

RTE After a Decade: An Assessment of Bottlenecks and Some Ways Forward

Arnab Bose

Senior Research Associate, RGICS





RAJIV GANDHI
INSTITUTE FOR CONTEMPORARY STUDIES

Author

Arnab Bose
Senior Research Associate
Rajiv Gandhi Institute for Contemporary Studies, New Delhi

Review and Editing

Mr Vijay Mahajan, Director
Rajiv Gandhi Institute for Contemporary Studies, New Delhi
Arnab Bose
Rajiv Gandhi Institute for Contemporary Studies, New Delhi

© 2020 Rajiv Gandhi Institute for Contemporary Studies

All rights reserved. This publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or otherwise provided it is used only for educational purposes and it is not for resale, and provided full acknowledgement is given to the Rajiv Gandhi Institute for Contemporary Studies as the original publisher.

Images Courtesy :
Pixabay

Published by:
Rajiv Gandhi Institute for Contemporary Studies, New Delhi

RTE After a Decade: An Assessment of Bottlenecks and Some Ways Forward

Arnab Bose

Senior Research Associate, RGICS

Foreword

The Rajiv Gandhi Institute for Contemporary Studies (RGICS) is an independent national policy think tank promoted by the Rajiv Gandhi Foundation. RGICS carries out research and policy development on contemporary challenges facing India. RGICS currently undertakes research studies on the following five themes of general public utility including:

- i. Constitutional Values and Democratic Institutions
- ii. Growth with Employment
- iii. Governance and Development
- iv. Environment, Natural Resources and Sustainability
- v. India's Place in the World

Education is an important determinant to realise the values enshrined in the Preamble of the Constitution. The Parliament amended the Constitution under the 86th Amendment Act in 2002 to introduce Article 21 A:

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

This became effective only in 2010 at the same time as the **Right of Children to Free and Compulsory Education Act** or **Right to Education Act (RTE)** was passed by the Parliament in Aug 2009 and notified on 1st Apr 2010.

The RGICS commissioned Mr Arnab Bose, a public policy graduate from the National Law School University of India, Bangalore, to undertake a detailed study of the status of RTE in 2020, ten years after its notification. The paper begins with a brief introduction of the Act and its main provisions and some concerns that emerged related to the provisions as they were tried to be implemented. Thereafter the paper focuses on the performance vis-à-vis the provisions and the bottlenecks faced in implementation. The paper ends with a number of suggestions for the way forward, mostly for the government but also for Civil Society organisations.

We benefited from discussions organised by the National Forum on the Right to Education and would like to record our thanks to Mr Ambarish Rai, its National Convenor.

We hope the paper is found useful by policy makers, educational administrators, school principals and teachers, school management committee members, as well as NGOs involved in education.

**Vijay Mahajan, Director,
Rajiv Gandhi Institute for Contemporary Studies (RGICS)**

Contents

1	Education as a Right	8
2	Some Concerns with the Provisions of the Act	9
	2.1 Expansion of RTE to 3-18 years	10
	2.2 Autonomy of Private Unaided Schools	10
	2.3 Autonomy of Minority Institutions	13
	2.4 No Detention Policy	13
3	Performance and Bottlenecks	15
	3.1 Demand Side	15
	3.1.1 Student Enrolment	15
	3.1.2 Student Drop Out and Transition Rates	17
	3.1.3 Student Learning Outcomes	18
	3.1.4 Bottlenecks on the Demand Side	20
	3.2 Supply Side	20
	3.2.1 School Compliance with RTE Norms	20
	3.2.2 Availability of Trained Teachers	21
	3.2.3 25% Reservation in Private Unaided Schools	22
	3.2.4 Bottlenecks on the Supply Side	23
4	Monitoring and Grievance Redressal	24
	4.1 School Management Committees (SMC)	24
	4.2 Grievance Redressal	25
	4.2.1 Bottlenecks within Monitoring and Grievance Redressal	26
5	Governance and Financing	26
	5.1 Convergence of Schemes	26
	5.2 School Consolidation	27
	5.3 Emerging Trend of Privatization	28
	5.4 Administrative Issues	29
	5.5 Spending on Education	29
	5.6 Bottlenecks in Governance and Financing	32
6	The Way Forward	33
	6.1 Recommendations for the Government	33
	6.1.1 Addressing Problems in the Act	33
	6.1.2 Addressing Demand Side Problems	33
	6.1.3 Addressing Supply Side Problems	34
	6.1.4 Addressing Problems in Monitoring and Grievance Redressal	35
	6.1.5 Addressing Problems in Governance and Financing	36
	6.2 Recommendations for Civil Society Organizations	37
7	Conclusion	38
8	References	40



Introduction

The Right of Children to free and Compulsory Education (RTE) Act was enacted on 4th August 2009 to fulfill the mandate of Article 21-A of the Constitution. The Act describes the modalities of providing free and compulsory education to all children between 6-14 years. It makes it legally binding on the state to ensure that all children within the age group are admitted to a formal school of a certain standard. Many consider the RTE historical as it carries with it the hopes and aspirations of millions who were previously excluded due to class, caste and patriarchy. However, even as the 10 year anniversary of this landmark Act has passed, its implementation continues to be a huge challenge. This paper seeks to assess the performance of RTE in order to identify some of these challenges. It begins with a brief inquiry into the notion of education as a right. It then goes on to highlight some of the key issues in the statutory provisions of the Act. Finally, it examines the implementation bottlenecks in both, the supply side and demand side. The paper concludes by providing recommendations to address some of these challenges.

1. Education as a Right

Within the sociological perspectives on education, the functionalist view emphasizes its social purpose. It states that education plays a vital role in the socialization of children who learn the values and norms of society. It provides the “social glue”, which helps maintain social solidarity, leading to a harmonious society (Sever 2012). However, in addition to this social goal, education also inculcates basic skills of literacy and numeracy enabling individuals to attain a job, leading to life security. Thus, education is vital for both, human as well as social progress.

This notion has led many Human rights advocates to consider education also as a human rights issue. According to Lee (2013), their claim is a moral one, and is primarily based on two arguments. First, they believe that education is a necessity for children to enable them to attain basic life skills in order to have a fulfilling life and become contributing members of a peaceful society. And second, in spite of this necessity many children all across the world continue to be excluded from basic education. There is a huge gap between the need and the actual reality on the ground. Since education is in the interest of society, they argue that providing education should be a legal obligation of states, and it should be considered on par with other human rights such as food and liberty (ibid). This view has led to the growing recognition of education as human right as protected by many international human rights instruments such as the Universal Declaration of Human Rights (UDHR) 1948, and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Article 13 of the ICESCR has observed:

Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.

Article 26 of the UDHR has observed:

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the

human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

In the Indian context, the demand for a right to education has been there since before independence. At the time of the constitutional assembly debates, education was first considered to be part of the fundamental rights (Juneja 2018). However, due to financial considerations it was dropped from the list; it was then introduced as part of the directive principles under Article 45 which stated “The State shall endeavour to provide... free and compulsory education for all children until they complete the age of fourteen years”. However, due to the recommendatory nature of the directive principles, primary education lacked attention and even after decades very little progress was made. The 1991 Census highlighted that even after 40 years of independence 61% of women and 36% of men above age 7 were not able to read or write.

The right to education received special impetus in the country after India ratified the UN Convention on the Rights of the Child (UNCRC) in 1992 (op. cit.). Shortly after the ratification, the Supreme Court of India, in a 1992 judgement in *Mohini Jain v. Union of India*¹, recognised education as a part of the right to life, and therefore a fundamental right: The court observed that:

‘Right to life’ is the compendious expression for all those rights which the courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavor to provide educational facility at all levels to its citizens.

However, due to inertia and lack of political will, it took 10 years for this to be reflected in the Constitution (op. cit.). Finally in 2002, Article 21-A was inserted into the constitution through the 86th amendment, making education a fundamental right of all children between 6-14 years. The supporting legislation for this right which listed out the terms, took another eight years to come into effect. The RTE was finally enacted in 2009, and came into force in 2010.

2. Some Concerns with the Provisions of the Act

Even though there is much to applaud in the RTE it has continued to receive criticism from various groups. This section attempts to highlight some of these issues.

¹ *Mohini Jain v. Union of India* (1992) 3 SCC 666

2.1 Expansion of RTE to 3-18 years

Section 3(1) of the Act states, “Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.”

The Issue: The main issue here is the exclusion of early childhood education and secondary education. The need for expanding the RTE to include children between 3-18 years has been repeatedly argued for by many education activists. The issue was first taken up in the 58th Central Advisory Board of Education (CABE) meeting in 2011², when the UPA was in power. However, constant reconstitution of the CABE, bureaucratic delays and a general lack of political will has kept this on the sidelines. This issue was once again highlighted in 2018 after the 65th CABE meeting, which again recommended expanding the RTE³.

Post the 2019 elections, the CABE report coupled with growing pressure from activists has led the government to finally agree in principle with the idea, as suggested by the draft National education policy unveiled in May 2019. However, the main concern is the increased financial commitment required for this expansion⁴, and as of now no concrete action has been taken.

2.2 Autonomy of Private Unaided Schools

Since different private schools are of different standards, the question of autonomy has two parts. First, the private schools of higher standard which meet the RTE infrastructure norms. For such schools the question of autonomy is related to the issue of 25% reservation for weaker sections. Second the budget private schools which fail to meet the infrastructure norms. Their autonomy is related to the forced closing down of such schools. Both these issues are considered here.

(i) Section 12(1)(c) of the Act makes it compulsory for private unaided schools to admit “... at least twenty-five per cent of the strength...children belonging to weaker sections and disadvantaged groups...and provide free and compulsory elementary education...” Further, **Section 12(2)** states that, private unaided schools “shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed.”

