

**Suggestions on**

**Some Inputs for**

**Draft National Education Policy 2016**

**Submission to**

**Ministry of Human Resource Development**

**Government of India**

**By**

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## Strong Demand and Hunger for Success

Education, skills and employment must be at the core of our governance if we are to end discrimination by birth, eradicate poverty and achieve sustained high economic growth. The Draft National Education Policy 2016 envisions a credible education system capable of ensuring inclusive, quality education producing young people equipped with knowledge, skills, attitude and values required to lead a productive life and participate in the country's development process. The Draft Policy has correctly identified the challenges confronting school education such as high dropout rates, poor learning outcomes, lack of trained educators, inadequate institutional arrangements to support vocational and technical training programmes, the disconnect between school and higher education and rampant commercialization of education.

The policy framework has identified several thrust areas and proposes remedies. We believe the policy needs sharp focus and clear sense of direction. For decades serious efforts have been made to expand and improve education, but the results have been disappointing. We need to understand the root causes of failure, the current trends, and the levers of change that will enable us to remedy the situation. There is great hunger for education and academic and professional success in our society. And yet the supply is woefully inadequate, causing distress to parents and young learners, and imperiling our economic growth and national development.

We need to align the strong demand for quality education with supply side reforms which will address the challenges we face today. In recent years government allocations to school education have increased significantly; and yet outcomes are appalling. More and more parents, many of them from low-income groups, are willing to pay exorbitant sums relative to their incomes and enroll their children in private schools in the hope that they will have a head start. Many of these private schools give parents a sense of choice and control over education; but they fail to impart quality education. The failure of government as well as most of private sector has led to a growing crisis in education. While we need better infrastructure, more teachers, higher wages and much else, they alone will not transform our failing school education. We need a clear

headed, evidence-based approach focused on evaluation of outcomes, parental choice, competition between various providers, community ownership and participation, flexibility to suit local conditions and strong and effective instruments of accountability and self-correcting mechanisms.

The suggestions outlined in this paper are evidence-based drawing upon the best practices in India and elsewhere, and adapting them to suit our requirements. The vast enterprise of school education in India deals with nearly 200 million children in government and private schools. If all children are retained in schools up to 12<sup>th</sup> grade, the number may exceed 300 million. In such a vast system, it is difficult to improve quality of supply by government fiat and budget allocations alone, especially given the prevailing culture of neglect, apathy and lack of accountability. The most promising fact about our education is the enormous hunger for education in all sections of society as seen from the great sacrifices parents are willing to make for their children's schooling. Our society cherishes and celebrates educational 'success'; the children, parents, school managements and media lionize ranks, marks and selection in competitive examinations for entry into colleges and universities. The crucial challenge is to redefine 'success', alter incentives, measure outcomes and make all stake-holders partners in the quest for real 'success' and quality outcomes. This redefinition of success and its measurement must be the central feature of meaningful public policy that will improve school education and give hope and opportunity to millions of children whose potential remains unfulfilled now.

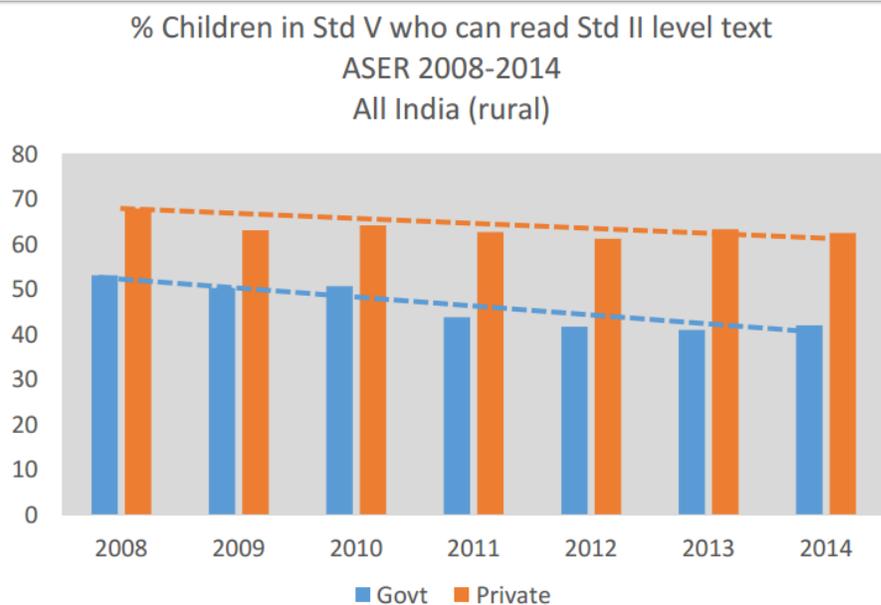
## I - Learning Outcomes

The purpose of schooling is to help the child fulfil her potential. The ability to read, comprehend and use language to communicate facts and ideas; the ability to understand numbers, do simple arithmetic operations and apply those skills for problem solving; and the ability to grasp concepts, analyze facts, apply simple reasoning, and derive reasonable conclusions are the three most vital skills a child learns in early schooling. These skills acquired in the first 4-5 years of schooling prepare the child for the rest of school education. In higher grades (Classes VI to XII) the youngster builds on the early foundations, grasps more involved concepts and ideas, learns problem solving techniques, acquires an understanding of society, state and citizenship, and develops a personality and value system that allow him to be a harmonious and productive member of society. All the inputs in school education – budget, infrastructure, teachers, text books, various measures to improve enrollment and retention – are aimed at giving a real opportunity to every child to fulfil her potential.

The report of the Committee for Evolution of New Education Policy (CENEP) rightly highlights the findings of ASER Surveys of Pratham and National Achievement Surveys (NAS) of NCERT in Section 3.5 (b). The surveys repeatedly show that enrollment of children in the age group of 6–14 years has shown a remarkable improvement in the last decade. The 2014 ASER survey in rural India shows that 96.7% of 6-14 years children are enrolled in schools (government or private), the sixth year in a row that enrollment rates have been 96% or above. The government has spent enormous additional sums over these years for school education. However, *“half of all children in Class 5 have not yet learned basic skills that they should have learned by Class 2. Close to half of all children will finish eight years of schooling but will still not have learned basic skills in arithmetic.”* (para 3.5.20 of CENEP report). The report further points out (3.5.22) *“.... NAS confirms the findings from a number of other studies such as ASER, Educational Initiatives etc. and **identifies poor learning outcomes as the biggest challenge facing Indian education.** Poor quality of learning at the primary school stage naturally spills over to the secondary stage, where the gaps get wider; and*

*continues to the college years, leading to very poor outcomes in the higher education sector”.*

These stark outcomes have extremely serious consequences to the future of our society, economy and global competitiveness. In the PISA survey (Programme for International Students’ Assessment) conducted by OECD, India ranked very poorly. This is a survey of 15-year olds (roughly 10<sup>th</sup> Class level) focusing on language comprehension and communication, simple mathematical skills and their application;

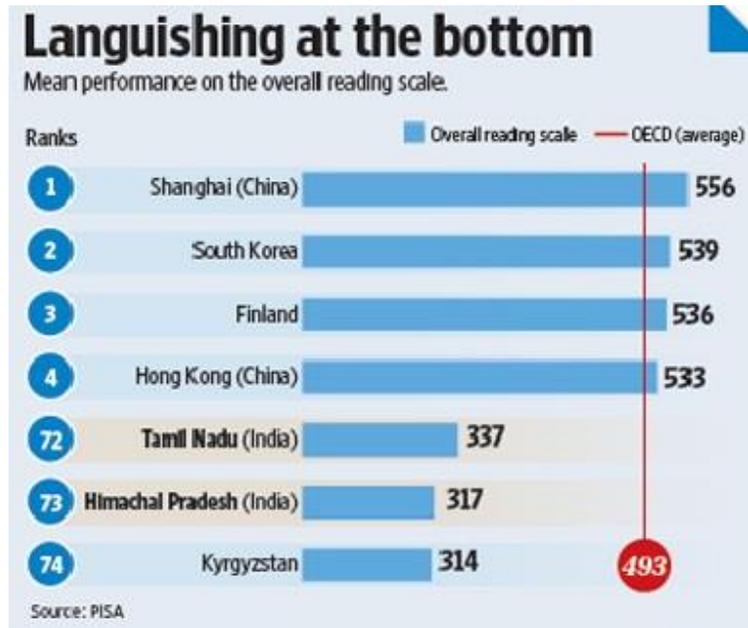


and logical framework and the ability to derive conclusions from known facts. In other words, PISA survey focuses not on rote learning, marks and ranks, but on real ability and

education as a tool to fulfil human potential and make the youngster a productive human being. Two of India’s best performing states, Tamil Nadu and Himachal Pradesh participated in PISA survey in 2009 among 74 entities comprising all OECD countries and a sizeable number of emerging economies. Indian states ranked 72<sup>nd</sup> and 73<sup>rd</sup> respectively, with only Kyrgyzstan ranked below them. The response of the government was stunning and revealing. India withdrew from further participation in PISA! The rational and fruitful response would be recognizing deficiencies, taking corrective action, exposing ourselves to global standards and comparison, and focusing on constant improvement. Retreating into our own cocoon and repeating old clichés and failed approaches has done immense harm to the future of tens of millions of our children, and is undermining our quest for economic growth and emergence as a major global player.

This unwillingness and inability to focus on outcomes and measure ourselves by global standards needed in a modern economy is at the heart of the crisis in school education.

Enrollment cannot get much better than 96.7%. Given our fiscal compulsions, budgetary allocations cannot see a quantum jump. At nearly 4% of GDP, we are deploying considerable resources to school education. A 6% allocation would be welcome; but given the competing demands for resources allocation for healthcare, courts, police, infrastructure and other critical



areas of basic governance, there is no fiscal room for 6% public expenditure. The focus should be to maximize outcomes and make current expenditure productive. Then, and only then, will the tax payers be willing to bear additional burden to spend more for public education.

So far, our education policies and Right to Education Act, 2009 (RTE) have singularly failed to address the challenge of outcomes of school education, and giving the best value to society for the money spent on education. In fact RTE expressly banned examinations and meaningful evaluation with misplaced sense of idealism. While the examination/evaluation should not subject the child to undue stress, absence of evaluation and measurement of outcomes is a recipe for failure. Provisions to admit a child in an age-appropriate Class without reference to learning levels, prohibition on examinations, automatic promotion to next higher Class irrespective of learning – all these portray the utter disregard for the future of the bulk of the children who have no family background or wealth to pursue real quality education in high-end private schools, or a few well-managed central schools, Navodaya Vidyalayas and residential schools.

