



Forum for Learning  
and Action with  
Innovation and  
Rigour

# **Stock taking of the RTE Act, 2009**

## **Systemic Readiness and Grievance Redressal**

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**March 2015**

## **Context**

The recognition of a fundamental and a legal right implies that the government is liable for ensuring that it is respected, protected and fulfilled. The very same government is legally liable for ensuring children's right to elementary education after the enactment of the RTE Act, 2009. The education system needed to re-orient itself to fulfil the legal mandate. It was important that the various sub-systems within the education system that were responsible for translating the object of the Act, worked accordingly so that the tasks were accomplished and there was greater accountability at all levels. Despite the passage of five years, this rethinking of the different roles and responsibilities and a shift from education delivery as a scheme and education as a justiciable right has not happened.

For the achievement of the objectives of the RTE Act, 2009 it was important that the following aspects were taken care of –

- a) Operational aspects like mechanisms for ensuring availability of infrastructure and teacher adequacy,
- b) Financial Allocations,
- c) Monitoring and Accountability, and
- d) Grievance Redressal.

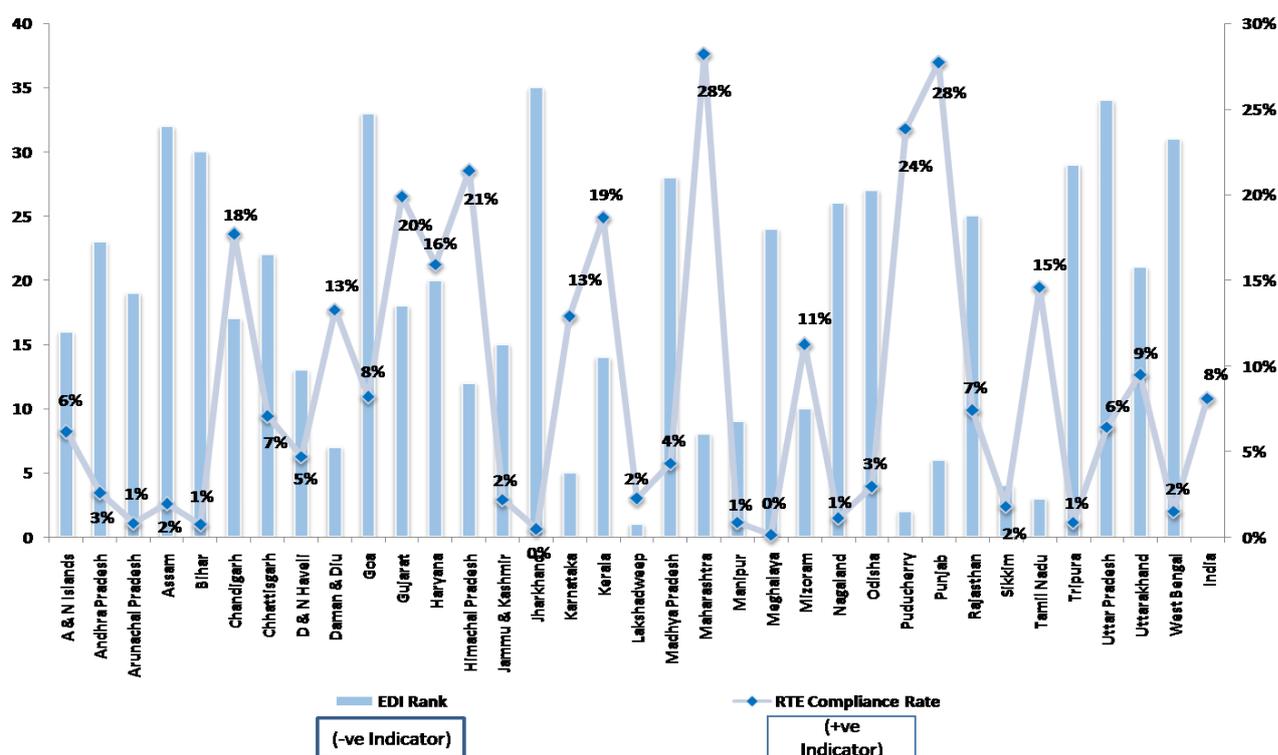
### ***a) Operational Aspects***

We understand that a right enshrined in the Constitution does not automatically guarantee its realization, particularly when a majority of the right-holders are not aware about their entitlements. Given the socio-cultural deprivation through generations, marginalized communities would need to be empowered so that they are able to claim their right and seek justice using appropriate mechanisms in case of violation of the fundamental right.

But it is difficult to comprehend that the tasks that were unequivocally entrusted on the Governments by the RTE Act, 2009 have not been fulfilled on such a scale. Standards of school infrastructure were to be met within three years, i.e. by 31 March 2013 and teachers were to be adequately trained within five years, i.e. by 31 March 2015. The Governments, both Union and of the States of the Union of India, have failed miserably in meeting both the deadlines.

