



# Bright Spots Report 2021:

Status of Inclusion  
through the Lens of RTE  
Section 12(1)(c)



INDUS ACTION

# About Indus Action

At Indus Action, we strive to improve the delivery of welfare rights for families with an income of less than Rs. 10,000 (\$135) per month across 20 States in India. 890 million citizens continue to remain below the poverty line due to a lack of sustainable access to welfare rights like education, health, and livelihood security.

We solve the problem of access by mobilising communities to claim their welfare entitlements, build capacity and technology tools for governments to improve last-mile delivery of welfare rights. We also advocate for process and policy level changes based on our research and on-ground work with communities.

Our goal is to place 1 million+ families currently below the poverty line on an irreversible path out of poverty by 2025. We aim to do this through a portfolio of rights that builds their resilience against poverty and helps them exercise their civic skills.

We define success as families receiving benefits to which they are entitled. This means that (1) a family has newly accessed and successfully received at least 3 legislated rights; (2) at least one child in the family has benefited from access to free education through the Right to Education Act; (3) at least 2 other members of the family have received access to entitlements through direct benefit transfer for young mothers, pensions for elderly members, access to affordable quality healthcare/insurance and social security.

# FOREWORD

2020 saw an upheaval in our lives, and massive challenges for the education system overall. Students, parents, teachers, the entire schooling community, have felt the ripple effects of physical schools shutting down, online learning becoming the new normal, and a keen sense of a compromised academic experience.

The Bright Spots Reports by Indus Action have been covering information about Section 12(1) (c) of the RTE Act, 2009. This edition gives us details about the implementation of this important policy in an extremely difficult, pandemic-ridden year. It highlights the 'bright spots' in this otherwise dreary year, with some states implementing the policy despite all challenges. It is these stories of hope that we all can be inspired by.

It is with firm conviction in the opportunities provided by education that I have been working to reform the education system as part of the Delhi government. It is our role, as elected representatives of the people, to ensure equitable access to high quality education for all our children. Each stakeholder whether private or public, has a role to play in ensuring that we build an inclusive society where young people get to a fair chance to realise their innate potential.

This report highlights the role of the different players - central and state governments, private schools, parents - the challenges they face, and also provides recommendations for further action.

I appreciate the hard work that has gone into creating this report and wish the team the very best in the efforts to build a more inclusive country.



## **ATISHI**

MLA-Kalkaji, New Delhi

Chairperson, Committee on  
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A sincere gratitude to our partner organisations from different states - Rupayan (Odisha) and Bhumi (Tamil Nadu), for their continued efforts in ensuring the implementation of the policy.

# A Note from Cisco

CISCO India through its CSR wing has been supporting Indus Action to ensure equitable education through the implementation of Section 12(1)(c) of the Right to Education Act, 2009, for the past 3 years. The focus of the partnership is on leveraging technology to ensure streamlined implementation, which is transparent and helps hold stakeholders accountable. The attempt with Section 12(1)(c) has been to build a Management Information System (MIS) with 7 modules, which encapsulate the entire admission process from application to reimbursements, student tracking to grievance redressal, and admission to lottery. Technology, as we have seen during this COVID-19 pandemic, is a key lever for outreach and systems transformation. Here is a note from Mr Harish Krishnan, Managing Director of Cisco Systems, India.

## Will the Future of Education be Hybrid?

CISCO India through its CSR wing has been supporting Indus Action to ensure equitable education through the implementation of Section 12(1)(c) of the Right to Education Act, 2009, for the past 3 years. The focus of the partnership is on leveraging technology to ensure streamlined implementation, which is transparent and helps hold stakeholders accountable. The attempt with Section 12(1)(c) has been to build a Management Information System (MIS) with 7 modules, which encapsulate the entire admission process from application to reimbursements, student tracking to grievance redressal, and admission to lottery. Technology, as we have seen during this COVID-19 pandemic, is a key lever for outreach and systems transformation. Here is a note from Mr Harish Krishnan, Managing Director of Cisco Systems, India.

The desire to learn is innate to us, and access to classrooms is the bridge that connects learners with educators. The pandemic has forced an experiment that moved education to digital classrooms, and online learning proved to be the catalyst for creating new learning models.

With this evolution of virtual learning, the construct of distance is dissolving, and hybrid experiences have become ubiquitous, necessary, and many times proved to be more effective than in-person learning. There is no doubt that the education landscape has changed forever. But as we continue to reimagine education and step towards reopening campuses, we need to assess what lies ahead.

There are several reports and articles that capture the negative impact of the pandemic on the education system and the increasing digital divide. However, there are also innovations across different parts of the country that provide a ray of hope. Many organizations, government bodies, civil society, even parents and students have come together to identify solutions and platforms that can enable a wider reach of education during lockdowns. At Cisco, our vision is to power an

inclusive future for all. It drives the way we conduct our business. More importantly, it is also the lens that we use to evaluate investments in CSR.

India has been one of the hardest hit by the pandemic. Besides the monumental loss of life, the effects on livelihood, healthcare, and education have been disruptive, to say the least. While school closure was anticipated to be temporary, a significant number of schools in the public schooling system have been closed for more than a year now. Teachers and parents have adopted alternative approaches to keeping children engaged, and technology-led, affordable innovations have become a key aid to keeping children occupied.

Schools in urban areas were quick to switch to popular collaboration platforms, ensuring academic continuity. Several state governments were also swift to identify affordable platforms to ensure access and continuity. Haryana government's Ghar Se Padhao initiative was one such effort where parents and students connected with over 50,000 teachers during the national lockdown through SMS, calls, and other social media platforms. Another example is the usage of the MHRD platform Diksha in Rajasthan. The state's investment in this platform prior to the pandemic made it easier to offer timely teacher support as soon as COVID-19 hit.

The Prime Minister's e-Vidya scheme, assimilation of several digital, online, and mass media efforts with a goal of benefitting school children and focus on developing permanent assets for quality education also demonstrated the need to invest in flexible ways of learning for the future.

However, the challenge is two-pronged – access and quality. While the pandemic initially set students back everywhere, learners with limited access to an internet connection or devices felt the brunt of the pandemic as they were unable to embrace the new normal of remote learning.

According to a report by the Centre for Policy Research, across states, only 28% of Government and Government aided schools had computers, and 12% had internet connections as of 2018-19. Does this mean that there is an increased need to invest in digitizing schools? In 2019, the country spent 3.1% of the GDP on education against the prescribed 6%, a significant budget shortfall for a department that utilizes a majority of its budgets towards salaries and staffing costs.

On the other hand, the effectiveness of education imparted online is yet to be proven. Low retention and reduced attention span could impact the efforts of educators who are relentlessly trying to improve the learning outcomes.

The need of the hour is for policymakers to expand access to continuous, inclusive, and equitable learning avenues across communities, specifically impacting children in the public education system. The past 18 months witnessed successes in small pockets with innovations in content, delivery mechanism, impact evaluation, etc. Such successes must be scaled up across the country, technology must be used more effectively, and financial and human resources must be reevaluated and deployed more efficiently. As we enter an increasingly unpredictable future, hybrid learning will be essential for a resilient education system that can keep learning alive through disruptions. Now is the time for us to build an inclusive, student-centric education experience where learning can take place anytime and anywhere.

**MR. HARISH KRISHNAN**

Managing Director, Cisco Systems India

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## SUMMARY

The Right of Children to Free and Compulsory Education, commonly called the Right to Education Act, was enacted in 2009 and guarantees free and compulsory education to all children in India between the ages of six and fourteen. The Act mandates that the state has a responsibility to enrol children in schools, provide remedial or special education to children with disabilities, and transfer children to different schools in case of migration. Section 12(1)(c) is a clause within this Act that mandates private, unaided, non-minority, recognized schools to reserve 25% of the seats in their entry-level classes for children belonging to socially disadvantaged groups and economically weaker sections of the society. Despite being in existence for the last eleven years, the policy faces implementation challenges because of which its adoption remains limited. This report examines the implementation status of Section 12(1)(c) during the pandemic.

While the pandemic caused a slowdown of Section 12(1)(c) admissions across the country, different states followed different timelines. The report analyses Section 12(1)(c) admission data from nine states – Chhattisgarh, Delhi, Gujarat, Haryana, Karnataka, Maharashtra, Odisha, Tamil Nadu, Uttarakhand, and Uttar Pradesh. The average fill rate of Section 12(1)(c) seats in these states is only 56%, with Gujarat having the highest rate at 79% and Haryana the lowest at 0%. The table summarises the status of implementation of the clause in states from which data is available.



