

Alternative report on India to the Human Rights Council on Privatization and Infringement on the Right to Education



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ABBREVIATIONS

- AICTE - All India Council of Technical Education
- MHRD - Ministry of Human Resource Development
- NCERT - National Council of Educational Research and Training
- NCTE - National Council for Teachers Education
- OBC – Other Backward Caste
- PSK – Prarambhik Siksha Kosh
- SC – Schedule Caste
- ST – Schedule Tribes
- UNHDR – UN Declaration of Human Rights
- UGC - University Grants Commission

India is a signatory to Education for All (EFA) Goals and many other treaties related to education and development of children. India is also a signatory to a number of international covenants, treaties and declarations for ensuring the right of children to education in India. Most of these covenants are i.e. Jomtien Declaration 1990, World Education Forum 2000, Incheon Declaration “Education 2030” and Sustainable Development Goal 4 in UN. The State obligation providing basic education for all, undertaken in these declarations must be viewed as part of the obligations under international law (pertaining to the right to education) as contained in international instruments, notably:

- Article 26 of the *Universal Declaration on Human Rights*,
- Articles 4 and 5 of the *Convention against Discrimination in Education* (1960),
- Articles 28-30 of the *Convention on the Rights of the Child*, and
- Articles 13 and 14 (right to education) of the *International Covenant on Economic, Social and Cultural Rights*.

Methodology:

This report is an outcome of a series of consultations, meetings and sharing with partners and various stakeholders in India. On 11th of August 2016 followed by sharing with partner organizations with draft report with request for their inputs.

We further discussed the report contents took input during our board meeting on 17th September 2016.

We collected the inputs and comments from the partner organizations till 20th September 2016

Finally, we compiled the report and submitted the first draft on 22nd September 2016.

This shadow report highlights supplementary information on status of right to education and the adverse effect of privatization and commercialization of education in India. More precisely the report will highlight the failure to the following:

1. Universalize the elementary education throughout the country.
2. Lack of adherence of norms and standards by private providers as specified by India law i.e. Right of Children to Free and Compulsory Education Act 2009.
3. Social barriers as impediment to marginalized communities and inclusive education, particularly girls.
4. Lack of regulatory mechanism on privatization and commercialization of school education which leads to exploitation by private providers
5. Lack of political commitment by the state in terms of provision of resources regulations and infrastructural support.

We would like to place some questions for the consideration of the committee. Right to free education (as enshrined in article 13, 13.2., 13.3, 13.4 and 13.4 of UN Human Development Report)

Article 13 of the Covenant recognizes the right of everyone to free education (free for the primary level and "the progressive introduction of free education" for the secondary and higher levels). This is to be directed towards "the full development of the human personality and the sense of its dignity" and enable all persons to participate effectively in society. Education is seen both as a human right and as "an indispensable means of realizing other human rights", and so this is one of the longest and most important articles of the Covenant.

Article 13.2 lists a number of specific steps parties are required to pursue to realize the right of education. These include the provision of free, universal and compulsory primary education, "generally available and accessible" secondary education in various forms (including technical and vocational training), and equally accessible higher education.

Articles 13.3 and 13.4 require parties to respect the educational freedom of parents by allowing them to choose and establish private educational institutions for their children, also referred to as freedom of education. It also recognizes the right of parents to "ensure the religious and moral education of their children in conformity with their own convictions

The Committee on Economic, Social and Cultural Rights interpret the Covenant as also requiring states to respect the academic freedom of staff and students, as this is vital for the educational process. It also considers corporal punishment in schools to be inconsistent with the Covenant's underlying principle of the dignity of the individual.

Article 14 of the Covenant requires those parties which have not yet established a system of free compulsory primary education, to rapidly adopt a detailed plan of action for its introduction "within a reasonable number of years".

The UNHCR General comments 13 The Right to Education shall be directed to the full development of the Human Personality and to the strengthening of respect for human rights and fundamental freedoms"

Referring to the covenant, Education in all its forms and at all levels shall exhibit the following interrelated and essential features:

Availability: referring to quantity of schools and their equipment, including teachers and their salaries etc.

Accessibility: have at least three aspects of non-discriminatory access, physical and economic accessibility.

Acceptability: that education needs to be relevant, culturally acceptable and of good quality.

