

## **Report of the Partners' Meet on the Right to Education Strategies**

**Date: 14-15 September, 2010**

**Venue- YWCA International Guest House, New Delhi**

**Participants:** NEG-FIRE's team- Ms. Marita Ishwaran, Mr. Biswajeet Mukherjee, Ms. Nivrita Durgavanshi, Mr. Avinash Singh, Ms. Priyanka Sharma, Ms. Bijita Devsharma and 28 Participants (NGO heads and program coordinators) from NEG-FIRE's partner organizations.

### **Session I: Welcome and introduction**

Biswajeet welcomed the participants and briefly introduced the agenda for the two days. The prime objective is to discuss the RTE and understand it fully. The role to be played by the partner organizations vis-à-vis the RTE will be the focus of the workshop. State model rules in some States have already been framed. In the States where these have not been framed, the discussion will focus upon the agenda in such States. Some networks would also be participating and sharing their plan and agenda vis-à-vis the RTE. Furthermore, the discussion will also look at how common networks can be formed to take ahead the RTE along with the networks. This will also be an opportunity to discuss, share and understand some of the strategies and approaches towards RTE that are already being used by agencies at individual level. Discussions and deliberations will be made around such key themes with the aim of understanding and implementing the RTE. Dr. Vimala Ramachandran will be joining and facilitating the discussions.

Biswajeet requested the participants to do a quick round of introduction where along with their name and the name of the organization to which they belong, they were also requested to say in brief their expectations from the workshop and share any one evidence-based example of change that they might have brought in the field of education.

The details of the introduction are attached as annexure [See annexure I]. Some of the common expectations expressed by the participants included the desire to know and learn more about the Right to Education (RTE) Act as well as having detailed discussions on the role that civil society organizations could play in that. Many expressed that they were looking forward to the State-wise presentations on RTE to understand the progress in other States vis-à-vis theirs.

After the round of introduction, Dr. Vimala Ramachandran joined the group. Dr. Vimala is a well-known educationist and has been working on education issues since 25 years. Initially, she concentrated only on girl's education, but now she works on a range of educational issues including elementary education.

Highlighting the purpose of the workshop Dr. Vimala mentioned that the main objective is to see what we can do at the ground level and not just understanding the Act. Dr. Vimala broadly explained the key objectives of the RTE Act through a power-point

presentation. (See Annexure II) Some important points highlighted and discussed during the presentation are as follows:

- When discussing the history of the Act, it was brought out that the Act was introduced in the Parliament in 2002. However, it was notified only in 2009. The main reason for the delay in notifying the Act was that if the act had been notified then people could move the court to demand their rights under it which would mean piling of cases in the Supreme Court. The Government was aware of its capacities with regard to providing the provisions with regard to this Act. There was paucity of funds. Also, there are different kinds of schools within the Indian system of education and schooling. Furthermore, the per-child investment in each of these schools is also very different. Keeping these glaring discrepancies in mind, the Government deliberately delayed the process of notifying the Act. Secondly, yet another reason for delaying the notification was that there were no rules ready for the Act. The Act was introduced in the parliament in the form of a Bill. However, it gets implemented only after the rules are clearly charted out. It is important to know who will do what at various levels under this Act. Since the rules of this Act were not clearly drawn out, there was delay in its getting notified.
- When discussing the importance of the Act and why it was necessary, it was highlighted that while India has thousands and thousands of schools of varying types, there are large-scale discrepancies in the quality of education imparted in these schools. While some have infrastructure others don't. Similarly while some have good quality teachers others don't. Also, no note is taken of the things required to attend schools such as books, uniforms etc. The Government of India has implemented many schemes and programmes time and again such as the DPEP and SSA but poor monitoring and implementation has led to their failure. As a result, the poor and the marginalized were the sufferers. Their children are still out of school. Dr. Vimala referring to a quote by Mahatma Gandhi pointed out that whenever plans are being made, they should be made for the most deprived and the marginalized and it will serve the purpose of all up the ladder. However, in this case, so far plans have been made keeping the urban middle class in mind and that's why the failure.
- On discussing the issue of enrollment rates in schools, it was brought out that enrollment rates by themselves hold no significance if the rate of retention is not kept in check. It is therefore pertinent to understand the structure of the drop-out and retention rates. Scheduled Tribe girls are the highest in the ladder of school drop outs. The most distressed are very often kept out of the education system and plans directed towards them very rarely reaches them. Sharing her own experience, Dr. Vimala said that in a recent study that she had undertaken on teachers, she had interviewed nearly 10,000 government teachers and found that not a single teacher sends her own children to Government schools apart from the Kendriya Vidyalayas and the Navodaya Vidyalayas. This is a revelatory finding and shows how societal divisions are visible in the system of education.
- On the issue of planning for schools, it was brought out that the larger public perception of schools is very poor. Drawing an analogy between corruption in Commonwealth games and the Indian education system, Dr. Vimala highlighted

that how due to lack of prior planning, things are done last minute giving rise to corruption.

- Another issue hampering the planning for education system is the complete lack of data on many sectors of data. For instance, as pointed out by Dr. Vimala, there is no data on the status of migrant community in the urban areas. As a result, no organized planning is done for them. Here Dr. Vimala shared her own experience of how she struggled to get few migrant children admitted to government schools in Delhi. The authorities in the schools kept asking for Transfer certificates, age proofs etc., documents which these people often don't possess. As a result, it took nearly two and a half months' time for these children to get admitted to school.
- Dr. Vimala also brought out some of the problem areas in the Act. Firstly, the clause of age-appropriate admissions, which according to her is a big problem. It is often difficult to identify the age of children and parents are asked to get affidavits made which is a difficult process and requires money as well. Secondly, the clause of giving special training to children so that they can be brought to the level of education required for that age. Here the big question is how and when can this 'special training' be given? The regular government school teachers are often struggling to finish the syllabus in the regular teaching hours. How will they find the time for the suggested special classes? Also, there is no suggested budget for this clause. How then can this be implemented? Dr. Vimala pointed out that this is an important area where the civil society organizations can come in and play a role. They can take up the cause of providing age-appropriate special training to children on the basis of the RTE. Another problem area pointed out by Dr. Vimala is the system of monitoring suggested in the Act. According to this, monitoring at National level will be done by the NCPCR which is the body constituted by the Women's and Child rights' Ministry and the State-level several SCPCRs will be formed and given the responsibility of monitoring. However, many States do not even have this body. The suggested monitoring structure therefore is a big joke.

