

School Closures in Haryana: Learning from past experiences

Arjun Malhotra

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TABLE OF CONTENTS

1. Abstract	3
2. Introduction.....	5
3. Budget Private Schools vs Government School.....	6
4. Recognition Requirements in Haryana.....	8
5. Methodology.....	10
6. Findings.....	11
6.1 Case Study.....	11
6.2 Overall Situation.....	15
6.3 Current Situation.....	17
7. Policy Recommendation.....	20
8. Conclusion.....	21
9. References.....	22
10. Annexure 1.....	23
11. Annexure 2.....	25
12. List of Tables	
• Table 1.....	18
• Table 2.....	23
• Table 3.....	25

1. ABSTRACT

This paper seeks to bring much needed attention to the problem of school closures due to Sections 18 and 19 of the Right to Education Act, 2009 with a case study of four schools in one district of Haryana. This paper documents the problems schools in Haryana faced because of Haryana School Education Rules, 2003 and makes an attempt to extrapolate those problems to the current situation. This research revealed myriad of problems that plague the education sector in Haryana like inability of budget private schools to comply with the norms, lax attitude of government schools in adhering with the norms and massive corruption in the education sector. It provides policy recommendations and arguments based on past experiences of school closures in Haryana as to why existing schools could meet with the same fate as those schools. The findings of this research are only tentative and further in- depth research needs to be conducted on this topic.

ABBREVIATIONS

RTE- Right to Education

NISA- National Independent School Alliance

ASER- Annual Status of Education Report

NCAER- National Council of Applied Economic Research

IHDS- Indian Human Development Survey

INR- Indian National Rupee

JBT- Junior Basic Teacher

TET- Teacher Eligibility Test

2. INTRODUCTION

In the past few decades private unaided schools have mushroomed in India as an alternate answer to the dysfunctional government education system and schools. They cater to the education needs of children of the low income families who have almost completely lost faith in the quality of education provided by the government schools. But with the passing of the landmark Right to Free and Compulsory Education in 2009, most of these schools face closure. Sections 18 and 19 of the RTE lays down a list stringent and prescriptive norms and standards that every school needs to comply with in order to gain recognition. If they fail to conform to these norms and standards, they will face closure.

Section 19 of the act stipulates that every school shall fulfil norms and standards within three years of the commencement of the act at its own expenses. Failing to do so would lead to withdrawal of recognition. More than one year has gone by since the deadline of 31st March, 2013 for complying with the norms and media reports suggest that 92% of schools have still not complied with these norms and standards. According to NISA estimates 2500 schools have been shut down and additional 4500-15000 schools face the threat of closure in 17 states. They further go on to estimate that at an average of 200 students per school, around 9-50 lakh students may be affected. With so many schools facing the threat of closure and the future of lakhs of students on the line, RTE will fall short of its target of ensuring free and compulsory elementary education.

The situation in Haryana is no different with many schools on the verge of closing down. Although there is no proper documentation on part of the Haryana government in regards to closure of schools, there are other sources indicating that there are schools in Haryana which are facing difficulty in complying with these infrastructural norms. A recent High Court order has stayed the closure of 1372 schools, which clearly hints at the fact that there are schools which are facing problems in conforming to these stringent norms. Even government officials do not deny that notices have been served and schools have been shut down but they are reluctant to divulge any more detail about these schools.

Since the High Court has stayed the closure of 1372 schools in Haryana and no source could be found that could give any reliable data regarding these schools or any other school that might have closed down, this study looks at schools that shut down because of Haryana School Education Rules, 2003 before Right to Education was implemented. The problems faced by those schools can be extrapolated to possible problems that schools in Haryana could face now because the norms and standards in Haryana Right to Free and Compulsory Education Act are as stringent as Haryana School Education Rules, 2003, if not more. Another reason why the

problems can be extrapolated is that Haryana State Laws¹ still coexists along with Haryana RTE² which can create more problems for schools in Haryana.

Although the problem of school closures has gained much traction in the media, existing literature on this topic is very limited and does not provide much conclusive evidence as to why schools are not able to comply with these norms. This study aims to contribute towards the cause by tracking the problems that schools in Haryana faced because of Haryana State Laws and extrapolating them to the problems that existing schools in Haryana could face in future.

The paper has been divided into five sections. The first section discusses the necessity of budget private schools and how they provide quality education to children coming from low income families. The second sections lists down the norms and standards that schools need to adhere to under various acts in Haryana to gain recognition. The third section discusses the methodology followed to collect the data for the paper. The fourth section collates the findings of primary and secondary research. The fifth section gives policy recommendations based on the findings.

