

SUMMARY REPORT

on

“Problems in Accessing the Benefits of the Right to Education Act 2009 and Satisfaction about the Provisions of the Act: A Study of the Families of Students who are Admitted to Private Schools of Nagpur City Under the RCFCE Act”

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By:

Principal Investigator
Dr John Menachery

Principal
Matru Sewa Sangh Institute of Social Work
West High Court Road, Bajaj Nagar, Nagpur 440010

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1. Introduction

1.1 The Right of Children to Free and Compulsory Education (RCFCE) Act 2009

The Right of Children to Free and Compulsory Education Act 2009 or Right to Education Act (hereafter referred to as RCFCE Act), which was passed by the Indian parliament on 4th August 2009, describes the modalities of the importance of free and compulsory education for children between the age of 6 and 14 in India under Article 21A of the Indian Constitution. The Act came into force on 1st April 2010. The RCFCE Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies norms for minimum standards in elementary schools. Section 12(1)(c) requires all private schools to reserve 25 percent of seats to children from economically disadvantaged families (to be reimbursed by the state as part of the public-private partnership plan). The Union Government had published Rules as per the RCFCE Act on 8.4.2010. The Maharashtra Government had published Rules as per the RCFCE Act in 2011 and also in 2013.

2. Research Methods Used

2.1 Research Design

The study was partly exploratory and partly descriptive in nature. A mixed method approach, with both quantitative and qualitative techniques, was used for collecting primary data.

2.2 Basic Research Questions

1. What are the problems experienced by the families in accessing the benefits of the RCFCE Act 2009 for their children ?
2. What are the social and economic impediments causing difficulties to the families of the beneficiaries in accessing the benefits of the RCFCE Act 2009?
3. What is the level of satisfaction of the families of the beneficiaries about the RCFCE Act 2009 in the context of their children's accessibility to quality education and other prominent benefits of the Act ?
4. What is the opinion of the families of the beneficiaries regarding the efficacy of the RCFCE Act 2009 ?

2.3 Objectives of the Study

1. To study the socio economic profile of the respondents.
2. To Study the problems experienced by the respondents in accessing the benefits of the RCFCE Act 2009 for their own children.

3. To explore if the families of the beneficiaries (children) are satisfied about the RCFCE Act 2009 in the context of their children's accessibility to quality education and other prominent benefits of the Act.
4. To study the opinion of the respondents regarding the efficacy of the RCFCE Act 2009.
5. To explore the social and economic impediments causing difficulties to the respondents in accessing the benefits of the RCFCE Act 2009.
6. To explore the role of social workers and voluntary sector agencies in making the benefits of the RCFCE Act 2009 accessible to the stakeholders.

2.4 Geographical Area of Study

The geographical area of the study was the slums located within the limits of Nagpur Municipal Corporation (Nagpur city).

2.5 Universe

The universe of the study comprised of all families living in six slums in Nagpur city whose child/children have taken admission in any private school under RCFCE Act 2009 since the implementation of this Act.

2.6 Sampling

A two-stage sampling method was used for this study. In the first stage a total of six 'School Houses' in slums were randomly selected using the lottery method from a total of twelve such 'School Houses'. In the second stage, from each 'School House', a total of fifty respondents (study units) who fulfilled the basic requirement, which is that their child/ren (either biological or adopted) have taken admission in any private schools in Nagpur City under the provisions of RCFCE Act, were selected using the non-probability quota sampling technique. Thus, a total of 300 respondents (study units) were selected for the purpose of this study.

2.7 Process of Data Collection

The interview method was adopted for collecting data from the primary source which was parents of the beneficiaries (respondents). The principal investigator identified many knowledgeable persons related to the issue and contacted them to get more insights about the problem through in-depth interviews. Data from primary sources were collected using the structured interview schedule. FGDs and in-depth interviews were made use of for collecting qualitative data using interview guide. In addition to the primary data, data from secondary sources were collected making use of the library method of literature review.