### **Tea- Break**

- On the issue of role division Dr. Vimala brought out that since education is under the concurrent list, the responsibility of its delivery lies with both the State and the Centre. Moreover, the quality norms under education are of two types- physical (infrastructure) as well as curriculum (syllabus) related. Accordingly, it is the responsibility of the Centre to mostly provide the funds and the framework of the Act while it is the prime responsibility of the States to see that the rules are efficiently implemented. However, the State too can provide funds.
- When discussing the roles of different structures, it is important to understand the role of the local level government. What rights will they have? Dr. Vimala pointed out that it is their responsibility to see that school-mapping is done, keeping a check on the teacher-pupil ratio and maintaining all the records at the CRC/BRC level. Moreover, it is their responsibility to monitor school functioning, form a local academic calendar based upon the climatic

requirements/festivals celebrated in every area, ensure admissions to migrant children, form SDMCs, should be anti-discrimination and ensure that no corporal punishment is given to children. Here too there is opportunity for civil society organizations to intervene. In many areas, written petitions can be sent and PILs filed to ensure that the clauses are implemented efficiently.

- Further it was pointed out that there are many ambiguous areas in the Act that should be highlighted by civil society organizations. With regard to the number of teaching hours, it was discussed that teachers cannot be used for any other duty apart from election and census duties. However, on this issue, Dr. Vimala shared that in a recent study done by her, it was found out that teachers spend only 7% of their teaching time on non-teaching duty. Many a times, teachers use this as an excuse and therefore there is need to monitor this as well. Another clause of the Act mentions 25% seats to be reserved for children from the disadvantaged sections. However, there is a lack of clarity with regard to this clause leading to large-scale debates and discussions. DR. Vimala further shared that respective States are supposed to fix the rule for this reservation and several norms such as the distance norm, lottery system or first-come first-serve basis can be considered for this.
- Pointing out the other shortfalls of the Act, Dr. Vimala mentioned the ‘Good faith’ clause in the end, which is actually a clause done in the interest of the government through which it can avoid being answerable. Accordingly anything that the government chooses to do in good faith and for the larger interest of the people should be seen as an exceptional case. Dr. Vimala highlighted that few exceptions have already been made in a short span of 6 months. For instance, many minority institutions such as the Madrasas need not register separately. Similarly, Kendriya Vidyalayas and Navodaya Vidyalayas are also exempted from registering separately. If the trend of making exceptions to the Act continues, then it will stand void in the years to come. Dr. Vimala reiterated that there is need for eternal vigilance and everyone has to point out wherever the Act is a problem. The civil society institutions therefore have to take up the role of activists. It is not enough to point out the lack of political will. Societal pressures and demands through demonstrations, filing petitions and PILs should be a continuous process. Dr. Vimala concluded by saying that it is a simple legislation yet very complicated.

## **Session II: Group Work**

The participants were split into three groups of mixed States and the exercise was as follows:

- i) Reading and understanding the Model rules of the RTE Act
- ii) Reading and discussing an excerpt from the Anil Bordia Committee report on Education
- iii) Identifying and mapping the do’s and don’ts for civil society organization under the RTE Act

The main objective of the exercise is to sit in groups and understand the model rules and thereafter discuss the possibilities with regard to the Act.

Post-discussion the groups presented their observations as follows:

<b>Group Name</b>	<b>What can be done?</b>	<b>What cannot be done?</b>
Group A- Bihar/Jharkhand/Rajasthan/UP	<ul style="list-style-type: none"> <li>-Awareness generation at all levels beginning from the lowest level of governance- Panchayats; Block level; District level and then finally the State</li> <li>-Formation and Strengthening of SMCs wherever they are still not formed or are defunct</li> <li>-Gram Panchayats to be made aware of the government programmes on education as well as RTE so that they can monitor it at their level</li> <li>-Undertaking enrolment drives</li> <li>-Highlight issue within schools such as teacher-pupil ratio, infrastructure. Putting up best practices in schools/model schools for others to follow</li> <li>-Evaluating the learning levels of children in their respective areas; a baseline can be prepared for this.</li> </ul>	
Group B- Orissa/AP/Gujarat	<ul style="list-style-type: none"> <li>-Translation of the RTE in local languages and their dissemination</li> <li>-Demand for SCPCR</li> <li>-formation of State/District level committee of civil society organizations</li> <li>-Awareness generation on RTE</li> <li>-Developing Draft Model rules wherever State rules</li> </ul>	-cannot undertake the running of schools or any activity related to the running of unrecognized schools

	<p>are not yet ready after collecting and analyzing the existing draft plans from other States</p> <ul style="list-style-type: none"> <li>-Capacity building of different stakeholders on RTE</li> <li>-enrollment and retention drives/campaigns</li> <li>-Helping Government bodies in helping track data</li> </ul>	
<p>Group C- Maharashtra/Chattisgarh/MP</p>	<ul style="list-style-type: none"> <li>-an opportunity to work with government organizations, grassroot level workers and intellectuals working for RTE</li> <li>- educational mapping in respective areas</li> <li>-to work with like-minded organizations, networks; make it a movement</li> <li>-State-wise specificities to be kept in mind while drafting the State model rules</li> <li>-to develop the community into a monitoring system for constant supervision of government provisions for education</li> <li>-create a model village based on the RTE and take it as a benchmark</li> <li>-check the RTE related violations and help find solutions wherever there are gaps</li> <li>-Demanding accountability for various provisions under the RTE</li> </ul>	<ul style="list-style-type: none"> <li>-cannot directly engage in curriculum development as this is an area of expertise</li> <li>-cannot directly engage in Teacher raining as this too requires expertise</li> <li>-cannot provide direct financial support</li> </ul>

