

Implementation of RTE Act A Case Study of Two Gram Panchayats in Karnataka

Dr. R. Praveen, MSc. MEd, M. Phil, Ph. D.

Additional Registrar, CMR University (CMRU) # 2A, 3rd 'C' Cross Road, 6th 'A' Main, HRBR Layout, 2nd Block, Kalyan Nagar (Near Banaswadi Police Station), Bangalore - 560043. INDIA.

Padmashree. R. P

Research Scholar, Bharathiar University, Coimbatore, Tamil Nadu & Faculty with Regional Institute of English South India, Jnanabharathi Campus BANGALORE

Abstract: *The process of decentralisation in India has evolved in the course of time with the sole aim of devolution of power to the local Panchayati Raj Institutions (PRIs) in order to promote sustainable development. In the last two decades that is, since the Constitutional 73rd and 74th amendment in 1991, enough measures were taken by the central and the state governments to devolve more powers to PRIs. One such measure in the recent past is the enactment of the Right of Children to Free and Compulsory Education Act 2009, which provides for clear devolution of the powers to central, state and local authority for the effective implementation of the Act. This paper makes an attempt to understand the awareness of the elected representatives of the Gram Panchayat (GP) and measures taken by the panchayats in the last 5 years as part of the implementation of the RTE Act in two panchayats of Karnataka with a specific focus on Section 9 of the RTE Act and also the support mechanism by other stakeholders in the implementation of the RTE Act. The field visit to two of the socially and economically developed Gram Panchayats of Dakshina Kannada shows that very little has been done in empowering the Gram Panchayats towards awareness, support systems, facilitatory processes and follow-up by the stake holder departments or even the local initiatives. It is quite evident that there is no concrete effort to ensure devolution of powers to GP either by the district administration or the department of rural development and Panchayati raj or even the concerned Department of Public Instruction who is implementing the RTE Act. The method adopted for the study was that of interview schedules, focussing on the roles and responsibilities assigned under section 9 of the RTE Act, followed by focus group discussion with the stake holders, to know the reasons for non-execution of duties under section 9 of the RTE Act.*

In the process of carrying out the case study, it is learnt that the ground level field functionaries are keen on being empowered in order to execute all the required responsibilities, but the limitation of the system as a whole is posing a challenge towards empowering the ground for management and implementation of the RTE Act. It is also found that RTE in true spirit is not being implemented as there is a heavy inflow of private players in the field of education and that commercialisation of education is in place and so the concept of Free as a right of child is totally nullified on the ground.

Keywords: *RTE means Right of Children to free and compulsory education Act 2009, Role of Gram Panchayat means role of Gram Panchayat as prescribed under section 9 of the RTE Act, Implementation of RTE means implementation of provisions of the Act as prescribed under Section 9 of the RTE Act.*

1. INTRODUCTION

The 73rd amendment to the Constitution in 1991 paved the way to decentralisation of administration in India in a big way. Since then, the idea of Local self-government became popular in the arena of decentralised administration. The concept of local self-government refers to the administration of a locality, a village, a town, a city or any other smaller than a state, by a body representing local inhabitants, enjoying a certain degree of autonomy, raising a part of its revenue through local taxation and spending it on services which are local in character as distinct from the services provided by the State or Central agencies (Srivastava, 2002). After 73rd constitutional amendment, there have been a number of efforts in India of varying degree and intensity to bring in decentralized governance, in general and school education, in particular (Govinda and Bandyopadhyay, 2010). In all these attempts, depending

on the extent to which decentralization is implemented we may find that such attempts could be considered as devolution, delegation and deconcentration. Devolution could take place within either a federal or a unitary governmental structure. In the case of a federal system, the structures, powers and functions of the different governmental levels are enshrined in the constitution whereas in the case of a unitary system these are included in the ordinary legislation (Velayuthan,1986). However, there are many pitfalls along the way. As stated by Chandrashekar(2011), not only there are powerful vested interests which are against transferring of powers and functions to local bodies but in recent times, a number of parallel bodies have been set up in the rural areas which are performing the functions which legitimately belong to the sphere of local government. Moreover, these bodies are keeping local governments at arm's length, maintaining a cursory relationship with them, if at all, and not taking them into confidence.

