

Voices From The Community

Right to Education Act, 2009

12-1.C

हम तक...

कब तक?

Status of the Implementation of Right to Education Act,
C) in Delhi State)12.1 Sec

9th December, 2015, Constitution Club, Delhi

Organised by



25% - HAM TAK.... KAB TAK?

SECTION 12 (1) (C) - RIGHT TO EDUCATION ACT, 2009

REPORT - DELHI STATE PUBLIC HEARING

9th December, Deputy Speaker hall, Constitution Club, New Delh

Section 12 (1) (c) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 states that a school specified in sub-clauses (III)¹ and (IV)² shall admit in class 1, to the extent of at least 25 percent of the strength of that class, children belonging to weaker section or disadvantaged group in the neighborhood and provide free and compulsory elementary education till its completion.' .. provided further that where a school imparts pre-school education, the provision shall apply for admission to such pre-school education'.

I

Context Setting

Mr. Karandeep Bhagat from the Centre for Social Equity and Inclusion (CSEI) initiated the programme with the slogan of Jai Bhim. He further steered the day's programme through the various sessions.

Setting the context, Ms Annie Namala, Ex. Director, CSEI, highlighted the dilemmas around this section in the minds of various stakeholders. Private schools had contested the provision of reserving seats for children from the Disadvantaged Groups (DG) and Economically Weaker Sections (EWS) for various reasons ranging from constraints and challenges before their schools to challenges before the newly admitted children to cope up and adjust. Foremost was also how children and parents from the economically well off families will respond to their children studying with the children from the 'not-so-well-off' backgrounds. Given that education activists reiterate the role of the state in providing education, this section is seen as state strategy to escape their responsibility and also promote privatization through the back door. Parents from the DG and EWS categories keen to get their children admitted in the hope of 'quality education' were no less anxious about how they will secure admission, manage costs and their child cope up.

However, CSEI has always viewed this section 12(1) (c) as providing an opportunity where children from different communities and groups can assemble and learn from each other. It also affirms our demand that state creates opportunities and equity measures for the poor and disadvantaged communities to engage in all public spaces. It also provides the opportunity for the children of India to get to know and build friendships with children they would otherwise not grow up with. It provides an opportunity to promote an inclusive environment in education. Hopefully children who learn together will build the nation together.

¹ A school belonging to a specified category

² An unaided school not receiving aid or grants from the local authority or the appropriate government

Mr. Ravi Prakash laid the context of implementation of Section 12(1) (c) and the gaps therein. In the gaps are core violations of the RTE Act as a whole. One of the core principles of the RTE Act is free and compulsory education, which mandates no cost to parents. However, this is blatantly flouted by the private schools, in relation to the students admitted under the 25% reservations. Several ingenious methods are employed by the private schools to avoid taking children within the 25% quota. For instance, the private schools ask parents to bring a lot of documents, even though some of them are not necessary. They discourage and even indirectly threaten parents that they will not be able to bear the additional costs incurred, that the child will not be able to cope up with the standard in the school. Some cases have come up where students' collars were marked as F/S (Freeship/Scholarship). This is an instance of discrimination. In some other cases, it has been found out that there are different gates for different groups of students. He concluded by saying that children should enjoy learning at schools. If that is not happening, state should ensure regulatory framework to make schooling enjoyable and inclusive in the private schools too. The Public hearing will provide an opportunity to share the constraints and concerns of the parents and seek insights and recommendations from experts which can then be shared with the private schools, regulatory bodies and the state for necessary guidelines in implementation.

Delhi state has advantage, having implemented reservation under the Free-ship category in private schools. The state came out with various guidelines in the implementation. But the contestation continues and DG/EWS quota made news every year. Many parents from the DG and EWS sections reported various problems in admitting their children under the provision. Post admission problems have also begun to surface. The State Level Public Hearing is an effort to highlight the issues to seek collective strategies to address them.

II

Distinguished Jury Members

The select Jury consisted of members from the civil society organizations, academia, legal experts and media who have been engaged in promoting education as a right with social justice, equity and social inclusion. They have in particular enunciated the rights of children from the marginalized and socially excluded communities in accessing equitable quality education with social inclusion and justice.

(Brief profile in Annexure 3)

1. Ms. Farah Naqvi
2. Prof. Geetha B. Nambissan
3. Prof. Janaki Rajan
4. Adv. Khagesh B. Jha
5. Ms. Maitreyi Shankar
6. Mr. Rajiv Kumar,
7. Mr. Rajneesh Kumar

III

8. Collaborating Organisations

9. Other civil society organizations (CSOs) and community led organizations (CLOs) collaborated in identifying and encouraging parents to represent their issues before the public hearing. They have consistently supported the children from Disadvantaged Groups and Economically Weaker Sections to access their rights under the 25% reservation. Given the concerns of parents in raising such issues, the consistent engagement of the CSOs/CLOs in their communities gave them courage in the larger interest of education. (Brief profile in Annexure 4)

- ❖ **Bachpan, Badhav, Bachav, Baatchit (B4)** working in Kusumpur Pahadi, South Delhi, led by Ms Sunita Chouhan
- ❖ **Initiatives for Social Upliftment (ISU)** working in Jama Masjid area in Central Delhi, led by Ms Sajida Khanam
- ❖ **Labour Education and Development Society (LEDS)** working in Baljit Nagar and Rohini, West Delhi, led by Ms Hemlata Kansotia
- ❖ **Nai Umang Nai Socnh Society (NUNSS)** working in Jaffrabad and Janta Mazdoor Colony, East Delhi, led by Mr Mohammad Asif
- ❖ **Joint Operation for Self Help (JOSH)** working in Kalyanpuri/Trilokpuri, East Delhi, led by Ms Rekha Koli
- ❖ **Deepshikha Samiti** working in Jafarabad, Eidgaah road, North East Delhi By Mr. Tajuddin Khan