The Issue: The main concern here is whether the government can impose reservations on private unaided schools. The critics have made the following

² https://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/RCFCE.pdf

³ *ibid*

⁴ *ibid*

arguments. First, they argue that by introducing this provision the government is shirking its own responsibility and putting the burden on private schools (Mukherji 2012). Second, this provision takes away the autonomy of such schools, and is in effect leading to nationalization of some seats (PRS 2012). Third, this provision also violates Article 19(1)(g), which gives every citizen the right to practice a profession or carry out any occupation, trade or business (ibid). And fourth, the children from weaker sections will face an inferiority complex studying with richer children, and this will hamper their psychological development (Mukherji 2012). Some criticism has also come from RTE advocates who feel that instead of reimbursing private schools the government should be diverting those funds into public schooling.

The proponents have argued that this provision is necessary from the perspective of social integration. It leads to the inter mingling of children from different backgrounds, resulting in the sensitization of richer students, leading to social cohesion (ibid.). In countering the arguments of the critics, they have made the following points. First, they argue, the private schools are only playing a supportive role; the main responsibility still lies with government, especially since the provision allows for reimbursement (ibid). And even if private schools have to bear some cost, it should be considered as part of their social responsibility, especially since education is a charitable institution⁵. Second, the argument about autonomy and nationalization does not hold because the government is in no way interfering with the school administration (PRS 2012), it is merely paying for some seats, which at least in principle is equivalent to a voucher system (except the amount is as per government standards, and as already mentioned in the previous point some cost could be borne by such schools). Third, Article 19(1)(g) needs to be read along with Article 19(6) which allows for reasonable restriction on account of greater public interest (ibid). Fourth, there are many examples of schools having a diverse background of students which are working well (Mukherji 2012). The initiative needs to be taken by the schools and parents of well off students, to ensure that the children from poorer backgrounds are not discriminated against and are made to feel comfortable. On the issue of diverting funds into public schools, the proponents feel that either way the expenditure is the same, but this provision has the added benefit of social integration.

- (ii) **Section 18(1)** states that, “No school, other than a school established owned or controlled by the appropriate Government of the local authority shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority...” Further, Section 18(2) states, “.....Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.”

⁵T.M.A.Pai Foundation & Ors vs State Of Karnataka & Ors on 31 October, 2002; Writ Petition (Civil) No. 317 of 1993

The Issue: The concern here is also of government interference in such schools. In between 2015-18, 2,469 private schools that have been closed down and 13,546 schools have been served closure notices⁶. Apart from the question of autonomy, which has been addressed above, the critics have made the following arguments (Sengupta 2017). They argue that firstly, these schools play an important supportive role. Secondly, a lot government schools and minority schools also fail to meet RTE norms, so this is an unfair treatment of private schools. And thirdly, due to different treatment of minority schools and budget private schools, many private schools are rushing to declare themselves as minority institutions by exploiting the loopholes of the Act.

On the other hand the proponents have argued, while it may be true that such schools could play a supportive role, this cannot be at the cost of compromising on certain standards. School education is not just about learning from textbooks, there needs to be holistic education which requires facilities such as playgrounds. Unfortunately, due to a high demand for education there has been a mushrooming of private “teaching shops” since the 90s⁷. Most of these schools do not invest on basic infrastructure in order to maximize profits. Under such circumstances the RTE provision is important to regulate such schools and ensure certain standards are maintained. It is also true that many government schools do not meet the RTE norms, however, government schools cannot be compared with private schools. Providing education is the responsibility of the government. While the government needs to ensure that sufficient resources are diverted to ensure school standards are met, in case of resource crunch the standards may suffer. However, in such a case closing down of such schools is obviously not the solution. Improving the standard of such schools over a period of time, as and when resources are available, is the only way to go. On the other hand, providing education is not the obligation of private entities and no one is forcing them to open schools. Since education should only be provided through philanthropy, private schools should only function if appropriate investments are made as per RTE standards. Cost cutting to increase profits cannot be allowed, and therefore, any private school which does not meet the standards should be closed down. It is also unfortunate that many private schools are trying to declare themselves as minority institutions. It is important that the government take measures for strict regulation of such misuse. Requirement of certificate to be considered a minority institution should be strictly adhered to as reiterated by the SC⁸. The Act also needs a clear definition on which schools can be considered a minority institution for the purpose of this Act, to remove any future ambiguity.

⁶<http://nisaindia.org/data-on-school-closures>

⁷<https://frontline.thehindu.com/static/html/fl2116/stories/20040813007301500.htm>

⁸<https://www.dnaindia.com/ahmedabad/report-rte-applicable-to-minority-schools-supreme-court-2755555>

The constitutional validity of the RTE was challenged shortly after the Act was notified in 2010, on the premise that it infringed on the autonomy of private schools. The SC in *Society for Unaided Private Schools of Rajasthan vs Union of India 2012*⁹ upheld its constitutionality and made the following observation:

... the obligation is on the State to provide free and compulsory education to all children of a specified age. However, ... the manner in which the said obligation will be discharged by the State has been left to the State to determine by law. Thus, the State may decide to provide free and compulsory education to all children of the specified age through its own schools or through government aided schools or through unaided private schools.

2.3 Autonomy of Minority Institutions

While **Section 12(1)(c)** was also made applicable to minority institutions. The SC in a 2014 judgement¹⁰ has exempted such schools.

The Issue: The main concern here is the autonomy of minority institutions as provided by Article 29 and 30 of the constitution. Many representatives of minority institutions believe that the RTE allows the government to infringe on their rights. In principle this perception is not correct since the RTE merely sets certain infrastructure and other such norms for a school; it in no way interferes in their curriculum and pedagogy, and the right under Article 29 and 30 obviously cannot include the right to “mal administer” a school¹¹. However, this issue is not just a matter of legal principles. The minority institutions are insecure and apprehensive about any government interference, and therefore, it is important to win their trust. This makes it more of a political issue. It is important for both the government and RTE advocates to have regular dialogue with minority institutions to increase their awareness and ensure that all their fears are put to rest. They should voluntarily choose to come under the RTE, it should not be imposed. Imposition will lead to further mistrust, and the RTE may not be implemented in spirit.

2.4 No Detention Policy

Section 16(1) of the RTE which prohibited detention of children till the completion of elementary education till standard 8 was amended in January 2019. The amended sections now read as follows:

Section 16(1): “There shall be a regular examination in the fifth class and in the eighth class at the end of every academic year.”

⁹Society for Unaided Private Schools of Rajasthan v Union of India & Another (2012) 6 SCC; Writ Petition (C) No. 95 of 2010

¹⁰Pramati Educational & Cultural Trust vs Union Of India & Ors on 6 May, 2014; Writ Petition (C) No. 416 of 2012

¹¹<https://www.thehindu.com/opinion/op-ed/Harmonising-RTE-with-minority-schools/article14472702.ece>

Section 16(2): “If a child fails in the examination referred to in sub-section (1), he shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.”

Section 16(3): “The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2)...”

The Issue: The primary concern has been the poor learning outcomes of students. As per the 2017 Economic Survey, there has been a decline in learning outcomes ever since the passing of the RTE. The data shows 58% of class 3 children could not read class 1 text and 73% could not do basic mathematics. The Geeta Bhukkal Committee was constituted in 2012 to review the no detention policy and present the views of the states on the matter. The report was presented in the 64th CABE meeting in 2016 which stated that only 7 states wanted to retain the policy, whereas 15 states asked for a review and 7 states wanted a roll back¹². The 64th CABE meeting after considering the views of the states decided to withdraw the policy. The RTE was then amended in 2019 to include the above sections. The proponents of this amendment have argued that automatic promotion of children reduces their incentive to learn and teacher’s incentive to teach; having exams will drive learning and improve outcomes. However, it is important to note that many states did have a no detention policy (at least till class 5) even before the RTE (Joshi 2019). The National Achievement survey shows, in between 2003-07 many states with a no detention policy showed an improvement in learning outcomes (as cited in Joshi 2019). As per the ASER data, the percentage of students of class 5 who could read texts of class 2 was at 56.2% in 2008. This dropped to 46.8% by 2012, after the passing of the Act. However, since then there has been a steady rise, and by 2018 the above figure rose to 50.8%. So, even though there has been a net drop since before the RTE, there has been a gradual increase in the trends post 2012. Another important point to note is that, Government data has shown that even post RTE enactment a number schools have continued to detain children, but this is steadily declining¹³. The above data suggests that it is difficult to draw a direct correlation between the no detention policy and poor learning outcomes. There are more factors at play. The advocates of the no detention policy have maintained that failing a child can be counter-productive and may increase drop-out rates (PRS 2017). They have argued that failing a child assumes the entire fault is of the child. This does not acknowledge factors such as poor infrastructure, lack

¹²https://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/AssmntCCE.pdf

¹³<https://scroll.in/article/909881/scrapping-of-no-detention-policy-in-schools-is-an-admission-of-failure-by-the-modi-government>

of qualified teachers, teacher absenteeism etc. They also believe that improper implementation of the continuous and comprehensive evaluation has resulted in the lack of improvement of learning outcomes (ibid). It is therefore important that going forward teachers are trained to undertake CCE, and all the schools go back to a no detention policy over time. When the RTE was framed, the idea was to keep the child at the centre, with a child friendly learning environment. The framers argued that detention was unhealthy as it labeled them as failures at a very young age (Joshi 2019). While clarifying that a no detention policy does not mean there is no evaluation, they recommended continuous assessment of each child's progress with intervention at every stage where the child was having difficulties. The assessment included tests as well as oral quizzes. The only exemption was on major end of the year examinations, and linking detention with these exams. As per RTE activists, the amendment diluting the NDP is actually a failure of the implementation of CCE. The only positive is that the states have a final choice in the matter (ibid).

3. Performance and Bottlenecks

This section examines the performance of the Act on the demand side, supply side, in grievance redressal as well as in governance and financing in order to identify the major bottlenecks.

3.1 Demand Side

3.1.1 Student Enrolment

The RTE has helped increase the total enrolment in absolute terms especially at the upper primary level. The figure has increased by 23.86%, from 5,33,50,189 in 2008-09 to 6,54,48,222 in 2017-18 (DISE). However, there has been a steady decline since 2015. Table 1 shows the total enrolment at primary and upper primary levels since 2014-15. As per the data, in between 2014-15 and 2017-18 there has been a decrease in primary level enrolment by 6.22% and at upper primary level by 2.56%.