Even after the timeline for the fulfilment of the provisions of infrastructure and teachers sufficient in terms of quantity and quality, getting over on 31 March 2015, the progress envisaged has not been attained and there are huge gaps in terms of implementation indicators under SSA in India. As shown in **Figure 1**, a large proportion of schools continue to be non-compliant to norms and standards for a school stipulated by the RTE Act, 2009.<sup>1</sup>

**Figure 1: Compliance of Government Schools with parameters stipulated in the RTE Act, 2009**



Source: Analysis of DISE 2013-14 (Oxfam India, 2015)

As of December 2013, the date till which the data from DISE is available in public domain, the status of schools in India is -

- 30.2 per cent schools at Primary level still have Student to Class Room Ratio (SCR) of more than 30 and 30.8 per cent schools at Upper Primary level have SCR more than 35,
- 29.9 per cent schools at Primary level have Pupil Teacher Ratio (PTR) more than 30 and about 15.4 per cent schools at Upper Primary level have PTR more than 35,

<sup>1</sup> Government of India (2014), Education for All: Towards Quality with Equity, NUEPA, New Delhi.

- 45.5 per cent Primary Schools with enrolment of more than 150 students do not have a headmaster,
- 41.9 per cent Schools still do not have Playground facility,
- 55.3 per cent Schools still do not have hand wash facility near toilets.

Even though it was not mandated to have a Computer Aided Learning Lab in schools, yet it is highly desirable in today's world. Data shows that 77.8 per cent Upper Primary schools/sections still do not have Computer Aided Learning Lab.

This is a reflection of inadequate planning to meet the stipulated norms in a time-bound manner. While progress has been made on single indicators of infrastructure, teacher availability, etc, the overall status is a reflection of how far the State has to go to ensure full compliance with the Act's provisions. While notifications, some of them fairly innovative and potentially far reaching have been made, these have not necessarily been implemented. It is also a reflection of the failure of the State to ensure adequate resources are allotted to ensure the Act's implementation, as the subsequent section shows.

In the last few years, while on the one hand the Governments have not been able to fulfil the tasks entrusted on them, on the other hand they have closed down and/or merged government schools. This is an alarming trend and not in accordance with the letter and spirit of the RTE Act, 2009. According to a report of National Coalition for Education (NCE) data of schools closure is presented in Table 1.

**Table 1: Closure of Schools**

SN	Name of state	No. of schools closed till 2014
1	Rajasthan	17129
2	Gujarat	13450
3	Maharashtra	13905
4	Karnataka	12000
5	Andhra Pradesh	5503
6	Odisha	5000
7	Telangana	4000
8	Madhya Pradesh	3500
9	Tamil Nadu	3000
10	Uttarakhand	1200
11	Punjab	1170

## ***b) Financial Allocations***

With regard to the financial resources the Union and the State governments have a concurrent responsibility for providing funds for carrying out the provisions of the RTE Act, 2009. But, so far as the implementation is concerned it is the state government's terminal responsibility for providing funds for the implementation of the RTE Act, 2009, even as the State Government provides for it from its own revenues as well as from the funds that they receive from the Union Government through different mechanisms.

The 13th Finance Commission had allocated Rs. 24,068 crore over a five year period to the state government. An outlay of Rs. 2.31 lakh crore from the Union Budget was required for fulfilment of the provisions of the RTE Act, 2009 through the Sarva Shiksha Abhiyan (SSA) programme over a period of five years from 2010-11 to 2014-15, as per the break up given in the Table 2<sup>2</sup>.

**Table 2: Costs towards Implementation of RTE through SSA during 2010-11 to 2014-15**

				Rs. in crore
Sl. No.	Item	Last two years of 11th Plan	First three years of 12th Plan	Total
1	Child Entitlements	28852	21535	37626
2	Teacher related costs	38307	82584	120889
3	Infrastructure	17544	23417	40959
4	School related costs	5351	5566	12918
5	Research, Evaluation and Management	5540	9533	14973
6	<b>TOTAL</b>	<b>84408</b>	<b>146825</b>	<b>231233</b>