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State	Were students admitted in schools under section 12(1)(c) in AY 2020-21?	Were the admission deadlines delayed due to COVID?	Additional Comments
Gujarat	Yes	No	<ul style="list-style-type: none"> <li>19000+ seats remained vacant</li> <li>Rejection rate increased to 12x in Ahmedabad</li> </ul>
Delhi	Yes	Yes, admissions stretched over 9 months	<ul style="list-style-type: none"> <li>Almost 17,000 (34%) of 50,000 seats vacant till December 2020</li> <li>3% of the 25% seats under quota reserved for children with disabilities</li> <li>HC ordered schools to provide electronic gadgets and internet facilities to students from EWS category</li> </ul>
Maharashtra	Yes	Yes, stretched over 9 months, completed in January 2021	<ul style="list-style-type: none"> <li>Growth in number of applications only 1% in 2020-21 (vs 6% in 2019-20)</li> <li>Education department allowed provisional admissions but even then, around 36,251 seats remained empty</li> <li>Number of seats in 2021-22 reduced to 96,801; government cut reimbursements to school by 50%.</li> </ul>
Karnataka	Yes	No	<ul style="list-style-type: none"> <li>Applications received dropped by 38%</li> <li>Trend continued, with only 8,980 applicants for 14,036 seats available this year (2021-22)</li> </ul>
Uttar Pradesh	Yes	Yes, application date postponed four times	<ul style="list-style-type: none"> <li>While the number of schools increased from 19,962 to 20,929, both the applications received, and students admitted decreased in 2020.</li> <li>Entire process made digital in urban areas in 2021; increase in number of applications reported in most of the districts including Kanpur.</li> </ul>
Tamil Nadu	Yes	Yes, process continued till November 2020	<ul style="list-style-type: none"> <li>Only ~86,000 applications received for 115,000 seats in the state</li> <li>Multiple rounds of admissions conducted to fill the vacant seats</li> </ul>
Odisha	Yes	–	<ul style="list-style-type: none"> <li>Entire process became online in 2021, government launched a new portal called RTE Pardarshi</li> <li>There are 4,463 registered schools in the state, ~65,000" to "35,000 applications thus far.</li> </ul>

BRIGHT SPOTS REPORT 2021

State	Were students admitted in schools under section 12(1)(c) in 2020-21?	Were the admission deadlines delayed due to Covid?	Additional Comments
Chhattisgarh	Yes	Yes, application deadline extended till July	<ul style="list-style-type: none"> <li>Currently, 301,371 students enrolled under RTE Section 12(1)(c) in the state</li> <li>Admissions for 2021 already started with a positive response – 71,822 applications received for 83,215 seats</li> </ul>
Uttarakhand	Yes	Yes, conducted a second round of application	<ul style="list-style-type: none"> <li>~14,000 seats were vacant after first round</li> </ul>
Madhya Pradesh	No	-	<ul style="list-style-type: none"> <li>Did not extend any admissions under the section for 2020-21</li> <li>Admissions yet to begun for 2021-22, have asked schools to lock seats by May 2021</li> </ul>
Jammu & Kashmir	No	-	<ul style="list-style-type: none"> <li>While J&amp;K is under the purview of RTE 2009 act now, the UT still did not implement the provisions of the Act in 2020</li> <li>Rules and guidelines for the act awaiting approvals from advisor's office</li> </ul>
Telangana	Yes	-	<ul style="list-style-type: none"> <li>Though an applicable state, Telangana has not started RTE implementation</li> <li>August 2020, Telangana HC ordered the state to implement the provisions of the Act but no action taken till now</li> </ul>

The admissions process was delayed by six to nine months across several states due to the pandemic. There were a few other challenges that the different stakeholders faced due to the lockdown and other COVID-related issues, like parents being unable to arrange the required documents on time, schools not receiving reimbursements on time, children being unable to

attend online classes due to the lack of access and know-how of technology.

Section II of the report examines the role of various stakeholders in the 12(1)(c) ecosystem – central and state governments, private schools, the judiciary, and parents. The section details the implementation challenges faced by each stakeholder and provides

recommendations for how these gaps can be overcome to improve the efficiency of the policy. Threats to Section 12(1)(c) such as competing welfare schemes and the narrow scope of the new National Education Policy are also discussed. A summary of the challenges and recommendations for each stakeholder are given below.

### Challenges:

- Lack of transparency about the institution of a committee to determine the per child cost, or the process of doing so, by different states.
- Delay in payment of reimbursements to schools by about 6-9 months.
- Lack of focus of the government during the pandemic on regulating the quality of education being provided in these private schools.
- Low awareness about the policy and its benefits among eligible parents
- Complicated offline admission processes which may deter parents from applying as it leads to a loss of time and wages for them.
- Some students facing discrimination in schools by other students, teachers, and parents.
- Parallel education policies, which remove the focus from 12(1)(c) constitutional mandate.
- Lack of a substantial budgetary allocation for the policy to uphold its justiciability.

### Main recommendations:

- Refocus on foundational skills in mathematics and reading in the curriculum. Curriculum should also include socioemotional development of the child. The Samagra Shiksha Scheme, whose budget was approved in April of 2021, provides support for the implementation of RTE 12(1)(c) and lists interventions for the improvement of foundational literacy and numeracy as one of its main goals (PIB Delhi, 2021).
- Improved access to digital resources for children. The Supreme Court stayed an order in February 2021 that directed the Delhi government to reimburse parents for the cost of phones and laptops. This order was specifically for the parents of children studying under RTE 12(1)(c). However, the Delhi government argued that this was beyond the mandate of the provision (Mahapatra, 2021).
- Increased transparency about per child cost calculations. For example, the Delhi government recently set up a committee to determine the per child cost for children enrolled under the provision. The committee upheld the methodology used by the government and recommended action items like increasing the PCC by Rs.500, and extension of the provision till completion of senior secondary school so that students can complete their education in the same school. (DCPCR, 2020)

- Strict social audit mechanisms of the implementation process. The Chhattisgarh government has undertaken a social audit of some private schools in the state to determine the effectiveness of the provision and checking records entered online vis-a-vis the ground reality.
- Effective grievance redressal mechanisms in schools as well as the government, to address the concerns of the parents of eligible children. The RTE 12(1)(c) helpline in Madhya Pradesh and the grievance redressal systems of the Delhi Commission for Protection of Child Rights are examples of this. 81% of private schools in Delhi were found to have a grievance redress mechanism in place (Save the Children & DCPCR, 2015).
- Awareness drives by state government and schools to educate parents about the provision, its benefits, and application procedure.
- Encouraging inclusiveness in schools by holding regular meetings with both sets of parents, having sensitization workshops with parents, children, teachers and other school staff.
- Building capacity for multilingual teaching in schools to foster a more inclusive learning environment

The Right to Education is the first and only legislation in the world that puts the ownership of educating children on the state instead of the parents. To realise this vision and to leave no child behind, it must be ensured that the policy is implemented to the best of its potential.

## INTRODUCTION

Section 12(1)(c) of the Right to Education Act, 2009 mandates private, unaided, non-minority, recognized schools to reserve 25% of the seats in their entry-level classes for socially disadvantaged groups and economically weaker sections of the society. Despite being in existence for the last eleven years, the Act faces implementation challenges because of which its adoption remains limited. By 2019, only 17 states/UTs were admitting children under this quota (Indus Action, 2019). The pandemic has worsened the situation with many implementing states like Madhya Pradesh halting the admission process (Naiduniya, 2021) while others like Delhi delaying it by as long as 9 months (Hindustan Times, 2020).

This edition of the Bright Spots Report report aims at exploring the implementation status of Section 12(1)(c) across states during the COVID-19 pandemic. Section I covers the implementation of 12(1)(c) in a pre-COVID as well as post-COVID era, with special emphasis on ten states from which data is publicly available. It describes the trends observed in admission deadlines and fill rates across the states.

Section II attempts to look at the policy through the lens of the different stakeholders in the policy – central and state governments, private schools, parents, children, judiciary. Additional factors such as budgets and competing education policies are studied. Challenges faced by these different stakeholders are explained along with recommendations to enhance service delivery.

# Section 1

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STATUS OF IMPLEMENTATION OF  
SECTION 12(1)(C)

## Implementation Status of 12(1)(c) in the pre-COVID era

The following section gives a brief analysis of the implementation status of the Section 12(1)(c) clause till the pre-pandemic time, focusing on the number of students studying under the provision and the reimbursement rates. Most of the numbers have been pulled from Lok Sabha's unanswered questions, RTIs, previous Bright Spots Reports and primary research conducted by Indus Action.

