

25% Quota for public schools still distant dream in Bihar

Abstract:

Right to Education Act states compulsory and free education to everyone. In this paper we are going to discuss about status of implementation of clause 12(1)C, Right to Education Act in Bihar. Our focus area will be clause 12(1)c which reserves 25% seats in every private school for kids coming from marginalized class. We will throw light over the current status and also refer to the status till 2017. We will also codify challenges and suitable approaches to address it. This paper will also discuss about the recent successful intervention around RTE-12c in Patna. New learning and new challenges will also be explained in this paper, which are our findings based on having consultation/directly reaching more than 30000 families and 1000 other stake holders. We will also put light over the role of Community Based Organizations, inevitable policy recommendations and one of the most important outcome pre-post enrolment support. We do have few policy recommendation and suggestions for all the stake holders about meeting the objective of RTE12-1-C through various approaches around implementation. This paper will also suggest innovative model towards implementation of RTE-12-1C through community, youth & civil society organizations. This paper is going to be one of the most useful piece of information with status, analysis, and findings based on primary data collected from ground spanning about six months.

Methodology:

This study aims to understand the status of implementation of 12(1)c in Bihar by taking Patna as sample district. We base this case study on the existing literature and field work, academic reports and Government and non-government agencies reports. There will be right mix of primary and secondary data. We have used qualitative and quantitative data for this research. We have collected primary data through interviews of stake holders et. District education officer, District program officer, block education officers, Child development planning officer, focused group discussions with parents & community seniors, mothers, teachers & volunteers. We have consulted more than 60 government officials (ICDS-Integrated Child Development Services, Sarv Shiksha Abhiyaan (SSA) and District Administration), Online/mobile app development group, 200 young volunteers, 500 private schools and 15000 Parents during our door to door RTE awareness & student mobilization campaign. We have also conducted focused group discussions with non-parent citizen to understand views & suggestions of all the stakeholders. We also did literature review of various government and non-government reports, UDISE (Unified District Information System for Education) reports and different directives issued by honorable high court & supreme court. All these have helped us to formulate the theoretical structure of the paper. It has also provided ample knowledge of issues and people centric policy level demands.

Introduction: About Right to Education Act (RTE) & clause 12(1)C of RTE

The **Right of Children to Free and Compulsory Education Act** or **Right to Education Act (RTE)** is an Act of the Parliament of India enacted on 4 August 2009, which describes the importance of free and compulsory education for children between the age of 6 to 14 years in India under Article 21A of the Indian Constitution.

The clause 12(1) C imposes a legal obligation upon private unaided schools to reserve 25 percent of the seats in the entry level class for children from Economically Weaker Section (EWS) and disadvantaged categories. The intention behind this provision is to ensure that the states as well as other stakeholders in society share the obligation of realizing the right to free and compulsory elementary education. The increased prevalence of unaided private schools makes them a natural stakeholder to the fulfilment of this obligation. The mandate should also be understood as an effort to arrest the increasing segregation in Indian schooling and promote an environment of knowledge sharing between different sections of society to encourage the narrowing of current societal divisions.¹(Juneja N, March2015)

Status report:

Right of Children to have Free and Compulsory Education under RTE Act, 2009 mandates that “every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighborhood school till completion of elementary education.” In accordance with Section 12(1) of the Act, it is from within this neighborhood that each school should admit children belonging to disadvantaged and EWS of society at no fee to the children. It mandates that every school, including private unaided (non-minority) schools, give immediate free education to students, and reserve 25% of their seats, for socially and economically backward classes from class-I till they reach the age of 14 years; wherever such a school provides pre-school education, these rules are to be applied to the pre-school section as well. If we go by national statistics about RTE implementation by ministry of human resource development (MHRD) through national policy on education 2016 (Subramanian TSR , APR 2016) which was released post implementation of Right to education act states 8.1 million children (which is less than half) in the age group 6-14 remain out of school and there’s a shortage of 508,000 teachers country-wide. On average, an upper primary school is 3 km away in 22% of areas under habitations and it is a well-known fact that even though government schools remain to be the biggest education provider, the quality of education provided by them is substandard. It suffers from shortage of teachers and infrastructural gaps. On one side India has more schools than in China but the number of teachers to support the schools is far less. (Dhawan Ashish, Dec 2014)

