



IN SCHOOL AND WORKING CHILDREN

Reality of Right to Education Act's Implementation



**Bachpan
Bachao
Andolan**

2014

India's Educational Obligation: An Introduction

As an important tool to achieve 'Millennium Development Goal' on Education in India, the 'Right of Children to Free and Compulsory Education Act 2009' (henceforth RTE Act) celebrated its fourth anniversary on 1st April 2014. Since our Independence, the Constitution of India under its Directive Principles to State Policy has also clearly stated provisions for free and compulsory education for children.¹ Introduced as Article 21 (A), under the Fundamental Rights, by 86th amendment to the Constitution of India, the Right to Education has been seen as a ray of hope for the poor families who cannot afford education for their children.

The Millennium Development Goal² No. 2 i.e. *universal primary education*, says that by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary education. Adoption of these development goals meant that member state would seek to tackle extreme poverty in its many dimensions and create a better life for everyone by 2015.

Bachpan Bachao Andolan (BBA)³ is a people's movement of over 75,000 individual members and approximately 750 civil society groups who have been working on the issue of child rights, especially trafficking, child labour and education for all, since 1980. BBA has been championing the right to free and quality education for all children since late 1990s, and the enactment of the RTE Act was the realization of years long struggle.

In order to achieve its vision of child friendly society and education for all, BBA initiated a model of Child Friendly Village (*Bal Mitra Gram* hereinafter BMG) in 2001. A BMG works to eradicate child labour by withdrawing children from work and putting every child in school. Till date more than 350 BMGs have been successfully formed by BBA across India enrolling around 50000 children in schools. It was while working with village communities, BBA received complaints about mismanagement in school administration and poor quality of education.

BBA has already published two research studies focusing on the status of elementary education, after six months and one year of the enactment of the RTE Act, reflecting on implementation of the Act. These studies based on public hearings document lax implementation of the RTE Act on many indicators including infrastructure in the schools, facilities provided to students and their quality (especially quality of food provided under Mid-Day-Meal programme), enrollment and retention of students, knowledge of the RTE Act and quality of education imparted in the schools.⁴

Mismanagement in Schools and Poor Quality of Education: Case of Government Schools in Bihar

- A group of parents in BMG villages in Nawada district of Bihar reported that all the children were enrolled in school but constant absenteeism of teachers forced children to dropout and work. Even lodging a complaint with higher

1 Article 45, Directive Principles of State Policy, The Constitution of India.

2 <http://www.un.org/millenniumgoals/>

3 <http://www.bba.org.in>

4 <http://www.bba.org.in/?q=resources/publications>

authority in education department did not bear any result.

- In Islampur Simratari village parents said that they have started using the school building as a place for keeping hay, firewood. The school premise is also used for tying cattle, bathing, parking and sometimes as a guest house for ceremonial purposes like marriage.
- In Jhalakdiha village, the person teaching in school found to be a fellow villager hired by the school teacher for a meager sum. It was also unclear whether the locals were hired by the teachers to teach village children or they were taking private tuition classes. Mid-Day-Meal (MDM) was being cooked for all children even there were no teachers and no attendance being taken. This was reported as a general practice in all villages in the area.
- In Chatkari village, attendance register marked more children as present than children present on that day, demonstrating mismanagement of the MDM programme in the school.
- In Chatkari village, duplication in enrollment was also found where children were enrolled simultaneously in nearby private school as well as in the government school in the village. These children were marked present in the government school register.

Child Labour and Out of School Children

As per Census 2011, 11.7 million children are employed in various occupations and processes in India whereas the non-government organisations working in this field give an estimate of 60 million child labourers. According to information supplied by the Ministry of Human Resource and Development, 8.15 million children are currently out of school in India.⁵

Nadeem (name changed) belongs to a village in Kathihar district in Bihar. He was trafficked to Delhi and employed as a child labourer. In June 2011, he was rescued by Bachpan Bachao Andolan (BBA) from an embroidery unit. He was found enrolled and marked present in his village school during the months of his employment. He had 46% attendance in his school.