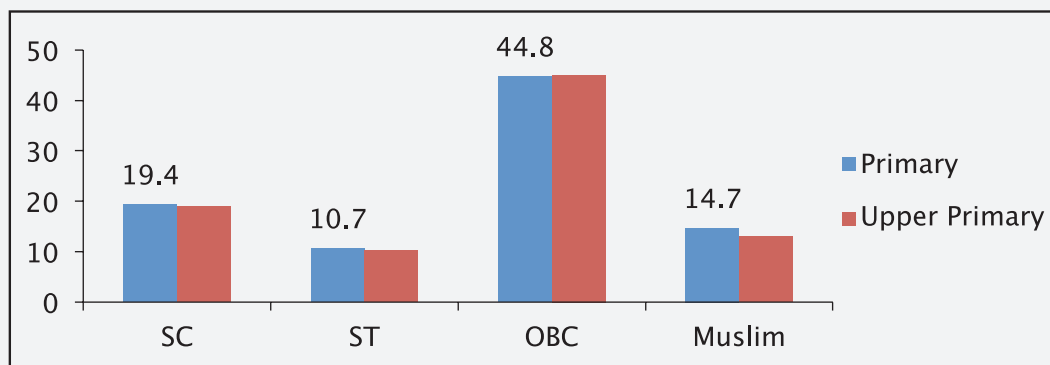


Table 1: Total enrolment in elementary education in absolute terms

Year	Primary (1-5)	Upper Primary (5-8)
2014-15	13,05,01,135	6,71,65,774
2015-16	12,91,22,784	6,75,93,727
2016-17	12,38,07,892	6,60,79,123
2017-18	12,23,78,400	6,54,48,222

Source: DISE 2017-18

The enrolment based on different social groups is given in figure 1. As shown, the enrolment of STs and Muslims are particularly low. An important concern is the inclusion of children of migrant labourers and nomadic tribes (RTE Forum 2018).

Figure 1: Social Group wise Enrolment as a Percentage of Total Enrolment 2017-18

Source: DISE 2017-18

On the issue of out of school children, there is lack of availability of updated data. Within the data that is available there are huge discrepancies as highlighted by the RTE Forum (ibid). There are contradictions in the data provide by the Census 2011 and MHRD (ibid). Even state level data suffers from variations. For instance, in Karnataka the PAB minutes note a decrease of 1 lakh children, however, as per the data provided by the state the fig. is 21,816 (ibid).

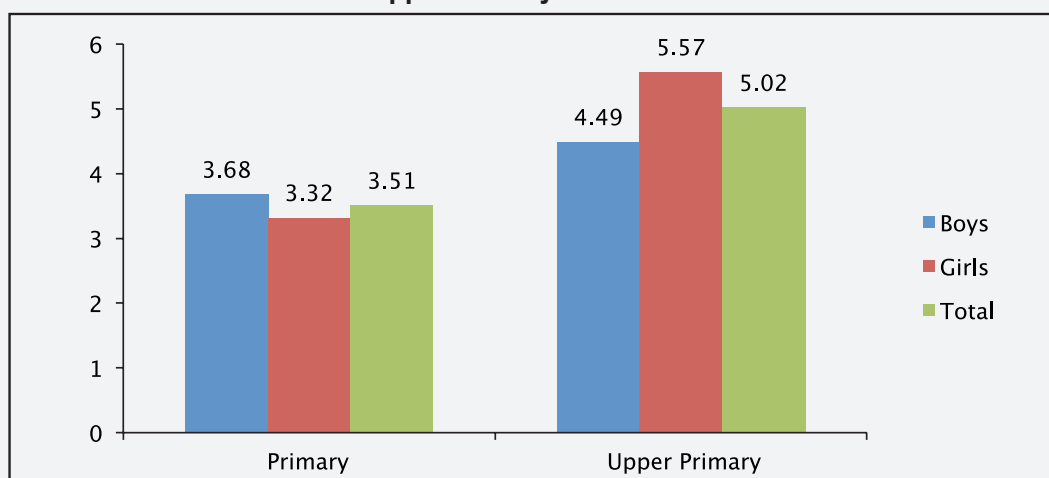
An important concern for the enrolment of children is the child labour law. In 2016 India enacted the Child Labour Prohibition Amendment Act. This amendment has widened the scope of the original Act, however, Section 3(5) still allows for children below 14 to be employed in family enterprises. Although the Act states that employment should not hamper education, according to activists, this will continue to affect enrolment numbers (op. cit.). Another concern is that the Act does not

define work hours but simply states that children can work after school hours and during vacations. This will lead to over burdening of children who will not have time for homework or leisure.

3.1.2 Student Drop Out and Transition Rates

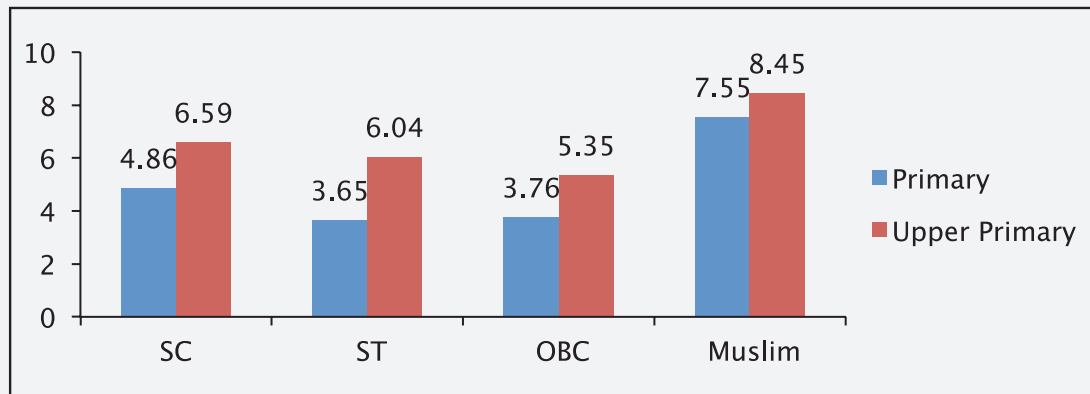
In between 2016 and 2017 the total drop-out rate at primary level had gone up from 4.13 to 6.35 and at the upper primary level from 4.03 to 5.76 (DISE). As per the latest DISE data shown in figure 2, in 2017-18 it came down to 3.51 and 5.02, respectively. In spite of the slight decline, the overall drop out continues to remain high. The figures also point to a gender divide. The drop out for girls at the upper primary level which is at 5.57 is much higher than boys, which stands at 4.49. This is a matter of concern and needs a gendered focus. There are also large variations in drop outs within the states. As per the data, the drop outs are the highest for Bihar (13.29) at the upper primary level and for Assam (10.08) at the primary level. The figures are particularly high for the north east states.

Figure 2: Average Annual Drop-Out Rates at Primary and Upper Primary Levels 2017-18



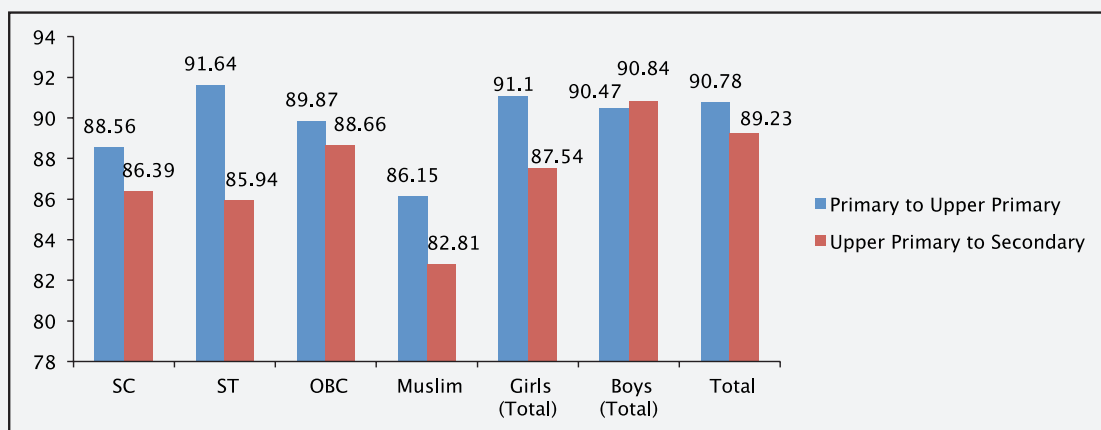
The drop-out rates for different social groups is given in figure 3. As shown, the figures for Muslims are the highest at both levels. Over one year the drop-out rate for STs has fallen from 8.54 to 3.65 at primary level and from 9.58 to 6.04 at upper primary level, which is a positive sign.

Figure 3: Average Annual Drop-Out Rates for Different Social Groups 2017-18



The transition rates are shown in figure 4. The transition rates from upper primary to secondary are much lower than from primary to upper primary, except for boys where it is higher. For girls (91.1) the rate is higher than boys (90.47) for primary to upper primary. However, there is a reduction at the higher level, where it drops to 87.54 as compared to 90.84 for boys. In the context of marginalized social groups the rate for muslims is the lowest at both levels of transition which suggests a concern in retaining muslim children. For STs the figure for 2016-17 (DISE) was 86.65 at the lower level and 83.29 at upper primary to secondary. Thus, there has been an improvement in the transition rate for STs particularly from primary to upper primary.

Figure 4: Transition Rate as a Percentage of Total Enrolment 2017-18



3.1.3 Student Learning Outcomes

The learning outcomes of students are highlighted in table 2. The data is taken from the ASER (2018) report. As shown, the percentage of children in class 3 who can read class 2 level texts has increased from 25.1% in 2016 to 27.2% in 2018. At

class 5 the proportion has increased from 47.9% to 50.3% and at class 8 level the figure has remained constant at 73% between 2016 and 2018. Amongst the states, for students enrolled in government schools, Punjab, UP, Mizoram and Kerala have shown the most improvement (more than 5%) in reading skills across levels. In basic arithmetic skills, the students of class 3 who could do basic subtraction has increased marginally from 27.6% to 28.1%, and class 5 students who could do basic division has increased from 26% to 27.8% during the period. While, the figures do reveal a slight improvement, they continue to indicate very poor learning outcomes across levels. This is one of the most important concerns as attending school becomes meaningless if appropriate learning is not happening.

