

# STATE OF THE NATION: RTE SECTION 12(1)(c)





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State of the Nation: RTE Section 12(1)(c) report is a collaborative effort of Indian Institute of Management – Ahmedabad, Central Square Foundation, Accountability Initiative (Centre for Policy Research) and Vidhi Centre for Legal Policy.

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### Central Square Foundation (CSF)

is a venture philanthropy fund and policy think tank focused on improving learning outcomes and quality of school education for children from low-income communities in India.

### Accountability Initiative (AI), Centre for Policy Research

conducts research and seeds reforms to strengthen accountability systems for public service delivery by undertaking research that tracks the planning, budgeting and decision-making systems for key social sector programs in India; and building citizen capacity to use this evidence to participate and monitor government process and catalyze reforms to improve the quality of public services in India.

### Vidhi Centre for Legal Policy

is an independent legal policy advisory group whose mission is to achieve good governance in India through impacting legislative and regulatory design.

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# EXECUTIVE SUMMARY

Segregation in access to education in India had been escalating since the 1970s when a large number of private schools capitalized on the opportunity to provide separate schools for the middle class. This initial segregation was further perpetuated with a boom in the availability of low-fee private schools catering towards lower income families. With the shift of the Right to Education from a Directive Principle of State Policy to a Fundamental Right, came Section 12(1)(c) of the Act.

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The clause imposes a legal obligation upon private unaided schools to reserve 25 percent of the seats in the entry-level class for children from Economically Weaker Section and disadvantaged categories. The intention behind this provision is to ensure that the states as well as other stakeholders in society share the obligation of realizing the right to free and compulsory elementary education. The increased prevalence of unaided private schools makes them a natural stakeholder to the fulfilment of this obligation. The mandate should also be understood as an effort to arrest the increasing segregation in Indian schooling and promote an environment of knowledge sharing between different sections of society to encourage the narrowing of current societal divisions. It has the potential to impact 1.6 crore children from EWS and DG categories in the next eight years.

However, the implementation of this provision faces numerous challenges. This report looks at Section 12(1)(c) from the administrative, legal, and financial perspective to highlight the challenges and to recommend suggestions for improvement.

States have adopted varied methods to implement Section 12(1)(c). Nevertheless, what remains uniform across the states is the unfinished quality of their rules and structures. The rubric analyses 21 criteria points – critical structures for successful implementation based on a stakeholder's requirements to access the law. Of the 28 states analysed, none received an entirely "green" review on the analysis implying that no state had provided complete information on the processes around implementing Section 12(1)(c); rules and structures were incomplete/absent and would not enable a stakeholder to access the law. The national averages

for "green" was 10 and 15 for "red," demonstrating that more information is left entirely unaddressed in the rules and notifications than is being clarified.

A majority of states have defined the neighbourhood criteria and the EWS and Disadvantaged Group categories well enough to warrant a "green". The issue of the authority responsible for financing additional expenses such as books and uniforms remains vague at best for almost all states (25 states received a "red") while 23 states have not clearly defined their criteria for calculating the reimbursement amount also earning a "red".

The study uses DISE data from 2012-13 and 2013-14 -- since DISE is the most comprehensive education data set currently available -- to provide a snapshot of the implementation of the provision in each state.

For our analysis we use the variables Seat Fill Rate, School Participation Rate, Seats Available and Total Enrolment. States amongst themselves have large variation in their seat fill rate. Rajasthan and Madhya Pradesh cumulatively make up for half the number of children admitted under this provision while Uttar Pradesh and Andhra Pradesh have a seat fill rate of less than 1% and less than 5% respectively. Rajasthan also has the highest number of schools participating.

However, an important caveat that needs to be highlighted is that there is a fair amount of inconsistency between the DISE data and data in the SSA website, state websites, and even those reported as response to RTI queries that we had filed. These alternative numbers show large differences in the data as compared to each other and as compared to

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DISE. This points to the necessity of having more reliable data collection and management systems.

A close scrutiny of the amounts that different state governments have promised as reimbursements to schools and the processes used to calculate them, also raises concerns on the methodology of calculating per child recurring cost and on the process of reimbursement to the schools. We suggest building a robust methodology for cost calculation, its wider dissemination and discussion, and moving to 'norm-based' reimbursement rather than actual expenditure. We also suggest reimbursements for pre-primary sections as well as for textbooks and uniforms provided by the schools.

The legal analysis of Section 12(1)(c) draws attention to various legal issues that states are facing during the implementation of this provision. The chapter examines critical issues pertaining to the admission process, the grievance redressal mechanism, the liability of government to reimburse private schools and the constitutional implication of the exemption of minority schools from obligations under the RTE Act. We make recommendations for the successful implementation of the legislation including statutory and constitutional amendments.

The report also shares learning from field studies conducted in Jaipur, Rajasthan and Pune, Maharashtra to better understand the implementation process. These cities/states have innovated unique efforts to systemize processes and data collection using information technology. While Maharashtra has developed a system that aids the admissions process, Rajasthan uses a fairly comprehensive admission-to-reimbursement system. To evaluate the potential of these efforts, we tried to understand the experiences of various stakeholders in the process by interviewing schools, parents, civil society and the government officials. Understanding the different – and sometimes conflicting -- perspectives also provides a deeper insight into the efficacy with which the policy has been implemented.

We find Rajasthan's online admission system to be efficient and transparent, allowing the processes of verification and reimbursement to run smoothly with greater accountability. However, we also found an acute lack of awareness among parents of eligible children thus preventing them from availing the benefits of rights granted to them.

Unfortunately, a number of private schools were unwilling to speak to us, but many that did were also poorly informed about the law.

Maharashtra's online admission system provides greater freedom to the parents to apply to the schools of their choice, with schools playing a limited role in admissions. The state also had a strong civil society activism for effective implementation of the provision. However a complete online system was also limited by the lack of awareness, inadequate capacity in government centres and difficulty in applying online. Also the problem of no reimbursement to the schools increased the tension between the various stakeholders.

The report concludes with recommendations for immediate and necessary steps that can improve the implementation and impact of Section 12(1)(c). In short these include:

1. The reversal of minority school exemption
2. Addressing gaps in state rules and notifications
3. Reliable data collection practices
4. An RTE commission
5. Increased scrutiny and transparency in public funding and finances of schools
6. Investments in social inclusion

# FOREWORD

Section 12(1)(c) of the Right to Education Act has implications not only for schools but for society at large. Effective implementation would lead to social inclusion as well as better educational experience for all school children. Research can play an important role in facilitating implementation. I am happy to see IIM-A researchers are collaborating with researchers from other committed institutions in this important activity. Partnerships such as this are essential in studying complex policy issues in a way that is comprehensive and relevant.

I believe the report does a very good job of studying the “state of implementation” of the provisions so far, and offers a balanced perspective on the needs, efficacy, and loopholes in the current execution of the provisions within the Act. The authors have taken care to view the Act from a holistic perspective and make actionable recommendations. One of their recommendations is the need for better data on the status of implementation so as to inform policy formulation and implementation.

Congratulations to the authors of the report. It is heartening to see the dedicated team at RTE Resource Centre- IIM Ahmedabad, build on their field-level community engagement and take the lead in a national research report. I would like to commend Central Square Foundation, Delhi, for facilitating this partnership and also anchoring effective collaboration IIM-A and other academic institutions, policy think-tanks, and practitioners.

I wish the entire team engaged in this project the very best in achieving their goal of making implementation of the Act effective across geographies.

**Dr. Ashish Nanda**

*Director*

*Indian Institute of Management-Ahmedabad*

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# FOREWORD

The Right to Education Section 12(1)(c) is a purposeful endeavour to make our school system more equitable and inclusive. It is arguably the world's most ambitious programme for public funding and private provision in elementary school education, as it has the potential to impact 1.6 crore children. By 2025, private schools will educate a majority of India's children as per current trends. There is an urgent need to develop effective partnerships with them to provide high-quality, affordable education for all, and Section 12(1)(c) provides an important avenue for this purpose.

Increased private participation is accompanied by genuine concerns on the increasing socio-economic stratification in our school system. Given our belief that education is a great leveller for opportunity, providing equal access to high quality education to all children should be a priority for us. Further, it is important for the state to function as a regulator of education and not merely a provider. Section 12(1)(c) is an opportunity for state governments to take on this responsibility and ensure that whether children are studying in government or private schools, they are receiving a quality education.

This report highlights learning that state governments can have from each other- whether it is in drafting regulations or creating effective implementation system. This report also provides insights into other areas of immediate priority- data transparency and availability, reimbursement to schools, lack of awareness among the potential beneficiaries and limited provision for tracking children. The success of this provision requires a coordinated effort on the part of government, civil society and schools. While this makes implementation challenging, it will result in a sustainable and rewarding outcome in long term.

As we envision a country where the choice for good quality education is not restricted on the basis of ability to pay, this section of the RTE is a definitive step in the right direction. On behalf of Central Square Foundation, I encourage central and state governments to use the themes of this report to work towards effective implementation.

I congratulate the report's authors for a holistic presentation of key challenges, success stories and insights on one of the most important education reform initiatives in India.

**Ashish Dhawan**

*Founder and CEO,*

*Central Square Foundation*

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## COMMONLY USED ABBREVIATIONS

ASER	Annual Status of Education Report
AAY	Antyodaya Anna Yojana
BC	Backward Classes
BEO	Block Education Officer
BEEO	Block Elementary Education Officer
BPL	Below Poverty Line
CSO	Civil Society Organisation
EWS	Economically Weaker Sections
DEO	District Education Officer
DG	Disadvantaged Group
DISE	District Information System for Education
DPSP	Directive Principles of State Policy
MDM	Mid-Day Meal
MIS	Management Information System
MHRD	Ministry of Human Resource Development
NGO	Non-Governmental Organisation
NIC	National Informatics Centre
OBC	Other Backward Class
OC	Other Category (also called open category or general category)
PIO	Public Information Officer
REPA	Right to Education Protection Authority
RTE Act	The Right of Children to Free and Compulsory Education Act of 2009
SBC	Special Backward Class
SC	Scheduled Caste
SCPCR	State Commission for Protection of Child Rights
SMC	School Management Committee
SSA	SarvaShiksha Abhiyaan
ST	Scheduled Tribe
VJNT	Vimukta Jati and Nomadic Tribes

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# NOTE 1: THE RESPONSIBILITY OF PRIVATE SCHOOLS IN PROVIDING FREE EDUCATION TO ALL CHILDREN

By: Nalini Juneja, Professor at the National University of Educational Planning and Administration

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I find this report on the State of the Nation- RTE Section 12(1)(c) Reservation by the IIM (Ahmedabad) in partnership with other leading institutions in their field, very gratifying in that it reinforces the principle of the public purpose of private schools. Further, to me its greatest significance lies in the role it is poised to play (if I may be excused for quoting one of the authors of the report<sup>1</sup> in awakening “a debate on issues of social integration and equity in education that private actors have by and large escaped from”.

It’s been a long journey from the depositions before the Department-related Parliamentary Standing Committee on HRD in 1997 on the Constitution 83rd Amendment Bill when Prof. Anil Sadgopal (Dean, Central Institute of Education, University of Delhi) had first ignited debate on this issue by asking ‘Is there any such thing as a private school?’ He was objecting to a clause in the proposed Constitutional Amendment for making education a fundamental right, which had sought to absolve all private schools from any responsibility related to the provision of free and compulsory education. The Bill was sent for redrafting.

In the meanwhile the Law Commission took suo moto cognizance of the situation and came out with a draft Bill, which in its second version, carried a clause placing an obligation to provide free education in private schools for children from weaker sections. Incidentally, heading the Law Commission at that time was the very Judge, now retired, who had drafted the judgment in the famous Unnikrishnan Case<sup>2</sup> in 1993 that had made education a fundamental right, Justice Jeevan Reddy. Not too long before this, Justice Reddy had in another case commented on the need to hold private institutions to the contracts by which they had taken free land. This case came to be cited

later in 2004 by Social Jurist to win the judgment holding Delhi schools to their land obligations under City Master Planning provisions and to their commitments to the poor in whose name they had taken the land they were running their schools on.

While the judgment in the Social Jurist case served to give Delhi a head start among inclusion of children of the weaker sections into private schools; the path indicated by the Law Commission, was virtually copied by the drafts of follow up central legislation to Article 21 A, in 2003, 2004, and 2005. As is well known, it was the 2005 draft prepared by a Subcommittee of the CAGE which was later modified slightly and passed as the Right of Children to Free and Compulsory Education Act 2009 – the historic first (and so far only) central legislation in school education.

Igniting of debates is good. A report such as this will surely remind the nation of its commitment to equality and equality of opportunity, as a fundamental principle of democracy, and the fact that schools, all schools, serve social objectives.

## ABOUT THE AUTHOR

Dr. Nalini Juneja is a Professor in the School and Non-Formal Education Unit at the National University of Educational Planning and Administration India. At NUEPA, Dr. Juneja’s research areas include the education in cities, and children’s rights to education and compulsory education legislation in India<sup>1</sup>. Dr. Juneja was also Convenor of the Drafting Committee for RTE Act, 2009.

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[1] <http://www.create-rpc.org/people/nuepa/>



# CHAPTER 1: INTRODUCTION <sup>ii</sup>

Enacted in 2009, Right of Children to Free and Compulsory Education Act in India represented the culmination of a long journey that had dated back to the first suggestion of making education compulsory in 1882 by the India Education Commission. At the time of the formulation of the constitution, Constituent Sub-Committee on Fundamental Rights had originally included the right to primary education as a fundamental right. However the Advisory Committee rejected this and it was placed in Part IV as a directive principle of state policy.

It was only in 2002, that the 86th amendment to the Constitution introduced Article 21-A making the right to education a fundamental right. This was the first time in independent India's history that a fundamental right had been added to the Constitution. This required an enabling legislation to make effective the right guaranteed by the Constitution. The Right of Children to Free and Compulsory Education Act, 2009 was enforced in April 2010. Over the last five years, the RTE Act has introduced a model set of RTE Rules, which have been adopted by different state governments and customised basis the requirements of the states.

## SECTION 12(1)(c) IN CONTEXT

Despite the other far-reaching changes brought about by the Act, Section 12(1)(c) of the Right to Education (RTE) has drawn the most attention and controversy by far. The Section mandates all private unaided schools in the country to reserve 25% of the seats in Class unaided <sup>iii</sup> I or their entry level class for students from economically weaker sections (EWS) and disadvantaged groups (DG) and to provide free and compulsory education till Class VIII. The responses to Section 12(1)(c) were immediate and heated, resulting in a flurry of literature questioning its inclusion in the Act and the implications it had (of economic and social inclusion) for all stakeholders. Responses have ranged from

indifference to accusing the government of forsaking its own schools in support of privatisation.

However, the rationale for Section 12(1)(c) is in sharp contrast to these accusations. The true spirit of Section 12(1)(c) is to create an accessible environment that enabled children from different backgrounds to share interests and knowledge on a common platform, to desegregate what has become a highly segregated society. Moreover in essence, the mandate only converted previous statements of education policy and contractual agreements into a constitutional obligation<sup>3</sup>. For instance the Education Commission (India, 1966) was explicit in stating that it considered it to be the “responsibility of the educational system to bring the different social classes and groups together and thus promote the emergence of an egalitarian and integrated society.” (Para 1.36). Work by Nalini Juneja has repeatedly emphasized the fact that “that social integration in private schools is mandated through the condition placed on them to admit and provide free education to children from the weaker sections, to the tune of 25% of their enrolment, in exchange for the nearly free land allotted to them - a rule that applies to cities nearly all over India.”<sup>4</sup>

## Segregation in Indian Schooling

The history of segregation is a long one. In a monograph for Consortium for Research on Educational Access, Transitions and Equity (CREATE), 2010, Angela Little discussed access to elementary education over the course of India's history. By the time the private sector mushroomed in 1970, segregation had long emerged as a concern in the education space. From colonial times, the upper castes were eager to learn from the British but equally unwilling to share the knowledge with other Indians.

After independence, the government opened schools at a fast pace but more so as an afterthought to secondary and higher education and hence they lacked in pedagogy and resources<sup>5</sup>. Further down the line a “common school” system was envisioned but was never implemented because of the issue of caste. A senior government office told Little that “common” schools were meant for the “common” people. The private sector rose quickly in the metropolitan areas and targeted parents who could pay (middle class and above), leaving the responsibility of catering to poorer sections

[ii] Ashish Ranjan was a valuable thought partner when drafting the introduction (and other portions of the report), helping develop the flow and order of the content, as well as suggesting literature that would enrich the report.

[iii] Private unaided schools are managed privately (by an individual, trust, society etc) and do not receive maintenance grants from government/local body. They probably received no grants or land from the government when starting out. Aided schools regularly receive maintenance grants and also most likely received land grants with the understanding that they would reserve seats for EWS and DG students.

of society to the government. This differentiated access to education fed into a system of segregation that Little concluded would be perpetuated further still. While poor parents will continue to look towards the state and centre for their fundamental right, the middle classes will use their access to private education in order to secure futures for their children in the growing economic landscape.

The burst in low fee/low cost/low budget private schools is a recent phenomenon. It has generated interest because it changes how parents access and choose between schooling options for their children. In one such study, it was recorded that poverty was the greatest obstacle to accessing private schooling<sup>6</sup>. Yet, perceptions played a lead role as well. The majority of families in the study (84%) viewed government schools negatively and favoured sending their children to the low fee private schools if they could afford it, and with so many low fee private school options available, most parents opted for exactly that.

While a larger group has been able to access the private sector, Baird noted that “low cost” schools did not guarantee access to the poorest of poor – private school enrolment is not an option if “private school fees are too high or parents are too low-income.”<sup>7</sup> In fact, a further segregation has occurred despite no real evidence that low fee schools are preparing children to be able to compete on a global or even national job market.

### Objectives of the Mandate

Vinod Raina, one of the thinkers behind the Right To Education Act, explained that Section 12(1)(c) and the RTE recognized that the responsibility to provide compulsory education of good quality does not rest solely with the government but with all educational institutions including private schools<sup>8</sup>. Actually the section had much deeper and longer lasting hopes than to just level the playing field between rich and poor. The thinking echoes the long-standing belief that inclusion across classes, genders and castes will and does lead to a higher quality of learning for all children. Raina wrote about an exchange of ideas, where the 75% who were fortunate enough to come from better endowed families could learn about the conditions from where the 25% came, as well as share the rich knowledge they possessed in trade, craft, and/or farming. Raina clarified that, “The larger objective is to provide a common place where children sit, eat and live together for at least eight years of their lives across caste, class and gender

divides in order that it narrows down such divisions in our society.”<sup>9</sup>

Further still, the section was designed to take into account that this magnitude of inclusion could not occur overnight and required supplementary action such as teacher training and renewed pedagogical practices. To allow time for these supplementary actions to take place, intake of students was made gradual by restricting admission to pre-primary and Class I. Moreover, students at that age are open to new learning and experiences, and are still developing their set of values.

Gautam Rao’s research was able to show that wealthier students became more pro-social (more likely to volunteer for a charity etc) and generous because of their interactions with peers from poorer backgrounds and they were less likely to discriminate against the poor<sup>10</sup>. Further, the presence of EWS and DG students had no effect on Maths and Hindi learning levels and only a marginally significant negative effect on English<sup>11</sup>. This is one of the few studies done to evaluate the impact on learning after implementing an inclusive mandate but suggests that Section 12(1)(c), if correctly implemented, can be successful in accomplishing its primary goal of narrowing the divide in a stratified India.

### Resistance

Many feared the implications of such inclusion and what it meant for parents, students and teachers. Anand narrates the doubts of several families (both fee paying, and those admitted under the 25% reservation provision). These echo the most common criticisms of Section 12(1)(c). Families from wealthier backgrounds spoke of a drop in learning and more interestingly, their discomfort at how children of their “maids and servants” shared classrooms, teachers, even homework!<sup>12</sup> Teachers spoke of their inability to cater to the differentiated learning speeds, fearing that curriculum would not be completed by year-end. Many suggested that EWS and DG students be segregated in different classrooms or timeslots. Finally parents from EWS and DG backgrounds feared the treatment their children would receive in schools that had once fought so vehemently to keep them out. One EWS student did find himself topping the class and accepting birthday party invitations from his richer peers as the parents on both ends marvelled at how their children naturally defaulted to more inclusive attitudes with each other.

## THE STATE OF THE NATION REPORT

The report's contribution to understanding the implementation of Section 12(1)(c) is holistic in its approach of evaluation. The study covers legal, financial and administrative analysis of Section 12(1)(c) and examines the unique approach to implementation of two different states. In addition to these perspectives the study also looks at state rules and notifications to highlight where states have made the effort to define the mechanisms for implementation. Partners to the report have worked intimately in the education space in their different capacities. Combining individual efforts gave us the unique opportunity to examine and present the section from an all round perspective, and comment on key issues from each aspect.

### Objectives

A holistic approach is needed to accomplish the following objectives:

1. Strengthen the implementation of Section 12(1)(c) with a comprehensive legal, administrative, and financial analysis
2. Discuss the future of the provision from these different perspectives and recommend the way forward
3. Highlight unique initiatives in state approach/ implementation
4. Promote the adoption of successful practices in other states

### Motivation

Many commentators dismiss the attention Section 12(1)(c) receives as disproportionate and unnecessary, on the grounds that it affects a very small proportion of the population. Further, the potential of the mandate to substantially improve learning outcomes is considered limited given the uncertain quality of learning in many private schools. Without entering the contentious debate here, we believe the mandate demands attention for several reasons.

#### 1. Increased Presence of Private Schools

DISE data reflects that over the last five admission cycles government schools are reducing in their percentage of total schools. From 80.37% of all schools being government managed in 2009-10, it dropped to 75.51% in 2013-14. In just the last year alone, 17,010 new schools came up. Of these, only 7,249 (42%) were government managed and the remaining 58% were privately managed<sup>13</sup>.

In 2013-14, 22.09% of schools were privately managed. This number varies greatly between states, e.g. Delhi has almost 45% private schools. Private school enrolments are on the rise as well, with 28.95% enrolments across all states in 2013-14. The large enrolment in private schools implies that potentially nearly 2 million (20 lakh) children can avail of the mandate every year.

#### 2. Largest Programme

Section 12(1)(c) of the RTE, with approximately 1.6 crore opportunities in next 8 years<sup>14</sup>, is the world's largest programme for public funding and private provision in education. It provides school choice for underprivileged children who traditionally would have been limited to the government schools.

#### 3. Low Learning Levels

According to the Annual Status of Education Report (ASER) on basic literacy and Maths levels, our children are performing poorly in both private and government schools<sup>15</sup>. Global evidence from the United States and Finland demonstrates that "the social composition of the student body is more highly related to achievement, independent of the students' own social background, than is any school factor"<sup>16</sup>. In fact, "Finland-often held out as an educational success story – had the lowest degree of socioeconomic segregation of 57 countries participating in PISA"<sup>17</sup>. Given the positive effects of integration on learning outcomes, there is a case for India urgently adopting full implementation of Section 12(1)(c).

#### 4. Responsible State Provision

The provision recognizes the responsibility of private schools in educating all children and keeps them accountable not only to the government but also the society at large. The provision enables deeper public scrutiny and reporting by the private schools, which in time will lead to a more transparent provision of education.

#### Layout of the Report

There are five main components of this report: Chapter 1 is an assessment of states' rules and notifications to evaluate the degree to which the states have made the law accessible to stakeholders (with a focus on states that have been successful in outlining implementation procedures). This is followed by Chapter 2 that provides information derived from the DISE data on important indicators, such as the seats filled under this RTE provision in each state.



Chapter 3 analyses issues around computation of per child recurring costs and reimbursement to private unaided schools that admit children under section 12(1)(C). It also makes few suggestions that may help address these concerns.

Chapter 4 of the report addresses legal issues that are being faced during the implementation of Section 12(1)(c). It also comments on the government's commitment to the law in future contexts. The chapter examines critical legal questions pertaining to both the interpretation and implementation of Section 12(1)(c).

Chapter 5 presents the findings from our primary field studies in Rajasthan and Maharashtra. The studies look at the implementation processes of the two states, both of which have unique methods of approaching the law. We discuss the implications of their chosen methods on the ground, and the ease with which these fairly successful models can be replicated.

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# CHAPTER 2:

## STATE REPORT CARDS [IV]

### OBJECTIVES

The primary responsibility to implement Section 12(1)(c) lies with state governments. States have varied considerably in the processes laid out by them and the outcomes achieved in implementing the mandate. In this chapter, we assess the rules and notifications issued by different states to implement Section 12(1)(c). Further, we analyse and present relevant indicators derived from annual District Information System for Education (DISE) data. We believe that these two perspectives speak for a state's commitment towards Section 12(1)(c) and demonstrate the efforts being made in its implementation till date.

We aim to bring to light the current state of implementation (urging states to either continue or begin efforts), but more importantly, highlight the differences in how states have approached the implementation and encourage an exchange of best practices and ideas.

### PART A: ASSESSMENT OF NOTIFICATIONS AND RULES

#### Objectives of the Rubric

We analyse the various notifications and rules using a rubric that keeps the relevant primary stakeholder in mind. The rubric's categories refer to critical stages in the successful implementation of Section 12(1)(c) and reflect the information a stakeholder would need to access the law. We assess states based on their performance on specific criteria in each category. For example, our first category is labelled as "*Clarity in defining eligibility and documentation required.*" Within this category we looked for specific information around the state's definition of Economically Weaker Section/Disadvantaged Group (EWS/DG) and list of documents required for admission.

For many states, we have included an additional section below the rubric called "Special mention." This section contains facets that are important in state's implementation but could not be accommodated adequately in our assessment using the rubric. These will vary depending on the states and some may have none.

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[iv]Prof. Kavitha Ranganathan sacrificed valuable time and energy in designing the visual data layouts used in this chapter (for the DISE analysis) and Advaita Rajendra replicated the same for each state.

Reecha Das shed light on many of the doubts that come with reading legal documents and her expertise made the analysis of the State notifications and rules a much less daunting challenge.

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**TABLE 2.1: RUBRIC WITH RATIONALE BEHIND CRITERIA CHOICES**

Category	Criteria	Rationale
Clarity in defining eligibility and documentation required	Definition of Economically Weaker Sections and Disadvantaged Groups	Determines families eligible to secure admission under this provision
	List of necessary documents for each category of applicants	Provides necessary information for parents keen to apply
	Age criteria for entry level	Demonstrates the need for a uniform guideline, since private schools have varying age norms at entry level classes
	Entry level class	Provides the entry level class for students to seek admission
	Neighbourhood criteria	Determines eligibility or preference among applicants
Process of information outreach/ awareness	Method of information dissemination	Equips stakeholders to effectively share information with targeted groups
	Type of information to be shared	Ensures important information about the law to be shared with parents
	Authority responsible for information dissemination	Addresses low awareness levels about the provision that ultimately places the onus on schools or the government to fill reserved seats
Selection process	Description of admission form format or sample copy attached to notification	Avoids confusion pertaining to writing of applications with the help of a standardised format
	Timeline/dates for admissions cycle	Ensures smooth completion of the process and better planning among schools and parents for the admission cycle, while also ensuring greater accountability among stakeholders
	Date for lottery	Ensures transparency and accountability of schools to random selection
	Locations to collect and/or submit forms	Facilitates efficient process execution by removing ambiguity
	Authority to oversee lottery/selection process	Holds schools and government accountable to a fair and transparent process
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	Ensures private school reimbursement in line with government per-child expenditure
	Authority to calculate per child expenditure	Ensures that assessment of per-child expenditure is not ad hoc
	Method of calculating reimbursement	Ensures openness of methodological details behind the government reimbursement amount
	Criteria for reimbursement (or documents needed) for all instalments	Helps schools prepare for necessary steps for reimbursement and ensures government accountability to follow through with financial commitment
	Number of instalments for reimbursement	Helps schools for financial planning
	Authority responsible for finance of additional items (uniforms and books)	Ensures that financial liability is clearly defined for uniform and textbooks, since currently only 'tuition' is understood to be free
Grievance mechanism and monitoring	Appointment of local authority	Ensures states fulfil responsibility of designating local authority, while central law outlines process of grievance redressal
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	Serves as an appellate authority for grievance redressal and monitoring agency for RTE implementation and a second level of grievance redressal in a state

### Evaluation of the Rubric

We rate the states on each of the criteria using a three-level scale. This scale reflects how well defined the state's rules and notifications are on each of the criteria and the degree of clarity provided by the information.

- A “Green” rating reflects a set of rules and notifications that clearly lays out a mechanism of implementation, indicating that the information for the state was complete and would allow someone to go forward in pursuing mandated benefits.
- A “Yellow,” rating indicates that rules and notifications provide some clarity but need more explanation and the information may not be enough for an individual to understand the law or pursue benefits
- A “Red” rating was given in situations where either we found no mention of a process or a definition, or if the rules and notifications failed to provide any clarity or understanding, thus confusing or dissuading someone from attempting to access the law.

The evaluation reflects our interpretation of all state level rules and notifications that we located. While our interpretations are subjective, we have tried hard to ensure that these reflect the perspective of stakeholders who are most likely to use this information. Additionally, our efforts to find documentation on state policies and rules include a very exhaustive search that comprised of filing for Right to Information (RTI) requests with concerned departments. We believe this search was more exhaustive than individual citizens would themselves typically undertake. Therefore,

any information that we have missed could also reflect the inaccessible manner in which the information might have been disseminated.

The evaluation of rubric was guided by our primary and secondary research on Section 12(1)(c). For example, in ‘method of calculating reimbursement’, if the states have copied the relevant section from the model rules, we have decided to mark it red. In chapter 4, we give a detailed explanation of the lack of clarity in calculation of government per-child expenditure. Also if the states have defined a local authority as Panchayat or Municipal Commission, without clearly designating a responsible authority in these institutions, we have marked it yellow.

### Major Trends

Aggregating our data revealed the variance among states in their approach to implementation as well as their comfort in defining specific criteria. Table 2.3 illustrates some differences in the methods adopted by various states in defining these criteria.

There were particular criteria that were nationally well addressed, and other criteria that didn't fare as well. The best and worst addressed criteria are in table 2.4. Finally in table 2.5, we have the list of the top five states that have received the highest number of “Greens” and whose notifications and rules can serve as examples for other states (this does not include the ‘special mentions’).

**TABLE 2.2: EXAMPLES OF CRITERIA ANALYSIS**

Criteria	Colour	State	Approach
List of necessary documents for each category of applicants	Green	Disadvantaged Group category not required to submit income certificate. Documents needed for each category of applicants provided by department/office and rank of signing office. For example: For the admission of child belonging to weaker sections, income certificate issued by Revenue Officer not below the rank of Tehsildar or BPL Ration Card (yellow coloured) or AAY Ration card (pink coloured) shall be considered as proof of income.  This entire list is also printed on page 2 of the application form that parents fill out.	Delhi
	Yellow	SC/ ST category must have a certificate from a competent authority. Migrant and Street Children must get a certificate from the Labour Department or local police station. Parents or guardians of children belonging to EWS must obtain a certificate from the proper authority within the State Revenue Department. Documents required for admission of orphans and HIV infected/affected children not mentioned.	Assam
	Red	No list of requisite documents for admission provided for any category of applicants.	Tripura

### Category Selection

We excluded certain criteria intentionally from the rubric. For one, the rubric does not look very extensively at the grievance redressal process. When state notifications and the RTE Act are read together, it is understood that the Act itself outlines the grievance redressal process and holds the state responsible to assign a local authority. We did

not evaluate information at the state level that had already been defined at the national level. Instead, we reduced this category to confirming whether a local authority had been named and whether the state had constituted the State Commission for Protection of Child Rights (SCPCR), a body that plays the role of appellate authority for the redressal process.

**TABLE 2.3: EXAMPLES OF VARIANCES IN STATE APPROACHES TO CRITERIA**

	<b>Example of the parameters defined by state</b>	<b>State</b>
<b>Reimbursement to Schools</b>	Only elementary	Maharashtra
	Pre-primary + elementary	Karnataka, Rajasthan
	Pre-primary + elementary + books and uniforms	Uttarakhand, West Bengal
	<b>Example of the parameters defined by state</b>	<b>State</b>
<b>Neighbourhood Criteria</b>	Kilometer	Delhi, Maharashtra
	Ward/Village	Rajasthan
	<b>Example of the parameters defined by state</b>	<b>State</b>
<b>Definition of Economically Weaker Section</b>	BPL	Madhya Pradesh, Tripura, Mizoram
	Specific limit of family income	Delhi (1L), Rajasthan (2.5L), Nagaland (40K)
	Caste	Andhra Pradesh
	Not defined	Assam, Goa, Sikkim
	Definition of EWS and DG combined	Punjab, Haryana

**TABLE 2.4: TOP FIVE MOST AND LEAST WELL DEFINED CRITERIA**

<b>Most well defined criteria</b>		<b>Number of Green</b>
1	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	26
2	Definition of Economically Weaker Section and Disadvantaged Group	23
3	Neighbourhood criteria	22
4	Entry level	19
5	Number of instalments for reimbursement	16
<b>Least well defined criteria</b>		<b>Number of Red</b>
1	Method of calculating reimbursement	25
2	Authority responsible for finance of additional items (uniforms and books)	23
3	Locations to collect and/or submit forms & Age criteria for entry level	22
4	Date for lottery & Description of admission form format or sample copy attached to notification	20
5	Method of information dissemination and type of information to be shared	19

**TABLE 2.5: TOP FIVE STATES RECEIVING HIGHEST NUMBER OF “GREEN” FOR DEFINITION OF CRITERIA**

State	Number of Greens Received
Rajasthan	16
Gujarat	16
Delhi	14
Tamil Nadu	12
Maharashtra	11

Another criterion that was excluded from the rubric was the demarcation or priority list within the list of eligible students. Whether a priority list had to be developed was not imperative to parents securing admission. However we have mentioned if a state has taken the extra effort of creating a priority list under ‘special mention’.

We also searched for child tracking and school monitoring mechanisms. However, since existing standards for school recognition should already be in place we did not consider it necessary to assess additional steps mandated by the government. With regards to child tracking, we found all states specified a mechanism of child tracking in every neighbourhood that is supposed to include identifying EWS/DG children along with the schools they were attending. Since these efforts had already been made, we found it to be counterproductive to look for a separate child tracking mechanism for only EWS/DG students. However, we make a special mention if we found tracking methods that extend beyond simply collecting their personal and school information such as tracking a child’s learning outcomes.

## PART B: DISE DATA ANALYSIS

### Objective

The District Information System for Education (DISE) is a major initiative to improve education related information and is implemented in all districts of the country. We use DISE data to show state performance on key variables such as the total seats available under Section 12(1)(c) and the seat fill rate. On Section 12(1)(c), many states’ departments of education have reported<sup>v</sup> availability of seats and enrolment numbers different from the DISE data. However, we chose to work with DISE as currently it is the only source for comparative performance of states across a common set of indicators.

### Evaluation

DISE’s data capture format (DCF 2012-13) had two data points specific to the implementation of Section 12(1)(c) - the number of applications who filed for admission in Class I and the number of children enrolled in the same class. Using the raw data provided by DISE for the year 2012-13 and 2013-14, we estimate a number of important data points for RTE Section 12(1)(c) implementation at the state level, including:

- Percentage of private enrolment in Class I
- Number of seats available under this section
- Applications received
- Total enrolments
- Number of schools which have participated (i.e. have taken at least one admission under this section).

In the state-wise analysis, we present the aggregate data for the whole state spanning rural and urban areas.

The latest version of DISE (DCF 2014-15) has two new data points specific to Section 12(1)(c) implementation - number of children enrolled at entry level under 25% quota and number of students continuing who got admission under 25% quota in previous years. Also DISE now collects information about the minority (only religious) status of the school. Going forward, we plan to track these important indicators as well.

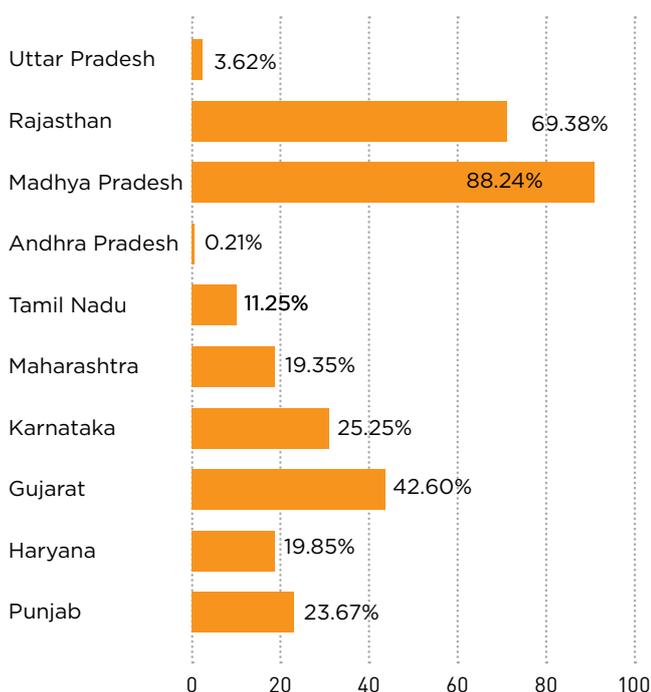
[v] Some states reported these numbers as responses to Right to Information requests, others in their state budgets, and some on their state websites.

## Major Trends and Findings

**Seat fill rate:** In 2013-14, roughly 610,000 (6.1 lakh) seats were filled out of approximately 2.11 million (21.1 lakh) seats available nationally under Section 12(1)(c), resulting in a fill rate of 29.0%. This is a substantial improvement from the 21.5% fill rate in 2012-13.

The national fill rate masks the huge variation in state-wise performance and is largely a product of the high fill rate in Rajasthan and Madhya Pradesh - two states which accounted for over half the enrolments (320,000 or 3.2 lakh of the total 610,000 or 6.1 lakh enrolments) under this section. A snapshot of 10 states with the highest number of seats available under this Section reveals the huge difference in fill rate - with Madhya Pradesh at 88.24% while Uttar Pradesh and Andhra Pradesh at 3.62% and 0.21% respectively.

**Graph 2.1: Seat Fill Rate for Ten States**



**School participation:** In 2013-14, out of 206,000 (2.06 lakh) private unaided schools with Class I, approximately 45,000 schools had reported at least one admission under Section 12(1)(c). In 2012-13, there were 42,400 participating schools out of 194,000 (1.94 lakh) private unaided schools.

Nationally Andhra Pradesh (0.09%), Odisha (0.91%) and Uttar Pradesh (2.43%) have the lowest school participation rate. Rajasthan (64.89%), Delhi (48.20%) and Uttarakhand (42.58%) have the highest school participation rate in the country.

## PART C: LIMITS ON SCOPE OF THE ANALYSIS

### 1. Andhra Pradesh and Jammu and Kashmir:

The notifications and DISE data analysed for Andhra Pradesh are dated before the separation of Andhra Pradesh and Telangana. Following the creation of the separate state of Telangana, we were unable to locate any notifications regarding the implementation of the RTE Act. For the purpose of this report, any and all references to Andhra Pradesh are for the formerly unified state. Jammu and Kashmir's state assembly is yet to pass the RTE Act. Under Article 370 of the Indian constitution, the state of Jammu and Kashmir has a special autonomous status and any central act must pass through its state assembly to become effective. We chose not to include the state in our analysis as the Act is not being implemented in the state.

### 2. Rules and Notifications:

As mentioned above, we searched extensively for notifications and rules, surpassing the efforts an average stakeholder would make in order to find the relevant information. Any information we missed could be attributed to the inaccessibility of the information. Furthermore, the state rules and notifications were compiled in the summer of 2014, with a follow-up search in October and December of the same year. Any notifications and rules issued after these months would not reflect in our analysis. To continue sharing the updated analysis of rules and notifications, we are in the process of developing a corresponding website <http://www.rterc.in> for the report on which all updated information will be reflected including any new or previously missed notifications.

### 3. DISE Data:

There are some major considerations to keep in mind with the DISE data. The following issues may impact the reliability of the data with respect to our analysis of RTE Section 12(1)(c) implementation:

- a. The DISE data for private unaided schools is largely self-reported. Though the 5% sampling to ensure accuracy is extended to the private unaided schools, we have not been able to find any thorough external check of the number of EWS/DG reported by the school.
- b. The DISE specifically asks for information related to Class I, yet a substantial number of private unaided schools run pre-primary classes. As the admission under this section is applicable at the entry level class, there is a possibility that the pre-primary information may not have been reported by the schools. In this case, the enrolment may have been higher than what the current numbers suggest.
- c. There is no way to separate the data of religious and linguistic minority schools from other private unaided schools. As the former are not obligated to admit 25% EWS/DG children, the DISE data might not accurately capture implementation of this section in this category of minority schools.

We checked DISE reliability by calculating three data points that will not be used for individual state analysis, but rather to demonstrate the urgent need there is to address DISE data collection practices.

Table 2.6 shows three data points that we calculated:

1. Average EWS/DG enrolment per participating school has been determined by dividing the total enrolment under Section 12(1)(c) in the state by the number of participating schools (schools having admitted at least one EWS/DG student).
2. Average enrolment in Class I per private unaided school has been calculated from the total number of enrolments in Class I for the whole state divided by the total number of private unaided schools.
3. Average percent of EWS/DG enrolment in Class I has been calculated using the previous two columns to see what percentage of class I was EWS/DG students.

As is shown below, some states were reporting that on average, more than 100 percent of their Class I was made up of students from EWS or DG backgrounds whereas in the case of ideal implementation, this should be 25 percent.

