

IMPLEMENTATION OF THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 IN THE STATE OF KARNATAKA



**CENTRE FOR CHILD AND THE LAW
NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU**

RESEARCH GUIDE AND MENTOR
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DATA COLLECTION
FIELD EXTENSION PROGRAMME, CCL

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AN EMPIRICAL STUDY

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Shruthi Raman and Krithika. B. S

Preface

In the era of human rights, the discourse on making education a fundamental right drew the attention of the international community across the world. Today, the demand for free and compulsory quality education for children has become an issue of international concern. Voices around the world have begun to insist that every child must be provided good quality education as an integral and inalienable right of the child as part of Human Rights. This has brought into force several international declarations, conventions, treaties and agreements emphasizing the fundamental right of children to quality education. Among these, the United Nations Convention on the Rights of the Child made tremendous impact in advocating the basic rights of the Children. The Convention was brought before member countries of the UN in 1989 and then opened up for ratification of member countries. The Indian State ratified the Convention in December 1992.

India is not an exception to the growing demand of providing the status of fundamental right to free and compulsory education. Attempts were made at the beginning of the 19th century to make free and compulsory education to children as the state's responsibility and continued in to the 20th century and culminated at the time of framing the Indian Constitution by recognizing the right of children to free and compulsory education as a time bound goal under the Directive Principles of the State Policy.

Subsequently, through the 86th Constitutional Amendment Act, 2002, this Directive Principle of State Policy was given the recognition of a fundamental right through the insertion of Article 21A which provided for free and compulsory education to all children in the age group of 6 to 14 years. Pursuant to this amendment and constitutional mandate, the Right of Children to Free and Compulsory Education Act, 2009, an enabling legislation, was enacted which came into force on 1st of April, 2010. The State of Karnataka framed rules in the year 2012 to ensure effective implementation of the Act.

The Act provides for Free and compulsory education to all children in the age group of 6 to 14 years in the neighbourhood school. It makes provision for the admission of dropout and non-school going children in a class appropriate to his/ her age with special training to such children in order to be at par with others; entitlement to free education till completion of elementary education or till 14 years of age, whichever is later to a child enrolled for elementary education; right of child not to be denied admission in a school for lack of age proof; fixed student-teacher ratio; at least 25 percent reservation for economically disadvantaged children in admission to Class One in all private unaided schools of the country or pre-primary, if the school provides pre-primary education; lays down the minimum qualifications for school teachers; prescribes the minimum standards of school infrastructure and makes recognition of schools mandatory among others. The Act further provides for the minimum norms and standards in terms of infrastructure and other quality related parameters to be achieved in stipulated period. The RTE Act places the onus of its implementation on the Central and State Governments and the Local Authority.

Seven years have been completed since the implementation of RTE Act. In this context, CCL-NLSIU has undertaken this empirical study in the State of Karnataka to understand the measures taken by the concerned authorities for effective implementation of the Act; constraints and challenges faced; the feedback and response of the primary stakeholders and their suggestions for effective implementation of the legislation in the years to come. The study, along with its efforts to understand and analyse the situation on ground with regard to RTE Act and its implementation in the State, attempts to make certain concrete recommendations, based on the findings and understandings, to the concerned authorities for the effective implementation of the Act in the State of Karnataka. We hope, this will help the state to plan effective strategies to implement the Act holistically and meaningfully to ensure reasonably good quality education to all Children.

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Executive Summary

The right to education of children was recognised as a fundamental right in India in 2002 vide Article 21A of the Indian Constitution. Consequently, the Right of Children to Free and Compulsory Education Act, 2009 was enacted to enforce this fundamental right of children. The RTE Act, which came into force in 2010, aims at universalising primary education i.e., education of all children in the age group of 6 to 14 years (Classes I to VIII).

At present, we have completed 7 years of implementation of the RTE Act, 2009 in the country. However, it is well-established that not all children have been able to enjoy their educational rights till date. This calls for designing of improved strategies to ensure effective implementation of the legislation. In this scenario, it becomes pertinent to study the status of implementation of the RTE Act, 2009 and also understand the various challenges faced on ground in effectively implementing the Act.

It is in this background that the Centre for Child and the Law, National Law School of India University undertook an empirical study in the State of Karnataka to understand and analyse the implementation of the RTE Act, 2009 in the State. The study covered 32 Gram Panchayats spread across 16 Taluks and 8 Districts of the State, which were selected through the systemic sampling method based on literacy rates and human development indices. DDPIs, BEOs, Gram Panchayat Presidents and members of the respective Panchayats and SDMC Presidents and members, teachers, children and parents of one Government School and one Private School in the Gram Panchayat were interviewed one-on-one based on a structured questionnaire for each respondent. Given the limited scope of the study, it might not be appropriate to generalise the results to entire State or to other States.

It was found during the course of the study that the implementation of the RTE Act, 2009 in the State is average with the Government functionaries themselves opining that more needs to be done for effectively implementing the Act. Neither infrastructure-

wise nor with respect to quality education, has the State fared above average. The primary stakeholders themselves are unaware of the RTE Act, none the less their roles and responsibilities under the Act. This was found to hold good for certain government functionaries and teachers also. While lack of awareness about RTE Act is the major hurdle, other practical issues like non-availability of sufficient funds, improper utilisation of available funds, overburdening of teachers with non-academic activities, lack of coordination among the stakeholders and community and government etc., also are considerably contributing to the ineffective implementation of the Act in the State in spite of completion of 7 long years of implementation.

In light of the considerable dissatisfaction of RTE implementation and upon analysing the varied challenges being faced in the process, the study, inter alia, recommends for the establishment of a common school system based on neighbourhood principle, organising of more and more effective awareness and capacity building and training programmes for all stakeholders, encouraging and enabling teachers to adopt innovative methods of teaching, increasing the budget for education, sensitisation of authorities, teachers and community in general, providing more powers to the Gram Panchayat, relieving teachers from the burden of non-academic activities, establishment of child-friendly environment in schools, making of pre-primary education free and available in all schools etc.

In a nutshell, the study clearly portrays that, the Government and the community along with other stakeholders should come together and make a collective effort to ensure the realisation of the right of free and compulsory education by all children.

Introduction

- 1.1. When education activist Malala Yousafzai¹ said *“One child, one teacher, one book, one pen can change the world”*, the world sat up and took notice of how education has the potential to revolutionize the future of a country. Education is one of the most cherished ideal of a developing society. Children, being the torch bearers of any society, have been entrusted with this belief and therefore, quality education as a matter of right is essentially to be bestowed upon them. In the words of John Dewey, *“Education is a social process; education is growth; education is not preparation for life but is life itself.”*
- 1.2. According to the *United Nations Convention on the Rights of the Child (UNCRC)* 1989 which was ratified by India in 1992 *“All children have the right to a primary education, which should be free. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child’s human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect”*².
- 1.3. In the words of the *Committee on Economic, Social and Cultural Rights (CESCR)*, the foremost such body, *“education is both a human right in itself and an indispensable means of realizing other human rights.”*³ Thus, adopting ‘Rights Based Approach’ to education will assure that every child gets access to quality education and his/her right to dignity and development is recognized. This in turn calls for:

1 Education Activist & Nobel Peace Prize recipient 2014 from Pakistan

2 Article 28 of the United Nations Convention on Rights of the Child

3 Committee on Economic, Social and Cultural Rights, General Comment N° 13, adopted in December 1999, E/C.12/1999/10, § 1: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ae1a0b126d068e868025683c003c8b3b?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ae1a0b126d068e868025683c003c8b3b?OpenDocument)

- (1) Recognizing human rights as core component of education policies.
 - (2) Defining and accepting our universal obligation in relation to right to education.
- 1.4. Espousing rights based approach towards education will make the implementation of the right accountable and any failure to meet agreed goals would become a violation of human rights, for which the government shall be answerable. In other words, the State shall be under tremendous pressure to improve the quality standards of education. The children and parents will also become an active part of the functioning of the education system as holders of rights.

Right to Education in India

- 2.1. Education as a right has been given due recognition all over the world. In India, the educational right of children is protected under the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009). The RTE Act, 2009 came into being after much debate and resistance post the Unnikrishnan⁴ judgment of 1993. From 1993 to its enactment on 1st April 2010, it took 17 years for the Parliament to enact the Legislation which vows to protect the educational rights of marginalized children. A brief history of the recognition of right to education in India and the consequent enactment of the RTE Act is traced below.
- 2.2. Prior to the 86th Constitutional Amendment in 2002, Universal Elementary Education (UEE) for children up to the age of 14 years was located within Article 45⁵ [Directive Principles of State Policy (DPSP)] of the Constitution of India. The Kothari Commission of 1964⁶ as well as the National Policy of Education 1968 closely promoted and endorsed the concept of UEE and espoused that, if India wanted to reform its social status and economy, universalisation of education is indispensable. The Kothari Commission envisaged the importance of CSS (Common School System) as an important tool for attaining equality in the system of education.
- 2.3. However, given the slow and negligible progress in the literacy rate of the country, the National Policy of Education (NPE) 1986 was adopted to address the challenges of primary education. The NPE 1986 accorded highest priority to UEE. The policy

4 Unnikrishnan. J. P. v. State of Andhra Pradesh, 1993 SCR (1) 594

5 Article 45 post 86th Amendment Act 2002 reads as "*The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.*"

6 The Kothari Commission, which is commonly known as the Education Commission, was appointed in the year 1964 under the chairmanship of Prof. D. S. Kothari to look into the problems of the Indian education system.

led to the launching of a national level programme to improve the infrastructure and human resources and build the capacities of teachers in 1988 known as “*Operation Black Board (OBB)*”⁷.

- 2.4. With little or no major improvement seen in the literacy rate of children, the then government set up a review committee to look into the nuances of NPE 1986 under the chairmanship of Acharya Ramamurthi. The committee, in its report mentioned that there existed wide discrepancy and discrimination in schools between children from rich families and those from marginalized sections. Access to education and entitlements to the child within the education system varied widely among children belonging to these classes. Teaching methodology was poor and allocation of resources for development of primary education was severely neglected and declined over a period of time⁸.
- 2.5. NPE 1986 also pointed out various vested interests in the field of education that prevent (or make attempts to prevent, often successfully) desirable and laudable changes in educational systems. These vested groups are – teachers, educational bureaucracy, political parties, private tutors/ coaching classes, parents of elite classes and to some extent the media.⁹
- 2.6. Before the recognition of education as a fundamental right, every state had designed legislations to look into the affairs of free and compulsory education of weaker children whose parents could not afford their education. However, these legislations remained more in the nature of enabling legislations as the onus of discharging the duty was left to the whims of “local authority” that was to decide the mode of implementation of the Act¹⁰. The following table shows the “enabling legislations” in support of providing free and compulsory education in the country.

7 Operation Blackboard is a centrally sponsored scheme launched to supply the bare minimum crucial facilities to all primary schools in the country and provide students studying in primary schools with the necessary institutional equipment and instructional material to facilitate their education.

8 R. Bandhopadhyay, “ Education for an Enlightened Society- A Review”, Special Articles, Economic & Political Weekly (EPW), Feb 16,1991, Pg 359

9 R. Bandhopadhyay, “ Education for an Enlightened Society- A Review”, Special Articles, Economic & Political Weekly (EPW), Feb 16,1991, pg 360

10 Constitutional Amendment to make Education a Fundamental Right, JUNEJA, 2003, NUEPA; Available at [<http://www.nuepa.org/Download/Publications/Occasional%20Paper-33njuneja.pdf>] last accessed on 11 July 2014

Table 1: Compulsory Education Acts in States/ UTs of India

Sl. No.	States	Name of the Act
1.	Delhi	The Delhi Primary Education Act 1960, Act 39 of 1960
2.	Uttar Pradesh	United Provinces Primary Education Act 1919 (U.P Act no. 7 of 1919)
		United Provinces (Dist.) Board Primary Education Act 1926 (UP Act no. 7 of 1926) - Adapted & Modified by adaptation orders 1950
3.	Haryana	Punjab Primary Education Act 1960
4.	Andhra Pradesh	Andhra Pradesh Education Act 1962 (Act 1 of 1982)
5.	Assam	The Assam Elementary Education (Provincialization) Act 1974 (Assam Act no 6 of 1975)
6.	Bihar	Bihar Primary Education (Amendment) Act 1959 (Bihar & Orissa Education Act (1) of 1919) as amended by Bihar Act IV of 1959
7.	Goa	Goa Compulsory Elementary Education Act 1995
8.	Jammu & Kashmir	The Jammu & Kashmir Education Act 1984 (Act XI of 1984)
9.	Gujarat	Gujarat Compulsory Primary Education Act 1995 (Goa. Act no. 4 of 1996)
10.	Kerala	The Kerala Education Act 1958 (Act 6 of 1959) (As amended by Acts 35 of 1960, 31 of 1969 & 9 of 1985)
11.	Himachal Pradesh	The Himachal Pradesh Compulsory Education Act 1953
12.	Karnataka	The Karnataka Education Act 1983, (Karnataka Act No. 1 of 1995) [Chapter III of this Act]
13.	Tamil Nadu	The Tamil Nadu Compulsory Education Act of 1994 (Act no 33 of 1985)
14.	West Bengal	The West Bengal Primary Education Act 1973 (West Bengal Act 43 of 1973)
15.	Rajasthan	The Rajasthan Primary Education Act 1964
16.	Madhya Pradesh	The Madhya Pradesh Primary Education Act 1964 (Act no 33 of 1973)
17.	Maharashtra	The Maharashtra Primary Education Act 1947 (Bombay Act no LXI of 1973) As modified till 30 th April 1986)
18.	Sikkim	The Sikkim Primary Act 2000 (Act no. 14 of 2000)
19.	Punjab	Punjab Primary Education Act 1960 No. 39

2.7. Subsequently, the comments received from Ramamurthi Committee were an eye opener to the challenges of educational rights of children in the country. Thereafter, India ratified the UNCRC in 1992 as part of Article 51(c)¹¹ of the Constitution of India.

86th Constitutional Amendment – Right to Education, a fundamental right

2.8. In 1992 the Hon'ble Supreme Court of India qualified Right to Life to include Right to Education within its ambit¹². This was further reiterated by the Hon'ble Court in the case of *J P Unnikrishnan v. State of Andhra Pradesh*¹³, wherein it was held that the educational right of children is a part of right to life under Article 21 of the Constitution of India.

2.9. Thereafter, the Muniram Saikia Committee¹⁴ recommended making RTE a fundamental right for children up to 14 years of age, corroborating in its report the fundamental need upon parents to provide elementary education to their children.

2.10. Consequent to the two pronouncements of the Apex Court and the recommendations of the Saikia Committee, Article 21A was inserted in the Constitution of India through the 86th Constitutional Amendment Act in 2002 to include “*free and compulsory education to all children in the age group of 6 to 14 years*” as a fundamental right. The provision not only awarded recognition to the right but also imposed a duty upon the State to ensure that the right is realised by all children in the age group of 6 to 14 years in a neighbourhood school.

Right of Children to Free and Compulsory Education Act, 2009

2.11. Pursuant to Article 21A of the Constitution, the process of enacting a central legislation to discharge the obligation of the State to ensure free and compulsory education to all children commenced in the year 2003. After a series of debates and deliberations and modifications to the bills, the “***Right of Children to Free and Compulsory Education Act, 2009***” (RTE Act, 2009) was enacted by the Parliament in 2009 to give effect to Article 21A of the Constitution. The RTE Act, 2009, which came into force in 2010,

11 Article 51 (c), Constitution 1950 – “*The State shall endeavor to foster respect for international law and treaty obligations in the dealings of organized peoples with one another;*”

12 Mohini Jain v. UOI, (1992) 3 SCC 666

13 1993 SCC (1) 645

14 The Saikia Committee was set up in 1994 to examine the “Common Minimum Programme” of the then United Front Government to make the right to free and compulsory elementary education a fundamental right and to enforce it through suitable statutory measures.

provides that “*every child in the age group of 6 to 14 years has a right to free and compulsory education in a neighbourhood school*”. It is a child centric act which intends not only to guarantee right to free and compulsory education to children, but also envisages imparting quality education by providing required infrastructure and compliance of specified norms and standards in the schools by removing all barriers (including financial barriers) which impede access to education.

Features of the Right to Education Act, 2009

2.12. The salient features of RTE Act, 2009 include:

- Free and compulsory education to all children in the age group of 6 to 14 years (section 3);
- If a child above six years of age has not been admitted in any school or though admitted, could not complete his/ her elementary education, then, he/ she shall be admitted in a class appropriate to his/ her age and he/ she shall, in order to be at par with others, have a right to receive special training. A child so admitted to elementary education shall be entitled to free education till completion of elementary education even after 14 years of age (section 4);
- Financial burden will be shared between state and central government (section 7);
- Provides for at least 25 percent reservation for economically disadvantaged children in admission to Class One in all private unaided schools of the country. If the school provides pre-primary education, the reservation is to be provided from the pre-primary class (section 12);
- No school shall collect capitation fee or conduct a screening test during the time of admission (section 13);
- No child shall be denied admission in a school for lack of age proof. Birth Certificate of the child or any other document as may be prescribed, in the absence of which, a declaration by the parents/ guardian will act as the age proof of the child for admission to elementary education (section 14);
- No child shall be denied admission even if it is sought for after the admission process is completed (section 15);
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education (section 16);
- No child shall have to go through physical punishment or be made to suffer from mental harassment (section 17);
- Mandates recognition of schools (section 18);

- Calls for a fixed student-teacher ratio; in primary schools – 1:30 and in upper primary schools – 1:35 and all schools are supposed to have the minimum standards of school infrastructure like classrooms, safe drinking water, toilets, playgrounds etc. (section 19 read with the Schedule to the Act);
- Every school shall have a School Management Committee consisting of the parents of the school going children (section 21);
- Lays down the minimum qualifications for school teachers (section 23);
- Mandates improvement in quality of education by conforming to the Constitutional values, focussing on the all-round development of the child and engaging children with activities etc. (section 29).

