

**A
SYNOPSIS
OF THE THESIS TITLED**

**A CRITICAL ANALYSIS OF THE ADMINISTRATIVE FRAMEWORK AND
PROCESS OF IMPLEMENTATION OF RIGHT TO EDUCATION ACT IN
GUJARAT**

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DR. AMIT DHOLAKIA**

**RESEARCHER
BHOO MI P. SHROFF**

**DEPARTMENT OF POLITICAL SCIENCE
THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA, VADODARA**

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Contents	Page No.
Introduction to the Research Topic	2
Chapter 1	2
Chapter 2	4
Chapter 3.....	6
Chapter 4.....	8
Chapter 5.....	10
Chapter 6	12
Chapter 7	14
Key References	14

INTRODUCTION

Education plays a pivotal role in moulding history, civilizations, attitudes, beliefs and ideologies of people. It is considered as one of the most powerful instrument for alleviating poverty, reducing inequality, and promoting sustainable economic growth. The international organizations and nation states, therefore, commit to support the right to education as a potential tool to achieve development goals. Education as a system has crossed journey from Plato, who considered it an important basis for the creation of an ideal state designed to achieve justice, to the present day, where education is upheld as a Right and seen as essential for individual growth and development of society.

While there is a broad consensus among scholars regarding the significance of education, their rationale of supporting it varies. The human capital framework and the economic-instrumentalist approach consider education important due to its extrinsic benefits, like increasing gross domestic product (GDP) and economic growth resulting out of an increase in the individual earning potential. Education is viewed here as a service which is not primarily a responsibility or legal obligation of the government. The rights-based approach, on the other hand, regards children as rights-holders to education and emphasizes on the intrinsic value of education. It argues that it is the responsibility of the government to provide education to all children and develop inclusive education systems that protect the human rights of all students. Education as a right has been further reaffirmed through the normative frameworks such as the Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1990), the UNESCO Convention against Discrimination in Education (1960), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1966, and the international rights-based agendas like Education for All (EFA) and the Millennium Development Goals (MDGs) (UNESCO, 2000; UNDP, 2014). Subsequently, several countries signed and ratified these conventions and integrated the Right to Education in their national constitutions, development plans, policies, and provided the requisite legislations and administrative frameworks to ensure its proper implementation.

With the 86th constitutional amendment, India also became the 135th country in the world to adopt Right to Education as a Fundamental Right. With the insertion of Article 21 (A), the Right to Education (RTE) Act was passed in the Parliament in the year 2009 and it came into effect on April 1st 2010. The RTE Act stipulated several norms, including pupil teacher ratios, norms for community participation, infrastructure and curriculum reform, etc. Since both the Central and State governments are responsible for the implementation of this legislation, the Act required every state to develop its own RTE rules for ensuring its effective implementation. By 2013 all the states and union territories notified their RTE rules. The government of Gujarat gazette on RTE rules was published on February 2012. This thesis primarily focuses on critically analyzing the administrative framework and process enacted for the implementation of Right to Education Act in Gujarat. It has examined in detail the Gujarat RTE Act and its provisions, and used primary and secondary data related to education. The thesis is divided into 7 chapters, with each chapter discussing in detail various dimensions and aspects of the research.

CHAPTER 1

INTRODUCTION: OBJECTIVES, RATIONALE AND METHODOLOGY OF RESEARCH

The first chapter of the thesis is an introductory chapter that discusses in detail the introduction to the research topic; significance of the study; objectives of the study; the research questions that guide the study; and the research methodology adopted by the researcher. While giving

the introductory background to the topic, the researcher discusses the importance of education in society from various perspectives like the rights-based approach, the economic-instrumentalist approach, and the human capital framework. The researcher also discusses the studies highlighting the role of education in the socio- economic and political transformation of the country. The chapter further progresses to examine the importance of the Right to Education Act (RTE) 2009 in Indian context and its significance in academic discourse and public policy area.

While highlighting the significance of the study, this chapter discusses the following -

The relationship between the 'state and individual' and the 'state and society' is one of the major areas of study in political philosophy and political theory, where the state is expected to fulfil the basic needs like food, shelter, health care, clean environment, primary education, etc for the fulfilment of the potential individual. Also, studies have proven that education plays an important role for the individual growth and development of society at large. This makes it important to evaluate and rethink the processes and institutions devised by the state by fulfilling its obligation to provide elementary education to all.

