the Act grants every child the right to education in a neighbourhood school, can a letter from the Commissionerate override that? If the claim is that ‘generating competitive spirit is getting restricted’ due to low enrolment, is promoting competition truly the purpose of education? Why is the DSES so focused on creating competition, when there is adverse impact on the physical and mental well-being of millions of children?

Ironically, the letter was issued within barely three months of launch of the Panshet SS with an order to officers to come up with proposals for SS in their jurisdiction on the pretext of SS being a highly beneficial scheme for providing high quality education. According to media reports, the DSES received more than 300 proposals for establishing new SS in different parts of the state.¹⁰⁸ Though many districts succumbed to the ‘pressure from the top’, media reports also highlighted that some local communities could foresee the issue of extinction of small schools and opposed the idea of SS.¹⁰⁹

Justifying antipathy towards RTE through NEP?

The aforementioned letter invokes the new National Education Policy (NEP) 2020 to provide the framework with which the PSS can be justified. The letter discusses the ideas of ‘school consolidation without impacting

106 Commissionerate of Education (2023). Letter addressed to all regional Directors and District Education Officers. ‘Developing School Complex for Student Quality’. Sept 21. (Translation by the author)

107 All these schools are rural schools catering to the educational needs primarily of children coming from different marginalised communities.

108 See for example: “Schools with low enrolment to be merged in Samooh Shalas” in *Lokmat* (Marathi newspaper) Jalgaon Print edition, 2024, Jan 2. “45 schools in the (Ahmednagar) district to be dissolved to form 11 samooh shalas” in *Sakal* (Marathi newspaper) Print Edition, date not mentioned, “33 Samooh Shalas in Raigad district” in *Maharashtra Times* (Marathi newspaper) Print Edition, date not mentioned.

109 “Parents oppose combined schools – not a single proposal for Samooh Shala in the (Washim) district” in *Lokmat* (Marathi newspaper), Washim edition, 2024, Jan 2. “Strong Primary Schools – no proposal of Samooh Shala” in *Lokmat* (Marathi newspaper), Sangli edition, 2024, Jan 2.

access to schools¹¹⁰ and ‘the challenge of rationalising or grouping schools by 2025 by states and union territories.’¹¹¹ The PSS of DSES ignores the caution by the NEP that consolidation ‘would not solve the overall structural problem and challenges presented by the large numbers of small schools’¹¹². It also ignores option given by the NEP about creating a grouping structure that brings together one secondary school and few primary schools in a specific radius so that resource sharing of various type becomes possible. Paradoxically, the Panshet SS concentrates all resources at a single site, making itself the most desirable school while ignoring mandatory requirements in the ‘catchment’ area. This can be explained further by the assumption of PSS that *katkari*¹¹³ children will travel 32 km every day deserting the school that is locally available within one km from their habitation, if a bus is provided in the name of access. Instead of motivating the *katkari* parents to send their children to neighbourhood school regularly, and ensuring that these schools are equipped with minimum entitlements, such as having at least two teachers, the administration puts its efforts towards persuading parents to send their children to a school located 16 km away. Thus, the PSS scheme neither considers social and structural factors that demotivate marginalised children from attending school nor does it show any respect for the constitutionally guaranteed fundamental right to education.

The thinking that goes behind it is quite arithmetical, where economic thought overpowers educational thought. From schools to children, everything is looked in terms of investment, liability, return on investment (RoI), viability and other neo-liberal concerns. The PSS does not regard schools as safe spaces outside home and teachers as ‘secondary care-givers’. They are both seen as financial burdens on the public exchequer and easing this burden out by circumventing the RTE becomes an ‘innovative’ model of efficient and optimal resource utilisation. This ideology not only denies rightful entitlements to the deserving, but increasingly succeeds in making denial masquerade as provision.

Given that multiple decisions by the DSES contradict the RTE – the Rules of the State to implement RTE, the GRs and the circulars issued in pre-RTE times – the state’s antipathy towards the RTE is seldom hidden. It further becomes evident in the case of Panshet SS scheme, where the DSES selectively uses NEP¹¹⁴ to offer fragile justification at the policy level.

‘Smart’ state with selective memory

School complex (SComp) is not a new idea as suggested by the NEP. It appeared in the Kothari Commission (1964-66) report. But contrary to what the NEP suggests, the idea was implemented in different forms in different states, during the 1970s and the 1980s. For instance, a RAPPOR¹¹⁵ based school complex was implemented in Maharashtra by the then Director of Education Mr. V.V. Chiplunkar. Charholi near Pune was the prime site for the innovative experiment that was implemented in many parts of the state and received great praise from experts. The innovation lied in modification of the original idea proposed by the Kothari Commission. It worked more strongly towards quality improvement of weak schools through “administration and management based on scientific principles of planning and administration of education”¹¹⁶. The model, based on sharing of resources had an anchoring secondary school, surrounded by multiple primary schools that acted as the ‘feeder’ schools.

110 Gol (2020). Section 7.4 of the National Education Policy.

111 Gol (2020). Section 7.5 of the National Education Policy.

112 Gol (2020). Section 7.4 of the National Education Policy.

113 *Katkari* community is grouped under Particularly Vulnerable Tribal Group (PVTG) in Maharashtra.

114 NEP too attempts to circumvent the RTE. The same is discussed later in this paper.

115 RAPPOR is an acronym of Rise from slumber early, Assess ourselves and our performance critically, Plan our activities thoroughly, Proceed on right lines firmly, Organise ourselves from within and without quickly, Reach the community patiently and Trust our own potential and [that of our colleagues, teachers and pupils fully]

116 Singhal, R.P. (1983). *Revisiting School Complexes in India: with Special Reference to the Innovative Rapport Based Experience of Maharashtra*, New Delhi: NIEPA, p. 22-23.

A point needs to be observed about selective subscription of the DSES to its own institutional history. Though belonging to the same district, the PSS Scheme does not reflect on the recent successful RAPPORT experiment in its conception, design, planning or implementation. Rather, it prefers to learn from a failed experiment of school closure attempted by the DSES in 2017 and wraps the scheme in concern for quality education. When the DSES attempted to close down more than 1,300 'small' schools in 2017¹¹⁷ with an upfront announcement, it faced strong retaliation by teachers, parents, academia, CSOs and children. Learning from this past experience, the aforementioned letter by the Commissionerate says, "Closing down schools or reducing number of teacher posts is not the objective of creating *samooch shalas*...Making educational facilities in adequate proportion available for students and facilitating ways of development of learning competencies is the main objective of the scheme." (translation by the author). The PSS scheme creates a desire for a specific location with concerted facilities, and disregards the fact that depriving other schools of mandatory entitlements amounts to breach of constitutional mandate given to the DSES. The result of the move is obvious – Government schools will compete with Government schools and many of the small schools will eventually shut down forever. The problem is that this kind of school closure will sound natural as it would appear that the local community has turned its back on them. As I have argued it elsewhere, with its pure economic considerations, "[t]he PSS scheme seems to be a plan of closing down small Marathi schools and creating an illusion that this is happening as desired by people."¹¹⁸

Nevertheless, though many parents in the region appear to understand this 'smart' move of the state, they find themselves helpless and voiceless.

"Children may find it fun to travel by bus for a fortnight or a month...but going to school by bus for eight years, every day, will not be easy. How tired a 6-7 years old child would feel with a daily travel of 30-35 km? Why should we send our children so far away when there is a school in the courtyard?" asks a parent who suspects that gradually most parents will send their wards to the PSS and the school in their village will close permanently¹¹⁹. Considering the heavy rainfall in the region, and considering the roads full of pot-holes round the year, expecting children to travel 30-35 km every day is bizarre. For a child residing in the village Mose (Kh), completion of elementary schooling in PSS by travelling daily to the school for eight years would be equivalent to doing almost two rounds around the earth's equator. For children who come from communities that bear a high 'opportunity cost' for accessing school, expectation of such travel every day is highly demotivating.