Adaptability: that education has to be responsive to social change and to diverse cultures.

Even though education has been declared as the fundamental right by Government of India followed by required amendments in the constitution, but the implementation of fundamental rights is still not universalized as per the spirit of the law. Hence this report strives to; questions the provision of education especially highlighting the basic principle of Availability, Accessibility, Acceptability and Adaptability:

A. Availability:

- Q. 1 Do we have enough schools provision from government to enroll all the children in the schools?
- Q.2. Whether our schools have adequate teaching learning material facilities?
- Q.3. Do we have enough teachers training institute to train quality teachers?
- Q.4. Do we have adequate professionally trained teachers in our schools?

B Accessibility:

- Q.5. Whether our government has ensured identifying all the children in school going age in a transparent manner?
- Q.6. Whether any participatory planning has been made to ensure universalization of education for every child in a transparent manner, particularly with the community participation?
- Q.7. Whether there is any inclusive and common school system for all the children to ensure that there is non-discriminatory and child friendly schooling in the country?

Q.8. Whether the government has made necessary arrangements to ensure that no child is deprived of education due to social and economic barriers i.e. class caste, school fee etc?

Q.9. Whether the government has made adequate arrangement to ensure the child friendly school infrastructure to enroll the children with special needs (disability)?

C. Acceptability

Q. 10. Whether the government has made provisions to ensure gender sensitive and girl friendly school environment?

Q.11. Whether arrangements have been made for quality education in terms of quantitative and qualitative values have been made?

Q.12. Whether children in difficult circumstances have been taken into consideration while make school plans?

Q.13. Whether there is universal coverage of school education for all the children in the age up to 18?

D. Adaptability

Q.14. Whether children from minority community, scheduled caste, scheduled tribes, economically backward and ethnic minorities, sexual minorities have been taken into consideration to inculcate their education needs, and culture?

Q.15. Whether enough resources are provided to ensure the quality education for all?

Q.16. Whether there is enough arrangements to ensure the grievance redressal mechanism for all children within the reach of their community and school?

Status of Right to Education in India and Adverse effect of Privatization

Pursuant to the international covenants India made elementary education a fundamental right by eighty six amendment of the Constitution in 2002. The Right to Education (RTE), Act, 2002 Article 21A which states as under:

“Article 21A - The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”

The Indian Constitution now provides free and compulsory education for children between the ages of 6 and 14. The Elementary education being the justiciable fundamental right is supposed to be the sole responsibility of the State. It's a pity that India is still having the world largest number of out of school children languishing the scourge of slavery; child labour, bonded labour and other forms of deprivation.

The Apex court of India verdict on Miss Mohini Jain vs. State of Karnataka & Ors, 1992 SCR (3) 658:

“The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to provide educational facilities at all levels to its citizens. The fundamental rights guaranteed under Part III of the Constitution of India including the right to freedom of speech and expression and other rights under Article 19 cannot be appreciated and fully enjoyed unless a citizen is educated and is conscious of his individualistic dignity.”

The 8-year Elementary Education in India: With more than 1448712 elementary schools (354743 Private and 1093969 Govt.), India operates the biggest education system in the world. It runs basic education called elementary education. In India elementary school, Class I –VIII is recognised as the period of compulsory schooling, with the constitutional amendment making education a fundamental right.

1. The progress of schooling system: The implementation of constitutional amendment and Right to Education Act 2009 is still sluggish and not all the children are in the schools.

2. Massive Number of Out of School Children!!!

Based on the 2011 Census figures, there were 233,583,108 children from age 6 to 14 in India. However, from the total enrolment figures for 2011-2012 (page 27 of the DISE 2012-13 Flash Statistics) had only 199,055,138 students in schools (“including enrolment in unrecognized schools and madrasas”). This means that over 34.5 million children covered by the RTE Act were not enrolled in school.

3. Number of children disappearing from Government schools: The DISE data 2013-14 is evident that unfortunately the enrolment in elementary schools (1 to 8) during the year 2013-14 has decreased. During the year 2012-13 there were 134,784,272 children studying in primary classes (1 to 5) which reduced to 132,428440 children during 2013-14. Thus 2355832 children got reduced at lower primary level.

