

STRIVING FOR QUALITY ELEMENTARY EDUCATION IN INDIA

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It is indeed unfortunate that even after sixty six years of India's independence the state has not been able to provide quality education to all of India's children. While the Right of Children to Free and Compulsory Education Act, 2009 (RTE), lays out a grand vision of raising children's education profile, it barely lays emphasis on developing their skills to learn.

The Annual Status of Education Reports (ASER), over the years (2005-2013), have come out with startling observations on reading and Maths levels among primary school children in all Indian states.¹

Other reports too corroborate these findings. The Programme for International Student Assessment (PISA) ranks India almost at the bottom of the pack in terms of Maths and English literacy. This, according to its test, is attributed to the "lack of application-oriented Maths in schools".² However, the PISA test was conducted in only two states (Himachal Pradesh and Tamil Nadu) in India and theoretically cannot be extrapolated to the rest of the country. Nevertheless, Dana Kelly, US representative on PISA's governing board, says the test helps identify variation in performance and the resources available. Clearly, the public education sector has failed in building strong institutional mechanisms to promote learning skills. Unless the problem is addressed quickly, these young ones would grow to join the swelling ranks of the 'educated unemployables' in the country.³ It is such a tragedy that by this year 41 percent of the primary school children will be paying for their education and there is no guarantee that what they learn is of any quality or consequence⁴.

This essay is an attempt to reflect on ways to address challenges as well as identify innovative solutions that show us the way forward in promoting learning skills and improving the learning

¹ At the All India level, for Std. III, the proportion of children able to read at least a Std. I level paragraph has risen slightly from 38.8% in 2012 to 40.2% in 2013. This increase is mainly coming from improvements among private school children. Among Std. III students in government schools the proportion of children able to read Std. I level text remains unchanged from 2012 at around 32%. Nationally, the proportion of all children in Std. V who can read a Std. II level text remains virtually the same since 2012, at 47%. This proportion decreased each year from 2009 to 2012, dropping from 52.8% in 2009 to 46.9% in 2012. Among Std. V children enrolled in government schools, the percentage of children able to read Std. II level text decreased from 50.3% (2009) to 43.8% (2011) to 41.1% (2013). The learning levels in arithmetic is equally abysmal. In 2010, 33.2% children of Std. III in government schools could at least do subtraction, as compared to 47.8% in private schools. The gap between children in government and private schools has widened over time. In 2013, 18.9% of Std. III students in government schools were able to do basic subtraction or more, as compared to 44.6% of Std. III children in private schools. Among Std. V children in government schools, 20.8% children could do this level of division in 2013. The figure for private schools is 38.9%. In arithmetic, a large fraction of children are lagging several years behind where they are expected to be.

² India ranked second last among the 73 countries that participated in the Programme for International Student Assessment (PISA), conducted annually to evaluate education systems worldwide by the OECD (Organisation for Economic Co-operation and Development) Secretariat. The survey is based on two-hour tests that half a million students are put through. (<http://timesofindia.indiatimes.com/home/education/news/Indian-students-rank-2nd-last-in-global-test/articleshow/11492508.cms>)

³ <http://forbesindia.com/article/briefing/primary-education-in-india-needs-a-fix/35287/1>

⁴ <http://www.firstpost.com/india/why-the-state-of-indias-primary-education-is-shocking-598011.html>

outcomes. It proceeds in seven parts, the first part being a brief background on developments leading to the enactment of the RTE Act. The second part lists out the salient features of the Act. The third part of the essay offers a brief outline of the financial allocations earmarked for translating this Act into a reality. The fourth segment attempts to look into the outcomes of the Act vis a vis different parameters. The fifth section deals with an overall evaluation of the Act. The sixth section gives a brief on discrimination being a major cause for poor learning outcomes. The seventh part deals with the role of the States in the implementation of the RTE Act and the eighth and final part of this essay contains a record note of deliberations that Common Cause held with various stakeholders on this subject.

I. Background of the RTE ACT

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) has a long and chequered history. In 1950, India made a Constitutional commitment to provide free and compulsory education to all children up to the age of 14, by inserting this assurance in article 45 of the Directive Principles of State Policy.

The first official recommendation for the inclusion of a fundamental right to education was made in 1990 by the Acharya Ramamurti Committee. Thereafter, several political as well as policy level changes influenced the course of free and compulsory education. The country witnessed an increased international focus on its initiatives regarding free and compulsory education after its participation in the World Conference on Education for All in 1990. India also ratified the United Nations Convention on Rights of the Child in 1992.⁵

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The RTE Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.⁶ This right came into effect on April 1, 2010.

II. Main Provisions

The RTE Act was an overdue measure, coming as it did sixty years after the adoption of the Constitutional directive to provide free and compulsory education to the nation's children. Some of its key provisions are:

- **Assignment of State Responsibility:** The Act clearly makes the state responsible for ensuring that every child, in the age group of 6-14, receives schooling for eight years, instead of merely shifting the onus for this to the parents, a majority of who are illiterate and mired in poverty.