IV

Delhi State Public Hearing

Overview

Ms. Chandrakanta Bharti, CSEI shared the overview of the Public Hearing (PH):

Objectives of the Public Hearing

- Review the existing systems and mechanisms in **pre-during-post admission** under this section.
- Highlight the **barriers and constraints** faced by parents from DG and EWS categories in accessing admissions under this provision.
- Review existing mechanisms of **support** to parents and **inclusion** of children within the RTE Act.
- Make recommendations on **necessary and desirable norms and standards** for effective implementation of this section.
- **Take forward** the recommendations with the education administration and the private schools to effectively implement the RTE Act

She further stated that The Public Hearing has documented **28 cases** in detail from across the different districts to showcase the nature of constraints and barriers faced by parents 'pre-during-post' admissions under the section. **12-15** parents from DG and EWS categories will present **their cases** before the Jury, expanding upon the hurdles experienced. Only sample cases are presented to showcase the diverse issues and problems in the document and before the jury to identify necessary systemic readiness and support for implementation of the Act.

Ms. Chandrakanta Bharti presented the implementation under the section in Delhi state in 2015-16. (data from <http://www.edudel.nic.in/mis/Payroll/frmReportewsdgentrydistwise.aspx> in, collated in August 2015)

- 1186 (69%) schools had submitted the information regarding admissions under Section 12 (1) (c)
- 539 (31%) schools had not submitted the information under this provision.
- In the 1186 schools the Mandated seats are 25954 (25%), Allocated were 22616 (21.7%) and Admitted-15169 seats under RTE section 12(1)(c) .
- Of the mandated seats 25954, unfilled seats were 7447 (32.87%).
- 890 seats were left unfilled under Free-ship seats quota.
- 30 camps were held by the **Delhi Equity Forum** at the various locations given in the map with the help of local **Community-Led Organizations** (CLOs). Over 1000 grievances were received from the community members.

164576 applications were received by the **1186** schools for a total of **22616** seats under Sec 12 (1) (c). The number of applications is surprisingly high when compared to **253675** applications received for **81198** seats in the open category. This indicates the aspirations and concerns of parents from disadvantaged groups and economically weaker sections to access '*quality private schooling*' for their children. (data from <http://www.edudel.nic.in/mis/Payroll/frmReportewsdgentrydistwise.aspx>, as on 25th August 2015).

The numbers would be many more if the numbers were gathered for –i) **non-reported schools**, ii) unaided private schools registered with the **MCD**, iii) **unregistered schools**.

Nature of Complaints by Parents regarding Section 12 (1) (c)

- (i) Cases where children were not admitted in the school.
- (ii) Cases where extra costs is demanded by the school
- (iii) Cases where parents were intimidated or not treated well.
- (iv) Cases where schools impress upon parents that they are being charitable, undermining the fact of the provision being a fundamental right.

V

Ms Chandrakanta Bharti along with members of collaborating CSOs/CLOs facilitated the presentation of cases by family members.

Cases brought before the Jury

(the case numbers correspond to the serial number of the cases documented for the Public Hearing)

1. Case No. 1, Karolbagh – Ms Rajni Singh from Labour Education and Development Society (LEDS) presented the case.

Salwaan Public school, Karolbagh, Delhi.

Pressure to take child away

School was putting pressure on parents to remove the child saying that child is not able to cope up, has poor learning capabilities. Parents are trying to cope up with additional tuitions to child. The parents reported an average cost of Rs.15000/year including Rs. 8000/year spent on tuitions. The school suggests that the parents should voluntarily (naam katvavo) remove the child and admit in the government school where he will be better able to manage. Parents also reported on the high cost for books, uniforms. The school also has a system of providing lunch for children at a cost. However, this child is not able to join this group as parents cannot afford this cost. Even though the school bus goes through their area, child is not using it owing to the cost. The child gets marked and discriminated through these and the parents are concerned about its impact on the child and his learning.

Juries' questions and suggestions

After hearing about the case, **Ms. Farah Naqvi** asked if anyone from the NGOs had talked to the principal and teachers. She advised that conversations should be started with the school. She also suggested starting a dialogue with those schools which are progressive and then subsequently bringing all the private schools on board and discussing with them these issues.

After this, Ms. Nambissan asked for one clarification – whether schools are obligated to pay for costs incurred in **extra-curricular activities, picnics** etc. Mr. Khagesh answered that section 3 of the RTE talks about 'any expenditure', so every cost can be included. But in Delhi, Delhi RTE rules have narrowed down section 3. Rule 8(1) mentions certain specific things. So, there is some ambiguity on this point. However, as held by the Courts and under the RTE, every cost should be paid by the school.

On the issue of whether conveyance costs would be paid by the school, there is some ambiguity. This is because the neighborhood concept under the RTE does not take into account the fact that in cities like Delhi, children can't just walk to the school; they need transport facilities. Further, as far as uniform is concerned, the government gives Rs 500 to the government schools. Therefore, it gives the same amount

to the private schools. But this amount is not enough. The Court has also opined that the dress should be given in kind.

Thus, even though there are slight ambiguities on certain issues, the RTE Act is quite wide and it has been interpreted broadly by the Courts, and therefore all costs should be covered by the school/government.

Other juries also observed that transportation is a big problem in Delhi. Responsibility should be fixed and the government should reimburse transportation costs. We should not just ask the private schools to give the money, but also tell government to reimburse properly.

2. Case No- 19 ,Trilokpuri/Kalyanpuri– Father presented the case

Ryan International School

Schools are not within 1 km radius and no receipt for fees taken

The school had been taking Rs.450/-from the parents since 2 years. They do not know for what this is being taken. They fear to ask concerned of any negative impact on their child. Parents would like the school to give them clarity on costs and also give receipt for any fee.

3. Case No. 11, Kusumpur Pahadi,– Ms. Sunita Chouhan from Bachpan, Badhav, Bachav, Baatchit (B4) presented the case

Chinmaya Vidyalaya, Vasant Vihar, South Delhi.