### **Session III: Discussion on the situation of children belonging to the marginalized communities**

#### **Issue of the migrant children:**

In this session, Dr. Vimala took up issues related to the various types of marginalized communities in which NEG partners work extensively. The issue of migrant children was one of them. Dr. Vimala sought solutions from the group with regard to tracking the migrant children. Some of the suggested possibilities were: setting up 6-7 months residential hostels for migrant children; running seasonal educational shivirs for migrant children; provision for admissions in the region to which they migrate. Dr. Vimala shared her own experience, where Gujjar children in Himachal Pradesh are provided with yellow cards which they can show and seek admissions in any school they go to. Dr. Vimala suggested that the issue of migrant children is very serious and requires attention. It is therefore pertinent that at an organizational level, one should identify the type of migrant children in every area and conduct a survey to find their exact number. Thereafter, depending upon the specificity of the area the issue should be taken ahead. The number of children is irrelevant. It is our duty to see that formal education is the right of every child and that they must have it.

Next was the issue of Tribal areas and the kind of problems they face with regard to access to education. One of the participants shared the experience of the 'Pahadi Purva' tribe who along with all their belongings leave the area of residence for almost 3-months every year to live high up the mountains. One of the possible solutions for their children's education can be through the mode of running temporary education camps in the mountains where they move to. Similarly, another participant shared the experience of the Charwaha community in MP who send their children for cattle grazing. It was suggested that for such children running residential hostels can be of help. At this juncture Dr. Vimala, shared an experience of Laos, Cambodia. In one of the schools she visited there, children often face the problem of language as many of them are from border areas while teaching takes place in the Lau language. The teachers therefore have invented a unique teaching method where colorful pages are put up on the wall and teachers draw an image say the cow. Children are then asked what they call the 'cow' in their respective languages. The words are put up on the wall and children end up creating a live dictionary.

Dr. Vimala shared that this kind of an approach can be used in the Border areas where NEG-FIRE's partners work. For instance, in Orrisa and Chattisgarh while the languages might be different but to some extent the base of the script remains the same. Also, the teaching methodology can be innovative where teachers and students can both learn each other's language. With the help of a live dictionary, teachers can learn the student's language and vice-versa and in the process they develop respect for each other's language. Teaching-learning materials are often developed in local languages. However, if the teachers do not understand that particular language or dialect, it can become a big handicap during the teaching process. However, if live dictionaries are created then students will develop a good vocabulary by class 4 and then they will quickly learn the

language. Vocabulary can be built through library sessions as well. Human beings have the skill to learn new languages and this skill is more prominent in young children.

Yet another experience was shared by a participant, where there are areas where the total number of children in a village is only 5-8 and therefore building a school there is not possible or at least considered necessary. For such cases, the suggestion of mobile teachers was made by another participant. Such a teacher can visit one village daily and teach the children for 3-4 hours and then move on to the next village. Dr. Vimala intervened and pointed out that while this can be a good approach, it is only possible at the primary level as after that, children would need to attend a residential school for overall development. Few hours of daily teaching would not be sufficient. Also it is important to remember that children require interaction with other children and participation in extra-curricular activities. The school environment is therefore a must for every child. In this context, a participant from Andhra Pradesh shared that a 'Rainbow schools' plan was initiated in AP and part budget for this was provided by the SSA. Dr. Vimala mentioned that AP has been a bit ahead in innovative thinking practices.

Referring to the non-formal education system initiated by the Government of India, she mentioned that the program failed as the syllabus for classes I and II were repeated over and over again. It is therefore important to understand the need of a particular area and then develop plans accordingly, owing to the diversity in India. The issue of tribals needs to be focussed. Here she shared the experience of Rajasthan, where while Night schools were initiated with a view that children who do not find time to study during the day can attend the night schools, as a practice parents stopped sending their children, especially the girls to the day schools completely. As a result, girls worked during the day and attended classes during the night. However, this is a problem of another kind. A lot of thought needs to be put while designing any plan for schools and education as the situation for each place is unique and should be taken into account. For instance, one needs to think why parents send children to residential schools and not to regular schools?

#### **Issue of Dalit/Valmiki children:**

In the context of issues being discussed with regard to marginalized communities, another participant shared his experience of working with Dalit children where they picked up the children from their respective homes, took them to school where they were taught the whole day and then dropped them back to their respective homes. Problems with regard to the Valmiki community were brought out. One participant shared that in a survey done with this community it was brought out that they lack confidence and therefore suffer in the classes. A lot of the parents thought that their children suffered from some physiological problem as a result of which they could not read. However, the reason was mostly lack of confidence that hampered their process of growth. It was shared that long-term team work and constant communication is required for such communities. Dr. Vimala agreed and pointed out that continuous effort with the most deprived is required and this sure will reap results. In this context, another participant from Gujrat shared that discrimination against the Valmiki community is quite high in



their region. Teachers very often hesitate to work with people belonging to that community. There is also a case where legal action was taken against some teachers under the anti-discrimination Act. Separate 'Bhimshalas' are being run in few places where children belonging to the Valmiki community study. Another view was shared by a participant from Maharashtra who said that very often corrupt and ill-behaved teachers are sent to teach the students belonging to the Dalit community while the children of the elite are taught by good quality teachers. Dr. Vimala responded by saying that this needs to be explored through research. The teacher absenteeism pattern also needs to be studied as this too varies in all schools. In conjunction with this issue, another participant shared that Dalit children are often given less marks and get an uneven share of entitlements such as books, uniforms and other benefits.

