

# Status of Implementation of the RTE Act: Chhattisgarh, Madhya Pradesh and Rajasthan



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## RTE Implementation – Summary

It appears that the RTE is ensuring right to schooling and not right to education. According to the Annual Status of Education Report (ASER), published by NGO Pratham, the RTE has improved the facilities, brought more kids to the school and increased number of toilets but has failed to provide them with right or quality education. This year's report has exposed the dismal status of schooling and basic learning in rural India. While school enrolment numbers have gone up (96.5% of all children in the 6-14 age group go to school) and school infrastructure has improved, attendance (in government schools) and the overall ability of children to read and do simple mathematical exercises have dipped in India's rural classrooms.

The survey also revealed that most children in primary schools today are at least three grades behind from where they should have been now and the situation appears worsening. For example, while half of the Class 5 children in government schools were able to read Class 2 texts in 2010, the number has gone down to 41.7% in 2012. Similarly, in 2012, around 50% of the Class-5 students were able to do a two digit subtraction as against 71% in 2010. In fact, barring Andhra Pradesh, Karnataka and Kerala, every state registered a drop in arithmetic learning levels. Only 30 per cent of class 3 students could read a class 1 text book in 2012, down from 50 per cent in 2008. The number of children in government schools who can correctly recognize numbers up to 100 has dropped to 50 per cent from 70 per cent over the last four years, with the real downward turn distinctly visible after 2010, the year RTE came into force.

The generally poor training and status of the primary school teachers, decline in classroom teaching and scrapping of exams and assessments are major factors for the decline in the quality of education. In the absence of the traditional annual examination (students cannot be detained in the same class up to class VIII) the student's poor learning cannot be detected until class IX. The ASER report also claims that primary school outcomes have deteriorated since the RTE Act came into force in 2010. It is also found that children in private schools seem to be doing better academically than their counterparts in government schools. The study also showed that students from government schools across states tend to go for private tuition classes more than their counterparts in private schools, underlining again the absence of quality education in government schools.

Although some of the infrastructural parameters under the RTE Act have improved, it's far from where it should be. For instance, 27% of all schools visited had no drinking water facility in 2012, proportion of schools with useable toilets is only 56.5% and mid-day-meal was served in 87% of the schools. The desired student-teacher ratio is missing in nearly 60% of the schools across India.

On the healthy side, quality has been found to improve whenever the community as a whole has been involved and village representatives have a say in teacher recruitment, monitoring and accountability. Hence, involvement is the key to the issue of quality.

Poor quality of government run schools is encouraging migration to private schools where enrolment has risen from 18.7% in 2006 to 28.3% in 2012. If the trend continues, then by 2018, India may have 50% children in private schools. It means they have to pay for their own education even in primary level. In fact, more than 40 percent of the children in Jammu and Kashmir, Punjab, Haryana, Rajasthan, Uttar Pradesh, Goa and Meghalaya were already enrolled in private schools. In Kerala and Manipur, the figure was even more than 60 percent. The irony is that most of the government schools not only have better infrastructure but better paid teachers compared to the many small private schools. Private schools have proved to be better than government schools because of higher level of commitment of teachers, though government school teachers are more competent generally but indifferent to teaching.

About a quarter of elementary school children in rural areas take private tuitions. The report also said that tuition-going students were much clearer with their arithmetic concepts. Whether enrolled in government school or private school, children receiving this addition support have better learning outcomes than those who do not. It also said that in 2012, of all the children enrolled in standard I to VIII, close to 45 per cent were going to private schools or taking to private tuitions.

For overall improvement in the quality of education, the qualities of teacher training, infrastructure, teaching resources and community involvement in ensuring teacher and school accountability must go hand in hand.

In Chhattisgarh and Madhya Pradesh, adivasi children need special attention: both their enrolment and dropout rates are rather high. Naxal violence is another factor that causes internal migration and lower school enrolments. In Rajasthan, dropout rate of girls in the age group 11-14 years is a cause for concern.

## INTRODUCTION



India is home to 19% of the world's children. About one-third of its population (around 48 crore, according to the 2001 census) is below the age of 18, and around 74% of this population lives in rural areas. The population of people in the age-group 0-25 years is 56 crore, which in turn is 54% of the country's total population. Indeed, India has the world's largest number of youngsters.

Around 1,618 languages, 544 dialects and 1,942 mother languages are spoken in India; schools impart education in 148 different mediums. Some 27,000 small and big newspapers and magazines are published in the country. All of this poses a huge challenge to India to produce educated and empowered young citizens.

India also has one-third of the world's illiterate population, which is a worrisome trend. It's not as though literacy levels have not increased. If we look at the 2011 figures, 74.04% of people above the age of seven are literate. The male literacy level has reached 82.12%, while female literacy has touched 64.46% (the difference between male and female literacy level is 16%).

The rate at which male and female literacy levels increased between 1991 and 2001 is: male by 12% and female by 14.4%. Then it slowed down: in the period between 2001 and 2011, the increase in male literacy was just 6.88%. Therefore, total literacy growth of 12.6% (of the period 1991-2001) has declined to 9.21%.

### Right to education for children

In 1990, at the World Conference on Education for All, in Jomtien, Thailand, 155 countries including India took a pledge to ensure education for all by the year 2000. The pledge promised:

- Care for development and early education of children in the age-group 0-6 years.
- Spreading awareness about primary education for all.
- Motivating youngsters to learn more.
- Bringing down the illiteracy rate, with a special focus on female literacy.
- Life skills for youngsters.
- Education to improve overall quality of life.

However in 1998, when UNESCO and other agencies reviewed India's position in achieving these goals, it was found that very little progress had been made. The country was among those at the bottom of the list.

### Dakar Framework

In April 2000, 180 of a total of 193 countries came together for the World Education Forum in Dakar (Senegal). Participants acknowledged that a lot of people – those from the disadvantaged class, with low socio-economic status, and the underprivileged – were bereft of basic education. Amid discussions it was agreed that the right to education was a basic right. Thus the Dakar Framework was born.

India was among the 180 countries that took the pledge that by the year 2015, education would be made available to everyone. As part of this objective, India promised to:

- Expand and improve comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.
- Ensure that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to free and compulsory primary education of good quality.
- Ensure that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skills programs.
- Achieve a 50% improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults.
- Eliminate gender disparities in primary and secondary education by 2005, and achieve gender equality in education by 2015, with a focus on ensuring girls full and equal access to basic education of good quality.
- Improve all aspects of quality of education and ensure excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

According to UNESCO's report on progress in primary education, around 7.74 crore young children around the world are out of school. Three-fourths of these out-of-school children reside in 15 countries including India, Bangladesh, Pakistan, Indonesia, China, Brazil and the African nations. With one-third of the world's illiterate, the report places India 105<sup>th</sup> among 128 nations.

It was to battle this grim situation that the Right to Free and Compulsory Education, 2009 came into being.

### **THE Right of Children to Free and Compulsory Education ACT**



The Right of children to Free and Compulsory Education Act came into force from April 1, 2010. This was a historic day for the people of India as from this day the right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood.

Any cost that prevents a child from accessing school will be borne by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. Children with disabilities will also be educated in the mainstream schools. The Prime Minister emphasized that in order to ensure a strong and prosperous future of the country, it is important for the country to nurture children and young people with the right education.

All private schools shall be required to enroll children from weaker sections and disadvantaged communities in their incoming class to the extent of 25% of their enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower).

All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.

The National Commission for Protection of Child Rights (NCPCR) was created and mandated to monitor the implementation of this historic Right. A special Division within NCPCR will undertake this huge and important task in the coming months and years.

### **Advantages of the Right to Education Act, 2009**

According to the act all the children in the age group of 6-14 years will be provided 8 years of elementary education in an appropriate classroom in the vicinity of his neighborhood and the cost of facilitating education to a child will be borne by the State. All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. The Government must ensure a Primary school within 1 KM radius and Middle School in 3 KM radius of all the habitation of the State to ensure 100% Enrollment. It has also to ensure that child belonging to weaker sections and disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds and that the teachers should not be engaged for non-teaching functions. It must also ensure and monitor admission, attendance and completion of elementary education by every child and that the quality of elementary education conforms to the standards and norms specified in the schedule.

### **MAIN FEATURES OF THE ACT**

- Every child in the age group of 6-14 has the right to free and compulsory education in a neighborhood school, till the completion of elementary education.
- Private school will have to take 25% of their class strength from the weaker section and the disadvantaged groups of the society through a random selection process. Government will fund education of these children.
- No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower).
- All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.
- No donation and capitation fee is allowed.
- No admission test or interview either for child or parents.
- No child can be held back, expelled and required to pass the board examination till the completion of elementary education.
- There is provision for establishment of commissions to supervise the implementation of the act.
- A fixed student and teacher ratio is to be maintained.
- All schools have to adhere to rules and regulations laid down in this act, failing which the school will not be allowed to function. Three years moratorium period has been provided to school to implement all that is required of them.
- Norms for teachers training and qualifications are also clearly mentioned in the act.
- All schools except private unaided schools are to be managed by School management Committees with 75% of parents and guardians as members.

## What must be Achieved before March 2013

Section 6 of the Right to Free and Compulsory Education Act states that the local authority and the appropriate government shall ensure that there is a school in every neighborhood within a period of 3 years from the commencement of the Act. Section 19 of the Act states that where a school, established before the commencement of the Act, does not fulfill the norms and standards specified in the schedule, it shall do so within a period of 3 years from the commencement of the Act. This means, that by 31 March 2013:

- The local authority and the appropriate government shall ensure that there is a school in every neighborhood.
- Every school must fulfill the norms and standards specified in the schedule of the Act. These norms and standards include:
  - Pupil Teacher Ratio norms (These vary with school type, whether primary or upper primary, and number of children enrolled);
  - All-weather building;
  - At least one classroom for every teacher;
  - Barrier free access;
  - Office-cum-store-room-cum-Head teacher's room;
  - Separate toilets for boys and girls;
  - Safe and adequate drinking water facility for all children;
  - Arrangements for securing the school building by boundary wall or fencing;
  - Kitchen shed where mid day meal is cooked in the school;
  - Library providing newspaper, magazines and books on all subjects, including story books;
  - Teaching learning equipment to be provided to every class, as required;
  - Play material, games and sports equipment to be provided to every class, as required

It has been clarified by the Central Government, through a guideline dated 26 October 2012, that it is not necessary to have a playground within school premises. However, schools must provide alternative arrangements in nearby parks for children to play outdoor games and other physical activities.

## STATUS OF RTE IMPLEMENTATION ACROSS INDIA

Different organizations have carried out studies to find out status of implementation of the RTE Act focusing both on the educational infrastructure and quality of education. These studies have largely remained localized in certain states or districts. However, the most comprehensive survey is the Annual Status of Education Report (ASER) which is presented by Pratham, an education foundation bringing such annual report since 2005.