**TABLE 2.6: CALCULATED ENROLMENT AVERAGES**

State	Average EWS/DG enrolment per participating school	Average enrolment in Class I per private unaided school	Average % of EWS/DG enrolment in Class I
Goa	9.7	47.4	20.4
Gujarat	50.3	47.6	105.6
Haryana	8.1	39.7	20.4
Manipur	67.0	42.4	158.0
Meghalaya	35.8	19.1	187.2
Tamil Nadu	11.6	53.5	21.7

## PART D: DISPARITY IN DISE AND SSA DATA

A Sarva Shiksha Abhiyaan (SSA) page on the MHRD website [Footnote: vi] reports the “Admission in Private School Under Section 12 of RTE Act – Enrollment.” Data of students enrolled in private school is provided state wise and for three admission cycles starting with 2013-14 till 2015-16. The data is also broken up into “quarters.”

Some immediate observations that we made are that this portal was collecting data for KG, as is seen above, while DISE was not capturing this data. This potentially broadens the scope of understanding how many kids have been admitted. However, it also raises many questions: How are states possibly reporting that students under this quota are also present in Class VIII if the highest class a child could have graduated to, in the four years since implementation of this Act, is Class<sup>vi</sup>?

Similarly, the snapshot above is from 2013-14 Quarter II. This raises a question regarding how the portal is defining a quarter. Is the whole academic year divided into quarters? This immediately warrants the question: how are states taking admissions all year round?

Perhaps the biggest concern that comes to the fore is the mismatch between SSA reportage of enrolments as compared to the reportage of DISE. Table 2.7 is a comparison of the DISE reported data next to SSA data found on the website. We totalled the numbers from each quarter to get the comprehensive totals for 2013-14.

PICTURE 2.1: SNAPSHOT OF THE SSA WEBSITE REPORTING SECTION 12(1)(C) ADMISSIONS

Sl.No.	State Name	Enrollment Details																		
		Boys									Girls									
		KG	Class-I	Class-II	Class-III	Class-IV	Class-V	Class-VI	Class-VII	Class-VIII	KG	Class-I	Class-II	Class-III	Class-IV	Class-V	Class-VI	Class-VII	Class-VIII	
1.	ANDAMAN & NICOBAR ISLANDS	137	2								115	5								
2.	ANDHRA PRADESH																			
3.	ARUNACHAL PRADESH	216	86	76	72	73	68	50	51	45	170	80	74	57	50	46	48	44	34	
4.	ASSAM		1252	1035	660	870	774	740	698	644		891	750	691	646	578	499	520	512	

[vi] <http://ssamis.nic.in/citizen/secure/initCitizenAdmRTEDashBoardStateWiseAction.do>

**TABLE 2.7: COMPARISON OF KG AND CLASS I DATA FOR DISE AND SSA**

State	SSA 2013-14		DISE 2013-14
	KG	Class 1	Class 1
Andhra Pradesh	0	0	358
Arunachal Pradesh	3054	1633	600
Assam	4127	6799	10330
Bihar	607	8503	3933
Chhattisgarh	221	26270	23147
Delhi	0	0	35264
Goa	0	0	155
Gujarat	0	0	40836
Haryana	474	312	12045
Himachal	0	29	2277
Jharkhand	258	721	2660
Karnataka	2746	19985	29063
Kerala	0	0	11562
Madhya Pradesh	594312	281648	161153
Maharashtra	6413	27130	27635
Manipur	0	0	5561
Meghalaya	0	0	2114
Mizoram	0	0	432
Nagaland	0	0	780
Odisha	0	1602	393
Punjab	0	0	14162
Rajasthan	34018	45805	157206
Sikkim	0	0	687
Tamil Nadu	13796	3613	16194
Tripura	0	1213	905
Uttar Pradesh	1	137	21186
Uttarakhand	824	24472	15524
West Bengal	10887	47848	17336

The table above demonstrates the need to renew data collection practices for DISE and to confirm the accuracy of the SSA numbers. As we begin to get some of these questions answered, we will be reporting them on the website that will be developed as an effort to keep the information in this report updated.

PART E: STATE WISE ANALYSIS OF RULES AND NOTIFICATIONS AND DISE DATA

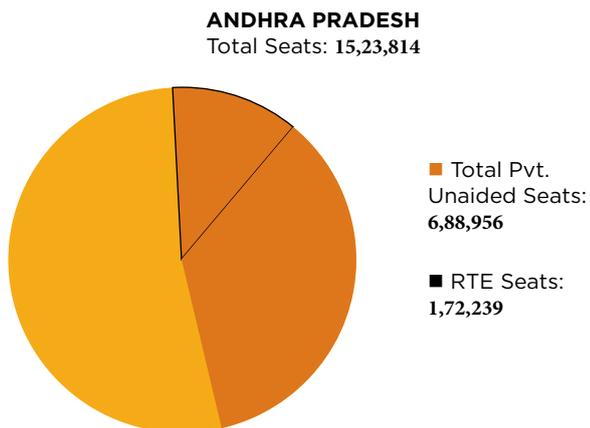
ANDHRA PRADESH

ANDHRA PRADESH (358 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Seven categories of 'socially disadvantaged' children recognized. Families of BC and minorities (including OC's) whose income does not exceed Rs. 60,000/- per annum categorized as 'EWS'.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No record of required documents for above categories.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit specified for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Entry level recognized as pre-primary. First class taking fresh students required to reserve at least 25% of seats for EWS/DG children.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Classes I-V, a school must be established within a walking distance of 1km from the neighborhood.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No method given to disseminate information before admissions
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of information to be shared.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one held responsible for any information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admissions form attached. No description of admissions form within the text.
	Timeline/dates for admissions cycle	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Overarching date 12th June to 31st August of relevant academic year given.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized date for lottery assigned nor decentralized school specific dates.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No location for collection and submission provided.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No individual named responsible to oversee lottery process.
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee to decide per child expenditure to meet annually in December, first time being three months from date of constitution of Rules.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee comprising of Secretary Finance, Principal Secretary Primary Education, Principal Secretary/Secretary School Education, Commissioner and Director of School Education, State Project Director Rajiv Vidya Mission (Sarva Sikhsha Abhiyan), a representative of private school managements , representatives of two prominent NGOs, nominated by the Government shall decide per child expenditure
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement coiped from MHRD's model rules.

ANDHRA PRADESH (358 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
	Criteria for reimbursement (or documents needed) for all instalments		The first instalment is reimbursed after a list of students admitted is submitted to the DEO. The second instalment being reimbursed is subject to 80% attendance every month, verification of the enrolments as well as learning outcomes of the students. However, no clarification was provided on what learning outcomes included or how that would be measured.
	Number of instalments for reimbursement		Reimbursement to be made in two instalments. First 50% to be reimbursed in September, remaining 50% in January.
	Authority responsible for finance of additional items (uniforms and books)		Schools held responsible to provide books and uniforms to students. No clarity on financially responsible party.
Grievance Mechanism and Monitoring	Appointment of local authority		Mandal parishad/zilla parishad/municipalities and panchayats named local authorities.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		Andhra Pradesh State Commission for Protection of Child Rights constituted.
Special Mention	Extension of Neighborhood Limits		Section 9(2) states that before extending limits of local area, Mandal Educational Officer must ensure all seats in a Government School filled up.
	Teacher Training		Mention of special training for teachers to learn appropriate teaching methods for children with special needs for the purpose of inclusive education.
	Child Tracking and Monitoring		Chairperson of the School Management Committee responsible to maintain list of children from EWS and DG in the neighborhood area of every private school within his jurisdiction.
			Government of Andhra Pradesh to evolve child tracking system for academic purposes and also a child's retention, transition and migration. Specific to migration, Government took responsibility of making arrangements to track migration of children between districts within the state and provide seasonal hostels in villages where migration of labor was common. Government also took responsibility to educate migrant children from other states by setting up on site schools at the work places of migrant workers.
	Learning Outcomes		Government of Andhra Pradesh considers child's learning outcomes as a criteria for reimbursement. No clarity on what exactly Government is looking for in terms of learning outcomes.
	Implementation of RTE Act		RTE Act not being implemented in the State. Government claims to be waiting for funds from Central Government before successfully implementing the Act.

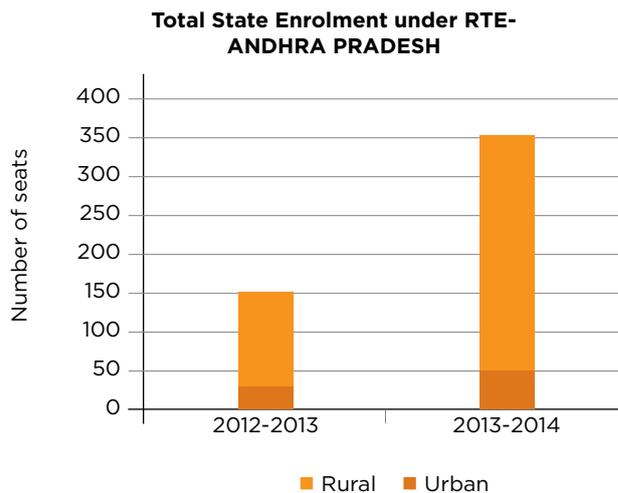
### Seats Available

In 2013-14, 6.88 lakh seats were available in private unaided schools in class I. Only 1.72 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 1.60 lakh.



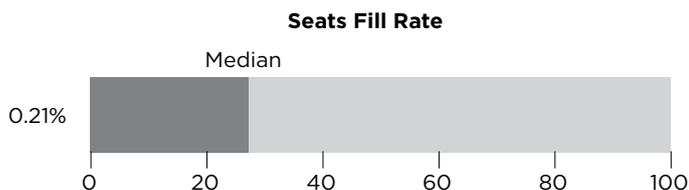
### Total Enrolment

A total of 358 students were admitted in 2013-14 (310 in rural and 48 in urban). 150 students were admitted in 2012-13.



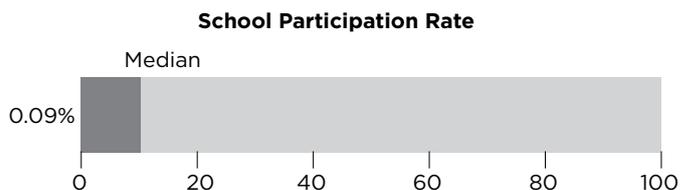
### Seats Filled

Out of 1.72 lakh seats available under this section, only 358 were filled in 2013-14 with a seat fill rate of 0.21%. In 2012-13 the seat fill rate was 0.09%.



### Schools Admitting At Least One Child

In 2013-14, out of 16,722 private schools only 15 had taken at least one admission with a participation rate of 0.09%. This participation rate was 0.11% in 2012-13.



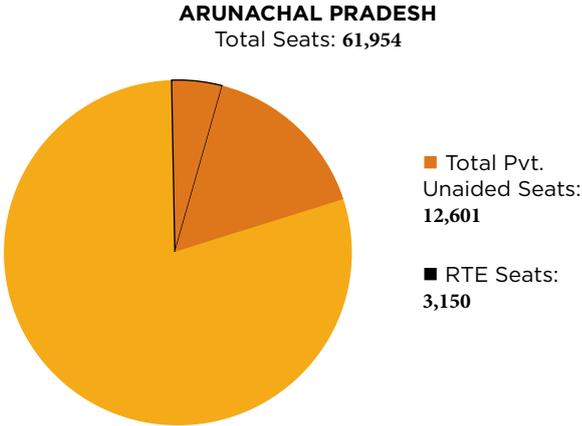
ARUNACHAL PRADESH (600 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	DG' includes SC and ST, educationally backward or groups having a disadvantage due to social, cultural, economic, geographic, linguistic or gender reasons. Income limit for "EWS" to be specified in a separate notification but there was none. BPL families, orphans and children with disability also eligible but no clarification about which category they fall under.
	List of necessary documents for each category of applicants	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Each applicant to have certificate showing which category they belong to by competent authority. Applicants allowed to submit documents up to three months post admission, including self declaration for proof of residence. Physical handicap can be verified by principal.
	Age criteria for entry level	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Child applying to class I must be minimum five years by March 31st in the year seeking admission and maximum seven years. No age limit given for pre-school.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	25% provision to be made in pre-school if facility is available.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	In urban areas or major towns, children can apply to schools within 1km radius of the neighborhood. In other areas, children can apply to schools within 3km radius of the neighborhood.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools to put up the date of lottery on their noticeboards.
	Type of information to be shared	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Only date of the lottery mentioned.
	Authority responsible for information dissemination	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools to put up the date of lottery on their noticeboard.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No description of application form in text . No sample copy provided.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timeline for the admission and no other dates for specific processes.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date for the lottery.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mentioned of where parents could collect or submit application forms/documents.

**ARUNACHAL PRADESH (600 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	  	No timelines provided to suggest how frequently the per child expenditure would be re-assessed.
	Authority to calculate per child expenditure	  	No committee or individual was held responsible for calculating the per child expenditure.
	Method of calculating reimbursement	  	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	  	No mention of any documents that schools have to submit in order to receive reimbursement.
	Number of instalments for reimbursement	  	No reference to number of instalments for reimbursement.
	Authority responsible for finance of additional items (uniforms and books)	  	Government of Arunachal Pradesh financially responsible for textbooks, notebooks, stationary, uniform and transport. Items can be reimbursed on proper production of bills. To be reimbursed only for the children admitted under the 25% provision and is subject to limit decided by the State Govt.
Grievance Mechanism and Monitoring	Appointment of local authority	  	Municipal corporation/municipal council/zilla/parishad/panchayat named as local authorities.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	  	State Commission for the Protection of Child Rights constituted.
Special Mention			

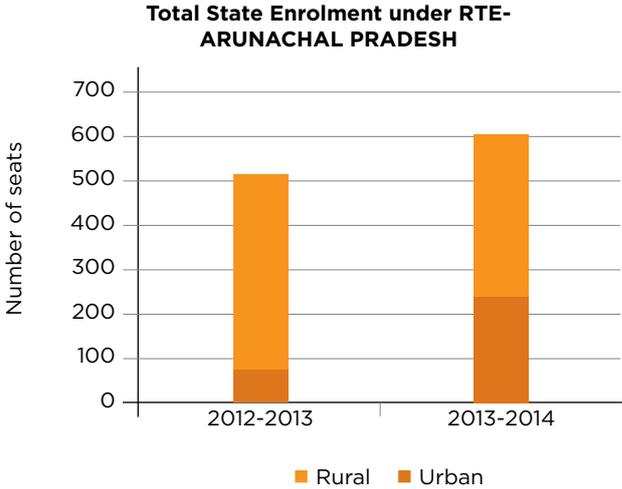
**Seats Available**

In 2013-14, 12,601 seats were available in private unaided schools in class I. 3,150 seats were available for Section 12(1)(c). In 2012-13, this number was 3,170.



**Total Enrolment**

A total of 600 students were admitted in 2013-14 (350 in rural and 250 in urban). 511 students were admitted in 2012-13.

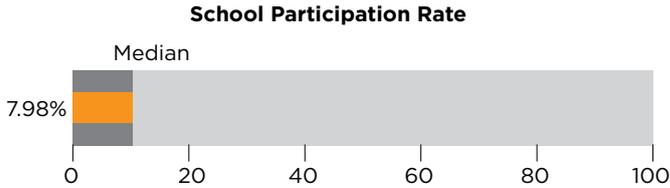
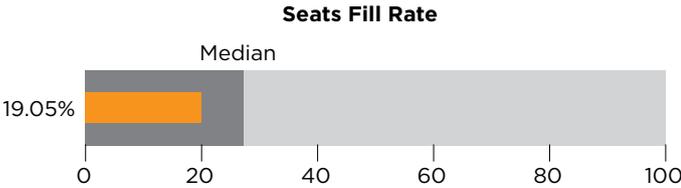


**Seats Available**

In 2013-14, 12,601 seats were available in private unaided schools in class I. 3,150 seats were available for Section 12(1)(c). In 2012-13, this number was 3,170.

**Schools Admitting At Least One Child**

In 2013-14, out of 426 private schools only 34 had taken at least one admission with a participation rate of 7.98%. This participation rate was 12.44% in 2012-13.



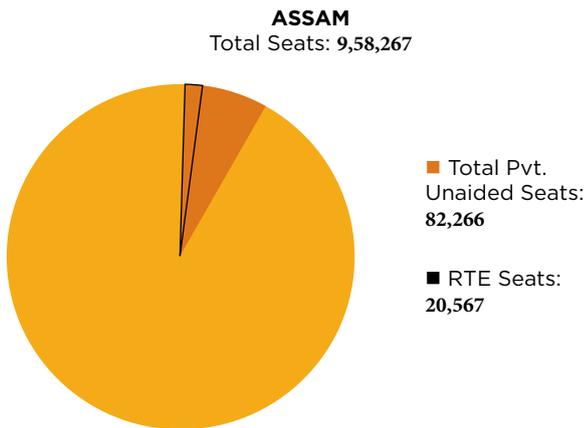
## ASSAM (10,330 CHILDREN ADMITTED IN 2013-14)

Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Six categories of eligibility for 'DG' - SC, ST, child with special needs, orphan, migrant and street child, and HIV affected/infected child. 'EWS' category only for BPL families.
	List of necessary documents for each category of applicants	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	SC/ST category must have certificate from competent authority. Migrant and street children must get certificate from the Labour Department or local police station. Parents or guardians of children belonging to EWS must obtain certificate from the proper authority within the State Revenue Department. Documents for orphans and HIV infected/affected children not mentioned.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No maximum or minimum age limit given for any entry level class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Reservation of 25% seats extended to pre-schools.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For classes I-V, schools must be built within 1km of a neighborhood. Distance limit applies to applications made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No preferred method of information dissemination given.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No reference to important information needing dissemination.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one held responsible for any awareness efforts.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No admission form attached to any notification. Did not find a description of the admission form within text.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timelines given for any of the processes of admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date for the lottery assigned.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of any location from where forms could be collected or where they could be submitted.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority assigned to oversee the lottery.

ASSAM (10,330 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		Committee to decide per child expenditure must meet within six months of the commencement of the RTE Rules and every year in December after that.
	Authority to calculate per child expenditure		Committee to assess per child expenditure shall be Secretary, Finance Deptt; Secretary, Elementary Education Deppt; Mission Director, SSA, Assam; Director, Elementary Education, Assam, and Director, SCERT, Assam.
	Method of calculating reimbursement		Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments		For the first instalment, schools must submit list of students admitted in the school to District Educational Officer by July. No document or criteria listed for second reimbursement.
	Number of instalments for reimbursement		The first instalment of 50% reimbursed in the month of September. The remaining 50% reimbursed in the month of January.
	Authority responsible for finance of additional items (uniforms and books)		Schools responsible for providing school uniforms and books, however, financial responsibility not assigned.
Grievance Mechanism and Monitoring	Appointment of local authority		The list of local authorities are: (1) The Municipal Corporation, (2) All Municipal Boards of the State, (3) All Town Committees, (4) All Zilla Parishads, (5) All Anchalik Panchayats, (6) All Gaon Panchayats.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		Assam has constituted the State Commission for Protection of Child Rights.
Special Mention			

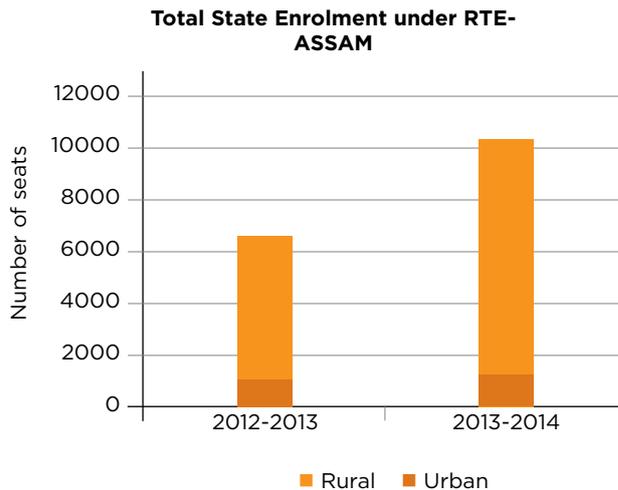
### Seats Available

In 2013-14, 82,266 seats were available in private unaided schools in class I. 20,567 seats were available for Section 12(1)(c). In 2012-13, this number was 17,954.



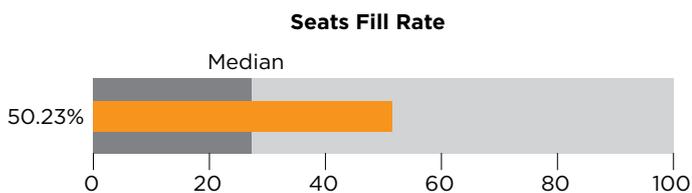
### Total Enrolment

A total of 10,330 students were admitted in 2013-14 (1,991 in rural and 1,239 in urban). 6,587 students were admitted in 2012-13.



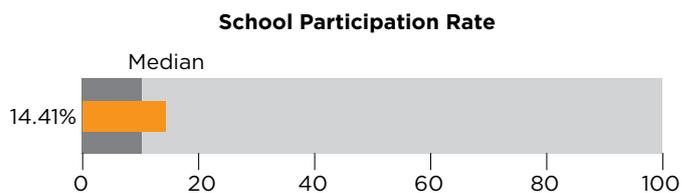
### Seats Being Filled

Out of 20,567 seats available under this section, only 10,330 were filled in 2013-14 with a seat fill rate of 50.23%. In 2012-13 the seat fill rate was 36.69%.



### Schools Admitting At Least One Child

In 2013-14, out of 2,644 private schools only 381 had taken at least one admission with a participation rate of 14.41%. This participation rate was 11.96% in 2012-13.



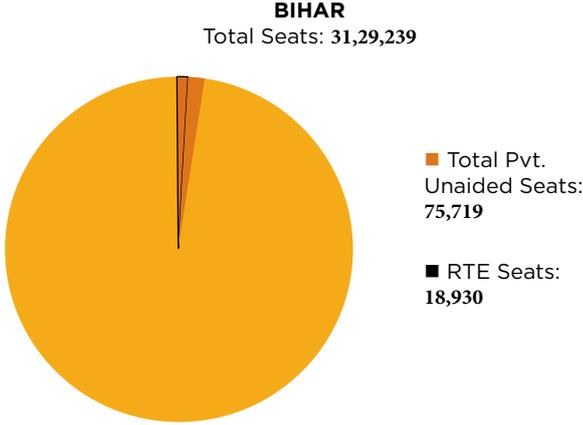
BIHAR (3,933 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS defined as children of all castes and communities whose parents or guardians have an annual income of less than Rs. 2 lakh. DG defined as children of SC/ST families, backward section and extremeley backward section families, minority groups whose parents or guardians have an annual income of Rs. 1 lakh.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list detailing which documents each of the above categories needed for admission.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minumum or maximum age limit specified for application to ently level class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Not clarified whether Section 12 applicable only at class I or whether it also applies to pre-school.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Neighborhood called habitation. Primary schools must be within 1km of a habitation IF habitation has minimum 40 children between ages 6-14 years. Neighborhood limit also applies to admissions made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mechanism for information dissemination mentioned.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of what information needed to be shared with stakeholders.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority/party assigned the responsibility of information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No admission form attached to notification and no description of admission form within the text.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timelines provided for any of the processes of an admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No central date assigned and schools not asked to appoint their own dates for lottery.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No locations specified for form collection or submission.
	Authority to oversee lottery/selection process	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Head Teacher/Principal named authority to oversee lottery selection. Appellate authority identified as District Education Officer.

**BIHAR (3,933 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Per child expenditure to be assessed on an annual basis.
	Authority to calculate per child expenditure	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	State government to assess per child expenditure. No specific assignment within state government mentioned.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from the MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No criteria that schools need to fulfill in order to claim reimbursement.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of how many instalments for reimbursement.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Schools held responsible to provide books and uniforms but no party held financially responsible for these expenses.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For primary and secondary schools, gram panchayats education committee. For urban areas municipal commission's, municipal council's empowered committee identified as local authorities.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	State Commission for Protection of Child Rights constituted.
Special Mention			

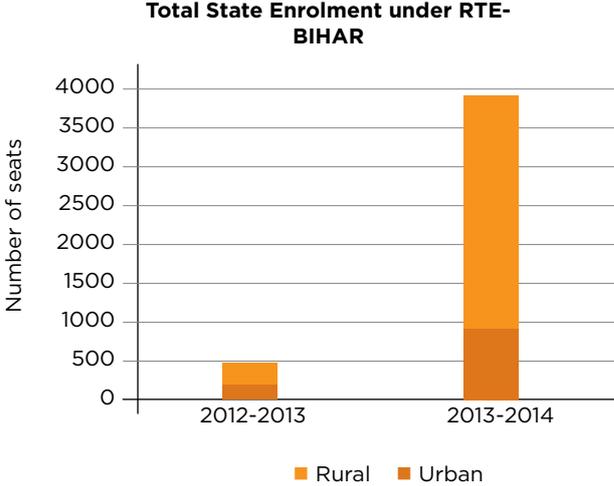
**Seats Available**

In 2013-14, 75,719 seats were available in private unaided schools in class I. 18,930 seats were available for Section 12(1)(c). In 2012-13, this number was 4,257.



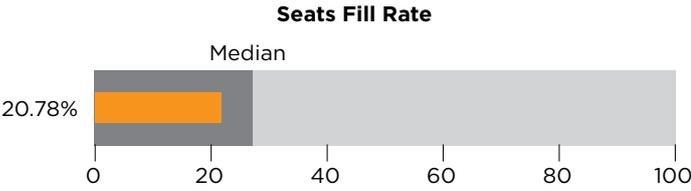
**Total Enrolment**

A total of 3,933 students were admitted in 2013-14 (3,027 in rural and 906 in urban). 547 students were admitted in 2012-13.



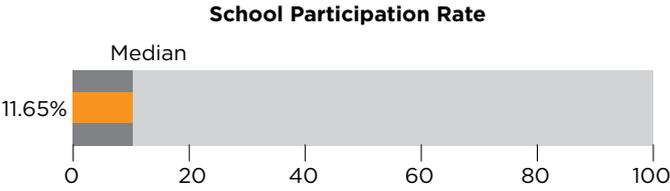
**Seats Being Filled**

Out of 18,930 seats available under this section, only 3,933 were filled in 2013-14 with a seat fill rate of 20.78%. In 2012-13 the seat fill rate was 12.85%.

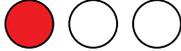
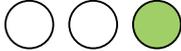


**Schools Admitting At Least One Child**

In 2013-14, out of 1,451 private schools only 169 had taken at least one admission with a participation rate of 11.65%. This participation rate was 13.71% in 2012-13.

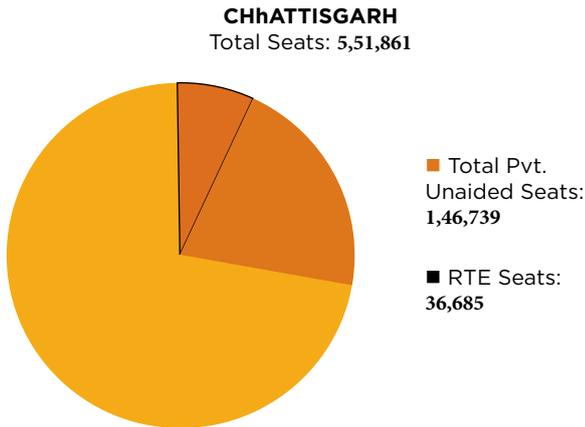


CHHATTISGARH (23,147 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	SC, ST, a child whose parents belongs to primitive tribal groups, a child with 40 percent disability, and a child whose parents have certificate of recognition of forest rights identified as DG. Children belonging to EWS are from BPL list and children whose parents are not alive now but used to be on the BPL list at the time of death.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of documents for any of the above categories given.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age of eligibility mentioned for any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No clarity on whether Section 12 is applicable only to class I or pre-primary also.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Primary schools for classes I-V must be within a walking distance of 1km. Neighborhood limit applies to Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention any methods of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of information necessary to share with the general public.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one assigned the task of spreading awareness regarding Section 12 or the RTE Act.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached and no written description within the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No dates assigned for any process of the admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date allotted for the lottery. No reference to schools choosing their lottery date.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of location for applicant to collect/submit required forms for application.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority appointed to oversee the lottery process.

CHHATTISGARH (23,147 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		Not clarified how often per child expenditure would be assessed.
	Authority to calculate per child expenditure		No authority held responsible to assess the per child expenditure.
	Method of calculating reimbursement		Statement copied from MHRD's model rules
	Criteria for reimbursement (or documents needed) for all instalments		Criteria to claim reimbursement not given.
	Number of instalments for reimbursement		No mention of the number of instalments for reimbursement to schools.
	Authority responsible for finance of additional items (uniforms and books)		Schools held responsible to provide books and uniforms but financial responsibility not assigned.
Grievance Mechanism and Monitoring	Appointment of local authority		Local authorities need to be more specific. Example of one local authority given below: (a) In relation to schools in the area under administrative control of a Zila Panchayat, the Zila Panchaya. Chattisgarh has identified 5 other local authorites in the same manner.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		Chattisgarh has constituted the State Commission for the Protection of Child Rights.
Special Mention	Financial Responsibility		“Financial Responsibility of the State Government for the resources made available by Central Government” is the only mention of any financial responsibility. Does not specify to which resources it is referring.

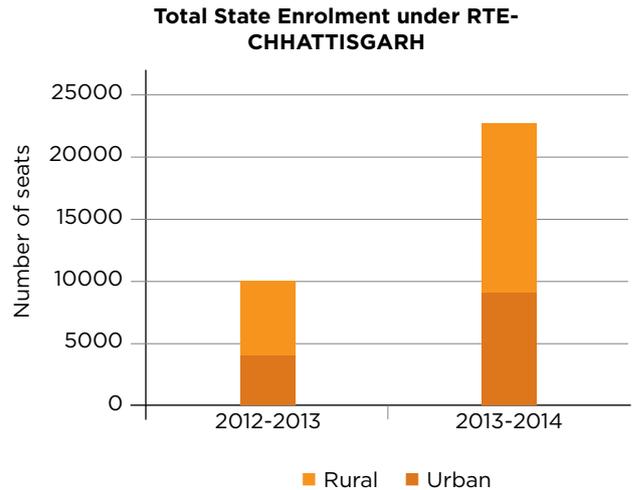
### Seats Available

In 2013-14, 1.46 lakh seats were available in private unaided schools in class I. 36,685 seats were available for Section 12(1)(c). In 2012-13, this number was 35,070.



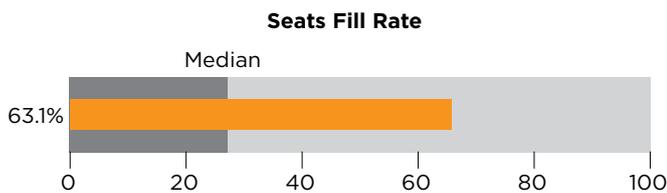
### Total Enrolment

A total of 23,147 students were admitted in 2013-14 (14,398 in rural and 8,749 in urban). 9,797 students were admitted in 2012-13.



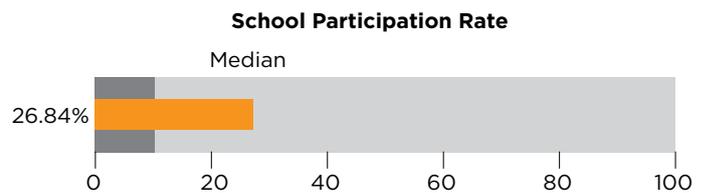
### Seats Being Filled

Out of 36,685 seats available under this section, only 23,147 were filled in 2013-14 with a seat fill rate of 63.1%. In 2012-13 the seat fill rate was 27.94%.



### Schools Admitting At Least One Child

In 2013-14, out of 4,731 private schools only 1,270 had taken at least one admission with a participation rate of 26.84%. This participation rate was 29.37% in 2012-13.



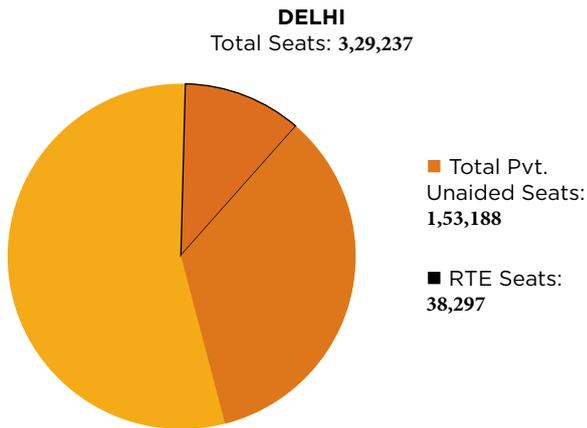
DELHI (35,264 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS identified as children whose parents have total annual income of less than one lakh rupees from all sources. Previous requirement of minimum residency revoked. DG identified as children from SC,ST, OBC (not creamy layer), children with special needs, children suffering from disability and orphans and transgender.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	DG category not required to submit income certificate. Documents needed for each of category of applicants given with department/office and rank of signing officer. For example: For the admission of child belonging to EWS - income certificate issued by revenue officer not below the rank of Tehsildar of BPL ration card (yellow colored) or AAY ration card (pink colored) shall be proof of income. This entire list is also printed on page 2 of the application form that parents fill out.
	Age criteria for entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Minimum age for pre-school admission is three, four and five years by 31st March, 2014 respectively for Pre-School, Pre-Primary and Class I.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 applicable to all entry level classes. Wherever fresh admissions are made (pre-school, pre-primary or class I), 25% reservation for children from EWS and DG is mandatory.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	First priority given to students residing within 1km of specific school. If seats remain unfilled, children from 3km may be considered then limits of neighborhood may be extended to 6km.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must display key information on noticeboards and on the website of the Directorate of Education. Same information must be shared with the Dy. Director of Education by 31st of December of the year preceding the academic year for which the information is applicable.
	Type of information to be shared	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must display total number of seats, free seats available at entry level, date of submission of applications, the date(s) of display of list of eligible candidates for draw, date(s) of draw, date(s) of display of list of successful candidates, date(s) of display of waiting list, date(s) of deposition fees, last date of admission. Application receipt given to parents must indicate the date(s) of display of list of eligible candidates for draw, date(s) of draw, date(s) of display of list of successful candidates, date(s) of display of waiting list, date(s) of deposition of fees, last date of admission.
	Authority responsible for information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Responsibility for dissemination of all the above information lies with the school.
Selection Process	Description of admission form format or sample copy attached to notification	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Application form uploaded on the website (www.edudel.nic.in) and attached to notification. Schools must give a receipt when receiving an application with registration number for student.
	Timeline/dates for admissions cycle	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must declare date of submission of applications, date(s) of display of list of eligible candidates for draw, date(s) of draw, date(s) of display of list of successful candidates, date(s) of display of waiting list, date(s) of deposition fees, last date of admission.
	Date for lottery	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must declare date of lottery.

**DELHI (35,264 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
	Locations to collect and/or submit forms	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Parents may collect the admission form from schools or from the website. They must submit the application form back to the schools and collect a receipt for their application.
	Authority to oversee lottery/ selection process	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Lottery must be held in the presence of parents of applicants and a nominee of the Education Department who cannot be below the rank of Vice Principal. Lottery process must be video graphed and the CD/DVD shall be submitted to Dy. Director of Education along with the list of selected candidates.
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	How often per child expenditure would be assessed was not mentioned.
	Authority to calculate per child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No committee or individual was assigned the responsibility to assess the per child expenditure.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from the MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No criteria or documents for reimbursement mentioned.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No number of instalments for the reimbursement given.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Schools held responsible to provide uniforms and books but no financial responsibility not assigned.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Local authorities are listed below. (a) In relation to school under administrative control of the Government, the Government (b) In relation to school under administrative control of any Municipal Corporation, such Municipal Corporation (c) In relation to school under administrative control of New Delhi Municipal Council, that Council (d) In relation to school under administrative control of Delhi Cantonment Board, that Board.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Delhi Commissions for Protection of Child Rights constituted
Special Mention	Tracking and Monitoring		Separate circular listed information schools must collect regarding EWS and DG children in their classes. This information then has to be uploaded into an online portal. Purpose of this exercise not mentioned.
			Every admitted child shall be assigned a unique ID once data is uploaded on a portal. ID shall remain the same during the stay of the child in the school. Purpose of this exercise not mentioned.
	Grievance Redressal		Each district to have a District Admission Monitoring Committee (DAMC). The Dy. Director (Education), Directorate of Education, GNCTD shall be the Chairperson of the DAMC. Any parent, aggrieved by the action of the school may file a complaint in writing to the DAMC, addressed to the concerned Dy. Director of Education (Chairperson). Any further process of redressal was not mentioned. This sounds promising as a start. It would be helpful to explain the entire process thoroughly.

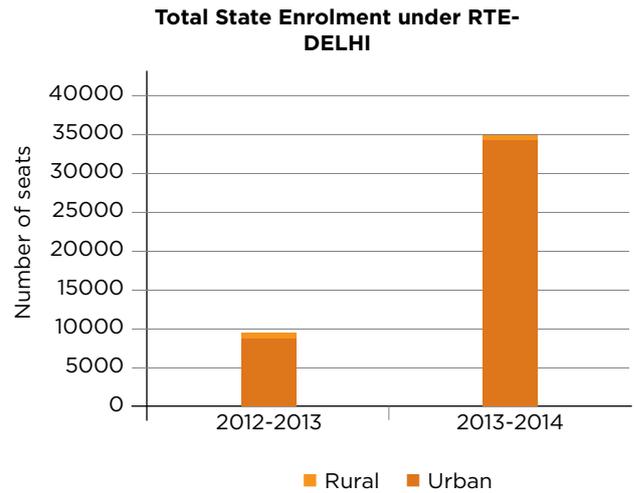
### Seats Available

In 2013-14, 1.53 lakh seats were available in private unaided schools in class I. 38,297 seats were available for Section 12(1)(c). In 2012-13, this number was 35,153.



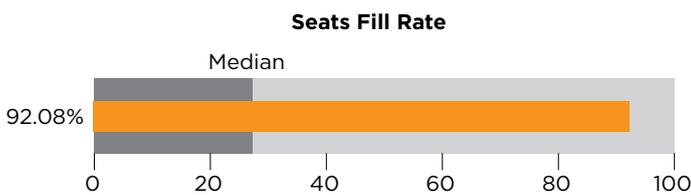
### Total Enrolment

A total of 35,264 students were admitted in 2013-14 (224 in rural and 35,040 in urban). 8,658 students were admitted in 2012-13.



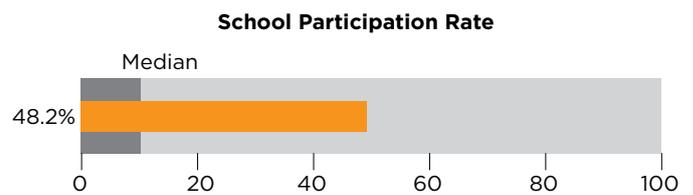
### Seats Being Filled

Out of 38,297 seats available under this section, only 35,264 were filled in 2013-14 with a seat fill rate of 92.08%. In 2012-13 the seat fill rate was 24.63%.

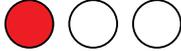
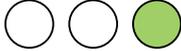


### Schools Admitting At Least One Child

In 2013-14, out of 2,272 private schools only 1,095 had taken at least one admission with a participation rate of 48.2%. This participation rate was 44.88% in 2012-13.

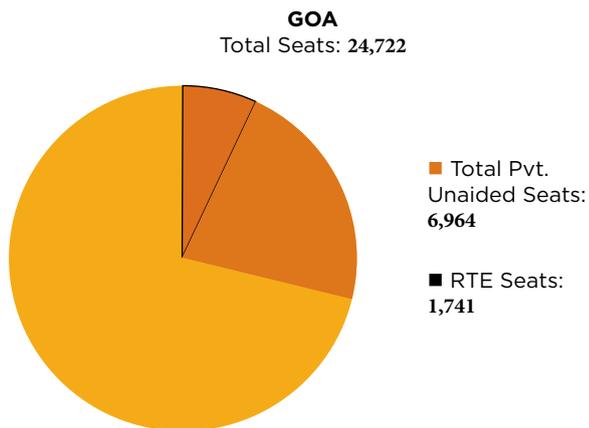


GOA (155 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Differently abled children identified as DG. Minimum limit has been set at Rs. 1 lakh for EWS.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of documents required for any category of applicants.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Minimum or maximum age limit for admission under Section 12 1(c) not mentioned.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Not specified whether Section 12 will be applicable only in class I or in pre-primary as well.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Primary schools with classes I-V must be established 1km from the neighborhood. Distance limit applicable for admissions under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Not outlined any specific methods for information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of what information needed to be shared.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority held responsible for awareness efforts.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached. No description of the admission form in the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No dates mentioned for the admissions cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention about the date of the lottery to be undertaken by schools for RTE admissions.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Locations for collection/submissions of forms not identified.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Authority to oversee the entire lottery process not been identified.

GOA (155 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		Frequency at which per child expenditure would be assessed was not mentioned.
	Authority to calculate per child expenditure		No one held responsible to assess the per child expenditure.
	Method of calculating reimbursement		No explanation as to how per child expenditure was calculated.
	Criteria for reimbursement (or documents needed) for all instalments		For first instalment, schools must submit list of children belonging to EWS and DG to the Deputy Director by July. Information to be submitted in reimbursement application form attached to the end of the notification (Form V). The final instalment reimbursed after verification of the enrolment of children and their attendance in school (minimum of 80% each month/child).
	Number of instalments for reimbursement		Instalments to be made in September (50%) and January (50%).
	Authority responsible for finance of additional items (uniforms and books)		Schools responsible to provide books and uniforms, financial responsibility for expenditure of these items was not mentioned.
Grievance Mechanism and Monitoring	Appointment of local authority		Local authority identified as the municipal corporation/municipal council/zila parishad/ nagar panchayat.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		State Commission for Protection of Child Rights constituted.
Special Mention			

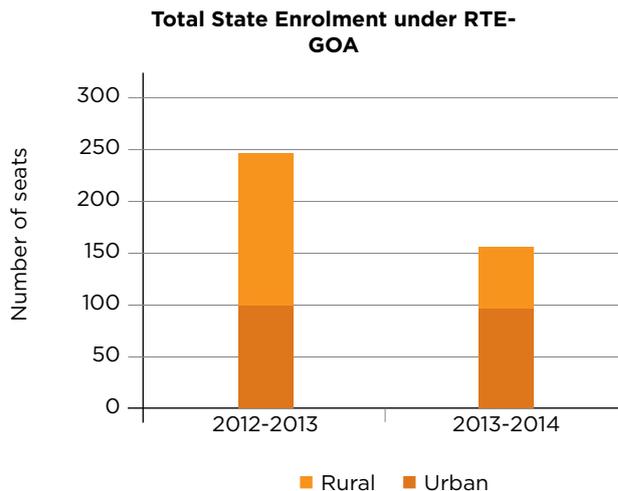
### Seats Available

In 2013-14, 6,964 seats were available in private unaided schools in class I. 1,741 seats were available for Section 12(1)(c). In 2012-13, this number was 1,750.