## **Measures to Improve Learning Outcomes**

Both the CENEP report and governments inputs for Draft NEP, 2016 rightly emphasize the need for restoration of detention system and examinations from 6th grade onwards. Identification of academically weak students and providing remedial instruction are rightly among other proposed measures. In line with this approach, we propose five specific measures to make measurement of outcomes as the most critical tool to improve quality of school education.

### **1. Examination System**

From 6<sup>th</sup> grade onwards (upper primary and secondary levels) there should be a regular, stress-free, meaningful examination system focusing on measurement of basic educational skills, grasp of concepts and application of knowledge. In order to minimize stress and rote learning, the tests should be on the following lines.

- a) Questions should be aimed at measuring understanding and application of knowledge
- b) There should be several examinations in a year. One method could be an objective type test examining the topics covered every month. In addition, there should be quarterly, half-yearly and annual examinations covering cumulative syllabus, with objective type questions as well as those requiring narrative answers.
- c) There should be a remedial instruction – topic-wise, based on monthly and quarterly tests to give an opportunity to the child to catch up.
- d) A final evaluation should be made based on performance in all the examinations – not merely a single annual examination, and only those children who meet satisfactory standards of learning should be promoted to the next grade.

### **2. Inspection and monitoring**

Significant sums are allocated for infrastructure and teachers' wages, and very little attention is devoted to inspection and monitoring of schools, and timely guidance and remedial action.

- a) At least 10% of the total personnel and wage cost should be deployed for inspection, monitoring, guidance and remedial action including teacher-training.
- b) There should be random inspection of schools covering every school at least once in a quarter, and assessing the teachers' performance, and learning outcomes in the school. These inspections should not be punitive, but should be aimed at identifying deficiencies, guiding teachers and taking remedial action.
- c) There should be a more elaborate annual inspection by a team of inspectors covering all Classes and all teachers and assessing their performance.
- d) There should be a District Cell with effective supervision of all inspection and monitoring. The best teachers with good track record in teaching and school administration should be recruited to the inspection and monitoring cell. The cell should be closely linked to teacher training, examination board and District level education authorities so that all sub-systems function harmoniously with common purpose.

### **3. Independent Testing Boards for Random Testing**

A separate Testing Board should be created at the State level with divisions in each district. The Testing Board should be entrusted with three tasks:

- a) Random testing of children in schools so that there can be independent assessment of overall standards of schools and outcomes subject-wise at appropriate grade levels.
- b) Testing of private schools to measure overall outcomes and make objective, verifiable recommendations about accreditation.
- c) Conduct examinations – monthly, quarterly and annually. These examinations should be decentralized with papers set at district level, but conforming to state and national criteria of learning levels.
- d) Conduct State level examinations at appropriate levels – say 7<sup>th</sup> grade and 10<sup>th</sup> grade, with external evaluation of answers.

#### **4. There should be an Independent National Testing Board to perform following functions:**

- a) Testing of schools run by Government of India and its agencies.
- b) Accreditation and testing of private schools affiliated to national boards.
- c) Guidance and expert advice to State Testing Boards.
- d) Conduct of National Common Tests at appropriate levels – say X Class and XII Class as per agreement with States.

As far as practicable, at the time of leaving school and before admission to university, there should be a common national test which becomes the main channel of measurement of outcomes. This can be independent of, and separate from, the school leaving examination conducted by State Boards. This national testing would be roughly equivalent to SAT, ACT and other tests in the US and other countries, and will form the basis of admission to university. We therefore strongly endorse the examination recommendations of CENEP in Section 9.21.6, in particular the National Level Test recommended after Class XII for university admission.

#### **5. International Comparisons and Global Testing**

If we are to prepare our children for the nation's needs and emerge as a major nation in global comity, we need to expose them to global comparison and competition. This exposure gives us many advantages. We can measure our outcomes relative to other nations; remedial action can be taken on a continuing basis to improve our curriculum, delivery and evaluation; we can identify global best practices and adapt them to our benefit; and we can sensitize our society to global standards and practices and build public opinion for constant improvement. Given the enormous demand for quality education in our society, and the many celebrated examples of global success from our society, India is well-placed to benefit from global comparison and competition.

Therefore Indian states – preferably all states – should participate as separate entities in global assessment of educational outcomes like PISA. India should take a

policy decision to participate in all such global surveys of students' assessment, and constant efforts should be made to improve our own testing methods and educational standards.

In our considered judgement, the most vital and effective instrument available to the government at least cost to improve outcomes swiftly is measurement and monitoring. As explained above, our demand side is very strong. We are a vast unwieldy system, with parents and stakeholders having little voice. Especially those who are poor or semi-literate are disempowered as they have no real understanding of how much their children are benefiting from schooling. They can easily understand 'success' as measured by examinations. Absence of examinations, and where examinations exist, poorly designed tests promoting mindless rote learning and inflated grades have played havoc with our education system. Most parents and society are helpless as their demand is not translated into supply of quality education. Teachers, managements, educators, policy makers – all have become victims of a vicious system that fails to measure real educational outcomes. Once this is set right and desired outcomes are rationally and objectively measured, all the stakeholders and indeed the whole society will reorient themselves and deliver the best possible outcomes. That is why the greatest attention needs to be paid to measurement of outcomes and monitoring of schools.

## **II - Consolidation of Schools**

For a long time government and education policy makers emphasized the need to establish a school within a short distance from the residence of the child. The concept of neighbourhood school, and a school within 300–500 metres distance from a dwelling have been integral to our thinking in education sector. Accordingly, Sections 6, 8 and 9 of RTE mandate that a school shall be available in the vicinity within the distance prescribed by law and rules. This approach has led to many grievous consequences.

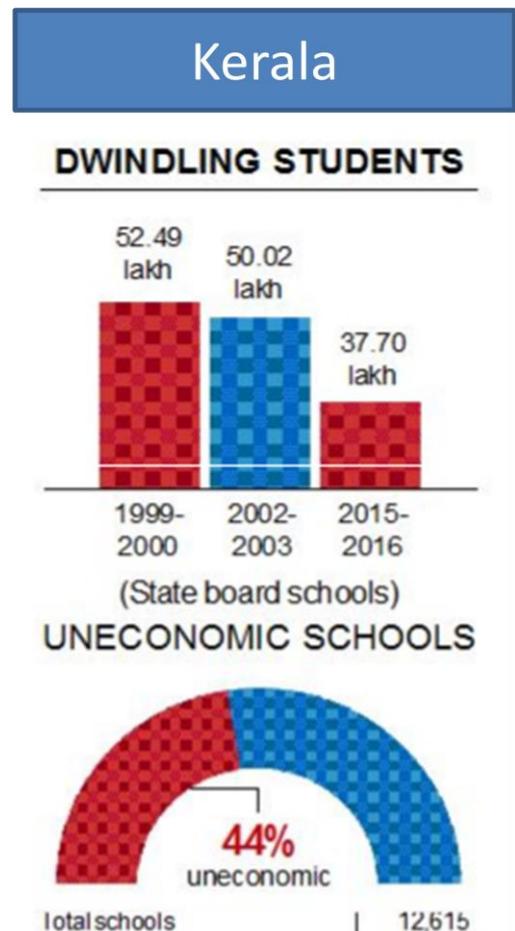
Even now, about 1.5 lakh schools catering to 80 lakh children, 10% of all government schools in the nation, have only one teacher. There is neither monitoring nor attention

focused on these schools. If a teacher is absent, the school remains shut. If even RTE norms are applied, these schools should have been shut.

According to NUEPA<sup>1</sup> report, out of the nearly 14 lakh elementary schools, more than 4.6 lakh (32.3%) schools have enrollment of fewer than 50 children. The report of CENEP (para 6.1.3) refers to DISE data for 2014-15 and states that 33% of all schools have fewer than 50 students, 54% have fewer than 100, and 77% have fewer than 200 students. The report says, “*The preponderance of small schools not only affects quality of teaching and learning, but also makes school education inequitable, and expensive in terms of per pupil expenditure. Such schools are neither academically nor financially viable*”

Even in the densely populated Kerala, 44% of all schools (government and private) have fewer than 25 students, and are deemed to be uneconomic.

Evidence all over the country shows that schools with over 150-200 students, at least 5 Class rooms and teachers and an institutional environment and minimum infrastructure tend to perform better. In many states, high schools (Class 6 – 10) tend to perform better than primary schools because of economies of scale, institutional environment and better attention and monitoring.



<sup>1</sup> Elementary Education in India - Progress towards UEE 2014-15

Keeping these facts in mind, the draft NEP in para 4 proposes merger and consolidation of schools in consultation with schools. We strongly endorse this proposal. However, this may need amendment to RTE Act. But more importantly, broad national guidelines and replication of best practices are crucial. It is preferable that a primary school should have at least 100 students, and high school should have at least 300 students. Teachers and facilities can be rationalized to meet requirements of the consolidated schools.

The argument that proximity is more important than quality and scale should be rejected based on past experience. As a general rule, larger schools are more economical and children learn better and outcomes are superior. Also, increasingly even the rural poor are preferring to send their children to distant private schools by bus or other means of transport, despite the availability of a government school at door step. Clearly scale, attention and outcome are far more important than proximity.

However, while implementing this policy, it is desirable to give a transport subsidy of, say Rs. 150 per month, if the school is, say more than 3 Kms from home. Such a support will make consolidation of schools easier, and at a low cost and minimal effort monitoring and outcomes will improve significantly.

### **III - Medium of Instruction**

One of the intractable challenges of Indian school education is the medium of instruction. In terms of language teaching, the three-language formula has by and large been accepted and implemented, and this has served to strengthen our federalism immeasurably in a complex, multi-lingual nation. But given our colonial history, fascination for English, a perception that English education is a passport to the future, an upper class bias for English-speaking, global television and internet, and inadequate development of Indian languages for teaching at higher levels, the issue of medium of instruction is a complex and difficult one even at school level.

World over it is well-recognized that a child will grasp concepts and learn quickly and efficiently if she is taught in the first few years in a language in which she communicates with family and peers. In most cases, the mother tongue is such a language of interaction. Therefore there cannot be any dispute that at primary level, upto Class V, medium of instruction must be the mother tongue. The report of CENEP (Section 6.13) rightly reiterates such a policy.