In this context, it is crucial to highlight that the scheme has completely neglected the educational needs of children with special needs (CWSN). These children already struggle to access schools in their immediate neighbourhoods, and with schools being relocated 15-16 kilometers away, their future becomes even more uncertain. They will face a 'double whammy'. At a time when economic considerations dominate policy decisions, expecting a welfarist approach seems unrealistic. In an era where 'under-spending' on welfare programmes is celebrated as 'savings', CWSN are neither visible nor on any priority list.

117 The DSES used different terms like 'rationalise', 'merger', 'consolidation', 'amalgamation', etc. to mask the fact that 1300+ schools were to be permanently shut down. The then minister of DSES feebly tried to argue that "schools were not closed, only buildings were closed." The National Human Rights Commission took suo motu cognizance of the matter and issued notice to DSES. The plan of the state could not be pursued due to opposition from across the state by teacher unions, educators, researchers, parents, CSOs, etc. See for example (i) Report from India Today dated 3rd December 2017. "Over 1,300 government schools to be shut in Maharashtra, says State Education Minister" <https://www.indiatoday.in/education-today/news/story/government-schools-to-be-shut-says-ministere-1099436-2017-12-03> Accessed on 23rd March 2024. (ii) Report from The Hindu dated 28th December 2017. "NHRC issues notice to govt. over move to close schools" <https://www.thehindu.com/news/states/nhrc-issues-notice-to-govt-over-move-to-close-schools/article22289088.ece> Accessed on 23rd March 2024.

118 Darak K. (2023). "Shala budawanari Panshet Yojana" in Lokrang, Loksatta (Marathi new paper). October 8. URL: <https://www.loksatta.com/lokrang/paanshet-yojana-that-sinks-schools-panshet-dam-burst-national-education-policy-amy-95-3971035/> Accessed on 23rd March 2024.

119 Excerpt from interview of a parent in Mose (Kh). Interview done on 5th August 2023. Between June and December 2023, I visited the region thrice and took interviews of parents, teachers and children.

Consultocracy and neo-liberal push

Reflecting upon the selective learning characterised in the past, one can see the PSS Scheme taking care of some of the norms that the Government avoided or missed in 2017. Apparently, the administration holds regular meetings with local communities to inform them about the scheme and advantages of the same. When inquired, parents and villagers from a few villages did vouch for such meetings. They stated that the ZP administration told about free uniform, textbooks, food to be provided till grade eight in the PSS. The people were also informed about a free bus for commuting to school. All these advantages were subsequently asserted by local representatives too. Nonetheless, the administration did not mention about children's right of education in a neighborhood school, and there was no mention of free entitlements being applicable to all schools¹²⁰. Impressed by the partial information and by the sight of the attractively built school-building, some parents started sending children to PSS and some others are inclined to do so. It is also important to note that the first group of parents targeted by the administration is *katkaris* which is perhaps the most vulnerable group in social structure in that region. Thus, not only selective history is employed to inform the design of the scheme, selective communication is also employed for creating 'informed' consent. This tendency can also be seen in the affidavit filed by DSES in the Bombay High Court where the DSES is seen to specifically avoid references to studies that alert states against school closure or merger.¹²¹

The aforementioned external advisors of the PSS Scheme remained mostly in the back-stage while teachers of PSS and the administration became the front runners.¹²² Only one consultant of the Scheme wrote a piece in a Marathi newspaper giving distorted arguments about the need for PSS. He claims that *"members of School Management Committees (SMCs) oppose creation of SS because they fear losing their social status which is usually exhibited through control on approving building repair, purchase of uniforms, etc."*

The article also argues that *"given forthcoming School Accreditation Authority under the NEP 2020, public finance requires to be quickly arranged for fair expenses. [Therefore,] setting up SS is absolutely necessary."*¹²³

The Scheme also boasted about mobilising funds from CSR, without paying heed to the huge intra-regional disparities in receiving CSR funds, since the amendment of the Companies Act. For instance, between 2014 and 2021, Pune district received CSR funds amounting to ₹1,026 crore for education, while Washim, Parbhani, and Hingoli districts received disproportionately lower amounts—₹74 lakh, ₹76 lakh, and ₹86 lakh respectively—over the same seven-year period.¹²⁴

PSS scheme's recommendation of CSR funding despite glaring regional disparities appears to be a perfect case of the neo-liberal push that is now known as 'consultocracy'. The trend generalises success(?) obtained in a specific context and presents it as a model for universalisation of the idea. In the neo-liberal economic regime, corporatisation of public systems such as health, education, natural resources, and so on, operates on the principle of maximising outcome with minimum input, but it names the principle as optimisation of resources. As argued by Saltman (2009), *"[c]orporatisation of public schools [is] both the privatisation of public schools and the transformation of public schools on the model of the corporation. [...] corporatisation in terms*

120 From field notes of 5th August 2023 and 16th December 2023.

121 See for example, Rao, S. (2017). *School Closures and Mergers: A Multi-state study of policy and its impact on public education system - Telangana, Odisha and Rajasthan*. New Delhi: Save the Children. Also see the Affidavit filed by DSES in the Bombay High Court on 19th January 2024.

122 From field notes of 16th December 2023. Interview with a teacher on condition of anonymity.

123 Patil P. (2023). "Samooch Shala: Darjedar Shikshanacha Ashadayi Marg" (SS: Hopeful Route of Quality Education). In Saptarang. Sakal (Marathi newspaper). January, 15. Available at: <https://www.esakal.com/saptarang/pankaj-patil-writes-group-schools-promising-pathway-to-quality-education-pjp78> accessed on 24th March 2024. (Translation by the author) The same consultant also gave interview to an online portal justifying Panshet SS.

124 Darak, K. (2023). "Arthasankalpiy Taratoodiaivaji dat Kotoon" Op-ed piece in Loksatta (Marathi Newspaper). September, 12. Available at <https://www.loksatta.com/sampadkiya/columns/government-schools-in-the-state-under-the-name-of-csr-private-companies-to-adopt-declaration-ysh-95-3908829> accessed on 24th March 2024

of economic, political, and cultural transformations [...] of public schools redistributes economic control and cultural control from the public to private interests."¹²⁵

Concluding Remarks

Though contested, the RTE promises eight years of education in a school to every child as a part of the fundamental right to life. Access to school is most crucial component for social mobility and parity. A school in a village is not only a 'sarkari' centre, but a safe space outside home where child's mental, social and physical development happens in a meaningful way. RTE mandates the states to ensure access to a minimal quality education by mandating specific entitlements so that the daunting social inequality outside school is mitigated to some extent. Yet, after more than a decade of RTE, a scheme like the PSS widens social inequality by concentrating resources at one site, while depriving many of their minimal, lawful claims. At Panshet, the DSES seems to have adopted a multi-pronged approach that unfortunately does not enable schooling, but hinders it for hundreds of children coming from the 16 villages in the vicinity of Panshet. The case of PSS elucidates how education takes a back seat and financial gain becomes a priority for the policy makers. It is feared that the schemes like the PSS would grow in number and intensity. With corporate players gaining ground in government systems, the external consultants provide ideas of resource 'optimisation' which reduces accountability, and financial efficiency is prioritized over social needs and impact.