3. BUDGET PRIVATE SCHOOLS VS GOVERNMENT SCHOOLS

Budget private schools cater to the children of low income family. They generally charge a very low fee compared to big private schools and serve as alternate source of education to meet the education aspirations of the children coming from low income families. Many studies (Kingdon, 2007 and ASER, 2013) have been conducted to show that the educational output of these schools is much better than government schools.

The past few decades have seen a rapid transformation of the Indian educational landscape evident by the high incidence of private schools in India. Muralidharan and Kremer (2007) noted that 50% of the rural private schools were established 5 or fewer years before their survey, and nearly 40% of the students enrolled in private schools were in these schools. They further observed that states, districts and villages with poor performing public schools were each more likely to have private schools. ASER (2013) confirms the increasing role of private inputs in education by finding that in areas where private school enrolment is low; the proportion of government school children going for private tuitions is very high.

¹ Haryana School Education Rules, 2003 and Haryana State Rules are used interchangeably in the paper.

² Haryana RTE and Haryana Right to Free and Compulsory Education, 2011 are used interchangeably in the paper.

Even amongst the poor, the popularity of private schools is very high. Of all school-enrolled children aged 5-10 years old living below the poverty line, 14.8% attended private schools (8% in rural and 36% in urban India). The corresponding figures for ages 11-14 (junior school age) and 15-17 (secondary school age) were 13.8% and 7.0% respectively (ASER, 2013).

The problems plaguing government schools are many. Teacher absenteeism is a major issue that is universally reported in almost all government schools. Muralidharan and Kremer (2007) found that “teachers in private schools are 2-8 percentage points less likely to be absent than their counterparts in government schools and 6-9 percentage points more likely to be teaching.” This is an indicator of teacher accountability. The National Commission on Teachers notes that some of the “Principals deposing before it lamented that they had no powers over teachers nor did the District Inspectors of Schools and other officials exercise any authority over them as the erring teachers were often supported by powerful teachers’ associations.” This further supported Muralidharan and Kremer’s work (2007) where they infer that one of the reasons for lax attitude of teachers in government schools is that head teachers are rarely able to take disciplinary action against non-performing teachers.

The problem is further compounded by the dilapidated condition of the school infrastructure and facilities. In their survey in Delhi, Tooley and Dixon (2005) found that private unaided schools had much better infrastructure and facilities. Kremer et. al. further go on to note that poor school infrastructure and facilities can be one of the reasons for high percentage of teacher absenteeism in government schools as the environment is not conducive for teaching.

The parlous state of government schools in terms of pupil achievements is well documented in the findings of ASER (2013). It reported a widening gap between government school students and private students in terms of basic reading, mathematics and recognizing alphabets. This was consistent with the findings of the recent IHDS survey conducted by NCAER in 2011-12. It reported a small decline in reading and writing skills among children of 8-11 years. While there was a decline along all parameters in private schools, the decline in government schools was much steeper. For government schools the decline was higher — nearly 5 percentage points for both outcomes. This is further supported by surveys done in other parts of the country like Hyderabad (Tooley and Dixon, 2003), Delhi (Tooley and Dixon, 2005) and Uttar Pradesh (Kingdon, 2005). These findings indicate that education provided in private unaided schools has led to improvement in learning achievements.

Even in terms of cost effectiveness, private unaided schools have outperformed government schools. Kingdon (2005) reports that in a study in Uttar Pradesh the per-pupil expenditure in private schools was less than that in government schools. She inferred that this was due to the fact that salary in government schools was much higher than that in government schools. This is further corroborated by Tooley and Dixon (2003, 2005) and Muralidharan and Kremer (2007).

Clearly the above findings indicate that parents of low income families are dissatisfied with government schools and would rather send their children to private schools, even if it meant that they had to pay a fee. This indicates that private schools are helping in achieving the goal of universal elementary education that the RTE adopts. In order to achieve universal enrolment, the role that the private sector plays in universalizing education needs to be recognized. Widespread closure of such schools will only increase the existing problems for the Indian education sector.

4. RECOGNITION REQUIREMENTS IN HARYANA

Since education is a concurrent subject, therefore Centre and State have to share concurrent responsibility. The Central government has given a broad framework for the RTE Act with state having the prerogative of either elaborating on the clauses in the act or adopting the model rules formulated by the Central government. The Haryana government has formulated its own act called Haryana State Right of Children to Free and Compulsory Education, 2011.

