



# **INCLUSION OF MARGINALISED CHILDREN IN PRIVATE UNAIDED SCHOOLS UNDER THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009**

## **AN EXPLORATORY STUDY**



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## PREFACE

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), in force since April 2010, provides for inclusion of children from marginalised communities (defined as disadvantaged and weaker sections under Section 2 (d) and (e) of the Act) in private unaided schools. The manner in which such admissions should occur and the nature of such inclusion has been determined by the rules framed by appropriate governments. The private unaided schools have always controlled their own admission policy and resisted the provision through various means, including challenging the constitutionality of such a provision in the Supreme Court. But the effort was not successful since the court, in April 2012, upheld the provision as well as the constitutional validity of the Act.

This provision has direct ramifications at multiple levels. At the administrative level, the issue has been about the nature of the rules framed that are meant to operationalise this provision and the extent to which these have been implemented. At the school level, the issues pertain to admissions, fee reimbursements and financial adjustments, school and teacher preparedness, socio-cultural dynamics within school and classrooms, peer interactions,

academic planning and so on. At the family level, issues have revolved around coping and adjustments at socio-cultural, economic and academic levels. Media reports have indicated resistance towards this provision from private schools as well as discriminatory practices – both overt and covert – that prevail at multiple levels within the schools. At an official level, the provision has been defended on the grounds of ensuring inclusion of the marginalised children in the private schools that are perceived as schools offering better ‘quality education’ as well as ensuring that the private schools also contribute to the national efforts towards universalising education.

While this provision is a significant legal and social attempt to foster inclusion and questions the disparities prevalent within the education system as a whole, the level of its acceptance by various stakeholders and the nature of its implementation can help us understand the position of such a policy prerogative, the challenges and potentials it faces in ensuring its ultimate objective. This exploratory study attempts to look at the implications of this provision in practice so as to understand what is happening on the ground and what can be done.

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We would like to place on record the contribution of the data collection team and thank them for their efforts.

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## EXECUTIVE SUMMARY

The Right of Children to Free and Compulsory Education Act (2009) has a unique provision whereby private unaided schools are required to provide free and compulsory education to children from disadvantaged groups and weaker sections up to 25 per cent of the class strength of Grade 1 or pre-school, whichever is the starting point. The government has to reimburse the schools an amount equivalent to what the government spends on educating children in its own schools. This provision has been contested and the Supreme Court upheld its validity in April 2012 wherein it said that the provision would apply to unaided non-minority private schools and aided minority schools. This provision, which has only recently been rolled out, is meant to foster inclusion of the marginalised in private schools. However, considerable issues and challenges have impacted its implementation.

This research was carried out in two cities – Bangalore and Delhi, to capture what early starters among the states/cities had been able to achieve and with the idea of showcasing/ disseminating workable models for other states/ cities. The broad research objectives of the study were to:

1. Review the rules, guidelines, notifications of the appropriate governments related to this provision to assess the extent to which it has been operationalised through administrative measures
2. Examine the administrative structures and processes for the implementation of the provision and its functioning to assess the preparedness of the government to implement the said provision
3. Assess the nature of inclusion under this provision in select private unaided schools

The study captured data on implementation in the academic year 2012-13. Purposive sampling was done to select the schools that catered to various socio-economic categories, had different medium of instruction and were affiliated to different school boards. Data was collected using 10 tools from 36 schools in Bangalore and 16 schools in Delhi. There was stiff resistance from several private schools. Data gathered was used

to generate descriptive statistics and analyse qualitative themes that emerged.

The study shows that in the two cities, the experience of implementing the RTE provision of 25 per cent seats for the marginalised has been similar in some ways, yet also distinctly dissimilar in other respects. In both the cities under study, rules and guidelines on financial reimbursement have been prescribed in clear and accessible forms. Requirements of income certificate and other documentation though caused delays, harassment and corruption. With respect to administrative structure itself, both places reported lack of staff as the main bottleneck and a hurdle in effective implementation and monitoring. The study found that the 25 per cent provision has been claimed by those who were aware of the provision, and who knew how to get the required documentation. The absolutely impoverished and marginalised families have not made use of the provision in both the cities. The administration's reliance on the existing staff compromises effective implementation of other provisions of RTE Act that deal with improvement of government schools. With such overstretched resources, the departments were found to short-change on some of the procedures. In both the cities, there was no structural linkage between implementation of the 25 per cent provision and the recognition of private schools. Schools in both the cities, but particularly Bangalore, said that reimbursement is hard to come by and it has opened doors for greater governmental interference. In both the cities, monitoring mechanisms to review the implementation of this provision are lacking. So far, the governments have not published a single official report about the implementation of this provision.

Integration of children in the schools is largely positive given that children are very young and not aware of the differences. Parents preferred private schools because they wanted the school to fulfill their expectations of 'quality', implying that government schools lack quality. Parents faced difficulties in providing academic support, but were able to provide material support to their children in the form of clothes, food, supplies etc. Schools had very little idea on how to foster inclusion, and teachers were not equipped to do so. Most schools had



admitted the children but were not committed to bringing fundamental changes in attitudes or pedagogies that would foster inclusion. School managements were concerned with the handling of financial difficulties owing to lack/delays of reimbursements and excessive governmental interference. There is a definite sense of anxiety about the continuity and survival of the children in the schools. However, there is little guidance and dialogue among schools or between schools and administration on how to ensure that children complete their schooling.

The grievance redress mechanism, which is the first line of redress, has not yet taken off in both the cities. These authorities are rarely accessed and there seemed to be no clarity on how these would function. Even the Commissions for Protection of Child Rights have been bogged down with their own set of struggles. There is poor or no awareness among the government departments about the provisions of the Act and how these should be rolled out. Moreover, the fact that recommendations made by these bodies are largely persuasive and not binding give the commissions a lighter foothold to stand on.

Some of key recommendations that emerge from the study are:

1. An integrated RTE cell should be established within the Education Department that can effectively converge the mandate of the state to provide, fund and regulate. This will allow linking Section 12 (1) (c) to granting school recognition, fee hike and other regulatory functions of the state.
2. Policy clarity is required on a number of issues such as granting of minority status, norms for reimbursing pre-primary admissions, vacant seats, children with multiple disadvantages and so on.
3. The process of admissions, provision of eligibility certificates, selections, reporting and disbursements should be streamlined. The government should spread awareness about the provisions and build transparency and accessibility in procedures.
4. Grievance redress and monitoring institutions should be strengthened and their roles publicised.
5. The governments should hold periodic dialogues with private schools at the block level to share ideas, recognise innovative practices, discuss problems in implementation and provide clarifications.

## CHAPTER 1: BACKGROUND

### 1.1. Inclusion of Marginalised in Private Unaided Schools – Statutory Provisions

Policy prescription on inclusion of marginalised children in private schools has a long history and can be traced to the National Policy on Education (1968) which stated, 'To promote social cohesion and national integration the Common School System as recommended by Education Commission should be adopted. Efforts should be made to improve standards of education in general schools. All special schools like public schools should be required to admit students on the basis of merit and also to provide a prescribed proportion of free-studentships to prevent segregation of social classes. This will not, however, affect the rights of minorities under Article 30 of the Constitution'.

Almost 50 years later, the articulation of Section 12 (1) (c) of The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) provides for a similar measure. It states, 'For the purposes of this Act, a school specified in sub-clauses (iii)<sup>1</sup> and (iv)<sup>2</sup> of clause (n) of Section 2 shall admit in Class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory education till its completion'. The proviso to this section states that if such a school imparts pre-school education, the provision would apply for admission from such pre-school education. The unaided private schools providing such free and compulsory education are to be reimbursed to the extent of per-child expenditure incurred by the state or the actual amount charged from the child, whichever is less, as prescribed in rules notified by state governments. The rules notified by state governments stipulate the duty of the local authority, which is to ensure that the children admitted under this provision are not discriminated against in any manner. This clause has been among the most contentious in RTE Act and was primarily formulated to foster inclusion of marginalised children. By bringing in private schools of various kinds under the umbrella of

duty bearers, the RTE Act has become a unique piece of legislation.

This provision was challenged in the Supreme Court in *Society for Unaided Private Schools of Rajasthan v. Union of India* [(2012) 6 SCC 1] wherein the constitutional validity of Section 12 (1) (c) was questioned before a three-member bench as it was argued to be in violation of Article 19 (1) (g) and Article 30 (1) of the Indian Constitution. The majority decision given by Hon'ble Chief Justice S. H. Kapadia and Justice Swatanter Kumar upheld the constitutional validity of the Act. However, the majority view was that the Act and in particular, Sections 12 (1) (c) and 18 (3) infringe the fundamental freedom guaranteed to unaided minority schools under Article 30(1) and therefore the Act is not applicable to these schools. The dissenting judgment by Justice Radhakrishnan held that the Act applies to all minorities and non-minorities but Section 12 (1) (c) cannot be held applicable to schools run by minorities and the horizontal application of rights was rejected. Thus, after April 12, 2012 when the Supreme Court gave its judgment, Section 12 (1) (c) became applicable and state governments started providing directions on implementation of the same. Private schools, unaided and non-minority, became duty bound to implement this provision. However, as school admissions in most of the private schools were completed by April when the Supreme Court judgment came out, a lot of schools did not reopen the admission process and did not implement the provision in 2012-13. A sizeable number of schools did, and these schools became the focus of our study.

### 1.2. Duties of Private Schools

The RTE Act has opened a new chapter in the 'State-private' equation in the field of school education. On the one hand is the legal duty imposed on private schools to admit the disadvantaged and the poor children, and on the other is the expanded regulatory system through norms on recognition, infrastructure, curriculum, pedagogy and teachers as prescribed by RTE Act. Even recognised schools have to re-apply for recognition as per the procedures prescribed in state rules after declaring that they meet the norms on teacher-pupil ratio, school infrastructure, number of working hours, teaching, learning and play material as provided

<sup>1</sup> A school belonging to specified category

<sup>2</sup> An unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or local authority



for in the Act. These developments need to be seen in the context of highly fragmented and hierarchical system of private providers across the country, a definite shift of students from government schools to private schools and the rapid expansion of private schools in general. The imposition of specific statutory duties on private schools towards fulfilling the right to education also opened a number of questions pertaining to the ambiguities and gaps in the RTE Act. Besides the question of its applicability to minority institutions, there have been questions about what constitutes aid and grant that would make minority schools receiving support and concessions from the government as 'aided' schools. Would the other provisions of the RTE Act apply to minority institutions? What about schools that take in more than 25 per cent children from marginalised communities? What about the application and implementation of Section 12 (1) (c) in 'specified category schools'? Who should be admitted and on what priority? What is the accountability of schools towards ensuring inclusion and not merely enrolment? Given that private schools are not permitted to make profits under Indian law, the resulting impact of Section 12 (1) (c) on the fees charged for children from general category has been cited as an unintended consequence of the RTE Act. These policy questions and changes are important because private schools have been touted in many circles as the answer or a more efficient alternative to the dysfunctional public school system for realising the goals of RTE Act (Jain and Dholakia, 2009). Though the feasibility and appropriateness of such a proposal has been questioned (Ramachandran, 2009; Jain and

Saxena, 2009 and Sarangapani, 2009), it is crucial to understand how the private schools cope with and negotiate the demands of RTE Act and their obligation to foster inclusion.

### 1.3. Spread of Private Schools in Bangalore and Delhi

There has been a steady and continuous increase of the role of the private sector in school education over the past two decades. Using District Information System for Education (DISE) statistics and trends from its earlier reports, the Annual Status of Education Report (ASER) indicates not only that almost around 35 per cent of the primary school children in India were enrolled in private schools in 2012, but also that by 2014 this figure would be 41 per cent, and by 2019 the government school system would be relegated to a secondary status in providing primary education (ASER 2012). Though there is variation across states in terms of private school enrolment at the primary level, there are also interesting patterns and contrasts (refer Table 1). Much of eastern India seems to be on the relatively lower end of the spectrum of private schooling when it comes to enrolments, compared to states in the other regions. There is a predominance of states from southern India which are in the higher end of the spectrum, while states from the west and central India fall in the middle or lower range of private schooling on enrolments. The northeast provides some contrasts with Manipur, Nagaland, Meghalaya and Mizoram falling in the higher and middle ranges but Tripura falling in a much lower range.

**TABLE 1: PERCENTAGE ENROLMENT IN PRIVATE SCHOOLS (STD I – V) 2010 (BASED ON DISE 2010-11)**

| Percentage*  | States  | Number of States |
|--------------|---|------------------|
| 60 % or more | Goa, Kerala, Puducherry   | 3                |
| 50 to 59 %   | Manipur, Nagaland, Tamil Nadu   | 3                |
| 40 to 49 %   | Andhra Pradesh, Jammu & Kashmir, Karnataka, Maharashtra, Meghalaya, Punjab, Uttarakhand | 7                |
| 30 to 39 %   | Delhi, Haryana, Himachal Pradesh, Mizoram, Rajasthan, Uttar Pradesh                     | 6                |
| 20 to 29 %   | Assam, Chandigarh, Gujarat, Madhya Pradesh  | 4                |
| 10 to 19 %   | Arunachal Pradesh, Chhattisgarh, Jharkhand, Odisha, Sikkim                              | 5                |
| below 10 %   | Bihar, Tripura, West Bengal   | 3                |

\*Corrected to integer figure From ASER 2012 (p. 5)

**TABLE 2: SCHOOLS IMPARTING ELEMENTARY EDUCATION IN KARNATAKA BY MANAGEMENT TYPE (2007-08 TO 2011-12)**

| Karnataka      | Number of recognised schools imparting elementary education | No of Govt schools | No of Recognised Private schools | % Govt schools | % Private schools |
|----------------|---|--------------------|----------------------------------|----------------|-------------------|
| <b>2011-12</b> | 70896   | 50885              | 19966                            | 71.77          | 28.16             |
| <b>2010-11</b> | 59484   | 46550              | 12903                            | 78.26          | 21.69             |
| <b>2009-10</b> | 58159   | 46325              | 11834                            | 79.47          | 20.38             |
| <b>2008-09</b> | 57517   | 46199              | 11318                            | 80.32          | 19.68             |
| <b>2007-08</b> | 56441   | 45622              | 10819                            | 80.83          | 19.17             |

Source: DISE data

**TABLE 3: SCHOOLS IMPARTING ELEMENTARY EDUCATION IN DELHI BY MANAGEMENT TYPE (2007-08 TO 2011-12)**

| Delhi          | Number of recognised schools imparting elementary education | No of Govt schools | No of Recognised Private schools | % Govt schools | % Private schools |
|----------------|---|--------------------|----------------------------------|----------------|-------------------|
| <b>2011-12</b> | 5064  | 2782               | 2282                             | 54.94          | 45.06             |
| <b>2010-11</b> | 5021  | 2772               | 2249                             | 55.21          | 44.79             |
| <b>2009-10</b> | 4946  | 2733               | 2213                             | 54.78          | 44.36             |
| <b>2008-09</b> | 4930  | 2768               | 2162                             | 56.15          | 43.85             |
| <b>2007-08</b> | 4742  | 2982               | 1760                             | 62.88          | 37.12             |

Source: DISE data

One must note, nonetheless, that these figures mask the presence of a burgeoning private unregulated sector with an already sizeable presence. Indeed, as researchers have noted, 'budget schools' or unregulated private schools have played a significant role in the overall transition from the public school system to the private school system in recent decades (Nambissan, 2012). Different statistics are available on the numbers and spread of unrecognised private schools. However, they all indicate the quite significant presence of this sector in the larger school education system in India. For example, ASER 2011 indicates that government schools would have to accommodate around 40 million rural children if the private schools in rural areas, most of which do not comply with RTE norms, are closed down (ASER 2011); DISE 2011-12 on the other hand indicates the presence of around 26,000 unrecognised schools across India which have enrolled 28.4 lakh children.<sup>3</sup>

Karnataka has been very much part of a trend

of increase in private school enrolment as exhibited by most of the southern states. Education Department reports of the state, in their assessment of some of these trends (from 2006-07 to 2012-13), show that there has been a significant decrease of students, almost 12.5 lakh, in the government elementary schools while at the same time there has been a significant increase of students in the private schools, especially the private unaided schools and not all of this is due to demographic transition. In effect, there is an overall shift of over 13.14 per cent in six years, from government schools, at an average rate of 2.19 per cent per year (GoK 2013: 52). In urban areas, the presence of private unaided schools is the highest (48.9 per cent) followed by government schools (36.7 per cent) and aided schools (12.3 per cent) while in rural areas, government schools dominate with 85 per cent share as against 11.2 per cent being private unaided schools and 2.5 per cent aided schools. Private unaided schools have increased at both the lower primary and higher primary stages with the percentage increases being around 7.5 per

<sup>3</sup> See, URL: <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=136729>; accessed on 1 October 2013

cent and 51 per cent respectively.<sup>4</sup>

Delhi, like most of the states surrounding it in the north, west and east, also exhibits a high incidence of private schooling. This is particularly so in terms of proportion of public and private schools imparting elementary education. A proportionate distribution of schools that was 63:37 between the government sector and private schools in 2007-08 stood at 55:45 in 2011-12. In terms of proportionate distribution by enrolment, while Delhi is marginally better than Karnataka at both the lower primary and higher primary levels, the trends are as unmistakable as in Karnataka. There has been almost an eight percentage point decrease in enrolments in government schools at the primary level over the period 2007-08 and 2011-12. Tables 2 and 3 provide a sense of the increased presence of the private sector in elementary education in both Karnataka and Delhi.

Thus, it is clear that the percentage of private schools in both Karnataka and Delhi has risen over the past five years. These private schools come under the ambit of Section 12 (1) (c) of the RTE Act and are hence mandated to provide admission up to 25 per cent to children from marginalised backgrounds.

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<sup>4</sup>The following Analytical Report of the Sarva Shiksha Abhiyan, Government of Karnataka, has been used for this section; URL: [http://www.schooleducation.kar.nic.in/databank/AnalyticalReport1213\\_Eng.pdf](http://www.schooleducation.kar.nic.in/databank/AnalyticalReport1213_Eng.pdf); accessed on 16 September 2013

## CHAPTER 2: METHODOLOGY

### 2.1. Rationale for the study

Section 12 (1) (c) of RTE Act got implemented from the academic year 2012-13 after the Supreme Court decision. This study was undertaken between February and October 2013 to understand the way in which the provision was implemented. Media reports had highlighted issues and challenges that private schools, government and parents/children were facing, but none of these reports were comprehensive and balanced. There was little research presenting an analytical picture of what this provision was actually doing to the private schools and the government, apart from the children and families who were the direct beneficiaries<sup>5</sup>. This study was undertaken to fill in that void and provide an early report on the status of this provision. The purpose was also to identify issues that required policy clarity, consensus and action. A review of the websites of various state governments showed that Karnataka and Delhi were frontrunners in the implementation of RTE Act, particularly Section 12 (1) (c). Official websites of education departments of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab and West Bengal had little or no information on Section 12 (1) (c) Section 12 (1) (c)<sup>6</sup>. Tamil Nadu has its circular on admissions online, but it was not easily accessible. Hence, Bangalore and Delhi were selected for the study, to capture their early achievements, with the idea of showcasing and disseminating workable models for other states/cities.

### 2.2. Research objectives

The broad research objectives of the study were:

1. To review the rules, guidelines, notifications of the appropriate governments related to the 25 per cent provision to assess the extent to which it has been operationalised through administrative measures

<sup>5</sup> A study was done on awareness of RTE in Bangalore private schools by RTE Forum in 2012, but very few private schools responded and hence this aspect was not captured. Another study was published by Sarin and Gupta (October, 2013) which dealt with the provision in Delhi.

<sup>6</sup> Reviewed as on 1 October 2013

2. To examine the administrative structures and processes for the implementation of the provision and its functioning to assess the preparedness of the government to implement the said provision.
3. To assess the nature of inclusion under this provision in select private unaided schools.