The ASER study while does not investigate the causality of poor learning, it does go on to list some possible causes. As per the report some possible contributing factors to poor learning include “the lack of learning support at home, inadequate school readiness, rote learning, lack of trained teachers, and no system of identifying or helping children who are not making adequate progress” (ibid). The report finally goes on to provide 3 important prescriptions for policy makers. Firstly, it suggests that normal pen and paper assessments do not work and other methods of oral tasks with one on one interaction is more suited for younger children. Secondly, “catch up” action is needed with a focus on foundational skills. And thirdly, the goals of curriculum in the early grades needs to be re-imagined to focus on foundational skills, and teaching methods and assessments need to be realigned accordingly (ibid). All these points link back to a continuous system of assessment. CCE with a focus on foundational skills and oral assessments allow teachers through one on one interaction to identify weaknesses within the topic being taught and intervene immediately. If this happens regularly for all students at all levels then there will be constant improvements in learning. This of course would require a lot more work by teachers, and therefore, would require teachers who are well trained and deeply motivated.

Table 2: Learning Outcomes at Primary Level

Criteria	2016	2018
Children in Class 3 who were able to read a Class 2 textbook	25.1%	27.2%
Children in Class 5 who were able to read a Class 2 textbook	47.9%	50.3%
Children in Class 8 who were able to read a Class 2 textbook	73%	73%
Children of Class 3 who were able to do subtraction	27.6%	28.1%
Children of Class 5 who were able to do division	26%	27.8%

Source: ASER 2018

3.1.4 Bottlenecks on the Demand Side:

- (a) Decline in enrolment over last few years at both primary and upper primary levels.
- (b) Low enrolment of STs and Muslims
- (c) Inclusion of children of migrant labourers and nomadic tribes a problem
- (d) Lack of up to date and consistent data on out of school children
- (e) Child Labour Prohibition and Regulation Amendment Act, 2016, allows children to be employed in family enterprises which will hamper enrolment
- (f) The Act allows for work after school hours, however, it does not define work hours for children which will affect their time for homework and leisure
- (g) High drop-out and low transition for girls at the upper primary level
- (h) High overall drop-out rates for north east states
- (i) Drop-out rates for Muslims very high and transition rates the lowest at both primary and upper primary levels
- (j) Poor learning outcomes in both reading and arithmetic across grades

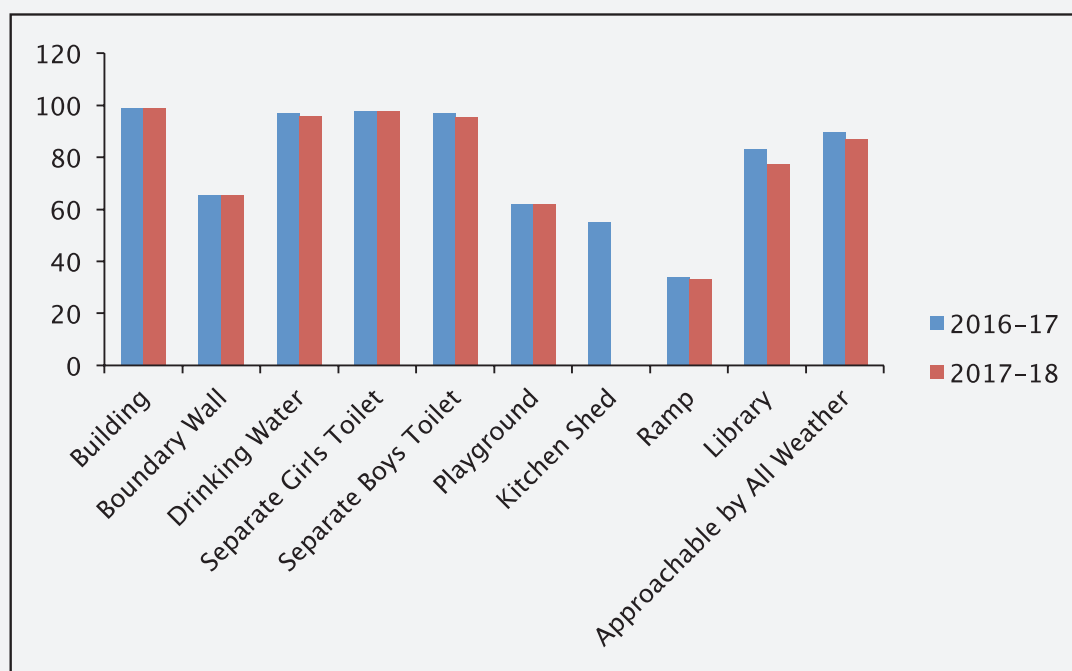
3.2 Supply Side

3.2.1 School Compliance with RTE Norms

Compliance of schools with RTE infrastructure norms is shown in figure 5. While most numbers are above 95% and remain consistent with the previous year, the figures for boundary wall, playground, kitchen shed and ramp remain low. However, it is important to note the since the DISE data is self reported by schools the accuracy remains questionable. The CAG (2017) has noticed many inconsistencies in the DISE figures. Nevertheless, as per the DISE data, the number for ramps is particularly low at 33%. This is a serious concern for the inclusion of children with special needs. As per the 2016-17 data, CWSN comprise 1.22% of the total children in schools, and most schools have a very limited capacity to ensure their inclusion (RTE Forum 2018). The RTE Act at the moment only refers to the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act 1996. It needs to be amendment to be aligned with the new Rights of Persons with Disabilities Act 2016. The RPWD 2016 Act has important provisions for the education of CWSN and harmonizing the RTE with that Act should be a starting point to ensure their inclusion. The current data suggests a complete failure in catering to their needs.



Figure 5: School Compliance with RTE Infrastructure Norms

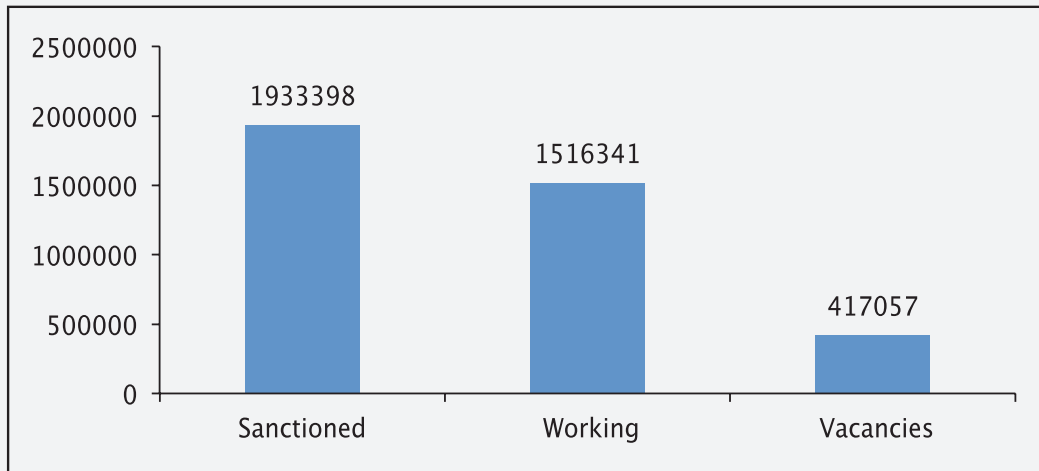


Source: DISE 2017-18

It is also important to note that while the individual figures above seem high, this conceals the fact that when aggregated, the numbers change drastically. For eg. while more than 95% have drinking water and separate toilets for both boys and girls, all WASH facilities when taken together are present in only 53.85% of the schools (op. cit.). Also, as per the CAG report the aggregate figures for states remain extremely low. The report suggests that at national level the full compliance stood at 8% in 2016, and 20 out of 34 states had compliance below 8%. The implementation of the RTE has to start with ensuring the basic facilities are in place. Considering that it has been 10 years and the compliance continues to remain so low, it is a serious question mark on the commitment of the government.

3.2.2 Availability of Trained Teachers

The RTE at the time of implementation allowed 3 years for the recruitment of teachers and 5 years to complete their training. However, the current data shown in figure 6 highlights a continual shortage under SSA. As per the Lok Sabha Question 2018 (as cited in RTE forum 2018), while the recruitment of 19,33,398 teachers were sanctioned, there is a vacancy of 4,17,057 teachers, which is more than 21%. There are also shortages of teachers for CWSN, which needs special focus. A large number of para teachers continue to be hired which is another cause for concern (ibid).

Figure 6: Status of Teachers under SSA

The 2017-18 DISE data shows that at the 'primary with upper primary' category only about 33% of teachers are trained. Owing to a lack of progress, the 2017 amendment increased the time for training of teachers till 2019. At the time the HRD Minister Prakash Javadekar had said that there were around 7 lakh teachers that lacked basic qualification and the amendment was to allow these teachers complete B.Ed. and other professional degrees (Sengupta 2017). Another important issue is that of single teacher schools. The RTE norms prohibit single teacher schools, but as per the DISE data, in 2018 there were still 6.74% schools with single teachers. The PTR at primary level stood at 23 (DISE 2017-18) which is lower than the stipulated 30 and meets the RTE norm. The RTE prohibits the use of teachers for activities other than teaching. A 2008 SC order¹⁴ also prohibits using teachers for non academic duties, however, this practice continues. Another important concern is the lack of grievance redressal options for teachers (RTE Forum 2018).

3.2.3 25% Reservation in Private Unaided Schools

Section 12(1)(c) allows for 25% reservation for economically weaker sections (EWS) and disadvantaged groups (DG) in private unaided schools. It has been estimated that around 16 million children should be getting admission under this provision (RTE Forum 2018). However, due to resistance and many implementation hurdles, enrolment remains below the stipulated figure. There are also huge variations across states. A 2017 paper (Sarin, Dongre and Wad 2017) observed that the enrolment rate in 2013-14 in UP was only 3.62 percent and in AP it was an appalling 0.21 percent of the total stipulated seats under this provision, as compared to MP which had 88.2% filled seats. The RTE Forum (2018) has also noted that only 15 out of the 36 states and UTs have asked for central government funds to implement this provision. There have also been criticisms about discriminatory behavior towards parents seeking admission under this provision (ibid).

