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**IMPLEMENTATION OF
RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION ACT 2009**

**STATUS REPORT AFTER ONE YEAR & A HALF
A Mid-term Review by Civil Society in Bihar**

August 2011

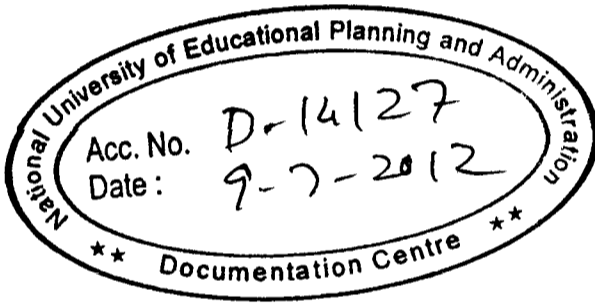
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CHAPTER I : Introduction

1. Importance & implications of Act

There is a widespread and growing sense of exasperation evident in the country today. This stems from a realization of the increasing gap between the rich and the poor, and between expectations and possibilities on the one hand and achievement and ground reality on the other hand. Concurrently, a mood of confrontation is building up, particularly between the state and the common people. Unless channelised into a mode of orderly change and imparted a pro-people direction, it may lead to a chaotic situation. Education is the best bet against disorder and injustice. RTE Act, in whatever form, has come at this juncture.

The Right to Education Act comes after a century long struggle, beginning with a demand for legislation for universal education initiated by Gokhale in the colonial era, culminating in a promise under Article 45 of the Indian constitution. When the promise was not redeemed for decades, then there was another round of campaign by civil society organizations for education to be made a fundamental right. Initially endorsed by the judiciary in the Unnikrishnan judgement in 1993, insertion of 21A in 2002 marked the beginning of another phase which was realized by the passage of RTE Act seven years later. The legislation confers a right to education explicitly, though the demand and promise of establishment of a common school system (CSS) still remains unfulfilled. Elementary Education, however, is now a fundamental right which is supposed to be implemented by the Right of Children to Free and Compulsory Education Act 2009, and it may become a major landmark in the history of universalization of school education.

The Act does have serious deficiencies. The Act does not include two age brackets, 0-6 years and 15-18 years, from the universally accepted definition of the child, as person who has not completed eighteen years of age. Not only that it does not institute CSS, as promised in successive educational policies of 1968 and 1986, even the norms and standards provided in the law are lowly and inadequate for a national system of public education with an assurance of universal quality. There is no guarantee of remedy commensurate with its inclusion in Part III of the constitution, weak redress mechanism being an unsatisfactory alternative, and no commitment of meeting financial needs either. There are many more issues that remain unaddressed calling for another round of struggle and campaign. Yet in so far as it confers a right to neighbourhood schools on every child, schools have to adhere to certain norms and standards prescribed in the Act, wholesale changes in policies & programmes and larger financial outlay is required for implementation of the Act.

Provisions of the Act need to be read from the perspective of those for whom it is meant, that is, the majority of child population who study in low grade government schools or who suffer from one or the other kind of deprivation in respect of education, contrary to the promise of equality of opportunity given in the constitution. Thus issues of inclusion will be very important markers of success or failure of the legislation. Further, it has to be seen, understood and claimed in the rights perspective as it is a legislation to give effect to a fundamental right. That is why agencies outside the state, including civil society organizations, have to play a role to get the best outcomes from the Act. After all several social legislation have largely remained valid only on paper for want of endorsement and involvement of society at large.

2. Rationale for Review by Civil society

Now that nearly one and a half years have gone by since the passage of the legislation, it is time to make an appraisal, more so because the time frame prescribed in the Act for key provisions is three years.

Different States stand at different levels in terms of elementary education, and there are state-specific issues which need to be addressed. Resource availability and the initial conditions vary vastly while the Act places major responsibility on the State governments as the appropriate government. Hence it is desirable to get a feedback on progress of implementation in various states. Bihar being the most backward state, on economic and educational parameters, progress of implementation here needs to be assessed and monitored closely.

Based on DISE data, NUEPA has prepared an Educational Development Index separately for primary and upper primary education as also composite index for the entire elementary education. Altogether 21 indicators have been used further regrouped into four sub-groups, namely, access (3), infrastructure (4), teachers (5) and outcome (9) indicators. If Kerala expectedly was ranked first (EDI, 0.791) in the Report Card of 2007-08 released in November 2009, Bihar (EDI, 0.406) continued to be at the bottom of the heap. In the latest publication released in January 2011, based on the data collection (as on 30th September 2009) under SSA (DISE) Puducherry was at the top with Index being 0.813 (2009), though it came down a bit from the previous year's figure of 0.841. Kerala (0.772) was ranked third after Lakshadweep (0.792) Bihar (0.421) was again ranked the lowest that is 35th, after Jharkhand (0.431). In fact Bihar composite EDI came down from 0.463 in 2008-09.

Inter-state or inter-district variations and the year to year changes provide another rationale for a disaggregated and concurrent evaluation of measures taken for the implementation of the Act. DISE 2009-10 provides the official baseline for the RTE Act, and figures for the current year, or even part of it may not be available before the year end. Hence there is need to go down to state, district and sub-district levels, and, to the extent possible, a sample of the final units of assessment, that is, individual schools to make an appraisal of progress.

In fact several states continue to lag behind and if an educationally backward state like Bihar has to catch up with the rest of states, a much larger central support may be necessary and SSA being accepted as the vehicle of implementation of the Act during the current plan it has to be aligned to the requirements of the Act. Further, SSA/RTE-related expenditure has to be increased with a combined effort of Centre and the States, and this call for a paradigm shift in respect of composition of public finance, particularly on the expenditure side, though regrettably there are no serious efforts initiated to study the implications of the Act. SSA framework may be a transitional facilitation till the time a regular mechanism is created for RTE in terms of the financial and administrative compulsions inherent in the legislation.

The half hearted attempt for implementing the Act on the part of both Union and State governments, reflected in the reluctance to provide resources or introduce new policy and programmatic framework or define processes or create appropriate institutions, makes it imperative for civil society to come forward and play a proactive role. Preparation of status report will mark a symbolic beginning.

3. Preparatory Steps:

- For the first year after the Act coming into force, more than the impact on the ground, an assessment of the preparatory work becomes important. Preparatory exercise could have been undertaken right from the time the bill on RTE was on the anvil, but it was unavoidable after the passage of the Act. By all means clock has started ticking when the Act was brought into force by the Union government as there is a time frame for implementation laid down in the Act itself. Hence this Report has a chapter on Preparatory Steps.
- *Making of the Rules:* It was evidently one of the first steps expected to be taken by the states as the appropriate government named in the Act. Unfortunately, till December 2010 only five states, namely Andhra Pradesh, Arunachal Pradesh, Manipur, Orissa and Sikkim had notified the State RTE Rules, though many States have time and again given assurance that they are in the final stages of RTE Rules preparation and notification. Bihar notified State Rules in May 2011, thus losing more than one precious year after the enforcement of the Act by the Centre. The requirements for opening new schools, constructing new school buildings, providing school uniforms, residential facilities and transportation/escort facilities was in a way linked with the provisions made in the State RTE Rules. Therefore it is necessary to work out now the follow up action expeditiously.
- Generally speaking the drafts of State Rules are based on the suggested model Rules sent by the Centre though at places it has been modified either in sequencing of provisions or addition/deletion of some of the provisions. For example, in Bihar the provision relating to an assurance of regular pay scale and service conditions of teachers has been omitted.
- In most of the states civil society has been inadequately consulted and generally excluded from the process of rule making. In the RTE itself their role is kept to a minimal, in the implementation of RTE once again there is a general neglect noticeable. Members of civil society have formulated modified set of Rules in several states including Bihar, West Bengal etc, but in Bihar the suggested modifications have not been incorporated.
- *Amendments to state legislations:* So far in most states no serious exercise has been initiated regarding the Amendments to the existing state level legislations pertaining to elementary education. Fortunately Bihar has an existing statute on Vidyalaya Shiksha Samiti since 2000. Few changes are need in the present Act, though at the moment SMC (VSS, in state parlance) do not exist as the term of previous VSS has expired. In fact rather than amending the Act government of Bihar has thought it fit to prescribe detailed procedure regarding formation of SMCs in the State Rules itself.
- *Restructuring:* The RTE Act provides for eight years of elementary education from class 1 to VIII. Despite previous efforts to follow an eight year elementary education cycle throughout the country, several States continue to follow a seven year elementary education cycle. Existing and revised SSA norms provide support to States to move towards an eight year elementary education cycle through provisioning for additional teachers and classrooms for integrating class VIII with the upper primary stage. In Bihar the existing elementary school cycle is already of eight years with five years of primary classes, so no change was required.
- *Restructuring of SSA:* Restructuring of SSA for RTE compliance (new SSA framework) has apparently commenced, but commensurate changes in the structure and modes of functioning for RTE compliance (including recommendations in changes in structure of SSA) have not yet materialized at the state level.

- **Budgetary allocation:** Budgetary allocation for RTE is grossly inadequate, and even lower than the lowly estimates prepared by the MHRD, not to speak of the commitments made in successive educational policies or UPA's Common Minimum Programme in the past. After dithering for a while the Central government has agreed to provide 65% of additional resources needed for implementing RTE Act (except the north eastern states where it will be 90%). However as the pattern of expenditure of past reveals many states do not even have the absorption capacity or required financial infrastructure for the same. This again calls for urgent attention.
- **Redesign of Institutional framework:** Institutions including the creation of Redress mechanism, creation or notification of Academic bodies, strengthening of supervisory systems, etc are required in the wake of RTE Act. This will include among other things, formation of SCPCRs or REPA or NAC/SAC, with clearly defined modes of functioning with a view to ensure implementation of RTE. An assessment may be undertaken regarding steps taken, and early experiences of these institutions. Actions taken by NCPCR will remain important. Public hearings, social audits, complaints filed etc give an indication of civil society initiatives. In Bihar while SCPCR has been formed, its functioning has not been impressive.

4. Other chapters in the Report:

The Status Report has separate chapters devoted to four important areas, namely, (i) Role of Community and Civil Society (ii) Schools (iii) Teachers, (iv) Inclusion issues, and (v) Quality issues.

An appraisal of efforts made in respect of these four areas will give affair idea of the progress made in the implementation of the Act. Some of the major concerns are noted below:

(i) Schools

- One of the most important promises of RTE Act is to ensure a neighbourhood school to every child, rather than education merely through alternative modes, and there are specific norms and standards prescribed for schools.
- Schools have to bear the main responsibility of implementing the Act and hence the capacity of the school to do so is crucial for proper implementation of the Act.
- Schools are the main site of not only education of the child, but also community participation, and state initiatives or involvement of PRIs or urban local bodies.

(ii) Teachers

- Given the PTR norm of RTE Act there is an obvious large shortage of teachers at the national level and in the states, which has to be removed within a period of five years. This brings up many issues relating to Teacher Recruitment, Teacher Rationalization, Subject teachers and part-time teachers under Act. Facilities for training of teachers, both pre-service and in-service, is quite inadequate and concerted action is needed in this regard at all levels. Persisting with para-teachers is against the promise of quality of education or of a permanent professional cadre of teachers.
- There are many more issues like availability of teachers for children with special needs, involvement of teachers in non teaching work, enforcement of minimum instructional hours or days of teaching as per RTE schedule.
- There are concerns relating to Head teachers, like their appointment, or scheme for building leadership of head teachers need attention

- Understanding of provisions for RTE by education machinery itself along with efforts towards orienting teachers, middle management etc on provisions of RTE is necessary for the implementation of the Act.

(ii) Role of Community

- Appraisal takes note of steps taken to create awareness of the provisions of the Act and level of knowledge about it .of the RTE Act
- The most visible part of community participation in the Act is the School Management Committee (SMC). Whether SMCs have been notified and formed, and necessary guidelines issued in the light of the Act or not needs to be verified. It will be equally relevant to look into their understanding of roles and responsibilities, and subsequent action, including making of School development planning, etc. Even if all these expectations are premature after merely a year, it is desirable to note if some beginnings are being made in states. Similarly local authorities remain crucial in the implementation of the Act and their changing roles need to be watched.
- Processes: Whether Processes for decision making, fund flow, supervision, monitoring and assessment are defined and whether these processes and planning are centralised & bureaucratic or community based and decentralized deserves enquiry.
- Participation of civil society and stakeholders, including formation of pressure groups for the purpose of ensuring proper and pro-people implementation of the Act needs to be highlighted at different levels .

(iv) Inclusion issues

- The RTE Act in different sections makes reference to gender and social inclusion both explicitly and implicitly. Some of the relevant provisions are: no discrimination against children from 'disadvantaged groups' and 'weaker sections' on any grounds; inclusion of women in school monitoring committees; provision of good quality education that includes equity issues, curriculum development in conformity with constitutional stipulations; training, enrolment in age appropriate classes (which will largely apply to girls, especially from disadvantaged communities).
- There is a need to consider retention as an equity issue, as SC, ST, Muslim girls, are vulnerable, and most likely to dropout. In the context of RTE, gender and social disadvantage must become integral to concerns of quality and equity. There are issues relating to Minorities (including issues related to minority institutions), Children with special needs (ramps, within school adaptation of environment, trained special educators, CRCs/BRC based structures), Girls especially those in age group 10-14 in rural areas, migrant children, trafficked children, child labour (congruence of CL Act & RTE, numbers of child workers, NCLP schools related issues), Urban Poor (streets, slums, railway platforms) Other out of school children that call for special enquiry.
- Areas of civil unrest ,e.g., Naxalite areas or Northeast (army occupation of schools), IDP populations and education of their children and psychosocial support to affected are also important.
- There are specific provisions in the Act like Special Training, no screening for admission or related issues, reservation in private schools (including legal challenges, progress/status), regulation of private schools (re-recognition, reimbursement formula related issues) which need to be monitored as far as possible.

(v) Quality issues

- It has been a common refrain, particularly in the corridors of power, that access-related issues have been sorted out at the national level, and it is time to turn attention to quality-related issues. Yet quality is a rather problematic term as it may take various meanings and further, it depends on a variety of factors.
- Among other things an assessment of quality will inevitably include status of infrastructure in schools, Curriculum (for example, to be specific, follow up on NCF), Text books (design, preparation, distribution; etc), other teaching learning materials and library in school, and Evaluation and CCE (no retention, CCE, no board exams class 1-8, remediation within the school by government teachers etc are some specific issues included in the RTE Act).
- Language (tribal dialect, other language issues) and other issues like corporal punishment, discrimination etc needs to be kept under scanner.

5. Evidence from the Field

- Several Agencies and Civil society organizations were involved in the making of the Report, and hopefully in future more inputs are gathered in a more systematic manner. Only a limited attempt has been made in the present exercise.
- Anecdotal/episodic evidence from different states about various groups and issues throwing light on status of implementation are given as box items within the report to illustrate the issue where relevant
- Some case studies, reports of research findings, etc have also been given in boxes.

6. Analysis of Progress of implementation:

- Brief analysis of the progress identifying problem areas, and possible ways of overcoming the difficulties are scattered throughout the body of the Report. In addition, a separate chapter has been created to place them in a coherent perspective.
- It is indeed disheartening to note that the process of implementation has failed to gather momentum in the first year. Given the time frame of three years for implementing many provisions, and commitment of completing the entire process in five years called for a concerted exercise and big push, which regrettably has not been given. To begin with the Central government appeared to be dragging feet on its financial commitment and has been miserly even after so much of pressure from the states. Bihar, most other states, has not shown any extra enthusiasm by committing more funds. Also the absorption capacity is and will remain limited unless there are changes in system of governance and policies regarding teachers.
- In respect of making of Rules, or restructuring of processes and institutions or creation of new institutions again there is an unmistakable sluggishness. The Act is still caught up in a bureaucratic maze, and governments at the Centre or the states have not exactly shown requisite keenness regarding its implementation. Even launch of a programme like SSA was done with greater fanfare, preparation and enthusiasm especially at the national level. This time, while an explicit constitutional right has been created, there is no corresponding response from the government side.
- Dilatory and distracting debates on sharing formula for financial burden for Centre and States, reservation in private schools or applicability of the Act to minority institutions etc abound while real issues are not being addressed in earnest. It is true that debates

on issues like privatization or commercialization should take place at this juncture, but the basic commitment of the Act is to give a credible national system of public education and right to a functional neighbourhood school to every child is not getting the attention they deserve.

- The Act is after all meant for the section of child population hitherto denied proper quality education through government schools and their concerns are yet to get reflected in the patchy initiatives which are noticeable here and there. It is a question of rights of the child and civil society also has a responsibility of clarifying the ground issues.

7. The Way Forward

- The task before the State and the civil society organizations at this juncture are large and daunting. Elementary education, or for that matter, school education itself is primarily the responsibility of the State, but it does not imply that civil society can afford to be neutral or complacent. In the first place it must act as a pressure group and watch dog on the one hand and as an associate and collaborator on the other. As it is pressures from communities are varied and often working at cross purposes. Higher degree of consensus at least on basic issues relating to public system of education can be brought about through dialogue and public debates. It is important to make the state commit to whatever has been promised in the Act. A concurrent struggle needs to be carried on with respect to the areas not yet covered by the Act or to remove its deficiencies.
- Creation of a large national and state alliance can help greatly in promoting the cause of universal quality education. This in turn calls for concerted and continuous collective effort on the part of many groups and at many levels. Again internal debates will be crucial for carrying the process forward, and for the debates to be meaningful and grounded in reality it is imperative that there is sharing of information and experiences on a continuous basis.
- This is the first Status Report for the state of Bihar which, hopefully will be followed up by several more. The future reports will have more information from different districts, particularly from civil society organizations. Combining the government data and reports with field experiences articulated in public hearings or case studies or other reports prepared by CSOs, a more realistic picture can be put together which may be used for more realistic planning and effective implementation.
- As it is, the first report relies heavily on governmental sources, some agency reports and newspaper versions, but even these reveal the rather disappointing progress of an important legislation. This scenario must change, and groups associated with the present initiative are committed to that. There is always hope and in a democratic context, there is always large scope for people's intervention. Some groups have to lead or at least mediate in the process of involving people on a large scale.
- This report is a kind of commencement of a mid-term review, as we are approaching the middle of the three year period during which the Act is supposed to be fully implemented. We have drawn heavily from the national exercise which was undertaken some time back to put together a Status Report on the progress of one year. Bihar-specific data, studies and analysis are added to the framework which was collectively evolved by a national group which included members from Bihar.

CHAPTER II: Preparatory Steps

1. Background

Since the Act provides for a timeframe of three years for its implementation, it was expected from the governments at the Centre and states to initiate and complete the preparatory work during the first year. This required a clear policy frame, institution of bodies mentioned in the law and clear delineation of processes on the one hand, and evidence of a will to implement the Act fully reflected in adequate financial provisions as well as concrete action on the ground to translate the vision into reality on the other hand.

It may be noted that RTE comes on the heels of Sarva Shiksha Abhiyan (SSA) which has remained operative for a decade, and has now been declared as the vehicle of RTE. Further, Bihar Education Project was launched two decades back and was subsequently made the nodal agency for Sarva Shiksha Abhiyan. Thus the state has witnessed a series of initiatives and programs for two decades which form the backdrop for RTE. Yet RTE is a new and higher commitment on the part of the State- as it meant to confer a fundamental right translated into a parliamentary legislation. Unfortunately the achievements of two decades have been dubious, and the current round of preparatory exercise on the part of central government and state government seems to be half hearted and incomplete.

Formulation and notification of Rules by the state government is apparently the first step towards the implementation of the Act, supplemented by appropriate Amendments in the existing legislations on education in the state. Requisite structural changes in SSA and State Education Departments under RTE, and setting up of grievance redress mechanisms at various levels have to be part of preparatory exercise. Ensuring adequate and appropriate resources for the implementation of the Act will also be a necessary pre-requisite.