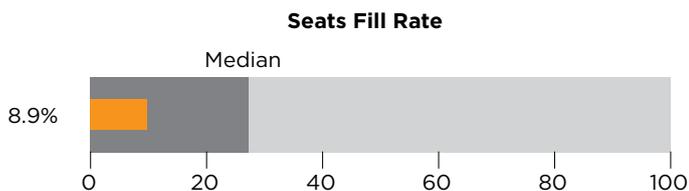
### Total Enrolment

A total of 155 students were admitted in 2013-14 (62 in rural and 93 in urban). 245 students were admitted in 2012-13.



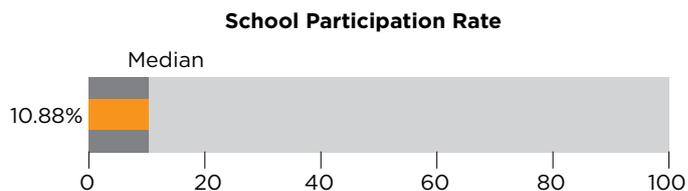
### Seats Being Filled

Out of 1,741 seats available under this section, only 155 were filled in 2013-14 with a seat fill rate of 8.9%. In 2012-13 the seat fill rate was 14.0%.



### Schools Admitting At Least One Child

In 2013-14, out of 147 private schools only 16 had taken at least one admission with a participation rate of 10.88%. This participation rate was 14.71% in 2012-13.



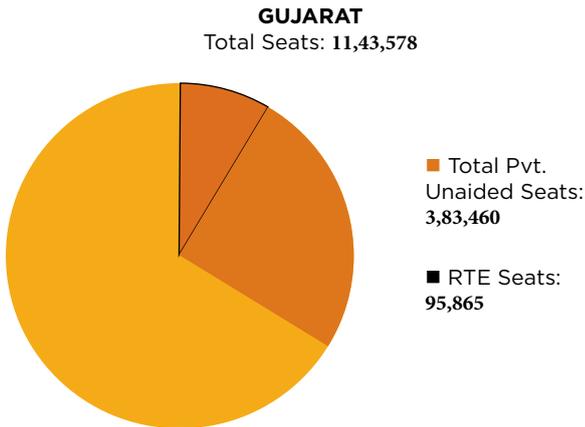
GUJARAT (40,836 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Children from EWS are from BPL families. Children from DG are from SC, ST, and OBC. Additional list of nine categories given, but not specified if DG or EWS.
	List of necessary documents for each category of applicants	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Documents for several groups listed but not all.
	Age criteria for entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For pre-school admission, child must be at least three years of age by June 1st of the academic year. For elementary school, child must be at least six years of age on date of admission. Five years of age may be considered if child has completed five years by June 1st of that year.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	25% reservation of seats only for class I.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	A school with classes I-V must be within walking distance of 1km from neighborhood. This limit applies to Section 12 applications.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Admission Control Committee must run help desk at two district offices until completion of admissions process. Notice board to display vital information.
	Type of information to be shared	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must display total seats, no. of seats available, last date for the submission of application, eligible candidate for draw, display date for notice board, draw date, declaration date of to be enrolled students, declaration date of waiting list, date of pay fees, last date for admission. Format to keep information given in attached form. District Primary Education Office also to advertise 25% admission in schools.
	Authority responsible for information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools, Admission Control Committee and District Primary Education Office all have their own responsibilities.
Selection Process	Description of admission form format or sample copy attached to notification	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Admission form attached in Annexure.
	Timeline/dates for admissions cycle	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	School must declare last date for the submission of application, display date for notice board, draw date, declaration date of to be enrolled children, declaration date of waiting list, date to pay fees, last date for admission etc.
	Date for lottery	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must declare their own date of lottery.
	Locations to collect and/or submit forms	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	School to provide general admission form free of cost. Form also available at District Education Officer or from website of education department. Parents have to get the form submit to concerned District Education Officer.

**GUJARAT (40,836 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
	Authority to oversee lottery/ selection process	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Admission Control Committee with following committee members responsible for lottery process: (1) District Education Officer/District Primary Education Officer (2) Administrative Officer/Deputy District Education Officer (3) Respective School Administrator/Representative (4) School Principal (5) Parent from the school of admission In this committee no. 3-5 candidates are changed for every school.
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Per child expenditure to be assessed each year.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee to assess per child expenditure consists of Account Officer of the Primary Education, Account Officer of the Sarva Shiksha Abhiyan, Commissioner MDM, Account Officer MDM and Financial Advisor under Chairmanship of Director, Primary Education.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No criteria or documents mentioned for schools to claim reimbursement.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of the number of instalments for reimbursement.
	Authority responsible for finance of additional items (uniforms and books)	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools must give two sets of uniforms. Reimbursement to be made according to government expense on uniforms. Difference in expense to be borne by schools. Books not mentioned.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Local authority named as District Primary Education Officer for schools within the area of concerned District Panchayat and the area comprised of the Municipal Coporation and Municipality. For the remaining/other areas, the concerned District Education Officer of the District.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Right to Education Protection Authority (REPA) constituted.
Special Mention	Teacher Training		School Management to hold special training to sensitize teachers towards special category children for integration.
	Learning Outcomes		Learning Outcomes a key goal for schools. Table of requirements and their weightage included in notification.
	Scheme Implementation		Section 12(1)(c) introduced in Gujarat as a scheme in eight municipalities covering 5300 children.
	Eligibility		Free education under Section 12(1)(c) guaranteed till child stays in the shool which granted admission.

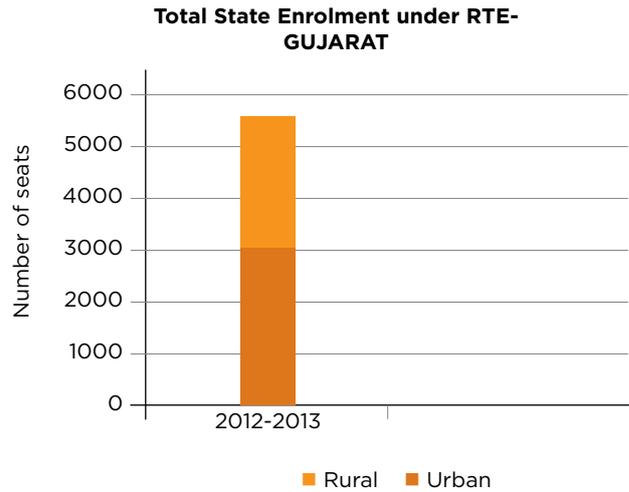
### Seats Available

In 2013-14, 3.83 lakh seats were available in private unaided schools in class I. 95,865 seats were available for Section 12(1)(c). In 2012-13, this number was 93,012.



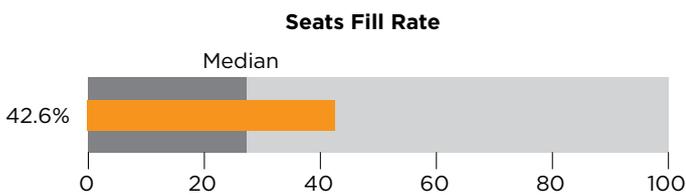
### Total Enrolment

DISE reported 40,836 students being admitted overall in 2013-14. It also reported 39 admissions in rural and 0 in urban for the same year. 5,498 students were admitted in 2012-13.



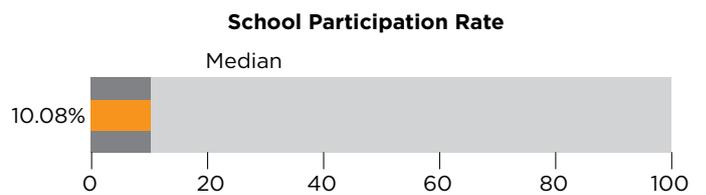
### Seats Being Filled

Out of 95,865 seats available under this section, only 40,836 were filled in 2013-14 with a seat fill rate 42.6%. In 2012-13 the seat fill rate was 5.91%.



### Schools Admitting At Least One Child

In 2013-14, out of 8,052 private schools only 812 had taken at least one admission with a participation rate of 10.08%. This participation rate was 6.21% in 2012-13.

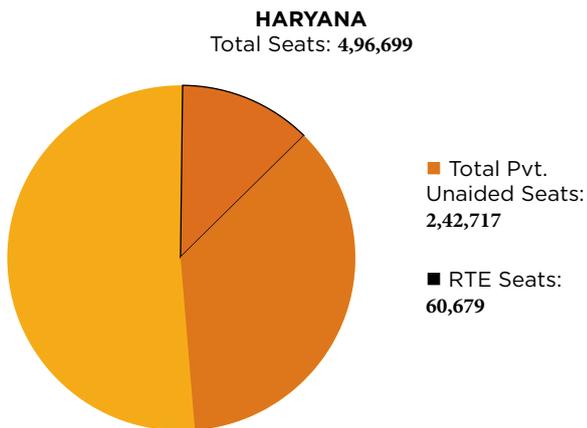


HARYANA (12,045 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	DG and EWS defined together but clear. Children of BPL list family, orphan, HIV affected children, children with special needs, children of war widow eligible.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of documents required to take admission.
	Age criteria for entry level	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Age for admission in class I is five to six years. Age for pre-primary not mentioned.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must reserve 25% of available seats from pre-primary classes.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For classes I-V schools must be within a walking distance of 1km from neighborhood. Distance limit also applicable to admissions made under Section 12. Alternative statement describes neighborhoods as wards in urban area and Gram Panchayat.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Not mentioned any methods to be used for awareness efforts.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of critical information that needs to be shared with the general public.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority was held responsible for information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Sample copy of the admission form not attached to notifications. No written description of admission form in the text.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No specific dates mentioned for the admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No central date appointed for lottery and no reference made for schools to choose their own dates.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Locations to collect and submit the application form and supporting documents was not mentioned.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority appointed to oversee the lottery.

HARYANA (12,045 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee must meet three months after the commencement of the Rules and annually in September after that.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee to assess per child expenditure must consist of Financial Commissioner and Principal Secretary (Finance), Financial, Commissioner and Principal Secretary (School Education), Financial Commissioner and Principal Secretary (Planning), Director of Elementary Education and State Project Director Sarva Shiksha Abhiyan.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For first instalment, schools must submit list of childrens' names admitted to the District Elementary Officer for verification by July. For the second instalment schools must show a minimum of 80% attendance till January and submit a copy of the pupil cumulative record. Retention and attendance will be verified.
	Number of instalments for reimbursement	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	First instalment of 50% to be made in September and second instalment in February.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Schools responsible to provide books and uniforms, but no one financially responsible.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Local authority shall be (i) the School Management Committee (ii) the Block Education Officer, Block Elementary Education Officer, District Elementary Education Officer, Additional Deputy Commissioner and Deputy Commissioner (iii) Mewat Development Board and Shivalik Development Board in their respective jurisdiction.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Right to Education Protection Authority (REPA) constituted.
Special Mention			

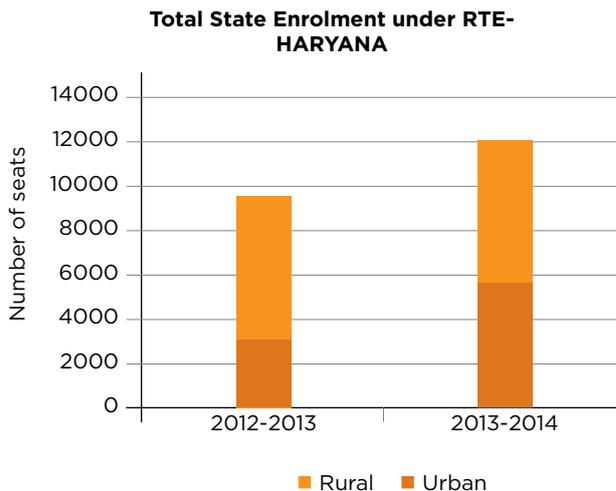
### Seats Available

In 2013-14, 2.42 lakh seats were available in private unaided schools in class I. 60,679 seats were available for Section 12(1)(c). In 2012-13, this number was 59,834.



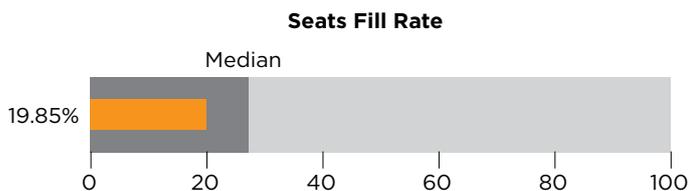
### Total Enrolment

A total of 12,045 students were admitted in 2013-14 (6,395 in rural and 5,650 in urban). 9,477 students were admitted in 2012-13.



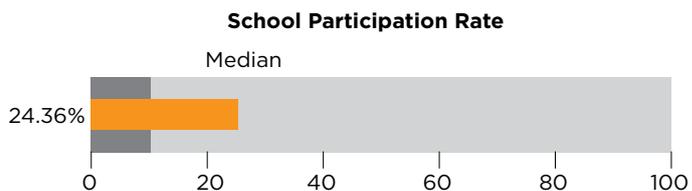
### Seats Being Filled

Out of 60,679 seats available under this section, only 12,045 were filled in 2013-14 with a seat fill rate of 8.9%. In 2012-13 the seat fill rate was 15.84%. Median



### Schools Admitting At Least One Child

In 2013-14, out of 6,108 private schools only 1,488 had taken at least one admission with a participation rate of 24.36%. This participation rate was 17.06% in 2012-13.



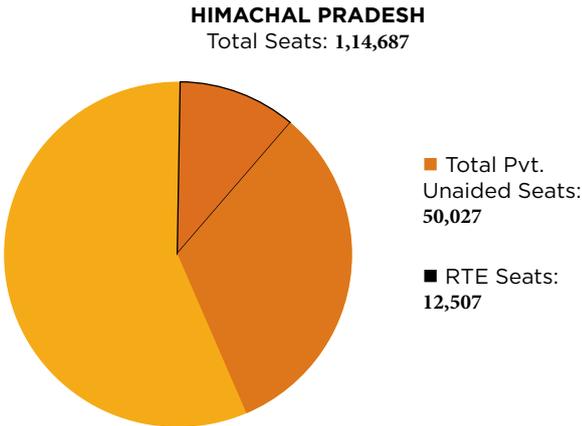
HIMACHAL PRADESH (2,277 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Children belonging to ST, SC, OBC, families below the poverty line, and disabled children eligible under DG. Children from BPL list families eligible under the EWS.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No documents mentioned for any of the above categories.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit specified for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 applicable not only in class I but in pre-primary classes.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	School must be within a walking distance of 1.5km of a neighborhood. This distance limit applies to admissions made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools to use their notice boards and their websites to display information.
	Type of information to be shared	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools must share number of seats available for EWS and DG applicants. No other information mentioned.
	Authority responsible for information dissemination	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools responsible for information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached and no description of the admission form in the text.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No dates appointed for any of the processes that occur during the admissions cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date for lottery appointed.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of locations from where applicants could collect and/or submit required documents.
	Authority to oversee lottery/selection process	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Lottery process must be held in the presence of parents of children who have applied and a representative of Deputy Director of Elementary Education or Block Elementary Education Officer of the district or block.

**HIMACHAL PRADESH (2,277 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Per child expenditure must be calculated every two years, for the upcoming academic year. Committee to meet in the month of September.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee to assess per child expenditure comprises of Director, Elementary Education, State Project Director (SSA) and Joint controller (F&A), SSA.
	Method of calculating reimbursement	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	School must submit its claim for reimbursement by 31st of July for first instalment and 31st of January for final instalment. Second instalment shall be reimbursed by March each year after the verification of the retention and attendance of EWS and DG children. Schools must show a minimum of 80% attendance and submit a copy of the pupil cumulative record. No mention of any criteria or documents required for first instalment.
	Number of instalments for reimbursement	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	First instalment of 50% to be reimbursed in September and balance to be reimbursed in March.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Schools responsible to provide books and uniforms but financial responsibility not assigned to any party.
Grievance Mechanism and Monitoring	Appointment of local authority	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Local authority no assigned.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Right to Education Protection Authority (REPA) constituted.
Special Mention	Reimbursement		State has declared they will not reimburse any amount to private unaided schools if any seat is left vacant in the neighborhood Government School.

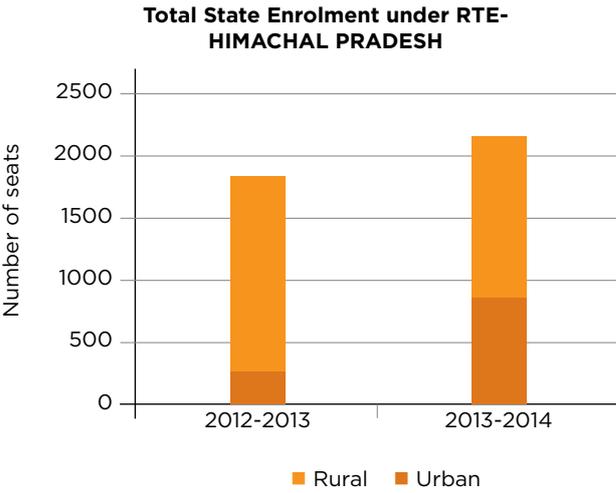
**Seats Available**

In 2013-14, 50,027 seats were available in private unaided schools in class I. 12,507 seats were available for Section 12(1)(c). In 2012-13, this number was 12,220.



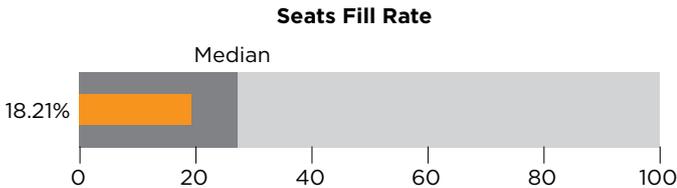
**Total Enrolment**

A total of 2,277 students were admitted in 2013-14 (1,774 in rural and 503 in urban). 1,967 students were admitted in 2012-13.



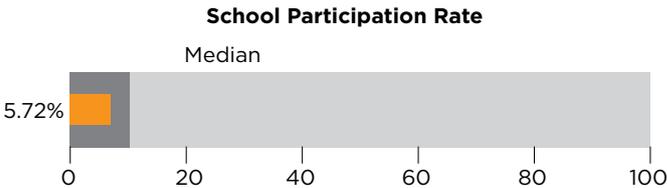
**Seats Being Filled**

Out of 12,507 seats available under this section, only 2,277 were filled in 2013-14 with a seat fill rate of 18.21%. In 2012-13 the seat fill rate was 16.10%.



**Schools Admitting At Least One Child**

In 2013-14, out of 2,464 private schools only 141 had taken at least one admission with a participation rate of 5.72%. This participation rate was 6.98% in 2012-13.

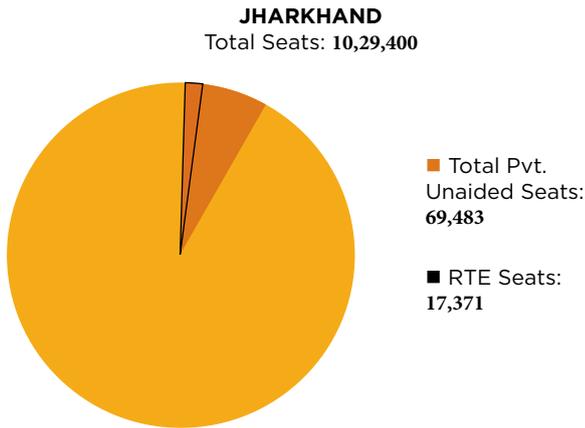


JHARKHAND (2,660 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	For EWS and DG only the children of BPL families are eligible. From those families, children from ST, SC, minority groups will be given first preference.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No documents listed for any of the categories mentioned above.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age criteria was mentioned for any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Entry level not explicitly defined as being class I or pre-primary. Simply mentioned that seats must be made available at entry level.
	Neighbourhood criteria	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools with classes I-V must within walking distance of 1km from neighborhood. No mention as to whether these limits are applicable to section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of preferred methods of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No lists given for the type of information that needed to be shared.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No party held responsible for awareness efforts.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached nor was it described in the text of any notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No dates for any of the processes during the admission cycle were mentioned.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralize date for lottery appointed.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Locations for collection and submission of forms were not mentioned.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority appointed to oversee the lottery.

JHARKHAND (2,660 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Frequency of calculating per child expenditure not mentioned.
	Authority to calculate per child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No party held responsible for assessing per child expenditure.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No details provided with regards to how per child expenditure was calculated.
	Criteria for reimbursement (or documents needed) for all instalments	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There was no criteria given for schools to be able to claim reimbursement.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Number of instalments for reimbursement not given.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Schools held responsible to provide books and uniforms to children but no one held financially responsible for these expenses.
Grievance Mechanism and Monitoring	Appointment of local authority	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No local authority assigned.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	State Commission for Protection of Child Rights constituted.
Special Mention			

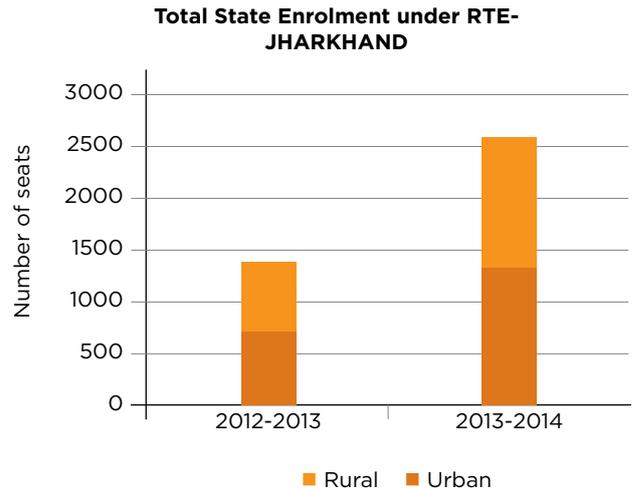
### Seats Available

In 2013-14, 69,483 seats were available in private unaided schools in class I. 17,371 seats were available for Section 12(1)(c). In 2012-13, this number was 21,172.



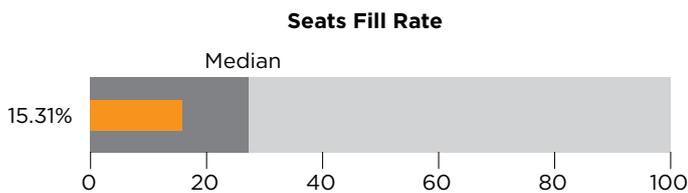
### Total Enrolment

A total of 2,660 students were admitted in 2013-14 (1,291 in rural and 1,368 in urban). 1,402 students were admitted in 2012-13.



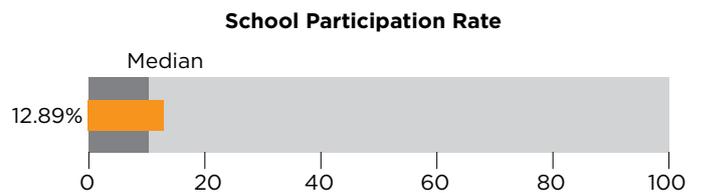
### Seats Being Filled

Out of 17,371 seats available under this section, only 2,660 were filled in 2013-14 with a seat fill rate of 15.31%. In 2012-13 the seat fill rate was 6.62%.



### Schools Admitting At Least One Child

In 2013-14, out of 838 private schools only 108 had taken at least one admission with a participation rate of 12.89%. This participation rate was 6.99% in 2012-13.



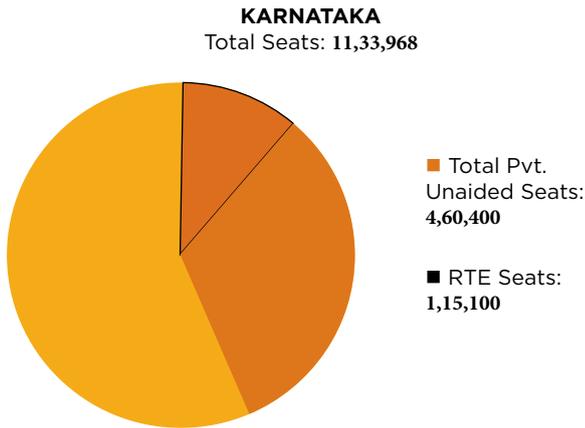
KARNATAKA (29,063 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	11 groups of children eligible under Disadvantaged Group category. Economically Weaker Section children defined as coming from all castes and communities (excluding DG) whose parents or guardians annual income is less than Rs. 3.5 lac.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Documents for each category of applicants given with designation of signing authority.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of age criteria.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Entry level defined as pre-primary where available.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Village or ward where the school is located defined as neighbourhood. Priority to be given in admission to children from the neighbourhood.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of information dissemination methods to be used.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list given for type of information to be shared.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority held responsible for information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Application form attached with instructions on how to fill. Format for certificates also included.
	Timeline/dates for admissions cycle	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Table of timelines given for major deadlines of admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date of lottery given.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Location to submit/collects forms not given.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority to oversee lottery named.

**KARNATAKA (29,063 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		Frequency of per child expenditure not given.
	Authority to calculate per child expenditure		No authority named to calculate per child expenditure.
	Method of calculating reimbursement		Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments		"Status Report of School" attached to notification and due by July and January for first and second instalment of reimbursement.
	Number of instalments for reimbursement		First instalment of 50% to be made in September and remaining balance to be credited in January after receiving "Status Report."
	Authority responsible for finance of additional items (uniforms and books)		No financial authority named for additional expenses of books and uniforms.
Grievance Mechanism and Monitoring	Appointment of local authority		Local Authority is Municipal Corporation or Municipal Council or Zilla Parishad or Nagar Panchayat or Panchayat, and includes other authority having administrative control. Named Zilla Panchayat Standing Committee of Education and Health responsible for providing free and compulsory education.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		State Commission for Protection of Child Rights constituted.
Special Mention	Admission Above 25%		No claim for reimbursement allowed for children admitted over and above 25%.
	Per Child Expenditure		Upper limit of per student expenditure to be reimbursed for children admitted to Std.I shall be Rs. 11,848/- per annum per student.
	Certificates for Admission		Schools to obtain certificates for Orphan Child/ Migrant Child/Street Child/Disabled/Child requiring special attention/HIV affected child during time of application.
	Income Limit		Income limit for EWS children revised. Annual income up to Rs. 3.50 lakhs are eligible to submit applications, but children from families having annual income of less than Rs. 1.00 lakh to be considered first.

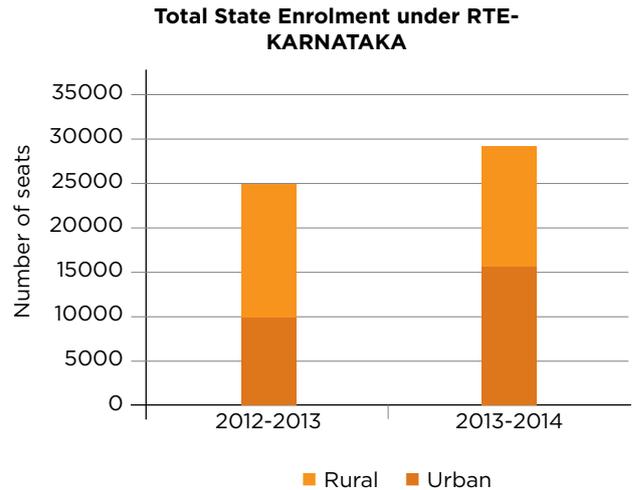
### Seats Available

In 2013-14, 4.60 lakh seats were available in private unaided schools in class I. 1.15 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 1.13 lakh.



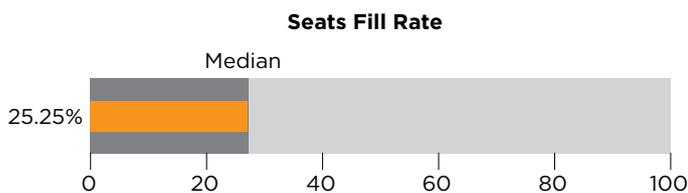
### Total Enrolment

A total of 29,063 students were admitted in 2013-14 (13,925 in rural and 16,038 in urban). 25,449 students were admitted in 2012-13.



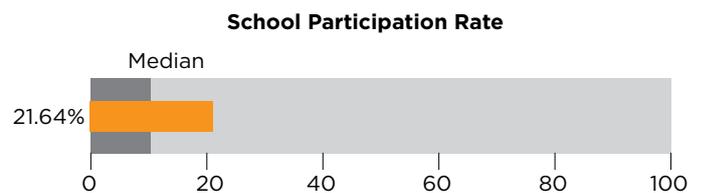
### Seats Being Filled

Out of 1.15 lakh seats available under this section, only 29,063 were filled in 2013-14 with a seat fill rate of 25.25%. In 2012-13 the seat fill rate was 22.38%.



### Schools Admitting At Least One Child

In 2013-14, out of 11,663 private schools only 2,524 had taken at least one admission with a participation rate of 21.64%. This participation rate was 14.92% in 2012-13.

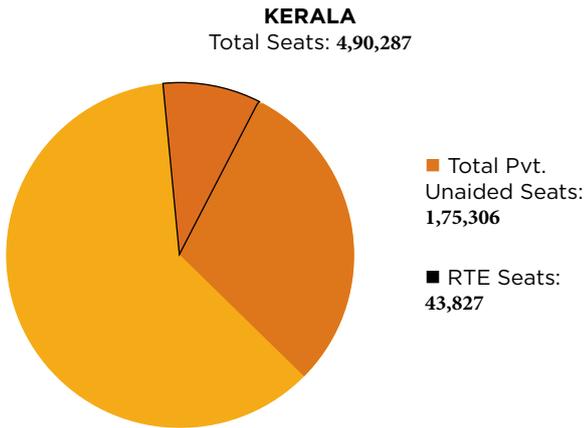


KERALA (11,562 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS means a child whose parents or guardians' annual income is less than Rs. 60,000/-. DG means SC, ST, socially and educationally backward class, HIV affected children and children of HIV affected parent, orphans and children from recognised orphanages, children with learning disabilities, children with autism, children with special needs.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Documents required for above categories of children not given.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit given for entry class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 applicable in class I and pre-school classes.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	A primary school with classes I-V must be walking distance of 1km from the neighborhood. Limit also applies to admissions under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of how information was going to be spread to the general public.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Rules do not discuss the dissemination of "First Step Information", only discuss that information must be spread.
	Authority responsible for information dissemination	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	State Advisory Council to act as an interface between the media and public. Government to create awareness, mobilization and a positive environment around implementation of the Act. Not clear what this means in terms of awareness since no specific actions are mentioned for the SAC to do.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached and no detailed description within the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No specific dates were assigned for any of the processes during the admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date for the lottery.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of locations collecting or submitting applications and supporting documents.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority held responsible for overseeing the lottery.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	The committee consists of Secretary (Finance), Secretary (General Education), Secretary (Local Self Government), Director of Public Instruction and Director (Sarva Siksha Abhiyan).
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	No criteria or documents mentioned for first instalment of reimbursement. Second instalment shall only be made on verification of a minimum of 80% attendance in school for children under the EWS and DG category.

KERALA (11,562 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
	Number of instalments for reimbursement		First instalment of 50% will be sent in September and the remaining in January.
	Authority responsible for finance of additional items (uniforms and books)		No clarity on financial responsibility for the expenditure on additional items like school books and uniforms.
Grievance Mechanism and Monitoring	Appointment of local authority		Local authority identified as the Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, and include other authorities or bodies having administrative control over the school.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		The State Commission for the Protection of Child Rights has been constituted in Kerala.
Special Mention	Tracking and Monitoring		Kerala wants to monitor learning levels of children in all elementary schools including private unaided. They wish to employ an external agency like the University Department to conduct regular evaluations on learning outcomes in 5% of the schools and bring out annual reports on the quality of elementary education. They also want half yearly and annual review of the performance of the academic authority regarding its compliance with the Act. This is the beginning of a much larger process but its definitely a step in the right direction.
			The Academic Authority has been mandated to design and implement a process of holistic school quality assessments based on performance indicators. Schools will also be continuously rated on a five point scale with parameters including student achievement, physical infrastructure, teacher training, assessment and evaluation and co-curricular activities. Schools found to be failing in the last two categories on the five point scale will need to undergo remedial measures with a definite timeframe and support. Again, similar to above, this is the beginning of a larger process and definitely needs more thought at this stage.
	Teacher Training		The Government to consult with other academic authorities to prepare a scheme to provide pre-service and in-service training to pre-primary and elementary school teachers in all schools including private unaided. It must also design a monitoring mechanism for this purpose. For private unaided schools, the expenditure for these teacher trainings will be borne by the school.
	Reimbursement		A school which has given admission to a child who has not enrolled in a government or aided school will not receive reimbursement for that child. The statement is a little confusing, but it is similar to the next statement that unless the child has no government or aided school within walking distance, they may apply to private schools but the school will forfeit their reimbursement by granting admission.
			Government will only reimburse expenditure of private unaided schools for EWS and DG students if no government or aided schools within walking distance.
Counseling		Government to provide emotional and psychological counseling for all children by professionals who would co-ordinate with Government Departments like Health and Social Welfare.	

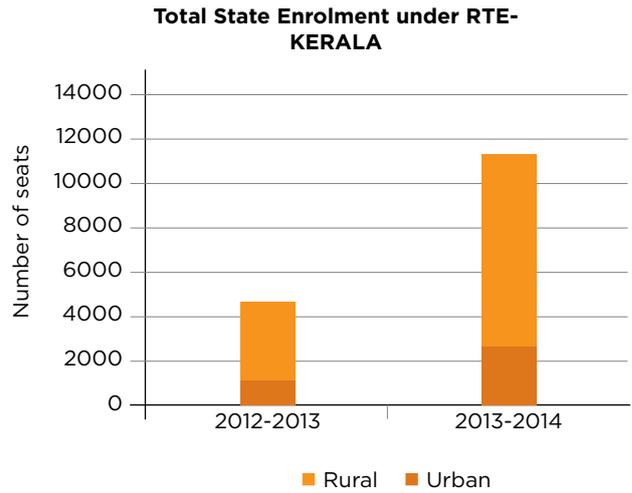
### Seats Available

In 2013-14, 1.75 lakh seats were available in private unaided schools in class I. 43,827 seats were available for Section 12(1)(c). In 2012-13, this number was 43,533.



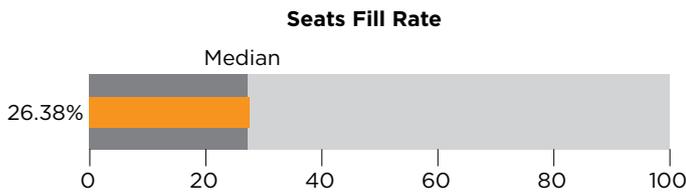
### Total Enrolment

A total of 11,562 students were admitted in 2013-14 (9,158 in rural and 2,404 in urban). 4,814 students were admitted in 2012-13.



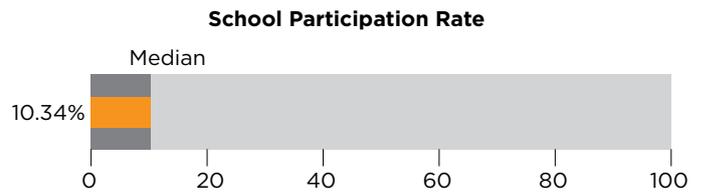
### Seats Being Filled

Out of 43,827 seats available under this section, only 11,562 were filled in 2013-14 with a seat fill rate of 26.38%. In 2012-13 the seat fill rate was 11.06%.



### Schools Admitting At Least One Child

In 2013-14, out of 2,765 private schools only 286 had taken at least one admission with a participation rate of 10.34%. This participation rate was 9.74% in 2012-13.



MADHYA PRADESH (1,61,000 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	DG means SC, ST, de-notified tribes, homestead families of forest village/entitled families, and disabled children. EWS defined as families living below poverty line.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Notification No./ Rashike/RTE/2013/394 dated Jan. 16, 2013 has detailed list of documents needed for each of the categories above, and which documents can serve what purpose. For example all applicants need a certificate of residence, there are 6 types of documents that will be accepted as proof of residence: "(i) Voter ID/Aadhar Card (ii) Rural Area Job Card... (iii) Passport/Driving Licence/ Electricity Bill/Water Bill (iv) Any other official document..."
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There was no minimum or maximum age limit specified for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 applicable to class I as well as pre-primary.
	Neighbourhood criteria	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Neighbourhood limit in rural areas means the village and adjoining wards of urban area if there are any. In urban areas the neighbourhood limit is the ward, adjoining wards and adjoining villages, if any. This applies to admissions taken under Section 12 as well.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There were no preferred methods of information dissemination mentioned.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of important information to be shared with general public.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Nobody held responsible for awareness efforts.
Selection Process	Description of admission form format or sample copy attached to notification	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Sample copy of the admission form is attached to the notification. Applicant may submit a typed or handwritten application in the format prescribed.
	Timeline/dates for admissions cycle	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	The last date for submission of application form is given as 08.02.2013 for the 2013-14 academic year. Since then we could not find an updated date.
	Date for lottery	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Parents to be informed regarding the date of lottery. The previous years lottery date was 15th Feb, 2013. Did not find any updated date on any of the notifications.
	Locations to collect and/or submit forms	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Completed application form to be submitted to the school. In cases of non compliance and applicants have difficulty submitting an application, they can submit the same at the office of the District Education Officer.
	Authority to oversee lottery/selection process	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	On the date of the lottery, the District Education Officer is responsible to appoint an observer for each school.

**MADHYA PRADESH (1,61,000 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		There were no details on how often per child expenditure would be assessed.
	Authority to calculate per child expenditure		No authority responsibility to assess per child expenditure.
	Method of calculating reimbursement		No statement was provided on how reimbursement was calculated.
	Criteria for reimbursement (or documents needed) for all instalments		No criteria or list of documents was listed to claim reimbursement.
	Number of instalments for reimbursement		Reimbursement will be in one instalment in the month of March. It was also noted that further guidelines would be notified in a future notification but we found none.
	Authority responsible for finance of additional items (uniforms and books)		No financial responsibility was assigned for the expenditure on additional items such as books and uniforms.
Grievance Mechanism and Monitoring	Appointment of local authority		In rural areas the local authority is the Zila Panchayat Raj Avam Gram Swaraj Adhiniyam. In urban areas the authority is Municipal Corporation, the Municipality, Nagar Parishad. These are still not specific enough.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		Madhya Pradesh has constituted the State Commission for Protection of Child Rights.
Special Mention	Tracking and Monitoring		Jan Shikshak instructed to maintain a list of children belonging to the disadvantaged group and the weaker section of every unaided school, aided and specified category of schools within his/her jurisdiction. Purpose of exercise not clear.
	Reimbursement		Madhya Pradesh committed to reimbursement of more than 25% admissions. Procedure for this not explained at all.

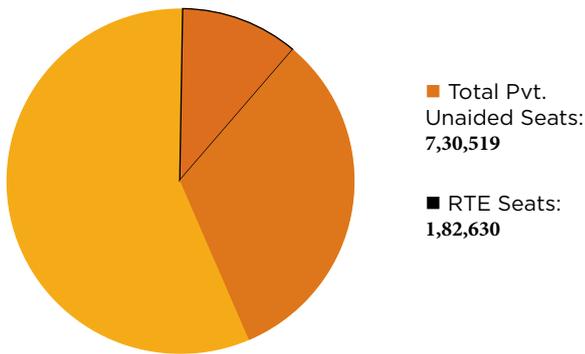
### Seats Available

In 2013-14, 7.30 lakh seats were available in private unaided schools in class I. 1.82 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 1.7 lakh.

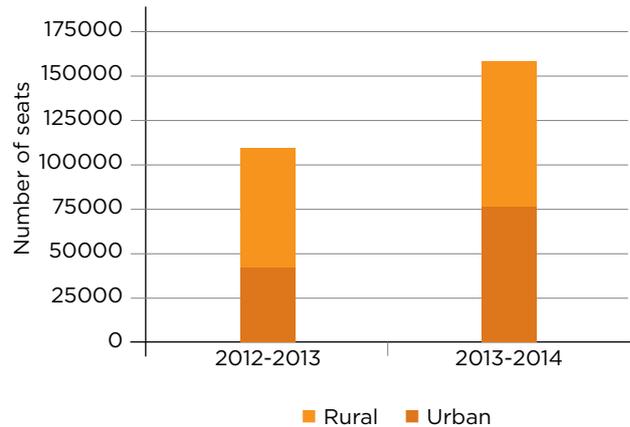
### Total Enrolment

A total of 1.61 lakh students were admitted in 2013-14 (87,614 in rural and 73,539 in urban). 1.06 lakh students were admitted in 2012-13.