However, as the child reaches upper primary and high school level (Classes 6 -12), the issue becomes complex and difficult. There is increasing preference of parents and society for English as a medium of instruction. Almost all elite and high-income families and most middle classes send their children to English-medium schools. As a general rule, government schools at state level do not offer English-medium education. As a result, there is greater migration to English-medium private schools of indifferent quality. Often in these schools a non-English knowing teacher teaches a non-English knowing student in English. The results are farcical if they are not tragic.

Education policy needs to recognize the social realities of India and address this challenge honestly and creatively. Medium of instruction should not be seen as a cultural issue. It should be treated as a purely academic issue, and we should design systems that benefit children most in the given circumstances. Clearly, at primary school level, mother tongue should be the medium of instruction, while English should be taught as a language from early schooling. From Class 6 onwards, a lot more flexibility and creative approach are needed.

Andhra Pradesh and Telangana are probably the only two states where government schools offer both Telugu and English medium Instruction in Classes 6–10 parallelly.

<b>AP and Telangana – Enrollment in Government Schools (Class 6 – 10)</b>				
Year	State	No. of students enrolled in English medium	No. of students enrolled in Telugu medium	No. of students enrolled in Other mediums
2013-14	Telangana	1382838	1300187	81905
2013-14	Andhra Pradesh	1494288	1763792	35215

*Source: Educational Statistics, Sarva Siksha Abhiyan 2013-14*

This offers us a controlled environment to understand the impact of medium of instruction on educational outcomes from Class 6 onwards. No serious, credible study has been undertaken in these two states comparing the outcomes and linking them with medium of instruction. However, anecdotal evidence shows that the students of English medium Classes are doing better or at least as well as Telugu medium students. This may be because there is a selection bias and the more motivated and better performing children and their parents are opting for English medium, and their outcomes are better irrespective of the language. At the very least results so far seem to show that if the option of English medium is introduced with flexibility, it may offer the advantages of free and quality education in government schools, and many more children may be retained.

The following features may be considered while offering English medium.

- Up to Class V, the medium should be mother tongue.
- English as a language should be taught at least for a few years in primary school.
- From Class VI, the option of English medium should be offered wherever feasible.
- Up to Class VIII, the teaching should be bilingual and flexible, with emphasis on understanding, not English language.
- Teachers should be adequately trained on a continuing basis to cope with teaching in English.
- From Class IX, there should be greater use of English in teaching, so that students are fluent and comfortable in English by the time they leave school.
- Examinations should be designed and evaluated in a flexible manner to facilitate a slow switch from mother-tongue to English as medium of instruction.

## IV - Public-Private Partnership

Over the decades, public policy and law have largely ignored, or even been hostile to, private school education. In some states, the system of 'aided' schools has been in vogue. In almost all such cases, teachers' posts are admitted for grants-in-aid, and the salary of the teacher is paid by the state. Such a practice has declined over time, and the share of aided teachers' posts is declining with expansion of public schools and recruitment of more and more teachers in government. The RTE largely treated private education with hostility, and a stern license-control raj has been established. Given our conditions and the failure of attention to outcomes, the statutory regulation of private schools has become a source of corruption and nuisance value, rather than a means of encouraging better performance.

There has been no serious effort to understand the growing popularity of private schools, and to enlist their effective participation in imparting quality education to all children. The well-meaning Section 12(1)(c) mandating compulsory admission of 25% of children in private schools from disadvantaged sections has largely remained symbolic, with little real impact. Real demand for these 25% reservations exists only in high-end prestigious schools. The managements of these schools have in many cases successfully employed delay tactics to make this provision inoperative, or the governments have not exhibited the political will to enforce compliance of these elite schools. In any case, these seats in high-end schools account for only a small, insignificant fraction of children enrolled in schools in any given year.

A comprehensive, pragmatic, viable policy is needed to enlist participation of private sector to ensure quality education for all children. There are five compelling reasons which make participation of private sector in school education a win-win solution to the children, public exchequer, parents and society.

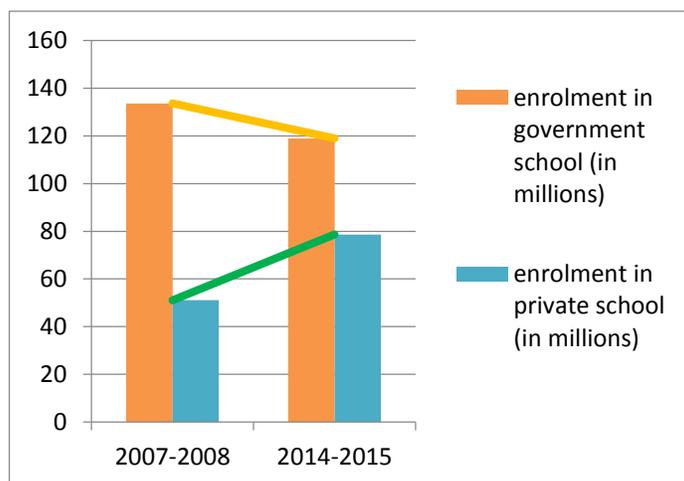
### **1. Enrollment Trends – Migration to Private Sector**

In elementary education (Classes 1 to 8), there is a clear trend of decrease in public school enrollment and increase in private school enrollment. Even as overall enrollment

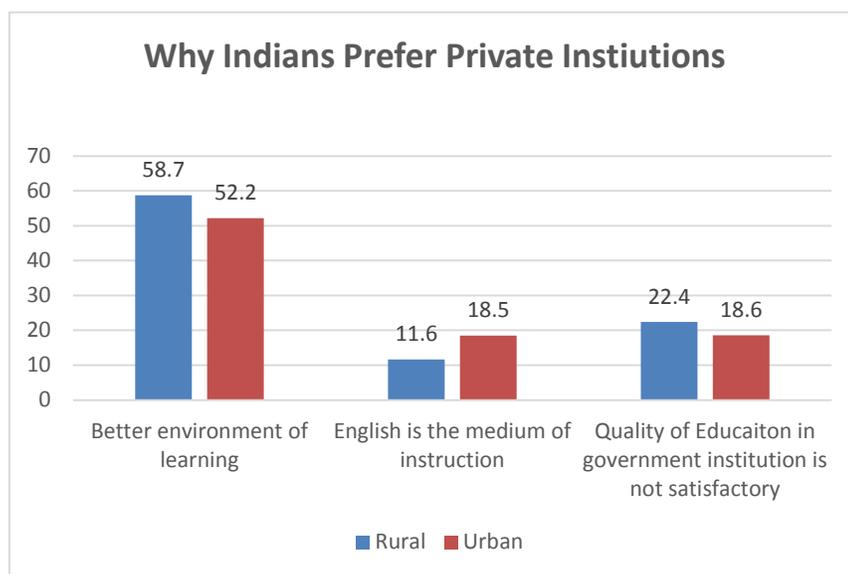
has increased over the decade from 2006 and has reached record levels, there is a pronounced shift towards private schools. Enrollment in government schools which stood at 133.64 million in 2007-08 has decreased to 118.97 million by 2014-15, an absolute decline of 11%! During the same period, private school enrollment has increased from 51.08 million to 78.66 million, an absolute rise of 54%! During this period, the share of government schools in enrollment fell from 72.34% to 60%, whereas the share in private sector rose from 27.65% to 40%! This unmistakable trend is visible in most parts of India, and has continued unabated despite vast additional sums spent on school education during this period (almost Rs. 300,000 crore). Even as public expenditure on school education rose significantly, parents are voting with their feet by deserting government schools!

As the ASER reports point out, even in rural areas enrollment in private schools among 6-14 yr olds has gone up to 30.8% in 2014. Most children that contribute to net addition to private school enrollment belong to poor families. Despite free government school in the vicinity and free midday meal programme, many poor parents are opting for a low end private school involving out-of-pocket expenditure for tuition fee and transport costs.

Recent NSS reports suggest that better learning environment (59% rural and 52% urban), unsatisfactory government school (22% rural and 19% urban) and attraction of English medium (12% rural and 19% urban) are the main reasons cited by the parents for this preference to private schools.



Source: U-DISE, 2014-15



Source : *National Sample Survey Organisation (as cited by Indiaspend)*

## 2. Government's Fiscal constraints

World over, governments spend about 6-8% of GDP on education. As the CENEP report points out (Section 5.7), public expenditure in India is about 3.5 to 4% of GDP. While higher allocations are desirable, it is unlikely that such allocations will be forthcoming in the foreseeable future, given the fiscal constraints, and the competing demand from sectors starved of resources – healthcare, basic amenities, infrastructure, police, justice etc. In this context, the fact that most of the wealthy and upper middle-class families spend their own money to educate their children in high-end private schools actually reduces the burden on public exchequer. The provision of 25% reservation for government quota in those schools at subsidized tuition is a net gain to state.

In respect of other children from poor and lower-middle class families that go to middle and low-end private schools, the average annual cost of education per child is much lower than in government schools.

Per Capita public expenditure in elementary education (I-VIII)						
State	Enrollments in 2014-2015					Per Capita Expenditure (E/D)
	A	B	C	D	E	
	Total Enrollments <sup>1</sup>	% Enrollment in Government <sup>1</sup>	% Enrollment in private aided <sup>1</sup>	Total enrollments in Govt+Pvt aided	Total Expenditure (2015-16) (in crores) <sup>2</sup>	
Andhra Pradesh	5,934,396	56.76	3.67	35,86,156 (60.43%)	14,962	41,722
Telangana	4,919,190	46.5	2.38	24,00,564 (48.8%)	8,266	34,433
Maharashtra	1,61,72,434	38.37	38.61	1,24,49,539 (76.98%)	40,063	32,180
Gujarat	9,142,451	64.99	2.45	61,65,669 (67.44%)	20,114	32,622
Karnataka	8,345,748	52.25	11.66	53,33,768 (63.91%)	16,204	30,380
Tamil Nadu	9,252,467	44.96	20.62	60,67,767 (65.58%)	20,937	34,505

Source: 1. DISE(Elementary Education in India 2014-15); 2. State Budget Speeches 2015-16

Given these facts, the per child cost of education to government is much lower in private schools than in government schools. If government enrollment decline continues to show a secular trend, the per child cost is going to grow significantly. Therefore it is prudent not to raise spending on government schools, but to ensure quality of private schools and provide for the fees of poor and low income children in them.

