Analysing the Monitoring Structures of Right to Education

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By

Supriya Narang

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Abstract -

This paper is an attempt to understand and analyse the provisions for monitoring the Right to Education Act. The main objective of this paper is to understand the roles and functions of the National Protection of Child Rights (NCPCR), Delhi Commission for Protection of Child Rights (DCPCR) as well as the local authorities in Delhi. The harmonisation of the Sarva Shiksha Abhiyan with the RTE Act is also touched upon briefly. The main findings include the measures being taken by NCPCR, the RTE Division and its website amongst others. DCPCR has also constituted an RTE Division which has already received more than 3000 complaints related to the violation of child rights. While DCPCR and NCPCR have started working on the role assigned to them, there is a need to strengthen their efforts as well as expand the work being done to cover the entire nation, especially now that primary education is a fundamental right.

1. **Introduction**

This paper seeks to address the issue of monitoring the provisions in the Right to Education Act. This Act is probably one of the first examples where the implementing agency is different from the monitoring agency. The National Commission for Protection of Child Rights (NCPCR) has been designated as the monitoring agency under section 31 of the RTE Act. Along with NCPCR, the state commissions and right to education protection authorities are also responsible for monitoring. In this paper, the structures of the NCPCR as well as the Delhi Commission for Protection of Child Rights (DCPCR) have been examined as well as their proposals to deal with the responsibility assigned to them. Also, the role of local authorities such as the Municipal Corporation of Delhi (MCD), New Delhi Municipal Council (NDMC) and Directorate of Education, Delhi Government in monitoring the child's right to education have been addressed. This paper is confined to analysing the provisions within the region of Delhi itself. The research was carried out mainly through interviews and telephonic interactions with the stakeholders. The role of School Management Committees (SMC) has only been briefly touched upon; however, examining the role of SMCs in detail, particularly with respect to their powers and authority is out of the scope of this paper.

2. The Right to Education Act

The Right of Children to Free and Compulsory Education Act, 2009 (henceforth, referred to as RTE Act) passed by the Parliament of India makes education a fundamental right for all children between the ages of six and fourteen. The Act was notified on 1st April 2010 and is a landmark development in ensuring universal primary education and making it accessible as well as affordable.

The RTE Act as well as the accompanying Model Rules provide a detailed framework for the inputs required in primary education and have provisions related to almost every aspect of education such as accessibility, infrastructure, curriculum, teachers, school management committees and guarantees free and compulsory primary education as a responsibility of the state government.[1]

3. Provisions within the RTE Act for monitoring

The RTE Act has introduced many new safeguards to ensure that every child between the ages six to fourteen has access to education. The Act guarantees free primary

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[1] The Right of Children to Education of Free and Compulsory Education and the model rules can be accessed at - http://education.nic.in/Elementary/elementaryRTE.asp. The Act as well as the rules are quite detailed in nature and hence only a brief description is provided above

education in state government and local authority schools, and outlaws charging of capitation fees, corporal punishment, screening procedures for admissions and holding back or expulsion of students. The Act also provides for reservation of 25% seats in private unaided schools for children belonging to the economically weaker sections (EWS) and socially discriminated sections of society. In this context, this Act for the first time has given the role of monitoring the provisions to a statutory body, the National Commission for Protection of Child Rights (NCPCR) which is independent of the implementing agency i.e. the Ministry of Human Resources Development.

In this section, the paper covers the provisions provided in the Right to Education Act for monitoring the Act. The role of other stakeholders, apart from the NCPCR, in monitoring the implementation of the Act such as local authorities, state governments and school management committees are also covered.

The table below mentions the various stakeholders and where they are mentioned in the Right to Education Act

Stakeholder	Mentioned in the Act
National Commission for Protection of Child Rights	Chapter VI Section 31
State Commission for Protection of Child Rights	Chapter VI

	Section 31
Local Authority and State Government	Chapter III Section 8 and 9
District Education Officer	Chapter VI Section 18 and 19
School Management Committee	Chapter IV Section 21 and 22

Table 1 – Stakeholders in monitoring the RTE Act

3.1 National Commission for Protection of Child Rights and State Commission for Protection of Child Rights

Section 31 of the Right to Education Act entrusts the National Commission for Protection of Child Rights with the role of monitoring the provisions of the RTE Act. Specifically, according to the Act, the function of NCPCR is to –

  i.   *Examine or review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;*

  ii. *Inquire into complaints relating to child's right to free and compulsory education; and*

iii. *Take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act*

Apart from the NCPCR, the State Commissions for Protection of Child Rights (SCPCR) have to also monitor the child's right to education. In states that do not have an SCPCR, the state government has to assist in setting up of a Right to Education Protection Authority, which shall then set up a child helpline to address violations of the provisions of the RTE Act (Gazette of India 2009).

The NCPCR, SCPCRs and the REPAs are the main instruments for monitoring the Act. However, the Act does mention other stakeholders who will play a role in implementing the provisions of the Act. The role of NCPCR and the Delhi Commission for Protection of Child Rights are examined in detail later in the paper.

The central government also has to constitute a National Advisory Council and State Advisory Councils whose function is to advise the Central Government on implementations of the provisions of the Act in an effective manner.

3.2 Functions of the Local Authority and State Government -

According to the RTE ACT, the local authority and the State Government have to

- Compile list of schools in the neighbourhood and make the list public

- Ensure that children receive their entitlement to free books/ uniforms and writing materials

- School mapping

- Ensure that there is no discrimination of children belonging to Economically weaker section category

- Maintain record of all children in its jurisdiction, through a household survey. The record has to be updated every year and made public

- Ensure that names of children admitted in a particular school are publicly displayed in the school (ibid.)

