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Proposed draft of recommendations from NAC to Government of India

1. The NAC has considered the draft Right to Education Bill 2005 against the background of the economic constraints expressed by the Government and the constitution of a high level committee to look into modifications in order to be able to implement the law better.
2. The NCMP states that, “The UPA Government pledges to increase the expenditure on education to at least 6% of GDP with at least half this being spent on primary (*elementary*) and secondary sectors. This will be done in a phased manner”. The predicted success of SSA is going to increase the demand for secondary, vocational, and higher education. Current allocations in all these sectors will be found wanting as years go by. It is time, after 15 months of the UPA government to seriously undertake an exercise to:
 - a. Increase the expenditure in phases
 - b. Reform the education system so that expenditure is efficient, and effective.
3. The Right to Education Bill and its projected consequences in expenditure have brought these two issues in focus. There is already thinking in the government that not only elementary, but even secondary education should be universalized. This is certainly in keeping with the aspirations of the people and the demands of the economy as it grows, not to speak of social justice. The NAC has discussed the Bill and would like to propose a few alternatives for urgent consideration and discussion.
4. Providing education of good, equitable quality forms the core of the Fundamental Right to Education. The challenge is to move from today’s situation of extreme differences in provision and quality to the goal of better and more equitable quality.

Reforms to meet short term demands and long term challenges:

Outcome orientation-

1. **Basic reading, writing, arithmetic, comprehension, and analytical skills as an essential outcome of elementary education:** It is necessary to lay down in the law that basic reading, writing, and arithmetic skills including comprehension and analysis independent of textbooks, with defined levels at the end of primary and elementary level should be essential minimum outcomes of education.
2. **Testing and certification:** The State has an obligation to test and certify children at the end of the elementary stage if it is not likely to provide guaranteed avenues for further education. Such tests need not be conducted in a pressured atmosphere as it is done today. By allowing the child multiple chances to appear and better the performance the pressure can be taken off. The Bill allows public examination ‘if at all’ at the end of the elementary stage. This uncertainty should be removed. Setting up independent testing agencies, which can test credibly and without pressure would be an important step.

Finance

5. **“Ensure provision” not necessarily “provide”:** In the times ahead, not only is the quantitative demand on education going to increase but also the quality parameters will grow in different directions demanding more human resources, materials, content, and equipment for learning. The capacity of the state, financial, technical, and structural will always lag behind the needs. Under the circumstances, the government should ‘ensure’ an incremental minimum quality education to every child but should not attempt to ‘provide’ directly through a governmental system.
6. **Separate non-recurring from the recurring for planning:** The non-recurring expenditure on creation of infrastructure should be met independently and the government could provide infrastructure, starting from the minimum necessary. The MHRD/SSA estimates that the current need for classrooms (about 11.5 lac

rooms) will be met with about Rs. 8,000 cr to be spent over 2006-08. Half of the education cess can meet this need over two years. The Bill projects a need for nearly 17 lac classrooms and additional rooms at a cost of atleast Rs. 57,000 cr. This cost is linked to the growing population but does not seem to have taken into account the possibility of running schools in shifts to optimize the use of classrooms that remain underutilized.

7. **Per-child grant-in-aid assistance:** Financial assistance to schools for recurring expenses on a per-child basis can be the cornerstone of this reform, which will also be the first clear measure of realization of the fundamental right to education. This will solve many short-term problems and long term issues.

- a. The union government could plan a uniform minimum necessary per-child expenditure per annum that can be raised annually in a planned manner. Thus, today, for a per child expenditure of Rs. 1,000, the total cost would be about Rs. 20,000 cr in addition to the cost of infrastructure..
- b. There is a tremendous variation in the per-child **budgets** in different states at this time. The per-child/annum approximate state budgets 04-05 on education in some states are reported to be: Uttaranchal Rs. 3,898 , Maharashtra Rs 2,600; Madhya Pradesh Rs. 1,990; Tamil Nadu Rs.1,997; West Bengal- Rs. 1,420; and Bihar Rs. 212. After accounting for the central assistance, the per-child budget in Bihar moves up to about Rs. 464. The differences most likely arise out of the differences in the pupil:teacher ratio and the levels of salaries of teachers.
- c. Once the union government has fixed its per-child component, the state governments could add on their components.

Schools:

8. Systemic reforms are needed that will create a system centered around **'government funded, locally managed autonomous neighborhood schools'** that will benefit from government assistance, operate within a set of regulations, and also have the freedom to grow by raising their own resources- without charging fees.

9. The Bill provides for a critical reform thrust by proposing formation of **School Management Committees** that will be responsible for providing education in defined zones (although the word is not used). It has also been proposed that all assets of the school will be transferred to the SMC. In a sense, the move is to make each school autonomous in its functioning with state paying the teachers, providing infrastructure, and children's entitlements. The crucial part missing in the SMC is its control over the budgets. The union government share could go to the SMC directly on a per-child basis. Under SSA there are already mechanisms by which Village Education Committees or Panchayats are provided grants directly for spending under certain heads. This mechanism will have to be expanded and capacities on the ground strengthened. The state governments can then add to this per-child grant to the SMC based on their capacity, or perhaps some conditions laid down by the law, over a period of time.
10. The per-child grant from the union government given to the SMC could be used partly for teacher payments, children's entitlements, and other expenses.
11. The School Management Committees should have the freedom to raise their own resources in addition to government grants. Donations and grants from local businesses, donors, NGOs- Foundations, and NRIs can certainly provide a good resource support to improve quality. Encouraging such donations through 100% tax exemption, and relaxation of FCRA regulations as long as funds flow into the SMC account would be necessary.
- 12. Unrecognised schools:** The Bill proposes that no unrecognized school should be allowed to start after the Law comes into force. Also, it allows a period by which the existing unrecognized schools should comply with the standards set by the government or be closed down. In most cases unrecognized schools have come up due to failure of the governments to provide education and most are unlikely to meet government standards of infrastructure since such schools often serve the less privileged populations. Therefore most will close down for purely for lack of capital investment. Parents send their children to these 'schools' because they do not see the 'government school' functioning. Such schools should be recognized and allowed to elevate themselves to 'government funded locally managed

