

## **Right to Education: Promises, Potential and Pitfalls**

The Right of Children to Free and Compulsory Education Bill (referred to as RTE Bill, hereafter) - one of the high priority items on the 100 day agenda released by the Hon'ble Minister for Human Resource Development – was passed through both Houses of Parliament without a murmur of opposition. The enabling legislation to the Eighty-sixth Constitutional Amendment that provides elementary education as a fundamental right to every Indian child has been welcomed across different sections of society. However, the implementation of this historic legislation is fraught with major challenges.

### **Right to *Quality* Education: Assessments and Learning Outcomes**

The recent suggestion by the Hon'ble Minister to set up an independent accreditation body for schools is a welcome move, as this would inform and empower the parent to make the right choice of schooling. However, the RTE Bill is strikingly quiet on the important issue of learning achievements. In fact, the current bill guarantees a Right to Schooling but not a Right to Education. In particular, three sections (Sections 8, 9 and 29) specifically talk about 'good quality elementary education' and 'child's understanding of knowledge', but fail to provide institutional mechanisms to ensure quality or assess learning. In other words, it guarantees graduation but not learning. In order for every child to be assured education of a standard quality, the implementation of RTE bill needs to focus on a regular, independent evaluation mechanism. Recommendations of this nature were made by the National Advisory Council, under the Chairpersonship of Smt Sonia Gandhi in February 2006, suggested that the legislation address this issue by the "setting up of National Testing Standards, which can be used to assess children at different levels" and "independent testing agencies to be set up at the national and state levels." However, the RTE bill guarantees graduation, rather than ensuring education.

The RTE bill disallows any child to be held back or conducting standardized examinations until completion of elementary education. Though such a provision would provide a trauma-free educational experience, there would be no assessment of learning achievements, thus making it impossible to identify the learning progress of different students and making available any remedial assistance for those who need it. This could be addressed by setting up an independent body - National Institute for Learning Achievement – that would study and assess the school-wise academic performances of students (from Class 3 upwards) across the nation. The results from this study could help in setting the standards of learning achievements which can then be prescribed to government and government-aided schools, thus making them performance-oriented. Schools could then be directed to work towards improving individual learning achievements.

### **Financing Inclusive Education**

In Section 12 of the RTE bill, the government directs the inclusion of students from Economically Weaker Sections, but without setting reasonable terms of compensation to the schools. Summing up the inconsistencies in the section, Madhav Chavan (Chairman, Pratham) has the following questions for the government: "What is the basis of calculation of the "per-child expenditure" that the government will pay to unaided private institutions for admitting the 25% children from weaker sections?" In fairness, the government should at least pay private schools in line with the quality of facilities offered or the equivalent per-child expenditure that

it occurs in its own high-performing government schools (such as Kendriya Vidyalaya, Sainik School, etc).

### **Schools that Serve the Poor**

An increasing number of schools being run from lower class neighbourhoods are educating the most disadvantaged students in urban areas. Charging a nominal fee, these 'Budget Schools' cater extensively to children from economically weaker backgrounds. The growing popularity, amongst poor parents, of such schools in slums and weaker sections of the society has confirmed their acceptability and credibility. Moreover, State Governments across India have been working with many such schools, typically run by Non-Governmental Organisations and Not-for-Profit Trusts, to reach out to the most vulnerable children. Provisions under Section 19 of the RTE Bill threaten harsh penalties for schools that fail to gain recognition within three years. This is too severe a penalty when one takes note of the invaluable, pro-poor and community-oriented service rendered by such schools. Instead, the government should explore avenues to work with such schools to ensure greater access to education for those who are less fortunate amongst us.

Amit Kaushik, former civil servant who was Director MHRD (2001 – 2006), while speaking about the role of non-state actors in education earlier this year raises caution on this issue: "There are a large number of NGOs and private organisations engaged in school education in India today." "... NGOs and the private sector could be invited to take over and run State schools on existing budgets."

### **Decentralization and Decision Making Bodies**

The Seventy-Third Amendment to the Constitution that requires greater transfer of decision making powers to the third tier of governance, namely panchayats and local government bodies. The formation of School Management Committees (as outlined by Section 21) is a welcome step in this direction and is commendable for mandating the constitution of the Committees to include parents and women representation. Despite such provisions, the School Management Committees are by and large toothless bodies whose functions are to develop School Development Plans and monitor the utilization of grants. By doing so, the government has retained a highly centralized and bureaucratic structure which will not address any of the endemic problems in the system. Greater devolution of powers would strengthen parental and community involvement in management of schools and create a default auditing process.



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### **Right to Education Tracker**

The School Choice Campaign will track the implementation of the Right to Education over the coming years. The Tracker will focus on quality and accountability aspects of the Right to Education legislation.

For more information, visit: <http://www.schoolchoice.in/campaigns/rte.php>