But the situation in Haryana is not as described above. Before the RTE came into existence, there was a state act in Haryana which dealt with various aspects of the education sector. Even after the Haryana Government adopted its own RTE in 2011, it did not repeal the previous State Act. Now there are three different acts relating to education in Haryana namely:

- Haryana School Education Rules, 2003
- Haryana Right of Children to Free and Compulsory Education, 2011
- Right to Free and Compulsory Education, 2009

In Haryana School Education Rules, 2003, section 30 lays down various norms and regulations that a school needs to comply with in order to gain recognition. Section 30(1)(a) has a list of 30 other clauses that a school needs to conform to besides the infrastructure norms. Section 30(1)(b) deals with the various infrastructural norms. The section has can further be segregated into two different categories:

- Norms that new schools need to conform with
- Norms that existing schools need to conform with

Other sections of Haryana School Education Rules, 2003 that are directly related to recognition criteria are:

- Section 29(1): Application for opening a new school which also mentions the various recognition norms that a school needs to conform to.
- Section 30(2) makes it mandatory for every school to deposit pledge money "at least equal to six months basic pay of staff but in no case less than
 - INR 50,000 for primary school

- INR 1,00,000 for middle school
- INR 1,50,000 for secondary school
- INR 2,00,000 for senior secondary school.”
- Section 31(1): Every school seeking recognition need to submit form 2 to the appropriate authority along with a processing fees of
 - INR 1,000 for primary school
 - INR 2500 for middle school
 - INR 5000 for high school
 - INR 10,000 for senior secondary school

If there are any existing contradictions between Haryana RTE and Haryana State Laws, the former will prevail by virtue of being a Central Act. Therefore there is no point in going into further details about these norms as Haryana RTE has its own set of specifications for each norm and in case of any contradiction, it being a Central Act will supersede the State laws.

Section 12 in the Haryana RTE provides the various norms and regulations that a school needs to comply with in order to get recognition. Besides the infrastructural norms, there are various other rules and regulations that the schools need to comply with in order to get recognition such as:

- School is run by an individual or a society or a trust or a company
- School conforms to values enshrined in the Indian constitution
- School building or other structures or grounds are used only for educational purposes or skill development
- The school is open for inspection
- The school furnishes reports and information as may be required from time to time and complies with the instructions of the state authority
- The school provides barrier free access and adapted toilets for children with disability
- Maintain pupil-teacher ratio as specified in section 25 of The Right to Free and Compulsory Education Act, 2009

The infrastructural norms are laid down in appendix one and two of the State Act. Broadly there are 14 standards that every school needs to maintain:

- Land
- Building
- Size of classroom
- Number of classrooms
- Office cum Head's room
- Library
- Laboratories

- Store or kitchen cum store
- Multimedia/Edustat room
- Separate toilet for boys and girls
- Boundary wall
- Veranda
- Drinking water facility
- Playground

The specifications of each norm can be found in a table given in annexure 1.

In addition to this, form 2 (recognition form) lays down further more conditions that a school needs to adhere to in order to gain recognition:

- 25% reservation for disadvantaged groups and weaker sections of the society (section 5(a) of Haryana RTE).³
- School shall collect no capitation fees and subject the child or his or her parents to any kind of screening procedure.
- Teachers are recruited with certain minimum qualification and existing teachers should acquire minimum qualification within due time which is 5 years from the implementation of the Act (section 16 and 17 of Haryana RTE).
- No child should be held back or expelled or be required to pass any kind of board examination till completion of elementary education.

Another salient feature of section 12 of the Haryana RTE Act is that it makes a provision whereby government or local authority owned, established or controlled schools do not need to comply with any norms, thereby allowing such schools to be beyond the ambit of the act.

5. METHODOLOGY

In this paper both primary and secondary data has been collected to support the arguments that have been presented in the paper.

Initially this paper aimed at gauging the impact of school closures on various stakeholders, namely: students, school owners and teachers by conducting interviews with them but there have been no recent official school closures in Haryana and no reliable source could be found to get information on schools that might have unofficially closed down. An attempt was made to get a list of such schools from a government official in Gurgaon but he was not willing to

³ In Haryana, The Haryana School Education Rules, 2003 already had a provision wherein the schools had to reserve 10% of the seats for children of Economically Weaker Sections of the society. Therefore after the Haryana RTE was implemented, the schools had to reserve 35% of the total seats.

divulge any details about these schools. Newspaper reports mentioned the number of schools that had been shut down in each district but did not go beyond that.

Therefore the focus of the research was changed to finding schools that had been shut down because of Haryana State Laws before RTE came into existence. Four schools were found in Ambala district of Haryana which had closed down because of Haryana State Laws. Interviews were conducted with the school owners that tried to ascertain the magnitude of impact that the norms in Haryana School Education Rules, 2003 had on the functioning of schools and their future closure. Telephonic interviews were conducted over a period of one week. The interviews were semi structured with most of the questions being open ended. Due to time constraint, field visit to these schools could not be conducted. Hence the findings of this paper are only tentative and further in depth research needs to be conducted on this topic.

Due to paucity of literature on the issue of school closures, most of the secondary research for this topic has been dependent on newspaper reports and online articles. The rest of the secondary research involved going through various laws and acts and analysing them.