### 3. Out-of-Pocket Expenditure – Burden on the Poor

Quality education is a passport to better future and it is a way out of poverty for the most disadvantaged sections of society. However, if poor people lose faith in government schools and are forced to send their children to private schools paying out-of-pocket significant sums relative to their disposable income, it is a cause for great concern. Education, instead of emancipating the poor, has become a great burden driving many families into indebtedness and poverty.

It is therefore necessary for the state to regard its obligation to impart school education to all children as sacrosanct and find ways of doing so irrespective of whether the schools are private or government-managed. The quality of outcomes and per child cost should be the key considerations, rather than ownership of schools.

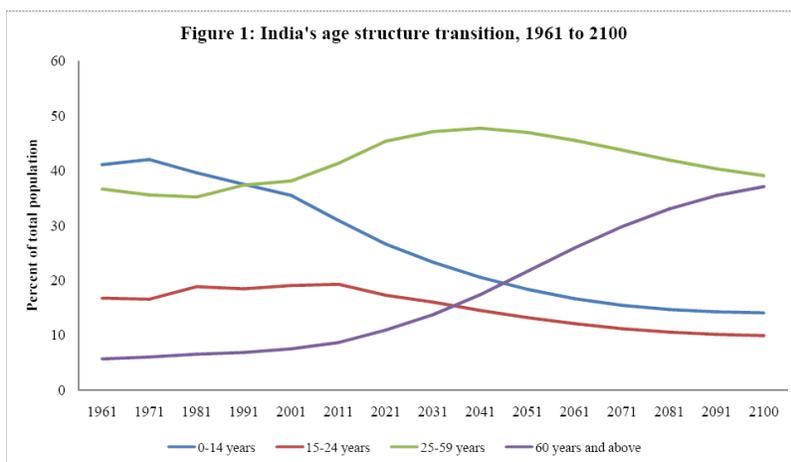
<b>Average expenditure (in Rs. ) per student for 2013-14</b>			
	<b>Government</b>	<b>Private aided</b>	<b>Private unaided</b>
<b>Primary</b>	1111	9355	10623
<b>Upper primary</b>	1869	8899	13808
<b>Secondary</b>	3724	9298	15785
<i>Source : 71st round NSSO report</i>			

#### **4. Competition with Multiple Providers**

Experience world over and in India shows that when there are multiple providers competing, the quality of education will improve, and cost will be kept under control. That is why charter schools are sponsored and encouraged in the US by many philanthropists, NGOs and public policy experts. Similarly Voucher System giving freedom to the parents to choose a school – public or private – they have confidence in, and funds following the students is increasingly in vogue. Many civil society organizations like CCS in India have demonstrated that reasonable outcomes can be achieved in low-cost private schools provided there is effective monitoring and proper incentives exist. If government is focused on outcomes, and is agnostic about ownership and management, a healthy competition can be encouraged among multiple providers leading to innovation and better outcomes at low cost. Many excellent philanthropists, NGOs and committed volunteers are ready and willing to transform school education in India if only government gives them space and encouragement. The cost of personnel in government is 100–300% higher than in comparable private sector. Even with the best intentions, government has neither the political will, nor managerial capacity to generate best possible outcomes at an affordable cost. The experience of the past seven decades when India languished woefully in school education sector, while all significant economies world over forged ahead, should be an eye opener for us. It is in the interest of the nation, our children, the economy and public exchequer to promote education irrespective of who the provider is, and to encourage healthy competition.

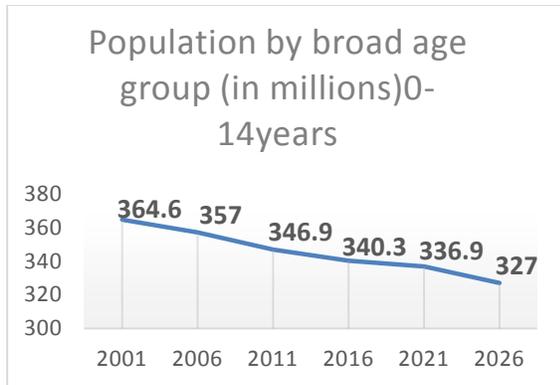
## 5. Demographic Transition

One of the neglected areas of public discourse is the declining birth and fertility rates all over India, and the consequent demographic transition. The MHRD research report, 'Equity in Access and Learning' points out that the number of 6-year olds in India is expected to decline from 25 million in 2011 to 17 million in 2025, a decline of 30%.



**Source:** as cited by M R Narayana in paper ' DEMOGRAPHIC TRANSITION, PUBLIC EXPENDITURE ON EDUCATION AND ECONOMIC GROWTH: NEW MACROECONOMIC EVIDENCE FROM INDIA' by using the population projections in United Nations (2013b).

The population of children aged 14 and 15, which stands at 50 million currently, is expected to decline to under 39 million by 2025. The population growth rate which stood at 1.5% in the decade ending in 2011 is going to progressively decline and reach 0.2% in the decade of 2041-51. The population of children in 0-14 yrs age group, which stood at 364 million in 2001 will decline to 327 million by 2026, and will decline much more rapidly after 2026.



**Source:** (Department of Atomic energy, Government of India)- <http://dae.nic.in/?q=node/125>

Given these demographic trends, we need flexibility in education personnel management. If government keeps on increasing recruitment of teachers and other educational personnel with life time employment with above market wages, it will be a great and unnecessary burden after a decade or two as birth rates rapidly decline. When we are saddled with redundant employees, government, for reasons of administrative culture, political compulsions and collective bargaining power, is incapable of exhibiting the flexibility needed in employment practices with changing requirements. Therefore, as the number of children to be enrolled begins to decline, it will be prudent if government focuses on outcomes and encourages service delivery by private sector at an affordable cost. Culturally and managerially, private sector will show greater innovation and flexibility in dealing with changing personnel requirements.

Given these compelling circumstances, there is need to amend RTE Act and design public policy incorporating private schools as key education providers along with government schools in the following manner:

1. The Independent Accreditation and Testing Boards proposed at district, state and national level (page 8) should be entrusted with the task of testing and accrediting private schools.
2. In high-end schools, the current practice of 25% quota for disadvantaged section 12(1) (c) may be continued.

3. Government should identify moderate and low-cost private schools of reasonable quality based on advice of Accreditation and Testing Board. Such schools which charge tuition fees below a certain prescribed ceiling say Rs. 12000 per year, should be brought under public education programme.
4. Funding for education should shift gradually from teachers' salaries to students fees. Funds will follow the students. The parents are given a choice to send children to government school or private school of their choice. If children go to accredited private schools under public education programme, the fee will be paid by the government.
5. As only children from poor and lower income families are likely to be admitted in low-cost private schools, government funds will go only to the deserving children from indigent families.
6. Government will encourage establishment of charter schools and non-profit schools by NGOs and reputed philanthropic organizations.
7. The existing grant-in-aid for teachers' wages in private schools will be gradually replaced by the fee for students and funds following the child.
8. In all such private schools, government will not interfere in management except ensuring independent testing, accreditation and satisfactory outcomes.
9. As teachers in government retire, government will adjust new recruitment in government schools keeping in mind enrollment. If government school enrollment continues to decline as per parental choice, to that extent wage bill in government will be reduced, and the savings will be redeployed to fund the tuition of children in non-government schools.
10. RTE Act should be suitably amended, and guidelines for utilization of education funds should be altered to facilitate implementation of public policy outlined above in respect of private schools.

## V – Community Ownership, Accountability and Governance

Routine bureaucratic management of schools and education system will not ensure accountability, nor will it foster a climate conducive to significantly better outcomes. Therefore a series of interlinked institutional mechanisms are needed with the participation of government and civil society.

### 1. RTE Act (Section 21) provides for School Management Committees (SMC).

This is a salutary provision giving parents of children, the real stakeholders in the system, a voice in management of schools. However, most parents sending children to government schools are poor and semi-literate. In our political economy with great asymmetry of power between a poor citizen and government employees, the voice of parents needs to be strengthened. Experience shows that the successful alumni of a school usually have great emotional stakes in its future. Also reputed retired teachers who earned the trust of the community and reputed local NGOs in the field of education will add value to the management of the schools. Therefore a provision should be made to co-opt these groups in SMC.

### 2. Block, District and City Education Boards

Typically in most parts of India primary education is managed by the Block or intermediate Panchayat, and upper primary and secondary education (at least up to Class X) is managed by the district Panchayat. In metropolitan cities, either the local government or the state government directly manages the school system. At present education management is left to the officials who act in a routine and perfunctory manner. They often lack skills, imagination and administrative and political support. Therefore a provision should be made for creation of autonomous Education Boards at Block, District and City level. The Boards will have State and local officials, accreditation, testing, monitoring and inspection authorities, representatives of SMCs and local governments, experts in the field of school education, reputed non-profit organizations and representatives of private schools.

These Boards should have autonomy in managing schools in all respects, ensuring quality education, and conduct of regular inspections, monitoring and examinations.

### **3. State School Education Board**

A similar state level autonomous Board should be constituted with State government officials, representatives NCERT, SCERT and District Boards, reputed NGOs, eminent educationists, state level testing board and representatives of higher education. The State Board should have full autonomy, authority and resources to address all challenges of school education including syllabus, text books, examinations, teacher training, accreditation and other relevant matters.

## **Conclusion**

There is immense demand for quality education in the country. In no other poor country do parents sacrifice so much for their children's education. While government allocations are not adequate, they are not insignificant. Many committed citizens, corporates and NGOs are making outstanding contributions to the field of education. Huge investments are made in private sector to connect demand for education into a business opportunity. Society celebrates success in education. However, among significant economies, India ranks among the lowest in educational outcomes. Quality education is the master key to eliminate poverty, eradicate caste and gender discrimination, create jobs, promote rapid economic growth, build a vibrant and well-functioning society, promote harmony and achieve national greatness commensurate with our potential. Our educational outcomes, despite our civilizational and societal strengths, are appalling. A fundamental change is needed to rapidly transform school education to help future generations fulfil their potential. The suggestions presented in this paper are practical, evidence-based, affordable and drawn from the best practices in the country and world-over.