In the context of Bihar, The last five years, Section 12(1)(c) has been poorly implemented, specifically in Bihar with only 29% of the 21.4 lakh seats reserved for them getting filled. Bihar fill rate is only 20.78% for the 18,930 seats. (Mukul A, March 2015)

We would like to put light over the status in Patna, which is the capital city of Bihar. Section 12(1)(c) of the RTE Act has drawn the most attention and controversy by far, is established by the fact that one doesn’t easily find data on the numerous enlisted rules, procedures, compliances etc. under the same. To start with, there is a big difference in the quoted figures across various data platforms/sources on the total number of private unaided schools present in Patna (Urban). So while the U-DISE (Unified District Information

System for Education)¹ data for 2015-16 quotes the total number of private schools having primary classes to be 563, a study titled ‘The Private School Revolution in Bihar – Findings from a survey in Patna Urban’ by Baladevan et al. cites it to be 1224, where as newspapers like Hindustan Hindi and Dainik Jagran stated 841 students only and data presented by Patna administration claimed 1241 in the 1st lottery day at DM meeting hall on . This study was though done sometime in 2011-2012 and one may assume the number to only have gone up by now. Few other informal sources quotes the number of schools to be 741.



Seven years statistics: Source SSA presentation & UDISE reports

So even while one takes the U-DISE data of 563 private unaided schools to be true and considering that atleast 100 students get admitted into class I in each of these schools on an average, the total number comes to be around 56,300 students (563 schools x 100 students). Calculating 25% of 56,300 students to be covered under Section 12(1)(c), the number comes to 14,075 students. Reports and other data sources hint that atleast one student gets admitted by each of these schools under the EWS category, 13,512 still remain to be benefitted. If one extrapolates considering the total number of private unaided schools to be 1800, the number of students to get admitted under EWS (economically weaker section) category comes to 45,000! A big enough reason to understand the ground reality immediately before the situation slips out of hand.(BEPC 2015-16)

A Hindi newspaper daily Hindustan quotes 100 schools to have implemented the rule under discussion and not having received money from the government but doesn't mention about the number of students enrolled. Yet another news² finds the Act to be interfering with the school management and is not

welcomed at all. Another story³ finds the stipulated money (Rs. 4000-4500) per child, per year to be inadequate (Rumi, F March 16). With these backgrounds and data gaps it wouldn't be wrong to conclude that implementation of Section 12(1)(c) of the RTE Act hasn't quite kicked off till 2017.

Challenges:

The success of this Act depends a lot on the mutual trust between public and private sector. For the Act to be implemented in its true spirit, greater detail is required in the guidelines, on the roles and responsibilities of the officials, definitions of various terms and different processes by which this provision is to be governed. To this end, it is then important for state actors to take an initiative and make efforts to elucidate and expand on these provisions.

1. **Reaching beneficiaries:** Many students are often denied of this opportunity, either because of the lack of awareness amongst parents or the poor implementation of this policy. Awareness about whom to approach for admissions, and eligibility requirements is limited. Reducing the limitation of distance. Currently, parents are only allowed to apply for one school beyond three kilometers from their place of residence. This should be expanded so that parents can choose to apply to multiple schools, subject to other constraints.
 2. **Priorities of Government :** The government should release clarificatory circulars/ notifications to schools regarding provision of free entitlements such as writing material, textbooks, uniforms, shoes etc. to school children admitted under 12(1)(c). These circulars should be publicized on official government websites. Patna performed poorly in this aspect when compared with states like Delhi, Tamilnadu, Karnataka or Maharashtra.
 3. **Lack of planning/working system:** User friendly portal with offline as well as online applications so that volunteers can easily reach out. Further, parents find it difficult to obtain any information about the school characteristics. Hence, concerted efforts are needed to provide specific information to the relevant households.
 4. **Absence of RTE cell or help Centre** to immediate redressal of grievances. Right to Service Acts, e-Seva Kendra can go a long way in facilitating this.
 5. **Involvement of Community based organization**
 6. **School mapping** Interactive map of neighborhood schools complete details with rating and links to school profile with number of vacancies and list of dos and don'ts list
 7. **Participation of parents** to check the quality of education and infrastructure.
 8. **Isolation of kids:** Despite being reaffirmed in the Supreme Court, there has been resistance – both overt and covert - by many private schools in implementing the mandate. While reminding them of their public obligations, the governments must sensitize school administrators and ensure that schools take necessary measures for inclusion.
 9. **Lack of mechanism for addressing issues of Private schools:** Complaints about inadequate reimbursement amounts and delays in receipts have been a major concern. Putting the methodology of calculating per child costs in writing and putting the document, along with the
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data, in public domain would be an important step toward enhancing transparency. Over time, moving toward norm-based reimbursement might be preferable.