Admission Not transparent

The parents got letter from the school to say their child was successful in the draw. That child can be admitted to school. When parents went to admit child, they were told the letter was mistake as another child by same name and same parent's name was successful in the draw and not their child. If this was a mistake, it is surprising that the school did not inform the parents earlier when they realized the mistake. School did not show any proof of how the mistake was made. Parents could not gain any clarity on how the mistake occurred and the schools role in the same.

Juries' questions and suggestions

Ms. Naqvi asked if the observers were there. Mr. Rajeev said that there is a mandatory provision of videography of the lottery process. The parents should go to the office of Deputy Director, Education Department. If the child's name is there in the video, then the department must take action.

4. Case No. 17 Nangloi– Grandfather of the child presented the case

GRMMS School, Rishal Garden, Nangloi, West Delhi.

Demand of Income Certificate for child from DG category

Child gave caste certificate during admission. After admission income certificate was demanded. Now every year income certificate is demanded. Parents gave the government circular that income certificate is not needed for children from DG category and that even if income certificate is needed, it can be self-attested after year 1. Each year income certificate costs Rs. 2-3000/-. Despite being informed about the circular and the clarity that DG children do not need income certificate, school is unwilling to relent. Had filed GR on line, and the issue was referred by the GR to school, no further follow up.

Juries' questions and suggestions- Rajneesh observed that the institutions that we are labeling as "schools" are they really schools, institutions of learning?

5. Case No. 13 – Kusumpur Pahadi , Child's uncle presented the case

DPS Vasant Vihar South Delhi

DG child pushed out of school citing the Income Certificate is not authentic

Child's name was drawn through lottery. Child was admitted to school. After 4 months, in June 2015 parents were called to school and said the income certificate is not authentic. Parent tried to explain how they got the certificate by submitting the necessary documents. They requested for some time to verify the certificate and get any other necessary document. School did not give them any time, and asked them to remove the child at once. Child is now at home as the school year has gone by. Filed complaint before the DEO. Dept said get new income certificate. Parents hope to apply again next year.

Juries' questions and suggestions

Mr. Khagesh Jha said that the school has acted with bad intent. He also asked whether the school had given any written statement that the certificate was wrong. He said that either the school may have given in writing that the certificate was fake or the school had got a written submission by the parents that the certificate was fake. Parents said that the school had taken something in writing from them, but they did not know what that was.

6. Case no. 20 – Trilokpuri , Ms. Jyoti Mahore from joint action for social Help presented the case

Alcon Public School, Trilokpuri East Delhi

Non Transparency on Entitlements

The parents were given cheque for Rs.800/- in 2012 when the child was first admitted. They think it was towards the uniform costs. They have not received cheque after that. They are afraid to ask the school for clarity in this regard. School also has not provided any information or clarity in the matter. Parents request that entitlements like other children in the government schools be given to their child too to meet school costs.

7. Case No. 9 - Rajasthan Colony — Mother of the child presented the case

Currently admitted in unrecognized school as no school gave admission

Disability not admitted

Child has small disability in the feet and is not able to walk fast or long. Even when the parents went to apply for the admission, school refused saying they cannot take care of children with disability. School said that they do not have facility to give special attention to children with disability.

Juries' questions and suggestions

Mr. Khagesh told us that even now, the child should pursue for admission if there are seats vacant. And as per section 15 (RTE) admissions are open throughout the year. **Ms. Naqvi** asked whether the school had given any formal reason for not admitting the child. The parents said that the school took the pretext of the 1 km neighbourhood provision. **Mr. Khagesh** then asked if there was any other child from the same colony who got admitted in the same school. He also asked if any NGO has taken any action in this regard. He advised that the parents should go to the Deputy Director, Education. **Ms. Nambissan** asked if there was any separate quota for specially-abled children within the DG quota. **Mr. Khagesh** Jha answered that the Supreme Court had held against bifurcation within the 25% in Delhi. However, a few states had disaggregation for different categories under the 25%. He also clarified that the 1 km provision is just a priority, and not a compulsory requirement.

10. Case No. 8- Trilokpuri- Mother of the child presented the case

Estate Public School, Mayur Vihar Phase 2

Distance criteria not clear

On the day of lottery, parent was there, name of the child came in the lottery. Other parents from the same habitation objected as their children were denied saying the habitation does not fall within the distance criteria. The school then withdrew the name of the child. The parent however approached the school with the local NGO (JOSH) and got admission. They still are concerned about the various charges in the school in addition to books and uniforms etc like— computer class, SMART class, picnics – approx 7-8000/year.

There are disparities in how the distance criterion is interpreted by schools. Even the actual distance may not be clear given that the urban habitations at times are extended locations.

11. Case No. 21. Trilokpuri, Ms. Jyoti Mahore from joint action for social Help presented the case

Cosmos Public School, Mayur Vihar.

Cheating/Demand for fees for EWS/ DG

The child was admitted through the draw in the EWS category. After admission school demanded the parent to pay Rs.2000/- as annual fees. Parent paid the fee in 2011-12. Later coming to know that EWS children do not have to pay, they approached the school with the local NGO (JOSH). School returned the Rs.2000/-. In the case Financial norms unclear and transactions unclear. Parents fear to ask on their own, without support.

Juries' questions and suggestions

Professor Janaki Rajan said that the requirement of residence proof certificate creates difficulties for people who live in rented apartments. **Ms. Farah Naqvi** observed that the grievance redressal system was not working properly. **Mr. Rajeev** also observed that the grievance redressal system was in a very bad shape. He said that his organization had studied 700 cases of grievances. In none of these cases, the government called on the parents and asked them what their grievances were. The department believes whatever is said by the respondents, i.e., the school management or the principal.