### China on Top; India at the Bottom

In December 2011, a OECD study of learning standards in 74 countries and ranked India all but at the bottom, just ahead of Kyrgyzstan in mathematics and overall reading skills. China came out on top. It should be a wake-up call for the country's education Ministry.

### About ASER

The Annual Status of Education Report (ASER) is a sample based household survey, which has been conducted annually since 2005. ASER is conducted in every rural district in India and is carried out by a local organization or institution in the district. The survey is conducted each year between the months of September and November. In 2012, the survey reached 567 districts, 16,166 villages, 331,881 households and 5,96,846 children. About 500 organizations and 25,000 volunteers participated in this effort.

ASER seeks to answer two basic questions: Are children enrolled in school? Are they learning? Using simple tools, children in the age group 5 to 16, are asked to do a set of basic reading and arithmetic tasks. Since 2009, in each sampled village, ASER also included the survey of the largest government school with primary sections to collect information on RTE indicators

Since 2005, ASER has been reporting high enrolment levels across the country. In 2012, enrolment for children (age 6 to 14 years) was over 96%. But is this enough to guarantee education?

- Is the proportion of out-of-school children declining?
- If children are in school, are they learning?
- Have schools achieved the infrastructure norms, as outlined in the RTE Act?

## OVERVIEW OF PAN INDIA RTE STATUS

The ASER report reveals two major findings which are not very flattering for the right to education movement in India and universalization of education.

### A. Poor quality of education



In 2008, only about 50 percent of Standard 3 students could read a Standard 1 text, but by 2012, it declined to 30 percent – a fall of 16 percent. About 50 percent of the Std 3 kids cannot even correctly recognize digits up to 100, where as they are supposed to learn two digit subtraction. In 2008, about 70 percent of the kids could do this.

Not only that the country is unable to improve the learning skills of half its primary school children in the last four years, it has fallen to alarming lows. Similar deterioration in standards of education was also noted among Std 5 students.

The report further notes that the decline is cumulative, which means that the “learning decline” gets accumulated because of neglect over the years. The poor quality of education from Std 1 pulls down their rate of learning progressively so that by the time they are in Std 5, their level of learning is not even comparable to that of Std 2. The private schools are “relatively unaffected” but their low standards remain low. They have also shown a “downturn” in maths beyond number recognition.

The poor quality of education and rate of decline are however not uniform across India. Some states are low in quality, but are staying where they are (Karnataka, Tamil Nadu and Andhra Pradesh) while some have higher levels of education, which are neither improving nor deteriorating (Himachal Pradesh, Kerala and Punjab). The decline is more noticeable since 2010, when the RTE came into effect, indicating targets of blanket coverage compromising quality and standards.

### B. Privatization

The report notes that the private sector is making huge inroads into education in rural India. Before 2020, private schools will be the majority service provider. Private schools have problem admitting children from poor parents, but not when somehow parents can arrange for fees.

Quoting DISE (District Information System of Education) data, the report says that Kerala, Tamil Nadu, Puducherry and Goa have more than 60% of private enrollment in primary schools. Andhra, Maharashtra and Karnataka are at 40 percent, while UP is at 50%. Ironically, the highest private sector enrollment is in Kerala, where successive governments claim commitment to

welfare policies, particularly on education and health. Besides private schools, parents also spend considerable amount of money on private tuitions, making quality education more inaccessible to people without money.

### Specific Trends and Findings

In each year's ASER, from 2009 onwards, in each sampled village, the largest government school with primary sections was visited on the day of the survey. Information about schools in this report is based on these visits.

No of Schools Visited 2009 - 2012				
Type of School	2009	2010	2011	2012
Standard I-IV/V Primary	9389	8419	8516	8718
Standard I-VII/VIII Primary + Upper Primary	5359	5821	5857	5873
<b>Total Schools Visited</b>	<b>14848</b>	<b>14240</b>	<b>14373</b>	<b>14591</b>

#### A. Decline trend in student and teacher attendance

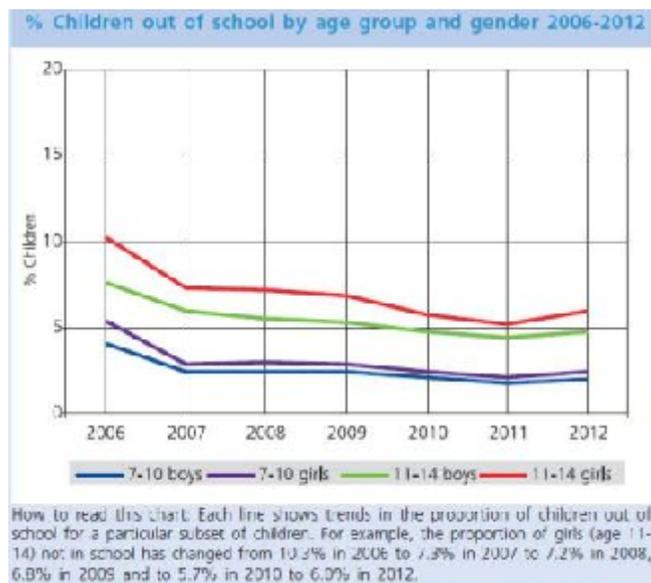
Student and teacher attendance on the day of the visit 2009 – 2012									
Type of School	Standard I-IV/V					Standard I-VII/VIII			
	2009	2010	2011	2012		2009	2010	2011	2012
Avg. % Enrolled Children Present	74.3	72.9	71.0	71.3		77.0	73.4	72.0	73.1
Avg. % teachers Present	89.1	87.1	87.2	85.2		88.6	86.4	86.7	85.4

Since 2009, the ASER findings show somewhat decline in both teacher and student attendance. As shown above in 2012, in the primary schools the average percentage of students was 71.3% and that of teachers 85.2%.

#### B. Enrolment Up, but proportion of out-of-school children also Up

*Enrollment in the 6-14 age group continues to be very high. But the proportion of out of school children has increased, especially among girls in the age group of 11 to 14.*

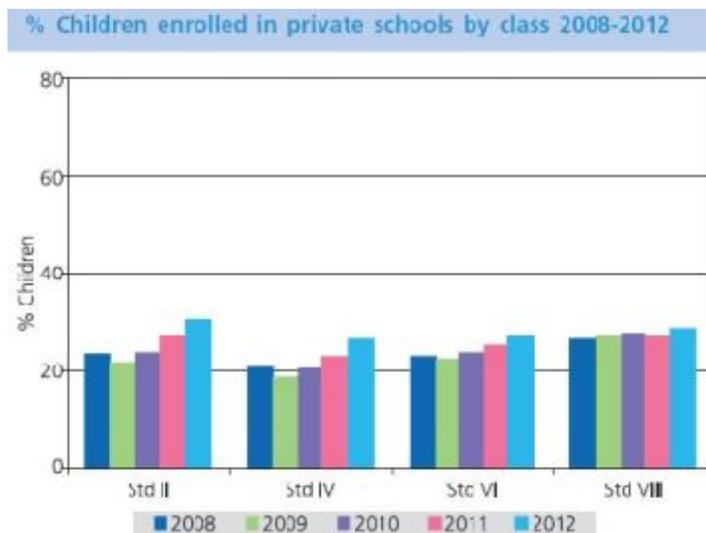
Overall, enrollment numbers remain very high. Over 96% of all children in the age group 6 to 14 years are enrolled in school. This is the fourth consecutive year that enrollment levels have been 96% or more. Therefore, India is close to achieving universal enrolment. However, it is now facing the "last mile" problem. Those who are still out of school are the hardest to reach and the hardest to teach. Special efforts will be required to bring them to school.



Nationally, the proportion of children (age 6 to 14) who are not enrolled in school has gone up slightly, from 3.3% in 2011 to 3.5% in 2012. A slight increase is seen for all age groups and for both boys and girls.

Girls in the age group of 11 to 14 years are often the hardest to bring to school and keep in school. In 2006, in eight major states, more than 11% girls in this age group were not enrolled in school. By 2011, this figure had dropped to less than 6.5% in 3 of these states (Jharkhand, Gujarat and Odisha) and less than 5% in 3 others (Bihar, Chhattisgarh and West Bengal). The situation in these states remained more or less unchanged in 2012. However in Rajasthan and Uttar Pradesh, the proportion of out of school girls (age 11-14) has increased from 8.9% and 9.7% respectively in 2011 to more than 11% in 2012.

### C. Preference for Private school continues in almost all states.



At the All India level private school enrollment has been rising steadily since 2006. The percentage of 6 to 14 year olds enrolled in private schools rose from 18.7% in 2006 to 25.6% in 2011. This year this number has further increased to 28.3%. The increase is almost equal in

primary (Std. I-V) and upper primary (Std. V-VIII) classes. In 2012, among all private school children (age 6-14), 57.9% were boys.

In 2012, more than 40% of children (age 6-14 years) in Jammu & Kashmir, Punjab, Haryana, Rajasthan, Uttar Pradesh and Meghalaya are enrolled in private schools. This percentage is 60% or more in Kerala and Manipur.

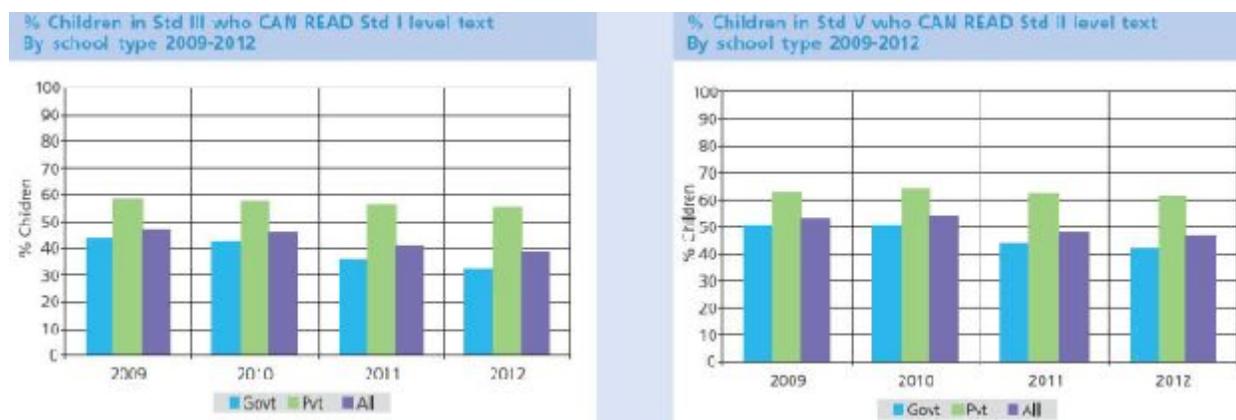
Increase in private school enrollment is seen in almost all states, with the exception of Kerala, Nagaland, Manipur and Meghalaya (where private school enrollment was over 40% even last year) and Tripura.