10. **Retention of kids in private schools:** Retention is too low in most of the states where it is executed well. Centre for Civil Society, New Delhi statesⁱⁱ that ,in the context of schools, Section 12(1)(c) or the Right to Education Act has called for 25% reservation in all non-minority unaided private schools to move towards greater social inclusion of students from different backgrounds. However, many schools are still struggling to find out how to address their specific needs and integrate them fully. Though students are showing progress here, several schools are still struggling to foster a truly inclusive learning environment. Many schools argue that students from economically weaker backgrounds are fundamentally different and it is idealistic to even think they will integrate completely into their new, more privileged environment. Teachers are still singling students out as the “weaker students”, calling them by name or by economic status in classrooms. Though students may not understand the meaning of that phrase exactly, calling them out separately automatically indicates a separation.
11. **Missing concept of School readiness:** Many definitions and conceptualizations of school readiness have been used in past decades; however, with recent advances in science and knowledge a growing consensus on the definition has emerged. School readiness is currently defined by three interlinked dimensions: a) ready children; b) ready schools; and c) ready families. Children, schools and families are considered ready when they have gained the competencies and skills required to interface with the other dimensions and support smooth transitions. For example, the child transitions to school, the school transitions to accepting new children into Grade 1, and the families transition to sending their children to school on time and interacting with the school. These three dimensions and characteristic features are of school readiness.
12. **Relationship among private schools, education officials & Private schools:** This is another dark area where profit based relationships and power equations, I may say systematic corruptions (In terms of money & power) stands as biggest obstacles in the execution.

We would like to narrate about the recent grassroot campaign to develop RTE_12 (1)C ecosystem in Patna, Bihar, which has created never before impact and we used this 120 days intensive campaign from sensitization of community to troubleshooting the challenges of execution of clause 12(1) C and we have based our research study on this campaign. We have collected most of the primary data through this campaign and also consulted all stakeholders too.

In November 2017, group of CBOs/NGO joined hands to initiated a campaign for streamlining RTE-12-1c under banner of RTE-12c Alliance Bihar lead by internationally reputed civil society organization Sanmat, Organization from Bihar which is an SDG partner to the UN. Towards this, Sanmat partnered with various government departments and NGOs across India. here we strategize the operational plan in by handiover sensitization part to volunteers gathered from each member organization and also from various institutions like IIBM, NIFT, CIMAGE, Department of Women Studies, Patna University. Other lead organizations were Try, Pranjali, Our dreams, Magic Bus, Rang and Pratham. Data Analysis , habitants pockets identified by partner CBOs(community based organizations)

With the aim of ensuring academic and social integration of children from socio-economically disadvantaged communities in unaided private schools. While immediate support to Enrolment of children

is the key objective of this initiative. In the long run, this project aimed to create wider acceptance, among all stakeholders et. the schools, local community, Parents, Children and policymakers/Govt. in holistic systematic manner. It would require sustained efforts on the part of school management, principals, teachers and parents, government, Civil society organizations, volunteers, community seniors to ensure that integrative and inclusive approach becomes a part of routine discourse within our schools.