The two mechanisms to handle grievances of parents – GR mechanism and the DCPCR, are not working well. Mr. Rajeev said that the government is intentionally not doing anything. He gave one instance, where the department had asked the school principal about quality of water. The principal gave some reply and the department accepted that, without conducting any inspection.

12. Case No- 16 Jama Masjid, Ms. Sajida Khanam from Initiatives for Social Upliftment (ISU) along with parents presented the case

Happy School,

High Cost beyond fees

High cost of schooling including with tuitions come to Rs.16090/year which is difficult for the parents. The Parents are anxious about continuity of child.

13. Case No- 15, Janta Mazdur Colony , Mother of the child presented the case

Huda Modern Public School

Discrimination/disregard to parents

Parent is single mother said that she does not receive any information from the school. She is not informed about PTA meetings. School does not inform through child's diary. When parent reported that the additional costs is difficult for her to pay, school threatens in a veiled manner that it will create ill-will with school and child may be made to sit separate being from EWS category. The Parent feels disregard from school. Parent not engaged in the learning of the child in any way.

14. **Case No. 18**, JMC, Ms.Rekha from Deepshikha Samiti organisation presented the case.

Victor Public School,Zafarabad

School Misguided Parent

At the time of admission, parents were told EWS quota was not applicable as per High Court orders. Parents still admitted hoping to pay the fees. Later through RTI came to know EWS quota is applicable. They reported matter to the DEO with the help of the local NGO (NUNSS). The school is now willing to educate the child without fees under the general category. School is not willing to include the child under the EWS category saying the seats are filled up already. The Parents are anxious if the school will revert such a provision later.

15. **Case No. 3** –Mr. Mh. Asif from Nai Umang Nai Socnh Society (NUNSS) presented the case

Pooja Public School, Zafarabad

No Information on their Entitlements

Parent came to know that children are eligible for Rs.600/year scholarship. She has no information from school regarding this. They are afraid to ask for any information or clarity from the school. They hope that if some financial support is available from the state for the child, it will contribute to meeting their financial burden. They reported they spend about Rs.7000/ year for child at present. As the child goes to the next class, they fear that they will also have to provide tuition which will hike up the financial burden further.

16. **Case No- 26** , Sarai Rohilla Ms. Sarita Labour Education and Development Society (LEDS) presented the case.

Om Prakash Bal Mandir Public School,Sarai Rohilla

Schools unwilling to admit NT-DNT community child

The family belongs to the ND-DNT community and live making iron instruments for home and farm. The mother being educated to class 7, was very keen to educate her child in a private school. She applied in the nearby private school even though she was not aware of the DG/EWS provisions. The school did not encourage her nor tell her about the DG/EWS provision. They only put fear in her saying it costs Rs.10000/year in the school. The local NGO (LEDS) encouraged her to apply under the DG/EWS category. As the school was not willing to accept the application, a complaint was filed in the MCD office against the school. The school called up the local NGO and threatened them regarding the complaint. The mother does not think of admitting her child anywhere now and the child is at home.

The NT-DNT community is farthest away from education. Despite being residents of Delhi for many years, they do not have any document to prove residence. Need further special support to bring them in.

17. **Case No. 25** – Rajasthan colony , Ms. Hemlata Kansotita from Labour Education and Development Society (LEDS) presented the case

Dayanand Model Public School, Patel Nager

Threatened to visit home to verify if they will manage the additional school costs

The parents were keen to admit their youngest child at least to the private schools. The two older ones were already in the government schools. For two years, they applied in all the nearby schools. In the second year, the child got selected in the waiting list in the school. The school asked the parents to come for admission. As the child was already going to the local government school, parents requested for two days to submit the birth certificate. Management said it needs to be done in two hours. Further the Principal asked how the parents will meet approx Rs.4500/ which will be additional costs per month. When they said they will somehow do it, Principal asked about their home conditions and work conditions. Management even threatened to send someone to verify the home conditions if they will be able to meet the additional costs. The parents are felt too anxious and threatened and decided to give up the seat and not admit their child. Even when the local NGO tried to support them, they were too scared to admit the child. Child is now in the local government school.

18. **Case no-23-** Kusumpur Pahadi, Child's aunt presented the case

Surajbhan DAV Public School, Vasant Vihar.

Money taken during admission

The parents kept tracking the school for admission. They were told that the child will be admitted. But the admission was given after the regular round of admission – almost two months. School took Rs.1000/ for diary during admission. Parents did not make any complaint. In the next year the school took Rs.500/- diary. School includes child in school programmes as if these are routine activities of the school and has no extra charge. Later parents are told they have to pay. Parents are unable to bear charges and school drops the child from programmes. This is a discrimination and even trauma on the child. School also instructs parents to buy school books and materials only from a particular shop and not others. School does not clarify what costs are expected during the year. The demands come all of a sudden.

19. **Case No. 3** – Jama Masjid Ms.Sajida khanam from Initiatives for Social Upliftment (ISU) presented the case.

Happy School, Jama Masjid.

Pushed out owing to disability

Now the child is in A ONE Public School after dropped out. **Disability & Discrimination-**

Child has a small speech disability, not clear in speaking. The child got admission and attended school for 2 months. There was continuous pressure on the parents to take the child out that she was not coping up. One day the child did potty in the class room and mother was called to take child out again. Then after that child refusing to go to school and dropped out. School says they have no facilities to teach children with disability. School said that they do not have additional help to take care of children with disability. Teachers not be trained on working with children with disabilities.