Table 1: Total number of Children missing from our schools

Government + Private Total (No. of children decreased/increased in brackets)			
Year	Grand Total (1-5) (Govt. + Private schools + Unrecognized)	Grand Total (6-8) (Govt. + Private schools + Unrecognized)	Grand Total Elementary (1-8) (Govt. + Private schools + Unrecognized)
2010-11	134.41	574.48	191.85
2011-12	136.79 (+2.38)	616.89 (+4.24)	198.48 (+6.26)
1012-13	134.78 (-2.00)	649.26 (+3.24)	199.70 (+1.23)
2013-14	132.41 (-2.38)	655.49 (+0.62)	197.96 (-1.75)

4. Children increasing in Private schools: However, the enrolment has increased in private schools (see table 2 below), while enrolment has gone down in government schools. As shown below the enrolment

in govt. primary school has gone down from 68.63 (2011-12) to 64.65% (2013-14) whereas in private schools in the same period it has increased from 31.37% to 35.46%. Similarly in Upper Primary govt. schools in the same period the enrolment has decreased from 62.17% (2011-12) to 60.30% (2013-14) as compared to private schools, where it has increased from 37.83% to 39.70%. Thus, in elementary schools the total enrolment has gone down from 66.61% (2011-12) to 63.13% (in govt. schools whereas in private schools it has gone up from 33.39% to 36.87%).

Table 2: Percentage of Children Enrolled in Government and Private Schools - A Comparison

Classes	Government School			Private School		
	2011-2012	2012-2013	2013-2014	2011-2012	2012-2013	2013-2014
Total Enrolment I to V	68.63	66.04	64.54	31.37	33.96	35.46
Total Enrolment VI to VIII	62.17	60.42	60.30	37.83	39.58	39.70
Total (I to VIII)	66.61	64.20	63.13	33.39	35.80	36.87

The declining trend in enrolment in government schools and increasing trend in private schools is further evident in table 3. It is also worth mentioning that the unrecognized schools are also enrolling the children. However their enrolment is getting declined.

Table 3: Trend of Enrolment in Government and Private Schools

Grades	Govt. schools		Private Aided		Private Unaided		Unrecognized	
	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14
Primary 1- 5	64.17	62.77	5.53	5.53	27.48	28.95	2.83	2.73
Upper Primary 6-8	59.40	58.43	13.99	12.97	24.92	25.49	1.68	1.72
Total Elementary 1-8	62.62	61.32	8.28	8.02	26.65	27.80	2.46	2.40

5. The Declining Trend continues: From the very beginning, 2010-11 (The year when the RTE Act was notified), the number of children in government primary schools gradually declined from 94.08 million (year 2010-11) to 91.65 million in 2011-12) then 86.49 million in 2012-13 and followed by 83.12 million during 2013-14.

Table 4: Enrolment in Government Schools (in millions)

Year	Primary (1 to 5)	Upper Primary (6 to 8)	Total Elementary Govt. (1 to 8)
2010-11	94.08	36.00	130.08
2011-12	91.65	37.75	129.40
2012-13	86.49	38.57	125.06
2013-14	83.12	38.84	121.96

6. Unregulated Private schools; a mushrooming business: Despite of the fact that RTE Act makes certain norms and standards to be followed by private schools in terms of infrastructure, teachers and school governance it is hardly being followed and private schools are increasing in numbers.

Table 5: Enrolment in Private Schools (in millions)

Year	Primary (1 to 5)	Upper Primary (6 to 8)	Total Elementary Private (1 to 8)
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2010-11	38.24	20.88	59.11
2011-12	41.90	22.97	64.86
1012-13	44.48	25.27	69.75
2013-14	45.67	25.57	71.23

- **Un-recognized schools:** The DISE data (Flash Statistics 2013-14) shows the number of unrecognized schools. As shown in table no (5) the number of unrecognized schools is increasing despite the provision of enforcement of RTE Act 2009 which bans the unrecognized schools. A matter of fact the unrecognized schools have not been served any notice to become adherent to RTE norms. (See table 6)

Table 6: Enrolment in Urecognised Schools (in millions)

Year	Primary (1-5)	Upper Primary(6-8)
2010-11	2.08	0.56
2011-12	3.24	0.98
1012-13	3.81	1.09
2013-14	3.62	1.14

7. Justifiable fundamental right to education for marginalized communities and girl child: The very objective of Education for all, Gender parity and justifiable right to education was meant to make sure that backward communities, scheduled Castes, Scheduled Tribes and minorities (specially Muslims) will be able to mainstream in the 8 year elementary schooling system. Let us see the progress towards this area: -

- A. Muslims:** As far as the Muslim community children are concerned the progress seems to be by and large on the track. The enrolment of both boys and girls in Primary level (1 – 5) from 2010-11 to 2013-14 has been in increasing order. However, in case of Muslim girls the enrolment decreased from 49.22% (2012-13) to 49.12% (2013-14). (see table 7).

