

## **PARLIAMENTARY RESEARCH SERVICE**

### **Key Questions: Right to Education Bill, 2005.**

#### **Equity and Quality**

1. The terms 'equitable' and 'quality' need definition and elaboration. If they remain undefined we will not have benchmarks that both govt. and private sector schools can follow. The reality is that the majority of the population aspire to and apply in private schools for their children. This is because the quality of education that private schools offer is far better than most government schools. It is partly because of ;
    - a) the freedom there is to run the schools, unencumbered by the weight of Government procedures and hierarchy, and is free to make policies, have a vision, & operate within the guidelines laid down by the Government;
    - b) being able to invest in terms of money, time, energy & commitment;
    - c) have a result oriented approach;
    - d) & be able to deliberate maintenance of a non-political atmosphere in the schools.
  - In the state of Punjab alone Rs.2100/- crores are spent on education and the expense incurred per child in a Government schools is Rs.680 per month. (as stated by Mr.Surinder Singla, Finance & Planning Minister, Punjab) Yet 70% of schools are without Principals & 23,000 teacher vacancies lie unfilled. (Annexure-I) Similarly is the case with MCD run schools in Delhi. 5000 vacancies of primary school teachers exists, so do of a huge number of Principals & administrative staff. (Annexure-I)
  - The huge attrition rate at the end of Class-V is 50% in most state run schools. This is partly because of irrelevant & rigid curricula being followed, poor quality of delivery, insufficient teachers, absence of classes being held, insufficient infrastructure – toilets, drinking water, classrooms, electricity, fans, education material etc.
2. Giving special tuitions and bridge courses to students between classes 4 to 8 who need to join the schools within 3 years of the Bill will require a huge investment in terms of human resources which schools cannot afford. Secondly, the feasibility of students being able to take this kind of learning and academic leap is questionable. We have to ask whether

these are realistic and achievable targets for young students. We also need to keep in mind that in a number of cases the students will be primarily school drop outs and first time literates, which will make the task more difficult.

- An automatic pass policy affects the achievement aspiration of students. The State schools in the UK have followed this policy, and its educationists continue to deplore the sorry state of the quality of the achievement of their students.
  - Automatic 'passes' result in a 'dumbing down' of learning outcomes for the whole class.
  - Automatic passes also result in zero teacher accountability since we cannot assess whether any learning has taken place and check if teachers have been effective.
  - No child being held back in any grade – could cause problem in terms of lack of efforts on the part of the child, especially if she is from the non-paying segment. With the Govt. involved in nominating students, there is every chance that pedagogical and disciplinary issues, for instance, will be influenced by or will pass into the hands of state officials. There will be pressures on schools to teach, assess & regulate non-fee paying students by a different more lax standards. It will also create discrimination amongst the 75% who will be tested & promoted.
  - Imagine the scenario, in classes above 40 pupils, the teacher will be attempting to genuinely address the very special needs of first generation learners while juggling with the deadlines of curriculum and keeping in mind quality standards of methodology and assessment.
  - Annexure-II are statistics to substantiate the above argument.
3. There is no equity in this situation (Chapter 4, clause 18(4)). State schools are allowed to fail. In Delhi, presently, the Delhi School Education Rules is the framework of regulation for schools, but it does not apply to Government schools at all. It regulates aided and unaided schools. It does not regulate and ensure quality for the millions of our children in government schools. We cannot expect any improvements in our govt. schools without this framework of regulation.
- Substantial public funds are invested into government run schools, an industry that irrevocably shapes the future of our country but has little accountability to its customers. The public has a right to know how this money is spent, demand quality output from it, & wherever fit, seek recourse. It is time the judiciary allows litigation against government run

schools for poor quality & teaching, vacancies of teachers, absenteeism, discrimination and abuse of authority. (There has been a beginning in this area with MCD schools in Delhi being told to fill up teacher vacancies immediately)