⁵ http://www.azimpremijifoundation.org/Right_to_Education

⁶ <http://mhrd.gov.in/rte>

- **Specific Duties:** The Act reiterates the role of the state, along with private and aided schools, to satisfy certain basic norms in terms of infrastructure, learning facilities and the academic calendar. This is important since the quality of inputs has bearing on education outcomes.
- **Pupil Teacher Ratio:** The Act mandates a minimum Pupil-Teacher Ratio and explicitly requires the same to be maintained in each school, rather than as an average over a block or a district.
- **Teacher Qualifications:** The Act prescribes the minimum qualifications of teachers and their academic responsibilities along with the minimum quality of the content and process. This can positively impact the actual quality of education provided within our schools.⁷
- **School Management Committees-** RTE provides for the creation of a variety of accountability mechanisms, particularly school management committees (SMCs) to oversee delivery of grants, which are intended to lead to creation and maintenance of infrastructure (Sec 21). Each SMC has monitoring and planning responsibilities for its school. It monitors the “working of the school” and the school’s “utilization of grants received from the Government or local authority or any other source.” In addition, SMCs are required to “prepare and recommend school development plan (s)”.⁸

The Act also stipulated certain guidelines on the following:

- No detention
- No corporal punishment
- No board examination up to elementary level
- Banning private tuition
- Banning screening procedure and capitation fee
- Special Training

After the RTE Act became operational, the Government revised the SSA Framework of Implementation to conform to the provisions of the RTE Act.

The following timeframes, mandated by the RTE Act, are also applicable to SSA:

<u>Activity</u>	<u>Time Frame</u>
Establishment of neighbourhood schools	3 years (by 31st March, 2013)
Provision of school infrastructure	3 years (by 31st March, 2013)
All weather school buildings	
One-classroom-one-teacher	

⁷ RTE-Key Gaps in Policy and Implementation-Azim Premji Foundation

⁸ Hammer Policy Workshop, Spring, 2013

Head Teacher-cum-Office room	
Library	
Toilets, drinking water	
Barrier free access	
Playground, fencing, boundary walls	
Provision of teachers as per prescribed PTR	3 years (by 31st March, 2013)
Training of untrained teachers	5 years (by 31 st March 2015)
Quality interventions and other provisions	With immediate effect ⁹

III. Financial Allocation

Implementation of RTE from 2010-2015 requires investments worth around 2.31 trillion.¹⁰ The approved outlay for Sarva Shiksha Abhiyan (SSA) for the 11th Plan period was Rs 71,000 crore. Taking into account the requirement of implementation of the RTE Act, the Government approved an outlay of Rs 2,31,233 crore for the combined RTE_SSA programme for a five year period from 2010-11 to 2014-15 to be shared between the Central and State Government in a 65:35 ratio (90:10 for NER (North Eastern Region)). This outlay is supported by a Grant-in-Aid of Rs 24,068 crore awarded by the 13th Finance Commission to the States during 5 year period 2010-11 to 2014-15.¹¹

Middle income countries, such as Egypt, India and the Philippines, have yet to tap the full potential to mobilize domestic resources for education through improved taxes. A well-functioning taxation system would enable these governments to support their education systems with domestic finance. In India, the majority of tax revenue forgone is due to exemptions from custom and excise duties. The revenue lost to exemptions came to the equivalent of 5.7% of GDP in 2012/13. If 20% of this had been earmarked for education, the sector would have received an additional US\$22.5 billion in 2013, increasing funding by almost 40% compared with the current education budget.

Of the 150 countries, for which data are available, only 41 spent 6% or more of GNP on education in 2011. It is of particular concern that 10 low and middle income countries reduced their education spending as a percentage of GNP by one percentage point or more over the decade. India, for example, decreased its spending on education from 4.4% of GNP in 1999 to 3.3% in 2010, jeopardizing the huge progress it has made in getting more children into schools, and its prospects for improving its poor quality of education.¹²

IV. Impact of RTE

On Infrastructure

Although some of the infrastructural parameters under the RTE Act have improved, it is far from where it should be. For instance, 27% of all schools (visited) in Chhattisgarh, Madhya Pradesh and Rajasthan had no drinking water facility in 2012, the proportion of schools with useable toilets was only 56.5% and mid-day-meal was served in 87% of the schools (ASER Report, 2013).¹³

⁹ <http://www.performance.gov.in/sites/default/files/departments/school-edu/Outcome%20Budget%202013-14.pdf>

¹⁰ Lessons in Learning: An Analysis of Outcomes in India's Implementation of the RTE

¹¹ http://mhrd.gov.in/sites/upload_files/mhrd/files/OUTCOME%20BUDGET_2013-14.pdf

¹² EFA-GMR (Education for All- Global Monitoring Report) -2013-14

¹³ <http://socialissuesindia.files.wordpress.com/2013/04/status-of-implementation-of-rte-2013.pdf>