Local authorities and state governments have also been entrusted with the responsibility of establishment of schools to meet the neighbourhood requirement and provide infrastructure for the building as well as teacher training. In terms of monitoring, the local authority and state government are responsible for implementing the provisions of the Act correctly and any violation of the said provisions can then be brought to their notice or to the NCPCR. Thus, while the local authorities and state governments are responsible for providing free and compulsory education as well as meeting the required norms such as pupil teacher ratios, teacher training facilities, their performance and adequate infrastructure, can be scrutinised by NCPCR or the SCPCRs

either *suo moto* or on the basis of a complaint.

3.3 Role of District Education Officer

According to the Act, every private school will now have to obtain a certificate of recognition from the local authority and state government and fulfil the norms mentioned in Schedule attached to the Act (ibid.).

A lacuna of the Act is that schools run by the local authority and the state government are exempt from obtaining this recognition. This means that whereas the private unaided schools will be subject to scrutiny, the local authority and state government schools can continue to function in the state they are currently in.

Private schools must submit a self-declaration form within three months. The self-declaration form must be placed in public domain within 15 days of receipt by the District Education Officer. This ensures accountability and transparency in private schools since a lot of relevant details will now be made public.

The District Education Officer then has to conduct on-site investigations after the form has been submitted and the details of the investigation also have to be made public within 15 days of the investigation. Schools that do not conform to the norm are given two and half-years to reach the desired standards. If they do not do so within three years, the school is shut down (ibid.).

If the District Education Officer receives a complaint about a school or may act *suo moto*, then the school is issued a notice and must provide an explanation for the violation committed. If the explanation is not received or is found unsatisfactory, a committee is formed to conduct an inquiry and this committee submits its report to the District Education Officer. He/she then forwards it to the SCPCR along with his/her comments. The SCPCR forwards the report to the State education department after seeking explanation from the school and due examination of the school premises and the report provided. The State Education Department conveys its decision to the District Education Officer about the status of the school (ibid.).

In this manner, once the Right to Education Act has been enforced, every private school in the country is now subject to investigation and has to meet the norms prescribed under the RTE Act, the Delhi State Education Act, 1973 and the Delhi State Education Rules, 1973[2] if it has to continue functioning. This helps to monitor the infrastructural capabilities of the schools as well as the details of teachers who are employed. However, the Act is excessively focussed on ensuring the correct inputs and infrastructure in a school and remains silent on the monitoring of outcomes or results. An issue that still remains is the lack of knowledge about the Right to Education Act and

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[2] The Delhi School Education Act, 1973 and The Delhi School Education Rules, 1973 can be accessed at the Directorate of Education's website - http://edudel.nic.in/welcome_folder/DSSR.htm

its various provisions amongst school management bodies and thus, the procedure for filling the self-declaration form will most definitely be delayed.

3.4 Role of the School Management Committees

School Management Committees have to be constituted in every school, except for un-aided schools, within six months of the notification of the Right to Education Act. Specifically, with regards to monitoring, the role of the school management committees as mentioned in the Model Rules under the RTE Act include –

i. *Monitor that teachers are not burdened with non academic duties other than those specified in section 27;*

ii. *Ensure the enrolment and continued attendance of all the children from the neighbourhood in the school;*

iii. *Monitor the maintenance of the norms and standards prescribed in the Schedule;*

iv. *Bring to the notice of the local authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per section 3(2).*

v. *Monitor the implementation of the Mid-Day Meal in the school.*

In aided schools, the SMCs have an advisory role to play and thus their authority or power to bring about any significant change may be compromised by this mandate. The

role of the School Management Committee brings out a contrast with the role of the District Education Officer. Since the SMCs will be not be constituted in private unaided schools, they will now still function under the management committee of the society or trust that runs the school and hence, will be exempt from scrutiny from the parents and the community via the medium of SMCs. However, the absence of SMCs need not imply that the parents and the community will not play an active role in monitoring a private school. The teachers are also accountable to the SMC and it is supposed to be the forum for their grievances. However, this accountability is also limited due to the authority assigned to the SMCs. In this way, the exemption of private unaided schools from constituting SMCs may impede the process of monitoring in these schools.

School Management Committees can play an integral role in monitoring the provisions of the RTE Act. In this section, their role has only been discussed in brief. The role of SMCs along with the authority assigned to them is a debatable topic and further research needs to be done specifically focussing on SMCs which is beyond the scope of this paper.

4. National Commission for Protection of Child Rights

National Commission for Protection of Child Rights has been set up under the Commissions for Protection of Child Rights Act, 2005 by the Ministry of Women and Child Development, Government of India, for protection of child rights in the country (National Commission for Protection of Child Rights 2009).

In this section, the NCPCR is covered in detail. As previously mentioned, the NCPCR has been assigned the primary role in monitoring of the Right to Education Act. This section includes details about the structure of NCPCR, its functions, the proposals and plans they have for monitoring, implementation of those proposals as well as their drawbacks.

4.1 Structure of NCPCR

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┌─────────────────────┐
│ Chairperson         │
└─────────────────────┘
          │
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┌─────────────────────┐
│ Member Secretary    │
└─────────────────────┘
    │      │      │
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| Director | Registrar | Consultants |