- Each state has different sets of rules for giving recognition and more often than not, multiple authorities within the state. Will they all follow the Centre's directive? In most of the BIMARU' States, there is a huge shortage of demand & supply. If this Clause is promulgated and schools don't abide, then the aim of achieving 100% literacy will further be jeopardized.
- Control over the admission process is central to the status of private schools. Government – directed admissions will, in effect, lead to greater government involvement in all key managerial decisions including decisions relating to fees, curriculum, classroom interactions, pedagogy, academic assessment & discipline. The government will be going down the road of turning all schools, effectively into state schools. This raises very large constitutional & social questions about the limits of government authority and the rights of individuals & groups.
- It is for this reason that we are proposing the creation of an autonomous regulatory body that will lay down common standards of performance and enforce these. This would also create model public private partnerships in education. (Annexure-III)

4. Yes it does. Those who do not get admission to private schools with a pre primary facility will be at a disadvantage.

- With funding support from the Government – there is no uniform rate in the state schools. To ask state Government to reimburse money will add to more harassment & corruption.
- Not all private schools may have procured land at concessional rates. What category would such schools fall under?
- Schools who have received land, as in Delhi from the DDA, have had to do so since the DDA has a monopoly on land allocation for educational purposes. Further, this is institutional land as opposed to commercial or residential land. Schools can only be allotted land under the institutional category. (which does not mean subsidised or concessional) Unlike hospitals and other institutions schools are not getting the benefit of the public utility category and are required to pay higher taxes, i.e. the property tax for example. The concessions/rebate to recognized unaided schools has also been withdrawn and the benefit to societies as charitable institutions is no longer available due to the amendment in municipal laws.

- Private schools should be treated at par with govt. schools and hence exempted from property tax. If schools are not considered to be a public utility then how can the government force directives on them.
- It is further contended that all schools, govt. and private should have the same slabs for property tax.
- The charge for electricity and water for schools should be on residential basis and not on commercial basis as it is at present.

5. Chapter 7 clause 51(K) It would appear so.

6. The practice of School management Committees is being followed in the UK with schools incorporating members of the local community, teachers, and parents on the governing body. This allows for 'ownership' which has worked successfully in the interests of the children.

- However, the SMC should not be undertaking administrative functions such as disbursement of salaries etc. Theirs is a function of monitoring and review.

7. The SMC should have a scheme of management as exists under the DSER (Delhi School Education Rules) for private unaided schools, complete with terms of office, and an equal representation of women. This would prevent the possibility of abuse of positions on the SMC, ensure that the members in the community are incorporated.

- Aided & unaided schools must have the right to appoint their respective Governing Bodies.

8. Refer Chapter 7, Clause 50 (2). The local authority should deal with those parents who are not sending their children to the school in the vicinity. This cannot be the responsibility of the SMC.

- Parents who do not or are unable to send their child to elementary school may have varied reasons. Some parents may also choose not to send their child to school – home schooling can be an option for the educated. Parents have the cultural and democratic right to make their choices. Those who do not send their children to school due to economic or other compulsions (such as disinterest, differently challenged, expulsion from school, migration, personal & family health problems etc.) should be appropriately supported and guided by the local authority, rather than expecting them to perform compulsory community service. Economic or other compulsions may not allow a family to perform such a service; an ambiguous definition of such services could make a mockery of community service and corrective behaviour.

- For a child seeking admission in the beginning or middle of a session, it is critical that the school should be aware of the child's grade readiness. That this assessment of readiness needs to go beyond a marks oriented test result is no doubt equally significant. Assessment for readiness is expected to guide the school to both assess its own readiness to help a child with marginal or mild difficulties and prepare the class to accept a child with differences (social, circumstantial or learning) with dignity. It is imperative here that we define this assessment for readiness in terms of child-centered practices and not allow it to decay into a marks-oriented test regime. A sensitively conducted assessment for readiness will also enable a school to determine whether the child is ready for the age appropriate class or one lower to help him/her build a stronger foundation – thus enabling the school to create a programme of study that is more child relevant and appropriate. A blanket administrative sorting or children into age appropriate classes can do more harm to some children than good!

- **Minority Schools and Children with Special Needs.**

9. Ref : Chapter 2, Clause 3(1); Chapter 3, Clause (5) (v). The implications of this commitment are detailed planning and investment in educational provisions for children with special needs, something that has not happened so far. In fact at present, special needs education does not even come under the purview of the Ministry of HRD. It is under aegis of the Ministry of Social Justice! Investment in training of special educators, infrastructure that addresses the diverse needs of differently abled children and most importantly the articulation of a coherent national policy on special needs will be required. Without all the above this commitment remains words on paper alone.
- In fact the incorporation of identification and assessment of special needs in the curriculum of existing teacher training curricula would be imperative and go a long way in early detection and intervention for special children.
10. It is unclear whether minority community schools come under this Bill. There would be conflict with the articles 29 and 30 in the Constitution.