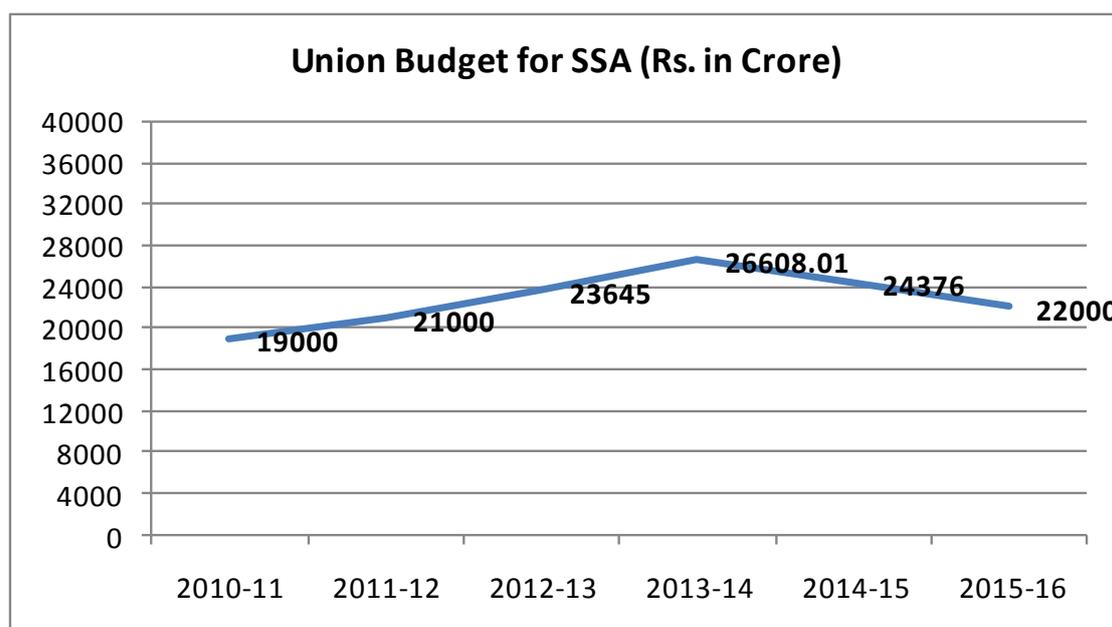
Source: Working Group Report on Elementary Education and Literacy, 12th Five Year Plan, 2012-2017, MHRD, Govt. of India, October 2011

### **Financial provisioning for SSA in Union Budget (2010-11 to 2015-16)**

In response to this, the allocation under the Union Budget (mentioned under Expenditure Budget, Vol-II, MHRD) increased substantially since inception of enactment till 2013-14 thereafter showing decreasing trend and it has decreased substantially in 2015-16 partly due to changed sharing pattern of centre and states as directed by 14<sup>th</sup> finance commission award as shown in Figure 2.

<sup>2</sup> Working Group Report on Elementary Education and Literacy, 12th Five Year Plan, 2012-2017, MHRD, Govt. of India, October 2011

**Figure 2: Allocations for SSA in the Union Budget**



The 12th Five-Year Plan has recommended an allocation of Rs. 1,92,726 crore for SSA for the entire plan period of 2012-2017, from Union Budget which amounts to Rs. 38,545 crore per year. Going by the budget figures mentioned in Expenditure Budget, Vol II, Ministry of Human Resource and Development for various years, budgetary allocations for SSA by Union Government shows huge shortfall every year.

**Table 3: Shortfall in Financial Allocations for SSA (Rs. In Crore)**

Recommended 12th Plan Outlay for 5 years (2012-2017)	Recommended 12th Plan Outlay per year	Year	Union Budget for SSA	Shortfall
192726	38545.2	2012-13 RE	23645	14900.2
		2013-14 RE	26608	11937.2
		2014-15 RE	24376	14169.2
		2015-16 BE	22000	16545.2

- The total Union Budget for SSA in 4 years of 12<sup>th</sup> plan has been only Rs. 96629 crore against the recommended Rs. 192726 meaning that only 50 per cent of recommended amount is allocated so far.
- Spending of remaining 50 per cent (Rs. 96097 crore) in the last year of 12th plan is highly unrealistic.
- Funds collected from cess to finance SSA in Union Budget are called as funds from Prarambhik Shiksha Kosh (PSK) as mentioned in Expenditure Budgets, Vol. II, MHRD. Though the idea of collecting cess was to create additional fund to finance SSA, it has become a substitute gradually and one can easily find that the actual allocations for SSA minus funds from cess has been decreased. Share of funds from Prarambhik

Shiksha Kosh (PSK) increased from 59 percent to 67 percent between 2012-13 and 2014-15. This share is 90 per cent with the changed fund sharing pattern of Union Government in FY2015-16, as per the 14<sup>th</sup> Finance Commission award.

- Funds earmarked under Special Component Plan (SCP) and Tribal Sub Plan (TSP) for SSA has continuously declined every year.
  - Under the head SCP, Rs. 5408.66 crore was earmarked for SCs in 2013-14 RE that reduced to Rs. 4890 crore in 2014-15 RE and Rs. 4400 crore in 2015-16 BE.
  - Allocation under TSP for SSA reduced from Rs. 2747.69 crore in 2013-14 RE to Rs. 2624.61 crore in 2014-15 RE that further decreased to Rs. 2350.82 crore in 2015-16 BE.
- Even as the allocations for SSA have been much less than the requirement over the years, utilization has not been to the full extent with 7 per cent and 9 per cent of allocated fund being unspent in 2012-13 and 2013-14, which is Rs. 1681 crore and Rs. 1197 crore respectively.