Table 7: Enrolment of Muslims (in millions)

Year	Primary (1 to 5)		Upper Primary (6 to 8)		Elementary (1-8)	
	Total boys + girls	Girls	Total boys + girls	Girls	Total boys + girls	Girls
2010-11	13.04	49.06	11.25	48.71	12.5	49.56
2011-12	13.31	49.17	11.65	51.31	12.79	49.78
2012-13	14.20	49.22	12.11	51.48	13.52	49.88
2013-14	14.34	49.12	12.52	51.38	13.73	49.81

- B. Other Backward Communities (OBC):** The OBC girls too have the same story. As shown in table 8, the enrolment of girls has decreased from 48.65% (2012-13 to 48.49% (2013-14). In Upper Primary level also the trend is the same .

Table 8: Enrolment of Other Backward Classes (OBC) (in millions)

Year	Primary (1 to 5)		Upper Primary (6 to 8)		Elementary (1-8)	
	Total boys + girls	Girls	Total boys + girls	Girls	Total boys + girls	Girls
2010-11	40.09	48.63	40.27	48.26	40.14	48.52
2011-12	42.80	48.54	43.25	48.61	42.94	48.56

2012-13	42.91	48.65	43.66	48.92	43.15	48.74
2013-14	44.10	48.49	44.44	48.81	44.21	48.59

- C. Schedules Tribes:** The enrolment of Schedules Tribes children is most worrisome; The RTE Act has not been able to encourage ST children in schools much. The combined enrolment (boys and girls) has shown decreasing order from 2011-12 11.40% to 11.31% in following year and 11.09% in 2013-14. The ST girl's enrolment too has been in decreasing order from 48.54% (2012-13) to 48.34% in following year.

Table 9: Enrolment of Scheduled Tribes (in millions)

Year	Primary (1 to 5)		Upper Primary (6 to 8)		Elementary (1-8)	
	Total boys + girls	Girls	Total boys + girls	Girls	Total boys + girls	Girls
2010-11	11.26	48.53	9.41	48.16	10.7	48.43
2011-12	11.40	48.49	9.86	48.66	10.92	48.54
2012-13	11.31	48.54	9.75	49.03	10.85	48.67
2013-14	11.09	48.34	9.73	48.73	10.63	48.46

- D. Scheduled Castes:** The Schedules Castes are no exception to this phenomenon. The SC girl's enrolment at primary level has decreased from 48.52% (2012-13) to 48.31% 2013-14. At Upper Primary level also this situation is applicable to both boys and girls as the enrolment of boys and girls at U Primary level has decreased from 19.47% (2012-13) to 19.41% in the following year. The girl's enrolment too has dropped from 48.95% to 48.76% in the same period at Upper Primary level.

Table 10: Enrolment of Scheduled Castes (in millions)

Year	Primary (1 to 5)		Upper Primary (6 to 8)		Elementary (1-8)	
	Total boys + girls	Girls	Total boys + girls	Girls	Total boys + girls	Girls
2010-11	19.06	48.50	18.42	48.50	19.06	48.50
2011-12	19.80	48.42	19.14	48.64	19.80	48.49
2012-13	20.24	48.52	19.47	48.95	20.24	48.64
2013-14	19.88	48.31	19.41	48.76	19.72	48.46

The overall situation is self-explanatory. The benefits of RTE Act have not so far been reached to the desired level to marginalized communities, minorities, SC ST Etc. The girls are seen to be most neglected in the entire phenomenon.

- 8. The appalling state of children in difficult Circumstances:** As per the Census 2011 the total number of children as main workers enumerated were 17703310 out of which 1108808 were between the age group of 5 to 9 whereas 3244439 were in 10 to 14 years age. The school planning should be done in accordance of these children. Unfortunately, this is not happening and still such children are languishing the scourge of child labour and slavery.