2.13. Interestingly, the RTE Act 2009 is also a fine example of State dominated arbitrariness as no other fundamental right in the Constitution has suggested selective enforcement of basic human rights. The Act liquidated the fundamental right of children in 6 to 14 years age group to education of equitable quality at the elementary stage (i.e. class I-VIII). The Act legitimizes the discriminatory multi-layered school system – a direct consequence of World bank-IMF conditionality of structural adjustment imposed on Indian economy and implemented through the neo-liberal schemes such as District Primary Education Programme (DPEP) of 1990s and Sarva Shiksha Abhiyan (SSA) of the first decade of 21st century¹⁵. The arbitrariness shown in the drafting and enactment of the RTE Act, resulted in deterioration in quality of the government school system, except the elite government schools (i.e. Central, Navodaya and Sainik schools), thereby preparing the ground for mushrooming of both low-cost and expensive private schools.

Constitutionality of RTE Act, 2009

2.14. The constitutional validity of the RTE Act, 2009 was challenged on various grounds, the most significant being the issue raised by private unaided schools on their responsibility to admit students from weaker sections of the society to the extent of at least 25% in their classes [Section 12(1)(c) of the RTE Act, 2009]. On the ground of Section 12(1)(c), the constitutionality of the legislation was challenged in the case of *Society for Unaided Private Schools of Rajasthan v. UOI*¹⁶ by private schools as an infringement of their fundamental right under Article 19(1)(g) and by minority schools under Articles 29 and 30 of the Constitution of India. However, the validity

15 All India Forum Right to Education, available at [<http://aifрте.in/content/brief-history-0>] last accessed 8th August 2016

16 AIR 2012 SC 3445: (2012) 6 SCC 1

of the Act was upheld by the Hon'ble Supreme Court with exemption granted to minority schools from the mandate of the Act.

2.15. Subsequently, the case was referred to a Constitution bench of the Hon'ble Supreme Court in the case of *Pramathi Educational and Cultural Trust & Ors. v. UOI & Ors*¹⁷ wherein the constitutional validity of Articles 21A and 15(5) was upheld by the Hon'ble Court. The Court also held that the Right of Children to Free and Compulsory Education Act, 2009 is not ultra-vires of Article 19(1)(g) of the Constitution of India but is not applicable to minority institutions covered under Article 30 of the Constitution of India.

2.16. Thus, the RTE Act, 2009 has been legally accepted to be within the constitutional mandate and valid with the exception of minority institutions.

Amendment to RTE Act, 2009

2.17. The RTE Act 2009 has been amended twice till date in the years 2012 and 2017. Another amendment bill is pending in the Parliament.

2.18. The first amendment in the year 2012 amended the provisions under Sections 1, 2, 3, 21, 22 and 25. Also a new provision was inserted in the Principal Act vide Section 39. The amendment inter-alia provided for the right to education of children with disabilities; defined "child with disability"; exempted the applicability of the Act to minority institutions established under Article 30 of the Constitution of India, madrasas, Vedic Pathashalas and educational institutions imparting religious instruction; extended the deadline for fulfilment of pupil-teacher ratio and gave powers to the Central Government to pass any order to address any difficulties in the implementation of the Act.

2.19. The second amendment to the RTE Act was effected in 2017 which further extended the deadline for acquiring the necessary minimum qualifications by teachers to 2019 under Section 23.

2.20. The other bill which has been introduced in the Parliament and is pending is to amend Section 16 of the RTE Act, 2009 and do away with the mandatory no-detention policy. The bill is still under deliberation.

¹⁷ (2014) 4 MLJ 486 (SC)

Situational Analysis

- 3.1. A lot of literature is available commenting upon the status of implementation of the RTE Act 2009 in various states of the country. The print media, academicians, social activists and government authorities have been following the functioning of this Act since its enactment in 2009 and implementation in 2010.
- 3.2. Over the years the trends in functioning of the RTE Act and its implementation have been closely watched by several activists and social groups. Though the Act was enacted to safeguard the educational rights of children, the present trend has shifted its focus extensively on Section 12 (1)(c) of the RTE Act that entitles children from backward and disadvantaged communities and groups to study in private unaided schools to the extent of 25% of the strength of the class. A need is felt to study the implementation of this RTE Act comprehensively.
- 3.3. Karnataka is still struggling to effectively implement the RTE Act. Our own experiences have shown that basic infrastructure as per the norms, enabling learning environment, non-teaching burden on teachers, quality of education, constitution of SDMC and building their capacities, empowering PRI institutions to discharge their responsibilities, availability of teachers, adequate funds, constitution of state advisory board for effective implementation and lackadaisical attitude of government authorities in releasing the entitlements are some of the major issues prevalent in the education system. Economist Jyotsna Jha in her study on challenges of implementation of RTE in Karnataka in 2013 has highlighted the grim financial situation and the rising challenges faced by the poor in access to education¹⁸. She observes – *“It is ironical that low cost ‘alternatives’ and informal arrangements are*

18 Centre for Budget & Policy Studies, “Challenges in Implementing the Right to Education in Karnataka”, October 2013; available at [http://cbps.in/wp-content/uploads/CBPS_Working-Paper-on-RTE_25Nov2013l.pdf] last accessed 16th September 2016

*considered adequate for children from weaker sections, while high investments are tried-and-tested formal arrangements are considered necessary for children who are already privileged. This is not to undermine the challenge that the school faces in getting children from mixed background in terms of choosing pedagogic practices, providing psycho-social support and judging learning achievements. This is a challenge not only for private but also for the public schools”*¹⁹.

- 3.4. Our past experiences in studying community participation through constitution of SDMCs has also revealed the political challenges one has to face in getting through a policy decision²⁰. For example – when adequate financial and monitoring powers of SDMCs in Karnataka became a reality, it was opposed strongly by a few Members of Legislative Assembly (MLA). Strenuous pressure was exerted on the government to modify its order to enable them to become chairpersons of the SDMCs. Succumbing to this pressure, the government issued two circulars in August 2001. The first of these circulars gave MLAs the power to nominate the president of SDMC among the nine elected representatives; and the second increased the scope of this power, enabling them to nominate the nine parent members as well. This circular further enabled MLAs themselves to be appointed as presidents of the SDMC of high schools. This move on part of the government was widely criticized and vehemently opposed by members of SDMC, civil society organizations and media²¹. Similarly, our empirical study in a Gram Panchayat – Ramanagara district of Karnataka, revealed the deplorable conditions of school infrastructure, mid-day meals, teacher’s quality, sanitation issues and irregular finances²².
- 3.5. At the same time, continuous policy debates, field interventions, capacity building programmes and trainings of stakeholders both by government and civil society organizations have brought some positive changes in the functioning of the RTE Act 2009 in the state. Functioning of SDMCs, quality of school infrastructure and mid-day meals have improved to some extent. The admissions under RTE Act 2009 are closely monitored by Karnataka Education Department and massive awareness programmes have taken place towards admissions in unaided private schools. A

19 Supra note 18, page 25

20 “Community Participation and Institutional Experiences in School Education : School Development and Monitoring Committee in Karnataka”, Oxfam India, February 2014; available at [https://www.oxfamindia.org/sites/default/files/wp-community-participation-and-institutional-experience-in-school-education_0.pdf] last accessed 19th September 2016

21 Ibid note 15, page 7

22 Dr. Niranjana Radhaya VP & Abhinav Jha, “ Right of Children to Free & Compulsory Education Act – Miles to Go : Case Study of a Gram Panchayat”, Action-aid, 2013

glance into the circulars released by Department of Public Instruction on its website will confirm this fact²³. It seems that the significance of this Act is being reduced to protect the rights of only those marginalized children that manage to secure a seat in a coveted private unaided school. If this is the trend, what happens to the educational rights of other children who can only afford to study in government schools? What happens to the concept of neighbourhood schools which was brought in to ensure that children will safely attend schools near their houses?

- 3.6. Another significant trend that has arisen is the growing preference for private schools over the existing government schools. The argument that goes for this is the quality of education and love for English language. As a result, many Kannada medium government schools are facing closure or have closed down completely over the past few years. According to a press report, 657 Kannada medium primary government schools faced a possibility of shutting down as of 31st May 2016²⁴. It also stated that approximately 654 schools closed down in 2015 due to poor student strength. Further, it states that the problem of low student enrolment is visible across the state of Karnataka with over 1,000 schools with students' strength between 5-10, and 15,000 schools with 0-30 students. Again, according to the recent DISE data (2015-16)²⁵, there are 44,721 Government run schools in Karnataka. Of these, 15,548 schools face an acute shortage of 29,424 teachers with the shortage as high as 20 teachers in certain schools. On the other hand, 10,428 schools have a total of 13,836 excess teachers. To meet the shortage of teachers, the State government has decided to identify excess teachers in each school within a Panchayat and transfer them to schools within the Panchayat which face shortage of teachers. The same exercise is replicated at the taluk and district levels. However, by a notification of the State Government dated 02.07.2016 the schools with 10 or lesser number of children will have only one teacher and this is a major setback to the efforts made towards improving the quality of education. Thus, with such a dangerous trend of school functioning, the coming academic years are likely to witness closure of more government primary schools.
- 3.7. Another area that still requires attention is safety in the context of both mental and physical wellbeing of the child. The present monitoring mechanism where, National

23 Department of Public Instruction, Govt. of Karnataka; available at [<http://www.schooleducation.kar.nic.in/html/circularsgen.html>] last accessed 19th September 2016

24 Available at [<https://timesofindia.indiatimes.com/city/bengaluru/Student-shortage-657-primary-schools-in-Karnataka-face-shutdown/articleshow/52506778.cms>] last accessed 07th October 2017

25 U-DISE Data 2015-16

Commission for Protection of Child Rights (NCPCR) and State Commissions for protection of Child Rights (SCPCR) have been identified as authoritative bodies for securing child safety needs to bring in a strict vigilance system into place. The casual use of corporal punishments in schools and homes is a blatant reality in the state (in violation of Section 17 of the RTE Act 2009). According to S.V. Manjunath²⁶, *“corporal punishment has become part of cultural ethos at school. They either play out as an advance reaction for an anticipated behaviour or serve as a sharp reaction to a behaviour teachers consider as obnoxious”*²⁷. Thus, there is growing urgency to deal with this issue strictly. The Government of Karnataka has directed to implement the Karnataka Child Protection Policy 2016 in all education institutions of the state to keep a check on the practices of child abuse, exploitation, discrimination, etc.²⁸ The NCPCR has also published guidelines on corporal punishment to curb practices of punishing the child. The guidelines make an effort to enforce positive engagement with children by use of child-friendly learning tools, behaviour and support system. Yet, open use of corporal punishment on children is still in practice in several schools of the country.

- 3.8. Therefore, the changing dynamics in operations of government, unequal distribution of finances, teaching methodology and the subsequent changes in the child labour law at the central level, has triggered the impetus to conduct a comprehensive study on implementation of the RTE Act 2009 in Karnataka.
- 3.9. Research in the field of right to education is very new in India. A considerable number of researches have however been conducted to assess the implementation of the Right of Children to Free and Compulsory Education Act, 2009. A few studies have also been conducted to understand the awareness of the Act and their respective roles and responsibilities under the Act amongst the teaching society and the parents. However, it is surprising to note that no research has been conducted to study the awareness of Gram Panchayat members (local authorities) regarding the Right of Children to Free and Compulsory Education Act, 2009 and their roles and responsibilities under the Act.

26 Head of Azim Premji Foundation, Karnataka State

27 S.V.Manjunath, “Battle Against Corporal Punishment”, Sept 19, 2016; available at [<http://www.bfirst.in/news/education/13230/battle-against-corporal-punishment>] last accessed 20th September 2016

28 The Karnataka Child protection Policy 2016, Government of Karnataka, notified on 9/8/2016

Review of Related Literature

Studies on Implementation of Right of Children to Free and Compulsory Education Act, 2009

4.1. A number of research studies have been conducted in India to assess the implementation of the Right of Children to Free and Compulsory Education Act, 2009 by both Government and Non-Governmental entities. Some of the important studies conducted in this direction include:

4.2. Implementing Right to Education: Issues and Challenges

4.2.1. The study was conducted in 2013 by Ojha Seema. S., Department of Education in Social Sciences, NCERT to “explore the status of implementation of the Right of Children to Free and Compulsory Education Act, 2009, awareness and understanding of the provisions of the Act amongst teachers, parents and children in some rural schools of the State of Haryana” on the completion of two years after the implementation of the Act. The study provides an insight into the status of implementation of RTE in rural schools, awareness and understanding of the provisions of RTE among teachers and parents of children studying in government schools in and around the study area.

4.2.2. It was found that so far there has been some progress only in terms of enrolment/basic infrastructure; towards guaranteeing quality education in terms of student learning the state has a long way to go. Also, the study revealed that there is a long road ahead for parents, children and other stakeholders before they even become aware of their rights, let alone become able to exercise, and finally be able to enforce their rights.

4.2.3. Hence, it was recommended that *“There is a need to forge partnerships among state, school functionaries, voluntary agencies, parents and other stakeholders. Concerted efforts are required at all levels since isolated efforts do not bring the desired results.”*

4.3. Right to Education (RTE) Compliance Audit

4.3.1. EduAction unit of Aide et Action International - South Asia undertook this study in 2012-13 to *“know the progress made in the implementation of RTE Act 2009 in the respective states”* in 8 Indian states²⁹ as even after three years of the implementation of the provisions of the RTE Act, 2009, educational revolution leading way to social, economic and Cultural Revolution still remained a distant dream.

4.3.2. The delay by the State Governments in notifying the State Rules and meeting the deadlines; inconsistency in teachers’ qualifications and their passive involvement in the school management committee and preparation of the School Development Plan; employment of ‘para’ teachers (25% across the 8 states); non-formation of SMCs in all schools [Assam (39%), Manipur (97%) and Bihar with only 65% of schools]; lack of adequate training to SMC members (only 47% of covered schools received trainings) and delay in the allotment of the grants to schools and lack of a concrete grievance redressal mechanism are all affecting the standards and quality of education in government schools and have undermined the capacities of parents and other important stakeholders to throw light on the grave issues pertaining to the Act from being recognised, for further interventions to be undertaken by the state.

4.4. Implementation of Right to Education Act, 2009 in Gujarat

4.4.1. A study on various parameters of Right of Children to Free and Compulsory Education Act, 2009 was undertaken in September 2012 by Janvikas and partner organizations in 506 Government Municipal schools of eight districts of Gujarat.

4.4.2. The study revealed considerable gap in the implementation of the Act as evidenced by the acute shortage of teachers, inadequate number of class-rooms, lack of safe drinking water, ill-equipped toilets all proved to be deterrent to the enrolment of children in government schools which consequently led to them choosing private schools over government schools.

²⁹ Uttar Pradesh Bihar, Assam, Manipur, Andhra Pradesh, Madhya Pradesh, Tamil Nadu and Rajasthan

4.5. Status of Implementation of the Right to Education Act: Chhattisgarh, Madhya Pradesh and Rajasthan

4.5.1. Samarthan conducted a study in 2013 to assess the implementation of Right of Children to Free and Compulsory Education Act, 2009 in the States of Chhattisgarh, Madhya Pradesh and Rajasthan.

4.5.2. The study points to poor school infrastructure as a major impediment to the realization of the Right to Education. There is a lack of basic amenities in many schools such as number of classrooms, pucca buildings, kitchen shed, separate useable toilets, playground and drinking water facility. Also, the enrolment rate of the Adivasi children was found to be alarming (34%) and so was their dropout rate with only 29% of the 34% enrolled reaching upper primary school. Further, Madhya Pradesh was found to consistently lag behind the other two States in most indicators, While Rajasthan fared well in PTE and toilet facilities compared to the other two States, Chhattisgarh was found to have a higher proportion of smaller schools.

4.6. Status of implementation of the Right to Education Act, 2009 in context of Disadvantaged Children at Elementary Stage

4.6.1. The study was undertaken to analyse the status of implementation of various provisions of the Right of Children to Free and Compulsory Education Act, 2009 in States and Union Territories for children with disabilities and disadvantaged children. The study explored the steps taken by the States/ Union Territories for implementation of the Right to Education Act, 2009 and their difficulties in the proper implementation of the Act.

4.6.2. The study found that the sample States/ Union Territories had implemented provisions of the Right to Education Act, 2009 to a great extent and efforts were being made for the further implementation of the various provisions of the Act. There were very few cases of age appropriate admissions of disadvantaged and children with disabilities. In most of the places, materials for training of children admitted under age appropriate placement in different classes were not avail-

able. Shortage of teachers; alarming pupil-teacher ratio; other official duties assigned to teachers like training programmes, duties in block level office, making Aadhar cards and voter ID Cards etc.; no training of regular teachers in education of children with disabilities; and non-availability of special teacher support on daily basis were found to be the major challenges faced in the implementation of the Right to Education Act, 2009. However, all States/ Union Territories were found to have taken initiatives in conducting community awareness programmes to bring all children, including children with disabilities, to schools and to encourage parents of children with disabilities to bring them to Anganawadi centres.