To quote from another report produced for Centre for Policy Research, New Delhi¹⁴ in February 2013,

“Our empirical results find no direct causal path between infrastructure improvements and student learning outcomes, although they do point to some effect on student attendance and the presence of learning materials is correlated with higher levels of teacher attendance”. The same study goes on to state that “some of RTE aspirations were realized in wider availability of toilets, kitchens and boundary walls since the Act’s adoption. However the proportion of schools with a headmaster’s office, drinking water and playgrounds remained constant, while the proportion with one classroom per teacher declined from 76 to 74 percent during this period, 2009-2012”.

The ASER, 2010 report agrees with the above findings. “In a linear probability model, the learning outcome in all 3 classes (Stds 1, III & V) is not correlated with any of the school infrastructure variables and neither is it correlated with the school PTR.” However, “this is not to say that well-functioning schools with good facilities are not a desirable outcome. They will certainly encourage attendance which will result in better learning outcomes.”

On School Enrolment

The RTE Act has been successful in bringing more children to school. The enrolment at elementary level increased from 187.86 million in year 2009-10 to 199.71 million in the year 2012-13. Most of the incremental enrollment was from disadvantaged social groups and girls.¹⁵

According to GOI official statistics total primary enrollment grew from 168 to 189 million students between 2006-2011. Although the proportion of children who have never been schooled declined; contrary to RTE’s intentions of bolstering public education, enrollment in government schools has declined from 133 in 2009 to 130 million in 2011.¹⁶ Enrollment in the 6-14 age group continues to be very high, with more than 96% of children enrolled in school. These enrollment gains since the Act’s adoption in 2009 are entirely due to growth in private school enrollment. For, the age group 6-14, there has been a steady increase in private school enrollment from 18.7% in 2006 to 29% in 2013 according to ASER 2013 report and according to DISE data, the share of overall private school enrollment increased from 29 to 31% between 2009 and 2012. Ironically, after the Indian Parliament declared that it would provide free and compulsory education to all children, the pace of enrollment in private schools quickened. Also, the proportion of out of school girls in the 11 to 14 age group has declined since last year.¹⁷

On Learning

The ASER and other independent assessments show that the learning outcomes across the country, especially in the government school system, have actually declined over the period of RTE, even as the number of in school children has risen.

Some of the highlights of ASER 2013 Report are the following.

¹⁴ This report titled ‘Lessons in Learning-An Analysis of Outcomes in India’s Implementation of the RTE Act’ was produced for Accountability India, housed at CPR by students at Princeton University’s Woodrow Wilson School for Public and International Affairs.

¹⁵ Progress and Challenges-UNICEF Report, April, 2014

¹⁶ Lessons in Learning, Feb, 2013, Report by Woodrow Wilson School of Public &International Affairs

¹⁷ ASER, 2013

- Since 2012, no significant improvement is visible in children's ability to read.
- By the middle of Std. II, there still are over 50% children who cannot read simple everyday words in the regional language.
- Most Std. II textbooks assume that children will be reading simple words and sentences by the beginning of Std. II, but most children are not there yet.
- Children are still struggling with basic arithmetic.
- For a variety of reasons, close to 78% of children in Std. III and about 50% of children in Std. V cannot read Std. II text as yet. Without immediate and urgent help, these children cannot progress in the education system.
- Grade level teaching of the syllabus cannot be done effectively unless the basic skill of reading with understanding is in place. Without this fundamental skill, the child cannot progress in other subjects, either.
- Teacher attendance holds steady, but student attendance drops.
- The proportion of "small schools" in the government sector is growing.
- Reading levels of government school children had declined especially in the period from 2010 to 2012, though there is not much change since 2013.
- On the other hand the reading levels of children enrolled in private schools has increased since last year.(61.2% to 63.3% for children in std 5 who can read std 2 level text and from 55.3% to 59.6% for children in class 3 who can read std 1 level text).
- The gap between the arithmetic ability of children in private schools and government schools has widened.
- There are two major obstacles created by RTE. First is the teachers' duty to complete the grade- level syllabus within the year. Second, children are to be placed in grades or standards according to their age. In a country where more than 60% government schools have multi-grade, multi-level classes, and where more than 50% lag at least two years behind if not more in terms of basic learning competencies, how is the teacher supposed to 'complete the syllabus'? The teacher is also supposed to individually assess each child and ensure that she/he comes up to the grade level. The SSA instructions recently sent out try to balance both these factors. These instructions also lay emphasis on defining measurable learning outcomes and planning to achieve them.¹⁸

On Attendance

In India, all surveys of school attendance, including ASER, have noted huge variations across states - ranging from 90% attendance on a random day in schools in south India to close to 50% in schools in some northern states.¹⁹