Implementation is a crucial part of policy cycle and, the success or failure of the policy depends on the way it is implemented at the grass root level. Scholars like Aiyar (2012-13) & Panagariya (2013) have argued that welfare rights embedded in our constitution and statutes lack a strong implementation, monitoring and enforcement system. And hence, many policies set out in the past by the government have failed to achieve the desired outputs. Therefore, it is important to study institutions and administrative structures involved in the implementation process of RTE Act 2009 to ensure that implementation process is consistent with the overall philosophy of the Act. This can help achieve both - the broader philosophical goals of the act and the desired expected policy outputs. Any short comings in the implementation part could increase the possibility of the failure of the overall policy, which could be detrimental to the overall planning and growth model of the country.

During the literature review it was observed that only a few research from a Public Policy perspective grounded in the discipline of Political Science has been conducted on critically analyzing the administrative framework and process of implementation of RTE act in Gujarat. Hence, a critical analysis on the implementation of RTE in Gujarat at this stage is crucial not only from academic perspective but also at the policy level.

THE OBJECTIVES OF RESEARCH ARE:

1. To study the conceptual evolution of RTE at the global and national level and examining the key objectives and provisions of RTE Act in India.
2. To analyze the overall administrative framework in Gujarat for implementing RTE Act.
- 3 To study the level of participation of various stake holders in the implementation of the Act.
4. To examine the effect of RTE Act on enrolment rate, retention rate and dropout rate across different communities in region.

KEY RESEARCH QUESTIONS ARE:

- Q.1 How has RTE conceptually evolved nationally and globally?
- Q. 2 What are the objectives and key provisions of RTE Act in India?
- Q.3 What is the administrative framework for implementation of RTE Act in Gujarat?

Q. 4 To what extent and in what ways the administrative framework for implementation of RTE Act in Gujarat conform to the prevalent criteria of good governance and effective policy implementation?

Q.5 How participatory is the overall process of implementation of RTE Act in Gujarat?

Q.6 How has RTE Act affected the enrolment rate, retention rate and dropout rate in the state in aggregate terms as well as in relation to community, gender and sub-regional variables?

RATIONALE OF THE STUDY:

The outcomes of the thesis can contribute in understanding the various dynamics of Public Policy in India. At a macro level, it can help comprehend the overall process of policy making and policy implementation in the country.

At the micro level, the thesis also contributes to a better understanding of the primary education policy in India, relationship of school education with state and society, and understanding of the administrative framework in the light of good governance criteria, etc.

The findings and recommendations of this research will also help in improving the service delivery, expansion of the access to primary education, reduction of various bottlenecks and administrative challenges.

METHODOLOGY OF THE STUDY:

The research study is primarily using mixed- methodology containing both qualitative and quantitative dimensions. Different methods like interview, group discussion, and observation for primary and secondary data collection and analysis are undertaken. For primary data collection, the researcher has identified the following variables: 1) Community - This includes Schedule Castes (SCs), Schedule Tribes (STs), Other Backward Castes (OBCs), and Muslims 2) Sub-region- Four regions of Gujarat (Kutch & Saurashtra. North Gujarat, Central Gujarat, South Gujarat) 3) Gender- This includes Girl child and Boy child.

Apart from the above mentioned variables, several actors like - parents, school teachers, principals, SMC members, civil society members, and government functionaries like DEO, DPEO, Secretary, etc involved in the implementation of the Act in the state are also interviewed for collecting primary data for the study. Research methods like participant observation and focus group discussions are also used to study SMC members, teachers and parents. Primary data is also collected using government gazettes and Acts and DISE data for studying various aspects of the study. For the secondary data collection the researcher has referred to literature in several books, journals, articles, and news items.

Chapter 2

REVIEW OF LITERATURE

The second chapter of the thesis reviews the relevant literature available on the research topic in various books, scholarly articles, journals, government gazettes, circulars, reports published by the government or non-government organizations / agencies working in the education sector, and news items for gaining insight in various aspects of research area like Education, Right to Education, The Right to Education Act 2009, Implementation of Right to Education Act 2009, Good Governance and Public Policy Implementation.

