Implementation of Section 12 (1)(c) of the RTE Act: A Progress Report

Why in News: RTE Section 12 (1)(c) Implementation Status

- It has emerged from an MHRD reply in the Lok Sabha that five States (Goa, Manipur, Mizoram, Sikkim and Telangana) have not even issued notifications regarding admissions under the RTE section 12 (1)(c).
- **20 states/UTs have not notified per-child costs** (to pay the private schools for the children admitted under the RTE provision). This is a clear violation of the letter and spirit of the RTE Act.
- In 2017-18, of the 15 States which submitted their reimbursement claims to the Central government, only six were approved. Many of the claims of the States were not provided funds by the Centre, as they had not notified the per-child costs.
- With respect to the data on number of children admitted under the RTE Act, **18 states** have claimed that it is not applicable to them. This could mean that in 18 states, poor children are not benefitting from the Right to Education.
- **CAG in its report (2017)** found several lacunae related to financial management and implementation of the RTE Act.

The RTE Act

- **Article 21A** of the Constitution makes it obligatory on the State to provide free and compulsory education to children between the age of 6 and 14 years.
- The Parliament enacted the **Right of Children to Free and Compulsory Education Act in 2009** to give effect to it. There is no separate budget for RTE, rather it is subsumed in Sarva Shiksha Abhiyan (SSA) through which it is effected.
- **Section 3(1)** of the RTE Act provides that every child of the age group of 6-14 years shall have a right to free and compulsory education in a neighborhood school till completion of Elementary Education. The RTE Act provides for constitutionally created independent bodies like the National and State Commissions for Protection of Child Rights.

Section 12(1)(c) of the Act

- It mandates non-minority private unaided schools to keep aside at least 25% of their entry-level seats for children belonging to disadvantaged sections to create a more integrated and inclusive schooling system.
- RTE Section 12(1)(c) is one of the world’s largest programmes for public funding and private provision in education.

RTE section 12(1)(c) implementation: Untapped Potential and Way forward

- Only 5-6 lakh seats are being filled under this provision on an annual basis as per the reply of the MHRD. The State of the Nation 2015 report by IIM Ahmedabad (based on official data obtained from the District Information System for Education) puts the total number of seats under this provision as 1.6 crore over the next eight years (about 20 lakh seats per year).
- This means that there is a huge untapped RTE potential with respect to economically weaker sections (EWS category). Most of the States are yet to fulfil their obligations to their children, or do

so in a manner that can be considered systematic.

- *Non-payment of dues by state government* is a major reason for private schools refusing to admit students under the RTE provision. Sarva Shiksha Abhiyan (SSA) norms provide for states/UTs to reimburse the private unaided schools for admission under Section 12(1)(c) of the RTE Act according to the per child cost notified by the respective State/UT.
- The central government should convene a meeting with all state education ministers on the non-implementation of the RTE. The Central Government reviews and monitors implementation of the Act periodically with the States and UTs at different fora, including the State Education Ministers' Conferences.
- The IIM Ahmedabad report suggests the following measures for stronger RTE 12(1)(c) implementation: Clarity and enforcement (of rules regarding admissions, eligibility criteria, free entitlements), building a robust Management Information System to manage expenditure and reimbursement effectively, creation of school profiles, awareness campaigns, availability of alternate mode of application (other than the online mode), RTE cell and help centre, active participation of officials, judiciary, and private stakeholders and training and capacity building.

LINKS

The State of the Nation: RTE Section 12(1)(c) report is a collaborative effort of Indian Institute of Management Ahmedabad, Centre for Policy Research New Delhi, and Central Square Foundation, New Delhi. Access the report at http://cprindia.org/system/tdf/policy-briefs/SOTN%20Report%202017_FINAL.pdf?file=1&type=node&id=6428

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