**MADHYA PRADESH**  
Total Seats: 19,43,370



**Total State Enrolment under RTE- MADHYA PRADESH**



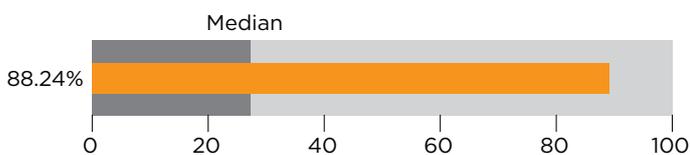
### Seats Being Filled

Out of 1.82 lakh seats available under this section, only 1.61 lakh were filled in 2013-14 with a seat fill rate of 88.24%. In 2012-13 the seat fill rate was 59.69%.

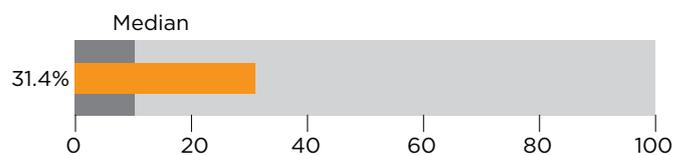
### Schools Admitting At Least One Child

In 2013-14, out of 24,571 private schools only 7,716 had taken at least one admission with a participation rate of 31.4%. This participation rate was 39.97% in 2012-13.

**Seats Fill Rate**



**School Participation Rate**

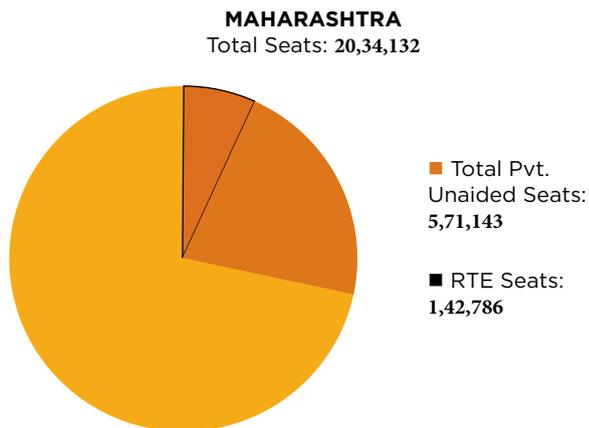


MAHARASHTRA (27,635 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	DG means SC, ST, child with disability. EWS means child belonging to Vimukta Jatis and Nomadic Tribe (VJNT), OBC, SBC and the religious minorities specified by the State Government, and annual income of whose parent or guardian is below one lakh rupees.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	All applicants must have relevant certificates: birth certificate, income certificate issued by the Revenue Officer not below the rank of Tehsildar, caste certificate issued by Sub Divisional Officer (revenue) or Deputy Collector in the name of child or his parent, for disabled children (CWSN) disability certificate issued by Civil surgeon/ Superintendent of Government notified hospitals having disability more than 40 percent, proof of residence - any one of the following in order of priority - UID Aadhar Card, Passport, Election Photo Identity Card, Electricity Bill, Telephone Bill, Water Bill, a House Tax Receipt, driving licence issued by competent authority in the name of the parents/guardians."
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit given for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 reservations applicable to pre-school education.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Primary schools with classes I-V must be within 1km of the neighbourhood with minimum 20 children in the age group 6-11 years. This limit shall apply to admissions made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must publicize in the neighbourhood area through means like loud speaker, pamphlets, local TV, website, public announcement (Dawandi) etc.
	Type of information to be shared	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	School must publish a notice including: (i) total number of seats available in class I or pre-school (ii), seats available, (iii) dates (from - to) during which application forms will be issued, (iv) dates (from - to) during which application forms shall be received/ collected, (v) dates on which Admission Committee shall meet to scrutinize applications of eligible children, (vi) further dates for publicity (if applicable), additional time for children to apply, meeting of Admission Committee etc, (vii) draw of lottery, (viii) dates of publishing the lists of children selected for admission along with the waiting list in the school.
	Authority responsible for information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must publicize in the neighbourhood area through means like loud speaker, pamphlets, local TV, website, public announcement (Dawandi) etc.
Selection Process	Description of admission form format or sample copy attached to notification	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Application form available online on www.rtemaharashtra.in or any website declared by the Government. No mention of paper copy.
	Timeline/dates for admissions cycle	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must declare important dates of the admission cycle.

MAHARASHTRA (27,635 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
	Date for lottery	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must declare date of lottery.
	Locations to collect and/or submit forms	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Forms to be submitted to schools. Application form available online.
	Authority to oversee lottery/ selection process	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	As per the updated rules, the lottery will be done by the system online.
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of how often per child expenditure would be assessed.
	Authority to calculate per child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority named to assess per child expenditure.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	School must submit reimbursement claim on the claim form attached in annexure to concerned education officer. Claim for first instalment must include declaration that full, proper and transparent procedure was followed in the presence of the members of the Admission Committee including nominee of the Education Officer and these children would not have gained admission but for the provisions of the Act. Claim for second instalment must include a declaration from school that all children admitted under these Rules have completed the academic year successfully and have been promoted and given admission to the next higher class in the same school.
	Number of instalments for reimbursement	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	There are two instalments for reimbursement. The first is after 30th October and the second after 30th April.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No financial authority for additional items named.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Local authority for Municipal Commission is Municipal Commissioner, rural area is Primary Education Officer, Cantonment Board/Municipal Council is Commanding Officer or Zila Parishad's Primary Education Officer.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	State Commission for Protection of Child Rights constituted.
Special Mention	Reimbursement		Reimbursement for children admitted under Section 12(1)(c) only admissible when child reaches class I.
	Eligibility		Schools not allowed to admit children who are already admitted or who would otherwise have means to gain admission.

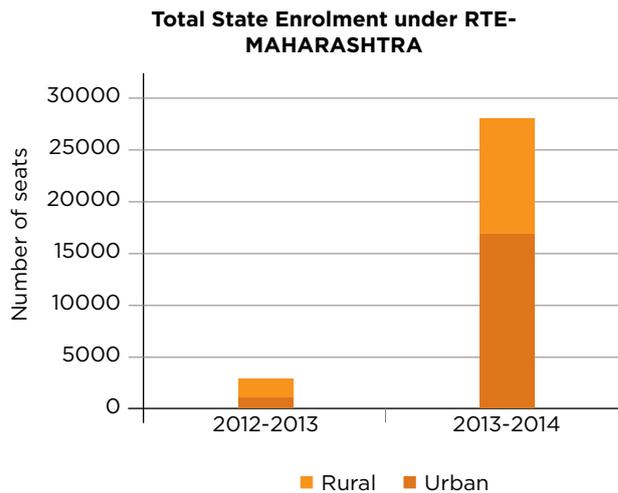
### Seats Available

In 2013-14, 5.71 lakh seats were available in private unaided schools in class I. 1.42 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 1.34 lakh.



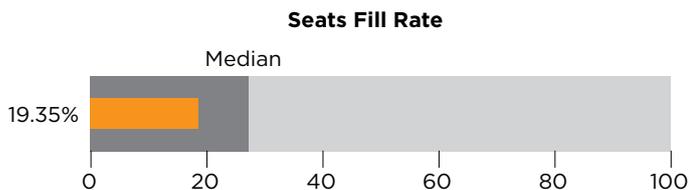
### Total Enrolment

A total of 27,635 students were admitted in 2013-14 (10,824 in rural and 16,811 in urban). 2,419 students were admitted in 2012-13.



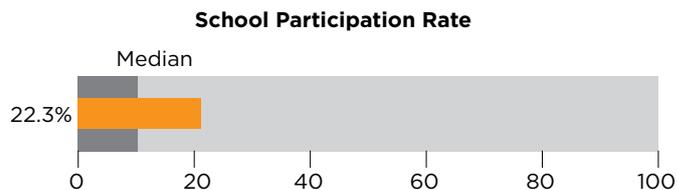
### Seats Being Filled

Out of 1.42 lakh seats available under this section, only 27,635 were filled in 2013-14 with a seat fill rate of 19.35%. In 2012-13 the seat fill rate was 1.81%.



### Schools Admitting At Least One Child

In 2013-14, out of 8,906 private schools only 1,986 had taken at least one admission with a participation rate of 22.3%. This participation rate was 3.2% in 2012-13.



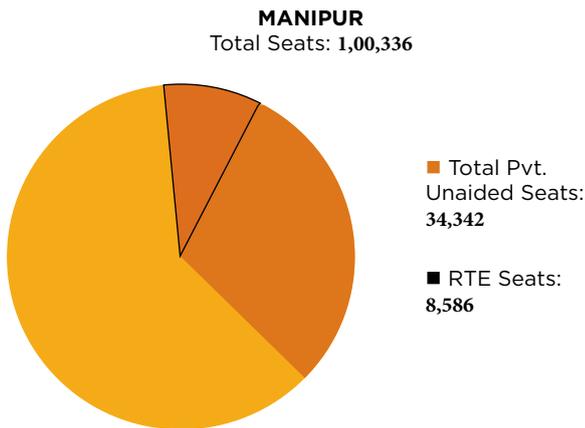
MANIPUR (5,561 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	DG means SC, ST, orphans, children with special need and HIV affected/infected children. EWS means a child belonging to backward class, minorities, including OCs whose parents' income does not exceed Rs. 40,000/- annually.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No documents for any category mentioned.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit given for any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Manipur has not notified whether Section 12 would be applicable only to class I or whether admissions would be taken in pre-primary classes as well.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For classes I-V, schools must be within walking distance of 1km from the neighborhood. This is applicable for the purposes of Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Manipur does not mention any method of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of information to be shared with the public regarding Section 12 or the RTE.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No responsibility for information dissemination assigned.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No copy of the admission form or description in the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timeline or specific dates were assigned to any of the process during the admissions cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized lottery date mentioned.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of a location for collection or submission of documents.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority to oversee the lottery process.

**MANIPUR (5,561 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee to assess per child expenditure shall meet six months after the commencement of the Act, and every year in December after that.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee to assess per child expenditure shall be Secretary (Finance), Government of Manipur, Secretary (Education - S), Government of Manipur, Director (Education - S), Manipur and State Project Director (Sarva Shiksha Abhiyan), Manipur.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	To claim first instalment of reimbursement, schools must submit the list of students granted admission in July. To claim the second instalment, the District Education Officer must verify at least 80% attendance each month of every student admitted under EWS and DG category.
	Number of instalments for reimbursement	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	First instalment of 50% will be sent to schools in September and the balance will be reimbursed in January.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No clarity on who would bear the financial burden of additional items like books and uniforms.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Local authority means a Municipal Corporation or Municipal Council or Zilla Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes other authorities or bodies having administrative control over the school.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	State Commission for the Protection of Child Rights constituted in Manipur.
Special Mention			

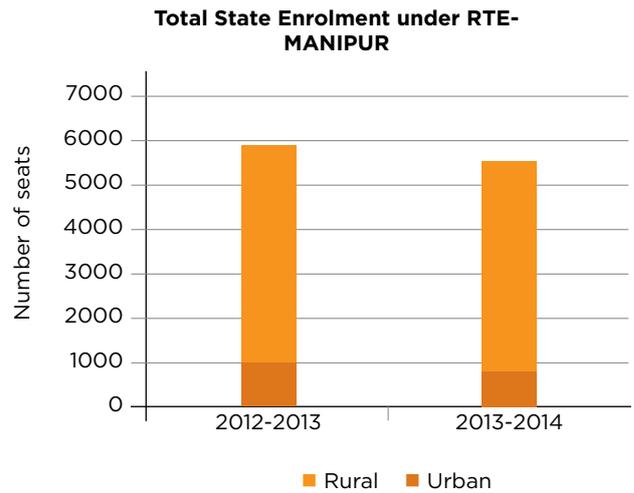
### Seats Available

In 2013-14, 34,342 lakh seats were available in private unaided schools in class I. Only 8,586 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 9,318 lakh.



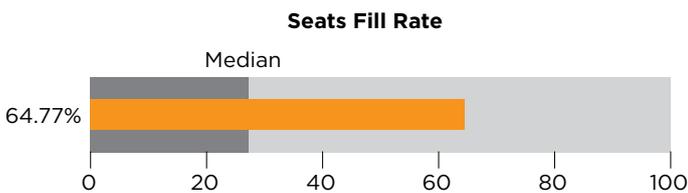
### Total Enrolment

A total of 5,561 students were admitted in 2013-14 (4,733 in rural and 828 in urban). 5,913 students were admitted in 2012-13.



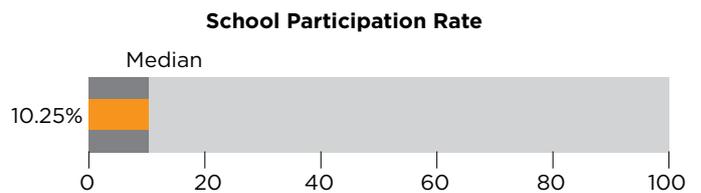
### Seats Being Filled

Out of 8,586 lakh seats available under this section, only 5,561 were filled in 2013-14 with a seat fill rate of 64.77%. In 2012-13 the seat fill rate was 63.46%.



### Schools Admitting At Least One Child

In 2013-14, out of 810 private schools only 83 had taken at least one admission with a participation rate of 10.25%. This participation rate was 22.55% in 2012-13.

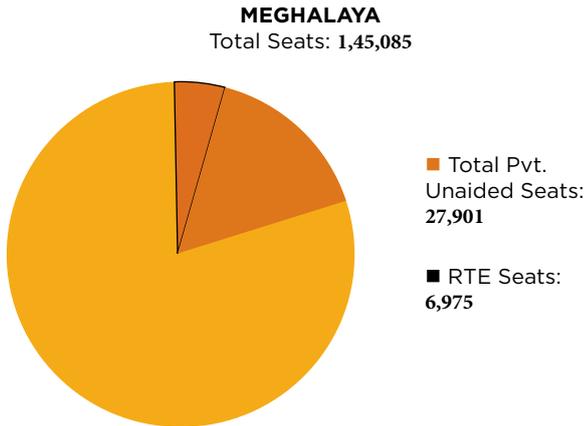


MEGHALAYA (2,114 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	There are 11 groups of children recognized under the DG category. SC/ST families must be below poverty line to apply. EWS children means families under BPL.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Children applying under the EWS category must produce certificates from the Community and Rural Development Department. Orphan children and street and migrant children must have certificates from the Social Welfare Department. Street and Migrant children can also obtain a certificate from the Labour Department. All other children applying under the Disadvantaged Group category must obtain a certificate Social Welfare Department.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	We could not find any maximum or minimum age limit for any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of whether Section 12 applicable to class I or pre-school.
	Neighbourhood criteria	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	For classes I-V, schools must be within a walking distance of 1km from the neighbourhood. Not mentioned whether this distance criteria was applicable to Section 12 admissions.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Meghalaya did not outline any particular method of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of what information needed to be shared with the public regarding the RTE or Section 12.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one was held responsible for spreading awareness.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the application form attached and no description of the application within the text of the notifications.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No dates were allotted to any of the process of the admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No date for centralized or decentralized lottery were mentioned.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No locations were listed from where interested applicants could collect or submit forms.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority assigned to oversee the lottery process.

MEGHALAYA (2,114 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No note was made regarding how often the per child expenditure would be assessed.
	Authority to calculate per child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No individual or party/committee was assigned the responsibility to assess per child expenditure.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No explanation as to how the per child expenditure would be calculated.
	Criteria for reimbursement (or documents needed) for all instalments	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No documents were listed for schools to submit in order to receive reimbursement.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No indication as to how many instalments the reimbursement would be made in.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	School held responsible to provide books and uniforms but no one held financially responsible.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Local authority named as the concerned Joint Director posted in respective districts.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Meghalaya constituted a Right to Education Protection Authority (REPA) as an interim authority.
Special Mention	Demarcations in 25% Provision		16% of the reserved seats shall be provided to children belonging to Scheduled Tribe, 7.5% shall be provided to children belonging to Scheduled Caste and the remaining 1.5% seats will be provided to the other categories of children belonging to disadvantaged group and weaker section.

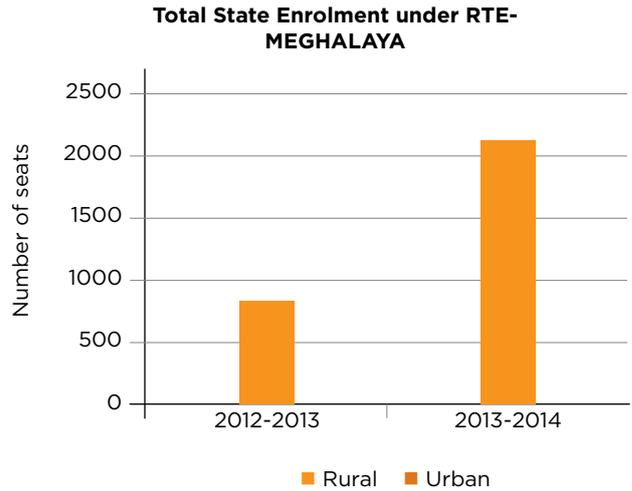
### Seats Available

In 2013-14, 27,901 seats were available in private unaided schools in class I. 6,975 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 6,358.



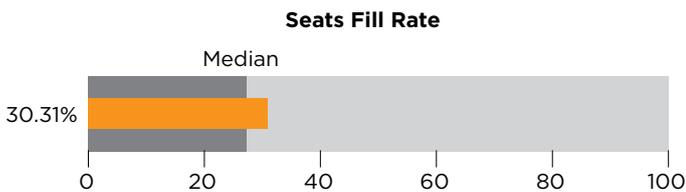
### Total Enrolment

A total of 2,114 students were admitted in 2013-14 (2,114 in rural and 0 in urban). 815 students were admitted in 2012-13.



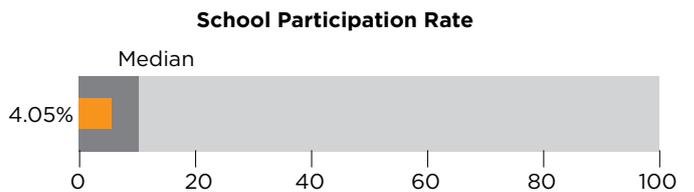
### Seats Being Filled

Out of 6,975 seats available under this section, only 2,114 were filled in 2013-14 with a seat fill rate of 30.31%. In 2012-13 the seat fill rate was 12.82%.



### Schools Admitting At Least One Child

In 2013-14, out of 1,458 private schools only 59 had taken at least one admission with a participation rate of 4.05%. This participation rate was 2.74% in 2012-13.



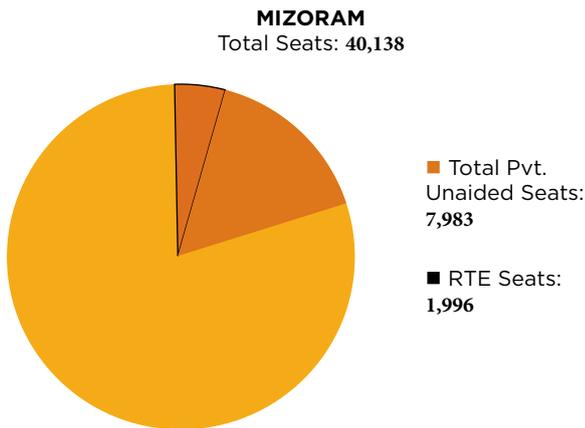
MIZORAM (432 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	EWS and DG defined as children belonging to BPL family.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of the required documents.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of a minimum or maximum age limit for any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Not stated if Section 12 applicable only to class I or to pre-primary as well.
	Neighbourhood criteria	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	For classes I-V schools must be within a walking distance of 1km from the neighbourhood. Not mentioned whether this criteria was applicable to Section 12 admissions.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Mizoram did not mention any preferred method of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There were no details on what information needed to be shared with the public.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one was mandated to spread awareness or for information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Admission form not described in the text and sample copy not attached to any of the notifications.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No dates for any process of admission cycle were mentioned.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized dates for lottery.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of locations from where forms could be collected or submitted.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No individual or committee has been assigned the responsibility of overseeing the lottery.

**MIZORAM (432 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	  	Frequency of assessing per child expenditure not mentioned.
	Authority to calculate per child expenditure	  	Committee that must assess per child expenditure to be headed by the Director of School Education Department with the following members - Joint Director of School Education i/c Elementary Education and State Project Director (Sarva Shiksha Abhiyan).
	Method of calculating reimbursement	  	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	  	Schools must submit a list of students that were admitted to the District Education Officer or the Sub Divisional Education Office in April every year to receive their reimbursement.
	Number of instalments for reimbursement	  	Only one instalment for reimbursement which is sent in November each year.
	Authority responsible for finance of additional items (uniforms and books)	  	Schools responsible for providing books and uniforms to all children but no mention of who is financially responsible.
Grievance Mechanism and Monitoring	Appointment of local authority	  	Local authority means local councils under the Aizwal Municipal Council or Village Councils or Village Committee or District Councils.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	  	Mizoram constituted the Right to Education Protection Authority (REPA).
Special Mention			

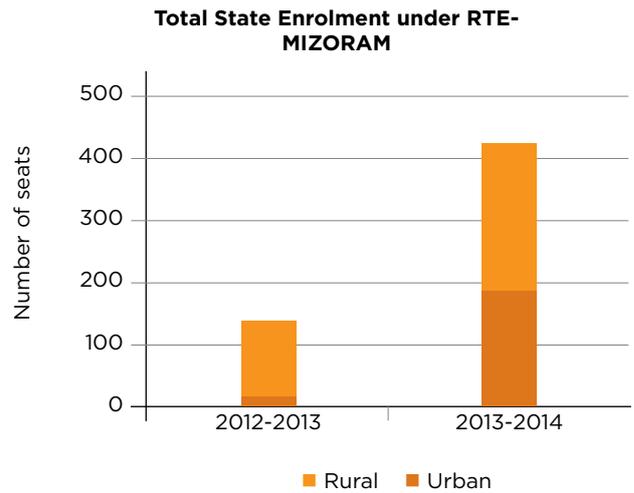
### Seats Available

In 2013-14, 7,983 seats were available in private unaided schools in class I. 1,996 seats were available for Section 12(1)(c). In 2012-13, this number was 2,346.



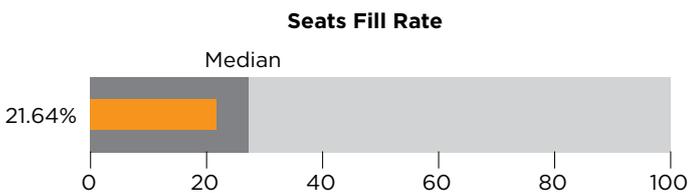
### Total Enrolment

A total of 432 students were admitted in 2013-14 (239 in rural and 193 in urban). 125 students were admitted in 2012-13.



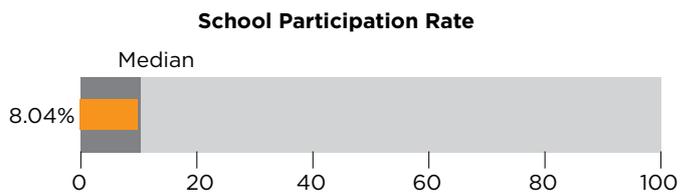
### Seats Being Filled

Out of 1996 lakh seats available under this section, only 432 were filled in 2013-14 with a seat fill rate of 21.64%. In 2012-13 the seat fill rate was 5.33%.



### Schools Admitting At Least One Child

In 2013-14, out of 311 private schools only 25 had taken at least one admission with a participation rate of 8.04%. This participation rate was 3.91% in 2012-13.

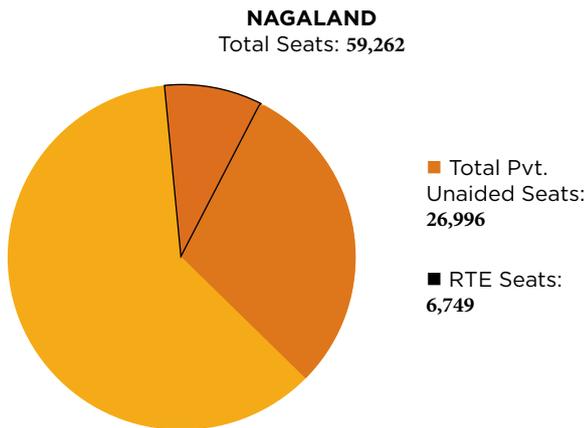


NAGALAND (780 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS means a child belonging to parents/guardians whose income does not exceed Rs. 40,000/- annually. DG means educationally backward tribes prescribed by the State Government, HIV affected/infected children and orphans.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No documents for any of the above categories was mentioned.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There was minimum or maximum age limit set for admission to any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Nagaland yet to notify for which class Section 12 is applicable.
	Neighbourhood criteria	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No distance limit given for neighbourhood schools. One note mentioned that primary schools would be established on a need basis taking into consideration the RTE Act. No further details were given.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No preferred methods of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There was no list of information that needed to be shared.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one was held responsible for information dissemination efforts.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of admission form and no written description within the text of the notification.
	Timeline/dates for admissions cycle	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Overarching timeline of admission given. Admission cycle to run from January to April of each year. No other dates assigned.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date for lottery given.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No locations for collection and submission of forms given.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Responsibility to oversee the lottery process not assigned.

NAGALAND (780 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee assessing per child expenditure must meet six months after the commencement of the Act and then in December every year.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee assessing per child expenditure consists of Secretary (Finance), Government of Nagaland, Secretary, School Education, Government of Nagaland, Secretary (Planning), Government of Nagaland, Director, School Education, Nagaland and State Mission Director (Sarva Shiksha Abhiyan), Nagaland.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	In July, schools must submit list of students admitted to the District Educational Officer to claim reimbursement. For second instalment, schools must show at least 80% attendance per month per child to claim reimbursement. This will be verified by the DEO.
	Number of instalments for reimbursement	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	The first instalment of 50% will be reimbursed in the month of September and the second instalment shall be made in the month of January.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority held financially responsible for books and uniforms.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Local authority is Municipal Council or Town Council or Village Council.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	State Commission for Protection of Child Rights constituted in Nagaland.
Special Mention	Demarcations		75% of reserved seats to be given to Economically Weaker children and the remaining 25% to be given to Disadvantaged Group children.

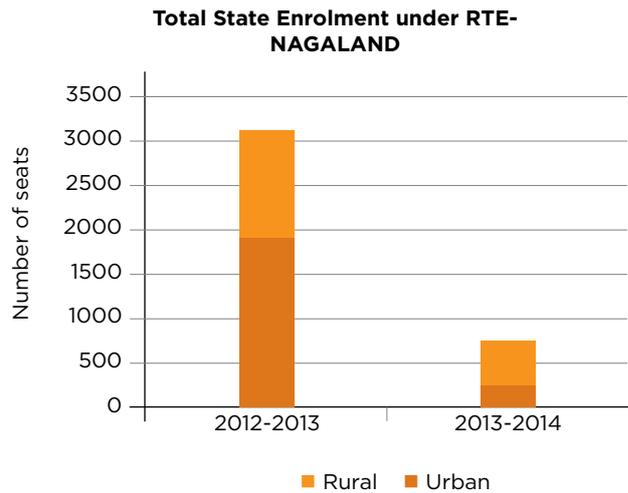
### Seats Available

In 2013-14, 26,996 seats were available in private unaided schools in class I. 6,749 seats were available for Section 12(1) (c). In 2012-13, this number was 1.34 lakh.



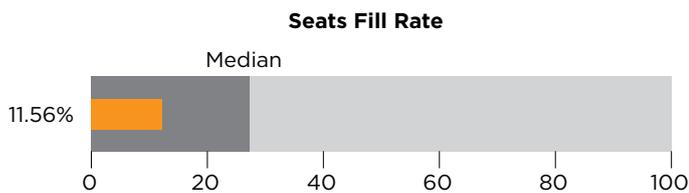
### Total Enrolment

A total of 780 students were admitted in 2013-14 (539 in rural and 241 in urban). 3,137 students were admitted in 2012-13.



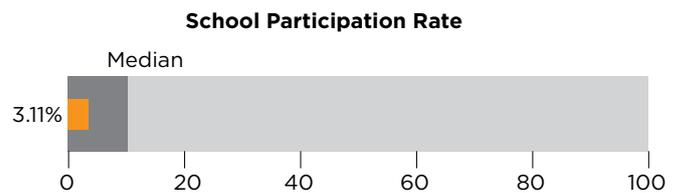
### Seats Being Filled

Out of 6,749 seats available under this section, only 780 were filled in 2013-14 with a seat fill rate of 11.56%. In 2012-13 the seat fill rate was 41.93%.



### Schools Admitting At Least One Child

In 2013-14, out of 707 private schools only 22 had taken at least one admission with a participation rate of 3.11%. This participation rate was 17.18% in 2012-13.



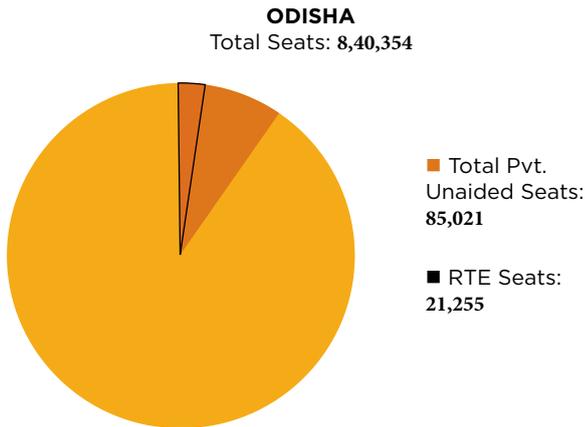
ODISHA (393 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	BPL card holder eligible under EWS. SC, ST, and socially and educationally backward castes eligible under DG. Socially and educationally backward castes include children found without any home or settled place/abode and without any ostensible means of subsistence, children who are found begging or are street child and children of manual scavenger families..
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	List of documents required for admission not given.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit given for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Odisha applies Section 12 to both class I as well as pre-primary. Also mentioned that 25% reservation shall only be in entry level class, not each class of elementary stage.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For classes I-V schools must be within 1km walking distance from neighborhoods. This limit applies to admissions made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There were no mention of method of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of information to be shared given.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority responsible for information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of admission form attached and no description within the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timelines or specific dates given for any process of admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date for lottery assigned.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of locations to collect and/or submit forms and supporting documents.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority responsible to oversee the lottery process named.

**ODISHA (393 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Per child expenditure shall be assessed annually in the month of April.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee assessing per child expenditure shall consist of (i) SPD, OPEPA: Chairman (ii) Director, Elementary Education: Member, (iii) F.A., S&ME Department: Member (iv) F.A., Directorate of Elementary Education: Member Convenor
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must apply for reimbursement with Form-A, attached to the annexure of notification No.16624/SME II-SME-B-18/2012 dated July 05, 2012. Application to be accompanied by evidence of 25% admissions (copy of admissions register attested by a Gazette officer), evidence showing that admitted children belong to the EWS and DG categories (attested copy of BPL card and income certificate), and expenditure incurred by the school for these children. Audited balance sheets of income and expenditure incurred for the relevant year also required. Teacher salaries and per student expenditure are asked for in great detail.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Number of instalments for reimbursement not given.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No financial responsibility assigned for additional items.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	For rural areas, the Zila Parishad and for urban areas, Urban Local Bodie, will act as local authority.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Odisha has constituted the State Commission for Protection of Child Rights.
Special Mention	25% Reservation		Exact words are "at least 25%" for reservation. It argues, schools could offer to take more than the 25%. Cannot be sure that this pamphlet was notified and printed in the gazette.
	Demarcations		15% of the seats for children belonging to Disadvantaged Group and 10% for children belonging to Economically Weaker Section.
	Additional Literature		Statement above taken from a pamphlet "Renewed Role and Functioning of Private Schools in the Context of RTE Act, 2009". There was uncertainty as to whether the pamphlet had been notified or not.

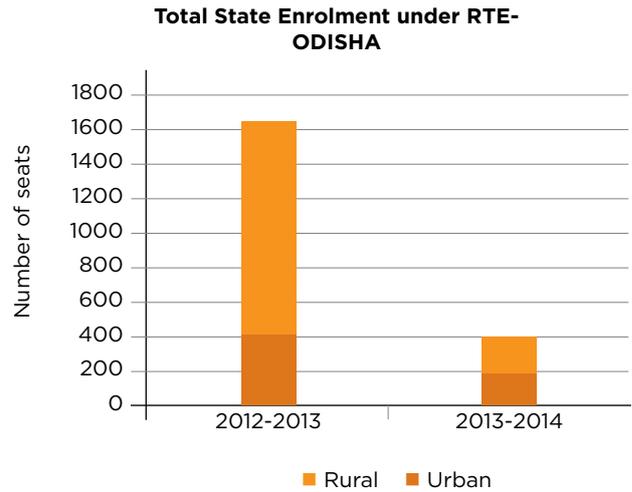
### Seats Available

In 2013-14, 85,021 seats were available in private unaided schools in class I. 21,255 seats were available for Section 12(1)(c). In 2012-13, this number was 19,451.



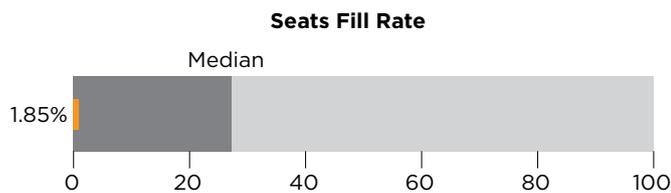
### Total Enrolment

A total of 393 students were admitted in 2013-14 (213 in rural and 180 in urban). 1,671 students were admitted in 2012-13.



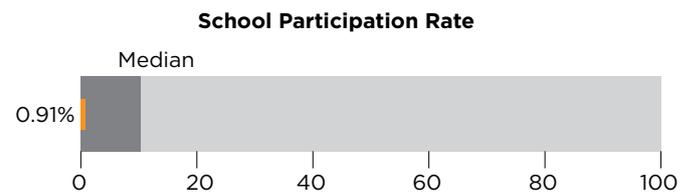
### Seats Being Filled

Out of 21,255 seats available under this section, only 393 were filled in 2013-14 with a seat fill rate of 1.85%. In 2012-13 the seat fill rate was 8.59%.



### Schools Admitting At Least One Child

In 2013-14, out of 2,080 private schools only 19 had taken at least one admission with a participation rate of 0.91%. This participation rate was 5.79% in 2012-13.

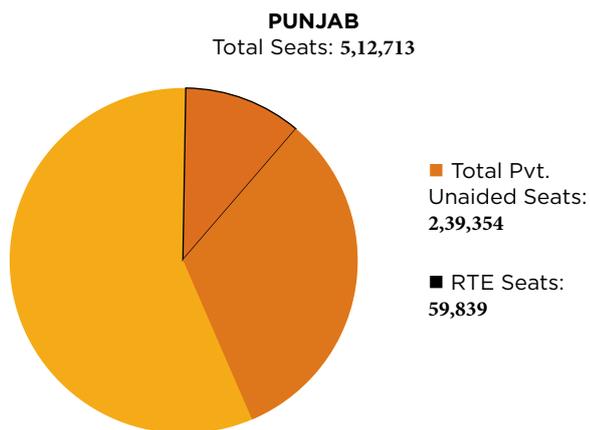


PUNJAB (14,162 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	EWS will include SC, ST, OBC. State Government to decide terms of creamy layer for children of OBC but not done as yet. SC children do not have income limit. Income limit for remaining EWS to be given by the Income Tax Department but again not done as yet. Children of widows of army men and handicapped parents to be given two and a half percent seats in their respective classes. No mention of DG.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Documents required for the above categories of children for admission not given.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There was no minimum or maximum age limit set for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Punjab extends Section 12 to pre-school education.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Primary schools with classes I-V must be within a 1km radius from the place of habitation. This neighbourhood limit is applicable to admissions made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There is mention of how to spread information.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of what information needs to be shared given.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Responsibility for information dissemination not assigned.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Sample copy of admission form not attached and no description of admission form in the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Dates for the admission cycle were not mentioned.
	Date for lottery	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	No central date for the lottery was assigned. Admissions would be done by the schools themselves at their level. Not clear whether this includes a lottery, or on what dates the lottery must be held.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Location to collect and submit forms/documents not mentioned.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No direct statement holding authority responsible for the lottery process. Only reference was "Since it is the responsibility of the District Education Officers to ensure admissions of weak and poor class children under the reservation..."

PUNJAB (14,162 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Per child expenditure is to be assessed and notified each year by the 30th of June.
	Authority to calculate per child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Responsibility to assess per child expenditure not assigned.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Form III is a declaration under various heads for claiming reimbursements. Bank account details need to be specified within this form.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of the number of instalment for reimbursement.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Schools held responsible for providing books and uniforms but no authority held financially responsible for expenditure of these items.
Grievance Mechanism and Monitoring	Appointment of local authority	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No local authority named
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	State Commission for Protection of Child Rights constituted.
Special Mention	Minority Reservation		Minority institutions mandated to reserve 25% seats for EWS/DG children but only those belonging to that particular minority to which the institution pertains.
	Eligibility		Children may apply to private unaided schools in the event that they were unable to gain admission in Government/Government aided schools due to non-availability of seats.
	Demarcation		Demarcation of 25% reservation provision will be as follows: (1) Weaker Section 12.5% (2) SC 5% (3) BC/OBC 5% (4) Children of Widows of Army Men 1.25% (5) Children of Handicapped parents (at least 50% handicapped) 1.25%”

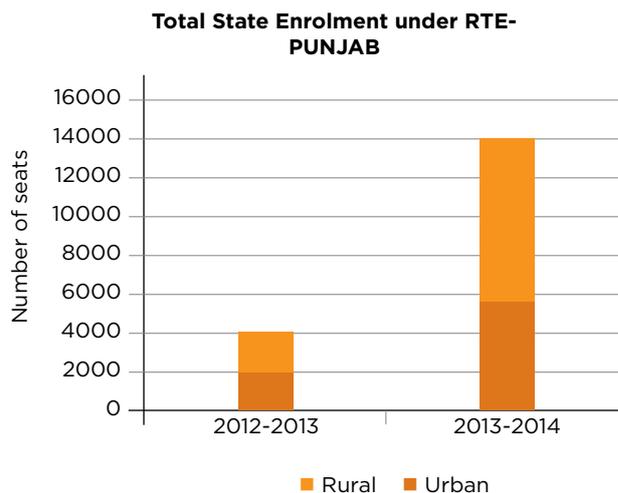
### Seats Available

In 2013-14, 2.39 lakh seats were available in private unaided schools in class I. 59,839 seats were available for Section 12(1)(c). In 2012-13, this number was 35,536.



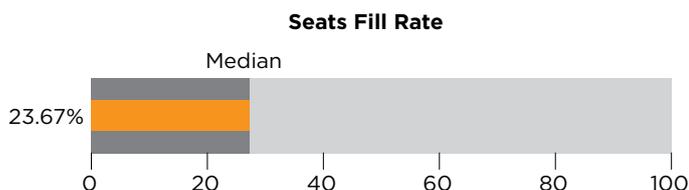
### Total Enrolment

A total of 14,162 students were admitted in 2013-14 (8,471 in rural and 5,691 in urban). 4,169 students were admitted in 2012-13.



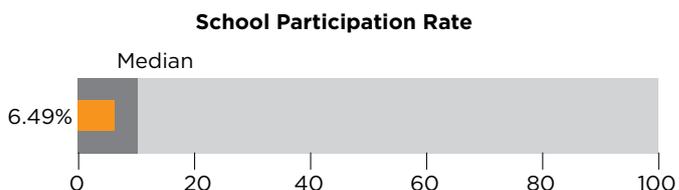
### Seats Being Filled

Out of 59,839 seats available under this section, only 14,162 were filled in 2013-14 with a seat fill rate of 23.67%. In 2012-13 the seat fill rate was 11.73%.



### Schools Admitting At Least One Child

In 2013-14, out of 7,042 private schools only 457 had taken at least one admission with a participation rate of 6.49%. This participation rate was 5.20% in 2012-13.



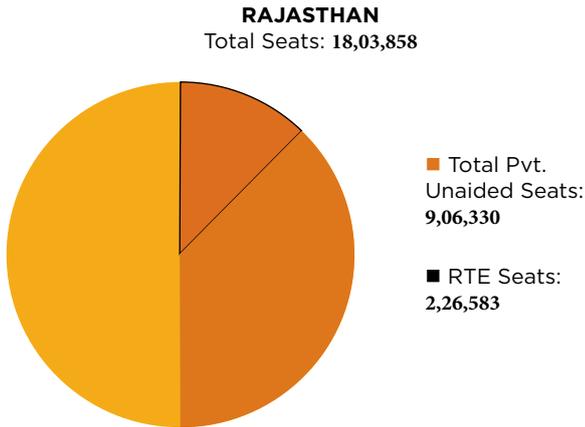
RAJASTHAN (1,57,000 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS means a child from BPL family, a child whose parents' annual income does not exceed Rs. two and a half lakhs. DG means ST, SC, OBC and SBC whose parents' annual income does not exceed Rs. two and a half lakhs, a child with disability.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Documents for caste, residence, annual income, BPL list, disability required from relevant authority.
	Age criteria for entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	For class I minimum age is six years. For schools with three years of pre-primary, LKG/ Nursery (age should be between three and four), two years of pre-primary, UKG (between four and five), one year of pre-primary, prep (between five and six). Schools affiliated with CBSE or Rajasthan board could follow the age prescribed by the relevant board. Schools must follow a uniform entry age policy for all children.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 reservations applicable in pre-primary classes.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Neighbourhood limit for Section 12(1)(c) admission shall be geographical limits of concerned Gram Panchayat/Nagar Palika/Nagar Parishad/ Nagar Nigam within which a school is situated.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools must advertise in newspapers, websites, notice board, public places through pamphlets.
	Type of information to be shared	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Admission procedure to be on notice board and website of school and school's prospectus.
	Authority responsible for information dissemination	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Responsibility put on schools.
Selection Process	Description of admission form format or sample copy attached to notification	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Admission form and receipt for submitting application attached to the notification.
	Timeline/dates for admissions cycle	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Detailed timeline for advertisement, admission form distribution, submitting forms, review of the forms, online lottery, school admission, and entry of all children (including other 75%) in the portal. Deadlines differentiated for schools with different opening time - April 1 and May 1.
	Date for lottery	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Online lottery to be held on 20th March and 21st April for the different school types.
	Locations to collect and/or submit forms	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Parents can download forms from portal or get them from school. Forms to be deposited in the school. In case there is problem in getting forms from the school or depositing them, parents can apply online. Forms can be deposited by registered post to the school or can submit it to the Deputy Director of Primary Education.
	Authority to oversee lottery/selection process	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Admission monitoring committee consisting of Deputy Director Primary Education, District Education Officer Secondary Education, head of the school, NIC representative, district education officer to oversee lottery.