The review of literature on education includes discussion on conceptualization of education in different approaches like-

The economic-instrumentalist approach to education which is adopted by the world bank and discussed by scholars like Francine Menashy (2012) and the human capital approach to

education discussed by Ingrid Robeyns (2006) in his work. Both these approaches value education for its extrinsic benefits like the skills and knowledge acquired through education are an important part of a person's income-generating abilities, and educated masses lead to overall development of nation. The proponents of these approaches argue that education is primarily a service that can be provided by any other institution, not necessarily the state on a fee basis.

The rights-based approach to education is discussed by scholars like Klees & Thapliyal, (2007); Craissati, Banerjee, King, Lansdown & Smith, (2007); and Dale, (2000), who argue that children are the rights-holders to education and it is the responsibility of the government to provide education to all citizens. The rights-based discourse clearly prioritizes the intrinsic importance of education and stresses justice-as-rights considerations.

The capability approach is discussed by Sen (1992,1999) which is a broad normative framework for the evaluation and assessment of individual well-being; social arrangements; the design of policies; and proposals about social change in society. Education is important in the capability approach for both - its intrinsic value and instrumental reasons. Being knowledgeable and having access to an education that allows a person to flourish is generally argued to be a valuable capability.

The chapter also discusses various normative frameworks to Education which reaffirm the Right to Education like- the Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1990), the UNESCO Convention against Discrimination in Education (1960), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (1966), and the international rights-based agendas like Education for All (EFA) and the Millennium Development Goals (MDGs) (UNESCO, 2000; UNDP, 2014).

2. The chapter further includes a review of literature on public policy, policy implementation and good governance. This includes works like - Public Policy: Formulation, Implementation and Evaluation by R.K. Sapru (2011); Policy Paradox: The Art of Political Decision Making by Deborah Stone (2002); Reframing Public Policy: Discursive Politics and Deliberative Practices by Frank Fischer (2003); Handbook of Public Policy Analysis: Theory, Politics, and Methods by Frank Fischer, Gerald J. Miller and Mara S. Sidney (2007); Public Management and Governance by Tony Bovaird, Elke Löffler (2009); The New Public Governance? Emerging Perspectives on the Theory and Practice of Public Governance by Stephen P. Osborne (2010).

3. This chapter has further reviewed several works on the Right to Education Act and its implementation which are briefly summarized here. Conceptual works and empirical studies on RTE Act includes - Right to Education: A Way Forward by Vinay Rai and Narendra Kumar (2010) ; Right to Education: Retrospect and Prospects, by Noushad Husain (2014); RTE and Marginal Communities: A Perspective by Bibhuti Bhushan Malik (2015); RTE: A Symbolic Gesture by Anand Teltumbde (2012); The myth of free and barrier-free access: India's Right to Education Act—private schooling costs and household experiences by Prachi Srivastava & Claire Noronha (2016); Quotas under RTE: Leading towards an Egalitarian Education System? by Ankur Sarin & Gupta Swati (2013); Feasibility of Implementation of Right to Education Act by Pankaj Jain and Ravindra Dholakia (2009); Right to Education Act: A Comment by Vimala Ramachandran (2009); Right to Education of Scheduled Tribe: An Indian Perspective by Madhurima Chowdhury and Atrayee Banerjee (2013).

4. As far as the RTE Act and implementation in Gujarat is concerned, the researcher could locate only few writings like a report titled " Study on Implementation of Right to Education Act-2009 in Gujarat: Status of 506 Government Primary Schools in 8 Districts of Gujarat" by Janvikas (2012) ; Oversight During RTE Implementation in Gujarat Has Bred Feelings of Caste Antagonism (2017) by Nisha V & Karan Singhal; The Right to Education Act: A Late Starter, Gujarat's Performance Remains Poor Compared to Most States (2013) by Rajiv Shah. None of these works cover the overall study of administrative framework and its analysis from a public policy perspective.

In the literature review chapter the researcher has made an attempt to study different aspects of RTE Act and its effective implementation process. Review of literature on implementation process has provided the researcher a conceptual background to the present research. It is also noticed during the literature review process that so far no research work has been done focusing on the critical analysis of the administrative framework and process of implementation of Right to Education Act in Gujarat. With that view, the present research contributes and adds new insights not only on the policy front but also to the academic and research domain.