The present chapter, therefore, takes stock of the work done along these lines.

2. State Rules

State Rules are expected to become the basis for a proper and systematic implementation of the Right to Free and Compulsory Education Act. A set of central model rules were circulated by the Centre as a minimum basic framework to be adapted by the specific states based on their prevailing reality and with the hope that the process would be consultative in nature. However, even a cursory look at the text of the rules - draft or final - shows that not much actual adaptation has happened.

In Bihar the making of Rules was almost an exclusive bureaucratic exercise unlike many other Karnataka, AP, Rajasthan, Delhi or TN etc where there was consultation with the civil society in some ways. a Members of civil society working in the field of education however prepared modified draft of Rules on their own, after wide-ranging consultations which was presented to the government. Even as the finalization of Rules took a long time suggested modifications did not get incorporated. Final Rules which got notified in May 2011 suffers from several deficiencies, some of which are noted below.

Ordinarily Rules are made to facilitate proper implementation of an Act and hence some further clarifications of provisions, delineation of procedures, local adaptation etc can be done there. Yet from that point of view neither the Central model Rules, nor the State Rules are satisfactory. Like the Act here also there is a perceptible anxiety to evade specific responsibilities on the part of the State, while in the name of conferment of rights there is a noticeable attempt to augment the powers of the functionaries of the State. Rights of child or responsibilities of State are hardly the concern of the Rules- just one provision on rights per se, merely on the subject of special training (Rule 3) , and three provisions regarding the responsibilities of state government and local bodies (Rule 4 & 5 relate to territorial limits of neighbourhood schools; Rule 6 on records of children). On the other hand, just like the Act as well as central model Rules, there are numerous provisions regarding the responsibilities of teachers and schools. While teachers have been saddled with so much of responsibility, even the elementary promise regarding pay, allowances, pension, gratuity, provident fund etc as regular teachers which finds place in the central model Rules (Rule 18 c) have been dropped altogether. It is obvious that this has been done so as to continue with the system of *nijojit shikshak* on consolidated pay, which the government claims to be something like a permanent teachers, rather than contractual, but the difference between the pay scale of regular teachers and these newly recruited teachers is vast. Rules thus appear to be anti-teacher in scope, which does not augur well for proper implementation as teachers are the key players according to the existing provisions of the Act.

Had the state government been serious about the implementation of the Act Rules would have been more elaborate and clarificatory, with rights more unambiguously given and time limit provided for implementation of various provisions. Rules are unsatisfactory on these counts.

The initially circulated draft Rules were revised and elaborate provisions have been added regarding with the *Prarambhik Vidyalaya Shiksha Samiti*. In fact Rule 13 placed in Part V of the state Rules has as many as 72 subsections laying down the long process of elections of these bodies. The end result is likely to be a parallel power centre to the PRIs in the villages or wards of ULBs in urban areas, for which academic affairs of a school may not be key concern.

3. Preparatory work pending notification of Rules

It may be noted that notification of the State Rules was not a pre-requisite for starting the implementation of the Act. The rules are a set of documents that lay down the overall framework for the implementation of the Act on a few select parameters, not the entire framework. Government orders and circulars are the basis of working of the government system, and further the rules once notified also requiring specific orders to set the process of implementation rolling. Unfortunately except calculating cost, ostensibly on the higher side, for the implementation of the Act and placing its demands before the central government, not much initiative was shown by the government of Bihar. Several states have made critical changes on the ground without waiting for their Rules' notification. For example, Rajasthan has started the process of formation of the SMCs even without formal Rules. In Bihar there has been a statutory provision for the Vidyalaya Shiksha Samitis since 2000, which needed some modifications to align it with RTE Act. Some amendments have been made from time to time, and it was possible to constitute VSS or SMC according to existing provisions, but as on date no regular VSS/SMCs are in existence, and merely ad hoc committees have been created. Meanwhile there is an amendment is pending with the central government relegating School

Management Committees to just an advisory role in government aided and minority schools. This is also a retrogressive step. Thus whether it is the state government or the central government, the entire spirit of the Act to give parents and the community a direct stake and decision-making power in the system is getting negated.

Several other initiatives including bringing about changes in the state laws on education, strengthening of infrastructure in schools, school mapping, identification, appropriate administrative restructuring etc could have commenced even prior to notification of Rules, which was unfortunately not done.

There is typically bureaucratic approach in the style of preparatory work undertaken in the state. There is no evidence of a larger vision, or a clear roadmap, or commitment to implement RTE faithfully. In an ad hoc manner some notifications have been issued from time to time, and a sample will illustrate the point. While a notification/order was issued in respect of private schools affiliated to CBSE or ICSE for admitting 25% children from disadvantaged groups or weaker sections at the entry level, no guidelines were laid down for identification, and now it has been notified that the income ceiling for the household will be rupees two lac, while even for the disadvantaged groups like SC or ST or backward classes there will be an income ceiling of rupees one lac. Since the process of granting recognition is yet to commence apparently for other private schools two sessions have already been lost. There was one notice sometime back, but it did not give any date for filing of application, a second notice is likely to be issued soon giving a date within which applications are to be made.

Another letter pertaining to the provision of the Act regarding prohibition of teachers from being utilized for non-educational purposes was written by chief secretary in January 2011, but even earlier such a letter was issued in 2006, and the practice merrily continued. Teachers continue to be deputed in block level offices in many districts according to available reports. Regarding number of instructional days or minimum working hours during a year again a letter has been sent to the district education officers. Another letter is with regard to teachers rationalization or redeployment in schools, even as little thought is spared for realistic assessment of the shortage of teachers with a clear policy to fill the gap- school-wise or district-wise or at the state level.

4. Administrative Changes under RTE

Sarva Shiksha Abhiyan (SSA) has been delegated the task of ensuring the implementation of the Right to Education Act. This was an administratively convenient step for the government since it entails using the existing mechanisms of routing resources and taps into the existing staff already in place. However, given the fact that RTE mandates a restructuring of the education system compared to what prevailed under SSA (which was after all a scheme), the issue needs to be looked at carefully. The first year of the implementation of the Act saw several rounds of restructuring of SSA nationally to bring it in line with the provisions under the RTE Act. These include new norms including infrastructural and financial norms and efforts to bring convergence of the structures to streamline implementation. While the document showed a progressive interpretation of the provisions towards a restructuring of the system, a clear mechanism for how this vision would be transferred to the lower rungs of the system is still not apparent. The ultimate test of the implementation of the Act would be whether the teacher,

the head teacher and the Cluster Resource Centre (CRC, the lowest rung of the education machinery) staff are able to understand and translate into action what is intended. A clear system whereby the true intent of the Act is explained to the grassroots level functionaries is needed. This cannot be done through token sessions of an hour in occasional trainings being done by CRCs/BRCs.

Whereas there is no change in the structure or composition of bodies responsible for the Act and the SSA-related arrangements continue as they were, recently at the district level some restructuring has been effected. In place of DSEs for primary/elementary schools and DEOs for secondary schools now there is a unified administrative structure for school administration in a district headed by a district education officer (DEO). There should be five district program officers to assist him who would be responsible for five areas, namely, establishment, planning & accounts, SSA & elementary education, secondary education & Rashtriya Madhyamik Shiksha Abhiyan and mid-day meal program. Further, there will be six program officers to assist them and more specifically to look after girls education. It is yet to be seen how this revised system works. No change is in evidence to link up the administrative changes with the structure of local authority stipulated in the Act or the constitutional scheme envisaged in 73rd & 74th amendment to the constitution. Likewise there is no clarity about the principles or processes of decentralized governance or planning or budgeting or monitoring. It may be worthwhile to recall that the Act provides for the need of school development plan for every school. Planning continues to be a desk-bound exercise, as officials of the educational department too confirmed privately to the members of this study team.

The implementation and hard core thinking about addressing the issues pertaining to the Act were delayed by several months with several states announcing their reluctance to own up the responsibility of implementing the Right to Education Act in their states. While we will return to the actual issues responsible in the subsequent section on financing, it is tragic that so many states appeared to treat the implementation of a national legislation that emerges from the Indian Constitution as optional. The emotionally charged debate around several provisions of the Act that appeared to take place without adequate effort being made to familiarize people about the key provisions, has pushed back implementation by several months. It has been revealed in some studies at the district and sub-district level that even educational officials and teachers are generally unaware of the provisions of the Act.

In addition to the question of awareness and associated change in mindset, the implementation of the Act requires the unification of SSA structures and the regular education department. Additional support systems are also required to facilitate the implementation of the Act. The revised SSA framework has recommended a restructuring in that direction. However, with the framework being only finalised in February, it is too early for these changes to percolate to the ground. It is critical that the necessary changes happen over the coming year. However, ensuring of the minimum norms and standards and other associated changes under RTE in a time bound manner cannot wait till the completion of the process. This is not to deny that some states have begun taking the first steps in the direction of implementation (especially those with notified/about to be notified rules), however, the implementation is falling behind schedule.

5. Rationalising the Elementary Cycle

A significant change is needed for restructuring elementary education classes in accordance with the consistent definition of elementary education (Class I-V-VIII). While some states still conform to the cycle of Class I-IV for Primary and Classes V-VII as upper primary with the Class VIII being covered under secondary education, Bihar does not face this problem. A uniform elementary cycle across all the States is desirable for the implementation of provisions as per the new RTE norms (calculated across either Classes I-V or I-VIII), and will ensure that children of Class VIII are not deprived of elementary education by being forced to undergo another point of transition. It is hoped that states showing reluctance to implement the provisions (e.g. Maharashtra that have proposed retaining their old structure in their draft State Rules due to "administrative convenience") will fall in line eventually.

In Bihar while I-V is the primary and VI-VIII are upper primary classes, and beyond that X+2 system is already in place. The problem begins regarding the different institutional arrangements at the +2 level. It is being taught in large number of Intermediate and degree colleges, and the number of +2 schools and their level of enrolment are still small. There has been another problematic issue at the +2 level in the form of *vittarahit shiksha*, that is, a system of education receiving no financial support from the government. This system is getting modified through some interim arrangement based on the performance measured in terms of success in examination. It is neither a logical system, nor conducive to quality education. While this does not directly come under the purview of RTE Act, overall success and improvement in education has to be understood in totality, which would necessitate not only appropriate policy measures at the senior secondary level, but also at the tertiary level. While Rashtriya Madhyamik Shiksha Abhiyan has been launched in Bihar, again no clear policy framework or road map exists.

6. Children under Six

While the RTE applies to children 6-14 years of age, section 11 speaks of the role of the State to provide Early Childhood Care and Education (ECCE), to prepare them to complete schooling. However, admittedly, the wording is vague, stating that the Government may (the operative word) make necessary arrangements for providing free preschool education for such children. The RTE has had two sets of implications on the pre-primary sector during the preceding year; the efforts towards widening of the preschool net in a few states and the beginning of sector regulation. Encouragingly, the Union government has discussed formulation of a policy for education of children under six. Among the States, Maharashtra, Delhi, Goa and Tamil Nadu have seen efforts to regulate private pre-schools using the provisions under the RTE Act (especially on admissions, capitation fees, RTE compliance in infrastructure). The large number of under-age children enrolled in schools also underlines the need for extending provisions downward into a preschool section.

In Bihar the CSS Commission had recommended the addition of one Bal varga in each primary school, but the report seems to be put in cold storage, and there is no implementation of several key recommendations including the one relating to bal varga. Working of anganwadis in the state is also unsatisfactory, more so in respect of their education-related responsibility. State rules have ignored making any provision with respect to clause 11 of the RTE Act which

pertains to children under six years, and thus it is clear that state government has no plans in this regard in near future.

7. National Advisory Council (NAC) and State Advisory Councils on RTE

The RTE Act mandates that NAC on RTE be formed to advise the central government on the Act's implementation. Similarly a State Advisory Council has to be constituted in the states. While NAC has been formed containing some prominent education experts, SAC is yet to be formed in the state of Bihar. Despite a clear demand of civil society groups that SAC should be headed by 'an eminent educationist or an eminent person with extensive experience of working in the field of education or child rights', in the Bihar state rules Minister of department of HRD has been made the chairperson. Little can be expected from such an SAC, even when it is constituted.

8. Redress Mechanisms

Right to Education is a fundamental right which has been given a legal status. Any legal right needs to be backed by a clear mechanism whereby violation of the right can be systematically followed up and addressed. The RTE Act itself mandates the setting up of a mechanism to ensure that instances of violation are addressed without further burdening the already encumbered legal system.

The School Management Committee (SMC) is the first line complaint mechanism under the RTE Act. However, as noted earlier SMCs as visualised in the Act have not been formed as yet. This leaves parents and children without any assurance of relief if their educational rights are violated. In fact till date there is no clarity on how complaints under the Act would actually be taken up, addressed and resolved.

Article 31 (1) of RTE explicitly names State Commissions for Protection of Child Rights (SCPCRs) as redress bodies under RTE and saddles them with responsibilities that are additional to the ones provided to them under the Commission for Protection of Child Rights Act, 2005. Together, NCPCR and SCPCR are expected to examine and review the safeguards of the rights provided by the RTE, and make recommendations for their effective implementation. The SCPCR should inquire into complaints relating to a child's rights to free and compulsory education, but this is yet to commence work meaningfully in the state. There are questions related to their capacity of raising issues given the large degree of departmental control.

While the formation of a commission is a first step, their functioning is of more critical importance. While their structure is mandated as an independent and apolitical person to head the SCPCR (in order to play the watchdog role on the government), in Bihar like some other states the spirit of the same has been violated. While the Commission has been formed as generic child protection body, many of the incumbents lack experience or expertise on education or child rights. Moreover, SCPCR is grossly understaffed in order to enable them to fulfil the role expected.

In respect of *nijojit shikshak* consequent upon complaints of large scale irregularities, district level tribunals were constituted headed by retired judicial officers usually to look into complaints. In the rules suggested by the civil society in Bihar there was a suggestion to augment the powers and functions of these tribunals, defining their composition in the Rules

and make them the second level grievance redress bodies. If districts are to be made units of operationalization of RTE in consonance with the 73rd and 74th amendments to the Indian constitution, these tribunals can contribute significantly to ensure that child rights are not violated and the system is fair to the teachers as well as the parents. But the rules notified in May make no mention of any tribunal at all, and apparently no heed was paid to the suggestion.

9. Developments with future implications for RTE Act

A. Right to Education- Extension to Post Elementary Education—

The Right to Education Act applies to children aged 6-14 years of age and Classes 1-8. However, recent signals have emerged from the MHRD that there could be an extension of the same to Class 12. The idea is, according to the Minister himself, at a very early stage of preparation and is a direct offshoot of the process of implementation of the Rashtriya Madhyamik Shiksha Abhiyan (RMSA), the SSA's equivalent to secondary education. As noted earlier the scenario at the secondary level in the state of Bihar is rather dismal.

B. RTE in the 12th Five Year Plan

The present year saw considerable planning for the initiation of the 12th Five Year Plan. The rhetoric on education spending shows signs of promise with spending close to \$100 billion to be spent on education in the 12th plan period¹. However, this figure needs to be accompanied by a caveat in terms of the stated intent to open the private sector for more private investment, which may have considerable consequences on equity and these investments would need monitoring to ensure that private players adhere to all rules. Furthermore, similar sounding commitments were made at the beginning of the 11th Plan, without the reality undergoing a substantial change. Consequently, it is far too early for optimism and positive rhetoric must quickly be turned into action so that all children have access to inclusive and quality education.

CHAPTER III : Schools

1. Schools

One of the most important promises of RTE Act is to ensure a neighbourhood school to every child, rather than education merely through alternative modes, and there are specific norms and standards prescribed for schools. Norms and standards prescribed in the Act are lowly and much below the benchmark provided for Kendriya Vidyalaya or even a moderately good private school. But the fact remains that government schools in India, except some special category schools, do not even have these minimal standards. The situation in poorer states like Bihar are even worse than the average national standards of government schools. Hence the Act may provide an opportunity to move towards a credible system of public education, which may eventually lay the foundation of some kind of common school system.

Further, the schools have to bear the main responsibility of implementing the Act and hence the capacity of the school to do so is crucial for proper implementation of the Act. Schools are the main site of not only education of the child, but also community participation, and state initiatives or involvement of PRIs or urban local bodies. Thus the necessity of not only strengthening the school system, but also to change the ethos of management of schools.

If quality of education has to go up universally, all schools have to be brought up to a level; if inclusive education is to be promoted, again the school environment has to be made conducive for that.

2. Status of Schools in Bihar vis-à-vis national scenario

Flash Statistics relating to Bihar & India : DISE 2009-10

Indicator	Bihar	India
No. of Recognised Elementary schools	67656	1303812
No. of Government schools	67618	1048046
No. of govt schools opened during 2002/3-09/10(P+UP)	16133+426	132209+58720
Primary sections per thousand child population	6	10
Upper Primary sections per thousand child population	3	7
Ratio of Pr to Upper Pr	2.81	2.23
Average no. of instructional days in previous session	241	224
Average no. of classrooms (Primary schools)	2.1	3.2
Average no. of classrooms (All schools)	3.1	4.5
Average no. of classrooms (All govt schools)	3.1	3.7
Average SCR (Primary/All)	88/89	32/33
% schools with SCR>30 Primary	74.19	40.63

% schools with SCR>35 Upper Primary	89.86	33.17
% schools with Drinking Water Facility: Primary	89.44	91.51
% schools with Drinking Water Facility: All	92.60	92.60
% schools with Functional Common Toilet: All schools	51.14	63.95
% schools with Functional Girls' Toilet: All schools	50.53	74.64
% schools having Boundary Wall: All schools	39.13	51.45
% schools having Ramp: All schools/Primary	38.71/29.18	47.09/45.86
Schools having electricity connection Pr only/ All schools	2.07/3.91	27.70/38.98

The above table is revealing and self explanatory. The state is a long distance away from universal education of equitable quality. Infrastructural facilities in the schools of the state are not only poor, but much below the national average, presumably contributing to the lowering of national average substantially. This calls for concerted massive effort on the part of the central and state governments.

Only in respect of one of the parameters, Bihar equals the national average (not the national highest!). It is drinking water facility, thanks to the easy availability of water in Bihar unlike many other states. Otherwise Bihar is much behind all other states, ranked lowest in terms of infrastructure. Fact remains that schools can accommodate children with difficulty only because a large percentage do not come there at all! Student Classroom Ratio is virtually impossible, even the average being as high as 88/89. It is strange that the state government is unable to spend the amount sanctioned year after year under SSA. Something drastic needs to be done if RTE is to be implemented within the prescribed timeframe. The demand of the state government for a large support from the centre is unexceptionable, but the state machinery will have to gear up to spend the money.

CHAPTER IV: Teachers

The number and quality of teachers is critical to a proper implementation of RTE Act. It is a truism that teachers are the pivot of the system of school education, and importantly, the Act places a major responsibility for its implementation on schools and teachers. Chapter IV itself has 17 clauses and if two clauses of chapter V are added, half the Act (indeed 19 out of 38 clauses) pertain to teachers and schools. Training and recruiting teachers and then retaining them is a major challenge which the RTE Act recognises and seeks to address.

1. Teacher Shortages - Compliance with new Pupil Teacher Ratio norms

The Right to Education Act changes the recommended Pupil-Teacher Ratios (PTR). However, despite all these provisions, the reality has not significantly changed on the ground. At the time of the commencement of the Act, in 2009-10, 28% and 27% Primary and Upper Primary schools respectively were not in adherence with even the old SSA norm of 1:40. 74% of the Primary Schools in Bihar and 48% in Jharkhand were not compliant with the old norm. Not surprisingly, the creation of a legal mandate to ensure compliance with a new enhanced set of norms in each school has created the need for both additional teachers being hired and rationalization (i.e. redeployment of existing teachers). Several states initiated efforts to map teacher availability, but Bihar seems to be lagging behind in this regard.

