

# Let schools be!

*The RTE Act is a right step in ensuring quality education to children but only if the government stops enforcing absurd norms and conditions on schools. It is time that the government only acts as facilitator and creates a conducive atmosphere for education sector to function smoothly, writes Shantanu Gupta.*

**S**EVENTY one years since Mahatma Gandhi gave the call for universal education in 1937; 61 years since independence; 58 years since the Constitution, instead of making education a fundamental right made it part of the Directive Principles; 15 years since the Supreme Court in 1993 ruled on the right to education; six years after the 86<sup>th</sup> constitutional amendment was passed by the Parliament in 2002 by inserting Article 21A making education a fundamental right for children in the restricted age group of 6 to 14 years; and four years after the draft bill was prepared by the CBE (Central Advisory Board of Education) Committee, the Right to Free and Compulsory Education Bill was finally introduced in the Rajya Sabha on 15 December 2008.

In UPA-II, Kabil Sibal came aboard as the Human Resource Cabinet minister and tabled and passed RTE (Right to Education) first in Rajya Sabha and then in Lok Sabha in August 2009. So as of today Indians have one more fundamental right i.e Right to Education (Rana, V, Right to education. Economic and Political Weekly, July 23, 2009, India: Sameeksha Trust Publications)

It would be pertinent to point out then, numerous suggestions made by civil society groups, academia and researchers on the draft RTE were ignored in the hurry to score brownie points to pass the Act.

The RTE Act promises to solve the challenges of equity, quality and access in Indian education system. In this article, I will try to review three very important provisions in the RTE Act – School Recognition Norms (Section 18 & 19), 25% Reservation in non-minority unaided schools (Section 12) and School Management Committees (Section 21 & 22), which have a potential to break or make Indian education system in the years to come.

## **School Recognition Norms (Section 18 & 19)**

The provisions for recognition of private schools under

Section 19 of the Act imposes severe infrastructural regulations on private schools. Also, RTE Act and many state rules ask private schools to pay salaries equivalent to sixth pay commission salary to their teachers. These provisions work to destroy the comparative advantage of low fee private schools, which historically lay in their capacity to efficiently utilise locally available resources and cheap human capital to provide quality education to thousands of children. The RTE takes away the cost advantage these schools maintained by hiring dedicated teachers from the local community and using effective on the job training and monitoring. Studies done by various research organisation in Delhi and Bihar, show that to comply with the RTE norms, low fee private schools need to raise their fees by at least 500%.

At a recently held RTE stock-taking workshop by the RTE forum in Delhi, it was quoted that only 5% of all the schools in India (Govt. and pvt.) follow all the RTE norms. All the infrastructure regulations are only applicable to the private unaided schools, through Form 1. As you are reading this, more than 20% government schools in Hyderabad are being run in rented buildings with no proper rooms, let alone having a playground.

These absurd input-based recognition norms, will close more than 3 lakh low fee private schools after 1 April, 2013, which in turn will make crores of poor students out of school and thus these school recognition norms will defeat the very spirit of right to education.

Gujarat government provides a solution to this. They have made path breaking recognition norms in their RTE rules, where they have given 85% weightage to learning outcomes and only 15% weightage to the infrastructure norms.

For teacher's salary, as practiced in Andhra Pradesh and as recommended by Shailaja Chandra Committee report on Delhi Education Act, the government cannot force private schools to pay salaries equivalent to sixth pay commission.



The report suggests that government may ask private schools to pay a certain percentage (40-50%) of their income as teacher's salary.

### 25% reservation in unaided schools (Section 12)

The 25% reservation is a welcome move in the RTE Act, which recognises the role of private sector in providing universal elementary education in India. Through 25% reservation, government is funding the studies of underprivileged children in private schools. This provision has initiated the concept and calculation of per beneficiary funding in the government's social spending. In fact this provision is the biggest quasi school voucher scheme ever launched in any country in the world. Liberal think tanks like Center for Civil Society are advocating the concept of school vouchers from last many years.

The implementation problem that 25% reservation is facing is the following. The target audience is not aware about the scheme. When I met a senior education bureaucrat in his air conditioned office in Delhi recently and discussed the steps being taken by the government for spreading the awareness of the scheme among the target audience – he replied, we have given advertisement in all the news papers, talking about the scheme. This shows the disconnect of the implementers from the ground reality.

Many private schools, don't want to take the hassle and transaction cost to get the reimbursement from the government for the reserved seats. They also fear that, taking money from the government will force them for more government middling through RTI (Right to Information) and anti-corruption Act. Instead of reimbursing money to the schools, governments should fund student school vouchers and not the schools and that way money will follow the student and will enhance choice for the students and parents.

### School Management Committees (Section 21 & 22)

We all understand that government teachers hold unproportional political advantage due to reserved seats in the upper houses in the assemblies of the largest states of India and by virtue of manning the polling booths during all

kinds of elections. Development economist Dr. Geeta Kingdon's work clearly shows this strong voice of teachers and teacher's unions in India. In a recently concluded school choice national conference, by Center for Civil Society, Member of Parliament Jay Panda admitted that it's not easy even for the political class to control the increasing influence of the government teachers.

The only institution which can keep teachers under control are parents. Through School Management Committees (SMCs), RTE provided this platform for parents to keep teachers accountable. Though this provision is a great opportunity, but the powers given to SMCs in RTE are only advisory and recommendatory. Barring a few states, no state RTE rules give any decisive powers to SMCs like to recruit teachers, decide on their leaves, punish and reward teachers based on their attendance and student performance. Though SMCs are formed in all the states, they are largely defunct.

### The path ahead

Parliamentarians and policy makers should make sure that RTE should not defeat the basic purpose of providing quality education to children by absurd school recognition norms, no detailing of mechanism of 25% reservation and by giving no power to school management committees.

Dr. Parth Shah, President, Center for Civil Society, beautifully presented the need to realign the role of government in today's world, recently at a lecture in Indian School of Business, Hyderabad. According to Dr. Shah, government should acquire the role of a financier, rather than the producer of education. We should look at PPP models, where we can tap government funding and the expertise of the private sector.

Instead of being controller, government should act as a facilitator and instead of being an inspector, government should work as an informer, to create a conducive environment for education sector to thrive. ■



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### Festive Times

*Agni Utsav is one of the most prominent festivals of Orissa, celebrated either in mid January or mid February. The festival is a tribute to Agni or the Lord of Fire and is celebrated with much reverence by farmers. They collect heaps of hay a week in advance and burn the heap on the day of Agni Utsav. Farmers believe that the direction of the flame foretells the future of their harvest. If the flame burns towards the west, it means there might be flood and if the flame is tilted towards east, it means there is a chance of high tide. A north side tilt indicates good yield.*