Right to education: role of the private sector

March 2012
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It is fairly common knowledge that education enables individuals to reach their full potential as human beings, individually as well as members of society. Education is also the driver of a country’s economic development, but it does not always get the priority it deserves. Since India’s pre-Independence period, there has been significant concern about the quality of education imparted in the country, especially to the vast majority of its under-privileged people. Many educationists and social reformers have raised the issue of providing equal access to quality education to all, but despite the Government having initiated several sound policies, education has not shown as much progress in the country as in many other countries, which started at the same level as India in the 1950s. The main factor that contributed to this was that people did not realize the importance of education and did not think it would benefit them in any way.

Today, the situation is changing fast. More and more parents, irrespective of their social and economic backgrounds, are keen to educate their children. The latest census indicated that around 74% of our population is literate, as compared to 64.8 in the last census. This is a substantial improvement in literary levels in the
country. However, mere literacy is not adequate today. A sound school education is the minimum India should strive to provide to its populace. The Right to Education Act is aimed at achieving this and makes a commitment to providing education to all children in the age group 6–14 years in the country. However, several concerns have come to the forefront, some of which have been elaborated on in this report. Of course, much more needs to be done, but as a first step, the provisions of the Act should be ensured for children as their right and teachers should be strongly supported in their task of imparting quality education to them.

The Government has invited private sector participation in implementation of the Act. This does not merely mean their making financial resources available, but also sharing their technical knowledge and non-financial resources. However, a more broad-based debate is required to understand what this will mean for students and teachers in schools. This report is an attempt to contribute to the ongoing discourse in the country, and will, I think, help to forge partnerships and make a positive difference in the country’s education system.

Ram Sarvapalli
The Right to Education Act (RTE), enacted in 2009, has ushered in hope for school education in the country. It is the culmination of efforts made by educationists, members of civil society and judiciary for the last many years. Free and compulsory education for all children had been debated even in pre-Independence years. It made its way into the Constitution as a Directive Principle of State Policy under the former Article 45, whereby states were required to ensure provision of free and compulsory education (FCE) to all children till the age of 14 years within a period of 10 years of the formulation of the Constitution. There is enough evidence to suggest that this goal has not been achieved even several decades after India became independent. With the RTE coming into force, there is an expectation that this will finally be translated into provision of quality school education for all children.

It is the primary responsibility of the Government to ensure implementation of the Act. Being part of the concurrent list, the Central and state governments are both responsible for ensuring effective implementation of the Act. There has been significant improvement in terms of the number of primary schools, largely due to additional resources made available through the Sarv Shiksha Abhiyan to bridge existing gaps. The scheme is now being extended to the secondary school level as well. In addition to the Government’s initiative, the private sector has also played a role in improving the state of education in the country and continues to do so. This study is an attempt to explore the role the private sector can play in implementation of the RTE.

There are varied opinions on some sections of the Act from different perspectives. The study includes some views and counters those on some aspects of the Act. For instance, inclusion of a schedule to set up norms and standards has by and large been welcomed, although there is a strong opinion that it does not address quality issues adequately. On the contrary, some groups feel that it is not friendly toward small organizations that are making an attempt to reach out to disadvantaged groups, but are not adequately resourced to meet the norms and standards laid down in the Act. We hope this will make our readers understand some of the different perspectives.
The role of the private sector was recognized even in the 1960s when the Kothari Commission was assigned the task of preparing a road map for school education in the country. Over the years, there has been uneasiness in accepting the role of the private sector. The genesis of this perhaps lies in the ever increasing inequality in the education system, which has shaped the two faces of the country “India” and “Bharat” – one for the elite and the other for the have-nots. This perception is also impacted by civil society’s resistance to globalization. According to the law of the land, education cannot be a means to making profit. This raises the question, then how will programs be sustained. There is a demand for allowing “reasonable returns” on the investment the private sector makes toward education so that its efforts are sustained. On the flip side, if these reasonable returns are allowed, where will it stop? Will there be enough safeguards to ensure that children from economically disadvantaged sections are not denied education because they cannot afford to take admission in schools? Is 25% reservation in private schools the only answer to address issues related to social inequality?

We believe that while discussing the role of the private sector, it is important to define what the sector actually is. We have defined the private sector as non-state players, including NGOs, INGOs, civil society groups, corporate foundations and resource agencies. We believe it is possible for like-minded stakeholders to come together and supplement each others’ efforts. Each stakeholder brings a different set of skills, which can collectively help in effective implementation of the RTE. If child rights are central to all planning efforts, there is a lot that different stakeholders can do collectively to support the Government in achieving its national agenda. It is also our belief that universalization of quality education cannot be achieved without strengthening the public education system. Private and public schools can co-exist, but can greater efforts be made to improve the public education system? We hope this study provides some ideas on how this can be achieved. We owe it to the next generation to make it possible for them to reap the benefits of the demographic advantage we have today.

Sunil Chandiramani
1. Elementary education: backbone of the education system

Education leads to individual freedom and empowerment, which yields significant societal development gains and makes an individual self-reliant. It is seen as the foundation of society, enabling economic wealth, social prosperity and political stability. Education is therefore increasingly being viewed as a fundamental right across the globe and essential for the exercise of all human rights. All individuals are entitled to education.

Elementary education forms the foundation for all levels of learning and development. It empowers and equips individuals with analytical capabilities, instills confidence and fortifies them with determination to achieve goal-setting competencies. It, therefore, plays a pivotal role in improving the socio-economic condition of the nation. For any country to grow, it is imperative that it has in place a strong elementary school-driven education system.

1.1 Evolution of the Indian education system

The evolution of the education system in India has been about balancing the competing claims between the constitutional compulsion toward providing eight years of compulsory education (as required by the Directive Principles of State Policy in the Constitution), the manpower requirements of a growing economy and meeting the demand for overall expansion of the system.\(^1\)

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\(^1\) "Universalisation of Basic Education in Planning and Policies," Education website, http://www.education.nic.in/cd50years/r/6H/HC/6HHC0501.htm, accessed 5th August 2011
<table>
<thead>
<tr>
<th>Time</th>
<th>Elementary education</th>
<th>Secondary education</th>
<th>Higher education</th>
<th>Across segments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Enactment of Apprentices Act, 1961 and Institute of Technology Act, 1961</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mid Day Meal scheme (1995)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sarva Shiksha Abhiyaan launched (2001)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1.2 Progress in elementary education over the years

The evolution of India’s education system has been driven by increased focus on basic elementary education. One of the key achievements of India’s education system since Independence has been the consistent rise in the country’s literacy rate, which has risen from 18% in 1951 to 74% in 2011. Significant efforts have been made to universalize elementary education in these 60 years. The number of elementary schools and teachers grew significantly during the period 1950-51 and 2004-05. Gross enrolment figures for elementary education also increased from 32 in 1950-51 to ~95 in 2004-05. This growth in elementary education in India has largely been the result of the Government’s initiatives.

Figure: Progress in education in India since 1950

<table>
<thead>
<tr>
<th>Statistic</th>
<th>1950-51</th>
<th>2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of elementary schools</td>
<td>223,600</td>
<td>1,042,251</td>
</tr>
<tr>
<td>Number of teachers in elementary schools (in millions)</td>
<td>0.6</td>
<td>3.8</td>
</tr>
<tr>
<td>Enrolment in primary schools (in millions)</td>
<td>19.2</td>
<td>130.8</td>
</tr>
<tr>
<td>Enrolment in upper primary schools (in millions)</td>
<td>3</td>
<td>51.2</td>
</tr>
</tbody>
</table>

Source: Access to Elementary Education in India: Country Analytical Review, CREATE, NUEPA, GoI (2007a)

Implementation of elementary education schemes: Schemes such as Sarva Shiksha Abhiyan (2001) and the Mid Day Meal Scheme (1995) can be given the credit for rapid expansion of the elementary education system in India over the last decade. The Sarva Shiksha Abhiyan -led to formation of over 200,000 new schools has led to the additional enrolment of over 21 million children. A significant growth has also been witnessed in upper primary schools, which have grown roughly 20 times from 1950-51 to 2005-06.

Percentage out of school children (6-14 years)

Source: Rajya Sabha Unstarred Question 2003; All India Survey of Out of School Children 2009

Since the inception of the Sarva Shiksha Abhiyan, the percentage out-of-school children came down from 18.4% in 2000-01 to 4.3% in 2009. The continual expansion of the elementary education system has also resulted in reduction in the number of out-of-school children in the age group of 6-14 years.

The overall gender parity index for elementary education increased from 0.4 in 1950-51 to 0.9 in 2005-06. This is primarily the result of the enhanced participation of girls in the education system. The Government has undertaken various initiatives such as the Mahila Samakhya\(^3\) Project and the District Primary Education Programme (DPEP) in this direction. The DPEP program focuses on formation of village education committees with the large participation of female members to ensure retention. As an incentive, the Government has also given awards to villages for 100% enrolment of girls.

India has made substantial progress in achieving its elementary education goals over the last few decades, yet there are certain sections of society that continue to remain significantly underserved.

Despite the progress made, there remains a lot of ground to be covered for the establishment and functioning of a high-quality elementary education system. Primary research, with the input of various stakeholders in the education industry, indicates the following reasons for the low quality of elementary education in the past:

- Failure of the state to ensure free and compulsory equitable quality education to all, irrespective of gender, class, caste and social status
- Lack of community involvement and low level of awareness of the Government’s plans and programs
- Limited focus on learning outcomes.
- Lack of effective performance-monitoring systems
- Inadequate school infrastructure and shortage of quality teachers
- Poor coordination between planning and implementation
- Prevalence of child labor and absence of parents’ interest in school functioning
- Lack of accountability

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2. RTE Act 2009 — heralding a new era of inclusive growth

“Only the educated are free.”
Epictetus, Greek philosopher

Education is globally recognized as a fundamental human right, and people with access to education can develop the skills, capacity and confidence to secure other rights. The right to education thus acts as an enabling right that functions as the voice through which rights can be claimed and protected. It is therefore an important stepping stone to improve the social situation of the people.

Globally, right to education derives its legal basis from Article 26(1) of the Universal Declaration of Human Rights (UDHR), which states that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.” The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations in 1966, also recognizes everyone’s right to education. Article 13(2) of ICESCR requires parties to the covenant to recognize that primary education will be compulsory and available free to all to achieve its realization. Various constitutions around the world recognize the universal nature of the right to education (the Czech Republic, Niger, Spain, Uganda, etc.). However, constitutional provisions of providing free and compulsory education vary across countries in terms of specific segments (primary level — Croatia, Turkey and Kuwait; basic education — Spain and Sweden; secondary level — the Czech Republic and Latvia).

Ever since Independence, India has undertaken several initiatives to achieve universalization of elementary education, which has yielded mixed results. The Right to Education legislation in India has seen a chequered history in evolving from a directive principle to a fundamental right. In 1950, the Constitution articulated its commitment to education through its Directive Principles of State Policy. The 86th Constitutional Amendment was followed by multiple rounds of discussions (tabling of right for free and compulsory education bills by the NDA and UPA governments), which made education a fundamental right for children in the age group of 6-14 years. The Act was introduced in Rajya Sabha in December 2008. It was passed in the Lok Sabha on 4 August 2009 and the President gave his assent to it on 26 August 2009. The Act came into force on 1 April 2010 as a fundamental right in India.