Comparing the picture against the new RTE norms, the situation comes out even worse. According to ASER 2010, 55.8% schools were compliant with the RTE norms. This varied between 100% (Poducherry & Daman and Diu) and 21.3% (Uttar Pradesh). In Bihar of the 931 schools surveyed 904 had enrolment above 120 students and in these schools 30.6% schools had PTR lower than stipulated, while 56.7% had higher PTR. A similar picture emerges regarding number of teachers school-wise. For example, for schools with 3 teachers, 25% of schools were at norm (i.e. having three class rooms), 35.7% below the norm and 39.3% above the norm. This data however does not reveal the shortage of teachers which is obvious in aggregative terms and has to be larger if taken disaggregatively school-wise. Yet it shows one kind of flaw relating to lack of planning and rationalization in deployment of teachers.

PTR under the RTE Act	
Classes 1-5 (Primary)	
Admitted Children	Number of Teachers
Up to 60	2
61-90	3
91-120	4
121-200	5
Above 150 Children	Five + 1 head teacher
Above 200 Children	PTR (excluding head teacher) not exceed 40
Class VI-VIII	
(a) At least one teacher per class so that there shall be at least one teacher each for	
<ul style="list-style-type: none"> a. Science and Mathematics b. Social Studies c. Languages 	
(b) At least one teacher for every 35 children	
(c) Where admission of children is above 100	
(i) a full time head teacher	
(ii) Part time instructors for	
<ul style="list-style-type: none"> a. Art Education b. Health and Physical Education c. Work Education 	

Flash Statistics relating to Bihar & India : DISE 2009-10

Indicator	Bihar	India
No. of Recognised Elementary schools	67656	1303812
No. of Government schools	67618	1048046
Average no. of instructional days in previous session	241	224
% schools with PTR>60 Primary	45.26	12.11
% schools with PTR>60 All schools	45.23	12.21
No. of teachers (All schools)	332834	5816673

With respect to teacher recruitment at the national level under RTE, SSA has sanctioned an additional 1.3 lakh teachers for FY2010-11. Of these, 59,000 were for primary schools and 36,000 for upper primary schools (of which 24,000 maths and science teachers). This will bring the total teacher recruitment under SSA to more than 14 lakh. In Bihar no teacher recruitment took place in 2010-11. Accounting for retirements and increase in enrolment of students PTR should have gone up in the first year of RTE implementation. In fact as per DISE data there has been a continuous deterioration in the PTR in Bihar since 2007-08. The percentage of schools having PTR 60 or above was 38.39 in 2007-08, 42.16 in 2008-09 and 45.26 in 2009-10 in primary schools. The corresponding figures for all schools were 38.31, 42.12 and 45.23. (DISE 2009-10 Flash Statistics, NUEPA, 2011) During this period the PTR for all government schools has gone up from 54 in 2007-08 to 57 in 2009-10.

The estimates of teachers required have also not been done systematically. The lack of transparent habitation and school level mapping identifying the actual requirements make it difficult to come up with an independent verifiable figure. However even if we start with the existing sanctioned strength, reportedly 100,696 posts already lying vacant. Unfortunately there is a clear move to stop recruitment of regular teacher and work with teachers on fixed pay (*niyojit shikshak*, as they are called) except in as much as forced by judiciary. This is in utter violation of the spirit of RTE Act which is so heavily dependent on a "professional and permanent cadre of teachers". RTE Act should have resulted in the stoppage of the practice of recruitment of para-teachers, but on the contrary, the present policy seems to be calculated to disband the regular cadre of teachers itself.

The questions pertaining to availability of subject teachers and part time teachers with core subject expertise have likewise not been addressed in adequate detail. Mechanisms for training of adequate numbers of art or work education teachers are simply not in place, and not enough effort has been made to ensure their training.

2. Availability of Professionally Qualified Teachers

Under Article 23, any person possessing minimum qualifications as laid down by an academic authority, authorised by the Central Government can be appointed as a teacher and all the "untrained" teachers who have not received recognised professional training and certification as teachers must obtain this training within a period of 5 years. NCTE has notified a set of national norms of teacher qualifications. However, 20% teachers failed to adhere to the pre-existing

standard of qualified teachers at the start of the Act (DISE, 2009-10). There were considerable variations, with Arunachal Pradesh (26.3%) and Nagaland (26.5%) forming one end of the spectrum and Delhi and Punjab (100%) forming the other end. In total, 8 States entered into 2010-11 with less than 50% teachers professionally qualified. In Bihar among the regular teachers the percentage of professionally trained teachers was 49.50% in all schools and 92.79% in government schools (surprisingly it was only 40.92% in previous year i.e., 2008-09). The situation is rather bad in respect of contractual teachers. In all schools it went up slightly from 33.48% to 34.36%, while in government schools again there was a little increase from 33.47% to 34.34%. In fact DISE data does not capture private schools except possibly some aided schools, which are just a handful.

3. Pre-service Training Capacity

According to the 12th JRM of SSA the number of untrained teacher is much higher than the existing capacity of recognized teacher training institutions in a lot of states. In fact, the real capacity is even less than what is officially stated, given that many of the NCTE-authorized institutions fall short of the standards required to ensure quality, in both public and private sectors.

NCTE is tasked with the role of laying down the minimum norms for recognition of teacher training institutions. The problem of quality on the one hand and commercialisation on the other hand is compounded by the overall failure of regulation mechanism in higher education. The number of courses available at different ages increased from 3,489 courses in 3,199 institutions in March 2004, to 14,428 courses in 11,861 institutions in March 2009. The student intake has likewise increased from 2,74,072 to 10,96,673 during this period. This expansion has taken its toll on quality parameter. The issue of regulation of private teacher training institutions cannot be seen in isolation from the larger failures of regulation of higher education institutions in other subjects. With the government failing to establish government teacher training institutions, private colleges have stepped in to meet the shortfall with all the concomitant problems of the private sector involvement in higher education. NCTE has attempted to curb malpractices and has already withdrawn recognition of 585 institutions giving B.Ed and Diploma in Education degrees.

Till December 2009, at the national level 31 Institutes of Advanced Studies in Education (IASEs) and 104 Colleges of Teacher Education have been sanctioned and all of these are functional. Of the 599 districts in the country, District Institutes of Education and Training (DIETs) were set up in 571 districts, of which only 529 were functional. The main problems are non availability of qualified and trained faculty and poor facilities. This in turn, leads to these institutions being unable to produce teachers of the caliber desired. Bihar situation is dismal because of historical reasons and there seems to be no clear policy to correct it even after the coming of RTE Act.

4. Training of teachers in Bihar

RTE Act stipulates that 'Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualification as laid down in sub-section (1) are not in sufficient numbers, the Central government may, if it deems necessary, by notification, relax the minimum qualification required for appointment as a teachers, for such

period, not exceeding five years, as may be specified in the notification: provided that a teacher who, at the commencement of this Act, does not possess minimum qualification as laid down under sub-section (1), shall acquire such minimum qualification within a period of five years.'

Thus huge preparation by way of reviving old institutions and opening of many new institutions is called for teacher training in the state. But unfortunately the mechanism and the facilities for teacher training has badly suffered in Bihar for nearly two decades which has cast a dark shadow on the entire scenario of school education in the state. Ironically much of the neglect seems to have arisen from the high priority accorded to DPEP, which as an externality allowed the existing system of training to go in to disuse. With the inauguration of Bihar Education Project there were different types of training modules developed for teachers and other groups like members of VSS or CRCC, but there was a total neglect of pre-existing institutions and training programs. This was a case of glare of success in a new area resulting in gross neglect of basics and relatively unfashionable chores in matters relating to such a major area as training.

The new institutions to come up in the nineties included Block Resource Centres and Cluster Resource Centres, and BEP is credited with developing Ujala I and Ujala II modules successively for Grades I & II and III to V respectively. These were the preferred platforms for in-service teachers training. But during the same period institutions like SCERT, DIETs, PTECs and TTCs witnessed a sharp decline. As on date hardly any worthwhile training programs are being conducted there, except one or two occasional programs in the SCERT. Practically no training program is being conducted in the PTECs since 1993 and even as 18 of them have been declared to be upgraded to DIETs in Bihar, none of the DIETs is fully functional in the state. Only DIETs at Bikram and Gaya can claim of some semblance of functioning. While these institutions are not fully manned, large number of staff are getting paid there without any work whatsoever. Otherwise in many DIETs supposedly revived one or the other local principal or functionary is given additional charge of principal of DIET, a step surely not enough to make DIETs functional.

Besides a number of private training schools to provide pre-service training, there were 84 Primary Teachers Education Centres (PTECs) in undivided Bihar, which came down to 60 after bifurcation. Out of these consequent upon sanction of 24 DIETs it was decided to upgrade as many PTECs to DIETs thus leaving a residue of 36. However, the government, in one of its notification, has stopped admission and continuation of course since July, 1993. The lack of progress in upgradation and commissioning of these training institutions reveals the pathetic and shocking state of affairs with regard to training of teachers in the state. Although a sum of Rupees fourteen crore three lac was received from the Central government in 1993 for building construction alone barely seven crore have been spent so far and a major part thereof has been released only in recent years. Simultaneously money was provided for the purchase of equipments and holding training programmes. That money has also not been utilized and the result is a virtual non-commissioning of large facilities for which the Central government was ready to provide hundred percent support and which would have enabled the state to organize training programmes worth thousands of crores.

While this lost opportunity can not be retrieved, the minimum which can be done is to make a clear roadmap for creation of pre-service training institutions. While DIETs have to be made

functional by recruiting full complement of staff, a large number of institutions need to be urgently created, given the massive shortage of trained teachers in the state and mandatory requirement of training under RTE Act. No thought has been spared for this critical area as yet. On the positive side it may be noted that National Council for Teacher Education (NCTE) has granted recognition to eight PTECs besides giving permission to five private training schools to conduct the courses. These eight PTECs are Patna, Saran, Gaya, Madhubani, Bhojpur, Nawada, West Champaran and Siwan. Without any further delay adequate staff should be provided in these eight places and courses started. While it may be unavoidable to allow private institutions to come up for imparting pre-service training to teachers even as new colleges are opened in universities, quality aspects will need to be monitored and crass commercialisation prevented.

5. National Curriculum Framework for Teacher Education

The preceding year saw the National Curriculum Framework for Teacher Education being finalised. It is anticipated that in the next two-three years, B.Ed will become a two-year course, instead of the current one year, and the diploma in education will be completely phased out. NCTE also decided that those with B.Ed and diploma in special education from the Rehabilitation Council of India would be given jobs in regular schools after a short orientation course in elementary education. No preparatory work is being undertaken in the state along the lines visualised in the NCF for TE.

6. Teacher Eligibility Test

In order to ensure a uniform standard of quality for teachers, this year saw the drafting of the proposal for States to hold Teacher Eligibility Test (TET), modeled along the lines of the National Eligibility Test for college and university teachers. These are expected to be rolled out from the next year and would be compulsory for new recruits and its validity would be seven years. In Bihar TET has already been announced though there was a lot of confusion some time back due to a massive number of aspirants turning up at limited number of places for applying to take examination. It has since been streamlined and the test is scheduled to be held soon.

7. In-service Training

This question has two distinct dimensions; the training of serving teachers to enable them to gain the qualifications necessary to acquire the qualifications necessary, and the ongoing efforts towards extending academic support to teachers. The latter, has the added dimension of ensuring general awareness of the Act and the specific aspects that impinge on their role are explained.

The SCERT, DIETs, BRCs and CRC are the bodies tasked with undertaking in-service training. In most states, this consists of 20 days (usually taken as an installment of 10 days in the summer, followed by shorter modules imparted at the BRCs or CRCs). However, there has also been consistent criticism of the content of the trainings imparted that are seen as not need based, but rather derived from a budget norm (13th JRM). Furthermore, the training imparted was often conducted during the teaching hours of the school, which may be expected to bring down the instructional time further.

More alarmingly, according to the DISE data, only 35% of teachers in India received in-service training in the year preceding the implementation of RTE. This ranged from 46.7% of teachers in

government schools, compared to only 1.68% teachers in unaided schools. The latter figure is particularly alarming given the fact that the number of professionally untrained teachers in their ranks.

A critical question without which the present discussion on in-service training would be incomplete is the question of efforts being made to ensure awareness about the provisions under the RTE Act within the education machinery (both at the level of teachers and administrators). This would be an essential prerequisite for action under the RTE to happen. The experience from the States has been that the efforts towards building have been somewhat sporadic. Anecdotal evidence would suggest that the degree of knowledge is lower, the further down one goes within the system. This is understandable, except that it implies that the persons responsible for implementing the Act are the ones with the least understanding of the Act's provisions.

8. Instructional Days and Teaching hours

At present the teaching days and hours across States and within States is not uniform as shown by DISE figures. Teachers in primary and upper primary schools are mandated to work 200 and 220 working days respectively in each academic year. Teaching hours were fixed at 800 for primary level and 1,000 at the upper primary levels. According to the DISE data, the country went into the RTE implementation with an average national figure of working days of 224 improving from 211 days in previous two years. In Bihar the improvement shown is rather large and unusual: it was 172 days in 2007-08, went up to 186 days in 2008-09 and shot up to 241 in 2009-10. The number of working days has thus become satisfactory in relative terms. For the government and aided schools only 2.27% of primary schools had less than 200 working days and only 5.19% upper primary schools had less than 220 working days. The corresponding national figures were 5.92% and 30.28% respectively.

A related issue is that of teacher absenteeism. According to the latest figures available with SSA, the average teacher attendance rate was 81.7% and 80.5% respectively for primary and upper primary levels respectively. A recent Unicef study in Bihar reports 16% absenteeism among teachers in primary schools.

9. Non Teaching Work

The Right to Education Act curtails the number of tasks permissible under RTE to only census work, election duty, and emergency relief work. The present year saw the decennial census, which teachers were engaged in. While their involvement was not in violation of the Act, there has been concern voiced that the engagement of teachers in this type of exercise may have affected the number of instructional days, potentially curtail teacher training or conflicted with other duties like preparing for school examinations.

A ray of hope in this scenario is offered by a ruling of the Supreme Court this year. In a case in the Supreme Court between the Election Commission and Saint Mary and others, the apex court had announced on September 13, 2010, that the school teachers would not do any other job except teaching in school timings. If some non-teaching job had to be given to the teachers, it should be done either before or after the school timings. The Punjab government had issued orders in this regard. However, coming as it does above an existing need to increase the working

days of teachers, this would make for a very viable proposition. Alternative arrangements would need to be found by the government in the long run.

Another critical aspect, however, is the involvement of teachers in non teaching school clerical work. According to a study undertaken by EdCil in 2010, 12% of teachers' time in school was spent on non-teaching activities. In the absence of clerical support staff in most schools (and without the RTE norms making provision for the same), teachers are involved in a host of tasks like maintenance of records of school construction or midday meal finances. All these problems further aggravate the shortage of teachers in the work places. Chief Secretary, Bihar wrote a letter to district officials prohibiting the use of teachers for non-educational purposes, but the practices continue here and there reportedly.

10. Working Conditions

While the Right to Education Act casts major part of responsibility of implementation of the Act on the teachers, there is little that it promises to them in terms of conditions of service or work. However, given the fact that working conditions of teachers are directly related to absenteeism and given the fact that proper working conditions would be instrumental in attracting teachers, it does have relevance, particularly to the quality aspects of education. MHRD had made announcements on extending life insurance and Housing schemes for schoolteachers to make the profession, however, both have been slow to take off. In addition to this, and perhaps more critical in the long run, is the fact that the majority of teacher cadres are actually being managed by the States (and not the centre). The conditions of work and pay are determined to a large extent by the States (something that is mentioned in the Model Rules as well). This creates for considerable difference in the conditions between States and makes it somewhat more difficult for the centre to dictate conditions.

The working conditions of teachers in Bihar are rather poor and undefined with an irrational system of consolidated salary, coupled with other uncertainties and general neglect. For the same kind of work a *niyujit shikshak* will get emoluments many times lower than the regular teacher, and the cadre of regular teachers seems to be in the process of being wound up altogether. If the teacher is being saddled with so much of additional responsibility, he/she surely deserves a better deal.

11. No private tuition by teachers and remedial teaching within the school

The Right to Education Act bans the involvement of teachers in private tuition. At the outset, one of the misconceptions about the Act is that this amounts to banning after school support by the teachers. On the contrary, the intent is to ensure that such tuitions are undertaken as part of the existing work of the teachers and not as source of hidden fees. A few states have moved to prohibit this practice including Bihar, West Bengal, Karnataka and Maharashtra. A majority of States, however, have failed to do so. The intent behind the ban on private tuitions is to ensure that support to academically weak students becomes part of the mainstream responsibilities of teachers within the school. No signs of such a restructuring of the role are currently visible from the ground.

12. Role of Head teachers- School Level Leadership

Discussion to date has mainly centred on ensuring the availability of trained teacher rather than the specific role of head teachers who would be expected to offer school level leadership and support to schools under their jurisdiction. It is regrettable that more than half of the schools in India lack a full time head teacher. RTE mandates the appointment of head teachers for larger schools with over 150 children. Of these, 40% of schools went into the implementation of RTE without a head teacher. There appears to be no significant promotion or direct recruitments to fill these posts on scale in any of the states.

According to Flash statistics of DISE 2009-10 released by NUEPA in January 2011 the percentage distribution of Primary only schools with enrolment 150 & above having a Head Teacher/master in Bihar is 53.33 against the national figure of 60.92. At the Upper primary level with enrolment of 100 & above the corresponding figures are 39.93 and 57.71 respectively.

The next logical step to the question is the extent to which head teachers are able to play the role expected of them. Most are senior teachers promoted from the ranks without specific efforts made to build their capacities. The Joint Review Mission of SSA has also highlighted this gap. One proposal made within the last few months is the announcement of a proposed National Programme for Leadership Training in School Education should be implemented by a national authority headed by the HRD minister. This is being envisaged as a detailed 10 month course created to develop a cadre of school administrators with the necessary leadership skills. The programme is to be implemented through a National Centre for Leadership Training in School Education supported by a network of five regional institutes across the country. The intent is apparently to expand this to over 20 centres across India over five years. However, specific information about the provisions have not, as yet, been released in the public domain.

CHAPTER V: Role of Community & Civil Society

1. Role of Community and its Meaning

Historically speaking, the RTE Act has come primarily due to peoples' demand and pressure, and the community has the largest stake in its proper implementation. No Act, much less a social legislation, can become a reality in a social void and community itself provides the primary context of this legislation. Community vigil and support will remain crucial to the faithful implementation of the Act. Indeed, involvement of community will decisively influence the manner and scope of the implementation.

Community is a term which is given different meanings by different theoreticians as well as stakeholders. While often it means the collection of local people, it may be equally relevant to visualise it at broader levels in many ways, say, specific social groups like dalits or minorities, or community of parents, or civil society organisations, etc. Furthermore, even these communities are not homogenous entities and there are existing dynamics between different subsets of Each definition of community can have implications for the Act in a distinctive way, and it is worthwhile to explore the possibilities from many standpoints and perspectives, particularly when we have on hand rights of people and groups.

The Act and the State rules foreground one representation of community, that is, the community of parents of children in the school, who are given three fourths representation in the SMCs. At the second level local authorities provide the scope of participation of local communities, should they become conscious of the need and responsibility. Beyond these there are numerous other open-ended possibilities of community involvement again in innumerable ways which ultimately will decide the fate of the legislation in the broader sense.