### 2.3. Research questions

Since this is an exploratory study, specific questions were shaped around the broader research objectives. These were:

1. What is the level of adequacy, clarity and accessibility of the norms laid out by the government for enabling the implementation of the said provision?
2. How has the administrative machinery mediated this statutory obligation into practice?
3. What has been the experience of key stakeholders in facilitating inclusion in schools? What has worked; what has not worked?
4. What would have to be done by the government to effectively operationalise this provision and implement it?

### 2.4. Sampling

As mentioned earlier, the two cities were selected because they were the frontrunners in the implementation of RTE. Delhi already had the experience of implementing reservations for children from economically weaker sections and thereby provided an additional dimension of historical legacy which also affected the way Section 12 (1) (c) was received. Karnataka had proactively started putting in place systems for the implementation of this provision, although the state rules under RTE Act were notified only after the Supreme Court decision.

In Bangalore, the study covered 367 private unaided schools across the two education districts – Bangalore South and Bangalore North – that comprise Bangalore Urban. Block-wise list of schools that had implemented the provision in 2012-13 was collected from the Education Department. Preliminary inquiries revealed that

<sup>7</sup> Although the study initially planned to collect data from only 25 schools, 9 additional schools were done because the schools had given appointments.

several of these schools had not implemented the provision either because they were not aware of it or because they had not received any application. From among the schools that had implemented the provision, schools were selected purposively to get a spread across categories based on socio-economic profile of students, the school board they were affiliated to and location.

Several schools turned down our requests even though we had a permission letter from the Education Department. Visits were made only after seeking prior permission from the schools. In Delhi, a block-wise list of the schools was obtained. The sample was chosen from four out of the 11 districts – South, North East, Central and New Delhi. The districts were chosen based on various criteria – geographical spread, socio-economic profile of the district, type of student population it catered to and the type of socio-economic group the schools catered to. Although the intention was to study 25 schools, several schools did not respond or co-operate and thus only 16 schools were studied. To triangulate data sources, key informants such as education officials, Commissions for Protection of Child Rights and NGOs were also interviewed.

## 2.5. Data Collection: Plan and Process

A set of 10 tools for data collection was prepared after reviewing them in two workshops (one in each city) with the data collection team, partners and people from Oxfam. The tools used in both cities were largely similar, except for some additional questions for the Delhi component of data collection. The 'toolkit' (see Annexure 1, 2, 3 for Toolkit Index, Bangalore and Delhi tools respectively) thus contained tools to document:

1. The school profile
2. Interview with school management
3. Interview with school teachers
4. Checklist for school and classroom observations
5. Interview with parents/guardians
6. Interview with education officials
7. Checklist for education department
8. Interview with local authorities
9. Interview with State Commissions for Protection of Child Rights (SCPCR) and
10. Interview with NGOs

An orientation workshop was carried out for the field-teams separately in Bangalore and Delhi. All respondents were briefed about the purpose of the study and assured of confidentiality norms. Sequence of school processes was based on the convenience of the school as advised by the head teacher or the principal. The head teacher/principal of the school concerned was requested beforehand to identify at least three parents of children admitted to the school in 2012-13 under the 25 per cent provision, to be present in the school on the day of the visit. In cases where this was not possible, efforts were made to meet the parents by visiting them at their residences or on other convenient dates.

Data collection in Bangalore was done during February and March 2013 and in Delhi during August and September 2013. The list of schools visited in both the cities is provided in Annexure 4. The research team also attended meetings and public hearings conducted by government and NGOs on this subject to collate additional data and gain insight into the ground realities. A list of key informants is provided in Annexure 5.

## 2.6. Challenges during data collection

Given the fact that Section 12 (1) (c) has been a contentious provision and still a subject of litigation in the courts, collection of data was not easy. There were a number of challenges:

1. Obtaining list of schools which had actually implemented the 25 per cent provision in 2012-13 proved difficult; even schools approached based on the lists provided by the education department were found to have not implemented the provision in 2012-13. Therefore, the basic list had to be supplemented with a further list and often schools identified for visits had to be replaced by other schools which had actually implemented the provision.
2. Access to schools was not easily available despite facilitation by the department. The schedule of examinations around the period of the study done in Bangalore accentuated this problem while a few schools completely denied permission to the field team.
3. Although efforts were made to request principals and teachers concerned to request parents of children admitted under

the 25 per cent provision to be present during the scheduled visits, contacting parents was difficult. Schools were also often unwilling to share contact details of parents which made it rather tough for the field team to schedule independent interactions with them at their residence or outside the school. Where parent interviews have been possible, these have often taken place in front of the principal and teachers, and could be influenced by this context. This was the case in both Bangalore and Delhi.

4. In Delhi, schools did not respond or show any interest in the study and although the team had permission from the Directorate of Education, the private schools did not pay heed to the letter and resisted, making it extremely difficult to carry out the study. Often meeting with the principal or manager was possible only after several rounds of inquiries.

## 2.7. Data Analysis

Data analysis was first done for each city separately. The structured and close-ended questions were used to prepare spreadsheets for data-entry for the tools 1 to 5 that were used at the school level. Open-ended questions were entered as they are, and themes from these responses were identified during the analysis. The narrative reports based on observations were read and thematic issues identified that were substantiated and triangulated with data from other sources. As the number of observations was relatively small and qualitative in nature, descriptive accounts were generated using the same. The data collected from key informant interviews was used to describe and substantiate the observations gathered from school level data. This exercise was first done separately for both the cities, and thereafter, comparative observations were drawn to comment on the wider policy implications.

## 2.8. Limitations of the Study

Some of the limitations of this study are:

1. Due to the short time period available, only a limited number of schools could be included in the study. Therefore, generalisation from this data may not be possible, although the findings of the study throw light on the

experiences and challenges of inclusion of the marginalised through RTE Act.

2. As the study was conducted at the time when Section 12 (1) (c) was rolled out, some of the machinery was not in place or had not started functioning as per the mandate (particularly those related to grievance redress and monitoring). Therefore, there is no in-depth commentary on the status of their functioning in the study.
3. The procedures and data management systems are still being put in place within the government and hence secondary data provided to us was not robust and rich for analysis.
4. A number of officials were not available for interviews given that they are tied up with the day-to-day demands of implementation. In addition, a number of them were guarded in their responses because of the pending court cases. This prevented us from going deeper into the bureaucratic dimension of implementation.



## CHAPTER 3: ANALYSIS OF RULES AND GUIDELINES

As per Section 38 of RTE Act, appropriate governments have given effect to Section 12 of the RTE Act through delegated legislation i.e. rules notified by the state governments, which, among other things, have notified the manner and extent of reimbursement to private schools. These have been supplemented by various circulars and orders issued by the appropriate governments pertaining to actual operationalisation of the provision. In addition, the Centre has also issued guidelines/directions that are binding on state governments by virtue of powers granted to the Central Government under Section 35 (1) of RTE Act. In this chapter, we examine and analyse these rules and

guidelines notified in Karnataka and Delhi. We also compare these with similar notifications in other states and comment on the accessibility of these to common citizens, especially those who are likely to claim such entitlements.

### 3.1. Central Government Notifications:

The Government of India has issued various guidelines in relation to the implementation of Section 12 (1) (c) of the RTE Act. These are summarised in Table 4.

The guidelines related to procedures for admission only reiterate the provision of the Act, prohibiting any screening procedure. The guidelines on neighbourhood relax the neighbourhood criteria for the remaining 75 per cent of the students. Firstly, if the norm can

**TABLE 4: CENTRAL GOVERNMENT NOTIFICATIONS RELATED TO SECTION 12 (1) (C)**

| Subject   | Provisions   |
|---|--|
| Guidelines regarding procedures for admission in schools under Section 13 (1) and Section 12 (1) (c) of the RTE Act dated November 23, 2010 | With regard to admissions in Class 1 (or the pre-primary class as the case may be) under Section 12 (1) (c) of the RTE Act in 'unaided' and 'specified category' schools, schools shall follow a system of random selection out of the applications received from children belonging to disadvantaged groups and weaker sections for filling the pre-determined number of seats in that class, which should not be less than 25 per cent of the strength of that Class'.   |
| Guidelines regarding free and compulsory education in neighbourhood schools dated July 25, 2011   | With reference to Section 12, the guidelines state that all unaided and specified category schools 'will be the neighbourhood school only to the extent of admission of 25 per cent of the Class 1 intake (or pre-primary section as the case may be) annually in respect of children from disadvantaged groups and weaker sections in the neighbourhood of the school. For the remaining children in aided, unaided and specified category school, the neighbourhood criterion does not apply. Such schools will be reimbursed expenditure in accordance with Section 12(2)'.   |
| Guidelines regarding the applicability of Section 12 (1) (c) to residential schools issued on July 13, 2012                                 | It states, 'in respect of residential schools the clause would be limited to day scholars, since only in respect of the day scholars can the neighbourhood criterion apply. The provision would not apply to residential schools which start admitting children at grades higher than Class 1'.  |
| Guidelines on implementation of clause (c) of Sections 8 and 9 of RTE Act issued on October 26, 2012  | It mandates the appropriate government and local authorities to ensure that children from disadvantaged groups and weaker sections are not discriminated against or prevented from pursuing or completing elementary education on any ground. All schools should: take measures to safeguard interests, eliminate discrimination or harassment and promote equality. Schools should not discriminate in admission or by denying or limiting access to benefits or by treating them unfavourably. Schools should stop harassment and victimisation of the child by all persons by labelling or passing derogatory remarks or by allotting differential time for such children to meet the teacher or by treating them separately in utilising sports and other facilities. There should be no discrimination by segregation on the playground or canteen, during mid-day meals, or other facilities like toilets and drinking water. No child should face financial extortion or forceful expenditure. Schools should prescribe procedures for handling complaints and the school would be duty bound to respond within 60 days. Schools should engage with the larger education fraternity and spread awareness on importance of equality and overcoming discrimination. It should also make public all measures taken by it for elimination of discrimination. The state governments and appropriate authorities should take necessary steps to ensure that school adheres to these guidelines. |

be relaxed for 75 per cent of the students, it would be discriminatory if the same is not done so for the remaining. Secondly, schools especially in cities like Bangalore and Delhi may not always be located within a residential neighbourhood and hence the number of children accessing the 25 per cent provision from the rigid distance norms of neighbourhood could be low. Residential schools that start a class higher than class one are left out of the purview of this provision. The fact that such schools then do not function as 'neighbourhood schools' needs to be critically reviewed. Neighbourhood, this means, is not dependent on the social-geographical location of the

school, but rather on the nature of schooling (residential or non-residential) offered. These guidelines for schools have largely remained prescriptive.

### 3.2. Karnataka

The government of Karnataka notified its rules under RTE Act on April 28, 2012. It has also issued various notifications related to implementation of Section 12 (1) (c). These are summarised in Table 5.

The classification and eligibility criteria do not address the question of multiple disadvantages

**TABLE 5: NOTIFICATIONS OF GOVERNMENT OF KARNATAKA RELATED TO SECTION 12 (1) (C)**

| Subject   | Provisions   |
|---|--|
| Definition of 'disadvantaged' and 'weaker section' categories | Rule 2 (e) of government notification issued on May 8, 2012 defines 'disadvantaged' category as a child belonging to Scheduled Caste, Scheduled Tribe or Backward Class, caste categories listed by Social Welfare Department as Category I, IIA, IIB, IIIA, IIIB, orphan, migrant and street child, child with special needs and HIV affected/infected child. Weaker section is defined as 'children belonging to all other castes and communities residing in Karnataka, excluding the above categories whose parents' or guardians' annual income is less than the one prescribed by the Social Welfare Department from time to time to determine the creamy layer of socially and educationally backward class (currently Rs 3.50 lakh). The notification prescribes that of the 25 per cent seats, 7.5 per cent seats should be reserved for children from SC communities, 1.5 per cent for children from ST communities and the remaining 16 per cent should be reserved for all the remaining categories of disadvantaged groups and weaker sections living in the neighbourhood.   |
| Entitlements of children                                      | Rule 5 provides that children admitted under Section 12 (1) (c) would be given free textbooks, writing material and uniforms. Children with disability would also be given free special learning and support material and the responsibility of providing the free entitlement would be that of the school. It is the duty of the school to ensure that children are not segregated from other children in the classroom and that classes are not held at separate place or timings from those held for other children. Children are not to be discriminated against in any manner in respect of entitlements and facilities such as textbooks, uniforms, library and ICT facilities, co-curricular programme and sports (Rule 7).   |
| Determination of neighbourhood and eligible children          | For the purpose of determining and establishing neighbourhood schools, the local authority shall undertake school mapping and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged group, children belonging to economically weaker sections and children within a period of one year from the date of notification, and every year thereafter.  |
| Procedure for filling seats                                   | If sufficient seats are not filled in by children from SC communities, they will be filled in by children from ST category and vice versa. If both SC and ST categories are not filled, they shall be filled by all other categories of disadvantaged and weaker sections. If seats for all other categories (16 per cent) are not filled, they have to be filled in with children from SC and ST. After all the applications in the neighbourhood are exhausted, applications from those residing outside the neighbourhood can be considered. Orphan children have to get certified by Department of Women and Child Development, migrant and street children have to be certified by Education/Women and Child/Labour Department, children infected/affected by HIV have to be certified by Health Department and children from weaker sections have to be certified by the Revenue Department. Schools are required to display on the notice board the number of free seats available, admissions and wait-lists. No registration fee or prospectus can be charged from those applying for free seats. A common application form must be available free of cost on the website and the same can be used by parents. If there are more applications than the available seats, selections are to be done through lottery method in the presence of parents, and an official from the Education Department. The lottery process is videographed and recordings along with list of selected candidates should be sent to the department within a day of lottery. |

| Subject                   | Provisions  |
|---------------------------|---|
| Duties of local authority | Local authority to undertake school mapping to determine the neighbourhood school and ensure that schools do not discriminate against children admitted against free seats.   |
| Financial reimbursement   | The per child expenditure of the government is calculated on the basis of total annual recurring expenditure incurred by the state on elementary education in respect of all schools established or owned by it or local authorities, divided by the total number of children enrolled in all these schools. At the commencement of every academic year, this per-child expenditure amount is notified by the government and this is reimbursed to the unaided private schools electronically in two equal installments in September and January and is deposited in a separate bank account which is subject to government audit. The amount of reimbursement per child is fixed as Rs 11,848 per annum for Grade 1 and Rs 5,924 per annum for pre-school education. Those admitted under this provision shall not be levied any fees, charges or expenses by such school. Reimbursements are not made for children admitted above the quota prescribed.   |
| Reporting by the Schools  | Schools have to submit a Status Report in a prescribed format in July and January of every year to the Deputy Director of Public Instruction (DDPI) through the Block Education Officer (BEO) (Rule 8). This half-yearly compliance report (Form 3) includes grades starting from pre-nursery (although the government of Karnataka implements this provision only for kindergarten) and seeks information on the number of children admitted as per the social category and gender, their attendance, school performance (to be specified as grade attained ranging from A+ to C), provision of special training for children securing poor grades, reasons for poor attendance, if any child took transfer out of the school and reasons, number of children detained and the basis of such a detention (attendance, performance or both or discipline), if all the entitlements and reimbursements have been received and any serious complaints that the school may have to the parents about 'children's schooling habits' and any other information the school would like to report on. |

and it is not clear if such children would get higher priority. While some are permanent categories (ascribed status) others are temporary (e.g. weaker section) and fresh certification has to be issued every year. The requirement of certification is a non-negotiable for admission and overlooks the realities of street and migrant children. The fixing of the amount for pre-school education was arbitrary by the government's own admission and was a figure derived at by halving the amount for grade 1. This was also due to the fact that the government had no figure to base the reimbursement amount, given that the Department of Education does not run pre-schools and this is primarily a private sector dominated activity. The reports to be submitted by the schools have several problems. Firstly, it brings in the dimension of children's grading and presupposes that children from disadvantaged and economically weaker sections are likely to perform poorly and hence require special training. Although detention is prohibited under RTE Act, the form inquires into detained children and also suggests there could be conditions that would otherwise justify detention. The objective of an inquiry into 'schooling habits' of such children is not clear. We were not able to access any of the compliance reports and it is not clear if these are even submitted by all the schools as stipulated. While reports are invited from schools about the children, there is no opportunity for parents to

give feedback about the school's performance on inclusion as part of the compliance report. Given that this is one of the main tools to ensure accountability (other than financial reports and audits) it requires serious reconsideration and revision.

The official website of the Education Department<sup>8</sup> shows an updated record of all the circulars (72 circulars as of September 18, 2013) issued by the department, organised chronologically. Most of them are in Kannada and a few are in English; bilingual notifications are rare. A list of neighbourhood schools and the specified quota of seats available as per blocks and districts is also available. Application forms and circulars for admission to schools are also available online. Although the government has set up a toll-free helpline (1-800-425-11004) to handle RTE complaints, this number is not displayed on the website, nor other contact details of Block Education Officers (BEOs) and Deputy Director of Public Instruction (DDPI). There is no map providing details of neighbourhood schools in the area and thus a mere listing becomes impractical to identify a school in one's neighbourhood. Moreover, the list contains only the name of the school and not the contact details. It would be difficult for anyone to identify a neighbourhood school by only looking at the

<sup>8</sup> (<http://www.schooleducation.kar.nic.in/pryedn/rte.html>)

database available online. Further, the website focuses mainly on Section 12 (1) (c), and neglects providing data on other provisions of the RTE Act. In summary, although rich with official documentation, the website does not guide a citizen on how to go about seeking admission in a neighbourhood private unaided school using

the provisions under the RTE Act.

### 3.3. Delhi:

The Delhi Right of Children to Free and Compulsory Education Rules, 2011 were notified on November 23, 2011. The rules provide for

**TABLE 6: NOTIFICATIONS OF DELHI GOVERNMENT RELATED TO SECTION 12 (1) (C)**

| Subject                     | Provisions  |
|-----------------------------|---|
| Eligibility                 | As per 'Delhi School Education (Free seats for students belonging to Economically Weaker Section and Disadvantaged Group) Order, 2011', economically weaker section was defined as whose parental income was less than Rs 1 lakh per annum from all sources and those who have been living in Delhi for last three years. The requirement of residency has since been removed. Children belonging to disadvantaged group was defined as children belonging to SC, ST and Other Backward Classes not falling in the creamy layer, and children with special needs and disabilities as defined in Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996. As per the notification issued on January 27, 2012, the limit of neighbourhood for children from economically weaker sections and disadvantaged group was not to be less than that determined by the particular school with regard to admissions of children from the general category. Admission to free seats is first offered to eligible students residing within 1 km of the specific schools and if the seats remain unfilled, only then can applicants residing within 3 km (and then subsequently to 6 km) are to be considered. For children from weaker sections, an income certificate from the tehsildar or a below poverty line card or Antyodaya Anna Yojana card is a proof of income provided that parents can submit self-declaration of annual income on an affidavit every year for continuation of free seat once the child is admitted against a free seat. For children from disadvantaged group, certificate from tehsildar or any other competent authority is considered. A documentary proof of residence is also required. |
| Entitlements of children    | Children admitted under Section 12 (1) (c) are entitled to free textbooks, writing material and uniforms and in case of children with disabilities, free special learning and support materials have to be provided by the school. Separate classes or separate timings for these children are not permitted and no tuition fee or any charges or fee or funds is to be charged against the free seats. No child can be expelled or barred from school for non-submission of documents without prior approval of Director, Education.   |
| Duties of local authority   | Local authority to undertake school mapping to determine the neighbourhood school and ensure that schools do not discriminate against children admitted against free seats.   |
| Financial reimbursement     | The per child expenditure of the government is calculated on the basis of total annual recurring expenditure incurred by the state on elementary education in respect of all schools established or owned by it or local authorities, divided by the total number of children enrolled in all these schools. At the commencement of every academic year, this per-child expenditure amount is notified by the government and this is reimbursed to the unaided private schools electronically in two equal installments in September and January and is deposited in a separate bank account which is subject to government audit. The amount of reimbursement per child is fixed as Rs 11,900 per annum for grade 1. The children admitted under this provision shall not be levied any fees, charges or expenses by such school.  |
| Procedure for filling seats | Schools are required to display on the notice board the number of free seats available, admissions and wait-lists. No registration fee or prospectus can be charged from those applying for free seats. A common application form is available free of cost on the website and the same can be used by parents. If there are more applications than the available seats, selections are to be done through lottery method in presence of parents, and an official from the Education Department. The lottery process is videographed and recordings along with list of selected candidates should be sent to the department within a day of the lottery. The schools are supposed to display on the notice board the list of selected children from free seats and general seats in alphabetical order but marking 'G' against names of general category students. In case there are vacant seats, these are to be re-notified for admissions. The order also establishes a District Admission Monitoring Committee (DAMC) and aggrieved parents can file a complaint with this body. This committee can also ask for compliance report. The DAMC would also have a help desk. Schools are expected to file returns to the DAMC within 10 days of closure of admission.   |

similar provisions as in Karnataka and are summarised in Table 6.