More importantly, the NEP articulates of "less emphasis on input and greater emphasis on output", and recommends on broadening "the scope of school education to facilitate multiple pathways to learning involving both formal and non-formal education modes"¹²⁶. Such emphasis basically is a curtailment of the RTE in its current form. While the challenge of small schools is real, approaching it solely through an economic lens is problematic. Studies, such as the one by Prof. Srinivas Rao, show that closure of small schools leads to increased school dropout rate on one hand and gives rise to privatisation on the other. By making highly resourced government school to compete with government schools weakened by design, the PSS scheme is paving way for the local community to self-deny the fundamental right to education through the induced desire for PSS. Not success or failure, access itself gets individualised paving a way for the system to move away from providing for the constitutional mandate. Parents who 'opt for' sending their children to PSS may be treated as 'beneficiaries' instead of right-holding citizens, as the Scheme may be always projected as an extra effort of the State. In spite of working towards indirectly closing down schools, the Panshet *Samooch Shala* scheme suggests the state ways of avoiding blame for school-closure. As one can foresee, it also provides guidance for amendments in the RTE in the context of the NEP. The worry is this that the Panshet 'innovation' is perhaps going to move things from bad to worse, keeping access to quality education still a dream for the marginalised.

Acknowledgement

- (i) Dr Vasant Kalpande, Former Director, DSES for sharing the copy of the book 'Revisiting School Complexes in India' which is now rare.
- (ii) Mr Manoj Lulhe (Teacher, Z. P. Jalgaon) and Mr Pralhad Kathole (Teacher, Z. P. Palghar) for providing some of the GRs and news articles.
- (iii) Prof Madhuri Dixit, Head, English Dept, Pemraj Sarda College, Ahmednagar for reading earlier drafts of this article and giving valuable suggestions.

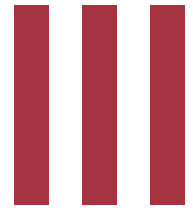
125 Saltman K.J (2009). 'Corporatization and the Control of Schools', In. Apple, M.W, Au, W & Gandin, L.A. (eds.). *The Routledge International Handbook of Critical Education*, New York: Routledge.

126 Gol (2020). Sections 3.5 and 3.6 of the National Education Policy 2020.



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PLENARY SESSION

FIFTEEN YEARS OF THE RTE ACT: A STATUS REVIEW

RAPPORTEUR

MR. NIKHIL MADHUSUDANAN, Ph.D Scholar, Faculty of Public Administration, IGNOU, New Delhi

Dr. M. Poornima¹²⁷ opened the session by highlighting the significance of the RTE Summit and welcomed the participants who had come from 16 States of the Country. Dr. Amrita Sastry¹²⁸ presided over the plenary session, and invited the panelists of the Inaugural session to the dias. The plenary session was chaired by Prof. Muchkund Dubey.¹²⁹ He invited Dr. Nitya Nanda,¹³⁰ to welcome the speakers. Dr. Nanda emphasized the significance of free and compulsory education in India, stating that it took nearly 65 years to recognize education as a legal right for children, transitioning from a Directive Principle to a legal entitlement with the enactment of the RTE Act in 2009, marking it as a crucial milestone in India's history. He stressed that achieving the vision of a *Viksit Bharat* i.e., developed India, as envisioned by the Prime Minister, is impossible without *Shikshit Bharat* i.e., educated India. Dr. Nanda expressed concerns regarding the implementation of the RTE Act, questioning its rigor, and effectiveness, especially given the persisting issues such as non-compliant schools, out-of-school children, and high dropout rates which got even worsened by the COVID-19 pandemic. He also highlighted the importance of collective efforts from the central government,

127 Dr. M. Poornima, Assistant Professor & National Sub-Coordinator, RTE Cell, CSD, New Delhi.

128 Dr. Amrita Sastry, Honorary Associate, RTE Cell, CSD & Associate Professor, Jesus and Mary College (JMC), Delhi University.

129 Prof. Muchkund Dubey, President, CSD, New Delhi.

130 Dr. Nitya Nanda, Director, CSD, New Delhi.



state governments, panchayats, school management committees, urban local bodies, and all stakeholders to effectively implement the RTE Act. Dr. Nanda emphasized the need for a thorough understanding of the Act's implementation, which is the focal point of the summit.



Prof. Dubey invited *Dr. V.P. Niranjanaadhyha*¹³¹ to review the RTE Act's implementation over the past fifteen years. *Dr. Niranjanaadhyha* highlighted anecdotes from the freedom struggle that captured the essence of universal school education and discussed several key sections of the Act.

Prof. Niranjanaadhyha emphasized the closure of neighbourhood schools, which he considered a violation of Section 3 of the RTE Act, and noted that despite Section 4's emphasis on completing elementary education, 2023 data revealed significant rights. Numbers of out-of-school children, violating their fundamental rights.



He lamented the reduction in education spending as a percentage of GDP since 2009-10 under Section 7, noting the reliance on the Education Cess for the Samagra Shiksha Abhiyan with insufficient budget allocation.

He criticized Kendriya Vidyalayas for violating Section 13's prohibition on screening procedures by conducting entrance tests and regretted amendments to Section 16 allowing detention before completing elementary education. Concerns were raised about physical punishment and mental harassment in schools under Section 17. He pointed out the low RTE compliance at the national level (25.5% in 2022) under Section 19. Additionally, he highlighted the lack of empowered School Management Committees as per Section 21 and cited a nationwide teacher vacancy of 12,54,773,

131 Prof. V.P. Niranjanaadhyha, National Coordinator, RTE Cell, CSD, New Delhi.

violating Sections 22 and 23, which stipulate qualified teachers.

While discussing about section 29, *Prof. Niranjanaadhyha* pointed out how textbooks have been revised where lessons on democracy, science, and modern education are dropped. He further highlighted about the inadequate monitoring of RTE Act by NCPCR and SCPCR. He noted the absence of grievance redressal mechanisms to enforce the Act and highlighted the failure of many states to establish the state advisory councils. He concluded by urging collective efforts to reclaim the essence of the RTE Act and develop a roadmap for its effective implementation.

The Chair, *Prof. Dubey*, then called *Prof. R. Govinda*¹³² to deliver the keynote address. *Prof. Govinda* remarked on the initial celebration of the Constitutional Amendment Act (CAA) two decades ago and the RTE Act in 2009, but questioned the genuine commitment of States to education as a fundamental right. He traced the historical struggle for universal education in India, beginning with Gopal Krishan Gokhale's legislative efforts in 1910, which faced opposition from British authorities and Indian elites. Despite constitutional debates and advocacy from leaders like Subhash Chandra Bose and Radhakrishnan, education as a fundamental right was relegated to the Directive Principles of State Policy (DPSP) in the Constitution.

Prof. Govinda highlighted significant developments in the 1990s, including India's ratification of



132 Prof. R. Govinda is a distinguished Professor at CSD, New Delhi.

international conventions on children's rights and the *Ramamurthy Committee's* recommendations to make education a fundamental right. However, he argued that the Indian Government's stance diverged internationally and domestically, with no significant action taken until judicial interventions through the *Mohini Jain* and *Unnikrishnan* judgments and civil society pressure led to the 2002 constitutional amendment incorporating Article 21A.

He criticized the legislative delays and diversionary tactics following the 2002 amendment, reflecting the state's reluctance to fully embrace the RTE.

He also noted the RTE Act's subjection to state determination, rather than being acknowledged as a fundamental right, and criticized the hierarchical education system inherited from the colonial era, which perpetuates inequality and undermines the RTE's spirit. He argued that the focus on elite institutions detracts from the urgent need to improve conditions in small and under-resourced government schools.

In conclusion, *Prof. Govinda* emphasized the importance of restructuring the education system to address inequalities and ensure the effective implementation of the RTE Act. He urged the government to commit sincerely and dedicatedly to creating a more equitable educational environment by addressing socio-economic disparities and fostering inclusivity in the education system.

After the keynote address by *Prof. Govinda*, the book titled '*Fundamental Right to Education and the Constitution: A Critical Review of Laws, Policies and Programmes*' authored by *Dr. Niranjanaradhya* was released by the panelists.