6. FINDINGS

The findings have been divided into three sections. The first section will give a case study of four schools in the Ambala district of Haryana and the problems each faced individually. Then the next section will summarize the problems to give a broad picture of the problems schools faced in Ambala. The last section will deal with the current situation in Haryana.

6.1 CASE STUDY

The case study of the four schools interviewed is given below:

6.1.1 SCHOOL A

This school was established in 1994. The school charged a fee of around INR 50- 60 per month keeping in mind the interest of children coming from lower income families. At its peak, the school catered to the education needs of 300 students and had employed around 10 well qualified teachers who were either graduate or had a B.Ed degree. The school operated classes till 8th standard and had 605 sq. feet of land. The school started facing problems right after The Haryana School Education Rules was passed in 2003. The school voluntarily shut down in 2006 because it faced a lot of financial problems while trying to increase their land size to comply

with the norms. The problem was further exacerbated by parents withdrawing their children from school due to fear spread by media reports about the closure of school. Although keeping in mind the educational aspirations of students enrolled in the school, it issued a notice about its forthcoming closure in the previous academic session. The major problems that the school faced were:

- The school applied for recognition but it was declined because it operated in a rented building which had a lease of less than 20 years. According to the Haryana State Laws a school can run in a rented building only if it has a lease of at least 20 years.
- The school did not have the required financial capital to expand their land to comply with the norms. The school owner also complained that there was no loan facility available nor did they have the required collateral to apply for a loan.
- The school faced the problem of student attrition because of media reports mentioning its name in a list of schools that might be shut down in the near future by the government. This led to a decline in the student strength from 300 to 200 in one academic session which put more financial burden on the school. The teachers also voluntarily quit which reduced their strength from 10 to 8.
- The school owner complained that he faced a lot of difficulty in dealing with the government officials. Since the recognition file had to go through various stages before a school was granted recognition, the school owner lamented that government officials exploited this provision in the act by asking for bribes to move the files from one stage to another.

The school owner further went on to mention that most of the government schools in the surrounding areas were also failing to comply with the norms and the quality of education was dismal because of shirking teachers. He also acknowledged the fact that most of the students of his school preferred taking admission in a private school rather than a government school.

6.1.2 SCHOOL B

The school was established in 1995. The school charged a fee of around INR 100 per month to cater to the education needs of children coming from lower income families. At its peak, the school catered to the education needs of 250 students and had employed around 10 well qualified teachers, most of whom were graduate. The school operated classes till 8th standard and had 800 sq. yards of land. The school started facing difficulties right after The Haryana School Education Rules was passed in 2003. The school voluntarily shut down in 2009 because it faced a lot of financial problems while trying to increase their land size to comply with the norms. The problem was further compounded by parents withdrawing their children from

school due to fear spread by media reports about the closure of school. Although keeping in mind the educational aspirations of students enrolled in the school, it issued a notice about its forthcoming closure in the previous academic session. The major problems that the school faced were:

- The school applied for recognition but it was declined because it operated in a rented building which had a lease of less than 20 years. According to the Haryana State Rules a school can run in a rented building only if it has a lease of at least 20 years. The school also faced difficulty in obtaining an NOC for its building and did not have the required number of classrooms.
- The school did not have the required financial capital to expand their land to comply with the norms. The school owner also complained that there was no loan facility available nor did they have the required collateral to apply for a loan.
- The school encountered the problem of student attrition because of media reports mentioning the name of the school in a list schools that might be shut down by the government. This led to a decline in the number of students from 250 to 115 and the teachers also voluntarily resigned which reduced their strength from 10 to 6-7.
- The school owner complained that he had difficulty in dealing with the government officials. He supported the allegations of the previous school owner that they had to resort to bribes in order to get their files processed.

The school owner's claim that most of the government schools were not complying with the norms was consistent with the claims of the previous school owner. He also mentioned that most of the students of his school would have preferred a private school to a government school but could not do so because they couldn't afford it.

6.1.3 SCHOOL C

The school was established in 1999. The school charged a fee of around INR 60 per month to educate children coming from low income families. At its peak, the school catered to the education needs of 400 students and had employed around 15-16 well qualified teachers who were either graduate or had a B.Ed. or a JBT degree. The school operated classes till 10th standard and had 605 sq. feet of land. The school started facing problems right after The Haryana School Education Rules was passed in 2003. The school voluntarily shut down in 2009 because it faced a lot of financial problems while trying to increase their land size to comply with the norms. The problem was further compounded by parents withdrawing their children from school due to fear spread by media reports about the closure of school. In addition to that the problem of student attrition was further aggravated when government

officials withdrew students from board classes without the knowledge of the school owner and admitted them in open school. Although keeping in mind the educational aspirations of students enrolled in the school, it issued a notice in the previous academic session about its closure in the next academic session. The major problems that the school faced were:

- The school did not have the required financial capital to expand their land to comply with the norms. The school owner also complained that there was no loan facility available nor did they have the required collateral to apply for a loan.
- The school encountered the issue of student attrition which led to a drastic decline in student strength from 400 students to only 150 in one academic session. The teachers also voluntarily resigned which reduced their strength from 15-16 to 5-6. There were two reasons for student attrition:
 - Media reports: The name of the school appeared in a newspaper report about possible closure of schools leading parents to withdraw their students from the school.
 - Open school monopoly: This further exacerbated the problem of student attrition. It has been explained further in the next section on overall situation.
- The school owner also complained that he faced a lot of difficulty in dealing with the government officials. He supported the claim of previous school owners that in order to get your files processed, you had to pay bribes.

The school owner supported the allegations of previous school owners that most of the government schools in the surrounding areas were also failing to comply with the norms and the quality of education was dismal because of shirking teachers. He also mentioned that most of the students of his school preferred taking admission in a private school rather than a government school although because of financial constraints, most of them had to settle for government schools.

6.1.4 SCHOOL D

The school was established in 1988. The school charged a fee of around INR 50 in nursery and increased it by INR 10 every year. It also gave concessions to a few students. The school provided education to 300 students and had employed around 20 well qualified teachers who were either graduate or had a B.Ed. The school operated classes till 10th standard and had 250 sq. yards of land. The school started facing problems right after The Haryana School Education Rules was passed in 2003. The school voluntarily shut down in 2009 because it faced a lot of financial problems while trying to increase their land size to comply with the norms. Although

keeping in mind the educational aspirations of students enrolled in the school, it issued a notice in the previous academic session about its closure in the next academic session. The school did not face the problem of student attrition as it did not apply for recognition. The school owner corroborated the claims of previous school owner that the government schools did not have adequate infrastructure that was needed for granting recognition.

6.2 OVERALL SITUATION

From the above case study of four schools, it is patently clear that most of the schools in Ambala were facing similar problems and closed down for the same reasons. Therefore the above findings can be generalized into the following major problems:

6.2.1 VOLUNTARY CLOSURE

All the school owners interviewed voluntarily shut down their schools. Voluntary closure is when the school owners decide to shut down their own schools without any warning or notice being served by the government. There were three reasons for voluntary closure by these schools:

- The school owners shut down their schools keeping in mind the future of children of their school who would be affected in case they failed to comply with the norms. All schools issued notices about their forthcoming closure in the previous academic session.
- School owners feared the consequences they would have to face in case they failed to comply with the norms which included being heavily fined.
- Student attrition which has been discussed in detail below is another reason for voluntary closure.

6.2.2 LAND PROBLEMS

Land problems include problems relating to:

- Required land area
- Playground
- Building

Most of the schools did not have the required finances to buy new land to expand their school area to comply with the norms. They complained that there was no loan facility provided by the government nor did they have the required collateral to take a loan. The government also did

not provide any kind of help in the form of grants or subsidies. Two schools were not granted recognition because they were operating in a rented building that did not have a lease of 20 years which was not allowed by Haryana State Laws. One of the schools faced difficulty in obtaining a No Objection Certificate.

6.2.3 STUDENT ATTRITION

Most schools faced the problem of student attrition which led to a mass exodus of children from these schools, thereby putting more financial burden on these schools. There were two different aspects to student attrition:

- *Media Reports:*
Names of schools that had not complied with the norms would appear in newspaper reports which suggested that such schools might be shut down by the government. This would make parents sceptical about the future of these schools and lead them to withdraw their children from these schools.
- *Open School Monopoly Problem:*
According to the act when a school applies for recognition, the government has to give temporary recognition⁴ to the school till the file is in processing. Government used this provision of the act to monopolize education in favour of the government schools. When schools used to apply for recognition, the government would deliberately delay the process of granting recognition and would not even grant temporary recognition. Simultaneously they would withdraw students from 8th and 10th class (which were board classes in Haryana State Board) without the knowledge of the school owners and put them in open school (which was government controlled), despite the fact that most of the private schools were affiliated to the Haryana State Board and would have gained a Haryana State Board certificate if they passed the exam. This used to make other parents angry (as open schools did not enjoy a good reputation) and make them withdraw their children from such schools. By doing this the government tried to destroy the reputation of private school and thereby monopolizing government education. One of the schools interviewed faced this problem while other schools mentioned that although they did not face any such problem, they were aware of schools in the surrounding areas that did.