VI

Jury Suggestions and Recommendations

In addition to their recommendations on individual cases brought before them, the jury shared their overall insights and recommendations at the close of the public hearing. They were categorical that the provision of 25% reservation for Disadvantaged (DG) and Economically Weaker Sections (EWS) in private schools needs to be **fully implemented and ensured**. This in their opinion was important to facilitate children from diverse backgrounds to grow up together in the framework of the Constitution towards nation building. Education experiences world over proves that diversity in the class room where children from different backgrounds, culture and knowledge systems learn together is imperative for promoting quality education. It was clear that families were keen to have their children admitted in private schools in the hope of **quality education and a better future**. However they still needed **specific information at the right time and further support** to apply and access the provision. The private schools were still way high above them in the power hierarchy and they did not feel confident to approach them or seek clarification. The CSOs/CLOs have great role to play here. The jury also felt that it was important to start **conversations and dialogue with the private schools**, some of who are supportive of the provision and see its relevance in furthering quality education. Beginning with them conversation can start on identifying the constraints and barriers both for the schools and the parents and children and seek ways to address them. The state needs to be in the conversation to create the systems and guidelines for effective implementation. Currently there are also Private Schools forums which can also anchor some of these discussions. Parents from DG and EWS have over and over emphasized two issues today – the **crippling cost of private education** and the way schools treated them and their children. Families are spending additionally between Rs. 7000/- to Rs.15000/- per year for a child. This is a huge sum for a family that may be earning about Rs.10,000-Rs.12000/-month in the city. The jury recommended that as per the rights under the RTE Act, these children should also be provided free and compulsory education. There needs more **in-depth discussion between the state and the schools** in this regard and practical solutions be drawn out. Like parents, some schools may also have genuine problems in subsidizing the children. An important responsibility on the part of schools is to **provide a friendly and supportive environment to children** and parents that is based on mutual respect and dignity. Parents reported their

feelings of being dis-respected, not heard, over-looked and condemned in their interaction with the schools. In addition, parents also wished to be more informed and engaged in their children's schooling. Schools have an important **role to ensure non-discrimination and encouragement** to all these children be they in learning or co-curricular activities. School management should ensure teacher orientation and support in this regard. CSO/CLOs having insights into the community can play an important role to support such a process in the schools. The very nascent **Grievance Redress mechanism** needs strengthening, beginning with the schools, department and the Delhi Commission for Protection of Child Rights (DCPCR). It was encouraging to see some efforts in this direction from the CSOs/CLOs and the community. The same may be pursued to build a robust system with the state. An overarching concern was about the learning in the private schools. Jury discussed that private schools also provide a wide variety in terms of their costs, functioning and systems. There needs to be **systematic research on private schools** to understand their functioning and contribution to promoting quality education. Privatisation of education has not created equal opportunities for the poor and disadvantaged. Hence even as we promote the right to equity and inclusion in education, the state responsibility to promote quality education need to be emphasized. At this time, it is also important to locate the **public role of private education within the overall education system of the state**.

The more specific suggestions and recommendations are given below

1. Mr. Mazhar Hussain

- (i) The public hearing has raised a lot of serious problems in the implementation of the Act.
- (ii) Parents need to be guided and supported during admission process as well as in cases where they face problems after the child is admitted.
- (iii) All material things should be provided by the school. For instance, uniforms, books, transportation costs, costs of projects and school outings. In the absence of such provision, there will be incomplete inclusion.
- (iv) There should be no discrimination against children.
- (v) Children from the EWS and DA categories should be encouraged and supported to do well in studies and school.
- (vi) The Grievance Mechanism needs to be strengthened. The government should create some helpline number also.

2. Prof. Geetha Nambissan

- (i) Parents need to be made fully aware of their rights under the RTE.
- (ii) We need to initiate a dialogue with the private schools so that they don't oppress the children and parents from the EWS and DG categories.
- (iii) There is also the need to distinguish between DG and EWS categories and track that children from both categories are admitted. There is every possibility for the DG category to be overlooked. This needs clarity building among schools managements.
- (iv) Teachers need to be provided training on how to handle diversity in the classrooms.

- (v) We need to unpack the concept of “private school” - is there a major difference between private and government schools? There is a range of private schools. Private schools are very stratified, there are some which are very bad, there are some which are really good. So, we need to find out what is happening inside the schools?
- (vi) We need to strengthen the state system of education
- (vii) We need systematic studies on the present schooling system.

3. Ms. Farah Naqvi

- (i) There is systemic discrimination against children from marginalized sections.
- (ii) There should be no compromise on implementing the 25 % reservation in private schools.
- (iii) Schools should bear all the expenses.
- (iv) While conducting any study of the schools, the condition of EWS and DA category students should be studied. Studies should be conducted examining how integration of children from EWS and DA category students is happening
- (v) We need good models of integration; for this, studies of some good private schools should be conducted.
- (vi) We need to have a dialogue with the schools.
- (vii) NGOs should play a very active role in implementing RTE. All NGOs should adopt one school, and see if the implementation is being properly done.

4. Prof. Janaki Rajan

- (i) Government should bear all the expenses.
- (ii) The total number of seats available under the EWS and the DA categories in private schools caters to a very small number of children. So, we need to focus on strengthening the government school system and try to pressurize the government to adopt common schooling system.
- (iii) The Delhi government should make a database which should contain information about all EWS category students who have applied to schools but could not get admission and those who got dropped out after being admitted.
- (iv) The government has said that the 3% education cess should be utilized for Disadvantaged Group purposes. It needs to be checked if this is being done or not.
- (v) The system of remedial education needs to be strengthened.

5. Mr. Rajneesh Kumar

- (i) We should fight against the increasing privatization in education, health and other basic sectors.

6. Ms. Maitreyi Shankar

- (i) We need to unite the parents and encourage them to form their own forums for implementing the section.

- (ii) School management and teachers need to be given training on how to handle these issues sensitively.
- (iii) Responsibility of officers should be fixed.
- (iv) We need to bring out the success stories where parents fought and won against insensitive school management or government bureaucracy and publicize these.

7. Mr. Rajeev Kumar

- (i) There are a lot of problems regarding the implementation of the RTE, even though there is some awareness about this law.
- (ii) We should take the matters of non-implementation or violation of the law to the Court.