4.7. An exploratory study on the apprehensions and implementation of the Right to Education Act, 2009

- 4.7.1. The study was conducted in 2013 *“to detect the underlying get-outs of the Right of Children to Free and Compulsory Education Act, 2009 popularly known as the RTE Act, 2009”*. The findings of the study were instrumental for ensuring the Availability, Accessibility, Acceptability and Adaptability of education for all strata of Indian society.
- 4.7.2. The study revealed that there was little progress in the implementation of the various provisions of the Right of Children to Free and Compulsory Education Act, 2009, the impact of which was seen on the marginal augmentation in enrolment of students at elementary level and provision of infrastructural facilities in government and aided schools. Several ambiguous provisions in the Act, delayed notification of the Rules under the Right to Education Act by the State Governments, deficient budget allocations, lack of authority on part of the NCPCR/ SCPCR to take action in the event of defiance, non-commitment for the education of children in the age groups of 0-6 and 14-18 years were identified as some of the major concerns which hamper the due implementation of the Act.

Studies on Awareness about the Right of Children to Free and Compulsory Education Act, 2009 amongst Teachers

4.8. Right to Education: An Analysis of Teachers' Awareness in India

- 4.8.1. This study was conducted in the Morena district of Central India in 2013 to *"find out the level of awareness among the teachers about the RTE Act, 2009 after more than two years of it in operation"*. An attempt was made through this research to find out the ground realities with respect to right to education and its awareness.
- 4.8.2. The study revealed low level of awareness about the Right to Education Act among the Primary School Teachers in Central India. No significant difference was found in the level of awareness between the teachers belonging to different groups of demographic variables and their awareness level was almost equal.
- 4.8.3. Hence, the survey showed that awareness about the Right to Education Act must be promoted extensively.

4.9. Awareness on Right to Education Act, 2009 among Elementary School Teachers

- 4.9.1. Two studies were undertaken in the National Capital region and Chamarajanagar district of the State of Karnataka in 2011 and 2013 to explore the awareness of Elementary school teachers on RTE Act, 2009 with respect to Gender, Locale, and Type of school.
- 4.9.2. The findings of both the studies were similar which revealed that there was no significant difference in the awareness level of male and female teachers as well as urban and rural teachers on the Right to Education Act. The awareness about the Right to Education Act was significantly higher among government school teachers compared to that of the teachers of private schools. Though awareness of the Right to education Act existed among the teachers, it was found to be just about average.
- 4.9.3. Hence, the studies called for an urgent need on part of the Government to develop awareness among the teachers with more attention being given to teachers working in private schools to achieve the goals of right to education.

4.10. A study of Awareness among Primary School Teachers towards Right to Education Act, 2009

4.10.1. This study was conducted in 2012 in Gurgaon district to “analyse the awareness of primary school teachers towards the Right of Children to Free and Compulsory education Act, 2009”.

4.10.2. It was found that the awareness among teachers towards Right to Education Act was affected by their gender. However, not much difference was found in the level of awareness of teachers working in government and private schools.

4.11. Primary School Teachers’ Awareness of Right to Education Act, 2009: A study of South District of Andaman and Nicobar Islands

4.11.1. The study was undertaken to “analyse the awareness of primary school teachers towards the Right of Children to Free and Compulsory education Act, 2009” in the South District of Andaman in 2014.

4.11.2. Though the study revealed a difference in the level of awareness of teachers belonging to various groups, these differences were not found to be very significant. Also, the awareness of the Right to Education Act among the teachers was found to be just about average and portrayed a scope for improvement.

Studies on Awareness about the Right of Children to Free and Compulsory Education Act, 2009 amongst Parents

4.12. Very few research studies have been conducted in India to measure the level of awareness about the Right of Children to Free and Compulsory Education Act, 2009 amongst the parent community. One such research study conducted was the following:

4.13. Awareness among Parents belonging to Economically Weaker Sections of Society regarding the Right to Education Act, 2009

4.13.1. This study was conducted in the districts of Doaba, Majha and Malwa in the State of Punjab in 2014 to “find out the level of awareness among the parents of

children belonging to economically weaker sections of the society about the Right of Children to Free and Compulsory Education Act”.

- 4.13.2. The study revealed that parents residing in urban areas had significantly higher levels of awareness than the parents residing in rural areas and the educated parents were found to have significantly higher levels of awareness as compared to illiterate parents.
- 4.13.3. Hence, the study recommended that the Government should take initiatives to educate the downtrodden communities of the society about the Right of Children to Free and Compulsory Education Act, 2009 and ensure the education of the children belonging to such communities.

Study on Right to education and Panchayats

- 4.14. Not many studies have been undertaken to understand the link between the Panchayats and right to education after the enactment of the Right of Children to Free and Compulsory Education Act, 2009. A brief account of the few studies conducted in this direction are as follows.

4.15. Primary Education and Panchayat Raj Institutions

- 4.15.1. Participatory Research in Asia (PRIA) and its Partners undertook a study in 14 States of India on the “*Devolution of Primary Formal Education to Panchayats*” which aimed “*to build an understanding of the devolution of primary formal education to Panchayats*”.
- 4.15.2. This Study found that adequate devolution of powers to the Panchayats with respect to primary education was not being made and most of the Panchayats were not aware about the powers devolved to them due to lack of official communication from the State Governments regarding the transfer of powers to the Panchayats. Another major finding of the study was that “*a substantial amount of improvement can be seen in the quality of education and educational facilities in the Government schools where there is intervention and active participation of the Gram Panchayats in the monitoring and maintenance of these schools*”.
- 4.15.3. Thus, the study recommended for the devolution of adequate powers to the Panchayats with regard to primary education and also to provide the necessary means to perform these functions. Only then can primary formal education improve.

4.16. The Role of Gram Panchayat in Implementation of Right to Education Act: A Case Study

4.16.1. A case study was undertaken by Centre for Child and the Law, National Law School of India University in 2015 in the Akkur Gram Panchayat of Ramanagara District of the State of Karnataka. The study aimed “to understand the level of awareness of the Gram Panchayat members about their roles and responsibilities under the Right of Children to Free and Compulsory Education Act, 2009 and the issues affecting the effective implementation of the Act by the Gram Panchayat”.

4.16.2. The study revealed that while the awareness of the Gram Panchayat members about the RTE Act is average, they have limited awareness about their responsibilities as a part of the community but not as a Gram Panchayat member. Lack of awareness, resources, support both from the Government and the community, lack of harmony between the teachers, SDMC members and the Gram Panchayat members are all hampering the implementation of the Right to Education Act.

4.16.3. The study thus recommended for generating awareness about the right to education of children, propagating the significance of coordination among all stakeholders and functionaries to work as a team, provision of adequate untied funds to Gram Panchayat enabling them to implement need-based programmes among others.

4.17. To conclude, the review of the studies undertaken on the right to education of children reveals that the Right of Children to Free and Compulsory Education Act, 2009 is a unique document as far as provisions and norms are concerned which can bring drastic changes in the state of elementary education in India. But poor implementation, slackness on the part of the Government and its departments, lack of awareness among the stakeholders and society at large as well as the discontent of a few sections of the society are hampering the progress in the implementation of the Act.

4.18. The research studies reviewed and analysed above portray that there have been very minimal researches conducted to understand the implementation of the RTE Act, 2009 in the country and a comprehensive research has not been undertaken in the State of Karnataka in the 7 years of implementation of the Act. This calls for a need to carry out a Comprehensive Research to understand the grass root dynamics in the State of Karnataka with respect

to the implementation of the Act. Only then can appropriate strategies be developed to tackle the issues on ground and advance towards the ideal situation of a well-educated State by realising the right to quality education of the last child.

The Study

About the Study

5.1. Need and Justification of the Study

- 5.1.1. The RTE Act, 2009 aims to secure fundamental educational rights to all children. Despite its many flaws, the Act is a significant piece of legislation that provides educational opportunity for several marginalized children to whom getting educated has been was a distant dream. The Rules formulated under the Act both at the Central (Model Rules) and State levels supplement the implementation of the RTE Act, 2009. In Karnataka, the Karnataka State Right of Children to Free and Compulsory Education Rules were formulated in 2012.
- 5.1.2. It is noteworthy that 7 years have completed since the Act came into force in the country. However, the implementation of the Act is not up to the mark as was seen in the previous sections.
- 5.1.3. Our own experience of working with several stakeholders in the government school education system in Karnataka including education officers, School Development and Monitoring Committees (SDMC), teachers, students, local Panchayats, anganawadi workers, parents etc. has shown us varied pictures on the implementation of the RTE Act 2009. Most of the time, the duty bearers were themselves unaware of the RTE provisions and their roles and responsibilities whereas, other times socio-economic reasons have forced children to drop out of school. Behaviour by teachers, parents and school authorities are other important elements that have impacted the functioning of the school. In addition, legislative measures, distribution of funds, gaps

between duties and actual actions of respective office bearers, have made us question the implementation and impact of the RTE Act 2009 in the last 7 years in the State.

- 5.1.4. In light of such circumstances, the Centre for Child and the Law, National Law School of India University felt the need to study the implementation and impact of the RTE Act, 2009 in the State of Karnataka through an empirical study.

5.2. Research Questions

- 5.2.1. What is the level of awareness among different stakeholders regarding the RTE Act, 2009?
- 5.2.2. What are the measures taken by the stakeholders to fulfil their roles and responsibilities for the effective implementation of the RTE Act, 2009?
- 5.2.3. What is the level of implementation of the RTE Act, 2009 in the State of Karnataka and what kind of shortcomings are being witnessed?
- 5.2.4. What are the challenges or constraints encountered at the grass root level that are impeding the effective implementation of the RTE Act, 2009?
- 5.2.5. What could be the probable means of addressing the issues on ground to ensure effective implementation of the RTE Act, 2009?

5.3. Objectives of the Study

- 5.3.1. To assess the level of awareness of different stakeholders on the related provisions of the RTE Act 2009.
- 5.3.2. To understand the roles and responsibilities of individuals/ authority to implement the provisions of the Act effectively within the State.
- 5.3.3. To list out the measures taken by individuals/ authority to effectively implement the provisions of the Act within the State.
- 5.3.4. To list out the constraints faced by individuals/ authority in the effective implementation of the Act.
- 5.3.5. To critically review/ analyse the accomplishments and gaps in the implementation of the RTE Act 2009 in the State in the last 7 years.
- 5.3.6. To come out with concrete recommendations for the effective implementation of the RTE Act, 2009 in the State of Karnataka.

5.4. Scope and Methodology

5.4.1. The study was conducted with State of Karnataka as the field area. Karnataka comprises of 30 administrative districts grouped into 4 divisions. Each district is divided into taluks which are further divided into Gram Panchayats.

5.4.2. Doctrinal research as well as field research was adopted for conducting the study.

5.4.3. *Sampling*

- ✓ Systematic sampling method was used to identify the District, Taluk and Gram Panchayats and stratified sampling technique was applied to identify the respondents within each Gram Panchayat.
- ✓ Literacy rate based on 2011 Census were used as the criteria to select 1 forward and 1 backward district from each of the 4 Educational Divisions in the State of Karnataka. Accordingly 8 districts were identified.
- ✓ The Education Index from the Human Development Index Report 2014 was applied as the norm for identifying 2 taluks (1 Forward and 1 Backward) from each of the 8 districts selected. Accordingly 16 taluks were selected.
- ✓ 2 Gram Panchayats were selected from each of the Taluks sampled based on the Education Index as provided in the report “Performance of Gram Panchayats in 2015” and thus 32 Gram Panchayats were chosen as the field areas for the study. [See figure 1]
- ✓ One Government school and one Private school were selected on a random basis in each of the Gram Panchayats chosen.
- ✓ The respondents within the Gram Panchayat were identified using the stratified random sampling method.

5.4.4. *Respondents*

- ✓ The respondents for the study included DDPIs, BEOs, Gram Panchayat Presidents and members, SDMC Presidents and members, teachers, children and parents. [See Table 2]
- ✓ The DDPIs and BEOs of the identified districts and taluks and the presidents of the Gram Panchayats chosen were interviewed based on a structured questionnaire.

- ✓ Random sampling technique was adopted to choose Gram Panchayat members, teachers, children, SDMC members and parents. One male and one female from each of these groups were interviewed based on a structured questionnaire.
- ✓ The following criteria were adopted for selecting the children:
- ✓ If the school is a Lower Primary School (LPS), the child should be from Class 5.
- ✓ If the school is a Higher Primary School (HPS), the child should be from Class 7.

5.4.5. Tools

- ✓ Structured objective questionnaires comprising of both quantitative and qualitative questions were used for interviewing the respondents.
- ✓ 14 sets of different interview schedules, one each for each group of respondents indicated were developed to collect information about the awareness about RTE Act, implementation of the Act and awareness and accomplishment of their roles and responsibilities among others.

Figure 1: Field areas of the study

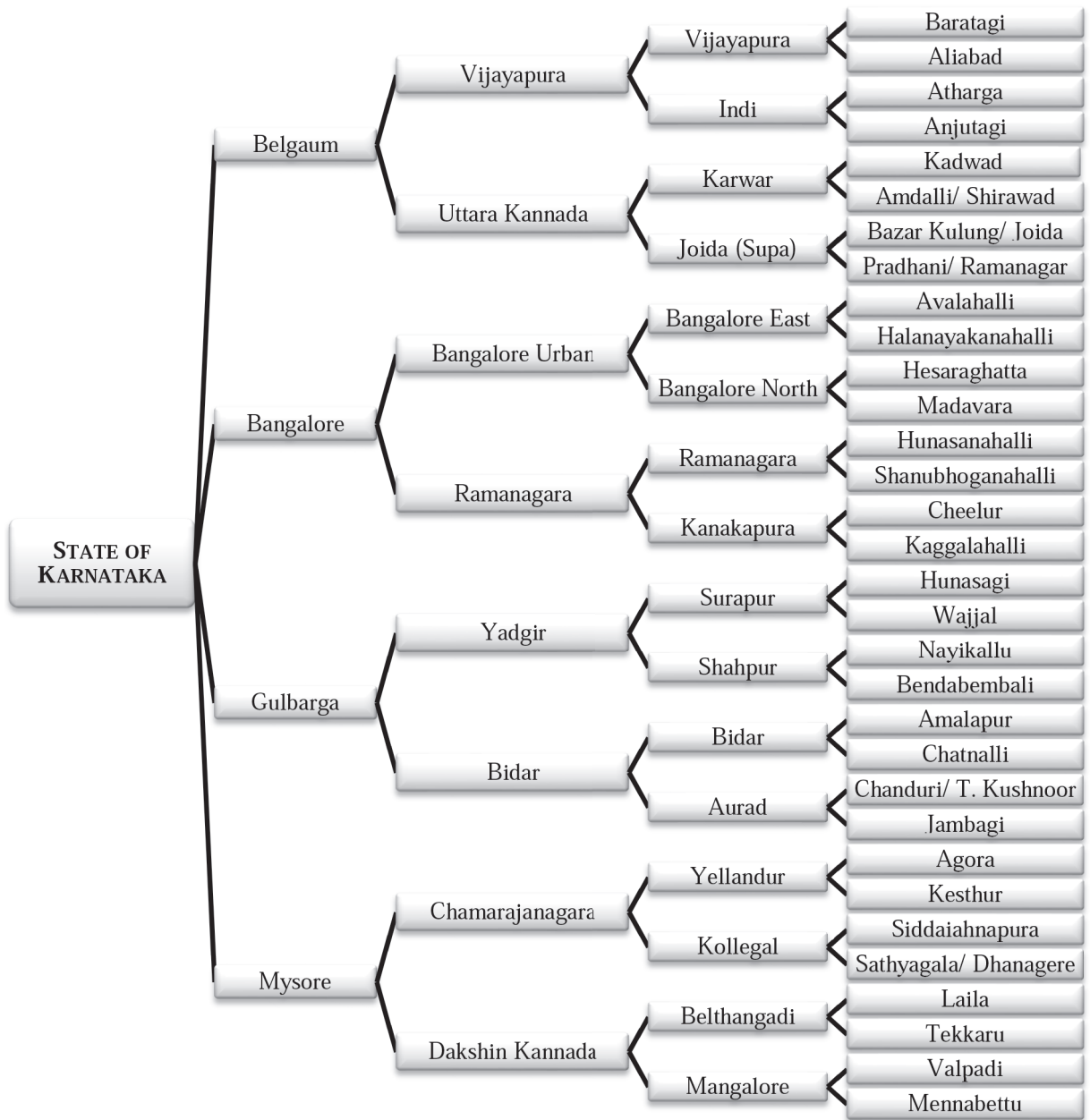


Table 2: Respondents covered by the Study

SL. No.	RESPONDENTS		NUMBER
1	Deputy Directors of Public Instruction		6
2	Block Education Officers		12
3	Gram Panchayat Presidents		32
4	Gram Panchayat Members		64
5	Head Teacher	Government School	31
6		Private School	30
7	Teachers	Government School	60
8		Private School	59
9	SDMC/ SMC Presidents	Government School	31
10		Private School	23
11	SDMC Members	Government School	61
12	Children	Government School	64
13	Parents	Government School	63
14		Private School	57
	Total Respondents covered		593

5.4.6. Data Collection

✓ Primary Data

- One-on-one interviews were held with each of the respondents to obtain insights on their awareness and knowledge about the RTE Act and the status of implementation of the Act.

✓ Secondary Data

- Secondary data from Government websites and other trusted sources were collected.
- Study of various research reports, newspaper articles and scholarly articles relating to right to education in general and RTE Act in particular was undertaken.

- Reports and statistics published by the Education Department through DISE report were analysed.

5.5. Limitations of the Study

- 5.5.1. Only a fraction of the State was covered in the study i.e., 8 out of 32 districts and 32 out of 6068 Gram Panchayats in the State. Hence, the study is limited in scope.
- 5.5.2. The results of the study relate to the State of Karnataka and the situation may differ from other States of the country.