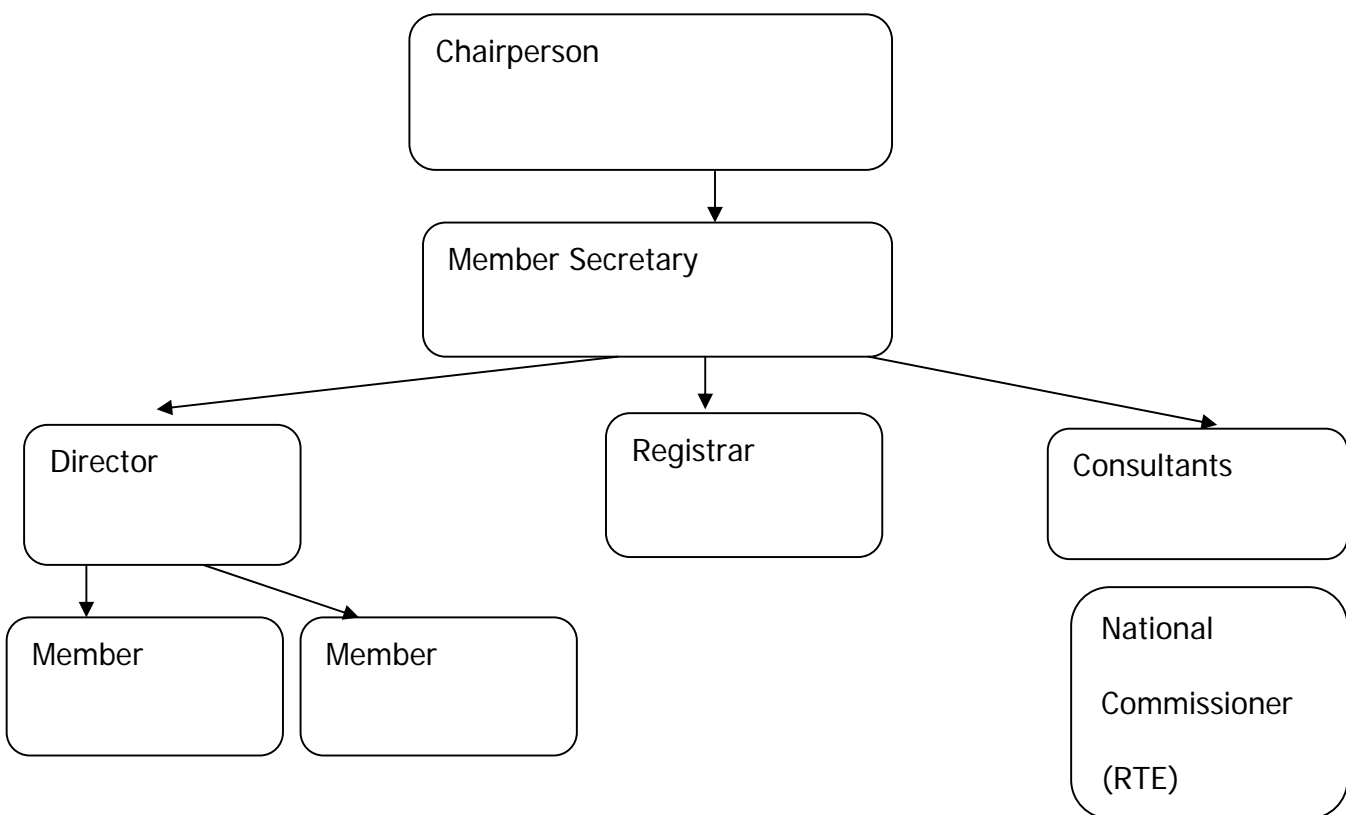| Member | Member |

| National Commissioner (RTE) |

Table 2 - Structure of NCPCR

(Source: National Commission for Protection of Child Rights 2009)

Note – This table only includes the relevant details for monitoring RTE[3]

4.2 Functions and quasi-judicial authority of NCPCR

NCPCR was established in 2005 to ensure that –

All Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. (National Commission for Protection of Child Rights, Home: NCPCR n.d.)

Currently, the commission focuses on building public awareness on issues related to the rights of children suggesting policy as well as legal measures and looking into complaints received or *suo moto* on violation of child rights[4]. The commission is governed by the National Commission for Protection of Child Rights (NCPCR) Act, 2005. The Commission, while enquiring into any matter, has all the powers of a Civil Court trying a suit under the Code of Civil Procedures, 1908 (ibid.)

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[3] The actual structure varies a little from the structure shown and more details can be found at

http://www.ncpcr.gov.in/Acts/Right_to_Information_Act_2005.pdf

[4] The powers, activities and mandate are mentioned in greater details on its website www.ncpcr.gov.in

4.3 Proposals of NCPCR with respect to monitoring the RTE

Since the role of monitoring has been assigned to NCPCR, it has formulated some proposals to fulfil its responsibility. This section will have a brief description of each of those proposals followed by its analysis.

4.3.1 Expert group on 'Monitoring the Child's Right to Education'

NCPCR has constituted an expert committee comprising of educationists, government officials, and civil society activists etc. to formulate the NCPCR's plan for implementing the monitoring of the Right to Education Act (Usha Rai 2010).

The expert group includes officials from NCPCR, MHRD, NUEPA, NCERT, as well as representatives from Mamidipudi Venkatarangaiya Foundation, Akshara Foundation and Aman Biradari amongst others. The expert committee has held four meetings till March 2010 and has suggested various measures for monitoring.

The proposals of the expert group include –

- Establishment of an RTE Division within NCPCR (Role of NCPCR in the RTE Act 2009)

- Appointment of state representatives to assist NCPCR (Usha Rai 2010)

- Maintaining a web-based portal for registering and tracking complaints online (National Commission for Protection of Child Rights n.d.)

- Social Audits and Public Hearings to be conducted at regular intervals (Usha Rai 2010)

While the expert group has suggested a number of measures that can help in monitoring RTE, the frequency of the group's meetings and the lack of information available online about the group is a matter of concern. For instance, minutes for only two meeting of the expert group are available online. Most of the members of the expert group are also inaccessible to the public. The constitution of the expert group is a step in the right direction; however, it should not become ineffective and dormant like other parliamentary committees. Instead, the expert group can act as the main instrument steering the NCPCR's role as the monitoring agency of RTE with its regular meetings and feedback to strengthen the NCPCR's role.