8. Adv. Khagesh Jha

- (i) We need to look at the entire scheme of the RTE and ensure that it is totally implemented, in letter and spirit, not just any particular section like section 12(1)(c)
- (ii) Section 3(2) of the RTE says that the government should remove all the barriers, like those of documentation etc. It is the duty of the government to reach the people and remove all bottlenecks. The duty of parents is only to get the child admitted in the school.
- (iii) We need to take individual cases to courts and set an example for other schools so that they do not violate the law.
- (iv) Parents need to be made aware that this is a right and not a matter of charity.

VII

Conclusion and Way Forward

Civil Society Voice

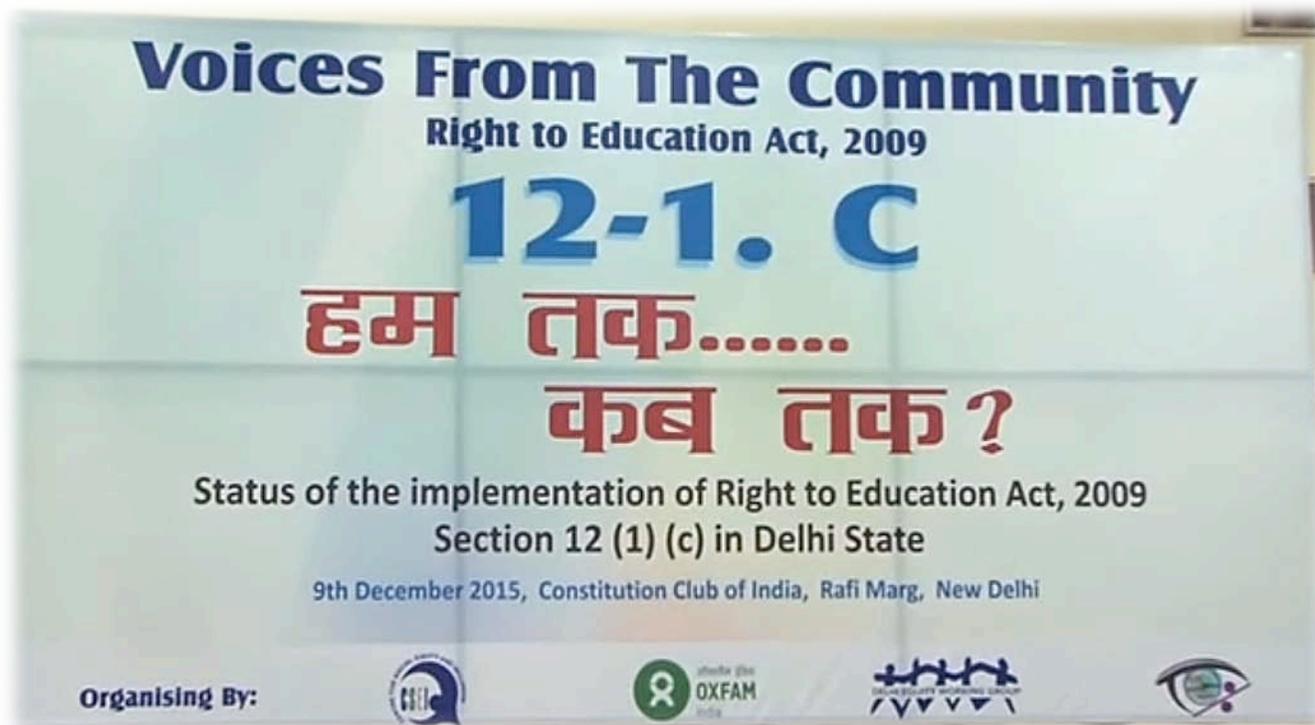
Dr. Bharat Singh from the Delhi RTE forum has long-standing experience working on child rights and education rights in Delhi state. He said people are aware about the poor condition of schooling in Delhi and also the status of RTE implementation. But the question is how to address these systemic issues. As far as the private schools are concerned, these are run only to get as much profit as possible. They are not concerned with a child's well-being and were never interested in teaching poor children or children from disadvantaged groups. He suggested that we should involve all the stakeholders and then work towards the implementation of the RTE.

Mr. Vishnu Khurana from Samvedna Institute spoke on the conditions in schools from the perspective of children with special needs. He said that there are a lot of infrastructural and attitudinal problems in schools. Many developed nations have special teachers like speech therapists etc in the classrooms. According to him, we should procure professional help for such children.

Ms. Annie Namala

The Public Hearing has provided a glimpse into the teething problems in the implementation of the 25% provision. The important task is to set the system in place both with the administration and the schools. The provision should be seen in its potential for promoting diversity, social inclusion and social justice to, in and through schooling. There is need for the various stakeholders to come together in the implementation. The civil society is actively engaged with the community and children and has also been engaged in advocacy. Social Jurist has been a strong voice strengthening the implementation of the RTE Act through legal interventions. The support of the academia and media are equally important in promoting the implementation in its overarching purpose and objectives. We look forward to taking the process forward and look forward to the collaboration and support of all stakeholders.

Further Annie thanked the parents and relatives who have been engaged in the implementation of the provision. She acknowledged the courage and effort in raising these issues, despite the anxiety of its implications on their children and themselves. She thanked each of the jury members for giving their time and valuable insights into the different issues raised through the cases. She thanked the civil society organizations that have supported the parents in bringing these cases to the public hearing. The CSOs/CLOs have been the strength and support to the parents and their communities. She thanked Chandrakanta Bharti for anchoring the public hearing partnering with the CSOs/CLOs, documenting the cases and facilitating the hearing. She thanked Karan for steering the process of the day in a very engaging and interesting manner. Siddharth Parmar supported the process through documenting the entire process and Prem for video-documenting. The entire team of CSEI has worked as a big team with Dolly Paswan in administration and logistics, Ram Yatan in the finance and all team. OXFAM, in particular Ravi Prakash and Maju Varghese have been co-travelers in the entire journey.