**RAJASTHAN (1,57,000 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee must meet within three months of commencement of RTE rules, and every year in May after that to assess the per child expenditure.
	Authority to calculate per child expenditure	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Committee to assess per child expenditure to consist of Additional Chief Secretary/Principal Secretary, Finance Department of his representative not below the rank of Secretary, one representative of the private unaided educational institutions.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Claim bill generated on the online portal and must be printed and submitted at the BEO office/DEO (secondary).
	Number of instalments for reimbursement	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Two instalments for reimbursement - first instalment to be made in October for expenses incurred between April and August. Second instalment to be made in June.
	Authority responsible for finance of additional items (uniforms and books)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Textbook cost has been included in the reimbursement amount. Schools must provide textbooks free of cost to children. No mention of uniform.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Local authority for schools under administrative control of the Education Department, is the Government and schools under administrative control of Zila Parishad, the Zila Parishad.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Rajasthan constituted the State Commission for Protection of Child Rights.
Special Mention	Eligibility		Parents of EWS children must submit income statements each year. If income rises above limit, child may continue at school but will no longer be eligible for reimbursement.

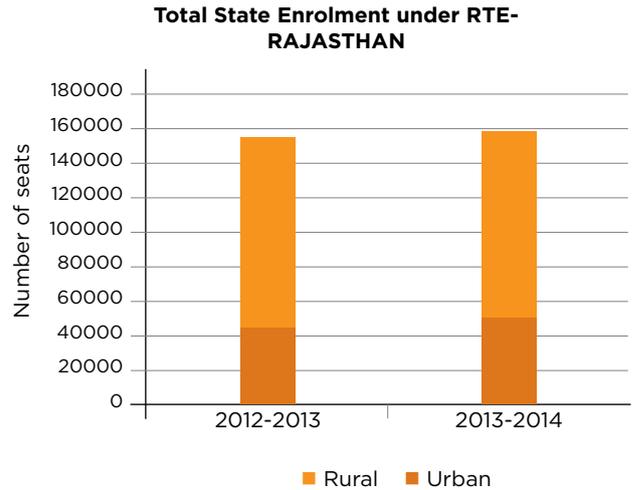
### Seats Available

In 2013-14, 9.06 lakh seats were available in private unaided schools in class I. 2.26 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 2.22 lakh.



### Total Enrolment

A total of 1.57 lakh students were admitted in 2013-14 (1.04 lakh in rural and 52,747 in urban). 1.55 lakh students were admitted in 2012-13.

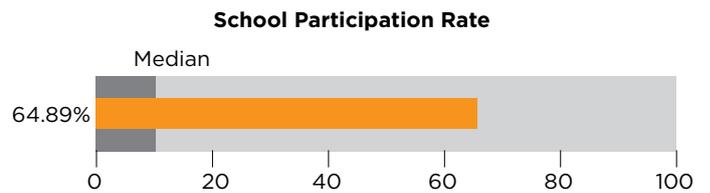
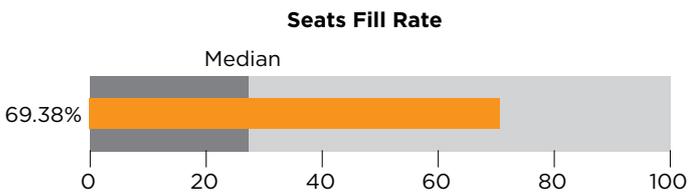


### Seats Being Filled

Out of 2.26 lakh seats available under this section, only 1.57 lakh were filled in 2013-14 with a seat fill rate of 69.38%. In 2012-13 the seat fill rate was 69.64%.

### Schools Admitting At Least One Child

In 2013-14, out of 32,184 private schools only 20,860 had taken at least one admission with a participation rate of 64.89%. This participation rate was 64.03% in 2012-13.

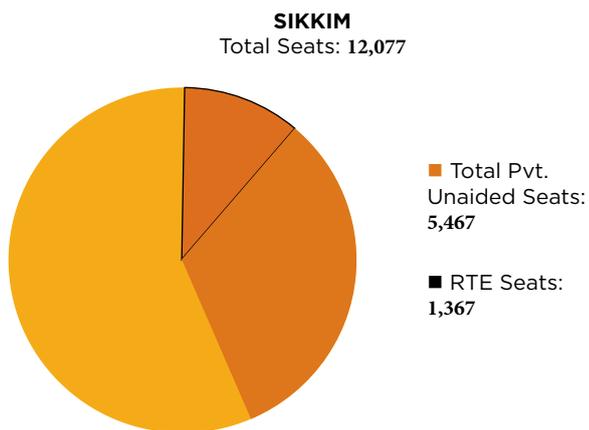


SIKKIM (687 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Neither EWS nor DG was defined.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of any documents required.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit given for any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Not specified if Section 12 applicable to class I or pre-primary.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools with classes I-V must be within 1km of a neighbourhood. Neighbourhood limit applies to admission made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Sikkim failed to mention any preferred method of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of information that was mandated to be shared with the general public.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one was held responsible to make any awareness effort.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached and no description within the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timeline provided for admission cycle processes.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date assigned for lottery.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of locations to collect and/or submit application form and supporting documents.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority responsible to oversee the lottery named.

SIKKIM (687 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of how often the per child expenditure would be assessed.
	Authority to calculate per child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority held responsible to assess per child expenditure.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No criteria given for schools to claim reimbursement.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Number of instalments for reimbursement not mentioned.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No financial responsibility for books and uniforms assigned.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Mayor or Deputy Mayor or Counselors or Panchayat (Zilla/Ward) or body having administrative control over the school, namely Block Level or District Level Officers of H.R.D. Department, as a local authority in city, town or village.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Sikkim has constituted the State Commission for Protection of Child Rights.
Special Mention			

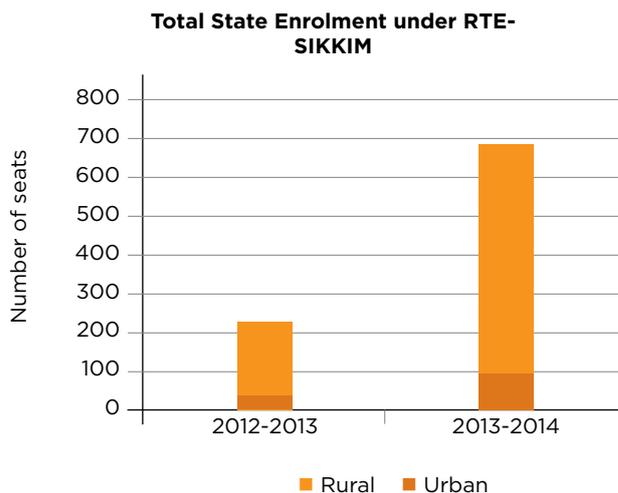
### Seats Available

In 2013-14, 5,467 seats were available in private unaided schools in class I. 1,367 seats were available for Section 12(1)(c). In 2012-13, this number was 1,463.



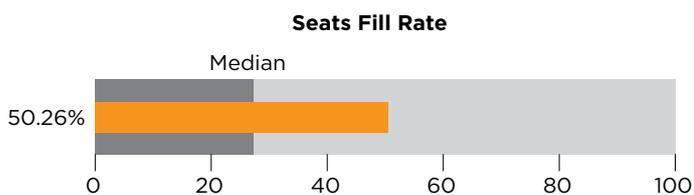
### Total Enrolment

A total of 687 students were admitted in 2013-14 (582 in rural and 105 in urban). 224 students were admitted in 2012-13.



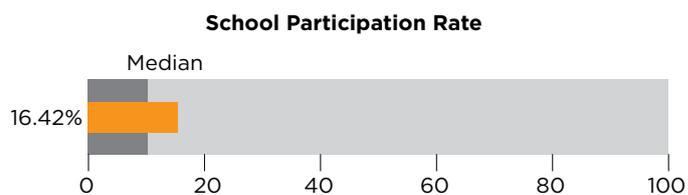
### Seats Being Filled

Out of 1,367 seats available under this section, only 687 were filled in 2013-14 with a seat fill rate of 50.26%. In 2012-13 the seat fill rate was 15.31%.



### Schools Admitting At Least One Child

In 2013-14, out of 402 private schools only 66 had taken at least one admission with a participation rate of 16.42%. This participation rate was 12.90% in 2012-13.



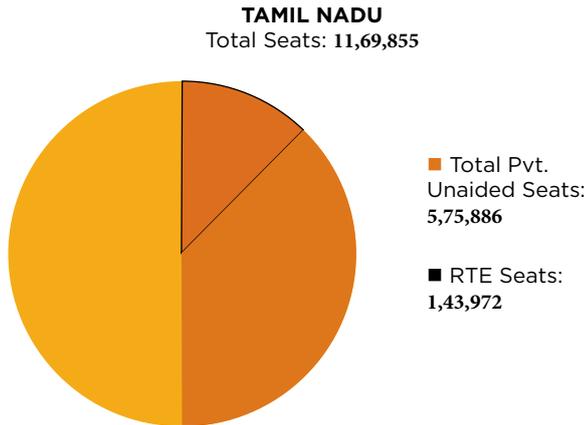
TAMIL NADU (16,194 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Neither EWS nor DG was defined.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of any documents required.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No minimum or maximum age limit given for any class.
	Entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Not specified if Section 12 applicable to class I or pre-primary.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools with classes I-V must be within 1km of a neighbourhood. Neighbourhood limit applies to admission made under Section 12.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Sikkim failed to mention any preferred method of information dissemination.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of information that was mandated to be shared with the general public.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No one was held responsible to make any awareness effort.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached and no description within the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timeline provided for admission cycle processes.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date assigned for lottery.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of locations to collect and/or submit application form and supporting documents.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority responsible to oversee the lottery named.

**TAMIL NADU (16,194 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of how often the per child expenditure would be assessed.
	Authority to calculate per child expenditure	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority held responsible to assess per child expenditure.
	Method of calculating reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No criteria given for schools to claim reimbursement.
	Number of instalments for reimbursement	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Number of instalments for reimbursement not mentioned.
	Authority responsible for finance of additional items (uniforms and books)	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No financial responsibility for books and uniforms assigned.
Grievance Mechanism and Monitoring	Appointment of local authority	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Mayor or Deputy Mayor or Counselors or Panchayat (Zilla/Ward) or body having administrative control over the school, namely Block Level or District Level Officers of H.R.D. Department, as a local authority in city, town or village.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Sikkim has constituted the State Commission for Protection of Child Rights.
Special Mention			

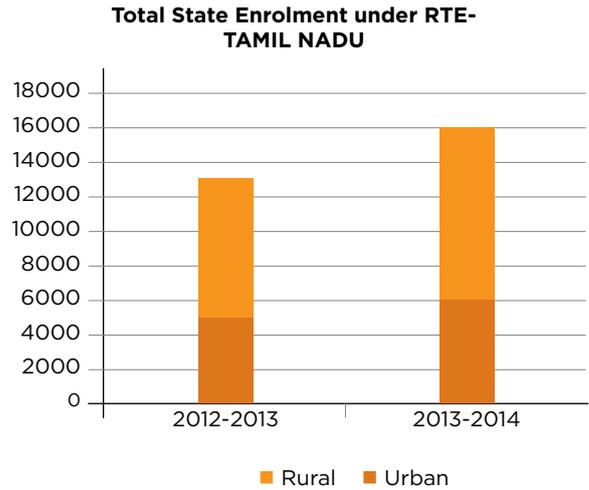
### Seats Available

In 2013-14, 5.75 lakh seats were available in private unaided schools in class I. 1.43 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 1.47 lakh.



### Total Enrolment

A total of 16,194 students were admitted in 2013-14 (9,896 in rural and 6,298 in urban). 13,137 students were admitted in 2012-13.

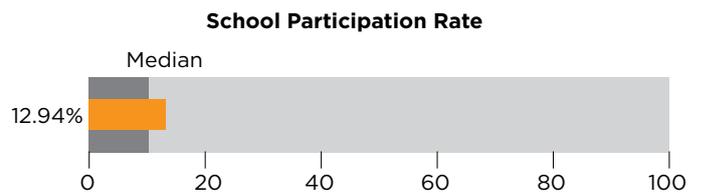
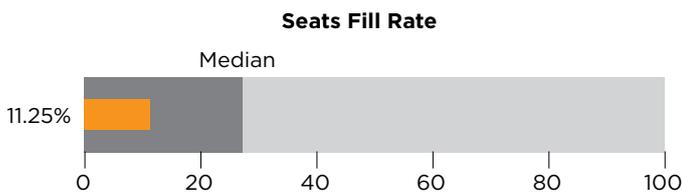


### Seats Being Filled

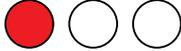
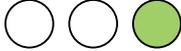
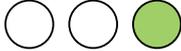
Out of 1.43 lakh seats available under this section, only 16,194 were filled in 2013-14 with a seat fill rate of 19.35%. In 2012-13 the seat fill rate was 8.89%.

### Schools Admitting At Least One Child

In 2013-14, out of 10,758 private schools only 1,392 had taken at least one admission with a participation rate of 12.94%. This participation rate was 7.84% in 2012-13.

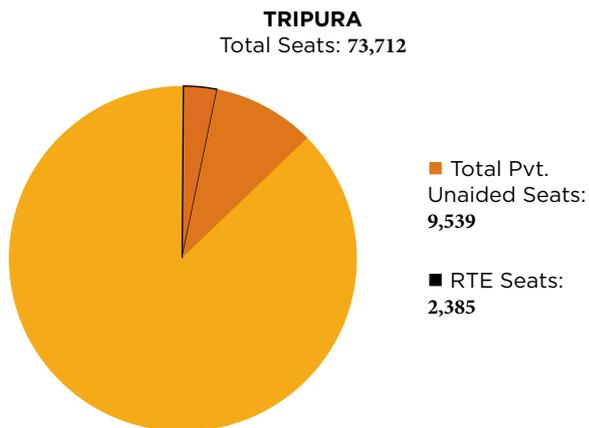


TRIPURA (905 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Children belonging to the BPL families of SC, ST, OBC and other religious minority communities recognized as DG. Children from families belonging to BPL only recognized as EWS.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of documents provided for any category of applicants.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of a minimum or maximum age limit for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 applicable in pre-schools as well as class I.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Neighbourhood mean a ward for an area under the Agartala Municipal Council or any Nagar Panchayat, Gram Panchayat or village of TTAADC. Definition is subject to the neighbourhood criteria however. Neighborhood criteria mandates primary schools with classes I-V be within a walking distance of 1km from the neighborhood.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools mandated to have awareness programs about process of admission in the locality. Schools also must conduct household surveys simultaneously.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	The specific information to be shared in the above efforts not given.
	Authority responsible for information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools held responsible for information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of admissions form attached and no written description in the text of the notification.
	Timeline/dates for admissions cycle	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Academic session to begin on 1st January every year. One month allotted for admission cycle. Government can extend the admission cycle by up to 6 months if non enrolled children, dropouts, hard to reach children etc are still not admitted in schools.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date for lottery assigned.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No location mentioned to collect and/or submit documents.
	Authority to oversee lottery/ selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Responsibility to oversee lottery not assigned.

TRIPURA (905 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		Frequency of assessing per child expenditure was stated.
	Authority to calculate per child expenditure		Authority to assess per child expenditure not named.
	Method of calculating reimbursement		Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments		Schools must submit a list of students against whom the school is entitled to receive reimbursement. Schools must do this at the beginning of the academic year and again once the admission process is complete. Reimbursement done by the District Education Officer on the basis of monthly statements that must be submitted by the schools.
	Number of instalments for reimbursement		No mention of how many instalments for reimbursement there are.
	Authority responsible for finance of additional items (uniforms and books)		Financial responsibility for books and uniforms not assigned to anyone.
Grievance Mechanism and Monitoring	Appointment of local authority		The Agartala Municipal Council, all Nagar Panchayets, all Gram Panchayets and Village Committees of TTAADC are the local authorities.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		Tripura constituted the State Commission for Protected of Child Rights.
Special Mention	Secure Benefits		Admission once granted cannot be revoked for EWS and DG students, even if family income changes and rises above the BPL limit. The child has the right to the benefits till completion of elementary school.
	Neighborhood Criteria		Child cannot be denied admission on the basis of neighborhood. If a child from outside the neighborhood applies at a school where vacancies exist after the completion of the locality's admission process, the school must consider the application.

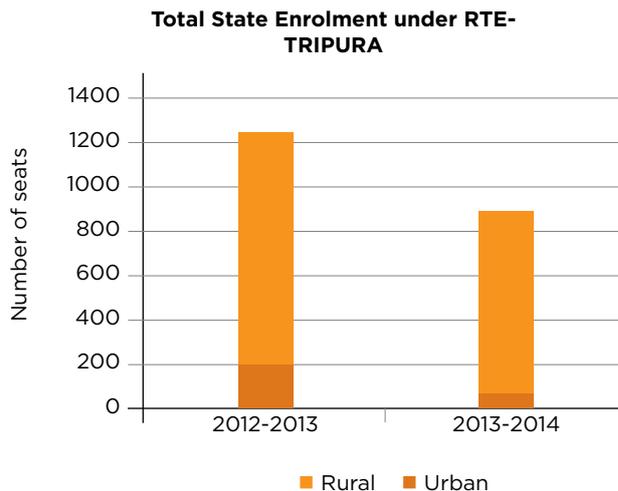
### Seats Available

In 2013-14, 9,539 seats were available in private unaided schools in class I. 2,385 seats were available for Section 12(1) (c). In 2012-13, this number was 2,162.



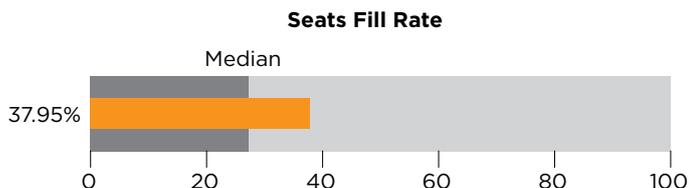
### Total Enrolment

A total of 905 students were admitted in 2013-14 (823 in rural and 82 in urban). 1,227 students were admitted in 2012-13.



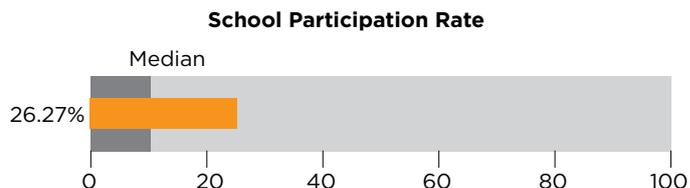
### Seats Being Filled

Out of 2,385 seats available under this section, only 905 were filled in 2013-14 with a seat fill rate of 37.95%. In 2012-13 the seat fill rate was 56.75%.



### Schools Admitting At Least One Child

In 2013-14, out of 236 private schools only 62 had taken at least one admission with a participation rate of 26.27%. This participation rate was 32.74% in 2012-13.



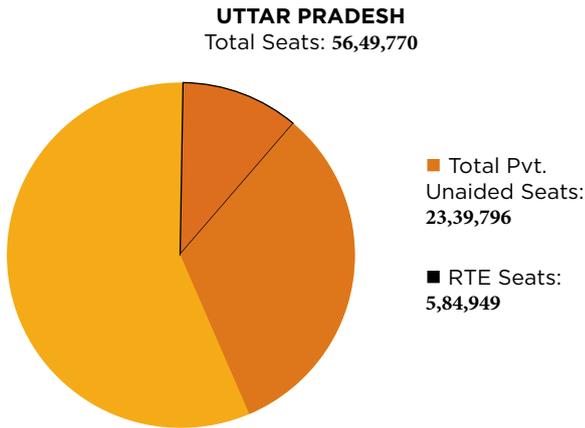
UTTAR PRADESH (21,186 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	DG means SC, ST, socially and educationally backward section, disabled children, destitute homeless children, and children of HIV or cancer affected parents/guardians. EWS means children whose parents/guardians have a BPL certificate, children whose parents/guardians are recipients of disability/old age/widow pension and children whose parents/guardians have an annual income of up to Rs. one lakh. Those children whose parents/guardians have an annual income up to Rs. 35,000/- will be given priority in admissions.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS applicants must enclose an annual income certificate. DG applicants must include a caste certificate. A medical certificate is needed for HIV or cancer affected parents or the disabled, Destitute and homeless children can get a certificate from the Tehsildar. All applicants must have proof of residence.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There was no minimum or maximum age limit given for any class.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 is applicable to class I as well as pre-primary.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools neighborhood defined as ward. Only the children of a ward within which the school is situated are eligible for benefits at that school.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No methods for information dissemination mentioned.
	Type of information to be shared	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No list of information given to be shared with the general public.
	Authority responsible for information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of responsible party for information dissemination.
Selection Process	Description of admission form format or sample copy attached to notification	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Admission form was attached to three different notifications.
	Timeline/dates for admissions cycle	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	February 1-28 designated to create awareness in selected wards and solicit application forms. Date can be extended till 30th March.
	Date for lottery	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Examination of forms and schools allotment to be completed by 15th March. For new applications, date is 15th April.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Locations to collect and submit forms for interested applicants not given.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority assigned to oversee the lottery process.

**UTTAR PRADESH (21,186 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		Frequency of calculating per child expenditure not given.
	Authority to calculate per child expenditure		No authority assigned to assess per child expenditure.
	Method of calculating reimbursement		Statement copied from MHRD's model rules. Declared Rs. 450.00 as the reimbursement amount per child.
	Criteria for reimbursement (or documents needed) for all instalments		Claim form attached to notification number No. -538/79-6-2013 dated June 20, 2013. After completing admission cycle, schools must submit claim for reimbursement using claim form (Form III in the annexure) by June 30 and submitting it to the District Basic Education Officer/District School Inspector. Schools must submit statement of item wise expenses incurred, in the format prescribed by the Director of Education (basic) with proof of all necessary details including list of children with unique identity number by 31st of October each year. To receive the second instalment schools must follow the same procedure and submit by the 15th December.
	Number of instalments for reimbursement		Form-3 submitted to District Basic Education Officer/District School Inspector by July 30. The District Basic Education Officer to submit forms to Controller to Finance by 30th September. Funds to be available to the schools by 15th October. Same procedure to be followed for second instalment and it will be made available to schools by the 15th of February.
	Authority responsible for finance of additional items (uniforms and books)		Financial responsibility for the expenditure on books and uniforms not assigned to anyone.
Grievance Mechanism and Monitoring	Appointment of local authority		Local authorities are notified as Gram Panchayat/ Nagar Nigam/Nagar Palika/Nagar Panchayat.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		Uttar Pradesh has constituted the Right to Education Protection Authority (REPA).
Special Mention	Eligibility		District Basic Education Office will only grant permission to children to apply to private unaided school on condition that no vacancies at neighboring government/aided schools exist. District Magistrate must receive a proposal from the DBEO for approval before child can apply to private schools.
			Government/Government aided schools will be considered full if there are 40 children in pre-primary/class I. Children then eligible to take admissions in private unaided schools.

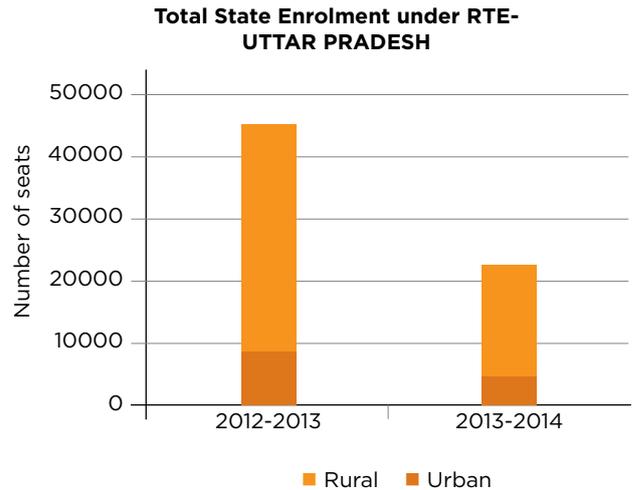
### Seats Available

In 2013-14, 23.39 lakh seats were available in private unaided schools in class I. 5.84 lakh seats were available for Section 12(1)(c). In 2012-13, this number was 5.91 lakh.



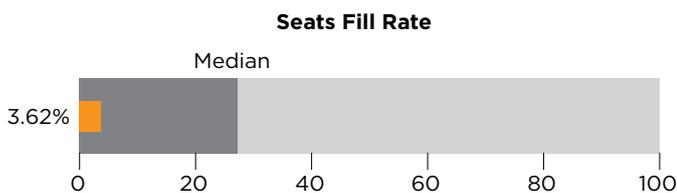
### Total Enrolment

A total of 21,186 students were admitted in 2013-14 (16,150 in rural and 5,036 in urban). 45,848 students were admitted in 2012-13.



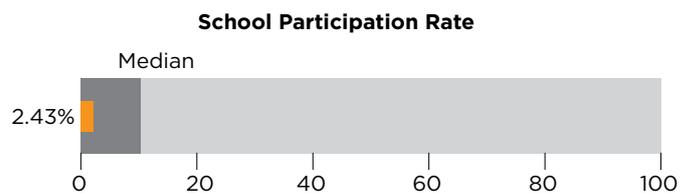
### Seats Being Filled

Out of 5.84 lakh seats available under this section, only 21,186 were filled in 2013-14 with a seat fill rate of 3.62%. In 2012-13 the seat fill rate was 7.75%.



### Schools Admitting At Least One Child

In 2013-14, out of 45,231 private schools only 1,099 had taken at least one admission with a participation rate of 2.43%. This participation rate was 5.38% in 2012-13.



# UTTARAKHAND

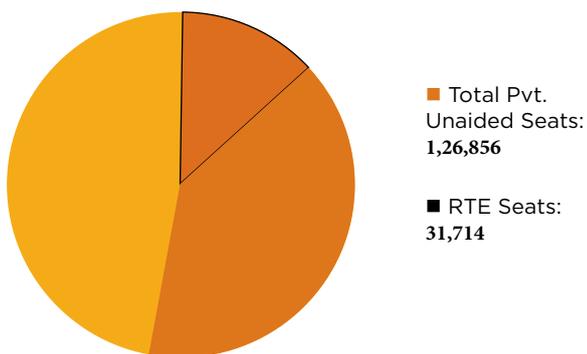
UTTARAKHAND (15,524 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS means a child whose parents or guardians have an annual income equal to or less than Rs. 55,000/-. 10 categories of children recognized under DG.
	List of necessary documents for each category of applicants	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	Admission to be granted on the basis of having correct documents signed by competent authority. No mention of which documents are required for any of the categories. No mention of who is appropriate authority.
	Age criteria for entry level	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	There was no minimum or maximum age limit given for students wishing to take admission.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 applicable in class I and earlier classes.
	Neighbourhood criteria	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Neighborhood limits mandate primary schools with classes I-V to be within a walking distance of 1km from the served neighborhood. This is applicable to admissions made under Section 12. Different notification describes neighborhood as 'ward'. Wards to be treated as a unit, meaning children are only eligible for benefits in the ward in which the school is located. Somewhat contradictory since wards are often larger than 1km.
Process of Information Outreach/Awareness	Method of information dissemination	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of awareness and information dissemination.
	Type of information to be shared	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools to self declare in the first fortnight of April regarding the total number of seats in class I or the pre-primary classes.
	Authority responsible for information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	School Management Committees and Government Functionaries along with Schools and Every District Officer are responsible for sharing information regarding the provisions of Section 12.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached and no written description in the text of the notification.
	Timeline/dates for admissions cycle	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	District Education Officer given the responsibility to notify a "Calender of Admission" for Section12 admissions. No dates allotted.
	Date for lottery	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools mandated to hold a lottery by the last week of May after incorporating all the application forms.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of where to collect or submit forms and documents for admission.
	Authority to oversee lottery/ selection process	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Parents of children who applied must be present for the lottery. Block Education Officer must also be present.

UTTARAKHAND (15,524 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		No mention of how frequently the per child expenditure to be assessed.
	Authority to calculate per child expenditure		Responsibility to assess the per child expenditure was not assigned.
	Method of calculating reimbursement		Statement copied from MHRD's model rules. The maximum monthly per child expenditure is estimated at Rs. 1383.00.
	Criteria for reimbursement (or documents needed) for all instalments		Only criteria for Midday meal reimbursement given. Reimbursement for the midday meal subject to child's attendance in school with a maximum of 230 working days in a year.
	Number of instalments for reimbursement		The first instalment will be paid in the month of September and the second in February.
	Authority responsible for finance of additional items (uniforms and books)		Cost of books and uniforms not calculated in the government annual recurring expenditure and are reimbursed separately. Government will reimburse the amount of Rs. 150/per child/per year for text books. For uniforms the reimbursement amount per child/per year is Rs. 400. For midday meal, per attendance/per day expenditure will be Rs. 5.06 per child with a total limit of Rs. 1165 (annual expenditure).
Grievance Mechanism and Monitoring	Appointment of local authority		Local authority means Municipal Corporation or Municipal Council or Zila Panchayat or Nagar Panchayat or Gram Panchayat, the School Management Committee and also Deputy Block Education Officer, Block Education Officer, Additional District Education Officer (basic), District Education Officer.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		Uttarakhand has constituted the State Commission for Protection of Child Rights.
Special Mention	Attendance		Schools to strive towards a 100% attendance of children every day. Schools must devise system of interacting with parents of children with low attendance on a weekly basis to secure cooperation. Various other methods mentioned to ensure that drop outs are returning to schools.
	Additional Literature		"Information about admission in private unaided schools" is a pamphlet that extends the current definitions of EWS/DG as well as mentions locations from where applicants can collect and submit documents. However it was uncertain whether this had been officially notified and printed in the Gazette and was therefore not included in the analysis of State Rules and Notifications.

### Seats Available

In 2013-14, 1.26 lakh seats were available in private unaided schools in class I. 31,714 seats were available for Section 12(1)(c). In 2012-13, this number was 29,674.

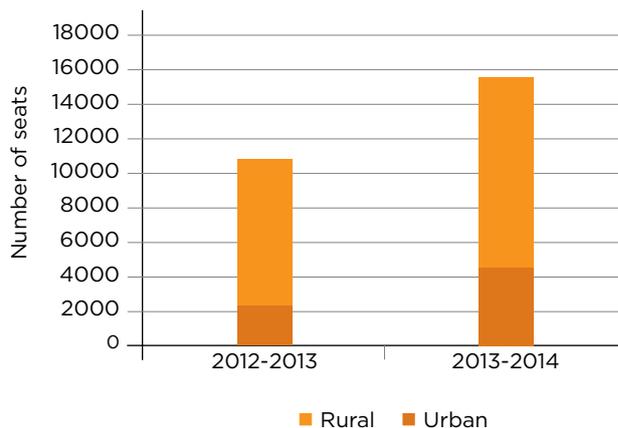
**UTTARAKHAND**  
Total Seats: 2,39,105



### Total Enrolment

A total of 15,524 students were admitted in 2013-14 (10,966 in rural and 4,558 in urban). 10,947 students were admitted in 2012-13.

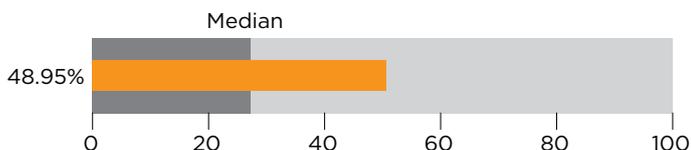
**Total State Enrolment under RTE-UTTARAKHAND**



### Seats Being Filled

Out of 31,714 seats available under this section, only 15,524 were filled in 2013-14 with a seat fill rate of 48.95%. In 2012-13 the seat fill rate was 36.89%.

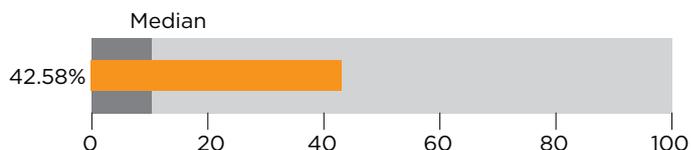
**Seats Fill Rate**



### Schools Admitting At Least One Child

In 2013-14, out of 4,333 private schools only 1,845 had taken at least one admission with a participation rate of 42.58%. This participation rate was 42.52% in 2012-13.

**School Participation Rate**



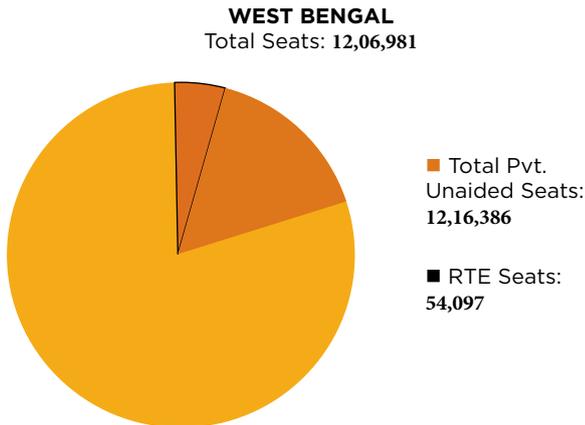
WEST BENGAL (17,336 CHILDREN ADMITTED IN 2013-14)			
Category	Criteria	Criteria Status	Comments
Clarity in Defining Eligibility and Documentation Required	Definition of Economically Weaker Section and Disadvantaged Group	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	EWS means children of families on the BPL list. DG means SC, ST or OBC groups.
	List of necessary documents for each category of applicants	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	In the notification numbered 190-SE(Law)/S/1A-01/09 dated Feb 14th 2011, list given detailing authority, office and document required to apply under each of the above categories.
	Age criteria for entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Appropriate age for class I is six years and above but less than seven years of age. No age criteria for pre-primary is necessary.
	Entry level	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Section 12 only applicable to admission in class I and not to pre-primary classes.
	Neighbourhood criteria	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Neighbourhood means a borough for an area under a Municipal Corporation or a ward for an area under a Municipality or any other urban authority. This definition is subject to the neighborhood limits specified below: In rural areas, children are eligible to apply to schools within a 1km radius. In Urban areas, children are eligible to apply to schools within a 1.5km radius.
Process of Information Outreach/Awareness	Method of information dissemination	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools to provide information about Section 12 on admission notice each year. Government to provide information online.
	Type of information to be shared	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Schools must notify the number of seats reserved for weaker sections and disadvantaged groups in their admission notice. The government must provide easy to understand maps showing neighborhood schools. There is a lot of other important information that needs to be shared with the public but has not been mentioned.
	Authority responsible for information dissemination	<input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	Schools and the Government each have their own responsibility.
Selection Process	Description of admission form format or sample copy attached to notification	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No sample copy of the admission form attached and no written description within the text of the notification.
	Timeline/dates for admissions cycle	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No timeline provided for admission cycle.
	Date for lottery	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No centralized or decentralized date was assigned for the lottery.
	Locations to collect and/or submit forms	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No mention of any location to collect or submit the required forms.
	Authority to oversee lottery/selection process	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	No authority assigned the responsibility of overseeing the lottery.

**WEST BENGAL (17,336 CHILDREN ADMITTED IN 2013-14)**

Category	Criteria	Criteria Status	Comments
Transparency in reimbursement provision and reimbursement process	Frequency of calculation of per-child expenditure		It was not stated how often the per child expenditure would be assessed.
	Authority to calculate per child expenditure		No authority was named to assess per child expenditure.
	Method of calculating reimbursement		Statement copied from MHRD's model rules.
	Criteria for reimbursement (or documents needed) for all instalments		Schools must provide a list of students against whom the school shall claim reimbursement. No specific date is mentioned, only that this list must be provided at the beginning of each academic year and then again at the completion of their admissions process with the names of any new admits.
	Number of instalments for reimbursement		No mention of the number of instalments in which reimbursement would be given.
	Authority responsible for finance of additional items (uniforms and books)		Schools to bear the cost of uniforms and books for each child admitted under the 25% provision initially. These expenses will later be reimbursed to the school by the State Government.
Grievance Mechanism and Monitoring	Appointment of local authority		The local authority means the Paschim Banga Sarva Siksha Mission or any other authorised in this behalf; (i) in case of the rural areas, the Panchayat Samiti and (ii) in case of the urban areas, the Municipality or Borough in respect of Municipal Coporations or any other urban authority duly notified.
	Formations of State Commission for Protection of Child Rights (SCPCR)/ RTE Protection Authority (REPA)		West Bengal has constituted the State Commission for Protection of Child Rights.
Special Mention			

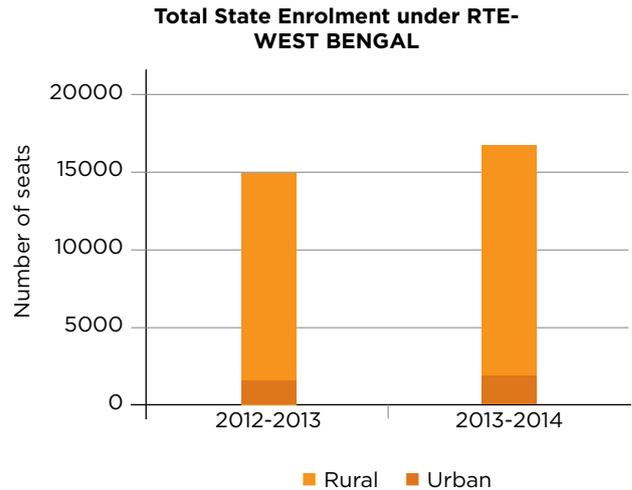
### Seats Available

In 2013-14, 12.1 lakh seats were available in private unaided schools in class I. 54,097 seats were available for Section 12(1)(c). In 2012-13, this number was 60,156.



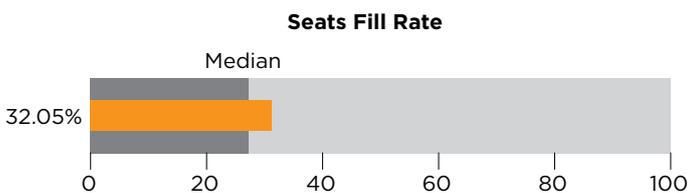
### Total Enrolment

A total of 17,336 students were admitted in 2013-14 (14,713 in rural and 2,623 in urban). 14,772 students were admitted in 2012-13.



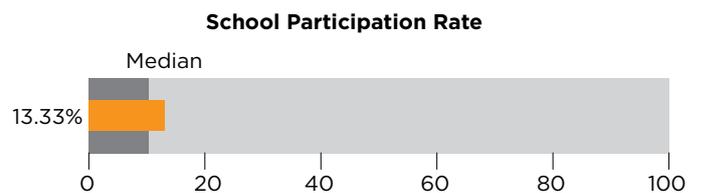
### Seats Being Filled

Out of 54,097 seats available under this section, only 17,336 were filled in 2013-14 with a seat fill rate of 32.05%. In 2012-13 the seat fill rate was 24.56%.



### Schools Admitting At Least One Child

In 2013-14, out of 6,724 private schools only 896 had taken at least one admission with a participation rate of 13.33%. This participation rate was 10.08% in 2012-13.







## NOTE 2:

# REFLECTION ON FORMULATING POLICY AROUND SECTION 12(1)(c) OF THE RIGHT TO EDUCATION ACT

By: Amit Kaushik, Practice Head, Education and Skill Development, IPE Global

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The judgment of the Supreme Court in the case of J P Unnikrishnan and Others vs the State of Andhra Pradesh and Others in 1993 set the stage for providing elementary education as a Fundamental Right in India; in holding that the right to education is “implicit in and flows from” the Right to Life under Article 21 of the Constitution, the court changed the fundamental nature of the debate around the subject by citing the provision of elementary school education in the context of the fundamental rights of the citizen.

It was this line of thought that was carried forward in 2004-05 when the Central Advisory Board of Education (CABE) Committee on “Free and Compulsory Education Bill and other Issues related to Elementary Education” considered the matter in pursuance to the Constitution (86th Amendment) Act, 2002, which had amended the Constitution to provide that “the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine”. The CABE Committee, chaired by Kapil Sibal, the then Minister for Science and Technology, approached the issue from the perspective of the rights of a child, working from the ab initio assumption that no child should be discriminated against merely due to the accident of birth. In such a context, it was naturally expected that the school system would have to provide for education to all, regardless of social and/or economic background.

Several members of the Committee made reference to the Report of the Education Commission 1964-66 (more commonly known as the Kothari Commission), which had proposed the establishment of a Common School System,

to support a view that in the wake of the Constitutional Amendment, and in the interest of social cohesion, all schools should be required to admit all children, irrespective of whether they were fee charging or not. The rationale for such a system lay in the apparent stratification of schools – and thus children – into “rich” and “poor” schools, leading to segregation or the ‘ghettoisation’ of education. The process of creating a socially inclusive schooling system necessarily implied – in their view – that all schools, whether supported by government funds or not, would have to assume a part of the burden as their social responsibility.

This became the starting point of the debate within the Committee, which considered a variety of options aimed at bringing about a more equitable and just school system. Although the initial debate centred around common schools, it was soon realised that this would not be a practicable solution given the substantial increase in the size of the private sector over the last several years. Over time, a consensus emerged that unaided recognised schools should be asked to admit one-fourth of their intake at the entry level from amongst children from underprivileged backgrounds. This percentage broadly corresponded to the number of socially disadvantaged persons in Indian society as measured by the 2001 Census, as well as the percentage living below the poverty line. It was generally agreed that such a measure would address the needs of those who were socially and economically disadvantaged, while encouraging private schools, as constituents of society, to play a responsible role in creating an inclusive, equitable and cohesive social order.