1. Ensuring academic inclusion of students and parents of economically weaker sections;
2. Increasing social inclusion of children;
3. Developing a compendium of best practices that can be used to advocate among various stakeholders;
4. Impact Assessment of the project to continuously assess the approach.
5. Connecting local community with school Teachers
6. Bringing examples from community
7. Rapport building between existing students and prospective students
8. Post admission/enrolment home work support centre

Following are the highlights of the approaches used:

- Baseline survey for Student Mapping and socio-economic gap Study of existing students –family and prospective students –Family.
- Consultation sessions of teachers and community
- Used reflexive practices approaches like storytelling, Street plays & simple thematic quiz
- Community volunteer creation & their role based orientation
- Game sessions by existing students for prospective students
- Communicative simple Handbill/Leaflet /Posters & one missed call no to reach RTE 12 1)C team
- Taking recommendations/references from Govt school teachers/Community seniors (Senior Citizen)/Vikash Mitra
- Camps ay ICDS Centres
- Participation of ward councilors by organizing application collection, application filling & documentation camps
- Roped in Patna Mayor
- Must be non-political in nature
- Involvement of District administration, District Education Officer, District Program officer -SSA, Sarv Shiksha Abhiyan, Block Education officers & team

They followed very simple approach towards sensitizing community like ringing school bell in slums and then open discussions community. They also communicated with community with street plays, story sharing of already benefitted examples, community ambassadors/change agents created

As a result more than 21000 applications mobilized and applied centrally and 7200 seats have been offered by private schools without much pressure which was less than 1000 in 2017, but still gap is too high as projected no of seats should be available under this category can't be less than 20,000 alone in Patna (Considering top notch and mediocre schools).



Volunteers sensitizing community through various methods of reflections in Patna

During this intervention, we had chance to consult all stake holders and had opportunity to understand issues in policies, implementation flaws, vulnerability of community mothers and their fear, issues with govt officials and private schools. Based on this we have come across following policy level recommendation.

Policy recommendations:

1. State government should explain conditions, criteria mentioned.
2. Simplify application process.
3. Reserve 50% or more seats for girl child as Patna district Administration used this.
4. Transparent system for school payment should be created
5. Payment to schools should be based on books, dress handover, parents feedback and biometric attendance of kids
6. Reimbursement to private school must have easy execution
7. Fee fixation for school reimbursement must get updated as per actual norms of RTE every year.
8. Graded system for payment to schools should be incorporated (Top graded schools to get best amount.)

9. Provision for pre & post enrolment support in terms of school readiness and home work/basic life skill cum behavior training & support.
10. Since there is a huge variety in the private schools, government should work with the unrecognized low cost private schools to make them capable for recognition so that they can contribute to absorbing students as well.
11. Provision for separate grievance redressal cell under policy with clarity of members and functioning



**Patna DM Mr. Kumar Ravi, DEO at camp March 2018
January 2018**



Mega campaign March in

Conclusion:

Even though current format of Right to Education Act is a bit misleading and requires clarity in case of several clauses, if activists, civil societies, parents, ICDS Aanganwadi Centres, local ward/panchayat level representatives and few government officials join hands, then it will be very much successful even in the existing format. We can easily understand the impact of intervention started by few civil society organizations and college volunteers that created path way for new implementation ecosystem. It can be easily replicated because it was non funded collective initiative. We found the strong need of working over developing faith among beneficiaries that it will not go dead like all other failed government schemes. Policy makers should incorporate role of CBOs/NGOs/civil society organizations in execution with proper payouts to allow them to meet their expanses. They should be conferred more power in execution so that they will be able to minimize the long existing money-power based caucus. If we want to achieve objective of Right to Education Act or clause 12 (1) c then we should incorporate all learnings from different state & context like pre-post support to kids, independent committee with statutory legal power to address grievances and conduct hearing of issues/complain raised by parents & schools.

Our ground experience has capacitated us to accept few genuine practical issues raised by private schools regarding timely & adequate payment with respect to other state as per RTE norms, So this should be countered with high priority. Department of Education, Government of Bihar may follow same payment mechanism (bio-metric attendance based monthly payment & school student credit card) also its time to rate & grade schools and reimbursement of payment should also consider type/grade of schools. If we all stakeholders will work in tandem and follow our responsibilities then the objective of getting our EWS kids in private/public schools will be met and No longer it will be continued to be distant dream.

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Abbreviations:

SSA: Sarv Shiksha Abhiyan, DM: District magistrate, DPO: district program officer
BEO: Block Education officer, DEO: district education officer, ICDS: Integrated child development scheme, CDPO: child development planning officer, RTE: Right to education Act, SDG: Sustainable development goals
IIBM: Indian institute of business Management, NIFT: National institute of fashion technology

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