Table 11: Children as Main and Marginal workers in 2011 Census

Age-Group	Main workers	Marginal workers	
		< 3 months	3-6 months
5-9	1108808	357920	1066910
10-14	3244439	1542262	2808324

15-19	17703310	3054963	9458107
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9. The Education and regulatory system in India: India’s educational system broadly comprises school education (elementary, secondary and higher secondary), higher education (general and professional) and vocational education. The Ministry of Human Resource Development (MHRD) is the nodal ministry for the sector. The other bodies involved in regulating and maintaining standards in the sector include the National Council of Educational Research and Training (NCERT), the University Grants Commission (UGC), the All India Council of Technical Education (AICTE), and the National Council for Teacher Education (NCTE) at the central level. At the state level, the Department of Education and the State Council of Educational Research and Training (SCERT) have important roles to play.

Beside this bodies National Commission for Protection of Child Rights represented by its state chapters are further made responsible for Protection of Child Rights, (under section 24 and 25). NCPCR/SCPCR is responsible to ensure the enforcement and protection of child rights under RTE Act 2009.

Agony of Privatization and Commercialization of school system in India

In the move of privatization of education, the Ministry of Human Resource development, Government of India has issued a concept note for launching privatization of education in the name of so called “Public Private Partnership (PPP). The Government is convinced that there is an urgent need for replacement of bureaucratic controls in education by professional regulations along with private-public partnership to ensure universal elementary education. Competition in tertiary and secondary education is also equally essential.

Under the move of PPP, Government of India has made its intention to engage private sector in education. It is mentioned in the Twelfth Five Year Plan documents; *“In the Twelfth Five Year Plan, possibilities will have to be explored for involving private sector more meaningfully to achieve the objective of expansion and quality improvement”*.

In India, the decline of public education and the concomitant growth of private education can be traced to three main factors. *Firstly*, the meagre education budget that does not match demand. India has the largest youth demographic in the world, with half the country’s population of 1.2 billion under the age of 25, but the education budget hovers at around 3.8 per cent of gross national product (GNP) (Government of India, 2016). Moreover, in 1968, the Indian state had committed to six per cent of GNP for its education budget, a target unfulfilled to this day (Tilak, 2009, 2006). A lack of political will to finance public education has legitimated the corporate sector “solution” to and involvement in education.

Secondly, in 1991, the Indian state launched far-reaching reforms to liberalise, deregulate, and privatise the public sector, including social sectors such as health and education (Nayyar, 2008; Venkatnarayanan, 2015). As a result, state governments, in Andhra Pradesh and elsewhere, divested themselves from government schools, shrinking the size of the sector and adversely impacting quality. Studies show that “the government’s reduced priority toward providing sufficient resources to elementary education has indirectly increased the privatization of schools at elementary level” (Venkatnarayanan, 2015).

However, in a context of changed aspirations and declining quality, government schools are perceived as an impediment to success in the new economy (Lukose, 2009; Jeffrey et al., 2008; Faust and Nagar, 2001).

These economic, social and political transformations of the last two decades have led to the proliferation of private (English-medium) schools in the country. In the wave of school privatization sweeping across the country, inequalities have been exacerbated. Many different types of schools have emerged that cater to different income households.

Implementation of Right to Education Act in India

In India one of the major aspects of the Right to Education Act was supposed to regulate the private schools in terms of norms and standard laid down in RTE Act 2009.

Section 15: Recognition of schools for the purposes of section 18

Every school, other than a school established, owned or controlled by the State Government or Local Authority, established before the commencement of this Act shall make a self-declaration within a period of three months of the commencement of the Act, to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule.

The ground reality: Unfortunately, the unrecognized schools are still running scot-free and neither notice have been served to them nor have they applied for getting recognition as per RTE Norms.

Section 12 (C) of the RtE Act 2009 (RTE Act) provides reservation of 25% of seats for economically weaker section (EWS) children in private schools at entry level.

The ground reality: In most of the states of India this provision is being grossly violated. Either children are not admitted or if somewhat admitted are segregated in the classroom with elite class students. (For example in Uttar Pradesh, 73656 schools is providing elementary education. According to a rough estimate this provision provides more than 7,00,000 seats, available for EWS children out of which only 60 seats are filled on the verge of completion of five years of RTE enactment. The other states are no different from Uttar Pradesh.