¹⁸ ASER 2013

¹⁹ ASER 2013

While net enrollment in primary schools is approaching 100 percent, regular attendance and retention continue to be the major challenges. Not only do education authorities fail to create conditions conducive to attendance by children from marginalized communities, schools also have little capacity to address the learning needs of children who enroll in schools at a later age or on the rebound after dropping out. The new law requires that all children be admitted in age appropriate classes to help with their retention. To enable this, it provides for special bridge courses of between three months and two years so that these children can catch up and integrate better. However, the schools visited in the rural areas rarely had any capacity for such special training. Instead, schools and education officials often denied they had any significant number of out-of-school children or dropouts to warrant such special classes.²⁰

Contrary to common wisdom, RTE's focus on ensuring all children get an education has not led to the flooding of government schools with new, presumably less advantaged, students. As government school enrollment started to decline, attendance also went down. This could be a consequence of more engaged parents pulling their children out of the public system to attend private schools, so on average those remaining in public schools have parents who are less likely to monitor their children's school attendance.²¹

On Teachers' motivation/performance

Teachers are motivated by both supervision and the material support necessary to teach. Teacher presence-one of the key drivers of student attendance- is highest in schools where headmasters are present, display boards are visible and teaching materials are available. Factors further removed from the classroom, including physical infrastructure and accountability mechanisms, such as SMC meetings, do not increase teacher attendance.

RTE gives the Central government the authority to devise minimum teacher qualifications and mandates student-teacher ratios. It encourages state governments to bring teaching training facilities up to the standards necessary to meet the teacher qualifications and requires local authorities to provide the requisite teacher training facilities. However, it does not fundamentally restructure teacher training, hiring, or incentives, nor does it accord flexibility for teachers to address local needs, ranging from language of instruction to innovative teaching methods.²²

On Functioning of SMCs

RTE does not specify how or to whom SMCs should report the results of their monitoring activities, hence the effectiveness of this mechanism for grievance redressal remains uncertain. Second, SMCs aim to involve parents and community members in the education system. By bringing parents into leadership roles, RTE aimed to empower parents and encourage them to take a more active role in their children's education. However, teachers and/or headmasters often hold a leadership role in the SMC and may serve as the Chair or Vice- Chair of the Committee. Moreover, headmasters and teachers manage the election or nominations process and parents are often recruited to serve as SMC members by the headmasters. These facts call into question the independence of SMCs and their ability to effectively monitor and enforce RTE standards vis a vis headmasters and teachers.²³

²⁰ Human Rights Watch Report, 2014-Denying Education to India's marginalized

²¹ Hammer Policy Workshop, Spring 2013

²² http://www.princeton.edu/rpds/papers/Hammer_Policy_Workshop_Spring2013.pdf

²³ Lessons in Learning: An Analysis of Outcomes in India's Implementation of the RTE

The UK-based Consortium for Research on Educational Access, Transitions and Equity (CREATE) says in a recent report that the parent representatives included in the SMCs, are not aware of their existence. A working paper by the Delhi-based Centre for Civil Society says that School Development Plans are barely functional and that members are unaware of their responsibilities.²⁴

V. Evaluation of the RTE Act

The Azimji Foundation submitted a comprehensive note on the RTE- Key Gaps in Policy and Implementation - to the National Advisory Council on August 20, 2011. Given below are relevant excerpts from this note.

“The Act has travelled a long and arduous path to the point of legislative sanction and is the most substantive declaration of the government's responsibility towards education. It deserves due recognition for articulating in unambiguous terms the State's commitment to education. However, it is also true that many gaps persist in the existing formulation of the Act – these include key areas not addressed by the legislation as well as policy and implementation level loopholes.

The Act has several shortcomings and there are some who will say that it is wholly inadequate. Like many other acts and laws, the intentions of the RTE Act are very noble but the key issues are around critical gaps in policy as well as implementation and enforcement issues. Attention may be drawn to the following issues which have resulted in the RTE Act not delivering the promise of quality education for all.

1. Quality of Teachers and Teacher Education: While the Act lays down minimum criteria for teacher qualifications, it may be hard to expect quality improvement unless the foundations/principles, content and methodologies of pre- and in-service training of teachers are relooked at and changed. In addition to this, there needs to be a tight mechanism to prevent mushrooming of innumerable sub-standard private teacher training colleges and institutes in the country.

2. Institutional Structures for Academic Support: The Act draws no attention on the existing shortcomings of the institutional structures for teachers' training and innovation. There should be more clear and strict provisions for capacitating the educational support structures, like the SCERT, SIEMAT and DIET. Formation of a separate cadre of these organizations would greatly contribute towards professionalizing teaching. However, the RTE hardly talks of interventions required for the academic support structures themselves.