Since 2009, private school enrollment in rural areas has been rising at an annual rate of about 10%. If this trend continues, by 2018 India will have 50% children in rural areas enrolled in private schools.

#### D. Declining Reading Skill

*Reading levels continue to be a cause for serious concern. More than half of all children in Std. V are at least three grade levels behind where they should be.*

In 2010 nationally, 46.3% of all children in Std. V could not read a Std. II level text. This proportion increased to 51.8% in 2011 and further to 53.2% in 2012. For Std. V children enrolled in government schools, the percentage of children unable to read Std. II level text has increased from 49.3% (2010) to 56.2% (2011) to 58.3% (2012).



For all children in Std. V, the major decline in reading levels (of 5 percentage points or more) between 2011 and 2012 is seen in Haryana, Bihar, Madhya Pradesh, Maharashtra and Kerala. Even private schools in Maharashtra and Kerala, with a large proportion of aided schools, show a decline in reading ability for Std. V.

The percentage of all children enrolled in Std. III who cannot read a Std. I level text has increased steadily from 53.4% (2009) to 54.4% (2010) to 59.7% (2011) to 61.3% in 2012. For children enrolled in government schools, this figure has increased from 57.6% in 2010 to 64.8% in 2011 to 67.7% in 2012.

#### E. English language

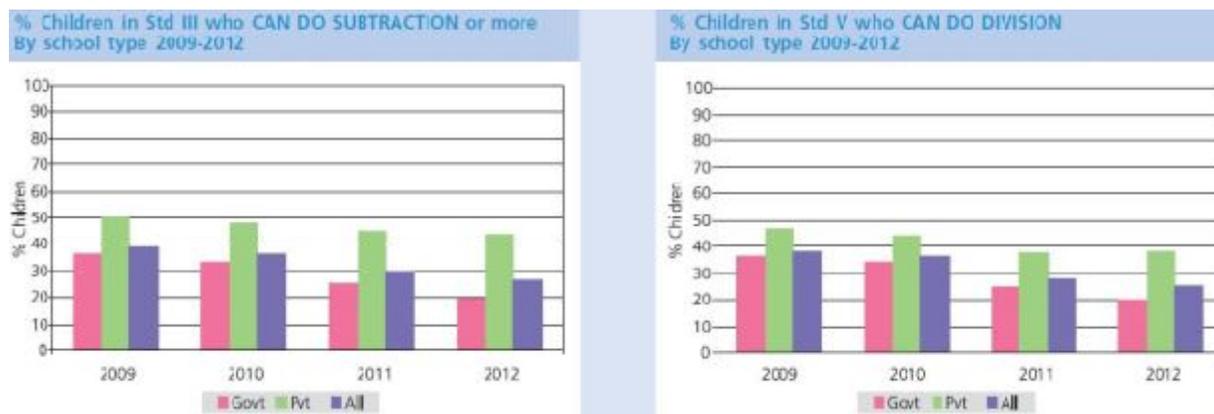
English is taught in most states from early grades. In Std V, over  $\frac{3}{4}$  of all students cannot read simple English sentences. Among all children enrolled in Std. VIII, only about half can read basic English text.

#### F. Mathematics is Problematic

*2012 was the year of mathematics. But it has been a bad year for basic arithmetic for children in India.*

The 2012 data indicate that three out of four children in std V have difficulty in correctly solving a 3 digit by 1 digit division problem. Even in Std VIII, about half of all children are unable to solve such a problem.

In 2010, of all children enrolled in Std. V, 29.1% could not solve simple two-digit subtraction problems with borrowing. This proportion increased to 39% in 2011 and further to 46.5% in 2012. Barring Andhra Pradesh, Karnataka and Kerala, every major state shows signs of a substantial drop in arithmetic learning levels.



Comparing the cohort of children who were in government schools in Std. V in 2011 with the cohort in Std. V in 2012, there is evidence of a more than 10 percentage point drop in the ability to do basic subtraction in almost all states. Exceptions are Bihar, Assam and Tamil Nadu where the drop is less; and Andhra Pradesh, Karnataka and Kerala where there has been either improvement or no change from 2011.

The proportion of all children enrolled in Std. V who could not do division problems has increased from 63.8% in 2010 to 72.4% in 2011 to 75.2% in 2012. In rural India as a whole, two years ago about two thirds of all children in Std. V could not do simple division. In 2012 this number is close to three fourths.

Himachal Pradesh, Punjab, Haryana, Chhattisgarh, Madhya Pradesh, Gujarat and Maharashtra are all states where the cohort in Std. V in 2012 seems to be substantially weaker than the cohort in Std. V in 2011. In the southern states, the situation is unchanged from 2011 except in Kerala where there is a significant improvement.

### **G. Private Tuition in demand**

*Private inputs into children's education, such as private schooling and private tutoring, are widespread. And their influence on children's learning outcomes is substantial.*

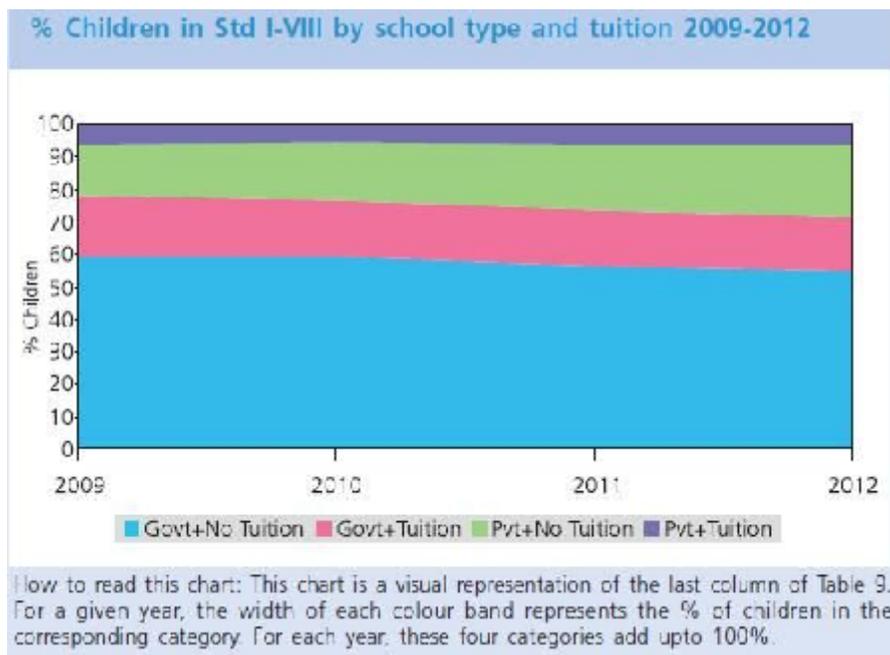
Whether enrolled in government schools or private schools, across rural India in the elementary grades (Std. I-VIII) about a quarter of all children also go to paid private tutors.

Another way to think about private inputs into education is to categorize children into four groups:

1. Children in government schools who do not go to private tutors;
2. Children in government schools who go to private tutors;
3. Children in private schools who do not go to private tutors; and

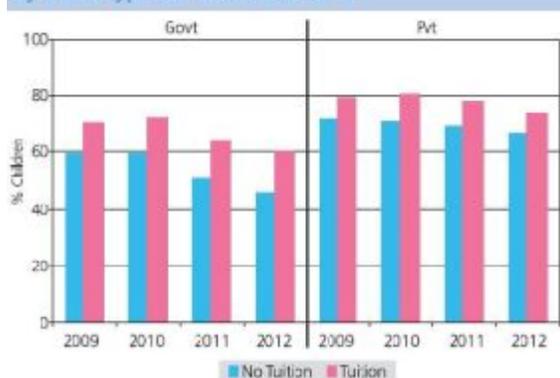
#### 4. Children in private schools who go to private tutors.

In 2012, the above four groups comprised 54.5%, 18.8%, 20.7% and 6% of all students in Std. V. Children in categories 2, 3 and 4 – amounting to about 45% of all children in Std. V in rural India - receive some form of private input into their education, either in the form of schooling or tuition.

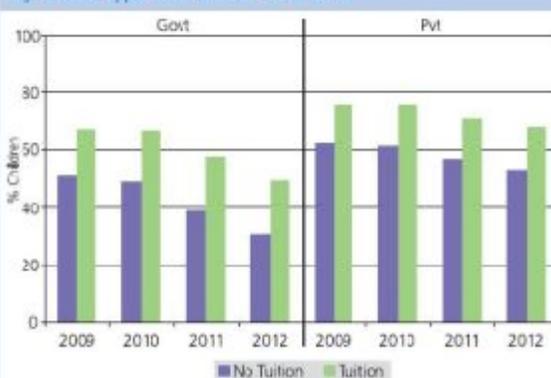


The influence of additional inputs in the form of tuition on children's ability to read or to do arithmetic is clear. Whether enrolled in government schools or in private schools, children receiving this additional support have better learning outcomes than those who do not as shown in the charts below:

**% Children in Std III-V who CAN READ a Std I level text or more By school type and tuition 2009-2012**



**% Children in Std III-V who CAN DO SUBTRACTION or more By school type and tuition 2009-2012**



#### H. The proportion of small schools is rising

A total of 14,591 schools were visited during ASER 2012. Of these about 60% were government primary schools with classes up to Std. IV or V and the rest were upper primary schools which had primary sections.

The proportion of government primary schools with enrollment of 60 or fewer students has increased over time. In the last 3 years, this figure has increased from 26.1% in 2009 to 32.1% in 2012.

The proportion of children in primary grades who sit in multigrade classrooms is also rising. For Std. II, this number has gone up from 55.8% in 2009 to 62.6% in 2012. For Std. IV, it has risen from 51% in 2010 to 56.6% in 2012.

## I. School facilities improve over time

### Schools Meeting Selected RTE Norms 2010 – 2012

% Schools Meeting the Following RTE Norms:		2010	2011	2012
Pupil-Teacher and classroom-teacher norms	Pupil-Teacher ratio	38.9	40.8	42.8
	Classroom-Teacher ratio	76.2	74.3	73.7
Building	Office/Store/Office-cum-store	74.1	74.1	73.5
	Playground	62.0	62.8	61.1
	Boundary wall / fencing	51.0	53.9	54.7
Drinking water	No facility for drinking water	17.0	16.7	16.6
	Facility but no drinking water available	10.3	9.9	10.4
	Drinking water available	72.7	73.5	73.0
Toilet	No Toilet facility	11.0	12.2	8.4
	Facility, but toilet not usable	41.8	38.9	35.1
	Toilet usable	47.2	49.0	56.6
	% Schools with no separate provision for girls toilet	31.2	22.7	21.3
Girls' Toilet	Schools with Separate Girls' Toilet - % Schools with			
	Toilet Locked	18.7	15.0	14.1
	Toilet not usable	17.2	18.7	16.4
	Toilet usable	32.9	43.7	48.2
Library	No Library	37.4	28.7	23.9
	Library but no books being used by children	24.7	29.1	32.2
	Library books being used by children on day of visit	37.9	42.2	43.9
Mid-day Meal	Kitchen shed for cooking mid-day meal	82.1	83.7	84.4
	Mid-day meal served in the school on day of visit	84.6	87.5	87.1

Based on RTE norms, the pupil teacher ratio shows improvement. In 2010, the proportion of schools meeting these norms was 38.9%. This number has risen to 42.8% in 2012.