State apparatus is expected to promote the first level, or at best second level, participation, but concerned members and groups of civil society will need to find ways and opportunities to participate and intervene in the implementation of the Act. Fortunately, while the record of local state apparatus is far from encouraging in this regard, there is evidence of many individuals and groups coming forward (the present initiative included), though it is yet to make its impact felt even locally, not to speak of the national context.

Like community, "participation" has also to be perceived as a context-specific expression with possibility of different degrees or extent of people's involvement, starting from mere 'use' of a service to most complete type of participation in real decision-making at every stage. Further the idea is linked with the principle of decentralization on one hand, and empowerment of people on the other hand. First in the given context of the Act, and secondly, in the more open situation of its implementation, these terms can acquire meanings, making the Act truly rights-based. There was some debate on community ownership of SSA when it was first launched, but the debate on claiming of rights by community or claim of ownership of schools is yet to begin anew in the context of RTE.

2. Appreciation of the role of Communities

One would have wished for a more deep rooted understanding that the community can play in strengthening the processes of functioning of the education system. Such an understanding would have been reflected in a more clearly articulated understanding of the role of the parents and children and children at large, the School Management Committees, the Panchayati Raj Institutions (especially of the Gram Sabha). Each of these have a different role in any community based programme in education. Instead, much of the government documentation in the wake of the Right to Education Act has focused on the SMCs alone. The Right to Education Act needs to be looked at in conjunction with other existing legislation including the Panchayati Raj Acts. It may also be stated at the outset that the SMCs (School Management Committees) are not the first experiment with empowering communities to form representative bodies to monitor their schools, prepare plans, support implementation and provide an oversight function over school resources. The experiences of the successes and failures of the pre-existing VECs, SDMCs, SMCs, PTAs and MTAs need to be looked at in order to derive lessons for the new structures. One does not get the sense of this level of discussion happening in Bihar or elsewhere.

The thirteenth JRM of SSA provides the single most comprehensive overview of the functioning of the community participation component under SSA. It is honest in identifying some gaps in the system and calls for further action. In this respect, it noted, "The SSA programme needs to give more attention to enhancing participation of community members, particularly in whole school development. This attention would range from a focus on the formation of the SMCs in schools, SMC training on RTE, access to funding and the management of VEC/SMC accounts to innovative mechanisms and practices that are ensuring or promoting community partnerships in the monitoring and management of programs for girls, minorities, urban slums and CWSNs."

The JRM also brings up the possibility of community participation defining communities in the social sense: "Community mobilisation should be strengthened to build better connections with the community. Focused intervention for caste groups and with interesting methodology should also be taken up, with particular attention on remedial classes....Further work needs to be done to take forward the recommendations of the Sachhar Committee Report to address the issue of Muslim children's education, and States should include regular reporting of progress made. The effects of the interventions for minority students need to be tracked separately to assess impact on attendance and achievement both.

2. Awareness & Steps taken for spreading it

Any legislation can only be taken advantage of, if the people are aware of its existence and the benefits that it provides. While some states have made some efforts to build awareness about the implementation of the Act, these efforts have been extremely inadequate in scale and fairly limited in scope. The average person is not aware of key provisions of the legislation.

Bachpan Bachao Andolan (BBA) prepared report in this regard just a few months after the implementation of the Act. The report says that in Bihar only one in 5 person was aware of RTE Act, whereas the migrant population living in slums in Delhi had the least awareness of 1%. There was similarly low level of awareness of School Management Committee (SMC) or Village Education Committee (VEC) or National Commission for the Protection of Child Rights (NCPCR) or State Commission for the Protection of Child Rights (SCPCR) among the people.

In the absence of a clear and adequate awareness strategy by the government, media reports become the most frequent source of information on the Act. Most media reports, unfortunately, are limited to the issues like 25% reservation of seats in the private schools, which while being significant, in a way deflecting the attention from the hard questions pertaining to the functioning of the government schools which are the main vehicles of universalization of education and the role that the government has to do to strengthen them. Further, the messages being sent out on some provisions are incomplete (e.g. raising the issues of the no detention as being synonymous with the government providing free reign to students to not learn, without simultaneously raising the lack of implementation of a well thought through Continuous and Comprehensive Evaluation strategy).

The level of knowledge of the RTE Act among the functionaries is often very low, even as the lower level functionaries should have begun the process of school mapping and assessment of gaps in terms of infrastructure and teachers in the first year itself. It is not surprising, therefore, that the 13th JRM itself has recommended that each State prepare a dissemination plan to ensure knowledge of the RTE provisions reaches the people, as a tacit agreement that the same has not happened till date.

3. Actions Being Taken at the Community Level

Many of the critical issues pertaining to the implementation of the Act would be dependent on an integral relationship existing with the community and with the teacher, parents, children, the Panchayati Raj bodies and the education administration working together. The idea of school mapping or delineation of catchment/feeder areas of neighbourhood schools and mapping of children in and out of school provides ample scope for community involvement. The process of school mapping is yet to commence in Bihar, and so the question of community involvement does not arise. The process needs to be built as an inclusive community wide issue if it is to succeed, but given the present style of governance in the state it seems unlikely.

Similarly, laying down of norms and standards or possibility of school development plans forming the basis of local educational planning can lead to decentralized planning. It is a question of a people-oriented reading of a legislation which is largely the handiwork of bureaucracy. The Act confers certain specific rights and entitlements, individuals or groups, or communities of various kinds can raise demands and claim their rights, provided they become conscious and mindful of the provisions in the Act.

4. School Management Committee in the Act

The principal space for structured community- school interface under the RTE Act is provided by the School Management Committees (SMCs) which are envisaged as having a parental (especially women's) majority. These offer the potential space for communities coming together in support of the education machinery to create a joint process of synergy. Unfortunately, the process of formation of SMCs has not yet started in Bihar. A rights based and empowered process of formation and action of SMCs offers great transformational scope, but the state rules lay down an election mode of formation of SMCs.

As Anita Kaul, AS, Department of EE & L, wrote in a D.O. letter addressed to all State Education Secretaries, and other concerned persons on 23rd December 2010 on the subject of Community

participation/ Strengthening of SMCs, "The RTE Act places emphasis on process of planning to commence at the school level, and requires the School Management Committees to make School Development Plans which shall be the basis for the plans and grants to be made by the appropriate Government (Section 22). This entails a massive effort to create capacity at the SMC level to look at the challenges of quality education in the light of the Act. Empowered and professionally equipped SMCs would be crucial for anchoring community awareness and participation efforts. The revised SSA norms provide for residential and non-residential mode of community training. States will have to invest in capacity building of SMC members to address this enormous challenge and work out a comprehensive and cohesive plan of action which should inter alia incorporate the development of a training module and framework for the School Development Plan, creation of a strong network of resource persons with the active involvement of the civil society organizations and putting in place an institutional mechanism for constant dialogue at the community level. This is a huge exercise and can easily go awry if not planned meticulously, taking into account the logistical implications."

In her very lucid and insightful D.O. letter laying down the framework of planning in SSA for the coming year, Anita Kaul also writes, "Community has an important role to play in the improvement of the learning environment in the schools. While making School Development Plan, the SMC has to pay adequate attention to quality issues including teacher training, availability of child entitlements, teaching learning materials in schools, pupil assessment in consonance with the principles of continuous and comprehensive evaluation, and preparation of pupil cumulative record. The SMC can also act as a bridge for community involvement in sharing knowledge with schoolchildren. Encouragement to work experience would require the attachment of children with professionals, farmers, and artisans. In addition, there should be greater involvement with various extension workers i.e. agriculture, health, anganwadi workers for more experiential learning. The community leaders and groups, therefore, will need to be sensitized on issues related to monitoring of children's progress and other quality related school activities. This will have to be preceded by the community mobilization as well training of SMC on issues pertaining to quality."

Ground reality is far removed from these formulations. By and large, there is no appreciation of these possibilities of SMCs role, either by local functionaries of education department, nor by teachers, nor, unfortunately, by members of SMCs. There are of course, examples where the governments have shown initiative to ensure SMCs actually play the role expected.

SMCs and the case of Private (aided and unaided) schools

Private schools do not have the provisions for the formation of an SMC. There was, however, space for the provision of an SMC for the government aided schools. The Amendment approved by the Cabinet for giving merely advisory powers to the SMCs in the aided schools dilutes the powers of parents in regulation of the education of their children. What is more regrettable, however, is that this process followed considerable lobbying by private schools at the highest levels. The present media report is just one example of the kind of pressure that was put to bear.

4. Local Authorities and local Communities

It is indeed intriguing to note that whereas there is so much of discussion on SMCs, there is so little attention paid to the local bodies that are constitutionally mandated to take charge of

school education. RTE too has cast all responsibilities on the local bodies without giving them any assurance of devolution of funds or controlling authority, or functionaries to handle the responsibility. At the time of the introduction of the Act, majority of schools are controlled by local bodies only in four states. These are Gujarat (81.16%), Maharashtra (68.88%), and Andhra Pradesh (67.34%) and Tamil Nadu (53.65%) Three more states have substantial portion of schools under the management of local bodies namely, Rajasthan (37.20%), Delhi (36.30%) and Punjab (24.14%). In Bihar no school is thus far controlled by the PRIs/ULBs even as it is claimed that teacher recruitments are being done by them!

It is imperative for the successful implementation of the Act that there is clear delineation of both responsibilities and authority. Local Authorities have to be notified, which has not happened in Bihar, nor there is any move on the part of the state government so far. Of course some schools are controlled by Tribal/Social welfare Department, which are expected to be transferred to Department of HRD.

Changes in the roles of PRIs under RTE have to be clarified in state-specific contexts. It is time that the implications of 73rd and 74th amendments to the Constitution are understood and consequent decisions taken. Along side devolution of authority with regard to schools, necessary financial and staff support will be necessary. In the first year of implementation of RTE Act not enough thought was spared for this aspect of decentralized governance of schools.

5. Processes including planning and Community

a. Educational planning: RTE has clear provision for school development plan, but it will not amount to much unless there are resources made available for execution of plans. Processes for appraisal of plans, followed by approval, preferably at the local levels, and putting in place appropriate mechanism for devolution of resources should have been worked out at early stages of implementation, but ostensibly nothing concrete seems to have been done. While Rules for RTE are finalized and notified, this aspect has not been covered there.

Successive JRMs of SSA have pointed out from time to time the need for delineation of processes especially in the context of financial transactions and decision making. Processes of fund flow, supervision, monitoring and assessment are needed to be defined, particularly when SMCs and/or PRIs are involved in the execution of work.

Likewise, there are questions to be settled in every state in the context of educational and school-related planning. Whether planning is centralised and bureaucratic or community based and decentralized is to be decided unambiguously. SSA at the time of initial conception had laid stress on planning from below starting at the habitation-level with community ownership of the programme. It could not materialize and RTE provides one more opportunity to revisit the issues then raised. Community resources and latent energy may be harnessed innovatively to make the RTE an effective tool of social transformation. Unfortunately, the present signals are this opportunity is in danger of being missed again with the new revised SSA framework continuing to permit the existence of two strands of planning (via the SDPs and through the existing government machinery processes).

7. Role of Civil Society

A distinction needs to be maintained between the role of the community and civil society organizations, especially NGOs. Each of these retains its distinct identity and has its own distinct potential while engaging with the Right to Education Act. Furthermore, civil society is no more a homogenous entity than the community is. An effort had been made to delineate the potential contours of the role of civil society under RTE as part of both the Anil Bordia Committee Report for restructuring the SSA and through a number of seminars held in this regard.

Participation of civil society and stakeholders, including communities in various forms have to play a larger role for the pro-people implementation of RTE and that process has begun. Pressure groups are being formed for the purpose, sometimes at the local level, and sometimes as network or alliances of CSOs/NGOs. Locally at many places NGOs are mediating between the state system and community. Teachers' Associations are also active in several states. Several organizations and networks working with communities/groups like SC,ST, minorities, children with special needs etc are also getting involved. BGVS has also undertaken some programmes in some states.

At the national level all the principal education networks like NAFRE, NCE, PCCSS, CACL and Wada Na Todo Abhiyan, etc have taken up the agenda of RTE. Some of these also have State Chapters in Bihar and there is a state level network, namely, like Voluntary Forum for Education.

Right to Education Forum, is itself a recently formed informal alliance of Education Networks and Civil Society Organizations including, but not limited to, CACL, CRY, NAFRE, NCE, Oxfam-India, PCCSS, Plan-India, Save the Children, UNICEF, UNESCO, AKF, World Vision, Wada Na Todo Abhiyan, Room to Read, BBA, AIF, Welthungerhilfe, ActionAid, ChristianAid, VSO, Skillshare International, Water Aid, as members. This is an open group of agencies willing and able to come together on the issue of education. The intent of the same is not just to undertake work at the national level, but take the process of convergence of the work being done by the constituent members at the States as well.

Whereas local NGOs or other members of civil society can contribute directly by raising specific issues and demands, at the larger level campaigns and advocacy have to be undertaken. Sharing of information, identifying and flagging issues for advocacy, and suggesting systemic reforms are some of the obvious areas of work to make a strong pitch for RTE. This has to be an ongoing process and institutionalization will help sustain and broaden the campaign.

CHAPTER VI: Inclusion Issues

1. Social inclusion in Education

Though enrolment of children from marginal groups has increased in recent years, the issues of quality and relevance of schooling for these children have not received adequate attention from the government. The poor quality of infrastructure and teaching, and a curriculum that does not relate to the socio-cultural lives of the people have all contributed to the communities' indifference to schooling. The poor quality of schooling available to children in government schools or the various programs launched from time to time have failed to prepare them to succeed at higher levels of education or compete for jobs.

Similar issues of self-worth, dignity and livelihoods that school education has failed to address or even acknowledge also arise for children from dalit and muslim communities. They frequently encounter overt and covert acts of discrimination, prejudice and rejection from teachers and fellow students. Commonly reported instances of cruel treatment to dalit children include being told to sit separately from other students. In other words, while elementary schools may appear to be places in which integration can take place, prejudices against SC, ST, Muslims and girls persist in the classroom, playground and in the micro-practices of schooling. The understanding that education is a vehicle for integration and assimilation of students into the social mainstream is also increasingly being questioned and is seen as having limited usefulness in overcoming prejudice, discrimination and marginalisation. To bring about equity in education for excluded populations many educationists and activists advocate a framework of social justice based on the idea of equity in the context of access, participation and outcomes, including qualitative aspects of the educational experience and their impact on identity, self-worth and future life chances.

The literacy data (Census of India 2001) clearly show that sections of the population, the Scheduled Tribes, the Muslims and the Scheduled Castes lag much behind the state average. Again, this general pattern is further skewed in respect of the female literacy rates of different social groups. This precisely indicates that sections of population, for various reasons, are excluded from the arena of education where the basis of the exclusion is determined by their social background – their being members of particular social class. As regards the literacy rate among the dalits, Bihar's performance is the poorest among states, both in absolute terms and in terms of the distance from the state average. Against state literacy rate of 47 percent, dalit literacy rate was only 28.5.

The groups that lag behind in educational achievements are highly dependent upon manual labour for their survival. These groups suffer from many types of discrimination in terms of food security, health facilities, and so on. And all these discriminations contribute to the educational backwardness owing to and resulting in different forms of exclusion based on social opportunities.

The education of girls is a serious issue, more so for girls of disadvantaged groups. They are doubly disadvantaged, due to both their social and gender status. The drop out rate is higher among Muslims, Scheduled Caste and Scheduled Tribe girls at the elementary level. Girls are particularly disadvantaged because family and social roles often do not prioritise their

education. The age of girls also affects when they drop out. In many states, early marriage and the economic utility of children leads to large scale drop out in the 5-10 year old and 16-20 year old age groups, interrupting the completion of girls' education. The government has provided special attendance scholarships for girl students in order to keep them in school.

DISE 2009-10: Flash Statistics

Relating to Share of Enrolment of Marginalized Groups

Group	% Population	% Enrolment	% Girls Enrolment	Primary % Enrolment	P (Girls) % Enrolment	Upper Pr% Enrolment	UP(Girls) Enrolment
SC	15.70	18.57	46.28	19.48	46.78	14.98	43.71
ST	0.90	1.85	46.91	1.95	47.47	1.46	43.97
OBC	-	61.32	47.55	60.99	47.92	62.64	46.15
Muslims	16.53	13.50	48.42	13.83	48.05	12.21	48.59
CWSN	-	-	-	0.72	47.80	0.71	46.44

*Census 2001

DISE data in Bihar is almost exclusively for government schools. In fact 99.97% of enrolment is shown in the government schools. In fact no efforts are made to get information regarding the private schools. Hopefully, in the years to come with the mandate of RTE Act all private schools will furnish data and a fuller picture would emerge. As the data for the year 2009-10 shows that for both SC and ST groups the share in enrolment (that is, enrolment in government schools) is higher than population share. The precise population share of OBC is not known, but in all likelihood their share in government school enrolment should also follow the same pattern. Actually this pattern does merely reveal a preference of upper caste groups for private schools, which unfortunately can not be confirmed for want of data.

The pattern is dissimilar for muslims, presumably because of a substantial number of children going to madarasas, for which again we do not have firm data. It is reported that the quality of education in madarsa is far from satisfactory, and moreover, the scheme of education may cut them off from mainstream. There is an urgent need of curriculum reforms in madarasas, as it is suggested by scholars, who have studied the system. In the public hearing conducted by VFE often such suggestions came from the members of community themselves.

The drop out rate is higher for SCs, STs or girls, as revealed by the data for the upper primary level.

Issues of Discriminations

It is not only the access to school that makes a barrier for the children of the socially deprived communities but the exclusion of these children continues even in the classroom. The necessity of home-task embedded in the curriculum has given rise to the need of private tuition. While the overload in the curriculum has negative impacts on all children in general this has particular implication on the children of marginalised communities. Children of the socially disadvantaged

communities often face a major hurdle because of the language of the teacher and the medium of instruction. In fact, there is a circular relationship between social backwardness, economic deprivation and educational handicap.

RTE and Marginalized groups

The Right to Free and Compulsory Education, 2009 has addressed children from marginalized communities in two ways. The first, is the legal entitlement flowing out of the Fundamental Right of every child to free and compulsory education between the ages of 6-14, which makes it mandatory for the state to ensure that all children are not only enrolled in school but retained and complete the elementary cycle of schooling. The second way in which marginalization is addressed is by making special provisions for children belonging to "disadvantaged groups" as well as children belonging to "weaker sections", in recognition of the entrenched social and economic disparities faced by children from these backgrounds.

While both these entitlements having legal ramifications will no doubt have a big impact in bringing larger numbers of children into schools, retaining them in school and ensuring that they complete the cycle of elementary education, as promised by the Act, will require special attention from government as well as non-government agencies where in Civil Society will have a key role to play and support RTE.

2. Right to Education: The First Year

a. Enrolment

Overall all States have shown improved physical access in terms of enrolling children to a school. However, an interesting trend emerging during the preceding year has consistently stayed in the headlines is the fact that between 2008-09 and 2009-10, enrolment in classes I to IV in Indian schools has dropped by over 2.6 million. The biggest setback was witnessed in Uttar Pradesh, where admissions plummeted by over a million in the last two years. The jury is out as to whether this is reflective of tightening systems to remove "shadow" and "double enrollment" (children enrolled simultaneously in government and private schools) off the school rolls or an actual decline. Irrespective of whether the cause is poor information management till date or poor efforts to track attendance allowing children to drop out outright, this is a definite cause of concern.

No discussion, on the question of enrollment would be complete without looking at where the enrollment is happening, especially for marginalized communities. The spread in access in remote areas has to a considerable extent been ensured through opening of Education Guarantee Centres (or other similar arrangements with lower norms). Their upgradation to the old SSA norms (let alone the new norms) is far from being complete. This failure is more likely to negatively impact the education of children from marginalized communities.