\* \* \*

## Annexure : 1

<b>Summary of Recommendations</b>		
<b>I</b>	<b>Measures to Improve Learning Outcomes</b>	<ul style="list-style-type: none"> <li>• Regular, stress-free, meaningful examination system focusing on measurement of basic educational skills, grasps of concepts and application of knowledge.</li> <li>• Inspection and monitoring to assess teachers performance and learning outcomes aiming at deficiencies, guiding teachers and taking remedial actions</li> <li>• Independent Testing Boards for Random Testing entrusted with the the task of random testing, testing of private schools, conduct of examinations at periodic intervals and state level examinations at appropriate levels</li> <li>• National Testing Board to perform testing of schools, accreditation , guidance and expert advice, conduct of National common tests at appropriate levels</li> <li>• To participate in all global surveys of student assessment to improve our own testing methods and educational standards</li> </ul>
<b>II</b>	<b>Consolidation of Schools</b>	<p>The draft NEP in para 4 proposes merger and consolidation of schools in consultation with schools. We strongly endorse this proposal. However, this may need amendment to RTE Act. But more importantly, broad national guidelines and replication of best practices are crucial.</p> <ul style="list-style-type: none"> <li>• Teachers and facilities can be rationalized to meet requirements of the consolidated schools.</li> <li>• However, while implementing this policy, it is desirable to give a transport subsidy of, say Rs. 150 per month, if the school is, say more than 3 Kms from home. Such a support will make consolidation of schools easier, and at a low cost and minimal effort monitoring and outcomes will improve significantly.</li> </ul>
<b>III</b>	<b>Medium of Instruction</b>	<p>The following features may be considered while offering English medium.</p> <ul style="list-style-type: none"> <li>• Up to Class V, the medium should be mother tongue.</li> <li>• English as a language should be taught at least for a few years in primary school.</li> <li>• From Class VI, the option of English medium should be offered wherever feasible.</li> <li>• Up to Class VIII, the teaching should be bilingual and flexible, with emphasis on understanding, not English language.</li> </ul>

		<ul style="list-style-type: none"> <li>• Teachers should be adequately trained on a continuing basis to cope with teaching in English.</li> <li>• From Class IX, there should be greater use of English in teaching, so that students are fluent and comfortable in English by the time they leave school.</li> <li>• Examinations should be designed and evaluated in a flexible manner to facilitate a slow switch from mother-tongue to English as medium of instruction.</li> </ul>
IV	<p style="text-align: center;"><b>Public-Private Partnership</b></p>	<p>Given these compelling circumstances, there is need to amend RTE Act and design public policy incorporating private schools as key education providers along with government schools in the following manner:</p> <ul style="list-style-type: none"> <li>• The Independent Accreditation and Testing Boards proposed at district, state and national level should be entrusted with the task of testing and accrediting private schools.</li> <li>• In high end schools, the current practice of 25% quota for disadvantaged section 12(1) (c) may be continued.</li> <li>• Government should identify moderate and low cost private schools of reasonable quality based on advice of accreditation and Testing Board. Such schools which charge tuition fees below a certain prescribed ceiling; say Rs 12000 per year, should be brought under public education programme.</li> <li>• Funding for education should shift gradually from teachers' salaries to students fees. Funds will follow the students. The parents are given a choice to send children to government school or private school of their choice. If children go to accredited private schools under public education programme, the fee will be paid by the government.</li> <li>• As only children from poor and lower income families are likely to be admitted in low cost private schools, government funds will go only to the deserving children from indigent families.</li> <li>• Government will encourage establishment of charter schools and non-profit schools by NGO's and reputed philanthropic organizations.</li> <li>• The existing grant-in-aid for teacher's wages in private schools will be gradually replaced by the fee for students and funds following the child.</li> <li>• In all such private schools, government will not interfere in management except ensuring independent testing, accreditation and satisfactory outcomes.</li> <li>• As teachers in government retire, government will adjust new</li> </ul>

		<p>recruitment in government schools keeping in mind enrollment in government schools. If government school enrollment continues to decline as per parental choice, to that extent wage bill in government will be reduced, and the savings will be redeployed to fund the tuition of children in non - government schools.</p> <ul style="list-style-type: none"> <li>• RTE Act should be suitably amended, and guidelines for utilization of education funds should be altered to facilitate implementation of public policy outlined above in respect of private schools.</li> </ul>
V	<p><b>Community Ownership, Accountability and Governance</b></p>	<ul style="list-style-type: none"> <li>• Voice of parents needs to be strengthened - RTE Act (Section 21) provides for School Management Committees (SMC). – A provision should be made to incorporate these groups in SMC</li> <li>• Autonomous Education boards at Block, District and City level to manage schools in all respects, ensuring quality education, and conduct of regular inspections, monitoring and examinations.</li> <li>• State School Education Board to address all challenges of school education including syllabus, text books, examinations, teacher training, accreditation and other relevant matters.</li> </ul>

## Annexure - 2

### Proposed Amendments to Right to Education Act, 2009

Note: Principal Act here refers to the Right of Children to Free and Compulsory Education Act, 2009

Original Section in the Principal Act	Amendments Required
<p><b>“2. Definitions:</b> In this Act, unless the context otherwise requires,-</p> <p>(n) "school" means any <i>recognised</i> school imparting elementary education and includes-</p> <ul style="list-style-type: none"><li>i. a school established, owned or controlled by the appropriate Government or a local authority;</li><li>ii. an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;</li><li>iii. a school belonging to specified category; and</li><li>iv. an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;”</li></ul>	<p>In Section 2 of the Principal Act</p> <ul style="list-style-type: none"><li>a) clause (m) shall be omitted.</li><li>b) in clause (n), for the words “any recognized school imparting elementary education”, the words “any registered or recognized school imparting elementary education” shall be substituted.</li><li>c) in clause (n), after sub-clause (i), the following explanation shall be inserted, namely: “Explanation.- For the purposes of this Act, a “school”, if having classes up to the fifth grade, shall have at least one hundred students, five classrooms and five teachers; and if having classes up to the eighth grade, shall have at least one hundred and fifty students, eight classrooms and ten teachers.”</li><li>d) in clause (n), after sub-clause (iv), the following explanation shall be inserted, namely:- “Explanation.- For the purposes of this Act, the term “school” shall be deemed to include those schools which have been registered or have duly applied for registration with the concerned</li></ul>

authority but have not yet obtained a certificate of recognition, and also includes any school functioning under the open school system.”

e) after clause (e), a new clause shall be inserted, namely:

“(ea) “City Education Board” means a city education board, as constituted under section 21A”.

f) after clause (e), a new clause shall be inserted, namely:

“(eb) “District Education Board” means a district education board, as constituted under section 21A”.

g) after clause (g), a new clause shall be inserted, namely:

“(ga) “Independent Assessment Authority” means an independent assessment authority, as constituted under section 21B”.

**RATIONALE:**

**Rationale for including “unrecognized schools” in the definition of school:**

Because of the failure of Government schools to offer quality education and because of unaided recognized schools becoming unaffordable to economically weaker sections, a large number of unaided unrecognized schools, also called as budget private schools cropped up all over the country. Evidence shows that they produce better learning outcomes than their Government counterparts at much less operational expenditure. According to the available data to District Information System for Education (DISE), as of 2011-12, close to 26,000 schools are unrecognized and they are educating more than 28.4 lakh students from Economically Weaker Sections. It is estimated that, by now these schools and enrolment in them are growing exponentially.

Not considering budget private schools as schools and adopting policies which are

becoming causes for shutting down of these schools, is denying these large number of children their right to get education. Ironically this is not just against the mandate of this law but is also unconstitutional.

Hence there is an urgent need to revisit and reform the recognition system. This amendment along with other amendments of this act will lead to improving the standards of these schools and hence help them in achieving recognition status, so that they can offer even better quality education and reach out to even larger sections of people.

Also, there are a significant number of open schools operating under National Institute of Open School (NIOS) system. They are well established and have flexible but definite curriculum and are monitored by NIOS.

**Rationale for specifying classroom, teacher and student criteria in Government schools:**

Sub-clause (i) in clause (n) of section 2 defines Government School as a school established, owned and controlled by the appropriate government. Most of the schools in India are government schools and they fail to offer a proper school environment required for a child’s development. Out of approximately 14 lakh elementary schools, more than 8.5 lakh (60%) schools have student enrolment less than 50, which means, 6-10 students per class. The bare minimum requirement for a school might be considered to be about 20 students per class, one classroom and at least one teacher per classroom. Without meeting these requirements to a large extent, Government is spending on construction of large number of new schools, even though the enrolment is as high as 96%. There is no doubt that improving access to schools is important, but it shouldn’t be done at the cost of providing quality classroom environment to children, and definitely not when there are better alternatives (as proposed through other amendments) available. It is time that the Government started consolidating schools. It not only is in the best interest of children but also allows administrative ease and economic scalability.

ORIGINAL SECTION	AMENDMENT
<b>“3. Right of child to free and compulsory education:</b>	a) in sub-section (1), the word “neighbourhood” shall be omitted.

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(3) A child with disability . . . .provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995: 1 of 1996  
Provided that a child with "multiple disabilities" . . . . . home-based education.]”

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a ~~neighbourhood~~-school till the completion of his or her elementary education.

b) after sub-section (1) the following clause shall be inserted,namely:-

“(a) wherever feasible, parents must be given the choice of sending their child to a school of their choice.

Provided that the appropriate Government shall, to the extent of its satisfaction, have the responsibility of ensuring the learning outcomes of each and every child.

Provided that if a child is enrolled in a private school, and if the appropriate Government is satisfied regarding the learning outcomes of the child, then the school shall be given a per-child grant, subject to a ceiling, as would be prescribed by the appropriate Government from time to time.

Provided further that such choice of parents and per-child grants by appropriate Government shall apply in respect of schools that are included in such a grants-in-aid scheme, subject to satisfaction of the appropriate Government regarding the learning outcomes and fee structure exercised by such schools.”

**RATIONALE:**

**Rationale for removing concept of “neighbourhood”:**

This section limits the right for the free and compulsory education of a child to a “neighbourhood school”. It is defined by model rules and RTE rules of almost all the states as, a school within the geographical area of 0-1km walking distance, with respect to children in classes I-V and school within the geographical area of 3km walking distance, with respect to children in classes V-VIII. The good intention behind bringing in the concept of “neighbourhood” was to make children study in schools, which are more accessible to them. But it is irrational to take away the `right to choose a school` from parents and children. When a school offering quality education is available just outside or outside this narrowly defined neighbourhood of a child, and even when such a child’s parents and children want to get education in such school, which naturally they will, they are denied that opportunity. Moreover, it is widely seen everywhere that parents and children don’t mind travelling extra distance as long as they get quality education. This narrow definition of neighbourhood leads to some other practical problems that further result in restricting the access of schools to children. For more reasoning kindly see amendments to section 12.