73% of all schools visited had drinking water available. However, just under 17% did not have drinking water facility at all. A water facility was available, though not usable in the remaining schools.

The proportion of schools without toilets has reduced from 12.2% in 2011 to 8.4% in 2012 and the proportion of schools with useable toilets has increased from 47.2% in 2010 to 56.5% in 2012. Approximately 80% of schools visited had separate provision for girls' toilets. Of schools which had this separate provision, close to half had useable girls' toilets, as compared to a third in 2010. The mid-day meal was observed being served in 87.1% schools that were visited.

### Report Conclusion

Learning outcomes were low but steady in the years leading to 2010. But since then, across the country, children's ability to read simple text and do basic arithmetic has declined. Although compliance with norms and standards specified by RTE has improved since 2010, most children

in school today are at least three grade levels behind where they should be. Learning deficits from primary school influence learning outcomes at the secondary school level too.

The Twelfth Five Year Plan targets include "*improved learning outcomes... at all levels of the school education, with special focus on mastery of basic reading and numeracy skills by class 2.*" In line with the Twelfth Plan document, phase wise learning outcome goals need to be immediately articulated for the 2013-14 school year. All systems – teacher training, monitoring and assessment need to be aligned to help schools achieve these goals. Concrete and implementable goals and plans for addressing these learning issues should be visible in plans made by states for the coming school year for all elementary schools.

The guarantee of education is meaningless without satisfactory learning. There are serious implications for India's equity and growth if basic learning outcomes do not improve soon.

## RECENT NEWS AND DEVELOPMENTS

### Centre Likely To Enhance Funding For RTE

In September 2012, the Planning Commission cleared enhancement of the Central share from the current **65 percent to 75 percent** for the implementation of RTE Act and SSA in Bihar, Jharkhand, Odisha, West Bengal, Chhattisgarh, Madhya Pradesh, Rajasthan, Uttar Pradesh and Andhra Pradesh. These nine states have literacy rate lower than the national average. It also approved the HRD ministry's proposal to enhance the Central share from the current 65 per cent to 90 for the implementation of the two schemes, clubbed together, in the state of Himachal Pradesh and Uttarakhand.

As per 2011 census, the national rate of literacy is 74.04 per cent while it is 67.66 in Andhra Pradesh, 63.82 in Bihar, **71.04 in Chhattisgarh**, 67.63 in Jharkhand, **70.63 in Madhya Pradesh**, 73.45 in Odisha, **67.06 in Rajasthan** and 69.72 in Uttar Pradesh .

### RTE in CHHATTISGARH, MP AND RAJASTHAN

A recent study of Samarthan, which operates in Chhattisgarh and MP, points to poor school infrastructure as a major impediment to the realization of the Right to Education (RTE). It views School Management Committees (SMCs) as potentially powerful instrument for reducing absenteeism and attrition by improving school facilities and functioning.

Despite state government's enthusiasm about implementation of RTE, significantly more needs to be done especially for enrolment of Adivasi children which is only 34%. They also have a very high dropout rate – only 29% of the 34% enrolled reaching upper primary school. There is also a lack of basic amenities in many schools such as number of classrooms, pucca buildings, kitchen shed, toilets for girls, playground and drinking water facility. There is the urgent need of training of school teachers and also encouraging participation of female school teachers if the level of education is to be improved.

#### Analysis of CG, MP and Rajasthan

The state of affairs in CG, MP and Rajasthan can be broadly summarized as follows:

1. Madhya Pradesh consistently lags behind CG and Rajasthan in most indicators
2. In Rajasthan, the Pupil-Teacher ratio is particularly Superior, even better than the national average
3. In Toilet facilities, Rajasthan beats CG and MP as well as the national average.

4. Interestingly, all three states have better numbers for Mid day meal facilities than the national average
5. In Chhattisgarh and Rajasthan, libraries books are available but are not being used that much.
6. In all three states use of computers is below national average, although Rajasthan is better equipped.
7. The proportion of smaller schools is higher in Chhattisgarh.

Now coming individual states, based on input from the ASER survey, statistics for each of the three states will be presented for the following six parameters:

1. Out of School Children
2. Enrolment in Private Schools
3. Reading Skills
4. Math Skills
5. Comparison of Government and Private School Children
6. Private Education

### Chhattisgarh

In each sampled village, the largest government school with primary sections was visited on the day of the survey.

No of Schools Visited 2009 - 2012				
Type of School	2009	2010	2011	2012
Standard I-IV/V Primary	336	301	351	388
Standard I-VII/VIII Primary + Upper Primary	25	124	41	42
<b>Total Schools Visited</b>	<b>361</b>	<b>425</b>	<b>392</b>	<b>430</b>

Student and teacher attendance on the day of the visit 2009 - 2012									
Type of School	Standard I-IV/V					Standard I-VII/VIII			
	2009	2010	2011	2012		2009	2010	2011	2012
Avg. % Enrolled Children Present	76.5	69.7	73.1	75.1		77.0	72.5	78.1	75.9
Avg. % teachers Present	82.4	86.6	84.5	84.0		70.5	86.5	82.9	89.1

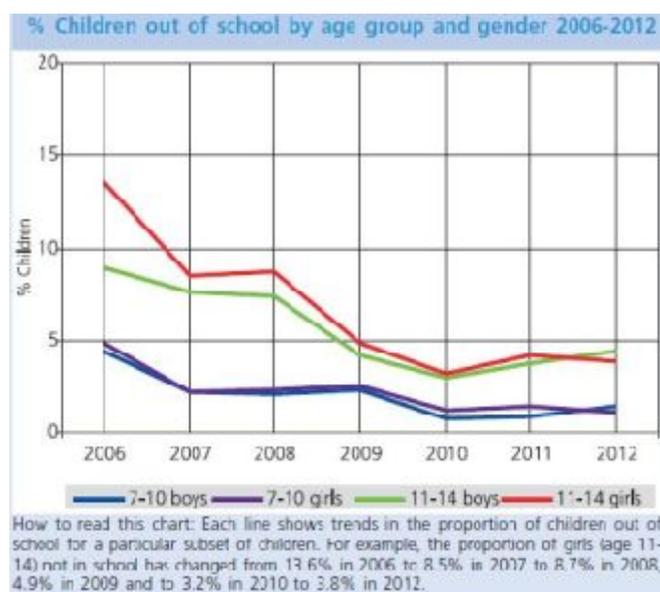
Children's attendance is close to national average. Pupil-teacher ratio is still a problem with over half the schools need to appoint more teachers. About 16 percent schools lack toilet facility and over 1/3<sup>rd</sup> need to provide for girls' toilets.

### Schools Meeting Selected RTE Norms 2010 - 2012

% Schools Meeting the Following RTE Norms:		2010	2011	2012
Pupil-Teacher and classroom-teacher norms	Pupil-Teacher ratio	39.6	51.3	48.3
	Classroom-Teacher ratio	64.2	59.6	70.2
Building	Office/Store/Office-cum-store	79.0	76.0	80.9
	Playground	45.0	46.3	49.2
	Boundary wall / fencing	48.8	48.7	50.5
Drinking water	No facility for drinking water	12.9	13.0	9.8

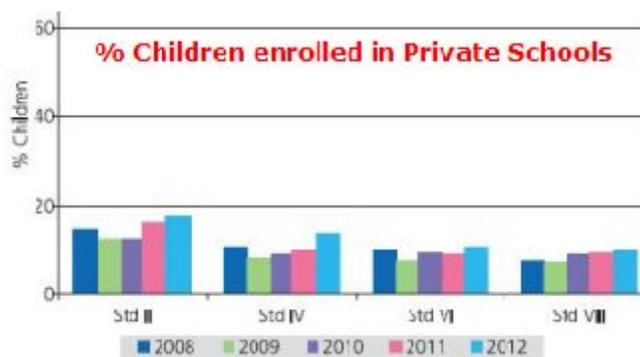
	Facility but no drinking water available	9.6	13.8	11.0
	Drinking water available	77.6	73.3	79.2
Toilet	No Toilet facility	28.9	34.7	15.9
	Facility, but toilet not usable	41.5	38.5	32.7
	Toilet usable	29.6	26.8	51.4
	% Schools with no separate provision for girls toilet	46.2	51.8	34.7
	<b>Schools with Separate Girls' Toilet - % Schools with</b>			
Girls' Toilet	Toilet Locked	16.3	11.5	8.4
	Toilet not usable	17.5	16.0	15.3
	Toilet usable	20.0	20.7	41.6
Library	No Library	27.1	21.3	11.7
	Library but no books being used by children	36.5	40.3	55.4
	Library books being used by children on day of visit	36.5	38.4	32.9
Mid-day Meal	Kitchen shed for cooking mid-day meal	86.1	86.8	89.0
	Mid-day meal served in the school on day of visit	94.6	93.9	91.8

### 1. Out of School Children



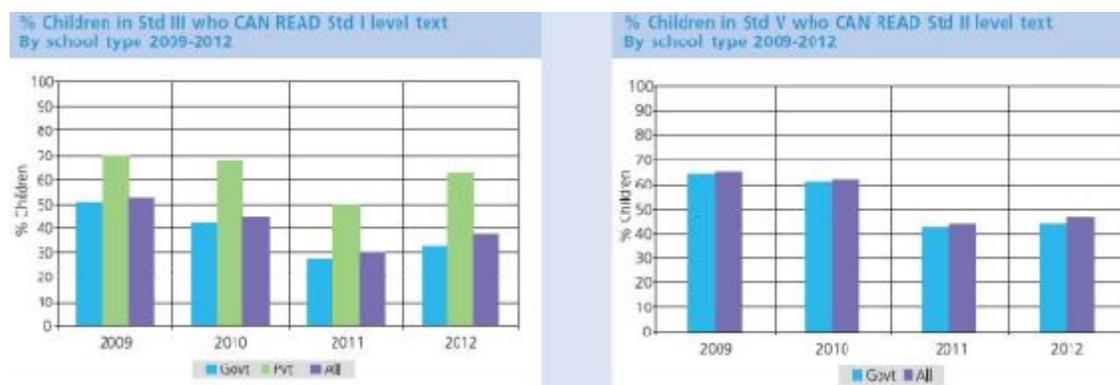
The percentage of out of school children is lower compared to Rajasthan and both boys and girls have similar percentages which is healthy. It is conceivable that the largest fraction of out of school children come from the violence ridden areas where enrolment is also low.