Summing up the issue of discrimination, Dr. Vimala pointed out that this should be fought against through collective action and legal recourse wherever required. Untouchability is still practiced in some schools and should be strictly fought against. One needs to be vocal about such important issues and take action.

#### **Issue of children living in conflict areas:**

With regard to children living in conflict/riot afflicted areas, a participant shared that at the time of any riot or disturbance, certain specific communities such as 'Pardhi community' in Maharashtra is often suspected by the police and labelled as a criminal community. At the time of conflict, their children are left with teachers and NGOs while the parents are put into the lock-ups for 5-6 months at a stretch. In Maharashtra, several NGOs have made efforts to try and link 155 children from such communities to schools, with the help of advocacy and awareness. Through various efforts, the basti land has been transferred in the name of the community members and voting cards, caste certificate etc. have been issued to them. In yet another experience shared by a participant in Gujarat, it was brought out that at the time of the Godhra riots, children were very badly affected. Some of them, especially the ones belonging to lower castes and Muslim communities were engaged in preparations for the riots. As a result their mental health was badly affected. Muslim women too are treated very badly at the time of riots.

A participant from Orissa shared that in Kolapur Block which is a Maoist area, the police used to stay put in the schools for providing protection to the children against any conflict or disturbance in the area. As a result of this, very few children came to school out of fear and now there are negligible schools for education purposes. After listening to these experiences, Dr. Vimala shared that very few case studies, literature etc. are found on this issue. Efforts should be made to try and develop a model over a few years and accordingly intervention plans should be made. Dr. Vimala ended the discussion with the words that all should identify the most marginalized groups in their respective regions and work with focus on that group. This way issues will be targeted at the very base.

## Tea Break

Thereafter, a presentation was made by Mr. Ashok Singh Jha, Convener, National Advocacy Unit, CACL, Delhi [See annexure II]

Biswajeet briefly introduced the work done by CACL. It works in 21 States across India and advocacy is a unit of the same. Its engagement with the RTE has been since the days it was presented in the parliament in the form of a Bill. They have been active in Delhi since a very long time. Thereafter, Mr. Ashok Jha took the group through the presentation. Some of the key points highlighted in the presentation are as follows:

- Some of the quick facts related to the status of child labour in the country were shared. Statistics indicate that 14% of children between the age-group of 5-14 year work as child labors. Some are even forced to work for 18 hours a day.
- CACL shared some of its own initiatives with regard to child labour. One of them is called 'Hum Bacche saath saath Bal Majduri ke Khilaaf'
- CACL has also begun translating few sections of the RTE Act into regional languages such as Marathi and Kannada.
- CACL undertook a national audit of the children working in the Hospitality and domestic sector. Accordingly, children have been banned from being employed in those sectors according to a rule passed by the Government of India.
- Mr. Jha shared that with respect to the RTE, social audit is a very important tool especially for civil society organizations. Government can be questioned and made answerable based upon the audit figures.
- According to CACL, educational equality can lead to social equality. In this context, while the government promises 6% of the GDP to education, in practice this is not the case. These types of questions can be raised and taken up in the Panchayats.
- CACL is opposed to the idea of any dilution in the Act in the form of amendments and stands up for the common school system through neighbourhood schools.

Discussions ensued after the presentation. Ms. Marita clarified that CACL has been invited in this forum as NEG-FIRE believes that in this mission we cannot work alone and it is important to network with other key organizations in the field. Fighting against child labour is also an area that NEG-FIRE is focussing upon. Other such networks were also invited to participate. However, organizations such as WNTA, ECC, FORCES etc. could not come. It is essential to join hands with larger networks wherever one is operating to create maximum impact at the ground level.

With these words, the session was brought to a close. Few changes in the agenda were shared followed by the screening of the film on 'PLAY for Peace'.

## **Day II**

A short recap of the main discussion points of the previous day was done by Avinash through a power point presentation.

### **Session I**

State-wise presentations were made during this session. The idea was to understand some of the Model rules that have already been framed in few States and discuss the procedure followed in their making. Also, in places where they have not yet been framed, one would like to understand the current status. Also, at individual organizational level, the effort was to understand the steps that are being taken in the light of the RTE and the framing of model rules. The presentations are as follows:

#### **Mr. Murli Mohan from Andhra Pradesh**

They operate through an ‘action group’ which stands for the RTE and have been advocating the RTE since very long. They began the process by looking at the various aspects of the Act and highlighting the positive as well as the negative areas therein. Some of the Teacher’s Unions in the State of Andhra Pradesh were strongly opposing the Act as were many other groups who were totally opposing it. They had discussions with the group and tried to explain that they were not the brand ambassadors of the RTE but were simply trying to put it forth. Later, the government of AP called the action group and considered their suggestions. Some of these were incorporated as the model rules for the State. These were secretly posted in the internet for all to see and also take people’s suggestions on them.

Later they formed another group which included members from the Teacher’s Union, student’s Unions, and other civil society bodies. On this forum, they took all the rules both Central and State level and then taking each issue separately with questions such as ‘what is anganwadi?’, ‘What is a school?’ and so on and so forth, created an 80 page document. This was shared with the government and they are still deliberating on it. The government’s attitude has been very negative though especially because they cannot accept the fact that a non-governmental body is creating the model rules for them. However, they are still not dissuaded and are planning to launch yet another campaign for the RTE.

Overall, in AP there are three kinds of groups- one which is the leftist wing and opposing the Act very strongly; the other is their group and other peers who are supporting it totally. Then there is another group which is neither here nor there. They are neutral and do not want to take any stand but at the same time they are pressurizing the government to take action. Mr. Murli made it very clear that their position was to fight for the Act and so they have invited groups that are opposing it even to their forum for discussions. Their group is the RTE action group and has members from various wings such as the CACL, AP child rights wing, AP Foundation as well as the NEG-FIRE partners. They are also advocating the Act through media lobbying. Mr. Murli shared that he himself has participated in some 10-11 talk shows in Telugu channels. They have had the Act

translated in Telugu and have distributed it for general mass awareness. They plan to continue in this activist mode for another year.