Exorbitant Fee and capitation fee in private schools: Unfortunately, the private schools are charging exorbitant fees and they increase the rate of fee without any regulatory mechanism. In most of the states of India there is not fee regulatory mechanism. This leads to huge burden of parents in terms of fee and other periodical charges in the name of school tour, cultural function etc.

The good provisions of RTE Act in government schools:

The Right of children to free and compulsory Education Act provided free elementary education, with provision of mid day meal, free text books uniform, medical care and learning material in government schools.

The best example of governance is that parents of children will be in the school management committee who will keep an eye on the rights of the child and good governance of govt schools, Unfortunately these practices are grossly lacking in private schools.

Status of Education financing in India

Trends in Spending on education through Union Budget by MHRD

Despite repeated proclamations to the contrary, Center has been reluctant to raise the level of spending on education to achieve quality and universal free education for all. As is obvious from the table given below, spending by MHRD through Department of School Education & Literacy has increased in nominal terms from Rs. 435540 million in 2012-13 to Rs. 453610 million in 2016-17. Indeed, it is quite disappointing to note that figures for 2016-17 has been less than the 2015-16 (RE) figures of Rs. 468560 million, a reduction of Rs. 15000 millions. In this context, it may be noted from the table that spending on higher education has declined grossly from Rs. 288400 million in 2012-13 to Rs. 204230 million in 2016-17. If we take into account the inflation into consideration which eats into the real worth of any nominal allocation in monetary terms, the decline is even more in allocations for education.

Figure 1: Financing of SSA in India Contribution of CESS (percentage)

Source: Based on CBGA, A Response to Union Budget; 2015-16

In Union Budget 2015-16, the total allocations for SSA and MDM are Rs. 22,0000 million and Rs. 9,2360 million respectively. This shows a reduction of 28.5 percent and 31 percent from the 2014-15 Budget Estimates. Over the last few years, the major chunk of government financing of SSA and MDM had been through education cess. However, this year the part of the SSA and MDM financed from cess is categorised as 'schemes fully supported by Union Government', and rest of the allocations of Rs. 2,2000 million and Rs. 14610 million respectively will flow to states as Gross Budgetary Support (GBS).

A close analysis of accounts data (from FY 2004-05 to 2014-15) shows that against the collection of Rs 1,54,8180 million of primary education cess, only Rs 1,415200 million crore was transferred to PSK, questioning the decision not to transfer the remaining **Rs 13,2980 million** towards the purpose it was collected for. A significant part of the cess that we pay to the government has remained unutilized or has been diverted for other purposes. The CAG report notes that Education cess was introduced to fulfill the commitment of the government to provide and finance universalised quality basic, secondary and higher education. The primary education cess was introduced in 2004-05, while the secondary and higher secondary education cess was introduced in Budget 2007-08. The proceeds of education cess are spent on Sarva Shiksha Abhiyan and Mid-Day Meal scheme of the government. The Secondary and Higher Education Cess (SHEC) was introduced in 2007. Though the government collected over Rs 64,000 crore under this head between 2006 and 2015, there was lack of transparency in its use. Unlike the creation of the PSK (Prarambhik Siksha Kosh) for the primary and elementary education cess, there was no fund designated for the proceeds of SHEC nor were any schemes identified on which the cess proceeds were to be spent.

GOI's allocations for SSA are primarily funded through a 2percent education cess, called the Prarambhik Shiksha Kosh (PSK). PSK is a tax-on-tax paid by the public. In FY 2015-16, 62 percent of SSA funds came from PSK. This has increased marginally to 65 per cent in FY 2016-17 alarming.

Our concern:

Elementary Education being the state responsibility is being shifted to private players who are running schools for profit. We believe that creation of multiple strands of schooling for the fees paying rich and the poor, would amount to allowing a certain class of society monopolizing opportunities. This vision of equal opportunity is a universal right recognized by multiple international treaties that India is signatory to, and cannot be seen as limited by the right of adults, political or business groups.