### Figure: Tracing the development of the Act

<table>
<thead>
<tr>
<th>Period</th>
<th>Event</th>
<th>Phase</th>
</tr>
</thead>
</table>
| 1910-47      | 1910: Resolution moved by Gopal Krishna Gokhale in the Imperial Legislative Council seeking Free and Compulsory Primary Education  
1937: Mahatma Gandhi makes a plea for universalization of education  
1944: Sargent Plan to achieve universal elementary education by 1984. | Acceptance of importance of elementary education |
| 1947-86      | 1947: Constituent assembly explores avenues to achieve universal elementary education  
1950: Directive Principles of State Policy (Article 45) directs state to endeavor to provide free and compulsory education to all children until 14 years of age within a period of 10 yrs  
1968: Due to insignificant achievements, National Policy on Education urges serious efforts toward provision of free and compulsory education  
1986: National Policy on Education resolves to provide all children free and compulsory education up to 14 years by 1995 | Significant planning but insignificant achievements |
| 1986-2009    | 1992: India becomes signatory to the UN Convention on Rights of the Child, which requires states to recognize the right of the child to education  
1993: Supreme Court in the case “J.P. Unnikrishnan and others vs State of Andhra Pradesh and others” asks state to honor the command of Article 45 of Constitution  
2002: Public pressure generated after Unnikrishnan case spurs successive governments to make education a fundamental right, 86th Amendment 2002 makes elementary education a fundamental right  
2003: The Free and Compulsory Education For Children Bill, 2003 (NDA government)  
2004: The Free and Compulsory Education For Children Bill, 2004 (NDA government)  
2005: The Right to Education Bill, 2005 (June) (CABE Bill) (UPA I government)  
2005: The Right to Education Bill, 2005 (August) (UPA I government)  
2006: Central legislation discarded. States advised to make their own Bills based on The Model Right to Education Bill, 2006 (UPA I government)  
2008-09: Central legislation gets revised. President gives assent to The Right of Children to Free and Compulsory Education Act. The act to come in effect from April 2010 | Public pressure and political will yields the game changing Act |
The Right of Children to Free & Compulsory Education Act (2009) passed by the Parliament requires the state to provide free and compulsory education to all the children from the age of 6 to 14 years and has the potential to herald an era of inclusive growth in India.

From a directive to the Government in the constitution, elementary education has today achieved the status of a fundamental right. Efficient and fruitful implementation of the Act holds in balance the achievement of a progressively inclusive society in India.

2.1 Salient features of the Act – analysis using the 4A framework

The RTE Act is the first Central Act in the domain of elementary education and aims to increase the accountability of state governments and local administration. The Act has many game-changing features, which are bound to yield significant results. It entails removal of any financial barrier that may prevent any child from availing eight years of elementary education in a neighborhood school. It also specifies minimum norms and standards applicable to schools, including infrastructure. A unique feature of the Act is its focus on increased community participation by setting up of school management committees, which include parents, teachers and elected representatives.

The various features of the Act and their intended application in making education a meaningful right have been analyzed using the 4A framework (availability, accessibility, acceptability and adaptability) developed by former UN Special Rapporteur on the Right to Education Act 6, Katarina Tomasevski. This framework allows development of an enhanced understanding of its key features and their application. The effectiveness of the features in column 2 include the perception of the respondents of the primary research.

2.1.1 Availability

This metric of the 4A framework requires education to be free and funded by the Government. Moreover, it needs adequate infrastructure that is supplemented by trained teachers to enable education delivery.

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<table>
<thead>
<tr>
<th>4A Framework parameters</th>
<th>Features of the Right to Education Act (refer appendix for more details)</th>
<th>Effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Availability</td>
<td>Right of children to free and compulsory education:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Right of free and compulsory education to every child from the age of 6 to 14 years</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• No child will be liable to pay any kind of fee or charge, which may prevent him or her from pursuing elementary education</td>
<td></td>
</tr>
<tr>
<td>Standards for recognition of schools:</td>
<td>• Prescribed norms and standards highlighting parameters such as ideal pupil-teacher ratio and minimum number of working days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Certificate of recognition from competent local authority for operating school</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Schools not conforming to the norms and standards specified in the schedule and formed before the Act to fulfill such norms</td>
<td></td>
</tr>
<tr>
<td>Establishment of additional schools:</td>
<td>• Establishment of schools (especially upper primary schools) in areas and neighborhoods where any such provision is non-existent</td>
<td></td>
</tr>
<tr>
<td>Appointment of qualified teachers:</td>
<td>• Minimum qualifications laid down for the academic to be eligible for appointment as a teacher (with relaxation in states that do not have adequate number of such institutions)</td>
<td></td>
</tr>
</tbody>
</table>

- The RTE Act does not cater to the absence of pre-school education provisions for children below the age of six years.

Primary research with various stakeholders in the education industry indicates the following:

- The focus of RTE is input-oriented with a miniscule focus on outcome or quality
- With many states yet to notify the rules, implementation of the Act has not been very effective and there is huge disparity across the states. Monitoring of the Act by the State Commission for Protection of Child Rights (SCPCRs) continues to be questionable.
- The Act has been a partial success and there is lack of awareness as to what it has to offer; mass mobilization and an awareness drive to increase awareness of the RTE Act is needed. Lack of community involvement and a low level of awareness continue to hinder its implementation.
- There is a need to sensitize local authorities to play an active role in implementation of the Act.
- While some stakeholders believe that only qualified teachers (instead of “para teachers”) should be hired, the others feel that qualification does not signify quality and local trained teachers are a better alternative.
2.1.2 Accessibility

This metric of the 4A framework requires development of a non-discriminatory system with measures to include the most marginalized.

<table>
<thead>
<tr>
<th>4A Framework parameters Features of the Right to Education Act (refer appendix for more details)</th>
<th>Effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility ► Disallowing capitation fees and use of random procedures for school admission</td>
<td>☀ ☀</td>
</tr>
<tr>
<td>Providing special training ► Admitting a child above six years, who has neither been admitted to any school nor has been able to complete his or her elementary education to an age-appropriate class, and providing him special training ► Admission of students belonging to weaker groups (child belonging to such parent or guardian whose annual income is lower than the minimum specified by the appropriate government by notification) ► Private unaided schools to be reimbursed their expenditure to the extent of the lesser of either per-child expenditure incurred by the government or the actual amount charged to the child</td>
<td>☀ ☀</td>
</tr>
<tr>
<td>Balanced representation on school management committee: ► Constitution of school management committee with representation from local authority, parents or guardians of children admitted, and teachers ► 50% of the members of any such committee to be women</td>
<td>☀ ☀</td>
</tr>
</tbody>
</table>

While the Act stipulates non-discrimination against students belonging to economically weaker sections, it does not place any restriction on fees charged by unaided private schools. Moreover, the obligation of school management committees (especially the requirement of 75% participation of parents) does not apply to private unaided schools.

Primary research with various stakeholders in the education industry indicates that:

- Greater efforts are required for special training for out-of-school children who have never been to school after the age appropriate for admission to school
- The role of school management committees (SMCs) should be strengthened and special training sessions for the chairman and members on aspects such as leadership, roles, responsibilities, etc., should be organized.
- Parents should be given more authority in the SMCs to reduce teacher absenteeism and improve infrastructure.
2.1.3 Acceptability

The metric requires development of quality content, which is non-discriminatory, relevant and culturally appropriate in nature. It also requires that a school is safe and teachers are professional.

<table>
<thead>
<tr>
<th>4A Framework parameters Features of the Right to Education Act (refer appendix for more details)</th>
<th>Effectiveness</th>
</tr>
</thead>
</table>
| Acceptability | Development of national curriculum  
• Central Government to develop a framework of national curriculum  
Prohibition of holding back and expulsion till completion of elementary education; prohibition of physical or mental harassment  
Duties of teachers:  
• Maintenance of regularity and punctuality  
• Completion of the entire curriculum within a specified time  
• Assessing the learning ability of each child and providing suitable instruction, including supplementary instruction, if required | ![Rating](https://i.imgur.com/3Z9.png) ![Rating](https://i.imgur.com/3Z9.png) ![Rating](https://i.imgur.com/3Z9.png) ![Rating](https://i.imgur.com/3Z9.png) |

- A key issue being raised against the provisions of the RTE Act is the absence of provisions for improving the job conditions of teachers. This leads to limited availability of quality teachers in rural or inaccessible areas.

- According to analysts, teacher training is one of the biggest requirements of the current system and has been neglected by the Act.
2.1.4 Adaptability

The metric requires that the education system is able to adapt to the changing needs of society and fight social inequalities such as gender discrimination as well as local issues and contexts. This implies that education should be flexible and respond to the needs and abilities of its students, meet their best interests and adapt to different contexts.

<table>
<thead>
<tr>
<th>4A Framework parameters</th>
<th>Features of the Right to Education Act (refer appendix for more details)</th>
<th>Effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adaptability</td>
<td>Admission of students belonging to socially disadvantaged and economically weaker groups (SC, ST, socially and educationally backward classes or other disadvantaged groups (due to social, cultural, economical, geographical, linguistic or other factors):</td>
<td><img src="image1" alt="Icon" /> <img src="image2" alt="Icon" /></td>
</tr>
<tr>
<td></td>
<td>• Private unaided schools to admit students belonging to weaker groups to the extent of at least 25% of their class strength</td>
<td><img src="image1" alt="Icon" /> <img src="image2" alt="Icon" /></td>
</tr>
<tr>
<td></td>
<td>• Private unaided schools to be reimbursed their expenditure to the extent of the lesser of either per-child expenditure incurred by the Government or the actual amount charged for the child</td>
<td><img src="image1" alt="Icon" /> <img src="image2" alt="Icon" /></td>
</tr>
<tr>
<td></td>
<td>Right of transfer to other schools for any child pursuing elementary education in government or government-aided schools:</td>
<td><img src="image1" alt="Icon" /> <img src="image2" alt="Icon" /></td>
</tr>
<tr>
<td></td>
<td>• The head teacher or the person in charge of the school in which such a child was last admitted to immediately issue a transfer certificate, to avoid disciplinary action</td>
<td><img src="image1" alt="Icon" /> <img src="image2" alt="Icon" /></td>
</tr>
<tr>
<td></td>
<td>• Delay in producing transfer certificate not to be the reason for delaying or denying admission in to school</td>
<td><img src="image1" alt="Icon" /> <img src="image2" alt="Icon" /></td>
</tr>
</tbody>
</table>

- The provisions on non-discrimination are in line with international practices. Globally, RTE laws or national constitutions have a specific mandate, which disallows discrimination of students belonging to weaker sections of society.
The RTE Act clearly lays down norms and standards for the physical infrastructure and human resource required to implement the Act.

Norms and standards as per the RTE Act

<table>
<thead>
<tr>
<th>1. Number of teachers</th>
<th>Admitted children</th>
<th>Number of teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. I–V class</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0–60</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>61–90</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>91–120</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>121–200</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>&gt;150</td>
<td></td>
<td>5 plus one head teacher</td>
</tr>
<tr>
<td>&gt;200</td>
<td></td>
<td>PTR (excluding head teacher) not to exceed 40</td>
</tr>
</tbody>
</table>

| **b. VI–VII class** | At least one teacher per class so that there is at least one teacher each for science and mathematics, social studies and languages |
|                     | At least one teacher for every 35 children |

| 2. Building | Where admission of children is above 100, a full-time head teacher and part time instructors for art education, health and physical education, and work education |

| 3. Minimum number of working days/instructional hours in an academic year: |
|----------------------|---------------------|-----------------|
| **a. Working days**  | I–V class           | 220 working days |
|                      | VI–VIII class       |                 |
| **b. Instructional hours** | I–V class   | 1000 instructional hours |
|                      | VI–VIII class       |                 |

| 4. Minimum number of working hours per week for teacher – 45 teaching hours (including preparation hours) |

| 5. Teaching and learning equipment to be provided to each class as required |
| 6. Library providing newspapers, magazines and books on all subjects available |
| 7. Play material, games and sports equipment to be provided for each class as required |

Primary research with various stakeholders in the education industry indicates that:

- Many respondents support 25% reservation for the purpose of inclusive education and believe that this should be the practice. They also feel that nothing substantial has been done by private schools to implement this and school managements continue to challenge the legality of the mandate.
- Respondents from private schools do not think that it is practical to implement and sustain this provision.
2.2 Implementation of RTE regulations

Successful implementation of the RTE Act passed by the Central Government requires key steps to be undertaken by state governments. States are required to notify specific rules for carrying out the provisions of the Act. They are also required to constitute a State Commission for the Protection of Child Rights and notify a state academic authority to frame and monitor the curriculum.

Apart from these, state governments are also required to issue a policy on the following points:

- Eight-year elementary education
- Banning of private tuition
- No detention/corporal punishment
- No board examination up to elementary level
- Banning screening procedure and capitation fees
- Working days and instructional hours

Notification of nationwide state-level RTE rules is a crucial step for initiation of the next steps to achieve universalization of elementary education in India. According to the latest information available, 28 states have notified their rules relating to RTE.