Decentralisation of educational administration is no exception to this. The national flagship programmes like District Primary Education Programme –DPEP (1994) followed by Sarva Shiksha Abhiyan (2001) for achieving the goal of universalising elementary education has created parallel structures at all levels in the area of School education. Consequently, the legitimate decentralised decision making bodies such as Gram Panchayat, Taluk Panchayat and Zilla Panchayat were side-lined and all decisions were taken by parallel bodies such as Village Education Committee, Cluster Resource Centre, Block Resource Centre and Deputy Project Coordinator level respectively by weakening the local self-governments. It is observed that the Sarva Shiksha Abhiyan and watershed development programmes are not only parallel schemes set up by the central government but they have given rise to parallel bodies at the district, taluk and village levels. Consequently, these bodies undermine the representative nature of the polity at the local level as decisions are taken in these bodies and outside the Panchayats (Chandrashekar, 2011).

Despite all these problems, decentralisation of educational administration has been widely advocated as a strategy to promote local participation in education. The recently enacted legislation; the Right of Children to Free and Compulsory Education Act 2009 that came into force from April 1st 2010, has made concrete provisions for the Local Authority as part of the decentralised governance to implement the most ambitious legislation. As per section 9 of the RTE Act, the onus of providing elementary education is on the local authorities. The term Local Authorities is used in a very wide sense and as per the definition it comprises of the Municipal Corporation, Municipal Council, Zila Parishad or Nagar Panchayat and includes any such body having administrative control over the school or empowered under any law to function as a local authority in any city, town or village. Different authorities have different functions as per their responsibilities and duties. These developments are quite positive steps towards strengthening the Local self-government as envisioned in the Constitution.

As mentioned earlier, the RTE Act was enacted in 2009 and came into force on April 1st 2010. The Act provides for free and compulsory elementary education to all children of age six to fourteen years in a neighbourhood school. Sections 6, 7, 8 and 9 of the RTE Act clearly enunciate the roles and responsibilities of the Central, State and Local Authority¹ respectively under the Act towards the effective and meaningful implementation of the RTE Act towards achieving the intended goal. Particularly Section 9 of the Act assigns various duties to the local authority. The list of roles and responsibilities listed under Section 9 are as follow;

Provide free and compulsory elementary education to every child;

ensure availability of neighbourhood school as specified in section 6;

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

maintain records of all children up to the age of fourteen years within its jurisdiction, in such manner as may be prescribed ;

¹Under the Act in section 2(h) Local Authority means ‘a Municipal Corporation or Municipal Council or Zilla Parishad or Nagar Panchayat or Panchayat ,by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as local authority in any city ,town or village’

ensure and monitor admission, attendance, and completion of elementary education by every child within its jurisdiction;

provide infrastructure including school building, teaching staff and learning material;

provide special training facility specified in section 4

ensure good quality of elementary education conforming to the standards and norms specified in the schedule ;

ensure timely prescribing of curriculum and course of study for elementary education

provide training facilities for teachers ;

ensure admission of children of migrant families;

monitor functioning of schools within its jurisdiction ; and

Decide the academic calendar.

The RTE Act has completed three years of its implementation in Karnataka State after the formulation of state rules in 2012. It is important to examine the ground reality to assess how far the local authority; especially gram panchayat² and its members are aware about their roles and responsibilities and to what extent they have discharged their responsibilities assigned under section 9 of the RTE Act. The study was taken in two grampanchayats to assess the extent of awareness on the provisions of section 9 of the RTE Act and its effective implementation.