4.3.2. Right to Education Division within NCPCR

The cornerstone of NCPCR's proposal is the establishment of an RTE Division within NCPCR. While it was earlier proposed to be a cell, it has now been renamed as a division. After the expert group meeting on 22nd February 2010, Lov Verma, Member Secretary was designated as the Commissioner and Kiran Bhatty, RTE Commissioner was designated as the Director for the division (3rd Meeting of the Expert Group on Monitoring Child's Right to Education, 22 February 2010).

The RTE Division will cater specifically to complaints and issues related to violation of the child's right to education. The creation of a separate division will ensure that the NCPCR can focus its attention on the RTE and also ensure that it can be held accountable for its special role in monitoring which is beyond the mandate with which NCPCR was once established.

The RTE Division's planned structure included a National Technical Support Group (NTSG) and State Level Support Groups. Main functions of the NTSG include data and information gathering, monitoring complaints and grievance redressal, feedback and follow-up with states, publicity and awareness as well as capacity building.

Currently, while the RTE division has been constituted, details about its composition and activities are not yet in the public domain. Details about the NSTG and state level technical state group are also not yet available despite the implementation of the RTE Act almost three months ago.

The website set up by the division is covered in the next section; however, clearly NCPCR has a long way to go in terms of publicising its RTE division as well as making it more approachable to the public.

4.3.3. Right to Education Division website http://rtemonitoringcell.info/

The website for the RTE division is a great source of information on the RTE and is definitely one of the achievements of NCPCR with respect to monitoring RTE. The website has several features such as –

- RTE Primers which explain the roles and responsibilities of various stakeholders in the Act in a simple and lucid manner such as those on teachers, schools and grievance redressal.

- Facility to initiate a petition which can be very useful for civil society organizations and individuals to ensure that the norms are met and point out when they're being violated. This also ensures that the petition is taken notice of by the appropriate authority within the government and strengthens cooperation between the NCPCR and the public at large.

- Details about the committees and sub-groups set up under the RTE Division such as the Expert Group mentioned previously

- Discussion forum to facilitate debate and dialogue about the RTE

- Facility to post and publicise and an RTE related event

- Directory and newsletter to receive regular updates from the monitoring division of NCPCR

However, the complaint registration mechanism is non functional at the moment and according to the website should be coming soon. The facility to register and track a complaint online can be an enabling factor for parents and civil society and thus, should have been accorded a higher priority during the construction of a website. This is one drawback that the monitoring division's website should rectify soon to ensure that the RTE Act is monitored effectively.

4.3.4. State Education Commissioners

According to a recent article in Hindustan Times (Kasturi 2010), the centre also plans to appoint central watchdogs known as Right to Education Commissioners who will be reporting directly to the National Commission for Protection of Child Rights. An interesting point is that this initiative will be funded by the Ministry of Human Resources Development (MHRD) itself which might lead to their feedback not being as objective as it should be, considering that they will be monitoring an Act which has to be implemented by the MHRD.

The State Education Commissioners are also yet to be appointed and one of the crucial issues with respect to NCPCR monitoring the RTE Act is the financial support that NCPCR will receive from MHRD and thus, ensuring transparency and critical feedback of the implementation of the RTE Act which in turn implies being critical of the MHRD.

4.4 Drawbacks

While NCPCR does have various plans on the anvil to fulfil their responsibility of monitoring, the implementation and lack of awareness about those initiatives might hold back the process. Specifically, some of the drawbacks in NCPCR's strategies include –

- Lack of information dissemination about NCPCRs role and the initiatives taken to monitor the RTE

- Details of the RTE Division are not available online and make the division appear very inaccessible

- Online complaint registration mechanism has still not been initiated

- Lack of publicity about the RTE and specifically section 31 amongst the citizens

- Capacity building workshops and consultations with civil society organizations are either absent or not frequent enough

- Financial support from MHRD may not be the most desirable to ensure independent and critical monitoring

5. Delhi Commission for Protection of Child Rights

Delhi Commission for Protection of Child Rights (DCPCR) has been constituted under the commissions for Protection of child rights Act, 2005, through Govt. of NCT Notifications, 2008. The functions of the Commission include protection of child rights, enquiring into violations of child rights, monitoring of laws, policies and programmes relating to children and, taking cognizance of matters relating to children in need of care and protection- distressed, marginalized and juveniles as well as research, compilation, promotion, literacy and awareness on child rights and safeguards through media, publications and seminars (Delhi Police Juvenile Justice Unit 2010).

5.1 Structure of DCPCR

President – Amod Kanth
Member Secretary –X.X. Mahato
Members – M.M. Vidyarthi, Shashank Shekhar, Sarita Sarangi, Zeeshana Khan
School Inspector – Jaipal Singh
RTE Consultant – B.C. Narula

Table 3 – Structure of DCPCR

5.2 Functions of DCPCR

The Commission, while inquiring into any matter has all the powers of a civil court trying a suit under the code of civil procedure 1908 and in particular, in respect of the following matters;

- Summoning and enforcing the attendance of any person and examine him on oath;

- Discovery and production of any document;

- Receiving evidence on affidavits;

- Requisitioning any public record or copy thereof from any court or office; and

- Issuing commission for the examination of witnesses or documents.

The Commission also has the powers to forward any case to a Magistrate having jurisdiction to try the same. The magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him u/s 346 Cr.P.C. 1973.

The Commission is statutorily empowered to take any of the following steps after completion of the enquiry,

Where the enquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may

recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

Approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

Recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary (ibid.).

5.3 Role of DCPCR in monitoring RTE

Within DCPCR, a special RTE cell has been constituted to deal with cases related to the provisions in the Right to Education Act. B.C. Narula is the RTE consultant for the cell and a visit to the DCPCR office reveals the volume of work that they have to deal with on a daily basis.