### 2. Enrolment in Private Schools



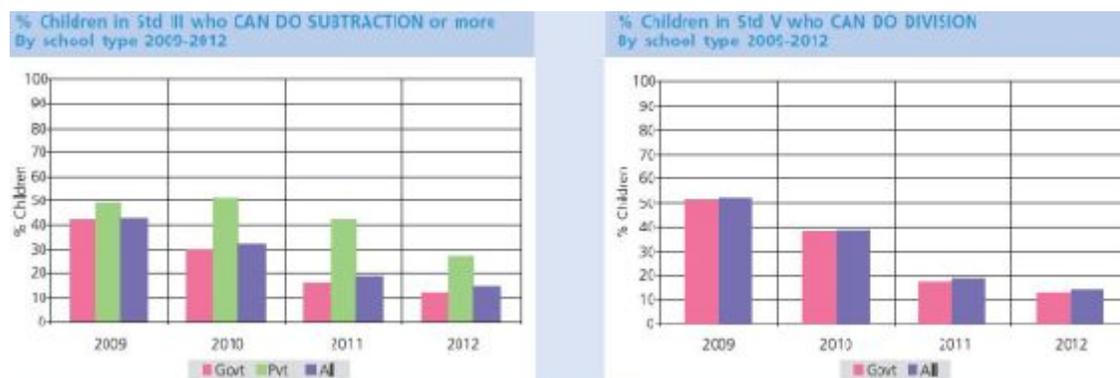
The trend of rising enrolment in private schools is also evident in Chhattisgarh but for now the proportion is lower (9%) compared to MP (about 17%) and Rajasthan (about 37%).

### 3. Reading Skills



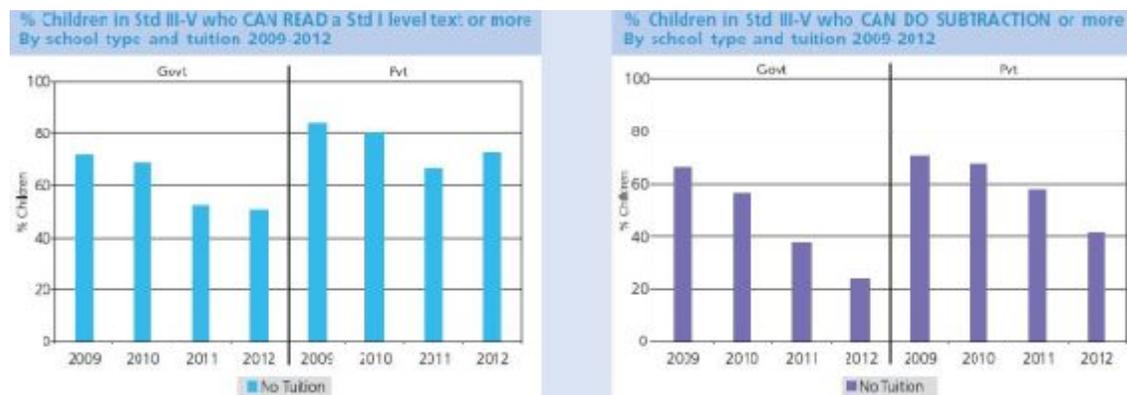
Private school children surpass government school children in reading abilities; however, there is slight improvement among government school children compared with 2011 data. Improvement in private school children's ability is quite significant: over 10% for std III children. For std V children the improvement is marginal.

### 4. Math Skills



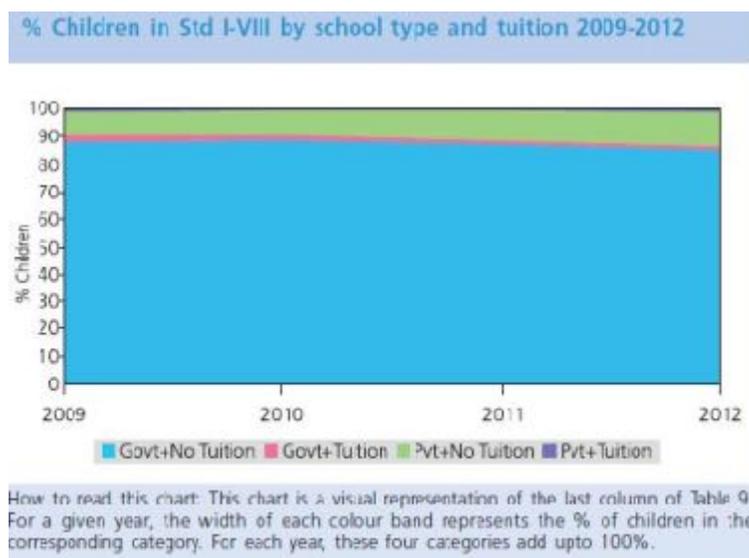
Private school children fair much better than their government school counterparts. In fact, barring children in Andhra Pradesh, Kerala and Karnataka children in all other states have poor math skills.

### 5. Impact of Private Tuitions



While there is no year wise data on private tuitions, but the impact must be positive as for other states. It speaks for the quality of formal school education that private tuitions in India have become norm rather than exception.

## 6. Private Education



Like rest of the country the trend of favoring private schools over the government run institutions is seen in CG also. Unlike Rajasthan where almost half of children go to private schools, in Chhattisgarh (like MP) still about 80% children study in government run facilities.

## Madhya Pradesh

As of January 2013, state-wide, there is a dearth of over 32,000 toilets for girls and boys and boundary wall for 90,000 schools have to be constructed. In the state capital Bhopal, 43 toilets for boys and 695 kitchen sheds need be constructed in 1,191 schools. The state is among 13 others who requested extension of March 31, 2013 deadline for RTE infrastructure. Earlier, the state could not provide details of the progress of the RTE in all the government schools of the state to national monitoring agency, National Commission for Protection of Child Rights.

Vacant posts of teachers and limited training programs for them, poor anganwadi system, lack of innovative teaching methods and multi-grade classrooms are some of the main factors responsible for the decline in quality of education in MP.

Experts feel that although the no-detention policy has helped in curbing the drop-out rate in state, it leads to complacency among students that is affecting the quality of primary education.

### The ASER Survey Report

The ASER survey was conducted during September-October 2012 in 43 districts of MP in which about 51,000 children (in the age group 3-16) from rural areas participated. In each sampled village, the largest government school with primary sections was visited on the day of the survey.

No of Schools Visited 2009 – 2012				
Type of School	2009	2010	2011	2012
Standard I-IV/V Primary	936	709	843	843
Standard I-VII/VIII Primary + Upper Primary	293	510	352	368
<b>Total Schools Visited</b>	<b>1229</b>	<b>1219</b>	<b>1195</b>	<b>1211</b>

High absenteeism and multigrade classrooms in government schools still worry the policy makers. While the children's attendance on a particular day of visit remained between 71 and 73% at national level, only 60% students were found present in MP schools. At 76% primary schools, standard II children were found sitting with those of other classes.

Student and teacher attendance on the day of the visit 2009 – 2012									
Type of School	Standard I-IV/V					Standard I-VII/VIII			
	2009	2010	2011	2012		2009	2010	2011	2012
Avg. % Enrolled Children Present	68.0	65.9	54.5	60.1		66.4	67.6	50.9	59.3
Avg. % teachers Present	92.7	88.5	87.5	84.9		89.5	87.1	82.7	87.2

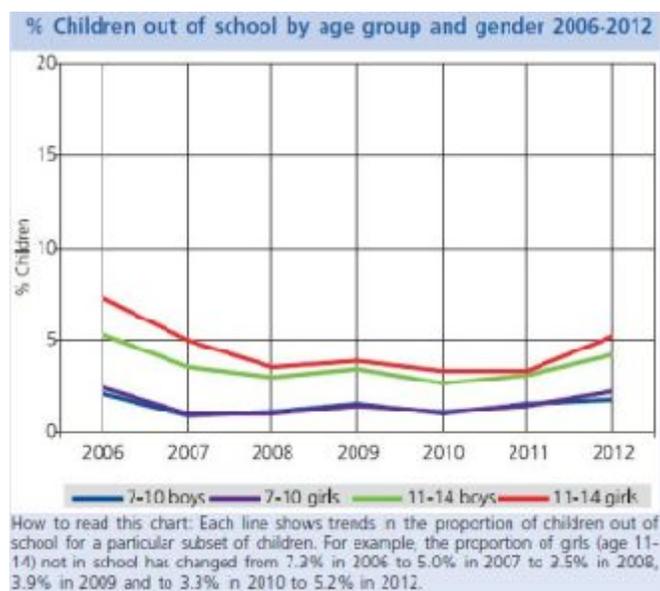
Over the past few years, school facilities have failed to improve much as well. There is improvement in the pupil-teacher ratio. In 2012, less than half (46.7%) of all schools visited were found to have useable toilets. Only 65% of schools had separate provision for girl's toilet. But many of them were found either unusable or locked. About one-third of schools still do not have proper library facilities. Children in about 17% schools carry drinkable water from home. Details are presented below.

### Schools Meeting Selected RTE Norms 2010 – 2012

% Schools Meeting the Following RTE Norms:		2010	2011	2012
Pupil-Teacher and classroom-teacher norms	Pupil-Teacher ratio	19.4	21.5	32.9
	Classroom-Teacher ratio	81.4	75.0	68.9
Building	Office/Store/Office-cum-store	69.5	64.2	67.2
	Playground	61.1	55.4	56.6
	Boundary wall / fencing	37.3	36.9	37.8
Drinking water	No facility for drinking water	13.4	19.3	17.3
	Facility but no drinking water available	8.1	12.1	12.2
	Drinking water available	78.5	68.6	70.5
Toilet	No Toilet facility	20.0	24.3	11.3
	Facility, but toilet not usable	29.8	43.9	42.1
	Toilet usable	50.3	43.8	35.0
	% Schools with no separate provision for girls toilet			
Girls' Toilet	Schools with Separate Girls' Toilet - % Schools with			

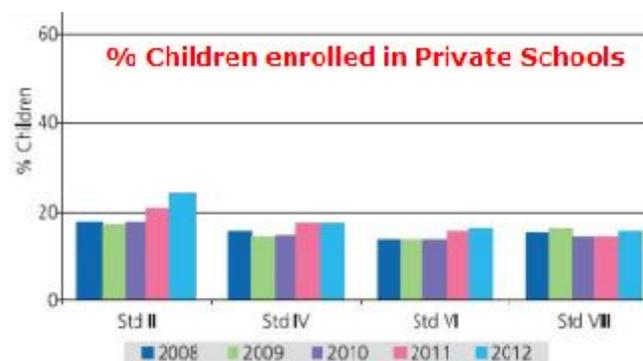
	Toilet Locked	8.5	6.2	10.9
	Toilet not usable	11.8	26.6	19.7
	Toilet usable	28.9	23.4	34.4
Library	No Library	43.7	41.3	29.1
	Library but no books being used by children	27.3	27.2	31.7
	Library books being used by children on day of visit	29.1	31.5	39.3
Mid-day Meal	Kitchen shed for cooking mid-day meal	89.9	86.9	88.0
	Mid-day meal served in the school on day of visit	94.7	92.5	90.2

## 1. Out of School Children



Like Rajasthan, there is some increase in dropout rate of girls in the age group 11-14 compared with 2011 figures which is worrisome, but the consolation is that the percentage is lower than in Rajasthan. In fact, such rise in dropout rate is seen in all age groups of boys as well as girls. Hope this trend does not spill into the future.