Schemes to tackle the challenge: MDM and SSA

Sarva Shiksha Abhiyan (SSA) and Mid-Day-Meal (MDM) are government initiatives towards achieving educational targets indicated in the Indian Constitution and in the Millennium Development Goals. In the financial year 2013-14, a budget of Rs. 270,000 million is earmarked for SSA and Rs. 132,150 million for MDM programme.

The amount allocated under the SSA programme is spent in building new schools, strengthening existing school infrastructure by constructing additional class rooms, toilets, drinking water facilities, kitchens etc. Under the MDM the amount is spent on providing food to the school children. These schemes are often credited with achieving improved literacy rate and better education system in India.

Under SSA, the government spends Rs. 4269 per student per year for those enrolled in school.⁶ The government spends Rs. 2.89 per child per school day for the children enrolled in primary schools whereas Rs. 4.33 for children enrolled in upper primary schools under the Mid-Day-Meal Scheme.⁷

Sarva Shiksha Abhiyan (SSA) is government of India's flagship programme started in 2001 for achievement of *Universal Elementary Education* (UEE) in a time bound manner. It is a primary vehicle for implementing the Right of Children to Free and Compulsory Education Act 2009.

The *Mid Day Meal* (MDM) is the world's largest school feeding programme reaching out to about 120 million children across the country. With a view to enhancing enrollment, retention and attendance for the MDM programme the *National Programme of Nutritional Support to Primary Education* (NP-NSPE) was introduced in all blocks of India.

Context of the Study

While working with communities across India, BBA came across multiple cases of irregularities in allocation of available resources to improve and strengthen the education infrastructure. Large irregularities were observed in the delivery of the government's SSA programme as well as the MDM scheme especially in quality of food, drinking water, condition of classrooms and toilets etc. In addition, in few instances BBA found that despite prolonged absence, children were marked present in the schools.

With a background knowledge of irregularities in school education system in India, BBA carried out this short study with an objective to highlight the irregularities in the education system and analyse their financial implications.

Methodology

As a part of the study, BBA surveyed schools of Araria and Katihar districts in Bihar and collected information on the attendance of children who were staying in BBA's short stay home known as Mukti Ashram under the orders of Magistrate, after being rescued from work in the corresponding period.

The selection of districts was based on number of child labourers rescued between 1st January 2011 to 31st December 2011 as recorded by the organisation. The attendance of rescued child labourers was sought for the period they were found working and were staying in *Mukti Ashram*.

6 *ibid*

7 <http://mdm.nic.in>

A short interview schedule (Annex I) containing relevant questions was prepared. The schedule sought location information along with school information including type of school, number of students enrolled and average daily attendance of students.

In addition, a certificate format was also prepared for the school headmaster/head teacher/principal (Annex II). The certificate bears name of the student and school, class, admission/enrollment date and period of attendance. The filled certificate had to be duly signed and stamped by school head master/head teacher.

S. No.	Districts	No. of Villages	No. of Children to be surveyed
1	Araria	17	36
2	Katihar	19	42
	Total	36	78

Professional surveyors were hired to carry out the survey who visited villages where these children belonged. The surveyors went to the schools, spoke to the head teachers, recorded their observations and received attendance records certified by the head teachers on the prescribed format (Annex II).

A Quick Assessment through the Survey

In total 78 children, who were taken as sample, were staying in *Mukti Ashram* after being rescued from work. Only 73 children's attendance evidence were made available by the school authorities and certified duly by the head master/head teachers as per the form (Annex II).

Out of these 73 children, 20 were marked enrolled and present in the schools while they were staying in *Mukti Ashram* in Delhi. Their presence in *Mukti Ashram* and work as child labour in Delhi is corroborated by the release certificates⁸ issued by the Sub-Divisional Magistrate and an order of the Child Welfare Committees for their stay in *Mukti Ashram*.

In total, 28 percent of the sample size (children rescued from work) were marked as present in the schools. In India, on the statistics provided by non-government organisations for total number of child labourers gives a figure of 14.6 million children working and marked enrolled and present in schools.