Since the enforcement of the Right to Education Act, the commission has received complaints relating to 2612 children with violations ranging from denial of admission, corporal punishment, and admission under free ship quota and cases of dropout children (DCPCR Press Release 2010).

A brief summary of the complaints received by the RTE cell of DCPCR was obtained from the office. Some of the most common complaints received by NGO's working in

the vicinity include cases of out of school children sent denial of admission under free ship quota, corporal punishment and harassment of children.

Type of complaint	Number of complaints received	Number of children affected
Harassment of children	3	1
Corporal Punishment	3	
Denial of admission	6	7
Lack of infrastructure	Notice issued to 967 schools	
Out of school children	8	1379

Table 4 – Summary of complaints received by DCPCR

(Source: Documents obtained from RTE Division of DCPCR)

Once a complaint is received, a notice is issued to the authority specified. The school or department has to submit a report/explanation by a certain date and further action is taken depending on the response. Most of the cases are resolved with admission being granted to the students. In some exceptional cases, DCPCR has continuous follow up with the school management to monitor the progress of the child.

5.4 Drawbacks –

- DCPCR has no website

- Large volume of complaints

- No RTI cell/branch or facility for obtaining information

- Under staffed – RTE Cell, school inspectors

- Office is not very accessible

- No internal deadlines to dispose off with a complaint

- Complaint has to be made in a written form. Cannot be made online or telephonically

6. Monitoring in Delhi Government Run Schools

Government of Delhi has converted its 326 schools into composite schools now known as Sarvodaya Vidyalayas having classes from I to XII (Directorate of Education n.d.).

As per the RTE Act, they're now obliged to provide free and compulsory education to all children from the age of 6-14. The Directorate of Education (DoE) website provides details on schools categorised on the basis of district/zone/school. The website provides

individual school data in the form of a report card. The snapshot is provided below –

(Source: http://www.edudel.nic.in/mis/schoolplant/school_information.htm)

The schools are also open to inspection by the branch of the DoE. The DoE website also provides daily attendance reports for teachers and students in each of its schools.

With respect to monitoring structures of RTE, the DoE schools can also be held accountable for violations of the Act.

A recent example includes the notice sent to the Delhi government with respect to conducting an entrance examination for admission in Pratibha Vikas Vidyalayas for class 6th. Under the provisions of the Right to Education Act, a screening procedure cannot

be used to select students for admission till class 8th. The only method for selection has to be a random method (India Edunews.net 2010).

7. Role of Local Authorities

The Municipal Corporation of Delhi (MCD) and New Delhi Municipal Council (NDMC) also run schools in Delhi. Similar to the DoE schools, these schools are also now liable to provide free and compulsory education and have to be monitored by the NCPCR and the SCPCRs.

7.1 Monitoring in MCD Schools

The Municipal Corporation of Delhi runs only primary schools till class 5th. The education department headquarters are situated at Old Hindu College Building, Kashmere Gate. Within the education department, there is an inspection branch that carries out school inspections either *suo moto* or upon receipt of a complaint. The education department also provides gross data on enrolment figures, infrastructure facilities such as toilets and blackboards and retention figures for students.

However, the financial data and teacher records can only be accessed at the school itself and requires the permission of the school inspector to go through such records. Unlike the DoE website, the MCD website does not provide any information on schools as such.

7.2 Monitoring in NDMC Schools

Since NDMC is present in a smaller geographical area as compared to the MCD, the responsibility of monitoring the schools falls within the purview of the three Additional Directors of Education (ADE) whose office is located in Palika Kendra, Connaught Place.

Their role is similar to that of the school inspectors in the MCD. NDMC schools are also open to scrutiny by the DCPCR and NCPCR and also receive regular guidelines from them, such as recent ones on corporal punishment and well-being of students.

8. RTE and Sarva Shiksha Abhiyan

Sarva Shiksha Abhiyan is being implemented as one of India's flagship programme for ensuring universal primary education. Its overall goals include universal access and retention, bridging of gender and social category gaps in elementary education, and enhancement in learning levels of children. SSA also provides for a variety of interventions, including opening of new schools and alternate schooling facilities, construction of schools and additional classrooms, toilets and drinking water, provisioning for teachers, periodic teacher training and academic resource support, textbooks and support for learning achievement (Department of School Education and Literacy n.d.).

The RTE Act has important implications for the overall approach and implementation strategies of SSA, making it necessary to harmonize the SSA vision, strategies and

norms with the RTE mandate. In this context the Department of School Education and Literacy set up a Committee under the Chairpersonship of Shri Anil Bordia, former Education Secretary, Government of India, to suggest follow up action on SSA vis-à-vis the RTE Act[5] (ibid.).

The key difference between RTE and SSA is that while SSA is a programme with set components and outcomes, RTE is a fundamental right. Hence, monitoring a programme is quite different from monitoring an act or a law. While SSA has its own monitoring mechanisms to monitor inputs, most of those also fall under the purview of RTE and hence can be integrated. However, RTE provides fundamental challenge in monitoring since it is now a universal right and in this context monitoring would mean taking appropriate action to address the violation of that fundamental right.

8.1 Monitoring the Sarva Shiksha Abhiyan

Being one of the flagship schemes of the present UPA government, SSA monitoring reports have to be sent on a quarterly basis to the Delivery Monitoring Unit of the Prime Minister's Office. Eighteen projects had been identified in July 2009 which would send in

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[5] The Anil Bordia Committee report is a comprehensive document that covers the integration of the Sarva Shiksha Abhiyan with the principles of the RTE Act. The text of the report can be accessed at -

http://ssa.nic.in/page_portletlinks?foldername=quality-of-education

their reports to the DMU headed by the Prime Minister's Principal Secretary T.K.A. Nair with SSA being one of them (IANS 2010).