There is, furthermore, a consensus that while the access to primary schools is still relatively fair, access to upper primary education is much more of a cause of concern. While the overall focus has been on primary education, the upper primary schools (especially in the states where they constitute a separate structure between the primary and secondary schools) have been relatively neglected. Apart from the sheer shortages, there is the question of distance. While

Primary Schools are usually expected to be within a 1km distance, the norm has historically been 3km for upper primary. What is critical in this regard is the absence of transportation facilities for children to avoid subjecting them to a 6km daily walk. While the model rules mandated its availability, the lack of their notification and the overall limited planning that appears to have happened for convergence of the various departments seems to have resulted in limited restructuring happening across the country. The distances and the lack of escort facilities for children across the country has been a significant reason for the dropout of girls in particular.

Another issue pertaining to enrolment requiring attention is the provision under the RTE Act prohibiting the school from demanding a birth or transfer certificate as a barrier for enrolment. The extent to which this has been operationalized on the ground has been patchy. There are also different definitions adopted by different states. Anecdotal evidence suggests that the implementation of the provision has been patchy, especially given the lack of awareness of the provisions of the Act on the part of teachers. Furthermore, while the intent of the provision is to not let absence of documentation result in the dropout of children, the operational issues emerging from its implementation need to be addressed. With the move towards comprehensive evaluation and adaptation of instruction to the specific learning levels of children incomplete, placement of children in particular age appropriate grades becomes paramount. Furthermore, with support systems for newly enrolled overage children not in place, teachers are reluctant to enrol incoming children from other states who may be at a different learning level. Issues of shortages of teachers and infrastructure also need to be redressed to better support teachers in the task of admitting children in the middle of the academic year.

b. Dropout and Children out of School

Government estimates suggest that the number of out of school children in 2009 was only 8.1 million across the country. However, the actual figure is liable to be higher given the presence of irregular children whose names are on the school rolls, but who hardly attend school. Migrant populations, homeless children, child labourers and a whole range of other groups may also not be adequately counted, pushing the actual figures higher. The results of the 2011 Census are awaited to yield a definitive figure of the number of out of school children. Furthermore, merely having a figure of the actual numbers of children affected is not enough. What is required is a mechanism whereby children at risk of dropout are identified and appropriate steps are taken to prevent its occurrence in the first case. Child Tracking systems were operationalized in Rajasthan, Maharashtra and Orissa (among other places). In Rajasthan, the introduction of a Child Tracking System (CTS) has led to the identification of 1.2 million students (with 30,996 children in the state capital Jaipur alone) and initiation of systems to remedy the situation.

Given the fact that dropout is also the result of the absence of a congenial learning environment in schools, the necessary steps to ensure classrooms are made welcoming to children from first generation learner families and those who may not even understand the language of instruction (eg tribals) have not really been taken across the board. Lack of basic facilities (like toilets for girls) has been identified as a reason for dropout for decades, but the same is yet to be addressed across the country. With teacher training not having revamped across the country, there has not been a systematic discussion across the country to address the issues identified.

Apart from the steps needing to be taken to prevent dropout, there is the question of children that are already out of school. Provisions have been made for residential and non residential bridge courses in most states since the old SSA regime. While some states have been able to start these with some degree of scale, in others the facilities for bridging lag far behind the requirement. Many run parallel to the government mainstream schools with little space for formal convergence and little subsequent onsite support extended to children who have been enrolled. Furthermore, the "Special Training" under the RTE Act makes provision for support to be extended to the extent possible within the school itself. Efforts need to be made to ensure that the schools themselves become more inclusive instead of relying on bridge schools to mop up the children that drop out.

c. School Fees

The steps taken by the government to abolish school fees in its schools is an extremely welcome step. Several instances have indeed been reported when fees taken in the first few months subsequent to the Act have been returned. This is a commendable step for a country where according to the Arjun Sengupta Report 836 million people live on less than 20 Rs a day.

Hindustan Times Patna Monday, July 18, 2011

Bihar schools have few benches, worms in meal

State of Affairs :A sordid story unfolds at a public hearing on ' Right to education movement in Bihar

-Partha Pratim Roy

Patna: A one day public hearing on Right to education movement in Bihar ', organized here on Friday revealed that very little has changed in the primary and middle school level education in the state. The condition of government schools is too bad to be conducive to a good educational environment.

Sample these: there are 1200 students in Rajkiya Madhay Vidyalaya Chintamani Chak, Mokama. But only three teachers are managing the school "We had five teachers. But due to ill treatment by the management committee, two teachers have left the school, In the name of school building we have only three rooms," said a teacher Chitralakha.

" Our school has only one toilet and no drinking water from home Student of class four and above sit on benches, while student of lower classes sit on the floor We do not get mid-day meal on a regular basis," said Vishal of Rajkiya Madhya Vidyalaya , Shishu Matri Sadan , Gopalganj.

Even in Patna, the condition of school is miserable. "Our school has only two rooms for about 60 children. Once of these is also used as kitchen for mid-day meal, the school lacks electricity and drinking water facility. During summer we go home twice to bring water," said Rohit Kumar, a class 4 student of Rajkiya Primary school, Mushar Toli, Digha Ghat.

Rohit said, as the school was located near the railway track the students faced grave risk." A child came under wheels a few months ago when he was crossing the track," he submitted.

Sonal Kumari , a class 8 student of Rajkiya Middle School Chiraiyatand, had a similarly story to tell," The total strength of our school is 800. Children of Class1 to 5 sit in the verandah, while those of Class 6 and 7 sit on the floor on a carpet, Only students of class eight sit on benches," She stated.

The classroom, Sonal said had no fan. "There is one tube well, which is broken. Students go outside to fetch water. There is only one toilet, which is used by the boys and the girls of the schools," she added.

"Our 500 school students sit on the floor. We often find worms and insects in our mid-day meals" said Pawan Kumar of Warda, Middle School Gaya, Dhiraj of Rajkiya Primary School, Athihara Darbhanga said his school to had 500 students but most of the classes held under trees. "We are not served full meal. School dress and books are given occasionally," he stated.

The state does not have a single government school for physically challenged girls, said the founder secretary, Bihar Netraahin Parishad, Dr Naval Kishore Sharama, Bhusaula, Danapur, denied admission of two physically challenged girls, said Vaishnavi of Bihar Vikalang Adhikar Manch.

Children from about 25 districts of the state, parents social activists and teachers participated in the public hearing organized by Voluntary Forum for Education, East & West Educational Society, Action Aid India and some other organizations

What the jury opined

RTE Act was introduced on April 1, 2010 but neither the Centre nor the state government is serious about its proper implementation -Prof Vinay Kantha; Caste discrimination discouraged many Dalit students from joining schools. Mid-day meal scheme has not been a success in Bihar. Teachers should be kept away from this scheme- Father Manthra; A Five-member civil society monitoring committee should monitor mid-day meal scheme in each village Schools under welfare department to education department-Prof. Sachchidanand ; There are structural constraints in RTE Act implementation. Education should be made free and compulsory till class 12- Prof. M. N. Karna

3. Issues of Specific Marginalized Groups

a. Girls' Education

The educational status of boys and girls remains unequal. In the time when the country went into the implementation of the Act, the gender parity index was 0.94 at the primary level and 0.93 in upper primary. According to government sources, only 4.6% girls were out of school in 2009. Apart from social transformation wherein girls' education is now valued more than it used to be, there have been a number of effective programmes to ensure girls' education. The KGBV program is one such example. However, the number of KGBVs is not commensurate with the actual numbers of girls requiring education. Furthermore, while they have been extremely effective in retaining girls, some more thought may be required to ensure that hitherto out of school girls are able to catch up with the age appropriate learning levels faster. Girls aged 10-14 face particular difficulties. The distances required travelling to reach upper primary schools, the lack of adequate pre-primary sections in schools (that could have taken off some of the burdens of child care), and the inadequate or complete lack of sanitary facilities for girls in many schools has resulted in dropout of girls persisting despite the passage of the law.

b. Dalits, Tribals, Minorities

Some Highlights of the PRIA Report on Education Exclusion of dalits in Bihar

Survey conducted in October-November 2010, Report prepared in January 2011

A. Survey of Schools

- Among the 40 schools surveyed 34 were government schools while remaining 6 were private schools. Of these 12 were situated in dalit bastis (7 primary, 5 middle).
- Of the 12 schools in dalit basti 2 did not have any building and 5 had only half kachcha building. In fact no other type of schools lacked buildings as such, while only 2 more schools had half kachcha building. Of course regarding the availability of land private schools were badly placed and half of the six schools do not have land.
- Data was collected for many other facilities but neglect of schools primarily meant for dalit children was too glaring to be missed. Ordinarily government schools both had land and pucca buildings except for schools in dalit bastis. Of the other government schools only at one place land was unavailable in urban area, while at one place each in rural and urban area building was only half pucca.

Enrollment & Attendance (Boys & Girls)

- In terms of attendance the status of dalit children is quite unsatisfactory with less than 43% of enrolled children attending schools on the day of visit of the survey team, while private schools stand out with their high rate of attendance. Even in government urban schools attendance is low, presumably because children from lower classes attend these schools. For others somewhat better quality private schools are available in towns unlike villages.
- There is a shortage of teachers of about 35% in government schools, in dalit schools it is a little higher at 38.6%. However the gap is higher in primary schools and is likely to go up at middle level when more schools are upgraded or opened. Surprisingly the shortage is lower in rural government schools (24.8%), but much higher in urban government schools (45.6%). Calculations have been made according to the norms laid down in RTE 2009.
- Other facilities in dalit schools are also lacking, for example, separate kitchen or separate toilets for girls or doors. In fact the position is worse in dalit schools compared to others.

The last cohort of data on enrollment of children from marginalized communities comes from the DISE data of 2009-10. According to that, there were about 37 million dalit children (out of which around 18 million are girls), out of which 26.3 million are attending primary grades while around 10 million are attending upper primary in the year entering into the Act. Similarly, 20 million tribal children were pursuing elementary education, out of which 15 million were in primary grades while the rest in upper primary. Around 79 million were OBCs and around 23 million were from the Muslim communities. Around 17 million (or 73% of all Muslim children) attended primary grades.

Some Highlights of the PRIA Report on Education Exclusion of dalits in Bihar

B. Household Survey

- A survey of 62 dalit households was undertaken to get a direct feel of their conditions which may have a bearing on the education of children in these households.
- There were three components of survey: The first part was meant to get an idea of dalit households, second part was focused on education related issues, while the last part was pertaining to an appraisal of social behaviour on exclusion-related issues.
- The child population was as high as 60% indicating high rate of growth of population among them. Further the male female ratio was quite skewed in favour of male child. About half the children were in age-group 6-14 years, making elementary education the most important agenda for inclusion.
- Most of them were too poor with household income (average size of household being as high as nearly seven) of about 42% households below Rs 2000/- per month, and 96% with an income level below Rs 10,000/- Poverty thus was a major issue which has to be taken into consideration while planning for the education of dalit children. It is so low, even as in many households women also worked. Most of the earning members worked as labour with apparently low wages.
- Only five households had pucca houses, and as many as 36 with kachcha houses. Again only five houses had toilets, and only two had electric connection. How difficult and non-conducive to proper education may be the households of dalit children is easy to notice. Most of the houses lacked even facilities for drinking water. There is no entertainment in their lives using gadgets common to middle class households. They did not subscribe to newspapers.
- The level of migration is very high among dalits involving about twenty percent of the households surveyed and education gets affected in varying degrees in such situations. Further illiteracy of parents is a big obstacle, particularly among mothers with more than three fourths reporting want of elementary literacy. Those with literacy studied in government schools and many believed that the quality of education was high or at least medium- a scenario which may have changed for the worse. However more than sixty percent reported discrimination, an overwhelming majority testifying that caste was the basis of discrimination.(Table 14)
- While dalit children are in the maximum need of pre-school facilities, only one fourths of the children were attending Anganwadis, Whatever be the educational competence of Anganwadi, even this meagre facility is denied to the dalit child.
- Despite all the limitations of schools dalit children are being enrolled there. School, and of them the government school, is surely being given a fair trial, but actually the schools are failing, a fact borne out by the poor level of parental satisfaction- 95% reporting their dissatisfaction. This stands in sharp contrast to their own education, if any.
- While mid day meals are still being served in an irregular manner, the cases of discrimination are not high any longer even if it has not been eliminated altogether. Teachers attitude is reported to be bad in about 14% cases, but an even more serious problem is the in availability or late availability of books (Table 18 &19), and the home environment being deficient for literacy or elementary school education.
- Despite all these problems people do not give up hope. They are not aware of the schemes of the government, but are ready to overlook many things provided their children get good education.

Apart from the sheer figures, there are some specific issues that affect the education of children from these marginalized communities:

- Children from these social groups are disproportionately likely to come from first generation learners' families. They are less likely to devote time to studies at home due to household work, sibling care or even work paid work. Consequently, the lack of after school learning supports has a more severe impact on this set of children. Furthermore, given the limited scope for an enriching learning environment in homes, schools and teachers should step into a more critical role. The training and support systems to enable teachers to do so have by and large been lacking.
- Discrimination against children from marginalized communities persists. This has included everything from crude manifestations of untouchability, to more covert means (often as part of the hidden curriculum in the classroom). At stake here is the inherent centuries old peoples' mindset that treats persons from dalit communities as inherently unequal. It is understandable that both parents and teachers come from the society and may have the mindset- which would require a systematic process of change. Such a process cannot wait much longer. Unfortunately, the state, instead of taking side with the marginalized, sides with the oppressor.
- Dalits are not the only ones to continue to experience discrimination within the system. Similar issues are faced by Muslims, who have to suffer negative stereotypes within classrooms and in some states within the textbooks.
- A critical issue for the education of tribal children is the question of language of instruction with children speaking a tribal dialect and not conversant with the State language. Furthermore, history textbooks are often silent on the issues of tribal culture.
- A significant minority of educational institutions attended by this category of children are actually in the administrative control of other departments- often Social Justice, Tribal Development or Labour. The issues of inter-departmental convergence are, therefore, disproportionately likely to affect children enrolled in these systems. One of the manifestations of this absence of convergence is the lack of consistency of norms and standards for residential tribal Ashram Schools.
- On the flip side of the coin of course, is the scope offered by the Act for parents from the marginalized communities to join the School Management Committees and taking charge of the schools their children attend. However, with the SMCs not in place in most states, this has remained a potential that has not yet been realized.

c. Children with Disability

The Disability Rights groups were arguably the most active segment from civil society at the time of the passage of the Right to Education. The first set of amendments proposed in the Act was to ensure that the educational rights of children with disability were addressed. A set of progressive recommendations were made for inclusion in the new SSA framework and the model rules. Some of these have been taken on board. Another critical point for the disability sector in the preceding year has been the process around the amendments and re-drafting of the Persons with Disability Act. The National Curriculum Framework for Teacher Education also made several provisions for ensuring all new teachers were empowered with at least some knowledge on working with children with disability. However, evidence of concrete change on the ground in the actual lives of children is limited.

A basic starting point of the discussion is that there are few reliable figures for children with special needs in the first case. Mechanisms for early identification are inadequate. However, as they improve, the figures of children with disability have been increasing. In 2009-10, 2.8 million children with disability have been enrolled in school. The questions raised at the time of the

passage of the Act about the extent to which these schools were actually inclusive for children with disability still hold. Another 1.38 lakh were covered through home based education. Again, keeping a group of children out of mainstream government schools and expect them to be satisfied with only a few hours of instruction in a week is not in consonance with a rights framework. The acute shortage of trained teachers and rehabilitation professionals remains.

Preliminary Report of Survey by Vikalang Adhikar Manch in Bihar

In 2010 after the Act became operative, a Survey was undertaken by Vikalang Adhikar Manch in 10 panchayats & 5 urban wards in six districts of Bihar. The number of respondents was 497, including 38 from urban wards. Respondents included 322 suffering from motor disability, 56 deaf & dumb, 47 visually impaired and 27 mentally challenged.

Of the 170 schools surveyed, 154 did not have any special facility for the disabled, 164 did not have any special teacher.

Of the 497 respondents 214 reported strong interest in education, 144 more showed some interest, while 93 appeared to be indifferent. 261 reported encouragement by families, while 188 families were either disinterested in their education or even against. Regarding the teachers 173 reported encouragement by teachers, while 177 reported their neglect or irritation. 202 reported co-operation by class mates, 204 reported neglect or ridicule. Society was more callous with only 166 reporting co-operation while 264 reporting neglect or ridicule.

Filed by Rakesh & Vaishnavi, VAM

d. Children Living with and affected by HIV AIDS

The information about the educational status of this category of children is difficult to locate. It becomes especially difficult when the progress has to be looked at for only a particular year. Agencies like the NCPCR have played a critical role in raising the issues of violation of the rights (including educational rights) of children living with and affected by HIV /AIDS. The issue is yet to be taken up by SCPCR or any other body in Bihar.

e. Child Labour

Every child out of school is a potential child labour. The last census showed that 12.6 million children under the age of 14 were engaged in child labour in 2001. Civil society places the number of child labour much higher. The law mandated with tackling child labour, the Child Labour Prohibition and Regulation Act, 1986, makes a distinction between hazardous and non hazardous categories of work for children under 14. So, for example, the law bans child labour in *dhabas* deeming it hazardous labour but not in agriculture. Apart from the moral argument that you cannot have arbitrary definitions of what constitutes child labour to decide whether a child under 14 can work or not, child labour in any form is detrimental to the physical, mental and cognitive growth and development of the child, and thus a denial of her right to education. The preceding year saw a campaign by civil society organizations pushing for an amendment to the Child Labour to place a complete ban on child labour under 14 years of age, based on firm recommendations by the National Commission for Protection of Child Rights. The Labour ministry persists with its ambivalence stand on the matter.

It was expected that the passage of the RTE Act would provided the impetus for a complete abolition given the fact that full time school education and child labour can not go together.

Unfortunately, the strategic thinking to ensure all children are finally brought back into school has not happened. Despite the Act that mandates all children under 14 being in full time day schools of a certain minimum standard, the practices of child trafficking and child labour (including bonded labour) has not ended.

Another recent development has been the move towards the enforcement of minimum norms and standards in the schools meant for child labour (NCLP schools) and transfer them to the department of HRD. An assurance was given by the Chief Minister himself in the general body meeting of BEPC, but it has not been finalized and notified thus far.

f. Urban Poor

A progressively growing section of India's population now lives in urban areas. Many of the new arrivals move into slums which are frequently unrecognized and are not supported by adequate infrastructure, especially schools. Slums being unrecognized and officially temporary entities, there are often no or inadequate provisions for schools to cater to these growing populations. Consequently, schools catering to slums are disproportionately likely to be overcrowded. They are also more likely to be affected by arbitrary displacement (entailing children suddenly losing access to what had been until then was their neighborhood school). In the absence of adequate educational facilities at destinations, many of the newly arrived children end up being pushed into child labour. Another category of vulnerable children of course are the homeless children and children on platforms who face a host of protection issues, apart from the loss of educational opportunities. With low level of urbanization in Bihar, the problem is not large, and is basically concentrated in some of the large towns only. But it has defied solution for want of proper attention and decisive action.

gg. Areas of Civil Unrest-

Education is negatively impacted in areas of conflict. Continued military or occupation of schools in conflict affected areas has put schools at risk and excluded children from their right to education. Naxalite insurgency groups have systematically attacked schools to damage government infrastructure and instill fear in communities in Bihar, Jharkhand and Chattisgarh. Apart from the loss of infrastructure, this creates a constant sense of fear and both students and teachers are reluctant to risk their lives by going to school.

The National Commission for the Protection of Child Rights has expressed its concern about the use of schools by security forces as contributing to their abandonment. The Supreme Court has repeatedly called for the army to move out schools (Tripura, Assam, Chattisgarh, Jharkhand, Manipur), but this has been slow to happen. It is especially regrettable given the fact that this has persisted despite repeated intervention by the highest court in the land.