2.3 Challenges faced in universalizing elementary education in India

About 35% of the world’s illiterate population is Indian, and based on historic patterns of literacy growth across the world, India may account for the majority of the world’s illiterate population by 2020. Despite all the efforts of the Government of India, there are several challenges in achieving universalization of elementary education in the country.

2.3.1 Financing the RTE Act

Establishment of new neighborhood schools and upgrading of school infrastructure would entail significant expenditure in a short span of time on the basis of the time lines mandated.

Figure: Time lines mandated under the RTE Act

| Establishment of neighborhood schools | 3 years |
| Provision of school infrastructure   | 3 years |
| Provision for teachers (required under the prescribed pupil: teacher ratio) | 3 years |
| Training of untrained teachers      | 5 years |
| Quality interventions and other provisions | With effect from the notification of the Act |

Source: Implementation of Right to Education Act in India, R Govinda, NUEPA

Financial expenditure estimates for the implementation of the RTE Act comprises the following components (in terms of decreasing expenditure):

- Teachers' salaries
- Civil works
- Children's entitlements
- School facilities
- Mainstreaming children
- Inclusive education for disabled children
- Management costs and development of teachers

**Deficit:** According to current estimates, implementation of the RTE Act for a period of five years from 2010 would require investments worth around INR2.31 trillion. Out of, INR 0.24 trillion would need to come from the Finance Commission's allocation to state governments. The remaining INR 2.07 trillion would be shared by the Centre and states on a 65:35 basis, with 90:10 for the north-eastern states. (The Centre to state allocation has always been the subject of debate.)

The Sarva Shiksha Abhiyan (SSA), India's main program for achieving the target of universalizing elementary education, was identified as the prime vehicle for implementing the Right to Education Act. The operational norms of the SSA were revised to implement the RTE Act from 1 April 2010. Allocations for SSA have been increased by 40% from INR150 billion (FY 2010–11) to INR210 billion (FY 2011–12) to achieve the objectives of the Act.

However, according to an official of the HRD Ministry, the increase in real terms relating to the RTE Act has gone up by only INR20 billion, which is marginal.

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The Anil Bordia Committee Report (May 2010), which had earlier estimated a required amount of INR 1.7 trillion, has indicated that states will have to double their present shares for implementation of the RTE Act and committed salaries of the SSA. The differential requirement also brings to the fore the need for support to the states for implementation of the Act.

Along with financing, it is imperative that the funds reach the areas where they are needed the most.

2.3.2 Lack of basic infrastructure facilities

Infrastructure development is the key driver for providing universal elementary education to India’s children. The ASER study on rural education indicates that one of the major reasons for children staying out of school or being pushed out is inadequate infrastructure. Although infrastructure has developed significantly over the last few years, there is still a considerable gap that needs to be filled to meet RTE norms.

According to the RTE Act, the following infrastructure facilities have to be made available to students by schools within a time frame of three years from the period of notification of the Act. All-weather school buildings should consist of:

- One-teacher classrooms and a head teacher-cum-office room with barrier-free access
- Separate toilets for boys and girls
- Safe and adequate drinking water facilities for all children
- A kitchen where the mid-day meal is cooked in the school
- Playground
- Arrangements for securing the school building by a boundary wall

Despite tremendous efforts being made on infrastructure development, some of the significant shortages in the provision of infrastructure facilities are highlighted below:

- Few classrooms available: According to the DISE Flash Statistics 2009–10 reports, there were only 3.6 classrooms per school on an average. Furthermore, almost 25% of the total enrolment in 2009–10 was in schools with a student-classroom ratio >60. The average number of classes in government schools was 3.8, and this figure for private schools was more than double (7.8).
- Lack of sanitation: Only 58% the schools had toilets for girls in 2009–10.
- Lack of computer facilities: Only 39% schools have electricity connection and only 16.65% have computer facilities.
- Lack of transport facilities and safety features: Most government schools do not provide transport facilities, and therefore, students living in rural areas or difficult terrains find it difficult to commute and drop out of school. Furthermore, in such schools, admission of girls is minimal. Almost 50% of the schools do not have boundary walls.

Therefore, in light of the infrastructural issues mentioned above, we see that there is a need for significant effort to be made by all stakeholders to improve available infrastructure in schools according RTE norms.

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2.3.3 Human resource challenges

Lack of trained teachers

The RTE Act attaches immense importance to the role of teachers in improving elementary education by making available professionally trained teachers for the school system.10

• According to RTE rules, children have the right to at least one qualified and trained teacher for every 30 pupils. Currently, there is about one teacher for every 34 students. Around 1.2 million additional teachers need to be recruited to fill this gap.

• Furthermore, today, around one out of five primary school teachers do not have the required minimum qualification to ensure children's right to quality learning. Section 23(2) of the Act provides a time frame of five years to ensure that all the teachers in elementary schools are professionally trained. The Ministry of Human Resource Development has estimated that currently there are 0.67 million untrained teachers in India.

• The National Council for Technical Education has laid down the minimum qualifications for teachers in schools in 2001 on the basis of the National Council for Teacher Education Act and the RTE Act, according to which teachers appointed by the government or employing authority should be trained and have minimum qualifications for different levels of school education. Within the five-year period, all teachers need to acquire the academic and professional qualifications prescribed by the academic authority under the RTE Act. This is a difficult task.

10 “Govt to help train teachers”, Deccan Herald, 04 June 2011.
Schools operating without headmaster or teacher

To ensure a good quality education in schools, a head master and teacher are required to maintain the required standard and quality of teaching. A headmaster is also needed for general administration of the school to ensure that quality education is imparted.

Almost 40% of the primary schools, which had enrolled more than 150 students in 2009–10, have been operating without a head master or teacher. In the case of upper primary schools, almost 57% do not have a headmaster, in spite of enrollment figures of more than 100 students. Therefore, a large number of schools at the elementary level operate without a designated authority or head to ensure that the rules specified by the RTE Act are being implemented in the school.

Teacher absenteeism

A major challenge the Act faces is to address the high level of absenteeism among teachers. While the average of teacher absenteeism is around 20% worldwide, India has the highest teacher absenteeism in the world at 25% (according to the UNESCO's International Institute of Educational Planning study on corruption in education12. The level of absenteeism among government primary school teachers ranges from 15%-40%, with higher rates in the case of the poorer states. Difficult access to schools (particularly in rural areas) is a major disincentive for getting suitable qualified teachers to provide education in such areas. Some of the other reasons identified include lack of basic toilet facilities, poor electricity supply, lack of well-established criteria for recruitment of teachers and lack of a uniform policy on promotion13.

Teacher absenteeism impacts the quality of education and requirement of funds. It is a major drain on resources, causing wastage of 22.5% of the Government's education funds14.

12 “Corruption in Indian education system,” Articlebase, 7 May 2011.
2.3.4 Disparities

There are wide disparities in enrolment of students at the upper primary level, as compared to the primary level. Furthermore, there are disparities among students by gender, caste and class, rich and poor, and rural and urban due to the socio-economic and cultural context.

Huge reduction in gross enrollment ratios at primary and upper-primary level

There is a significant reduction in gross enrollment ratios (GERs) from the primary to upper primary level. In 2007–08, the GER at the primary level was 115%, and at the upper primary level, it was as low as 78%. This may be due to several factors, one of the major reasons for this difference being that children are not enrolled exactly at the official age specified by the state. Special efforts to enroll older children at primary schools cause changes in the age composition of school-going children. Low enrollment figures at the upper primary level can also be attributed to the fact that children have to move out to other schools after completion of their primary education (due to schools only offering education till the primary level) and be re-enrolled in a upper primary school.

Gender bias

Discrimination against girls being enrolled in and attending schools is based on the wider social economic and cultural context, which sustains such gender inequalities. Historically, it has been seen that females have a disadvantage in enrollment for primary education because the opportunity cost of a girl child's time is high as compared to boys, since girls spend more time on domestic chores. This has been the primary cause of fewer enrollments and high dropouts among girls. Although the gender parity index in education has improved considerably over the years, there are still certain sections of society where the problem prevails. Some of the facts highlighting the gender disparity in the country are detailed below:

- According to census 2011, the literacy rate for men is 82.14% and for women 65.46%.
- The gender gap is significantly larger in the case of scheduled castes and tribes as compared to the rest of the population. Rural girls belonging to disadvantaged communities are adversely affected due to the triple minus points of caste, class and sex, and therefore, form the bulk of the country’s illiterate population.

Discrimination based on caste and class

Members of scheduled castes and tribes have been historically disadvantaged economically, socially and educationally, and their participation in schools in terms of enrollment and retention has been low. By caste or tribe, the proportion of women who have never attended school is highest (44% for women belonging to scheduled tribes, 32% for those belonging to scheduled castes and 29% for those belonging to other backward classes). In recent years, the enrollment percentage figure for this group has improved, but the situation is still critical in certain regions of the country, with enrolment in classes I to VII/VIII standing at 20% for scheduled caste women at the national level.

15 “Elementary Education in India, Progress towards UEE,” DISE 2009-10.
Rural-urban disparity

Although literacy rates have been on the rise in India over the last few decades, there is still a huge disparity between urban and rural literacy rates in terms of accessibility and availability of elementary education.

<table>
<thead>
<tr>
<th>Year</th>
<th>Urban Population (%)</th>
<th>Urban Literacy rate (%)</th>
<th>Rural Population (%)</th>
<th>Rural Literacy rate (%)</th>
<th>Total literacy rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>17.9</td>
<td>40.4</td>
<td>82</td>
<td>15</td>
<td>28.3</td>
</tr>
<tr>
<td>1971</td>
<td>19.9</td>
<td>45.9</td>
<td>80</td>
<td>22</td>
<td>34.5</td>
</tr>
<tr>
<td>1981</td>
<td>23.0</td>
<td>53.4</td>
<td>77</td>
<td>28.4</td>
<td>43.6</td>
</tr>
<tr>
<td>1991</td>
<td>25.4</td>
<td>64.1</td>
<td>75</td>
<td>39.2</td>
<td>52.2</td>
</tr>
<tr>
<td>2001</td>
<td>27.8</td>
<td>75.2</td>
<td>72</td>
<td>53.6</td>
<td>64.8</td>
</tr>
<tr>
<td>2011</td>
<td>31.1</td>
<td>85.0</td>
<td>69</td>
<td>68.9</td>
<td>74.0</td>
</tr>
</tbody>
</table>

Furthermore, a state-level analysis indicates that the states with a large rural population tend to witness low literacy rates, indicating that rural-urban disparity impacts literacy levels. Therefore, states with low literacy rates are the ones that also have a large rural population.

<table>
<thead>
<tr>
<th>State</th>
<th>% of rural population</th>
<th>Literacy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bihar</td>
<td>89.5</td>
<td>47</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>77.8</td>
<td>53.6</td>
</tr>
<tr>
<td>Arunachal Pradesh</td>
<td>79.2</td>
<td>54.3</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>75.2</td>
<td>55.5</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>79.2</td>
<td>56.3</td>
</tr>
</tbody>
</table>

Source: State Elementary Education Report Card 2009-10, DISE Statistics

According to the Annual Status of Education Report (Rural) 2010 (a sample-based indicative report), only 56% of rural schools in India comply with RTE norms on the pupil-teacher ratio. This implies that about half of the country’s primary and upper primary schools will need many more teachers in coming years.

Figure: India's compliance to RTE one year after its implementation (based on ASER 2010)

<table>
<thead>
<tr>
<th>Statistics</th>
<th>India's compliance to RTE (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil-teacher ratio</td>
<td>56</td>
</tr>
<tr>
<td>Student-classroom ratio</td>
<td>76</td>
</tr>
<tr>
<td>Availability of office/store/office -cum-store</td>
<td>75</td>
</tr>
<tr>
<td>Availability of playground</td>
<td>62</td>
</tr>
<tr>
<td>Presence of boundary wall</td>
<td>52</td>
</tr>
<tr>
<td>Provision for drinking water</td>
<td>72</td>
</tr>
<tr>
<td>Toilet – available and usable</td>
<td>51</td>
</tr>
<tr>
<td>Separate girls' toilet – available and usable</td>
<td>37</td>
</tr>
<tr>
<td>Kitchen shed for cooking mid-day meal</td>
<td>81</td>
</tr>
<tr>
<td>Availability of library books</td>
<td>63</td>
</tr>
</tbody>
</table>

Source: ASER 2010
Moreover, there continues to be a significantly large proportion of schools without basic facilities such as toilets, drinking water and libraries. Moreover, while the Government is going ahead with the launch of e-governance initiatives, a large number of rural schools in India continue to function without computers.