- a. Most private schools currently receive benefits from the State that include tax benefits under the **income tax act**, wealth tax and lower **property taxes**, direct subsidy towards the cost of land allotted, concessional electricity charges etc. These benefits are extended to these societies for helping them in their charitable activities and for eventually making education available to all strata of society. Consequently, the reservations imposed on these schools are in line with the original objectives behind which subsidies were given.
- b. **Large number of private schools is cheating the government by failing to play this function.** Accordingly a study on the “Public Utility of Private Schools: A study of 80 Elite Private Schools of India” by *Bhatnagar & Omer (2005)* of Rs. 100/- of concessions/incentives given by the government, only Rs. 27/- are spent by private schools towards socially useful activities. Both the *2005 Comptroller and Auditor Report* and the subsequent Directorate of Education inquiries on the subsidy extended in lieu of allotment of land to schools in Delhi found several gross malpractices. Thus, the private schools have until now failed to provide return on the existing government investments and should, therefore, now be bound to social role that they are obliged to play in return of the subsidies that they enjoy.
- c. **Private Schools have until now taken advantage of a weak regulatory framework.** The mechanisms for regulation of private schools are extremely weak- with minimum teacher qualification norms, teacher standards and a whole host of issues until now remaining by and large un-enforced.
- d. **Private Schools are not adhering to the norms and standards of RTE.** It is unfortunate that private schools run without minimum quality standards as laid down in the law (a trained teacher, a classroom, a school library, a toilet for girls, access for children with disability, some drinking water, at least a minimum number of instructional hours in a year) are not to be adhered to by the private schools. Several private schools currently fail to do so.
- e. **Private Schools currently have considerable reserves of profits**-The private schools claim that the implementation of the 25% quota will inflict damage to their right to pursue business. In contrast, the 2010 CAG Report on the private schools in Delhi shows that 80% schools had fees surpluses during 2008-2009. 95% of the schools investigated had a margin of over 17.67% between the fees collected and the expenditure. Together with any reimbursement that they may receive from the government, this should be sufficient to tide over the extra costs that some may be forced to bear through admission of 25% students from marginalized background.

Recommendations

1. Review and redefine and develop a roadmap and a strategic plan in consultation with relevant stakeholders in order to provide effective support to national efforts toward SDG4 based on capacity assessments, and support the alignment of national plans with SDG4 targets.

2. Ensure inter-sectoral cooperation with education working closely with health, youth, labor and other issues Inculcate CSOs and Teachers Unions who can contribute evidences and data on education needs in hard to reach areas.
3. Human Rights framework should be designed for the private players in education including strong regulatory act for private sectors ensuring adherence of RTE norms by private schools.
4. Girl child, child labour, SC, ST, OBC and other minority communities should be given priority to mainstream in the schooling system.
5. At least 6% of GDP should be made available to education and adequate allocations should be made on SDG 4 goals

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Endorsing Organisations

- ❖ Mr. Reni Jacob, World Vision
- ❖ Mr. Ambarish Rai, RTE Forum
- ❖ Mr. Ambarish Rai, PCCSS
- ❖ Prof. Mondira Dutta
- ❖ Mr. Rampal Singh, President AIPTF, General Secretary, NCE
- ❖ Mr. Dharam Vijay Pandit, All India Federation of Teachers Organizations (AIFTO)
- ❖ Mr. Indrasekhar Mishra, All India Secondary Teacher's Federation (AISTF)
- ❖ Ms. Shweta Radhakrishnan, Nirantar
- ❖ Mr. Nazim Bhai, State Secretary, Unorganised Labour Union, Lucknow, Uttar Pradesh
- ❖ Mr. Mayank Srivastav, Country Representative, Lucknow, Uttar Pradesh
- ❖ Mr. Rajnath Singh, Bal Kalyan avam Shodh Sangsthan, Allahabad, Uttar Pradesh

About National Coalition for Education

National Coalition for Education(NCE) is a conglomeration of networks working on Right to Education comprising of Parliamentary Forum for ensuring right to Education, All India Primary Teachers Federation (AIPTF); a union of more than 3 million primary teachers, All India Federation of Teachers Organization (AIFTO), a union of 1.2 million teachers, All India Secondary Teacher's Federation (AISTF), 0.85 million teachers, All India Association for Christian Higher Education (AIACHE) an association of 300 college Principals, World Vision India (a Foundation working for children education and development) and People's Campaign for Common School System (PCCSS) .