3. Major Findings

3.1 Major Findings Based on FGDs

1. In the focus group discussions (FGDs), a fair degree of consensus emerged which favoured the implementation of the Act and the procedures that were in place for admitting students under the seats reserved.
2. Many felt that the RCFCE Act which currently focuses on children in the age group of 6 to 14 years need to be amended. They felt that the right to education needs to be extended till 18 years of age to bring consistency in the definition of the child across various legislations and to ensure that the developmental and learning needs of older children are not neglected.
3. Some of the participants opined that there is a need to strengthen grievance redressal mechanisms to give parents of those admitted under RCFCE Act clear cut channels to express their problems and to seek redressal. Some felt that if at all some redressal mechanisms have been initiated, they are not functioning properly.
4. Some of the participants felt that there is a need to enhance transparency in the functioning of the system under the RCFCE Act so as to make it more accountable.
5. Some of the participants opined that the 'School Management Committees (SMCs)' are not properly constituted or are not properly trained and therefore are not functioning properly. They felt that there is a need to revamp the style of functioning of the SMCs. (None of the participants of the FGDs were members of the SMCs).
6. Some of the participants raised the issue of 'No Detention Policy' and 'Continuous and Comprehensive Evaluation (CCE)'. (The 'no detention policy', under RCFCE Act states that no child to be held back till class 8 in order to ensure compulsory education up to the age of 14 years, and prevent dropout in schools. This should be complemented by a process of comprehensive evaluation of children's progress). The participants felt that blindly following the 'no detention policy', without CCE and academic support for academically weak children, will only bring down the quality of education. In fact the issue of "declining quality of education due to the norms of RCFCE Act" was raised during Question Hour in the Maharashtra Legislative Council. The Minister of Education had clarified that examinations will be held and instead of failing any student, extra coaching would be given to students whose performance is not satisfactory.
7. While most of the participants were in favour of private schools, arguing that private schools provide better quality education, there were a few who stated that there is need for evolving a better strategy to strengthen the public education system so as to control privatization of education, as they felt that private schools are not inherently better than government schools.
8. Most participants were aware of the online application process which the Department of Education had started in 2015 for admissions for seats reserved

under RCFCE Act. Earlier, for the past three years it used to be conducted manually. Under the on-line process using software developed by NIC-Pune, parents seeking admission to their wards were required to apply on-line within the stipulated date. Later on, the Department after scrutiny of the applications conducted a lottery to select children, as the number of applications was more than the seats available in each school. Parents of the selected applicants thereafter received a text message in their mobile phones asking them to take admission on or before a stipulated date. Nonetheless, there were reports in the media about chaos in RTE On-line admission process due to some software issues and confusion regarding the point of entry, namely, nursery or class I which had caused widespread discontentment among parents and schools alike.

3.2 Findings Based on In-depth Interviews with Key Informants

1. **Issues Regarding Schools** : Some of the key informants and respondents were aware of certain issues in the context of schools providing facilities under the Act. They said that some of the schools are not happy about providing facilities under the Act because of the delays they were already experiencing or because they were apprehensive about delays in getting reimbursements as promised from the state government. While many of the respondents were aware of the fact that the state government has to reimburse schools against every admission given under the RTE quota, some respondents were aware of the fact that RTE admissions have been a major bone of contention between schools and the state education department because of irregular payments since the beginning of the implementation of the Act.
2. **Issues Regarding Forged Documents** : Some parents have been submitting forged documents regarding address proof and income certificates for gaining seats reserved under the RCFCE Act. There has also been a case reported of a child who had already been admitted as a regular student again getting selected for admission in the RTE reserved seat.
3. **Issue of Exclusion of Pre-primary Classes**: Some knowledgeable persons brought to the attention of the researcher the issue of exclusion of pre-primary classes from the purview of the RCFCE Act. They pointed out that the Government of Maharashtra had issued a GR on 30.3.2015 which said that provisions of RCFCE Act will apply only from Class I to Class VIII but not to pre-primary classes. Parents had held demonstrations in front of the office of the Deputy Director of Education, Nagpur, against this decision of the government. Besides, challenging this GR a bunch of petitions were filed in the Bombay High Court. The High Court then directed the government to file its reply following which the government on 23.7.2015 withdrew the controversial GR. The withdrawal of the GR had led to the following two-case scenario: 1) Schools that had pre-primary classes had to fill 25 percent seats under RCFCE Act at that level. Such schools were not required to do it again in class I provided they had the same number of seats at both Pre-primary and Class I levels. 2) In cases where there was a difference in the number of seats, then the schools were required to fill a percentage of the additional seats under RCFCE Act, to ensure that 25 percent quota was fulfilled at admissions to Class I.