2. METHODOLOGY AND DATA COLLECTION

The Researcher used interview schedules to gather the data on the extent of implementation of RTE Act as prescribed under Section 9 with respect to the roles and responsibilities of the local authority. The interview method was mandatory to collect the data as there were no primary or secondary sources of data, and even reviews pertaining to the decentralised educational management were not available. It is stated that there is a paucity of literature that examine closely the links between the domain of children's education and local self-governance, both in terms of theoretical perspectives, as well as the implications for policy and practice (Sheshagiri K M). Hence, the researcher used interview method to basically know the extent of their awareness, initiatives, gaps and hiccups, followed by focus group discussion to get the thread bare understanding of the field in terms of education and local governance. Gathering information from the Gram Panchayat President, members and PDO itself consumed a lot of time and it was with great difficulty that these personal were subjected to interview. It was quite difficult to convince these people and to bring them to the perspective of education and its importance. Further the greatest difficulty was in addressing the understanding of all these personal with respect to the roles of Local Authority, as all were of the opinion that admission to private institution under Section 12 is itself RTE entitlement without considering the other main provisions of the RTE Act. After bringing them to the perspectives of their respective roles and responsibility, the initial interface proved that the efforts on the ground were just in general perspectives like that of: all children are to be provided with quality education, all children should be enrolled and attain school education, the government has to provide all the facilities and it is the responsibility of government to ensure that all children are provided with Free and Compulsory Elementary Education, there are issues because of English private medium schools which are catering to the demand of the masses so on and so forth. Therefore, the researcher adopted the method of discussion and one to one interaction which was apt to elicit the data from the elected members of Panchayats. In a nutshell, both primary and available secondary data was collected by the Researcher to assess the ground reality.

The basic information about the functioning the Department of Rural Development and Panchayati Raj was drawn from their respective website links to understand the mandatory functioning of the Gram Panchayats in the state of

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Gram Panchayat is the lowest level of democratically elected self-governing body within the three tier system of Panchayati Raj Institutions. Panchayati Raj is a system of governance in which Gram Panchayats are the basic units of administration. In Karnataka, it has 3 levels: village, block or taluk and district. At the village level, it is called a Gram Panchayat.

Karnataka. It was found that most of the works carried out by the panchayats were that of the public works like roads, electricity, water supply, sanitation, rural housing etc. With respect to education initiatives, it was found that 3 percent of the revenue that is generated is utilised to address the disability personnel and 15 percent towards scholarship of SC/ST students predominantly at the higher secondary level. Further, it was found that small repair works and toilet construction in school premises is carried out on demand by the respective members of the concerned villages. Hence, to know more about the issues pertaining to education and lack of initiatives, Focus Group Discussion (FGD) with the members of Local Authority in two Gram Panchayats of Dakshina Kannada were undertaken. The Researcher had in-depth discussions with the members of Brahmarakutlu and Balanjagram panchayaths in dakshina Kannada on 18th and 19th June, 2014. The required additional data was also collected using secondary source by accessing information through the official online data of panchayat Mitra3 maintained by the Department of Rural Development and Panchayat Raj, Government of Karnataka. The FGD was held with Gram Panchayat personnel comprising of the President, Panchayat Development Officer, Gram Panchayat Secretary and members. Apart from visiting the Panachayats, the researcher visited schools within those Panchayat jurisdictions to collect information from head teacher, teachers and School Development and Monitoring Committee (SDMC) to assess the role of Gram Panchayats in the implementation of RtE Act.

Case Study 1: BalanjaGram Panchayat

BalanjaPanchayatis located in Beltangaditaluk of Dakshina Kannada district and came into existence in the year 1980 which covers 3 villages namely Naalkuru, Balanja and Tenkakarandur. The total population of the panchayat is around 5,500 with 1,150 families. Seven schools and 8 anganawadi's are catering to the education of the children in the Panchayat. It was found that the developmental works undertaken by Balanja GP as part of the routine works pertaining to the education sector like sanctioning of funds towards construction of toilets, water pipes, overhead tank and need based demands of individual schools like BulBul and NCC (National Cadet Code) uniforms. The allocation of funds to schools is based on the totalavailability of the funds and the raised demand. It was found that the allocation to each school is not based on any prefixed criteria but as a philanthropic activity where GP is trying to gain the good will of the School. It was found that the meeting's resolutions were discrete without any frame or guidelines or even the follow-up or the resolutions made. Further, it was found that though the members mentioned that they have heard about RtE, the awareness was only to the extent of stating that all children have to be provided with education. They were totally ignorant of the specific provisions under Section 9 of RtEAct in particular and RtE Act in general. The various efforts by GP in terms of contribution to education was that of a decision to provide Rs. 45,000 towards construction of toilet for Tenkakarandur school, a high density polyethylene pipe for drawing water to Attajelower primary school of Balanja at the cost of Rs. 20,000/- , a water Tank for Sulebettu school of Nalkur at the cost of Rs. 5,000/-, BulBul and NCC Uniforms were procured for Balanja School at the cost of Rs. 12,500/-, provision of boys toilet to Tenkakarandur school , painting of Balanja School at the cost of Rs. 13,000/- and Katte School of Tenkakarandurat the cost of Rs. 11,000/-and finally provision of compound wall at the cost of Rs. 60,000/- to Kapinadkaanganawadi of Tenkakarandur village. It was found that the basis for allocation of funds to various activities was decided in the GP meetings and resolution is passed for every initiative. The method of follow up was not evident in the proceedings but the mention of whether the work is completed or in progress is recorded.