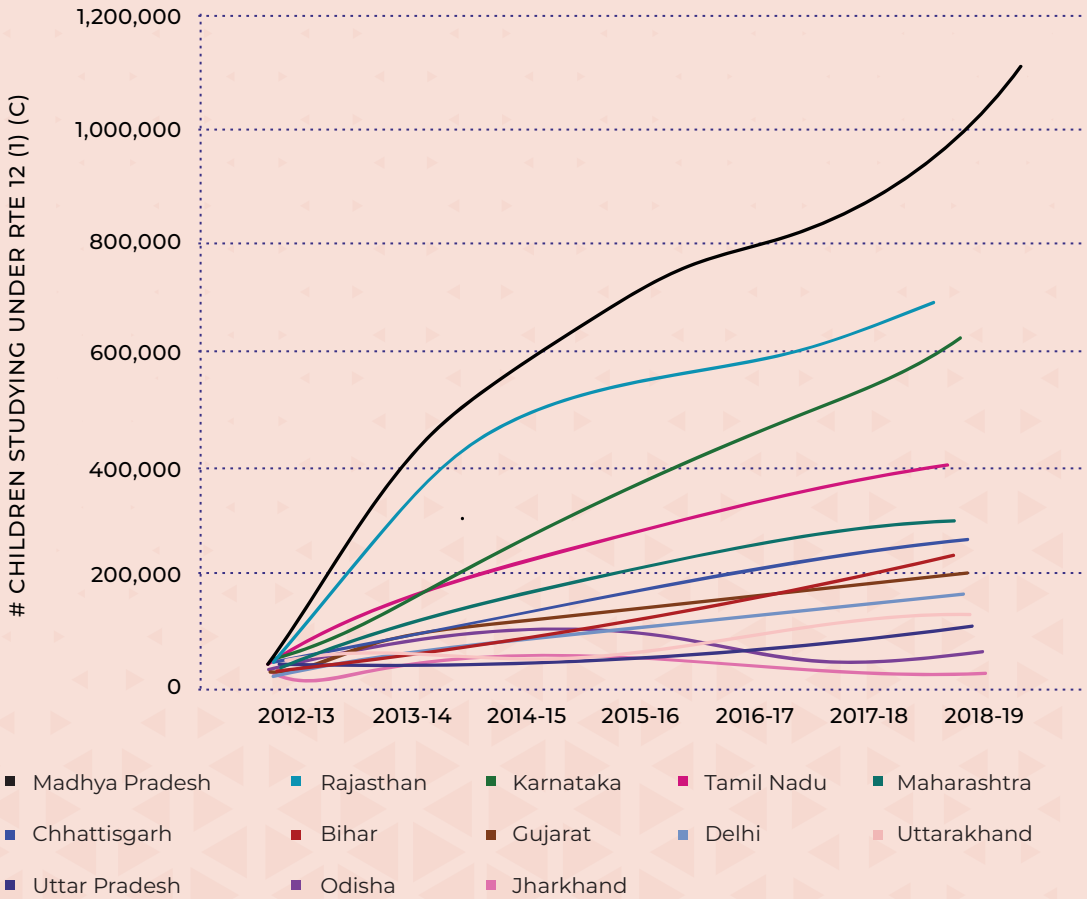
Till 2020, 33 states/UTs had notified the eligibility criteria for weaker sections and disadvantaged groups for admissions in private unaided schools under Section 12(1)(c), with Telangana being the only applicable state which had not done so. However, out of these 33 states, only 17 States/UTs were admitting children under the clause (Indus Action, 2020).

The table below gives pre-pandemic year-wise details about the number of children studying under the provision across states (GOI MHRD Department of Higher Education, 2019):

S.No.	State	2012 - 13	2013 - 14	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19
1.	Andaman & Nicobar Islands	233	233	394	540	725	1,017	0*
2.	Assam	0	-	4,653	3,242	15,062	20,731	0*
3.	Bihar	4,306	19,804	61,887	97,717	139,418	167,039	225,597
4.	Chandigarh	672	1,530	2,145	2,825	3,487	3,915	4,597
5.	Chhattisgarh	25,693	59,955	100,927	128,639	167,044	196,146	236,400
6.	Delhi	20,440	-	33,201	49,043	51,254	124,605	158,242
7.	Gujarat	0	449	13,033	41,586	83,734	141,365	215,820
8.	Jharkhand	0	6,690	8,237	10,489	13,244	10,539	14,913
9.	Karnataka	49,282	116,734	217,306	316,115	414,106	523,139	639,398
10.	Madhya Pradesh	168,770	423,000	637,123	795,225	851,538	936,255	1,118,433
11.	Maharashtra	0	38,025	65,719	104,945	142,112	197,044	254,351
12.	Odisha	0	-	31,150	31,994	38,820	44,519	20,650
13.	Rajasthan	100,002	238,811	436,070	555,966	600,666	622,271	675,907
14.	Tamil Nadu	1,179	49,864	131,566	197,369	287,068	346,510	394,032
15.	Uttar Pradesh	0	60	108	3,278	21,598	46,188	72,428
16.	Uttarakhand	17,246	51,798	66,851	83,450	95,427	102,736	104,147
	<b>TOTAL</b>	<b>387,823</b>	<b>1,006,953</b>	<b>1,810,370</b>	<b>2,422,423</b>	<b>2,925,303</b>	<b>3,484,019</b>	<b>4,135,015</b>



STATE-WISE CHILDREN STUDYING UNDER RTE SECTION 12 (1) (C)



As can be observed, the yearly increase in the number of children admitted under the clause has been ~19% since 2015-16 and the total admissions stood well above 40L in 2018-19. The number remains particularly high in Madhya Pradesh, Rajasthan, Karnataka and Tamil Nadu with enrolments decreasing in the state of Odisha, in 2019.

The table below depicts the fill rate for the pre-pandemic period (Indus Action, 2019):

State	Total Seats			Applications Received			Admissions (Fill Rate)		
	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20	2017-18	2018-19	2019-20
Chhattisgarh	55,525	80,243	86,508	43,000	76,969	99,871	23,000 (41%)	40,254 (50%)	48,210 (56%)
Delhi	46,000	42,500	50,567	1,15,000	1,28,000	1,39,508	30,948 (41%)	36,672 (50%)	31,078 (56%)
Karnataka			17,718	80,000	2,38,724		45,297 (57%)	1,19,552	4701 (27%)
Maharashtra	1,20,409	1,26,112	1,16,809	1,45,734	1,99,048	2,45,498			78,824 (67%)
Uttar Pradesh	6,00,000	5,90,000	5,90,000	1,20,000		75,429			37,900 (7%)
Gujarat		1,11,000	1,18,110		2,68,000	1,93,630		72,294 (65%)	82,000 (69%)
Madhya Pradesh		4,05,361	3,58,887		2,94,871	2,35,901		1,61,372 (40%)	1,54,390 (43%)
Tamil Nadu	1,19,000	1,24,000	1,24,113		2,38,000	1,13,076	97,500		73,790 (60%)
Uttarakhand		12,500	10,596			5,959			2,405 (23%)
Haryana			1,19,132			1,31,943			24,597 (21%)
Rajasthan			2,00,000			3,98,772			1,40,000 (70%)


\*Data not available for Andaman & Nicobar Islands, Assam, Chandigarh, Gujarat, Himachal Pradesh, Jharkhand, Odisha, and Tripura.

Schools are reimbursed a certain amount for each child admitted through the provision, based on the per child expenditure in public schools in the state. The central and state governments allocate budgets for the same in a 60:40 ratio. One of the challenges over the years with reimbursement related to the policy has been the delay in payments to the schools.

**CITY**

**Pvt schools protest 25% seats quota under RTE**

Sukhbir Siwach / TNN / Oct 10, 2015, 09:05 IST



**KARNATAKA**

**Reimburse RTE dues soon, demand private schools**

Special Correspondent


HASSAN 26 DECEMBER 2020 23:53 IST  
UPDATED: 26 DECEMBER 2020 23:53 IST

Government yet to clear ₹650 crore, says D. Shashi Kumar

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**Maharashtra: Schools hold back from RTE portal registration**

Swati Shinde Gole | TNN | Updated: Feb 15, 2021, 11:44 IST




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**The Tribune**

CHANDIGARH  
10 YEARS OF RTE ACT

**Unaided schools await their just dues**

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**Budget private schools face uphill struggle**

Shradha Chettri | TNN | Updated: Sep 16, 2020, 09:36 IST

**CITY**

**Delhi school taking fees from EWS kids, say parents**

Shradha Chettri | TNN | Updated: Oct 23, 2019, 10:18 IST



The following table gives details about the percentage of approved funds for various states for the year 2019-20 (Indus Action, 2020) (GOI MHRD Department of Higher Education, 2019):