¹⁴Election Commission of India v. St. Mary's School, (2008) 2 SCC 390

The process of enrolment under 12(1)(c) also suffers from many bottlenecks. The process requires schools to declare the available seats to the public. The parents can then apply to an appropriate school in a nearby location. If applications are more than the available seats, there is a lottery system to allocate the seats (Sarin, Dongre and Wad 2019). However, the application forms are complex with many parents finding it difficult to complete the application (ibid). There are also shortages in help desks¹⁵. Consequently, there are huge delays in the entire admission process. In MP last year more than 44,000 students got delayed in admission¹⁶. There have been instances of high non tuition fees being charged by parents (Sarin, Dongre and Wad 2017). There have also been cases of elite schools resisting admission by imposing independent scrutiny of applications (ibid). 12(1)(c) also requires reimbursement of per child cost to the schools; however, there are a lot of discrepancies in arriving at this cost (ibid). There are also frequent delays in getting the reimbursement. Consequently some private schools have been threatening to stop admissions under this provision¹⁷.

3.2.4 Bottlenecks on the Supply Side

- (a) Low compliance with specific RTE infrastructure norms on Boundary wall, Kitchen shed, Library and Ramp
- (b) Inconsistencies in DISE data
- (c) Aggregate compliance on all RTE norms very low in most States
- (d) RTE Act not aligned with new RPWD Act 2016
- (e) Inadequate capacity in schools for inclusion of CWSN
- (f) Huge vacancy of teachers under SSA
- (g) Shortage of Teachers for CWSN
- (h) Para teachers continue to be hired
- (i) Critically low figures of Trained Teachers
- (j) Single Teacher Schools continue to exist
- (k) Non academic duties given to teachers
- (l) Lack of grievance redressal options for teachers
- (m) Implementation of 12(1)(c) below stipulated norm with huge variation in States
- (n) Discrimination against Parents seeking admission under 25% quota still present
- (o) Complex Application forms for admission under 25% quota
- (p) Huge delays in completing admission process under quota
- (q) Cases of High 'non tuition' fees being charged by parents
- (r) Elite schools resisting admissions by having independent scrutiny of applications
- (s) Discrepancies in arriving at per child cost
- (t) Frequent delays in reimbursement

¹⁵<https://timesofindia.indiatimes.com/city/pune/parents-pay-rs-100-to-fill-up-rte-admission-forms/articleshow/68433472.cms>

¹⁶<https://www.freepressjournal.in/cmcm/indore-44000-students-fail-to-get-admission-under-right-to-education-act>

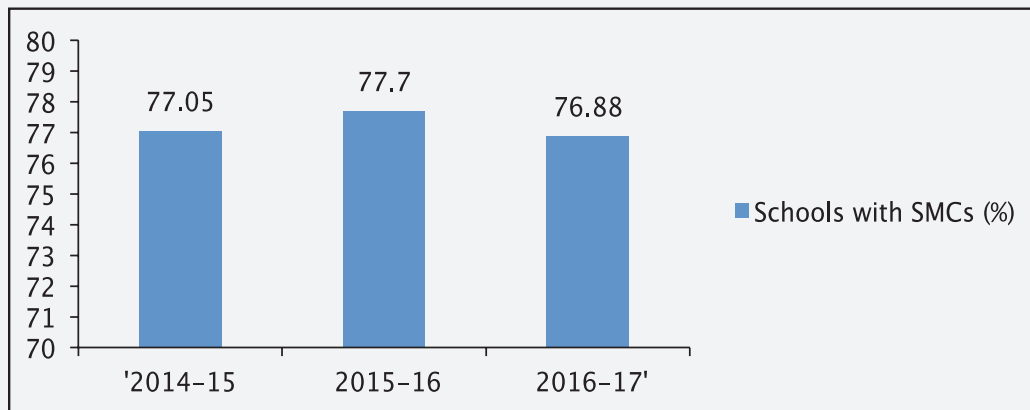
¹⁷<https://www.tribuneindia.com/news/archive/not-paid-private-schools-say-no-to-ews-admissions-756038>

4. Monitoring and Grievance Redressal

4.1 School Management Committees (SMC)

The RTE Section 21 has mandated the constitution of school management committees in government and government aided schools to enable the participation of parents in the functioning of schools. It is envisaged as a decentralized model bringing the active involvement of people with a primary stake in education. Its primary function is to prepare a school development plan (SDP) with a focus on issues related to infrastructure, facilities etc. To achieve decentralized planning, the SDPs of all schools of a district are supposed to form the basis of the annual district plan, and the plans of all districts in turn should form the state plan. The SMCs are also empowered to monitor the utilization of grants, mid day meals, teacher attendance and other such related issues within schools. The 2016-17 DISE data shows that within government and aided schools of all category types, about 76.88% have formed an SMC. It has marginally declined from the previous year when it stood at 77.7% as seen in figure 7. The CAG report (2017) had highlighted a huge variation in SMC formation across states which varied from 96% in Delhi to 12% in West Bengal. The report also observed that in 9 states no school development plans were formed during 2015-16.

Figure 7: Percentage of Schools with SMCs



While it is important to ensure all schools meet with these requirements as soon as possible, there are some important challenges facing SMCs even where they are formed. The most important hurdle is the lack of awareness amongst parents and the larger community about the existence and the roles of SMCs. A study by JOSH (2014) revealed that 94% of parents surveyed in Delhi were not aware about SMCs. There have also been malpractices within the elections to form the SMCs

as highlighted by the RTE Forum (2018). The governments have not invested to ensure training and capacity building of SMCs, and over the years in most states there have also been under utilization of funds that have been provided (ibid). The RTE Forum report has also highlighted the power imbalance between parents from marginalized sections and the teachers, within the SMCs.

4.2 Grievance Redressal

The grievance redressal within the RTE includes local authorities as well as quasi judicial institutions such as the National Commission for Protection of Child Rights (NCPCR) at the national level, and the State Commission for Protection of Child Rights (SCPCR) at the state level. States where the SCPCR have not been formed are required to constitute a Right to Education Protection Authority (REPA). The Act gives the NCPCR and SCPCR statutory status to play the role of ombudsmen regarding complaints in relation to RTE implementation. Section 31 of the Act empowers the NCPCR to inquire into complaints and take necessary steps according to sections 15 and 24 of the said commission. They are also required to examine safeguards to protect rights under the RTE, requisition any public records, as well as summon any public official and enforce attendance. The procedure for redressal involves filing an initial complaint with the appropriate local authority, and the NCPCR or SCPCR/REPA act as the appellate authority in case of unsatisfactory decisions.

The RTE grievances redressal mechanism suffers from many obstacles. As per a study in Delhi by JOSH (2014), a large proportion of parents surveyed never filed a complaint in spite of having grievances. Their stated reasons included a lack of awareness about the provisions and a fear of backlash against the children in case of complaints (ibid). The study also highlighted that the first line of grievance redressal were local authority which had various problems such as lack of clarity of roles, no clear line of ownership, lack of time line for complaints. These authorities also had a limited understanding of grievance redressal which further added to the problem.

According to Oxfam (2015), the NCPCR and SCPCR face severe shortages of staff and financial resources leading to inordinate delays in hearing complaints. CAG (2017) has reported more than 900 pending complaints between 2010 and 2016 in the NCPCR. Rule 28 of RTE Rules mandates SCPCRS to set up child helplines, but as per the report, 12 states have not set up any helplines. One of the most important criticisms, however, is about the lack of enforcement powers which makes the NCPCR and SCPCR merely recommendatory bodies (Oxfam 2015).

4.2.1 Bottlenecks within Monitoring and Grievance Redressal

- (a) SMCs not constituted in more than 20% schools
- (b) Variation in formation of SMCs across states with some states at very low figures
- (c) School Development Plans not being formed in schools across many states
- (d) Lack of awareness amongst Parents about existence and role of SMCs
- (e) Malpractices within elections to form SMCs
- (f) Lack of training and capacity building within SMCs
- (g) Lack of investment on SMCs and under utilization of funds
- (h) Power imbalance between parents from marginalized sections and teachers within SMCs
- (i) Lack of awareness about grievance redressal mechanism amongst parents
- (j) Fear of backlash against children in case of complaints
- (k) Lack of clarity of roles and no clear line of ownership within first level of redressal i.e local authorities
- (l) No tracking of time line for redressal of complaints at first level
- (m) Local Authorities lack understanding of grievance redressal
- (n) Shortage of staff and financial resources in NCPCR and SCPCR leading to delays in addressing complaints
- (o) Child Helplines not established in 12 States
- (p) Lack of enforcement powers within NCPCR making it a mere recommendatory body

5. Governance and Financing

5.1 Convergence of Schemes

Within any system of governance an important issue is the question of convergence. While convergence of functions and functionaries is important from the point of view of administrative efficiency, it may lead to a lack of accountability. Sometimes integrating too many functions into one may also result in dilution of important objectives.

In May 2018 the government launched the Samagra Shiksha programme leading to the convergence of SSA, RMSA and Teacher Education¹⁸. The rationale was to achieve administrative efficiency by streamlining resource allocation and spending. The unified scheme is supposed to optimize the utilization of both human and physical resources. The goal is also to align elementary and secondary education and give flexibility to states to prioritise either, depending on needs. However, as per a study conducted by CPR in 5 states¹⁹, at ground level there is lack of clarity. The convergence of finances, administrative structures and monitoring mechanisms remains incomplete. Before this convergence, annual financial plans at each level

¹⁸<https://pib.gov.in/newsite/PrintRelease.aspx?relid=179528>

¹⁹<https://scroll.in/article/941617/a-year-after-three-schemes-to-fund-school-education-were-merged-theres-still-confusion-on-ground>

were prepared separately for elementary and secondary education. There is a question mark on how collaborative planning under Samagra will be achieved. There is also concern that if in some year secondary education is prioritized this may reduce allocation for elementary education. On the issue of administrative structures, earlier each scheme had their own structure with clear functions. Post merger, while the bank account of each scheme has been combined to receive funds for implementation, there is lack of clarity on the roles of officials. There is also lack of clarity on how the monitoring mechanisms will be combined. Many education activists have also raised a concern about the possible neglect of elementary education and the dilution of the RTE (RTE Forum 2018). They believe separation allowed tracking of allocations for SSA, this move will make tracking difficult and thereby affect accountability.