The visit to the schools in Balanja GP revealed interesting facts when an interaction with the staff and students of Higher Primary School, Balanja was carried out. The school was established in the year 1953 by the community and was later recognized and taken over by the government in the year 1955. It was found that there exists a very cordial bond between Head Master, teachers and the community and at the time of the visit, Taluk Panchayat members were present in the Head Teacher's room, the various aspects for discussion were that of the GP and SDMC formations in the panchayat, teacher deployment issues, CCE and quality aspect of education. The Taluk Panchayat member Shri. Dharanappa expressed his concern about the declining children strength in government schools and one of the reasons as stated by him was that of lack of professional competency among teachers in the school. Later on enquiry of the teachers revealed that all teachers were females except the PE (Physical Education) teacher who is in-charge HM. It was learnt that one of the teachers was wife of the in-charge HM, and that they take

³www.panchayatraj.kar.nic.in visited on 3rd April 2015

the responsibility together. The school has 7 classrooms, a hall which is built by the contribution of the community. The school has radio and a computer which is donated, and it was learnt that HM uses computer for his administrative functions. No other resources are available in schools. HM has played prominent role in carrying out sports activities and the trophies won been available. Compound wall is an issue yet to be resolved. The efforts of the HM and community were evident as there was an increasing trend in enrolment and there were 178 children from class 1 to 8th. There was the demand for high school by the GP member Mr. Dharnappa. The teachers were sensitive to inclusive classrooms and most of the children belonged to SC and ST community and came from semi-literate parental background. GP member said that the parents were quite supportive and are sensitive to children needs. It is learnt that children travel to this school from more than 5 km distance. It was learnt that SDMC, parents and community members are literate and facilitate the education of their children and are aware about the school activities very well. The visit by the supervisory staff again is dominated by CRP's (Cluster Resource Person) visit, and 2 each by BRP (Block Resource Person), BEO (Block Education Officer) and Aksharadasoha official. When enquired about the role of Gram Panchayat, there was the mention that Mr. Dharnappa who is a Taluk Panchayat member is the only one in contact with the school who is constantly facilitating the processes at school as an individual interested in education and not as part of institution of Gram Panchayat or Taluk Panchayat. The case study clearly revealed that there was no connect to the various provisions under Section 9 of the RtE Act where the Gram Panchayat is involved in the functioning of the school in true spirit.

Case Study 2: Gram Panchayat

Bramarakutlu, Kallige Gram Panchayat of Bantwal Taluk of Dakshina Kannada district has 15 villages covering the population of 4,600 with 800 families. The schools which are catering to the education of children in this jurisdictions that of Netarakere, Bramarakutlu, Pachinadka where 2 Higher Primary Schools, one private primary school, 1 aided higher school. It is found that there are no high schools in this Gram Panchayat and children are forced to go to the neighbouring Gram Panchayat for their secondary education.

