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Relevant for: Developmental Issues | Topic: Education and related issues

In India, the right to education was made a fundamental right by inserting Article 21A by the Constitution (Eighty-sixth Amendment) Act, 2002. It was enabled with the subsequent enactment of the Right to Education (RTE) Act, 2009. However, its implementation has been a challenge for most States as they have discretion in how the Act gets implemented. Thus, as the new academic year dawns upon us again, a slew of queries and complications related to various provisions of the RTE Act need to be addressed.

The RTE Act bears many similarities to the U.S.'s No Child Left Behind Act, including school accountability, assessment standards and teacher training. Like the U.S., in India too States have been given major leeway in deciding the course of implementation. However, a problem that recurs every year is mandated access to underprivileged sections of society. Section 12 (1) (c) of the Act mandates all private schools (except for minority schools) to allocate 25% of their seats to economically weaker sections, i.e. those families with an income of less than 2 lakh a year, and other disadvantaged groups like Scheduled Castes, Scheduled Tribes and the physically challenged. The State government will then reimburse these schools for students admitted under this provision, at an amount per month that is determined by the State rules.

The process for admission under Section 12 (1) (c) is far from perfect. This is evident in the large number of vacancies in several cities in the country. For instance, on the last day of admissions under the RTE Act, under the first lottery there were 20,835 vacancies in Maharashtra.

Tamil Nadu, which has always been at the forefront of educational progress in India, has made certain strides in the implementation of Section 12 (1) (c). It has widened the ambit of "disadvantaged sections" to include HIV positive children and transgenders. A centralised database has been created by the State where people can access all the matriculation (State board) schools in the State which lie within 1 km of their residence. Another notification has been issued by the Tamil Nadu government to bring all schools affiliated to boards other than State boards under the control of its Director of School Education for RTE implementation.

However, several issues remain. One of the main concerns is the absence of several CBSE schools on the school database set up by the State. Despite the use of GIS tagging, several parents complain that the system is faulty in identifying nearby schools. Financial problems continue to mar the system — many schools collect money for textbooks and uniform though this is part of the State-stipulated fees. This is a chain reaction: the Centre is supposed to release up to 70% of the funds for this programme which is often delayed. A PIL was recently filed before the Madurai Bench of the Madras High Court seeking direction to the Centre to release all pending RTE funds to Tamil Nadu. A Right to Information (RTI) petition found out that in the past seven years, the Tamil Nadu government has allocated a sum of 368.49 crore, while the Central government has allocated only 27.8 crore under the RTE in the same period. This leads to a financial crunch for the State and, by extension, the schools.

While moving the system online has led to transparency, in many States, including Tamil Nadu, the management committee as per the RTE Act has not been notified. RTE rules also state that unfilled seats can be filled again in September but governments have no conspicuous public announcements regarding this.

There have also been several grievances regarding the '1 km radius' criterion, especially for

rural residents who may not have any private schools in their vicinity. This criterion will eventually widen the rural-urban divide in educational outcomes. The Kerala Rules are more progressive as they acknowledge terrain limitations and the State has made provisions for adequate arrangements for providing elementary education.

The window for the admission process for RTE Act vacancies in private schools is very narrow. This causes many parents to miss the deadline, despite thousands of vacancies. The procedure for admission should be made through a single-point window online for all school boards, with computer kiosks to assist parents who may not be able to fill the form online. A mobile application should be built with live information on the number of seats available in each school under the 25% quota. An RTE compliance audit should be conducted for all schools every year by the State Education Department. Any aid given to private schools must be tied to the levels of compliance achieved by the school. Several schools do not adhere to the 25% quota. These schools should be penalised and derecognised if continuous violations occur. Every school should declare prominently that it is RTE compliant — and the admission procedure, including deadlines, should be conspicuously displayed at the school premises. On the government side of things, funds need to be released in a timely manner, so that it inspires confidence in schools to fill all the vacancies.

Section 12 (1) (c) of the RTE Act recognises the need for inclusion, and explicitly establishes responsibility on all stakeholders to contribute towards this goal. Consequently, private schools, which often become islands of the privileged class, will now become more inclusive. This socialisation will benefit all classes of society as we rise above our social biases to make our children not just better learners but better human beings.

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