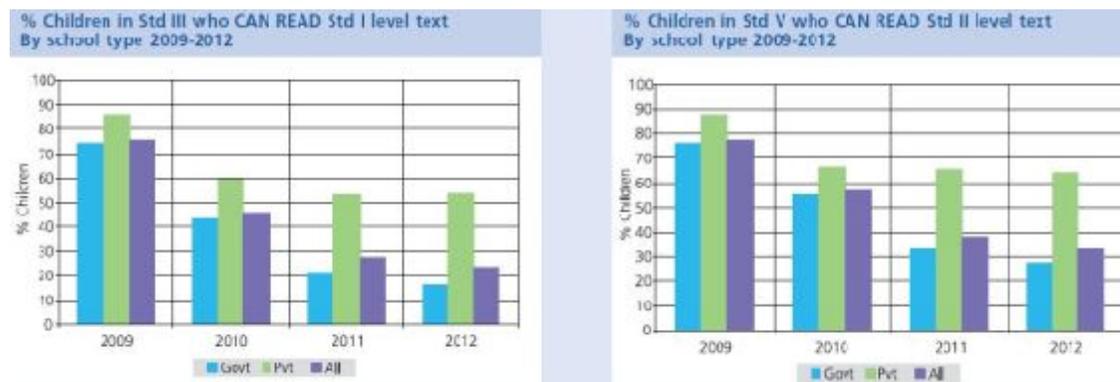
## 2. Enrolment in Private Schools



Increasing preference for private schools and declining trend in government school is obvious in MP too. However, the percentages are lower than those in Rajasthan and higher compared with Chhattisgarh.

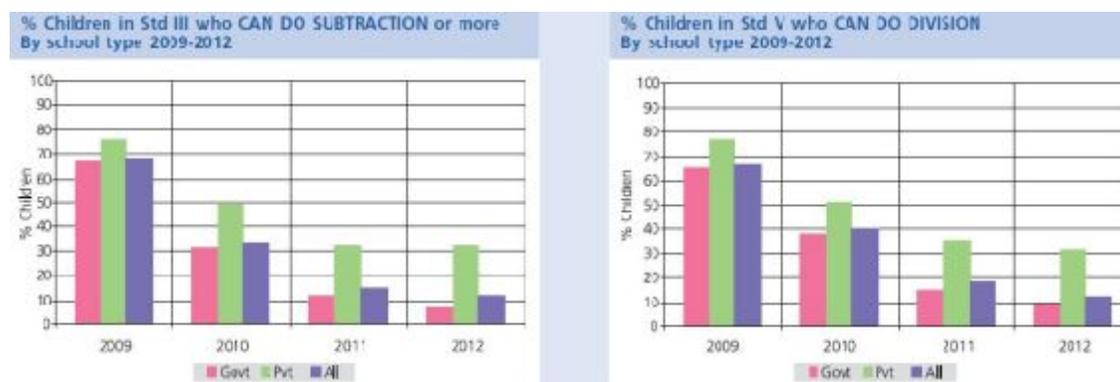
While the percentage of children (6-14 age group) enrolled in government schools dipped from 83.9 in 2006 to 77.8 in 2012, enrolment in private schools during the same period saw a 6.7% growth from 11.5 %.

### 3. Reading Skills



Private school children certainly fair well in reading and math skills, but the decline in government school quality is troublesome.

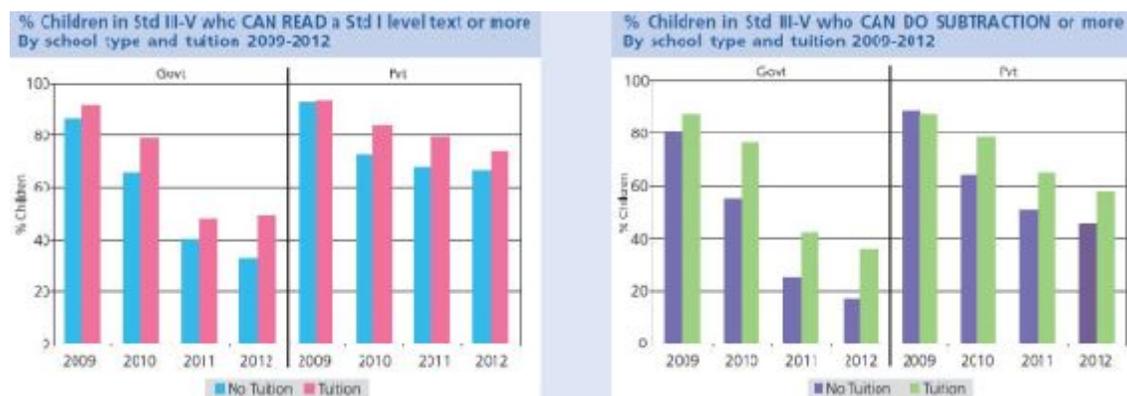
### 4. Math Skills



The declining quality standard in government school over past few years is fairly obvious, so is the gap between the private and government schools.

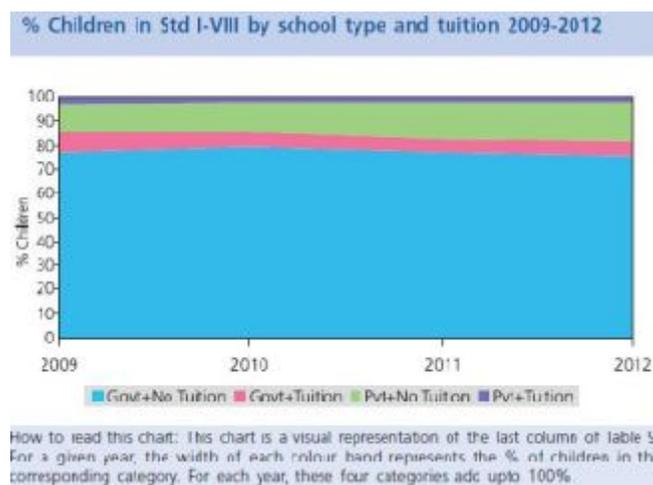
More than 72% children studying in the rural areas of Madhya Pradesh cannot do basic division. More than 80% cannot even read basic sentences of English. Solving two-digit addition and subtraction scares almost 77% kids studying between standard III and V.

### 5. Impact of Tuition



Private tuitions clearly improve skill levels compared with those not availing this extra help, both for the government and private school children. However, the impact is somewhat greater for math skills.

## 6. Private Education



There is a gradual shift from government schools to private schools over the years indicating the quality problem with the former.

## Rajasthan

The Pratham surveyors visited a total of 877 government schools in 32 districts of Rajasthan for preparing ASER-2012. In each sampled village, the largest government school with primary sections was visited on the day of the survey.

No of Schools Visited 2009 - 2012				
Type of School	2009	2010	2011	2012
Standard I-IV/V Primary	276	290	273	324
Standard I-VII/VIII Primary + Upper Primary	594	606	599	553
<b>Total Schools Visited</b>	<b>870</b>	<b>896</b>	<b>872</b>	<b>877</b>

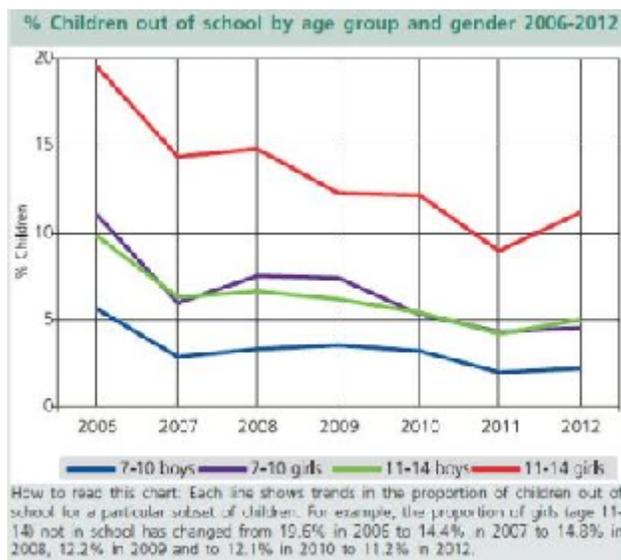
<b>Student and teacher attendance on the day of the visit 2009 – 2012</b>									
Type of School	Standard I-IV/V					Standard I-VII/VIII			
	2009	2010	2011	2012		2009	2010	2011	2012
Avg. % Enrolled Children Present	72.0	71.2	69.8	66.3		74.2	73.6	70.8	68.0
Avg. % teachers Present	92.8	90.1	90.9	90.5		88.9	88.0	86.4	88.4

There is slight improvement in the pupil-teacher norm over the years and the numbers are better than CG and MP. 21% schools still have no drinking water facility.