### **Mr. Rajaram from Rajasthan**

In Rajasthan, the experiments of replicating the good quality projects at scale were majorly unsuccessful. The organizations that were working on child's rights issues adopted the rights-based approach and formed the 'State child rights network'. During the RTE movement in India, the state child rights network was very active and they supported it fully as this was in their favor. So later, the name was changed to 'Right to education network.' After that, issues were raised with regard to the existing textbooks and the curriculum. Two consultations were held and the textbooks were reviewed at State level. Prof. Krishna Kumar was also consulted in this regard. The textbooks would therefore be changed. Till the time new textbooks are not formed, NCERT textbooks would be used.

After the passing of the act in April, state level activities increased. There are plans of unifying the uneconomic schools and the process is being called 'ekikaran'. Also another programme called 'samanikaran' was initiated whereby mass transfer of teachers would be carried out. These were opposed as this is totally against the spirit of RTE. In Rajasthan, the elementary education responsibility will be shifted to the Panchayati raj and rural development departments. This will happen around the 2<sup>nd</sup> of October.

They as a civil society body have taken up the prime responsibility to pressurize the government to make the rules. For this purpose they have created 5 task forces and have delegated various responsibilities to each one of them. The SSA has also called consultations and they have participated in them. The state government has given out the regulation that School Management Committees (SMCs) should be formed at the earliest. A Child tracking survey was also conducted by the State government and the results were recently announced in a media conference. Accordingly, 11 lakh children are still out of school. Also, a redressal system is required for which they are advocating continuously. Also the Rajasthan network is trying to take care of the quality issue. Samantar has always been a part of them. They work in coordination with all the organizations.

Mr. Murli Mohan shared that in the context of Mr. Anil Sadgopal's report on the issue, one must take care when reading the document as his perspective is very philosophical. Our perspective should be very clear otherwise they just complicate the discussions through providing a highly convoluted and philosophical perspective and we tend to get lost in that. NGOs should be very clear as to what they want.

### **Mr. Sushil from Bihar**

In the State of Bihar, Vidyalaya Shiksha Samitis were formed in 2007 but they were not taken seriously. Mr. Sushil shared that it is important that for good quality education to become a reality all should have a common agenda. However, this was not the case in Bihar. The government began the process at two levels- enrolments were started based

upon the birth certificates. This became a huge problem as birth certificates were not available in most cases. When this was opposed it was suggested that an affidavit should be produced in cases where birth certificates are not there. This too is a big problem as procuring an affidavit is expensive for a poor family. Thereafter enrolment drives were started. There too only on paper, all children were shown to be admitted in schools.

It is in this background that their organization is active in the field of advocacy. They work in close collaboration with Wada Na Todo Abhiyan (WNTA) which is very active in their area. They commonly stand for one type of school which is the 'jhola aur bora wala' school. Through tools such as media advocacy they found out and released the fact that not a single textbook has reached the children under any entitlement scheme.

As for the model rules, the State Child Protection Commission is trying to get involved. However, this is a political body. SSA and Unicef are also trying to form rules.

### **Mr. Promod from Maharashtra**

In Maharashtra, ever since the month of May, lot of networks such as CACL, Maharashtra Social Forum and WNTA have been actively participating in sending the message of the RTE to all NGOs. The draft rules have been formed by them. Bal Ayog has been created as a result of all this work and the NGOs in each district will work in close collaboration with the Bal Ayog to discuss and participate in the RTE Act.

At the grassroot level nothing concrete has happened. Only some Teacher Training programmes have been planned. Their organization is specifically going to focus on the formation and strengthening of the SMCs. They will try to make the parents' of underprivileged children a part of the SMC. All the sarpanchs are trying to pressurize that they should be made the head of the SMCs. Their organization is against this. A committee at the gram sabha level will be constituted and they will concentrate on forming the SMCs.

### **Mr. Sanjit from Orissa**

In Orissa too the story has been similar. While a lot of money has been spent on education, statistically and qualitatively, the results have been zero. Therefore, the RTE is not generating much interest as there is a loss of faith in the system. However, despite this, few networks are working actively. These are- CACL, Orissa education group and the Orissa education child rights. These networks have held many consultations at the state level. However, nothing happens at the district or Block level and Bhubaneswar seems to be the seat of all activity.

Also, the feeling was that the networks were centering on issues such as salary of teachers etc. and not much on the role to be played by the civil society vis-à-vis the RTE. They don't seem to be working with any particular focus. The State government too has not developed any model rules so far. Most were highlighting issues such as, salary of

teachers and who will monitor etc. Though they see this as an opportunity and their organization particularly will try and work with focus on specific areas.

### **Mr. ChandraBhushan from Jharkhand**

He shared that not much has been done at the state level as there were many problems related to the stability of the ruling government itself. The unstable govt. creates lots of problems and therefore nothing substantial has been done. In the coming years hopefully something concrete will be done. The good news is that they now have a government after the recent elections and are hoping that they will be able to do good work.

### **After the state presentations, Ms. Marita shared some of her views as follows:**

She shared that through this exercise, an attempt was made to understand the process that is being taken forward. The idea was to begin with an overview of the RTE Act. There are some who have read the act very well, but there are many who might not have read it. She shared that NEG-FIRE works with a range of partners and in a classroom or an event of gathering like this one, each one is important to us. So therefore, it was important to get a broad overview of the present scenario in each State. And then further in-depth study was done to understand what one can do, cannot do or even what one wants to do. There was pedagogy in each one of this. ‘Silent reading’ for instance is a good form of pedagogical exercise.