This was followed by the remarks on the book and RTE by *Dr. Colin Gonsalves*.¹³³ He advocated for the Right to Education as a political right rather than a legal one. He called for the RTE to extend from 14 to 18 years of age, stressing the need for a united effort from educators, students, teachers, parents, lawyers, and judges. He argued that political parties should

133 Dr. Colin Gonsalves, Senior Advocate, Supreme Court of India and Founder, Human Rights Law Network (HRLN).



campaign for RTE, which would bring about change, and emphasized the need for universal education up to 18 years. *Dr. Gonsalves* highlighted the lack of essential resources in government schools and concluded by calling for a revolution to achieve the RTE.

The chair, *Prof. Dubey* concluded the plenary session with his remarks. He noted that the primary objective of addressing out-of-school children within three years of the RTE's implementation has still not been achieved. He emphasized that policies like school mergers, aimed at enhancing efficiency, have adversely affected access for girls, Dalits, and other marginalized sections. He stated that the transfer of land to the private sector and the privatization of education have made education unaffordable for the poor. *Prof. Dubey* regretted the removal of the no-detention policy until the completion of elementary education and criticized the opacity of the Samagra Shiksha Abhiyan, highlighting a lack of transparency in its funding mechanisms. He emphasized the importance of 'Shikshit Bharat' (Educated India) for achieving a 'Viksit Bharat' (Developed India).

Prof. Dubey also observed that articles on elementary education often assume that achieving elementary education equates to victory, cautioning against this myth and stressing the need to delve into facts and details. In his concluding statement, he highlighted the necessity of creating a platform to influence policy changes aimed at ensuring that all children receive equal and high-quality education.



The vote of thanks was given by *Mr. Sanjeev Sinha*.¹³⁴ He mentioned that achieving the goals of the RTE will require more years due to high dropout rates, school closures or mergers, and a lack of facilities in schools. He thanked all the speakers for their valuable insights shared during the session.

134 Mr. Sanjeev Sinha, State Convener, RTE Forum, Uttar Pradesh.

THEMATIC SESSION-1

IMPLEMENTATION OF THE RTE ACT

RAPPORTEUR

MR. NIKHIL MADHUSUDANAN, Ph.D Scholar, Faculty of Public Administration, IGNOU, New Delhi

The chair, *Dr. Manisha Priyam*,¹³⁵ initiated the session by highlighting the various deficiencies that hamper the effective delivery of education and compromises the quality of learning experiences for students. She noted that, despite the noble intentions behind the RTE Act, its implementation has encountered various challenges including the lack of adequate infrastructure, including shortages of classrooms, teachers, and basic facilities like sanitation and clean drinking water, particularly in rural and marginalized areas. She further stated that, issues concerning teacher quality and training pose significant obstacles to the effective implementation of the RTE Act, while socio-economic factors such as poverty, discrimination, and cultural barriers frequently prevent children from accessing education or lead to premature dropout. With these words, she invited the first speaker to make his presentation.

The first speaker of the session, *Mr. Shailendra Sharma*,¹³⁶ spoke on the topic '*Being a Teacher: Eligible or Capable*'. He put emphasised on the crucial role of teachers within the context of the RTE Act and its alignment with the National Education Policy (NEP) of 2020. He listed four vital enablers that empower teachers to excel in their roles which included: Eligibility, Capability, Enabling Environment and

Expectations. First he elaborated upon eligibility, which flows largely from section 23 of the RTE Act and stated how the recruitment rules stipulate the eligibility framework. He then discussed the next enabling factor, 'Capability', which is strengthened through pre-service and post-service training. The third factor is the 'Enabling Environment', which includes salaries, service conditions, school infrastructure and so on. The fourth important factor is 'Expectations', which is stipulated in Section 24 of the Act in the form of teacher duties. Mr. Sharma observed that most of our expectations from the teachers are unwritten and they play multiple important roles which are just expected from a teacher and are not accounted for appreciation. He also emphasised on the importance of creating a mentoring system and equipping teachers with

135 Prof. Manisha Priyam, Professor, National Institute of Educational Planning and Administration (NIEPA), New Delhi.

136 Mr. Shailendra Sharma, Principal Advisor to the Director Education, Government of Delhi.



better alternatives to traditional teaching methods and providing them with an enabling environment, as many teachers resort to methods of rote learning and fear/punishment induced learning. He emphasised that training and capacity building is not a one-time investment, but a continuous development process and he spoke on the efforts of Delhi government towards enabling teachers to deliver to the best of their capabilities. He stated that in Delhi, a cadre of Mentor Teachers are created, who are well-performing teachers and there are teacher development coordinators too. The Mentor teachers are entrusted with the responsibility to visit schools and classrooms to provide feedback to fellow teachers. He concluding by stating that while eligibility is important, capability is a continuous effort which will bring about the systemic change we wish to see.

The second speaker, *Prof. Praveen Jha*,¹³⁷ reflected on '*Infrastructural Deficits in India's Schools*'. He discussed the nexus between rights and resources, and postulated that the right to have rights is perhaps the most fundamental right of all. He further exclaimed that, if an important Act is not backed by the financial memorandum, it does not take us anywhere and thus rights without resources is like a still born child. He then explained that there are two types of infrastructure, hard and soft. Hard infrastructure progress has been very weak and negligible according to him. He cited a report on school infrastructure of several states released by the 'Centre for Budget and Governance Accountability'. He highlighted that in Bihar 10% government schools have no building and at the national level, 66 per cent of the primary schools have classrooms that did not meet student classroom ratio. He observed huge disconnects in data, and exemplified the same with the example of toilets. He said that toilets are made structurally but on ground they are not accessible to children and head teachers' rooms are used as store rooms. Regarding soft infrastructure, he stated that the development is very grim as it is very difficult to measure. He highlighted that, the appointed teachers were supposed to be

137 Prof. Praveen Jha, Sukhomoy Chakravarty Chair Professor, Jawaharlal Nehru University, New Delhi.

12 lakh; however, this did not happen and those who were recruited had barely finished their own schooling let alone experiencing training. Those who are educated and capable are burnt out and they are put on election duty and several political duties, which hamper the education system. *Prof. Jha* concluded by highlighting the well-established relationship between infrastructure and learning outcomes in academic literature. He emphasized that the State has abandoned the RTE Act and it is important to make it into a powerful movement and campaign for the Right to Education.



The third speaker, *Mr. C.K. Dinesan*,¹³⁸ spoke on "RTE Implementation in Kerala: Leaping and Huffing." He began by discussing Kerala's high literacy rates and the people's planning model, then highlighted challenges in RTE implementation. Issues identified included mandatory Aadhaar and Transfer Certificates for admissions, which pose difficulties for migrants and tribal communities. He noted that segregation into lower primary, upper primary, and high school levels has not been implemented in the State and the traditional system was still in place. Gender disparities such as segregated seating and gender-based roles in classrooms were also discussed. On inclusive education, he pointed out that most differently-abled children are excluded from regular schools. He raised concerns about the high dropout rates of marginalized children and their minimal participation in extracurricular

138 Mr. C.K.Dinesan, Executive Director, Joint Voluntary Action for Legal Alternatives (JVALA), Wayanad, Kerala.

activities. Additionally, he argued that essential facilities like drinking water, functional toilets, and accommodations for differently-abled students have not been adequately addressed by the State Government of Kerala.

While discussing about teachers, he mentioned that, all teachers in government and aided schools are qualified, but there is an insufficient number of subject specific teachers. He highlighted that the Local Self Governments (LSGs) lack adequate resources and understanding of their roles and responsibilities to address the growing challenges in schools. He also stated that the State still lacks quality education. Despite the measures by Kerala government such as introduction of school academic plan, information and communication technology, talent lab etc. in reality, there is no evident progress. The teachers struggle to give individual attention due to high PTR and both the Head of the school and teachers often manage classroom and administrative duties, simultaneously.

He further discussed a few provisions of the RTE Act in order to highlight the lack of seriousness in the education institutes. He discussed provisions of the RTE Act to highlight the lack of seriousness in educational institutes. Despite Section 6, which mandates the establishment of schools, the government closed 322 single-teacher schools in 2022 without opening new ones. Regarding Section 32 on grievance redressal, he noted the absence of a functioning complaint redressal forum at the LSG level. He also mentioned Section 18, which requires schools to obtain a certificate of recognition, yet unrecognised schools continue to operate in Kerala.