The process of displaying names may be required for the sake of transparency, but it also amounts to labelling children in a blatant manner. Although an online complaint/grievance registration system is available and complaints can be made against individual schools, it does not provide any option for filing complaint against the government itself. It may be noted that as per the Supreme Court order in 2004<sup>9</sup>, private schools in Delhi who had received land at concessional rates were meant to provide admissions to children (up to 25 per cent) from 'economically weaker sections' (EWS) free of cost. This quota is different from the RTE Act because it is not restricted to begin at grade 1 or pre-school, whichever is earlier, but is meant to be a proportion of total class strength for all the grades. This percentage has been challenged and fought in the court and currently stands at 15-20 per cent and is applicable to 394 schools in Delhi. These schools also do not receive financial reimbursement as per the proviso of Section 12 (2) of RTE Act and the Delhi order of 2011. However, on the website of the Directorate, there is no clarity in terms of the differences between these two entitlements (earlier order on EWS seats and the order on RTE Act) and the procedure for seeking admission under these separately. The Delhi High Court has also upheld the Chief Information Commission's (CIC) order directing the unaided private schools to give out information relating to total number of seats in all classes although the schools need not disclose information relating to their financial records. The schools should reveal total seats in all classes in a school, total vacancies in all classes, total number of seats under the economically weaker section quota, seats still available under EWS quota and total applications received under EWS quota. The official website of the Directorate of Education, Delhi<sup>10</sup> does not have dedicated space for RTE or Section 12 (1) (c). The circulars are lost in a large pool of documents and are not easily accessible. The site is primarily made for an English speaking audience. There is no clear guidance for general citizens on how to get admission in a private unaided school using the quota provided under RTE Act. However, the database of admissions provided in all registered

private schools is a useful tool for monitoring. What is not clear is what does the department or the DAMC, which is expected to monitor these schools, do with this data.

<sup>9</sup> Supreme Court Civil Appeal no 2699 of 2001.

<sup>10</sup> <http://www.edudel.nic.in>

## CHAPTER 4: STATUS OF INCLUSION OF THE MARGINALISED IN PRIVATE SCHOOLS OF BANGALORE

This chapter reviews the status of implementation of the Act, and is based on the primary data collected from schools and Education Department. Section 12 (1) (c) began in June 2012 but there has been no official comprehensive report since on the status and issues faced in implementation. Our study though found that there is a system of collecting quantitative data, where attempts are made to periodically collect data at the level of Block Education Office.

### 4.1. Status of Implementation

#### School Recognition:

Private schools have to register online for seeking recognition under Section 18 of the RTE Act. Even after five months after the deadline of three years set out by RTE Act for getting recognition, only 83 per cent of the schools (2,678 out of the 3,199 schools) had applied. The percentage was higher in aided schools (88 per cent) compared to the unaided schools (82.5 per cent) across both the districts in Bangalore (see Table 7).

**TABLE 7: NUMBER OF SCHOOLS THAT HAVE APPLIED ONLINE FOR REGISTRATION FOR RECOGNITION**

| District/Type of school | Number of Schools | Applications received |
|-------------------------|-------------------|-----------------------|
| <b>Bangalore South</b>  |                   |                       |
| Aided                   | 359               | 310                   |
| Unaided                 | 1491              | 1243                  |
| <b>Bangalore North</b>  |                   |                       |
| Aided                   | 312               | 282                   |
| Unaided                 | 1037              | 843                   |
| <b>Total</b>            | <b>3199</b>       | <b>2678</b>           |

The link between the recognition process and implementation of Section 12 (1) (c) is weak. Thus, the reimbursement process of these unaided private schools does not take into account the recognition status of the school, implying that schools not meeting the norms and standards could be admitting children under this provision under the oversight of the department

and also receiving reimbursement from the government.

School records on admissions under RTE Act:

The study found that the school records with the department were not complete and validated as the systems were still being set in place.

**TABLE 8: SCHOOL RECORD DETAILS (ENTRY OF 25 PER CENT DATA) FOR 2012-13**

| District           | Completed  | Incomplete | Not Entered | Wrong Entry | Grand Total |
|--------------------|------------|------------|-------------|-------------|-------------|
| Bangalore North    | 366        | 1          |             | 1           | 368         |
| Bangalore South    | 401        | 72         | 189         | 26          | 688         |
| <b>Grand Total</b> | <b>767</b> | <b>73</b>  | <b>189</b>  | <b>27</b>   | <b>1056</b> |

In Bangalore North, data entry had been completed for only 767 out of 1,056 schools, with 73 schools having incomplete entry, 189 schools without data entry and 27 schools with wrong data entry (e.g. where sum of sub-totals of different social categories for a school and the total number of children enrolled under the 25 per cent provision differed) with higher inadequacies noted in Bangalore South district.

#### Admissions under RTE Act

In the academic year 2013-14, out of a total of 10,910 private unaided schools in Karnataka, 26 schools in Bangalore (and 72 schools across the state) denied admissions to children under RTE and 10 schools have moved the court. On the other hand, parents did not opt for 352 schools (and 1,849 across the state) because of the poor quality of education offered in these schools<sup>11</sup>. This point was reiterated by the Education Department although lack of awareness among the parents, procedural difficulties and absence of complete fee waiver could also have played a role. Although the government declared that recognition of schools refusing admission under RTE would be cancelled, this was not enforced during the period of this study.

Data shared by the Education Department for the two districts of Bangalore show that in 1,927 schools, 60 per cent of the available seats were

<sup>11</sup> Deccan Chronicle, 'RTE: 26 private schools deny seats' dated 29 August 2013, Bangalore edition, retrieved from <http://www.deccanchronicle.com/130829/news-current-affairs/article/rte%E2%80%82-private-schools-deny-seats> on 15 October 2013.



**TABLE 9: IMPLEMENTATION OF SECTION 12 (1) (C) IN 2013-14**

| District        | Total Number of Schools | Seats available | Seats admitted |
|-----------------|-------------------------|-----------------|----------------|
| Bangalore South | 1111                    | 16619           | 9676           |
| Bangalore North | 816                     | 12181           | 7664           |
| Total           | 1927                    | 28800           | 17340          |

**TABLE 10: STUDENT ENROLMENT DETAILS AS PER CASTE CATEGORIES FOR 2012-13**

| Total           | SC         | ST       | OBC        | Total       |
|-----------------|------------|----------|------------|-------------|
| Bangalore North | 643 (36%)  | 48 (3%)  | 1105 (62%) | 1796 (100%) |
| Bangalore South | 905 (42%)  | 87 (4%)  | 1176 (54%) | 2168 (100%) |
| Total           | 1548 (39%) | 135 (3%) | 2281 (58%) | 3964 (100%) |

actually taken and children admitted under RTE Act. For Bangalore South, this percentage was 58 per cent while for Bangalore North, it was 62 per cent.

The enrolments under OBCs were substantially more than the enrolment under SCs in both Bangalore North and Bangalore South. Enrolments under STs were below 5 per cent in both the districts and this was due to the low percentage of applicants from these categories. The block-wise break-up on enrolment is given in Table 11.

Disaggregated caste-wise enrolment data across the blocks shows that enrolments under OBCs remained in the range of 50- 71 per cent and that of SCs in the range of 29- 45 per cent; STs ranged from 0- 6 per cent across the four blocks

of Bangalore North; In Bangalore South, the proportionate enrolments under OBCs varied in the range of 46- 62 per cent and that under SCs in the range of 34- 52 per cent and for STs this range was between 3 per cent and 5 per cent only. Thus, the distribution of schools without certain social categories across the two districts can be depicted as given in Table 12.

Evidently, percentage of schools without any ST enrolments was the highest as compared to those without any SC enrolments or those without any OBC enrolments. Both the districts had almost the same percentage of schools – around 85 per cent – without any ST enrolments. Percentage of schools without any OBC enrolments was 20 per cent and 27 per cent respectively in Bangalore North and Bangalore South. When we analyse the data for academic

**TABLE 11: STUDENT ENROLMENT DETAILS AS PER CASTE CATEGORIES FOR BANGALORE NORTH AND BANGALORE SOUTH**

| Blocks                 | SC               | ST             | OBC               | Total              |
|------------------------|------------------|----------------|-------------------|--------------------|
| <b>Bangalore North</b> |                  |                |                   |                    |
| North1                 | 193 (36%)        | 13 (2%)        | 333 (62%)         | 539 (100%)         |
| North2                 | 48 (34%)         | 8 (6%)         | 84 (60%)          | 140 (100%)         |
| North3                 | 180(29%)         | 2 (0%)         | 442 (71%)         | 624 (100%)         |
| North4                 | 222(45%)         | 25 (5%)        | 246 (50%)         | 493 (100%)         |
| <b>Total</b>           | <b>643(36%)</b>  | <b>48 (3%)</b> | <b>1105 (62%)</b> | <b>1796 (100%)</b> |
| <b>Bangalore South</b> |                  |                |                   |                    |
| Anekal                 | 335 (44%)        | 33 (4%)        | 386 (51%)         | 754 (100%)         |
| South1                 | 94 (34%)         | 10 (4%)        | 170 (62%)         | 274 (100%)         |
| South2                 | 158 (35%)        | 22 (5%)        | 272 (60%)         | 452 (100%)         |
| South3                 | 159 (42%)        | 14 (4%)        | 207 (54%)         | 380 (100%)         |
| South4                 | 159 (52%)        | 8 (3%)         | 141 (46%)         | 308 (100%)         |
| <b>Total</b>           | <b>905 (42%)</b> | <b>87 (4%)</b> | <b>1176 (54%)</b> | <b>2168 (100%)</b> |

**TABLE 12: SCHOOLS WITHOUT SPECIFIC CASTE CATEGORIES ACROSS DISTRICTS**

|                 | Schools with no SC | Schools with no ST | Schools with no OBC | Schools with no SC and ST | Schools with no SC and OBC | Schools with no ST and OBC | Schools with no SC, ST, OBC |
|-----------------|--------------------|--------------------|---------------------|---------------------------|----------------------------|----------------------------|-----------------------------|
| Bangalore North | 37%                | 89%                | 20%                 | 35%                       | 1%                         | 17%                        | 0%                          |
| Bangalore South | 26%                | 83%                | 27%                 | 22%                       | 2%                         | 22%                        | 0%                          |
| <b>Total</b>    | <b>31%</b>         | <b>86%</b>         | <b>24%</b>          | <b>28%</b>                | <b>1%</b>                  | <b>20%</b>                 | <b>0%</b>                   |

**TABLE 13: STUDENT ENROLMENT DETAILS AS PER CASTE CATEGORIES FOR 2013-14**

| Total           | SC                | ST              | OBC                | Total               |
|-----------------|-------------------|-----------------|--------------------|---------------------|
| Bangalore North | 2000 (26%)        | 270 (4%)        | 5399 (70%)         | 7669 (100%)         |
| Bangalore South | 2772 (30%)        | 289 (3%)        | 6281 (67%)         | 9342 (100%)         |
| <b>Total</b>    | <b>4772 (28%)</b> | <b>559 (3%)</b> | <b>11680 (69%)</b> | <b>17011 (100%)</b> |

year 2013-14, we find the following.

The enrolments under OBCs were more than double the enrolment under SCs in both Bangalore North and Bangalore South. Enrolments under STs were again below 5 per cent in both the districts. An analysis of the disaggregated caste-wise data of enrolments across the blocks showed that while enrolments under OBCs remained in the range of 67- 76 per cent and that of SCs in the range of 23-30 per cent across the four blocks of Bangalore North, enrolments under

STs ranged a paltry 1-5 per cent. Likewise, in Bangalore South, the proportionate enrolments under OBCs varied in the range of 59-72 per cent and that under SCs ranged from 24-37 per cent with that of STs between 2 per cent and 4 per cent only.

Thus, the percentage of schools without any ST enrolments was the highest as compared to percentage of schools without any SC enrolments or without any OBC enrolments. While around 77 per cent of the schools did not have any ST

**TABLE 14: BLOCK-WISE ENROLMENT ACROSS SOCIAL CATEGORIES FOR BANGALORE NORTH AND BANGALORE SOUTH**

| Blocks                 | SC                | ST              | OBC               | Total              |
|------------------------|-------------------|-----------------|-------------------|--------------------|
| <b>Bangalore North</b> |                   |                 |                   |                    |
| North1                 | 789 (25%)         | 105 (3%)        | 2253 (72%)        | 3147 (100%)        |
| North2                 | 256 (30%)         | 23 (3%)         | 565 (67%)         | 844 (100%)         |
| North3                 | 314 (23%)         | 15 (1%)         | 1028 (76%)        | 1357 (100%)        |
| North4                 | 641 (28%)         | 127 (5%)        | 1553 (67%)        | 2321 (100%)        |
| <b>Total</b>           | <b>2000 (26%)</b> | <b>270 (4%)</b> | <b>5399 (70%)</b> | <b>7669 (100%)</b> |
| <b>Bangalore South</b> |                   |                 |                   |                    |
| Anekal                 | 331 (33%)         | 33 (3%)         | 638 (64%)         | 1002 (100%)        |
| South1                 | 566 (24%)         | 92 (4%)         | 1719 (72%)        | 2377 (100%)        |
| South2                 | 499 (26%)         | 48 (3%)         | 1355 (71%)        | 1902 (100%)        |
| South3                 | 676 (31%)         | 51 (2%)         | 1450 (67%)        | 2177 (100%)        |
| South4                 | 700 (37%)         | 65 (3%)         | 1119 (59%)        | 1884 (100%)        |
| <b>Total</b>           | <b>2772 (30%)</b> | <b>289 (3%)</b> | <b>6281 (67%)</b> | <b>9342 (100%)</b> |

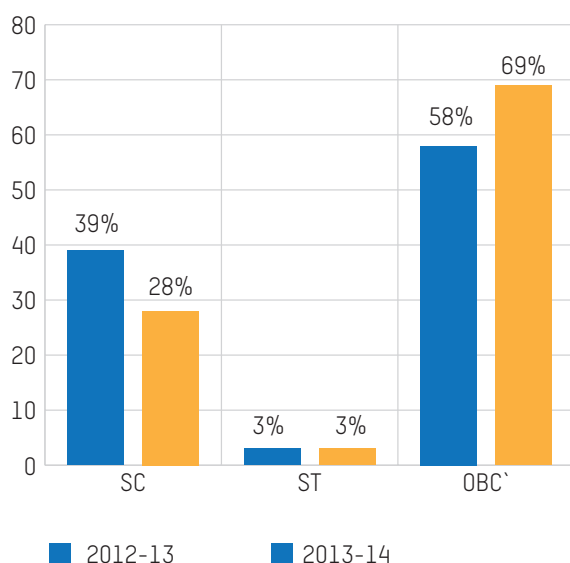
**TABLE 15: SCHOOLS WITHOUT SPECIFIC CASTE CATEGORIES ACROSS DISTRICTS**

|                 | Schools with no SC | Schools with no ST | Schools with no OBC | Schools with no SC and ST | Schools with no SC and OBC | Schools with no ST and OBC | Schools with no SC, ST, OBC |
|-----------------|--------------------|--------------------|---------------------|---------------------------|----------------------------|----------------------------|-----------------------------|
| Bangalore North | 24%                | 76%                | 7%                  | 21%                       | 2%                         | 6%                         | 2%                          |
| Bangalore South | 26%                | 78%                | 8%                  | 23%                       | 2%                         | 7%                         | 2%                          |
| Total           | 25%                | 77%                | 7%                  | 22%                       | 2%                         | 7%                         | 2%                          |

enrolments, about 25 per cent of the schools did not have any SC enrolments and only around 7 per cent of the schools did not have any OBC enrolments (see Table 15).

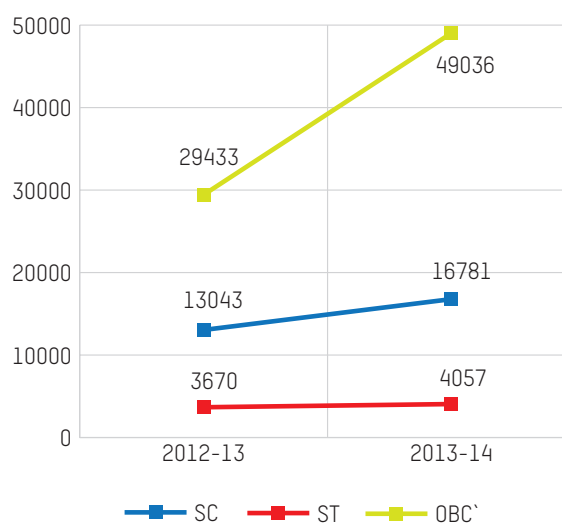
When we compare the data for 2012-13 with 2013-14, we find more than a 200 per cent increase across all the categories. The overall percentage increase of enrolments across Bangalore Urban is the highest under the OBC category (412 per cent) followed by STs (314 per cent) and SCs (208 per cent). If one examines the changes in the proportion of schools without any enrolments under each of the three categories SCs, STs and OBCs, there is a decrease in this proportion across all the three categories. While the drop is six percentage points of schools without any enrolments of SCs, this is nine percentage points of schools without any enrolments of STs and 17 percentage points of schools without any enrolments of OBCs.

**FIGURE 1: PROPORTIONATE DISTRIBUTION OF ENROLMENT ACROSS CASTE CATEGORIES: COMPARISON FOR BANGALORE URBAN**

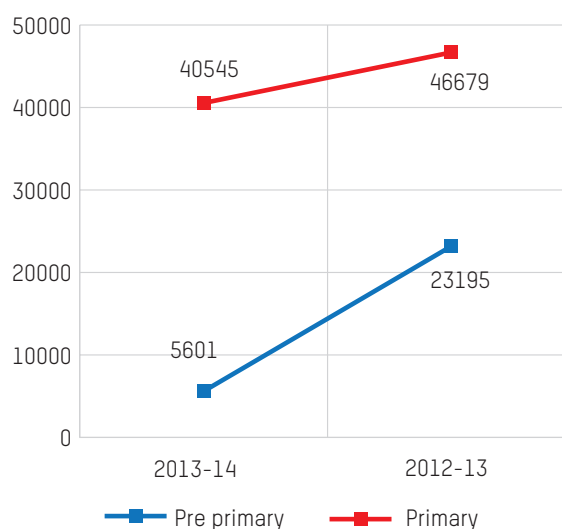


If we compare this with data for the entire state Karnataka, we find the following:

**FIGURE 2: KARNATAKA: ENROLMENT ACROSS CASTE GROUPS IN 2012-13 AND 2013-14**



**FIGURE 3: KARNATAKA: ENROLMENT ACROSS LEVELS OF EDUCATION IN 2012-13 AND 2013-14**



Overall in Karnataka, there was an increase of 51 per cent in the enrolments under the 25 per cent provision in 2013-14 as compared to 2012-13. The percentage increase was highest for OBCs (67 per cent) followed by SCs (29 per cent) and STs (11 per cent).