### Schools Meeting Selected RTE Norms 2010 – 2012

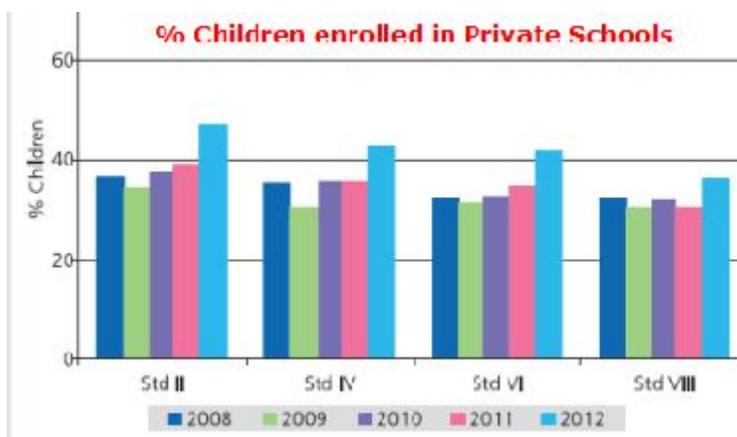
<b>% Schools Meeting the Following RTE Norms:</b>		<b>2010</b>	<b>2011</b>	<b>2012</b>
Pupil-Teacher and classroom-teacher norms	Pupil-Teacher ratio	46.4	47.4	51.1
	Classroom-Teacher ratio	82.0	83.1	80.1
Building	Office/Store/Office-cum-store	91.2	89.4	89.0
	Playground	51.7	57.4	57.7
	Boundary wall / fencing	70.1	72.7	77.3
Drinking water	No facility for drinking water	20.9	21.9	21.0
	Facility but no drinking water available	11.1	8.5	11.9
	Drinking water available	68.0	69.5	67.1
Toilet	No Toilet facility	3.5	3.3	2.6
	Toilet there but not usable	31.1	26.9	25.3
	Toilet usable	65.4	69.9	72.0
	% Schools with no separate provision for girls toilet	19.6	9.3	10.9
Girls' Toilet	<b>Schools with Separate Girls' Toilet - % Schools with</b>			
	Toilet Locked	13.3	5.5	6.6
	Toilet not usable	16.8	19.0	17.5
	Toilet usable	50.3	66.3	65.1
Library	No Library	36.3	33.0	23.1
	Library but no books being used by children	40.4	35.4	44.0
	Library books being used by children on day of visit	23.3	31.7	32.9
Mid-day Meal	Kitchen shed for cooking mid-day meal	83.8	84.7	85.6
	Mid-day meal served in the school on day of visit	94.8	97.1	93.9

### 1. Out of School Children



While overall there is a declining trend of out of school children, the slight rise in 11-14 year girls percentage should be looked into. It might be indicative of girls dropping after Std V to stay at home or to work with parents. Such a increase in not witnessed in CG and MP.

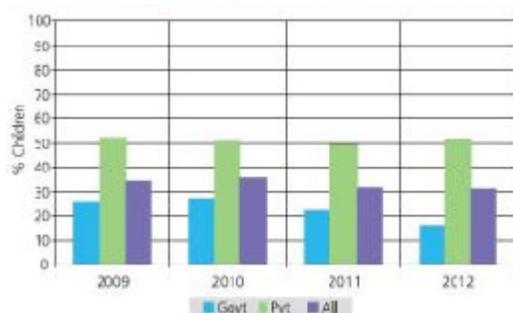
## 2. Enrolment in Private Schools



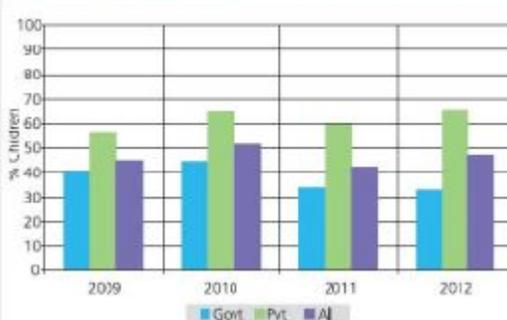
As at national level, in Rajasthan also there is clear trend of children going for private schools where parents can afford it. This shift also underscores the poor quality of education in the state run schools.

## 3. Reading Skills

**% Children in Std III who CAN READ Std I level text  
By school type 2009-2012**



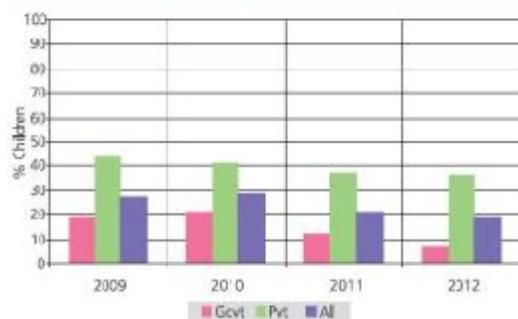
**% Children in Std V who CAN READ Std II level text  
By school type 2009-2012**



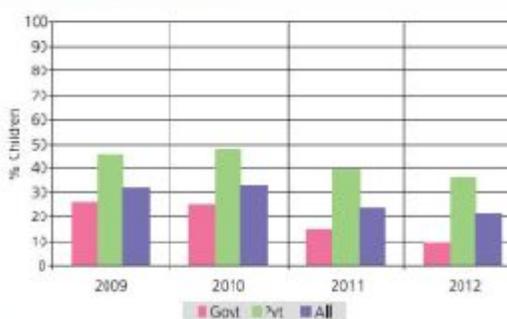
At standard III, students from private school outperform those in government schools by almost 3 times and even at Vth Std they perform better by 2 times. Consistently, private school children do better than government school students. However, the difference in quality of education is widening. The government school children's performance is declining over the years and that of private schools is either steady or rising.

#### 4. Math Skills

**% Children in Std III who CAN DO SUBTRACTION or more  
By school type 2009-2012**

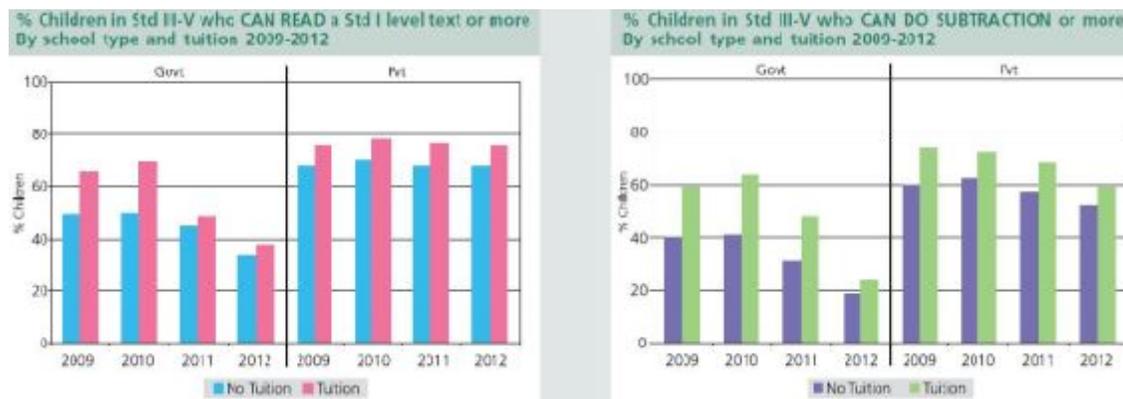


**% Children in Std V who CAN DO DIVISION  
By school type 2009-2012**

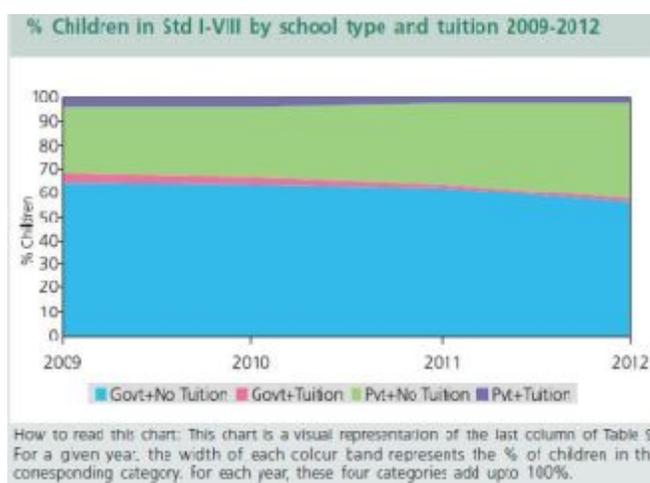


In Math skills too private school children do much better than government run schools. The proportion of children enrolled in Class V, who were able to solve simple two-digit subtraction problems with borrowing, has declined from 67.8 per cent in 2010 to 48 per cent in 2012 and is 5.5 percentage points lower than the national average of 53.5 per cent. For division also the performance of government schools is declining as shown above.

#### 5. Comparison of Government and Private School Children



## 6. Private Education



Over the years, there is clear trend of decline in government school children not-taking private tuitions. What it means is that those parents who can afford are increasingly sending children to private schools.

## CHALLENGES IN IMPLEMENTING THE RTE ACT

A major obstacle behind implementation of the RTE Act, as put forward by the states, is paucity of funds. The Centre estimated an annual budget of Rs 231,000 crore for implementation of the RTE Act. The Expenditure Finance Committee gave it the go-ahead, with a Centre-state contribution ratio of 68:32. Of the total amount, Rs 24,000 crore would come from the finance ministry and the remaining Rs 207,000 crore from the Centre and the states. This, the government claimed, would prevent the states from being overly burdened.

### Challenges at the National Level

#### States' role in implementation of the RTE Act

It has been observed that the Hindi-speaking states of Uttar Pradesh, Rajasthan, Madhya Pradesh and Bihar have been the most half-hearted towards implementation of the RTE Act, despite the fact that 67% of out-of-school children are from these states. This needs attention at the political level.

#### Coordination between various implementing agencies



Every other day we see children working at roadside restaurants, in people's homes, on the roads and in tea stalls. To pick these children up and put them in school is hardly as easy as it sounds. To begin with, rescue of child laborers and punishing the employer is the work of the Labor Ministry and the police. The responsibility of bringing children to schools and providing them quality education is the work of the Human Resource Development Ministry. Then again, monitoring implementation of the RTE Act is the responsibility of the

child rights commissions in each state, which are under the Women and Child Development Department.

### **So what is the way out?**

For quality education to truly reach every child in the country, it is necessary that the following steps are taken:

- Although the RTE Act puts the applicable age-group at 6-14, it has been left to the states to decide whether they want to widen this group, say from 0-18 as Kerala has done. States should think about including more children under the Act's ambit.
- With the Act coming into effect, it has been found that there is a shortage of 12-13 lakh teachers in schools. The states must take steps to employ more teachers and not rely on para-teachers to provide children with quality education.
- The government should ensure that all government schools are well-equipped to take in students, so that they are not left with the sole choice of going to private schools.
- School management committees should take it upon themselves to spread awareness about the Act at the community level, in panchayats, so that people are encouraged to send their children to school.
- School management committees should be provided the necessary financial and other support by the state to go about their duties.
- For effective implementation of the RTE Act, states should give some sort of judicial power to the education department.
- The public private partnership (PPP) model in primary education should be avoided at all costs so that there is no commercialization of education.
- There is a conflict between the child labor law and the Right to Education Act, although both deal with related issues and promote the overall development of children. It is important to bring them in step, to avoid confusion.
- To effectively implement the RTE Act, the Human Resource Development Ministry, Labor Ministry, Women and Child Development Ministry, Panchayati Raj Ministry and Rural Development Ministry have to work together. There should be an umbrella body that brings all these agencies together to work towards a common goal.
- The government must make every effort to become self-sufficient by using the education cess and other taxes to effectively implement the RTE Act. It must not always beg from the private sector.