Talking particularly with reference to the plan for the day, she shared that today’s sessions will mostly focus on understanding what are the things that have been done at the State level. What all is already happening and what else can be done for the people we work for passionately i.e., the children. What are the kinds of problems they face and what can be the solution for them and at what level? However, before approaching these vital questions, it is essential to have the knowledge required to address these. For instance, while we talk of social audit, one needs to first understand what is meant by this term. Similarly, one needs to understand the role to be played by organs such as the NCPRC and the SMCs etc.

NEG-FIRE will now share some pointers that have come from the group itself. Taking those pointers as broad points a concrete State-wise action plan can be made:

1. Community development/ownership and awareness generation- For this purpose, first one needs to understand what does the Act say in this regard. Then list out the issues that one can address. Also, which are the groups that one wants to take when addressing the issues (who is your community?). it is important to identify the various groups one will encounter in the process viz., a) who are the people who will support you, b) your own group and c) those who will oppose you
2. Training –which groups to train? What are their roles and responsibilities? And what will be our role in that/ in their formation? For eg: SMCs/PRI, who forms these structures and how will they be formed? What are their roles and what role will they play in their formation? Avinash shared that in Rajasthan, all SMCs had

- to be reorganized. In this process all NEG's programme animators were made members of the SMCs in their area so that they have the authority to act.
3. Monitoring and watchdog's role- who will you monitor? What will you monitor and in which context? Approaches to monitoring (survey, research, social audit)
  4. Curriculum development is another area that can also be looked at. There are many issues that can still be taken ahead. Coincidentally, at NEG-FIRE we have been working on some concrete innovations/ issues related to the curriculum that will show results soon. These can be scaled up and used elsewhere. For instance, Play for Peace, curriculum for the Musahar community, multilingual language areas, cultural curriculum in Vijayanagaram in AP.
  5. Policy level advocacy
  6. Research and documentation is another area of focus. What kinds of research can be taken up? 'Children in conflict and crisis' is an area where research is already on within NEG-FIRE with help from Prof. Bhargava from Allahabad University. What kind of policy changes can be made? A tracking paper can be made to track changes pertaining to the Act. What had been promised and where are we now?

Another short exercise was taken up after this session. The exercise entailed planning i.e., things that can be done at both the micro (NGO level) and the macro (in collaboration with other networks) levels by all the organizations in their respective States. Five mixed groups mostly with neighboring states was made and the participants were given time to prepare the presentations [See annexure III].

After the presentation Ms. Marita shared the following observations:

- ECCE is an important issue that got left out from all the state presentations. This is one issue that has also been highlighted by the Bordia committee. When we work with children and their transition into school we must take care of this age bracket as well. This must not get missed out.
- She pointed out that timelines have been put at places. However, it is important to reflect upon the timelines considering the practicability. It should be done realistically or else it will only remain a good intention.
- Legal literacy is also an important area and NEG-FIRE too will look at that.
- Discrimination-wherever there are such cases, the strategy has to be different. We should have case studies in the shape of a small document and then the grievance redressal committees should be informed of these. The new FCRA rules can come out any time now. We have to become aware as to what all is happening at different levels and in different states.
- Sit with the partners and deliberate upon the present plan to understand how it can be integrated with the RTE Act. It is important to re-position oneself and the programmes and bring the work within the fold of RTE.
- Some of the partners are old partners but we invited them as well so that we can look out for working together in the context of RTE.
- National workshop on Education for Marginalised is planned for this year sometime in the next quarter. This will be a sharing of the researches that have been going on since so long.

- Cluster monitoring is the plan this year where the staff will go and others will also come especially the ones who are doing similar kind of programmes. So it will be an opportunity of peer learning as well.

The session came to a close at this juncture. An organization by the name ‘Magic Bus’ made a brief presentation [Double click  to view PPT]. Some of the key points are as follows:

- They are an organization that work with children and have the mission of empowering children and youth with positive experiences to discover themselves through sports.
- The approach used by them is to follow the rules of fairplay and instill the spirit of games in a positive sense. They are advocates of the ‘right to play’ along with the right to education.
- After each session of play they have a reflective session, where they review the play process and discuss how it contributed towards personal learning. It’s a method of ending discrimination through play.
- Through this method children are also encouraged to go to school and are told the importance of education. This will also encourage the need to have good playgrounds in schools.
- In the light of the RTE Act, they have also initiated talks with several ministries to see how sports can be included within the RTE.

At the end of the presentation, it was expressed that the concept shared by ‘Magic Bus’ was welcoming and innovative and in keeping with the RTE Act. ‘Sports’ indeed is an important area for the overall growth and development of children and should not be treated as separate from education. Ms. Marita expressed that an association with ‘Magic Bus’ would be considered as a cross-cutting theme across partners.

At the end Ms. Marita thanked all the participants for their time and participation and expressed that she is sure that the two-day session would reap some wonderful results and all would go back with ideas on how to incorporate the RTE in their present work.



### Annexure I

SN. No	Name of the Participant	Organization	Area of work; sharing expectations and anecdotes
1	Pradeep Kumar	Manav Kalyan Kendra, Bihar	Work on the issue of child labour in Bihar and want to learn more about the RTE
2	Arun Yadav	Grameen Vikas Kendra, Maharashtra	Work with NT-DNT communities and children with criminal backgrounds and juvenile delinquents; want to learn more about the RTE
3	Praveen	Mahatma Phule Samaj Seva Sansthan	Work with sugarcane-cutters belonging to NT-DNT communities in Maharashtra; want to learn more about the RTE
4	Sheila Nayak	ATMA, Orissa	Work on issues such as child labour, women's development and income generating opportunities; want to know more about the RTE
5	Maruti	Maharashtra	Work with NT-DNT communities in Maharashtra and also HIV positive children; want to learn more about the RTE
6	Rekha Shinde	Gramin Punnarrachna Kendra, Maharashtra	Wants to know more about the RTE
7	Sister Lily	KDSSS, AP	Focus on education, health and child labour; regarding RTE she shared that recently their organization provided 5 handicapped children with wheelchair
8	Unniputra Wagh	Maharashtra	Work in backward class hostels for children in the interiors of Maharashtra and have tried to reform the GR of the hostels
9	Ramesh	Janvikas Samajik Sanstha, Maharashtra	Work on the issue of child rights in 22 villages of