Findings of the Study

- 5.6. The current study was undertaken to understand and analyse the implementation of the Right of Children to Free and Compulsory Education Act, 2009 in the State of Karnataka. For better understanding, the findings of the study have been divided into 7 themes namely,

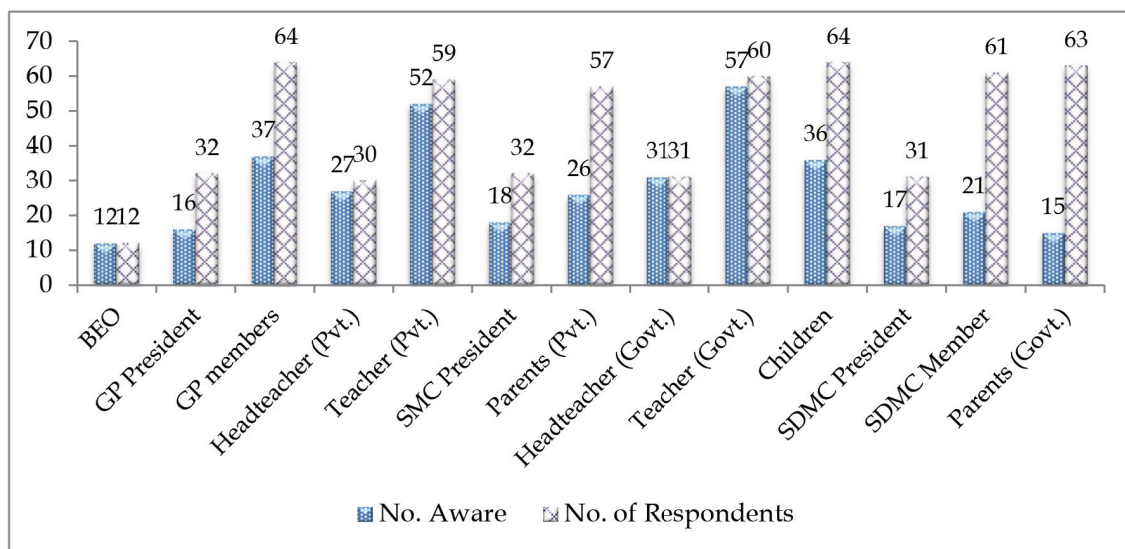
- 5.6.1. Awareness
- 5.6.2. Implementation
- 5.6.3. Quality of Education
- 5.6.4. Challenges faced and Grievance Redressal Mechanism
- 5.6.5. Roles and Responsibilities of Stakeholders
- 5.6.6. School Management Committees (SDMC/ SMC)
- 5.6.7. Other incidental responses

Awareness About Right to Education Act, 2009

The awareness of respondents regarding the Right to Education Act, 2009 was analysed based on their general awareness, trainings received and effectiveness of those trainings among others.

- The awareness of RTE Act, 2009 can be said to be at 62.18% across the primary stakeholders with the Block Education Officers and Government School Head-teachers having the highest awareness and parents of children studying in Government schools having minimal awareness. (Refer Graph 1 below).

Graph 1: Awareness of Right to Education Act, 2009



- The special trainings regarding RTE Act, 2009 have been provided to 34.72% of respondents (see Graph 2) with their opinion regarding these trainings ranging from very good to not useful. Majority of the respondents who have received the training have opined that the training was very good (Table 3). While 70.33% of government school teachers are satisfied with these trainings, only 40.68% private school teachers have expressed satisfaction. All the trainings have been given in the time period from 2011 to 2016. However, it is pertinent to note that no training was given to non-SDMC/SMC parents from government and private schools.

Graph 2: Special Trainings under Right to Education Act, 2009 for different primary stakeholders

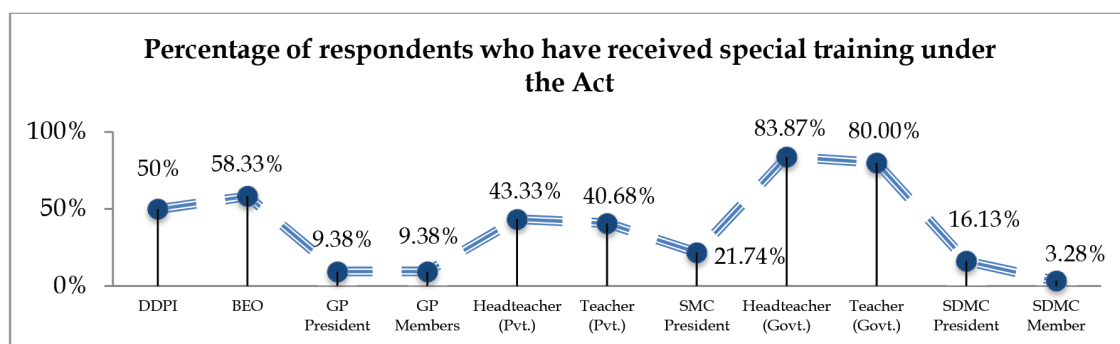


Table 3: Opinion regarding Special Training under Right to Education Act, 2009

Respondents	Opinion regarding the training		
	Very Good	Mediocre	Not Useful
DDPI	2 (33.33%)	2 (33.33%)	-
BEO	7 (58.33%)	1 (8.33%)	-
GP President	2 (6.25%)	6 (18.75%)	1 (3.13%)
GP Members	6 (9.38%)	12 (18.75%)	5 (7.81%)
Private School Head-teacher	13 (43.33%)	9 (30%)	-
Private School Teacher	22 (37.29%)	10 (16.95%)	4 (6.78%)
Government School Head-teacher	16 (51.61%)	9 (29.03%)	2 (6.45%)
Government School Teacher	30 (50%)	20 (33.33%)	2 (3.33%)

- Regarding the awareness among children about their rights under the RTE Act, 2009 and their safety in schools, 96.88% children agreed to have received training or information from their teachers regarding their safety in schools and 65.63% of children were found to be aware of their rights under the RTE Act, 2009.
- The sensitization of stakeholders against discrimination including SDMC members, teachers, panchayat members etc., is taking place at a considerably good pace though much improvement in this regard is necessary. Around 75% of Gram Panchayat Presidents were found to have undertaken sensitisation programmes against discriminating children.
- 83.33% of Private school head-teachers were found to be aware of the norms and standards to be followed in each and every school as per the RTE Act, 2009.
- The awareness of the no-detention policy is very minimal with only 19.35% of Government school head-teachers being aware.
- On the other hand, awareness regarding the ban on corporal punishment in schools is considerably widespread. 87.10% of Government school head-teachers were found to be aware that corporal punishment is banned in schools. While 81.67% of the Government school head-teachers were aware of the NCPCR Guidelines for Eliminating Corporal Punishments in Schools, awareness among Private School Head-teachers stands at 61.01%.

- The different methods adopted to raise awareness on RTE Act, 2009 and other child rights can be summed up as follows:
 - o Separate Exclusive Training modules and also chapters in other modules particularly for SDMC members and Teachers;
 - o Distribution of handbills and pamphlets;
 - o Direct and individual interaction with people;
 - o Door-to-door visits;
 - o Issuance and display of Public notices with aid from the local authority.

The universal realisation of right to education of children as contemplated by the Constitution of India and the RTE Act, 2009 will become a reality only when the knowledge and understanding of the legislation becomes a household acquaintance. In the wake of 7 years of enactment of the Act, the community at large and the primary stakeholders including teachers, government functionaries, parents, gram panchayat members and children, were to be aware of the RTE Act and its provisions. However, the current study reveals that there is widespread ignorance among the key stakeholders about the RTE Act in general and their roles and responsibilities under the Act in particular. Though various efforts are being made to generate awareness in the form of trainings and other initiatives, they are proving to be ineffective as the ignorance of law continues to prevail.

Implementation of the Right to Education Act, 2009

The Right to Education Act of 2009 deals with the recognition of private schools, establishment of neighbourhood schools, PTR, grants received by the Gram Panchayat for the implementation of the Act, norms and standards to be maintained by all schools among other issues. These pertinent factors were taken into consideration while analysing the level of implementation of the RTE Act which can be summarized as follows:

- All the respondents were asked if they were satisfied, not satisfied or partially satisfied with the implementation of the RTE Act in the state of Karnataka (see Table 4). The teachers of the Government School at 77% were the highest to respond that they were satisfied with the implementation of the RTE Act. Whereas only 15% of the SDMC Members responded that they were satisfied with the implementation of the RTE Act. 83% of the DDPIs and 75% of the BEOs were partially satisfied and felt that more needs to be done for the implementation of the Act. 39% of the SDMC members responded that they were not satisfied with the implementation

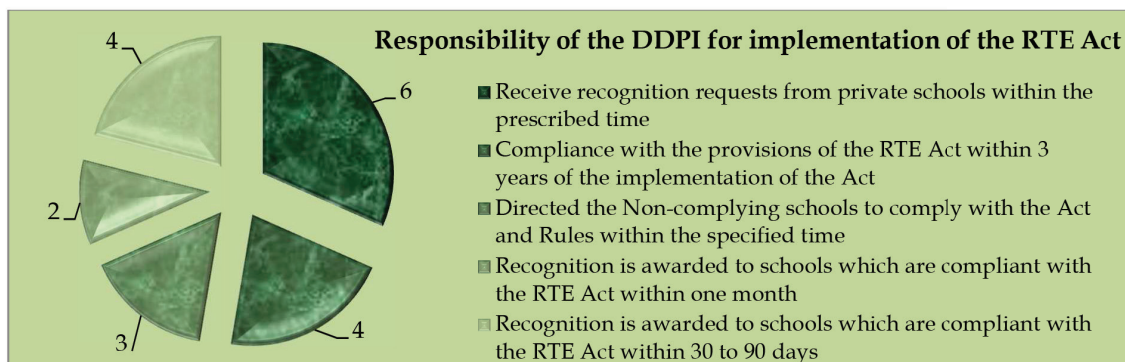
of the RTE Act. The high percentage of DDPIs and BEOs opining that more needs to be done for the implementation of the RTE Act clearly portrays that not only the common public but also the officials primarily responsible for the implementation of the RTE Act feel that more needs to be done for the effective implementation of the Act. This also illustrates that those responsible for the implementation of the Act at the higher-level are not fulfilling their duties and responsibilities effectively and they are not taking enough measures in this regard.

Table 4: Satisfaction with the implementation of the RTE Act in the State of Karnataka

Respondents	Satisfaction with the implementation of RTE Act in the State of Karnataka		
	Satisfied	Much needs to be done	Not Satisfied
DDPI	01 (16.67%)	05 (83.33%)	0
BEO	03 (25%)	09 (75%)	0
GP President	12 (37.5%)	09 (28.13%)	04 (12.5%)
GP Members	15 (23.44%)	21 (32.81%)	19 (29.69%)
Head-teacher (Pvt.)	13 (43.33%)	16 (53.33%)	01 (3.33%)
Teacher (Pvt.)	43 (72.88%)	15 (25.42%)	0
SMC President	15 (65.22%)	06 (26.09%)	01 (4.35%)
Parents (Pvt.)	14 (24.56%)	19 (33.33%)	17 (29.82%)
Head-teacher (Govt.)	14 (45.16%)	14 (45.16%)	03 (9.68%)
Teacher (Govt.)	46 (76.67%)	11 (18.33%)	0
Children	21 (32.81%)	19 (29.69%)	06 (9.38%)
SDMC President	11 (35.48%)	13 (41.94%)	0
SDMC Members	09 (14.75%)	13 (21.31%)	24 (39.34%)
Parents (Govt.)	15 (23.81%)	15 (23.81%)	23 (36.51%)

- The Deputy Director of Public Instruction (DDPI) is responsible for processing the recognition requests made by private institutions and ensuring that all schools have complied with the provisions of the RTE Act. 6 DDPIs were interviewed for the purposes of this study (see Graph 3) and all of them stated that they receive recognition requests from private schools. 4 of the 6 respondents replied in the affirmative that the schools applying for recognition have complied with the norms and standards laid down in the RTE Act and the majority of the respondents (4 of 6) took anywhere between one month to 90 days to award recognition to schools which were complying with the provisions of the RTE Act. None of the 12 BEOs have taken back the recognition awarded to the private schools if it had failed to fulfil the provisions of the RTE Act.

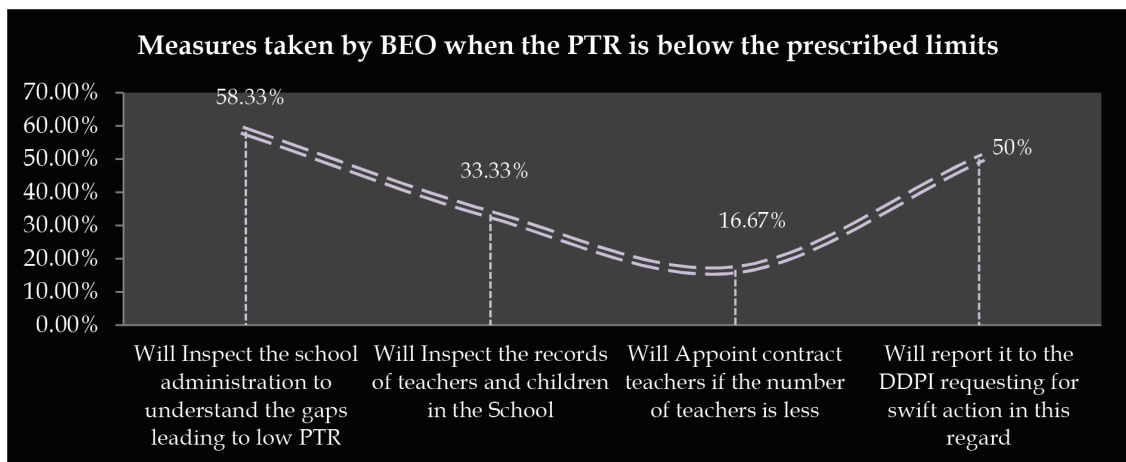
Graph 3: Implementation of the provisions of RTE Act for which DDPI is responsible



- Establishment of the Neighbourhood school is the responsibility of the Block Education Officer (BEO) and 12 of them were interviewed in this study. Of them, 11 have established neighbourhood schools and only 3 of them have established such schools in isolated areas. The school is situated within a radius of 1 KM for 56 children and within 3 to 4 KMs to 2 children studying in Higher Primary School. This shows that the efforts to provide accessibility to education to all children has failed in the state of Karnataka.
- The BEO is also responsible to ensure that facilities are available in Anganawadis to provide for the pre-school education component to children in the age group of 3 to 6 years. Of the 12 BEOs interviewed, only 7 of them stated that they have ensured the availability of such facilities and 8 of them stated that pre-school education is free of cost.

- Ensuring that the prescribed PTR is maintained in all schools in the Block is the responsibility of the BEO and is a crucial component for the effective implementation of the RTE Act. The PTR in government schools varied from 1 teacher for 13 children up to 1 teacher for 80 children. This clearly shows that there were no required number of teachers in most of the government schools and this affected the quality of education directly. The BEOs who were interviewed stated that inspection of school administration to understand the gaps leading to low PTR, inspection of records of teachers and children in the school, appointment of contract teachers wherever required and reporting this matter to the DDPI requesting swift action were the measures they take to ensure that PTR is maintained in schools (see Graph 4).

Graph 4: Measures taken by the BEO when the PTR is below the prescribed limits

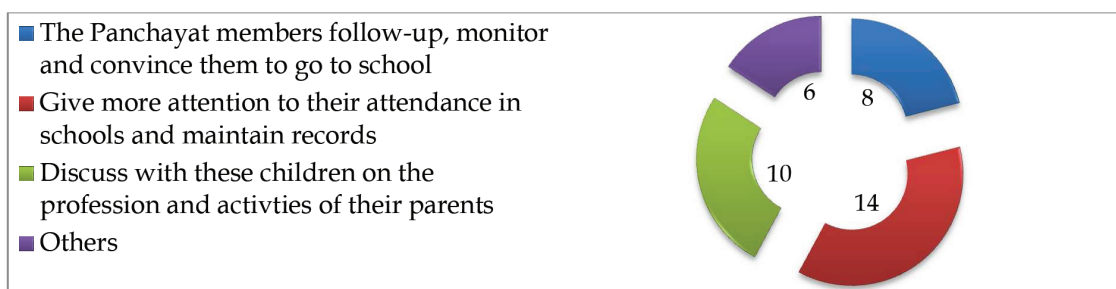


- It was found during the study that most of the schools were established before the RTE Act came into force and a few schools were established within 3 years of the implementation of the RTE Act. It is to be noted that the number of Schools mentioned by the Gram Panchayat President and Members were already in existence before the implementation of the RTE Act and new schools which were necessary were not established by them.
- Gram Panchayat as the local authority for the purposes of Section 9 of the RTE Act is responsible to implement the Act and it receives funds for the same. Varying responses were received from the Gram Panchayat Presidents and Members and there is no clarity regarding the grants they receive. The responses vary from Rs. 4,000/- to Rs. 12 lakhs to no grant received. This is alarming as the Gram Panchayat is the implementing authority at the ground level and with this kind of

ambiguity among the members, the implementation of the RTE Act is adversely affected.

- Gram Panchayat Presidents are given the responsibility of ensuring that children from Migrant Families are enrolled to schools. Measures like following-up with the migrant families and monitoring them, counselling the families and the children about the importance of education, giving more attention to their attendance in schools and maintenance of records are taken by the Gram Panchayat Presidents in this regard (see Graph 5).