### **Decrease in Allocation for Elementary Education in Union Budget 2015-16 and the Fourteenth Finance Commission**

Allocation for Elementary Education in 2015-16 decreased from Rs. 43126.28 crore in FY 2014-15 BE to Rs. 32917.20 crore in FY 2015-16 BE as could be calculated from different expenditure budgets which is a decline Rs. 10209.08 crore, a decrease of 23.67 per cent. As per the Union Finance Ministry this decrease has to be attributed to the rearranged distribution of funds between Union and States as per the Fourteenth Finance Commission,

Factoring for this Fourteenth Finance Commission award while analysing the allocations for Poor, Disadvantaged and Marginalised in the Union Budget of India 2015-16, we have analysed the State Budgets of three States, viz., Bihar,

### **Fourteenth Finance Commission**

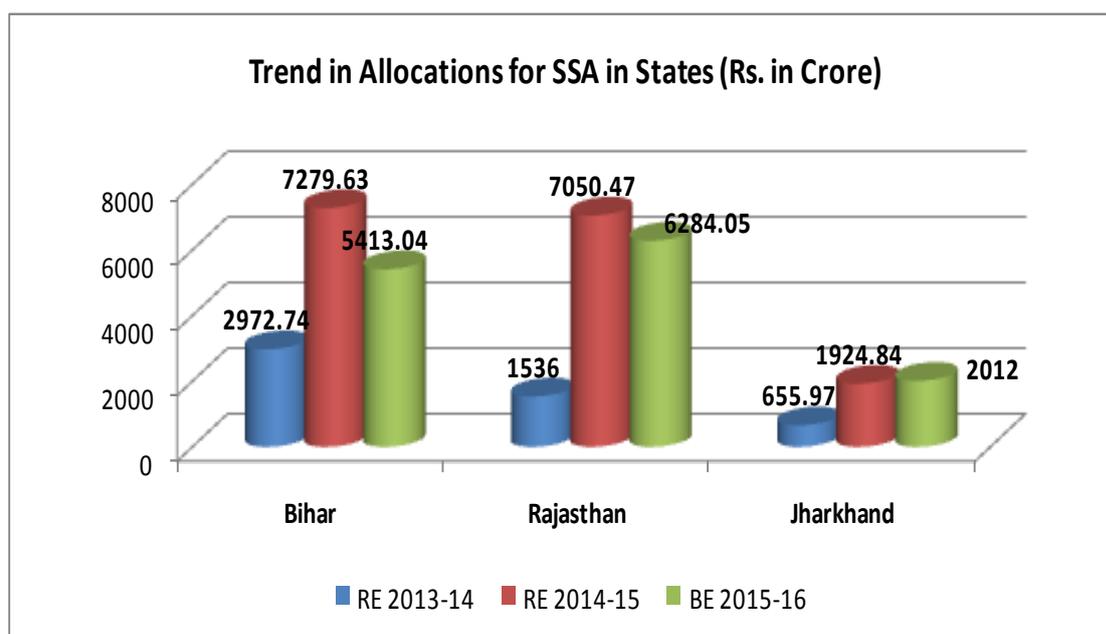
With regard to vertical distribution, Fourteenth Finance Commission (FFC) has recommended by majority decision that the States' share in the net proceeds of the Union tax revenues be 42%. The recommendation of tax devolution at 42% is a huge jump from the 32% recommended by the 13th Finance Commission. The transfers to the States will see a quantum jump. This is the largest ever change in the percentage of devolution. In the past, when Finance Commissions have recommended an increase, it has been in the range of 1-2% increase. As compared to the total devolutions in 2014-15 the total devolution of the States in 2015-16 will increase by over 45%.

Thus, to keep the Budget for such programmes unchanged, States are supposed to contribute from their enhanced resources (which have been increased by 45 % in 2015-16 as compared to 2014-15). It is estimated that any shortfall in the Schemes for the Welfare of Poor, Disadvantaged and Marginalised on account of FFC award will be made up by the States from their enhanced resources. Therefore, the total resources available for the Schemes for the Welfare of Poor, Disadvantaged and Marginalised should remain unaffected, as has been indicated by the Ministry

Rajasthan and Jharkhand to find out whether the allocations have been compensated for in the State Budgets in FY 2015-16.

Taking the example of state budget of Bihar, Rajasthan and Jharkhand, we can infer that despite the substantial increase in the States' financial resource pool as was made to believe as a result of changed sharing pattern between centre and states, budget for SSA in the States were still found either decreasing or increasing very marginally.

**Figure 3: Trend in Allocation for SSA in Bihar, Rajasthan and Jharkhand**



- In Bihar, the outlay for SSA in 2015-16 BE has been reduced by Rs. 1866.59 crore from last year's Revised Estimates (2014-15 RE),
- In Rajasthan, allocation for SSA in 2015-16 BE has been decreased by Rs. 766.42 crore from last year's Revised Estimates (2014-15 RE),
- Allocation for SSA in Jharkhand, marked a marginal increase by about 4.5 per cent in 2015-16BE last year's Revised Estimate.

#### **Utilisation of Allocated Funds for SSA**

- Utilisation remains a cause of concern in the states as well. It is calculated that of the allocated funds for SSA, Rs. 783.47 crore in Bihar and Rs. 413.92 crore in Rajasthan remained unspent in 2013-14.