3. Ensuring Learning Outcomes and Competencies: While ensuring that every child who traverses through the elementary education system acquires a certificate of completion, the Act fails to guarantee that a child has acquired competencies deriving from said education process – no standards are set for monitoring and measuring learning outcomes – a case of

²⁴ <http://forbesindia.com/article/briefing/primary-education-in-india-needs-a-fix/35287/1>

guaranteeing graduation but not education. The Act should also define a framework to measure the quality of education imparted.

The norms and standards specified in the Schedule to the Act are excessively input-focussed. This is a reflection of the larger policy environment where at every level of the education system elementary education is dominated by a concern with inputs (enrolments, infrastructure, availability of teachers, materials) and not with learning outcomes. For example, research in India and abroad (Eric Hanushek, ASER, Azim Premji Foundation) indicates that input-based schooling policies have not led to discernible improvements in student performance. Learning does not seem to be correlated with the infrastructure facilities of a school.”

The ASER Report, 2013 has some more suggestions in this regard. It is essential that we get rid of, or at least stop emphasizing, the grade-wise syllabus at least up to Std 5. It should be replaced with stage-wise sets of learning achievement goals which recognize that if children are going to learn at their own pace it is unrealistic for a teacher to 'complete a syllabus' and have children attain their grade-level competencies within that year. Focusing on defined learning outcomes by the end of the current Std 2 and current Std 5 is necessary. Syllabi, school time-tables, textbooks all need to be reoriented to achieve basic reading with comprehension, writing with thinking, math with problem solving abilities.

At present, the governmental system relies on a dysfunctional Continuous Comprehensive Evaluation process in schools, periodic sampled Achievement Surveys (every three years), and possibly Std 10 examinations to assess quality of learning achievements. Although the government will defend all three, as any system would, in reality none of these actually give reliable information on what children have learned. (In the absence of the traditional annual examination (students cannot be detained in the same class up to class VIII) the student's poor learning cannot be detected until class IX). There is a need to take a close look to make the reporting system more transparent and more reliable and the data more useful/useable. First, there is a need to rework and simplify the so-called CCE into a system of systematic monitoring of attainment of basic learning outcome coupled with regular programs to raise the basic learning outcomes instead of insisting on "completion of syllabus", which is often equated with textbook content to be crammed.

Second, the so-called achievement surveys with pen and paper test should be targeted at Std 8 rather than Std 3 or 5 to get any meaningful results, at least until we know that most children in every state can read well.²⁵

4. Recognition Process for State Schools: Unlike for private schools, the process of attaining recognition for state schools is not prescribed. The Act does not mention the course of action that State schools will have to face, in case of failure to adhere to minimum norms for quality mentioned in the schedule. The penalty imposed on the government for failing to meet its obligations has not been specified.

5. Teacher Shortages and Financing: The financing of the RTE Act could prove to be a major obstacle in its effective implementation. After protracted negotiations between the Centre and the States, it was decided that the financial burden would be shared in a 65:35 ratio.

²⁵ ASER, 2013

At present the shortage of teachers is one of the greatest obstacles facing the implementation of the RTE Act. According to the Ministry of HRD in order to meet the requirements of the RTE Act, 5.08 lakh additional teachers are required to be recruited. Given that hiring of new teachers and construction of new schools is mandated under the Act, it is yet to be seen if these can be accomplished with the given budgetary allocations.

6. Inadequate Grievance Redressal Mechanism: In order to make the RTE Act effective it is necessary to establish the modalities through which rights under the RTE Act are protected and violations of the Act are to be dealt with i.e. a system of registering, investigating and responding within a well-appointed time frame.²⁶

7. Exclusion of Early Childhood Education (ECE): The RTE applies only to children between 6–14 and the critical years of 3–6 have been excluded. Several studies on early childhood have shown that 3-6 yrs. is the time when children need to be exposed to literacy-rich environment to enhance their literacy growth, and children who experience schooling for the first time at the age of 6 yrs. are clearly at a disadvantage. In the face of such evidence, it is necessary that RTE is enhanced to include Pre- School Education and its convergence with mainstream education.

8. The Criticality of Pupil-Teacher ratio-The Right to Education Act mandates a pupil teacher ratio (PTR) of 30:1 in order to ensure that children learn better in the classroom. A detailed three year long empirical study by Azim Premji Foundation in 2006 had underlined the importance of PTR and its direct correlation with students and school performance. The study shows that a PTR of less than 30:1 has a high correlation with superior school performance. Also when PTR goes beyond 40:1, schools seem to have less than 2% chance of turning in a strong performance.”

VI. Discrimination- A Major Cause for Poor Learning Outcome

The Human Rights Watch Report, April 2014 (They say We're Dirty-Denying Education to India's Marginalized) contends that discrimination remains a major factor affecting access to education for children from marginalized communities, including Dalits, tribal groups, and Muslims. To quote,

“While nearly all primary school children are enrolled in school, many millions do not actually attend classes. Often, this is because their caste, ethnicity, economic condition, religion, or gender acts as a barrier to education. Most children with disabilities are excluded from government schools due to lack of teachers with specialized training, and inadequate facilities and care.