Though the enrolments under pre-primary was relatively low (5,601) in 2012-13, there was a 314 percentage increase in the pre-primary enrolments in 2013-14 with total pre-primary enrolments at 23,195. Primary enrolments also increased but at a modest rate of 15 per cent with the total primary enrolments in 2012-13 being 40,545 and in 2013-14 being 46,679.

## 4.2. Structure and Procedures for Implementing Section 12 (1) (c) of RTE Act

The government of Karnataka has prescribed clear structures and procedures for implementing this provision as discussed in section 3.2. Data collected from the various functionaries and schools brought out the following issues pertaining to these structures and procedures for implementation.

### Eligibility Criteria

The eligibility criteria for weaker sections (income ceiling of Rs 3.5 lakh) has been challenged in the Karnataka High Court where the court termed the limit as 'irrational' and 'atrocious' as it would allow middle and upper middle class children to grab the seats meant for the disadvantaged and weaker sections. The government submitted to the court that it would withdraw the notification and issue a fresh notification and the writ petition was disposed<sup>12</sup>. The Education Department argued that the limit given by the Social Welfare Department with regard to the creamy layer has been adopted. It was also asserted that integration is a gradual process and elite schools may not be able to completely integrate children if drawn from families absolutely below the poverty line. In such a scenario, elite schools will have no children admitted under RTE. A ceiling of Rs 3.5 lakh allows children better possibilities of inclusion even in elite schools. The state government has now said that it would give preference to those parents whose income is below Rs 1 lakh per annum and

only then fill those between incomes Rs 1 and Rs 3.5 lakh, although this is not reflected in the May 2013 notification.

The Karnataka Private Schools Joint Action Committee has alleged that 40 per cent of income certificates provided to the schools are false. While some of the officials concur with this, they claim they have no role in a matter dealt with by the Revenue Department. The Karnataka Lokayukta took suo motu notice based on a news report<sup>13</sup> and ordered a probe into the fake income certificate racket. An inquiry was constituted into this matter by the Department of Public Instruction but the report was not available for study. The Lokayukta has held that the Department of Public Instruction is responsible for monitoring and scrutinizing these allegations and ensuring that the deserving children are given admission. The department has issued a circular to all the deputy commissioners of districts to verify these fake certificates and if found to be false, cancel the admission given to such children. However, no data on cancellation of admissions could be obtained.

With regard to admission of children from the disadvantaged category, neither did the department maintain records of children admitted under this category, nor did the schools indicate such admissions. Thus, there seems to be a bias of preferring children belonging to OBC, SC and STs and leaving out the quota of other disadvantaged children.

### Admission Process

The admission process proposed by the department is as follows. Each school has to notify the block education officer (BEO) about the total class strength at the starting grade to be able to calculate the availability of seats under the quota, school-wise, and notify it to the parent teacher associations and community by putting it in the public domain. The BEO then releases a calendar of events applicable for that year. The heads of schools only have to receive the filled in application forms along with the documents which will have to be passed on to the BEO. Applications are also received directly at the concerned BEO's office. The verification of the documents and the application is the responsibility of the BEO. Eligible students and

<sup>12</sup> Writ Petition No 18856 of 2012 at Karnataka High Court.

<sup>13</sup> The Times of India, Bangalore edition dated June 17 2013

their parents have to be present at the school on the day of the admission. After receiving the applications, schools are expected to notify the dates for selection of the applicants to the BEO and also display it on the school notice board. The schools are expected to accept the filled in applications along with the documents without any verification. If they are incomplete, they have to be returned along with a written note, specifying reasons to applicants. The applications of neighbourhood students and non-neighbourhood students are dealt with separately. If there are more applications than the available seats, a lottery is drawn and the process is video-graphed. The BEO or a nominee is present on the day of selection to observe the process. After selecting the candidates all details and documents are submitted to the BEO, which confirms the selection before the end of the previous academic year. The department has barred admissions based on a first-come-first-serve basis for applications under RTE.

### **Recognition of Minority Institutions**

The admissions of children to minority unaided schools for the academic year 2013-14 was recently upheld by the Karnataka High Court wherein the parents had petitioned that their children belonging to disadvantaged groups and weaker sections were not given admission to St. Mira's School despite the BEO approving the list of students. St Mira's school claimed to have got a certificate from National Commission for Minority Educational Institutions and therefore argued that RTE Act would not be applicable to it. The High Court directed the school to admit children this year but the order would not apply to the school from the next year. Over a hundred schools (104) were confirmed to have minority status in Bangalore and are therefore exempt from the Section 12 (1) (c) while the remaining schools would have to comply. The Department of Public Instruction is in the process of compiling the database of minority schools and making it available online because there have been cases where schools have turned away applications claiming they are minority institutions. Such a tool would enable immediate verification and ensure transparency of status of schools.

### **Administrative set up for Implementation**

The study found that except taking on two consultants from its retired officers to work at

the state level, no additional staff has been appointed by the government to help implement RTE. Some of the BEOs have assigned the work on RTE to nodal officers and case workers at the block level. This results in enormous workload and heavy backlog to be cleared with respect to implementation, monitoring and enforcement of the RTE Act.

### **Financial Reimbursements**

In 2012-13, Rs 29 crore was released by the department based on the number of children admitted under the said provision and Rs 21 crore was reimbursed to schools. The state governments had not released funds until September 2013, although the payments are usually done in September and January. The reimbursements are done after physical verification of the claims made by the schools and recommendations given by the BEOs on each of them. The Education Department has projected a requirement of Rs 153.7 crore in 2013-14 for the implementation of the 25 per cent provision and requested for Central support through Sarva Shiksha Abhiyan (SSA). The Ministry of Human Resources Development, Government of India, has proposed to make allocations for RTE reimbursements through the 12th five-year-plan. Last year, the state government had to provide Rs 58.92 crore from its own resources, as there was no contribution from the Centre. Reliance on SSA funds to fulfill this obligation indicates that state governments would face difficulties in meeting this mandate once the SSA programme is phased out. The study did not come across any alternative plans with the department to make up for this deficit that may arise.

## **4.3. School Level Implementation**

The primary data collected from the sampled schools (see profile of schools studied in Table 16) provides insights into the ground realities of implementation. This section analyses the key experiences of implementation at the school level.

### **Student Profile**

The sample schools catered to mixed socio-economic strata. Six schools catered to children from families that were mostly illiterate; 14 schools catered to children from families who had studied at least till grade 10; 11 schools

**TABLE 16: PROFILE OF SCHOOLS STUDIED IN BANGALORE**

|  |  |
|--|--|
| <b>Medium of Instruction</b>                 | Majority of the schools (31 out of 36 schools) offered English medium while others offered Kannada medium or mixed languages. Three schools admitted to offering instruction in a language other than what they had received the permission to offer.  |
| <b>Affiliating Board</b>                     | Majority of the schools (24 out of 36 schools) were affiliated to Karnataka State Secondary School Certificate Board while others were affiliated to CBSE and ICSE Board. Four schools had affiliations with two boards and schools affiliated to different board were run like <b>separate schools</b> .  |
| <b>Year of establishment and recognition</b> | The modal category for establishment was schools set up between 1990 and 1999 and for recognition, it was the period between 2000 and 2009. Half the schools had got recognition in the same year as their establishment while the remaining half had received recognition anywhere between one year and 25 years of their establishment.                    |
| <b>Level of education offered</b>            | Majority of the schools offered pre-primary education for two to three years as the starting point and grade 10 as the terminal grade.   |
| <b>Student strength</b>                      | Majority of the schools (15) had student strength between 500 and 1,000 while a few schools (4) had less than 500 students and one school had more than 2,500 students.  |
| <b>Scholarships prior to RTE</b>             | Fifteen schools reported that they had been extending freeships/ scholarships and other incentives to deserving students even prior to the RTE Act.  |
| <b>Membership in networks</b>                | Eight schools were not affiliated to any association or network. The remaining were members of KUSMA (Karnataka Unaided Schools Management Association) and various other associations. The schools considered memberships as being helpful for advocating their own causes although some said that they were not happy with the politics of implementation. |
| <b>Parent-Teacher Association</b>            | Most of the schools did not have a PTA although some mentioned calling parents for meetings to share academic progress of children after the school exams. Schools indicated that parents of children admitted under RTE rarely came to school or participated in PTAs.  |

catered to children from families who had university education; and two schools had children from professionally and highly educated families. Data about parental education background in the remaining schools was not very clear and reflected a mixed group. Nine schools had children from families with income less than Rs 1 lakh per annum with parents who were daily wage earners, petty businesses, vendors and factory workers; five schools had children from families with income ranging from Rs 2-5 lakh with parents who were teachers, government employees, factory workers, small businesses and one school had children with family income more than Rs 10 lakh with parents engaged in professional employment, big businesses or agriculture. In four schools, children of staff and employees were included

in the eligible pool. Two schools said they had admitted children of government school teachers in this category. A couple of schools pointed out that children actually came from rich families. But a majority of the teachers and school managements said these children came from poor families and lived in the neighbourhood.

#### **Availability of Seats and Admissions**

All the sampled schools had started implementing Section 12 (1) (c) from 2012-13. Over 900 seats were available for admission under RTE in the sampled schools for the academic year 2013-14 and over 2,000 applications had been received by these schools in all. The status of admissions in 2012-13 was as follows: in two schools, no specific number



of seats was allocated as free seats and these were open to those who approached the school. Among the remaining schools, the number of seats available ranged from two to 50 seats. In one school, there was discrepancy in the number of seats shown in official records with BEO and the actual number of children admitted. The fixing of seats was not strictly as per the 25 per cent norm and there was some degree of arbitrariness about fixing the number of free seats, especially where the number of seats was very less (two or three seats). The sampled schools showed a range in terms of applications received, from no applications to receiving 120 applications. Among the schools that had a fixed number of declared free seats, seven schools received lesser applications than the number of seats available; 12 schools received more applications than the number of seats available; and 14 schools reported having received the exact number of applications as the number of seats available. This scenario of receiving exactly the same number of applications is likely to be a post-facto justification as a number of schools reportedly gave benefit of this provision to select students who were already admitted and studying in the school. Six schools did not give admission against all the free seats it announced although they had received applications, while one school gave admission to more students against the free seats than what it had announced. One school shared that it had to take two students on the recommendation of the BEO and since these were not done through the official process, the students were not being considered as those admitted under RTE for the purpose of fee reimbursements. The number of actual admissions in the sampled schools ranged from two to 45 seats.

### **School Fees and Reimbursements**

The sampled schools showed a diverse fee structure which ranged from Rs 300 per month to more than Rs 5,000 per month. If the per-child expenditure rate that the government can reimburse schools (Rs 11,848 per year) is compared with the amount of fees charged by sampled schools, we find that most of the schools visited were charging fees that were lower than Rs 11,848. Ten schools among the sample were charging more than this amount while 22 schools were charging less than that. School fees in general included tuition,

examination, school development, sports and other facilities, and to participate in events. Schools reported charging fees from students admitted to free seats for stationery, sports, uniform, maintenance and administrative charges and these were not borne by the schools as per the rules. Parents claimed that they had to spend additional money for purchase of uniforms, tuition, books and textbooks in the range of Rs 300 to 15,000 per annum. Six parents even said they were told to pay 50 per cent of the fees with the government paying the remaining.

The study also looked into the status and extent of reimbursements to schools by the government. A large number of sampled schools (12) had received only one installment although the financial year was drawing to a close. Four schools claimed they had not received any reimbursement until March when the data collection was done and one school said it would not be claiming any reimbursement from the government. Further, only one school said it had received the reimbursement fully. Schools pointed out that there was a gap in the amount paid by the government and the fees charged because of the norm followed by the government to compute the amount to be reimbursed i.e. the lowest of the three criteria-fees charged, per child expenditure of that private school as per the audited amount and the per child government expenditure (Rs 11,848). This gap arises because all the fees charged by the school are not declared transparently and the government counts only the tuition fees that children are shown to pay. We found that 20 schools had received much less than what they had expected as reimbursement of school fees in the first installment and claimed to have met the deficits ranging from approximately Rs 750 to Rs 14,000 per child. Schools shared how they have to incur huge costs for maintaining their sports facilities and facilities like smart classes established with Educomp which was not supported by the government. Some schools shared they had to grapple with huge deficits because children from general category studying in their schools were also poor and therefore did not pay fees on time or paid only partial fees.

### **Measures Taken to Foster Inclusion**

A majority of schools had not undertaken any specific measures to facilitate inclusion of children. A few that had done so included:

managements keeping the identity of these children confidential (two schools), extra coaching given after school hours (one school), homework done at the school with the teachers (one school) and organising workshops with parents on nutrition. Most of the teachers were not taking any specific measures to foster inclusion in the classrooms. Others who took specific measures said they gave extra attention to these children; they treated them 'equally'; they taught them even the 'basics'—starting from alphabets. Some of the teachers pointed out that there was no difference between children admitted under RTE and other children because they came from similar backgrounds. When the teachers were asked what role they imagined for themselves in an inclusive classroom environment, they said teachers should make the effort to understand every child and need to be caring, like a 'mother figure' to all children. One school had issued instructions to teachers to be fair and impartial and give the same kind of education to all children. All the schools reported using the same textbook and learning material for all children and no changes had been made in the same after the implementation of RTE.

### Experience of Inclusion

The experience of social and academic inclusion of children was studied. A majority of schools said children were adjusting well with peers and teachers and showed no difficulties in social interactions. Some schools pointed out this could be because the children are very young and not yet conscious of social differences. In addition, the parents of the children have been taking enormous efforts to ensure that their child has all the materials/things that will not make them 'feel different' from the other children. But adjustment problems are likely to come up as children go to higher grades and start comparing themselves with others. Only one school said that they had seen behavioural issues such as use of bad language among the children admitted under RTE. It must also be noted that the experience of social inclusion was directly related to the socio-economic profile of the remaining children and as a number of schools catered to children from similar backgrounds, the differences were not as star. This may have also contributed to the social inclusion of children admitted under the RTE Act.

With regard to academic inclusion most teachers said that the children admitted under RTE were

coping well academically. Four teachers said the children were slow because they had no academic support at home, particularly with English language. One teacher said children would ask their parents to learn and speak in English like the parents of other students in their class. One of the teachers shared that she maintained low expectations from these children given their family conditions. While parents of the general category were not even aware or not concerned about this provision, a couple of schools (which catered to higher socio-economic profile) reported parents getting worried about the lack of hygiene and bad language used by the 'RTE children'. In such cases, the schools held discussions with parents and allayed their fears. In schools that catered to families of lower socio-economic profile, parents of children not admitted under RTE also demanded that they get same entitlements as received by the children admitted under the 25 per cent provision.

### 4.4. Knowledge and Perceptions about Inclusion under RTE

The school management and teachers were asked about the RTE Act to ascertain their knowledge and attitudes towards the legislation. Among the respondents in the management, the idea of RTE was limited only to Section 12 (1) (c) and none of them referred to any of the other provisions of the Act. Most of them pointed out that government schools do not offer good quality education and parents cannot afford good quality education in private schools and hence RTE was formulated to provide 'choice' to the parents. A couple of respondents mentioned 'equality' in education as one of the intentions of bringing in the provision. However, most respondents from the managements expressed concerns about the ability of the students to cope, and ideas of social distance and paternalism came across strongly. (see Box 1)

Among the teachers interviewed, at least four teachers admitted that they had no idea about RTE while the others mainly referred to RTE as a means by which government is giving an opportunity to the poor, SC, ST and OBC to take good quality education in private schools. Three teachers referred to RTE requiring them to ensure equal treatment of all children and non-discrimination, and one teacher spoke of prohibition on punishments. A few teachers

**BOX 1: WHAT SOME RESPONDENTS FROM SCHOOL MANAGEMENT SAID:**

*'I don't quite know how useful this is. We have so many extra-curricular activities like taekwondo and other sports that are conducted in our school. Many of our school children intend to take up these activities very seriously. What are the RTE children going to do with such activities? Do you think they would pursue it further? My children represent the school and also take national level exams in taekwondo – would the RTE kids take it up that seriously?'*

*'I don't think this is useful for us. I don't think we could gain anything from them. Maybe they could gain something from us. I am not sure though'.*

*'RTE is good, at least those children can learn something otherwise earlier they were growing like animals'.*

*'It is difficult to improve these children as they don't know anything and are dirty'.*

emphasised that it is a right 'kyunki unka bhi haq hai' (because it is their right, too). None of the teachers were trained in RTE or were oriented to handle diversity in the class, either by the government or by the school management.

Teachers were also asked to comment on the role of family and education of parents in a child's education. Most teachers said families play a very important role and if the parents are not educated, children find it difficult to cope with studies at home. In one school, the PTA advised parents of all children availing of the free seats to send their children for private tuitions so they can cope with the studies. A school pointed out that the parents should also learn to match the expectations of the school and provide support to the children at home.

**Parental experiences with the provision**

The study also tried to understand parental experience with Section 12 (1) (c) (see Table 17 for parental profile).

**TABLE 17: PROFILE OF PARENTS OF CHILDREN ADMITTED UNDER 25% PROVISION**

|                              |  |
|------------------------------|--|
| Education                    | At least one parent of every child had gone to school, some even had college education |
| Home language                | Majority were Kannada, Urdu, Tamil and Telugu  |
| Income                       | Ranged from Rs 1,000 per month to 16,000 per month, below Rs 3 lakh                    |
| Caste and religion           | Mainly SC, ST, OBCs and some were Christians and Muslims, but majority were Hindus     |
| Distance from home to school | Ranged between few hundred metres and 5 km   |

Some of the key findings related to parental experiences that emerged were:

1. A majority of the parents had their other children also studying in the same school and their education was being supported by the parents.
2. Their choice of school was based on factors such as – convenience since sibling studying in same school; school known to be offering good quality education; popularity of the school in the neighbourhood; proximity of school to the residence; suggested by employers/friends/neighbours; it being an English medium school; school having good infrastructure; parent is a school teacher; seen an advertisement in the paper; school charges low fees; and parent had studied in the same school. Except for three parents, all the others had applied only to the school in which their child was studying.
3. The two most common sources of information were newspapers and the school, which itself had asked the parents to apply. In the case of the latter, children were already admitted to the school and could now avail the free seat. In two cases, the MLA had asked the families to apply. Most parents said they did not face any difficulty with the school during admissions. In most cases, it was either school, BEO, NGO, friends and politicians who had helped them in negotiating the admission process. Parents also complained that they had to pay bribes

at every level.

4. Parents had difficulty in paying fees in schools where the parents were being asked to pay upfront and the school has assured them a reimbursement/freeship once the government reimburses the school.
5. Parents articulated their notion of a good school with key words like 'good education', 'children should learn well', 'English medium', 'discipline', 'good infrastructure', 'affordable', 'clean school', 'proximity', 'teachers', 'involvement of parents', 'sports and other facilities' and 'good SSLC results'.
6. According to the parents, the RTE Act was introduced because 'private schools have better results'; 'to help the poor people and bring equality'; 'to help poor children to study in private schools which is otherwise unaffordable'; and 'since it is a right to education'.
7. None of the parents said their child was treated differently in school or was being discriminated against either by the teachers or by the students.

#### 4.5. Grievance Redress and Monitoring

As per Section 31 of the RTE Act, the implementation of the Act is to be monitored by the National and State Commissions for Protection of Child Rights. As per Section 32, grievance redress is the task of the local authority. In Karnataka, the District Education Regulatory Authority (DERA), chaired by Deputy Commissioner with the Deputy Director of Public Instruction (DDPI) as the Member-Secretary, is recognised as the local authority to address grievances. In addition, the BEOs and DDPIs can book cases against schools and also take suo motu cases to the DERA. Despite repeated attempts, we were unable to meet the DDPIs to discuss their functions in grievance redress.