Graph 5: Measures taken by the Gram Panchayat Presidents to ensure enrolment of children from Migrant Families



- With the mushrooming of private schools in all cities and towns in the State of Karnataka, it is pertinent to ascertain that they abide by the rules laid down in the RTE Act. 26 of the 30 Private school head-teachers mentioned that they conform to all the norms and standards prescribed under the RTE Act. 27 of them mentioned that the schools have a recognition certificate and the year of recognition varies between 1956 and 2016. A majority of the head-teachers (27 out of 30) mentioned that children from disadvantaged groups and weaker sections of the society are selected as per the RTE Rules. 19 of them stated that they receive anywhere between Rs. 3,600 to Rs. 11,898 as reimbursement per child from the State Government.
- With regard to the child friendly procedures under the RTE Act, while 9 of the 30 private school head-teachers agreed that screening is conducted while admitting children from disadvantaged groups and weaker sections, 15 out of 57 parents stated that their child or they had to undergo a screening procedure at the time of admissions. 5 head-teachers agreed that children from these groups are asked to pay a fee. Entrance Exams and Interviews of parents were the types of screening conducted and Tuition fee, fee for textbook, uniform and extra-curricular activities were the fees collected from the children of weaker sections and disadvantaged

groups (see Table 5). Even though the RTE Act specifically states that education is to be provided free of cost for children who are admitted to schools under Section 12(1)(c) of the Act, such schools collect a fee from them which is apart from the reimbursement made by the State. Conducting a screening procedure during admission is also a violation of the RTE Act and it is shocking that head-teachers have the audacity to openly make a claim that such a procedure is being conducted.

Table 5: Types of Fee collected from children from disadvantaged groups and weaker sections

Type of Fees children are made to pay	Responses in the affirmative by Private School Head-teachers
Tuition Fee	6
Fees for Textbook	4
Fees for Uniform	8
Fees for Extra-Curricular Activities	1
No Fees is Collected	7

- Disciplining children is seen as the most difficult task by teachers now that corporal punishment has been banned. When posed with the question of how children will be disciplined when they are causing ruckus in the class, all government school teachers responded that they pacify the child in an assertive manner without using force (see Table 6). This is very hard to believe as 18 of 60 children studying in government schools mentioned that their teachers punish them and the responses of the teachers appear to be false. 2 private school teachers agreed upfront that they punish children. Children responded that they are awarded punishments like beating, scolding, causing physical pain, sent out of class, made to kneel in front of the classroom, suspended from the classroom and not allowed to go back, hands and legs being tied up and complaints being made to parents and guardians.

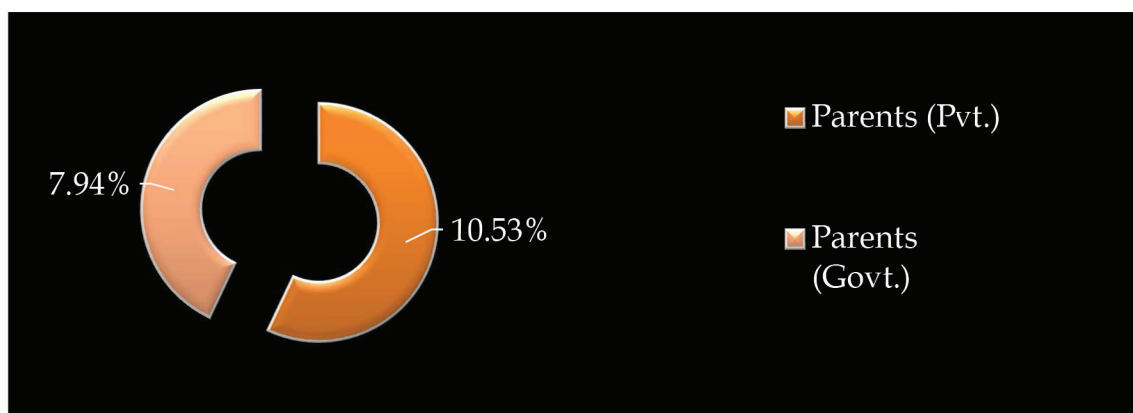
Table 6: Measures taken to discipline children when they are causing ruckus in the classroom

Measures taken when a child is undisciplined and is causing ruckus in the classroom	Teacher – Government School	Teacher – Private School
The child is punished by being scolded	0	2 (3.39%)
The child is sent out of the classroom	0	4 (6.78%)

The child is pacified in an assertive manner without using force	60 (100%)	54 (91.53%)
By observing and making the child aware of the fact that the teacher knows of the child's activities	0	1 (1.69%)

- Section 28 of the RTE Act prohibits teachers from engaging in private tuitions. Teachers of both Government and Private Schools were asked if they conduct tuition classes and if they collected a fee for such classes. 17 private school teachers and 9 government school teachers agreed that they conduct tuitions. 4 private school teachers stated they collect a fee for conducting such classes. It is found that this provision of the Act is violated by teachers.
- Parents were asked about the treatment meted out to their children in schools like whether the child was facing any discrimination for being admitted under the EWS Category; would the child have to go through any screening procedure at the time of admissions and whether the child was being punished physically or mentally (see Graph 6). It is deeply saddening to note that one parent from the private school responded that their child is being discriminated for being admitted under the EWS Category.

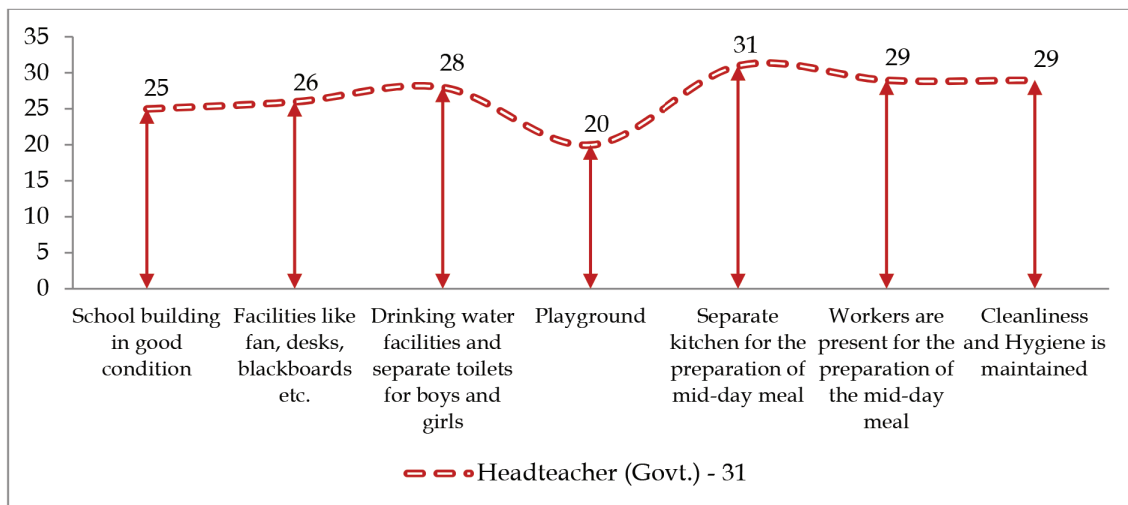
Graph 6: Children being punished either mentally or physically at home or at school



- Out of 31 government school head-teachers, 24 of them agreed that they admit children who do not have any proof of age at the time of enrolment. Only 25 of them admitted that they follow the no-detention policy strictly.
- Infrastructure of the school plays a crucial part in the enrolment, retention and ensuring good quality education. 3 Government school head-teachers opined that

the quality of the school building was bad. Varying responses were received by the head-teachers for various aspects of the infrastructure and it can be seen in detail in Graph 7.

Graph 7: Infrastructure of the School



- 5 of the 64 children stated that they were scared to go to school and 3 children stated that education is only partially free. 7 children stated that they share the instances of discrimination they face at school with their parents. This shows that not all schools have a child-friendly environment.
- To ensure inclusivity in education, teachers from both government and private schools were asked about the measures taken to ensure that children from weaker sections and disadvantaged groups were not discriminated against and children with special needs were included in the classrooms. A majority of government (45 out of 60) and private school (39 out of 59) teachers responded that they treated all children equally irrespective of their backgrounds.
- 13 of the 23 presidents of the Parents Associations of Private schools discuss with the school authorities and try to put a stop to the discrimination meted out by the private unaided schools against children from weaker sections and disadvantaged groups while others complained to the DDPI and took other measures in this regard.
- The SDMC President and members will direct the school authorities to function properly after conducting an enquiry; give a complaint to the Block Education

Officer or the Gram Panchayat apprising them of the situation or seek the help of the DDPI/ DSERT when it is found that schools are not functioning properly.

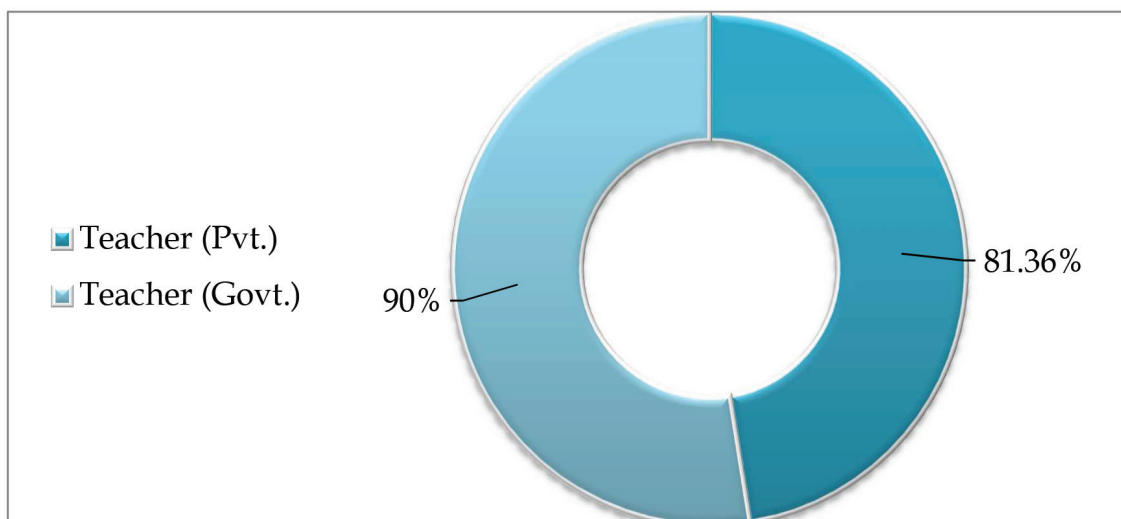
In the light of completion of 7 years of implementation of the RTE Act, 2009 and 5 years of the Karnataka RTE Rules, 2012, it would be a justified expectation that the provisions of the Act and the corresponding Rules are effectively implemented in the State in their letter and spirit. However, it is disappointing that not only the SDMC members or the community but the government functionaries responsible for the implementation of the RTE Act themselves are not completely satisfied with the implementation of the Act in the State and feel that much needs to be done in this regard. In spite of this opinion of the government officials, they are failing on a day-to-day basis in making up for this lacuna. The non-availability of neighbourhood schools to all children; failure on part of the BEOs to take action against the schools that are violating the norms of the Act; lack of facilities for pre-school education; PTR as low as 80:1 in certain government schools; lack of information on part of the Gram Panchayat regarding the fund allocation for education; continued practices of screening procedure, collection of tuition and other fees, infliction of corporal punishment, discrimination against children enrolled under RTE in schools, detention of students in same class; inaction against teachers conducting private tuitions; poor infrastructure in schools etc., as established by the study clearly portrays the poor implementation of the RTE Act in the State. While teachers, government officials, Gram Panchayat members and SDMCs claim to take varied measures to tackle the issues in hand, none of these seem to be providing satisfactory results which can be clearly proved by the fact that considerable number of children are still scared to go to school owing to the lack of child-friendly environment and infrastructure. A general lack of awareness and lack of will on part of the stakeholders from government to the community can be attributed to the lack of implementation.

Quality of Education

The RTE Act, 2009 provides certain guidelines relating to the quality of education that is to be provided to the children in schools. The major parameter being that education should result in the all-round development of children and they should be enabled with a stress-free learning environment. To understand the degree of quality of education provided in the schools of the State, various parameters including medium of education, teaching hours, evaluation of learning capacities of children, qualification and trainings of teachers etc. were studied. The study revealed that,

- All the Block Education Officers and Government School Head-teachers interviewed have acknowledged that they and the teachers in their respective schools have attended the training and capacity building programmes on the RTE Act.
- While in 90% of Government schools, the medium of education is the mother tongue of the child to the maximum possible extent, 81.36% private schools surveyed conform to this standard. The Graphs clearly show that mother tongue as a medium of instruction is not given as much importance in private schools as in government schools.

Graph 8: Medium of Instruction in mother tongue of the child as much as possible



- While 96.61% of Private school teachers claim that they are able to complete the syllabus on time, 93.33% of Government school teachers were found to have been able to do so. There is a slight drop in the number of teachers having been able to complete the syllabus in Government schools as they are more often assigned non-teaching work as compared to the teachers in private schools as portrayed in Graph 9 below. Usually extra classes are conducted to make up for the lost teaching hours by the teachers while few private school teachers have acknowledged that they do not make any extra effort to cover the lost hours. (See Table 7). The overburdening of non-academic work is making it difficult for the teachers to provide the necessary attention on academic and teaching work thereby affecting the quality of education.

Graph 9: Assignment of non-teaching work

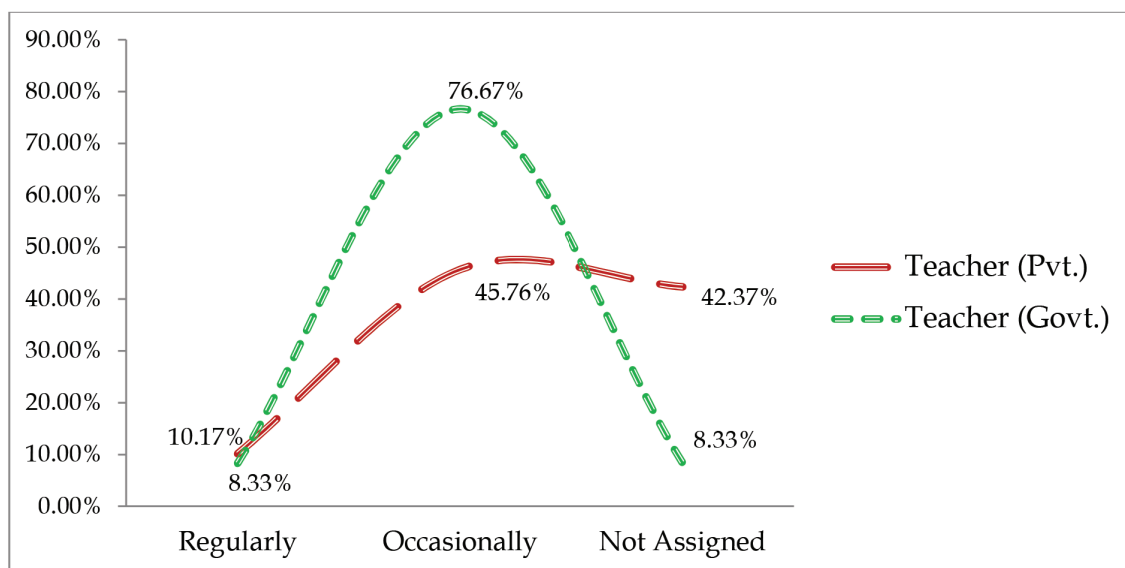


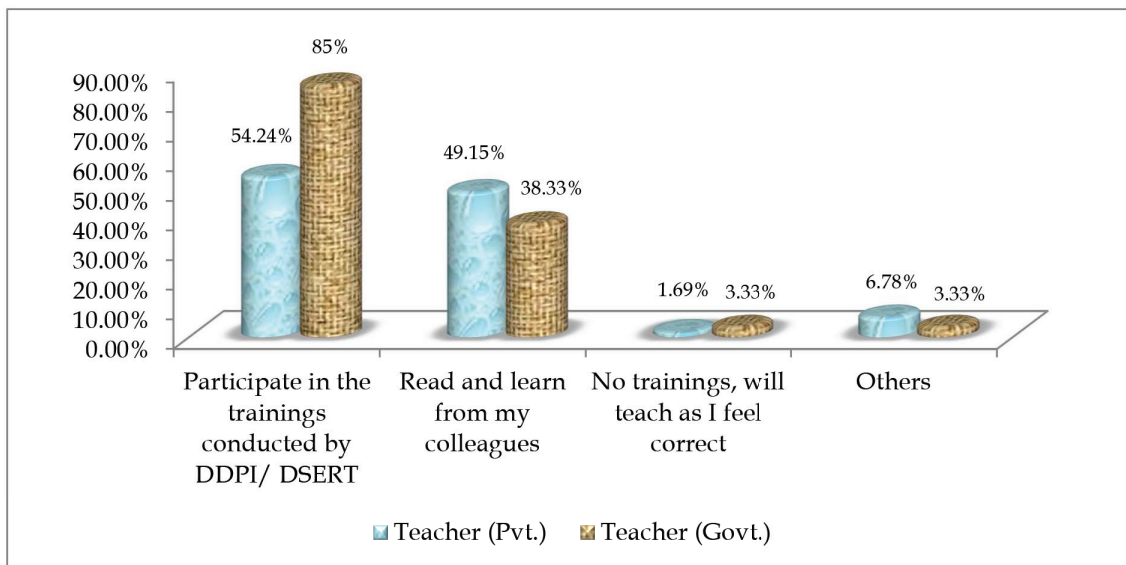
Table 7: Steps taken to make up for lost teaching hours

Steps taken to make up for lost teaching hours	Teacher – Government School	Teacher – Private School
Extra classes are conducted to make up for the lost teaching hours	55 (91.67%)	33 (55.93%)
Nothing is done	0	1 (1.69%)
Others	1 (1.67%)	2 (3.39%)

- It is pertinent to note that the salaries of teachers of private schools are not on par with that of the teachers in government schools in majority of the cases. Thus, owing to the absence of sufficient remuneration, many private schools lack qualified teachers. Also, it was revealed that in certain cases, the teachers in the government schools do not receive their salaries on time. This in turn will have an impact on their interest in effectively fulfilling their responsibilities thereby affecting teaching in these schools.
- While in most private schools (76.27%), the minimum qualification for teachers is B.Ed or Master's Degree or Bachelor's Degree, few schools require D.Ed or T.E.T. Other qualifications permitted include B.A., C.E.T., PUC and M.A. Hence, unlike the government set standards, the private schools define their own set of teacher qualifications which often are not up to the mark thereby affecting the quality of education.