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There was also an unstated, but nonetheless deeply held, ideological view among many members of the committee – themselves of a clearly left-of-centre persuasion – that private schools were exploitative in nature and needed to be more closely regulated. As not everyone involved necessarily agreed with this sentiment, reference to the implications of some of these decisions was made in passing in the final report of the CABE Committee, vide para 5 (iv), which noted that “other provisions regarding unaided schools would, however, be viewed **as introducing a far more regulatory regime than has hitherto been the case, and amounting to undue/excessive regulation of private initiative in education**” (emphasis added).

It is interesting to note that except for two “special invitees” representing associations of private schools who were invited to the third meeting of the larger CABE committee (on March 12th, 2005), there was no full time representation from private sector managements or teachers, either in the committee, or more significantly, in the drafting sub-committee which put together the “essential provisions” of the legislation to be enacted. It is not unreasonable to imagine therefore, that the final outcome of the Bill may have been very different if there had been a more balanced representation of all stakeholders.

## ABOUT THE AUTHOR

Amit Kaushik served as Director, Elementary Education, on deputation to the Ministry of Human Resource Development, Government of India from 2001-2006. During this time, he helped roll out implementation of Sarva Shiksha Abhiyaan (SSA) in various states. He was also associated with the drafting of the Right to Education Bill, 2005, which subsequently became the basis for the Right of Children to Free and Compulsory Education Act in 2009<sup>vii</sup>. He is currently the practice head for Education and Skill Development at IPE Global Pvt. Ltd.

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[vii] [http://www.ipeglobal.com/tm\\_amit\\_kaushik](http://www.ipeglobal.com/tm_amit_kaushik)

# CHAPTER 3:

## LEGAL LACUNAE IN SECTION 12(1)(c) OF THE RTE ACT AND ITS IMPLEMENTATION

### CONTEXT – TOWARDS SECTION 12(1)(c)

At the commencement of the Constitution, free and compulsory education for all children until the age of fourteen years was envisaged under Article 45 of the Constitution as a Directive Principle of State Policy ('DPSP'). It followed from the language used in Article 45 that the State only had an obligation to 'endeavour' to make such provisions, within a period of ten years from the commencement of the Constitution. However, this endeavour was not concretised in the form of a positive obligation until the 86th amendment to the Constitution in 2002.

The enactment of the 86th Amendment was not sudden or unexpected, but a deliberate effort. It was the culmination of several progressive judicial decisions and developments worldwide articulating a fundamental right to elementary education. In a landmark judgment in July 1992, *Mohini Jain vs State of Karnataka*,<sup>18</sup> the Supreme Court of India held that the right to education cannot be a mere directive principle for the State, since it flows directly from the fundamental right to life, enshrined in Article 21 of the Constitution<sup>19</sup>. Shortly thereafter, in December 1992, India acceded to the United Nations Convention on the Rights of the Child, which recognised a child's<sup>20</sup> right to free and compulsory primary education in Article 28, paragraph 1(a) of the Convention.

In 1993, in *JP Unnikrishnan vs State of Andhra Pradesh*,<sup>21</sup> the Supreme Court narrowed its pronouncement in *Mohini Jain's case*, ruling that the fundamental right to education is limited to the age of fourteen years. The Court arrived at this finding based on the Directive Principles of State Policy as they existed then.

Acting on these new international obligations and judicial pronouncements, the Parliament introduced the 86th amendment to the Constitution of India, inserting Article 21A as a fundamental right. This Article imposes an obligation upon the State to provide free and compulsory

education to all children between the ages of six to fourteen years, in a manner that the State would determine by legislation. This legislation is the Right of Children to Free and Compulsory Education (RTE) Act of 2009.

### Shared Responsibility

The RTE Act was enacted with the objective of providing inclusive elementary education to all. There was also specific emphasis on providing free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections, not only as the government's responsibility, but also of schools not dependent on government funds.<sup>22</sup> This is reflected in Section 12 paragraph 1(c) of the RTE Act, which requires unaided (private) schools to provide free and compulsory elementary education, at least up to 25 percent of the strength of their class, to children belonging to economically weaker sections (EWS) and disadvantaged groups in the neighbourhood.

Kapil Sibal, Minister for Human Resource Development from 2009 to 2012, who introduced this Bill in Parliament, spoke about reservation of seats in private schools in the context of social responsibility. He stated the reason behind inserting Section 12(1)(c) thus:

*...although it is the government's responsibility to ensure universalisation of elementary education, it is very difficult to implement the same on the ground. The government needs support from all stakeholders in the system including the private sector. However this support from the private sector also needs to be regulated in some way. Therefore, the legislation provides that that every private school in the country must reserve 25 per cent of its seats for the disadvantaged.*

The principle of sharing the obligation of ensuring the fundamental right to education with private entities (that are not minority institutions) has also been constitutionally upheld<sup>23</sup>. The Supreme Court has held that since education is a charitable activity, the provision in Section 12(1)(c)

of the RTE Act does not violate the fundamental right to carry on a trade, business or profession as enshrined in Article 19(1)(g) of the Constitution. Given that the right under Article 19(1)(g) is not an absolute right but subject to reasonable restrictions<sup>24</sup>, the RTE Act, enacted in furtherance of Article 21A of the Constitution, is not an unreasonable restriction on the right of private unaided schools under Article 19(1)(g).<sup>25</sup> The Court also stated that ‘the right to education envisages a reciprocal agreement between the State and the parents and it places an affirmative burden on all stakeholders in our civil society’<sup>26</sup>

However, the intention behind 12(1) (c) is not merely to distribute the obligation enshrined in Article 21A of the Constitution between all stakeholders in society but also to ensure inclusive schooling and social integration<sup>27</sup>. The late RTE activist Vinod Raina, considered to be one of the chief architects of the RTE Act said,

*...the RTE should not be seen in the narrow terms of providing schooling, but as a means of preserving and strengthening the social fabric of the country, to which inclusion is central; and second, the Act must be seen as child centric rather than school centric.*<sup>28</sup>

### Why 25 Percent?

The rationale for the figure of “25 percent” as a minimum percentage of the class reserved for students from weaker and disadvantaged sections can be found in an explanatory document of the Ministry of Human Resource Development. To ensure that children from socio-economically weaker backgrounds feel well-adjusted in private schools, it is imperative that they form a substantial proportion of the class they join. This also implies that these children cannot be made to study together in a separate section or at a different time. This figure of 25 percent is based on the fact that scheduled castes and tribes constitute a total of 24.4 percent of the population, as per the 2001 Census, and 37.2 percent of the people were below poverty line, as estimated by the Tendulkar Committee in 2009. A smaller proportion than 25 percent would only serve a token purpose and could hinder the larger population of children from disadvantaged groups and weaker sections to avail of this opportunity.<sup>29</sup>

Over the past few years, it has been noted that the RTE Act, although enacted with lofty ideals, faces several legal lacunae in implementation of Section 12(1)(c). These

implementation hurdles are addressed in the following section.

## LEGAL LACUNAE IN SECTION 12(1)(C)

The legal lacunae in Section 12(1)(c) of the RTE Act will be discussed under the following heads:

1. Income limits for determining economically weaker sections
2. Grievance redressal
3. Issues with the admission process
4. Exemptions for minority schools

### 1. Setting of Income Limits for Determination of Economically Weaker Sections of Society

For private schools to be able to implement Section 12(1)(c) of the RTE Act, it is essential that they are objectively able to identify which children belong to economically weaker sections of society. For this reason, state governments are required to set the income limits to determine economically weaker sections of society, for the purpose of Section 12(1) (c).

Two issues arise in the context of these income limits. The first is the disparity between the limits set by various state governments; and the second is the consequence of increase in income of parents in years subsequent to a child’s admission in Class I.

#### (a) Disparity in income limits and absence thereof in various states

An analysis of all state rules reveals that there is not much parity between income limits in various states for the purpose of determining economically weaker sections for the purpose of Section 12(1)(c). For example, the government of Karnataka has set the limit as the annual income prescribed by the social welfare department to determine the creamy layer of socially and educationally backward classes, which, at present, is Rs. 350,000 (3.5 lakh). The income limit for Rajasthan is Rs. 250,000 (2.5 lakh), for Tamil Nadu is Rs. 200,000 (2 lakh), while in Delhi, Uttar Pradesh and Maharashtra, the income limit has been set at Rs. 100,000 (1 lakh).

Other criteria are often combined with these monetary caps. For example, the state of Andhra Pradesh, has a requirement of providing benefits under the Act to members of backward classes, minorities, etc., and states such as Uttarakhand, Manipur, Andhra Pradesh and

Nagaland have defined an even lower income limit than the ones specified above.<sup>viii</sup>

Eleven states including Haryana, Rajasthan and Gujarat have used the poverty line as the income limit (or one of the limits),<sup>ix</sup> while nine states, including Punjab, Madhya Pradesh and Odisha have not specified any income limit, at present.<sup>x</sup>

The variance in the income limits and the poverty lines across states does not specifically pose a legal issue. As long as the income limit set by the appropriate government in furtherance of Section<sup>xi</sup> of the RTE Act has a rational nexus with the object and purpose of the statutory provision and is reasonable, it cannot be faulted. For example, the Bombay High Court in *N. G Gosavi vs. Chembur English Schools* took judicial notice of the fact that prescribing an income limit of Rs. 100,000(1 lakh) per annum was too low since a family earning this amount and above would not be able to provide for anything beyond food, clothing and shelter for its children. The Court held that the policy of the state government to restrict the income limit<sup>xii</sup> to only Rs. 100,000 (1 lakh) in case of students belonging to VJNT, OBC and SBC was arbitrary and discriminatory especially in light of other state regulations which reimbursed the fees for students whose guardians' income is up to Rs. 450,000 (4.5 lakh) and who were pursuing higher education in private colleges.<sup>30</sup>

The problem therefore, lies with those states, which, at present, have not set an income limit to determine weaker

sections of society for the purpose of implementing Section 12(1)(c)<sup>xiii</sup> This, in effect, makes Section 12(1)(c) a difficult mandate for private schools to fulfil as they are unable to determine the category children that are entitled to the receive the benefits of that provision. With the option of being guided primarily by only information in the statute, the implementation of Section 12(1)(c) runs the risk of becoming completely arbitrary with schools determining varying limits for EWS or, not being implemented at all under the pretext of not adequately defining the EWS category.

#### **(b) Issues arising out of parent's income increasing after child's admission**

Section 12(1)(c) of the Act requires private unaided schools to admit, to the extent of 25 percent of the class strength, children from EWS and disadvantaged groups of society. These schools are also required to 'provide free and compulsory elementary education till its completion'. States are empowered to make rules for carrying out provisions of the Act and specifically, to define 'weaker sections'. In terms of the procedure for application for admission to unaided private schools, some state rules require an income certificate issued by a particular authority *at the time of admission*. All states require the local authorities to maintain records of children under their jurisdiction, including data on whether a child belongs to a weaker or disadvantaged group,<sup>xiv</sup> and this data must be updated every year<sup>xv</sup>

While determining whether a child belongs to the EWS category, a question that is raised is whether a child should be excluded from the category, and consequently the benefits of this provision, if the parent's income increases beyond the set income limit, within a year of the child's admission.

The law is very clear in this respect: an income certificate is required from the parent only at the time of admission. Under the various rules, records maintained in respect of each child must mention whether the child is from the EWS category. The fact that the records must be updated

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[viii] Accessed from the RTE matrix available at <http://righttoeducation.in/>. The matrix maintains state wise data pertaining to rules and regulations under the RTE Act.

[ix] Arunachal Pradesh, Haryana, Himachal Pradesh, Jharkhand, Kerala, Mizoram, Tripura, West Bengal, Rajasthan, Uttar Pradesh and Gujarat.

[x] Assam, Bihar, Chhattisgarh, Goa, Madhya Pradesh, Meghalaya, Odisha, Punjab and Sikkim.

[xi] Section 2(e) defines a child belonging to weaker section as a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification

[xii] Maharashtra Right of Children to Free and Compulsory Education (Manner of reservation of seats for admission in respect of elementary education for the child belonging to disadvantaged group and child belonging to weaker section) Rules, 2012-.Rule 2(c)- "child belonging to weaker section" means a child belonging to Vimukta Jatis and Nomadic Tribes (VJNT), Other Backward Classes (OBC) and Special Backward Classes (SBC) and the religious Minorities specified by the state government and annual income of whose parent or guardian is below Rs. 100,000 (1 lakh).

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[xiii] These states are Assam, Bihar, Chhattisgarh, Goa, Madhya Pradesh, Meghalaya, Odisha, Punjab and Sikkim.

[xiv] All states include this requirement except Haryana, which excluded any specific requirements in the maintenance of records in the 2011 iteration of its Rules, though the 2010 version had requirements identical to other states.

[xv] See, e.g., Madhya Pradesh Rule 6, Uttar Pradesh Rule 6, Karnataka Rule 6, Himachal Pradesh Rule 7.

annually can only mean that details of every child in the neighbourhood must be maintained. A purposive interpretation of the provision leads to the conclusion that the intention behind this rule is to determine the number of children under each category, and not to prevent a child admitted in Class I under the EWS category from completing free elementary education if the child's parents' income increases beyond the limit prescribed for EWS students in years subsequent to admission.

Thus, the economic status of the child's family may be relevant at the time of admission alone, with free and compulsory education guaranteed till Class VIII, once admitted.

## 2. Grievance Redressal Mechanisms

The RTE Act imposes obligations upon various levels of government, schools (whether government owned, aided or unaided) as well as parents. An effective grievance Redressal mechanism needs to be in place to ensure effective implementation of the Act. The onus lies not only on the private schools to adhere to the requirements mandated by Section 12(1)(c) of the Act but also on the government to adhere to its corresponding obligations such as reimbursement to the private schools.

Section 32<sup>xvi</sup> of the Act outlines the mechanism for enforcing a child's rights under the Act. In the case of a grievance, a written complaint to the local authority may be preferred at the first instance, following which the authority would be required to address the matter within a period of three months.<sup>33</sup> In 2012, the MHRD issued an advisory<sup>34</sup> to clarify that the local authorities under Sections 9 and 32<sup>xvii</sup> of the Act need to be kept separate, as most grievances may arise within the purview of Section 9. According to the advisory, a grievance may arise as a result of a violation of any provision of the Act and the State Commission for Protection of Child Rights ('SCPCR'), or an alternate authority constituted by the state government<sup>35</sup> will be mandated to decide on the matter.

Grievances under the Act may relate to issues such as

bureaucratic non-performance,<sup>xviii</sup> non-compliance with regulatory standards<sup>36</sup> or denial of admission.<sup>37</sup> Types of grievances are, therefore, not limited to those against government officials alone, and may arise against any stakeholder who has an obligation to perform his duties under the Act. A complaint may thus be filed against any individual responsible for implementing the Act, whether or not assuming a government role.

However, there are concerns over the enforceability of the decisions of the SCPCR or any other local authority, since these are neither judicial bodies nor tribunals. In fact, under the Commission for Protection of Child Rights Act, the SCPCR may recommend to the concerned government or authority mechanisms for grievance redressal as it sees fit, or the approach that could be adopted by the Supreme Court or High Courts seeking orders or writs, or recommend grant of interim relief to the aggrieved person as it sees necessary<sup>38</sup> to the concerned government or authority. However, there is no time limit specified for the SCPCR to reach a decision. At the same time, as held by the Madras High court, since this specific mode of grievance redressal is mentioned in the Act, aggrieved persons cannot bring a writ petition to the Court before approaching the local authority or SCPCR as a first recourse.<sup>39</sup>

This system leads to a delayed enforcement of rights under the Act, provided they reach the enforcement stage at all.

## 3. Admission Process

Issues encountered during the admission process include:

- Reimbursement to private schools for children at the pre-primary level
- Reimbursement to primary schools for admission of children beyond the minimum 25 percent of the class
- Prevention of dropouts under the Act

### (a) Reimbursement to private schools for children admitted at the pre-primary level

The RTE Act only refers to pre-school education in two instances:

[xvi] Section 32 - Redressal of grievances: (1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

[xvii] Section 9 lays down the duties of the local authority.

[xviii] Such as non-specification of income limits for determining EWS category, under section 2(e) of the RTE Act.

1. First, in Section 11, wherein it states that the appropriate government may make necessary arrangement for providing free pre-school education for children between the ages of three and six.
2. Second, in the proviso to Section 12(1), wherein the Act states that Section 12(1) applies to pre-school education as well, for all schools imparting pre-school education and subject to the RTE Act.

However, Section 12(2) goes on to say that private unaided schools providing 'free and compulsory elementary education' under Section 12(1)(c) shall be reimbursed by the state to a specified extent. This could be interpreted to mean that the government is obliged to reimburse only for elementary classes and not below (pre-elementary). However, since the proviso to Section 12(1) makes 12(1) applicable to pre-school education as well, the reference to 12(1)(c) in 12(2) should ideally include a reference to pre-school education as well. It is a fundamental rule of statutory interpretation that a proviso must be considered with relation to the principal matter to which it stands as a proviso.<sup>40</sup> Sometimes a proviso may be embedded in the main provision and eventually becomes an integral part of it so as to amount to a substantive provision itself.<sup>41</sup>

An important principle of statutory construction is that all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof, so that the construction of a particular provision is consistent with the rest of the statute. This is more so if literal construction of a particular clause leads to inconsistent results that could not have been intended by the legislature.<sup>42</sup>

Therefore, Section 12(1)(c) is to be construed in light of the proviso to it, and Section 12(2) undoubtedly applies to the extent of education referred to in Section 12(1)(c), read with the proviso.

**(b) Reimbursement to primary schools for admission of children beyond the minimum 25 percent of the class from EWS or disadvantaged sections**

The text of the Act reveals that private unaided schools are required to admit in Class I, *to the extent of at least 25 percent of the strength of that class, children in the neighbourhood belonging to EWS categories and disadvantaged groups, and provide free and compulsory education until the completion of elementary education.*<sup>43</sup>

Such schools shall be reimbursed expenditure incurred by them to the extent of per-child expenditure incurred by the government or the actual amount charged from the child, whichever is lower.<sup>44</sup>

The Act's objective is to ensure, as stated in Section 3, that no child shall be liable to pay any kind of fee or charges which may prevent her from completing elementary education. Thus, admission of more than 25 percent of the class from the EWS and disadvantaged categories is actively envisaged.

*Reading these provisions in light of the objective and purpose of the Act, it appears that the government is required to reimburse the private schools, to a certain extent for all children admitted from the EWS or disadvantaged groups, even if it is above the 25 percent mandatory minimum admission that private schools are obligated to comply with under the Act.*

**(c) Prevention of dropouts and related issue of filling of vacancy**

Some apprehensions may arise that a school may be in violation of the Act if one or more of the students from the EWS or disadvantaged backgrounds drop out of the school, thus reducing the strength of such students in class to less than 25 percent. However, this is not a contravention of the law as it stands today, since it only has the 25 percent reservation requirement at the Class I level and not thereafter. In higher classes, the only statutory requirement is that no student be detained in any class or expelled until completion of elementary school.

Section 10 of the Act also places the onus on parents to admit their child to elementary education in a neighbourhood school. However, in reality, effective enforcement of the same seems difficult since the Act does not incorporate any initial recommendations that were made towards penal provisions against parents who do not send their children to school or make them drop out. The primary reason behind this was a belief that would potentially be tantamount to penalising poverty and deprivation<sup>45</sup> Thus, there is no legal provision at present to prevent and ensure that students do not drop out of school before completing elementary education. At the same time, if they do drop out, there is no enforceable obligation on the school to maintain the quota of 25 percent of students from the EWS and disadvantaged sections of society.

#### 4. Exemption of Minority Schools

The overarching objective of the RTE Act is to ensure free and compulsory education to all children up to the age of 14 years. This objective is to be achieved by the government, assisted by all schools, even unaided ones. However, in *Society for Unaided Private Schools of Rajasthan vs Union of India* ('Rajasthan Schools Case'),<sup>46</sup> the Supreme Court exempted unaided minority schools from all the obligations under the RTE. Thereafter, the RTE Act was amended to include Section 1(4) which states that the provisions of the RTE Act shall be subject to Articles 29 and 30 of the Constitution.<sup>47</sup> Further, the Supreme Court of India has recently held that all schools run by minority communities (both aided and unaided) are exempt from obligations under the Act.<sup>48</sup> This exemption granted to minority schools is perceived by many to be a vehicle of abuse,<sup>xix</sup> especially in light of the fact that a significant number of students admitted to minority institutions providing quality education belong to the majority community and minority institutions charge hefty fees and even donations from students under the garb of charging a development fee.<sup>xx</sup> It therefore becomes relevant to delve into what the term 'minority' means and whether the Constitution insulates all minority educational institutions (aided and unaided) from government regulation of any kind, and specifically obligations under the RTE Act.

##### (a) What does the term 'minority' mean?

The Constitution guarantees the right to establish and maintain educational institutions to all linguistic or religious minorities.<sup>49</sup> The term 'minority' refers to any community that is numerically less than 50% of the population of the state concerned.<sup>50</sup> The Supreme Court in *T.M.A Pai Foundation vs. State of Karnataka*<sup>51</sup> laid down that language being the basis for establishment of different states, for the purpose of Article 30, a linguistic minority will have to be determined in relation to the state population in which the educational institution is sought to be established. The position of law is identical in case of religious minorities

too. Further, the process of granting minority status to educational institutions is rather opaque.

In addition to the National Commission on Minority Educational Institutions,<sup>xxi</sup> various government commissions are also competent to declare the minority status of an educational institution. The National Commission of Minority Educational Institutions Act, 2005 defines a minority educational institution as an educational institution established and administered by a minority or minorities,<sup>52</sup>. States however, have formulated separate guidelines for evaluation of minority status of an educational institution,<sup>xxii</sup>. Given that states have been carved out along linguistic lines and that state population is to be used as the unit to ascertain minority status, the existing definition of 'minority' implies that each religious and linguistic group is a minority in some part of India. For example, a Malayali minority school will fall under the category of linguistic minority in most states other than Kerala. This is problematic in light of the *Italicize: Pramati* case, as it excludes a significant number of educational institutions from the purview of the RTE Act.

##### (b) Balancing the rights guaranteed under Article 21A and Article 30(1)

It is clear that there is a conflict between the rights enshrined under Article 21A and Article 30 of the Constitution. Article 21A empowers the government to tailor any law to ensure free and compulsory elementary education for all children whereas Article 30 guarantees to all linguistic and religious minorities, the right to both establish and administer educational institutions. While the right to administer an educational institution necessarily entails the freedom to admit students of their choice<sup>53</sup>, the RTE Act enacted to fulfil obligations under Article 21A requires all schools including minority schools to reserve 25 percent of their class seats for children belonging to EWS and disadvantaged groups compulsorily.

[xix] See "Vinamrata Borwankar 'Goregaon School Gets Minority Tag, Tells Eight Std I Children To Pay Fees,' The Times of India (June 19, 2014):<http://timesofindia.indiatimes.com/city/mumbai/Goregaon-school-gets-minority-tag-tells-eight-Std-I-children-to-pay-fees/articleshow/36779433.cms> accessed on November 11, 2014.

[xx] See Seethalakshmi S & Shruithi Balakrishna, 'Collecting Capitation Fee? Pay Penalty' The Economic Times (August 7, 2009):[http://articles.economictimes.indiatimes.com/2009-08-07/news/28483187\\_1\\_capitation-fee-fee-structure-schools-charge](http://articles.economictimes.indiatimes.com/2009-08-07/news/28483187_1_capitation-fee-fee-structure-schools-charge) accessed on November 14, 2014

[xxi] The National Commission on Minority Educational Institution was constituted by the National Commission of Minority Educational Institutions Act, 2005 to advise the government on questions relating to the education of minorities, decide all questions relating to the status of any institution as a minority educational institution and declare its status as such etc.

[xxii] See for example Guidelines for Recognition of Educational Institution as Minority Educational Institution in West Bengal (2008): HYPERLINK "[http://wb.gov.in/BanglarMukh/Download?FilePath=/alfresco/d/d/workspace/SpacesStore/acd9be68-963c-4396-bb07-a4c2d76237cc/E23-Recog\\_Edu1\\_Ins.pdf](http://wb.gov.in/BanglarMukh/Download?FilePath=/alfresco/d/d/workspace/SpacesStore/acd9be68-963c-4396-bb07-a4c2d76237cc/E23-Recog_Edu1_Ins.pdf)"[http://wb.gov.in/BanglarMukh/Download?FilePath=/alfresco/d/d/workspace/SpacesStore/acd9be68963c-4396-bb07-a4c2d76237cc/E23-Recog\\_Edu1\\_Ins.pdf](http://wb.gov.in/BanglarMukh/Download?FilePath=/alfresco/d/d/workspace/SpacesStore/acd9be68963c-4396-bb07-a4c2d76237cc/E23-Recog_Edu1_Ins.pdf) accessed on November 11, 2014.

The fact that universal elementary education plays a crucial role in strengthening the social fabric of our society through provision of equal opportunities for all has been accepted since the inception of our country<sup>54</sup> Therefore, it cannot be doubted that guarantying the right to education to all children is as important in a rights based democracy as is the protection of rights of minorities. The Supreme Court has also previously acknowledged the need to strike a delicate balance when there is a conflict between two fundamental rights.<sup>55</sup> *In Islamic Academy vs. State of Karnataka*, the Supreme Court enunciated the doctrine of proportionality and held that a delicate balance needs to be struck when there are two competing human rights namely human rights for the minorities and the human rights for development. The Court held that since the admission of students relates to the economic and national interest of the country, the latter should be allowed to prevail subject to protection of basic minority rights.<sup>56</sup> That is, the regulating legislation should not take away the rights of minorities to educate their children in their own institution.<sup>57</sup> Therefore, the appropriate way to balance Article 21A and Article 29 and 30 would be to regulate rights emanating from Article 30(1) only in cases where national interest is furthered<sup>58</sup> and to ensure that minorities do not lose the right to educate their children in their own institutions, even in such cases.

**i. Section 1(4) of the RTE Act does not strike an optimal balance between Article 29 and 30 and Article 21A of the Constitution.**

The introduction of Section 1(4)<sup>xxiii</sup> in the RTE Act subjects the legislation to Articles 29 and 30 of the Constitution. Therefore, the rights of all minority schools (unaided and aided ones) will be given priority over the right to education and the obligations of all schools under the RTE Act. The amendment was introduced subsequent to the exemption of unaided minority schools from the obligations under the RTE Act in the *Rajasthan Schools case*. The Parliament is entitled to exercise its legislative choice by exempting any category of schools from the purview of the RTE Act. However, it is observed that the legislative choice exercised by the Parliament in this case does not strike the optimal balance between Article 21A and Articles 29 and 30 of the Constitution.

Section 1(4) of the RTE Act results in the absolute dissolution of the fundamental right to education in situations of conflict with the right of minorities under Articles 29 and 30. As a result, implementation of provisions like Section 12(1)(c) of the RTE Act, which require reservation of 25 percent seats for children belonging to EWS and disadvantaged groups in all schools including minority schools, are greatly undermined. This strikes at the root of the objectives of the RTE Act and also greatly impedes the goal of achieving universal elementary education.

**ii. The exemption should be limited to unaided minority schools**

Minority educational institutions can be categorised into aided or unaided institutions. The exclusion of both these categories of minority schools from the obligations under the RTE Act could have severe implications, as many schools would rush to acquire minority status, a trend that is already discernible.<sup>xxiv</sup> This undermines the intent and implementation of the RTE Act, which envisages a collaborative effort by the government and all citizens in order to realise the fundamental right to education. There is thus a growing need to reconsider this blanket exemption granted to minority schools.

The RTE Act defines aided schools as schools that receive aid or grants to meet their expenses from the appropriate government or the local authority and unaided schools as schools that do not receive any kind of aid or grants to meet their expenses from the appropriate government or the local authority.<sup>59</sup> It is important to note that the RTE Act however, does not treat aided and unaided institutions differently anywhere except in relation to the extent of intervention by the School Management Committees.<sup>xxv</sup> While there are special governmental schemes that can be availed by both aided and unaided minority educational institutions,<sup>xxvi</sup> aided minority educational institutions stand on a special footing as they receive various benefits such as grant-in-aid by state governments<sup>xxvii</sup> and by central government schemes,<sup>xxviii</sup> access to mid-day meal schemes, schemes,<sup>60</sup> access to free health check-ups and health centres<sup>61</sup> etc. It is essential to establish the distinction between aided and

[xxiii] RTE Act, Section 1(4)- Subject to the provisions of Articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

[xxiv] See Vinamrata Borwankar 'Goregaon School Gets Minority Tag, Tells Eight Std I Children To Pay Fees', *The Times of India* (June 19, 2014) <http://timesofindia.indiatimes.com/city/mumbai/Goregaon-school-gets-minority-tag-tells-eight-Std-I-children-to-pay-fees/articleshow/36779433.cms> accessed on November 11, 2014.

unaided minority institutions because once government aid is granted; the autonomy conferred by Article 30(1) to minority educational institutions stands diluted.<sup>62</sup>

The Supreme Court's decision in the *Pramati* case makes no attempt to balance the competing rights emanating from Article 30(1) and Article 21A. Article 21A and the RTE Act undoubtedly advance national interest by seeking to achieve universal elementary education.<sup>63</sup> The RTE Act imposes an obligation on all schools (private and government-run) to admit at least 25 percent students of the strength of a class, from EWS and disadvantaged groups in order to achieve this objective.<sup>64</sup> As stated earlier, receipt of government aid by a minority institution dilutes the autonomy guaranteed under Article 30(1). Therefore an optimal balance between the competing rights encased in Article 21A and Article 30(1) can be achieved by bringing aided minority institutions under the purview of the RTE Act. It is only reasonable that aided minority schools receiving grants and other benefits from the government should participate in furthering the government's obligations under the RTE Act.

Further, mandating all aided minority schools to admit students from EWS and disadvantaged groups does not undermine basic minority rights. It is observed that the right of minorities to educate their children in their own institutions is not violated as the reservation mandated by the RTE Act requires only up to 25 percent of the seats to be allocated to children from EWS categories. Therefore, students from the minority communities can be admitted for the remaining seats. Further, it also does not compel aided minority schools to admit students from other communities thereby ensuring that the minority character

of the institution is not diluted. Therefore, giving priority to students from EWS and disadvantaged groups belonging to the minority community itself can satisfy the obligation under Section 12(1) (c).

### iii. Striking an optimal balance between the rights emanating from Article 21A and Articles 29 and 30 of the Constitution

An optimal balance between the competing rights in Article 21A and Article 30(1) can be achieved by exempting only unaided minority schools from the obligations under the RTE Act. As stated earlier, aided minority schools receive monetary and other benefits out of government funds and should therefore share the obligation of the government to provide free and compulsory elementary education. This will require a review petition to be filed against the judgment of the Five Judge Bench of the Supreme Court in the *Pramati* case. The ground for review is the clear misconstruction of the interplay between Article 21A and Article 30<sup>xxix</sup> of the Constitution. Besides, the view held in the *Pramati* case is contrary to earlier decisions regarding the scope of Article 30 itself, as pointed out previously in this Section.

Further, the RTE Act requires to be amended and Section 1(4), which subjects the legislation to Article 29 and 30 of the Constitution, ought to be omitted from the statute.

## RECOMMENDATIONS

The above analysis of various aspects of the 25 percent reservation and admission of children from the EWS and disadvantaged groups in private schools, has revealed a few problem areas that need to be addressed at the legal level. Recommendations for solutions with respect to these select issues have been discussed below.

### 1. Fixing Income Limit for EWS Category

As stated above, even though it is not possible to dictate the determinants for income limits in law, it is essential that all states notify an income limit. Without such notification, the definition of 'child belonging to weaker section' in Section 2(e) of the Act is rendered devoid of any meaning. If the minimum income limit is not specified by the appropriate

[xxv] The proviso to Section 21 (2) of the RTE Act states that the School Management Committee constituted under the RTE Act shall perform only an advisory function in case of a school established and managed by a minority and all aided schools.

[xxvi] For example, the Scheme for Infrastructure Development Private Aided/ Unaided Minority Institutes seeks to fund infrastructure development of aided/ unaided minority educational institutions (elementary and secondary schools) to the extent of 5 million (50 lakh) per school. [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/IDMI-scheme.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/IDMI-scheme.pdf) accessed on 11 November, 2014.

[xxvii] See for example, Teaching and Learning Aid to Minority Schools by the Government of Karnataka. <http://www.gokdom.kar.nic.in/English/Default.aspx?PageNo=21> accessed on November 18, 2014.

[xxviii] Maulana Azad Fund Education Foundation (MAEF) is established to promote education amongst educationally backward sections of the society. It is fully funded by the Ministry of Minority Affairs, Govt. of India.

[xxix] This has been discussed more elaborately in Alok Prasanna Kumar and Rukmini Das, 'Right to Education: neither free nor compulsory' *The Hindu* (May 9, 2014) <http://www.thehindu.com/opinion/op-ed/right-to-education-neither-free-nor-compulsory/article5989866.ece> accessed on September 1, 2014.

government, private unaided schools will also not be able to determine which children are eligible to free elementary education under Section 12(1)(c).

To ensure implementation of these provisions, a writ of mandamus could be sought from the appropriate High Court, directing states to notify annual income limits for the purpose of defining children belonging to the weaker section.

## **2. Establishing an Enforceable Grievance Redressal Mechanism**

The chief hindrance to effective enforcement of obligations under the RTE Act is the recommendatory nature of orders by local authorities and SCPCRs. It is recommended that instead of prolonging the grievance redressal process by resorting to local authorities and thereafter to SCPCRs, aggrieved persons could approach a newly constituted RTE Commission that would be equipped to pass orders which would be binding in nature.

These orders of the new Commission would be enforceable, and not merely recommendatory.

The function of this RTE Commission would be to enforce implementation of the Act. Thus, the Commission would not only address the issues faced by aggrieved persons, whether parents or guardians of children (as is the case in the statute at present), but also schools seeking enforcement of their entitlements from the government under the Act.

Thus, it is recommended that even though aggrieved persons could approach local authorities for a rapid and possibly amicable solution to smaller grievances, direct recourse to the RTE Commission should be permissible under the Act. Moreover, the Commission should also be required, under the statute, to endeavour to dispose of all its cases within a period of three months.

## **3. Clarifying Reimbursement to Private Schools at Pre-Primary Level**

Based on our analysis above, it is evident that the government must reimburse private schools for admission of children from EWS and disadvantaged category at the pre-primary level, apart from the reimbursement for admission in Class I. In order to encourage private schools to reserve the requisite percentage of seats and facilitate easier claim of the reimbursement, the following step is proposed.

The RTE Act must be amended to include a further proviso to Section 12(2), stating: 'Provided further that such reimbursement shall extend to a child admitted at the pre-school level of a school specified in sub-clause (iv) of clause (n) of Section 2 where such school provides free and compulsory elementary education as specified in the proviso to clause (1) of Section 12'.

## **4. Clarifying Reimbursement to Private Schools for All Children in EWS and Disadvantaged Categories**

Similar to the issue outlined above, it is necessary to clarify that private schools must be reimbursed for all students admitted in the EWS and disadvantaged categories, even if they constitute a proportion greater than 25 percent of the total class strength. This position has been uncertain in the past, and will incentivise private schools to provide free education to larger number of children.

To this end, the following steps are recommended:

- Section 12(2) of the Act should be amended to state the following: 'The school specified in sub-clause (iv) of clause (n) of Section 2 providing free and compulsory elementary education as specified in clause (c) of Sub-section (1) shall be reimbursed expenditure so incurred by it, whether to the extent of twenty-five percent of the strength of the class or beyond, to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed' (emphasis added to proposed insertion).
- Alternatively, a public interest litigation ('PIL') could be filed before the Supreme Court, seeking an interpretation of Section 12, in light of the purpose of the Act, which clarifies this issue.

## **5. Preventing Children from EWS and Disadvantaged Sections from Dropping Out**

There is no legal provision at present that can ensure that students are prevented from dropping out of school before completing elementary education. Moreover the RTE Act does not adequately enforce the parent or guardian<sup>65</sup> to seek admission for their child under the purview of the Act. The RTE Act must therefore impose an obligation on private unaided schools to endeavour to maintain the number of children from EWS and disadvantaged sections at 25 percent of the class strength, not only in Class I, as

envisaged under Section 12(1)(c), but all the way until Class VIII, that is, until completion of elementary education.

Towards this, a new section should be inserted in the RTE Act, requiring all private unaided schools to take all reasonable steps to spread awareness regarding the content of Section 12(1)(c) and the entitlements of children from weaker and disadvantaged categories under this sub-section. The appropriate government must also organise awareness programmes to aid in enforcement of the parents' duty under Section 10. These concerted efforts will also help in enforcing the prohibition on child labour, already existing in other legislation<sup>66</sup>

#### **6. Bringing Minority Aided Schools within the Purview of the RTE Act**

Since the Supreme Court has exempted minority-aided schools from the RTE Act on constitutional grounds, we recommend the following alternatives for overcoming the effects of this judgment:

- First, a review petition may be filed against the judgment of the Supreme Court in the Pramati case. As discussed above, there are clear grounds for filing such a review petition and will address any negative implications of the current provision vis-a-vis minority institutions.
- Second, an amendment may be brought to Article 30 of the Constitution. The amendment should read: “(1B) Notwithstanding anything contained in clause (1) and clause (1A) of this Article, a law enacted in furtherance of Article 21A shall apply to all educational institutions whether established by a religious or linguistic minority. Provided that nothing contained in Article 30 (1B) shall apply to unaided educational institutions established by a religious or linguistic minority.”

This clause provides that the general right to education trumps the right of religious and linguistic minorities to establish educational institutions in two specific matters: First, insofar as aided minority institutions are concerned, the right to education prevails; second, it prevails only to the extent of provisions pertaining to admission of 25% children from EWS and disadvantaged categories and other matters specified in the RTE Act. Neither does this apply to unaided minority institutions nor does it affect their autonomous functioning pertaining to the ambit of rights guaranteed under Article 30(1). This, it is believed, will restore the intended constitutional position by striking a balance between Article 21A and Article 30.

Further, as a corollary to the above, in order to ensure legal coherence, an amendment should be brought to the RTE Act and Section 1(4) of the RTE Act should be omitted from the statute.

# CHAPTER 4:

## PER CHILD RECURRING COST AND REIMBURSEMENTS: ISSUES AND WAY FORWARD

The landmark Right to Education (RTE) act will soon complete five years of implementation. Of its many important provisions, Section 12(1)(c) has probably attracted the most debate and discussion. The section states that at least 25 percent seats in entry level classes in non-minority private unaided schools should be reserved for children belonging to economically and socially weaker sections, to be defined by respective state governments.

According to the law, the state governments are required to reimburse these schools, and reimbursement amount per admitted student is mandated to be the *lower of actual amount charged from the child by the school, or per child expenditure incurred by the government* (Chapter IV, Section 12(2) of the RTE).<sup>67</sup>. Subsequent rules have clarified that per child expenditure implies “*total annual recurring expenditure incurred by the appropriate government from its own funds, and funds provided by the central government and by any other authority on elementary education in respect of all schools established, owned or controlled by it*”.<sup>xxx</sup>

At the moment, the process of cost calculation and reimbursement to private schools is opaque. Information on costs per child is not available in the public domain for most states. Where this information exists, there is no clarity on methodology adopted by state governments to calculate these costs. Moreover, there is no tracking system to enable the public and schools to track the flow of reimbursement from government to schools. It is important to try and study processes as they exist today and use this to push for greater transparency and better implementation. This chapter is an attempt in that direction.

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xxx]Part V, Section 12(2); Published in the Gazette of India on August 29, 2009. This also suggests two things - (a) actual expenditure incurred would be the basis of calculations; and (b) expenditure incurred by the government toward aided schools is not to be included in per child calculations. An exception to this is Himachal Pradesh, where the rules state that the per child expenditure would be arrived at by dividing average salary expenditure made by the State government on primary school teachers for the past five financial years by the average number of students in government primary schools in the state for past five years.

### ISSUES

#### Who will Undertake the Calculation?

To understand the per child costs better, we examined the rules and notifications issued by 28 states. Of these, 12 states have stated intent to set up a committee to assess per child expenditure.<sup>xxxii</sup> The most common members of these committees are secretaries of the Finance and Education departments of the states, and the State Project Directors of Sarva Shiksha Abhiyaan. Andhra Pradesh and Rajasthan have also provided for a representative of private unaided schools to be members of these committees.

This committee is supposed to meet regularly in a specified month (generally, December) to determine per child expenditure for the next academic session. But rules and notifications of the remaining 16 states are not clear on this issue.

Further, rules or notifications of no state specify the methodology for determining per child recurring costs, nor what cost elements or budget heads would be considered as constituting ‘recurring expenditure’.

#### Are Cost Calculations Accurate?

Since the methodology of cost calculation is not clearly defined, a natural question that arises is whether the amounts declared by the government are ‘correct’?

Verifying this information requires sifting through expenditure incurred on elementary education in a state by carefully analysing budget documents and SSA work plans and budgets, classifying all expenditure as recurring and non-recurring, and then summing up the recurring expenditure. This is a fairly complicated process. Hence, we focus on teacher salaries. Teacher salaries constitute

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[xxxii]Section 38(2)(d) gives the power to the respective state governments to decide the manner and extent of reimbursements.

the largest share of overall expenditure on elementary education. In Rajasthan, this share is as high as 90%.<sup>xxxii</sup>

We asked a simple question: Are the declared per student costs at least equal to per student expenditure on teacher salary?