4. **Issue of Inadequate Reimbursement of Fees :** The Department of School Education, Maharashtra State, has fixed the maximum limit of reimbursement of fees to schools for students admitted in 25 percent quota under RCFCE Act at Rs 13,474/- per student for the year 2014-2015, under section 12(2) of the Act. The government has made it clear that the tuition fee being charged by the schools and the fees fixed by government (Rs 13,474/-) would be compared and the fees which is less between these two will be reimbursed. Further, the state Education Minister had made an announcement that the fees of the students being admitted in kindergarten (if that is the entry level in a particular school) will not be reimbursed. Apparently, both parents and schools are not happy about these government decisions. The Maharashtra English School Trustees Association (MESTA) which represents more than 8000 private schools had demanded a rise in the reimbursement of fees.
5. **Issue of Non Constitution of State Advisory Council :** According to Mr Mohad Shahid Sharif, who is founder on an NGO called RTE Action Committee, in 2011 when the RCFCE Act was being implemented, the Maharashtra Government had promised to constitute a State Advisory Council for the smooth conduct of RTE admission process. However, the government has not constituted such a body till date.
6. **The Issue of Vacant Seats under RCFCE Act Quota :** Some activists have reported that there have been RTE seats lying vacant in various schools of Nagpur district. According to the RTE Action Committee "Since 2012, a total of 15,521 seats in Nagpur district. In 2012-2013, a total of 5,138 seats were available under the RTE quota. However, only 3,566 students took admission. In 2013-2014, a total of 5,250 seats were available while only 1,104 students took admission. In 2014-2015, a total of 8,181 seats were available while only 3,288 students took admission. In 2015-2016, a total of 9,603 seats were available while only 5,107 students took admission". This issue has two important implications, namely, 1) It defeats the purpose of free and fair education to the marginalized which is guaranteed under the RCFCE Act, and 2) As the vacant seats cannot be opened up for general paying public, it causes loss of revenue for schools, and more importantly, a very likely increase in fee for the rest to cover the deficit.

Many knowledgeable persons who were interviewed for collecting qualitative data feel that the government should rethink its policy and in an effort to fill the vacant seats the distance criteria (that the child had to reside within 3km of the school) may have to be relaxed so that others can also apply against vacant seats. Some are of the opinion that if there are no eligible children taking admissions, such vacant seats should be made available to open category students who are not eligible under RCFCE Act reservation. They feel this would help in mitigating shortfall in revenue.

7. **Issue of Non-Statutory Intervention of Child Welfare Committee:** An interesting case of intervention by the Child Welfare Committee (CWC) which is constituted by the state government under the provisions of the Juvenile Justice Act was reported in Nagpur. The issue began with the confusion that prevailed regarding the point of entry of admission under RCFCE Act. Initially the schools were allowed to decide their own points of entry, which were either nursery or class I. But abruptly the Department of School Education on 30th April 2015 changed the rule and insisted that the schools must keep only one point of entry, namely class I. Affected by this change in rule, many school managements had filed petitions in the Bombay High

Court, following which the High Court had allowed the schools to go ahead with the old rule of dual points of entry. At this point, a few parents whose wards were not given admission in the light of the High Court order approached the CWC and complained that denial of admission to their children tantamount to violation of child rights. Ignoring the High Court order, the CWC summoned some school principals and directed them to admit children of the complainant parents. The officials of the Department of School Education also tried to pressurise the schools to abide by the CWC directives. The CWC also appointed a sub-committee to look into this matter of so called 'irregularities' in RTE admissions. Thereupon, the affected school managements approached the Chief Minister seeking justice. Taking a serious note of the action of the CWC which was without mandate or jurisdiction and which had ignored the High Court order, the Chief Minister decided to dissolve the CWC with immediate effect.