5.2 School Consolidation

In order to optimize utilization of resources a new policy tool that is increasingly being used across certain states is the consolidation of schools into one unit. The process involves closure of number of schools and transferring all resources into one integrated school. It was institutionalized in Rajasthan since 2014-15 as part of its 'Adarsh Schools' programme, where it was envisioned to develop one such model school in each of its 9895 Gram Panchayats over a period of time (RTE Forum 2018). These model schools were expected to have all the necessary facilities to ensure improved learning. As per the department of education in Rajasthan in between 2014 and 2019 around 22000 schools have been merged (Bordoloi 2019). The rationale behind school closures, as per the education department in Rajasthan were twofold : (1) Inadequate enrolment in some schools and/or, (2) the existence of more than one primary or upper-primary school within the same revenue village (ibid). However, a study in Rajasthan by CPR (ibid) has found that post consolidation there has been a greater decline in enrolment in these schools (7% in 2014-15) than the decline in all government schools (1.4% in 2014-15) in the state. Further, the study also found that decline in enrolment was the highest amongst CWSN followed by SCs and STs. There was also a greater decline in enrolment of girls than boys. The greater distance of the consolidated schools seemed to be the primary cause for decline. The study also found that elementary to elementary consolidation led to higher decline than elementary to secondary, and secondary to secondary. On the question of teacher availability the study reported approximately threefold increase in teachers per school (ibid). However, in spite of the increase there was a shortage of 13932 teachers in Adarsh schools in the state (RTE Forum 2018). The RTE Forum has also reported concerns about infrastructure, for instance in the Senior Secondary School in Gangasara there are 5 teachers for 287 students and classes

are often held under a tree due to lack of classrooms (ibid). School consolidation also violates the RTE norm of having primary schools within 1 km from residence.

The issue of school consolidation has gained a lot of momentum in the recent years. The recent draft NEP has also proposed the creation of school complexes with the goal of resource sharing. At a time when enrolments are declining there are serious concerns with such a policy shift especially since it affects marginalized social groups, girls and CWSN disproportionately. There is also evidence which suggests that small schools have certain benefits such as greater degree of focus by teachers on individual children (Nachtigal 1982, as cited in Bordoloi 2019).

5.3 Emerging Trend of Privatization

There has been a growing narrative on the poor performance of government schools which has led to a push towards privatization. The NITI Aayog, in its 3 year Action Agenda in August 2017, recommended setting up of expert groups to explore policy options such as vouchers and outsourcing of school services to private players (NITI Aayog 2017). It argued that handing over “non performing” government schools to private entities under the PPP model may help improve performance (ibid).

In 2017, the Rajasthan government had pushed the policy for “Public Private Partnership in School Education”²⁰. The objective was to privatise 300 government schools which have recorded poor results. The State Parliamentary Affairs Minister, Rajendra Rathore had stated in a media briefing that 75% of schools in rural areas and 25% in towns would be given to private players who would have to pay 75 lakhs per school for operations and development, apart from providing teachers and administrative staff. The government would reimburse the amount at 16 lakhs per annum over 7 years, in addition to reimbursing Rs 20000 as per student expense. This would be done for a period of 10 years after which there would be a review. However, due to massive protests by the teachers and other community members the government had to eventually roll back the policy.

In AP the government had signed a MoU with Bridge International Academy in 2015²¹. The BIA is an elementary education provider to countries such as Kenya, Uganda and Nigeria where they run around 400 schools. As per a government press release the low cost technology pioneered by the group could radically improve learning outcomes (ibid). However, it is important to note that there have been protests in Kenya by teachers unions to demand closure of BIA schools due to unqualified teachers, poor infrastructure and unauthorized curriculum (RTE

²⁰<https://timesofindia.indiatimes.com/city/jaipur/300-government-schools-in-rajasthan-to-operate-on-ppp-model/articleshow/60382568.cms>

²¹https://www.business-standard.com/article/pti-stories/bridges-international-to-partner-with-ap-state-government-115090901472_1.html

²²<https://www.epw.in/journal/2015/29/reports-states-web-exclusives/misguided-education-policy-rajasthan.html>

Forum 2018). Further, in 2017 the HC of Kenya ordered shutting down of 10 BIA schools for poor standards (ibid). Many activists have expressed concerns over this thrust towards privatization²²(Rai 2015). They have argued that this would have a severe affect on the inclusion of marginalized and weaker sections. This will also affect many of the RTE provisions such as free education, mother tongue as medium of instruction (which as per the Rajasthan policy would be determined by the private entities) and providing teacher training (the Rajasthan policy does not mention teacher training). The activists believe that it is a misconception that private education is of higher quality and leads to better outcomes. According to them many government schools such as the Kendriya Vidyalayas are working very well.

5.4 Administrative Issues

As per the Act the local authorities have several functions which include ensuring availability of schools within neighbourhood limit, preventing discrimination against marginalized communities, maintaining records of children, monitoring admission and attendance, ensuring availability of infrastructure, teaching staff and learning material, making teacher training available, monitoring of school functions, ensuring timely prescribing of curriculum, as well as deciding academic calendar. The extent of roles and responsibilities as well as constant shortage of staff and financial resources has led to huge inefficiencies in administration.

Another cause of administrative inefficiency is that there are too many departments and Ministries with a stake in education such as the MHRD, tribal welfare department, Social Justice and Empowerment, Women and Child Development, Health, Water, Sanitation, Panchayati Raj Institutions etc (NEP 2019). There needs to be better linkages between them to enable efficient governance.

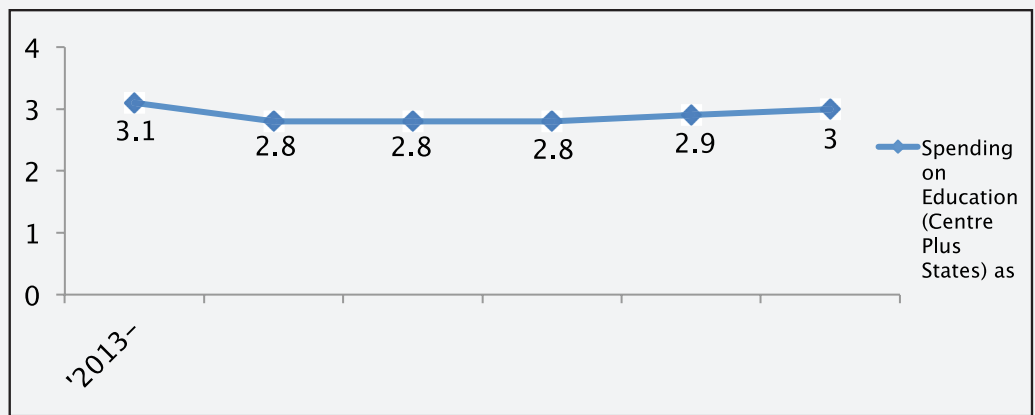
5.5 Spending on Education

One of the most important factors in implementing the RTE lies in its financing. Since education is in the concurrent list, section 7(1) of the Act states that both the Centre and the States will have the responsibility of providing funds for its implementation.

Over the years activists having been arguing that spending on education is well below what is required. The Kothari Commission in 1964 had recommended spending at least 6% of GNP on education by 1985-86. Further, it also advised allocating two-thirds of total education spending on school education. However, the current data suggests that spending continues to be below par.

²²<https://www.epw.in/journal/2015/29/reports-states-web-exclusives/misguided-education-policy-rajasthan.html>

Figure 8: Spending on Education as a Percentage of GDP



Source: Economic Survey Volume 2, 2018-19

The data in figure 8 suggests that since 2013-14 there has been an overall decline. It fell from 3.1% (2013-14) to 2.8% (2015-16). After being stagnant for a few years, it has increased to 3.0% by 2018-19 (as per Budgetary Estimates), but it is still far below the 6% mark. Further, the spending on school education is also below the recommended two-thirds. As shown in the table 3, it has remained consistently below 60%.

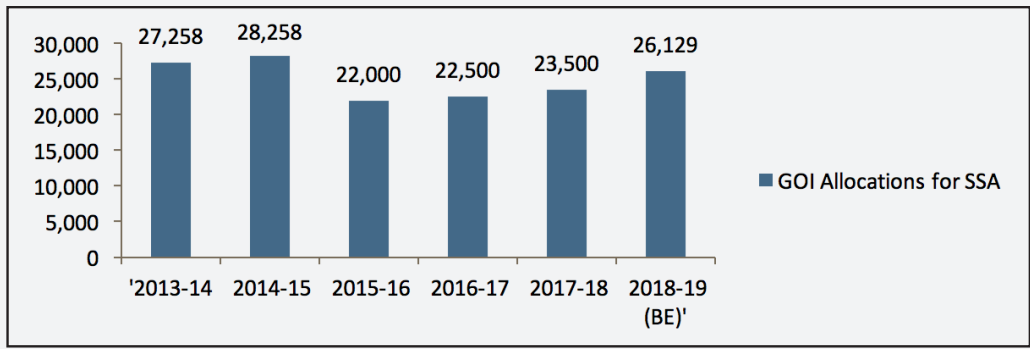
Table 3: Budgetary Allocations for MHRD (Crore)

Department	2017-18 (Actuals)	2018-19 (RE)	2019-20 (BE)
School Education and Literacy (A)	46,600	50,114	56,537
Higher Education (B)	33,614	33,512	38,317
Total (C)	80,215	83,626	94,854
A as a % of C	58.09%	59.93%	59.60%

Source: PFRS 2019

The allocation for SSA, which is the primary instrument of RTE implementation, is depicted in figure 9. As shown, after 2014-15 (28,258 crores), there was a major dip to 22,000 crores (2015-16). Since then there has been a marginal increase over the years, however, as per the 2018-19 budgetary estimates, the figure still stands below 2014-15 numbers at 26,129 crores. This decline is even steeper if inflation is taken into account.