S.No.	State	Proposed 12.1.c Budget (in Crores)	No. of children based on Proposal	Approved 12.1.c Budget (in Crores)	No. of children based on approval	% Approved
1.	Chhattisgarh	169.80	171,360	49.50	171,360	29.15%
2.	Delhi	115.47	215,227	62.94	121,570	54.51%
3.	Gujarat	280.57	215,820	142.18	141,528	50.68%
4.	Jharkhand	8.35	16,378	7.16	14,045	85.76%
5.	Karnataka	-	-	148.59	342,584	-
6.	Madhya Pradesh	330.43	956,557	240.01	697,740	72.63%
7.	Maharashtra	364.28	239,330	120.00	180,978	32.94%
8.	Odisha	0.88	963	0.88	963	100.00%
9.	Rajasthan	174.25	425,322	174.25	425,322	100.00%
10.	Tamil Nadu	179.52	271,386	70.78	94,930	39.43%
11.	Uttar Pradesh	41.73	71,927	25.87	83,099	61.98%
12.	Uttarakhand	60.00	94,280	57.86	92,556	96.44%
	<b>TOTAL</b>	<b>1,725.29</b>	<b>2,678,550</b>	<b>1,100.03</b>	<b>2,366,675</b>	

## Implementation Status of 12(1)(c) during the COVID-19 era

The ongoing COVID-19 crisis has affected human life in unprecedented ways, particularly slowing down the education sector globally. The announcement of temporary closures of schools in April 2020 impacted more than 91% of students worldwide, with around 1.6 billion youth unable to attend physical schools (UNICEF, 2020). The effect has been acute in developing countries like India with the pandemic bringing to the fore the digital divide in the country. According to an Oxfam report, only 4% of rural households have a computer and less than 15% have an internet connection (Oxfam India, 2021). Besides the disruption in the school year and the unavailability of digital resources within the marginalized sections, there is also a risk that prolonged out-of-school learning may lead to a third of students not returning to schools once they reopen. (CNBC, 2021). Admissions through Section 12(1)(c) faced a similar fate.

The process was initially delayed and took six to nine months to be completed. Acquiring the required documents is one of the general challenges that vulnerable groups face while accessing government schemes (SEWA, 2005). Lockdowns and restricted activities exacerbated this issue, leading to further delays in the process. Even for children who received admissions, the online mode of learning and the need for gadgets like phones, laptops and an internet connection remained a bottleneck for the majority of the students (UNICEF, 2020). Smartphone access in Delhi has reduced post-lockdown from 95% to 83% in Delhi as parents have resumed work but classes continue to be online, according to Indus Action's COVID-19 Retention Survey conducted in 2020 (Indus Action, 2020).

### State-wise details of implementation in 2020-21

The following table gives data regarding the admissions status under Section 12(1)(c) for select states. Due to high variation in implementation across states as a result of the pandemic, and delays in receiving data, only partial data is available.

BRIGHT SPOTS REPORT 2021

S.No.	State	Total Seats	Applications Received	No of students admitted	Fill Rate (%)
1.	Chhattisgarh	81,494	84,654	52,680	62.17%
2.	Uttar Pradesh	600,000	150,000	85,000	56.66%
3.	Uttarakhand	28,000	11,262	10,000	43.23%
4.	Delhi	~50,000	1,49,500	31,829	21.29%
5.	Tamil Nadu	115,673	86,318	*	*
6.	Maharashtra	1,15,477	2,91,000	85,951	74.74%
7.	Gujarat	96,000	NA	71,527	78.82%

\*Data for remaining states are awaited

As can be seen from the table in the previous section, 17 States/UTs were admitting students under section 12(1)(c) and had notified the central government regarding reimbursements. Out of these 17 States/UTs, few states like Madhya Pradesh did not admit the quota students in 2020 due to challenges in implementation (Naiduniya, 2021). Even in the states which went ahead with implementation, parents faced various issues like reimbursement of the money that government provides to EWS students for uniforms and books, amounting to Rs. 5000 per year, was not made till the later months of 2020, which further impaired learning for students (Oxfam, 2020).

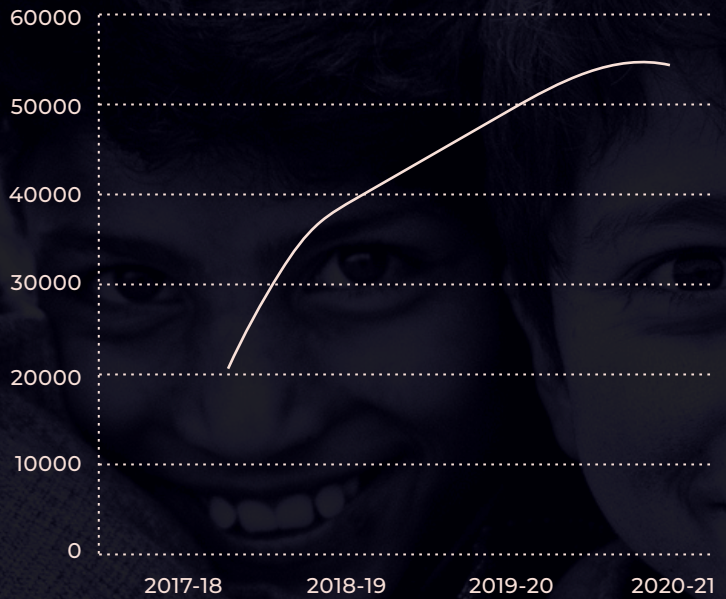
## STATES WHICH CONTINUED WITH ADMISSIONS UNDER 12(1)(C)

### CHHATTISGARH

Currently, over **301,317** students in the state are availing the benefits of section 12(1)(c). In 2020, The deadline for applications was extended till after July to fill the vacant seats (Patrika, 2020). The number of applications received saw a dip of about 15%, dropping to 84,654 in 2019 from 99,871 in 2020. Admissions however increased for AY 2020-21, from 48,200 to 52,674. The graph below shows the increasing trend in admissions over the years.



Chhattisgarh: Admissions Under RTE



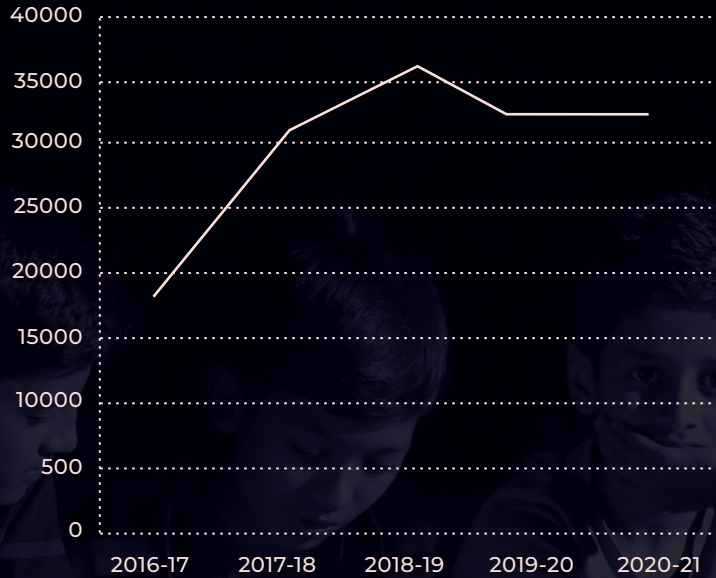
Source: Primary Research

### DELHI

In Delhi, the RTE 12(1)(c) admission process stretched over nine months, with admissions finally concluding in December 2020. The graph below indicates the trend from the year 2016-17 to 2020-21.



### Delhi: Admissions Under RTE



Source: Primary Research

Starting from 2018, **3% of the 25% seats reserved under Section 12(1)(c) were kept aside for children with special needs** (Directorate of Education, Government of NCT of Delhi, 2021).

Bright Spot: In response to a PIL, the Delhi HC directed private schools registered under the Act to **provide gadgets and internet packages to poor students for online classes** to prevent discrimination and digital apartheid (Deccan Herald, 2020).



### GUJARAT

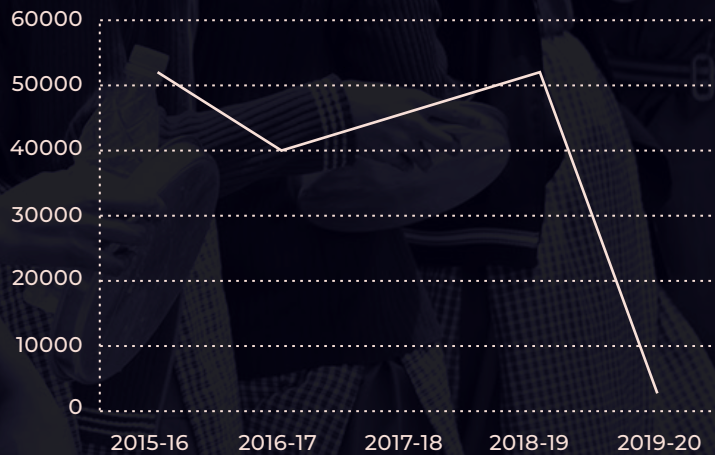
There were no delays in the start of RTE admission in Gujarat but parents faced issues in producing relevant documents because of which several applications were rejected. Despite that, the state refused to extend the deadline for admissions, the effect of which can be seen in the numbers reported. Of the 96,000 students eligible for admission under the said Act, 71,527 (75%) were admitted into schools. As many as 19,211 students were denied admissions (Edex Live, 2021). Admissions in Ahmedabad reduced from 11,085 students in 2019-20 to 8,409 students in 2020-21 (Times of India, 2021). The **rejection rate of**

**applications increased more than 12x** – while only 224 students were denied admission under the said section in 2019-20, this number increased to 3,302 in 2020-21, which could be attributed to a variety of factors.