## Allocations under SCP and TSP for SSA in Bihar and Jharkhand

There is no mention of fund being earmarked for SCP in Bihar in 2015-16 and the share for TSP increased very marginally between 2014-15 RE and 2015-16 BE as tribal population in Bihar stands very small as per census 2011. In Jharkhand, share of SCP in total SSA outlay marked a decrease between 2014-15RE and 2015-16BE, whereas that of TSP found increased very marginally from 36.2 percent to 37.8 percent between 2014-15 and 2015-16.

**Table 4: Share of SCP and TSP in total SSA outlays in States**

		In percentage	
	Year	Bihar	Jharkhand
SCP	2013-14	21.4	9.3
	2014-15	7.7	14.3
	2015-16	0.0	12.4
TSP	2013-14	0.0	22.7
	2014-15	1.3	36.2
	2015-16	2.9	37.8

## Fund Requirement and Actual Allocations for SSA

Finding out additional amount required to be allocated for SSA in India and its states based on the physical requirements of different components that are multiplied by the estimated unit cost as per the financial memorandum set by Gol as shown in Table 5. This requirement was for the Financial 2014-15 and is based on the data from Annual Work Plan and Budget of 2014-15, which is the latest data available.

**Table 5: Major components wise fund requirements for SSA and MDM (All India)**

Component	Unit Cost as per financial memorandum of Gol	Physical requirement	Numbers	Fund requirement per annum (Rs. In cr.)
Teaching-learning materials	Rs.500 per teacher	No of teachers in Govt school	4612429	230.62
Teacher's in-service training	Rs.100 per teacher for 10 days	No of teachers yet to receive training	3596311	3596.31
Free textbooks to girls/SC/St in UPS	Rs. 250/- per child	No of Children	198899659	4972.49
Uniform to All Girls, SCs/Sts, BPL	Rs. 400/- per child	No of Children	96180766	3847.23

School Development Grant for PS	Rs. 5000 per year for a PS	No of PS	858916	429.46
School Development Grant for UPS	Rs. 7000 per year for a PS	No of UPS	589796	412.86
Maintenance grant (PS and UPS)	Up to Rs. 7500 per year	No of PS & UPS	1448712	1086.53
Additional classroom#	Rs. 4 lakh	No of school requiring Additional classroom	70987	2839.48
Office-cum-store-cum-Head Teacher's room	Rs. 4 lakh	No of school requiring HM room	70987	2839.48
Common Toilet	Rs. 75000	No of schools requiring Toilets	79679	597.59
Girls Toilet			222667	1670.00
Toilet repair	Rs. 7500	No. of toilet to be repaired	203056	152.29
Hand Pump/bore well	Rs. 75000	No of drinking water unit to be constructed	67945	509.58
Drinking water facility repair	Rs. 10000			
Boundary wall/separation wall	Rs. 15000	No. of schools required Boundary wall	552394	828.59
Ramp with railing	Rs.35000	No. of schools required RAMP	255987	895.96
Library	Rs. 13000 for composite school	No. of schools required Library	345808	449.55
Electrification in PS	Rs. 10000	No. of Schools requiring Electricity	699148	699.15
Kitchen shed	Rs. 50000 per shed	No. of Kitchen shed required	526752	2633.76

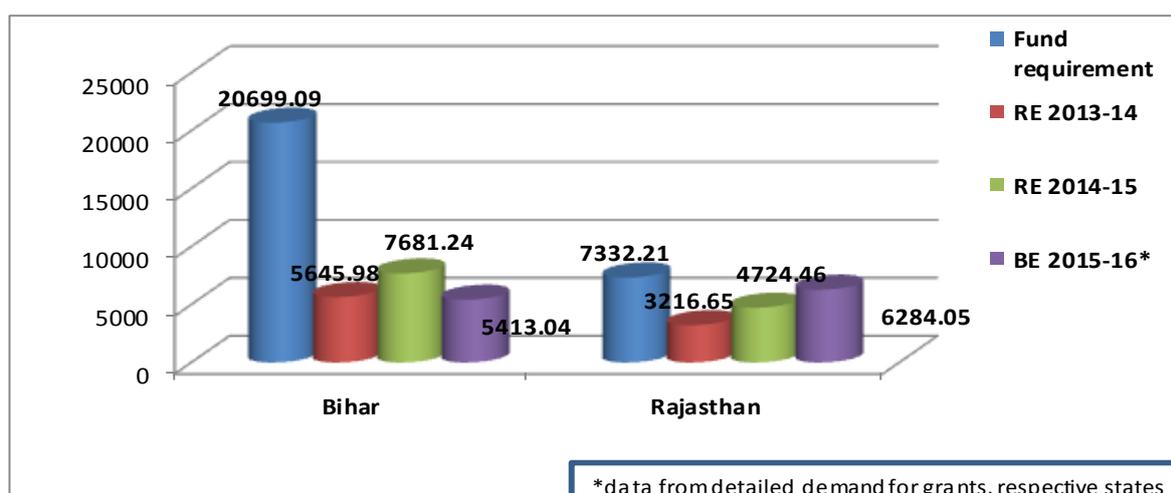
- In terms of civil works construction, an additional amount of Rs. 14115.43 crore needs to be allocated to fill up the present infrastructure gap in all India.
- In terms of training of teachers, 3596311 teachers are yet to be provided with in-service training requiring an additional allocation of Rs. 3596.31 crore
- 22.9 percent primary schools (331755 PS) have to receive School Development Grants requiring an additional amount of Rs. 165.88 crore.