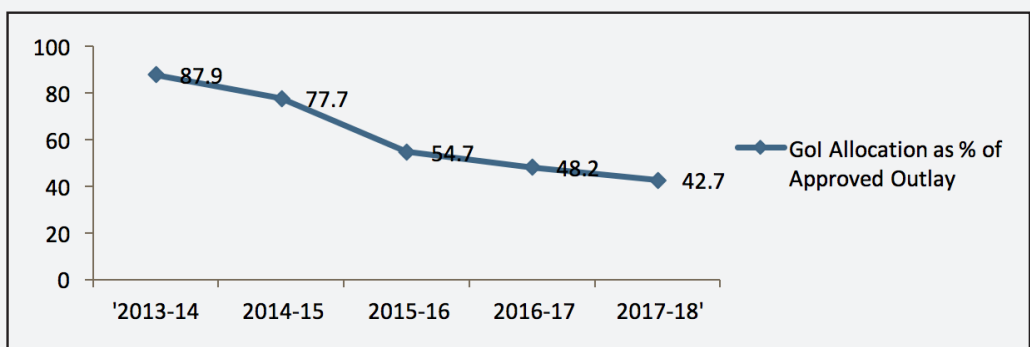
Figure 9: GOI Allocations for SSA



Source: RTE Forum 2018

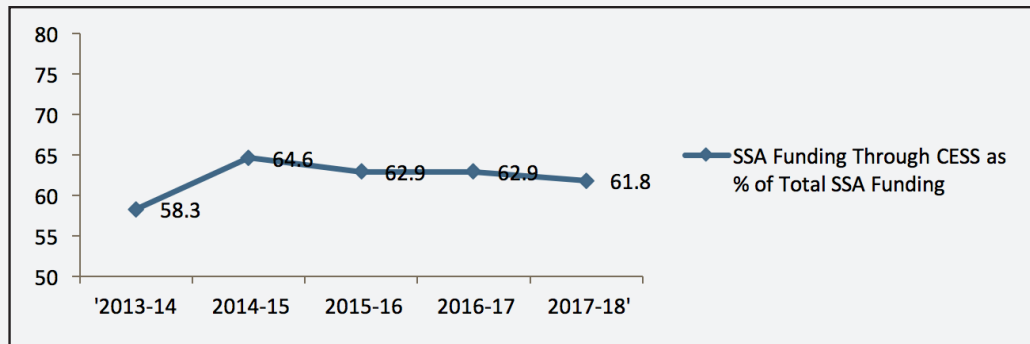
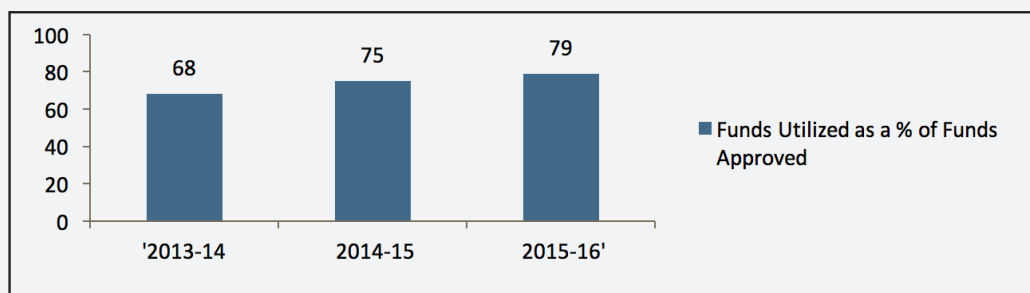
Every year the Ministry of Finance allocates the budget for implementing SSA to MHRD, which should be based on the approved outlay by the Project Approval Board (PAB). The PAB approval is based on the Annual Work Plan and Budget (AWP&B) which covers the various items for SSA. However, as shown in figure 10, there is a stark difference between what is approved in the AW&B by the MHRD, and the actual allocations by the Ministry of Finance. As per 2017-18 budgetary estimates, the figure approved was 55,000 crore but the actual allocation was 26,129 crores, which is 42.7% of the approved amount (CBGA 2017). It is also a matter of grave concern that since 2013-14 there has been a severe and consistent drop in the allocation percentage, which has declined from 87.9% in 2013-14 to 42.7% in 2017-18.

Figure 10: GOI Allocation to SSA as a Percentage of GOI Outlay Approved (by MHRD) for SSA



Source: CBGA 2017

Another issue with the financing of SSA is that the biggest proportion is coming from the education cess. While the initial purpose of the cess was to supplement the government funding, over the years it has almost replaced government expenditure. Figure 11 highlights the percentage of SSA funding by cess. As shown, it has gone up since 2013-14 and remains consistently above 60%. Since the total collection of cess may change it keeps the allocation on SSA uncertain.

Figure 11: SSA Funding through Education Cess as a Percentage of Total SSA Funding**Figure 12: Fund Utilization under SSA as a Percentage of Funds Allocated**

Under utilization of funds is another important concern. As per the data, utilization of funds till 2015-16 continued to be below 80% as shown in figure 12.

5.6 Bottlenecks in Governance and Financing

- (a) Lack of clarity on convergence of roles within finance, administration and monitoring for Samagra Shiksha Abhiyan
- (b) Convergence under Samagra Shiksha may lead to lack of focus on RTE
- (c) Convergence will make it difficult to track SSA funding thereby affecting accountability
- (d) Consolidation of Schools leading to decline in enrolment
- (e) Consolidation disproportionately affecting enrolment of CWSN, SCs, STs and Girls
- (f) Consolidated Schools continue to face Teacher Shortages and Poor Infrastructure
- (g) School Consolidation violates RTE norm of having school within 1 km of residence
- (h) Privatization will affect Inclusion of Marginalized Groups and Economically Weaker Sections
- (i) Privatization may affect certain RTE norms such as Free Education, Mother Tongue as Medium of Instruction and Teacher Training
- (j) Local Authorities Overburdened with too many Responsibilities as well as

Shortage of Staff and Funding

- (k) Too many Departments with a stake in Education which lack proper linkages leading to administrative inefficiencies
- (l) Spending on Education well below 6% of GDP as recommended by the Kothari Commission
- (m) SSA remains Underfunded
- (n) SSA Allocation well below the Approved Outlay by MHRD at around 40%
- (o) A Major part (around 60%) of SSA funding coming from Education Cess
- (p) Under Utilization of SSA Funds by more than 20%

6. The Way Forward

6.1 Recommendations for the Government

6.1.1 Addressing Problems in the Act

- i. Extend the scope of RTE to 3-18 years
- ii. Include a clear definition on which institutions can be considered a minority institution for the purpose of the Act
- iii. Train teachers to effectively implement CCE. Have a clear road map to bring back no detention upto 8th standard, once CCE is properly implemented
- iv. Align the RTE to the RPWD Act 2016 from the earlier 1996 law

6.1.2 Addressing Demand Side Problems

- i. Mapping of out of school children needs to be done to have up to date data and to understand reasons for non enrolment
- ii. Take measures to track attendance of students through a database, and not just enrolment. Attendance database can help identifying risk of drop out
- iii. Change the Child Labour Act to prevent employment of children even in family run businesses. Also need awareness campaigns targeted to ensure parents don't put children to work and instead send them to school
- iv. Special focus to bring back and retain children from disadvantaged communities especially STs, Muslims, migrant labour and nomadic tribes. Need targeted awareness campaigns and if possible incentives (such as conditional cash transfer like Brazil). Try to provide residential schools for children of migrant labour and nomadic communities
- v. Ensure constant dialogue with representatives of minority institutions to get them under the purview of RTE in the long run
- vi. Need special focus on children from the North East similar to disadvantaged communities
- vii. Girls drop-out rate increases at upper primary level. One possible reason

could be that once girls reach puberty, social taboo around menstruation and a lack of menstrual hygiene facilities in school may cause them to drop out. Need to include menstrual hygiene facilities in all schools with female students and having secondary grades. Ensure friendly and supportive environment for girls.

6.1.3 Addressing Supply Side Problems

- i. Ensure proper implementation of CCE with a focus on foundational skills. Regular oral assessments for lower grades which focus on basic skills and regular interventions to address weaknesses. Realign curriculum to stress on foundational skills
- ii. Learning outcomes should go beyond standardized tests. The focus of learning should be on understanding. Tests can mostly assess what children know, understanding needs to be assessed by teachers on a continual basis. The overall purpose of education should be intellectual growth of the child and not simply attaining marks in tests
- iii. Medium of instruction in the lower grades as far as possible should only be in the mother tongue. English should be introduced gradually in later grades
- iv. Ensure school availability within mandated 1km
- v. Ensure availability of all facilities as per RTE norms including safety regulations to ensure child friendly and safe learning environment. Special attention needs to be given to inclusive infrastructure for CWSN as per RPWD 2016 provisions
- vi. Need independent audit of DISE data
- vii. Teacher vacancies need to be filled as soon as possible. Hiring teachers for CWSN also needs attention
- viii. Teacher training needs to be fast tracked. Training should include understanding of CCE as well as sensitization about gender and social inclusion. Need strengthening and adequate funding of teacher training institutions
- ix. Provide autonomy to teachers on teaching activities to enable them to cater to specific needs of children. Non academic duties should be completely stopped
- x. Ensure compliance with 12(1)(c) to enable social integration of rich and poor children. Need regulatory mechanism for private schools
- xi. Application forms for 12(1)(c) needs to be simplified and standardized. Ensure adequate help desks to support filling both offline and online forms
- xii. Strict Action against schools charging non tuition fees from children admitted under 12(1)(c)

- xiii. Mechanism for arriving at per child cost needs to be standardized. Reimbursements should happen on a timely basis