Already vulnerable because of socio-economic challenges, these children need special attention and encouragement to remain in school. Instead, a lack of proper monitoring leaves such children vulnerable to exclusion, denying them the right to a child-friendly and equitable

²⁶ The National Commission for the Protection of Child Rights shall review the safeguards for rights provided under this Act, investigate complaints and have the powers of a civil court in trying cases under the RTE Act. At present, twenty five states have set up Commissions for Protection of Child Rights.

environment as set out under the Right to Education Act. Poor monitoring also results in poor retention of at risk children, many of whom end up pushed into work and early marriage. Hence we have to create a system of universal elementary education which is rights-based and involves the local communities in its functioning.”

VII. Role of States in the implementation of RTE Act

Though the RTE Act has been notified by all the states, implementation of the law has not been effective. A major obstacle behind proper implementation of the Act, as put forward by the states, is paucity of funds. As stated earlier, there is an approved outlay of Rs 2,31,233 crore for the combined RTE_SSA programme for the period 2010-15. Then why are the states complaining about lack of funds?

State child rights commissions have to monitor implementation of the RTE Act in their respective states. All states have to set up state education advisory bodies. School management committees are supposed to maintain the records of all children in the age-group 6-14 years and ensure that they are in school. It has been observed that the Hindi-speaking states of Uttar Pradesh, Rajasthan, Madhya Pradesh and Bihar have been the most half-hearted when it comes to implementation of the RTE Act, despite the fact that 67% of out-of-school children are from these states. Uttar Pradesh has, in fact, indicated that it has no intention of contributing towards implementation of the Act and will depend wholly on the funds provided by the Centre. Clearly, the real hindrance in implementation of the RTE Act is the lack of intent and political will.

The overall responsibility of universal elementary education and providing quality education to the target group of children lies on the Human Resource Development Ministry. Monitoring implementation of the RTE Act is the responsibility of the child rights commissions under the State Women and Child Development Departments. Other government departments also have a role in the implementation of the RTE Act, for which the Ministries of HRD, Labour, Women and Child Development, Panchayati Raj and Rural Development have to work together. There should be an umbrella body that brings all these agencies together to work towards a common goal.²⁷

Conclusion

A critical component of the way of learning in some of the schools is the achievement of what Mr. Azim Premji, Chairman of Wipro Ltd., calls "learning guarantee". The concept of learning guarantee goes beyond the widely held fragmented view of the education system understood. It is not just about the number and quality of teachers, or the effectiveness of Government interventions. Learning guarantee presupposes an understanding of the pedagogical processes in the class room, a clearer appreciation by the teachers of the competencies to be developed among the students, the class-room practices that bring out the best among the children in a non-threatening and exciting manner, the competitive spirit that the school is able to create, and the parents' abiding interest in their children's learning. It also requires an understanding of the dynamic of an active parent-teacher interface for better delivery of learning. It is a social process

²⁷ <http://infochangeindia.org/education/backgrounders/challenges-in-implementing-the-rte-act.html>

as well as a high quality management process. Learning guarantee is about fixing the accountability of every key stakeholder that can influence learning and education. It can only be achieved through a robust, healthy and dynamic interaction between parents and teachers.²⁸

According to T. V. Mohandas Pai, Chairman of Manipal Global Education Services, India's schooling system is hobbled by unreasonable controls and restrictions imposed by the central and state governments. "It is very difficult to open a new school in the English medium across India and the existing ones are subject to regular harassment and unable to expand freely." Pai feels that the only solution to stem further decline in India's education system is to open it up. "Stop funding government schools and fund the child so that parents have a choice of schools."²⁹ The above prescription may be too radical to be implemented nationally, but can be tried out in carefully selected geographies.

In sum, "achieving the goal of equitable, quality education for all requires progress along multiple dimensions – better policies, stronger political commitment, superior implementation, enhanced funding and higher community involvement among many others".³⁰ It also requires sustained efforts from stakeholders and agencies at the Central and State levels. In fact, without the continuous and active involvement of the State Governments and the local bodies, both urban and rural, the desired outcome would remain elusive.

VIII. Exploring options for advocacy and public interest litigation:

Common Cause and Good Earth Education Foundation have been exploring various options for advocacy and public interest litigation to remedy the poor learning outcomes in the public school system. To this end, a brainstorming session, which brought together a number of like-minded organizations and other stakeholders, was organized in February 2014. The discussions ranged from an analysis of the causal factors to international best practices in universalisation of elementary education and the feasibility of seeking judicial intervention for effectuating the right to free and compulsory elementary education. The Record Note of the deliberations is reproduced below.

Implementation of Right to Education Act

The inequality seen in the society starts at the very initial stage of schooling where certain group of children get ineffective schooling. Only the poorest of the poor send their children to government run schools while the better-off or more privileged parents, including the teachers of government schools, prefer to send their wards to private schools. We have to create a system of universal elementary education which is rights-based and involves the local communities in its functioning.