8. **Issue of Students Studying in Schools with More than One Campus:** Some of the experts projected a possible problem that would arise in the future due to schools having their primary and secondary sections in more than one campus. These schools can be called 'stand alone' primary schools with independent registration number under 'Unified District Information System for Education (UDISE)'. The secondary sections of such schools are located in different campuses with separate UDISE registration numbers. They said that at present the Education Department holds the view that the schools are legally duty bound to provide free education in 25 percent seats to students admitted under RCFCE Act in a specific branch of the school, where their primary section is located. As per the existing rule it is not required to automatically admit students from the primary section to the secondary section if the primary and secondary sections of the same school are located in two different campuses, because the RCFCE Act provision ends at the highest level of class available on the campus where the student is admitted. Experts felt that the government must study this issue and urgently formulate a solution before the students reach the secondary level of their education.

3.3 Major Findings Based on Interviews of Respondents

1. **Beneficiaries are Socially and Economically Backward:** A basic research question of this study was "What are the social and economic impediments causing problems to the families of the beneficiaries in accessing the benefits of the RCFCE Act?". It was found that as many as 85 percent of the respondents belonged to the socially backward strata, which included Scheduled Castes, Scheduled Tribes, Nomadic Tribes, De-notified Tribes (Vimukta Jati), Special Backward Classes and Other Backward Classes. Similarly, the average monthly percapita income of families was Rs 2283/-. Thus, the benefits of the Act are truly reaching the socially and economically backward strata of the society.
2. **Respondents Do Not Face Problems in Admissions:** A basic research question of this study was "What are the problems experienced by the families in accessing the benefits of the RCFCE Act for their children?". It was found that most of the respondents did not experience any problems while accessing the benefits under RCFCE Act. They never faced any problem while getting the admission forms from schools for reserved RCFCE seats or with regard to submission of the application

form at the schools. Similarly, none of the respondents faced any kind of screening procedures (like interviews etc) for taking the admission under RCFCE Act.

3. **Respondents Faced Problems in Getting Documents:** About half of the respondents experienced some degree of problems while gathering the required documents (like income certificate and caste certificate) which are to be submitted along with the application form for admission under RCFCE Act.
4. **A Few Faced Demand for Illegal Fees:** There was the issue of illegal fees being demanded by school managements for taking the admission under RCFCE Act which was experienced by more than one fourth of the respondents.
5. **Children Did Not Face Discrimination in Schools:** None of the parents have reported that their children had faced any kind of discrimination in the school as they had taken free admission in the school under RCFCE Act.
6. **Age Limit Should be Increased :** Many felt that the RCFCE Act which currently focuses on children in the age group of 6 to 14 years need to be amended. They felt that the right to education needs to be extended till 18 years of age to bring consistency in the definition of the child across various legislations and to ensure that the developmental and learning needs of older children are not neglected.
7. **Issue of RCFCE Act vis a vis Minority Schools:** The Maharashtra state government is presently providing grants to the minority educational institutions for free uniforms, books, scholarships and basic infrastructure. Various court orders have held that clauses within the RCFCE Act are not applicable to minority institutions. A section of the educationists have opined that to clear the ambiguities regarding minority schools, the Department of School Education and Sports of Maharashtra Government should formulate special policies and rules in this regard.
8. **Issue of Barrier for Orphans:** The RCFCE Act provides for admission of orphan children without any certification. However, some schools have been insisting that orphan children should produce income and caste certificates, BPL cards and birth certificates. As a result, orphan children are facing difficulties in this regard and schools are not admitting them, as they require the documents as a pr-condition to admission under RCFCE Act.
9. **The Issue of Vacant Teachers' Posts:** According to 'District Information System for Education (DISE)' in 2013-14, the total number of teachers' posts sanctioned in ten states in India was 19,83,000. However, DISE reported that 5,68,000 (28.64 percent) posts were lying vacant. This situation is likely to adversely affect the quality of education across the country.
10. **The Issue of Absence of Grievance Redressal Mechanism:** While hearing a bunch of petitions challenging the government's decision to exclude pre-primary classes from the purview of the RCFCE Act, a division bench of the Bombay High Court headed by Justice Anoop Mehta had directed the Maharashtra Government to devise mechanisms to hear grievances of students who do not get admission in private schools under the RCFCE Act.