##### Role of KSCPCR

In Bangalore, the Karnataka Commission for Protection of Child Rights (KSCPCR) has been monitoring the implementation of the Act since it came into force on April 1, 2010. The commission does not have a separate RTE cell to handle its functions under the Act. At present, no special staff is deputed to handle complaints related

to the RTE Act although the commission had requested for two officials from the Education Department for this. The six members of the KSCPCR have been given charge of separate districts and are responsible for handling all complaints pertaining to child rights violations that come to the commission from the specified district. However, the members don't work full-time and they are able to work a maximum of 10 days per month (as they get sitting fees for not more than 10 days as per the KSCPCR rules). The commission does not have staff in districts and therefore it is difficult for the commission to handle all the cases effectively, especially those coming from outside Bangalore.

The KSCPCR started taking in complaints related to Section 12 (1) (c) only from 2012, after the constitutional validity of the provision was upheld by the Supreme Court. It does not maintain separate register for complaints filed related to this provision but records show that all the complaints received have been admitted and handled and that no cases are pending.

**TABLE 18: COMPLAINTS RECEIVED BY KSCPCR ON EDUCATION FROM 2010 TO 2013**

|                               | 2010-11  | 2011-12  | 2012-13  |
|-------------------------------|----------|----------|----------|
| Number of complaints received | 28 (105) | 43 (166) | 38 (160) |
| Number of complaints handled  | 28 (105) | 43 (166) | 38 (160) |

\* Figures in brackets is total number of cases overall

Complaints lodged related to Section 12 (1) (c) include cases where schools do not follow rules of admission; do not select children transparently and as per the notifications; or where schools refused to admit children claiming minority institution status without a valid certificate. Upon receiving any complaint, the matter is forwarded to the BEO to make inquiry and take necessary action. If the BEOs are not able to solve the problems then KSCPCR gets into it. The BEOs issue directions to the parties and also report the action taken to KSCPCR. All cases related to RTE are referred to the BEOs by the KSCPCR, including those violating Section 12 (1) (c). Sometimes BEOs and DDPIs do not attend to all the cases that are referred but choose only serious cases requiring immediate attention. The KSCPCR has also taken

suo motu notice of cases where schools have not admitted children.

The KSCPCR has not received any cases on appeal from the District Education Regulatory Authority (DERA). In the case of the Oxford school where discrimination of children was allegedly being carried out by asking children admitted under RTE Act to cut their hair in a particular way, the KSCPCR conducted an inquiry and found that no discrimination was taking place. Even the BEO and police inquired and found no such discriminatory practice. However, the matter received media and political attention.

#### 4.6. Response of Civil Society

Besides the KSCPCR which is a statutory body mandated with the task of monitoring child rights, including right to education, civil society organisations have also played an active role in monitoring the RTE Act. One of the major platforms that has been working on Section 12 (1)

(c) is the RTE Task Force (see Box 2).

Some of the key issues that have invited response from civil society are as follows:

1. Discrimination in schools: Different forms of discrimination against the children admitted under RTE have been noted by organisations working with the poor. This includes calling them 'RTE children', making them sit in a separate room when extra-curricular activities are conducted as these are additional paid activities and insisting that parents send specific food items.
2. Lack of awareness among all stakeholders: Parents are still not aware of the provision and how to utilise it although the demand for private schools is increasing. Private schools have threatened parents that their access to Bhagyalaxmi scheme (cash incentive for girl child which she receives on completion of 18 years) would be stopped if they enroll their child in a private school.
3. Lack of transparency in admission process: Admissions to private school lack transparency with parents not allowed inside the lottery hall or not given advance notice of the drawing lots.
4. Strong political patronage for schools: Private schools are highly politicised with politicians on the school committees and schools receiving political patronage from specific politicians. This emboldens the private schools because they know they have political protection and no action can be taken by them.
5. Fee hike in private schools: There are fee hikes every year and there is little control of the government on this. Schools affiliated with non-state boards claim they are not under the state government's regulations relating to fees although the state government concerned provides them with a no-objection certificate. Parents are now getting mobilised against this.
6. Lack of accountability of schools: Many schools are reluctant to give their authentic audit report. Thus the cost of expenditure calculated per child is very low. The fees do not include all the costs such as shoes, note books etc. So the amount is not a correct

#### BOX 2: ABOUT THE RTE TASK FORCE

*Composition: It is a group of NGOs (Child Rights Trust, APSA, SICHREM, BBA, Radioactive, Sparsha) that has been working on implementation of RTE since August 2012.*

*Aims: The main aim of the Task Force is to create awareness among the parents, schools and teachers about the RTE Act because the belief is that if it is implemented well, other violations of child rights such as child labour, child marriage etc would also be addressed.*

*Work: The RTE Task Force has publicised the Act and its provisions through the media and has also widely circulated their contact details so parents can directly contact them with their complaints and for clarifications. It has received hundreds of phone calls and emails, most seeking help in accessing free seats in private school and complaints related to the same. Private schools have also called the RTE Task Force activists to give them orientation on RTE and what it entails. It also undertakes surveys on implementation of the RTE Act. It has advocated for lowering of income ceiling in the eligibility criteria.*

reflection of the actual costs. These costs have to be borne by the parents.

7. Prejudice against certain groups: Children from disadvantaged categories are not taken into schools, especially children with disabilities, those who are infected with HIV and children living on the streets and migrant children.
8. Weak institutional structures: The existing institutional mechanisms to monitor the Act and address complaints are weak. The government RTE helpline is hardly accessible; parents do not feel confident about getting help from the commission because inquiries are not done in a timely manner and the process of getting help is very slow; PTAs and School Management Committees are not available in most private schools; and schools are increasingly becoming closed to parental and bureaucratic scrutiny.
9. Increasing privatisation in education: The number of private schools is increasing and while these new schools are receiving government approval, government's own schools are closing down.



## CHAPTER 5: STATUS OF INCLUSION OF THE MARGINALISED IN PRIVATE SCHOOLS OF DELHI

Using primary data collected from schools and the Education Department, this chapter reviews the status of inclusion of the marginalised in private schools in Delhi. As mentioned earlier, reservations for children from economically weaker sections (EWS) have been operational even before RTE Act came into force, and hence the schools and the department has had the experience of implementing inclusive measures in schools. Since the implementation of Section 12 (1) (c) began, there has been no official comprehensive report on the status and issues faced in implementation. Currently, data on individual schools is available online for public reference. But the system of collecting data is also not comprehensive and there was a reluctance to share the data on macro level parameters.

### 5.1. Status of Implementation

#### School recognition

While the process of granting recognition to schools under RTE is underway, there is currently no direct linkage between implementation of Section 12 (1) (c) of RTE Act and Section 18 that requires recognition of schools. The department officials complained that they were short of staff and hence were not able to monitor implementation of the RTE Act.

#### Status of Admissions under 25 per cent Provision

The study was not able to collate comprehensive statistics on the status of implementation of the provision. According to the report submitted by Delhi government to the High Court, after the first round of admissions for children from EWS, 9,835 seats in 1,186 unaided private recognised schools were vacant for the 2012-13 session. The directorate had issued show cause notices to 700 private schools who had not taken EWS category children as per RTE in 2013-14.

### 5.2. Structure and Procedures for Implementing Section 12 (1) (c) of RTE Act

Following is the structure and procedures put in place by the department for implementation of

the said provision:

#### Administrative set up for Implementation

The department does not have a section dedicated to the implementation of the RTE Act. There is severe shortage of human resources and existing officials have to conduct all tasks themselves in addition to the work they were doing prior to RTE. One of the key tasks related to RTE is conducting and monitoring admissions which are done in two rounds based on the number of vacant seats available. These are put on display in the district offices. The department also has to monitor the fairness and transparency of the admission rounds.

#### Eligibility Criteria

As mentioned in Section 3.3, the Delhi government had earlier notified (on December 16, 2012) that the same neighbourhood norm that was applied to general category students would also be applicable for admissions under Section 12 (1) (c). But the court stayed the notification and later quashed it by observing that the Delhi government had not applied its mind because it had not mapped or identified schools and where they were located. The Division Bench of the Delhi High Court suggested that schools should adopt four distances (one km, three km, six km and beyond six km) for admitting poor children and those belonging to the disadvantaged groups with priority given to children who stay within a kilometre of the institutions and depending on availability of seats and so on.

#### Admission Process

Admission is based on submission of the income or caste certificate but almost all the schools sampled were mixing up the two categories of 'disadvantaged', based on social conditions and 'weaker sections' based on income criteria and were insisting on income certificate from all children, including those from the disadvantaged category. One school said that since the parents had not got their income certificate till the admission date, an affidavit was taken indicating their income. However, this is not recognised by the department and the school is not getting reimbursed for these children. Three schools reported getting additional names of children to be admitted after the lottery was complete. One school principal remarked, 'While

the government representative sounds very strict and rule abiding on the day of admission, they come back later and ask for admissions. When we say we do not have in general quota – would you suggest we give in the EWS – the answer is – aap dekh lijiye (as you deem fit/it's up to you) – which shows the lack of sincerity in the implementation'. One school charged Rs 25 for the admission forms although this is not permitted. One school reported receiving limited application forms from the department itself so there were only a few forms that could be given out. Four schools reported not following the lottery method and giving admission to whoever had applied. One school followed all the steps, but did not give admission to any child belonging to marginalised communities because the child was unable to furnish the documents required. Schools primarily considered the income criteria, as there is history of having to admit children from EWS category, wherein income of the child's family is the only criterion. One school had given admission to SC, STs and OBCs while another had admitted primarily Muslim children as the school is located in a pre-dominantly Muslim neighbourhood. Only one school had admitted children with disabilities although such children are included in the definition of the disadvantaged.

Although the guidelines show that income certificate from the department concerned is necessary only for the first year and parents are allowed to give a self attested affidavit in the successive years, the schools were insisting on production of income certificates every year with the condition that if their income increased, they would have to pay fees. We were told that income certificates were available by paying Rs 4,000-6,000. This works against the really deserving in two ways, firstly those with means can get the certificate by paying a bribe and those without means may not get the certificate every year if they are not able to pay the bribe every year. Although the parents insisted that their annual income was less than Rs 1 lakh and they lived in the radius of a kilometre of the school, the schools claimed that some of the children admitted came from far off places and did not necessarily come from weaker sections. They also told that there is no provision to inquire into the authenticity of certificates granted by the notified authorities. All the schools mentioned that they have seats for children of

employees but that is separate and additional to the 25 per cent quota.

### Parents' Experience of Admissions

A majority of the parents had their other children, sibling for instance, studying in either other private schools or in the same private school. Some parents had managed to get admission for their children in more than one school under the 25 per cent provision and later selected one school where they accepted the admission offered. Some parents had paid fees for their children and taken admission under the general category in the private schools until their selection under 25 per cent was announced. These parents were keen on educating their children only in private schools and were not dependent on the entitlements under the RTE Act. While selecting private schools, parents had looked at factors such as its reputation, proximity, 'good teaching', sibling studying in the same school, teaching children by practical methods, recommended by the Education Department or the school management and in two cases because the child's name was chosen through the lottery system. Almost half of the parents had applied to five-six schools in order to maximise their chances while others had applied only to one particular school. Parents got to know about the 25 per cent provision through various sources such as newspapers, school notice boards, friends and relatives, and the school management. One parent reported that he had approached many schools affiliated to the CBSE board but the application got turned down since the schools said they were not implementing RTE. Parents also said that getting income certificates every year was very difficult and costly. One parent claimed having spent Rs 2,500 for getting this documentation. Parents had spent between two days and two months in getting admissions under RTE for their children. Some parents claimed to have been charged anywhere between Rs 25 and Rs 250 to get the admission form for their child. Since the norm of distance is the strictest, some parents had used online applications to measure the distance and establish that they indeed belonged to the neighbourhood. Parents also said that the distance criterion restricted the choice that they have in terms of school selection. Orphan children had difficulty getting admission as they have no residence address and they may

not have guardians. The officials indicated that children without guardians could not be admitted despite the fact that the rules define disadvantaged child as including an orphan.

### Financial Reimbursements

The per child expenditure that can be reimbursed by the government is fixed at Rs 11,900 per annum, or the actual amount charged from the child, whichever is less. The government does not pay for extracurricular activities in schools. The sampled schools charged fees ranging from Rs 300 per month to over Rs 10,000 per month. Different kinds of fees are charged – admission fees, examination fees, registration fees, transport fees, book fees (which were compulsory even for children admitted under RTE), boys fund, annual charges, development fee, activity fee, tuition fees and caution fees. Fees were due at different intervals – it could be paid annually, quarterly or monthly. Six schools claimed they had not been reimbursed by the government; three schools did not disclose any information. The schools that received reimbursements claimed they had not received what was actually spent by the school on children. For instance, in the most expensive school selected in our sample, the annual fee is Rs 120,802 and 38 children were admitted under RTE in 2012-13. However, the government reimbursed Rs 169,568 which averages to Rs 4,462 per child. The school claimed to have incurred expense of Rs 818,667 to address the deficit. Six schools claimed to have incurred expenses to meet other fees that were payable by the children for books, stationery, picnics, transport, uniform, identity card, smart class fees, extracurricular activities like skating and music, lunch fees and school function fees. Officials indicated that the schools are prohibited from imposing any compulsory expenses on the children. Three schools said the additional costs are met through payments done by the general students; five schools said it was borne by the management. To meet these deficits, one school said it planned to start add on paid services in the school such as sports coaching which could be availed of by those who could afford to pay for it.

### 5.3. Implementation at the School Level

A total of 16 schools were covered for data collection in Delhi of which two schools had

not implemented RTE as on the date of our visit. One of these schools had set aside seats under the RTE Act but it did not get any students. This school was taken up for study because the South District Zonal Education Officer had pointed out that parents were not willing to admit their children in that school since they all aspired to send their children to elite schools. The official said, 'this is the parents' choice and they did not want to send children in small schools. We cannot force them to send their children to these schools. Poor parents now want to send their children only to big private schools – even when they are not worthy of them, and not willing to access where you are more worthy'. During our visit to this school, we found that other private schools in the neighbourhood also did not receive applications for admission under the 25 per cent quota. These schools are located in working class areas and re-settlement colonies inhabited mainly by daily wage and unorganised sector workers. These schools charged fees of about Rs 500 per month for primary and Rs 650 for higher classes and did not have any applicants for the free seats under the RTE Act.

### School Profile

Primary data collected from sampled schools (see profile of the schools given in Table 19 gives insights into the implementation of the provisions at the school level)

### Availability of Seats and Admissions

Data on the actual number of seats kept aside for admissions under Section 12 (1) (c) was not made available by six schools. In the remaining schools, available free seats ranged from four to 45 seats. In five schools, the number of applications received was larger than the number of seats available under RTE, with one school having 10 times the number of applications. However, two schools received fewer number of applications than the available seats and these schools provided admission to all those who had applied. One school had received four applications against the four free seats that were available in 2012-13. The number of actual admissions was lesser than the free seats available in the two schools although these schools had received more applications than the available seats. Schools did not clarify why this was so. Some of the vacancies arose because selected students had not joined the school. Parents who were

**TABLE 19: PROFILE OF SAMPLED SCHOOLS IN DELHI**

|  |  |
|--|--|
| <b>Medium of instruction</b>                 | Almost all schools were English medium schools except one which was offering both Hindi and English medium education   |
| <b>Affiliating School Board</b>              | Nine schools were affiliated to CBSE and five schools were affiliated to the state board. Other two schools were not affiliated to any board as they did not offer classes until grade 10.   |
| <b>Year of establishment and recognition</b> | Half of the schools were established after 1990. Except for two schools that received recognition in the same year <b>as they were established</b> , all the other schools received recognition after a period ranging from two years to 45 years.   |
| <b>Grades offered</b>                        | A majority of the schools started with nursery or pre-primary section. Most of the schools had at least grade 10 as their terminal grade.  |
| <b>Student strength</b>                      | Ranged from 90 to over 2,500 students.   |
| <b>Socio-economic profile of students</b>    | Except two schools where students came from educated, professional and elite classes, all the remaining schools catered to either the middle classes with the parental education profile being school or college educated or the lower income groups where parents were either illiterate or had barely completed primary schooling. The income levels ranged from Rs 1 lakh to Rs 12 lakh, with a majority of the sampled schools quoting less than Rs 2 lakh per annum as parental income. |
| <b>Parent-Teacher Associations (PTA)</b>     | Almost all the schools studied had either organised PTA or conducted periodic meetings with parents. Except for one school, all PTAs were inclusive and in one school three seats were reserved for parents of children from the EWS category. The main focus of PTA was on academic performance of students.  |
| <b>Participation in networks</b>             | Majority of the schools (10 out of 16) were not part of any school network or association, while others were part of different associations.   |

interviewed said the school had called them to explain about additional expenses to be incurred on food, books, school bag, extra curricular activities etc. This may have led some parents to withdraw even after getting selected.

Four schools had slightly increased their quota of free seats in the current academic year (2013-14) while one school had reduced the quota. There was an increase in applications received in the current year compared to the applications received last year and compared to the free seats available. Two schools received fewer applications than the free seats available and although these were the same two schools that had received lesser applications last year also, there were more applications this year even in these two schools. Overall the number of applications schools receive is increasing. The most competitive scenario was seen particularly in one school. Last year it had received 10 times

more applications, this year it received almost 16 times the number of applications. Two schools gave admission to fewer children than the available quota and two schools gave admission to a slightly greater number of children than the available quota for the year 2013-14.

Five schools reported some cases of drop outs or withdrawals. In the case of three schools, children had taken a transfer to another school. Parents being temporary workers had to shift home and hence had to take their children away. In one school, two children could not furnish income certificates and therefore their seats were considered as general category and they had to pay fees. In one school, the children lived far away and parents could not afford transport costs. In eight schools, there were no drop outs.

#### **Measures taken to Foster Inclusion**

School managements and teachers shared how

they had made changes in internal policies, norms and practices to foster inclusion. These included bringing out bilingual circulars in both English and Hindi so that it becomes more accessible to all parents, slight leniency shown about school timings, a separate orientation for parents of these children as they may be hesitant to ask questions in the presence of other parents, a special 'skills workshop' for children with learning disabilities, and issuance of circulars prohibiting punishment, detention, external tuitions by teachers and any form of discrimination. Teachers have also been instructed to ensure that children admitted under RTE also participate in the class and discussions on their personal experiences are avoided. One school also runs special classes for children admitted under RTE, both before and after school hours, and parents of other children volunteer to teach. In one school, shadow teachers (paid for by the parents) were allowed into the class (mothers or other support was made available to the child with learning disability) to support the child in learning.

One school had appointed school counselors and special educators since they had admitted children with disabilities and one school had appointed assistant teachers to help the teacher deal with 'weak children'. Four schools said they had done nothing at all. One school had instructed parents from the general category not to send expensive things to schools and had instructed 'RTE parents' to send back things that the child may have picked up at school. Four teachers mentioned how children's 'bad' and 'abusive' language had to be corrected and children and parents had to be called and told that it is a 'bad habit' to use 'loose language'. One of the teachers said if a child is uncontrollable, the parents are asked to come to the school. However, many teachers said that the children admitted under RTE were like any other children, respectful towards the teachers, and that they were learning and adjusting fast. Measures taken to ensure inclusion by the teachers included taking up extra hours of classes with them (reported by three teachers); using Hindi and English to teach lessons (two teachers); sharing personal phone number and being accessible for answering any queries (one teacher); and making learning interesting (one teacher). Four teachers said they do not know which children are coming from such backgrounds and therefore they focus

on whoever is 'weak' in studies. One teacher said that the school allows children to sit with the teachers they are comfortable with after school and learn what they had not understood. Three schools said children do have difficulty in coping, primarily because they have not gone to pre-school or because of difficulty in understanding English, but with support from the teachers the children were doing well. The teachers said they were making efforts to help children 'cope' and stay together with other children. Most of the teachers said they used a combination of Hindi and English to teach in the class and they have to go very slow with children who have difficulty understanding English. One teacher said that every day she does the basics (alphabet, barahkhadi and numbers) because some children are completely new to education, and have never even held a pencil. Some teachers reported calling parents and giving them feedback about a child's learning and asking them to support them with studies at home. Teachers considered family background to be important for a child's education and said these children are likely to suffer academically due to lack of family support. Yet, most schools did not have a plan to supplement this deficit in any manner. None of the teachers were trained to handle class diversity and inclusion.