**Rationale for funding the child:**

Starting from the commencement of this act, the Government on an average has spent an additional amount of Rs.40, 000 crores in 4 years. But if we see the net outcomes; enrolment up to class VIII, in government schools, fell by 9% during 2007-08 (13.37 crore) and 2013-14 (12.19 crore)! During the same period, private school enrolment has increased by 40% from 5.09 crore to 7.12 crore.

Coming to quality of education, it is appalling to know that, 51.9% of children in Fifth Standard, and 25.4% (pg 86 table 4) in Eighth Standard could not read a passage of Second Standard difficulty according to ASER survey 2014. In fact, the percentage of children in government Schools in Standard V who can read Standard II level text has fallen from 50.3% to 42.2% from 2009 to 2013. In Standard V, the proportions of children who can do division fell from 36% to 20.7% in government schools and from 46% to 39.3% in private schools between 2009 and 2013. It is amazing that RTE Act has not improved things at all. If we speak about comparing quality of our outcomes globally, according to Programme for International Student Assessment (PISA) survey 2009, India ranked at 73 out of 74 countries participated in the survey.

So what this essentially means is that lot of money is being spent without any proportional or quality outcomes. The efficiency per rupee spent by the government is shockingly low. So there

is a need to change the mechanism of spending on education.

Alternatively, here we are advocating funding of child instead of school and government assuming the role of regulator of quality rather than just provider.

ORIGINAL SECTION	AMENDMENT
<p><b>“4. Special provisions for children not admitted to, or who have not completed, elementary education:</b></p> <p>Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:</p> <p>Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:</p> <p>Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.”</p>	<p>a) For the words “his or her age”, the words “the learning ability demonstrated by him or her” shall be substituted.</p> <p>Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to <del>his or her age</del> the learning ability demonstrated by him or her</p> <p>b) The existing first proviso shall be omitted.</p> <p>c) the following provisos shall be inserted,namely:-</p> <p>“Provided that for such a child, there should be a quarterly concurrent evaluation so that he or she may be allowed multiple successive promotions in an academic year, according to his or her learning ability.</p> <p>Provided that for the admission of a child into a class appropriate to his or her learning ability, a stress-free assessment shall be conducted by the school based on the mechanism as prescribed by the Independent Assessment Authority, established under section 21B, in consonance with the class-appropriate learning levels as defined by the academic authority specified in</p>

section 29 of this Act.

Provided that where there is a significant divide existing between the age of a child and his or her learning levels, such child may receive special training in separate schools, established by the appropriate Government, for such purpose.

Provided further that the children studying in the open school system, unrecognized private schools or those who have been home-schooled, may be allowed to take tests administered by the Independent Assessment Authority, as established under section 21B, at the level of class V or VII or VIII, and upon proof of such learning levels, as may be class appropriate, shall be admitted into the mainstream schooling system.”

**RATIONALE:**

This section focuses on admitting in to school, the children who have not been admitted in any school or though admitted could not complete his or her elementary education for whatsoever the reason. It mandates that such children be admitted in a class appropriate to his or her age. It further makes teachers responsible for providing special training and bringing them on par with other students within the time frame prescribed.

The quarterly concurrent evaluations are provided in case there are children, who, due to their circumstances, were unable to join school at the right age. However with training, these children might develop the potential to be in a higher class and hence should be allowed to jump classes on the basis of merit.

The intention behind the idea of “class based on age” seems to be to save such a child from humiliation and embarrassment of sitting with younger children, and consequently dropping out.

But it is not possible to bring an illiterate child to be at par with children of his/her age within a year or two. The same is applicable to children who couldn't continue their education. It is important to keep the main purpose of educating children, which is, to impart knowledge and develop reading comprehension and analytical skills, which are clearly compromised by hurrying a child through classes, and not giving enough time for him/her to take things in, which might eventually make him end up with `poor in studies` feeling.

It is in the larger interest of such a child to enroll him or her in a class appropriate to his/her learning levels. And wherever, there is significant gap between age of child and his or her learning levels, such a child can be provided special training in special schools with similar children.

This section also does not elaborate on any evaluation procedures or methodologies to assess the learning levels of students; therefore this section was amended to address the same.

ORIGINAL SECTION	AMENDMENT
<p><b>“5. Right of transfer to other school:</b></p> <p>(1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.</p> <p>(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.</p> <p>(3) For seeking admission ..... such other</p>	<p>In Section 5 of the Principal Act</p> <p>a) in sub-section (1), the words and figures “excluding the school specified in sub-clauses (iii) and (iv) of section 2” shall be omitted.</p> <p>b) in sub-section(2), the words and figures “excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2” shall be omitted.</p>

<p>school: Provided .....applicable to him or her.”</p>	
<p><b>RATIONALE:</b> This section currently allows for a child to seek transfer from one school to another, wherever there is no provision for completion of elementary education, or when the child moves from one state to another. However, it unfortunately excludes specified and private schools from the pool of schools to get transferred to. The rationale behind this could be to avoid migration to areas containing good private schools.</p> <p>Instead of making efforts to meet the demands of people from such area, taking an approach of restricting their access to other alternatives is preposterous. With other amendments in this act we are accounting for bridging demand &amp; supply gap.</p>	
<p><b>ORIGINAL SECTION</b></p>	<p><b>AMENDMENT</b></p>
<p><b>“6. Duty of appropriate Government and local authority to establish school:</b> For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.”</p>	<p>In Section 6 of the Principal Act</p> <p>a) the words “or limits of neighbourhood” shall be omitted.</p> <p>b) after the words “from the commencement of this Act”, the words “or, for carrying out the provisions of this Act, the appropriate Government shall facilitate the creation of privately funded non-profit schools” shall be inserted.</p> <p>c) a proviso shall be inserted, namely:- “Provided that wherever feasible, the appropriate Government may also facilitate the utilization of the existing educational facilities, resources including infrastructure by reputed non-profit organizations, in order to fulfill the provisions of this Act.”.</p>
<p><b>RATIONALE:</b> Through this provision, government burdens itself with establishing schools in</p>	

every neighbourhood. Consequently, the limited insufficient financial resources that are available at the disposal of the government for spending on education are tied up mostly for recruiting new teachers, building new school buildings, classrooms, toilets and providing for water facilities and other classroom infrastructure. Yet, there is significant gap between demand and supply. This is also leaving meager funds for spending on improvement of existing school infrastructure, providing for lack of toilets and drinking water facilities. These combined with lack of quality education leads to loss of trust in government schools among common public and thus results in decreasing trends of student enrolment in government schools.

Hence allowing non-profit organizations to set up schools and facilitating privately funded non-profit schools by controlling their learning outcomes not only allows government to ease its financial burden but also makes education more accessible without losing nature of education as a social service.

ORIGINAL SECTION	AMENDMENT
<p><b>“8. Duties of appropriate Government:</b> The appropriate Government shall--</p> <p>(a) provide free and compulsory elementary education to every child: Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.</p> <p>Explanation--The term "compulsory education" means obligation of the</p>	<p>In section 8 of the principal Act,</p> <p>(a) Clause (a) shall be substituted with the following “(a) Provide free and compulsory elementary education to every child: Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall be entitled to education in such a school subject to the provisions of clause (a) of Section 3 of this Act”</p>

appropriate Government to--

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in section 4;

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(h) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers”

(b) after sub-clause (ii) in the *Explanation* provided to clause (a), the following sub-clause (iii) shall be inserted, namely:-

“(iii) Ensure the attainment of class appropriate learning levels, which shall be evaluated through annual standardized assessments, in a stress free manner by an Independent Assessment Authority, at the end of classes V and VII or VIII, as the case may be.

a) in clause (b), for the words and figures “availability of a neighborhood school as specified in section 6”, the words “that the transport cost of the child, belonging to weaker section or disadvantaged group, is wholly or partly subsidized, in order to enable him or her to attend school and complete elementary education, subject to certain limits, as may be prescribed” shall be substituted.

b) in clause (d), for the word “provide”, the words “ensure the provision of” shall be substituted.

c) in clause (d), after the words “and learning equipment;”, the following sub-clauses shall be inserted, namely:-

(i) and shall mandatorily make provisions for barrier-free access to children with

	<p>disability, including access to the physical environment as well as teaching environment, and</p> <p>(ii) make provisions for mid-day meals to all children, with kitchen or any other hygienic set up, and</p> <p>(iii) make provisions for safe drinking water, adequate sanitation facilities including separate toilets for boys and girls, and</p> <p>(iv) for a library and a playground, including play material and sports equipment, as far as may be applicable.”</p> <p>d) In clause (g), the words “conforming to the standards and norms specified in the Schedule” shall be omitted.</p>
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**RATIONALE:**

This section highlights the duties of the appropriate government, and defines the term “compulsory education” as the government’s obligation to ensure free elementary education to every child of six to fourteen years, and ensure admission, attendance and completion of elementary education. However, this definition is lacking; to ensure the attainment of class-appropriate learning levels by every student should also be an obligation of the government. Moreover, if the appropriate Government has to ensure attainment of class-appropriate learning level by every child, then it also needs to have modalities of measuring and improving the learning outcomes.

Keeping the mandate and purpose of this act of providing “compulsory” and “quality” education to every child implies increasing access of children to quality schools. This can be achieved not just by construction of new schools, where necessary but also reducing the barriers to acquiring quality education. Providing free or subsidized and safe transportation arrangements to the child for attending the school should be the first step in reducing geographical barriers between schools and children.

We suggest the deletion of the Schedule because it is highly prescriptive in terms of capital both physical and human. It needs to be noted that for something as objective as basic education, learning outcome should be the main focus. Prescriptions for physical infrastructure should not go beyond a mandatory provisioning of basic amenities.