Apart from reports of occupation of many schools by police in some of the districts in Bihar, there are incidents of school buildings being destroyed by the Maoists. Further, an inordinate delay has also been noticed in the repair and restoration of such buildings.

Extracts from PUCL Enquiry Report on the Incidents at Sheikhpura Madhya Vidyalaya in Patna Town on 4 March 2011

Newspapers dated March 5, 2011 carried the headline on Page 3 that 'School kids clash with BMP jawans' 'Students objected to cops occupation of classrooms and the raunchy songs they played at school time' (Hindustan Times 5 April). It was reported that trouble began at around 11.30 when the jawans allegedly thrashed two children Ritesh class VI and Mohammad Wasim Hussain class VII after bolting them inside a room. Over a hundred students in the age group of 8 to 12 fought a pitched battle with hardened jawans of the Bihar Military Police (BMP)-9 on Friday and even girls joined them. The students reported that the BMP personnel stationed in the school used the basic amenities like drinking water and toilets which is meant for children. They misbehave with children if anyone goes there, most of the time the jawans keep playing cards and play raunchy Bhojpuri numbers. They even make obscene remarks, alleged the girls. Later all the boys and the girls of the school assembled in front of the BMP's rooms and clashed with them. The agitated students skipped their classes and blocked the busy Danapur-Patna Bailey Road and disrupted vehicular traffic for more than two hours.

PUCL, Bihar State Unit held an enquiry and made the following observations and recommendations relating to school occupation by uniformed services:

Observations and Recommendations:

1. It is highly objectionable that schools and colleges are being used as camps for Police force for unreasonably long periods causing interference with the normal functioning of the institutions. Generally speaking occupation of schools and colleges by force should be avoided even during the period of elections, but should it be unavoidable due to inavailability of alternative accommodation, it may be done for the minimum period and without causing any disruption in the normal functioning of the institutions being used. Now that Right to Elementary has been made a fundamental right and we have a legislation in this regard, it is gross violation of the letter and spirit of the law to allow the force to occupy a school for months and years. This practice must stop forthwith.
2. It is a sad commentary on the functioning of the police department and the state that despite the existence of a full fledged wing of Police Building Construction headed by a senior cop, even in the capital city of the state the police force should be occupying schools or stadium causing unfortunate incidents now and then.
3. Not relevant
4. Not relevant
5. RTE 2009 lays down that every school will adhere to certain norms and standards in terms of infrastructure. It does not even allow a teacher to give corporal punishment to a child, nor even subject him to mental harassment. Juvenile Justice Act 2000 likewise treats a child, meaning thereby all persons not having completed the age of eighteen years, differently. At worst he or she can come in conflict with law, for which he/she will be produced before a Juvenile Justice Board. Incidents like the one taking place in Sheikhpura Madhya Vidyalaya make a mockery of these legislations. It is time the functionaries of the government start appreciating the meaning and import of these legislations and honor them in letter and spirit, lest they are held guilty of gross violation of rights of child, to which India has committed itself in 1992 after the Convention of Child Rights 1989. More specifically, now that there is a full-fledged legislation on the right to education of a child conferring on him/her specific rights, it is the duty of state to respect them fully and unequivocally.

4.. Private Schools and other Alternative Providers

ASER survey 2010 suggested that the preceding year saw a growth in the enrolment in private schools. But the Bihar scenario offers a contrast according to official figures. DISE 2009-10 shows a decline from 28462 to 4254 in primary grades and from 5713 to 2854 in upper primary grades in schools under private. These figures are ridiculously low and reveal the gaps in data collection.

There is a provision of a 25% quota for children from marginalized communities in private schools under the RTE Act (that is being firmly opposed by the private school lobby, especially the schools run by Christian missionaries in Bihar). Private Unrecognized Schools are about to come into the mainstream with the clause under RTE that makes their recognition compulsory. All these make it imperative to take a closer look at the issues of extent of inclusiveness and regulation of private schools. The discussion on the issues of alternative providers would need to be taken at multiple levels:

a. Issues of Unrecognized Private Schools.

The RTE Act has put into place the requirement for all schools to comply with the new norms and standards as laid down in the Schedule of the Act, conform to a large number of provisions under the Act and compulsory obtain recognition. Obtaining recognition has not been compulsory for primary schools in several states, including Bihar. This would entail private schools investing in enhancing infrastructure and ensuring availability of trained teachers (with resultant higher salaries). The clause requiring ownership of land for a playground is seen to be particularly problematic by the smaller private schools (rather than permitting schools to potentially pool space or use public spaces). Some middle class and media sympathy has been generated around the risk of the closure of these schools. At the heart of the issue is the question whether the children of the poor are entitled to education of a particular set of standards. Most sources agree that unrecognized private schools lack the necessary infrastructure and teacher qualifications. Their greatest strength is the lower pupil teacher ratio and student classroom ratio enabling more individual attention to pupils, in turn ensured by employing unemployed youth with no teaching qualification or long term stake in the profession. In return, fees- often considerable fees- given the poverty levels mentioned previously. Addressing the core issues of the functioning of the government schools that are the principal providers of education in the country would be critical instead of sympathizing with groups that have in the past frequently flouted or bypassed existing regulatory frameworks and admittedly lack the capacity to adhere to even the most rock bottom norms of schooling.

b. Issues of Recognized Private Schools, besides the implementation of the 25% quota.

The issue of re-recognition of the private schools to ensure their compliance with the new norms has been a consistent matter of concern for the private providers. The lack of effective mechanisms for school inspection on the part of the government and lack of consistency across the states are issues of concern. Given an unviable number of schools to an inspector and not enough checks and balances in place, there is a possibility of malpractice. A more transparent and comprehensive system of regulation of the private sector is needed. Several high profile cases over the last year have highlighted the reluctance of private managements to accept the very idea of an entry of private schools in the larger regulatory frameworks of the State- be they on the issues of corporal punishment, arbitrary hike of fees or the introduction of the 25% quota.

c. Issues emerging out of the 25% Quota.

This has taken a disproportionate amount of time and space in the discussion over the previous year. By all accounts, over 80% children are still in government schools and consequently, the principal issues of implementation of the Act lie firmly in the government sector. Besides, for profit private schools cannot be the vehicle for delivery of universal education. However, the implementation of a 25% quota if done well can ensure the removal of barriers between the rich and the poor and has the potential of being the first hesitant step that the country takes towards a common school system. However, its implementation has been late to start and has

by and large been mired in operational issues. The private schools have been by and large been opposed to the clause for two distinct sets of reasons: concerns about the integration of learners from marginalized groups (either genuine, or more usually stemming from class and caste based considerations) and the question of reimbursement (admitting 25% poor children would entail additional costs to the school management, these they feel would need to either be fully subsidized by the State or be passed to the remaining 75% parents). This has been countered by referring to the often barely concealed discriminatory attitude behind the rhetoric of several schools and the fact that the argument of poverty made by many private schools is not true and some have actually been indicted by the Comptroller and Auditor General of India of concealing profits.

Given this pitched battle between the two points of view, the All India Association of Private Unaided Schools had moved the Supreme Court to strike down the Right to Education Act in totality. The matter is subjudice, however, the initial signals from the court appear to be focused on the need for a rational regulatory framework of the private providers with the mission of education for the poor being seen as not contradictory with the self interest of the private sector itself.

5. Specific Case of Minority Education Institutions

The RTE Act has been criticized as impinging on the rights of minority communities to run their own educational institutions. These were independently raised by representatives of both Muslim and Christian communities. At the heart of the issue is the question of the enforcement of the 25% quota, the role of the SMCs and the applicability of overall guidelines (beyond the laying down of minimum teacher qualifications) on these institutions. Another specific case is that of educational institutions that are run as religious seminaries (Madrassas or Vedic Pathshalas) and not as "schools" per se. The previous year much debate over the same. The MHRD has apparently decided to exempt religious madrassas from the provisions of RTE and that SMCs' role would be advisory for minority institutions, but has in the end ruled that the RTE Act per se continues to be applicable for all institutions. Once again, it is unclear how the

Applicability to Minority Institutions Under Section 35(1) of the Right of Children to Free and Compulsory Education Act: HRD Ministry Issues Guidelines

Wide ranging consultations have also been held to obtain views and opinion of various stakeholders on the subject, and the following guidelines are accordingly issued under section 35(1) of the RTE Act, 2009.

Institutions including Madrasa and Vedic Pathshalas especially serving religious and linguistic minorities are protected under Article 29 and 30 of the Constitution. The RTE Act does not come in the way of continuance of such institutions or the rights of children in such institutions.

Schools are defined in section 2(n) of the RTE Act. Sections or minority organizations covered within the meaning of section 2(n) of the Act, will be governed by the provisions of the RTE Act, 2009.

Appropriate Governments and local authorities shall ensure that the rights of Minority Institutions, guaranteed under Article 29 and 30 of the Constitution, are protected while implementing the provisions of the RTE Act.

involvement of parent (including parents from the minority community) can be considered as violating the rights of the minority community. It is our understanding that the participation of parents from the minority communities would strengthen the process, rather than weakening it.

6. Larger issues pertaining to privatization of education

No discussion on the issue of the involvement of the private sector is complete without a mention of the larger shifts in the education sector and the tendency on the part of the State to promote entry into Public Private Partnerships with assorted private companies. While much of what has been happening has been outside of the purview of the Right to Education Act per se, the consequences of the move would impinge on the delivery of education for all children. With PPP, the issue at hand is not merely the matter of the community and parents against a single profit making school, but of large corporate bodies entering the market, making the negotiations even more unequal. The Planning Commission has been fairly aggressive in promoting PPP across the board, including in school education, during the course of the consultative processes for the 12th Five Year Plan. Several states have been entering into PPPs across the board anyway. In the case below, it is unclear how handing over a government school to a private player turning it into a quasi private school would help government schools compete against the private sector.

In Bihar the policies with regard to participation of private players in education is ambivalent and undefined. There are days when leaders and officials in the government will be strident and radical in their statements, favouring, may be, the common school system and issuing warning to the private schools. The same persons can be found in cosy company even with schools run along commercial lines for the elite sections of society.

7. The Questions of Multiple layers of schooling and Equity

The RTE Act does not lay down a uniform set of standards across the country, with Kendriya Vidyalaya schools being exempt from several provisions. The education available to the middle class and rich children has remained of a higher standard than that offered to the children of the poor. In other words, children with better support systems at home are enjoying better facilities of education, usually in private schools, than children lacking even a basic learning environment at home. No chapter on inclusion can be complete without a reiteration of the fact that India's constitution promises equality of opportunity to all persons, which is negated by a multi-layered system of education. Such systemic discrimination would need to be removed in the long run and the schools that children from dalit, adivasi, muslim and urban poor communities need to be provided extra support to come up to the level of others.

8. Recommendations

- a) Disaggregation of data to identify the pockets of exclusion especially at the district and block levels to cull out the geographical locations where in exclusion is endemic or large.
- b) Closure of schools without alternative and viable means for children to attend schools need to stop. Accelerate processes of extension of upper primary school net.
- c) Systems of tracking children's attendance to identify children at risk of dropout to be accelerated. More thought needs to be given to adapting the schools to make them more inclusive and prevent dropout, while also significantly enhancing the bridging system to enable all children to return to school
- d) Immediate end of army occupation of schools across the country making them zones of peace.

- e) Amendment in the Child Labour Act to prohibit all forms of child labour under 14 years of age, especially in agriculture.
- f) Capacity Analysis of the system with a view to improve service delivery particularly to the generally excluded groups. Making the system responsive to their needs and provide them the opportunity to participate meaningfully.
- g) Alliance Building & Partnerships are key to raise the debate on exclusion to a larger audience and then address the issue of exclusion through partnerships.
- h) Development of a rational, fair and transparent mechanism of regulation of private providers of education for children under 14 years of age to ensure inclusion of children from marginalized communities in schools and to minimize malpractices of all forms.
- i) All of India's citizens are equal. While the RTE lays down a set of minimum norms for all schools, these are fairly low, and not enough provisions are there in the Act to ensure true equity.

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CHAPTER VII: Quality Issues

1. Quality What?

Though quality is a term often reserved for the few achievers against many who toil and sweat and fail to make a mark, yet once in a while some people have thought of the possibility and need of universal quality. J.P.Naik once famously remarked that school education in India has remained trapped in the elusive triangle of quality and quantity. Many social scientists have raised the issue of a trade off between quality and numbers, as if larger the number, less the possibility of achieving quality.

Compact Oxford dictionary gives three meanings of quality: 1. the standard of how good something is as measured against other similar things 2. general excellence 3. a distinctive feature. While we refer to quality education the first two meanings are generally taken to be more relevant even as the third one ought to be retained at the back of the mind for a plural and decentralised notion of quality. Further, when we revisit the notion of quality in the context of RTE, the equity aspect and the universal claim to quality must not be ignored. Quality should not be a privilege of a few.

With a view to defining what constitutes quality in elementary education, UNICEF, the GOI and various state governments held a series of workshops in 2003-04 and elaborated quality specifications in four key areas identified by them, namely, teaching-learning processes, teacher support, school and classroom environment and community participation. In another UNICEF document *Quality Education for All, From Girl's Point of View* five key dimensions are listed in which girls often fare poorly. These are what learner bring (to the school), environments, content, process and outcomes.

There is an important European Report on Quality School Education prepared by experts of a number of European countries after a series of deliberations in 2000, which listed as many as sixteen quality indicators. These indicators fall in five categories, namely, Indicators of attainment (1-7), Indicators of success and transition(8-10), Indicators of monitoring of education (11-12) and Indicators of resources and structure(13-16). As noted earlier, based on DISE data, NUEPA has also prepared an Educational Development Index separately for primary and upper primary education as also composite index for the entire elementary education. Altogether 21 indicators have been used further regrouped into four sub-groups, namely, access (3), infrastructure (4), teachers (5) and outcome (9) indicators.

If some indicators of quality measure it in terms of outcomes or what results from education, others may relate to the factors which ensure the attainment of quality among the learners. Of course when we judge an educational system, then all factors are valid indicators of quality. Whereas for the managers of the system or policy planners the latter sets are important, for an ordinary parent who sends his child to a school the former sets are the obvious concerns.

The increasing presence of private schools has affected the concept of quality in an altogether different way, both in terms of facilities which may be expected in a school, or even performance in the public examinations. Performance in examinations become the most crucial

indicator for the parents for the obvious reason that transition to higher level institutions depends on that. The idea of excellence, rather than general excellence, becomes dominant, with a competitive edge, in a market situation defined by the private schools. Consequently in assessing the government schools as well, similar expectations come into play, both in terms of infrastructure and results. Such expectations have led to the setting up of institutions like Netarhat Vidyalaya or Kendriya Vidyalaya or Navodaya Vidyalaya, moving away from the idea of Common School System as prescribed by Kothari Commission.

In the South Asian or Indian context, more so in the context of Bihar, where poverty and deprivation are rampant and we start with the commitment to democratic values, the pursuit of excellence of a handful while neglecting the quality of the majority is an unacceptable proposition. Quality therefore will have to be interpreted as good education for all or general excellence.

Even as Bihar, one of the most populous states in India, grapples with the problem of bringing every child to the school, there is a simultaneous attempt being initiated to address quality issues in education.

2. RTE Act and Quality Issues

The RTE Act does not lay down any specific indicators of quality, and rightly so, given the amorphous nature of the concept. The focus is on the conditions and factors which are likely to influence quality. On the pedagogic side there is a provision of academic authority which is expected to define the parameters of quality directly and indirectly. Some of the important principles of the Act with a bearing on quality are given below:

1. Full time schools teaching minimum number of hours each year
2. Infrastructural facilities and learning materials in school
3. School development plan and School management committee
4. Trained and full time teachers
5. CCE that implies individual teaching customized to a child's needs and multi level learning
6. No corporal punishment or no detention ,no failure implying a stress free environment of learning
7. Remedial teaching to take care of weaker students or latecomers to the educational stream
8. Curriculum to be determined by academic authority

Of these, first three items relate to schools and a broad picture is given in the chapter on schools. As for trained and full time teachers, provision of remedial teaching and the number of instructional days and hours, these have also been covered in the chapter pertaining to teachers. Some of these and remaining factors/indicators are discussed below, along with child-performance related themes:

3. Status of infrastructure in schools

The first challenge of implementation of RTE Act is posed by the unsatisfactory status of infrastructure in schools in India. The situation of Bihar in this regard was much worse, indeed much lower than the national average on most indicators. With the RTE act mandating the existence of a minimum of one classroom for each teacher and with the prevailing massive teacher shortages, there is bound to be need for considerable additional construction. Toilet facilities are lacking in about two thirds of schools and then only half of them are functional. National scenario is bad enough, but the state scene is quite disturbing. With India being

heralded as an IT hub internationally, it is regrettable that just over 1 in 10 schools had a computer and only a third of the schools were electrified at the national level. Bihar is a way behind, apparently not even started on the path of modernization. Less than one percent schools have computers and less than five percent government schools are electrified. Things could not have been worse. Access for children with disability, one of the largest groups of children left out of school, remained problematic with less than half the schools having a ramp in India, and the figures being less than forty percent in Bihar. Access to safe storage and cooking space is also an issue in the context of the MDM with the facility getting universalized. The national figures reveal a shortage, but Bihar lags much further behind. Except drinking water facilities Bihar figures are nowhere comparable to the national figures which are themselves lowly, and showing large gaps. Of course large resources are needed to improve the present situation, but importantly there has to be recognition of the problem and the need of urgency of action.

These figures are significant in view of the fact that school environment and availability of teaching learning materials within the school has a definite correlation with the learning levels of children. Furthermore, the working environment has been found to correlate with the attendance rate of teachers who are forced to work in substandard conditions.

A critical issue emerging from the 13th JRM is the issue of availability of land for school buildings. In Bihar, 12% of existing schools have no permanent building and the state has had to resort to purchase of land. This is an issue of special concern for programmes in urban areas (for both government and private schools). Issues of pooling existing playgrounds across multiple schools (to the extent possible), provision of transport and ensuring capacity of vertical expansion are some of the issues requiring redress in the coming year.

Status of Schools Prior to Commencement of the Act		
	Bihar	India
Average Stu- Classroom Ratio- Primary	1: 88	1: 32
Average Stu- Classroom Ratio- All	1: 89	1: 32
Schools with SCR >= 30 (Primary)	74.19	40.63
Schools with SCR >= 35 (Upper Primary)	89.86	33.17
% Schools having drinking water facilities-Primary	89.44	91.51
% Schools having drinking water facilities- All	92.60	92.60
% Schools having common toilet-Pri	44.38	54.14
% Schools having common toilet- All	48.24	54.31
% Schools having functional common toilet (of above)	51.14	63.95
% schools having girls' toilet-All	37.70	58.82
% Schools having functional girls' toilet	50.53	74.64
% schools having boundary wall	39.13	51.45
% Schools having computer	0.94	16.65
% School having electricity connection-All	3.91	38.98
% Schools having ramp	38.71	47.09
% Schools having kitchen shed in government schools	14.73	42.81
% Government and Aided schools providing MDM	72.29	87.45
DISE 2009-10 Flash Statistics		

Another issue that does not necessarily find direct mention in the Act, but is of significance is that of school safety, including structural safety, of schools. While the National Building Code exists, it has not always been adhered to while constructing buildings, resulting in some prominent accidents. 1200 schools in Delhi were found to lack fire safety measures. CBSE had issued a circular to make the schools under its purview safe, including adherence to the National Building Code of India, installation of fire extinguishers (including training of staff for its use) and prohibition of storage of inflammable and toxic material on school premises.