11. **Issue of Students Studying in Schools with More than One Campus:** There exists a possible problem that would arise in the future due to schools having their primary and secondary sections in more than one campus. As the secondary sections of such schools are located in different campuses with separate UDISE registration numbers, they are not legally bound to provide free education in 25 percent seats to students who complete their free education in the secondary section, if the secondary section is located elsewhere with separate UDISE registration numbers. The issue needs to be sorted out before the students reach the secondary level of their education.
12. **High Level of Satisfaction:** A basic research question of this study was “What is the level of satisfaction of the families of the beneficiaries about the RCFCE Act in the context of their children’s accessibility to quality education and other prominent benefits of the Act?”. Majority of the male and female respondents were either ‘satisfied’ or ‘highly satisfied’ with the provisions of RCFCE Act in the context of their children’s accessibility to quality education. A vast majority of the respondents are satisfied with the provision by which each ‘child belonging to disadvantaged group’ and each ‘child belonging to weaker section’ in the age group of 6 to 14 years will get admission to a private school at the entry level.
13. **Most Felt that the Act was Efficacious:** A basic research question of this study was “What is the opinion of the families of the beneficiaries regarding the efficacy of the RCFCE Act?”. Only an insignificant 5.0 percent of the respondents’ felt that the RCFCE Act is not efficacious. While a majority felt that RCFCE Act is either ‘somewhat effective’, or ‘highly effective’.
14. **Aspiration to Admit Children in Private Schools:** There is a general belief that a positive correlation exists between income and private schooling, indicating that as household income increases, there is a greater tendency to send children to private schools. This is due to the public perception that private schools offer better quality education as compared to the schools run by local self government agencies like the Nagpur Municipal Corporation. This would mean that it is the children from the poorest households who continue to access government schools and that there is aspiration among the economically poorer sections to send their children to private schools. It was found that most of the respondents had aspired to send their wards to private schools and were immensely happy that their children could gain access to free education in private schools due to the reservation of seats in private schools under the RCFCE Act.
15. **Opinion Against ‘No Detention’ Policy:** Some of the participants raised the issue of ‘No Detention Policy’ and ‘Continuous and Comprehensive Evaluation (CCE)’. (The ‘no detention policy’, under RCFCE Act states that no child to be held back till class 8 in order to ensure compulsory education up to the age of 14 years, and prevent dropout in schools. This should be complemented by a process of comprehensive evaluation of children’s progress). The participants felt that blindly following the ‘no detention policy’, without CCE, better teacher-Pupil ratio and academic support for academically weak children, will only bring down the quality of education.

3.4 Findings Based of Secondary Data

The study also made use of secondary data. A review of a Report of the Survey Undertaken by the RTE Forum – a group of child rights organizations, academics and educationists – in 457 government schools in ten states (including Maharashtra) titled “Status of Implementation of the Right of Children to Free and Compulsory Education Act, 2009: Year Four (2013-14)” has brought out the following findings:

1. **Status of Implementation of the RCFCE Act 2009 :** “All states and Union Territories have completed the process of rule notification. 32 states have constituted monitoring bodies to oversee the enforcement of the provisions of the Act. Education budgets have been significantly bolstered in the past four years but are yet to reach the amounts calculated to be necessary for the Act’s implementation. Child centered aspects such as no detention, no corporal punishment, no board exams, ban on private tuitions, ban on screening procedure and capitation fees have been notified. Other significant achievements include instituting systems for Teacher Eligibility Tests (TET), amendments to teacher recruitment rules and the movement to an 8-year elementary education cycle. Reforms have been initiated in the academic support and teacher training systems. While notifications of grievance redress systems have been made in several states, there is an urgent need to set up uninterrupted chains of redress that connect local to national levels. Questions about the capacity of the State and National Commissions of Child Rights (SCPRCs and NCPCR) remain.
2. **Teaching Positions are Lying Vacant:** “5 lakh sanctioned teacher posts remain vacant and 6.6 lakh in-service teachers are untrained. Around 37% primary schools have a pupil teacher ratio adverse to the national norm of 1:30. The share of untrained teachers has actually increased. Around 10% schools remain single teacher schools. Teachers are routinely engaged in non-academic duties. Ambitious and potentially far reaching reforms in teacher training like the launching of the National Mission for Teacher Education have finally been launched this year. There has also been an increase in the pass percentage under the Central Teacher Eligibility Test (from 1% to 10%)”.