### **Challenges for CG, MP and Rajasthan**

**Out of school children particularly girls in the age group 11 – 14 years:** The tendency to remove girls from school after IV or V standard is a major challenge, particularly in Rajasthan. It can be only countered by effective awareness campaign.

**Children in Naxal affected areas:** This is a serious challenge particularly for Chhattisgarh. The enrolment rate is lower and dropout rate is quite high in the violence ridden tribal areas.

**Toilet facility for girls:** Madhya Pradesh and Chhattisgarh should focus on girls' toilets in the schools. It may seem unimportant but such facilities will go a long way in improving girls' enrolment and reduce their dropout rate.

**Availability and use of computers:** All three states must also concentrate on increasing the availability of computers and their use by the children.

**Resistance of Private schools to admit poor children:** In Rajasthan, this issue has been regularly making headline. Another issue is the financial burden and discrimination of poor children once admitted.

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## ANNEXURE – 1

### TIMELINE OF THE RTE ACT

**December 12, 2002:** The Right to Education (RTE) Act is born. Constitution amended (86<sup>th</sup> Amendment) Act, 2002 to allow free and compulsory education to all children in the 6-14 age group, as a Fundamental Right.

**October 2003:** The first draft of the Free and Compulsory Education for Children Bill is posted online by the government inviting comments and suggestions from the public. A revised version of this Bill, re-titled Free and Compulsory Education for Children Bill, is re-posted online in 2004.

**June 2005:** The Right to Education Bill, 2005 as drafted by the Central Advisory Board Committee (CABE) was introduced to give effect to the Constitution (86<sup>th</sup>) Amendment Act.

**July 2006:** Finance Committee and Planning Commission reject the Bill claiming lack of funds.

**August 2009:** Nearly six years after the amendment, the Bill is cleared by the Cabinet. On August 4, 2009, the Right to Education Act is officially passed by Parliament. Key provisions state that 25% of admissions in all private schools will be provided free of cost to children from underprivileged areas. Then Union human resources development minister Kapil Sibal says that the move is about the State's obligation to provide compulsory education. "This is a historic opportunity as there was never such a law in the last 62 years since Independence," he says.

**April 1, 2010:** The Right of Children to Free and Compulsory Education Act as enacted by Parliament comes into force. "We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India," says Prime Minister Manmohan Singh.

**April 12, 2012:** Supreme Court upholds the validity of the RTE Act and makes it clear that the Act would be implemented across the country. The court, however, exempted private unaided minority schools (such as schools run by religious institutions) from the Act stating that it would "infringe upon the fundamental freedom" of such schools.

## ANNEXURE – 2

### THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005, an Act of Parliament (December 2005). The Commission's Mandate is to ensure that all Laws, Policies, Programs, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group.

The NCPCR emphasizes the principle of universality and inviolability of child rights and recognizes the tone of urgency in all the child related policies of the country. For the Commission, protection of all children in the 0 to 18 years age group is of equal importance. Thus, policies define priority actions for the most vulnerable children, including focus on regions that are backward or on communities or children under certain circumstances, and so on. For the Commission, every right the child enjoys is mutually reinforcing and interdependent; therefore, the issue of gradation of rights does not arise. For it all the rights of children are of equal importance.

NCPCR also invites all civil society groups, students, teachers, administrators, artists, writers, government personnel, legislators, members of the judiciary and all other stakeholders to join hands and work together to build a movement to ensure that every child of this country is in school and enabled to get at least 8 years of quality education.

One of the Core Mandates of the Commission is to inquire into complaints of violations of child rights. The commission is also required to take **suo moto** cognizance of serious cases of violation of child rights and to examine factors that inhibit the enjoyment of rights of children.

1. Complaints may be made to the Commission in any language of the 8<sup>th</sup> Schedule of the Constitution
2. No fee shall be chargeable on such complaints
3. The complaint shall disclose a complete picture of the matter leading to the complaint
4. The Commission may seek further information/ affidavits as may be considered necessary

**While making a complaint, please ensure that the complaint is:**

1. Clear and legible and not vague, anonymous or pseudonymous
2. Genuine, not trivial or frivolous
3. Not related to civil disputes such as property rights, contractual obligations and the like
4. Not related to service matters
5. Not pending before any other commission duly constituted under law or sub-judice before a court/ tribunal
6. Not already decided by the Commission
7. Not outside the purview of the Commission on any other grounds

Complaints may be addressed to:

**Chairperson / Public Grievance Officer**

National Commission for Protection of Child Rights,  
5th Floor, Chanderlok Building, 36, Janpath, New Delhi - 110 001  
Phone: 011 – 2372 4020 / 2347 8206  
Email: [ms.ncpcr@nic.in](mailto:ms.ncpcr@nic.in)

Website: <http://www.ncpcr.gov.in/>

Email: [complaints.ncpcr@gmail.com](mailto:complaints.ncpcr@gmail.com), [rtedivision.ncpcr@gmail.com](mailto:rtedivision.ncpcr@gmail.com)

**Landline: 011 – 2346 3401/02, 011 – 2347 8241/246/235**

A special toll free helpline to register complaints will be also soon set up.

## **ANNEXURE – 3**

### **FREQUENTLY ASKED QUESTIONS ON THE RTE ACT**

[From UNICEF India website: [http://www.unicef.org/india/education\\_6144.htm](http://www.unicef.org/india/education_6144.htm) and also from NCPCR webpage: <http://rtemonitoringcell.info/rte-primer-coverage-state-acts/>]

#### **Why is the act significant and what does it mean for India?**

The passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. This Act serves as a building block to ensure that every child has his or her right (as an entitlement) to get a quality elementary education, and that the State, with the help of families and communities, fulfils this obligation. Few countries in the world have such a national provision to ensure both free and child-centered, child-friendly education.

#### **What is the coverage of the Act?**

The entire country is covered by the Act, with the exception of Jammu and Kashmir.

#### **Which schools are covered by the Act?**

The Act applies to all schools, government and private. However, there are some specific provisions that apply to only government schools and some that apply only to private schools. "Specified category" schools that are exempt from some of the provisions include: Kendriya Vidyalayas, Navodaya Vidyalaya, Sainik schools; any other school having a distinct character which may be specified by notification by the appropriate government. [Section 2(p)]

### **What happens to the existing State Acts, in light of the RTE Act, 2009?**

Once the new Central RTE Act comes into force, all other Acts are superceded. The states would be able to issue guidelines and state Rules, but not separate Acts.

### **What is 'Free and Compulsory Elementary Education'?**

All children between the ages of 6 and 14 shall have the right to free and compulsory elementary education at a neighborhood school. There is no direct (school fees) or indirect cost (uniforms, textbooks, mid-day meals, transportation) to be borne by the child or the parents to obtain elementary education. The government will provide schooling free-of-cost until a child's elementary education is completed.

### **What is the role envisaged for the community and parents to ensure RTE?**

The landmark passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. For the first time in India's history, children will be guaranteed their right to quality elementary education by the state with the help of families and communities. Few countries in the world have such a national provision to ensure child-centered, child-friendly education to help all children develop to their fullest potential. There were an estimated eight million six to 14 year-olds in India out-of-school in 2009. The world cannot reach its goal to have every child complete primary school by 2015 without India.

Schools shall constitute School Management Committees (SMCs) comprising local authority officials, parents, guardians and teachers. The SMCs shall form School Development Plans and monitor the utilization of government grants and the whole school environment. RTE also mandates the inclusion of 50 per cent women and parents of children from disadvantaged groups in SMCs. Such community participation will be crucial to ensuring a child friendly "whole school" environment through separate toilet facilities for girls and boys and adequate attention to health, water, sanitation and hygiene issues.

### **How does RTE promote Child-Friendly Schools?**

All schools must comply with infrastructure and teacher norms for an effective learning environment. Two trained teachers will be provided for every sixty students at the primary level.

Teachers are required to attend school regularly and punctually, complete curriculum instruction, assess learning abilities and hold regular parent-teacher meetings. The number of teachers shall be based on the number of students rather than by grade.

The state shall ensure adequate support to teachers leading to improved learning outcomes of children. The community and civil society will have an important role to play in collaboration with the SMCs to ensure school quality with equity. The state will provide the policy framework and create an enabling environment to ensure RTE becomes a reality for every child.

### **How will RTE be financed and implemented in India?**

Central and state governments shall share financial responsibility for RTE. The central government shall prepare estimates of expenditures. State governments will be provided a percentage of these costs. The central government may request the Finance Commission to consider providing additional resources to a state in order to carry out the provisions of RTE.

The state government shall be responsible for providing the remaining funds needed to implement. There will be a funding gap which needs to be supported by partners from civil society, development agencies, corporate organizations and citizens of the country.

### **What are the key issues for achieving RTE?**

The RTE Act will be in force from 1 April. Draft Model Rules have been shared with states, which are required to formulate their state rules and have them notified as early as possible.

RTE provides a ripe platform to reach the unreached, with specific provisions for disadvantaged groups, such as child laborers, migrant children, children with special needs, or those who have a "disadvantage owing to social, cultural economical, geographical, linguistic, gender or such other factor." RTE focuses on the quality of teaching and learning, which requires accelerated efforts and substantial reforms:

- Creative and sustained initiatives are crucial to train more than one million new and untrained teachers within the next five years and to reinforce the skills of in-service teachers to ensure child-friendly education.
- Families and communities also have a large role to play to ensure child-friendly education for each and every one of the estimated 190 million girls and boys in India who should be in elementary school today.
- Disparities must be eliminated to assure quality with equity. Investing in preschool is a key strategy in meeting goals.
- Bringing eight million out-of-school children into classes at the age appropriate level with the support to stay in school and succeed poses a major challenge necessitating flexible, innovative approaches.

### **What is the mechanism available if RTE is violated?**

The National Commission for the Protection of Child Rights shall review the safeguards for rights provided under this Act, investigate complaints and have the powers of a civil court in trying cases.

States should constitute a State Commission for the Protection of Child Rights (SCPCR) or the Right to Education Protection Authority (REPA) within six months of 1 April. Any person wishing to file a grievance must submit a written complaint to the local authority.

Appeals will be decided by the SCPCR/REPA. Prosecution of offences requires the sanction of an officer authorized by the appropriate government.

### **How does RTE translate into action and become a reality?**

Substantial efforts are essential to eliminate disparities and ensure quality with equity. Civil society will play an instrumental role in bringing together relevant stakeholders from government, civil society, teachers' organizations, media and the celebrity world.

Civil society will mobilize partners to raise public awareness and provide a call to action. Policy and program design/implementation will focus on improving the access and quality education based on what works to improve results for children. UNICEF will also work with partners to strengthen national and state level monitoring bodies on RTE.

(For more Q/A please visit the NCPCR page: <http://rtemonitoringcell.info/rte-primer-right-to-free-compulsory-education/>)