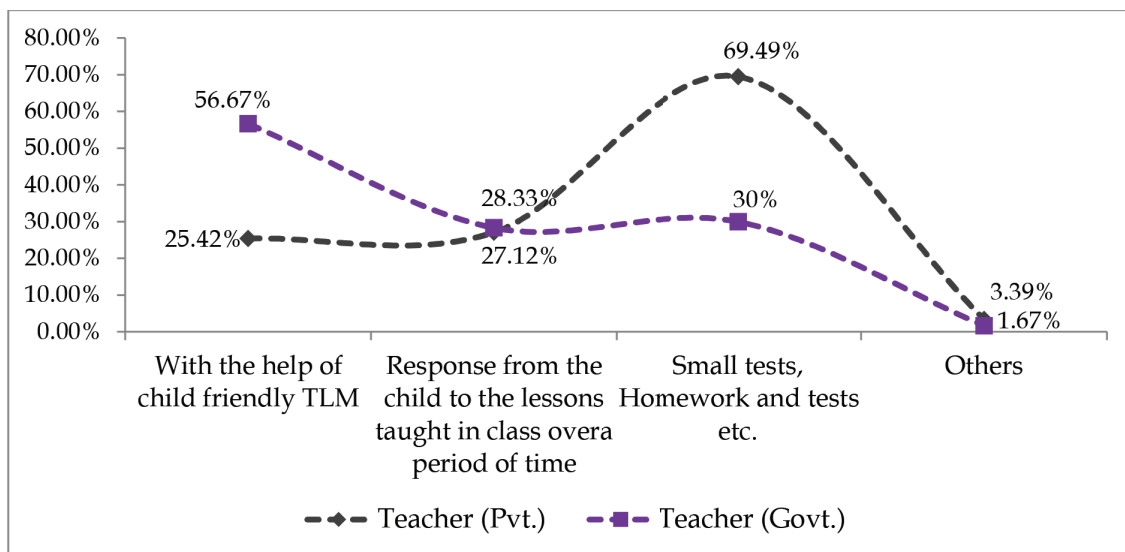
- Though teachers possess the required qualifications, it is important that there is continuous effort on their part to keep themselves updated and improve their teaching skills. It was found that majority of the teachers strive to improve their teaching skills either by participating in the trainings conducted by the DDPI or DSERT or through reading or learning from their colleagues or sometimes through all of these. Though few teachers both from government and private schools have accepted that they will just teach as per their wish without any extra efforts, majority of them are working towards improving their teaching skills.

Graph 10: Steps taken by teachers to improve teaching skills



- Along with teaching, understanding the learning capacities of children also plays a vital role in imparting quality education. Evaluation of the learning capacities of children thus, forms a significant part of teaching skills. The various strategies followed by the teachers interviewed during the study to evaluate the learning capacities of their children include:
 - Using child-friendly training and learning materials (TLM);
 - Analysing the responses from the child to the lessons taught in the class over a period of time;
 - By conducting small tests or giving homework.

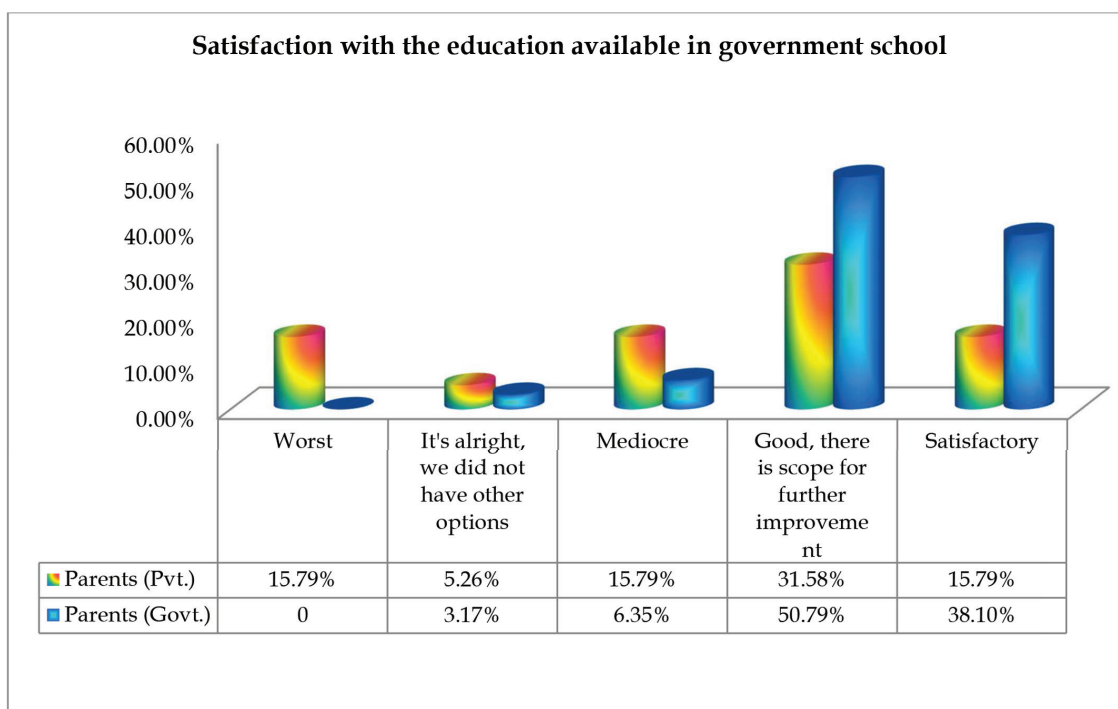
Graph 11: Evaluation of Learning Capacities of Children



- With regard to the satisfaction with the education available in the government schools, parents both from private and government schools have rated their experience ranging from worst to good as portrayed in Graph 12. When questioned about what was lacking in government schools, majority of the parents pointed at the poor infrastructure (building and other facilities), shortage of teachers and lack of subject-teachers. Other shortcomings expressed by the parents include, irregular classes, lack of opportunities after children complete the age of 14 years, ineffective functioning of schools etc.

Thus, the lack of basic amenities and infrastructure, shortage of teachers, non-availability of subject teachers, limited scope of the Right to Education Act, etc., are all resulting in the decreasing standards of the public education system and forcing parents to opt for private schools.

Graph 12: Satisfaction of Parents with the education available in Government schools



- As witnessed above, shortage of teachers in government schools is one of the major drawbacks of the public education system. When surveyed regarding the steps taken in government schools to fill the vacancies of teachers in their schools, it was found that the head-teachers take one or more of the following measures in this direction:
 - o Appointment of contract teachers
 - o The issue is brought to the notice of the local authorities, Block Education Officer or DDPI.
 - o The existing teachers are requested to handle additional subjects
- Few head-teachers (3.23%) have also accepted that nothing is done to fill up the vacancies of teachers and the classes are managed with the available teachers. It is pertinent here to note that though the head-teacher is not authorised to appoint teachers on a contractual basis, 12.9% of the head-teachers interviewed appoint contract teachers to deal with the vacancies of teachers. It is ironic that though efforts are in place to fill up the vacancies of teachers in their schools, there continues to

remain a substantial shortage of teachers in government schools and the existing teachers are finding it difficult to effectively handle all classes and subjects along with their other non-academic work which is proving detrimental to the quality of education available in the public schools.

To put it in a nutshell, the quality of education is not an exception when it comes to the unsatisfactory implementation of the RTE Act, 2009 with majority of the parents opining that there is scope for improvement with regard to quality. Ineffective functioning of government schools, lack of subject-teachers, inaction on part of the authorities to appoint required number of qualified teachers, insufficient pay to teachers leading to their lack of interest, lack of opportunities for children after completion of 14 years were found to be some of the major reasons for the quality of education not being up to the mark in the State.

Roles and Responsibilities of Stakeholders

There are numerous stakeholders under the RTE Act like the DDPI, DDPI (Academic), BEO, BRC, CRP, Teachers, Parents, Gram Panchayats along with other authorities. For the effective implementation of the RTE Act, the responsibilities assigned to the various stakeholders are to be fulfilled by them in a time bound manner. To understand how many of them knew of their roles and responsibilities and how effectively they were carrying it out, they were asked about it and the responses can be summarized as follows:

- The DDPI and BEO are supposed to take measures to display the information of children in and out of school on the premises of the school. 11 of the 12 BEOs responded that they have taken measures in this regard and all 6 DDPIs responded that they are fulfilling this responsibility. Apart from this, the DDPI is also to inspect schools along with the BEO and receive school reports from the BEO regarding the finances, status of the school and the per child expenditure. Only 4 DDPIs received such information and 5 of them inspected schools along with the BEO.
- The BEO has the responsibility of ensuring that all schools within his/her jurisdiction are functioning well and are imparting quality education. The BEO is also the authority to whom complaints can be made when it is found that schools are not functioning properly. One responsibility the BEO has is taking necessary measures to ensure that children from isolated areas attend schools. But only 6 of the 12 BEOs have made arrangements of buses, vans and have taken other measures to ensure that children from isolated or remote areas attend schools. 3 BEOs stated

that they do nothing in this regard. This is an important responsibility of the BEO which ensures that the right to education is made available to all children and a lapse in this foremost duty can be said to be one of the major reasons for huge numbers of out of school children and dropouts. The other responsibilities of the BEO include inspecting schools on a regular basis and 10 of them conduct these inspections through unexpected visits to schools while 3 of them conduct these inspections annually. Only 5 of the 12 BEOs stated that they monitor the system of mid-day meal scheme. Otherwise, all the BEOs more or less executed and fulfilled their responsibilities (see Table 8). If it were to be true then the schools at the Block level were supposed to function exceptionally well. But it is clear from this study that it is not the case. Possible reasons for this could be that either the BEOs have not been upfront in giving the responses or the implementation of the Act has failed due to non-performance of other stakeholders.

Table 8: Roles and Responsibilities of the BEO

Roles and responsibilities of the BEO	Responses from BEOs
Ensuring that free TLM is being provided to children with special needs	12
Display the information of children in and Out of School on the premises of the School	11
Update the DDPI regarding Finance, status of the school and per child expenditure	12
Provide the inspection reports to the DDPI in a timely manner	11
Monitor the functioning of the local authorities by conducting timely meetings, reviewing documents and members' responsibilities	11
Call for meetings to understand the problems faced by teachers	12
Monitor the PTR in classrooms	12
Ensuring that SDMCs are constituted in all schools in the Block	11
Actively participate to nominate members to SDMC	8
Monitor the system of mid-day meal scheme	5

- Under Section 9 of the RTE Act, the Gram Panchayat is the authority responsible for implementation of the RTE Act at the panchayat level and it has the powers to establish schools and make sure they function properly on a day-to-day basis. The Gram Panchayat receives funds for the management of schools and it is responsible for its execution. It was found that the Gram Panchayat president and members supervise the implementation of the RTE Act in the Panchayat by regularly visiting schools; conducting SDMC Meetings, Interact with teachers and children; receive reports from SDMCs, head teacher and BEO. The Gram Panchayat members have the specific responsibility of meeting with parents of school going children to discuss and inspect the functioning of the School; discuss the activities and development of children; solve the problems of children, parents and school authorities. They are also supposed to update the records of the children regularly. But it was found that these records are not being maintained or updated. If these records are not maintained then it becomes difficult to ensure that the right of all children to education is secured and it also becomes difficult to cater to the needs of children with specific needs like children from marginalized communities, children of migrant families and children with special needs among others. A close observation of the responses from the Gram Panchayat Presidents and members (see Table 9) show that the Gram Panchayat as a whole has failed to implement the RTE Act at its level and even though they have the powers to execute the provisions of the Act, it is not being done effectively. One reason for the failure of the Gram Panchayats in implementing the Act is the lack of awareness and knowledge of the provisions of the Act and their roles and responsibilities.

Table 9: Roles and Responsibilities of the Local Authority

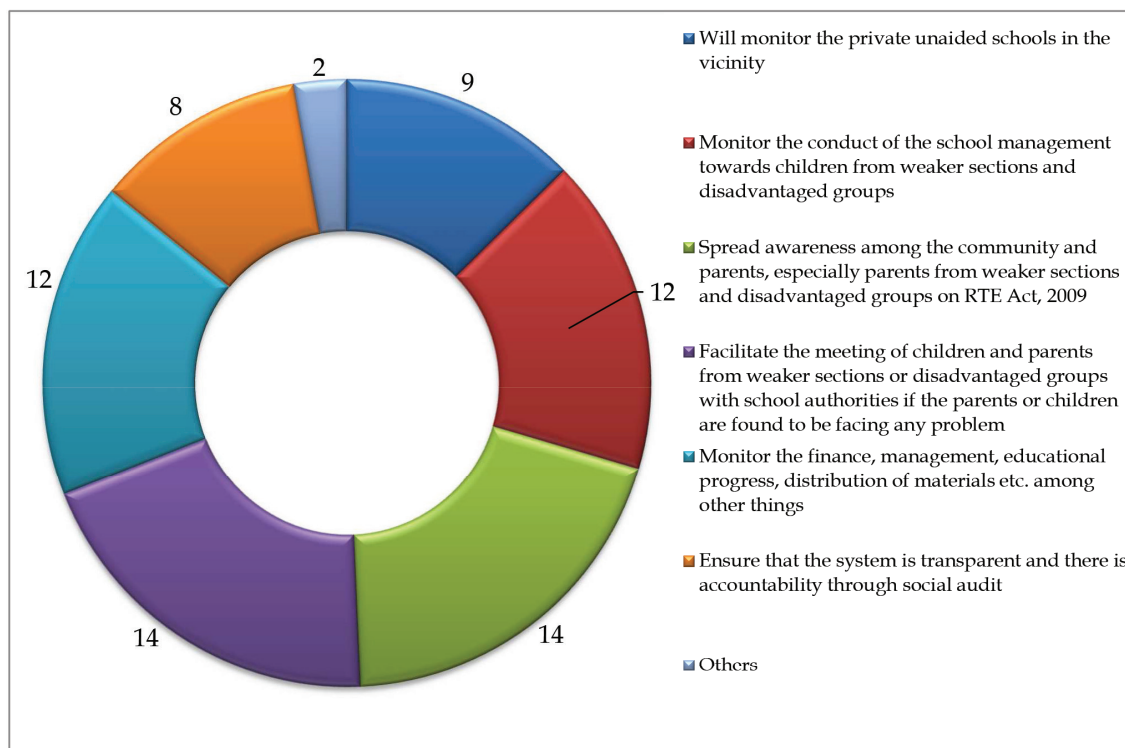
Roles and Responsibilities	Gram Panchayat President	Gram Panchayat Member
Meetings are conducted with parents of school going children	18 (56.25%)	47 (73.44%)
The implementation of the RTE Act is supervised	16 (50%)	0
Details of Children are being maintained properly	15 (46.88%)	26 (40.63%)
These details have been publicized	8 (25%)	20 (31.25%)

Records of children with special needs, migrant children and orphaned children have been maintained	8 (25%)	0
It is monitored to check if there is any discrimination against children	25 (78.13%)	0
The availability of a neighbourhood school is ensured	21 (65.63%)	44 (68.75%)
The enrolment of children from weaker sections, disadvantaged groups, migrant groups and children with special needs is ensured	16 (50%)	30 (46.88%)
The records of all children within the age of 14 years in the Panchayat is maintained	14 (43.75%)	25 (39.06%)
The functioning of schools, Anganawadis and mid-day meal scheme is monitored	18 (56.25%)	36 (56.25%)
The availability of TLM, Facilities, teachers is ensured and it is made sure that they get timely trainings	14 (43.75%)	18 (28.13%)
The academic calendar is decided and the curriculum and syllabus is suggested within the prescribed time	8 (25%)	14 (21.88%)
Other responsibilities	1 (3.13%)	1 (1.56%)

- Private school head-teachers also have a role to play in the effective implementation of the RTE Act. Of the 30 head-teachers interviewed, 25 of them stated that they document the admissions which take place as per the RTE Act and they share the details of such admissions with the BEO and DDPI.
- Private school teachers met with parents monthly to half-yearly to discuss about the education of their children. 49 of them told they gave suggestions for the improvement of the school. Only 15 of the 23 SMC Presidents played an advisory role under the RTE Act for the implementation of the same. The average involvement of the teachers, parents and SMCs in the administration and functioning of the school can be said to have created a space for the managements to run these schools according to their whims and fancies at the cost of children.

- The SMC President is to monitor the conduct of the school management towards children from weaker sections and disadvantaged groups; ensure no child is discriminated against; spread awareness among the community and parents on the RTE Act; facilitate the meetings of children and parents with the school authorities when the need arises; monitor the finance, management, educational progress, distribution of materials; ensure accountability and transparency in the system among other roles and responsibilities. A close observation of the responses of the 23 SMC Presidents interviewed show that they do not carry out their responsibilities as diligently as they are supposed to (see Graph 13). Ensuring the implementation of the RTE Act in private institutions is a challenge in itself and the role of SMCs is crucial to bring in an iota of accountability among the private school managements. With the dysfunctional SMCs, the implementation of the RTE Act in the private institutions is affected negatively.