Another critical aspect pertaining to school infrastructure is the question of inclusiveness for children with disability. While ramps are being constructed in many schools, a move towards universal design would be required to ensure true inclusion. RTE makes provision for barrier free access in schools which needs to be interpreted in the true sense of the word, and not reduced to just ensuring ramps are in place while entering the school. Furthermore, ensuring barrier free access within the school would not be sufficient if barrier free access is not ensured on the way between home and school.

4. Corporal Punishment

Prior to the RTE Act, there was no Central legislation in India banning corporal punishment in schools. Different States, however, have enacted laws or made policies to ban it. The Central Government is reportedly working at a separate law on child includes corporal punishment as an offence against a child. Till this law comes into existence, whatever is available may be brought into use.

The Supreme Court in India has banned corporal punishment for children: but only six (06) states have undertaken any efforts to follow that order in the run up to the Act. From these, three (03) states have completely banned corporal punishment [Delhi (2000), Andhra Pradesh (2002), Goa (2003)], while three (03) other states have sought prohibition on corporal punishment: Chandigarh (1990), West Bengal (2000), and Tamil Nadu (2003). In addition, circulars have been issued under the ambit of the RTE Act in 27 States and Union Territories (as in December 2010) to ban corporal punishment in schools. Bihar is included in the list. Further, various efforts have been made by civil society as well as the NCPCR which is currently in the process of developing guidelines for schools on how not to resort to corporal punishment. The passage of guidelines, however, is just a first step in the process of enforcing them. Several high profile cases have been reported from several states in the preceding year highlighting the need for a concerted strategy to address the issue on the ground.

5. Abolition of Board Exams till Class 8, No Detention, and Introduction of Continuous and Comprehensive Evaluation (CCE)

The Act calls for cumulative assessment of the achievement levels of students and as a consequence of the same, makes provision for no retention and abolishes intermediate board exams at grades 1-8. As in December 2010, 25 States, including Bihar had prohibited detention, expulsion and ended board examinations.

Regrettably, this has been interpreted as students being promoted without any learning happening. Instead, this provision needs to be read in conjunction with the introduction of Continuous Comprehensive Evaluation. Prohibition of detention and

Prohibition of Detention, expulsion (25 States)	A&N Islands, Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Delhi, Gujarat, Haryana, Himachal Pradesh, J&K, Jharkhand, Kerala, Lakshwadweep, Madhya Pradesh, Sikkim, Tamil Nadu, Tripur, Uttarkhand, West Bengal.
No board examination till completion of elementary education (25 States)	A&N Islands, Andhra Pradesh, Arunachal Pradesh, Bihar, Delhi Gujarat, Haryana, Himachal Pradesh, J&K, Jharkhand, Kerala, Lakshwadweep, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Nagaland, Orissa, Puducherry, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal.
Source: http://pib.nic.in/newsite/PrintRelease.aspx?relid=68514	

public assessment through public examinations was expected to be accompanied by a change in the strategy of teaching and introduction of processes whereby learning was continuously assessed.

CBSE has introduced CCE in the schools affiliated to it. This has since become the sole visible nationwide example of a functional CCE system in the country, though the ground reality regarding CCE remains rather dubious. CBSE has stated it would introduce a system to analyze CCE results and figure out discrepancies.

In the meantime, some of the states are in the process of piloting the methodologies in their areas. Bihar, among other states, has declared its intent to move to CCE across the state from the coming academic session. However, for CCE to work, requires a robust system to train the teachers, building in checks and balances to avoid favouritism, setting in place a new process of assessing learning to create a continuous mechanism of feedback drawn from all stakeholders, roping in book publishers and curriculum experts for popularising the system and cultural issues pertaining to parental and children adaptations. The introduction of CCE would, therefore, require a systematic rethink of how instruction happens. That level of rethink in the system is yet to happen, whether in Bihar or elsewhere in the country.

Another critical issues pertaining to CCE is its role in tapping the learning of children with disability. Preparation of individual education plans is standard practice for instruction of children with special learning needs and efforts are reported to be underway to adapt CCE for this group of children. This too requires special training and there is no such facility available in the state.

6. Curriculum

The basic school curriculum currently being followed in India evolved from colonial times, and continues to be generally disassociated from whatever knowledge and skills that exists in the society outside the formal institutions. Sometimes 'non-formal education' is proposed against 'formal schooling', implying that the latter is stifling, irrelevant and undesirable by definition, and the former necessarily good. Obviously this is not the case. If made truly relevant, interesting, child-centred and attractive to learners and parents, formal schooling can provide the poor child with a sound educational base. To really provide equity in basic education, what is needed is a combination of the best of both approaches. This is the focus of the National Curriculum Framework, a path-breaking document that, together with the Right to Education Act, has the potential to make education meaningful for all those children who have so far stayed away from it. The RTE Act mandates a move towards compliance with the prescriptions of academic authority, which would be the SCEIRT at the state level

In the colonial mode of school education in India there was an excessive emphasis on language and communication skills to the general neglect of other skills or egalitarian values. With struggle for freedom entering its mass phase Gandhi's Basic education experiment challenged this approach, though it could never become the first choice of parents or the government in pre or post-independence period. Though the scheme of education was modified a little, constitutional values were incorporated in the textbooks, till the eighties there was no serious attempt made for making elementary education universal, much less to ensure quality for all. It was only in the nineties after Jomtien(1991) and later Dakar(2000) that serious thought was

given to the strategies of making first primary education universal followed by the upper primary level and ensuring quality for everyone. While this was the national story, Bihar in its own way addressed the quality issues in its programmes of education during this period. The experiences of Bihar can be traced through three phases during this period. The first phase, beginning in the early nineties, was generally an imitative phase when national policy with regard to universalisation and quality was adopted in the state. The second phase was a reconnaissance phase when state or district level innovations were attempted and there was a beginning of debate on quality in the state. The third phase is the current one when there are several initiatives being taken simultaneously and systemic reforms are being contemplated or introduced.

There were several initiatives proposed which could have an impact on quality issues in education. If there was systemic change proposed through the introduction of common school system, the State Council of Educational Research & Training prepared a Bihar Curriculum Framework and revised Syllabi for school education. Rewriting of textbooks has also started. These initiatives signify a conceptual change in the concept of quality. The nature of conceptual change proposed can be gleaned from the Reports of Expert Committee on Education and Common School System Commission as well as draft Bihar Curriculum Framework and syllabi.

Introduction of a common school system is the most critical systemic reform which will have direct and deep curricular implications. If on one hand allowing the children of the privileged class to study in elitist institutions leaving the children of mainly poor families to study in government schools makes possible a continued neglect of the latter, then on the other hand 'by segregating their children, such privileged parents prevent them from sharing the life and experiences of the children of the poor and coming into contact with the realities of life' (Kothari report). The Kothari report had warned that 'in addition to weakening social cohesion, they also render the education of their own children anaemic and incomplete'.

7. CSS and Quality Issues

The Report on Common School System takes the position that the conventional notion of quality of education, meant for a school system rooted in inequality and exclusion, needs to be examined afresh and reformulated. The Report says that curricular changes also have to take into account the recent developments in learning theories and powerful concepts such as construction of knowledge by children. Further, the paradigm shift in the global economic order during the 1990s has raised public expectations for an appropriate response from the school system, both to resist its anti-people ideological content and to ensure that knowledge is used for advancing the cause of human welfare, rather than of the market and the finance capital. While formulating its response, the Commission has kept in mind the obligations flowing out of the Constitution to create a democratic, secular, egalitarian and enlightened society. Accordingly an alternative formulation of quality is recommended by the Commission in a tabulated form

8. Bihar Curriculum Framework

Bihar is the first state in the country to attempt design of its own Curriculum Framework after the appearance of National Curriculum Framework 2005. As noted in the Foreword of BCF, "Curriculum debate is directly linked with the question of quality of education, which assumes greater importance as the system of school education moves further towards the goal of

universalisation. Elementary education now has the status of a fundamental right.... A concurrent concern at this juncture is about what we teach in schools and how well do we do it. Debates on curriculum have tended to be more thoughtful and serious as well as contentious in the recent years. Perhaps it is a sign of increasing realization of the importance of school education for democracy.”

Despite the existence of National Curriculum Framework 2005 what was the need of a state specific document? The Foreword has the following answer:

“There are in fact two sets of reasons why we find this exercise desirable-the first reasons are valid regardless of the type of national curriculum framework that we have before us, while there are reasons relating to the specific nature of NCF 2005 which needs modifications in the context of Bihar.”

There are distinctive features of this document and the most important among these is an independent chapter on Rural Education. In fact nine out of ten students in Bihar reside in villages and many of them are first generation learners. As a matter of fact the very approach to curriculum is perceptibly modified in the entire document either with an eye on contextualization or to bring it closer to the realities in the state from the point of view of teachers’ opinions or parental expectations or social analysts in the state. As part of the country Bihar shares many concerns taken up in the national policy on education. At the same time it has to grapple with its own problems and for that it has to fall back upon its own resources – cultural and social, and devise its own techniques and strategies.

The idea of schools designing their own curriculum suggested in Kothari report and impliedly endorsed in NCF has been developed and concretized and included in a separate chapter. Guided by an underlying premise that actual curriculum takes shape in the real setting of schools care has been taken to give some simple suggestions to the head teachers and teachers to enable them to attempt it in every school. NCF has provided several interesting clues and ideas regarding what can be done in the schools and much of that has been incorporated and in fact BCF goes one step further by asking teachers to design a school curriculum on their own. If schools actually start doing it, that indeed will be the beginning of the much needed quality reform in education. School has been viewed in four perspectives. First it is a physical space meant for teaching learning and as such the task is to multiply learning sites and augment learning opportunities. School is often seen as a system particularly when a systemic approach is adopted by the planners and managers. School then is an institution with its own tradition and identity. Lastly schools, particularly in the rural Bihar, can function as nuclei of change. After all with two crore children, their crores of parents, lacs of teachers and community members having their stakes in the school with a possibility of direct association radical changes can come about starting from schools, today rather than to-morrow.

Curricular reforms are very important in the context of madarasas which face serious problems of quality. There are different types of madarasas, both government supported and independent and lately BEPC has launched programmes to provide extra hands or training input to existing teachers to enhance quality of education there.

8. Teaching Methodology

The discussion till date has pertained to the necessary prerequisites that need to be put into place for teaching to happen. The present section looks at the classroom practice and the learning environment experienced by learners. The latest JRM finds that about 30% primary classrooms were observed doing some kind of group work. In contrast, it found, at the upper primary level, it was almost exclusively textbook based 'chalk and talk'. This would be something mirrored by everyday experience of most education workers that suggest that the processes of teaching have not really undergone a significant change. While the reality of a large number of classrooms is multigrade (often under conditions under which multigrade teaching is not designed to work well, like high pupil teacher ratios), there is by and large not enough effort happening to make multigrade teaching anything more than a cost saving measure (and not an extension of a multi-level learning experience).

9. Learning outcomes:

The overall poor quality of inputs- including inadequate numbers of (especially trained) teachers, poor infrastructure, poor systems of monitoring of schools, lack of school leadership, inadequate systems for community oversight and input into planning along with inadequate funding have resulted in poor learning outcomes.

10. A. Quality deficit: ASER report

One source of information on the prevailing learning standards of learning during the first year Annual Status of Education Report (ASER) 2010 shows that more girls in the 11-14 age group joined school in rural India in 2010 and more five-year-olds too, but the quality of education, especially in reading and maths, remained low. The percentage of Class 1 children who can recognize numbers 1-9 has decreased. Even after five years in school, close to half of all children are not even at the level expected of them after two years in school. Only 53.4 percent children in Class 5 could read a Class 2 level text. Similarly, on average there has been a decrease in children's ability to do simple Maths. The proportion of Class 1 children who could recognize numbers from 1-9 declined from 69.3 percent in 2009 to 65.8 percent in 2010.

B. Quality deficit: Unicef report

A recent study conducted by Unicef reports some inconvenient facts about the state of affairs in respect of classroom transactions. Some of these are noted below:

- 89% schools do not follow any routine.
- In 65% schools teachers do not use black boards.
- In 98% classes teachers do not use any lesson plans.
- In 86% classes there are no activities conducted on the lessons being transacted.
- 16% teachers and 44% students were found absent.
- In 81% classes there is no assessment of learning done.
- 97% teachers do not know the academic objectives of the classes engaged.

UNICEF also conducted tests on the students of grade II to V to assess the level of learning in Hindi and Mathematics. Some of the findings, which simply confirm the previous reports, are given in the table below:

Children of Gr II in Hindi	Children of Gr II in Math	Children of Gr V in Hindi	Children of Gr V in Math
90% ch can not write simple words after listening them	66% do not understand numbers up to hundred	68% can not read paragraphs of Gr IV	96% ch do not understand hour/minutes/seconds
82% can not even copy simple sentences	44% can not add even single digit numbers	88% ch can not write compound words	85% ch can not divide numbers of three digits with numbers of two digits
83% ch can not read sentences with words with four letters		87% can not understand paragraphs after reading them	

11. *Samajhein- Sikhein*: The most recent Quality-related Initiative

Spurred by the study Unicef has drawn up a program called *Samajhein- Sikhein* which has been launched by the state government on 15 August. In the year-long first phase the process (?) outlined in a six page long document states the following:

- For quality education there will be publicity, orientation and environment-building at all levels.
- In the schools learning environment will be created for quality learning by children.
- Every school will test the academic level of her children to determine its academic goals.
- Schools/classes/teachers achieving norms of quality education will be specially given encouragement.
- A State Academic Quality Mission will be constituted to monitor, co-ordinate and document the entire program.

Some very general kind of indicators are given like timely opening and closing of school, punctuality of students and teachers, cleanliness, routine, facilities like black boards etc.

Even a cursory glance at the document reveals the cavalier manner in which serious quality issues are being addressed.

There is no road map for the proper implementation of RTE which could have contributed far more to quality improvement. There is little being done for the systematic strengthening of institutions including schools or training & research institutions, and not much change is visible in the post-RTE style of governance. It fails to build upon past initiatives, and naively imagines that complex quality issues can be tackled by wishful thinking and administrative fiat.

12. Other Issues relating to Quality

PROBE and many recent reports bring it out sharply that our existing government system fails to impart quality education which is a major reason behind the tendency of s.children from

poor families dropping out without completing even eight years of education. PROBE debunks four myths that have clouded clear thinking on the subject. First myth is that parents are not interested in education, the second that child labour is the main obstacle, third that elementary education is free and fourth that schools are available. In Bihar too the issue is not the lack of interest among parents rather the real issue is our inability to provide meaningful education in the government schools. There are not enough schools. Schools do not have enough teachers, a deficiency which has been sought to be met with large recruitment recently. Curriculum, textbooks and teaching do not relate to their lives and needs. There are little facilities available in the school which may facilitate real learning. Interventions were needed at every level if universalisation of elementary education is to be achieved. It is a good sign that many initiatives have been taken in the last decade, but with the coming of RTE a fresh push needs to be given to quality-related initiatives.

Indeed a great deal more attention needs to be given to institutions and processes. Working of support institutions like SCERT, SIET, Bihar Text Book Corporation, DIETs etc is not quite satisfactory and requires careful study and well thought out restructuring in view of the changes that have taken place through new programmes and commitments in the domain of elementary education. However, before turning to the institutions it is worthwhile to take note of some more promising developments.

Where do we really stand?

While the Act has earmarked a benchmark for the right to schooling but it is not so specific about quality education and many challenges are faced still

1. Education in India is on the concurrent list. This means that while the Centre is responsible for providing general direction in terms of educational policy and curriculum, the running of the vast school network is the responsibility of individual state governments. Therefore tracking aspects of CCE, remedial teaching, orienting teachers on corporal punishment etc is the states responsibility. This creates a huge challenge for ensuring universal minimum standards across the country.
2. Other aspects of the Act like setting up of SMCs and SDPs can potentially play a strong role in ensuring quality. However, these have by and large not been formed across the country and their capacity building leaves much to be desired. Furthermore, the experience with their predecessors the VECs and PTAs suggests that their definition remains too limited and quality aspects do not necessary mandatorily reflect for each school development plan.
3. Discrimination on the basis of caste, class, gender and creed and violence and abuse of children continues. In addition to glaring incidents of discrimination, these are often covert and are result of unequal access to learning opportunities of children.
4. Creative inputs in curriculum design are the need of the hour -to evolving a curriculum and pedagogy suitable for local needs and demands, while keeping in mind the important issue of equity in educational opportunities. Community-based organizations and people's movements may not on their own be equipped with the technical expertise and the broader national and international perspectives needed to develop an appropriate curriculum and pedagogy for local needs within the larger mainstream. Specialist technical support organisations, along with colleges and departments of

education and social work in universities, have a crucial role to play in this area. And this space as yet has to be occupied by non state institutions

CHAPTER VIII : Finance & Governance-related Issues

1. Resources for Right to Education Act

Issue of readiness for implementation cannot be addressed without considering the question of financing. Article 7 of the RTE simply states that the Central Government and the State Governments are jointly responsible for the funding of the RTE. Bihar was among the states which raised the issue of inadequate financial support by the centre making implementation of the Act impossible for the economically weaker states. The implementation of the Act was held up for several months over a Centre - State row over cost sharing. Originally the Central Government planned to start with a 55% to 45% split with the State Government for funding which would eventually be an even 50% split between the two. However, following pressure from states, the Central government changed the funding ratio to 68% central and 32% state funding. For the north-eastern states the central government will provide 90% of the funds. This model has been approved by the Expenditure Finance Committee. However, even this reduced formula is opposed by some states including Bihar. The tone of the discussion between the centre and states has been unfortunate and in the end it is the education of India's children that suffered.

The key to state-central sharing is the financing capacity of different states. The pragmatic way to look at it would be to have a more flexible approach towards the poorer states given the fact that these are the states where large educational gaps remain. At the heart of the debate are three issues: the precarious status of the finances of the States, poor financial systems that lead to low ability to absorb resources and the lack of overall will (on the part of both centre and states) to do what is needed to ensure implementation. The following section examines the principal issues:

2. Budget for SSA and RTE

Outlays for SSA in the Union Government from 2007-08 to 2010-11 (in Rs. crore)

2007-08 RE	13171
2008-09 RE	13100
2009-10 RE	13100
2010-11 BE	15000
2011-12 BE	21000

Source: Union Budget document, various years from CBGA

The Union government estimates an overall amount of Rs.2, 31,233 crore for a period of five years from 2010. The 13th Finance Commission has allotted 24,068 crores for 5 years. However, the outlays have not shown the commensurate increase. These estimates are very conservative compared to those made prior to the passage of the Act. However, both the budgets that fall in

the period of implementation of the Act have committed resources below even these low levels. Indeed, the low investment manifests the lack of interest in seriously working towards a proper and full implementation of the Act. As the implementation of the Act began, additional allotments (8,521.70 crores) were made to several states to fund their implementation of the Act under the SSA. However, several states failed to take advantage of this offer. The pattern of under-budgeting has continued into 2011-12. The MHRD had asked for Rs 34,000 crore for the Sarva Shiksha Abhiyan (SSA) in the 2011-12 budget to spend on recruiting trained teachers, training untrained teachers, setting up schools and improving basic facilities at schools. However, the ministry only received Rs 21,000 crore for the SSA, just Rs 2,000 crore above last year's revised allocation. This is bound to negatively impact implementation since many of the big ticket expenditures were anticipated to happen in the coming year as the system slowly gears up for implementation. The track record of investments committed by the states in the coming year is also patchy - ranging from an impressive and trend setting 109% increase in Punjab to an approximate 10-15% increase in Delhi. In Bihar the level of expenditure has been steadily increasing over the years. The years after the Act coming into force shows the same trend, and almost a same pace of growth of expenditure.