### **Private Unaided Schools**

11. The financial implications of providing 25% fee waivers for children will mean the burden of this falling on existing fee paying students. Schools cannot bear the costs. Tax payers who are already paying an education cess will now be paying extra fees, this is unacceptable. The middle classes for whom education is a premium and who forgo other conveniences so that their children can receive quality education, will be forced to pay additional fees. If schools do not pass on the costs of non-

paying students to other parents, they can only be financially viable if they reduce expenditures on the resources and facilities that they presently possess as also teachers salaries. This will seriously degrade the capabilities of schools at a time when they are being asked to improve their facilities in line with international norms and standards.

- Why should the 75% paying students be forced to pay for the 25%? The parents of private schools are feeling victimized because along with having to pay for their children's fees they are paying high income taxes, an additional 2% cess and are now being asked to pay for children who will be given free education under the 25% reservation. This multiple taxation will be adding to the parents woes. The tax payers money is being used to run the Government schools which are not accountable to anyone despite higher per child per month expenditure, their functioning lacks quality and numbers that it provides education to.
  - Some schools might feel constrained to raise numbers in their classes in order to be economically viable, this would inevitably result in the dilution of quality.
  - If the Government controls the admission process for a % of students there will be the temptation on the part of officials to manipulate and profit from them. At present, even without the proposed control there is a tremendous pressure exerted on private schools by officials not only from the Deptt. Of Education but also from Police, Income Tax, Municipal Authorities, bureaucrats & politicians.
12. There appears to be no basis for the figure 25%. It appears to be arbitrary. The present evidence from schools where assimilation exercises have taken place, point to a feeling of discomfiture on the part of students from the weaker sections. Peer pressures are huge and when they see the economic differences between themselves and others, this causes them to feel ashamed of their own parents and community. They are misfits in the social and academic milieu.
- In most cases of the 'weaker section' the home environment will not be able to intellectually support or stimulate the children coming from this section of society. This will enhance problems of integration.
  - A question that needs to be asked at this point is what will happen to those 25% children who would have got admission into the private school of their choice? Where will they go? To them Government run schools is not at all an attractive option, & there is a shortage of private schools compared to the demand.

- The children from government schools who presumably will come to the private schools will surely result in the emptying out of the government schools. This will be an enormous waste of national resources.
  - Besides economic differences, cultural, interpersonal attitudes will also have to be taken into account. There are a wide range of cultural biases, prejudices and misconceptions that school leaders, teachers and parents will have to work with in order to facilitate sensitive integration of children from weaker sections in fee paying schools. Any attempts to bridge these differences will have to be well thought out and executed.
  - The proposed Bill may well fail in its good intentions towards under-privileged children by ignoring educational realities and may, at the same time, undermine academic systems that have been successful.
13. The government has different levels of schooling within its own system. It's ironical that on one hand, the Government talks about equality in education and, on the other, it has opened five kinds of schools : Ordinary schools, Pratibha Schools, Sarvodaya Schools, Navodaya schools and Kendriya Vidyalays. These schools have varying costs for each child since their resources and facilities differ widely. As per 1997 figures, Rs.10,000/- is spent yearly on a Kendriya Vidyalaya student while the figure drops to Rs.832/- when it comes to an ordinary school.
- Further, the costs will vary from area to area. More importantly, those schools who have received institutional land are not eligible for this expenditure, which will create financial difficulties for such schools.
14. Refer Chapter 4, Clause 17(2). The recognition of private schools by the competent authority as indicated in the Bill will worsen the 'license raj' that exists at present. The corruption, inefficiency and subversion of rules that occurs due to the prevailing nexus between unethical private schools and government departments is legion.
- In Haryana, all schools are required to maintain Records, which is a list of 21 registers. A sample of some of these is given in Annexure – V.
  - In Haryana, schools come under the 'Punjab Shops & Establishment Act'. So all Rules applicable to shops and factories govern schools. Schools are required to pay taxes or observe rules under the following acts.
    - Shop Act
    - Factory Rules for Employees
    - House Tax
    - Tube Well Tax
    - Fire Tax