The report submitted to the DMU is a **broad** document that covers access, enrolment and retention and quality[6]. However, an important drawback of the reports is that for a number of indicators such as infrastructure, enrolment and teachers, the source of the data is the District Information System of Education 2008-09 (DISE) which can be unreliable at times. DISE and its role in monitoring are covered in detail in the next section.

Apart from the report sent to the Delivery Monitoring Unit of PMO, Sarva Shiksha Abhiyan also has the following indicators for monitoring[7] –

- Joint Review Missions carried out twice a year by the Government of India and Development Partners

- State Wise reports of monitoring institutions which are basically third party monitoring by institutions such as universities

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[6] The delivery monitoring unit report for the quarter ending 31st March 2010 can be accessed at

http://ssa.nic.in/page_portletlinks?foldername=monitoring

[7] All the reports mentioned above can be accessed at

http://ssa.nic.in/page_portletlinks?foldername=monitoring

- Half Yearly Physical Progress reports

- Study on financial aspects relating to SSA

Apart from these reports mentioned, other parameters that can be used in monitoring and available on the SSA Portal include[8] –

- Progress related to quality interventions

- Monitoring quality dimensions of elementary education

- Learning achievements of students

These reports focus on the quality dimensions of education and in collaboration with the physical progress and financial monitoring data can strengthen the monitoring mechanisms of RTE.

8.2 Integrating the monitoring mechanisms of RTE and SSA

Both RTE and SSA have the same goal in mind – ensuring access to quality education for all children. However, their monitoring structures are different since the implementation of the two is different. Specifically, SSA will be the main programme to ensure the coverage of the RTE Act. In this context, there is a need to ensure that the

[8] The reports relating to quality of education can be accessed at

http://ssa.nic.in/page_portletlinks?foldername=quality-of-education

monitoring mechanisms of SSA are strengthened and the information used in ensuring the right to education. However, while SSA is implemented and monitored by the MHRD, RTE monitoring is now the responsibility of NCPCR.

The modalities of interaction between the two bodies need to be established to ensure timely flow of information. Also, while SSA monitoring is focussed more on inputs, infrastructure and fund flows, the monitoring of RTE has taken the form of complaints and grievances related to violations of child rights which are not under the purview of the SSA.

9. Use of District Information System for Education (DISE) data in monitoring of RTE

For the monitoring of Sarva Shiksha Abhiyan, a computerized management information system, namely DISE with school as the unit of data collection and district as the unit of data dissemination has been developed jointly by the National University of Educational Planning and Administration (NUEPA), Ministry of HRD, Government of India and UNICEF which is under implementation in all the 633 districts spread over 35 States and UTs of the country (District Information System for Education n.d.).

District and State Report Cards as well as DISE Flash Statistics and Analytical Reports are being brought out by NUEPA annually have also been made available at the DISE website for the last five years. District Elementary Education Plans under SSA across the country are primarily formulated based on DISE data (ibid.).

The School Report Cards[9] prepared by NUEPA on the basis of DISE data can be an excellent tool for monitoring. One of the positive features of DISE is its coverage and it can be a building block for generating school information about any school. However, since it is self-reported i.e. submitted by the school itself, it can be prone to errors specially the data on the financial transactions of a school.

A school report card sample is provided below –

[9] A detailed school report card can be accessed at -

http://www.schoolreportcards.in/seeschoolreportdetail09.asp?cmbschool=12100101301&cmbstate=12&cmbdistrict=1210

While the DISE data is currently in use for making SSA plans, it can be integrated with RTE monitoring as well by linking it with the NCPCR website and violations committed by any school should be visible on its report card. Also, the quality of the data as well as the 5% random sample checks needs to be strengthened keeping in mind its utility as the main information database for SSA. Technically, DISE data represents government information and the government or relevant school can be held accountable for violation of norms such as pupil teacher ratios as mentioned in the report card.

10.   Recommendations

- Sarva Shiksha Abhiyan has monitoring formats to measure quality in education. Those formats can be adopted under the RTE to ensure access to quality education and hold schools accountable not just for violations such as corporal punishment and ensuring a focus on outcomes which the RTE Act critically lacks.

Dimensions	Key Indicators
Infrastructural Facilities in the School	Classroom/ space for learning Space for activities (individual and group) Drinking water facilities Storage facilities for drinking water Toilet facility Playground and play material facilities

School Management and Community Support	Children attendance Teachers' attendance Academic support, if possible Financial support TLM development support Learners' assessment Timely availability of books
School and Classroom Environment	Physical Environment - *Proper lighting facility in the classroom (sunlight)* Social Environment - *Child-child relationship* - *Teacher-child relationship* - *Teacher-teacher relationship* - *Teacher-administrator relationship* - *Sensitive treatment of children from special focus groups* Participation of the community in school activities Pre-school facilities Facilities available for health check-up/ follow up measures Incentive Schemes
Curriculum and Teaching Learning Materials	Existing curriculum and its coverage Curriculum revision exercise Competency-based materials Black board and its usage Availability of textbooks to children Textbook production Distribution of textbooks Availability of teaching-learning materials Library and its use Laboratory/ Kits and their use
Teacher and Teacher preparation	Teacher profile Teacher position (class-wise) Class teacher/ subject teacher system Pre-service experience

	In-service experience Difficulties faced during teaching (academic/ administrative) Ability to develop and use TLM Motivation level of teacher Teacher-community relationship Support available to the teachers in the school Role of BRC/ CRC in teacher preparation Monitoring classroom processes
Classroom Practices and Processes	Classroom organization - *Seating arrangement* - *Classroom setting* Display of materials in the classroom Grouping of Children Pupil-Teacher Ratio (PTR) Methods of introducing the topic Teaching-Learning Process (Pedagogy) Use of Teaching-Learning Materials Students initiative in Teaching-Learning Process Assessment procedure followed
Opportunity Time (Teaching-Learning Time)	Number of days school opens in a year Actual number of days, teaching-learning occurs in a year Number of teaching hours/ day Number of teachers in a school Number of sections of each class in a school Number of classes that each teacher handles (Monograde/Multigrade) Learners' attendance Number of days teachers are involved in non-teaching assignments in a year.