*Even as the gap between requirement and allocation was huge in 2014-15, it has not been met as the allocations decreased in 2014-15 and 2015-16 thereby accentuating the problem.*

## Example of Bihar and Rajasthan in terms of gap between Requirement and Allocation

In a recent publication<sup>3</sup> of FLAIR (Forum for Learning and Action with Innovation and Rigour) and Save the Children, comparing the fund requirement for SSA across components to reach target of RTE Act and the actual allocations for SSA (Union and state's share) shows huge gap between the fund requirements to fill up physical gaps and the actual budget allocations in both the states of Bihar and Rajasthan. This calculation is based on the physical gaps for different components in SSA and unit cost mentioned in financial memorandum for different component. These physical gaps are multiplied with the unit cost for each component which is then compared with actual allocation for those components to show how much more are required.

**Figure 4: Gap between Fund Requirement and Allocation (2013-14 to 2015-16)  
(Bihar and Rajasthan)**



On account of the 14<sup>th</sup> Finance Commission award total devolution of the States in 2015-16 has been increased from 32 per cent to 42 per cent or the Central's share has been reduced from 68 per cent to 58 per cent. Therefore it was expected that state allocations on important schemes will be increased though it is up to the state to prioritize the schemes as per requirement. However, considering the gaps prevailing in implementing RTE act in the sample states of Bihar and Rajasthan, outlay on SSA in 2015-16 BE was expected to be increased. However, budget for SSA have been decreased for both Bihar and Rajasthan between 2014-15 and 2015-16 widening gap between fund requirement and allocations, as can be seen from the figure.

<sup>3</sup> "Costing and Budget Analysis: National Flagship Programmes for Children, Union of India and the States of Bihar and Rajasthan (2012-13 to 2014-15)", published by Save the Children and FLAIR-Forum for Learning and Action with Innovation and Rigour

Difference between requirement and actual allocations under broad categories of the scheme are depicted in Table 6. Component wise AWP&B data for SSA for the year 2015-16 are still not available in the sample states for which AWP and budget data of 2014-15 has been taken for major components adhering to RTE to show the gaps in requirement and allocations.

Allocations in Bihar for SSA as a whole need to be doubled, i.e. increased by 100 per cent from the present allocation whereas that in Rajasthan needs to increase by 50 per cent of present allocation to fulfil the physical gaps.

**Table 6: Category wise Fund requirement vs. Actual Allocation in Bihar & Rajasthan**

Rs. in Crore						
Interventions	Fund requirement per annum	Actual Allocation in FY 2014-15	Gaps	Fund requirement per annum	Actual Allocation in FY 2014-15	Gaps
	<b>BIHAR</b>			<b>RAJASTHAN</b>		
Access	543.98	88.33	455.65	839.2	13.24	825.96
Retention	1775.41	671.86	1103.55	843.83	11.58	832.25
Enhancing quality	8033.7	4196.29	3837.41	4084.51	4143.81	+59.30
Annual Grants	151.73	116.40	35.33	157.71	105.07	52.64
Bridging gender & social gaps	148.77	59.26	89.51	76.19	17.54	58.65
School Infrastructure	9658.1	2316.31	7341.79	1180.2	303.32	876.88
Management	387.4	232.80	154.60	150.57	129.91	20.66
<b>TOTAL</b>	<b>20699.09</b>	<b>7681.24</b>	<b>13017.85</b>	<b>7332.21</b>	<b>4724.46</b>	<b>2607.75</b>

Taking into account outlay for SSA in 2015-16 BE mentioned in the demand for grants, the gap between fund requirement as per our calculation and the actual allocations stands at Rs. 15286.05 crore in Bihar and Rs. 1048.16 crore in Rajasthan.

Thus it can be seen that there is still a huge gap between the requirement and allocation across the components in both the States that have been studied in detail. In these circumstances, a further curtailment of finances for Sarva Shiksha Abhiyan and implementation of RTE Act, 2009 is not justified.

### **(c) Monitoring and Accountability**

Monitoring is an important function to ensure accountability as well as efficient and effective functioning of a programme. So far as monitoring of SSA is concerned it is suffering because of lack of investment in processes of data collection and research.

The DISE data of year 2014-15 which were to be shared by 20 February 2015 has still not come in public domain till the date this report is being written, i.e. 21 March 2015.