Disparity between the rich and the poor

Although the Right to Education Act, passed in 2009, mandates that private schools set aside 25% of admissions for low-income, underprivileged and disabled students, implementation of this law has not been as smooth as its acceptance. In fact, it also gives credence to the growing disparity between the government and private school systems in India. While the provision is egalitarian in outlook and has many potential benefits, it faces various challenges in its implementation.

Those opposed to this provision believe that most of the under-privileged children admitted to private schools lack previous English medium education. This requires teachers to devote special attention to them, which slows down completion of the course. In fact, some feel that children from under-privileged backgrounds may not be able to survive the competitive environment of some private schools. Furthermore, some school authorities are apprehensive that children from sharply varying socio-economic classes may not “mix” appropriately.
RTE ACT challenged in court

Private school associations in various states (Rajasthan, UP and Karnataka) have petitioned the Supreme Court, challenging the RTE Act’s provision for reserving 25% seats for under-privileged students.

Petitioners’ concern areas:

• According to the petitioners, the Act violates the rights of private educational institutions. They also cite Supreme Court’s ruling in the TMA Pai case, which rules that maximum autonomy should be given to private educational institutions.

• Petitioners have expressed their concern about lack of educational provision between the age of three to six years for children under the RTE Act.

• They also believe that the amount of money paid by a state government (INR 2,800 per student) as school fee and other expenditure per annum is meager, given the amount of money spent on salaries and other facilities.

• The petitioners have also highlighted the fact that the Government’s expenditure on strengthening the school system is much less than that of other countries. (India’s public spending on education was only 3.1% of its GDP in 2006.)

On the other hand, private schools have been accused of implementing money-spinning ventures and have been told to wake up to their social responsibility of imparting education to all segments of society.

3.

People speak

While there is a consensus on the need to develop the education sector, especially to promote quality in education, there are some areas related to school education where divergent views are expressed. This part of the report incorporates the opinions of different stakeholders, who have been associated with the education sector for several years and speak from their own perspectives. Their opinions have been presented as views and counterviews so that their perspectives are presented.

3.1 General opinion of the RTE Act

**View:**

It would have had a greater significance if it had been enacted at the time of Independence. A delay of six decades has left a lot of ground to cover. Those who had the opportunity to study in educational institutions in the 1940s are of the view that government-run schools were the best at that time. Over the years, they have seen these schools deteriorate to the extent that it is hard to believe that studying in government schools was ever a matter of pride.

The RTE Act is welcomed because it proclaims that all children should be in school and receive free and compulsory education.

“Education is not for personal advantage – it builds national assets. Our Constitution recognized this. Right to education has always been there. It has now been codified and has received direction. Now that it has got legal sanction, it will raise the demand for education.”

Ashok Agarwal, social jurist

“28 states have already put rules in place to roll out the Act. This process of formulation of rules has perhaps been one of the fastest ones. There is recognition of imparting special education in general schools. In that sense the Act has a strong focus on inclusive education. Section 29 of the act adopts the principles of child centered education. It is really the heart of the act.”

Anita Kaul, Ministry of HRD

**Counter view:**

Today, schooling up to the elementary level is insufficient. The Act should have been extended to the secondary level.

“Right to Education is indeed a landmark law. It marks a historic moment for our country, where an estimated eight million children aged between 6 and 14 do not currently attend school. However, the Act is more about Right to Schooling than the Right to Education. It focuses heavily on inputs whereas learning outcomes have not been addressed. It is unlikely to improve mass education because there is no focus on quality.”

Arun Kapur, Director Vasant Valley School
While the general principles of the Act are fine, there are several issues that need to be addressed as it is rolled out. However, if it does not address the core issue of quality, it is likely to be discredited.

One of the most important reasons for the state of education today is lack of accountability. The Act does not deal with this issue adequately.

The RTE Act is more about controlling private schools than strengthening government ones. The private sector was not adequately involved in the formulation of the Act, so it is unfair to impose the Act on it.

Our country has sound education policies. Nai Taleem and the National Policy on Education are progressive. The Act does not include the key elements of these policies.

3.2 25% reservation in private schools

This is probably the most debated aspect of the Act and there are strong views expressed in favor of and against reservation of seats for students from disadvantaged communities.

View:
The principle behind 25% reservation is to promote social integration. A school is a perfect setting where existing inequalities in society can be bridged if the school encourages students to integrate psychologically, emotionally and academically.

Some respondents feel that 25% reservation in private schools should be increased progressively so that after a certain period of time, the Government meets the expenses of all children, since it is ultimately the responsibility of the state to provide free and compulsory education for all children.

The provision for reimbursement made under the Act is acceptable to most private schools. It will benefit small private schools. However, reimbursement per child on the total expenditure on education may be different from the fee charged in a private school.

There is a view that the schools that have bought land on concession from the Government should admit students from disadvantaged sections of society.

16Aided schools - ‘shall provide free and compulsory education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty five per cent.’

Special schools or unaided schools - ‘Shall admit in class 1, to the extent of at least twenty five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory education till its completion.’
Some question the rationale for selecting 25% as a benchmark for reservation on grounds that it is an arbitrary figure, which is not based on any norm.

There has to be greater accountability for everyone involved.

“Through an NGO called Akanksha, four years ago Thermax adopted two municipal schools and we find that we have been able to make a substantial difference in the quality of teaching. There is hardly any drop-out rate (only if the parents move out of Pune). However, if we want PPP to succeed, we need credibility on the side of the corporates and the Government. Recently our Chief Minister told the CII gathering that when they wanted a PPP arrangement, some corporates inflated the cost by 40% so that they would get a higher share. Corporates have to realise that this is not a money making endeavour. Similarly, government has to respect people who are genuinely doing good work and not interfere by demanding that the students be taken out of turn and not follow the PPP agreement.”

Anu Aga, Thermax Foundation

Counter view: It is a simplistic view that social inequalities will be addressed just by admitting children from disadvantaged sections of society into private schools. In today’s world, where there is so much consumerism, this will put an additional burden on such children and their families. Therefore, making reservations will not help unless the larger issue of social inclusion is addressed.

Since the Government has finite resources, reimbursing expenses to private schools will be at the expense of government schools. Therefore, it should be made voluntary for private schools reserve seats for children from disadvantaged sections of society. It is unfair to make this applicable for all private schools.

“The whole idea of reimbursement of expenses to private schools is a case of poor economics. If the government is unable to meet the expenses from where will it generate additional resources to reimburse the private schools”.

Prof. Praveen Jha, JNU

This provision is not viable for private schools, which make large investments in education development, since the per head expenditure they incur is much higher than the reimbursement they are entitled to. Bigger private schools will need to cross-subsidize, which they can do by increasing their fees for the remaining 75% of their students or find other resources. However, since education is seen as a not for profit sector, generation of resources would be a challenge. If reimbursement is provided on the basis of Kendriya Vidyalaya (KV) norms, this would make it more viable for schools to implement this condition of the ACT.

“Popular belief that schools get land at a concessional rate is a misnomer. In Delhi land is allocated to schools only if it notified for school purposes in the master plan. It is sold at a rate that is specified by the DDA, which has to give it on a ‘no profit no loss’ basis. DDA charges for the land including development charges, so where is the question of concession.”

Mr. Sushil Salwan, Salwan Education Trust
3.3 Norms to be followed by all unaided schools

The Act has a schedule that lays down norms relating to infrastructure, student-teacher ratio, teachers' qualifications and working days. All schools are required to fulfill these norms within the specified time.

**View:**

It is a good thing that the RTE Act has specific norms. Although these are very basic and should be improved, this is a step forward. All schools should be upgraded to meet KV norms, which are progressive, and resources should be allocated accordingly.

The Government needs to ensure that public schools meet the specified norms and they do not have the option of not implementing these. Private schools that are not able to meet the norms should be closed down.

**Counter view:**

Norms should be relaxed for NGOs and private organizations providing free education to children. Many unrecognized schools are also fulfilling the educational requirements of children. Opportunities must be created first before closing these institutions if they are unable to fulfill the specified norms.

The punitive actions do not seem to apply to government schools. What if they do not fulfill the norms?

Schools in urban areas – both government and private – will find it difficult to conform to the specified norms, especially those related to infrastructure. For instance, how will all schools find space to have a playground?

The norms should be retrospective in the case of government schools and prospective for private ones. They mainly relate to infrastructure and not to learning outcomes. Quality-related norms should be added to the schedule, goals fixed for all classes and students assessed on the basis of achievement of these goals.

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17 'No school shall be established or recognized unless it fulfills the norms and standards specified in the Schedule. Where a school is established before the commencement of this Act does not fulfill the norms and standards specified in the Schedule, it shall take steps to fulfill such norms and standards at its own expenses, within a period of three years from the date of such commencement.'

18 Elementary Education in Unrecognized schools in India – A Study of Punjab, based on DISE 2005 data, Arun Mehta, 2005.
3.4 Voucher system as an option

School vouchers are issued by the Government. These can be used by parents to meet expenses relating to tuition fees, books, uniforms and other related expenses in private schools rather than government ones. Globally, this is not a new phenomenon. School vouchers are provided in several countries including the UK, Sweden, the US and Chile.

View:

“School vouchers are about giving choice to students. These provide incentives to the schools to improve their performance and also make them more accountable. CCS has piloted three programmes in Delhi which has been very well received. We find that parents who got vouchers for their children have a higher engagement level with the teachers.”

Parth Shah. Centre for Civil Society

Rajasthan

Gyanodaya Yojana for classes 6–12: This scheme is aimed at facilitating setting up of new schools under the PPP mode on a build, operate and own (BOO) basis. A maximum of five such schools will be set up in each district in the first phase and 50% of the seats in these schools will be sponsored by the state government through school vouchers. This scheme has inbuilt monitoring and evaluation mechanisms and gives preference to girls and underprivileged children.

Shikshak Ka Apna Vidyalaya scheme: Under this scheme, particular emphasis has laid on the role of trained and unemployed teachers. These teachers can take over government-run one-teacher primary schools and open new schools in the PPP mode in rural and backwards areas of the state. All children living within 3 km area can attend these schools with government-sponsored vouchers. Such students will constitute 50% of these schools' total strength.

Uttar Pradesh

Students from class 1–8 will get the opportunity to study in convents and private schools. Parents in backward areas will be provided an educational voucher that will cover the cost of their children's entire schooling, including tuition fees, stationery and other related expenses. Private schools will only be reimbursed school expenses if the parents are satisfied with the quality of education their children receive. The project will be implemented in areas where the total population is 300 and where there are no primary schools within a kilometer.
There should be provision for school vouchers that are transferable. Giving a choice of schools helps to reduce disparity in the quality of schooling offered by the Government, and increases transparency and efficiency.

Instead of providing funding to schools, students should be funded.

Some states have launched schemes that make use of school vouchers in a modified form to increase their reach.

**Counter view:**

The voucher system is based on the principle of a perfect market and economy where buyers and sellers can interact freely with no barriers on entry and exit. It is based on the assumption that demand and supply will intersect. However, conditions are not conducive in India to introduce this system.

“In Chile when information asymmetry was removed, parents were still reluctant to admit their children to certain types of schools, believing that these were ‘not for their kind’. In other words, even though they could have admitted their children using the voucher to the more expensive or exclusive schools, they chose not to”

Amit Kaushik (COO, Educomp Infrastructure and Schools Management Ltd.)

There is significant scope to misuse vouchers if this scheme is implemented on a large scale, since it would be difficult to regulate it and ensure its honest implementation.

This is an arrangement that can be implemented in urban areas due to a limited number of schools in rural ones. However, even if students are funded, schools have the ultimate authority for admitting a child and may draw up their own priorities for admission.