Table 3.1 shows that per student recurring costs announced by Gujarat and Uttarakhand more or less cover at least per student salary expenditure, while per student recurring cost announced by Rajasthan did not even cover the salary expenditure per student. This preliminary analysis indicates that the amounts declared by the state may be lower than the 'true' actual recurring cost incurred by the state.

#### How easily are the per-child cost numbers available?

RTIs were filed with 28 states to obtain the per child reimbursement costs declared by the respective state governments. Only 22 states responded. The remaining six states did not respond even after 4 months of filing the RTI. The time taken for the first response varied from 10 to 45 days among the states. Two states, namely, Kerala and Odisha rejected the application. The reason for rejection cited by Odisha was that the application was not in Form A as prescribed by Odisha government and no identity proof was enclosed with the application. Kerala replied stating that the Indian Postal Order was not specified as a mode of remittance of application fee under Section 3(2) of the Kerala RTI, 2006 and hence rejected the application. Out of the remaining 20 states, Goa, Gujarat, Karnataka, and Uttarakhand provided the full information sought while the other states forwarded the application to various departments and different levels within the same department. Delhi, Himachal Pradesh and Madhya Pradesh forwarded the application to the Public Information Officers (PIO) at the district levels and responses were received individually from some of the districts. Few districts in Delhi and Himachal Pradesh further forwarded the RTI application to individual schools and blocks, which sent in their responses separately. Four states, namely, Andhra Pradesh, Jammu & Kashmir, Mizoram and Nagaland stated that the scheme has not been implemented in the state yet.

**TABLE 3.1: COMPARISON BETWEEN THE RECURRING COSTS DECLARED BY THE STATES AND PER STUDENT SALARY EXPENDITURE**

State	Per student recurring cost as announced by the states (2012-13)	Per student salary expenditure (2012-13)
Gujarat	10,000 (2013-14)	10,937
Rajasthan	9,748	12,241
Uttarakhand <sup>xxxiii</sup>	16,596	16,035

#### Confusion Around Textbooks, Uniforms and Mid-Day Meal

Schools that normally provide textbooks and uniforms to students are also expected to provide these to the children admitted under Section 12(1)(C), free of cost.

As per the law, such schools should then be reimbursed for undertaking these expenses. But many state governments are reimbursing the schools only for the amount of the tuition fees. As a result of this, the schools are possibly reluctant to provide these additional benefits to the students admitted under Section 12(1)(C), who then are forced to purchase these from the market or pay the schools to avail of these facilities. This, potentially, undermines the intended spirit of RTE.<sup>xxxiv</sup>

Only six states- Arunachal Pradesh, Gujarat, Karnataka, Rajasthan, Uttarakhand and West Bengal- explicitly mention these items in their rules.

- Rules outlined by the Government of Arunachal Pradesh specify that expenses on account of textbooks, notebooks, stationery, uniform, transport etc. would be reimbursed to the schools, and will be capped at a specific amount.
- Gujarat rules specify that the government would provide assistance for two uniforms as per its rate, and

[xxxii]The detailed note on the methodology adopted to carry out these calculations is provided in a separate annexure. Accountability Initiative, Centre for Policy Research, New Delhi, performed these calculations. The states mentioned were decided on the basis of availability of per child recurring cost numbers, availability of budget documents, and ease with which these documents could be analysed.

[xxxiii]Per student recurring cost shown against Uttarakhand doesn't include costs incurred toward free textbooks, free uniforms and mid-day meals. Once these elements are added, the per-child recurring cost is Rs. 18,311 for primary sections, and Rs. 18,793 for upper primary sections.

[xxxiv]This is what we discovered in Jaipur as well, however the Rajasthan government has made amends since our last observation. The notification dated December 26th, 2014 has made a provision for reimbursing schools up to Rs. 107 for providing textbooks and learning material for the students admitted under Section 12(1)(c).

the difference between the actual cost of uniforms and governmental assistance would have to be borne by the school. It also states that assistance would be provided toward provision of MDM at a pre-determined rate.

- Rajasthan includes textbooks as part of recurring expenditure, and hence schools are required to provide these free of cost.
- West Bengal rules mention that children should be provided with study materials and uniforms by the school, and the state government would be required to reimburse the schools.
- Karnataka rules specify that the school would be reimbursed the minimum of annual recurring cost (per head) incurred by the concerned school management to run the school, or the annual fees collected from each student or the maximum amount prescribed by the government.
- Similarly, Uttarakhand rules clearly specify a maximum limit up to which assistance is to be given for the provision of free textbooks, free uniforms and free MDM, in addition to the reimbursement amount.

To understand the reimbursement process and trends, our team undertook fieldwork in Jaipur (Rajasthan) and Pune (Maharashtra).<sup>xxxv</sup> The following are the key findings.

### Delays in Reimbursements in Jaipur (Rajasthan)

Fieldwork carried out in August 2014 in Jaipur, Rajasthan highlighted that schools had been reimbursed fully for the academic year 2012-13 and the first instalment for academic year 2013-14. However, there were significant delays (around six months or so) in the process of reimbursement<sup>xxxvi</sup>. Further, reimbursements for 2013-14 were based on the fees charged by the private schools in 2012-13 because the 'Fee Committee' had approved the fee proposals of a very small fraction of private unaided schools. The second instalment for 2013-14 had not been received during the conduct of our study in the field.

Although we could not find any documentation for this, we learned through informal conversations that the Rajasthan government has instituted, what is known as a "2+1" policy, according to which if two siblings are studying in the

same private unaided school, then the third sibling can be educated in the same school for free of cost. Some schools that had reportedly admitted children under the "2+1" policy earlier were also now trying to get reimbursement for this child through Section 12(1)(C).

### No Reimbursement for Pre-Primary Classes in Pune (Maharashtra)

None of the schools in Pune, Maharashtra, admitting children in pre-primary classes under Section 12(1)(c) had received any reimbursements.<sup>xxxvii</sup> This has caused a great deal of frustration among private unaided schools.

## SUGGESTIONS

### 1. Defining the methodology and sharing it in the public domain

A better approach to decide the methodology for computing and updating per child recurring expenditure numbers is for each state government to appoint a committee of experts in public finance and education administration. As mentioned, some states have already taken this step. Effort should be made to involve experts not just within but also from outside of the current administrative set-up. The first task of the committee should be to develop a robust methodology for cost calculation and its regular updation. It should be made available in the public domain and comments should be invited. It should be finalised after responding, in writing, to the comments received.

### 2. Basing reimbursement on expenditure norm vs. actual expenditure

Mathematically, per student recurring cost is the total recurring cost incurred in government schools divided by the number of students enrolled in government schools. Increase in the numerator and/or decrease in the denominator will push these costs up.

This is the reality in a number of states as enrolment in government schools is declining, while recurring expenditure, which is mostly in the form of teacher salaries continues to remain stable or increase. As a consequence, per student recurring cost are increasing year after year.

Consider Rajasthan, where absolute enrolment in government schools has declined from close to 7 million

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[xxxv] See chapter 5 for details on selection of sites for fieldwork, sampling and some of the key findings.

[xxxvi] Relevant details about the fieldwork are discussed in chapter 5 of the report.

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[xxxvii] Maharashtra RTE rules don't provide for reimbursement when the child is admitted to pre-primary section under Section 12(1)(c).

(70 lakh) in 2010-11 to 6.4 million (64 lakh) in 2013-14, while the number of teachers has continued to increase, from 271,000 (2.71 lakh) in 2010-11 to 326,000 (3.26 lakh) in 2013-14. As a result, per student declared reimbursement amount has increased- from Rs. 9, 748 in 2012-13 to 14,034 in 2014-15, a whopping 45% increase in three years.

This discussion raises a broader issue of how the reimbursement rates should be decided. Actual expenditure varies from year to year due to fluctuations in either recurring costs or enrolments. Data on actual expenditure is available with a considerable lag. And actual expenditure is contingent on fiscal health of the states and its administrative capacity. Changing reimbursement to private schools frequently due to fluctuations in per child recurring costs incurred by the government is not desirable, especially when none of the above mentioned factors have anything to do with performance of a private school admitting children under Section 12(1)(c).

In this context, norm-based per child reimbursement seems more desirable. Norm-based expenditure won't be subject to fluctuations from time to time. There is no need to have updated information on actual recurring expenditure incurred. It is independent of fiscal health or administrative capacity of the state. Further, developing expenditure norm is not very difficult. To explain with an example, as per the RTE, there should be one teacher for 30 students in the primary sections. From this, one can easily compute per student salary expenditure norm. Unit costs have already been specified for various entitlements such as mid-day meal, uniforms, textbooks etc, either at the state or central level. This allows computation of per student recurring expenditure norm.

A potentially valid argument against this is that the Pupil-Teacher Ratio norms are not fulfilled in the government schools and hence it would be discriminatory to reimburse private unaided schools as it would imply favourable treatment. In that case, a different approach can be adopted. The government can compute average salary 'expenditure' per teacher, and use that to compute per child recurring expenditure. A point of clarification is in order here- 'expenditure' is defined as the total salary bill taking into account total number of teachers and their various categories and pay scales.

### 3. Reimbursement for pre-primary admissions

The discussion on legal issues in this report suggests that even from a legal point of view, pre-primary reimbursements should be provided. An important question that remains to be addressed pertains to the definition of a formula for calculating pre-primary reimbursements.

### 4. Reimbursements for textbooks and uniforms

Since the schools have been given the responsibility of providing textbooks and uniforms to the children admitted under Section 12(1)(C), they should be reimbursed for incurring these expenses. More importantly, these expenses should be clearly mentioned in the state-specific rules as well.

### 5. Ensuring reliable and timely reimbursements

Lack of timely reimbursements has been an important issue affecting the willingness of the unaided schools to implement this provision. Hence, the government needs to streamline the processes, and coordinate with bank officials to ensure that schools are reimbursed on time.

### 6. Estimate fiscal implications and plan accordingly

Three key variables that will influence the cost of implementing this section are number of students applying and being admitted, per child recurring expenditure incurred by the government and amount charged by the private schools.

As of now, number of students applying and being admitted through this provision is quite low relative to the enrolment capacity of the private unaided schools. This number is likely to increase substantially in the future, as awareness increases, and processes streamline. Secondly, per student recurring expenditure incurred by the government is likely to increase given the declining enrolments in government schools and unchanged recurring expenditure liabilities, which are mostly in the form of teacher salaries. Thirdly, fees charged by private unaided schools are also increasing.<sup>[xxxviii]</sup> This will imply increasing (actual) reimbursement amount per student. To take example of Rajasthan, per child (actual) reimbursement increased from Rs. 3, 143 to Rs. 4, 400 between 2012-13 and 2013-14, a growth rate of 40%.

[xxxviii] Interestingly, there is no data available in the public domain on fees charged by the private unaided schools. The statement is based on conversation with parents, education officials and private school officials.

The full extent of fiscal implications would be clear after five or six years when each elementary class, i.e. Class I to VIII, will have students admitted through this provision. But early trends indicate substantial expenditure in implementing this provision. The governments need to study these trends, and plan accordingly.

More importantly, care must be taken to ensure that this fiscal burden does not crowd out important investments in the public education system.

## CONCLUSION

Correct calculation of per child recurring cost, and timely reimbursement to private unaided schools are essential for effective implementation of Section 12(1)(c). While we have highlighted key concerns on these two aspects, and also made recommendations for improvement, we would like to reiterate that these are not the only issues of paramount importance.

The objective of ensuring that the students admitted through Section 12(1)(c) receive quality education without discrimination will necessitate government playing the role of a regulator, monitor, pedagogy expert and facilitator, the discussion on which will need much more deliberation and experimentation than what is being witnessed currently. We take up some of these issues in chapter 6 of this report.





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# NOTE 3:

## THE RTE EXPERIENCE IN DELHI-GOOD NEWS BUT NOT ALL THE WAY.

By: Shailaja Chandra, Former Secretary to the Government of India and former Chief Secretary, Delhi

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The picture of the implementation of the Right to Education Act 2009 and the experience gained in Delhi appears to be uneven. There are some reasons to be satisfied but many reasons to be concerned. The good news is that children of economically weaker sections and the disadvantaged groups are gaining admission into private unaided recognized schools. The Directorate of Education had issued orders in January 2011 in which detailed guidelines for admission of children belonging to these categories were spelt out. According to the Education Directorate's response, around 25,000-30,000 pupils have benefited under these quotas. The admissions were being done on the basis of draw of lots supervised by a representative of the Directorate of Education and the proceedings are additionally video-graphed.

The overall admission process is being monitored by a District Admission Monitoring Committee under the Deputy Director of Education and seems to be working well. The income certificate is the only document that is accepted as proof of belonging to the economically weaker section of society. The office of the district Deputy Commissioner issues the certificates. While all this is reassuring, some other experiences also bear telling- although they may not be universally true.

Getting an income certificate is not easy. Not only does this have to be backed by an employer's certification but also involves long drawn-out paper work and checking. There is considerable difference between the economic status of those who apply and ultimately secure admission. What is declared as income does not take into account total family earnings which are quite substantial in some cases. Such applicants invariably score over the poorer applicants who live in slums. For those who are working for contractors (as

opposed to single employers) it is difficult to take leave and give up wages to pursue paperwork. Many fathers give up or miss the deadlines. The mothers are incapable of asserting themselves. The really poor children will perhaps get excluded for years to come in what is clearly a situation of survival of the fittest. That is where there is a great need for a help-desk set up by NGOs or outsourced agencies provided there is supervision which prevents favouritism.

The Directorate of Education is of the view that the RTE Act is being "successfully implemented". They feel that the EWS policy has been accepted in its proper spirit by the private school managements and there is no discrimination amongst the pupils and the goal of social assimilation is in fact being met. Although the perception appears to be true in a limited way it is equally true that parents with wards in up-market private schools have described school events when the EWS parents sit right at the back of the audience in a huddle and no interaction is possible because the divide is too apparent. There are no home visits among the children of different strata which makes the effort laudable, but the fact that there is some artificiality should not be overlooked.

And the story of RTE does not end with the private schools. It must be recognised that for the few thousands who have gained by getting admission into private schools, there are thousands more who are not that fortunate and have perforce to go to Government schools. There the effect of RTE has not been that laudable and may in fact be adding to the class division in society. The School management committee is the kingpin of the RTE school system's claim to greater inclusiveness, parental involvement and supervision. The Delhi picture suggests that not many parents take sufficient interest in the SMC meetings.

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At the district and ward levels the system has still to take root. There appear to be big gaps in constituting the ward committees, district committees and the strategies of school mapping, child mapping and the maintenance of a ward education register appear to be far from having been realised uniformly.

The “No Detention Policy” up to elementary level i.e. class VIII is a requirement of the RTE Act-2009 but the learning levels of students are said to be deteriorating as a result of this. In the year 2011-12 the percentage of students who were promoted due to non-detention was 11.63%. This increased to 21.01% in 2013-14. The deterioration in learning levels is also shown in a recent NCERT survey. This does not augur well for the children’s future.

Under the no detention policy there is no criteria of minimum attendance for getting promoted to the next class. This results in irregular attendance which has a negative effect on the credibility of the Continuous and Comprehensive Evaluation (CCE) of pupils which has to be completed daily. When students do not attend school no learning takes place and yet they get promoted to the next class without attending school or competing in an examination. When such students are promoted to class IX without achieving the minimum prescribed level of learning, they are out of their depths which has several worrisome consequences. Such children become disheartened and even indulge in abusive and violent behaviour or become withdrawn from their peers. Outcomes like low self- esteem, dropping out of school are often accompanied by becoming addicted to smoking, alcohol or drugs.

It is time that the gains and losses of RTE which was very well-intentioned are measured on a host of parameters and correctives introduced before the future of hundreds –even thousands of children is allowed to be a source of risk.

## ABOUT THE AUTHOR

Shailaja Chandra was Secretary in the Ministry of Health & Family Welfare from 1999 to 2002. Following that she was Chief Secretary, Delhi until 2004. On retirement she was appointed the Chairman of the Public Grievances Commission and Appellate Authority under the Delhi Right to Information Act. In 2006 she was appointed as the first Executive Director of the National Population Stabilization Fund, Government of India. She was also appointed by the

Government of Delhi to chair a Committee, which reviewed the Delhi School Education Act and Rules 1973.<sup>xli</sup>

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[xli][http://www.wikiprogress.org/index.php/Shailaja\\_Chandra](http://www.wikiprogress.org/index.php/Shailaja_Chandra)

# CHAPTER 5: LEARNING FROM THE STATES

## INTRODUCTION

Effective implementation of Section 12(1)(c) requires coordinated responses from key stakeholders- parents, schools, government and the civil society. We analysed the efficacy of various processes involved in the implementation of this provision in selected cities and states through field visits, administering questionnaire to schools and parents, and discussions with government officials and civil society organisations. Wherever possible, the responses were triangulated to provide a better picture of the status of implementation and the key challenges.

### Objectives

1. Map the processes of admission under Section 12(1)(c) - from awareness to school admission
2. Validate the secondary research regarding implementation and compare different approaches of admission
3. Understand the capacity and approach of different stakeholders (parents, school, government and civil society) who are contributing at various stages of the process
4. Gauge stakeholder perception of this provision of the Act

### Research Questions

1. What are the processes in a single admission cycle? What are the steps to completing each one?
2. What bottlenecks exist in the current implementation process?
3. What aspects of these can be easily scaled and adopted by other states?

### City/State Selection

Keeping in mind our objectives of mapping admission processes as well as to study unique implementation models, we selected Jaipur, Rajasthan and Pune, Maharashtra for our field study.

Rajasthan was selected keeping in mind the high private school enrolment, relatively high seat fill rate<sup>xxxxix</sup> under Section 12(1)(c), a unique Management

Information System for admission and child tracking, and interestingly, a weak civil society action.

Maharashtra was selected keeping in mind its comparatively high private school enrolment, moderate seat-fill rate (in comparison to many other states), and an online admission system (implemented primarily in Pune and Mumbai) with strong civil society participation.

## PART A: JAIPUR, RAJASTHAN

### Background

Section 12(1)(c) of the Rajasthan's Right of Children to Free and Compulsory Education Rules, 2011 provides for at least 25 percent reservation for children belonging to EWS and disadvantaged group.

Rajasthan has a relatively high private participation in education compared to the national average. According to the Annual State of the Education Report (ASER) 2014 data, Rajasthan has a 42.1% private enrolment rate in the age group of 6-14 years, while the national average is 30.8%. Also the national private school enrolment has shown a consistent upward trend, rising from 21.9% in the year 2005 to the current figure.

**TABLE 5.1: ENROLMENT AND QUALITY\* BY TYPE OF SCHOOL IN RAJASTHAN<sup>68</sup>**

Year	Enrolment (%)		Quality*	
	Govt.	Pvt.	Govt.	Pvt.
2010	60.4	33.4	44.2	64.5
2011	60.2	35.1	33.9	59.1
2012	53.4	41.1	33.3	65.0
2013	54.3	39.5	35.8	68.3
2014	52.2	42.1	34.4	65.4

\*as defined by the percentage of children in class V who can read class II level text

Our own analysis, based on DISE, reveals that in the academic year 2013-14 the private unaided enrolment in Class I was 50.2%. This high enrolment rate in private schools, coupled with a steady quality differential between the government and the private schools, makes Section 12(1)(c) critical for Rajasthan's education system.

[xxxxix] Seat Fill Rate as we defined in Chapter 2 is the number of seats filled out of the total number of seats available for EWS and DG students under the 25 percent provision.

**Table 5.2: Private schools in the field study**

Block	Number	School Type	Number	Medium of Instruction	Number
Sanganer City	3	Primary	1	Hindi	12
Jhotwara City	4	Upper Primary	5		
Amber	3	Secondary	4	English	2*
Bassi	3	Higher Secondary	3		

*\*One school was both English and Hindi medium school and has been counted twice*

### Sampling

Jaipur district has 17 blocks (13 rural, 4 urban) of which we selected two rural and two urban blocks for the study. As the seat-fill rate was nearly uniform (and high), we looked at the percentage of private schools in the overall school system, while distributing the blocks between high and low private school participation. Among the urban blocks, Jhotwara city and Sanganer city had the highest percentage of private schools, 56.2% and 56.15% respectively. Among the rural blocks, Amber (24.3%) and Bassi (27.5%) ranked in the middle of (as compared to other rural blocks) private school enrolment.

In all, through a random selection, we identified 15 schools from each of the four blocks. Out of the 60 schools, we finally interviewed 13.

We also interviewed 12 parents, one Block Education Officer and several senior government officials in Jaipur.

All the schools in our study had fees less than the reimbursement amount declared by the school. We found a comparative unwillingness on the part of high-end schools to participate in our study.

### RTE Section 12(1)(c) Implementation till 2013-14

#### 1. Admission process

The instructions issued by the Government of Rajasthan<sup>69</sup> provided for a decentralised admission system. The parents applied using a pink colour application form, which was recorded in a school register and a receipt of application form was given to the parents. In case the number of applications received was greater than the number of available seats, the admission was granted through a lottery system. The lottery was to be conducted in the presence of the School Management Committee and parents, and the date, time and place of drawing the lottery was to be widely publicised.<sup>xl</sup>

**TABLE 5.3: FLOW OF COMPILED INFORMATION**

Directorate	
Dy. Director (Primary Education)	↑
District Education Officer (Primary Education)	↑
Block Education Officer	↑
Nodal Headmaster (Upper Primary School)	↑
Private School	↑

#### 2. Monitoring and reimbursement

Following the admission cycle, the system called for comprehensive checks at multiple levels of the administrative hierarchy. Monitoring the entire process required verification of 13 forms.

The twice-a-year reimbursement process required primary schools to submit the proposal to the Block office, which got further consolidated at the District and then at the state level.

#### 3. Number of admissions

According to the data available on the Department of Elementary Education's web portal, in the academic year 2012-13, 48, 197 children from DG and 85,281 children from EWS backgrounds were admitted. For the year 2013-14, 74, 608 DG children and 128,926 EWS children were admitted in Rajasthan.<sup>70</sup>

#### 4. Need for improvement

The efficient conduct of above mentioned process required a tremendous effort on the part of the state government. There was a need for improvement in the process due to the following reasons

[xl] Wording has been taken directly from the Rajasthan rules. It was not clarified to what specifically the rules were referring since private schools themselves are not mandated to have an SMC.

- a. Inadequate data on the private schools
- b. Lack of transparency and information dissemination
- c. Huge administrative burden and additional work-load
- d. Difficulty in tracking children
- e. Delay in school reimbursement

To solve these issues, the Rajasthan government decided to implement an admission-to-reimbursement online portal which was launched on the 19th of July, 2013.

### Rajasthan Online Portal

For the implementation of Section 12(1)(c), Rajasthan's National Informatics Centre (NIC) developed an end-to-end Management Information System (MIS). The online portal allows both online and offline application submission and regulates most processes related to the implementation of Section 12(1)(c)- from submission of the application form, to enrolment verification and school reimbursement. The schools in our field study validated the simplification of the many processes by expressing their preference for the online portal over its equivalent offline structure.

Section 12(1)(c) implementation consists of five main stages- awareness, application, seat allotment, enrolment and reimbursement.

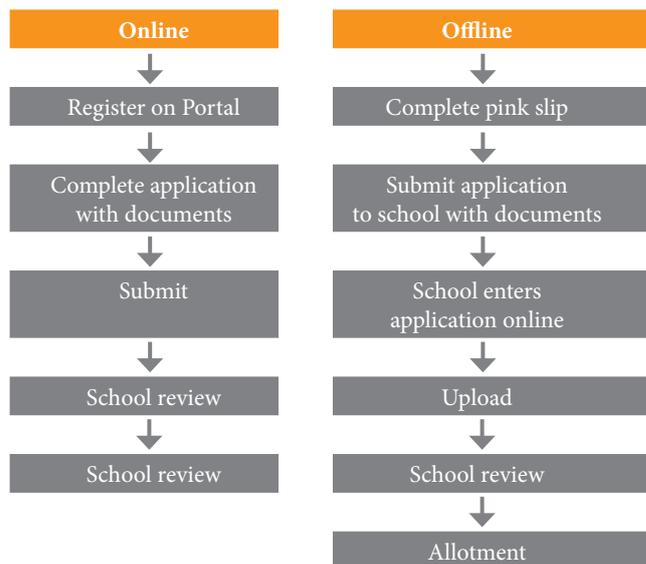
#### 1. Awareness and Information dissemination

The schools are required to publicise the admission procedure through the notice board, prospectus and the website.

#### 2. Application

Parents have the options to submit their application form through online or offline methods. The online option is simple; parents must register themselves on the portal, enter their details, indicate school preferences and upload scanned copies of required documents directly onto the portal. Once all steps are completed and the application has been submitted, the parents receive a (printable) confirmation slip. The school must review each application to determine eligibility. Those eligible with correct documentation are approved for the allotment stage. Those with errors in their application such as incorrect documents or those not eligible are rejected. The school is required to give reason for the rejection on the portal itself.

The offline option is the previously established method of filling the pink admission slip, available at any school. It must be filled and submitted to the school of choice along



with photocopies of all the required documentation. The school again has the responsibility of carefully reviewing each application and supporting documents. Regardless of eligibility however, schools must enter all applications on the portal on behalf of the parent. Erroneous or incomplete applications are then rejected with reason stated, and the remaining is approved for the allotment stage.

#### 3. Allotment and Enrolment

After the school has entered the details of EWS/DG children applying under Section 12(1)(c) and the other 75% children, a roster is centrally drawn by random selection on a pre-determined date by the NIC. This roster contains the details in preferential order of all the children who applied, irrespective of the number of seats available. The same is communicated centrally to the parents via SMS, mail and through login on the portal. In case the selected children do not join the school, the seat is transferred to the next child in the preference list.

#### 4. Reimbursement

The process begins with a simple confirmation on the portal of the students that have enrolled. A physical verification team visits the school and verifies applications, supporting

**TABLE 5.4: REIMBURSEMENT PROCESS**

1	Confirmation of enrolment
2	Physical verification
3	Generating reimbursement claim
4	Submitting the claim bill
5	Reimbursement

documents, fee charged and the physical presence of the child in the school. The details of the visit are then uploaded on the portal. Post verification, the schools can generate a claim bill, which must be printed and submitted at the DEO's office.

#### Box 5.1: Salient Features of the portal

**Registration:** At the start of the process, each school must register on the portal. District wise lists with school usernames and passwords are generated and shared with the respective BEEOs (Block Elementary Education Officer). Once a school logs in for the first time, it is prompted to change the password to maintain privacy and take responsibility of the account. Important details like class-wise fees, class strength, bank account details and updating cancelled cheque, documents of affiliation and recognition are captured in the portal. Using DISE number for registration ensures that no false schools are able to register and gain access.

**Physical Verification and Reimbursements:** The physical verification team visits each school for verification. Once the team has uploaded its visit notes on the portal, a school can generate a claim bill for reimbursement. A timestamp on the portal will record not only when the claim bill was generated but also when the claim bill was printed. This ensures that there is no delay from the DEO office to move the paperwork forward. Senior officials could follow up with the relevant office if there is a significant time lag between two processes. Similarly a watermark on the claim bill ensures that no unregistered school can copy the format and request a reimbursement.

**Scalability:** The cost of the IT infrastructure is comparatively low and the server is shared with the SSA portal, the system is very cost-effective. Even the replication is easy as the system can be modified for the state-specific requirements.

### Key Insights and Challenges

#### 1. Transparent admission and monitoring processes

The Rajasthan admission-to-reimbursement portal appears to be efficient and transparent. The details of the selected children, fees, entry level class and medium of instruction is publicly available and easily searchable. As the numbers could be centrally tracked by the government officials, media and civil society organisations, it created necessary pressure on the schools to fill the seats and reciprocally, on the government, to reimburse the schools.

#### 2. High awareness among schools; low awareness among parents

The schools displayed a high degree of awareness and compliance to the process of selection and reimbursement. Unfortunately this was not matched by the awareness among the eligible beneficiaries. In Jaipur, there was also very little civil society engagement on this provision. Even the mandatory awareness and information dissemination on this provision by the schools was a terse advertisement of 25 percent seat availability, without providing any other details.

#### 3. Schools 'selecting' the beneficiaries

Almost all the parents who had availed of the mandate that we interviewed had been 'selected' by the school to apply. As the awareness levels and the knowledge about the online admissions were extremely low, the schools had the liberty to choose beneficiaries and thus fulfil the admission norms. The beneficiary children were either already studying in the same school, had elder siblings in the school, or their parents were deemed 'trustworthy' by the school management. For example, a general practice among the private schools is to admit the third child free-of-cost if two children are already studying in the same school. Section 12(1)(c) became a conduit for such free seats.

#### 4. Need to redefine income and rules

Rajasthan has a poor mechanism of defining beneficiaries, with EWS defined as income less than Rs. 250,000 (Rs. 2.5 lakh) per annum. This high income limit naturally enlarges the list of potential beneficiaries and raises genuine concerns over the seat capture by the economically elite section. Also the rigid definition of neighbourhood as village/ward sometimes created a situation where children were not eligible to apply to the nearest private schools because of the neighbourhood boundary issues.

**TABLE 5.5: PRIMARY STUDY FINDINGS**

Process	Key Findings
Awareness	Low awareness about the process among the beneficiaries; schools are the primary source of disseminating information
Preparation/ Documentation	No major problems in getting the documentation; most of the parents were supported by the schools in filling the application
Ease of access to school	Forms collected and submitted at school; schools 'select' the beneficiaries basis their convenience
Allotment/ Enrolment	Allotment happens centrally; parents mostly informed through schools
School support	Parents have to procure textbooks and uniforms themselves; no major problems of academic or social exclusion
Grievance redressal	Low awareness about the grievance redressal mechanism; complaints sorted at the school level
Monitoring	Monitoring usually happens through a physical verification team at school level
Perception/ challenges	Broadly supportive; Parents and schools view the provision as a means to provide quality private education for poor; Challenges pertain to lack of information and delayed reimbursement

## PART B: PUNE, MAHARASHTRA

### Background

The Maharashtra RTE Rules, 2011, provide for at least 25 percent reservation for children from EWS and DGs for all new admissions into unaided private schools as well. According to ASER 2014, the enrolment in private schools has increased from 18.2% in 2005 to 36.9% in the year 2014. As per our analysis of DISE data 2013-14, 28.1% of children in Maharashtra in Class I are in private unaided schools.

The Maharashtra government piloted a complete online admission system for the academic year 2014-15. This system was piloted in Pune (Pune Municipal Corporation, Pimpri Chinchwad Municipal Corporation and Haveli Zila Parishad) and Mumbai (Mumbai West, Mumbai North, Mumbai South and Panvel).

### Sampling

In Pune, the online admission system was piloted in eight blocks under three administrative regions- Pune Municipal Corporation (5 blocks), Pimpri Chinchwad Municipal Corporation (2 blocks) and Haveli Zila Parishad (1 block). Out of these eight blocks, four were selected for the primary study. The selected blocks were distributed among three administrative regions and had varying degrees of seat fill rate. Aundh and Bibwewadi blocks had the highest seat fill rate while Pimpri and Haveli blocks ranked in the middle. Our initial random sample consisted of 40 randomly selected schools, 10 each from the four blocks. Out of the 40 schools, we interviewed 18 schools.

**TABLE 5.6: ENROLMENT AND QUALITY\* BY TYPE OF SCHOOL IN MAHARASHTRA<sup>71</sup>**

Year	Enrolment (%)		Quality*	
	Govt.	Pvt.	Govt.	Pvt.
2010	72.2	26.4	71.0	77.6
2011	68.2	30.3	62.1	66.0
2012	62.9	35.4	55.3	62.2
2013	60.7	37.5	58.2	61.3
2014	61.5	36.9	51.7	56.2

\*As defined by percentage children in Class 5 who can read Class 2 level text

**TABLE 5.7: NUMBER OF SCHOOLS IN FIELD STUDY**

Block	Number	School Type	Number	Medium of Instruction	Number
Aundh	5	Primary	4	Marathi	3
Bibwewadi	4	Upper Primary	6		
Pimpri	6	Secondary	7	English	15
Haveli	3	Higher Secondary	1		

We also interviewed 16 parents, senior government officials and the civil society organisations that were playing the role of intermediaries in the entire process.

### RTE Section 12(1)(c) Implementation till 2013-14

#### 1. Admission Process

Each private school in Maharashtra was required to publish a form with the number of available seats, timeline for issuing and receiving applications, date for scrutinising the applications, date of lottery and date for release of final list of selected students. The schools were required to make efforts to identify the children in their neighbourhood and ensure that the entire process of admission is 'transparent, unbiased, fair and equitable'. The responsibility of admission was placed unequivocally on the schools.

The schools were also required to provide application forms to children free of cost, issue acknowledgment receipt and communicate the reason for rejecting any application.

The admission committee consisting of parent from the SMC, nominee of Education Officer and school principal or member of management was to sign the draw of lottery. The entire process was required to be overall monitored by the Education Officer. To claim the reimbursement, the school had to declare its compliance with the entire procedure and state that the admitted children would otherwise have not secured admission in the school.<sup>72</sup>

#### 2. Need for Improvement

The admission system was heavily dependent on the participation of the private schools. The state government felt a strong need for creating an online admission process because of apparent difficulty for poor parents to approach the private schools and the lukewarm response they often received from the schools.<sup>73</sup> Thus, the burden of providing a transparent and fair procedure shifted from the schools to the state government.<sup>74</sup>

### Maharashtra Online Admission System

#### 1. Awareness and information dissemination

Schools in Maharashtra are mandated to publicise vital information regarding Section 12(1)(c) admissions, such as the number of seats available and the entry-level class on their notice boards outside of school. Information must also be made available on their prospectus and website.

#### 2. Application

Parents have to register themselves online on the admission portal, scan and upload necessary documents and then select the schools of their choice. To facilitate the online application process, the government set-up admission centres at which parents could access computers, scanners, and printers and clarify doubts with admission centre workers.

#### 3. Seat allotment

After the last date of receiving the application, the government determines the selected students for each school. A grace period of five to six days is provided for parents to submit the documents in school and confirm the admission. In case of unfilled seats, a second round of lottery is conducted with the same applications. After multiple rounds, if the seats remain unfilled, the government advertises vacant seats in schools and calls for fresh applications.

In 2014-15, there were 5 rounds using Phase 1 applications and 2 rounds using Phase 2 applications. Out of 19,493 seats available, 8,523 seats were filled and 10,970 seats remained vacant.

#### 4. Monitoring

Theoretically, the online admission system facilitates effective grievance redressal and monitoring of the entire process. As the documents are uploaded on the servers and each parent or applicant is identified by a unique number, in case of non-compliance of the process by the schools, the concerned government officials can take necessary action remotely.

**TABLE 5.8: PRIMARY STUDY FINDINGS**

Process	Key Findings
Awareness	Few schools reported advertising the provision; major awareness initiatives undertaken by the local NGOs
Preparation/Documentation	For parents, some difficulty in procuring the requisite documents on time was observed; the difficulty was also posed due to less time
Ease of access to school	Parents apply online; limited capacity of government run online centres was observed; difficulty in directly applying online for computer-illiterate parents
Allotment/Enrolment	Centralised admission system; parents communicated through SMS; few reported cases of schools rejecting applications even after allotment
School support	Parents have to procure uniforms and textbooks; some cases of exclusion and lack of interest by the school were reported
Grievance redressal	CSOs largely reported the problems with the grievance redressal process
Monitoring	No robust monitoring mechanism instituted; some problems with the online pilot were observed but were corrected
Perception/Challenges	No reimbursement at the pre-primary level; schools unsure of the right beneficiaries; lack of clarity on textbooks, uniforms and other entitlement

**Box 5.2: Salient features of Maharashtra online system**

**School registration:** A school while registering itself on the online portal must specify its address and the coordinates on Google Maps. Important information like DISE code, type of school management, medium of instruction, school entry level and highest class, and number of available seats are captured on the portal.<sup>75</sup>

**Parent registration:** A parent during submission of online admission form (after specifying his home location through Google map) can check and apply to all the eligible schools in the vicinity of 1 KM and 1-3 KM. Important details of parent and child like date of birth, reservation category, admission class along with necessary documentation is captured on the portal.<sup>76</sup>

There is no limit to the number of schools a parent can apply to.

**Key Insights and Challenges**

**1. The intermediary role of Civil Society Organisations (CSOs)**

As the schools had a limited role to play in the admission process, CSOs played an important role as the intermediary between the parent and the government or the schools. Their role spawned from creating awareness and facilitating admissions to advocating for redressal of specific grievances.

**2. No reimbursement for pre-primary class**

The state does not reimburse for pre-primary classes. As the majority of admitted children were in pre-primary

classes, private schools were unenthusiastic due to non-availability of reimbursement. Also neither the government nor the schools are providing uniforms and textbooks to the children.

**3. Inadequate facilities in admission centres**

Centres were often reported to be functioning with one computer and no working scanners and printers. Parents were requested to bring their documents already scanned on a thumb drive. This meant having previously accessed a scanner at their own expense.

We also learned that staff members at the centre were themselves unsure of the law and could not provide clarity on procedure or documentation.

**4. 25 percent determined basis only capacity in Class I and not pre-primary classes**

The government mandates schools to take children in the entry-level class but calculates the 25% of seats against the strength of class I. As schools often have smaller pre-primary classes, many reported having to adjust pre-primary numbers to match those of their class I in order to maintain the 25/75 ratio.

**5. Low-fill rate in vernacular and low-income schools**

Vernacular and low-fee schools still had lot of available seats even after multiple rounds of admission. These schools appear to be less in demand and we learned of cases of parents declining admission offers from these schools.

### 6. Problem with the age eligibility criterion

As private unaided schools have different age criteria, it creates confusion of eligibility in the mind of the parents. We observed some confusion among schools and parents about the age limit. In response, the government is proposing a common age-limit for admission across the private unaided schools.<sup>77</sup>



## PART C: RAJASTHAN AND MAHARASHTRA COMPARISON

TABLE 5.9: STAKEHOLDER'S ROLE IN THE ADMISSION PROCESS		
Stakeholder	Role and participation in Maharashtra	Role and participation in Rajasthan
Parents	<ol style="list-style-type: none"> <li>1. To submit all the relevant documents for income/ belonging to EWS or DG, residence and date of birth</li> <li>2. To upload the documents online</li> </ol>	<ol style="list-style-type: none"> <li>1. To submit all the relevant documents for income/ belonging to EWS or DG, residence and date of birth</li> </ol>
School	<ol style="list-style-type: none"> <li>1. To verify the documents of the selected candidates and periodically update the number of vacant seats</li> </ol>	<ol style="list-style-type: none"> <li>1. To upload all the applications it receives (with documents) on the RTE portal</li> <li>2. To verify the details of the applications for accuracy</li> </ol>
Government	<ol style="list-style-type: none"> <li>1. To set up centres for online admission form submission</li> <li>2. To monitor and facilitate grievance redressal</li> <li>3. To conduct centralised lottery</li> </ol>	<ol style="list-style-type: none"> <li>1. To monitor and facilitate grievance redressal</li> <li>2. To conduct centralised lottery</li> <li>3. To ensure physical verification of fees and admitted children</li> </ol>

In general, Maharashtra's implementation model is suitable for

- Urban areas with high internet penetration and general familiarity with technology
- Areas where government is willing to invest resources in the designated application centres (usually run for admission season in the government schools)
- Grievance redressal mechanisms that are weak or delayed and private schools that are generally unwilling to entertain EWS/DA applications
- Cases where neighbourhood is defined in terms of distance from residence or ward/ village

Rajasthan's implementation model is more suitable for

- Urban and rural/ semi-urban areas
- Effective monitoring and grievance redressal process in place
- Already moderate to high compliance of RTE Section 12(1)(c)
- Cases where neighbourhood defined in terms of village or ward

## PART D: A GUIDE FOR IMPLEMENTATION

TABLE 5.10: STEP-BY-STEP IMPLEMENTATION PROCESS	
Step 1	<ul style="list-style-type: none"> <li>• Building a reliable and transparent admission -to-reimbursement MIS system for private schools</li> <li>• Incorporating best practices in regulation, process streamlining, grievance redressal and monitoring</li> </ul>
Step 2	<ul style="list-style-type: none"> <li>• Ensuring access to schools through awareness and information campaign</li> <li>• Capacity building of volunteers and community based organisations</li> </ul>
Step 3	<ul style="list-style-type: none"> <li>• Effectively regulating private schools</li> <li>• Supporting schools on social inclusion</li> <li>• Ensuring non-discrimination, learning and reduced dropouts</li> </ul>

### Step 1: Government-led efforts in creating a simple and transparent admission-to- reimbursement system

1. Incorporate best regulatory practices from across the states
2. Create a transparent admission to reimbursement portal. Salient features of this system should be
  - a. Collection relevant details from the private school: medium of instruction, recurring and non-recurring expenditure, fee level, entry level class size, schools' neighbourhood
  - b. Online admissions and centralised lottery system
  - c. Tracking of children in the system as they progress every year
  - d. Outline of details for physical verification of schools by the government officials

- e. Direct reimbursement in the school's account in two instalments- at the beginning and at the end of the academic year

### Step 2: Awareness drive

1. To ensure that the marginalised children are able to access this provision, a targeted information campaign is required. This campaign should include
  - a. Identification of the under-privileged households and providing them with timely information about required documentation and admission criterion
  - b. Partnership with local NGOs, community based organisations and volunteer network for awareness campaign in high-need areas

### Step 3: Building long-term system capability

1. With the help of the portal, effectively monitor private schools to:
  - a. Ensure reasonable year-on-year fee increase
  - b. Monitor dropouts and learning levels of EWS and disadvantaged children
2. Assisting the private schools with best practices in effective social inclusion and integration in the classrooms

### Additional comments on the implementation process

Step 1 to Step 2 are not sequential. States can create an effective MIS system while building awareness among the weaker and the disadvantaged section. In practice, however, having clear and transparent rules and processes (from admission to reimbursement) along with a system which tracks children creates the desired 'push' from the government to ensure compliance among the private schools. As the details of the admissions and the progression of the children would be in the public domain, this transparent process can create stronger accountability frameworks within the system. We envisage a system which, at the time of admission, makes the following details public:

- a. Names and details of the beneficiaries
- b. Seat fill rate at the time of admissions and dropout levels in subsequent years
- c. School information- medium of instruction, fee, provision of free textbooks, uniforms and other material, entry level class and highest class, school facilities, academic performance indicators, and neighbourhood

Suitable care must be taken that parents can access a school in multiple ways- by submitting application directly to school, by submitting it online or to the concerned government official. This allows the system to function effectively even if one application channel is weak or non-functional.