Financial Implication

In order to calculate financial implications of BBA's findings, following assumptions are made –

- (a) that there are 60 million children employed at any given point of time out of which 14.6 million are marked enrolled and present in schools⁹;
- (b) that under two government schemes, namely SSA and MDM, the government spends Rs. 4,269 per child per year and an average of Rs. 727 per child per school year, respectively.

⁸ A document issued by the law enforcement authorities here a Sub-Divisional Magistrate under Bonded Labour System Abolition Act 1976 to certify a rescued labourer as bonded labourer.

⁹ Total number of children marked present = {(Total child labourers – out of school children) x percentage of children marked present in school}/100

Based on this calculation, the misappropriation in funds allocated to schools, under SSA scheme, was Rs. 62327.4 million and under MDM was Rs. 10614.2 million, totaling to a sum of Rs. 72941.6 million per annum.

Calculation

(a) Total annual expense incurred under SSA = (Amount spent per child under SSA) x (number of children who are working but still marked as enrolled and present in school registers)

$$[(\text{Rs. } 4269) * (\text{14.6 million})] = \text{Rs. 62327.4 million}$$

(b) Per child average annual MDM cost = [(number of children enrolled in primary school)¹⁰ x (cost of MDM per child per school day) x (No. of working days as per RTE Act) + (number of children enrolled in upper primary school)¹¹ x (cost of MDM per child per school day) x (No. of working days as per RTE Act)]/Total number of children enrolled in primary and upper primary schools.

$$[(134784272) * (2.89) * 200 + (69626077) * (4.33) * 220] / (199710349) = \text{Rs. 726.60}$$

(c) Total annual cost of MDM incurred on children not attending schools =

Cost per annum = [Per child average annual MDM cost x No. of children who are working but still marked as enrolled and present in school registers]
= [(\text{Rs. } 727) x (14.6 million)]
= Rs. 10614.2 million per annum

MONEY LOST

$$= (\text{a}) + (\text{c})$$

$$(\text{Rs. } 62327.4 + \text{Rs. } 10614.2) \text{ million} = \text{Rs. } 72941.6 \text{ million}$$

¹⁰ District Information on School Education (2012-13), Flash Statistics.

¹¹ *ibid*

Conclusion

The study found that around one third of child labourers, 28 percent, were enrolled and marked present in the schools when they were employed and working in Delhi for the corresponding time. The government's claim of nearly complete enrollment at elementary level seems dubious if the findings of the study were taken into consideration.

If we extrapolate this data for all child labourers in India, a colossal sum of Rs. 72941.6 million appears to have been siphoned off from SSA and MDM schemes. This is nearly one fifth of the total annual allocation under the two programmes in 2013-14. In a situation where many government and government-aided schools still run without adequate infrastructure and proper facilities. It is shocking to see how public functionaries are able to deviate funds away from their intended purposes.

This calculation however, does not include teacher's involvement in additional financial activities (apart from teaching) resulting in their prolonged absenteeism from schools, hiring locals for teaching in schools who are incompetent as teacher, renting school premises, charging admission fees, taking bribes for issuing school certificates, and other rightful amenities for children including scholarships, books, bags, uniforms etc.

This demonstrates a clear laxness in enforcement of the RTE Act and monitoring of government allocation. It is imperative that urgent and appropriate steps are taken to correct the situation that is resulting in exclusion of millions of children from their right to quality education.

School Schedule

1) District Name

2) Block Name

3) Panchayat Name

4) Police Station Name

5) Post Office Name

6) Village Name

7) School Description

i) Name of the School

ii) Type of School (tick the right option)

a) Primary School

b) Utkarmik Primary School

c) Secondary (Middle) School

d) High School

e) Madarsa

f) NCLP

g) Unnayan Kendra

h) Private Tuition

8) Total number of students

9) Average attendance per day (in %)

To Whom It May Concern

This is to certify that Mr. _____

S/o. _____ was enrolled

in _____ school and was

attending class _____ on regular basis in the academic

session of 2011-12. He joined the school on _____ 2011

and his attendance during the period _____ to _____ was

_____ percent (%).

Head Master/Teacher



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