Annexure -1



Annexure -2

Right to Education Act, 2009

12-1.C

हम तक... कब तक?

Schedule -9th Dec 2015 , At Constitution Club , Rafi Marg, New Delhi

Time	Activity	Purpose	Person
9.30-10.00am	Registration	Welcome & Networking	Dolly , Santosh -CSEI
10.00am-10.30 am	Tea		
10.30 -10.40 am	Background Purpose	Context Setting	Annie-CSEI
10.40-10.50 am	RTE Act: Relevance of Section 12 (1) (c)	Equity & Inclusion issues in Education	Ravi Prakash- OXFAM
10.50 -11.15 am	Delhi Section 12.1.c Implementation	Overview of Issues	Chandrakanta-CSEI
11.15 am-1.30 pm	Presentation of Cases before Jury	Nature of RTE violations in implementation of Section 12 (1) (c)	Parents/ CLO reps.
1.30-2.30pm	Lunch		
2.30-3.30pm	Cases Presentation before Jury (contd)	Nature of RTE violations in implementation of Section 12 (1) (c)	Parents/ CLO reps.
3.30 – 4.15 pm	Jury Observations Civil Society Members Mr Ambarish Rai, RTE Forum Dr Bharat Singh, Delhi RTE Forum	Hearing	Chandrakanta-CSEI
4.15 – 4.30 pm	Closing and Vote of Thanks		Karandeep Bhagat/ CSEI

Jury member on the public hearing on RTE sec-12 1 C

	<p>Ms. Farah Naqvi Farah Naqvi is writer, activist and consultant. For over two decades she has been involved in democratic interventions on issues of minority rights, gender rights, justice, communalism and violence against women. She has worked with survivors, followed-up with investigative agencies, networked women's groups, documented and shared information and undertook fundraising and policy advocacy with the government. Farah is one of the founder members of Nirantar, a civil society organization working on gender and education. Farah was also member of the National Advisory Council (NAC) during UPA government. She has been serving as Board member of OXFAM in Delhi. A post-graduate from Columbia University, Farah has done notable work in the area of broadcast journalism.</p>
	<p>Prof. Geetha B. Nambissan Geetha Nambissan is writer and Sociologist, currently teaching at Zakir Husain Centre for Educational Studies, School of Social Sciences in Jawaharlal Nehru University. She has considerable work on education of Dalits, Adivasis and Girls; Poverty, disadvantage and privilege in education; the private sector and schooling as business. Geetha has many publications on poverty, exclusion and educational issues. Poverty Reduction and Policy for the Poor between the State and Private Actors: Education Policy for the Poor in India since the Nineteenth Century, Education and Social Justice in the Era of Globalisation - India and the UK and Child Labour, Social Exclusion and Household Livelihoods are some of her collaborative research projects.</p>
	<p>Prof. Janaki Rajan Janaki Rajan is a leading educationist, currently teaching in the Department of Teacher Training and Non-formal Education at Jamia Millia Islamia. She served as the Director, State Council of Educational Research and Training (SCERT), Delhi from 2000-2006. She has been associated with teacher training, curriculum development and material development for the government and Municipal Corporation schools of Delhi. She initiated "Culture Quest", an on-line programme for government schools of Delhi with state schools in New York, in collaboration with the City College of City University of New York. She holds a doctoral degree in Cognitive Development of Children, a Masters in Psychology, English and Education and a Bachelors Honours Degree in Chemistry. She is a firm believer in the transformative power of the people and leaves no opportunity to promote the same.</p>
	<p>Adv. Khagesh B. Jha Advocate Khagesh B. Jha is a Lawyer at Delhi High Court and an Education Activist. He is associated with Social Jurist, a group that is actively engaged in promoting education rights of children in the Delhi state. It uses Public Interest Litigation as one of the major tools to defend the right of downtrodden. Khagesh Jha has consistently helped evolve jurisprudence on Section 12 (1) (c) on the implementation of 25% reservation for children from the Disadvantaged Group and Economically Weaker Sections in Delhi state. This has resulted in the High Court clarifying and expanding their rights in the state. Khagesh is also active on the larger issues in education and health rights.</p>



Ms. Maitreyi Shankar

Maitreyi Shankar is an activist working for workers rights in the state of Maharashtra. She is actively engaged in promoting and strengthening a union of the Waste Pickers in Pune city - Kagad Kach Patra Kashtakari Panchayat (KKPKP), a trade union of waste pickers. KKPKP is also active in social issues in campaigns and struggles like violence, rape and sexual violence, child marriage, and child labour. As part of the work of KKPKP, Maitreyi and colleagues have actively supported the children from the union members to access admission under Section 12 (1) (c). They have successfully admitted children and keenly track the different issues related to pre-during and post admissions.



Mr. Rajiv Kumar,

Rajiv Kumar is founder director of Pardarshita, a civil society organization actively engaged in the rights of children, particularly rights in education. Pardarshita is keenly engaged in issues against corruption, ensuring transparency & accountability in Public Governance Systems so as to empower the marginalized sections of society. Rajiv has been instrumental in tracking the implementation under Section 12 (1) (c) demanding the rules and guidelines be followed meticulously. He has also been instrumental in tracking provisions under the Right to Education Act 2009 in the state. Rajiv is Convener of the Delhi State RTE Forum and actively campaigns to make education a right and political issue.



Mr. Rajneesh Kumar

Rajneesh works as Associate Editor in a fortnightly UTs Voice, an English magazine that focuses on the Union Territories. He has a long history of working with the print media, both newspapers like Hindustan, Dainik Jagran, Amar Ujala; and magazines like Yojana & Grihalakshmi, Grassroot. Mr. Rajneesh is an ideologue of Dalit-Bahujan movement. He is a writer and through his continuous and intense writing has brought out the issues of socially excluded communities to focus of the media world.