One school counselor shared how parents made genuine efforts to ensure that their children feel included: 'They put in a lot of effort to help the children and try to adjust. A parent came to clarify when children were asked to get a particular food on a specific day, which the parent later provided for the child.' Four schools said the experience of social inclusion had been positive so far but were not sure if this would continue to remain so in the future as children would grow up and become conscious of differences. Two schools said there was no problem of inclusion as all the children were from similar backgrounds and four schools said they had not given any attention to the experience of their 'social inclusion'.

According to the education department officials, there is no discrimination and by monitoring and interfering it may become an issue and hence they were not inclined to monitor. They also said the students are sure to feel inferior (rather than discriminated) given that they are not able to afford some of the costs and this can cause problems in the long run. They also suggested

that children from the general category have to be told 'don't worry be tolerant', thereby reflecting a patronising attitude.

### 5.3. Knowledge and Perceptions about Inclusion under RTE

The study also tried to capture the knowledge and perceptions about the RTE Act among various categories of respondents. The awareness about RTE provisions among school principals was generally low and the main provision that the principals knew about was that of 25 per cent free seats to poor children. Two principals were aware of no detention under RTE and one knew about mandatory working hours for the teachers which was hard to implement because of teachers' resistance. The awareness among teachers about the RTE was also found to be very low. Five out of the sampled schools had implemented the Delhi government notification on admitting children from economically weaker sections (EWS) as they had received land from the government. Among these, one school said it had not implemented the provision all these years and neither had the government monitored its implementation. It was only two-three years ago that the management read through the land lease agreement and decided to give concessions. Concessions against EWS provisions have been given by these schools to children of staff and employees (including teachers), children from the same community and children living either in the neighbourhood or far away. Managements of six schools claimed to be giving concessions to some of the students coming from poor families or children of their staff. Since Delhi had EWS quota earlier of 15-20 per cent which has now been included into the 25 per cent, many schools were not clear about the two. Hence there was confusion over seats. Many schools mixed the disadvantaged and economically weaker sections together and simply called them EWS. All the schools said the provision on 25 per cent was meant to benefit the poor children who now have an opportunity to study in 'good schools' without paying the fees, although some said it was only being accessed by the 'creamy layer'. One of the schools said it was meant to reduce the burden on the government while another school considered this as a tool to bring social equality.

There was also a dominant perception in the

management that the government is not setting its own house in order before putting the responsibility on the private schools. Questions were raised as to why the government schools did not function regularly, why teachers were not teaching and why the government is not monitoring its own schools. The condition in government schools where no one can take action against a teacher not fulfilling his or her duty was considered to be the biggest challenge in improving the system.

In four schools, the teachers did not even know who were the children admitted under RTE and who were the general category students. Overall, the school management had a positive perception of parents of children admitted under the 25 per cent provision. They also said that most of the parents of general students were positive and supportive towards inclusion of children from disadvantaged and weaker sections. In a few cases, parents had made complaints – about inappropriate closeness, missing things, bad language, and in these cases the schools had dealt with the issue on a case to case manner without hurting the child or parents on both sides. One school reported about the close friendship between a child from a 'celebrity family' and an 'EWS child'. The fact that it was mentioned as a special case shows that this was uncommon and considered beyond the box of 'social norms'. All the schools reported that children were not aware of differences at such a young age and they mingled easily with each other without any discrimination or prejudice.

One of the officials interviewed said children from the 25 per cent lot are unable to cope with other children because they have illiterate or undereducated parents. There was also a generalisation that 'these children are fighting and stealing small things like pencil, eraser, and books'. By and large, government officials did not want to express their thoughts and opinions on the provisions and there was resistance about articulating any view that might go against them. In some sense it reflected a lack of autonomy at important layers of the government which would affect the implementation of the provision.

#### Parents' Experiences with Inclusion:

The study provided some insights into the bases of choice and decision making among the parents with regard to the notion of a 'good



school'. Parents indicated that they were looking for a 'good' school which fulfilled criteria such as: a conducive environment, social equality in school, availability of sports facilities, soft spoken and well-behaved teachers, focus on personality development of the child rather than bookish knowledge, teaching of English and Science, innovative methods of teaching children, and regular feedback given to parents about the child's progress. Some parents were able to spell out the nature of the extra curricular activities that schools should provide. These include 'collage painting, finger painting, vegetable painting' and 'good quality dance training, skating, music classes, physical training and computer education'. All the parents interviewed said that the current school meets their expectations and their children enjoyed going to the school in the morning. All the parents said their children were not discriminated against in the school and that children had started participating in class activities along with other children. None of the parents had any grievances against the schools.

About half of the parents interviewed said they did not know the tuition fee amount charged by the school as they were not paying for it but the government was paying for them. One parent said he had to give an annual fee of Rs 5,000. Other fees that parents had to pay included examination fees, transport, books, uniform, extra curricular activities and for hobby courses. Only some parents said they did not incur additional expenses on the children while most said the expenses ranged between Rs 1,000 and Rs 6,000. Parents said that they had to dedicate a lot of time for their child's studies and some were sending them for tuitions.

#### **5.4. Grievance Redress and Monitoring**

The Delhi Commission for Protection of Child Rights and the National Commission for Protection of Child Rights monitor the implementation of the RTE Act. In addition, there is a strong civil society comprising NGOs, networks and legal activists that have monitored the implementation of this provision.

##### **Role of Delhi Commission for Protection of Child Rights (DCPCR)**

When the RTE Act came into force on April 1, 2010, the DCPCR saw the highest filing of

complaints in the country and throughout the first week of the statute coming into force. The DCPCR completed a term and during this study, we met with the second term of the DCPCR members.

Most complaints received by the DCPCR have been about irregularities in admission process, discrimination by the teacher in the school and documents needed during the admission process (especially income certificate, schools differentiating with a mark on the shirt of EWS children. Complaints are filed by NGOs, parents and children. As the DCPCR does not acknowledge the complaints, further complaints are filed under Right to Information (RTI) Act to know the status of the complaint. The DCPCR member who was interviewed did not share data on number of cases that were taken up suo motu. Whenever they received any complaint, an inquiry was conducted on the basis of the complaint and then necessary action was taken by way of making recommendations to various authorities and schools. The member said that the implementation of the provision was slow and the government was unwilling to take action against schools enjoying political patronage. This was demonstrated by the fact that the government does not implement or adopt the recommendations made by the DCPCR. Schools also do not implement the recommendations as they draw support from the higher authorities. There have been cases where the schools have taken matters to the court. The DCPCR member also said that some NGOs also created problems by provoking people unnecessarily to file complaints on minor matters or sometimes even on false grounds.

##### **Role of the Education Department:**

The role of the Education Department was found to be 'reactive' rather than 'proactive'. The officials interviewed said that monitoring was not required and they would respond to issues only if there were complaints. In fact, officials asserted that monitoring itself might lead to discrimination and moreover, the department did not have adequate manpower to carry out the task. The department considered its job done once the admission process got over. However, nodal officers have been appointed to facilitate and track admissions and one such nodal officer who was interviewed said that she had set up a monitoring team of four persons (vice-principals)



to conduct surprise checks ensure that schools follow the norms, record data and do not discriminate.

In a petition filed by Social Jurist, the Delhi High Court had sought a report from the government about steps taken by it to monitor the implementation of the RTE Act provisions relating to admission of children belonging to economically weaker section against 25 per cent seats reserved for them. The Social Jurist asserted that many schools had deliberately lowered the number of seats at the entry level classes to escape the obligation to admit kids from the poor strata of society. It also pointed that the government had not established a district admission monitoring committee in each district as required under Clause 7 of the economically weaker section admission order issued by the Delhi government in 2011. The Delhi government was in the process of formulating a policy to ensure students are admitted to private schools as per the RTE Act and are provided with prescribed facilities. Recently, it was held that private schools come under the rubric of Right to Information Act and the Delhi High Court directed such schools to disclose information on the total number of seats in a school, total vacancies in all classes, total seats under EWS quota, seats available under the quota, total applications received under the quota, when EWS quota applications will be received, and the date on which the admissions will take place. Schools are to update this information on a weekly basis.

### **Role of National Commission for the Protection of Child Rights (NCPCR)**

The NCPCR is mandated with the task of monitoring child rights, including right to education at the national level. Although there is overlapping jurisdiction in the case of Delhi with the presence of the DCPCR, complaints can be filed with either of the bodies. The NCPCR can also take suo motu cognizance of the violations in the territory of Delhi as well as anywhere across the country.

The NCPCR has received complaints about teachers, discrimination in schools like making children sit in separate classes, schools making a mark on the uniforms, fees demanded by schools and corporal punishment. Most complaints at the NCPCR have come from Delhi and Uttar Pradesh. Complaints are generally filed

by parents and NGOs. The NCPCR has also been taking suo motu notice of the violations. Cases pertaining to denial of admission or physical punishment of children are considered urgent and high priority. NCPCR issues recommendations to the authorities concerned and schools based on the facts of the case. As follow up, it sends two reminders to the authority and if they do not respond, the officials are summoned. One of the major problems at the NCPCR has been that of staff turnover which makes it difficult to follow up and track cases. It has been difficult to respond to pending cases and take on current ones as each case takes a long time. In a number of cases, NCPCR has not been able to close the case as the complainant has moved on or is not interested in following it up. No complaint is disposed off till its satisfactory resolution and hence a number of complaints remain pending.

An NCPCR member said states do not reimburse the expenses to the schools and schools therefore are not keen on implementing the provision. As the Supreme Court judgment has left the minority schools out of the 25 per cent provision implementation, many schools are trying to get minority certificate. The NCPCR member said the government should strictly monitor the grant of minority certificates, failing which most private schools would try to get into the minority category thereby reducing the available free seats in private schools.

## CHAPTER 6: COMPARATIVE SUMMARY OF THE MAIN FINDINGS

The study shows that the experience of implementing the RTE provision of 25 per cent has been similar in some ways across the two cities, yet distinctly dissimilar in other respects. Given that there is a growing trend of privatisation in both the cities, it would be useful to understand the implication of this provision on the private schools and on the beneficiaries (children and families). This chapter draws out some comparative observations along with the linkages with other issues confronting education in current times.

### 6.1. Administrative Structure and Processes

1. The education departments in both places are facing severe shortage of staff, thereby affecting the fulfillment of their duties under the RTE Act, including strengthening their own schools.
2. The rules and guidelines on the provisions are clear and accessible, but these are also provided in regional language in Bangalore while it is available only in English in Delhi.
3. Requirements of income certificate and other documentation give rise to delays, harassment and corruption as reported in both the cities.
4. The eligibility criterion has been challenged in the High Court in both Bangalore and Delhi. While the restrictive rule in Delhi on the three year residency requirement was removed by the High Court, in Bangalore the income ceiling of Rs 3.5 lakh has not been lowered by the High Court.
5. In both the cities, there was no structural linkage between implementation of the provision on 25 per cent and the recognition of private schools. Thus, children studying in schools without recognition and also at times without the mandatory infrastructure would still get government reimbursement.
6. Schools in both the cities, particularly Bangalore, said reimbursement is hard to come by and it has opened the school for greater governmental interference. Some schools in both the cities were not happy about the reimbursement amounts and had

to pay for the children themselves, often by raising the fees of the general students.

7. The problems with fake certification were found in both Bangalore and Delhi, yet there are hardly any cases against the persons/agencies responsible. Excessive bureaucratisation and lack of transparency has created a situation wherein only those who can negotiate or manipulate the system can get their children admitted under this provision. Getting this certificate itself reflects a sense of agency and access to some capital. The implications are that the most deserving continue to be left out of consideration altogether and settle for the government schools.
8. In both the cities, the department has not been able to address the problem of seats falling vacant after selected students withdraw or if they drop out from the school, even though wait-lists are prepared. In that sense, a vacant seat becomes a loss for the school and for the department and yet schools are required to keep these seats vacant and not admit anyone from the general category.
9. Most of the schools studied were actually charging fees less than the per-child expenditure of the government. The government has also not revised the per-child expenditure rate for nearly two years.
10. Compared to Bangalore, there has hardly been any interaction between the Directorate of Education and the schools in Delhi.
11. In both the cities, the government has not published a single report about the implementation of this provision even after one year of its implementation.

### 6.2. Inclusion in schools

1. The provision has been accessed by those who were aware of the entitlements and who knew how to get the required documentation. The absolutely impoverished families have not been able to claim this entitlement in both the cities.
2. Certain disadvantaged groups such as children with disabilities have been left out in the larger pool of disadvantaged children in both the cities. In the case of Bangalore,

orphan children, street and migrant children and children affected by HIV are not included. On the contrary, children from SC, ST and OBC/BC have benefitted from this quota, with the OBC categories availing more in Bangalore.

3. Integration of children in the schools is largely positive given that children are very young and not aware of the differences. However, schools anticipate problems when the children grow older and begin noticing the social differences.
4. Social integration was easier in schools catering to children from lower socio-economic strata than in elite schools because social differences between children admitted to 25% seats and the remaining children were hardly noticeable. In schools catering to communities from lower socio-economic strata, parents of remaining 75 per cent students also asked to be considered for free seats.
5. Parents preferred private schools because they wanted the school to fulfill their expectations of 'quality'. The underlying position was that government schools do not offer quality education.
6. Parents find it difficult to provide academic support, but have been able to provide material support to the child in the form of clothes, food, supplies etc.
7. Teachers and schools had very little idea on how to foster inclusion. Most schools were content with admitting the children but were not committed to bringing fundamental changes in attitudes or pedagogies that would foster inclusion.
8. School managements were concerned with the handling of financial difficulties owing to lack or delays in reimbursements and excessive government interference.
9. There is a definite sense of anxiety about the continuity and survival of the children in the schools. Schools were concerned that at higher grades, children would require more financial and academic support from home which the families may not be able to provide. However, there is little guidance and dialogue among schools or between schools and administration on how to ensure children complete their schooling.

### 6.3. Grievance Redress and Monitoring

The grievance redress mechanism is the local authority but the first line of redress has not yet taken off in either of the cities. These authorities are rarely accessed and there seemed to be no clarity on how these would function. Even the Commissions for Protection of Child Rights have been bogged down with their own set of struggles with the respective governments. There is poor or no awareness among the department itself about these important functions and how these should be rolled out. Moreover, the fact that recommendations made by these bodies are largely persuasive but not binding, do not give the commissions a strong foothold.

### 6.4. Emerging Issues

In terms of implementation, data in both the cities shows that the issue of 25 per cent quota in private schools is related to other questions on education policy and practice. These are summarised below:

1. Scope of the provision - The applicability of this provision to certain types of schools – international boards, residential schools etc – is ambiguous and a significant number of schools following these patterns are located in Bangalore and Delhi. Such schools, which are at one extreme end of the range of schools, are actually left out and thus the idea of the 25 per cent provision leading to social justice and equality of opportunity is rendered a misnomer.
2. Multiple disadvantages - The definition of the 'disadvantaged' and the generation of categories have brought to fore the real complex multiple disadvantages that exist, but which are not accounted for, for eligibility under RTE.
3. Public and Private comparisons - This provision is also the key point which brings to light private-public comparisons, interactions and dynamics. For instance, the idea of a 'good school' and quality being equated with private by each of the stakeholders including the government comes to fore and this finds expression as the provision gets implemented on the ground.
4. Parental choice – The idea of a 'good' school and quality of schooling among parents

favours the private schools and what they are seen to be providing. In both the cities, the attraction of the 'private' was found to be very strong, thereby explaining the growing demand for this provision. Parents have also been making choices based on their own criteria of quality and in both the cities they had not chosen to apply to several private schools. Choice was generally exercised in favour of schools that catered to slightly higher socio-economic strata. Thus, the provision was seen and used as a vehicle for upward mobility by families.

5. Emergence of parents as an organised stakeholder – In both the cities, parents are emerging as a key and strong stakeholder. They stand mobilised on larger policy issues of fee hike and regulation of private sector. This is a departure from the earlier narrow focus of parents on their child's academic progress and schooling.
6. School networks – Organised school networks and associations of private schools are becoming a common forum for challenging state interventions in both cities and membership in these networks is seen as offering a sense of solidarity and protection to private schools.
7. Fee hike and its regulation in private schools – Schools have been hiking fees over the past few years, more so, to absorb the additional expenditures that RTE imposes. Schools have been resisting state intervention in fee regulation.
8. Minority institutions and applicability of RTE – A sudden rush to seek minority status for schools can be explained by the Supreme Court verdict exempting such schools from the applicability of Section 12 (1) (c). This is evident in both the cities and there is a great deal of policy ambiguity and contestation on granting such status, especially in Bangalore.
9. Translation of legislative intent into practice – There is poor understanding of RTE itself and the purpose of this provision among the different stakeholders. Given this gap, schools may fail to translate the spirit of the original intent of the legislation into practice. In other words, the provision is translated merely as a top-down programme which has

to be done because of official directions but very little is invested in actually ensuring integration of the children at the school level. Thus the focus remains on the superficial and easier target of bringing them into the school but misses out on focusing on children as they learn and relate with each other.

10. 'Deficit' orientation towards 'RTE children' – There is a strong perception among private school teachers that the home environment plays a significant role in child's education and that such children come from deficient backgrounds. Thus, the role of the school is to help the child to leave their bad habits, bad language and adjust in the new surroundings. This patronising model of providing goes against the rights of the children.
11. Teachers' role in inclusion – A teacher's own reflection on her role in fostering inclusion is not well considered. The teachers have not even contemplated on the real classroom changes required and what they can do. Hence most continue to carry out what has been told, rather than using their agency to devise pedagogical strategies that can bring about integration.
12. Sustainability of the provision – Most schools in both the cities could foresee major challenges as the children moved ahead through the higher grades. There also seemed to be an anxiety of not being able to detain children and promoting them without the child actually having mastered the competencies.

The implementation of the provision seems somewhat tentative because schools are still litigating and the judgment of the Supreme Court in April 2012 has been referred for review to a higher Bench. This affects the rigour with which the key stakeholders (both government and private schools) contribute to the implementation. Yet, it is imperative that the current limitations and ambiguities surrounding the implementation does not pave the way wherein the provision is undermined and confidence in its potential to bring inclusion is lost. Policy implications and recommendations for improving the implementation are given in the next chapter.

## CHAPTER 7: POLICY IMPLICATIONS AND RECOMMENDATIONS FOR ACTION

Based on the findings of this exploratory study of the implementation of Section 12 (1) (c) in Bangalore and Delhi during the academic year 2012-13, the following policy implications and recommendations for action are proposed.

1. The Education Department should be strengthened with a dedicated RTE cell which can have an integrated system for fulfilling the state's mandate under RTE. Such a cell should be able to bring in coherence and convergence in the three functions of the government under the RTE –provision, funding and regulation of schools. To start with, the cell should link the system of granting recognition to private schools with implementation of Section 12 (1) (c) in private schools.
2. The Education Department should provide clarity on what constitutes minority schools in the state and the status of minority institutions and place it in the public domain so that private schools cannot claim exemption when they are not entitled to the status.
3. The Education Department should consider how the financial resources for implementing this provision over the years would be generated. Given the government's reliance on SSA funds to meet these requirements and the SSA being phased out, this would be an immediate concern for state governments.
4. The Education Department should provide policy clarity on how the provision would apply to certain schools, especially those affiliated to international boards and residential schools. It should also define clearly the norms where schools do not have a residential neighbourhood.
5. The Education Department should also bring out clear circulars on duties of the private schools to meet the additional costs incurred by marginalised children, provided for in the rules. It should also conduct random checks and enforce this provision. In this regard, the department may have to clarify what these 'additional costs' could include, which is not fully articulated at present.
6. The Education Department should also link the implementation of this provision with its regulatory role in determining the school fees to ensure that the school does not hike the fees to absorb the additional costs. While reimbursing schools, the fee structure and increases should also be scrutinised.
7. The Education Department should streamline the admission process so that there is transparency, fairness and simplicity in the procedures. The forms should be standardised and accessible in the regional languages used in the state. The receipt of applications and verifications can be decentralised, but the admission could be centralised to the block level to allow parental choice and maximise opportunities for admission. The department should evolve a method of reducing vacant seats and number of disappointed parents by better listing and matching and by holding more than one round of drawing lottery. It should also provide for preference to children with multiple disadvantages.
8. The Education Department through its District Commissioners should streamline, simplify and expedite the process of granting eligibility certificates, including income certificates, disability certificates etc. This should be included in single window services and brought under the purview of right to public services provisions.
9. The Education Department should spread awareness about this provision widely using mass media. It can also collaborate with NGOs, schools and community bodies in facilitating admission processes.
10. The state government should strengthen the existing mechanisms for grievance redress and monitoring of RTE Act, such as local authorities and State Commission for Protection of Child Rights. These should be provided funds and human resources so that they can function effectively. Furthermore, the Education Department should seriously consider the recommendations and decisions made by these bodies and implement the same. The functions and

powers of these bodies should also be publicised widely so that aggrieved parties can access these forums provided by the RTE Act.