Learners' Assessment, Monitoring & Supervision	Policy adopted in the States for - No detention - Grade/ Marks - Internal/ External examinations - Periodicity of assessment (Quarterly, Half- yearly, Annual) - Reward/ Punishment - Recording procedures in school Feedback mechanism used by teachers Involvement of parents in VEC Procedure to give feedback to parents.

Table 4 - Monitoring Quality Dimensions of Elementary Education

(Source – http://ssa.nic.in/page_portletlinks?foldername=quality-of-education)[10]

- Prof AN Reddy from NUEPA has also prepared a list of monitoring indicators under the RTE Act[11] which can be used to strengthen the existing monitoring mechanisms

- Use of Multiple Indicator Cluster Surveys (MICS)[12] indicators developed by UNICEF to measure literacy and education outcome

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[10] The document is available at http://ssa.nic.in/page_portletlinks?foldername=quality-of-education which clearly explains the monitoring formats as well as frequency of data collection, school level forms, planning etc.

[11] Attached in appendix 1

- National Commission for Protection of Child Rights –

  o Publicising the role of NCPCR in the RTE Act via information campaigns and media outreach

  o Make the RTE Division more accessible to the general public and update status and minutes of the meetings on the website

  o Online complaint registration and follow-up mechanism should be initiated at the earliest

  o Work out modalities of interaction with MHRD at the earliest and ensure that NCPCR's autonomy is not hindered by financial support from MHRD

  o Setting up of SCPCRs and Right to Education Protection Authorities (REPAs) has to be given priority and the process must be initiated with consultations and support from respective state governments

- Delhi Commission for Protection of Child Rights –

  o Set up a website at the earliest to ensure that complaints can be received and tracked online

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[12] Attached in appendix 2

o Recruit more consultants and staff for the RTE Division to deal with the large volume of complaints

o Disclose the nature of volume and nature of complaints received in a public domain without disclosing the identity of the complainant to ensure accountability and transparency

o Create a computerised database of complaints received and their follow-up to reduce unnecessary secretarial work and facilitate the speeding up of process

o Set internal deadlines to ensure that complaints do not take too much time

o Publicity of their role in RTE and grievance redressal mechanism to build awareness

11.   Conclusion

This paper is an attempt to analyse and understand the monitoring structures of the Right to Education Act. Through the primary and secondary research carried out for this paper, it is evident that the NCPCR and DCPCR are doing commendable work to fulfil their responsibility. However, to ensure proper implementation and monitoring, the setting up of other state commissions and the Right to Education protection authorities must be accorded the highest priority as well as strengthening and building upon the

work being done by NCPCR. The establishment of the RTE Division and the website are steps that can be taken by each state with the help of NCPCR. There is also a need to ensure proper redressal of complaints related to violations of RTE.

12.   Further Research

The scope and field work for this paper was limited to Delhi region only. Hence, monitoring mechanism in other states specially those do which do not have State Commission for Protection of Child Rights need to be examined in detail.

Also, while SSA and RTE have been discussed in brief, analysis of SSA monitoring mechanisms is beyond the scope of the paper and can be a topic for a separate project.

Within the issues addressed in this paper, specific analysis of complaints received by NCPCR and DCPCR can also be undertaken to understand the most common violations of the RTE Act and their grievance redressal mechanism.

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Annexure 1 – Monitoring Indicators by AN Reddy, NUEPA

Prepared by Mr. a. N. Reddy, Assistant Professor, Department of EMIS, NUEPA, New Delhi				
Item in Schedule	**Indicator/Norm**	**Method of calculation**	**Remarks**	**Availability of Data**
Availability of Teachers in Primary sections	Proportion of sections with enrolment upto 60 by number of teachers	$\dfrac{\text{Number of sections with enrolment upto 60 having less than two teachers}}{\text{Number of sections with enrolment 60}} \times 100$	All sections with enrolment upto 60 having 0 and one teacher need to be provided two and one additional teachers respectively to confirm to RTE	Non availability of data on teachers by sections may seriously constrain the efforts to monitor the implementation of RTE.
	Proportion of sections with enrolment above 60 and below 90 by number of teachers	$\dfrac{\text{Number of sections with enrolment between 61 and 90 having less than three teachers}}{\text{Number of sections with enrolment 61 and 90}} \times 100$	All sections with enrolment between 61 and 90 having 0, 1 and 2 teachers need to be provided 3, 2 and 1 additional teacher to confirm to RTE	
	Proportion of sections with enrolment above 91 and below 120 by number of teachers	$\dfrac{\text{Number of sections with enrolment between 91 and 120 having less than four teachers}}{\text{Number of sections with enrolment 91 and 120}} \times 100$	All sections with enrolment between 91 and 120 having 0, 1, 2 and 3 teachers need to be provided 4, 3, 2 and 1 additional teacher to confirm to RTE	
	Proportion of sections with enrolment above 121 and below 150 by number of teachers	$\dfrac{\text{Number of sections with enrolment between 121 and 150 having less than five teachers}}{\text{Number of sections with enrolment 121 and 150}} \times 100$	All sections with enrolment between 121 and 150 having 0, 1, 2, 3 and 4 teachers need to be provided 5, 4, 3, 2 and 1 additional teacher to	