Collaborating Civil Society Organizations and Community Led Organizations

- 1. Labour Education Development Society (LEDS)**, initiated its activities in 1999 with the aim of organizing and mobilizing unorganized sector workers at Jaipur, Rajasthan on the issues of better working conditions and comprehensive employment and social security. The activities consist of conducting training workshops, mass meetings, information dissemination, capacity building, campaigns, advocacy and lobbying for the betterment of unorganized sector worker. LEDS want envisages a classless society and labours and children, which only can be come about through the economic empowerment of the Deprives. LEDS Approach is addresses child education, welfare, health, and social development issues. From a social as well as gender equality and equity framework and Right based approach. LEDS following the Ideology is Every citizen has right to live with dignity; State is obligate to ensure citizen rights to work, food and shelter. LEDS is working for the empowerment of underprivileged communities, particularly the Dalit and construction labour; Woman and Children of urban and rural areas to actualize their rights.
- 2. Joint Operation for Self Help (JOSH)** (<http://www.josh4india.org>) is working in Trilokpuri and kalyanpuri aria of East Delhi . Activities of JOSH has mainly been with students in colleges and universities of Delhi and other states also. Spreading awareness about the Right to Information Act has been main focus of JOSH . RTI is one of the most effective tool to fight corruption and any form of unjustified use of power. This act can become an answer for many of the problems of the present time. Josh's aim is to help and support the students and young professionals and community to use RTI Act, to claim for their rights and also address larger social concerns.. JOSH is the space in which ideas are questioned and youth activism engendered.
- 3. Initiative for social up liftment (ISU)** is working at Dariyaganj, jama masjid aria in central Delhi. ISU focus group is Muslim community. They are working for health and education of the community. Through the health facility by government for marginalize community they are working on health issue and by Implementation of the RTE act 2009 ISU is targeting the education of the marginalize community. Through the community youth volunteer they are making the leadership with in youth and capacitating to them for work on the issues.
- 4. Nai Umang Nai Sonch Society (NUNSS)**- is working in the North East Delhi at Janta Mazdur colony, zafarabad. This aria is Muslim populated aria. People are coming from neighbor state to find the work staying in this aria also it's a un Authorize colony and the basic facility are not present there so education of the children too. We can find the child labour in this aria. So the organization is working on the issue of basic facility provided by state help to community to get it and implementation of the RTE Act, 2009 fully. The Organization also working with youth on their leadership and capacity building by ruining youth center.
- 5. Bachpan, Badhana, Bachav, Batchet (B4)**- This organization is working in the aria name Kusumpur Pahadi of south west Delhi. Kusumpur Pahadi is a Un- authorizes colony and the basic facility like water and electricity are not present there and the population here is schedule caste mostly. The people of the neighbor state are coming to Delhi for find the work and mostly staying in the aria. So the organization also situated in the same aria and working with the community. B4 runs Education resource center and the youth tech Hub also for children and youth leadership. The focus of the organization is fully implementation of the RTE act, 2009.
- 6. Deepshikha Samiti** has been working with the communities in different parts of NCR Delhi since 1994 The organization has working on Health, education livelihood for the marginalize community in the zafarabad aria of north ease Delhi. The aria is migrant and child labor prone aria. Basic facility is all most disappear in the Aria.

Right to Education Act, 2009

12-1.C

हम तक... कब तक?

दिल्ली शिक्षा के अधिकार की नियमावली

अनुसूचित जाति, अनुसूचित जनजाति, ओ.बी.सी) .कमो लेयर से नीचे, (अनाथ, बेघर, एल.जी.बी.टी. व विकलांग एवं आर्थिक रूप से कमजोर वर्ग के बच्चों के लिये

- कक्षा के अन्दर अन्य बच्चों से अलग-थलग नहीं किया जाना चाहिए !
- कक्षा के अन्य बच्चों से अलग समय में ,अलग जगह पर कक्षाएं नहीं चलनी चाहिए !
- स्कूल में होने वाली सभी गतिविधियां व कार्यक्रम जैसे- कम्प्यूटर/ स्मार्ट क्लास आदि , पाठ्यतर गतिविधियां (पिकनिक, संस्कृतिक कार्यक्रम) एवं खेल-कूद व नेतृत्व आदि में बच्चों से भेदभाव नहीं होना चाहिए !
- बच्चों को किताबें, स्कूल ड्रेस आदि चीज़ें मुफ्त मिलनी चाहिए !
- विशेष ज़रूरतों वाले के बच्चों को स्कूल में भौतिक बुनियादी ढांचा (रैम्प, रेलिंग, शौचालय कक्षाएं आदि) , आवश्यकता के अनुरूप उपकरण(व्हील चेअर, स्टिक आदि), अध्ययन सामग्री (ब्रेल किताबें, ब्रेल प्रिंटर, कम्प्यूटर आदि), अलग- अलग आवश्यकता के अनुसार विशेष शिक्षक एवं अवश्यक्तानुसार सहयोग मिलना चाहिए !
- शिक्षा के अधिकार कानून, 2009 के अनुसार शिक्षा व प्रस्तावित सभी सुविधायें पूरी तरह से मुफ्त व अनिवार्य होनी चाहिए !

वांछित व अनिवार्य

- वंचित वर्ग व आर्थिक रूप से कमजोर वर्ग के बच्चों का दाखिला बराबर संख्या में सुनिश्चित होना चाहिये !
- शिक्षकों को उल्लिखित बच्चों एवं अभिभावकों के प्रति संवेदनशील करने के लिये प्रशिक्षित करना चाहिए !
- स्कूल को उल्लिखित वंचित वर्ग व आर्थिक रूप से कमजोर वर्ग के बच्चों के लिये समावेशी गतिविधियाँ चलानी चाहिए !
- स्कूल को वंचित वर्ग व आर्थिक रूप से कमजोर वर्ग के अभिभावकों के लिये समतापरक प्रावधान करने चाहिए !