11. The Education Department should convene periodic meetings with private schools at the block level to discuss the various issues related to admissions, reimbursements and inclusion. This is to ensure that the provision is not reduced to granting admissions but that it facilitates inclusion as well. This can also become a platform for sharing ideas, recognising innovative practices, stock-taking and for seeking clarifications.
12. The Education Department should prepare formats for compliance reports that also seek information on how schools are fostering inclusion. Special focus should be given in recording cases of drop-outs from the 25 per cent seats and by following up on the reasons. The department should also facilitate timely disbursement of reimbursements to schools.
13. The State Councils for Education Research and Training and the State Institutes for Education Management and Training can prepare specific in-service trainings for school administrators and teachers on fostering inclusion and handling classroom diversity.
14. Given that the per-child expenditure rates are determined on the basis of state allocation to education, the rate should be revised from year to year. Norms for reimbursing pre-primary admissions should not be arbitrary but based on reliable criteria like average of costs incurred by different providers or costing on the basis of norms laid under the National Early Childhood Care and Education Policy.
15. Schools should ensure participation of parents of children admitted under the RTE Act in the PTAs. Internal reviews/ audits should be conducted to see if the school is complying with the rules. They should periodically conduct workshops with teachers on handling class dynamics, adapting pedagogies and remediation wherever required.
16. NGOs and community groups can actively participate in monitoring the admission process and helping marginalised families to claim these entitlements. Based on their direct experience, these groups can advocate for revision of rules and strengthening the implementation mechanisms.
17. In the past two years, the governments have also attempted to improve implementation although certain limitations and gaps persist. In the forthcoming years, the governments should focus on ironing out the difficulties through greater participation of all key stakeholders and strengthening its implementation mechanisms so that the legislative intent is truly realised in practice.

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## ANNEXURE

### ANNEXURE 1: TOOL KIT INDEX

| Tool No | Tool Name                                  | Tool Description  |
|---------|--|---|
| 1       | School Profile                             | Structured questionnaire, researcher administered: basic facts about the school and details pertaining to enrolment under 25% provision for 2012-13 and 2013-14                               |
| 2       | Interview School Management                | Semi-structured interview with principal or member(s) of school management: on process, experience, and responses of stakeholders to 25% provision  |
| 3       | Interview School Teachers                  | Semi-structured interview with schoolteacher(s): on perceptions and experiences of teachers on 25% provision and children enrolled under the provision in specific standards                  |
| 4       | Checklist School and Classroom Observation | Observation schedule for school and classroom processes: on extent of inclusion/exclusion in school and classroom processes of children enrolled under 25% provision                          |
| 5       | Interview Parents                          | Semi-structured interview with parents of children enrolled under 25%: on experiences with admission process and the school in which child enrolled   |
| 6       | Interview Education Officials              | Semi-structured interview with education officials: on administrative structure, implementation processes and monitoring mechanisms for 25% provision   |
| 7       | Checklist Education Department             | Checklist of data to be collected from the education department: on rules, regulations, court orders, financial details, and enrolment data for 25% provision                                 |
| 8       | Local Authority                            | Semi-structured Interview with member of local authority constituted under section 32 of RTE: on structure, responsibilities and complaints received  |
| 9       | SCPCR                                      | Semi-structured interview with member(s) of the SCPCR: on nature of complaints and monitoring of implementation of 25% provision  |
| 10      | NGOs                                       | Semi-structured Interview with NGO/civil society organisation member(s): on work pertaining to 25% provision, specific cases and responses, and views on state's implementation of the clause |

## ANNEXURE 2: TOOL KIT USED IN BANGALORE

### Tool 1 School Profile

Name of the researcher(s) : \_\_\_\_\_

Date(s) of school visit : \_\_\_\_\_

1. Name of the School : \_\_\_\_\_

2. School Address : \_\_\_\_\_

3. School Code (DISE Number) : \_\_\_\_\_

4. Medium of Instruction : \_\_\_\_\_ (official)  
\_\_\_\_\_ (unofficial/actual)

5. Affiliating Board (could be multiple responses): State / CBSE/ ICSE /  
Other (please specify) \_\_\_\_\_

6a. Year of establishment of the school:

6b. Year of recognition of the school:

7. Level of Education / Grades offered

a. Lowest grade : \_\_\_\_\_

b. Highest grade : \_\_\_\_\_

8a. Is there a separate preprimary facility:

8b. If yes, is this in the same school premises or in a separate location:

9. Total student strength of the entire school (from lowest to highest grade):

10a. Occupation of parents from general category (with some details):

10b. Education of parents from general category: Illiterate / 10th / Graduate / Post graduate

10c. Family income per annum of children from general category:

11. Year when 25% inclusion started in the school:

12. In which Grade is 25% provision implemented: Pre-Primary / Primary

13#. Number of Seats put up for 25% last year:

14#. Number of applications received last year for 25%:

15# Number of Students actually admitted under 25% in Grade 1/Pre-primary last year:

16#. Number of Seats put up for 25% this year:

17#. Number of applications received this year for 25%:

18. School Fees for Grade 1 or Pre-primary per child per annum

19. Amount reimbursed by Education Department (Year wise) [could be lump-sum or per-child]:

20. Expenses incurred by School for supporting Inclusion [expense heads and amounts; could be lump-sum or per-child]

21. Any other Observations/Comments that seemed important to researcher during discussions:

Designation of respondent : \_\_\_\_\_

Name of respondent (voluntary): \_\_\_\_\_

# if multiple boards, then collect information for these questions board-wise.

## TOOL 2 INTERVIEW WITH SCHOOL MANAGEMENT OR PRINCIPAL

Name of the researcher(s) : \_\_\_\_\_

Date(s) of school visit : \_\_\_\_\_

What does the new Act, RTE provide for?

Did your school have provision of inclusion before the RTE became applicable? Describe.

Has the school changed/created new guidelines on inclusion after the RTE?

Is there a change in the content of the textbooks and teaching?

\*Why did the government introduce 25% clause under RTE?

\*Do you think it is a useful provision and for whom?

\*How are admissions and selections done for children coming under 25% category in your school?

\*Who are the children admitted? Their background? Are their parents working with the school?

\*What specific measures have you taken to facilitate children's inclusion in the school (children under RTE 25%)?

What is the experience so far with inclusion?

Socially

Academically

\*What financial implications has the school had to deal with in order to respect this provision? How has the school managed with this?

What has been the response of the –

Teachers

Parents of those admitted under 25%

Parents of children from general category

Other children

\*What kind of challenges do you foresee in the coming years with this provision of 25%?

\*Have you voiced your grievances directly with the Government? How was the experience?

\*What suggestions do you have to the Government on this subject?

\*Are you a member of any school network like Unaided School Associations? Which network and what is its position on 25% provision? What is it doing about this provision?

\*Does the school have a PTA? Who are the members? Is there any member from parents of children covered under 25%?

\*Have you faced any complaints regarding the implementation of RTE so far? From whom? How have you dealt with these complaints?

Any other Observations/Comments that seemed important to researcher during discussions:

Designation of respondent : \_\_\_\_\_

Name of respondent (voluntary) : \_\_\_\_\_

**TOOL 3 INTERVIEW WITH SCHOOL TEACHER (OF GRADE WHERE INCLUSION IS BEING IMPLEMENTED; AND ANY ONE BOARD IF THERE ARE MULTIPLE BOARDS IN SCHOOL AND SEPARATE TEACHERS FOR THE DIFFERENT BOARDS)**

Name of the researcher(s) : \_\_\_\_\_

Date(s) of school visit : \_\_\_\_\_

What is RTE all about?

Why did the government introduce 25% clause under RTE?

Do you think it is a useful provision and for whom?

Who are the children admitted? Their background? Are their parents working in the school?

\*What specific measures have you taken as a teacher to facilitate these children's inclusion in the class (RTE 25% children)?

\*What is the experience so far with these children in the class?

Socially

Academically

What is the response of the children from general category?

What is the response of the parents from general category?

What is the response of the children admitted under 25%?

What is the response of the parents of children admitted under 25%?

\*What challenges does the inclusion pose to you in terms of

1. Transaction of curriculum
2. Classroom management and behavioural issues
3. Assessment of children's learning

How have you handled the above challenges?

\*How important is the home environment important for the child's learning? Is this lacking in the case of children admitted under 25%?

\*What is the role of the teacher in such inclusive classes?

Were you trained or oriented to handle an inclusive class? Details.

Do you think the children will academically and socially cope within your school. Why?

Does the school have a PTA? Who are the members? Is there any member from parents of children covered under 25%?

Any suggestions to the

1. Government \_\_\_\_\_
2. School Management \_\_\_\_\_

Any other Observations/Comments that seemed important to researcher during discussions: \_\_\_\_\_

Grade(s) being taught by the respondent : \_\_\_\_\_

Board(s) being taught by the respondent : \_\_\_\_\_

Designation of respondent (class teacher/assistant teacher): \_\_\_\_\_

Name of the respondent (voluntary) : \_\_\_\_\_

#### TOOL 4: TOOL INTERVIEW WITH PARENTS

Name of the researcher(s) : \_\_\_\_\_

Date(s) of school visit : \_\_\_\_\_

Name (voluntary) : \_\_\_\_\_

Gender : \_\_\_\_\_

Languages spoken at home : \_\_\_\_\_

Education : \_\_\_\_\_

Occupation : \_\_\_\_\_

Income per annum : \_\_\_\_\_

Caste : \_\_\_\_\_

Religion : \_\_\_\_\_

Distance to residence from school: \_\_\_\_\_

In what grade does your child study: \_\_\_\_\_

Do you have any other children? \_\_\_\_\_

Where do they study? \_\_\_\_\_

\*How did you choose this school for your child? \_\_\_\_\_

Did you also apply to other schools? \_\_\_\_\_

If yes, How many? \_\_\_\_\_

How did you know that there was a provision by which one could admit children in private schools and government would reimburse the school? \_\_\_\_\_

\*Did you face any difficulties in the admission process \_\_\_\_\_

—

\*Tell us about the process - how you got your child admitted in this school? \_\_\_\_\_

What were the documents you were required to provide? \_\_\_\_\_

Did anybody help you in the admission process \_\_\_\_\_

1. Government
2. NGO
3. Agent
4. Family and friends
5. Others (specify)

\*What were you looking for in a school? \_\_\_\_\_

Does this school meet your expectations? \_\_\_\_\_

15. Does the child like coming to school? \_\_\_\_\_

\*Why did the government provide for this measure – of admitting children in private schools from those who cannot afford?

\*What do you think is a good school?

What are the school fees [in general for the school; per annum]?

Who pays the fees for your child? Government or you? Both?

Are you required to pay any additional amount to the school?

What is the overall expenditure you incur for your child's education in this school per annum?

Have you interacted with parents of children from general category? Details? How did they relate to you?

\*Is your child treated differently by the teachers? In what way?

\*Is your child treated differently by other children? In what way?

Do you help your child with studies at home?

If not, is there any other help/support for your child's studies at home? Who helps?

Do you know if the school has a PTA? If yes, who are the members? Is there any member from parents of children covered under 25%? Are you a member?

Any suggestions to

1. School

2. Government

Have you had/do you have any complaints against the school? How have you/can you deal with these problems?

Any other Observations/Comments that seemed important to researcher during discussions

## TOOL 5: CHECKLIST FOR SCHOOL AND CLASSROOM OBSERVATION

Observe the following activities in the school (morning/afternoon assembly, lunch break, class periods, physical training period, end of school hours) and note the following:[the reporting will be in the form of descriptive observations]

1. Are the children from disadvantaged backgrounds mixing with the other children?
2. How are the general category children interacting with children from disadvantaged groups?
3. Do the children from disadvantaged groups have school supplies, bag, lunch etc.?
4. Are there any differences in the quantity and quality of the supplies?
5. Are children belonging to 25% segregated from the other children – in terms of
  1. Section:
  2. Seating arrangement
  3. Uniform
  4. Any other identifier – school badge etc? (specific details)
6. How does the teacher interact with the class? Does she give any special attention to children from disadvantaged groups?
7. Are all the children following the same classroom work?
8. What are the children doing in the class? See if any differences for children from general and disadvantaged backgrounds.
9. Any other Observations/Comments that seemed important to researcher during observations:
10. What are the activities from the suggested activities that you could observe (please list):



## TOOL 6 – INTERVIEW WITH EDUCATION OFFICIALS (SECRETARY, COMMISSIONER, DDPIS, BEOS, NODAL OFFICERS, CONSULTANTS)

Name of the researcher : \_\_\_\_\_

Date : \_\_\_\_\_

1. Name
  2. Designation
  3. \*What is the objective 25% provision under RTE? What does it seek to do?
  4. Since when is it being implemented in the state and city?
  5. What are the categories of children covered under disadvantaged and weaker sections?
  6. \*What is the machinery in the department for implementing this provision?
  7. \*What is the process of implementing this provision? Last year and this year?
  8. \*How are the schools monitored?
  9. Are there any reporting requirements from the schools?
  10. What are the demands of the schools for supporting the implementation of this provision?
  11. What is the amount reimbursed to the schools
    1. Total amount in Bangalore/Delhi
    2. Per child rate
  12. How is the per child rate computed?
  13. What expenses of the child are covered by the amount reimbursed by the government?
  14. What expenses of the child are not included in the amount reimbursed?
  15. How do schools make up for this deficit?
  16. \*What is the status of implementation?
  17. \*What are the challenges faced in implementation of 25% clause?
  18. \*Do you think this provision is showing the intended results on the ground?
  19. Have there been any complaints against this, from whom, what complaints and the status of complaints.
  20. \*Are children discriminated against once they are admitted under 25% category? What kinds of problems?
  21. What have you done to address the abovementioned problems if any?
  22. \*What are the interventions undertaken by the Dept to ensure that this provision is successfully implemented.
  23. What are the kinds of problems created by the following with regards to the provision?
    1. Schools
    2. Parents
  24. What can be done to ensure better implementation of this provision?
  25. What is being done about the unrecognized schools? Particularly related to this provision?
  26. What is the status of implementation in schools affiliated with central boards – CBSE, ICSE, IB, IGCSE
- Any other comments/observations

## TOOL 7 - CHECKLIST OF DATA TO BE COLLECTED FROM EDUCATION DEPARTMENT

1. Notifications on 25% subsequent to Rules
2. What categories of children can claim admission under 25%?
3. Any proposed amendment to the Rules?
4. Any matter pending before the Courts challenging 25%, court directions?
5. Administrative structure that overlooks implementation of 25%
6. Admission process for 25% - last year and this year
7. Total number of private schools in the state - various categories
8. List of private unaided schools (those coming under the purview of the 25% provision) in the city and their distribution as per geography, size and socio-economic profile
9. List of schools in Bangalore/Delhi where 25% provision is being implemented (Grades- nursery or Grade 1)
10. Number of seats available for 25% - last year and current year (Grades, schools, location)
11. Number of applications received for admission - last year and this year under 25% in schools of Bangalore/Delhi (Grades, for which schools, location)
12. Number of seats taken last year against those available.
13. What is the reimbursement amount? How is it computed? How is it paid to schools?
14. Funding allocation for 25%?
15. Status of disbursement of last year
16. How much amount was reimbursed in total to schools last year?

Any other comments/observations/related data

## TOOL 8- LOCAL AUTHORITY NOTIFIED FOR GRIEVANCE REDRESS UNDER SECTION 32 OF RTE

Name of the researcher : \_\_\_\_\_

Date : \_\_\_\_\_

1. Name : \_\_\_\_\_

2. Designation : \_\_\_\_\_

3. Address : \_\_\_\_\_

4. When was the local authority appointed under Section 32 of RTE?

5. What is the structure of the office of the local authority? How many people are working? Do they have other responsibilities also?

6. What kind of cases have come before the local authority under Sec 32 of RTE?

|                               | 2010-11 | 2011-12 | 2012-13 | Remarks |
|-------------------------------|---------|---------|---------|---------|
| Complaints received           |         |         |         |         |
| Complaints admitted           |         |         |         |         |
| Complaints handled and closed |         |         |         |         |
| Complaints pending            |         |         |         |         |

7. Who has filed the complaints?

- a. Parents
- b. Children
- c. Schools
- d. NGOs
- e. Others

8. What kind of action has the local authority taken/recommended with regard to these complaints?

9. Have these recommendations been acted upon? Give examples

10. Have any cases gone on appeal to SCPCR related to 25% provision?

- 1. How many?
- 2. What has been the outcome?

Any other comments/observation:

## TOOL 9- SCPCR

Name of the researcher : \_\_\_\_\_

Date : \_\_\_\_\_

Name of the person interviewed (Chairperson/Member/Secretary/Registrar)

Address : \_\_\_\_\_

1. Do you have a separate cell to look into the cases coming under RTE? How many people look after the cell?

| Designation | Number of positions (vacancies) | Responsibility |
|-------------|---------------------------------|----------------|
|             |                                 |                |
|             |                                 |                |
|             |                                 |                |

2. How many complaints has SCPCR received on Education matters since 2010?

|                     | 2010-11 | 2011-12 | 2012-13 | Remarks |
|---------------------|---------|---------|---------|---------|
| Complaints received |         |         |         |         |
| Complaints admitted |         |         |         |         |
| Complaints handled  |         |         |         |         |
| Complaints pending  |         |         |         |         |

3. How many complaints has SCPCR received on matters related to 25% provision under RTE?

|                     | 2010-11 | 2011-12 | 2012-13 | Remarks |
|---------------------|---------|---------|---------|---------|
| Complaints received |         |         |         |         |
| Complaints admitted |         |         |         |         |
| Complaints handled  |         |         |         |         |
| Complaints pending  |         |         |         |         |

4. What is the nature of complaints on 25% provision?

5. Who has filed the complaints?

- a. Parents
- b. Children
- c. Schools
- d. NGOs
- e. Others

6. What action has been undertaken in these complaints related to 25%?

|  | 2010-11 | 2011-12 | 2012-13 |
|--|---------|---------|---------|
| Recommendations made to the government |         |         |         |
| Compensation recommended               |         |         |         |
| Moved the High Court or Supreme Court  |         |         |         |
| Any other                              |         |         |         |

7. Has any case come to you on appeal from the local authority on 25% provision?

|                           | 2010-11 | 2011-12 | 2012-13 |
|---------------------------|---------|---------|---------|
| Number of cases on appeal |         |         |         |
| Nature of problems        |         |         |         |
| Action taken              |         |         |         |

8. Has SCPCR suo motu taken any case related to 25% provision?

- a. How many?
- b. What kind of violations?

8. Any other actions/interventions made by the SCPCR on 25% provision (such as public hearings, awareness campaigns etc). List them.