Regarding ‘Pupil Teacher Ratio (PTR)’ the Report says that: “According to the DISE 2012-13, the average PTR in India as in 2012-13 was 1: 27. 19.83 lakh teachers’ posts have been sanctioned, of which 14.15 have been recruited. The average PTRs across the country as a whole ranged from 1:10 in Andaman and Nicobar Islands to 1:53 in Bihar. The proportion of schools that complied with RTE pupil-teacher ratio (PTR) norms has increased from 38.9% in 2010 to 45.3% in 2013 (DISE 2012-13). As of September 30, 2013, 5.02 lakh sanctioned teacher posts remain vacant. This figure is largely concentrated in a few states with the most adverse PTR, viz Bihar, Jharkhand, Uttar Pradesh, Madhya Pradesh, West Bengal, Odisha and Chattisgarh”. By March 31, 2015, elementary education was meant to be universal in India. The plan was to have every child between 6 and 14 in school with the required infrastructure and well trained teachers in sufficient numbers. But the reality is that there is still a large number of children out of school, large number of teaching posts are lying vacant and many fear the RCFCE Act itself may be in danger.

- 3. Only 44 percent of the target of Out of School Children Achieved:** On the issue of 'Social Inclusion', the Report says that: "Significant gains in enrolment have been reported by the government during the preceding years. However, out of 22 lakh out of school children (reported by the Ministry of Human Resource Development, MHRD), only 44% of the target for training 'Out of School Children' was achievable in 2013- 14. Efforts to provide special training and enrol them into schools met with 44% achievement. The MHRD reported that 32.19 lakh 'Children with Special Needs (CCSN)' were identified as on 31st March 2013, of whom 27.64 lakh have been enrolled and that 18358 resource teachers have been recruited. Social Discrimination continues in schools, despite MHRD's circular prohibiting the same. Children in areas of conflict and chronically prone to disaster situations remain prone to being pushed out of school.
- 4. Private Schools Are Increasing:** About 'Private Providers in Education', the Report says that: "The percentage of private schools has continued to increase. Regulation of private schools has been tightened in a few states, but no truly pan national mechanism for ensuring compliance with the RTE norms in private schools exist. Twenty five states have notified norms for admission under 25 percent quota and 16 states reported having implemented 25 percent by 2013-14. Movement towards handover of government schools to private players has been reported in some states, including Mumbai and Delhi".
- 5. Right to Education Remains Underfunded:** About 'Public Expenditure on Education', the Report says that: "The implementation of the Right to Education Act remains underfunded and India continues to allocate less than 6% of GDP. The financial estimates prepared by National University of Educational Planning and Administration (NUEPA) for implementation of the Right to Education Bill, 2005, drafted earlier, to put into effect the right to free and compulsory education to all children in the age group of six to fourteen years, has since been revised to Rs. 2,28,674 crores over a seven year period from 2008-09 to 2014-15. To finance RTE, the government approved a total outlay of Rs. 2.31 lakh crore (to implement the RTE Act) through SSA over a five-year period from 2010-11 to 2014-15. This includes the 13th Finance Commission (FC) grant of Rs. 24,068 crore (for the States) for the period 2010-11 to 2014-15. Amount provided under the 13th Finance Commission award was deducted from the overall approved outlay of Rs 2.31 lakh crore, and the balance Rs 2.07 lakh crore shared between the Central and State Governments in the approved sharing pattern (65:35 of States/UTs, 90:10 for NER States). By its own admission, the government acknowledges that adequate resources have not been provided to implement this critical legislation in the last three years of the 11th Plan period (i.e. 2009-10 to 2011-12). The 12th Plan Working Group Report notes that the total government expenditure for SSA-RTE during the 11th Plan period was Rs. 70,870 crore (from 2007-08 till August 2011, while the 11th Plan period ended in March 2012). Given that this entire amount was less than the government's own target of spending for just the last two years of the 11th Plan period (i.e. 2010-11 and 2011-12), at Rs. 84,408 crore, we find that the intentions in the domain of financing of RTE have not translated into reality. The 12th Plan has recommended an allocation of Rs 1,92,726 crore for five years (2012-13 to 2016-17) for SSA, from the Union Budget, making it Rs. 38,545 crore per year. As compared to 13 this figure, the budgetary allocations for SSA by the Union Government for 2012-13, 2013-14 and

2014-15 have seen shortfalls of Rs. 12990 crore, Rs. 11287 crore and Rs. 10910 crore respectively.