			NT-DNT communities in Maharashtra; RTE is a huge area and he would like to know how can a common working plan be made?
10	Bhimrao Shinde	Jan Jagrit Mandal, Maharashtra	Work with the children of the Banjara communities and would like to know more about the RTE
11	Father Thomas	RDSS, MP	They have been running hostels for children and now the children are also being sent for higher education
12	Shailendra Kumar	Sugam Jagriti, Bihar	They have been enrolling children to government schools and are now in the process of developing a system to find out how many children are able to receive the provisions provided by the SSA
13	Chandrabhushan	Abhiyan, Jharkhand	Work with minority communities and out-of-school children; on September 17 they will do a 'Prarthana Pheri' along with parents of children in the morning demanding the RTE for their children
14	Pradeep Jain	Mahatma Phule Educational Institute, Maharashtra	Work with sugarcane-cutters in Beed district. They had started an aanganwadi centre using their own resources. However, later the government set up an aaganwadi centre and the children have now been admitted there. He expects to have a detailed discussion on the RTE
15	S.Balaraju	NATURE, Orissa	Implement the border-area programme; expect to learn more about the RTE

16	Sister Harsha	Catholic Diocese, Jhabua	They run 22 education centres amongst the Charwaha community and have enrolled 300 children in Government schools; expects to know more about the RTE
17	Prithviraj	PREM, Orissa	Run developmental programmes; shared an experience where this time due to PRI monitoring, the teachers joined school immediately after the summer vacation
18	Sanjit	SOVA, Orissa	Work on issues such as child participation, quality education and health; shared an experience where they had developed a workbook in Oriya language which is now being used by the govt. schools at the district level.
19	Ashok	CACL, North Zone	They have been working on the issue of RTE since long and would like to discuss the Act in detail
20	Patsy Khan	Suchetna, UP	Shared that the condition of schools is very bad and she hopes to bring change; for this she wants to understand the RTE better to bring about change in the context of patriarchal UP
21	Deepak Prasad	Centre for Development, Jharkhand	Focus on child development, health, education. They work with school drop-outs and run bridge courses; expects that RTE be implemented rigorously
22	Harvinder	Child Like India Foundation	Work in the area of education but focus on development through

			sports; promoting right to play along with the RTE.
23	Promod	ATMA, Orissa	Shared an experience where when they went to teach in a remote village in Orissa, there was no place to teach, so they sat on the verandah and taught. Later they put up a tent which the community helped to cover up with asbestos sheets; wants to learn more about the RTE
24	Father Tony	Madhubani, Bihar	Work with Musahar communities and provide remedial classes to children; want to learn more about the RTE
25		Poornea Social Service Centre, Bihar	Work with children in aaganwadi centers; shared that when they began very few children used to come to the centers but gradually with increase in women's participation, many more children have now started coming.
26	Anand	REAP, Bihar	They work with children of quarry workers and hold classes in the centre of the quarry field itself; last year many of their children were able to pass their matric exams
27	Rajaram Bahadur	Samantar, Rajasthan	They work with government schools in Bundi District in Rajasthan and expectation is that the inter-State sharing on RTE will help
28	Sushil Kumar	DEEP, Bihar	Work with children belonging to the Tharu tribe and have set up Bal Adhikar Manch in 50 villages; expect to discuss the RTE in detail

## Annexure II

### Reflections on the Right to Education

Vimala Ramachandran 13 Sept 2010

### Recap

- ✦ Right to education - was made fundamental right in 2002, 86th Constitutional Amendment
- ✦ Not notified till 2010
- ✦ Right of children to Free and Compulsory Education Act, 2009
- ✦ Notified along with 86th Amendment on 1 April 2010

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### Was this necessary?

- ✦ Experience of 63 years after independence?
- ✦ Trajectory of school education in India - brief recap
- ✦ 1992 Supreme Court of India: Citizens have a fundamental right to education, every child has right to free education until he/she completes the age of 14 years.
  - ✦ It flows from the right of the people to live like human beings with dignity

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### Was it necessary?

- ✦ Situation in 2002
  - ✦ Enrolment almost 95% +, at least at primary
  - ✦ Drop out rates equally high - 50.48 (M), 51.28 (F) - classes 1-8 (ST girls 72%)
  - ✦ Little evidence on learning, poor retention
  - ✦ Social divisions reflected in education - hierarchies of access
    - ✦ Govt, private - recognised / unrecognised, high fee, low fee etc.

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### Why was it an elusive right?

- ✦ Public perception
  - ✦ Government schools poor quality
    - ✦ Accountability lacking
    - ✦ Infrastructure, supplies etc
    - ✦ Teacher accountability (even though government teachers paid better, trained)
    - ✦ Voting with their feet
- ✦ Lack of political will?
- ✦ The way the school system works?

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### Where is the problem?

- ✦ West Bengal, Rajasthan, Bihar and UP account for 71% of all out of school children - 2009 IMRB survey commissioned by GOI
- ✦ Learning levels across all states very poor - even Kerala, TN, Gujarat - ASER, EI, NCERT
- ✦ Urban areas worst off - no data on migrant families and children
- ✦ SC, ST, Muslim....

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## What is RTE?