Mr. Dinesan made several recommendations to overcome these challenges. First, he suggested developing a mother-tongue-based multilingual curriculum from the pre-primary level. Second, he called for replicating mentor-teacher services in schools enrolling tribal students. Third, he urged NCERT to develop a curriculum framework and undertake revisions per the RTE Act. He also advised establishing a mechanism at the government and LSG level to ensure timely fund allocation from central and state budgets for school development.

Additionally, local bodies should monitor the implementation of RTE recommendations to relieve parents of financial burdens in unaided schools. He recommended that local governments ensure no unauthorized pre-primary schools operate without recognition and guarantee quality pre-primary education for all children. Lastly, he suggested LSGs conduct awareness workshops for teachers, parents, and children on the RTE Act.

The final talk of the theme featured presentations by *Mr. Noor Mohammad*¹³⁹ and *Mr. Madhukar Gumble*¹⁴⁰ on 'Community Participation in School Management.' Mr. Gumble addressed issues concerning village schools, including declining attendance and the importance of community involvement. He noted the grim state of rural education, with many schools shut down due to disparities in quality of private and rural schools. Parents, despite hardships, prefer private schools for their better learning outcomes and facilities. However, he observed that children struggle to integrate into these schools due to a lack of inclusivity, which requires community participation and an active School Management Committee (SMC). Many schools lack even an SMC body. He concluded by emphasizing that an active SMC can transform education quality and facilitate better learning outcomes.

Mr. Noor Mohammad began by questioning the desire of children from marginalized backgrounds to pursue education. He cited villages near Delhi, where



139 Mr. Noor Mohammad, State Convener of RTE Forum, Rajasthan.

140 Mr. Madhukar Gumble, State Convener of RTE Forum, Maharashtra.

girls' education is notably poor, with low attendance rates. The 2011 census revealed that 46 villages in Mewat have female literacy rates below 20%, and four have a rate of 0%, despite being close to the capital. Mr. Mohammad highlighted the challenges faced by children who fail secondary school exams due to inadequate foundational education from low-quality classes in earlier grades. He noted that these schools yield no learning outcomes, yet parents continue to work tirelessly to send their children to school, hoping for improvement. He argued that it is unfair to demand greater participation and blame parents for these conditions.

Mr. Mohammad highlighted the role of the Panchayat Extension Education Officer (PEEO) in overseeing primary education and fostering collaboration between the community, school administration, and Panchayat Raj system. He addressed issues including shifting power structures, the link between academic failure and

child marriage, the importance of role models, and providing financial assistance to deserving students. In conclusion, he emphasized that while the RTE Act is not a panacea, it has instigated grassroots changes, showcasing education's transformative potential within society.

Prof. Manisha Priyam, the session chair emphasized the importance of field actors for effective policy implementation and highlighted language-related challenges, particularly for first-generation learners. Audience questions regarding empowering parents and access to government offices for marginalized sections were addressed by the panel, emphasizing the pivotal role of teachers in the RTE framework and the need for continuous stakeholder engagement. Despite challenges like inadequate infrastructure and teacher quality, the implementation of the RTE Act in India represents a significant step toward ensuring universal access to quality education for children aged 6 to 14 years.

PURSUIT OF EQUITABLE & INCLUSIVE EDUCATION THROUGH THE RTE ACT

RAPPORTEUR

DR. LOVEENA SEHRA, Consultant, DACE, IGNOU, New Delhi

The pursuit of equitable and inclusive education through the RTE Act, 2009 aims to ensure that every child aged 6 to 14 has access to quality education, regardless of their socio-economic background. *Prof. Manoranjan Mohanty*,¹⁴¹ chair of the thematic session, opened by highlighting this goal. He then invited *Mr. Gurumurthy Kasinathan* to speak on 'RTE in Karnataka'. The chair posed the question "what kind of capacity do we have to orient technology to promote equity?" He further emphasised that education, which should be a force of equalization, has actually become a force that has generated more inequality.

The first speaker, *Mr. Kasinathan*¹⁴² highlighted the peculiarities in RTE Implementation in Karnataka. He noted the lack of enthusiasm for RTE implementation, attributing it to a societal hierarchy that lacks a genuine resolve to empower everyone. He stated that certain sections are often excluded for exploitation and explained that while South India is perceived as more developed, this isn't always the case. For example, Southern Karnataka is progressive, similar to Tamil Nadu and Kerala, while Northern Karnataka's Human Development Index is lower than Bihar's. The average of these two regions gives a misleading picture of Karnataka's well-being.

Despite resource availability, Karnataka's RTE implementation rate is only 23.5%. He stated that modern Karnataka hides exploitation in its northern regions, where teachers have meaningful posts but lack job security and adequate pay, hindering educational quality.

Kasinathan cited a NITI Aayog report recommending merging inactive and non-compliant schools, which led to school closures and student dropouts. He also pointed out that, despite the RTE Act's provision against exams until the 8th standard, schools often conduct assessments. Students who perform well in these exams often fail board exams, indicating poor education quality. He stated that assessments deceive parents into believing that their children are performing well and they continue to pay the fees, only to realize at the board examination stage that their child has not learnt anything.

He further highlighted that Karnataka's investment in education is only 12% of the budget, with no allocation for teacher education, calling it a matter of deep shame. He discussed the role of technology in teacher education, noting that modern English medium schools cater only to the elite, consuming much of the education budget. He observed a divide between teachers/schools and parents/communities, with RTE proponents usually supporting the latter, widening the gap.

141 Prof. Manoranjan Mohanty, Distinguished Professor, CSD, New Delhi.

142 Mr. Gurumurthy Kasinathan, Director of 'IT for Change', Bengaluru, Karnataka.



He suggested uniting both sides to advance quality, inclusive education for all, with technology bridging the gap. For example, creating audio stories can raise parental awareness about their children's right to education and their responsibilities.

Kasinathan raised concerns about teacher education focusing solely on subject knowledge. He called for incorporating sociological concepts of inclusivity, gender, Dalits, Bahujans, and their needs. Using technology in teacher development to sensitize teachers could bridge the gap between parents and school authorities. He concluded with recommendations for significant investment in education, promoting a public decentralized model over a privatized EdTech model, and enhancing Teacher Professional Development (TPD) to include sensitivity training alongside content knowledge and subject expertise.

The second speaker, *Dr. Rajini Menon*,¹⁴³ presented on "Schools as Empowering Spaces for Girls", offering a gendered perspective on the points discussed in prior talks. She began by highlighting the issue of early forced child marriage in India, noting that the country accounts for one-third of child marriages globally, with one in four girls marrying before 18. While there has been some improvement, child marriage remains prevalent, especially in certain hotspots. Dr. Menon discussed the two-way impact of child marriages on girls' education, linking it to SDGs through factors like structural inequalities, the centrality of marriage, masculinity construction, and

143 Dr. Rajini Menon, Senior officer for Strategic Partnerships in India, 'Girls not Brides', New Delhi.

age-related gender and power dynamics. She used data from selected schools to support her argument.

Dr. Menon emphasized that keeping girls in school delays marriage and opens numerous opportunities. She highlighted that dropout and retention rates are high while enrolment rates in secondary education are low. She argued for moving beyond an instrumentalist approach to an empowering approach in implementing the RTE and the National Education Policy (NEP) of 2020. Gender transformative approaches and interventions are needed from the state and civil society in aspirational districts, SEZs, and child marriage hotspots. She stressed that school spaces, curricula, and textbooks are highly gendered.