The voucher system cannot remove social disparities that exist in our society.

Although the RTE Act makes no mention of the voucher system, it is seen as one of the means by which the clause related to 25% reservation can be implemented. However, there are strong and varied views about the use of vouchers in India. Moreover, the countries where it has worked are quite different from India. There seems to be a need to develop a deeper understanding of this before introducing the scheme in schools. The impact of providing vouchers to students in India will need to be examined from the point of view of the students, parents as well as schools.
3.5 Participation of the community

There is consensus that communities are important stakeholders in improving the state of education in the country. Creating an enabling environment and developing capacity so that these can play a meaningful role is the need of the hour. Therefore, efforts need to be made to encourage communities to engage with the education system.

**View:**
It is the responsibility of a community to ensure that all its children attend schools that are functional.

Under the RTE Act, each school has to involve parents in a committee. If this is activated, parents can demand a better quality of education. School Management Committees (SMCs) should be empowered to improve school infrastructure and reduce teachers' absenteeism. They should monitor the attendance and performance of teachers, and plan for school development if their involvement is to be meaningful. A grievance redressal system, which is accessible to village education committees, should also be put in place.

“Participation of the community should go beyond the school management committees. The Gram Panchayats should be equipped to maintain child related data. Child tracking should be extended to other departments dealing with children (Police, ICDS, and Labor Department) so that no child is left out of the education system.”

Venket Reddy, MV Foundation

**Counter view:**
The role expected to be played by SMCs will be very difficult to achieve. There is no mechanism to make them aware of their responsibilities, and without this awareness and their cooperation, this provision will remain on paper.

The involvement and ownership of communities in improving the state of education in schools is crucial. There are several ways in which they can be involved. However, to make use of the space provided to parents and other community members, a lot needs to happen to develop their capacities. There are several examples where schools have shown palpable improvement in instances where communities have engaged with them, played a supportive role and also demanded their better functioning.
3.6 No holding back or expulsion up to elementary education level

From the perspective of children’s rights, failure in a class is the result of a school system that fails to provide services that help children advance to the next grade. The experience is detrimental to children. It does not equip them to acquire adequate skills that will prepare them for life, and often results in their dropping out of school. The Act prohibits holding back students up to the elementary level.

**View:**

Not detaining children up to completion of the elementary level of schooling is a progressive step. “No detention” should not be seen as “no quality,” as is commonly believed. There are ways to continuously evaluate children so that they perform according to individual potential and aptitude. This requires a paradigm shift in the way our teacher training takes place so that their capacities are enhanced.

Detention should be discouraged, since it pushes children out of school. Children should be given remedial coaching. The root cause of failure – lack of interest and no support from home – needs to be addressed.

**Counter view:**

This clause has been introduced to cover up the issue of drop-outs. No detention up to the elementary level will only delay the process of students dropping out because at some stage they will have to take examinations.

No holding back of students will further affect the quality in education. The RTE ACT has completely eliminated examinations so that students are not anxious. This is due to our system over-emphasizing examinations. However, although some form of evaluation is required to gauge whether a child is learning and whether a teacher is teaching, sometimes, it is in the child’s interest to repeat a year.

No detention up to class 5 should be acceptable since these are the formative years, but the norm of no detention up to class 8 should be relooked.

No holding back of students and no corporal punishment for them are child-centered provisions that have been made in the RTE Act. In spirit, the Act does not propose that children are pushed up to higher classes without their attaining a level of competency. However, adopting these principles in schools would require a paradigm shift in the manner in which teacher training takes place and how teachers’ capacities are developed to undertake continuous evaluation of children. The challenges will be more for teachers currently engaged in multi-grade teaching. With the implementation of this Act, this issue will perhaps be taken care of. It is also important to sensitize and involve parents, especially in matters related to disciplining of students.

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19 “No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.”

“No child shall be required to pass any board examination till completion of elementary education.”

“No child shall be subjected to physical punishment or mental harassment.”
3.7 Neighborhood schools

Neighborhood schools are seen as important vehicles for the implementation of a common school system. This was an ideology that was first propounded by DS Kothari in the Education Commission Report. It called for a national system of education up to the secondary level, which was based on principles of social justice and equity. It was seen as a means to end the segregation between schools and ensure free and compulsory education for all.

View: The mechanism of neighborhood schools, suggested by Kothari, has not been a part of the planning process so far. Therefore, it is good that the Act mentions that local authorities will ensure availability of neighborhood schools.

Counter view: The scenario was different at that time, when it was possible to translate the concept of neighborhood schools into reality. While the RTE Act also mentions neighborhood schools, the idea will be difficult to implement at present. Our cities are not planned in a way that provides students with an equal choice of schools. Moreover, some parts of cities have a higher concentration of schools than others.

Most civil society campaigns have been strongly advocating neighborhood schools. Growing inequality in schools, not only between the private and public sectors, but even within the public education system is a matter of concern. Many educationists feel that this inequality in our education system should be addressed by offering equal opportunities to all students through neighborhood schools that provide high-quality education. Although the Act mentions neighborhood schools, the objective of social justice and equity will only be achieved if all schools offer quality education. In the absence of this, parents should admit their children in schools where they think their children will get a sound education, even if such schools are not located in their neighborhood.
3.8 Qualified teachers

The key to improving the quality of education imparted is to have well-trained teachers. The Act specifies that only candidates with the minimum qualifications laid down by an academic authority should be eligible for appointment as teachers. If a state does not have an adequate number of institutions offering courses or training in teachers' education, this criterion may be relaxed for a maximum period of five years.

The majority of institutions imparting teachers' education are private ones. As implementation of the RTE Act gathers momentum, there will be a demand for more such institutions because their numbers are not sufficient to train and adequate number of qualified teachers.

The quality of training imparted by many private institutions is questionable. These institutions need to assure quality. At present, there is no regulation of these institutions. It is therefore important that a regulatory system is developed for such institutions.

There are many private schools that have outstanding and dedicated teachers without B.Ed or D.Ed degrees. Several initiatives have been taken by NGOs and other institutions to impart quality training. However, such initiatives may not be recognized and may be stifled if this condition is imposed.

"Teacher Eligibility Tests will provide benchmarks for quality standards. Many states like Assam, Haryana, Gujarat, Rajasthan and Uttar Pradesh are taking the idea of Teacher Eligibility Test forward."

Anita Kaul, Ministry of HRD

"More than 90% of the institutions for teachers' education are private ones and have almost no regulations. This area is expected to see further growth, since many more trained teachers will be needed in the country. The quality of teachers very much depends on that of institutions. Therefore, quality assurance and regulation of such institutions is vital."

Prof. Vinod Raina

Getting qualified, well-trained teachers will be the key challenge in operationalizing the Act. Due to the emphasis on continuous evaluation, teachers' training will need to prepare teachers for this. Development of educational material and curricula, as well as writing of textbooks and are all essential factors that will complement the training process. Learning should be continuous, therefore, imparting good quality in-service training will be of great importance. Teachers currently employed in schools will need to undergo training, not only in subjects, but also in other skills such as classroom transactions, and communication and leadership skills. Therefore, District Institutes for Educational Training (DIETs) and Block Resource Centres (BRCs) will also need to be strengthened to meet this requirement. At present, all the states do not have regular cadres of teachers' trainers at these levels.
3.9 Financing in education

There are two issues related to financing in education. One is about allocation of resources and the other about effective utilization of these resources.

With regard to allocation of resources, there are a large number of respondents who feel that resource allocation is insufficient.

“If KV norms are followed for the schools, which means 15,000 INR per student per year, then a much higher allocation is required if we take all the children in the age groups of 6-14 years into consideration.”

Prof. Praveen Jha, JNU

Education being a concurrent subject, states have the equal responsibility to allocate adequate resources. There are varied opinions about allocation of resources by the states.

“There has been reduction of 1% GDP in the expenditure on education by the states in the last 10 years (3.6 to 2.7) whereas it has gone up at the Centre.”

RP Agarwal, Former Secretary (Higher Education), GoI

“As since education is on the concurrent list, the Central Government should convene a meeting of all the states and Union Territories (represented by the respective education ministers). The Government should hear about the difficulties faced by the states while implementing the legislation and a technical and financial support system should be created. It is also important to note that there was no financial memorandum issued by the Government, which needs to take the responsibility of providing substantial finances to the state governments.”

Dr. Niranjanaradhaya, VP, Fellow CCL-NLSIU and social activist

As far as utilization of resources is concerned, an equally large number of respondents feel that the problem is not lack of finances. Its appropriate utilization is an issue. The Education Department needs to become more competent in utilizing the allocated budget, because, at present, transfer of funds to the states is erratic for various reasons. There should transparency in fund utilization.

The Centre has allocated 2310 billion over the next five years (2011-2015) to cover additional costs related to entitlements, infrastructure requirements, teacher-related expenses and maintenance grants. However, there are several issues related to disbursement and utilization of resources that need to be addressed. Moreover, existing systems will need to be strengthened to make efficient use of available resources.
3.10 Suggestions for implementation of the RTE Act

Suggestions given by respondents maybe categorized under four broad areas:

Awareness

Awareness among communities about the Act is one of the key aspects for its successful implementation. At present, awareness among people about the Act is low. Unless people understand its contours, there will be limited initiative and ownership on their part. Civil society can play a much larger role in creating this awareness.

Capacity development

Capacity development is required at various levels to operationalize the Act. At the community level, SMCs and Panchayat Raj Institutions (PRIs) need to be trained about their roles and responsibilities; strengthening of systems and human resource development is also needed to make efficient use of available resources, and most importantly, teachers should be trained to impart child-centered education.

“The main reason for the poor quality of education centering around teachers include lack of delegation and authority given to them, their accountability, inadequate pre-service and almost non-existent in-service training, their low status and motivation levels, and lack of support in terms of pedagogy, infrastructure and content.”
Dr. Shashank Vira, Independent Consultant

Management

Management functions should be reviewed and bottlenecks in implementation of the Act identified. Planning and monitoring of programs is as important as improving the quality of education imparted. Both require different set of skills.

“The education department should have two distinct functions - one to regulate the grants in aid and the other to set educational standards. At present the focus is more on regulation than improving the educational standards”.
Prof. Babu Mathew, National Law University
Four tiers in the management structure need to be strengthened and empowered to make implementation of the Act more effective.

i. The Centre should also address state-specific concerns and provide support, if required. If some states are dragging their feet in implementing the Act, the Centre can demand its implementation by linking it with the SSA and other development grants.

ii. The State Commission for Protection of Child Rights (SCPCR), which is the monitoring agency for implementation of the Act in different states, has not been effective in many of them. It is therefore important to ensure that an effective SCPCR is in place.

iii. Local authorities need to play a crucial role. Effective implementation of the Act will depend on how effective Gram Panchayats (GPs) and Nagar Palikas are. They need to be given sufficient resources to implement the Act.

iv. There should be a bottom-up approach and more autonomy given to schools. These should then be monitored through independent mechanisms.

Innovations

There have been many innovations in the area of classroom transactions and distribution of entitlements from which one can learn. Today, technology can be put to good use to collect information and make planning more need-based. For example, the Delhi Government has initiated online attendance of teachers. The register closes at a specified time and teachers who do not mark their presence up to that time are marked absent. Similarly, teachers desirous of seeking transfers can make online requisitions and even give their preference for the schools to which they wish to be transferred. This helps to streamline the process of attendance and transfers.
4. Participation of non-state players in school education

During the discourse on education, when it comes to private players, the reference point is usually corporate players or their corporate foundations. While in reality, there are several non-state players that engage with the education sector in many meaningful ways. NGOs, international and corporate foundations, and private trusts and societies that have set up schools are also playing a vital role. By not including other non-state players in the discourse, there is a risk of not making a distinction between private participation and privatization, which takes the debate to a different trajectory. It is perhaps for this reason that PPP in education has not found wide acceptance, because it is perceived that it can make education unaffordable for disadvantaged sections of society.

“I do not believe in the principle of PPP in core sectors such as health and education. These sectors are based on the principle of social good and should be a part of the public sector. The private and corporate sector can contribute to the process of universalization of equitable and quality school education from the pre-primary level to class 12 by allocating resources to a public corpus, but the overall responsibility should be with the Government.”