### KARNATAKA

While the implementation deadlines were not significantly affected by the pandemic in the state of Karnataka, **the number of applicants for Section 12(1)(c) seats fell by 38% in 2020-21 from the previous year.** 852 schools across Karnataka did not receive even a single application, the problem being more profound in non-metro areas and smaller towns (Times of India, 2020). The drop in numbers is also a result of the amendment to the RTE 12(1)(c) clause made by the State government which extends admissions to private schools for only students which have no government schools in their vicinity. According to reports, this amendment has resulted in a **92% decline in RTE applications.** This is an on-going case, awaiting judgement from the Supreme Court (Deccan Herald, 2020).

#### Karnataka: Admissions Under RTE



Source: Samagra Shikshana Karnataka

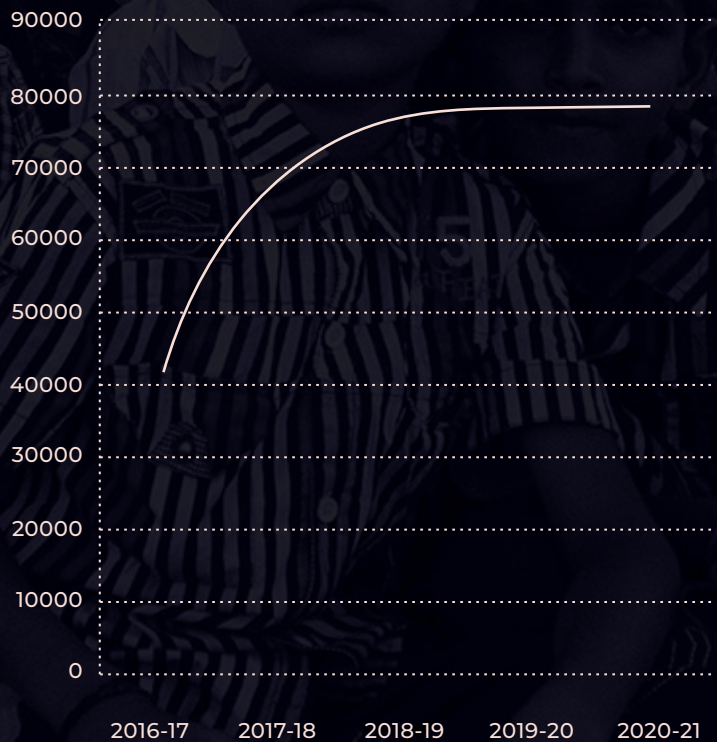




## MAHARASHTRA

The number of applications received for 1.15 lakh RTE seats in Maharashtra increased from **2.45 lakh in 2019-20 to 2.91 lakh in 2020-21**. This rise in the number of applications though was **only 1% as compared to a rise of 6%** in 2019-20. Despite receiving sufficient applications, **around 36,251 (31.3%) (IndiaSpend, 2020) seats remained vacant** till January due to difficulties arising around the submission of required documents by parents, leading to rejection of a large number of applications (Hindustan Times, 2021). This is despite the department having asked schools to **grant provisional admissions**, basis an undertaking signed by parents which would state that the documents submitted by them are genuine. The graph below gives us an idea about the number of students admitted under Section 12(1)(c) of the RTE Act (IndiaSpend, 2020)

**Maharashtra: Admissions Under RTE**



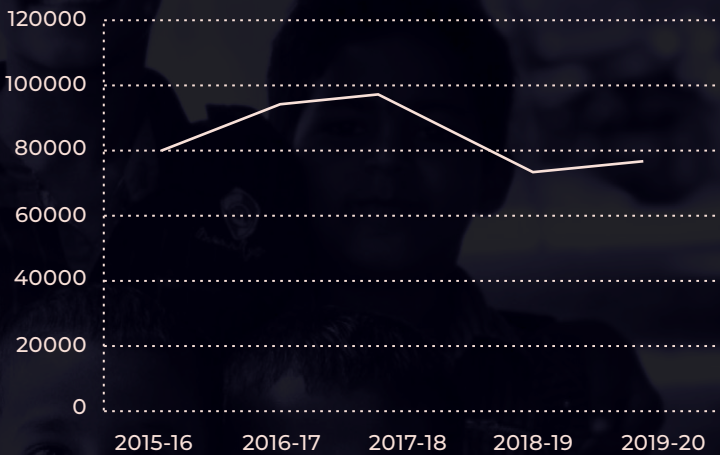
Source: IndiaSpend



### TAMIL NADU

The application process in Tamil Nadu started by 27th August 2020. **~86,000 applications were received for 115,000 seats in the state.** The process **continued till November 2020**, with the government opening the application process several times to fill the vacant seats (The Times of India, 2020). The graph below indicates the trend in admission data for previous few years (Times of India, 2018).

**Tamil Nadu: Admissions Under RTE**



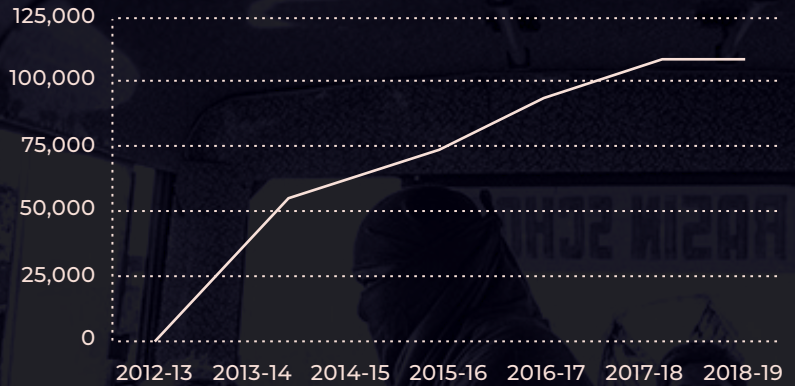
Source: Times of India



### UTTARAKHAND

For the 2020-21 session, the state had to conduct a second round of admissions in August since ~14,000 seats were vacant after the first round due to the pandemic. 11,262 applications were finally received against 28,000 Section 12(1)(c) seats available in the state and 4,868 students were granted admissions.

### Uttarakhand: Admissions Under RTE

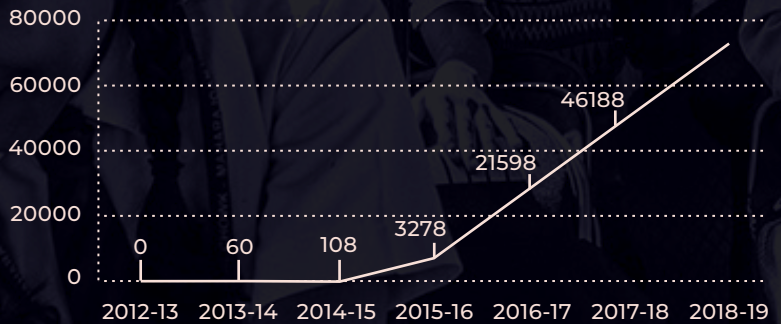


Source: Times of India

### UTTAR PRADESH

The application date was postponed four times (Amar Ujala, 2020). While the number of schools mapped on the portal rose from 19,962 in 2019 to 20,929 in 2020, the state saw a decline in the number of applications as well as admitted students in 2020-21. According to a survey conducted by the State Collective for Right to Education (SCoRE), **80% of the parents who applied under the quota did not have an android phone while 7% did not have any phone** at all.

### Uttar Pradesh: Admissions Under RTE



Source: Times of India

### **STATES WHICH COULD NOT CONTINUE WITH ADMISSIONS UNDER 12(1)(C)**

Andhra Pradesh, Jammu & Kashmir, Kerala, Haryana, Madhya Pradesh, Punjab, Telangana, West Bengal are the states/UTs that did not implement Section 12(1)(c) in 2020.

In 2017, the high court in Andhra Pradesh imposed a stay order on the government mandate to reserve 25% of seats in private schools for EWS students. In August 2021, the stay was lifted but the government notification is pending and the state is yet to begin implementing the provision (Aluri, 2021).

J&K was exempted from the policy while it maintained its special category status. However, once Article 370 was abrogated, the newly formed Union Territory was brought under the purview of the RTE Act (Geelani, Greater Kashmir, 2021).