School visit and interaction with the staff and students of the Higher Primary School Brahmarakutlu was very interesting as the school appeared quite vibrant with respect to activities and discipline at the first instance. As the researcher entered the school, efforts towards preparing the playground after heavy rains, which was a proactive measure was evident. As the visit was an informed one of carrying out focus group discussion, SDMC members and GP President was present for interaction. A lady member Smt. Nalini interacted to a great extent, where she expressed that her child is in class 7th, and she found that strength is being reduced in the school day by day due to attraction to private English medium schools. She expressed her concern about reduction in strength even after concerted efforts by teachers which her children reveal about school related activities to her day in and day out. SDMC member Vimala was worried about maintenance of clean and hygienic functional toilets; she said that there should be an exclusive person (peon) to maintain the toilets. The researcher initiated debate about how toilets and school campus is maintained well be all the Students, HM, and community members get involved in case of schools in Japan, by dedicated 15 minutes of the time during day. Mrs. Vimala also expressed her concern that anganwadi not functional to the mark as it feeds children to the school. She was very happy with the mid-day meal which is provided at present, as in the past it just used to be RavaSajjige (Soji preparation which is a sweet in Karnataka). Parents were apprehensive about children support being taken in maintaining water for toilets as there was some issue in tapped water supply, HM was requested to resolve the issue by taking it to GP and RDPR (Rural Development and Panchayati Raj). The education levels of SDMC members were: Vimala (PU-Pre University), Sujatha (BA), Nalini (SSLC), Gulabi (6th), Kokila (7th), Nalinakshi (6th), Padmavathi (5th). It was observed that mothers and ladies take active role in school activities as compared to men.

Interaction with President of Brahmarakutlu GP, Sri. Mohammed Valavor was enlightening as he was very positive in his approach, and had all the information about the schools in his gram panchayat. He said that there are 4 Higher Primary Schools, no high school, one private primary school, 1 aided higher school and one un-aided high school in his gram panchayat limitation. He said that there are gaps in awareness among the community about the quality of government schools, there should be awareness drive to enlighten them about the efforts in government schools. Parents are just carried away by the private schools in the name of English medium schools. He said that funds that are provided to schools are not channelled through GP, if they are also provided with responsibility through institutionalization; they would be able to concentrate more on the education development activities. He added that

decentralization through devolution of powers and responsibility makes a lot of difference in management of schools. Later, interactions with students in the presence of HM and teachers were carried out which was the best part of the interaction throughout. Students were articulating and responding without any inhibition. There was the connect between the various documents like lesson notes, lesson plan, CCE competency listing, class wise, Subject wise consolidation and further CCE based progress card were found quite grounded. It was evident that the schools had the moral support of the Gram Panchayat President but was a toothless effort by Gram Panchayat as there was not devolution of powers with finances.

3. MAJOR FINDINGS OF THE STUDY

It was found during the FGD that majority of the members in both the Panchayats are unaware about the RtE Act in general and provisions related to Local Authority in particular. However, in the absence of such knowledge, as part of their routine, the Panchayats have taken very proactive role to implement many of the roles assigned to under the Act without knowing actually they are implementing the Act. The focus is more on infrastructure related issues like construction of classrooms, toilets, providing drinking water, compound wall, whitewash/painting etc. The panchayats have also focussed on enrolment and attendance of children in schools.

It was found that there is complete disconnect in terms of legislation and execution, as there is a weak link between government schools and GP. There should be some convergent efforts by the Gram Panchayat and schools on the common goals to make system efficient but none of these initiatives could be seen in the case studies. Gram panchayat being the local authority at the ground level becomes the core agency in the implementation of the RtE Act in total, which has to address all the necessary hiccups and obtain the support of all the facilitatory bodies but due to its weak linkages and no devolution of powers and responsibilities in terms of guidelines and training there is no role in concrete.

It was found that the majority members including the officials of the GP such as Panchayat Development Officer were unaware of the roles and responsibilities of local authority under the RtE Act. As the preconception is that, it is the responsibility of the education department and the school management committees and that their role is only towards the prescribed roles by Department of Panchayati Raj. More probing during interview only led to their understanding of Rte act as 25% admission to the private institutions. The interview though exhaustive, did not lead to any concrete observation, as the extent of awareness was to minimum.

It was found that the GP members were not provided with any training in relation to the various provisions of RtE act including the section 9 which specifies their roles and responsibilities. It is evident that any implementation requires concrete strategy in empowering the implementing agencies. But, mere mentioning of the roles and responsibilities without any measure of bringing awareness leads to ignorance in the field.

It was found that the GP are not roped as an authority in practice towards routing the funds and implementation of various programmes as there are parallel bodies or even deviation from Decentralisation of Education Management System.