			confirm to RTE	
	Proportion of sections with enrolment above 150 children	Number of sections with enrolment above 150 children with less than five teachers excluding head master --- × 100 Number of sections with enrolment above 150	All sections with enrolment above 150 with 0, 1, 2, 3, 4, teachers excluding head teacher need to be provided 5, 4, 3, 2 and 1 additional teacher to confirm to RTE	Data on availability of full time head teacher by the size of school is required
		Number of sections with enrolment above 150 children with five teachers but not head master --- × 100 Number of sections with enrolment above 150.	All sections with enrolment above 150 with five teachers but not head master need to provided head master to confirm to RTE.	
		Number of sections with enrolment above 150 children less than five teachers without head master --- × 100 Number of sections with enrolment above 150	All sections with enrolment above 150 with 0, 1, 2, 3, 4, teachers without head teacher need to be provided 5, 4, 3, 2 and 1 additional teacher and also head teacher to confirm to RTE	
	Proportion of sections with enrolment above 200 children	PTR shall not exceed 40 (excluding head master)	Sections with PTR more than 40 need to be provided additional teachers to make it less than 40. Sections without head master should be provided same	

| Availability of Teachers in Upper Primary sections | UP sections with less than 100 enrolment

1) At least one teacher per class with at least one teacher for (a) mathematics (b) social studies and (c) languages and
2) At least one teacher for every 35 children | i. Proportion of UP sections with three teachers
   a. Proportion of sections having science, social and language teachers separately | a. UP sections with less than teachers should be provided additional teachers preferably in subject areas where teacher is not available.

b. Proportion of sections not having science, social studies, and languages separately (but having three teachers) need to be provided the same | Non availability of data on teachers by sections may seriously constrain the efforts to monitor the implementation of RTE.

Data on availability of full time head teacher by the size of school is required

Non-availability of data on teachers by subject needs to be addressed. |
| | UP sections with more than 100 enrolment-in addition to above should have
a. A full time head teacher
b. Part-time instructors for art education, health and physical education and work education | a) Proportion of schools with more than 100 enrolment
  i. With three teachers
  ii. With science, social and language teachers separately
  iii. Head teacher
  iv. Part-time teachers for art, health and physical and work education | In addition to above,
(a) Sections not having head teacher should be provided with head teacher.

Sections with no part time teachers for art, health and physical and work education should be provided the same | Non-availability of data on part-time instructors by schools also needs to be filled |

BUILDING	One class room for every teacher with office-cum-store-cum head teachers room	Number of class rooms -------------------------------------- Number of teachers	If it is less than 1, additional class rooms need to be provided	Schools by teachers and number of classes ought to be cross tabulated
	Barrier free access	Availability of ramp	If not available needs to be provided	Available in DISE
	Safe and adequate drinking water	Availability safe and adequate drinking water	More precise definition needed	Data water is available in DISE
	Separate toilet for girls and boys	Availability of general toilet and girls toilet in co-educational schools	If not available needs to be provided	Data on the status of school (boys, girls, coeducational and availability of separate girls and boys toilets needs to cross tabulated. Available in DISE
	Kitchen	Availability of Kitchen	If not available needs to be provided	Available in DISE
	Play ground	Availability of Play ground	Needs more precise definition in terms dimension and size of play ground	Available in DISE
Minimum Number of working days/instructional hours		200 working days in primary sections 220 working days in upper primary sections 800 instructional hours per academic year in primary sections 1000 instructional hours per academic year in		Number of working days and instructional hours by sections need to be collected by sections. DISE provides data by schools

		Upper primary sections		
Minimum number of working hours per week for the teacher		45 teaching hours including preparation hours	Excessive workload (?)	Needs to be collected
Teaching learning equipment		For each class	More precise definition	Needs to be collected class wise
Library		Library with Newspaper, magazines, and books		DISE provides data even by number of books available

Needs to be improved include items newspapers, magazines books separately |
| Play material, games and sports equipem4ent | | For each class | More precise definition | Needs to be collected class wise |
| Non-education duties | | | Definition should limit number of days a teacher can be deployed to non-education duties | DISE provides limited data

Needs to be collected by teachers and by number of working days |

Annexure 2 – Multiple Indicator Cluster Survey (MICS-4) developed by UNICEF

	LITERACY AND EDUCATION				
7.1	Literacy rate among young women	WB	Number of women age 15-24 years who are able to read a short simple statement about everyday life or who attended secondary or higher education	Total number of women age 15-24 years	MDG 2.3
7.2	School readiness	ED	Number of children in first grade of primary school who attended pre-school during the previous school year	Total number of children attending the first grade of primary school	
7.3	Net intake rate in primary education	ED	Number of children of school-entry age who enter the first grade of primary school	Total number of children of school-entry age	
7.4	Primary school net attendance ratio (adjusted)	ED	Number of children of primary school age currently attending primary or secondary school	Total number of children of primary school age	MDG 2.1
7.5	Secondary school net attendance ratio (adjusted)	ED	Number of children of secondary school age currently attending secondary school or higher	Total number of children of secondary-school age	
7.6	Children reaching last grade of primary	ED	Proportion of children entering the first grade of primary school who eventually reach last grade		MDG 2.2
7.7	Primary completion rate	ED	Number of children (of any age)	Total number of children of primary	

			attending the last grade of primary school (excluding repeaters)	school completion age (age appropriate to final grade of primary school)	
7.8	Transition rate to secondary school	ED	Number of children attending the last grade of primary school during the previous school year who are in the first grade of secondary school during the current school year	Total number of children who are attending the first grade of secondary school	
7.9	Gender parity index (primary school)	ED	Primary school net attendance ratio (adjusted) for girls	Primary school net attendance ratio (adjusted) for boys	MDG 3.1
7.10	Gender parity index (secondary school)	ED	Secondary school net attendance ratio (adjusted) for girls	Secondary school net attendance ratio (adjusted) for boys	MDG 3.1