⁴ This was a claim made by the school owner, although the author did not find any such provision mentioned in the Haryana School Education Rules, 2003

6.2.4 CORRUPTION

Most of the schools were of the opinion that their problems started arising when the Haryana government passed the Haryana School Education Rules in 2003. When the act was implemented, only a time period of one year was given to schools to comply with the norms. But the government used to extend the time period every year by giving into the demands of the union to protect their vote bank. To make the situation worse, the government had made very stringent norms which were very difficult to comply with for schools that charged a low fee. Their problems were further aggravated by the fact that government officials would often ask for bribes to get their files moving, thereby delaying the process of granting recognition. The big private schools were able to deal with this problem as they have had the cash to give commission to government officials. In some cases the government officials would deliberately delay the process granting recognition to tarnish the image of private schools as was seen in the case of open school monopoly problem which was mentioned above.

6.2.5 DILAPIDATED CONDITION AND SHIRKING NATURE OF GOVERNMENT SCHOOLS

Most of the private school owners interviewed pointed out that government schools were also not complying with the norms and in fact a school owner mentioned that in one of the government schools, classes were conducted in the open because they did not have classrooms. Even the teaching quality is of a dismal level because of shirking teachers. This clearly indicates that government schools are operating with impunity as they are beyond the purview of Haryana State Laws. The disillusionment of low income family students from government schools is clearly highlighted by the fact that the preference of most students of the schools that were shutdown was private schools. But due to financial constraints, some of them had to take admission in government schools.

6.3 CURRENT SITUATION

Initially at the start of the research, the author had filed an RTI⁵ to which the government response was "there have been no school closures in Haryana." While there might not have been any official closures because of the stay order issued by the Punjab and Haryana High Court, there could have been voluntary closures by schools fearing the consequences they would have to face in case they failed to comply with these norms as was the case with the

⁵ ~~The RTI was filed by Centre for Civil Society, the organization for which the author works.~~

Punjab study⁶ done by Centre for Civil Society and the findings of the author in this research paper. Also the stay order issued by the High Court indicates that there are private schools which are failing to adhere to the norms and standards.

In a meeting the author had with the nodal officer of Gurgaon, the officer mentioned that certain schools have been served notices for failing to comply with the norms and some of those schools have been shut down. But he was reluctant to share any further information about these schools. There were yet more newspaper reports that suggested that private unrecognized schools may be shut down in Haryana.

Another aspect that can create more problems for unrecognized schools in Haryana is that the Haryana RTE has made the existing norms more stringent and is silent on a few provisions previously mentioned in the Haryana State Laws. These problems have been given below in table 1:

Criteria	Before Haryana RTE	After Haryana RTE
Minimum qualification for teachers	A teacher required a B.Ed. degree and a Bachelors degree in the subject she wished to teach. She was also required to have knowledge of Hindi upto Matric standard	Teacher needs to pass the TET test in addition to all the requirements listed in the previous column.
Reservation	Section 134(a) of Haryana state laws has a provision wherein schools need to reserve 10% of seats for students coming from economically weaker sections	Section 7(4) of Haryana RTE makes it mandatory for schools to reserve 25% of the seats for a few students. This makes the total reservation 35% for schools.
Stairs	6 feet in width for new schools and 4.6 feet in width for existing schools	8 feet for middle and primary schools
Pupil- Teacher ratio	NA	30:1
Penalty	Section 3(1) of the act mentions that penalty for any kind of violation is: <ul style="list-style-type: none"> ▪ INR 15,000- Primary ▪ INR 20,000- Middle ▪ INR 25,000- Secondary and Senior 	Section 19(1) of RTE mentions that Penalty for any kind of violation is INR 1,00,000 and for in case of continuing contraventions to a fine INR 10,000 per day

⁶ This study has yet not been published.

	Secondary	
Pledge Money	Section 30(2) has a provision for pledge money which was mentioned in section 3 of the paper	RTE is silent about this section of Haryana State Laws

Table 1

As can be seen from the table that the government has made certain norms more stringent which could create additional problems for schools in the following ways:

- School can only employ teachers who have managed to clear TET. The deadline for this norm is 1st April, 2015. The passing rate of this exam is abysmally low at 6.5%. A former MHRD minister himself admitted that the passing percentage in Paper 1 relating to primary school was 5.5% and that in Paper 2 relating to upper primary school, was 6.5% (DNA, 2012). With such low passing rate this clause could be yet another addition to the existing problems in the Indian education sector instead of ensuring that good quality education is provided.
- The mandatory reservation of 25% laid down in the RTE has been the biggest issue that the schools have to deal with (Mukkherjee, Baishali, Ravikumar, Aruna, & Srivastava, Apoorva, 2014). Although added with a good intention, improper implementation has converted this into a huge financial burden that the schools have to deal with. In case of Haryana the schools have to reserve 35% instead of 25% because there was an already existing provision in The Haryana State Laws wherein the schools had to reserve 10% seats for Economically Weaker Section of the society. If only 25% reservation was creating additional problems for the schools, it is only logical to assume that 35% will exacerbate that problem.
- There are certain sections in The Haryana State Laws on which The Haryana RTE is silent. If such issues are not taken care of immediately then they could be exploited by the government officials to exacerbate the problems for budget private schools in Haryana.