6.1.4 Addressing Problems in Monitoring and Grievance Redressal

- i. SMCs in all mandated schools should be constituted on an immediate basis
- ii. Election process of SMCs needs to have clear guidelines and should be made transparent. Encourage parents from disadvantaged communities to participate in elections and ensure they are empowered through proper training
- iii. Increase awareness amongst parents about roles and functions of SMCs and its election process through PTA meetings. Information transparency boards as mandated by SSA, also need to be operationalized within schools to disseminate information about schools such as mid day meals, student teacher attendance etc., as well as information about roles and responsibilities of SMCs
- iv. Ensure adequate funding and training of SMCs to enable them to handle SDPs and other financial and administrative activities. Training funds should be tracked to ensure proper and timely utilization. Training should be interactive and timely and include easy to use handbooks. Strengthen SMC linkages with community and Gram Panchayat as well as ensure platforms for encouraging peer learning between SMCs.
- v. Ensure timely allocation of school grants to enable SMCs to make SDPs in a timely manner. Since SDPs form the basis of decentralized budgetary planning this needs to be a priority
- vi. Ensure monitoring of teacher attendance and teaching practices by SMC. Over a period of time give more responsibilities to SMCs such as monitoring not just inputs, but also academic aspects
- vii. Increase awareness about grievance redressal within communities by engaging CBOs, and in schools through SMCs and PTA meetings. Encourage filing of RTIs by parents to ensure transparency within schools and local authorities
- viii. Form linkages between local authorities and communities to connect local authorities with ground level issues. Ensure role clarity and clear line of ownership of local authorities on grievance redressal. Ensure availability of adequate staff and resources. Increase awareness of local authorities on grievance redressal through proper training
- ix. Provide a complaint tracking system with fixed timelines to enable resolving complaints in a timely manner.
- x. Ensure sufficient child helplines are made available.

- xi. Provide grievance redressal mechanism for teachers
- xii. In the short term strengthen capacity and ensure adequate staff and funding within NCPDR/SCPDR for timely redressal. Since NCPDR is already burdened with other functions, in the long term there needs to be a separate tribunal system for school education with adequate enforcement powers

6.1.5 Addressing Problems in Governance and Financing

- i. Provide clarity of administrative and financial functions within Samagra Shiksha post convergence
- ii. Ensure convergence does not lead to lack of focus on SSA which is the primary vehicle for RTE. Ensure separate and adequate funds are available for SSA, RMSA and Teacher Education
- iii. School closure and consolidation needs to stop as it increases dropouts and is in violation of RTE norm of neighbourhood schools within 1km
- iv. Privatization will lead to exclusion of children from disadvantaged communities and needs to be avoided. It needs to be recognized that education is a public good and the responsibility of the government
- v. Local Authorities have too many roles. Community and PRI participation should be encouraged to undertake some of these activities such as mapping of out of school children, mapping of requirements for neighbourhood schools etc. Enable delegation of roles and clear line of ownership within local authorities. Provide adequate staff and funding
- vi. Ensure proper linkages between different departments and ministries involved with education to streamline administration
- vii. Education funding needs to be increased incrementally, with a clear road map with specific timelines of reaching 6% GDP on overall education, and 4% of GDP on school education
- viii. Ensure adequate funds to SSA as approved by MHRD. In 2013-14 allocation had reached 88% of approved amount, but has gone down since and is a serious concern. It needs to be recognized that MHRD approvals are based on AWP&B which forms the basis of decentralized planning. There should be a clear road map of reaching allocation of 100% of the approved amount, and it should be achieved as soon as possible
- ix. Education cess should supplement budgetary allocations. In the short term cess could continue to be used for SSA, however, there needs to be a clear road map with proper time lines to ensure SSA in the long run is funded through budgetary allocation, with cess only providing additional support
- x. SSA allocations need to be tracked with regular reviews to ensure proper and timely utilization of funds

6.2 Recommendations for Civil Society Organizations

1. Form vertical and horizontal linkages with other CSOs to strengthen support for RTE
2. Have constant dialogue with the government to extend RTE to 3-18 years, proper implementation of CCE, bringing back no detention and changing child labour laws
3. Partner with CBOs and PRIs to support mapping of out of school children and conduct studies to understand reasons for non enrolment
4. Engage with disadvantaged communities and communities in the north east to increase awareness about education, rights within RTE, SMCs, Grievance Redressal etc. There should be a focus on girls education. It is important for such communities to realize education is not a privilege but a legal right
5. Form SMC peer groups and provide platform to SMCs to encourage peer learning
6. Have constant dialogue with representatives of minority institutions to make them realize the importance of RTE and in the long term encourage them to come under the purview of the RTE Act
7. Have constant dialogue and apply pressure on government to ensure implementation of all RTE norms including availability of schools, infrastructure, teacher availability and training, SMC constitution, training and funding support to SMCs etc.
8. Mobilize support amongst communities to prevent privatization within school education
9. Conduct independent studies of private schools to review compliance with 12(1)(c)
10. Have constant dialogue and apply pressure on government to increase funding of education to 6% of GDP as soon as possible. The implementation of RTE in the end depends on adequate funding. If sufficient funds are provided most other things will fall into place. Therefore, this should one of the most important priorities for CSOs
11. Conduct independent research, reviews and audits of RTE. Publish and disseminate status reports. Have regular dialogue and conferences with other CSOs, Academia, Activists and policy champions within bureaucracy and the political class about issues with RTE implementation
12. Use social media and other platforms to increase awareness about education related issues to garner support from the middle classes and to make education an important electoral issue

Conclusion

The RTE is one of the most progressive legislations making primary education a legally enforceable right, yet its implementation continues to have many challenges. Even after 10 years many children continue to be out of school, most schools continue to lack basic facilities and many teacher vacancies remain. All these concerns are fundamentally related to the huge resource gap at each level. Education has rightly been recognized as a very important priority by the government (Budget Speech 2016), however, financing of education remains well below par. Allocations are nowhere near 6% of GDP, as recommended by the Kothari Commission, and the funding for SSA remains well below the MHRD requirements. Even within the allocations a major chunk is coming from the education cess. Today, there is an urgent need for the government to move beyond rhetoric and take concrete steps to showcase its commitment to education. Once adequate resources are provided most ground level concerns can be addressed, and only then can the right to education truly be realized.



References

- ASER. 2018. Annual Status of Education Report (Rural) 2018. New Delhi.: ASER Centre.
- Bordoloi, Mridusmita and Shukla, Ritwik. August 2019. School Consolidation in Rajasthan: Implementation and Short Term Effects. New Delhi.: Accountability Initiative, Centre for Policy Research.
- CAG. 2017. Report of the National Controller 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.
- Government of India. 2009. Right of children to free and compulsory Education Act.
- Government of India. 2009. Model Rules under the Right of children to free and compulsory Education Act
- JOSH. 2014. Status of Implementation of the Right of Children to Free and Compulsory Education Act, 2009: The Delhi Story 2012-13. New Delhi.
- Joshi, Natasha. April 2019. 'No-Detention: Why did a popular policy get scrapped,' India Development Review, Online.: India Development Review.
- Juneja, Nalini. January 2018. 'Constitutional History of Right to Education and Legislation in India,' Norrag, Special Issue 1. Geneva.: Norrag, pp. 37-39.
- Kapur, Avani, Bordoloi, Mridusmita, and Ritwik Shukla. 2019. Sarva Shiksha Abhiyan (SSA), GoI, 2018-19: Budget Briefs, Vol 10, Issue 1. New Delhi.: Accountability Initiative, Centre for Policy Research.
- Kundu, Protiva. 2017. Is There Enough Public Resource for School Education? Examining the Available Evidences. New Delhi.: Centre for Budget and Governance Accountability.
- Lee, Sharon E. 2013. 'Education as a Human Right in the 21st Century,' Democracy and Education, Vol. 21, No. 1. Online.: Democracy and Education, pp. 1-9.
- MHRD. 2019. Draft National Education Policy. New Delhi.: Ministry of Human Resource Development, Government of India.
- MoF. 2019. Economic Survey 2018-19 Vol 2. New Delhi.: Ministry of Finance, Government of India.
- Mukherji, Anahita. June 7, 2012. '25% RTE quota: Getting the poor into private schools,' ET Bureau. Mumbai.: Economic Times.
- Niti Aayog. 2017. Three Year Action Agenda: 2017-18 to 2019-20. New Delhi.: Niti Aayog, Government of India.
- Oxfam. November 2015. Grievance Redress and Right to Information Act: Seeking Accountability for Effective Implementation of Right to Education Act: Learning from the Field. ES-Education, No. 3. New Delhi. Oxfam in Action

PRS. April 2012. 'Supreme Court upholds 25% reservation in private schools', New Delhi.: PRS Legislative Research.

September 2017. 'Rethinking the No Detention Policy', New Delhi.: PRS Legislative Research.

2019. 'Demands for Grants 2019-20 Analysis: Human Resource Development', New Delhi.: PRS Legislative Research.

RTE Forum. March 2018. Status of Implementation of The Right of Children to Free and Compulsory Education Act, 2009. New Delhi.: Right to Education Forum.

Sarin, Ankur, Ambrish Dongre, and Shrikant Wad. 2017. State of the Nation: RTE Section 12(1)(c). Ahmedabad.: IIM Ahmedabad.

Sengupta, Meeta. April 22, 2017. 'It's time to reform the RTE Act,' Live Mint. New Delhi: Live Mint.

Sever, M. 2012. 'A critical look at the theories of sociology of education,' International Journal of Human Sciences, Vol. 9, No. 1. Online.: International Journal of Human Sciences, pp. 650-671.

U-DISE. 2018. School education in India, 2017-18, Flash Statistics. New Delhi.: National University of Educational Planning and Administration.





RAJIV GANDHI
INSTITUTE FOR CONTEMPORARY STUDIES

Rajiv Gandhi Institute for Contemporary Studies

Jawahar Bhawan, Dr Rajendra Prasad Road,
New Delhi 110 001 India

T 91 11 2331 2456, 2375 5117 / 118 | E info@rgics.org W www.rgics.org

Please visit us at:

www.rgics.org