Dr. Niranjanaradhaya, VP, Fellow CCL-NLSIU and social activist

Looking at private sector involvement in education from the point of view of privatization, there is a difference between the state and the private sector perspective. The Constitution mandates that the State provides education to all its citizens as their right, whereas for the private sector, the recipient of education is a consumer. This becomes the basis for viewing each other with caution.

“For the state, an individual is a citizen with rights, for whom the Indian state has now constitutionally mandated the right to free and compulsory education. The Government is obliged to provide this. For the market (the private sector), people are consumers who can obtain services according to their ability to pay.”

Prof. Vinod Raina

“The private sector is only concerned with earning profits and as such should be kept away from the education sector for ensuring that all children gets free and compulsory education through formal schools”.

Dr. Madhukar Gumle, Apeksha Society, Amravati
However, when seen from the point of view of private participation, there are several commonalities that can be found. There are several examples of initiatives taken up by NGOs, corporate foundations, INGOs and individuals that are aimed at achieving the objective of providing good quality education to all. As independent efforts these are laudable, but as programs that can be scaled up or can be sustained, there are very few examples from which we can learn. The following section maps the work of some organizations (among non-State players) to highlight that each of these efforts would provide some benefit to students.

4.1 NGOs

NGO initiatives: It is seen that NGOs are engaged in several activities that are aimed at improving access to education of the disadvantaged sections of society. Their strength lies in working with communities and mobilizing them. Being close to communities, their most significant contribution is to engage them with the education system to demand good quality education for their children. Greater success is achieved where there is a balance between encouraging communities to demand education as their right and extending support to the existing system by filling the gaps.

Table: Illustrative list of India-based NGOs and their functions

<table>
<thead>
<tr>
<th>NGO</th>
<th>Functions</th>
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<tbody>
<tr>
<td>Bodh Shiksha Samiti</td>
<td>Engages in program implementation (in urban slums and rural habitations)</td>
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<td></td>
<td>Evolves and refines learning processes for teachers</td>
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<td></td>
<td>Community involvement in school management</td>
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<td></td>
<td>Professional development and other stakeholder training</td>
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<tr>
<td></td>
<td>Research, documentation, networking and policy advocacy</td>
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<tr>
<td>Students’ Educational and Cultural Movement of Ladakh (SECMOL)</td>
<td>Formed to reform Ladakh’s educational system</td>
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<td></td>
<td>Organizes youth camps, publishes books and promotes eco-tourism</td>
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<td></td>
<td>Reform initiatives include Operation New Hope, with the objective of</td>
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<tr>
<td></td>
<td>organizing village communities for active constructive participation</td>
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<tr>
<td></td>
<td>in running of schools and appointment of trained teachers, apart</td>
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<tr>
<td></td>
<td>from producing books and teaching materials</td>
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<tr>
<td>Centre for Learning and Resources</td>
<td>Focuses on the fields of early childhood care and development,</td>
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<tr>
<td></td>
<td>early childhood education, elementary education and teaching of English</td>
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<tr>
<td></td>
<td>in Maharashtra and other states in India</td>
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<tr>
<td></td>
<td>Designs and provides technical support services to NGOs and government</td>
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<tr>
<td></td>
<td>Institutions</td>
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<tr>
<td></td>
<td>Provides specific field-based programs that are implemented by the</td>
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<tr>
<td></td>
<td>organization</td>
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<tr>
<td></td>
<td>Designs material based on the varying needs of educational programs and</td>
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<tr>
<td></td>
<td>incorporates feedback based on the experience of teachers in classrooms</td>
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<tr>
<td>Deepalaya</td>
<td>Works on issues affecting the urban and rural poor with a focus on</td>
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<tr>
<td></td>
<td>children</td>
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<tr>
<td></td>
<td>Identifies with and works with the economically and socially deprived,</td>
</tr>
<tr>
<td></td>
<td>and physically and mentally challenged</td>
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<tr>
<td></td>
<td>Executes projects in the spheres of education, institutional care,</td>
</tr>
<tr>
<td></td>
<td>vocational training, health and gender equality</td>
</tr>
<tr>
<td>NGO</td>
<td>Functions</td>
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<tr>
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</tr>
<tr>
<td>Pratham</td>
<td>Offers quality pre-school education to underprivileged children in India</td>
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<td></td>
<td>Conducts Annual Status of Education Report (Rural) – the largest household survey undertaken in India by people outside the Government</td>
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<tr>
<td></td>
<td>Offers the Bal Sakhi program that aims to provide an assistant teacher for remedial teaching of weak children in government schools</td>
</tr>
<tr>
<td></td>
<td>Offers other direct and vocational skills programs</td>
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<tr>
<td>AMIED</td>
<td>Through its work over the years in an area with extremely low literacy levels, has not only helped to make people realize the importance of education, but also demand quality education</td>
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<tr>
<td></td>
<td>Program focuses especially on Muslim girl children</td>
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<tr>
<td></td>
<td>Works with community leaders and education departments to address the challenges faced</td>
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</tbody>
</table>

It is quite evident that all parents want their children to be educated. At times, they find it difficult to overcome barriers. This may be due to lack of awareness, procedural hurdles or deep-rooted social and cultural beliefs. Sustained efforts are required to overcome these barriers. NGOs, if supported, are well-positioned to work with communities and build their capacities.

The MV Foundation began its work in three villages in 1991. Gradually, it expanded its operations to cover 6000 villages in 158 mandals of Andhra Pradesh. Cumulatively, over a period of 18 years, about 500,000 children have been withdrawn from work and sent to schools in these 13 districts of Andhra Pradesh. Of these, 50,000 have been mainstreamed through bridge course camps to formal schools, government social welfare hostels and residential schools. During this period, the foundation monitored the status of 10,00,000 children in and out of school. It also works directly in three other states – Madhya Pradesh, Bihar and Tamilnadu. It is also extending technical support to other NGOs in some states of West Bengal and Orissa.

The MVF conducts mobilization drives through its large band of committed youth volunteers who relentlessly track children and plan to getting them into school. The strategy adopted is essentially based on age and gender. Older children (9–14 years) are put through a bridge course that equips them to catch up with regular school-going children. Younger children (5–8 years) are directly admitted to schools. In addition, there is a detailed follow-up program, which ensures a minimum dropout rate, and makes the education system more accessible to working children. Very often, this involves addressing issues such as procurement of birth certificates, negotiating with teachers for admission, ensuring hostel admissions, and so on. Education activists operating under the program are trained to identify and resolve every possible impediment in the way of converting a child laborer into a full-time student. This includes handling such sensitive issues as age at marriage in the case of girls.
International NGOs (INGOs) have played a significant role in adopting a rights-based approach and support civil society groups to demand good quality education. They contribute toward policy development and support initiatives within communities. INGOs, through their work, have helped in linking education with child rights and the development paradigm. Their support in providing the vital link between grassroot-level work with advocacy has been helpful in encouraging people to demand education as a right for their children.

### Table: Illustrative list of international NGOs present in India and their functions

<table>
<thead>
<tr>
<th>INGO</th>
<th>Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plan India</td>
<td>Their Child-centered community development approach, which promotes child rights to end child poverty. Aims to provide children with access to their rights, including the right to protection, basic education, proper health care, a healthy environment, livelihood opportunities and participation in decisions.</td>
</tr>
<tr>
<td>Bal Raksha Bharat</td>
<td>Part of the world's leading independent organization “Save the children”. Focuses on child survival, protection, education and responds to emergencies and disaster reduction.</td>
</tr>
<tr>
<td>ActionAid India</td>
<td>Partners local NGO community-based organizations and people’s movements to collectively address poverty, inequity and injustice. Supports people in their demand for the rights to food, shelter, work, education, health care and human security, and helps them have a say in development decisions affecting their lives and livelihood.</td>
</tr>
<tr>
<td>Oxfam India</td>
<td>Rights-based organization that fights poverty and injustice. Addresses root causes of absolute poverty and inequality in the four areas of 1) economic justice, 2) essential services, 3) gender justice and 4), humanitarian response and disaster risk reduction.</td>
</tr>
<tr>
<td>World Vision</td>
<td>Focuses on building the capacity and ability of communities and families to ensure the well-being of children. Provides long-term sustainable community development programs and immediate disaster relief assistance. Partners with communities, children, the Government, civil society, corporations, academia and faith-based organizations for the benefit of children.</td>
</tr>
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</table>

There are some foundations that have developed their approach to area development, including education along with other development issues. These interventions are guided by their vision. For instance, there are foundations such as the Srinivasan Services Trust that work to strengthen existing government schools, while others such as the Bharti Foundation adopt the dual approach of setting up their own schools and working in partnership with the Government to improve existing state-run schools.
The Srinivasan Services Trust (SST) believes in integrated and sustainable development. Its five pillars for integrated development include economic development, health, education, environment and infrastructure. The SST focuses on providing every child in its project areas with access to quality education. Initially, it faced several barriers to enrolment in schools. It overcame these problems by organizing door-to-door campaigns to convince parents about the value of educating their children, especially their daughters. Improvements in school infrastructure, teaching standards and regular interactions with the community resulted in 100% enrolment of children in schools. The SST also organized school competitions, group discussions and several extra-curricular activities in schools. These have helped to motivate children to remain in school and not drop out. The SST has provided equal educational opportunities for boys and girls. It has also motivated many high school graduates to pursue higher education at the college level. As on date, it works in 510 balwadis and 451 schools. It has taken a holistic approach to improving the state of education – infrastructure and capacity development of teachers and community involvement. The SST has built or renovated schools and anganwadis, built playgrounds and toilets, and provides safe drinking water, computers and other facilities. Its education awareness programs have ensured 100% enrolment of children in schools, with no dropouts. The SST organizes team-building sessions for teachers and students, and its teacher training programs and PTA meetings have improved teaching standards in schools. Its vocational training courses provide employment for young people and its literacy classes have encouraged women to become literate.

Satya Bharti School Program : Bharti Foundation
The Satya Bharti School program, the flagship rural initiative of the Bharti Foundation, was initiated in 2006 with the establishment of seven schools in Punjab. The program currently has 250 schools, which include 233 primary, 12 elementary and 5 senior secondary schools. The program reaches out to over 33,000 children across six states in the country. The aim of the Foundation is to develop replicable and scalable components of education that can be adopted by other like-minded organizations.

i. Greenfield schools – 196 schools in 6 states : Under this model, the Bharti Foundation constructs and runs Satya Bharti Schools on land given either by Panchayats or community members. The Foundation is responsible for overall management, financial requirements and implementation of the program
ii. Adoption of government schools – 49 schools in Amer and Neemrana in Rajasthan: Under this model, the Bharti Foundation adopts government schools and manages them with its own staff and teachers. While the foundation is responsible for the overall management, implementation and financial requirements of the program, the Government provides partial financial support by extending its existing schemes, e.g., mid-day meals, free text books, etc., to the program.
iii. PPPs – five schools in Amritsar, Sangrur and Ludhiana in Punjab : Under this model, five government Satya Bharti Adarsh Senior Secondary Schools have been set up in collaboration with the Punjab Government under its Adarsh Scheme. In addition to offering land on a long-term lease, the Punjab Government is also providing 50% of the capital expenditure and 70% of the operational cost per child.

Community participation is an integral constituent of the program. Regular parent-teacher meetings, individual home visits and invitations to participate in school events ensure that parents remain connected with their child’s learning process. Teachers are recruited locally, which gives them a sense of ownership and responsibility toward the schools. However, one of the major constraints in delivering quality education is non-availability of quality teachers. The foundation has implemented effective initiatives such as Community Volunteering Weeks and Community Service Campaigns to establish strong links with the community.
More recently, public sector undertakings have been directed to allocate a specified percentage of their profits to their CSR activities. This is likely to translate to significant support to social sectors, including in the areas of education and health.

Apart from Indian foundations, multiple international corporate foundations function in the Indian education industry landscape.