The existing schools could also face the same problems that the four schools mentioned in the case study did in the following ways:

- Since there has been no relaxation in land requirements in Haryana RTE and certain other norms like stairs have been made more stringent, it is only logical to assume that if schools in the period of 2007-2009 were not able to comply with them then existing budget private schools will also fail to do so as land rates multiply every year whereas the fees of these schools would not have increased to the same extent.
- Student attrition is still a problem as can be seen in case of Punjab study done by Centre for Civil Society. Newspaper reports still mention the names of schools which are unrecognised.

- The school owners who were interviewed alluded to the fact that the problem of corruption was still endemic in the Haryana education department. They also mentioned that government schools in Haryana are still failing to provide quality education because of non-performing teachers and are also failing to adhere to the norms themselves.

All these findings clearly hint to the fact that many private schools are facing difficulties in conforming to norms and standards laid down in The Haryana State Laws and The Haryana RTE. This also shows the lax attitude on the part of Haryana government of having done no proper documentation of such a serious issue that can affect the future of lakhs of students and their parents.

Another finding of this research has been that many government schools are still failing to comply with norms and standards as listed in RTE. "Shockingly, while for government-run schools unable to meet the March 31, 2013 RTE compliance deadline, it's business as usual, for the country's estimated 400,000 unrecognized private budget schools which have mushroomed countrywide as a refuge from dysfunctional government schools, the past year has been a period of great anxiety with the sword of closure hanging over them" (Mukherjee, Baishali, Ravikumar, Aruna, & Srivastava, Apoorva, 2014).

7. POLICY RECOMMENDATIONS

RTE has addressed many problems that have been stated above but there are certain other issues that have not yet been addressed. Even in terms of the issues that have been addressed, proper implementation needs to be ensured to prevent any future closure of schools. Taking into account all the factors stated above, the following recommendations have been made:

- Since the educational output of budget private schools is the same as that of government schools, therefore government schools should set the benchmark for these schools to improve their infrastructure, i.e., infrastructure requirement for BPS schools should be no different than what is expected of government schools. This will incentivize the government schools to improve their infrastructure.
- Time bound process for granting recognition. Although there is a clearly defined time period for granting recognition in Haryana RTE, there has been no proper implementation of this provision. To ensure proper implementation of this provision, make government officials accountable if they fail to grant recognition within a given time period.

- Simplify the process of granting recognition as it is evident from the claims of the school owners that when a file has to go through various stages, the government officials start engaging in bribes. Instead of having so many layers through which a file has to go through before a school is granted recognition, form a committee for each ward to inspect the school and submit a report to District Education Officer. RTE has made this provision but proper implementation needs to be ensured.
- Intimate the school about its failure to comply with the norms by sending a notice to the school and making it their responsibility to inform the parents about their failure to comply with the norms instead of publishing their names in newspapers. The school can later hold a meeting the School Management Committee to give them details regarding their failure to comply with the norms so that the parents make a well-informed choice before withdrawing their students.
- Make the provisions of Haryana State laws and Haryana RTE coherent with each other so that legal framework has a more robust structure. Contradictory and overlapping nature of these clauses can cause exploitation by government officials in terms of bribery or arbitrarily using some clause to deny recognition.
- Allow for some kind of relaxation in infrastructural requirements in case the educational output of a school is satisfactory. Adopt Gujarat's model of granting recognition which is infrastructure (15%) plus learning outcome based (85%). The criteria for granting recognition in Gujarat is given in Annexure 3. This will ensure that schools with good learning outcomes are not shut down.
- Easy loan facilities with minimum collateral requirements should be provided by government to budget private schools who are willing to comply with the norms.

8. CONCLUSION

The problem of school closures is a serious issue for the Indian education system. Although the issue has gained much traction in media, it needs to be given much greater attention to analyse the problems further. This paper made an attempt to address the issue in context of Haryana. It identified various problems that schools in Haryana faced because of Haryana School Education Rules, 2003. Many of those issues have been addressed by the Haryana government while formulating the Haryana RTE but proper implementation needs to be ensured to prevent any further closure of budget private schools as it is clear from the findings of the paper that they provide education to children coming from low income family. This paper also highlights the current situation in Haryana and how various factors indicate towards the fact that although there might not have been any official closures till now, there is a big possibility of voluntary closures of schools and official closures in the future. Haryana

government should also make sure that the entire legal framework is uniform so that neither the government officials nor the schools can exploit any loopholes in the law. With another deadline of 1st April, 2015 for minimum teacher qualification approaching which could make it more difficult for schools to gain recognition, the issue of school closures needs urgent attention.