Graph 13: Roles and Responsibilities of the SMC President



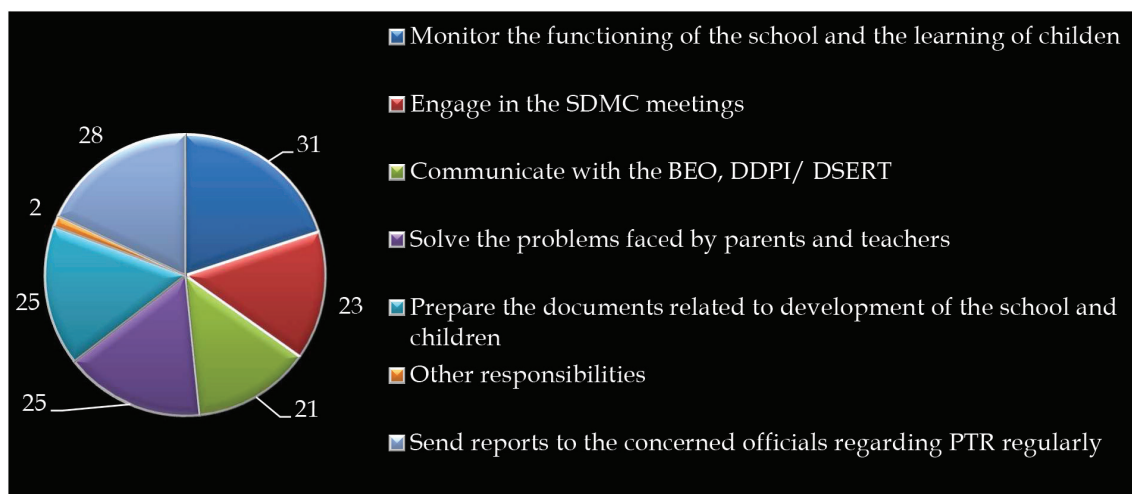
- 35 of the 57 Parents who send their children to private schools responded that they meet with the teachers and head teachers during parent-teacher meetings. 5 of them

go to the school only when the school authorities explicitly call for them and 6 of them do not meet the teachers and head teachers at all. With only 46 of them choosing to respond to this question, it is clear that the private school teachers and head teachers are not accessible to the parents even during the parent teacher meetings. This minimises the say parents have in the education of their children and they will not be able to address the concerns of the child with regard to discrimination and corporal punishment among others.

- Discrimination based on the gender of the child starts from home and girl children are not enrolled to schools and even if they are enrolled, they are not allowed to attend classes regularly. Education of the girl child is crucial for their empowerment and development and it is against humanity to discriminate against children on the basis of gender, colour, caste and class. To understand if parents discriminated against their children on the basis of gender, parents of both private schools and government schools were asked if they sent their girl children to schools regularly. The majority of them responded that they did send their daughters to school and a few of parents did not have girl children. But, there was a small minority of them who refused to answer this question and it is not clear if the question was not understood, they did not have daughters or they did not send their daughters to school. This still leaves room to suspect that children are being discriminated against at homes on the basis of their gender and being born as girls.
- The head teacher of a government school has the broader responsibility of ensuring that all children in the neighbourhood are enrolled in schools; they are given good quality education and no child drops out of the school. There are specific responsibilities also which the head teacher has to fulfil like identifying all Out of School Children in the neighbourhood which only 25 of the 31 head teachers interviewed had done. They are also supposed to admit children to classes which are appropriate to their ages which 29 of them are fulfilling. Transfer Certificate is also to be issued by the head teacher when a child seeks a transfer from the school and it is given after a few days by 13 of them, whereas it is given immediately by 9 of them. One head teacher also expressed that children leave the school without bringing it to the notice of the school. Apart from this, the head teacher also has specific responsibilities towards the schools and teachers like monitoring the learning of children and functioning of the school; engage themselves in the SDMC Meetings; take forward the communications with the BEO, DDPI/ DSERT; solve the problems faced by parents and teachers; send reports regarding the PTR regularly etc. Most of them were found to be carrying out these responsibilities (see Graph 14)

but management of teachers, classes, grants received by the school were grey areas which were not dealt upon by them.

Graph 14: Roles and Responsibilities of Government School Head Teacher



- The School Development and Monitoring Committee is the most important parents' body constituted which has a voice in the education of their children and there is ownership of the school among the parents. The president and members of the SDMCs have the responsibilities of monitoring the functioning of the school, looking into the utilization of the grants, preparing the School Development Plan, ensuring that children do not drop out from schools, ensuring transparency and accountability, monitoring the attendance of teachers etc. While most of the SDMC members and presidents are fulfilling their responsibilities, much needs to be done to bring about coordination and coherence among school, block and district level authorities and the SDMCs. (see Table 10). The SDMC meetings are conducted anywhere from once a month to once a year. The responses received show that the functioning of SDMCs is not as effective as it is supposed to be and this is affecting the implementation of the RTE Act and the functioning of the school.

Table 10: Roles and Responsibilities of SDMC under the RTE Act

Roles and Responsibilities	SDMC President	SDMC Member
Prepare the school development plan as per the RTE guidelines	16 (51.61%)	32 (52.46%)
Do away with the differences between the School, Block and District level authorities by representing the school at various forums	7 (22.58%)	10 (16.39%)
Aid the teachers to do their job better by helping to develop TLM; Help the teachers to distribute materials to children; Help the children who are weak and out of school	12 (38.71%)	18 (29.51%)
Create awareness among parents and the community regarding the RTE Act	10 (32.26%)	21 (34.43%)
Develop educational statistics along with monitoring enrolment, attendance and educational development of children	19 (61.29%)	33 (54.1%)
Supervise and monitor Finance, educational progress, distribution of educational authorities and other related work	18 (58.06%)	25 (40.98%)
Ensure transparency and accountability through social research. Ensure information regarding grants and funds and their usage is shared with the community.	7 (22.58%)	11 (18.03%)
Participate in the review meetings of the Panchayat	20 (64.52%)	41 (67.21%)
Ensure that the SDP is duly signed and submitted to the concerned government official	29 (93.55%)	46 (75.41%)

In short, dysfunctional SMCs/ SDMCs; average involvement of teachers and parents in the functioning and administration of schools; inefficiency on part of the Gram Panchayats, head-teachers, teachers and other functionaries responsible for the implementation of the RTE Act; non-admission of girl children in schools; lack of coordination among the different stakeholders in ensuring effective functioning of schools etc., among others clearly portray the gaps in the fulfilment of their respective

responsibilities by each and every one of the stakeholders under the RTE Act, 2009. This inefficiency may be attributed to the lack of awareness about their roles and responsibilities by the stakeholders, lack of proper means and support from the higher authorities and government and the lack of will among the stakeholders in certain cases.

School Management Committees (SDMC/ SMC)

A proper constitution and functioning of the SDMC/ SMC is crucial for the effective implementation of the RTE Act, 2009. These committees are comprised of the parents of the school going children and they monitor the school and its functioning, the grants and utilization of the same, the protection of the rights of the child among other things. As parents have a larger say in the functioning of the school, they have a sense of ownership to the school and this goes a long way in the development of the school. There have been numerous positive examples where schools have found to be functioning exceptionally well because it has a pro-active SDMC/ SMC. It was pertinent for the study to look at the functioning of these SDMCs/ SMCs as it has a direct bearing on the implementation of the RTE Act.

- Constitution of SDMC/ SMC is the first step towards the realization of the right of the child under the RTE Act. But it is found that not all private schools have a functional SMC and this leads to non-accountability on the part of the school and there is a lack of transparency due to this as parents have no knowledge regarding the happenings of the school.
- SMCs/ SDMCs were to be constituted within 6 months of the Karnataka RTE Rules coming into force. 14 of the 23 SMC Presidents; 22 of 31 SDMC Presidents and 43 of the 61 SDMC Members interviewed responded that these committees were formed within 6 months of the Karnataka RTE Rules coming into force. Thus, the compliance with regard to timely constitution of SMC/ SDMC can be said to be only average.
- The next important step is the composition of the SDMC/ SMC and the Karnataka State RTE Rules have laid down the composition for these committees. Even though a majority of the government schools had constituted a committee, very few had constituted the committee in accordance with the rules. This defeats the functionality of the committee and in turn curtails the voice of these committees substantially.
- The mode of election to the SMC/ SDMC is by the votes cast by the parents and the local government/ Gram Panchayat in a few cases. Alternatively, the members are individually selected by the local government, the head teacher or the BEO. Parents

from the weaker sections and marginalized communities are elected through the casting of votes by the school authorities. But this is again in a few cases only. Parents from these communities usually volunteer and those who do so will be appointed as the members of the committee. It is shocking to see that of the 61 SDMC members interviewed, 6 of them responded that parents from the weaker sections are not elected to be a part of the SDMC. The reasons for the same were not expressed during the interviews. On the other hand, 21 of the 30 private school head teachers interviewed stated that the representations have been ensured in the committees. Teachers are mostly elected to the committee by votes being cast by the head teacher, parents and local authority. In other cases, the senior-most teacher becomes the member of this committee due to seniority.

- SMCs in private schools are to be reconstituted once in every 2 years whereas the SDMCs in government schools are to be reconstituted once in every 3 years. Of the 30 Head teachers and 23 SMC presidents interviewed, 19 and 15 respondents respectively responded that the SMCs were reconstituted once in every 2 years. Whereas for government schools, 26 of the 31 SDMC Presidents responded that the SDMC is reconstituted once in every 3 years. This clearly portrays the ambiguity among the head-teachers and SMC presidents in private schools regarding the constitution and to certain extent functioning of SMCs.
- The major function performed by the SMCs of private schools was found to be giving suggestions to the school to function as per the RTE Act.
- Even though the Karnataka Right of Children to Free and Compulsory Education Rules mention that the SDMCs/ SMCs are to meet once a month, these meetings are seldom conducted. The regular conduct of these meetings is an indication that these committees are successful in the management of the school and it is bound to show results in the improvement of the school. With these meetings being conducted anywhere from once a month to once a year, there is no uniformity in the functioning of these committees which in turn affects the functioning of the schools and the overall development of children. 18 of the 23 SMC Presidents affirmed that the proceedings of the SMC meetings were recorded regularly.
- A range of issues are discussed in the SDMC/ SMC Meetings like the facilities available in the schools, the learning of children, the quality of education, problems faced by the teachers and children etc. A discussion on these issues is crucial for addressing the issues and the problems surrounding the school.

Table 11: Topics discussed in the SDMC/ SMC Meetings

Topics Discussed	SDMC President	SDMC Member	SMC President
Facilities in Schools	22 (70.97%)	47 (77.05%)	12 (52.17%)
Learning of Children	19 (61.29%)	37 (60.66%)	14 (60.87%)
Quality of Education	20 (64.52%)	37 (60.66%)	16 (69.57%)
Problems faced by teachers	19 (61.29%)	23 (37.7%)	7 (30.43%)
Problems faced by children	20 (64.52%)	31 (50.82%)	9 (39.13%)
Finance	17 (54.84%)	18 (29.51%)	4 (17.39%)
OoSC, Slow Learners, Drop-outs, Migrant Children	13 (41.94%)	19 (31.15%)	5 (21.74%)
Others	0	1 (1.64%)	1 (4.35%)

- Facilities in Schools; development of children; requirements for learning were considered while preparing the School Development Plan and the decisions were taken based on the availability of funds. The SDP is prepared 3 months in advance to the completion of the academic year by a majority of the SDMCs.

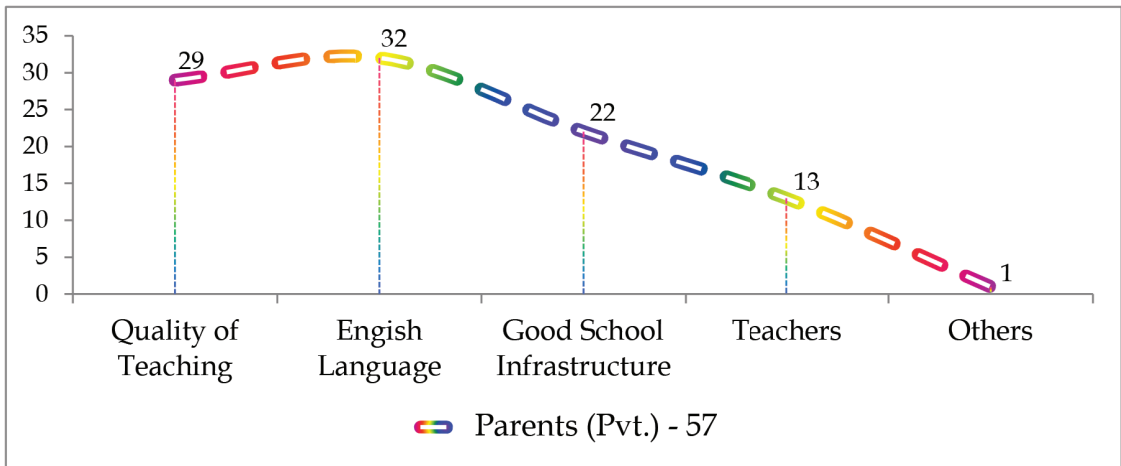
Thus, improper constitution of SDMC/ SMCs in schools including incorrect composition; undemocratic selection and namesake representation of parents of children belonging to economically weaker sections; ignorance on part of the teachers, head-teachers and the SDMC/ SMC members and presidents regarding the constitution and functioning of these committees; and failure in conducting regular meetings were some of the major gaps found in the effectiveness of the SDMC/ SMC functioning during the study which clearly portrays the adverse state of affairs with regard to these committees which in turn is having a negative impact on the effective implementation of the RTE Act, 2009 and the education of children. Lack of awareness about the RTE Act in general and the Committees in particular was found to be the major cause for the ineffective functioning of these bodies.

Other Incidental Responses

Apart from the above mentioned provisions/ entitlements under the RTE Act, a few more responses were also collected from the respondents on matters like the medium of instruction, experiences under the RTE Act, experiences interacting with the school authorities, about the Makkala Grama Sabha and Mid-day meal scheme etc. They are summarized below:

- Mid-day meals are to be given to all children studying in government schools and 8 of the 12 BEOs interviewed responded that they have made provisions for the same. 58 of the 64 children who were interviewed stated that the mid-day meal which was provided was good whereas 6 of them stated that it was average.
- None of the BEOs waived the provisions of the RTE Act and Rules if a school was found to be functioning exceptionally well even though it did not adhere to the provisions of the Act.
- With regard to the experiences working under the RTE Act, the government school teachers rated their experiences between good (25 out of 60) and satisfactory (28 out of 60).
- The medium of instruction of the children studying in private schools was predominantly English and Kannada in government schools.
- 20 of 57 Parents responded that they had a good experience while enrolling their children to private schools, whereas 2 and 1 of them responded that it was difficult, irritating and worse respectively. Additionally, one parent stated that the school authorities harassed them to pay additional fees for any activity undertaken by the child and one parent shared that they were harassed at the time of admission of the child under the EWS category. This goes on to show that parents are still not treated well and discriminated against during admissions in private schools under RTE and this attitude of private schools needs to be changed to a parents-friendly approach .
- Even with the bad treatment meted out to them, parents preferred to send their children to private schools and so they were asked what was better in private schools as compared to government schools. They responded that the quality of teaching was good with a majority of them stating that English is being taught in the private schools and hence they are better than government schools.

Graph 15: Private schools are better than government schools in this regard



- On similar lines, parents from both private and government schools were asked about their experience of enrolling their children in the neighbourhood school. Only one parent whose child is studying in a private school felt it was difficult and irritating while all others responded with their experiences ranging between average and good. When asked what their experience was when the school authorities paid a visit, the parents responded that it was either mediocre or good and 3 parents each from private and government schools stated that there has been no such visit from the school authorities.
- It was found that children studied at home after school hours even though they helped around with the household chores. 22 children of the 64 interviewed shared that their parents/ guardians punished them. Only 4 of them complained to their parents about the punishment they received at school. 35 of them stated that Makkala Grama Sabhas are conducted where they discussed and shared their views with the BEO and GP members.
- SDMC presidents are to take measures to build the capacities of the SDMC Members and they conducted regular trainings on the roles and responsibilities of SDMC members; organized exposure visits while 12 of them did nothing in this regard.

A brief look at the findings hence reveals that while the implementation of the provisions of RTE Act fares average, the effectiveness of the supporting system and addressing of other issues having direct impact on the implementation of the Act does not fare any better. Mid-day meals have still not reached all schools and in a few places

the quality of food provided is only satisfactory while in majority of schools it was rated to be good. The opportunity to learn English and the perception of better teaching quality in private schools were found to be the major reasons for children and parents preferring private institutions as compared to Government schools and it is for this prospect that parents strive to enrol their children in private schools in spite of them being harassed by these institutions to pay additional fees or in certain cases discriminating against children. Mother tongue as a medium of education is a norm that is not being strictly followed in the State especially in private schools. The prevalence of corporal punishment both in schools and at home; failure on part of the authorities to pay regular visits to schools; average functioning of Makkala Grama Sabhas etc., are some of the other major issues posing a threat to the school education system in the State.