Haryana does not implement Section 12(1)(c). However, the 134(A) policy as part of the State Education Rules is implemented in the state.

In MP, the seats under Section 12(1)(c) were declared as zero due to delays in the admission process. This is a huge setback as the state has one of the highest proportions of students studying under Section 12(1)(c) (Naiduniya, 2021).

In Telangana, a PIL was filed by T. Yogesh in February 2020 against the state for non-compliance with the RTE guidelines and its failure to implement Section 12(1)(c) (The New Indian Express, 2020). The state has not yet declared its position on implementing the clause.

# Section 2

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THE ROLE OF STATE AND NON-STATE  
ACTORS

The success of any policy depends on the proper functioning of various stakeholders in its ecosystem. An analysis of the ecosystem can help identify gaps so that targeted solutions can be proposed and implemented. This section analyses the role played by union and state governments, schools, parents, and the judiciary in implementing Section 12(1)(c). Each holds a degree of negotiating power and each faces its own challenges. The section also provides recommendations for the stakeholders.

## Union and State Governments

Education falls under the concurrent list in the Constitution implying that it is the responsibility of both the state and the Union government to ensure education for all (Ministry of External Affairs, n.d.). The World Bank education specialist for India, Sam Carlson, has observed: "The RTE Act is the first legislation in the world that puts the responsibility of ensuring enrolment, attendance and completion on the Government. It is the parents' responsibility to send the children to schools in the US and other countries." (RightToEducation.in, n.d.).

The roles and responsibilities of the union and state governments are clearly defined as a part of the RTE Act. Financially, 60% of finances incurred as a part of Section 12(1)(c) are borne by the union government, and 40% by the State Government. For north-eastern states, this ratio is 90:10 for the center and state governments respectively (RightToEducation.in, n.d.).

### UNION GOVERNMENT

Based on the implementation status, the Union government is largely responsible for suggesting and enforcing reforms to RTE Section 12(1)(c), and preparing the capital and recurring expenditure for the implementation of the policy's provisions (Department of School Education and Literacy, 2020). They have to also ensure monitoring of the RTE Act along with the National Commission for Protection of Child Rights (NCPCR) and its state-level counterpart, the SCPCR.

## STATE GOVERNMENT

Since the infrastructure of each state differs, the executive decision authority for localized implementation was given to the state government under the RTE Act (Department of School Education and Literacy, 2020).

### Responsibilities:

- Setting up neighbourhood schools
- Monitoring the admissions and attendance of children
- Ensuring that children are not discriminated against in private schools
- Maintaining records of children up to the age of 14 residing within its jurisdiction
- Ensuring admissions for migrant children

### Challenges:

- The methodology to determine per child cost is not transparently available for all states. This leads to confusion at the ground level regarding details around who will bear the cost of textbooks, uniforms and other extra-curricular activities.
- Under RTE, the emphasis has largely been only on the enrolment of students in schools but not on the quality of education (Counter Currents, 2019). The current monitoring mechanism focuses only on the admissions of students but does not mandate monitoring learning outcomes or retention.
- Awareness of the provision among parents remains a bottleneck in many states. Mandatory advertisements are carried out by the state government just before the start of the admission process. Such short notice does not leave time for applicants to obtain necessary documents. (Policy Review, 2020).

### Recommendations:

2020 has been a difficult year for school education, with studies indicating that 40-50% students have not learned anything during this period. The problem was particularly acute in rural areas where only a third of students even received learning materials (The Times

of India, 2021). Some recommendations to reduce this learning gap are:

- Refocusing the curriculum around foundational skills in mathematics and reading for primary schools is extremely crucial, given the extent of learning loss.
- Improve the access of digital resources – A campaign to encourage citizens to donate their old mobile phones/ laptops can also be carried out with the help of local authorities and NGOs. The government must advise the internet broadband companies to provide internet facilities at minimal or free of cost to those areas where there is no connectivity and to those who cannot afford an internet connection, both in rural and urban areas. *(The costs of the internet broadband companies can be taken care of by the Government funds, or the Government can possibly consider these services for Corporate Social Responsibility under the Companies Act (Constitutional Renaissance, 2021).)*

In the long term, the government should look into the following:

- All state governments should create the Committee for determining Per Child Cost as stipulated by the recent NCPCR guidelines sent to states. For example, the Delhi government recently set up a committee to determine the per child cost for children enrolled under the provision. The committee upheld the methodology used by the government and recommended action items like increasing the PCC by Rs. 500, and extension of the provision till completion of senior secondary school so that students can complete their education in the same school (DCPCR, 2020).
- A comprehensive awareness drive is required, using the channels of anganwadis, CRCs, BRCs, private schools, nodals officers. State governments can also engage computer-enabled government systems, like banks, to help parents fill out application forms.



- Shifting the reimbursement made to schools to the PFMS system.
- The provision of free and compulsory education under the RTE Act should extend till Grade 12. The higher education policies of the country/state should complement the same, to ensure continuity.

According to Dr. Shantha Sinha, (Professor in the Dept of Political Science, Hyderabad Central University and Child Rights Activist), progress in the field of education has been done in a phased manner – the benefits to children belonging to disadvantaged sections were first extended only till grade 3, then till grade 5 and finally till grade 8 through RTE. Education is an intergenerational issue, hence to make any significant progress work will have to be done through all parts of education simultaneously and continuously.

## Private Schools

Private schools must ensure quality education as well as equality and inclusion in school. They must also publicize Section 12(1)(c) in their neighborhoods.

The problem of social discrimination and the illegal demand for tuition, books, and activity fees by schools are two of the major factors which limit the advantages of a state's Section 12(1)(c) system (Business Standard, 2020).

### Challenges:

- Delay in reimbursement of expenditure incurred by the private schools registered under RTE.
- Ensuring all children learn equitably, since the home environment plays a big role in the school readiness of a child.

### Recommendations:

- Schools can arrange summer-orientation programs for all new EWS/DG entrants before the school session starts to introduce them and their parents to the school's way of functioning, courses and create a support structure for those children

that need extra help. For example, Indus Action's School Readiness Program Playbook provides suggestions based on end-to-end implementation projects in 15 Anganwadi Centres (Indus Action, 2019).

- School committees at the local level should carry out extensive awareness campaigns to reach out to the most vulnerable parents in the area and assist them with the application process.
- There should be sensitization workshops with both children and parents to discuss topics of inclusion, ensuring an environment which fosters socio-emotional growth and psychological and physical safety for all.
- Sharing best practices with different schools in the district and state, around inclusion measures being undertaken, along with sharing and seeking solutions to challenges.

**Interview with a  
private school  
administrator:  
B.M. Kandwal**

*Since when has the school been implementing the policy?*

From 2012

*What is your opinion of RTE 12(1)(c)?*

This is a good policy for people from poor economic backgrounds. They have the opportunity to enrol their children in English-medium schools, which would not be otherwise possible. But the policy should be extended to those who are genuinely from poor backgrounds, belonging to the SC/ST category. It should not be that people from wealthy families enrol their children under the Act.

Secondly, the lottery system excludes children who are in real need (of free education). In my opinion, the selection should be done by the BEO (Block Education Officer) by enquiring about the family, understanding their situation, and assessing the need. Families who genuinely cannot educate their children should be benefitted.

Lastly, RTE 12(1)(c) is only till the 8th standard. After finishing the 8th standard, parents enrol their children in government schools for the 9th standard. They are not able to afford a private school. So, the child is provided a base level of education but they have to continue in a government school. RTE should be extended beyond 8th standard so that children can study further and improve their future.

*How can the experience of children enrolled under 12(1)(c) be improved?*

In our school, children enrolled under RTE are taught along with the other children so that they do not feel like they are being discriminated against. There are children who enrol via RTE 12(1)(c) who do extremely well and receive good grades. They should be promoted and encouraged.

*Do you think the children enrolled under 12(1)(c) are able to take full advantage of the provision?*

Yes, they are able to take full advantage of it. In our school, children from all kinds of backgrounds learn together. Teachers do not discriminate between them, so that they receive the benefits of the policy and education provided is the same for all students. It might be that the environment at home is not good for the child which might cause them to fall behind in school. If that is improved, they will easily do well and be successful.

## ■ Judiciary

The judiciary was instituted as a measure of check and balance, to ensure that laws made in the country are being upheld constitutionally. The courts have been instrumental in mandating states to implement Section 12(1)(c). Numerous Public Interest Litigations (PILs) have been registered in various High Courts and the Supreme court against non-compliance of Section 12(1)(c) by schools as well as state governments (RightToEducation.in, n.d.).

The courts also strengthen policies by passing judgements on certain vague areas in the Act.

**Bright Spot:** For example, the Bilaspur High Court in Chhattisgarh passed a judgement in 2016 stating that money for books and uniforms under the provision cannot be put in the parent's account and the responsibility of providing these services to the child rests with the school.