- ✦ Right 6-14 years - free and compulsory education in neighbourhood
  - ✦ No child liable to pay fee or other charges
- ✦ Schools cannot:
  - ✦ Refuse TC, demand TC, age proof, address proof as condition for admission
  - ✦ No screening procedure
  - ✦ No capitation fee
  - ✦ No physical punishment or mental harassment

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## Rights of children

- ✦ Admission to neighbourhood school
- ✦ Age appropriate admission + special training
- ✦ No discrimination
- ✦ Cannot demand fee, other charges
- ✦ No corporal punishment
- ✦ No mental harassment
- ✦ **Monitor of child rights - NCPCR**
  - ✦ National commission for the protection of child rights

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## Who will do what?

- ✦ Appropriate authority - defined
  - ✦ GOI - make estimates provide funds (?), develop framework for curriculum, specify quality norms, enforce standards for teachers and their training / education
  - ✦ State Government - provide finance, ensure availability, infrastructure, compliance, special training (OSC to age appropriate class), "good quality" - specify norms and standards (pupil teacher ratio, infrastructure, textbooks, CCE)...

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## Who will do what

- ✦ Local government:
  - ✦ Ensure access to all in neighbourhood
  - ✦ Adhere to pupil-teacher ratio
  - ✦ Maintain records of all children 6-14 years
  - ✦ Monitor functioning of school
  - ✦ Ensure admission of migrant children
  - ✦ Decide academic calendar
  - ✦ Compliance - SDMC, no-discrimination, no corporal punishment,

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## School & Teachers

- ✦ Compliance to above - PTR, no non-teaching duties (with exceptions)
- ✦ SDMC in all schools - to provide oversight, support, monitor etc.
- ✦ Minimum working days 200 (1-5) & 220 (6-8), 800 to 1000 instruction hours
- ✦ Private schools:
  - ✦ 25% to socially / economically disadvantaged
  - ✦ Seek recognition (re-recognition?), SDMC compulsory - exception (?), minimum standards for teachers, PTR - 1:35; no private tuitions

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## Evaluation

- ✦ No board examinations till 8th standard
- ✦ Continuous and comprehensive evaluation (CCE)
  - ✦ Academic, non-academic
- ✦ Have to provide certification

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## A googly! Goof faith clause

- ✦ No suit or other legal proceedings shall lie against the Central government, the state government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority or the School Management Committee, or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made there under.

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## What now?

- ✦ Funds - MHRD got 12 lakh Crore for remaining period of the current plan (XI Plan 2007-12) for RTE implementation
- ✦ Availability of trained teachers, huge challenge
- ✦ Recognition - private schools in a quandary
  - ✦ Aided and unaided (recognised and unrecognised)
  - ✦ 25% reservation
  - ✦ Testing for entry (when Navodaya, KV etc exempt, why not private?) - amendment in the offing

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## Critique

- ✦ Is it input focused? Rather than outcome, process compliance?
- ✦ SMC / SDMC - mostly parents. Knowledge, confidence??
- ✦ Private schools:
  - ✦ 25% reservation - definition, lottery(?), reimbursement of expenses to schools, who will monitor, supply-demand gap in neighbourhoods
  - ✦ Recognition - renewal periodic, what about unrecognised schools?
- ✦ Teacher training, management

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## Education System

- ✦ Systemic issue that has come in the way of realising rights / entitlement
- ✦ How it works?
  - ✦ The formal system and the informal system
  - ✦ Intermeshing of formal and informal - leads to blurring of lines of accountability and responsibility
    - ✦ Teacher transfers, posting
    - ✦ Teachers linked to political parties (election returning officers)
    - ✦ Power centres in rural areas, contractors (TMI study)
  - ✦ Rent seeking, patronage, corruption...

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## Where is the problem?

- ✦ Is it about political will?
- ✦ Administrative reform?
- ✦ Societal pressure and demand?
- ✦ Accountability to SDC, SDMC, Panchayat - for regular functioning, regular teaching and learning outcome.

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### Annexure III

State	Micro level	Approaches	Macro level	Approaches
Bihar/Jharkhand	Community awareness/development Target groups mostly tribal communities- Musahar, Dhom, Chamar, Mehtar etc. who are mostly untouchables	-awareness generation on issues such as no need for age proof, admission possible during any time of the year -will work after surveying the village and situational analysis and awareness generation through 'nukkad natak', lok geet, soochna pat in schools to be updated regularly	Raising issues related to mid-day meals, demanding the pattern of fund utilization	Pressurizing the govt. through networks
Andhra Pradesh	-Tracking of children out of school -awareness generation	They have already used different colored formats for tracking different age-group children -Dissemination in local languages	Constantly putting forward their demand in keeping with the requirements and in coordination with the networks	Filing petitions for the rights of children
MP/Chattisgarh	Organizational staff capacity building on RTE Act -creating a task force -awareness generation at the level of the community	Training to the staff members will aim at explaining them the Act in very simple terms	Advocacy at the Block and Cluster level -Media advocacy	Highlighting the issues of concern within their region so that there is response from the government
Maharashtra	Target group would be Pardhi, Wadar	-begin with baseline survey, develop teaching-learning	Advocacy at the Block and	



	and NT/DNT communities -awareness generation on RTE -also highlight issues such as child marriage, gender etc.	material	District level	
Orissa	Focus on SC/ST communities -a gist of the RTE guidelines and the role that can be played by the NGOs and the PRI will be prepared -sensitization meeting at the Block and District level	-preparing district level database -preparing District level model rules	Sharing the model rules developed at the district level with State -creating linkages with the State level RTE networks	
Gujarat	Dalit/Valmiki will be the target groups -internal staff training -awareness generation and training of the PRI members	Making aware the Bhimshala children with whom they already work	A child Rights collective network is already present -State level advocacy	Creating linkages with them and disseminating RTE material to generate awareness
Uttar Pradesh	Staff training workshops Conduct situational analysis, surveys to understand present situation		Try to take the draft rules to the State and put pressure through filing PILs	
Rajasthan	-Staff training -awareness generation		Continuou s advocacy	

	programmes		at the State level for	
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