Chapter 3

RIGHT TO EDUCATION: CONCEPTUAL EVOLUTION, HISTORICAL DEVELOPMENT AND KEY PROVISIONS OF THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (RTE) ACT 2009 IN INDIA

The third chapter of the thesis is divided into two sections. The first section includes a detailed discussion on the evolution of Right to Education at conceptual level, its historical development and its inclusion in the public policy domain. The second section of the chapter focuses on examining the key provisions of the RTE Act 2009 in India.

CONCEPTUAL EVOLUTION AND HISTORICAL DEVELOPMENT OF RTE

Since the concept of Right to Education flows from the ideas of education and rights combined together, this section begins with a conceptual understanding of education and right to education and later proceeds to understand the historical journey of education as a right in policy domain.

For conceptual analysis of education, the researcher has reviewed the works of several scholars on education from different academic disciplines. In political science, the earliest references to education are reflected in the writings of Plato and J S Mill. Plato argued that education is important for the creation of an ideal state based on justice, whereas, Mill upheld the social role of education and argued for an effective public education for children of all classes.

Conceptual understanding on education has further emerged from the writings of prominent economists. Classical economists like Adam Smith, David Ricardo, Thomas Robert Malthus, Nassau Senior and John Mc Culloch have viewed education as a social good and emphasized its role as a key to further development. They have also favoured mass education. In the neo-classical tradition, Alfred Marshall considered education a national investment and most valuable of all capital that is invested in human beings.

The concept of education further emerged as an investment with the Presidential address of Theodore Schultz to the Annual Conference of American Economic Association in 1960. Schultz argued that investments in man, like investments in property are ways of establishing additional income stream. Thus, education came to be regarded as an investment in human capital, capable of yielding returns in future. Subsequently, the writings of scholars like Jean Dreze and Amartya Sen highlight the intrinsic-instrumental role of education for the expansion of one's own freedom, betterment of life and contribution to national economic growth. They regard education as an important instrument of social change.

However, the concept of education as a right evolved in the normative framework on global front in documents like - the Universal Declaration of Human Rights 1948, where education as a Human Right has been universally recognized; the United Nation Convention on the Rights of the Child, Universal Declaration of Human Rights (UDHR) where education as a right is given its legal basis, The International Covenant on Economic, Social, and Cultural Rights (ICESCR) adopted by the United Nations in 1966, and the Millennium Development Goals (MDGs) where education as a right is further strengthened. The rights-based approach to education is also highlighted in the thematic framework provided by Katarina Tomasevski (2006) in her 4-A scheme (availability, accessibility, acceptability, and adaptability). This section thus highlights that education has several conceptual underpinnings like education as an instrument of social change, education as human capital investment and education as a right of all.

HISTORICAL EVOLUTION OF RTE IN INDIAN CONTEXT AND ON GLOBAL FRONT

In this section the researcher points out that while examining the history of educational policies in India, it is worth noting that the right to education has been prevailing since pre-Independence era. The idea of compulsory education was upheld during the reign of Sir Sayaji Rao Gaekwad in Baroda state. In the post independence era, the provision for the free and compulsory education was enshrined in the Constitution in the Article 45 of the Directive Principles of the State Policy, which stated that the State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years. But being a Directive Principle, it was not justiciable. The first official recommendation for the inclusion of a fundamental right to education was made in 1990 by the Acharya Ramamurti Committee. In the subsequent developments, the Supreme Court of India in the cases - Mohini Jain Vs State of Karnataka in 1991 & Unnikrishnan Vs State of Andhra Pradesh in 1993 - interpreted the fundamental right to life under Article 21 of the Constitution as the right to live with human dignity and all that goes along with it. With that view, the Supreme Court asserted that in order to fulfil the life and dignity of an individual the right to education is necessary. Therefore, the Right to Education flows directly from the Right to life (Coomans, 2009). With the insertion of Article 21 (A), Right to Education Act was passed in the Parliament in 2009 and it came into effect from 1st April 2010. Thus, with the 86th constitutional amendment, India became the 135th country in the world to adopt Right to Education as a Fundamental Right.

This section has further highlighted the reference made to RTE in the educational policies in India, five-year plans, and speeches of top ministers, government officials, policy makers. It discusses the role and contribution of civil society members, activists and eminent educationists in the making of RTE.