**Bright Spot:** In 2020, the Delhi High Court directed private schools to provide laptops and internet access to EWS students admitted under 12(1)(c) (Mahapatra, 2021).

### **Challenge:**

- A challenge identified in this system is the lack of monitoring mechanisms to follow through on orders passed by the courts. Examples can be seen in states like Andhra Pradesh and Telangana, where despite orders being passed, the policy is yet to be implemented for reasons unavailable in the public domain.
- The cost of litigation is often very high for parents from weaker socioeconomic backgrounds. Thus, even with the resource of law existing on paper, not many parents are aware and/or capable enough to access this.

### **Recommendation:**

A recommendation for the judicial stakeholders is to focus on strengthening the local grievance redressal systems. These systems can reduce barriers for parents/other stakeholders as they would reduce litigation costs (Business Line, 2018).

**Thoughts from  
a legal perspective  
from Assam:**

*Thoughts from a legal perspective from Assam:*

Debargha Roy, Founder and President of Project Saathi from Assam, writes about his own journey in ensuring Section 12(1)(c) gets implemented in Assam.

*What has been the role of the members of the judiciary in ensuring the Assam PIL comes through?*

Broadly speaking, members of the judiciary have been favourable towards our petition. From the first order itself, the Court had taken due cognizance of the issue and enabled us to seek for effective implementation of the provision. Further, the Advocate General of Assam and Standing Counsel for Elementary Education who represented the State in the case looked at our grievances favourably. Our objective of pursuing a non-adversarial litigation was successful.

*What has been your personal experience with the entire process?*

Personally, it is one of the first milestones of my vision to see effective implementation of Section 12(1)(c) RTE in the entire Northeast Region. I have received commendable support from Indus Action, GNLU Centre for Women and Child Rights and of course, Project Saathi in this journey.

*Do you think that working with the judiciary is in any way anti-government?*

The success of any policy in a federal state like India depends on the cooperation between Legislature, Executive and Judiciary. I don't believe that approaching the judiciary is anti-government in any manner. In our case, we had an issue with violation of a basic fundamental right (Article 21A Right to Education) and hence, we seek for intervention of the Hon'ble Gauhati High Court. The effective response of the Government Counsels in our case show the willingness and cooperation of the Executive towards implementing the said policy in the State.

*What are a couple of bright spots/key learnings you would like to share?*

One of the major bright spots is that the neighbourhood criteria that forbid students from applying to private schools in the presence of

government schools in the neighbourhood, which was initially put forward in the draft guidelines, was removed in due course of our PIL when brought to the notice of the Hon'ble Court.

Further, these guidelines laid down by Assam shall pave the way for other Northeastern states to issue similar guidelines which shall eventually enable effective implementation of this policy in the entire region.



## Parents

Being a right mandated by the constitution, the de jure bargaining powers of eligible children and their parents should be very high. However, owing to the weak implementation of the Act, this power is fairly low.

### Challenges:

- Low awareness: Though the Act has been in effect for more than 10 years, conversations with multiple parents (direct conversations with parents assisted by Indus Action) revealed the acute lack of awareness about the policy and also its nuances among the beneficiaries.
- Complexity of process: The process of applying, procuring documents, and the actual admission to schools, becomes a complex process to follow for parents.
- Post-admission grievances: There are challenges that parents and children face post-admission:
  - a. Discrimination in schools: There has been evidence of discrimination in academics, access to facilities, for children entering through Section 12(1)(c) by teachers, school administration, parents of children admitted through the general quota, and sometimes children themselves (Education World, 2021).
  - b. Hidden costs after admission: Despite the Act making education free and compulsory, many private schools burden families with additional costs like lunch fees, transport, and examination fees (Bhattacharjee, 2019).
  - c. Lack of academic support: Some students require extra support for academics since they might be first-generation learners, not have resources to get tuition/out-of-school help. Not all schools and teachers are able to provide this support.

**Bright Spot:** In Delhi, parents only need to submit a single admission form which takes about 20 minutes. The Delhi Government has even allowed for the documents to be submitted at the time of admission. This provision allows for an extra window of 1-2 months to the parents to arrange the necessary documents.



The online system largely eliminates human interference, with even admissions being allotted through a computerized lottery (DCPCR, 2020).

**Recommendations:**

- a. An effective grievance redressal mechanism needs to be established at the school, nodal, district education office levels to address the concerns of the parents of the eligible children.
- b. Section 29 (2) of the RTE Act also states that the medium of instruction should be the mother tongue, as far as possible. Thus, the schools need to build capacity for multilingual teaching.
- c. There should be an active child protection and anti-bullying policy in schools.

**Bright Spot:** The positive spill-over effects of one child being educated under RTE is huge. Conversation with a parent in Chhattisgarh revealed how parents who already have their child enrolled under Section 12(1)(c) are empowered, thus they spread awareness, and offer assistance to people within their community.

**Interview with a parent  
from Tamil Nadu**

SCHOOL NAME: LIONS MATRICULATION SCHOOL,  
PUDUKKOTTAI

*What is your opinion about RTE 12(1)(c)?*

It is a good policy, they reimburse the fees. But sometimes the reimbursements are not done by the school. During COVID, classes are not happening properly but the school still asks for the fees.

*Are online classes being conducted?*

No, online classes are not happening. They have taken the fees but not provided books. We asked why the fees were being collected and we were told that... (0:50)...until the RTE payment is made?

*What are the positive and negative aspects of this provision, in your opinion?*

It's been one year since my child joined the school but he has still not attended the school. They have not even given the books and online classes are not being conducted. Once the school reopens we will get to know how the quality of teaching is. I can't say right now. During COVID the schools were shut, that is okay but now they should restart them.

*How has the implementation of Section 12(1)(c) been so far?*

The school is collecting fees but saying that the reimbursement will only be done at the end of the year.

*Are they asking for a 50% reduced fee for students enrolled under 12(1)(c)?*

No, the fees are the same for all children. When we asked what is the use of enrolling under RTE then, we were told that the fees will be reimbursed at the end of one year or two years. The fee deduction will not be made before then. But till now we haven't received the money. It will be easier for us if the fees are reimbursed as soon as we pay them. LKG has finished and now UKG is starting. They are asking us for the fees again. If children are going to school and studying, they will gain some knowledge. Without that, we can't say anything.

*How can Section 12(1)(c) be improved?*

There should be checks done to ensure that children are being taught well in the school and that schools are not just taking the fees without conducting classes. RTE should not just be in name. There should be frequent checks of the quality of education, to see if fees are being collected in the proper manner, and other processes.

## OTHER CHALLENGES

### 1. Threat of Policy Substitutes for a justiciable right

Substitutes in the case of Section 12(1)(c) are the educational policies made by individual state governments and the national government which suggests new provisions and/or amends existing provisions in the Act. In the section below we will first look at a few state policies and then at the recently launched National Education Policy, and their implications for RTE Section 12(1)(c).

#### **Karnataka's 2019 amendment to RTE:**

In 2019, the Karnataka Government passed an amendment to Section 12(1)(c) of the RTE Act to allow only those students to apply under the 25%

quota of private schools who do not have any government schools within 3 kilometres of their residence (*Indian Express*, 2019). According to the government, this was done to support government schools, many of which were receiving zero admissions after RTE 12(1)(c) came into effect. Despite the government spending on improving the infrastructure of its schools, government schools were being shut due to lack of admissions with a parallel increase in the number of private schools. As this amendment came into action, aided and private unaided schools were added to the mapping system so that it can show the applicants whether a school exists in their locality or not.

A PIL was registered against this amendment in Karnataka High Court in June 2019, which upheld its validity citing the reduction in expenditure towards reimbursement of pre-child expenditure for the state government as valid grounds for the amendment (*The New Indian Express*, 2019). The matter moved to the Supreme Court which, in August 2019, rejected the stay order against the amendment and sought a reply from the Karnataka Government for the same (*Times of India*, 2019). The Special Leave Petition is still pending judgement from the Supreme Court.

#### **Andhra Pradesh's Amma Vodi Scheme**

Launched in June 2019 by the YSRCP-led state

government in Andhra Pradesh, the Amma Vodi scheme, a school voucher that ensures education for children from poor economic backgrounds from grade 1 to grade 12 (Centre for Public Policy Research, 2020), has nearly one-fifth of the education budget in the state allotted to it. The scheme provides a direct transfer of Rs 15,000 to women with BPL ration cards who have school going children. This amount does not depend on the number of school going children one has, and applies for both private and government schools. It was passed with an objective of empowering BPL families, specially women, in educating their children.