There is a provision for Research, Evaluation, Supervision and Monitoring (REMS) in the SSA budget and the allocation is on the basis of Rs. 1500 per school per year. But in a study<sup>4</sup> conducted by FLAIR and Save the Children for the States of Bihar and Rajasthan it was found that –

- i. Allocations for REMS activities are provided only for monitoring which is given to SCPCRs and therefore there is no separate allocation for research, supervision and monitoring activities.
- ii. In Bihar in 2013-14, government approved only Rs. 291.83 per school at district for REMS activities and Rs. 225.95 per school at state level REMS activities including SCPCR @ Rs. 50 per school.
- iii. In Rajasthan in 2013-14, government allocated Rs. 60 per school at district level and Rs. 179 per school for state level activities.
- iv. This restricted conduction of activities like Achievement Survey, DISE etc. thereby severely compromising on the monitoring and accountability functions.

RTE Act, 2009 being a social legislation the governments should have been accountable to the legislature and both – (a) the Parliament at the Union, and (b) the Legislative Assemblies in the states, should have sought accountability from the respective Governments on the completion of both the major timelines of 2013 (Year 3) and 2015 (Year 5). There has been no such effort in 2013.

The Joint Review Missions are a mechanism of monitoring that come out with good analysed observations and recommendations, but are rarely taken into account for planning and budgeting purposes by the executive.

**The 20<sup>th</sup> Joint Review Mission of 7 to 17 October 2014 has recommended for –** (a) Visioning for Quality, (b) Human Resource Development Plan, (c) Teacher Recruitment, (d) Long term, Outcome based and Evidence based Planning, (e) Capacity building for Learning Assessments, (f) Equity and Participation, (g) Pre Service Teachers Training (Working with NCTE and Institutions for Teacher Education to revamp their curriculum to align with NCFTE 2009), (h) Financial and Procurement (Financial and Procurement practices need to be further strengthened, with special focus at the sub-district level. This would include, inter

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<sup>4</sup> ibid

alia, the timely release and expenditures of funds, settlement of advances, filling of staff vacancies, and timely compliance of audit observations, (i) School Management Committees (The mission recommends that more training be provided to SMCs to ensure equitable and effective engagement in school planning. The mission also recommends School Development Plan focus on qualitative improvement rather than just data and infrastructure, and a system be developed so that the plans feed into the cluster/block/district plans.

There is a need to implement all the recommendations of the Joint Review Mission in letter and spirit.

**We recommend that** both – (a) the Parliament at the Union, and (b) the Legislative Assemblies in the states must seek a statement from the respective governments in terms of meeting the tasks that were guaranteed to be completed by the governments by 31 March 2015.

#### **(d) Grievance Redressal<sup>5</sup>**

The poor compliance of schools with RTE norms even after five years of its implementation raises questions including rate of compliance over last five years and period required for full compliance across India. Failure to comply with RTE provisions on such a scale points towards multiple systemic failures. However, at the heart of the problem lies the absence or weakness of a system which would ensure accountability of government officials at various levels. The RTE framework has a provision to ensure accountability of government officials through grievance redress mechanism. This is bottom up approach to ensure compliance of RTE norms through community participation.

The RTE framework of grievance redressal constitutes of mechanism within the department and includes human rights commissions, especially National and State Commission for Protection of Child Rights (NCPCR & SCPCR). In the revised SSA framework, the Local Authorities (LAs) have been defined as the first line for redress, and SCPCR has been envisaged as an appellate body for Grievance Redressal at the state level. The SCPCR is also entrusted with the responsibility of looking after overall monitoring at the state level, whereas the National Commission for Protection of Child Rights (NCPCR) is being envisaged as Grievance Redressal authorities and overall monitoring at the national level. A maximum time limit of 3 months has been specified for action on grievance received by the local authority (or faster in matters of urgency), in order to afford adequate opportunity to concerned parties.

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<sup>5</sup> Major source: Taneja Anjela, Chowdhury Aheli et al (forthcoming) , Unknotting Grievance Redress in India's school education: Systems, challenges and opportunities, Oxfam India, New Delhi

**Table 7: Year of setting up of SCPCRs in States**

	2007	2008	2009	2010	2011	2012	2013	2014
<b>JAN</b>		SIKKIM		KARNATAK			HARYANA	
<b>FEB</b>						MEGHALAYA		
<b>MAR</b>				ASSAM				
<b>APR</b>				RAJASTHAN	PUNJAB & ANDAMAN		HP & NAGALAND	
<b>MAY</b>						PUDUCHERY	UK	
<b>JUN</b>				CHATTIS		TAMIL NADU		
<b>JUL</b>	MAH	DELHI		D&N				
<b>AUG</b>				MIZORAM				
<b>SEP</b>						GUJARAT		
<b>OCT</b>		GOA			JHARKHAND	KERALA	WEST BENGAL	
<b>NOV</b>			ODISHA	D&DIV		MANIPUR	ARUNACHAL & TRIPURA	
<b>DEC</b>		BIHAR		MP		ANDHRA	UP	CHANDIGARH

Table 7 shows that how states have constituted SCPCR over the time. All state rules make provisions for the formation of either an SCPCR or a REPA except Madhya Pradesh, Punjab and Tamil Nadu. Over the four years since Right to Education Act came into force, NCPCR received more than 3,800 complaints of RTE violations. Fewer than half of them 41.25 per cent have been resolved<sup>6</sup>.