Challenges faced in Implementing the RTE Act effectively and Grievance Redressal Mechanism available

The effective implementation of any legislation depends on the proper understanding of the practical challenges that are faced on ground in the process of implementation and the availability of an efficient grievance redressal mechanism to resolve the pertaining issues at the earliest. It is in this background that, the study tried to analyse the various issues that are affecting the effective implementation of the RTE Act, 2009 and where do we stand with regard to the establishment and effective functioning of a grievance redressal mechanism to resolve these issues so as to ensure the realisation of the right to education of all children. The findings of the study in this regard can be summarised as follows:

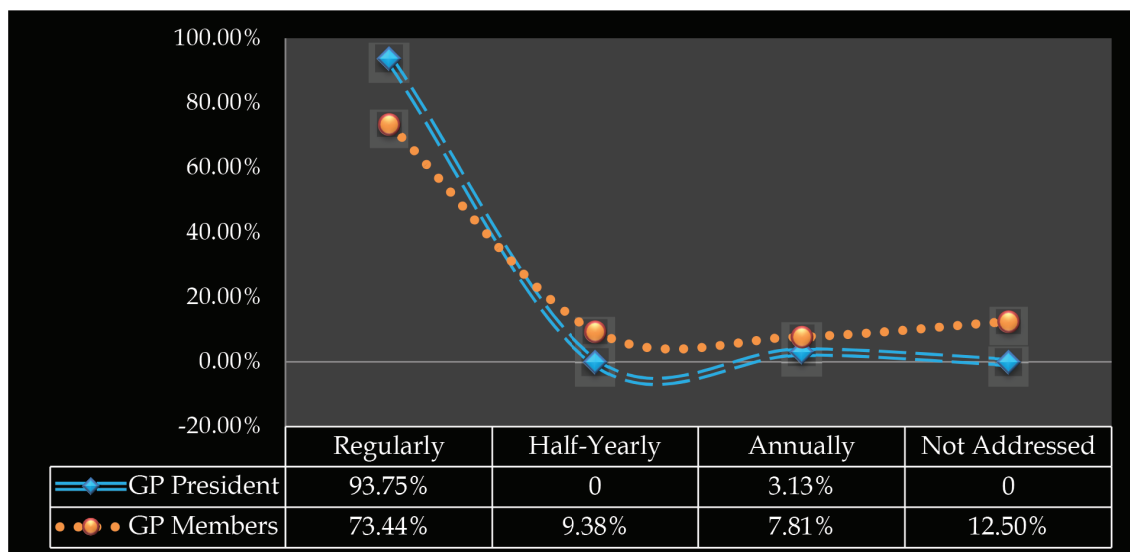
- Block Education Officers are the first level of authorities responsible to oversee the proper implementation of the RTE Act, 2009. It was found that while most of the BEOs make efforts in collecting information regarding the violations of the Act within their jurisdiction at least once in 6 months (66.67%), in certain cases no voluntary efforts were seen on part of these officers in monitoring the implementation of the Act unless any express complaints were received (33.33%). However, whenever violations were reported, in 75% of cases, the BEOs bring it to the notice of the Zilla Panchayat CEOs for appropriate action. Apart from this, some of the other actions taken against the erring institutions include:
 - o Measures are taken as prescribed under the RTE Act and Rules;
 - o In certain cases, renewal of the school's recognition is put on hold and the school is closed while in some other cases, recommendations are made to cancel the recognition of the erring institution;

- o Also, the action taken depends on the decision of the Zilla Panchayat CEO.

The BEOs are, in general terms, aware of their responsibility to monitor the implementation of the RTE Act, 2009 and take measures so as to prevent any violations in this aspect. However, more awareness and sensitization is required among the BEOs that it is their responsibility to tackle violations of the RTE Act and ensure its proper implementation. Also, awareness needs to be created regarding the immediate appropriate action and measures that can be taken by them in case of any violations. Though it was seen that most of the BEOs state that they take the necessary measures, many violations are still seen on ground which are going unnoticed or people refrain going from School level to Block level to lodge the complaint. All these portray the lack of sensitisation and in certain cases, the lack of will on part of the authorities in effectively implementing the Act.

- The study revealed that in majority of the cases, the Gram Panchayat President and members are easily accessible to the public in case of any grievances pertaining to the education of their children. It was also found that the problems regarding cleanliness, hygiene, dilapidated school buildings etc., are usually addressed regularly while in few cases these issues are addressed anywhere between 6 months and 1 year. There are also certain panchayats wherein these issues have not been addressed by the Gram Panchayat at all. (refer Graph 16)
- Though the study reveals that the Panchayat members are all easily accessible to the public in case of any grievance, not much action has been taken to resolve these grievances and there still remains considerable amount of unsolved issues relating to the education of children including schools with poor infrastructural conditions, dilapidated classrooms, unusable toilets etc. As seen above, the awareness of Gram Panchayat Presidents and members about the Right to Education Act is average i.e., approximately at the rate of 50%. This lack of awareness is posing a huge challenge in the efficient functioning of the Gram Panchayat as a grievance redressal mechanism and in the effective implementation of the Act.

Graph 16: Addressing the Problems regarding Cleanliness, Hygiene, Dilapidated Structures etc., by the Gram Panchayat



- While lack of awareness is one of the major causes for inefficiency of the Gram Panchayat, there are various other factors which further aggravate the situation. When asked about the challenges faced by them in effectively implementing the RTE Act, the Gram Panchayat members (including the presidents) identified the following major issues:
 - o Lack of or insufficient financial support from the State Government;
 - o Lack of sufficient human and other resources to monitor the implementation of the Act;
 - o Lack of coordination from the public and other members on the team;
 - o Increased interference from the higher authorities which in turn affects the day to day functioning;
 - o Lack of coordination and cooperation from parents and school authorities.

It is disturbing that the Gram Panchayats, though being one of the basic units of administration, are neither empowered nor provided with the necessary support to enable them in the process of implementation of the Act.

- While, the Gram Panchayat members are troubled by one set of issues, the SMC/SDMC members and presidents face different kinds of challenges. Some of these include:
 - o No coordination among the members of the Committee;
 - o Parents, especially parents from the weaker and marginalized sections do not involve themselves in the activities of the committee;
 - o Undue interference of the Local authority in the functioning of the Committee;
 - o Difficulty in reaching the higher authorities and getting them to address the complaints;
 - o Irregular funds affect the regular conduct of activities in school.

Apart from these, some of the specific challenges faced by the SDMC Presidents include,

- o Lack of support from the parents, especially those belonging to the weaker sections and disadvantaged groups;
- o Lack of continuous support from the members of the committee, school authorities, teachers and head-teacher;
- o Lack of coordination among the local authorities like the Gram Panchayat and the Taluk Panchayat etc.

Owing to the high magnitude of the problems being faced on a day-to-day basis, in many cases, the members are gradually losing the enthusiasm to actively work for the betterment of educational facilities which in turn is making way for the deprivation of the right of children to attain free and compulsory education.

- Getting free and compulsory education is a right of the children. Hence, it is important to understand the various problems faced by children in schools to achieve the effective realisation of the right. During the study, it was revealed that children face a lot of issues in schools. The major ones include:
 - o Regular absence of teachers during school hours;
 - o Shortage of teachers;
 - o Poor methods of teaching;
 - o Lack of English, Mathematics, Science and Computer teaching;
 - o Discrimination in classroom;

- o The quality of food provided in mid-day meals is not up to the standards;
- o There is no opportunity for children to participate while taking decisions regarding the affairs of the school;
- o Poor infrastructural facilities like dilapidated classrooms, lack of safe drinking water, lack of clean useable toilets, no playground, incomplete compounds, no desks and benches for lower primary classes, absence of libraries etc.;
- o Computers, though available in few schools, are under repair and unusable;
- o Books, uniforms and shoes are in most cases not issued on time;
- o Improper connectivity to schools and lack of transport facilities;
- o Cleanliness and hygiene is not maintained in and around the schools;
- o The method of teaching is very bad;
- o English, Mathematics, Science and Computer Classes are not there;

etc., are the various problems faced by the children. All these are affecting their ease of access to quality education by making it difficult for them to attend school.

- To add to this, not all schools have complaint boxes or suggestion boxes installed for children to express their views or share their experiences. It was found that in 46.88% of cases there are no complaint or suggestion boxes installed either in school or their neighbourhood.

Complaint/ Suggestion Boxes provide children the necessary space and opportunity to share their experiences and express their views for it is not an easy task for children to directly approach the authorities to share their issues and grievances. In such scenarios, the absence of complaint boxes makes it challenging for children to bring to the notice of the authorities their problems and also it is difficult for the authorities and other stakeholders to understand the issues faced by the children and resolve them.

Therefore, the ineffective implementation of the RTE Act, 2009 in the State can be attributed to the fact that the stakeholders are facing many practical glitches in the process of implementation of the legislation. While this is true, it is very disappointing that not much has been done in the past 7 years of implementation of the legislation to understand these issues faced on ground and provide effective solutions for the same. The discovery that lack of awareness is widespread ascertains the failure on part of the system in realising universal educational rights of the children.

Conclusion and Recommendations

- 6.1. Education is fundamental to human development. Right to education thus forms the foundation of an all-inclusive development not only of the individual but also of the nation. It is in this context that the right to education of children has been recognised and legally guaranteed through the Right of Children to Free and Compulsory Education Act, 2009 enacted under the auspices of Article 21A of the Indian Constitution. The Act guarantees free and compulsory education to all children in the age-group of 6 to 14 years. It is for a fact that the intentions of the legislation were genuine. However, the poor implementation of the same is proving to be dangerous and harmful.
- 6.2. Even though it has been 7 years since the RTE Act came into force, its implementation has been disappointing in the entire nation and the State of Karnataka is no exception. The key stakeholders who are responsible for the implementation of the Act are neither aware of the Act nor of their roles and responsibilities under the Act. In many cases, people are oblivious to the fact that a law such as RTE Act exists. They just know in general terms that RTE is there. But what is RTE, not all are aware of. Though efforts are in place to generate awareness about the Act and other child rights among different stakeholders including children and various trainings are being conducted, there exists considerable ignorance of law. It is pertinent to note that no efforts have been made to create awareness among the parents who are not part of SDMCs.
- 6.3. There is also a general lack of sensitivity towards children and their needs. Conscious efforts are not being made to ensure that schools turn out to be safe spaces of learning and development of children. From infrastructure to quality of education, the facilities provided are sub-standard and the environment is clearly

not friendly to the child. Dilapidated structures, lack of basic amenities like drinking water, useable toilets etc., and unhygienic surroundings and so on are making schools unsafe for children. Also, incidences of corporal punishments and the fear of retention owing to poor performance are making it scarier for children to attend schools.

- 6.4. While the physical environment in schools is not favourable to children, the aspect of quality education does not seem to fare any better. Shortage of teachers, low PTR, regular absence of teachers during school hours, lack of innovative practices of teaching, non-completion of syllabus on time, overburdening of teachers with non-teaching work, under-qualified teachers, lack of interest on part of teachers in certain cases to update themselves of latest developments and innovations and implement them in their teaching etc., are all hampering the quality of education being provided to children in today's schools. Along with this, the lack of opportunities for children after completion of VIII standard (14 years) owing to the limited scope of the RTE Act, 2009 is also adversely affecting the school education system of the State.
- 6.5. The efficiency of the functionaries being average, many schools which are non-compliant with the set norms and standards are still functioning. Not all children have been provided access to schools, especially in remote areas, as the officers who shoulder the responsibility of establishing neighbourhood schools were seen to have considerably failed in this regard. Not all schools are within the prescribed limits and at least half of them do not have easy means of transport to reach the schools, especially in isolated areas thereby denying them access to education and violating their right. The lack of insufficient financial support and non-clarity on part of the members regarding the funds allotted to the Gram Panchayat for implementation of the RTE Act, lack of coordination among different institutions and functionaries in implementing the Act, lack of harmonisation among different stakeholders etc., further throw light on the failure of the system. Though, different authorities including the BEOs and DDPIs are making efforts for the implementation of the Act, lack of sensitisation and in certain cases, the lack of will on part of the authorities are posing threats.
- 6.6. Also, issues like prevalence of screening tests for admissions under RTE; collection of different kinds of fees from the children enrolled under RTE; discriminating against children admitted under the EWS category under RTE; engagement of teachers in private tuitions; lack of means for children and parents to freely share their grievances; non-availability of an effective and easily accessible grievance

redressal mechanism; improper constitution of SMC/ SDMCs; meagre participation of parents, especially those belonging to marginalised, disadvantaged and weaker sections of the society, in the functioning of schools etc., are proof of the alarming state of implementation of the RTE Act in the State.

- 6.7. A considerable dissatisfaction among the functionaries and authorities themselves on the implementation of the RTE Act clearly outlines the gravity of the situation. This being the ground reality, the State needs to take drastic and immediate measures to right the wrong and ensure that the Fundamental Right to Education of Children is realized in its truest sense. It is in this background, that the following long-term and short-term recommendations are being made which, if worked upon diligently, might be a step forward in realising the right to education of children.

Recommendations

6.8. Long-term Recommendations

- 6.8.1. The state should ensure the establishment of neighbourhood schools in all corners of the state to make education and schooling accessible to all children particularly to those coming from marginalised sections.
- 6.8.2. All government schools are to be rationalized and reorganized into the common school structure with neighbourhood principle and all schools are to be provided with quality infrastructure with all basic amenities to upgrade these schools to the standards of Kendriya Vidyalayas.
- 6.8.3. The state should ensure pre-school education is made available to all children and it should be free of cost.
- 6.8.4. Teachers who conduct private tuitions in violation of Section 28 of the RTE Act should be penalized and the RTE Act or the State Rules should be amended accordingly.
- 6.8.5. Concrete steps are to be taken to make mother tongue as the medium of education, at least at the primary level, with effective teaching of other languages including English.
- 6.8.6. More and more effective capacity building and training programmes are to be organized for teachers to facilitate them to update themselves of the latest developments and teaching techniques and adopt the same in their day-to-day classroom interactions with children. It is imperative that such trainings

and capacity building programmes should in no way affect the normal functioning of the classes during the academic year and these trainings should be based on need assessment.

- 6.8.7. Gram Panchayats are to be provided with more decision making powers and are to be made the first level of authority responsible for the efficient administration and proper implementation of the right to education of children. They are to be given more financial powers in respect of school education.
- 6.8.8. An effective and efficient grievance redressal mechanism is to be brought in place from the ground level to resolve the issues relating to education of children. SDMCs could be the first level of grievance redressal followed by the Gram Panchayat, BEO and then the DDPI and CEO of ZP and finally the State Commission for Protection of Child Rights.
- 6.8.9. The budget allocation for school education by the State has to be increased to at least 6% to meet the growing needs of the public education system.

6.9. Short Term Recommendations

- 6.9.1. Effective training and awareness programmes on RTE Act and Rules are to be given to all stakeholders at periodic intervals to enable them to understand their roles and responsibilities.
- 6.9.2. Government school head teachers are to be sensitized regarding the child-friendly provisions of the RTE Act.
- 6.9.3. Government authorities like DDPI and BEO should be encouraged to take pro-active steps for the implementation of the RTE Act.
- 6.9.4. The provisions for the regulation of private schools under the RTE Act should be implemented strictly.
- 6.9.5. The Gram panchayat president and members should be provided information and training regarding the allotment and utilisation of funds and grants for the implementation of the RTE Act and there must be a strict mechanism to audit the same.
- 6.9.6. Stringent action is to be taken against the managements of the school who collect fees from children of weaker sections and disadvantaged groups who have been admitted as per Section 12(1)(c) of the RTE Act.

- 6.9.7. Stringent action is to be taken against the schools which resort to screening procedure during admission of children.
- 6.9.8. Massive sensitization programmes are to be undertaken by the State to end discrimination based on caste, class, creed and gender.
- 6.9.9. The ban on corporal punishment must be strictly implemented in all schools and stricter punishments should be awarded to teachers who are found to be practicing corporal punishment on children. A regulatory mechanism needs to be brought in to curb corporal punishment in private tuitions and day care centres.
- 6.9.10. SMCs of private aided and unaided institutions should be strengthened. They need to be made more aware of their roles and responsibilities and the powers they can exercise under the RTE Act and the Rules.
- 6.9.11. Teachers should be liberated from non-academic work pressure, with special focus on Government school teachers thereby enabling them to focus more on teaching and learning of children.
- 6.9.12. The minimum qualifications for all teachers, including for private schools, is to be defined and strictly implemented.
- 6.9.13. Immediate measures are to be taken to fill the vacant teaching posts in government schools with qualified teachers and the issue of shortage of teachers is to be effectively dealt with.
- 6.9.14. Appropriate remuneration should be provided to the teachers and timely payment of salaries is to be effected.
- 6.9.15. Sufficient grants are to be provided to the SDMCs in a timely manner based on the School Development Plan for the effective functioning of school education.
- 6.9.16. Complaint/ Suggestion Boxes are to be installed in all schools and also in the neighbourhood to enable children and the public to share their experiences and express their views without any hesitation.

To conclude, it is the need of the hour that the State and the community join hands together and make sincere efforts to provide a conducive environment to children to enable them to attain holistic development through the effective realisation of their right to education in its essence.

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THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT) ACT, 2002*

An Act further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

1. Short title and commencement-

- (1) This Act may be called the Constitution (Eighty-sixth Amendment) Act, 2002.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new article 21A- After article 21 of the Constitution, the following article shall be inserted, namely:-

Right to education –

"21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

3. Substitution of new article for article 45 - For article 45 of the Constitution, the following article shall be substituted, namely:-
Provision for early childhood care and education to children below the age of six years -

"45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

4. Amendment of article 51A.- In article 51A of the Constitution, after clause (j), the following clause shall be added, namely:-

"(k)who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years."

*Received the Assent of the President on 12th December, 2002

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