Andhra Pradesh is one of the states with the lowest private school participation rates under Section 12(1)(c) of the RTE Act. Though the government passed an order to private schools to reserve seats for EWS students, such a provision was never implemented in the state, in the absence of which almost 10 lakh students had lost the opportunity to study in good private schools (Times of India, 2020). The government officials hope that the launch of Amma

Vodi will get private schools onboard to reserve 25% of their seats for the EWS category since it has agreed to extend the Amma Vodi scheme to the private educational institutions (Deccan Chronicle, 2019). The launch of this scheme, if implemented and linked properly, should complement and improve the RTE 12(1)(c) mandate in Andhra Pradesh. But various challenges could prevent this from happening. While the state government is interested in linking benefits of Section 12(1)(c) with the Amma Vodi Scheme, private school managements in state have opposed this idea, arguing that this linkage is unacceptable to them and if they were to implement Section 12(1)(c) of the RTE Act, they must be reimbursed separately for the expenditure as in other states.

## 2. National Education Policy

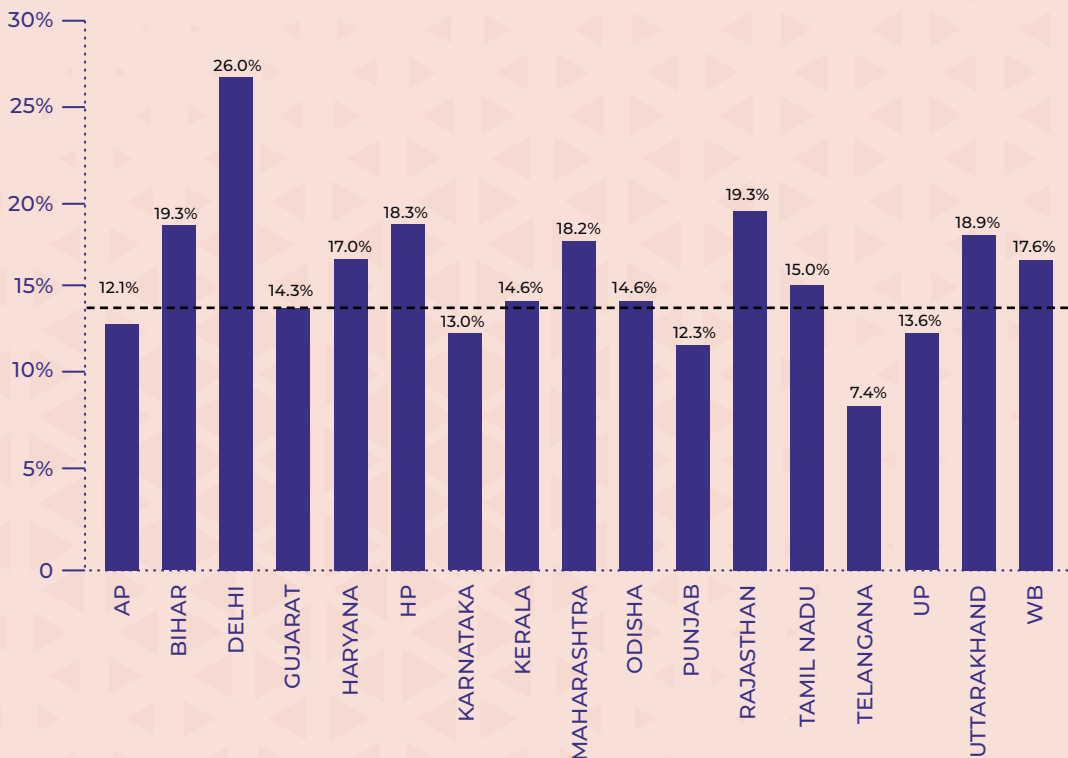
After a gap of almost three decades, the National Education Policy (NEP 2020) was launched on July 30, 2020, to replace National Policy on Education, 1986. NEP was released with the aim of making education more

holistic, flexible, multidisciplinary, and suited to modern needs (Times of India, 2020). While educationalists and activists had high hopes from the much-awaited NEP, many RTE 12(1)(c) activists have raised serious concerns about a few of the provisions of NEP after its release. There is no explicit mention of Section 12(1)(c) in the NEP and that will lead to ambiguity in the implementation of the policy once the actual implementation of NEP starts.

## COMPETING BUDGET COMMITMENTS

**Education Budget:** Even though the RTE Act provides an educational framework for providing quality education to all children and the minimum requirements for the same, varying infrastructure and political contexts across states means that states spend different amounts of their budgets on education. This allows them flexibility in how they implement the provisions of Section 12(1)(c). The graph below gives us an idea of the percentage of budget allocated for education by each state.

**Budgeted allocation on Education (2020-21) by states in India**



**Note:** AP is Andhra Pradesh, UP is Uttar Pradesh, HP is Himachal Pradesh and WB is West Bengal.

Sources: Analysis of various state budget documents; PRS

## STATE-WISE PERCENTAGE ALLOCATION OF BUDGET FOR EDUCATION

Since the expenditure on existing welfare schemes is allocated as a percentage of the GDP, all policies are effectively fighting for a share of the same pie. Despite education being a fundamental right, it has received a disproportionately small share over the past decade. There is competition even within the education sector, with certain schemes focusing on building infrastructure and others on improving learning outcomes. The table below shows the disproportionate allocation of money to welfare schemes over the past year (The Wire, 2020):

Sector	Welfare Scheme	2019 - 20		2020 - 21
		Allocated (Rs. Cr)	Spend (Rs. Cr)	Allocated (Rs. Cr)
Health	Ayushman Bharat	6,556	3,314	6,429
Agriculture	PM Kisan Yojana	75,000	54,370	75,000
Agriculture	Pradhan Mantri Fasal Bima Yojana	14,000	13,641	15,695
Sanitation	Swachh Bharat Mission	12,664	9,638	12,294
Infrastructure	Pradhan Mantri Awas Yojana	25,853	25,328	27,500
Infrastructure	AMRUT and Smart Cities	13,750	9,842	13,750
Employment	MGNREGA	60,000	71,002	61,500
Infrastructure	National Ganga Plan	750	353	800

The lack of attention it has received can lead us to a conclusion that the RTE Act has failed to garner enough attention for it to become a political agenda. On talking to experts in the field, the reasons for the lack of politicization of the Act are identified as follows –

**Lack of elite support:** Dr. Shantha Sinha attributes the lack of support from the elite to the lack of politicization of Section 12(1)(c). Admissions to private schools are often based on recommendations by politicians, bureaucrats, and businessmen. With the online implementation of RTE Section 12(1)(c), the process will be more streamlined and transparent, effectively reducing the hold that the elite will have on the system.

**Inefficient spend on education:** India's spend on education has not been very efficient. Data from the World Bank state that India's public spending on education was 4.4% of GDP in 2017, in line with the global spend of 4.5%. However, India has one of the lowest returns on investments and enrolment ratios in public institutions in the world despite comparable spending (Swarajya, 2021). In most Indian states, 70-90% of the expenditure is on teachers' salaries, with the government paying around 5-10 times more than the per capita income to government teachers. One reason for this is because teachers have become too critical a political constituency to be ignored by any government.



**Interview with a student from Anant Vidyapeeth Kokpur, Rajnandgaon, Chhattisgarh**

Bhuvaneshwar Kumar, a Class 8 student who was admitted to a private school under the RTE policy speaks to Indus Action.

*When was your admission done?*

Class 1

*Do you like studying?*

Yes.

*What's your favourite subject?*

Maths

*Who is your favourite teacher?*

Thavre sir.

*Does he still teach here?*

No

*Till when did he teach here?*

Until I was in the sixth grade.

*What is your favorite thing about this school?*

The teaching is good in this school. The teachers are nice, they make us understand the subjects well. This is my favourite thing about the school.

*Do you know about RTE Section 12(1)(c)?*

No.

*Do any of your siblings study here?*

No, they used to study before. Now they are studying in a government school since classes are only until 8th standard here.

*Do you take part in any extracurricular activities?*

There were extracurricular activities before the lockdown. It is not happening now. I like to play kabaddi.

*What do you want to do after studying?*

I want to become a police officer.

## CONCLUSION

The pandemic had far-reaching consequences on education across the world. In India, not only were regular channels of education affected, but the implementation of the constitutionally mandated Right to Education Section 12(1)(c) was delayed. Children from economically weaker sections of society who were receiving education from private schools were suddenly left without any means of continuing their studies, and their parents without any leverage or means of grievance redressal. This report has highlighted how existing gaps in implementation can cause intergenerational setbacks in education in the event of a large external shock. Our existing education system must safeguard vulnerable children and ensure that their learning can continue uninterrupted. The report has detailed both the efficiently and poorly implemented parts of the clause. States like Uttarakhand, Chhattisgarh, Tamil Nadu, and Delhi have continued the admission process even during the pandemic, paving the way for others to emulate practices that are enabling access to a foundational building block – education – for future society-makers.

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