school' level by forming the prescribed SMC and abiding by government regulations. Thus, there will be only aided and unaided schools in the country. The former unrecognized school that now abides by government regulations will be entitled to get a per-child grant based on children enrolled. Thus, it is possible that there will be more than one 'government funded locally managed' school in an area, possibly sharing infrastructure or justifying more infrastructure if the enrollment is high in each such school.

- 13. Relationship between SMC and PRI:** The Panchayat and the equivalent urban PRI body should monitor the work of SMC and should be mainly responsible for ensuring that all children are enrolled in school. In the urban areas, where dynamics are a bit more complicated, other mechanisms will have to be found by which transparent decision-making can happen.

Academic and Administrative Support:

- 14.** The Government has created a system of State Councils for Education Research and Training (SCERT), State Institutes of Management Administrative Training (SIEMAT), District Resource Centers (DIETs), Block Resource Centers (BRCs), and Cluster Resource Centers (CRC). None of these find a mention in the Bill and it is probably assumed that the state governments' responsibility to provide training etc will take care of these institutions.
- 15. Make DIETS autonomously run by local district society:** In most cases the entire training structure has proven itself ineffective. While the schools and the teachers are to be accountable, there appears to be no outcome accountability concerning this massive network that is supported through state salaries. The government control is extremely tight. There is no reason why DIETs should not be sustained through grant-in-aid tied to activities and outcomes. In fact, they should earn part of their revenue from the SMCs, which could have a dedicated portion of their grants for teacher training. This autonomy to function and accountability to the 'customer' is important to enliven the DIETs. The governing bodies of the DIETs could have district level persons engaged in education or

who can be helpful for education and also a number of head-teachers. The BRC could be seen as a branch of the DIET. The whole structure should be responsible not only for training, but also for improvement in quality of education measured independently.

16. CRC as local management assistants: Originally, the CRC was visualized as a body that gives academic leadership to a cluster of about 10-15 villages in the vicinity. However, most often they turn out to be data-collectors for the Education Department and are a part of the ineffective education supply chain. Considering that the SMCs will have considerable need for support in data-management, accounts, and so on, there is a need for a local organization to help in administrative aspects.

17. Independent monitoring agency: The Bill proposes creation of an independent Elementary Education Commission to act as an ombudsman, monitor etc. It is important that each district should have an independent monitoring agency that may be contracted to evaluate progress and report to the EEC and the district administration.

Teachers

18. Headteachers: Headteachers are a very critical component of school functioning. Under the current system headteachers are appointed on a promotional basis without any specific qualifications. A separate cadre of Head teachers, who are qualified with specific training has to be created. Many schools are too small to justify a separate Headteacher. In such cases a Headteacher could be appointed at the CRC to carry out the functions of a Headteacher.

19. School based cadre of teachers: The Bill proposes that ONLY trained teachers should be appointed and they should be appointed as a school-based cadre who cannot be transferred. Considering that transfers play havoc in administration and functioning of government schools, non-transferability is a good idea. However, instead of making it a life-time job, it should be possible for a teacher to be appointed in a given school on a contractual period after which she/he may move to another school that is willing to appoint her/him. Besides, often trained teachers

may not be willing to live in remote areas, or stay there for too long, as they too aspire for city-living and the benefits cities have to offer. These contradictions can be resolved by creating a district cadre of teachers from which teachers and schools can be matched through a prescribed process. In case trained teachers are not available, or unwilling to join a school, the SMC should have the right to select a non-trained teacher with the proviso that such teacher will be trained within a specified period of time.

- 20. Teacher training- licensing:** The Bill puts the burden of training teachers on the state. It should be possible to require teachers to obtain refresher certification and license against training conducted at the DIET or an authorized institution that will be paid partly by the teacher and partly by the SMC/ Government. The licensing and certification process could be linked to grades of teachers which in turn can be linked to wages and benefits.

The state government apparatus:

- 21. The major role should not be to administer and manage but to plan, monitor, inspect, and ensure provision:** The current role of the Education Departments is that of controlling and commanding schools and the various arms of the department. If SMCs have to be empowered and made responsible, if academic support bodies have to be made effective, the Education Department will have to restrict its role to approval of plans and budgets, releasing funds, accounting, monitoring- inspections, and ensuring that gaps in the implementation of the Fundamental Right to Education are filled using the various autonomous bodies of schools, institutions, and civil society institutions in the state and districts.

Social inputs

- 22.** The SMC could become but a new *avatar* of the barely ceremonial village education committees that were formed across the country by a stroke of a pen some years ago. Just as it has been recognized that a proper implementation of the

employment guarantee requires social mobilization, it is important to take up the task of informing, activating, and assisting villagers and urban populations so that active and responsible SMCs are formed and assisted to become effective.

The Right to Education Bill:

23. The 86th Constitutional Amendment making education a fundamental right is not operational until a law that gives it operational meaning is in place. The Bill provides an opportunity to reform the system. The current Bill needs modifications before it is tabled in the Parliament but the process of modification should not take very long. It has been three years since the Constitution was amended. There is a need to hurry cautiously.