ORIGINAL SECTION	AMENDMENT
<p><b>“9. Duties of local authority:</b></p> <p>Every local authority shall:</p> <p>(b) ensure availability of a neighbourhood school as specified in section 6;</p> <p>(f) provide infrastructure including school building, teaching staff and learning material;</p>	<p>In Section 9 of the Principal Act</p> <p>a) in clause (b), for the words “availability of a neighbourhood school as specified in section 6”, the following words shall be substituted.</p> <p>“that the transport cost of the child, belonging to weaker section or disadvantaged group, is wholly or partly subsidized, in order to enable him or her to attend school and complete elementary education, subject to certain limits, as may be prescribed”</p> <p>(b) in clause (f), after the words “learning material”, the following sub-clauses shall be inserted,namely:-</p> <p>(i) and shall mandatorily make provisions for barrier-free access to children with disability, including access to the physical environment as well as teaching environment, and</p>

<p>(h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;”</p>	<p>(ii) make provisions for mid-day meals to all children, with kitchen or any other hygienic set up, and</p> <p>(iii) make provisions for safe drinking water, adequate sanitation facilities including separate toilets for boys and girls, and</p> <p>(iv) for a library and a playground, including play material and sports equipment,</p> <p>as far as may be applicable.”.</p> <p>(c) in clause (h), the words “conforming to the standards and norms specified in the Schedule” shall be omitted.</p>
<p><b>RATIONALE: Same as given for section 8</b></p>	
<p><b>ORIGINAL SECTION</b></p>	<p><b>AMENDMENT</b></p>
<p><b>“10. Duty of parents and guardian:</b> It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhoodschool.”</p>	<p>In Section 10 of the Principal Act</p> <p>(a) the words “the neighbourhood” shall be omitted.</p> <p>(b) the following explanation shall be inserted, namely.-</p> <p>“<i>Explanation.</i>-For the purposes of this section, a child may be permitted to be home-schooled, if the environment for education and learning levels is deemed to be satisfactory by the appropriate Government.”</p>

**RATIONALE** As described earlier no good is achieved in limiting right of child to get education only in “neighbourhood” schools.

ORIGINAL SECTION	AMENDMENT
<p><b>“12. Extent of school's responsibility for free and compulsory education:</b></p> <p>(1) For the purposes of this Act, a school,-</p> <p>(a) specified in sub-clause (i) of clause (n) of section 2 . . . . admitted therein;</p> <p>(b) specified in sub-clause (ii) of clause (n) of section 2 . . . .of twenty-five per cent.;</p> <p>(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:</p> <p>Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.</p> <p>(2)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 to the extent of per-child-</p>	<p>In Section 12 of the Principal Act</p> <p>(a) in sub-section (1), clause (c), shall be substituted by the following</p> <p>“specified in sub-clause (iii) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five percent of the strength of that class, children belonging to weaker section or disadvantaged group and provide free and compulsory elementary education till its completion”</p> <p>(b) in sub-section (1), a new clause (d) shall be inserted, namely.-</p> <p>“(d) specified in sub-clause (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least ten-percent of the strength of that class, children belonging to weaker section or disadvantaged group and provide free and compulsory elementary education till its completion.”</p> <p>(c) sub-section (2), shall be substituted by “The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (d) of sub-section (1) , only to the extent of at least twenty-five percent, shall be reimbursed expenditure so</p>

expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.”

incurred by it 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” shall be substituted.

(d) in sub-section (2), a new proviso shall be inserted between the existing first and second provisos to sub-section (2), namely.-

“Provided that such schools shall not be reimbursed any expenditure by the government, if they admit to the extent of ten percent of the strength of that class, children belonging to weaker section or disadvantaged group and provide free and compulsory elementary education till its completion”.

**RATIONALE:**

This section of the RTE in its current form focuses on providing an opportunity for good quality education to children belonging to the weaker and disadvantaged groups. However, while the section has many positive attributes, it has the following major challenges, which are undermining the very objective of this section –

The neighbourhood definition, as stated in the Model Rules 11.3, is very narrow in defining the areas and limits for admission and poses the following challenges to families seeking admission under section 12 –

- **Mismatch between demand and supply** - There is low concentration of unaided private schools in many areas that are inhabited by families that belong to weaker

and disadvantaged groups. In addition to this, since the density of children coming from the above mentioned groups vary across different areas, there are chances of over and under application for seats in schools located respectively in high and low density areas. Thus, the neighbourhood criterion restricts choice and access to unaided schools for weaker sections and disadvantaged groups

- **Burden of Proof** – In order for a child to be admitted under Section 12 an address proof, along with many other documents, is required. Families that belong to the weaker and disadvantaged groups often find it very difficult to procure these documents, in particular for those who go for seasonal migration in search of employment. When this is viewed with the backdrop of the neighbourhood criteria, and the fact that many villages and towns do not have adequate geo-spatial mapping, the problem faced by these families is compounded, and often leads to disputes and disagreements with school authorities
- Therefore, the best option could be giving choice to schools either to enroll at least 25 % of children belonging to weaker section and disadvantaged group and get reimbursed by the government

(or)

To enroll at least 10 % of children belonging to weaker section and disadvantaged group and provide free and compulsory education at their own expenses.

ORIGINAL SECTION	AMENDMENT
<p><b>“16. Prohibition of holding back and expulsion:</b>No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.”</p>	<p>In Section 16 of the Principal Act            (a) for the existing marginal heading to this section, the following marginal heading shall be substituted, namely:-                “Condition for promotion or admission of a child”.            (b) The following shall be substituted in place of existing Section</p>

“There shall be examinations for children at the end of classes V and VII or VIII, as the case may be, which would be conducted by the Independent Assessment Authority specified in section 21B of this Amendment Act for evaluating the class appropriate learning levels of children”

The following provisos are to be inserted, namely.-

“Provided that the promotion to or admission for, the next class of a child, shall depend upon passing of the above examinations.

Provided that these examinations shall be conducted in a stress-free environment.

Provided that for a child who falls short of the attainment of the requisite learning levels, he or she must be evaluated at periodic intervals and also have a right to receive special training, in such manner and within such time limits, as may be prescribed.”

**RATIONALE:** Of late, incidents of students involved in crimes have come to light. These are isolated incidents, if not common. Currently, the RTE prohibits expulsion of students even in such extreme cases. Keeping in view the overall objectives, an appropriate provision enabling expulsion in extreme cases must be made available.

Also, promoting children regardless of the attainment of requisite learning levels and without assessment are the major causes for the appalling outcomes as indicated by the ASER reports

and PISA survey.

ORIGINAL SECTION	AMENDMENT
<p><b>“18. No School to be established without obtaining certificate of recognition:</b></p> <p>(1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.</p> <p>(2) The authority prescribed under subsection (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:</p> <p>Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.</p> <p>(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:</p> <p>Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted:</p> <p>Provided further that no recognition shall be so withdrawn without giving an</p>	<p>For Section 18 of the Principal Act</p> <p>(a) The existing marginal heading shall be substituted with the following “Assessment of schools and certificate of recognition”.</p> <p>(b) Section 18 of the principal Act shall be substituted by the following, namely:-</p> <p>“18. Independent assessment of school performance:</p> <p>(1) Once in four years, an autonomous District or City Education Board, specified in section 21A of this Amendment Act, shall be responsible for assessing the performance of a school, specified in sub-clauses (i), (ii), (iii), (iv) and (v) of clause (n) of section 2, irrespective of their status of recognition or registration, which shall be converted into a scale in which a minimum grade shall be defined.</p> <p>Provided that the performance of a school is measured on the basis of:</p> <p>(a) student learning outcomes, calculated in absolute terms, which would amount to thirty-five percent on the grade scale, and</p> <p>(b) student learning outcomes, calculated in relative terms to the previous year’s performance, which would amount to thirty-five percent on the grade scale, and</p>

opportunity of being heard to such school, in such manner, as may be prescribed.

(4) With effect from the date of withdrawal of the recognition under sub-section (3), no such school shall continue to function.

(5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.”

(c) infrastructure and other inputs, which would amount to fifteen percent on the grade scale, and

(d) student co-scholastic learning outcomes and parent feedback, which would amount to fifteen percent on the grade scale.

(2) Every school will be granted a certificate of recognition by the District Education Board upon meeting the minimum grade criterion in the manner prescribed in sub-clauses (g) and (h) in section 38 of the principal Act.

(3) Schools that fail to meet the minimum grade criterion shall also be assessed in the succeeding year.

(4) Such schools shall be required to propose an action plan, based on guidelines published by the appropriate Government, and if they fail to meet the minimum grade criterion for three years consecutively, such schools shall be closed.”

**RATIONALE:** Under this section of the RTE, all private schools are required to obtain a certificate of recognition in order to be functioning. However, at the same time, government schools are not subject to the same level of scrutiny as private schools, and are automatically deemed recognized, despite the fact that many of these schools do not comply with the norms and standards specified in the Schedule. As a result, the same rules and regulations are not applicable to schools under different management types – private and government, and the section should be amended in order to ensure that a standardized assessment mechanism be institutionalized by an Independent Authority to improve upon the quality of schools.

ORIGINAL SECTION	AMENDMENT
<p><b>“19. Norms and standards for school:</b></p>	<p>Section 19 of the principal Act shall be omitted, including sub-sections (1) to (5) and the Schedule to the principal Act.</p>
<p><b>RATIONALE:</b></p> <p>This section, and the norms and standards mentioned in the schedule are completely input-centric and do not place any emphasis on learning outcomes. As a result, schools that provide good quality education can be de-recognized because they do not comply with all the input-focused norms. This lack of focus on learning outcomes is particularly distressing when viewed against the backdrop of deteriorating learning outcomes. As per the latest Annual Survey of Education Report (ASER) 2013, while 47% of students studying in standard 3 could read at least standard 1 level text in 2009, the corresponding figure has come down to 40% in 2013. Additionally, research has shown that many of these norms and standards have little or no correlation with learning outcomes, and often times these norms and standards are unreasonable and ineffective. Therefore, the proposed amendments are aimed to replace the norms based assessment of schools with assessment based on learning levels.</p>	
ORIGINAL SECTION	AMENDMENT
<p><b>“20. Power to amend Schedule:</b></p> <p>The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.”</p>	<p>In Section 20 of the Principal Act</p> <p>(a) for the existing marginal heading, the following marginal heading shall be substituted</p> <p>“Power to improve upon norms and standards”</p> <p>(b) The following shall be substituted</p> <p>“appropriate Government may, by notification, improve upon norms and standards as prescribed under clause (d) in section 8 of the Amendment Act”</p>
<p><b>RATIONALE:</b></p> <p>The Schedule should be deleted in order to avoid prescriptive guidelines with respect to capital</p>	

and to emphasize more on learning outcomes. Apart from the basic amenities as prescribed in Section 8 clause (d) of the amendment act, the appropriate government should be given flexibility in terms of deciding infrastructure provisions.