Dr. Menon advocated for reintegrating young married girls into the educational system and addressing associated social stigmas. She suggested conducting home visits for long-term absentees to ensure they are covered by the public safety net. Additionally, she highlighted the importance of strengthening connections between schools, parents, and Kasturba Gandhi Balika Vidyalayas (KGBVs) as empowerment hubs. She concluded by emphasising the empowering and socializing role of schools, particularly during emergencies like the COVID-19 pandemic, and emphasized that schools should be seen as hubs where girls' agency is strengthened.

The third speaker, *Dr. Sunkari Satyam*¹⁴⁴ presented on 'Equitable and Inclusive Education in the State of Telangana: A Critical Policy Analysis.' He critiqued common views on education, suggesting they stem from flawed understandings and personal agendas, and emphasized correcting these misconceptions to meet broader societal goals. His paper, based on four research studies covering 60,000 households, 8,000 villages, and 33 districts, used narrative inquiry to understand the RTE Act's implementation and status through student experiences, teacher observations, and the schooling system. This approach aimed to reveal the relationship between actions and influential factors.

144 Dr Sunkari Satyam, Assistant Professor, CSD, Hyderabad, Telangana.

Dr. Satyam noted that while Telangana shows progress in increasing school numbers and enrolment rates in both private and public schools, in-depth interviews reveal critical policy issues. He read an interview with a 9th-grade student from Macharam village, Amaravat Mandal, who switched from a government to a private school due to a lack of subject teachers and insufficient revision time, highlighting the everyday challenges faced by girl students. He stressed that, beyond quality education, equity is hindered by a lack of teachers, resources, and institutional support necessary for academic success. Finally, he mentioned that the RTE Act misses core issues that need future attention.

The final speaker, *Ms. Anjela Taneja*¹⁴⁵ addressed the topic *'Discrimination and Inequality in Education'*. She began by highlighting the 25.5% compliance rate with the RTE in India, reflecting on the nation's commitment to social equality as envisioned by Dr. Bhimrao Ramji Ambedkar. She distinguished between the functional and radical facets of the sociology of education, noting that while education can provide opportunities for growth, it also serves as a tool for social reproduction, maintaining existing hierarchies.

Ms. Taneja advocated for a common schooling system for everyone, emphasizing that the right to equal education is a fundamental human right. She stressed that achieving this requires political will, as the change must align with public perception. She referenced a survey of 29 countries, highlighting that Indians believe education can eradicate inequality—a positive mindset for driving change, though reality doesn't yet reflect this.

She discussed two educational landscapes in India: low-quality schooling for all and a pro-private school system that perpetuates power dynamics. She attributed the inequality to a fragmented system, a dual desire for technological quality and vocational growth, and the neglect of mainstream government schools. Ms. Taneja noted that around 50% of Indian students are in private schools, with 15 states having more than 50% in private schools, calling for their incorporation into the mainstream system.

Ms. Taneja emphasized the need for the marginalized and poor to demand all-around development rather than just vocational skills. She concluded by underscoring that a common schooling system is vital for eliminating poverty, inequality, and injustice, and that the elite must be made aware of the realities faced by the rest of India.

The chair, *Prof. Manoranjan Mohanty*, later opened the floor for questions and discussions with the speakers, addressing various topics including technology and curriculum. *Mr. Gurumurthy Kasinathan* emphasized that technology should be freely accessible and open-source to succeed. He also highlighted the importance of adult supervision to prevent potential addiction issues, as seen in cases of mobile addiction. In conclusion, Prof. Mohanty reiterated that despite notable progress, challenges persist in effectively implementing the Right to Education (RTE) Act, particularly regarding infrastructure, teacher quality, and resource allocation. He stressed the need for continued efforts and strategic interventions to achieve equitable and inclusive education for all children in India.

145 Ms. Anjela Taneja, National Co-Convener, RTE Forum.

ISSUES AND CONCERNS REGARDING THE RTE ACT

RAPPORTEUR

**MS. NANDANI KUMARI, Political Science (Honors) Student,
Miranda House, Delhi University, New Delhi**

The chair, *Prof. J.B.G Tilak*,¹⁴⁶ initiated the session by outlining concerns related to the RTE Act, primarily stemming from government policies, actions, and inactions. Prof. Tilak categorized the issues into three sets: inherent issues within the Act, issues arising from its initial implementation, and contemporary or emerging challenges.

In the first category, he pointed out omissions such as the lack of reference to a common school system and the absence of a financial memorandum. He also noted commissions within the Act that promote a hierarchical system in public education. Prof. Tilak briefly touched on teacher recruitment, infrastructure, SMC management, and other facilities but emphasized the issue of data authenticity.

He highlighted the discrepancy between official data, which presents a positive picture, and unofficial field survey data, which often reveals a more grim reality. He stated that much work remains to achieve basic educational goals and standards. Finally, Prof. Tilak addressed new emerging issues, particularly in the context of the New Education Policy (NEP) 2020. He noted that the newly introduced schooling pattern and the high emphasis on technology for curriculum and teacher training pose additional challenges.

Dr. Venkatanarayanan.S,¹⁴⁷ the first speaker addressed the theme of 'Education as "Right" or "Goods": Neoliberalism and RTE Act.' He asserted that the RTE Act reflects the neoliberal orientation of the government, embodying neoliberal principles in many of its provisions. Dr. Venkatanarayanan placed the RTE Act within the larger neoliberal framework to emphasize that the issues discussed are intrinsic to the Act. He began by explaining neoliberalism's economic fundamentalism and the state's role in creating markets. He noted the failure to meet GDP allotment recommendations for education and attributed this to the government's deliberate neglect to create a market for private sector education. He highlighted the disparity between



146 Prof. Jandhyala B.G. Tilak, Distinguished Professor, CSD, New Delhi.

147 Dr. Venkatanarayanan. S, Associate Professor, Department of International Studies, Political Science and History, Christ University, Bengaluru.



public and private schools, emphasizing the profit-driven nature of the latter, while the former aims at delivering inclusive education.

Dr. Venkat discussed the rationale behind moving the Right to Education to a Fundamental Right, linking it to the influx of Foreign Direct Investment (FDI) and the need for a skilled labor market. He criticized the multi-layered schooling system which goes against the essence of the RTE Act, and highlighted the shift in responsibility from the state to parents and private entities. He pointed out provisions promoting public-private partnerships, such as shared project completion risks and management quotas in private schools.

Furthermore, Dr. Venkat warned against the commercialization of education, citing the increasing contractualization of teachers and the dominance of a few schools in the education system. He concluded by advocating for a struggle against the larger political economy to achieve an equitable education system based on social justice, cautioning against the monopolization of education by a few schools if the current trajectory continues.

The second speaker *Mr. Kishore Darak*¹⁴⁸ spoke on the topic '*Panshet Samooh Shala: Weakening Government Schools through Resource Mobilization*'. He highlighted how the concentration of resources into one highly funded government school in Panshet, supported by corporates through Corporate Social Responsibility (CSR) funds, led to the neglect and closure of other government schools in the region.

148 Mr. Kishore Darak, Manager, Education Design, Tata Trusts, Mumbai, Maharashtra.

He emphasized the importance of decentralized resource allocation and criticized the centralization of resources, which exacerbates educational imbalances.

Mr. Darak presented the case study of Panshet in Pune district, Maharashtra, where a single high-quality government school was established with support from multiple partners through CSR funding. This initiative aimed to address the trauma caused by a dam burst in 1961 and to provide quality education in a hilly area with low-strength smaller schools. The school, equipped with transportation services for 18 villages, attracted students away from nearby smaller schools.

Despite Maharashtra's efforts to promote education as a tool for emancipation, Mr. Darak highlighted the existence of many parties that are absolutely against the RTE Act. He concluded by noting that the state's focus on constructing school complexes with facilities that are considered the basics under the RTE Act is marketed as unique aspects of that school. However, such cluster schools, creates a concentration of resources in one school, leaving other schools in the area lacking in resources and facilities.