9. How does SCPCR monitor the implementation of 25% provision under the RTE?

10. Do you think this provision is being implemented in Bangalore/Delhi? Reasons?

11. What are the challenges faced by the SCPCR in monitoring the provision?

12. Suggestions on:

- a. Better implementation of the 25% provision
- b. Better monitoring of the 25% provision

Any other comments/observations/related data collected:

## TOOL 10: FOCUS GROUP DISCUSSIONS WITH NGOS AND NETWORKS/INTERVIEWS WITH THE MEMBERS FROM CIVIL SOCIETY

Name of the researcher : \_\_\_\_\_

Date : \_\_\_\_\_

1. Background details and work done on RTE
2. Areas covered (Geographical, issues)
3. What does the new Act, RTE provide for?
4. Why did the government introduce 25% clause under RTE?
5. Do you think it is a useful provision and for whom?
6. What has been the experience of working on the provision related to 25% admissions in private unaided schools?
  1. Cite specific cases taken up
  2. Cite specific experience of working with the schools, government and redress agencies.
7. What according to you is the status of implementation of RTE and this provision?
8. Do you think the provision is serving the purpose for which it was formulated?
9. Do you think the Rules and notifications provide for an adequate implementation?
10. What are the key challenges in implementation?
11. Are you a part of any network? What is the position of the network on RTE and this provision? How are you taking it forward?
12. What has been the response of the media to this matter?
13. What suggestions do you have to the Government on this subject?



### ANNEXURE 3: TOOL KIT USED FOR DELHI SCHOOLS

#### TOOL 1 SCHOOL PROFILE

- Name of the researcher(s) : \_\_\_\_\_
- Date(s) of school visit : \_\_\_\_\_
1. Name & Address of the School: \_\_\_\_\_
  2. School Code (DISE Number): \_\_\_\_\_
  3. Medium of Instruction: \_\_\_\_\_ official) \_\_\_\_\_ (unofficial/actual)
  5. Affiliating Board (could be multiple responses): \_\_\_\_\_
  6. Year of establishment & recognition of the school: \_\_\_\_\_
  7. Level of Education / Grades offered- (A)-Lowest grade: \_\_\_\_\_
    - a. Is there a separate pre-primary facility: yes / No
    - b. If yes, is this in the same school premises or in a separate location (give details): \_\_\_\_\_
  8. Total student strength of the entire school (from lowest to highest grade): \_\_\_\_\_
  - 9a. Occupation of parents from general category (with some details): \_\_\_\_\_
  - 9b. Education of parents from general category: \_\_\_\_\_
  - 9c. Family income per annum of children from general category: \_\_\_\_\_
  10. Academic Year when 25% inclusion started in the school: \_\_\_\_\_
  11. In which Grade is 25% provision implemented: \_\_\_\_\_
  12. NO of Seats put up for 25% in academic year- 2011-12 \_\_\_\_\_ 2012-13 \_\_\_\_\_ 2013-14 \_\_\_\_\_
  13. NO of applications received in academic year- 2011-12 \_\_\_\_\_ 2012-13 \_\_\_\_\_ 2013-14 \_\_\_\_\_
  14. No of Students actually admitted under 25% in Grade 1 in - 2011-12\_\_ 2012-13\_\_ 2013-14\_\_
  15. Amount reimbursed by Education Department (Year wise) [could be lump-sum or per-child]:  
2011-12 \_\_\_\_\_ 2012-13 \_\_\_\_\_ 2013-14 \_\_\_\_\_
  16. Expenses incurred by School for supporting Inclusion [expense heads & amounts; could be lump-sum or per-child]  
1. \_\_\_\_\_ 2. \_\_\_\_\_
  17. School Fees/ALL fees (including transport and other charges) for Grade 1 or Pre-primary per child per annum in 2012-13:

| Item            | Amount charged |
|-----------------|----------------|
| Monthly Fee     |                |
| Admission Fee   |                |
| Exam Fee        |                |
| Development Fee |                |
| Annual Fee      |                |
| Transport Fee   |                |
| Other Charge    |                |

Name and Designation of respondent: \_\_\_\_\_

## TOOL 2 INTERVIEW WITH SCHOOL MANAGEMENT OR PRINCIPAL

Name of the researcher(s) : \_\_\_\_\_

Date(s) of school visit : \_\_\_\_\_

1. What does the new Act, RTE provide for?
2. Did your school have provision of inclusion before the RTE became applicable? Describe.
3. Has the school been provided with land, building, equipment or other facilities by the government at a concession or free of cost?
4. Has the school changed / created new guidelines on inclusion after the RTE?
5. Is there a change in the content of the textbooks and teaching?
6. \*Why did the government introduce 25% clause under RTE?
7. \*Do you think it is a useful provision and for whom?
8. \*How are admissions and selections done for children coming under 25% category in your school? Note all the steps from computation of available seats, advertisement, applications issued, applications received, admission process, and confirmation of admissions.
9. What is the background of children admitted under 25% in 2012-13?

|   | Gender | Distance from home to school | Disability | Total |
|---|--------|------------------------------|------------|-------|
| Children from Economically Weaker Sections    |        |                              |            |       |
| Children from socially disadvantaged sections |        |                              |            |       |

10. Are the parents of children admitted under 25% working with the school? Specify as teaching or non-teaching staff.
11. \*What specific measures have you taken to facilitate children's inclusion in the school (children under RTE25%)? Like orientation for teachers, special PTA meeting etc.
12. Have there been any cases of drop-outs among children admitted under 25% in the year 2012-13? Reasons?
13. What is the experience so far with inclusion?
  1. Socially
  2. Academically
14. \*What financial implications has the school had to deal with in order to respect this provision? How has the school managed this?
15. What has been the response of the –
  1. Teachers
  2. Parents of those admitted under 25%

3. Parents of children from general category
4. Other children
16. What kind of challenges do you foresee in the coming years with this provision of 25%?
17. Have you voiced your grievances directly with the Government? How was the experience?
18. What suggestions do you have to the Government on this subject?
19. Are you a member of any school network like Unaided School Associations (like Independent School Alliance, Private School Action Committee, etc? Which network and what is its position on 25% provision? What is it doing about this provision?
20. Does the school have a PTA? How is it formed? Who are the members? Is there any member from parents of children covered under 25%? What is the experience with regards to their participation in the activities?
21. Have you faced any complaints regarding the implementation of RTE so far? From whom? How have you dealt with these complaints?

Designation of respondent : \_\_\_\_\_

Name of respondent (voluntary): \_\_\_\_\_

Any other Observations/Comments that seemed important to researcher during discussions: \_\_\_\_\_

### TOOL 3 INTERVIEW WITH SCHOOL TEACHER (OF GRADE WHERE INCLUSION IS BEING IMPLEMENTED; AND ANY ONE BOARD IF THERE ARE MULTIPLE BOARDS IN SCHOOL)

Name of the researcher(s) : \_\_\_\_\_

Date(s) of school visit : \_\_\_\_\_

1. What is RTE all about?
2. Why did the government introduce 25% clause under RTE?
3. Do you think it is a useful provision and for whom?
4. Who are the children admitted? Their background? Are their parents working in the school?
5. \*What specific measures have you taken as a teacher to facilitate these children's inclusion in the class (RtE25% children)?
6. \*What is the experience so far with these children in the class?
  1. Socially
  2. Academically
7. What is the response of the children from general category?
8. What is the response of the parents from general category?
9. What is the response of the children admitted under 25%?
10. What is the response of the parents of children admitted under 25%?
11. \*What challenges does the inclusion pose to you in terms of
  1. Transaction of curriculum
  2. Classroom management and behavioural issues
  3. Assessment of children's learning
12. How have you handled the above challenges?
13. \*How important is the home environment important for the child's learning? Is this lacking in the case of children admitted under 25%?
14. \*What is the role of the teacher in such inclusive classes?
15. Were you trained or oriented to handle an inclusive class. Details.
16. Do you think the children will academically and socially cope within your school. Why?
17. Does the school have a PTA? Who are the members? Is there any member from parents of children covered under 25%?
18. Any suggestions to the Government or School Management
19. Any other Observations/Comments that seemed important to researcher during discussions:

Grade(s) being taught by the respondent:

Board(s) being taught by the respondent:

Designation of respondent (class teacher/assistant teacher):

Name of the respondent (voluntary):

#### TOOL 4: TOOL INTERVIEW WITH PARENTS

- Name of the researcher(s) : \_\_\_\_\_
- Date(s) of school visit/interview : \_\_\_\_\_
1. Name (voluntary) : Mr. \_\_\_\_\_
  2. Gender of the child admitted under 25%: \_\_\_\_\_
  3. Languages spoken at home: \_\_\_\_\_ Education: \_\_\_\_\_ Pass.
  4. Occupation \_\_\_\_\_ and Income per annum: \_\_\_\_\_/-
  5. Caste and Religion: \_\_\_\_\_
  6. Distance to residence from school: \_\_\_\_\_
  7. In what grade does your child study: \_\_\_\_\_
  8. a. Do you have any other children?  
b. if yes then where do they study? \_\_\_\_\_
  9. \*How did you choose this school for your child? \_\_\_\_\_
  10. Did you also apply to other schools? \_\_\_\_\_ Yes \_\_\_\_\_ / \_\_\_\_\_ No
  11. If yes, How many? \_\_\_\_\_
  12. How did you know that there was a provision by which one could admit children in private schools and government would reimburse? \_\_\_\_\_
  13. \*Did you face any difficulties in the admission process \_\_\_\_\_
  14. \*Tell us about the process - how you got your child admitted in this school? How many days did you spend on the process? Were you present at the lottery drawing event? \_\_\_\_\_
  15. How did you get the application form? Did you pay for it? How much? \_\_\_\_\_
  16. What were the documents you were required to provide? \_\_\_\_\_
  17. Income certificate \_\_\_\_\_
  18. Birth Certificate \_\_\_\_\_
  19. Identity card \_\_\_\_\_
  20. Resident proof \_\_\_\_\_
  21. Did anybody help you in the admission process \_\_\_\_\_
  22. Government, 2. NGO, 3. Agent, 4. Family and friends \_\_\_\_\_
  23. Others (specify)- \_\_\_\_\_
  24. \*What were you looking for in a school? \_\_\_\_\_
  25. Does this school meet your expectations? \_\_\_\_\_
  26. Does the child like coming to school? \_\_\_\_\_

27. \*Why did the government provide for this measure – of admitting children in private schools from those who cannot afford?
28. \*What do you think is a good school?
29. What are the school fees [in general for the school; per annum]?
30. Who pays the fees for your child? Government or you? Both?
31. Are you required to pay any additional amount to the school? How much?
32. Does your child receive any other scholarship for his/her studies? From whom? And How much?
33. What is the overall expenditure you incur for your child's education in this school per annum?
34. Have you interacted with parents of children from general category? Details? How did they relate to you?
35. \*Is your child treated differently by the teachers? In what way?
36. \*Is your child treated differently by other children? In what way?
37. Does your child participate in extra-curricular activities? Which Activities? If not, Why not?
38. Do you want the child to continue next year also in this school? Why?
39. Do you help your child with studies at home?
40. If not, is there any other help/support for your child's studies at home? Who helps?
41. Do you know if the school has a PTA? If yes, Who are the members? Is there any member from those admitted under 25%
42. Any suggestions to  
School-  
Government-
43. Have you had / Do you have any complaints against the school? How have you / can you deal with these problems?.
44. Any other Observations/Comments that seemed important to researcher during discussions:

## TOOL 5: CHECKLIST FOR SCHOOL AND CLASSROOM OBSERVATION

Observe the following activities in the School (Morning/Afternoon Assembly, lunch break, class periods, physical training period, end of school hours) and note the following:[the reporting will be in the form of descriptive observations]

Are the children from disadvantaged backgrounds mixing with the other children?

How are the general category children interacting with children from disadvantaged groups?

Do the children from disadvantaged groups have school supplies, bag, lunch etc.?

Are there any differences in the quantity and quality of the supplies?

Are children belonging to 25% segregated from the other children – in terms of

Section:

Seating arrangement

Uniform

Any other identifier – school badge etc? (specific details)

How does the teacher interact with the class? Does she give any special attention to children from disadvantaged groups? Does she use any specific words or address children from the 25% category differently?

Does the teacher use the same language to talk to all the children admitted under 25%? Or does she use different language?

Are all the children following the same classroom work?

What are the children doing in the class? See if any differences for children from general and disadvantaged backgrounds.

What are the activities from the suggested activities that you could observe (please list):

Any other Observations/Comments that seemed important to researcher during observations:



## TOOL 6:- DCPCR

Name of the researcher : \_\_\_\_\_

Date : \_\_\_\_\_

Name of the person interviewed (Chairperson/Member/Secretary/Registrar)

Address: \_\_\_\_\_

What is the nature of complaints on 25% provision?

Who has filed the complaints?

Has DCPCR suo motu taken any case related to 25% provision? How many? What kind of violations?

Any other actions/interventions made by the SCPCR on 25% provision (such as public hearings, awareness campaigns etc). List them.

How does DCPCR monitor the implementation of 25% provision under the RTE?

Do you think this provision is being implemented in Delhi? Reasons?

What are the challenges faced by the DCPCR in monitoring the provision?

Suggestions on Better implementation and better monitoring of the 25% provision

Do you have a separate cell to look into the cases coming under RTE? How many people look of the Cell?

| Designation | Number of positions (vacancies) | Responsibility |
|-------------|---------------------------------|----------------|
|             |                                 |                |
|             |                                 |                |
|             |                                 |                |

How many complaints has SCPCR received on Education matters since 2010?

|                     | 2010-11 | 2011-12 | 2012-13 | Remarks |
|---------------------|---------|---------|---------|---------|
| Complaints received |         |         |         |         |
| Complaints admitted |         |         |         |         |
| Complaints handled  |         |         |         |         |
| Complaints pending  |         |         |         |         |

How many complaints has SCPCR received on matters related to 25% provision under RTE?

|                     | 2010-11 | 2011-12 | 2012-13 | Remarks |
|---------------------|---------|---------|---------|---------|
| Complaints received |         |         |         |         |
| Complaints admitted |         |         |         |         |
| Complaints handled  |         |         |         |         |
| Complaints pending  |         |         |         |         |

What action has been undertaken in these complaints related to 25%?

|  | 2010-11 | 2011-12 | 2012-13 |
|--|---------|---------|---------|
| Recommendations made to the government |         |         |         |
| Compensation recommended               |         |         |         |
| Moved the High Court or Supreme Court  |         |         |         |
| Any other                              |         |         |         |

Has any case come to you on appeal from the local authority on 25% provision?

|                           | 2010-11 | 2011-12 | 2012-13 |
|---------------------------|---------|---------|---------|
| Number of cases on appeal |         |         |         |
| Nature of problems        |         |         |         |
| Action taken              |         |         |         |

Any other comments/observations/related data collected:

## TOOL 7: INTERVIEWS WITH THE MEMBERS FROM CIVIL SOCIETY

Name of the researcher : \_\_\_\_\_

Date : \_\_\_\_\_

Organisation : \_\_\_\_\_

Background details and work done on RTE with Areas covered (Geographical and issues).

What does the new Act, RTE provide for?

Why did the government introduce 25% clause under RTE?

Do you think it is a useful provision and for whom?

What has been the experience of working on the provision related to 25% admissions in private unaided schools?

Cite specific cases taken up

Cite specific experience of working with the schools, government and redress agencies.

What according to you is the status of implementation of RTE and this provision?

Do you think the provision is serving the purpose for which it was formulated?

Do you think the Rules and notifications provide for an adequate implementation?

What are the key challenges in implementation?

Are you a part of any network? What is the position of the network on RTE and this provision? How are you taking it forward?

What has been the response of the media to this matter?

What suggestions do you have to the Government on this subject?

## ANNEXURE 4: LIST OF SCHOOLS

| Bangalore |   |
|-----------|---|
| 1         | St. Philomena School, Chandapura  |
| 2         | Our Lady of Fatima  |
| 3         | Camlin English School   |
| 4         | S. Cadambi Vidya Kendra   |
| 5         | Sri Sharda Vidya Niketan  |
| 6         | St. Rock's School   |
| 7         | The New Cambridge High School   |
| 8         | Cordial School  |
| 9         | S E A (South East Asian) Primary and Higher Secondary School - KR Puram |
| 10        | Colonel Hill High School  |
| 11        | Excellent English School  |
| 12        | St. Ann's School  |
| 13        | Aragami Vidya Kendra  |
| 14        | Daffodil English School   |
| 15        | Jindal Public School  |
| 16        | MES School  |
| 17        | Vidya Jyothi English  |
| 18        | Vidya Shree English School  |
| 19        | Brigade School  |
| 20        | Motherland English School   |
| 21        | Cambridge, RPC Layout   |
| 22        | Stracey Memorial School   |
| 23        | St. Mary's School   |
| 24        | St John's, RPC Layout   |
| 25        | Lady Vailankanni, Varthur (SSLC)  |
| 26        | Lady Vailankanni, Varthur (ICSE)  |
| 27        | Navkis School, Mathikere  |
| 28        | Anekal Public School  |
| 29        | Shubodhini English School   |
| 30        | Best Public School  |
| 31        | Gem School  |
| 32        | Premier School  |
| 33        | Reddy Janasangha School   |

|              |                                |
|--------------|--------------------------------|
| 34           | Kids Global School             |
| 35           | MEC School                     |
| 36           | Cambridge School - KR Puram    |
|              |                                |
| <b>Delhi</b> |                                |
| 1            | Sanskriti School               |
| 2            | Indian Modern School           |
| 3            | Kalindi Bal Vidyalaya          |
| 4            | Fair Child Public School       |
| 5            | Victor Public School           |
| 6            | Happy School                   |
| 7            | J D Tytler School              |
| 8            | Fahan International School     |
| 9            | Pioneer Convent School         |
| 10           | Pushpa Bharati Public School   |
| 11           | Cambridge Primary School       |
| 12           | Pt. Yadram Public School       |
| 13           | JK Happy Public School         |
| 14           | Navjeevan Adarsh Public School |
| 15           | Lovely Buds Public School      |
| 16           | Eminent Public School          |

## ANNEXURE 5: LIST OF KEY INFORMANTS

### Bangalore

| No | Name and Designation   | Date(s) on which interviewed          |
|----|--|---------------------------------------|
| 1  | Mr. Kumar Naik, Secretary, Primary and Secondary Education, Government of Karnataka  | April 2, and April 24, 2013           |
| 2  | Mr. E. Nanjappa, Consultant  | March 2, April 17, September 10, 2013 |
| 3  | Fr. Edward Thomas, Member, Karnataka State Commission for Protection of Child Rights | September 7, 2013                     |
| 4  | Mr. Nagasimha, Convenor, RTE Forum   | September 10, 2013                    |
| 5  | Block Education Officer, Bangalore North 1   | September 7, 2013                     |
| 6  | Block Education Officer, Bangalore North 4   | September 7, 2013                     |

| No | Name and Designation of persons interviewed                         | Dates            |
|----|---|------------------|
| 1  | Ms. Madhu Teotia , Additional Director of the Edu (Act-1)           | May 20, 2013     |
| 2  | Ms. Indira Rani Singh, DDE (South West- A) & Nodal Officer of SC/ST | July 4, 2013     |
| 3  | Smt. Renu Sherma, DDE of South district of Delhi.                   | June 27, 2013    |
| 4  | Ms Zareen Taj, EO of Zone 25  | June 27, 2013    |
| 5  | Ms. Madhu Singh, EO of Zone-23                                      | June 30, 2013    |
| 6  | Smt. Omeshwara Singh, Education Officer of NLDS                     | June 15, 2013    |
| 7  | Mr. R.P. Yadav, DDE of Central /NDLS                                | June 15, 2013    |
| 8  | Mr. S.K. Yadav, DDE West –A   | June 28, 2013    |
| 9  | Mamta Sahaye (Member) and B.C. Narula (RTE consultant), DCPCR       | October 9, 2013  |
| 10 | Ms. Ritu Narang (Member), NCPCR                                     | October 14, 2013 |
| 11 | Thomas Antony, JOSH   | October 15, 2013 |
| 12 | Hema Lata Kansotia, LEDS  | October 22, 2013 |
| 13 | Saiyad Ali Muzzafer, ISU  | October 29, 2013 |











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