Analysis of State Budgets: Elementary Education

Summary and Analysis

1. India's education budget (Center and States) has more than doubled in the last five years increasing from `83,564 crores in FY 2004-05 to `1,91,946 crores in FY 2009-10. However, as a percentage of total GDP, expenditures have actually fallen from 3.13% to 2.84% during this period.
2. Elementary education is a priority and accounts for 50% of the total education budget.
3. SSA, GOI's largest program, has seen the most significant expansion in the lagging states. Bihar nearly doubled its SSA budget from `2,414 crores in FY 2006-07 to `4,295 crores in FY 2009-10. Rajasthan increased its budget from `1,253 crores to `2,241 crores and West Bengal's went up from `1,465 crores to `2,194 crores.
4. At the level of state government budgets, Uttar Pradesh has had the largest overall budgetary increase up from `6,439 crores in FY 2005-06 to `11,185 crores in FY 2009-10.
5. There are wide cross state variations in per-child costs. Kerala spends `14,000 per child. Amongst states with low enrolments, Jharkhand spends the least at `4,767 per child. Bihar and Uttar Pradesh have the highest enrolments with per child budgets of `3,743 and `5,146 respectively.
6. Uttar Pradesh had the highest budgetary increase but also had a drop in enrolments. West Bengal and Andhra Pradesh had significant budgetary increases but no real increase in its enrollment rates.

Prepared by Accountability Initiative/ Azimji Premji Foundation

33. SSA Budget & Utilisation Scenario

Even as in recent years there has been a substantial increase in the state budget on education, it continues to be low. Per child expenditure in Bihar is among the lowest in the country. The reason behind the low quantum of spending is that states like Bihar continue to rely on low cost alternatives like hiring lowly paid teachers or back-ending heavy expenditure until resources become available from somewhere. In fact the actual expenditure down the years have been lower than even the fund released during a year, not to speak of the approved budget under the annual work plan. Figures in the following table reveal the pattern clearly:

Table: SSA Budget & Utilisation Scenario

Year	Approved AWP&B	Fund release			Total Exp.	% Utilization	
		GoI	GoB	Total		Fund release	Fund approved
2004-05	836 cr	302 cr	80 cr	382 cr	377 cr	99	45
2005-06	843 cr	303 cr	121 cr	423 cr	444 cr	105	53
2006-07	2340 cr	1026 cr	539 cr	1565 cr	1550 cr	99	66
2007-08	3161 cr	1326 cr	816 cr	2142 cr	1886 cr	88	60
2008-09	3400 cr	1659 cr	855 cr	2514 cr	2083 cr	83	61
2009-10	4132 cr	1217 cr	903 cr	2121 cr	2077 cr	98	50
2010-11 up to Oct '10	5122 cr*	1144 cr	830 cr	1974 cr	1537 cr	78	30
2011-12	11123 cr**						

* R/E Rs 6500 cr, but actual expenditure was around 3500 cr in 2010-11

** B/E Rs 11123 cr has been approved by MHRD, GoI, out of which state govt's share will be Rs 3893 cr

4. Public Expenditure in Elementary Education in Bihar

Table: Public Expenditure in Elementary Education in Bihar

Year	Total Public Exp	Exp on Education		Exp on Elementary Education		
		Amount in Cr	Percentage share in Total	Amount in cr	Percentage share in Total Exp	Percentage share on Education
2008-09 Actuals	37181.2	6641.0	17.2	3772.4 B/E	9.8	56.8
2009-10 Actuals	42796.0	7348.6	17.2	4831.3 B/E	11.3	57.6
2010-11 R/E	53927.0	9343.16	17.3	6500 approx B/E		62.0

2011-12B/E	65325.87	11001.0* (Revision expected)	16.84	11123.0** (As approved by MHRD)		
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Exp on education peaked in 2005-06 (19.4%) & 2006-07 (19.2%)

KENDRIYA VIDYALAYA NORMS FOR ALL SCHOOLS

A frequently cited critique of the RTE Act has been the rather low norms laid down and its failure to ensure equitable quality education for all. In this regard, an alternative exercise of fund estimation by People's Budget Initiative to arrive at a figure for financing RTE is attempted based on the norms as prescribed for Kendriya Vidyalaya (KV) schools in the country. The rationale to adopt KV norms is to ensure that quality concerns are addressed since KV schools are the most satisfactory model of schools that are financed by the Union government catering only to a small minority of population.

It is pertinent to look at the existing government outlays towards elementary education, which was Rs.84119 crore (around 1.5 percent of GDP) in 2008-09. Assuming that the government continues to spend the same 1.5 percent of GDP at the elementary level in 2010-11, this would amount to Rs.1.04 lakh crore as existing spending per year. Adding the incremental amount of Rs.36565 crore a year (which is arrived at by taking one-fifth of the proposed amount of Rs. 1.82 lakh crore¹) that the government has proposed for spending to implement RTE, the total allocations at the elementary level would be Rs.1.40 lakh crore in 2010-11.

There are 981 KV schools in the country with an outlay of Rs.2002 crore in Union Budget 2011-12. The average amount that would accrue to one KV school would be approximately Rs.2.04 crore. The total number of primary and middle schools in the country is known (Statistics of School Education 2007-08); calculating the government spending per school throws up an estimate of Rs.22 lakh per year (Rs.1.40 lakh crore / 640268 schools). To adopt KV as a norm, assuming that at least half of the Rs.2.04 crore is spent at the elementary level, the government spending at elementary level based on KV norms works out to be Rs.1.02 crore.

Thus, if the government starts implementing its proposal for increasing budget outlay for elementary education by Rs. 36565 crore per year, our analysis shows that while the government spends at least Rs.1 crore per KV (at the elementary level), the comparable amount being spent for implementing RTE would work out to around Rs.22 lakh per average government school. Clearly, it is inadequate if the government is keen to address *quality* concerns in universalizing the right to education, since this increased amount would be only about one-fifth of what the government is spending on providing quality education to a small percentage of the children in the country.

(Reproduced from CBGA (2010) Education Background Paper for National Convention on Union Budget and analysis of the Union Budget 2011-12)

5. Extent to which resources reach the schools

Information for 2010-11 is currently not available. However, going by the government's own statistics during 2009-10 (DISE Flash Statistics), 84% schools receive the school development grant and 82% received the Teaching and Learning Material (TLM) grant. Thus, 1 out of 5 schools failed to receive any money for enhancement of school infrastructure or development/purchase of teaching learning materials. The present analysis however does not consider the timeliness of the arrival of the money into the schools. There are also dramatic fluctuations - only 40% teachers received funds for TLM development and 54% schools in Meghalaya received money for school development.

6. Absorption Capacity and Financial Systems

In year preceding the implementation of the RTE Act - FY 2009-10

- Only 83% of total funds available (opening balance, GOI and state releases) were spent.
- However, expenditure as proportion of planned allocation remained 77% indicating a mismatch between planning, release and expenditure.
- In addition, there is a last minute rush to spend funds. In FY 2008-09, only 37% SSA expenditure was incurred in the first two quarters of the financial year.
- Rajasthan and UP have spent over 90% of their allocated resources under SSA, contrasted with Bihar at only 61%

However, the flip side of low overall budgets is the simultaneously low absorption capacity in several places. A major reason for insufficient allocation is the consistent backlog of spending on the part of states. With resources remaining under-utilized, the centre factors this amount as already available with the states and reduces the new allocation accordingly. On one hand this means that states never really receive the resources that are needed, but also that a greater effort needs to be made to address the barriers that impede spending. Bihar is one of the states where resource allocation for SSA/RTE is substantial but the end use is much less.

7. Information Management

One of the problems that comes in the way of advocacy or policy planning or proper implementation of RTE Act is the unreliability of data relating to schools, infrastructure, students etc. So long there is a story of success or achievement that can be narrated on the information on schools it is welcome, particularly at the higher levels, otherwise data is unlikely to be highlighted in the public domain.

DISE data is compiled, collated and disseminated by the state government, and sometimes manipulated to show achievements artificially. A brief study was done by ASSERT, Patna to check the veracity of data. There was a +12% error, which may even be larger today.

For a proper usable compilation and maintenance of data it is imperative to institute a system at the level of panchayats and urban local bodies which has been recommended in the past by Citizens State Action Plan and the Expert Committee on Education in Bihar. Recruitment of a computer knowing person at that level with the responsibility of child tracking linked with schools on the one hand and PRIs and education department on the other hand can be done for ensuring better and useful information management.

REPORT ON SAMPLE CHECKING OF DISE DATA 2006-07

MILESH PANDEY & T. N. SINHA

ASSERT, Patna

Conclusion and Recommendations

The principal objective of the survey was to measure deviations of DISE data from Post Enumeration Survey (PES) data and to suggest appropriate remedial measures for strengthening the DISE system in Bihar. So the Sample Checking of DISE data deals with a few relevant issues concerning DISE format and mechanism made for implementation of DISE in Bihar. Overall 449 schools were covered from 6 sampled districts for comparison of DISE data with PES data.

State Level Office of Bihar Shiksha Pariyojna Parishad, Patna, provided tools (NUEPA) for survey. Major finding with recommendations for strengthening the DISE system in Bihar are as follows:

Findings

□ The overall deviation of DISE data from PES data, in respect of all comparable items, is 12% which is slightly higher than the permissible percentage of deviation i.e. 10% and thereby giving a precision level of 88%. □ Out of 28 comparable variables, 11 variables show a deviation of 10% or more from PES data. These variables are type of school (11.1%), repeaters (19.1%), disability (33.5%), examination result (11.1%), teachers sanctioned post (24.1%), teachers in-position (21.5%), toilet for girls (9.8%), availability of furniture for children (11.8%) and distribution of textbooks. □ Indicators with less than 10% of deviation from PES data are location of school (2.7%), category of school (0.5%), lowest grade in schools (0.4%), highest grade in schools (2.7%), school management (5%), residential status (2%), part of shift school (2%), pre-schools (4.5%), children enrolment (7.2%), status of school building (4.2%), electricity (1.8%), common toilet (7%), source of drinking water (8%) and availability of play ground (6.2%).

Major reasons for these deviations may be summarized as:

o **Types of school:** Majority of schools were made coeducational especially primary school, but still some schools are bearing their old name and same is used for DISE code. o **Repeaters:** Problem of definition and interpretation of repeaters. o **Disability:** Over reporting. o **Teachers sanctioned post and In-position:** Non-availability of record and knowledge about sanctioned post was found in majority of schools. Several new teachers were appointed but schools do not have the record of sanctioned post. In majority of cases, school received the appointed teachers. Schools do not have the information about the number of sanctioned post. High deviations in "in-position" may also be due to large teachers' choice of transfer, deputation of teacher on other schools, deputation on other activities and appointment of new teachers during June-July 2006 to December 2006. o **Availability of Blackboards:** Under reporting. o **Condition of boundary wall:** Interpretation of Pucca, Pucca but broken, wire fencing, hedge and others. There seems to be no clear-cut understanding. o **Availability of furniture for children:** Interpretation of furniture for some and none. o **Distribution of textbooks:** Distribution of books to poor children of other social category, who are not entitled for that.

□ The students' attendance on the day of visit was 55.8% at elementary level and 55.9% at primary level. □ Teachers' absenteeism on the day of visit was found high. Overall teacher absence rate was 15.2% i.e. 15.2% of teachers were absent from school on the day of visit. The same was 14.3% for primary schools, 16.5% for primary with upper primary, 3% for only upper primary and 15.9% for primary with upper primary and secondary.

□ 9.3% of VSS are constituted in first three years of SSA (i.e. 2001 to 2003); only 51.6% of VSS are constituted after 2004. The VSS act suggests reconstitution of VSS in every three years. But the record revealed that the reconstitution of VSS in every three-year was not taken care of. 59% of VSSs were found to be formed before three years and the same VSSs were continuing.

□ 36.2% of schools do not have photocopy of filled DISE format. □ 60% of schools do not have School Report Card. □ 41% of schools do not receive training on DISE format.

Whereas only 38% schools received one day training and 20% received half day training. All the training was organized on the Guru Gosthi meeting at BRC or CRC level itself. Respondents' interview revealed that DISE training was one of the agenda of Guru Gosthi or CRC meeting, which held once in a month, and no separate training on DISE format was organized. This dilutes the seriousness of the DISE system.

□ Only 47% of schools Headmaster/Head teacher are satisfied with DISE training. □ Specific problems faced by HM/HT in filling DISE format are calculation of class wise age of children, identification of repeaters, building blocks, teachers positioning against sanctioned post, compilation of children data, calculation of total enrolment & new enrolment and calculation of school leaving certificate etc.

Major suggestions provided by respondents (HM/HT) are:

o Micro level training at Block Resource Center by competent trainer in a participatory training mode with improved training methodology is needed. o Supply of School summary report and feedback on filled DISE format should be ensured. o Schools should be very clear on the basic indicators of schools at CRC before filling of DISE format. So that quality may be ensured.

CHAPTER VIII : Analysis of Progress & Recommendations

1. Progress of implementation:

It is indeed disheartening to note that the process of implementation has failed to gather momentum in the first year, both at the national level and in the specific context of Bihar. Given the time frame of three years for implementing many provisions, and commitment of completing the entire process in five years called for a concerted exercise and big push, which regrettably has not been given. To begin with the Central government appeared to be dragging feet on its financial commitment and has been miserly even after so much of pressure from the states. Bihar, like most other states, has not shown any extra enthusiasm by committing more funds. Also its absorption capacity is and will remain limited unless there are changes in system of governance and policies regarding teachers. In respect of making of Rules, or restructuring of processes and institutions or creation of new institutions again there is an unmistakable sluggishness. The Act is still caught up in a bureaucratic maze, and governments at the Centre or in Bihar have not exactly shown requisite keenness regarding its implementation. Even launch of a programme like SSA was done with greater fanfare, preparation and enthusiasm especially at the national level. This time, while an explicit constitutional right has been created, there is no corresponding response from the government side.

Dilatory and distracting debates on resource availability and sharing of burden between the Centre and the states, reservation in private schools or applicability of the Act to minority institutions etc abound while real issues are not being addressed in earnest. It is true that debates on issues like privatization or commercialization should take place at this juncture, but the basic commitment of the Act is to give a credible national system of public education and right to a functional neighbourhood school to every child is not getting the attention they deserve.

The Act is after all meant for the section of child population hitherto denied proper quality education through government schools and their concerns are yet to get reflected in the patchy initiatives which are noticeable here and there. It is a question of rights of the child and civil society also has a responsibility of clarifying the ground issues.

2. Analysis

In the first place neither the central government, nor the state governments across the country are ready to accept the Act as a right of child in particular, and right of people in general. They are either evasive and non committal, or condescending and pretentious, but either way they fail to show the respect a child or common man deserves. That is why they are willing to grant doles and concessions, but balk at the idea of a demand by the people or sometimes even react against a word of criticism against the policies of the government. In Bihar if there are incentives galore on the one hand, bicycles and uniforms, there is hardly any large systemic change which can make the right of education a reality. This is not to criticise or reject the rationale behind the incentives, but much of that actually is integral part of the right to free and compulsory education.

There is a marked preference for ad hoc measures over a well thought out comprehensive strategy for the expansion and qualitative improvement of the system of school education. There is a lack of clear vision and want of a road map on the implementation of the RTE Act in the state. Further, if there are some set of recommendations by expert bodies (say, Expert Committee on Education or Common School System Commission) it is ignored. Similarly, suggestions coming from the civil society (e.g., State Action Plan prepared by a group of citizens in February 2008 or the modified State Rules prepared after several round of consultations in early 2011) are not paid the attention they deserve, because they seek to lay down certain principles of accountability for those who are responsible for implementing the Act.

There is a marked reluctance to face realities that are ugly or inconvenient, and show case achievements even when they are isolated, ordinary or just meagre. Hence the tendency to keep eyes closed when figures are inflated or selectively presented. By all means the educational scenario at the school level is better than what it was a decade back, but there are serious problems which remain unresolved or even unaddressed. Enrolment has gone up, schools look better, and number of teachers has increased, but these improvements can not gloss over the poor quality of learning, or lack of facilities in large number of schools, or shortage of trained and competent teachers.

Management structure is plagued with many problems, corruption and inefficiency being two serious debilitating factors. While there is some talk about SMCs, but the participation of civil society is low. In fact there is little space allowed to them, and that little space is occupied by persons or groups with uncertain commitment to education or competence to handle problems that loom large over school education in the state. The promise of decentralized governance made in the constitution remains unredeemed, and PRIs have no definite role in the governance of schools. The system of child tracking has not been put in place, nor do schools have a system of maintaining pupil cumulative records as envisaged in the RTE Act. Indeed a lot of ground remains to be covered and if the last child is to be assured of good education a paradigm shift is needed. The process of planning has to commence from the grass roots, and a system of decentralized governance instituted. The information management also needs a relook.

3. The Way Forward for the Civil Society

The task before the civil society organizations at this juncture are large and daunting. Elementary education, or for that matter, school education itself is primarily the responsibility of the State, but it does not imply that civil society can afford to be neutral or complacent. In the first place it must act as a pressure group and watch dog on the one hand and as an associate and collaborator on the other. As it is pressures from communities are varied and often working at cross purposes. Higher degree of consensus at least on basic issues relating to public system of education can be brought about through dialogue and public debates. It is important to make the state commit to whatever has been promised in the Act. A concurrent struggle needs to be carried on with respect to the areas not yet covered by the Act or to remove its deficiencies.

Creation of a large national and state alliance can help greatly in promoting the cause of universal quality education. This in turn calls for concerted and continuous collective effort on the part of many groups and at many levels. Again internal debates will be crucial for carrying the process forward, and for the debates to be meaningful and grounded in reality it is imperative that there is sharing of information and experiences on a continuous basis.

4. Recommendations

For Central Government

- Take a considered view on the proposed amendments in the RTE Act. While the Amendments for Persons with Disabilities have already been inordinately delayed, the other two require reconsideration. For minority schools, having representation of a majority of representation of parents from the minority community on the SMC would make the SMC's role non conflictual with their minority character. There is little, to no justification visible for the SMCs being given only an advisory role in aided schools.

For State Government

- Involve society at large meaningfully to make RTE a reality. This will entail recognition and respect for the rights of child by the state apparatus and meaningful participation of civil society in the processes for the implementation of the Act.
- Ensure immediate follow up of the notification of the State rules, with proper consultation with all stakeholders to minimize probability of dilution of key provisions.
- Create and strengthen the institutions visualised in the Act or otherwise desirable for full implementation of the Act and ensure universal quality elementary education.
- Full & expected level of functioning of SCPCR will require enhancement in the capacities of the members of SCPCR and providing them with enough wherewithal to function efficiently.
- Issue necessary orders like formation of SMCs as envisaged in the State Rules.
- Plan for the implementation of various clauses under the RTE Act relating to schools, SMCs etc together with the clause pertaining to preschool education in mainstream schools.
- Enhance the budgetary allocation for the Right to Education Act to implementation of key provisions. Minimum projections made by the government are a starting point, but should be slowly enhanced to ensure schools eventually adhere to the KV norms.
- An enhanced allocation does not amount to an arbitrary and unplanned investment. Well known barriers to spending need to be addressed to minimize wastage of resources and under-spending.
- Create a well defined professional cadre of regular teachers entitled to respectable pay scale and proper service conditions.
- Clear and well understood mechanisms for grievance redressal need to be urgently put into place considering the number of schools that remain not fully RTE compliant.

For SCPCR

- SCPCR should start playing its watchdog role and create pressure on the functionaries to take the Act with seriousness.

For Civil Society

- A concurrent struggle needs to be carried on with respect to the areas not yet covered by the Act or to remove its deficiencies.
- Creation of a large national and state alliance to help promote the cause of universal quality education.

- Internal as well as public debates to carry the process forward, meaningful and grounded in reality it is imperative that there is sharing of information and experiences on a continuous basis.

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