<table>
<thead>
<tr>
<th>Foundation</th>
<th>Functions</th>
</tr>
</thead>
</table>
| Michael and Susan Dell Foundation   | Focuses on improving learning outcomes for children and providing access to basic health services  
|                                     | Provides academic support by funding in-school and out-of-school programs that help impoverished students improve their academic performance, achieve grade-level proficiencies and gain employment opportunities 
|                                     | Supports integrated schools of excellence programs and develops employable skills                                                       |
| Children’s Investment Fund Foundation | Non-profit philanthropic organization linked to an investment fund that contributes a portion of its management fees and profits to the foundation  
|                                     | Runs five programs in India in the area of education, HIV/AIDS and nutrition                                                               |
| Intel Foundation’s education initiative | Focuses on improving teaching and learning in formal and informal educational environments through the effective use of technology  
|                                     | Various education programs run by the foundation:  
|                                     | Intel® Teach Program: improves teachers’ effectiveness by professional development  
|                                     | Intel® Learn Program: created for informal, community-based educational settings and provides a project-oriented, hands-on approach to ICT learning for under-served children between the ages of 8-16  
|                                     | Intel® Higher Education in India: focuses on research and entrepreneurship activities to pursue technical degrees                                |

There are other organizations which offer specific services to schools. Most of these services relate to the use of IT to improve learning in classrooms or to distribute midday meal which is now being offered in all public elementary schools.
Table: Other organizations offering specific services

<table>
<thead>
<tr>
<th>Foundation</th>
<th>Services</th>
</tr>
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<tbody>
<tr>
<td>Educomp</td>
<td>Works together with schools to implement innovative models, and create and deliver content to enhance students’ learning</td>
</tr>
<tr>
<td>Everonn India Foundation</td>
<td>Established as a charitable trust, is a part of Everonn Education Limited, which offers VSA-enabled virtual and interactive classrooms</td>
</tr>
<tr>
<td>Akshaya Patra Foundation</td>
<td>Contributes to mid-day meal scheme to enable hunger-free education for underprivileged children in India</td>
</tr>
</tbody>
</table>

Each of the above-mentioned non-state players that have engaged with the education sector have a role to play. Although it is difficult to estimate total allocation of resources by non-government players, it may be assumed by looking at their activities that their contribution is substantial. Furthermore, with the mandate given to public sector undertakings to allocate part of their profits to CSR-related activities, there is the likelihood of enhanced resource expenditure on the education sector. Non-government players have the option of continuing with their existing activities or pool their resources—financial and technical—to support implementation of the RTE Act.

4.3 Suggestions for increasing the role of private sector (non-state) players

The respondents were requested to share their views as to how the private sector (non-state) players can play an active role in operationalizing the RTE Act. Some of their suggestions are discussed below.

Sharing knowledge and skills

- Participation of the private sector can be in the form of sharing existing knowledge and skills. Areas such as leadership, management and teachers’ training are vital for improving the quality of education.
- The private sector can undertake capacity development of management, organizational and leadership skills.
- DIETs and BRCs can be vitalized by extending them support in the areas of technology, research, training and career guidance.
- Private schools, with a good track record, can also adopt at least one school and help in transfer of knowledge.

Corporate social responsibility

Globally, the concept of CSR has evolved and it is no more looked as an act of philanthropy, but as interventions to create shared value, where corporate organizations and communities work together to develop programs that benefit both. However, in India, there is still a strong element of philanthropy in CSR activities, more so in areas such as education. In the context of RTE, where education is viewed as a matter of right, there is an expectation that corporate participation should be philanthropic in nature. The suggestions given below reflect this.

- CSR programs should be need-based and not on the basis of the convenience of donor organizations. The amount allocated should be used professionally.
• CSR funds should only be used to fill gaps and not create parallel structures.

• Organizations should extend their support to schools to improve the quality of education imparted by developing low-cost teaching and learning material, providing infrastructure support to improve the learning environment and setting up support cells for children from disadvantaged sections of society.

Public Private Partnerships

As mentioned earlier, the term PPP in education is yet to be accepted by civil society in our country, although it has been in existence in the form of aided schools for quite some time. Diverse views are expressed about PPP, reflecting the discomfort of civil society organizations and expectations of corporate organizations.

Civil society

• PPP in “socially good” sectors should be undertaken by the public sector. Private agencies can contribute to the process, but not take the lead.

• The private sector has a very limited presence in inaccessible areas. Therefore, providing education should largely be the responsibility of the state.

• Participation of the private sector in education should not be open to all and partners need to be selected with caution. Only organizations with credibility should be considered. Once selected, they should be given the flexibility to plan implementation of good quality education in selected areas at the cost incurred by the Government. The Government can pilot this in the new schools that need to be set up. This will have a spillover effect on existing schools. Furthermore, parameters should be set to monitor the performance of schools run by private stakeholders.

• There should be mutually defined outputs and outcomes, as well as accountability at all levels, with the implementation of transparent and efficient procedures.
Corporate and private

- Partnership with the private sector is usually seen as a source of funding, only for infrastructure development or to meet shortage of teachers.

- If the aim of the RTE Act is to improve the quality of education imparted, the private sector can be encouraged to sign PPPs and take on municipal schools. The Government can reimburse corporate organizations the cost for running these schools. In other words, this would mean following the Charter School model, which has been working successfully in the US.

- There is a shortage of 2,00,000 secondary schools in India. These cannot be set up with government resources alone. Therefore, there is a need for encouraging the private sector to open schools in remote and difficult areas or where no public education institution exists. The cost incurred by the state to educate children in public schools should be provided to corporate organizations as an incentive, and there should be reasonable returns on investment. Furthermore, opportunities need to be created whereby private players can participate on a cost-neutral basis.

- There should be clarity of roles and the process should be transparent. The focus of MoUs should be on child-based contracts rather than on infrastructure-based ones.

These suggestions have been made from different perspectives, based on experiences and beliefs. What is significant is that while there are threads of commonalities, which can be connected, there are also contentious areas, which can be resolved through sincere dialogue.
5. Conclusion

As is evident from data and feedback from respondents, there are several issues that need to be addressed for effective implementation of the RTE Act. Some of these can be resolved through legal recourse or policy changes; others will need to be addressed as the Act is rolled out. While the ultimate responsibility of providing education rests with the Government, as enshrined in the Constitution, it is evident that the Government’s efforts alone will not be sufficient to provide good quality education to all. There are several pilot initiatives that have been taken up by non-state players. These initiatives are improving certain aspects of education at some of the places where they are being implemented. The formulation of the RTE Act has provided an opportunity to converge different efforts by using it, with the National Policy on Education 1992 as the backdrop.

All three categories of stakeholders are contributing to the education sector, but given the size of our country, there are very few examples of effective partnerships across these three categories. Moreover, efforts made to improve the public education system are dispersed and lack a comprehensive approach. As a result, there are several good initiatives, but these are insufficient to make a difference to the existing education system.

The main concerns raised in the implementation of the RTE Act:

i. There is lack of awareness about the Act at the community level.

ii. Although there has been some improvement in students’ access, there are still a large number of students out of school, who need to be brought into the education system.

iii. There is limited focus on quality aspects, since the norms largely relate to input required for schools and not the outcome.

iv. There is an inadequate number of trained teachers who are equipped to provide quality education.

v. There is lack of community involvement through SMCs and PTAs.

vi. Moreover, there is a need for better planning, management, monitoring and evaluation of the education system. Lack of this leads to issues related to accountability.

It is not possible for any one organization to address all the concerns related to the implementation of the RTE Act, but it is possible to address these through collaborative efforts.
5.1 Quality education for all children

Of all the concerns expressed about the state of education in the country, perhaps the most significant one relates to the quality of education imparted. The problem has been identified and there is a fair understanding of the problem areas. What is required at this stage is a collaborative effort to address these problems. The focus therefore needs to change from provision of services to solving problems.

The framework on quality developed by UNESCO provides a sound mandate for various stakeholders to collaborate on different components.

Components of quality

i. Healthy, well-nourished, and motivated students
ii. Well-motivated and professionally competent teachers
iii. Active learning techniques
iv. A relevant curriculum
v. Adequate, environmentally friendly and easily accessible facilities
vi. Healthy, safe and protective learning environments (the FRESH approach) which provides:

vii. Water and sanitation facilities
   ▪ Access to health and nutrition services (e.g., micronutrient or vitamin supplements, nutrition in school, trauma counseling, etc.)
   ▪ Policies and codes of conduct (e.g., against corporal punishment), which enhance the physical, psycho-social and emotional health of teachers and learners
   ▪ Health-related content and practices leading to new knowledge, attitudes, values and life skills
viii. Adequate evaluation of environments, processes and outcomes
ix. Participatory and school-based management
x. Respect for and engagement with local communities and cultures
xi. Adequately and equitably financed educational institutions and programs

Source: UNESCO

5.2 Role of the State

The primary responsibility for providing quality education to all children lies with the Government. Being a concurrent subject, the central and state governments both have a significant role to play. Private sector or non-state players can at best support state players in more effective implementation of the Act.

The fact that 28 states have already formulated rules is a step forward. Incentives of the Central Government in the form of mid-day meals, text books and scholarships have helped to improve enrolment of students. However, unless issues related to quality are addressed, these will not help in improving the standard of education imparted to students, which is so important for the development of the country.
The State’s responsibilities in effective implementation of RTE Act include the following:

- Quality standards for schools – setting up norms and standards for education: The norms outlined in the schedule of the Act have been found wanting by a number of educationists as far as quality standards are concerned. It is important to set standards for schools to enable the educational achievement of students. Not only is it important to set standards, schools have to be helped to achieve these standards and be held accountable if they are not able to do so. One of the suggestions made during the course of this research – to have separate wings for improving and monitoring the education system – is worth consideration.

- Teachers’ training institutes: At present, teachers’ training is mainly provided by private players and the quality of training in these institutes is not up to the mark in all institutes. While it is important to set up more such institutes, the Government also needs to step up the quality standards of existing teachers’ training institutes and enforce an effective regulatory system to ensure that effective teaching is not compromised.

- Adequate resource allocation: There has been an increase in the Government’s resource allocation for the education sector. There are varied opinions about the adequacy of these resources. A common perception is that more effective utilization of available resources is required. Moreover, system improvement is needed to ensure timely disbursement of funds by the Central Government as well as reporting and effective utilization of funds by the states.

- Decentralization of school-monitoring system: The RTE Act lays down specific responsibilities for SMCs and local bodies. Both these bodies are required to monitor the working of schools. Their capacities need to be developed so that they are able to efficiently and effectively execute the specific roles and responsibilities entrusted to them.

- The Government recognizes the role of non-state players. However, their participation is currently limited to providing specific services such as mid-day meals, IT education, teachers’ training, etc. The State needs to play a facilitative and enabling role in getting all the non-state players to contribute to bringing about improvement in the education system. Moreover, as suggested earlier, districts should be made units for school-improvement programs.

- Various states are at different stages of implementing the RTE Act and additional support is required by those that are struggling to fill the gaps.

5.3 Suggested strategy for private (non-state player) participation for implementation of RTE Act

We suggest a two-pronged strategy to address the issue of quality education – district intervention and pooling of resources among the non-state players. This is based on our observation that efforts made by different stakeholders are dispersed and there is not enough collaboration between them, although as individual initiatives these are adding some value to the overall education sector. This is giving rise to significant duplication of efforts and there is no comprehensive approach to deal with existing gaps.
• **Make district the unit for school improvement**

There are several successful initiatives in different pockets. Replication of these efforts in other pockets will take time. Moreover, it may not bring about significant improvement in the overall education system. The planning unit for improving the education system should be the district. This would be in consonance with the district planning process, which is also being promoted by the Government. Different stakeholders need to work as a team at the district level to plan for the overall improvement of public school education as well as of private schools that have limited resources but offer good quality education. By complying with the norms and standards laid down in the Act and developing quality standards, resources, skills and knowledge can be pooled to bring all schools to an optimum level. Individual services or interventions may improve some aspects of education, but overall improvement in terms of infrastructure, pedagogy, community participation and governance are required to make this change sustainable.