On 'Budget Allocations (2014-15)', the Report says that: "Union Government's total allocation for education was 0.7 percent of GDP in 2013-14, which has decreased to 0.66 percent of GDP in 2013-14. This reduction is attributed to the reduction in Plan budget of MHRD by Rs. 4000 crore. A closer look of revised estimates for 2013-14 shows a 5 percent reduction in budget allocations for the Department of School Education and Literacy for 2013-14. SSA has also experienced a 2.4 % reduction in 2013-14 RE (Rs. 26608 crore) as compared to 2013-14 BE (Rs. 27258 crore).

- 6. Considerable Variation RTE Compliance Indicators:** Regarding RTE compliance on 10 Indicators, the Report says that: "Different states and districts vary considerably in their performance. Thus in Gujarat even Ahmadabad district has an RTE compliance (10 Indicator) figure of 14.36%. In Andhra Pradesh, East Godavari District has an 8% compliance figure. In Uttar Pradesh, Amethi has a mere 1% RTE compliance rate. All states are performing badly. Overall- the largest figure that any district has achieved was Ratnagiri District in Maharashtra at 60.62%. The lowest is the absolutely shocking 0.00% in Serchhip District, Mizoram. While the national student classroom ratio has been showing a steady improvement, standing at 1:27 for primary schools and 1: 29 for Upper Primary, there are several differences across states. Overall, 33.53% of primary schools and 32.18% upper primary schools fail the RTE norms (1:30 and 1:35 respectively). Surprisingly, 20 and 6 States respectively have shown an increase in the percentage of Upper Primary and Primary schools that fail this norm. With the government figures pointing towards an enhanced enrolment in the post RTE phase, the infrastructure for the schools has not always grown proportionately to accommodate the new enrolment. According to information tabled in Parliament¹⁹, 95% schools have drinking water facilities and 89% schools have toilets. Only three states - Chandigarh, Delhi and Kerala report 100% coverage on both indicators. Significant progress has, however, been made over the years in terms of availability of both indicators- partly as a result of the consistent monitoring by the Supreme Court. ASER also noted there is a significant increase in the proportion of schools with a useable toilet, from 47.2% in 2010 to 62.6% in 2013. In 30.2% schools toilets exist, but are not usable. Many of them are either locked, or without water, or too unclean for children to use. Only a negligible number of schools have infrastructure suited for children with disability. Across the country, there are smatterings of schools that have separate 'disabled friendly toilets'. These toilets are presumably to be used by both girls and boys with disabilities. The lack of a universal perspective is evident in this kind of provisioning where separate toilets are made for children with disabilities. While the state continues to report on the increasing numbers of toilets for girls and boys, it no longer reports on accessibility of toilets for children with disabilities.

4. Recommendations

4.1 Need for Special Policies and Rules for Minority Schools: The Maharashtra state government is presently providing grants to the minority educational institutions for free

uniforms, books, scholarships and basic infrastructure. Various court orders have held that clauses within the RCFCE Act are not applicable to minority institutions. In order to clear the ambiguities regarding admissions under RCFCE Act in minority schools, the Department of School Education and Sports of Maharashtra Government should formulate special policies and rules in this regard.

4.2 Suggestion Regarding Admission of Orphan Children: Although the RCFCE Act provides for admission of orphan children without any certification, some schools have been insisting that orphan children should produce income and caste certificates, BPL cards and birth certificates. In order to ensure that the orphan children are not deprived of the benefits of the RCFCE Act, the Department of Education should bring in suitable circulars and the schools should be prevented from demanding such certificates from orphan children.

4.3 Suggestion Regarding Increase of Age Limit: It was generally felt that the RCFCE Act which currently focuses on children in the age group of 6 to 14 years need to be amended. It is felt that the right to education needs to be extended till 18 years of age to bring consistency in the definition of the child across various legislations and to ensure that the developmental and learning needs of older children are not neglected. Government should initiate the process of amendment to the Act to enhance the age limit.