- Toll Bridge Tax
  - For law abiding institutions there is endless harassment, pressure for admissions, bribes etc.
  - A more efficient, transparent and effective way of governance would be the creation of an independent regulatory authority as suggested in point 3.
15. (Refer Chapter V, Clause 29 (ii)c) – Use of mother tongue as medium of instruction.
- This provision is most impracticable and has consequences for private unaided schools. With the number of languages prevailing in our culturally diverse country, particularly in metropolitan areas, it would be impossible to provide the instruction in the number of languages required. Mixed student population in English medium schools will make this difficult.

### **Finances**

The three points raised in this section can better be commented upon by the specific departments in the government. A newspaper report regarding this has been enclosed. – Annexure – IV

- All states have different rules regarding Accounts & Finances. Haryana State Rules says that under Rule 30(2) all schools (meaning private) have to pledge funds totaling to 6 months Salary of the complete staff subject to a minimum of Rs.2,00,000/- to the DEO/Director.

### **Key Issues**

- Whilst the objective of this legislation may be laudable, the difficulty in implementing it will result in corrupt practices/ endless litigation since it is practically impossible to enforce. The private schools will be at the receiving end of diktats from Dept. of Education who generally tend to be more authoritative and difficult rather than facilitators.
- The provisions of the Act should be amended to include alternate strategies which encourage private schools to extend and open their resources, skills and competencies to assist in building capacity and improving standards in government schools.
- We need to create models of successful partnerships between the public and private sector. This partnership needs to formulate, common standards, an independent Regulatory Authority, setting up quality

Teacher Training Institutes, greater involvement and participation of private sector, accounting standards, relevant & flexible curriculum framework, & regulation of delivery & quality.

- The laying down of common standards of performance for schools in all 3 sectors. These standards must be equally applied to private and public schools. All sectors need to be accountable to the people they serve.
- The creation of an autonomous regulatory body to oversee the running of all schools and de-linking it from the government. The purpose of this body would be to improve the quality of education and make it relevant to the needs of the industry, economy and society.
- Zonally, look at the distribution of government and private provision.
- Re-structure the managing committees of government schools to include representation from private schools, parent and teacher representatives in all matters.
- Private school infrastructure and resources to be opened up to NGO's and formal/non formal education initiatives during and after school hours to be carried out. There are a number of such initiatives being implemented right across the country.
- Those govt. schools that are not performing well, explore managing them through private institutions as not for profit ventures.
- Large private schools to be encouraged to support one or more govt. schools in the area, both financially and in supervision. Become nodal centers for teacher training and the creation of education resources.
- Have 2 shifts in Government run schools to utilize the huge infrastructure created and to also provide education to many more children.
- The curriculum of Teacher Training colleges need to be revamped with more emphasis on child centred approach and understanding and managing children with learning difficulties. Also practical component has to be made mandatory as opposed to doing teacher training through correspondence course. Classroom learning is essential.
- Merit based transitional scholarships to middle and high school from the Government to private schools funded by the local community (as is being done for 'Pratibha Schools')

- SEZ – Special Education Zones for Secondary and Primary Education as well as is being envisaged for higher education by Planning Commission. This will also attract children from neighbour countries. Like in health area, India too can become a hub for providing quality education at attractive rates.
- Skill based education and training programs which are a public private partnership on the lines of Dr. Reddy's LABS" experiment.

### Setting up of Quality Teacher Training Institutes

Human Capital has been one of our strengths as a nation. We have exported and continue to export this capital from professional, doctors, engineers, software professionals, IT specialists, and now – teachers. Indian teachers are joining the growing community of international teachers, particularly in the Maths and Sciences, in the Gulf, far East, China, Australia, UK and USA.