ORIGINAL SECTION	AMENDMENT
<p><b>“21. School Management Committee:</b></p> <p>(1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:</p> <p>Provided that at least three-fourth of members of such Committee shall be parents or guardians:</p> <p>(2) The School Management Committee shall perform the following functions, namely:--</p> <p>(a) monitor the working of the school;</p> <p>(b) prepare and recommend school development plan;</p> <p>(c) monitor the utilisation of the grants received from the appropriate Government</p>	<p>In Section 21 of the Principal Act</p> <p>(a) in sub-section (1), after the words “elected representatives of the local authority”, the words “alumni of the school” shall be inserted.</p> <p>(b) in the existing first proviso, after the words “parents or guardians”, the words “and alumni of the school”, shall be inserted.</p> <p>(c) in sub-section (2), in clause (c), for the words “monitor the utilization of the grants received from the appropriate Government or local authority or any other such source”, the words “utilise the grants received from the appropriate Government, local authority or any other source for the upkeep and development of the school, in accordance with the terms of such grant and the rules made in that behalf” shall be substituted.</p> <p>(d) in sub-section (2), clause (e) is to be inserted, namely.-</p> <p>“(e) ensure that teachers of the school perform the duties that have been prescribed to them under Section 24, in a</p>

or local authority or any other source; and  
(d) perform such other functions as may be prescribed. 8[Provided that the School Management Committee constituted under sub-section (1) in respect of,--  
(a) a school established and administered by minority whether based on religion or language; and  
(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,shall perform advisory function only.]”

diligent manner;”

(e) sub-sections (3) and (4) shall be inserted, namely.-

“(3) The money received by a School Management Committee, for the discharge of its functions under this Act, shall be maintained in a separate account, and shall be utilised in such manner, as may be prescribed.

(4) The accounts of money, as received and spent by the School Management Committee, shall be maintained and audited in such manner, as may be prescribed.”

(f) After section 21 of the principal Act, the following sections shall be inserted, namely:-

**“21A. Autonomous District or City Education Boards and its functions**

(1) Every district and municipal corporation shall have an autonomous District Education Board and a City Education Board, respectively.

(2) Such board shall comprise the district education officer as the member secretary, members of School Management Committees, members of non-profit organisations, experts in the field of school education and government officials and such others as may be prescribed and, in the manner prescribed

below:-

- (a) one-fourth of members shall be from the School Management Committees, and
- (b) one-fourth of members shall be from reputed non-profit organizations, and
- (c) one-fourth of members shall be experts in the field of school education, and
- (d) one-fourth of members shall be government officials.

Provided that the limit on the number of members, along with their salaries and the rules of procedure, is prescribed by the appropriate government.

(3) The District Education Board and City Education Board shall perform academic, administrative, legal, budgetary and financial functions, as may be prescribed, including the following functions, namely:-

- (a) To take measures to improve teacher attendance and the quality of existing teacher training institutes, and
- (b) To recruit, monitor and execute administrative control, subject to guidelines prescribed, and
- (c) To amend the minimum qualifications required for

- appointment as a teacher, and
- (d) To grant transport subsidies to children wherever necessary, and
  - (e) To inspect schools in order to ensure educational outcomes, and
  - (f) To assess performance of schools once in four years, as prescribed in section 18 and
  - (g) To grant and monitor the registration and recognition of schools, and
  - (h) To make the rating information of schools widely accessible in the public domain and
  - (i) To amend the input requirements of schools, if necessary, and
  - (j) To prepare a budget plan based on school development plans and requirements of schools and monitor implementation of plan schemes, and
  - (k) To collect the information required on teacher and student assessment from Independent Assessment Authority, in order to evaluate the performance of schools, and
  - (l) To perform such other functions as may be prescribed.”

**21B. Independent Assessment Authority**

- (1) There shall be an Independent Assessment

	<p>Authority in Andhra Pradesh which shall design an assessment mechanism to identify the learning ability of a child, who has been admitted in a school, to decide the appropriate class for him or her.</p> <p>(2) Such a Authority shall also conduct student assessments at class V and VII or VIII and teacher assessments in a stress-free environment and duly report the results of the same, either to the District Education Board or the City Education Board, for the purpose of assessment, specified under clause (j) of sub-section (4) of section 21A.</p>
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**RATIONALE:**

Currently, School Management Committees (SMCs) only have the power to recommend and suggest changes, and there is a mismatch between their responsibilities, duties and authority. SMC's are meant to make government schools more accountable, but their functions as described in this section are primarily of monitoring, without giving enough decision-making power and authority to take necessary remedial action. In addition to this, there is inadequate financial and technical support for SMC members, furthering hindering their ability to perform their role. Also, there is a dire need to move away from the inspection raj system to a transparent way of assessing and improving the performance of schools conducted by an Independent board at a district or city level. Also, we are aware that the current examination system is encouraging children towards rote learning and creating unproductive students. India, in order to reap her benefits of demographic dividend has to provide a conducive education environment for a child to explore his/her potential fully. For that, we need independent assessment bodies to conduct examination in a stress free manner that leads children to think creatively and act innovatively.

<b>ORIGINAL SECTION</b>	<b>AMENDMENT</b>
<p><b>“22. School Development Plan:</b> (1) Every [School Management Committee</p>	<p>In Section 22 of the Principal Act (a) sub-section (2), shall be substituted with</p>

<p>. . . . . School Development Plan, in such manner as may be prescribed.</p> <p>(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.”</p>	<p>the following</p> <p>“ (2) The school development plan so prepared under sub-section (1) shall be integrated in the planning process and the budget of the appropriate Government and form the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be”</p>
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**RATIONALE:**

Currently, School Development Plans (SDPs) are not integrated in State’s planning and budgeting process. Therefore, these plans, which are created by the SMC based on its intimate knowledge of the needs and challenges of the school, are only considered as recommendations, and are not necessarily included in the state plans.

<b>ORIGINAL SECTION</b>	<b>AMENDMENT</b>
<p><b>“23. Qualifications for appointment and terms and conditions of service of teachers:</b></p> <p>(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.”</p>	<p>In Section 23 of the Principal Act</p> <p>(a) In sub-section (3), before the word “teachers” the words “government school” shall be inserted.</p>

**RATIONALE:** The terms and conditions of service of teachers, including salary, as prescribed by the appropriate Government should be meant for the teachers working or being recruited in the government schools only and should not be binding upon private schools. Terms and conditions of service for teachers in private schools should be a decision that is made by only those who are entering into a contract of employment. Further, determination of salary should be left on the market forces prevailing in a particular area.

ORIGINAL SECTION	AMENDMENT
<p><b>“24. Duties of teachers and redressal of grievances:</b></p> <p>(1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely:--</p> <p>.</p> <p>.</p> <p>. (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;”</p>	<p>In Section 24 of the Principal Act</p> <p>(a) in sub-section (1), clause (d), shall be substituted with the following</p> <p>“assess the learning ability of each child to ensure acquisition of class appropriate learning levels and accordingly supplement additional instructions, if any, as required”</p>

**RATIONALE:** The primary emphasis of a teacher’s duty should not be to complete the entire curriculum, but rather to ensure learning that is of a class-appropriate level.

ORIGINAL SECTION	AMENDMENT
<p><b>“25. Pupil-Teacher Ratio:</b></p> <p>(1) [Within three years] from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.</p> <p>(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.”</p>	<p>For Section 25 of the Principal Act</p> <p>(a) for the existing marginal heading, the following marginal heading shall be substituted, namely:-</p> <p>“Stipulated timeframe to conform to the infrastructure requirements”.</p> <p>(b) sub-section (1), shall be substituted with the following words</p> <p>“within one year from the date of commencement of The Right of Children to Free And Compulsory Education (Andhra Pradesh Amendment) Act, 2015, the appropriate Government and the local authority, shall ensure that each school follows the procedure as mandated under</p>

	<p>clause (c) in section 8 of this amendment Act”</p> <p>(c) in sub-section (2), the words “for the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1)” shall be omitted.</p>
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**RATIONALE:**

In consonance with the deletion of the Schedule, there is no longer a pupil teacher ratio prescribed. Instead it is prescribed in definitions part of this amendment act.

ORIGINAL SECTION	AMENDMENT
<p><b>“28. Prohibition of private tuition by teacher:</b> No teacher shall engage himself or herself in private tuition or private teaching activity”</p>	<p>Section 28 of the principal Act shall be omitted.</p>

**RATIONALE:** This is an artificial restriction imposed on teachers and their earning capabilities. Any teacher, working either in a government or private school, should be allowed to engage herself in providing private tuition to students if the timings of tuition classes do not interfere with his/her working hours at the school.

ORIGINAL SECTION	AMENDMENT
<p><b>“29. Curriculum and evaluation procedure:</b></p> <p>(1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.</p> <p>(2) The academic authority, while laying down the curriculum and the evaluation procedure under sub- section (1), shall take into consideration the following, namely:--</p> <p>(a) conformity with the values enshrined in</p>	<p>In Section 29 of the Principal Act</p> <p>(a) in sub-section (2), clauses (i) and (j) shall be inserted, namely.-</p> <p style="padding-left: 40px;">(i) collaborate with and provide required support to the Independent Assessment Authority as may be necessary in order to evaluate students as prescribed under Section 21B</p> <p style="padding-left: 40px;">(j) define the class appropriate learning levels.”</p>

<p>the Constitution;</p> <p>.</p> <p>.</p> <p>(h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.”</p>	
<p><b>ORIGINAL SECTION</b></p>	<p><b>AMENDMENT</b></p>
<p><b>“38. Power of appropriate Government to make rules:</b></p> <p>(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:--</p> <p>(a) the manner of giving special training and the time-limit thereof, under first proviso to section 4;</p> <p>(b) the area or limits for establishment of a neighbourhood school, under section 6;</p> <p>(i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;</p> <p>(3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government . . . validity of anything previously done under that rule or notification.”</p>	<p>In Section 38 of the Principal Act</p> <p>(a) in sub-section (2), in clause (a), for the words “first proviso to section 4”, the words “third proviso to section 16, as provided for in the Amendment Act” shall be substituted.</p> <p>(b) in sub-section (2), clause (b) shall be omitted.</p> <p>(c) in sub-section (2), clause (i) shall be omitted.</p> <p>(d) in sub-section (3), for the words “sections 20 and”, the word “section’ shall be substituted.</p>

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