9. REFERENCES:

Kremer, Michael, and Muralidharan, Kartik. 2007. *Public and Private Schools in Rural India*. Department of Economics, Harvard University.

ASER. 2013. ASER Centre. Pratham Foundation

Kingdon, Geeta Gandhi. 2005. *Private and public schooling: The Indian experience*. Kennedy School of Government, Harvard University

Dixon, Pauline, and Tooley, James. 2005. *Private Schools Serving the Poor, Working Paper: A Study from Delhi, India*. Centre for Civil Society.

Dixon, Pauline, and Tooley, James. 2003. *Private Schools for the Poor: A Case Study from India*. Centre for British Teachers.

Kremer et. al. 2005. *Teacher Absence in India: A Snapshot*. Journal of the European Economic Association

The Right to Free and Compulsory Education Act, 2009. New Delhi: Ministry of Law and Justice

Haryana Right of Children to Free and Compulsory Education Act, 2011. Panchkula: School Education Department, Haryana

Haryana School Education Rules, 2003. Panchkula: Education Department, Haryana

Gujarat Right of Children to Free and Compulsory Education Act, 2012. Gandhinagar: Education Department, Gujarat.

Mukherjee, Baishali, Ravikumar, Aruna, & Srivastava, Apoorva. 7th March, 2014. *RTE Act 2009: Ominous Portents*. Accessed on 4th July, 2014 at <http://www.educationworldonline.net/index.php/page-article-choice-more-id-4003>

N.A. 2012. Teacher results show abysmal pass percentage: Kapil Sibal. DNA. 27th April.

11. ANNEXURE 1

Serial No.	Particulars	Primary School	Middle School
1.	Land (Municipal Area)	0.5 acre (Single compact unit)	0.5 acre (Single compact unit)
2.	Land (Rural Area)	0.5 acre (Single compact unit)	1 acre (Single compact unit)
3.	Building	All weather earthquake proof building Barrier free access (slope of ramp in ratio of 1:12)	All weather earthquake proof building Barrier free access (slope of ramp in ratio of 1:12)
4.	Size of Classroom (minimum 12 sq. ft. per student as per IS: 8827 – 1978)	432 sq. ft.	432 sq. ft.
5.	Number of class rooms	One room per teacher	One room per teacher
6.	Office cum Head's room	432 sq. ft.	432 sq. ft.
7.	Library	432 sq. ft.	432 sq. ft.
8.	Laboratories (includes science / math / geography / computers / other labs)	600 sq. ft. (Optional)	600 sq. ft.
9.	Store	375 sq. ft.	375 sq. ft.
10.	Kitchen-cum-Store (wherever applicable)	270 sq. ft.	270 sq. ft.
11.	Activity Rooms (optional)	432 sq. ft.	432 sq. ft.
12.	Multimedia/EDUSAT rooms	600 sq. ft.	600 sq. ft.
13.	Toilets separate for boys and girls (including provision for special toilet with grab rails / low height commode for children with special needs)	432 sq. ft.	432 sq. ft.

14.	Boundary Wall	6 ft. height	6 ft. height
15.	Verandah	Width 8 ft.	Width 8 ft.
16.	Stairs (if any)	Width 8 ft.	Width 8 ft.

Note:

1. Each room shall have two doors and sufficient windows for ventilation and lighting.
2. Land ownership proofs, Building completion certificate, Structural safety certificate and fire safety certificate, permission about change of land use etc. from the appropriate authorities have to be submitted along with land / building documents.

Table 2 (Source: Haryana RTE Rules, 2011)

13. ANNEXURE 2

Sr. No.	Requirement in schools	Description	Weightage
1.	Student learning outcomes (absolute levels)	Using standardized tests, student learning levels focussing on learning (not just rote) shall be measured through an independent assessment.	30%
2.	Student learning outcomes (improvement compared to the school's past performance)	This component is introduced to ensure that schools do not show a better result in (1) simply by not admitting weak students. The effect of school performance looking good simply because of students coming from well-to-do backgrounds is also automatically addressed by this measure. Only in the first year, this measure shall not be available and the weightage shall be distributed among the other parameters.	40%
3.	Inputs (including facilities, teacher qualifications)	Norms and Standards of Schools as specified in the Schedule of the Act.	15%
4.	Student non-academic outcomes (co-curricular and sports, personality and values) and parent feedback	Student outcomes in non-academic areas as well as feedback from a random sample of parents shall be used to determine this parameter. Standardised survey tools giving weightage to cultural activities, sports, art shall be developed. The parent feedback shall cover a random sample of at least 20 parents across classes and be compiled.	15%
			100%

Table 3 (Source: Gujarat RTE Rules, 2012)