The objective of this initiative is to explore the advocacy options available to civil society for improving the abysmal learning outcomes in the government school system as highlighted in the

²⁸http://e-pao.net/epPageExtractor.asp?src=education.Parents_Teachers_and_Quality_Education.html.

²⁹<https://knowledge.wharton.upenn.edu/article/indias-education-system-fails-to-make-the-grade/>

³⁰<http://www.azimpremjifoundation.org/pdf/Note%20on%20RTE%20Policy%20and%20Implementation%20Gaps%20for%20NAC.pdf>

Annual Status of Education Reports and other independent assessments. The feasibility of seeking judicial intervention for effectuating the right to free and compulsory education has also to be considered.

There is clear evidence of a pervasive decline in the learning outcomes of children in government schools. This has happened over time despite efforts to improve teaching-learning through various initiatives such as DPEP, SSA, Mid-day meal, provision of Anganwadis and Balwadis for pre-school children, creating National Curriculum Framework, designing new text books, providing for extensive pre-service and in-service teacher training, etc. Great deal of information is available on each of these initiatives and identifying why they have not resulted in desired outcomes. Though there has been some improvement in physical infrastructure; however much of it cannot be put to any gainful use. For instance, the construction of a toilet without provision of water renders it dysfunctional.

RTE is only three years old, whereas the SSA has been around for 12-13 years. India was a late starter on the road to universal education and this lag has to be made up through awareness building, motivation and conjoint effort, but not through fiat. Many school goes in rural areas, and most teachers as well, are first generation learners. Initially, expansion of education has led to a dilution of quality.

There is much concern over the issues of indiscipline of teachers, lack of appropriate training and poor quality of pedagogy. The general feeling is that the system tends to encourage rote learning and that the teachers are not incentivized to bring about the desired improvement in learning outcomes.

It is evident that the Ministry of Human Resource Development (MHRD) is not willing to face the facts. Following the release of ASER 2012 in January 2013, as many as 15 MPs had tabled questions on the decline in learning levels since 2009-10 in the Budget session of Parliament. The response of MHRD to these questions was factually misleading and unacceptable. It was claimed that ASER was a cursory survey and that the more rigorous assessments undertaken by the NCERT had shown some improvement in learning outcomes over time, although in absolute terms the learning levels continued to be low. A lack of transparency in the procedures and vested interests of teachers have also contributed to the poor learning outcomes.

There is concern at the excessive non-curricular demands made on teachers' time. The RTE Act permitted the deployment of government teachers in connection with election, census and disaster relief work. Filing of an RTI application with the Election Commission to seek information on the total time spent by teachers on election duty and whether it was strictly in accordance with the instructions issued by the Election Commission could be useful.

Some studies find that the information about teachers being assigned non-school based activities is somewhat exaggerated. A bigger problem is the way teachers use their time even when they are present in school. Some mechanism to ensure and monitor teachers' direct engagement with children would vastly improve the teaching learning environment.

A problematic provision in the Act is the one which pushes the teacher to rush through the syllabus to complete it anyhow regardless of whether the child is learning or not. The Act is also wanting in respect of mechanisms for enforcing the accountability of various stakeholders and provisions for teachers' governance.

The learning outcomes in Navodaya and Kendriya Vidyalayas are better than other government schools. The reasons could be that children coming to these schools are from families that have more resources and also better educated parents as compared to the families of children going to local government schools. Secondly, such schools serve as showcases and are generously funded. The cost per child in these schools is Rs. 50,000 per annum approximately, which is double the cost per child in regular government schools. Unfortunately, the benefits of these islands of excellence do not trickle down to the neighborhood schools, which are gradually being emptied out. The enrollment in government schools in urban areas has gone down from 70% to about 30%, leading to the waste of a lot of infrastructure. It is crucial that the education in the local government schools become more effective.

During the Financial Year 2011-12, the Central Government of India has allocated Rs 38,957 crores for the Department of School Education and Literacy which is the main department dealing with primary education in India. Within this allocation, major share of Rs 21,000 crores, is for the flagship programme 'Sarva Siksha Abhiyan'. This budgetary allocation of Rs 21,000 crores is considered very low in view of the officially appointed Anil Bordia Committee recommendation of Rs 35,659 for the year 2011-12. The higher allocation is required to implement the 'Right of Children to Free and Compulsory Education Act, 2009. However, the important question that needs to be asked is how this allocation is justified if children are not getting effective education.

RTE is a child-based right and since the children in school are not getting the desired learning outcomes, the law is not serving its purpose. RTE is an accountability instrument given to the citizens. Are we then looking for a class action on behalf of the children for the fulfillment of their fundamental right?