The third speaker, *Dr. Anil Kumar Roy*¹⁴⁹ focused on the challenges to the RTE Act, particularly within the education system of Bihar. He began by acknowledging Shiksha Adhikar Diwas, a day intended to celebrate educational achievements,

149 Dr Anil Kumar Roy, State Convenor, RTE Forum Bihar.

but instead highlighted the session's focus on the RTE Act's challenges. He presented alarming statistics from Bihar's legislative assembly, revealing that approximately 2.5 lakh girls dropped out from classes eight to nine in the previous year alone. He cited Katihar, a district in Bihar, where 1361 schools closed down last year. He emphasized on the geographical challenges of this area that make it difficult for students to travel to schools located 10 km away.

Despite claims by the Bihar government, including the Chief Minister that the state allocates about 20 per cent of its budget for education, Dr. Roy noted that actual spending has rarely exceeded 15 to 16 per cent, except for one year. He stressed that while the government has undertaken several initiatives to increase enrolment ratios, numerous systemic challenges remain.

In conclusion, Dr. Roy emphasized the importance of addressing these challenges to ensure that 'Viksit Bharat' (developed India) truly becomes 'Shikshit Bharat' (educated India).

The final speaker, *Mr. Raghu Tiwari*¹⁵⁰ also spoke on the 'Challenges before RTE Act.' He began by discussing the globalization policies adopted in the 1990s, which aligned with neoliberal principles. Mr. Tiwari raised concerns about the implementation of the RTE Act in this context, noting a decline in funding

for government schools due to a lack of political willpower. He observed a troubling trend where states appear to meet RTE standards superficially while actually witnessing school closures and mergers at the district and zonal levels upon closer examination.

Mr. Tiwari emphasized that the primary focus of the RTE Act, which is inclusion, has been undermined. He pointed out that despite RTE's objective of universalizing schooling, there is a noticeable absence of schools within accessible distances of 1 or 2 km for many children, indicating a significant failure in achieving this goal.

He concluded by stressing the importance of moving beyond mere superficial compliance with the principles of the RTE Act to ensuring tangible implementation on the ground. Addressing the challenges outlined for the RTE Act is imperative to truly realize its goals and provide equitable and inclusive education for all children.

The Chair, Prof. J.B.G Tilak, concluded the session by expressing gratitude to the speakers for their insightful perspectives on the challenges facing the RTE Act, particularly within the context of neoliberal structural constraints. He highlighted the importance of addressing these systemic issues to ensure equitable access to education for all children in India.

150 Mr. Raghu Tewari, State Convener, RTE Forum, Uttarakhand.

VALEDICTORY
SESSION

BRIDGING GAPS, BUILDING FUTURES

RAPPORTEUR

**MR. NIKHIL MADHUSUDANAN. Ph.D Scholar, Faculty of
Public Administration, IGNOU, New Delhi**

The valedictory session commenced with Prof. V.P. Niranjanaadhyaya sharing his reflection on the day's discussions about the implementation of the RTE Act in public school education. He acknowledged the limitations of the legislation but emphasized the importance of moving forward constructively and rising with the legislation to empower people through education, a fundamental and justiciable right. He reiterated that, as education is a fundamental and justiciable right, it is essential to advance public education.

He highlighted the need for strong political will, especially at the state level, increased resource allocation, and the empowerment of School Management Committees (SMCs) by raising their awareness about their roles and responsibilities. Prof.

Niranjanaadhyaya urged the participants to focus on implementation of key provisions to strengthen the public education system, fostering values such as non-discrimination, social justice, and inclusion. He called for collective brainstorming to translate these ideals into reality.

As the national coordinator of the RTE Cell at the Council for Social Development (CSD) in New Delhi, Prof. Niranjanaadhyaya emphasized the cell's role in providing evidence-based solutions for the RTE Act. He thanked the national sub-coordinator, Dr. Poornima and Ms. Ramandeep Kaur, for their contributions.

In his valedictory address, *Mr. Kishore Singh*,¹⁵¹ acknowledged both the successes and failures of the Right to Education (RTE) Act. He highlighted significant Supreme Court judgments like Mohini Jain and Unnikrishnan, which catalyzed socio-educational changes. These judgments were aligned with international discourse on education rights, stemming from Article 26 of the 1948 Universal Declaration of Human Rights (UNDR).

Singh emphasized that education, deeply rooted in Indian culture should not be treated as vyapar (trade) but rather as a moral responsibility. However, he expressed concern over the growing trend

¹⁵¹ Mr. Kishore Singh, Former United Nations Special Rapporteur on the Right to Education.



of 'edu-business', which is given a big push and emphasised on advocating instead for a robust public education system similar to that of the USA. Singh cautioned against over-reliance on digital education or what is called Edtech. He highlighted the challenges faced by children, especially during the pandemic, noting its detrimental effects on student development, such as the lack of physical play and social interaction. He cautioned against excessive smartphone usage for educational purposes, emphasizing the importance of balanced, holistic learning experiences for children.

Mr. Singh emphasized the importance of upholding the fundamental principles of the Right to Education (RTE) as a public good, echoing the sentiments expressed by the Secretary General of the United Nations. He underscored the need to safeguard education as a public good and cautioned against violating its core principles. Additionally, he highlighted the concept of digital common goods introduced by the Secretary General, which could serve as a gateway to public digital learning. However, Singh also expressed caution regarding the digital push in education and emphasized the indispensable role of government in the education sector.

While making his concluding observations, *Prof. R. Govinda* reflected on the evolution of the Right to Education (RTE) Act over the past two decades. He noted a significant decline in complaints received by various agencies such as the NCPCR, judiciary, media and many agencies, regarding RTE implementation, signaling a concerning stagnation. Prof. Govinda stressed the urgent need to address discrimination and inequality in education, advocating for the enhancement of government school quality rather than its deterioration. He called for a revival of the proactive advocacy witnessed in the mid-90s, stressing the importance of participation and resource mobilization for an intensive campaign. He stressed the need for renewed RTE campaigns to address discrimination and inequality in education provision. He emphasized that this campaign should not rely solely on government support, highlighting the crucial role of grassroots organizations in

mobilizing support and holding states accountable for RTE implementation.

In his closing remarks, *Prof. Muchkund Dubey* expressed a mix of relief and triumph as the Summit concluded. He acknowledged the challenges faced during the preparatory phase, noting a shift from times of surplus budgets under Mr. Ambarish Rai's leadership to current scenario of financial constraints. Despite this, he commended the efficient management of the event, with broad participation of 250-300 individuals nationwide. He stressed the need for RTE to evolve from a mere legislative provision to a widespread demand echoing from every village/town, and schools in India. Prof. Dubey envisioned the universalization of quality school education, similar to systems observed in developed countries, through the establishment of a common school system. He highlighted two key outcomes of the Summit: the forthcoming review report and a renewed determination to advance the movement. He acknowledged the recent lack of momentum in advancing the cause but expressed hope in revitalizing that determination, finding satisfaction in even the smallest steps taken during the event to reignite the collective resolve.

*Dr. Poornima M*¹⁵² delivered the vote of thanks, expressing gratitude to Prof. Muchkund Dubey for his visionary leadership that brought the event to fruition. She thanked Dr. Nitya Nanda, Dr. V.P. Niranjanaadhyaya, and Prof. R. Govinda for their



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support and mentoring. Special appreciation was extended to the keynote speakers, Max Weber Stiftung for financial support, Constitution Club, and all individuals behind the scenes. She acknowledged the dedication of state partners, convenors, representatives, volunteers, SMC members, teachers, and students for enriching

discussions. Gratitude was expressed to the RTE Forum and *Mr. Mitranjan* for their collaboration, as well as to colleagues in CSD, administrative staff, and rapporteurs. She concluded the Summit with a call for renewed commitment to strengthening RTE Act implementation, ensuring education as a fundamental right for every child in India.