4.4 Suggestion Regarding the Issue of Vacant Teachers' Posts: According to 'District Information System for Education (DISE)' in 2013-14, the total number of teachers' posts sanctioned in ten states in India was 19,83,000. However, DISE reported that 5,68,000 (28.64 percent) posts were lying vacant. This situation is likely to adversely affect the quality of education across the country and therefore urgent steps need to be taken for appointment of sufficient number of trained teachers.

4.5 Suggestion for Grievance Redressal Mechanism: While hearing a bunch of petitions challenging the government's decision to exclude pre-primary classes from the purview of the RCFCE Act, a division bench of the Bombay High Court had directed the Maharashtra Government to devise mechanisms to hear grievances of students who do not get admission in private schools under the RCFCE Act. The government should take urgent steps to constitute district-wise Grievance Redressal Mechanisms giving adequate representation to all stakeholders.

4.6 Suggestion Regarding Constitution of a State Advisory Council: In 2011, when the RCFCE Act was being implemented, the Maharashtra Government had promised to constitute a State Advisory Council for the smooth conduct of RTE admission process. However, the government has not constituted such a body till date. It is suggested that the government make urgent steps for constituting the State Advisory Council to ensure better implementation of the RCFCE Act.

4.7 Suggestion Regarding Issue of Students Studying in Schools with More than One Campus: There exists a possible problem that would arise in the future due to schools having their primary and secondary sections in more than one campus. As the secondary sections of such schools are located in different campuses with separate UDISE registration numbers, they are not legally bound to provide free education in 25 percent seats to students who complete their free education in the secondary section, if the secondary section is located elsewhere with separate UDISE registration numbers. The government

must study this issue and urgently modify the existing rules so as to formulate a solution before the students reach the secondary level of their education.

4.8 Suggestion Regarding Issue of No Detention Policy: While practicing the 'No Detention Policy', it should be complemented by a process of 'Continuous and Comprehensive Evaluation (CCE)' to evaluate the children's progress. NCERT has developed very good CCE packages for primary stage and upper primary stage, which should be made use of by all the schools admitting students under the RCFCE Act. Adequate in-service training should be given to teachers regarding assessment of the learning progress of children. The average 'Pupil Teacher Ratio (PTR)' in 2012-13 was e average PTR in India in 2012-13 was 1:27. It must be borne in mind that there are several schools in the country which do not comply with RTE pupil-teacher ratio (PTR) norms. Classes with large student strength would render it difficult for teachers to offer individual attention to students, especially slow learners and to practice CCE. Therefore, overcrowding in class rooms should be avoided. While the RCFCE Act mandates a minimum of two teachers in every school, in 2012-13, it was found that 11.79 percent primary schools were single teacher schools. Under such circumstances, it may not be advisable to follow the 'No Detention Policy'. The government should constitute an expert panel and study the issue scientifically so that the deterioration of the quality of education could be brought to an end while at the same time safeguarding the educational rights of children.

4.9 Suggestion Regarding Efforts for Enhancing People's Awareness: People's awareness about the RCFCE Act is weak and therefore there is a need for building community awareness on RCFCE Act. Government should encourage voluntary organizations and local organizations like Community Based Organizations (CBOs) or youth groups to conduct continuous awareness programmes on the Act. Local organizations like Community Based Organizations (CBOs) or youth groups should be encouraged to take up this as one of their main activities.

4.10 Suggestion Regarding Students Studying in Schools with More than One Campus: There exists a possible problem that would arise in the future due to schools having their primary and secondary sections in more than one campus. As the secondary sections of such schools are located in different campuses with separate UDISE registration numbers, at present they are not legally bound to provide free education in 25 percent seats to students to complete their free education in the secondary section. The issue needs to be sorted out by suitably amending the Act and Rules before the students reach the secondary level of their education.

It is hoped that the findings of this study will be helpful to the policy makers for making this Act more effective by removing the loopholes. It is also hoped that the officials who are connected to the implementation of this Act, will find it helpful for proper implementation of the provisions of the Act. There are several voluntary organizations which are working in the field of elementary education, child rights etc. There are also voluntary organizations that are providing financial assistance to marginalized children who are orphans or who belong to low income families. It is hoped that this study will offer better insights for improving their intervention strategies and help them to streamline their operations.

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