The Constitutional amendment, which imposed a responsibility on the State to provide free and compulsory education to all children of the age of six to fourteen years, also cast an equal duty on the parents or guardians to provide opportunities for education to their children. There is evidence now that parental attitude has changed remarkably towards education of their children. Though there are regional, caste-based and gender based disparities, parents in general, are proactive in looking for schools where their children would get 'good' education. Parents, more often than not, are freeing children from other responsibilities to allow them to go to schools. They are spending their hard earned money on private schools in the belief that these provide better education. With few exceptions, parents are fulfilling their part of the compact for universal elementary education. They are also giving vent to their anguish when they realise that their children have not acquired the basic skills of reading, writing and arithmetic despite going to school regularly.

Parents now need to fight for their right to get effective education for their children. They need to demand quality education and take responsibility for some monitoring. The experience of several countries shows that decentralization has proved very effective in improving the school performance. However, decentralization can only work if the communities are able to take charge and fight for their rights. In Alwar District, where around 5000 farmers were mobilized for an interactive session with the district administration, the mothers of the students demanded a more active participation in the administration of the schools. They were willing to assume the responsibility of appointing the teachers, monitoring their attendance and overseeing the education of their wards. Eventually, the communities have to take on the role of whistle blowers in an organized way and expose the shortcomings of the system.

An equally challenging task before civil society is to kick-start and support a sustainable improvement in the learning outcomes in government schools. It will be a slow, tortuous process which would involve working with and supporting school management committees, panchayats and state governments and focusing on the quality agenda. A recent Joint Mission report of the SSA claims that nearly 70% of the Mission resources are already deployed on quality components.

One way to go ahead would be to identify the state governments that do not have a *status-quoist* mindset and are willing to innovate and experiment with an open mind. Civil society organisations may then partner in empowerment of communities and establishment of oversight committees at the local level to monitor outcomes, learning audit by independent social auditors, external evaluation, and teacher support, among other initiatives. One solution may not fit all situations and small scale experiments adopting diverse approaches will have to be undertaken.

In order to establish scalability, all schools in a block or a district would have to be covered and the vast majority of children would have to be brought up to the stage-wise learning standards. Such blocks or districts could then serve as exemplars for the whole country. On a smaller scale, such examples already exist where committed NGOs have been working with progressive elements in the government system.

The innovative practices in education followed in such diverse countries as Bangladesh, Japan, South Africa, the USA and the U.K. could be learnt from. Learning from the National Dairy Development Board experience of organizing milk producing households in the country into dairy cooperatives, one could attempt a similar mobilization in the education sector to harness the energies of non-state actors to reinforce the thrust for better education in India.

Evidently, schools need to be made accountable for delivering the desired learning outcomes. The watchdog mechanism in South Africa where an oversight committee along with organized community whistleblowers monitors the delivery outcomes could provide a template for improving the functioning of schools. One could also draw inspiration from the USA, where vigilant community organizations safeguard the rights of the underprivileged.

In this scenario, what the school hierarchies require is assistance in making the right choices at the ground level, strengthening their decision, support systems and taking on the mighty rent-seeking groups, and not more top-down directives. As for special category schools like Navodaya Vidyalaya, Kendriya Vidyalaya, and Eklavya, these are expected to serve as exemplars in a quality-starved environment. The extent to which this objective has been met should be assessed, since they use up a sizeable proportion of public resources earmarked for education.

It should be possible to adapt to our context alternate models, which have been tried out in other geographies and situations, such as Cooperative Education Society, Local Education Authority, and Mentor Demonstration and Supervision System. One could also draw lessons from Mission Gunavatta of Bihar and the Bhagidari initiative of Delhi.

It is generally agreed that the government's Aanganwadi scheme of childcare could be put to better use if pre-school education could be integrated with it. The convergence of other government programs with elementary education would also help in optimising the outcomes. Some of the other problems that need highlighting are the lack of accountability of government school teachers, prevalence of corruption, and a thriving transfer industry. The school management committees remain ineffective on account of non-devolution of powers and

resources. The effectiveness of the SMCs is also linked to the communities' awareness of their rights as well as the responsibility of the administration to provide quality education.

The question to be considered is whether civil society interventions aimed at community mobilization, decentralization of services and teacher support could lead to the desired improvement in the quality of education, or it would be worthwhile to attempt to force the pace with the help of a PIL. Since the right to be educated vests in the child, civil society organisations have the *locus standi* to demand it on her behalf through a PIL.

This note is based on the discussion in a meeting held on February 18, 2014 to deliberate on the implementation of Right to Education Act. The participants were: Madhav Chavan & Shradha Batra Mithal of Pratham; A. K. Jalaluddin of Bodh Shiksha Samiti; Vibha Puri Das, former Education Secretary, Government of India; Divya Jalan & Arjun Joshi of Good Earth Education Foundation, and Vikram Lal, Kamal Kant Jaswal, Surjit Das, Anumeha & Swapna Jha of Common Cause.

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