A total of 1904 complaints were received by NCPCR during the first year after the RTE's implementation. These included 1612 cases from Public Hearings held by the Commission and 292 individual complaints. The number of cases coming to the commission has declined drastically over the years-there were 1,177 in 2010-11 and 174 in 2013-14. Number of cases NCPCR dealt with in 2012-13 — 687, is less than half of previous year (1,768). Similar trends hold for SCPCRs too. The redress rate is also fairly low. A critical concern is that the percentage of complaints closed has dropped from 57.6% (2010-2011) to 21.54% (2011-2012) and 19.21% (2012-2013). There is also a backlog of cases- there are still 484 open cases from the 2010-11 batch of complaints<sup>7</sup>. Activists believe decrease in number of cases being reported is because of the slow pace of resolution, although NCPCR attributes to better filtering of complaints that are now also forwarded to the States. NCPCR also piloted social audits in elementary schools in 225 Panchayats and 10 Urban Wards in 12 districts (Answer of unstarred question no. 1602, Lok Sabha, dated 06.03. 2013).

<sup>6</sup> <http://timesofindia.indiatimes.com/city/delhi/Complaints-of-RTE-violations-pile-up/articleshow/31747297.cms>

<sup>7</sup> <http://timesofindia.indiatimes.com/city/delhi/Complaints-of-RTE-violations-pile-up/articleshow/31747297.cms>

## **Grievance Redress and the Local Authorities**

According to the right to Education Act, the Local Authorities (LAs) are expected to act as the first line of redress for the Act. Research suggests that the LAs have not really moved into the role expected of them. This is partly because the notifications of the local authorities have been delayed and have also occasionally been faulty. 23 States have notified Local Authorities<sup>8</sup>. However, these notifications have largely remained vague in terms of placing accountability on specific individuals or groups for operationalizing the roles anticipated to be played by the LA. Thus, while it is useful to know that a Municipal Corporation is tasked with playing the roles of the LA, it does not explain who a complainant should approach for redress as per the provisions of the Act. In instances when multiple structures have been notified as LAs, their mutual relationships have also not been spelt out (eg Himachal Pradesh where the Block and District Elementary Education Officers, PRIs and ULBs have been notified as the LAs for a range of issues). Some states- eg. Meghalaya, Odisha and Haryana continue to notify government officials as Local Authorities. Surprisingly, Haryana has notified SMCs as one of the Local Authorities under RTE.

The process of grievance redress in education has been relatively poor. An independent audit of grievance redress mechanisms undertaken by the Department of Administrative Reforms and Public Grievances gives the Department of Elementary Education and Literacy a score of 30 (of 100%). Only two departments, food and public distribution (27.1) and Defence Research and Development (29.30) from a total of 72 Ministries performed worse<sup>9</sup>.

According to a study, over 96% PRI officials in Uttarakhand and over 90% in Bihar gave no response to the issue whether they ever record grievances of people viz a vis SSA and NRHM. 94.8% beneficiaries in Uttarakhand, 96.51% beneficiaries in Bihar and 96.83% in Kerala report that they could not get their grievances solved<sup>10</sup>.

## **GR Systems for Teachers**

The RTE Act speaks about the setting up of a Grievance Redress mechanism for teachers. However, the state rules of Jharkhand, Odisha, Tamil Nadu and Chattisgarh omit this section completely. Delhi and Himachal Pradesh specify that separate notification would be brought out for this, whereas Uttarakhand specifies that government and aided school teachers' redress would be in accordance with their service rules. Maharashtra's section on GR of teachers only looks at private schools.

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<sup>8</sup> For the notifications issued refer: <http://mhrd.gov.in/local-authority>

<sup>9</sup> <http://www.performance.gov.in/?q=grm>

<sup>10</sup> Aiyar, Y, Posani, B, Patnaik, A & Devasher, M () Institutionalizing social accountability: Considerations for Policy. Accountable Government: Accountability Initiative Policy research series.

There are two main mechanisms available for teacher grievance redressal. First there are grievance redressal sessions offered by state education officers at the block and district levels or at the state level by the state commissioner of education. Second there are specialized dispute resolution tribunals that exist in many states for addressing service related matters of government employees. A very large number of writ petitions are also filed in High Courts by existing teachers. Out of these cases were analysed and found that The High Court of Odisha disposed only 75 such cases between 2009 and June 2014, while the High Court of Karnataka disposed over 6,000. The remaining states were: Madhya Pradesh (160), Jharkhand (187), Punjab and Haryana (279) and Tamil Nadu (544), while Rajasthan had 1285 and Uttar Pradesh 1146 judgments, respectively. Out of the total 9751 cases across the eight states, 47.01 per cent (or 4584 cases) of these related to service benefits, followed by appointment related disputes (33.2 per cent or 3241 cases) and disputes related to regularization of existing appointments (5.9 per cent or 579 cases)<sup>11</sup>.

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<sup>11</sup> Ramachandran Vimala, Toby Linden et al (forthcoming) , Teachers in the Indian education system: Synthesis of a nine-state study, NUEPA and World Bank, New Delhi