• **Non-state players collaborate to strengthen public education system**

As mentioned earlier, the role played by each non-state player is unique, yet there is significant commonality in their work. There are non-state players in every district, conducting their respective activities. There is also an adequate number of organizations that wish to improve the education system, not only because of their belief in social objectives, but also because this is the need of the hour. It has been well documented that unless the young population is provided with employable skills, the demographic advantage that we have today will be lost. Therefore, it is in everyone’s interest to make a concerted effort and optimally utilize their resources to provide quality education to our youth. It has also been seen that although there has been an increase in the number of private schools in the last few years, 93% of the total number of schools are still run by the Government. Therefore, to make a difference to the country’s education system, there has to be a strong focus on strengthening the public education system. To achieve this, there is a need for greater dialogue between state and non-state players, to identify points of convergence and also provide constructive feedback to the Government.

Non-state players have different skill sets and can make a significant contribution in specific areas. A non-state organization, which has a strong presence in a district, can take the lead in facilitating the convergence of the efforts of other non-state players, so that the unique contribution of each stakeholder is recognized.
Pooling of available resources – financial support, skills, knowledge, support services – and demand for accountability will lead to comprehensive improvement of the school system. Some possible areas of intervention for the non state players to supplement the efforts of the Government are discussed below.

### Teachers’ training

One of the key drivers to improve the quality of education in the country is teachers. The quality of overall teachers’ training institutes has been criticized and there is a strong need to develop the skills of teachers. No holding back of students and no corporal punishment, as stated in the Act, will require a significant shift in teachers’ training programs. The current emphasis on rote learning and examinations has to change to enable teachers to undertake continuous evaluation of students. Training in skills such as anger management and positive reinforcement is required. Resource organizations, academic institutions and some private schools of repute should be engaged to impart pre-service and in-service training to teachers. Furthermore, to make this effort sustainable, DIETs and BRCs need to be strengthened. Another essential element is developing leadership skills among head teachers. There have been sporadic efforts to impart training to head teachers in some schools, but these need to be scaled up through the involvement of academic institutions, e.g., management institutions.

### Mainstreaming out-of-school children

While there has been an impressive improvement in enrolment of students, there are still a large number of students who are out of school. Getting them back to school will require the collective effort of the general public as well as the intervention of NGOs to support these children in being admitted to classes that are appropriate to their age. Here special mention needs to be made of differently abled children. The Act provides for special educators in schools for such children, but enabling their access to schools will require significant additional efforts.

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**Strengths of non-state players**

- a. Organizations that can contribute financial resources to support activities related to education
- b. Organizations with no experience in education but which can provide support in technical areas, e.g., system strengthening and capacity development in soft skills
- c. Resource organizations with experience in education that can contribute to pedagogy, quality standards and teachers’ training initiatives
- d. Organizations with no experience in education, but can which offer services such as infrastructure development, maintenance and running hostels
- e. Service providers in specific areas of education – IT education, mid day meals, etc.
- f. Organizations with experience in education that are engaged in independent assessments, advocacy, etc.
- g. Organizations with no experience in education that have strong skills in community mobilization
- h. Corporate organizations with or without experience in education that wish to set up educational institutions
Capacity development of school management bodies

There is provision for school management committees in the Act. If executed effectively, it will help in bringing about greater accountability at the school level. These committees are best positioned to ensure that the Act is implemented effectively. The committees however require capacity development to understand their roles and responsibilities as well as a grievance redressal system. Skills such as budget tracking can help in ensuring that the budget allocated to a school is utilized effectively. The committees can also make sure that there are no barriers for children belonging to different social groups. NGOs can play a significant role to empower such committees. There is also a need for independent assessment of the education system on a continued basis, to ensure that that the process of improvement in schools continues to be dynamic.

Setting up schools where required

Several foundations have come forward to set up schools. This will facilitate access to education, provided private players follow two principles – avoidance duplication and ensure sustainability. Since the Act specifies right to education for the age group 6-14 years (the elementary level), private players should set up schools for secondary level students in areas where there is a shortage of schools.

Improved planning, monitoring and evaluation

There is significant scope to undertake more effective planning. The current process of district planning overlooks the specific requirements of schools. Moreover, given the spread of schools, it is a challenge to them effectively. Use of technology, and improvement of financial and performance management systems can help to improve school management. Therefore, professional organizations can support state governments to improve existing systems.
Support innovations

Constant innovations are necessary to bring about qualitative improvement in the education system. These may be in the area of development of study material, educational aids and classroom transactions which make schooling an interesting experience for all students. There have been several innovations in the area of education, which should continue to be supported. Corporate foundations and INGOs can support such efforts.

Evidence-based advocacy

Civil society organizations have played a significant role in raising awareness of education-related issues and bringing education into the discourse. It is important that these efforts continue, and at the same time, there is constructive involvement with the Government to bring about qualitative improvement in the education system.

This study can be summed up in the following model, where the Government is the driver for implementation of the RTE Act and non-state players have an enabling role to support the Government. If child rights is kept central to the planning process, different options can be arrived at to provide quality education to children. This would need to have essential components such as infrastructure development, as well as improved pedagogy, monitoring and management, including at the level of schools, and finally, community participation so that communities are the owners of the education system and can participate constructively.

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Respondents

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4. Ms Anu Aga, Thermax Trust
5. Dr Ankur Madan, Christ University
6. Mr. Arun Kapur, Vasant Valley School
7. Mr. Ashoke Joshi, S Srinivasan Trust
8. Mr. Ashok Agarwal, Social Jurist
9. Prof. Babu Mathew, National Law University
10. Mr. Balaji Sampath, AID India
11. Fr Bento, Fr Angel School
12. Mr. Dhruv Kalra, Bharti Foundation
13. Ms. P. Geetha Rani, NUEPA
14. Dr Madhukar Gumle, Apeksha Homeo Society
15. Mr. Noor Mohammad, AMIED
16. Dr Niranjan Aradhaya, CCL-NLSIU
17. Dr Niranjan Sahoo, Observer Research Foundation
18. Mr. Parth Shah, Centre for Civil Society
19. Prof Praveen Jha, JNU
20. Mr. RP Agarwal, Former Education Secretary
21. Mr. Sanjay Singh, Parmarth Samaj Sevi Sansthan
22. Mr. Sanjay Joshi, Moga Devi Minda Charitable Trust
23. Mr. Sridhar, Ernst & Young Pvt. Ltd.
24. Mr. Sushant Kumar Bhuiyan, Naandi Foundation
25. Mr. Sushil Salwan, Salwan Trust
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6. Appendix (for reference)

6.1 Details of the Right to Education Act

A. Availability

1. Right of child to free and compulsory education (Sections 3(1), 3(2))

Section 3(1) of the RTE Act provides the right of free and compulsory education to every child of the age of 6 to 14 years. Under the Act, this education will be provided in a neighborhood school till the completion of elementary education. Section 3(2) expressly states that no child will be liable to pay any kind of fee or charges, which may prevent him or her from pursuing elementary education.

Under the provisions of the Act, a school established by the Government or local authority will provide free and compulsory elementary education to all admitted children. Moreover, all unaided schools are required to provide free education to at least 25% of children from weaker sections of society residing in their neighborhood.

2. Standards for recognition of schools (Sections 18(1), 19(2))

The RTE Act prescribes norms and standards (appended in the schedule to the Act) for a school, highlighting key parameters such as:

- The ideal pupil-teacher ratio
- Guidelines relating to school building
- Minimum number of working days
- Instructional hours in an academic year
- Minimum number of working hours per week for teachers
- Library facility
- Guidelines on teaching or play material

Moreover, under Section 18(1) of the RTE Act, no school will be able to operate without obtaining a certificate of recognition from a competent local authority, subject to conformity with Section 19 of the Act. If a school is found in contravention of the conditions of recognition, the authority will withdraw recognition.

Section 19(2) of the Act requires schools, established before commencement of the Act and which do not conform to the norms and standards specified in the schedule, to undertake steps to fulfill such norms and standards at their own expense within a period of three years of the commencement of the Act.

3. Establishment of additional schools (Sections 6, 7(1), 7(2))

Section 6 of the RTE Act requires establishment of a school in areas/neighborhood, where any such provision is non-existent, within a period of commencement of the Act. According to Section 7(1), both the Central Government and the state governments will have concurrent financial responsibilities for undertaking the provisions of the act. As per the Section 7(2), the Central Government will prepare estimates of capital and recurring expenditure required for implementation of the Act.
4. Appointment of qualified teachers (Sections 23(1), 23(2))

Section 23(1) of the RTE Act states that any person with minimum qualifications, as laid down by the academic authority authorized by the Central Government, will be eligible for appointment as a teacher. Section 23(2) also enables the Central Government to relax minimum qualifications (for a period not exceeding five years) for appointment as a teacher in states that do not have an adequate number of institutions offering courses of training in teachers’ education. Moreover, Section 23(2) allows teachers who do not have the minimum qualification required at the time of commencement of the Act to acquire this within a period of five years.

B. Accessibility

1. Disallowing capitation fees and screening procedure (Sections 13(1), 2(o)

Section 13(1) of the RTE Act expressly disallows any school or person from collecting any capitation fee and subjecting a child or his/her parents or guardian to any screening procedure. Moreover, Section 2(o) calls for use of only random procedures for admitting a child to a school. Under the random procedure, a lottery system is to be used to fill the seats if the number of children applying to a particular school exceeds the available seats.

2. Provision for special training (Section 4)

The RTE Act (Section 4) also requires admission of a child above six years, who has neither been admitted to any school nor has been able to complete his or her elementary education to an age-appropriate class. It specifies that any such child will also have the right to receive special training.

3. Admission of students belonging to weaker and disadvantaged groups (Sections 12(1c), 12(2))

Under Section 12(1c), private unaided schools will have to admit students belonging to weaker and disadvantaged groups to the extent of at least 25% of their class strength. Section 12(2) of the RTE Act states that private unaided schools will be reimbursed their expenditure to the extent of the lesser of either per-child expenditure incurred by the Government or the actual amount charged for the child.

4. Balanced representation on the school management committee (Section 21(1))

Under Section 21(1) of the RTE Act, schools are required to constitute a School Management Committee (SMC) consisting of elected representatives of the local authority, parents or guardians of children admitted and teachers. It further states that three-fourths of the members of such a committee will be parents or guardians, with proportionate representation given to the parents or guardians of children belonging to disadvantaged groups and weaker sections of society. Moreover, it states that 50% of the members of any such committee will be women. This section of the Act is not applicable for an unaided school, which is not receiving any aid or grants from the Government or local authority.
C. Acceptability

1. Development of national curriculum (Sections (7(6a), 29(2))

Under Section 7(6a) of the RTE Act, the Central Government is expected to develop the framework of a national curriculum with the help of academic authorities appointed by state governments\textsuperscript{20}. In a notification dated 31 March 2010, the Central Government authorized the National Council of Educational Research and Training (NCERT) as the academic authority under Section 29 of the RTE Act that would lay down the curriculum and evaluation procedure for elementary education. This is a significant development, since the previous practice of the NCERT preparing the National Curriculum Framework (NCF) was purely advisory in nature. Under the Act, its role has become mandatory and will also involve state governments.

Under the Act, state governments will also specify academic authorities that will lay down curriculum and evaluation procedures at the state level. However, state curriculums must be prepared according to certain common principles described in Section 29(2) of the RTE Act. In fact, the Act legalizes the principles shared in the NCF 2005.

2. Prohibition of holding back and expulsion or physical punishment and mental harassment

The RTE Act states that no child admitted to a school will be held back in any class or be expelled till completion of his elementary education. It also states that no child will be subjected to physical punishment or mental harassment.

3. Duties of teachers (Sections 24)

With a view of enhancing the professionalism of teachers, Section 24 of the RTE Act describes the key duties of teachers, including maintenance of regularity and punctuality, completion of the entire curriculum within a specified time, assessing the learning ability of each child and providing suitable instruction, including supplementary instruction if necessary. Teachers are also required to hold regular meetings with parents and guardians to apprise them of key details relating to their wards’ progress.

D. Adaptability

1. Admission of students belonging to socially disadvantaged groups

2. Right of transfer to a school (Section 5(1)

Section 5(1) provides right of transfer to another school to any child pursuing elementary education in a government or government-aided school.

\textsuperscript{20} Frequently asked questions on the Right to Education Act, UNICEF
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EYIN1203-035

ED 0113