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IV

WAY FORWARD

Way Forward

RAMANDEEP KAUR & POORNIMA M

The Right to Education (RTE) Act, enacted in 2009, mandates free and compulsory education for children aged 6-14 years across India. However, despite its good and progressive intent, the implementation of the RTE Act has faced numerous challenges. This chapter synthesises key findings on the status of implementation of the RTE Act, identifies major gaps in its implementation, and offers recommendations for addressing these challenges to ensure that every child in India enjoys their right to education.

HIGHLIGHTS - KEY FINDINGS

Free and Compulsory Education (Disparities in Access to Free Education): A significant disparity exists between rural and urban areas in the proportion of students receiving free education. Over 70% of children in rural areas benefit from free primary and upper primary education, only 30-35% of urban children access similar opportunities. This urban-rural divide is attributed to parental preference for private schools in cities and the bureaucratic hurdles faced by migrant families in securing government school admissions.

Neighbourhood Schools (Inequitable Access): Scheduled Tribe (ST) habitations are disproportionately disadvantaged in accessing schooling facilities, particularly upper primary schools, often located more than 5 km away. The closure of schools under consolidation policies has further exacerbated the difficulties faced by tribal children living in remote areas. Despite the RTE's provision for establishing neighbourhood schools, many states have failed to meet this obligation, resulting in increased reliance on transportation and further marginalisation of tribal communities.

Access and Enrolment (Decline in Government Schools and Rise of Private Schools): There has been a marked decline in the number of government schools, with a corresponding rise in unaided private schools. Government school enrolment has decreased from 78.5% in 2009-10 to 64.4% in primary and 67.9% in upper primary levels by 2021-22. This trend highlights a systemic neglect of government schools, raising concerns about equity and justice in education, particularly for marginalised and economically disadvantaged groups.

Out of School Children (Persistence of Out of School Children): Despite the legal framework provided under the RTE Act, a significant number of children, particularly from marginalised communities, still remain out of school. The inconsistency in data regarding out-of-school children indicate gaps in the implementation of the RTE Act, suggesting that many children, especially girls and those from Scheduled Castes, are unable to exercise their right to education.

Completion of Education (Low Transition Rates to Secondary and Higher Secondary Education): While the Net Enrolment Ratio (NER) is strong at the primary level, it drops significantly at the secondary and higher secondary levels. Many students are unable to continue their education beyond primary and upper primary due to financial barriers. This restricts educational advancement for a large number of students and deepens socio-economic inequalities, as access to quality education becomes increasingly reserved for those who can afford cost of education beyond the elementary stage.

Financing RTE Implementation (Budgetary Shortfall for Education): The implementation of the RTE Act has been hampered by consistent budgetary shortfalls for education, which is below the recommended levels. The declining prioritisation of education in budgetary allocations further threatens the effective implementation of the RTE Act.

No Capitation Fee and No Screening Procedure (Discriminatory Practices in School Admissions): Discriminatory practices such as collecting donation and capitation fees and conducting screening tests are used as measures to secure admission of children, despite the RTE Act's prohibition of such practices, which weakens the inclusive intent of the Act and perpetuates inequalities in the education system.

Age Proof for Admission (Admission Denial for lack of Age Proof): Children from rural and marginalised backgrounds often face significant barriers in securing school admission due to the lack of formal proof of age and other documents such as Aadhaar. Such denial highlights the lack of awareness among teachers and educational officials about the RTE Act's provisions and their intent.

Corporal Punishment (Corporal Punishment and School Discipline): Despite being legally prohibited, corporal punishment remains common in schools, with on-going incidents of violence against children. This persistence reflects a deeply ingrained cultural acceptance of harsh disciplinary measures, which undermines the protective goals of the RTE Act.

Norms and Standards (Non-Compliance with RTE Norms and Standards): Even after 15 years of the RTE Act's implementation, many public and private schools still fail to meet its basic norms and standards. Persistent issues such as inadequate infrastructure, lack of functional computers, and non-compliance with accessibility requirements like ramps highlight the partial and inconsistent adherence to RTE guidelines.

School Management Committee (Ineffective Functioning of School Management Committees (SMCs): School Management Committees (SMCs), which were meant to take ownership of schools, face several challenges, including delays in their formation, irregular meetings, and difficulties in preparing School Development Plans. These issues have weakened the community's role in ensuring the effective implementation of the RTE Act.

Teachers (Teacher Shortages and Qualification Issues): The shortage of qualified teachers remains a major challenge, with 7.4 lakh positions lying vacant and many teachers in both government and private schools lacking the necessary qualifications. Additionally, the assignment of teachers to non-educational tasks further undermines the quality of education.

RECOMMENDATIONS

Roadmap for effective implementation: The Central and the State governments/UTs should prepare a roadmap for the effective implementation of the RTE Act in a timely manner.

Expanding the Scope of the RTE Act: To address disparities in educational access and improve transition rates to secondary and higher secondary levels, the RTE Act should be extended to include children below

6 years and children above 14 years. This would provide a more comprehensive approach to universal education, broadening opportunities for a wider age range and ensuring continuity in education.

Strengthening Government Schools: There is an urgent need to strengthen government schools by ensuring adequate funding, recruiting and training teachers, improving both physical infrastructure and the quality of education. This includes addressing the decline in the number of government schools and enrolment, while regulating the rise of private schools that often exacerbate educational inequalities. This will contribute in giving effect to the RTE Act and reduce disparities in access to education. The school closure in the name of rationalisation should be stopped immediately. All government school need to be upgraded on par with the KVs across the nation.

Improving Data Collection and Monitoring: Enhanced data collection mechanisms are necessary to accurately identify out-of-school children and understand the basic or core causes of educational exclusion. Continuous monitoring and targeted policy interventions are essential to bridge the gap between data and ground realities. In addition, it is important to ensure availability of the data in the public domain to enable the civil society to intervene for effective implementation through networking and advocacy.

Increasing Budgetary Allocations: Instead of relying solely on education cess, education should be prioritised in budgetary allocations with sufficient funding for effective implementation of the RTE Act. This includes meeting recommended funding levels, ensuring timely allocation of resources, and promoting their efficient utilisation. The central government should make fresh estimations once in 5 years for the effective implementation and budgetary allocations should be made accordingly to enable the states to implement the provisions effectively.

Eliminating Corporal Punishment: There must be a concerted effort to eliminate corporal punishment in schools through rigorous enforcement of legal protections, alongside initiatives to transform societal attitudes towards discipline. This requires training for teachers on positive disciplinary practices and creating a supportive school environment.

Enforcing Anti-Discrimination Provisions and Orientation of Teachers on RTE Provisions: Strict enforcement of the RTE Act's anti-discrimination provisions is essential. Schools that violate these provisions should face penalties, including the suspension of grants and withdrawal of recognition certificates for private institutions. Additionally, teachers and educational officials should receive orientation on RTE provisions to prevent discriminatory practices and ensure the protection of children's educational rights.

Addressing Teacher Shortages and Qualifications: Ensuring quality education relies on having sufficient, qualified, and well-trained teachers. To address the chronic shortage of teachers, particularly in remote areas, it is crucial to recruit enough qualified staff to meet the prescribed pupil-teacher ratio. Reducing dependence on unqualified contractual teachers and providing on-going professional development are essential steps.

WAY FORWARD

The effective implementation of the RTE Act is essential for achieving universal education in India. This demands a focused approach to address existing challenges and gaps, with strong commitment from both Central and State Governments. By expanding the scope of the RTE Act, strengthening government schools, and ensuring equitable access to quality education, India can move closer to fulfilling the promise of the Act and providing every child with the opportunity to succeed.

While the RTE Act marks a significant milestone in India's commitment to universal education, its success hinges on addressing on-going disparities and challenges that impede access to quality education. Implementing the recommended actions will help ensure that the RTE Act meets its goal of improving schools and advancing educational equity and justice for all children.



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