- Public Private partnership could draw on their strengths to create a national system of teacher training colleges that will be of the same quality as the IIT's and IIM's. These institutes would offer degrees in teaching and school management. A consortium of private and academic institutions will manage the program. The Govt. will provide support, autonomy and accreditation.
- These institutes would also focus on in service training, special education needs training and continuing education for teachers and educational leadership.
- Examples of good models like the work being undertaken by the Aziz Premji Foundation could be looked at for inspiration.
- Who will define 'weaker section'. This could be used by the Education Department as further means of corruption, exploitation both by parents or local governing authority & will also encourage coercion of vested interest and wrong declarations
- Some of the private schools who indulge in corrupt practices will have fake registers to show that they have enrolled children from the weaker section while taking fees in cash.
- To bring better accountancy practices and transparency too in schools a proposed accountancy standard as developed by Institute of Chartered Accounts of India be enforced on all schools – irrespective of they being Govt. aided or unaided. The annual accounts and budgets will have to be approved by the Managing Committee which will have representation of

teachers, parents, promoters, members of the community and local education dept. nominees.

- It is generally noticed that the Dte. Of Education are 'babudoms' bothered more with the transfer, recruitment and dismissal of teachers and employees than anything else. Most private schools feel that the Government is interested in forcing interference than participation and enablement. There is very little transparency and clarity in the process of accreditation, much less system for genuine quality control. This will increase further with the enforcement of reservation for the 'weaker section'.
- With India being a signatory to the WTO, and education being opened out in 2006, one needs to see what implications the Right to Education Bill, 2005, will have on foreign players who will be setting schools here. Will they be made to reserve seats for the 'weaker section' too? Will they agree to do so? Their's would certainly be a business model as opposed to philanthropic.
- Some schools provide afternoon services for children from under-privileged backgrounds. Could this suffice in lieu of the 25% provision of admission every year? If yes, what should be the minimum number of children enrolled in such a programme?
- Govt. run schools will become empty as most people rely on private schools for quality education.
- Continuous upgradation of infrastructure has to be done by way of computers, A.V. equipments, labs, educational material, software, sports infrastructure and presently setting up environment labs etc. How can private schools manage to get funds for providing these to maintain quality.
- In Section 2 of Right to Education Bill, 2005 - (1) Clause (f).. Child in this provision is defined merely as a person from 6 to 14 years. However, to achieve the purpose and intent of the act it should be clarified to mean and include a child belonging to the unprivileged strata of the society and should include all children/persons from three years to nine years of age instead of six to fourteen years of age. Since it is pertinent to point out that the physical and mental development of a child starts at a very early age and to bring about a proper integration of the child with the surrounding social milieu the integration has to begin at a very early age i.e. 3 to 5 years of age.
- Clause (k).. This provision relates to compulsory education being the stated obligation and objective of the State under the enactment. This

compulsory education is being sought to be implemented in respect of “every child” upto 14 years. Again the problem arises as to the enforceability of this provision since a facility may be given to be availed but the same cannot be enforced on any one. Perhaps there is a confusion between “the right to education” and the mandatory duty to receive and undertake education.

- The Government is committed to freeing the energies of Indians by reducing the burden of state ownership and regulation in the economy. (As stated time & again by our Hon’ble Prime Minister, Shri Man Mohan Singh) The consequence of this decision, over the past decade, has been to increase economic growth and improve the lot of millions of Indians. This Right to Education Bill 2005, will only strangle and demoralize the enterprising spirit of providing quality education of most private schools.
- It is clear from statistics available that the private sector and NGO’s, play a pivotal role in the delivery, particularly at the secondary level. It is estimated that due to the Sarva Shiksha Abhiyan program, the figures enrolling in the secondary sector will go up by 77 lakhs by 2007, from the present 2.03 crores to 2.08 crores. According to the Planning Commission we will need 48,000 additional secondary schools, 8 lakh extra teachers and Rs.9000 crores for salaries annually. Simply put, to educate more children we need more schools and more teachers that function effectively, we need to create the climate for encouraging the growth of more schools. The Right to Education Bill, 2005 will certainly discourage further investment.
- What do we need in India, educationally, is the fundamental question we need to ask? Perhaps India’s greatest national need is to open more schools rather than pressurize existing ones; to improve existing Government investments in education rather than to upset successful systems; and to raise the standard of education at the elementary and middle levels instead of bringing down capabilities that exist? How can India achieve this goal? Fundamentally, by encouraging private entrepreneurs to invest in education so that the child-school-teacher ratios in the country are radically improved.