## NOTE 4:

# THE POTENTIAL OF CHILDREN FROM FINANCIALLY AND SOCIALLY WEAKER BACKGROUNDS

By: Sister M. Cyril Mooney, Leading Educationist

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The section in the RTE Act dealing with the admission of twenty-five percent children from financially/socially deprived backgrounds seems to be the most difficult part of the RTE Act for principals in well-off schools to accept. There are many reasons for this, but the one that causes all those involved to pause and think is, “will such children be able to adjust in the school and be able to maintain the school standards?” The answer to this question is yes and I speak from experience. Such children will adjust as well as others and be able to maintain the school’s standards provided those dealing with them keep the following in mind.

- a) These children come from families who have lived in the shadow of more affluent/high-caste people for centuries. So they face the world from a lower place and will not step forward even if they have the answers. Hence they need acceptance like the others (not more as that might appear as patronage) and encouragement.
- b) The atmosphere of the school will play a major part in deciding how successful the school will be in keeping them in as for many of these children, the school is an alien place. Consequently when they come in, the school community, from the principal downwards, has to take the trouble to be welcoming and helpful until they find their own feet.
- c) They will need to be supplied with all they need and made to feel good about it.
- d) A friendly and responsible child in the class can be given the job of helping them if they need a friend.
- e) Where the poor child feels most vulnerable in the set-up of a fee-paying school is in the area of money for small contributions (even though her fees are waived), payments for outings, small needs, for example pens,

colored pencils, exercise books, shoes and socks, ribbon, a badge, etc. All in themselves quite small but when remarked upon in public can result in a loss of dignity or shame before others. It is in these areas that teachers need to be extremely sensitive.

- f) It is important that the child is able to discover or others help her to discover areas where she is good. For example, sports, or handcrafts, which help her to build her own self-esteem.
- g) Academically, such children cope well if they come young enough to be admitted into the lowest class and have good teaching from the beginning. For older children, Loreto Sealdah had a good solution. They were taught on a one-to-one basis by the regular school children at their work education classes, until they were on par with the class according to their age and then they were slotted in. Since the class would consist of children who had taught and prepared them before joining, they would already know and be known to their class fellows and so could fit in easily.

The RTE Act is a fantastic tool for building a unified India where every child, no matter what his or her background, grows up in a school catering to all levels of society and where friendships across the barriers of caste, creed, and economic background are built on relationships forged in open, free, and accepting classrooms.

### ABOUT THE AUTHOR:

Sister Cyril is a crusader for child rights and educational reforms in India. She is the former principal of Loreto Day School - Sealdah that offers free education to the children of the urban and rural poor (a step she initiated by granting

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admission to non-fee-paying, underprivileged children). She is also the architect behind programs such as the Rainbow project - designed to cope with thousands of street children who cannot attend school daily, rainbow children are taught on a one-on-one basis by the “regular” students – and the Barefoot Training Program.





# CHAPTER 6: THE WAY FORWARD

The mandate that private unaided schools admit at least 25 percent of children at the entry level from Economically Weaker and Disadvantaged Sections is a bold and significant step by the Indian government. Given the increasing aspirations of citizens for education, this mandate is an ambitious and innovative instrument that is being keenly observed nationally and internationally. Among other things, it seeks to ensure that the rapidly growing private sector in schooling fulfils a larger public responsibility. As emphasised in the report, while there is no ambiguity about the mandate's legitimacy, it remains far from perfect in its design and implementation. However, there is no ambiguity about its legitimacy. The primary way to improve it is through increased engagement with all stakeholders and this report is a preliminary step in that direction.

While many of the issues we highlight point to failures in the policy and its implementation, there are reasons for optimism and some immediate pathways available for improvement as well.

## RESOLUTION OF AMBIGUITIES, GAPS AND OBSTACLES IN THE LAW AND PROCEDURES

### Reversal of Exemptions to Minority Schools

Given its implications on our society, it is not a surprise that Section 12(1)(c) has been contested in the courts and outside. While the constitutional validity of the section has been upheld, there are ambiguities and gaps that still need attention. Chapter three is clear in pointing these out. A significant issue that needs an urgent re-examination is the exemption accorded to minority schools. The exemption allows the creation of a loophole which if left unplugged could unravel all the efforts that have been made in moving to a more inclusive schooling system and society.

### Clarity and Transparency of Rules - Learning from Peers

It is absolutely imperative that the government be forthright and clear in sharing information about the rules and procedures around various facets of the mandate. There are still far too many rules and procedures that remain unspecified or inadequately clarified by various governments. Even with our educations and institutional backing, we struggled to obtain information about rules and evaluating their meaning and implications. This

speaks poorly about a law that seeks to empower the most disadvantaged members of society. The ambiguity in rules also increases the probability of misuse and corruption.

We point state governments to our analysis of state specific rules as a source of reference to clarify rules and procedures based on what their peers have done. We intend keeping the analysis updated on <http://www.rterc.in> and hope that state governments will partner with us in this initiative.

### Investments in Institutional Capacity

Unfortunately, like with many other efforts in elementary education, the rhetoric of the government in terms of policy enactment has not always been matched with investments in capacity and attention to details necessary for effective implementation. Our study of the state of implementation of Section 12(1)(c) highlights the complexities of implementing a policy that requires active participation from government and non-government agents. The nature of the policy implies the need for investments not only by the government but also by non-government agents who share the same responsibility as the government.

### Grievance Redressal: Creation of RTE Commission<sup>xliii</sup>

A rights-based legislation has no teeth without an adequate grievance redressal mechanism. The creation of a "one window" RTE Commission directly accessible to all stakeholders is a necessity to translate the potential of RTE to a living reality. The commission should be an independent body that not only plays the role of an ombudsperson but also has the ability to pass binding orders. The creation of such a body would also effectively signal the commitment of the government to education and investment in India's future.

### Creation of Reliable and Verifiable Management Information Systems

Smart governance requires that reliable data be collected and shared in the public domain. Unfortunately, DISE

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[xliii]The SCPCR and NCPCR are designated as the appellate bodies for grievance redressal under the RTE Act. Under the CPC Act 2005, the NCPCR and SCPCRs have quasi-judicial powers whereby they can investigate, summon and recommend cases to the courts. They do not have any adjudicatory powers and hence, cannot pass judgments and hand out punishments. Moreover, the CPCRs are not only entrusted with the right to education but all rights pertaining to the child. This has broadened the mandate of the bodies, leading to lesser-specialized focus on the right to education. Hence, we are recommending a separate RTE Commission.

which is currently the primary source for data on implementation by schools does not fulfil this criterion.

Initiatives like those taken by the state of Rajasthan are worthy of emulation and learning from. We would urge state governments to be proactive in publicly sharing data collected through such systems and enhance its reliability by opening it for verification and scrutiny.

### **Transparency and external scrutiny on finances**

Finances related to this provision require increased transparency. Information submitted by private schools on their costs should be put in the public domain and open for verification. In turn, governments need to be willing to share more details about methods of calculation of reimbursement amounts. Reimbursements by state governments that are even lower than the per student expenditure on government teacher salaries weakens the state's legitimacy to demand compliance from private schools.

Recognising the challenges of making reimbursement amounts dependent on actual expenditure, we believe there is a compelling case for moving to a norm based method of calculating reimbursements as suggested in chapter four. The process should be a collaborative one with various stakeholders developing and deliberating the methodology. In addition, there is a need for systematic discussions and deliberation on the issue of regulation of school fees. The starting point for moving towards such a process has to be the collection and sharing of data in the public domain to ensure that the process is transparent.

### **Investments in social inclusion**

Much of the support for private schooling in India comes from a public impression of exceptional performance of the elite private schools. Some of these schools have been proactive in embracing both the spirit and the letter of the mandate. Unfortunately that is not too true for most schools.<sup>78, 79</sup>

During the course of this study we found elite private schools were unwilling to discuss their nonparticipation with us. While some of this reluctance stems from the lack of clarity in rules and procedures, we urge these schools to follow the examples of some of their peers and embrace the public and social purpose for which they have received a

license to operate. This would necessarily involve schools rethinking fundamental practices and making investments in fostering social inclusion. We hope school leaderships would be careful as educators in setting a positive example for their students by complying with the spirit and letter of the law.

### **Ensuring participation of civil society organisations**

The potential of the mandate and its right-based nature can only be achieved if the targeted sections are aware and mobilised to exercise their rights. For a mandate that has the potential of transforming lives among the populations they serve, we find surprisingly little civil society activity around it. Given that many civil society organisations already work with the targeted communities, the task of increasing awareness should not necessitate significant new resources.

### **Starting Early**

As chapter three argues, unaided private schools are obligated to admit students under Section 12(1)(c) from the earliest class they admit all other students. This necessitates that governments develop methods for calculating appropriate levels for reimbursement.

There is strong evidence that early childhood interventions leave a lasting impact cognitively and socially.<sup>80</sup> State governments should take a cue from the increasing prevalence of pre-primary classes in the private sector and ensure that none of their children are left behind at the starting blocks itself.

### **Implications for Schooling**

As is the case with all public policy, the effects of the mandate are not limited only to the targeted groups. There are several important questions thrown up by the mandate, one of the most significant being that of resources. As chapter four points out that the fiscal burden created by the mandate is only going to increase and governments need to account for its implications on the larger schooling system. Despite the potential of the mandate to move us towards a more equitable schooling system, there is no ambiguity on the necessity of a strong government school system achieve it. Even as they turn increasing attention and resources to the mandate, governments will have to have to ensure that this does not happen at the expense of a public school system that is accessible to all.

The experience with Section 12(1)(c) will be indicative of the role that the private sector can play in educating children from lower income families. While there is a need to pay close attention to whether the most disadvantaged sections are able to access these potential benefits, there is also need for research on the social and academic experiences of children benefitting from the mandate. Although references to the need for systems of child tracking have been made in several official documents, translating this into a reality will require both resources and commitment from all stakeholders. Since the taxpayer funds these children, the government should demand the same level of accountability from the private school, as it envisages from the government run schools. In practice, that means including these children in national and state level achievement surveys, along with tracking of children. This would also generate requisite evidence to support or course-correct the implementation of this section.

### Thinking Ahead

In conclusion, Section 12(1)(c) of the Right to Education Act remains a work in progress. For the mandate to achieve its true potential, it should not be seen in isolation but as a necessary response in a society that needs greater social inclusion. We believe the mandate provides a compelling platform for various actors - governments, private schools, civil society organisations, educators and researchers - to step up.

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# ANNEXURE

## Annexure 1: Number and Date of Notifications Read for Analysis

State	Notification Number	Notification Issue Date
Andhra Pradesh	The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010	March 03, 2011
	G.O.Ms.No.34	Dec. 04, 2012
	G.O.Ms.No. 41	June 19, 2013
Arunachal Pradesh	No. ED.2/28/2010	June 03, 2010
	No. EED/28/2013	Feb. 25, 2013
	No. WCD-15/2009-10(ICDS)	Nov. 08, 2013
Assam	No. PMA 627/2010/Pt IX/49	March 04, 2013
	No. PMA 627/2010/Pt/94	July 11, 2011
	No. PMA 627/2010/Pt-IX-A/115	Feb. 26, 2014
	No. SWD 79/93/Pt.V/136	March 04, 2010
Bihar	No. PMA 627/2010/Pt IX/51	March 04, 2013
	No. 8/03-31/10-692	June 21, 2011
	No. 8/ and 3-157/2003 Portion 1	
	No. 8/B 3-34/2012 414	April 03, 2013
Chhattisgarh	No. 96/EE 4	March 21 ,2014
	No. F 13-73/20-3/11	August 23, 2011
	No. F 13-47/20-3/10	Nov. 15, 2010
Chhattisgarh	No. F 13-73/2011/20-3	Feb. 05, 2014
	Frequently Asked Questions and Information Thereof	Jan. 27, 2014
	No. F.DE.15/Act-1/08/155/2013/28012-28022	Dec. 26, 2014
Delhi	No. 15(172)/DE/Act/2010/69	Jan. 07, 2011
	No. DE.23(462)/Sch.Br./10/17-33	Nov. 23, 2011
	No. F.23 (2)/DE/RTE/2011-12/570-584	April 23, 2013
	No. F.No.61 (State Commission)/AD-I/DSW/05-06/15863-889	July 07, 2008
	Circular No. F.DE/15/Act-1/2013/6840-46	
Goa	No. DE/RTE/EWS/2013/Part-1	Aug. 12, 2014
	No. DE/PLG/RTE 2009/Rules/2010-11/735	Aug. 02, 2012
Gujarat	Resolution No. KhPSh-102012-727646-Ch	May 23, 2013
	No. GH/SH/4/PRE/122010/GOI-10/K	Feb. 18, 2012
Haryana	No. S.O.49/C.A.35/2009/S.38/2011x	June 03, 2011
Himachal Pradesh	No. EDN-C-F(10)-8/09	March 05, 2011
	EDN-C-F(10)-8/2009-L	March 16, 2013
Jharkhand	Letter No. 8/Vi.1-48/2010/117	Jan. 18, 2011
	The Jharkhand Right of Children to Free and Compulsory Education Rules, 2011	May 11, 2011
	No. 03/S.W.-SCC-48/2006-1882	Oct. 18, 2011
Karnataka	No. ED 27 MAHITI 2012	May 08, 2012
	Answers to Some Questions Appearing in the Minds of Public about the Right of Children to Free and Compulsory Education, 2009 and Rules, 2012.	Revised Dec. 2012
	No. /28/2013-14	Oct. 28, 2013
	No. ED 77 YOYOKA 2010	April 28, 2012
	No. SSA/RTE/Admission 07 /2014-15	Oct. 23, 2014
	No. ED 27 MAHITI 2012	Sept. 16, 2013
	No. ED 27 MAHITI 2012	May 08, 2012

Kerala	G.o.(Ms) No. 158/2013/G.Edn	May 4, 2013
	G. O. (P) No. 100/2011/G.Edn	April 30th, 2011
	G.O.(P) No. 192/2014/G.Edn	Sept. 20, 2014
	G. O. (P) No. 59/2012/SWD	Oct. 04, 2012
	G. O. (P) No. 100/2011/G.Edn	April 30, 2011
Madhya Pradesh	No./ Rashike/RTE/2013/394	Jan. 16, 2013
	No. F-44/9/2011/ 20-2	March 26, 2011
	No. F 44-22-2013-XX-2	Sept. 27, 2014
	No. F-10-29-06-L-2	Dec. 22, 2007
Maharashtra	No. PRE-2012/CR-112/PE-1.	March 15, 2013
	No. PRE 2012/CR 74/PE 1.	May 24, 2012
	No. PRE-2010/C.R-211 (B)/PE-1.	Oct. 11, 2011
	No. RTE.2014/C.R.45/S.D.-1	May 15, 2014
Manipur	No. 30/39/10-SE(S)	Oct. 21, 2010
	No. 53/1/2014-SE(S)	Feb. 18, 2014
	No. 9/25/2009-S(SW)Pt.	Nov. 02, 2012
Meghalaya	No. EDN/RTE-297/11/64	Aug. 08, 2013
	No. EDN/RTE-237/2011/2-25	Aug. 01, 2011
	No. EDN/RTE/220/2011/49	Feb. 02, 2012
Mizoram	The Mizoram Right of Children to Free and Compulsory Education Rules, 2011	
	No. B.17011/14/2002-EDN	Sept. 13, 2010
Nagaland	No. EDS/16-34/2009(PT-III)	March 21, 2011
	No. SSA/NAGA/8/RTE/2010-11	Aug. 19, 2013
	No. SW/JUV/PCR-11/2008	April, 2013
Odisha	No.22655/SME II-SME(A)51/2010	Dec. 18, 2010
	Renewed Role and Functioning of Private Schools in the Context of RTE Act, 2009	
	No. II-SME/A-11/10(pt) - 17291/SME	Sept. 27, 2010
	No.16624/SME II-SME-B-18/2012	July 05, 2012
	No. 5831/11 SME (B).26/2012	March 20, 2014
	No.2250/SME II-SME-(B) 67/2013	April 26, 2013
Punjab	No.2/4/10-2 C7/8770 Education -7/2010/	Nov. 18, 2010
	Office of the Director General of School Education-cum-State Project, Director of Sarva Shiksha Abhiyan Authority, Punjab (letter following the Notification No.GSR. 69/C.A.35/2009/S.38/2011	Oct. 10, 2011
	No. GSR. 69/C.A.35/2009/S.38/2011	Oct. 10, 2011
	No. 5/1/2006-ISS/916	April 15, 2011
Rajasthan	No. F.21(19)Edu.-1/E.E./2009	March 29, 2011
	Guidelines for admissions for private schools (applicable for session 2014-15)	
	No. Pa.21(19)Shiksha-1/Prashi./2009	March 31, 2011
	No. P.9(1)Shiksha-5/2010 Part.	Oct. 31, 2011
	No. F.21(19)Edu.-1/E.E./2009	February 25, 2014
	No. F.21(19)Edu.-1/E.E./2009	March 29, 2011
Sikkim	No. 06/GEN/ADM/HRDD	August 09, 2010
	No. 452/SPO/SSA/HRDD	

Tamil Nadu	G.O.(Ms) No. 174, School Education Department	Nov. 08, 2011
	G.O.(Ms) No. 60, School Education Dept	April 01, 2013
	G.O.(Ms) No. 180, School Education Department	Nov. 15, 2011
	G.O.(Ms) No. 173, School Education Dept	Nov. 08, 2011
	G.O.(Ms) No. 206, School Education Dept	Dec. 02, 2014
	G.O.(Ms) No. 202, Social Welfare and Nutritious Meal Programme (SW 8) Department	June 27, 2012
Tripura	No. F.13(3-60)-SE/GL-I/2011(V-II)	Nov. 29, 2011
	No. F.13(3-60)-SE/GL-I/2011(V-II)	Dec. 01, 2011
	No. F.13(3-60)SE/GL-I/2011(Vol-IV)	Nov. 25, 2011
	Right of Children to Free and Compulsory Education Rules (Tripura), 2011	
	No. F.87(1-21)/CW/DSWE/2006(1)..37	Nov. 30, 2013
Uttar Pradesh	No. 3087(1)/79-5-2012-29/09T.C.-II	Dec. 03, 2012
	No. -538/79-6-2013	June 20, 2013
	No. 33577-926/2014-15/	Jan 6th, 2015
	No. 2510/79-5-2011-29/09	July 27, 2011
Uttarakhand	No. 296/XXIV(1)/2011-46/2008	April 07, 2011
	No. 142/XXIV(1)/2012-45/2008T.C.-1	April 02, 2012
	No. 1013 /XXIV(1)/2011-45/2008	Oct. 31, 2011
	No. 1192/XVII(4)/2011/230/10	May 10, 2011
West Bengal	No. 190-SE(Law)/S/1A-01/09	Feb 14, 2011
	No. 323-SE(Law)ES/S/1A-01/2009	March 15, 2012
	No. 3806-SW/JJA-58/11	

## ANNEXURE: 2 NOTE ON CALCULATION OF EXPENDITURE ON TEACHER SALARY

This note explains calculation of per student expenditure on teacher salary for the states of Gujarat, Rajasthan and Uttarakhand. The selection of the states was influenced by a) easy accessibility of the budget documents for these states<sup>81</sup> and b) availability of per child reimbursement amount decided by the state government for the financial year 2012-13.

Calculating total expenditure on teacher salaries involves adding: a) expenditure incurred through the state budget (information available from state budget documents), and b) funds for teacher salaries flowing through SSA (information available from state level planning and budgeting documents). Total expenditure on teacher salary is then divided by total enrolment in government schools to obtain per student expenditure on teacher salary. Total enrolment in government schools for these states is obtained from DISE Analytical tables 2012-13.<sup>82</sup>

According to the acts and notifications of these states, only the schools established, owned and controlled by the state or local governments are to be considered in calculation of per child reimbursement amount. Hence, we have considered the salary expenditure only on the teacher employed in government schools, and excluded salary expenditure incurred on teachers in private aided schools.

### Rajasthan

'Volume 2c, Revenue expenditure: Social services' for the year 2014-15 contains information on expenditure on teacher salaries incurred in financial year 2012-13. Rajasthan classifies its budget according to budget heads. Budget head 2202.01 includes all revenue expenditure incurred by the government toward elementary education. Within 2202.01, we focus only on those minor budget heads which include teacher salary component. These minor heads are 101 (Government primary schools); 103 (Assistance to local bodies); 105 (Non-formal education); 196 (Assistance

to district level panchayats); 197 (Assistance to block level panchayats); 796 (Tribal Sub-plan); and 800 (Others). Within these minor heads, there are specific sub-minor heads (indicated in table 1 below) that report expenditure on teacher salary. Summing up all the heads which include the teacher salary gives us the quantum of expenditure on teacher salaries in state treasury. The next step was to add the total expenditure on teacher salary under SSA. This was collected from PAB minutes available on the SSA portal.<sup>XLIII</sup>

Per student salary expenditure for financial year 2012-13 works out to be Rs. 12,241.38.

### Gujarat

Gujarat classifies its budget according to departments. The funds for education are drawn from five departments, namely, a) Education, b) Tribal development, c) Social Justice and Empowerment, d) Sports, Youth and Cultural activities, and e) Urban development and urban housing department. Out of these, only the departments of Education and Tribal development report expenditure on teacher salary which is included under different minor heads. The funds are booked under demand numbers<sup>XLIV</sup> 9 and 96.

**TABLE 1. MINOR AND SUB-MINOR HEADS REPORTING EXPENDITURE ON TEACHER SALARY IN RAJASTHAN**

101		Government primary schools
	01	Balak uchw prathmik
	02	Balika uchw prathmik
	03	Balak prathmik vidyalaya
	05	Prathmik pathshala
	06	Sarvajanic pathshala
103		Local bodies assistance
	92	Sahayarth grant (samvetan)
105		Non formal education
196		District level panchayat assistance
	01	Sthapna
197		Block level assistance
	01	Uchw prathmik vidyalaya (balak)
	02	Uchw prathmik vidyalaya (balika)
	03	Prathmik vidyalaya (balak)
	08	Uchw prathmik vidyalaya(balak) in janjati area
	09	Uchw prathmik vidyalaya(balika) in janjati area
	10	Prathmik vidyalaya ke liye panchayat ko anudan
	11	Prathmik vidyalaya ke liye panchayat ko anudan (janjati area)
796		Tribal sub-plan
	02	Balak prathmik vidyalaya
	04	Balak uchw prathmik vidyalaya
	05	Balika uchw prathmik vidyalaya
	08	Construction of hostels under Tribal welfare development department
800		Other expenditure
	05	Madarsa school
	08	Madarsa board

[xlili][http://ssa.nic.in/pabminutesdocuments/Pab%20Minutes%20201314/Rajasthan/PAB\\_MinutesRajasthan-2013-14%20\\_Final\\_.pdf](http://ssa.nic.in/pabminutesdocuments/Pab%20Minutes%20201314/Rajasthan/PAB_MinutesRajasthan-2013-14%20_Final_.pdf)

[xliv]Each department/ministry submits an estimate of its expenditure and receipts for the year. This is required to be approved by the Legislature and is known as Demand for Grants. The detailed demand for grants have disaggregated information on the type of expenditure incurred.

The minor heads 796 (Tribal area sub-plan), 106 (Teacher and other services) and 800 (Other expenditure) include sub-minor heads that report expenditure on teacher salary. These sub-minor heads are described in table 2 below. Note that we have included only those heads which explicitly mention pay and allowances paid to teachers.<sup>XLV</sup> These figures were then added to arrive at the bulk of expenditure drawn out of the state budget for teacher salary. The next step was to add the total expenditure on teacher salary under SSA.<sup>XLVI</sup> This was collected from PAB minutes for Gujarat available on the SSA portal. Thus we finally arrive at the per-student salary expenditure in government schools, which works out to be Rs. 10,937.28.

**Table 2. Minor and Sub-minor heads reporting expenditure on teacher salary in Gujarat**

Demand number 96		
796		Tribal area sub-plan
	01	Additional teachers for adding enrolment in primary schools
	03	Conservation of single teacher into two teacher schools
	04	Improvement of physical facilities in primary schools
	29	Model school
	33	Incentive for enrolment and retention
	37	District Primary education programme
Demand number 9		
106		Teacher and other services
	01	Practicing schools
	06	Maintenance grant for primary education
800		Other expenditure
	17	Model school

### Uttarakhand

Uttarakhand also classifies its budget department-wise. The funds for education are drawn from three departments, namely, a) Education, b) Sports and Youth development, and c) Scheduled Caste and Scheduled Tribes development. The funds for education are booked under grant numbers 11, 30 and 31 under these departments. But only grant number 11 contains budget heads that include teacher salaries.

Under the budget head 2202.01, the minor head 101 (Government primary schools) contains the sub-minor heads that include teacher salary component. These figures were then added to arrive at expenditure drawn out of the

state budget for teacher salary. The next step was to add the total expenditure on teacher salary under SSA. This was collected from PAB minutes for Uttarakhand available on the SSA portal.<sup>XLVII</sup> Thus, the per-student salary expenditure in government schools works out to be Rs. 16,035.12.

**TABLE 3. MINOR AND SUB-MINOR HEADS REPORTING EXPENDITURE ON TEACHER SALARY IN UTTARAKHAND**

101		Government primary schools
	03	Rajkiya prathamik vidyalaya
	04	Basic shiksha parishad ka rajkiyakaran

### ANNEXURE 3: QUESTIONNAIRE USED TO INTERVIEW SCHOOLS

#### Background

1. Name of the school
2. DISE Number
3. Lowest grade (Entry level class)
4. Highest grade
5. Medium of Instruction
6. When did school start admitting EWS/ DA children? (Year 1)

	Entry level class	Class size at entry level	Number of applications received	Number of children admitted under Section 12(1)(c)
Year 1				a=
Year 2				b=
Year 3				c=

Number of kids admitted in	Number of children after Year 1	Number of children after year 2	Number of children after year 3
Year 1, a=	a1=	a2=	a3=
Year 2, b=	NA	b2=	b3=
Year 3, c=	NA	NA	c3=

[xlvi]Discussion with Mahender Jethmalani (Pathey Budget Centre, Gujarat) was very helpful to arrive at these budget heads.

[xlvi] <http://ssa.nic.in/pabminutesdocuments/Pab%20Minutes%20201314/Gujarat/PAB%20minutes%20Gujarat%202013-14%2005.04.pdf>

[xlvi] [http://ssa.nic.in/pabminutesdocuments/Pab%20Minutes%20201314/Uttarakhand/Final\\_PAB\\_Minutes\\_UTTARAKHAND\\_13\\_14.pdf](http://ssa.nic.in/pabminutesdocuments/Pab%20Minutes%20201314/Uttarakhand/Final_PAB_Minutes_UTTARAKHAND_13_14.pdf)

**Awareness**

1. What steps, if any, were taken by the school to advertise the 25% seat reservation?
2. What measures were taken by the government to inform school administration about the new rules/ change in rules?
3. When was the first time you received any communication regarding this law? What was it?

**Preparation/ Documentation**

1. Did the school have any mechanism to provide/ display information to the parents about
  - a. Number of available seats
  - b. Neighbourhood criterion
  - c. Documentation required
  - d. Deadlines for form submission and lottery
2. Language in which information was communicated/ made available
3. How many forms were distributed from your school?
4. Did you maintain a register for form distribution?
  - a. Information post admission - who got enrolled etc

**Ease of access**

1. Did the school take any steps to facilitate form submission for the parents?
2. Does the school have its own admissions form? Does the school provide any assistance to complete forms? Are these different from the forms 75% parents get?
3. Issue of receipts

**Allotment/ Enrolment**

1. How many applications were submitted to the school? Offline and Online?
2. What kind of checking (of forms) happened at the school level? Were some forms rejected?
3. How was the experience in entering school details in the portal?
4. How often did you enter the data in the RTE portal?
5. How were you informed about the students who have got admissions at your school?
6. How are the parents informed about the next steps of the admission process?

**School Support**

1. What is the experience so far with inclusion?
  - a. Socially
  - b. Academically

- c. Administratively
- d. Politically
2. What are the activities/ resources that the EWS parents have to pay for and how much?
  - a. Tuition Fees
  - b. Textbooks
  - c. Uniforms
  - d. Other learning material
  - e. Extra-curricular activities/ Excursions
3. Are the parents restricted about where they buy school items?

**Grievance redressal**

1. Who is the authority responsible for the implementation of the act?
2. Has the school ever approached them with a problem/ complaint or vice versa?

**Monitoring**

1. Does the school make any effort to verify if the documentation of the children is correct?
2. Does the school accept documents from any department or ward? Are there specific wards/offices?
3. Has the school had visits from the education department/ CSO regarding the process of admission, enrolment and inclusion?
4. Who were the members of this verification team?
5. What details/ observations did the team make?
6. What information does the government collect on RTE portal/ any other source?
  - a. Tuition Fees
  - b. Cost of textbooks, uniform and other learning material
  - c. Other school charges
  - d. Entry level classes
  - e. Number of available seats
  - f. Applications received
  - g. Neighbourhood
  - h. Name and details of final children and parents enrolled
  - i. Details of children continuing education
7. Any special inclusion effort by the school
8. Have you also filled the DISE form?
9. Are the numbers reported in both the forms identical?

**Reimbursement (Accountability Initiative)**

1. Amount of reimbursement declared by the government in
  - a. Year 1
  - b. Year 2

- c. Year 3
2. Any other verification related to claiming the reimbursement?
  3. Process of claiming the reimbursement
  4. Do you have a separate bank account for receiving reimbursed funds?
  5. Any requirement from the school post receiving reimbursement?
  6. How can the reimbursement process be improved?

### Perception and Challenges

1. Why do you think the govt. introduced this provision for admitting children in private schools for those who cannot afford them?
2. Any suggestions to
  - a. School
  - b. Government

TABLE: FEES CHARGED BY SCHOOL			
Year =>	Year 1	Year 2	Year 3
Class			
Entry class			
Entry class + 1			
Entry class + 2			

TABLE: REQUIRED REIMBURSEMENT			
	Year 1	Year 2	Year 3
Reimbursement for children admitted in Year 1			
Reimbursement for children admitted in Year 2	NA		
Reimbursement for children admitted in Year 3	NA	NA	
Total Reimbursement			
Funds received from the government			

TITLE: AMOUNT AND TIME OF FUNDS RECEIVED				
	1st instalment		2nd instalment	
Year	Funds Received	Month	Funds Received	Month
Y1				
Y2				
Y3				

- <sup>1</sup> Sarin, A., & Gupta, S. (2013). Quotas under RTE: Leading towards and egalitarian education system? Ahmedabad: Indian Institute of Management.
- <sup>2</sup> 2012) 6 SCC 1
- <sup>3</sup> Juneja, Nalini. (2014) "India's New Mandate against Economic Apartheid in Schools." *Journal of International Cooperation in Education* 16, no. 2 pp. 55–70.
- <sup>4</sup> Nalini Juneja. (2005). Education and planning for social integration-Lessons from urban land policy and legislation. *Social Change*, 35(2), 131–140.
- <sup>5</sup> Little, A. W. (2010). Access to Elementary Education in India: Politics, Policies and Progress. University of London, The Institute of Education. CREATE Pathways to Access, Monograph No.44.
- <sup>6</sup> Härmä, J. (2010). School Choice for the Poor?The Limits of Maketisation of Primary Education in Rural India. University of Sussex, Centre for International Education. CREATE Pathways to Access, Monograph No.23.
- <sup>7</sup> Baird, R. (2009). Private Schools for the Poor: Development, Provision, and Choice in India. *Gray Matters Capital*.
- <sup>8</sup> Ministry of Human Resource & Development.The Right Of Children To Free And Compulsory Education Act, 2009, Clarification on Provisions. Retrieved from :[http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Section\\_wise\\_rationale\\_rev\\_0.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)
- <sup>9</sup> Ministry of Human Resource & Development.The Right Of Children To Free And Compulsory Education Act, 2009, Clarification on Provisions. Retrieved from :[http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Section\\_wise\\_rationale\\_rev\\_0.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)
- <sup>10</sup> Rao, G. (2013). Familiarity Does Not Breed Contempt: Diversity, Discrimination and Generosity in Delhi Schools. Job Market Paper, University of California, Berkeley, Department of Economics.
- <sup>11</sup> Rao, G. (2013). Familiarity Does Not Breed Contempt: Diversity, Discrimination and Generosity in Delhi Schools. Job Market Paper, University of California, Berkeley, Department of Economics.
- <sup>12</sup> Anand, G. (2011, June 04). "Class Struggle: India's Experiment in Schooling Tests Rich and Poor". *The Wall StreetJournal*.
- <sup>13</sup> District Information System for Education. "Elementary Education in India. Progress Towards UEE. Flash Statistics" Retrieved from: <http://dise.in/Downloads/Publications/Documents/Flash%20Statistics2013-14.pdf>
- <sup>14</sup> District Information System for Education. "2013-2014 Raw Data." Retrieved from: <http://schoolreportcards.in/SRC-New/Default.aspx>
- <sup>15</sup> Pratham Education Foundation. (2013). Annual Status on Education Report, 2013. ASER Center.
- <sup>16</sup> Kahlenberg, R. D. (2013). "From All Walks of Life: New Hope for School Integration". *American Educator*, 36 (4), 2-7, 10-14.
- <sup>17</sup> Kahlenberg, R. D. (2013). "From All Walks of Life: New Hope for School Integration". *American Educator*, 36 (4), 2-7, 10-14.
- <sup>18</sup> (1992) 3 SCC 666.
- <sup>19</sup> (1992) 3 SCC 666, paras 11-12.
- <sup>20</sup> Adopted on 20 November 1989, entered into force on September 2nd, 1990, 1577 UNTS 3.
- <sup>21</sup> (1993) 1 SCC 645.
- <sup>22</sup> RTE Act, Statement of Objects and Reasons, para 4.
- <sup>23</sup> Society for Unaided Private Schools of Rajasthan vs Union of India, (2012) 6 SCC 102.
- <sup>24</sup> Constitution of India, Article 19(6).
- <sup>25</sup> Society for Unaided Private Schools of Rajasthan vs Union of India, (2012) 6 SCC 102, para 33.
- <sup>26</sup> Society for Unaided Private Schools of Rajasthan vs Union of India, (2012) 6 SCC 102, para 36.2.

<sup>27</sup> RTE section wise rationale, p7.[http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Section\\_wise\\_rationale\\_rev\\_0.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)

<sup>28</sup> Vinod Raina, 'On RTE, Set the Record Straight', The Indian Express (May 25, 2012) <<http://archive.indianexpress.com/news/on-rte-set-the-record-straight/953538/0>> accessed on October 27, 2014.

<sup>29</sup> RTE section wise rationale, p 8.[http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Section\\_wise\\_rationale\\_rev\\_0.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)

<sup>30</sup> 2013(4) BomCR 194, paragraph 51.

<sup>31</sup> RTE Act, section 38(1).

<sup>32</sup> Maharashtra Rule 6(b).

<sup>33</sup> RTE Act, section 32 (1) and (2).

<sup>34</sup> Advisory of MHRD New Delhi F No: 1-18/2010-EE4 dated: 14-02-2012.

<sup>35</sup> RTE Act, section 32(3).

<sup>36</sup> RTE Act, sections 18, 19, 25.

<sup>37</sup> RTE Act, Section 12.

<sup>38</sup> Commission for Protection of Child Rights Act, 2005, section 24 read with section 15.

<sup>39</sup> M Abhimanyu v Government of India, (2012) 5 MLJ 383 (Madras High Court).

<sup>40</sup> Abdul Jabbar Butt v State of J&K, AIR 1957 SC 281.

<sup>41</sup> S Sundaram Pillai v VR Pattabiraman, AIR 1985 SC 582.

<sup>42</sup> Maulavi Hussein Haji Abraham Umarji v State of Gujarat, (2004) 6 SCC 672, para 21.

<sup>43</sup> RTE Act, Section 12(1)(c).

<sup>44</sup> RTE Act, Section 12(2).

<sup>45</sup> RTE section wise rationale, p5.[http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Section\\_wise\\_rationale\\_rev\\_0.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)

<sup>46</sup> (2012) 6 SCC 1.

<sup>47</sup> RTE Act, section 1(4).

<sup>48</sup> Society for Unaided Private Schools of Rajasthan vs Union of India, (2012) 6 SCC 1 (Rajasthan Schools case); Pramati Educational and Cultural Trust v Union of India, 2014 SCC Online 427 (Pramati case).

<sup>49</sup> Constitution of India, Article 30(1).

<sup>50</sup> D.A.V College v. State of Punjab (II), AIR 1971 SC 1737.

<sup>51</sup> T.M.A Pai Foundation v. State of Karnataka (2002) 8 SCC 481, para 181

<sup>52</sup> National Commission for Minority Educational Institutions Act, 2004, Section 2(g).

<sup>53</sup> Islamic Academy vs. State of Karnataka AIR 2003 SC 3724, paragraph 13.

<sup>54</sup> RTE Act, Statement of Object and Reasons.

<sup>55</sup> Islamic Academy vs. State of Karnataka AIR 2003 SC 3724, paragraph 189.

<sup>56</sup> Islamic Academy vs. State of Karnataka AIR 2003 SC 3724, paragraph 189.

<sup>57</sup> St. Stephen's College vs. University of Delhi AIR 1992 SC 1630, paragraph 65.

<sup>58</sup> P.A. Inamdar vs. State of Maharashtra (2005) 6 SCC 537, paragraph 95.

<sup>59</sup> RTE Act, Sections 2(n) (ii) and 2(n) (iv).

<sup>60</sup> [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/MinutesNMCME-05032012.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/MinutesNMCME-05032012.pdf) accessed on November 12, 2014.

<sup>61</sup> Maulana Azad Sehat Scheme, funded by the MAEF.

<sup>62</sup> P.A. Inamdar vs. State of Maharashtra (2005) 6 SCC 537, paragraph 94.

<sup>63</sup> RTE Act, Statement of Objects and Reasons.

<sup>64</sup> RTE Act, Section 12(1)(c).

<sup>65</sup> RTE Act, section 10.

<sup>66</sup> Child Labour (Prohibition and Regulation) Act, 1986, section 3.

<sup>67</sup> Published in the Gazette of India on August 29, 2009

<sup>68</sup> Pratham Education Foundation. (2013). Annual Status on Education Report, 2013. ASER Center.

<sup>69</sup> Government of Rajasthan, Department of School and Sanskrit Education. (October 31, 2011). Determination of Admission Process in All Private Educational Institutions as per the Provisions of the RTE, 2009 - Regarding, Rajasthan.

<sup>70</sup> Directorate of Elementary Education Rajasthan, 2012-13, Retrieved from <http://dee.raj.nic.in/Office/RptAdmissionTypeState.aspx>

<sup>71</sup> Pratham Education Foundation. (2014). Annual Status on Education Report, 2014. ASER Center.

<sup>72</sup> Government of Maharashtra. School Education and Sports Department. (March 15, 2013). Notification No. PRE-2012/CR-112/PE-1. Maharashtra: Government Central Press.

<sup>73</sup> Chockalingham, S. (September 24, 2014). (A. Dongre, Interviewer) Mumbai, Maharashtra, India.

<sup>74</sup> Temkar, Mr. (September 25, 2014). (A. Dongre, Interviewer) Mumbai, Maharashtra, India

<sup>75</sup> User Manual for School Principals for Registration of Schools retrieved from [http://filesserver.mkcl.org/RTE/OasisModules\\_Files/Files/15.pdf](http://filesserver.mkcl.org/RTE/OasisModules_Files/Files/15.pdf)

<sup>76</sup> User Manual for Parents / Guardians Online application process for student seeking admission retrieved from [http://filesserver.mkcl.org/RTE/OasisModules\\_Files/Files/21.pdf](http://filesserver.mkcl.org/RTE/OasisModules_Files/Files/21.pdf)

<sup>77</sup> Pednekar, P., Maharashtra Gov't Plans Changes To RTE Admission Process, Jan 5, 2015. Retrieved from <http://www.hindustantimes.com/india-news/maharashtra-govt-plans-changes-to-rte-admission-process/article1-1303485.aspx>

<sup>78</sup> Padma, M Sarangapani, R Mukhopadhyay and A Namala (2014): "Inclusion of Marginalised Children in Private Unaided Schools under the Right of Children to Free and Compulsory Education Act, 2009", Oxfam India.

<sup>79</sup> Sarin, A., Gupta, Swati. (2014). "Quotas Under the Right to Education. Not Leading Towards an Egalitarian Education System". Economic and Political Weekly, XLIX (38), 65-72.

<sup>80</sup> Heckman, James J (2011). "The Economics of Inequality: The Value of Early Childhood Education." American Educator, XXXV (1), 31-35.

<sup>81</sup> Rajasthan state budget: <http://finance.rajasthan.gov.in/aspfiles/statebudget.aspx>  
Gujarat state budget: <http://financedepartment.gujarat.gov.in/Budget.html>  
Uttarakhand state budget: [http://budget.uk.gov.in/pages/display/101-budget\(2014-15\)](http://budget.uk.gov.in/pages/display/101-budget(2014-15))

<sup>82</sup> District Information System for Education (DISE), covers both primary and upper primary schools of all 662 districts of the country. Report available online at <http://www.dise.in/AR.htm>.