It was found that the GP members and SDMC members are keen on placing their efforts for making schools very attractive and promoting quality education as centres of learning but they are not provided with opportunity in exercising their powers and duties in an institutionalised structure.

As the efforts of SDMC and GP members were too dilute in terms of internalisation of issues and resolutions, focus group discussion with other state holders was the option to know the nitty gritty of the issues. Focus group discussion with children revealed that children are aware of the existence of GP but not aware about the member's involvement in schooling processes. As the students are trained in mock parliament, they were able to provide responses towards the functioning of Gram Panchayat.

Focus group discussion with teachers revealed that GP and TP members are more focussed on infrastructure aspects like rooms, toilets and compound wall and are not concerned about the other aspects of Section 9 of the RtE Act. Further, they expressed that it would be of great help to school in case gram panchayat is roped in as they are the authorities who can resolve any issue pertaining to instantaneous decision making and execution.

Discussion with GP President and members revealed that the funds pertaining to education is not routed through them and hence, they are not able to proactively engage themselves in schooling processes. Effective implementation comes with appropriate devolution of along with clear directions for implementation is the need for active involvement of GP. The responsibility without funds does not provide accountability for implementation. President of Bramarakutalu expressed his concern that if funds are provided along with responsibility then they would pay the attention. Dakshina Kannada being a progressive district has still to go a long way in empowering gram panchayats for their responsibility under section 9 of the RTE Act. Further, it was found that Gram Panchayat has displayed on the boards to ensure child's right but has no orientation about the roles pertaining to ensuring the appropriate initiation about any aspect of section 9.

4. METHODOLOGICAL REFLECTIONS AND INNOVATION

The main purpose of the study was to know the extent of participation of GP members in implementation of the RtE Act as they are the local authority with specific duties and responsibilities. Hence, interviews was the method adopted initially. As the interview outcomes were mainly that of superficial understanding of RtE act by the GP members and that their indept involvement were not available, as the perpectives of the grassroots on education was not proved evidently on Education as a right, but more so of excapism. The purpose of the study was to know the extent of awareness, implention of the provisions under the Act, and this was achieved through the study. An indept Case Study by collating the information of all the facilities of schooling through ethnography was a better option to study the issue in detail.

5. MAJOR RECOMMENDATIONS

In the light of above findings, the researcher makes the following recommendations to the authorities concerned for the effective implementation of the legislation

Massive awareness programme should be undertaken within the Panchayat on a war foot basis to create awareness amongst the community in general and members of local self-government in particular about the RTE Act in general and provisions under section 9 in particular

Special measures need to be undertaken to build the Capacities of elected members to enable them to implement the roles and responsibilities assigned to them under the Act

It is the right time for the devolution of financial powers and additional resources to adequately to the Panchayats, to ensure effective implementation of the provisions under section 9 of the Act

There is an urgent need to put in place the Effective redressal Mechanism to monitor the effective implementation of the RTE Act by the Local Authority as specified under section 32of the Act

An orientation of needs assessment pertaining to school infrastructure, TLM, Teachers training, CWSN etc. to be provided to Gram Panchayat President and members of SDMC's along with head teacher

Orientation to representatives from School, SDMC, GP, TP and ZP to be provided towards carrying out Special Children GramaSabha to assess the implementation of , child rights in general the RTE Act in particular

6. CONCLUSION

As early as 1961, Jayaprakash Narayan pointed out that 'After having accepted Panchayat as the agency responsible for planning and execution of plans.... There is no longer any valid reason for continuing individual allocations subject-wise even to serve as a guide' as stated by Raghunandan T. R (2013). In reality the status is the same even after 50 years. Despite the various initiatives in decentralisation of educational management like that of Right of Children to Free and Compulsory Education Act, 2009 with clear delegation of roles and responsibilities to the local authorities, hardly any serious attempt is made to empower the Gram Panchayats in implementation of the Act in full spirit. Mere assigning the roles and responsibilities without any fund allocation and empowerment is like assigning the job of chewing without the provision of teeth. The local authority to be devolved with structured functions, manpower provision, power delegation and authority in massive mode with greater political will is the need of the hour with respect to the provisions as prescribed under Section 9 of the RTE Act.

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