On the global front, the chapter discusses the national legal statues and legal documents of several countries like - the post- apartheid South African Bill of Rights which entitles everyone the right to both basic and further education; law in Philippines which mandates free and compulsory education for children belonging to the age group of seven to twelve years; Mexican law that extended the age group of compulsory education from six to nine years, etc.

The second part of this chapter focuses on examining the key provisions of RTE Act and provided that the Act is divided into seven chapters- Preliminary, Right to free and compulsory education, Responsibilities of schools and teachers, Curriculum and completion of elementary education, Protection of right of children, and Miscellaneous. The chapter also highlights and analyses the main features of the act like :-

- i. Every child of the age of 6-14 years shall have a right to free and compulsory education in a neighborhood school till completion of elementary education
- ii. Every child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age, provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time limits, as may be prescribed: Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.
- iii. For the purposes of admission to elementary education. The age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1856 or on the basis of such other document, as may be prescribed. No child shall be denied admission in a school for lack of age proof.
- iv. Financial burden will be shared between state and central government.
- v. State governments will lay down model rules for the implementation of the Act in their respective states.
- vi. Provides for 25 percent reservation for economically disadvantaged communities in admission to Class One in all private schools.
- vii. Mandates improvement in quality of education.
- viii. Calls for a fixed student-teacher ratio.
- ix. School teachers will need adequate professional degree within five years or else will lose job.
- x. School infrastructure (where there is a problem) to be improved in three years, else recognition cancelled.

The chapter further provides a critical commentary on the RTE Act and elaborates on its limitations. At the conceptual level, the chapter briefly discusses the conceptual debate about the validity of the state partly transferring its welfare obligations to a private party and also analyses the provisions of the RTE Act with the 4-A scheme provided by Katarina Tomasevski. The RTE Act 2009 in India fulfils up to a certain extend the spirit of 4 As- Availability, Accessibility, Acceptability & Adaptability. The RTE Act 2009 makes elementary education available as a fundamental right for all children belonging to the age group of 6-14 years. The Act also permits non-state actors to establish educational institutions. The Act also makes elementary education accessible to children by making it free and compulsory. In terms of acceptability, while the Act focuses on other aspects of education, it lacks a strong emphasis on providing quality education. The act reflects the adaptability with some features like

inclusion of the children with disability within its purview, however it is not fully realized in the legislation.

Apart from that, the chapter also discusses other limitation of the Act like- the act defines the age of children eligible for free and compulsory education as 6 to 14 years and excludes the children belonging to the age groups of 1 to 5 years and 15 to 18 years. Considering the crucial role education plays in the individual growth and development of nation and society at large, the act should expand its purview. It is also observed that there is an overlapping in functions among SMCs and local authority which maybe an obstacle for smooth functioning, coordination, and fixing the responsibility and accountability among officials. Also, the act lacks a strong enforceability part and is more input oriented than output oriented. While the focus of the Act has been more on getting the infrastructure and other physical aspects right, it has ignored the goal of achieving "quality education" for all children.

Chapter 4

A CRITICAL ASSESSMENT OF THE KEY COMPONENTS OF THE ADMINISTRATIVE FRAMEWORK OF RTE ACT IN GUJARAT

The chapter four of the thesis describes and critically assesses the key components of the administrative framework enacted for implementing the RTE Act in Gujarat, which also includes a critical analysis of the role of the various actors involved in the process. The chapter is divided into two sections. While the first part deals with the theoretical aspects related to implementation and administration, the second part contains an in-depth critical and empirical analysis of the key components of the administrative framework in Gujarat.

While discussing the theoretical underpinnings, the chapter begins with discussing the implementation theories and models in public policy domain, which includes the top down approach, bottom up approach and the hybrid theories. The chapter further argues that an effective administrative structure is essential for the successful implementation of any public policy, for which, the researcher adopts the concept of Good Governance to assess the administrative structure for RTE implementation in Gujarat. Thereafter, the chapter discusses the origin of the concept of Good Governance in the literature of the world bank, and further examines various definitions and elements of good governance as provided by the World Bank, International Development Association (IDA), Asian Development Bank (ADB), African Development Bank, and United Nations Development Programme (UNDP). The chapter argues that adopting good governance practices is crucial for ensuring successful implementation of public policies and discusses the importance of good governance as highlighted by various scholars, international agencies and institutions and state heads.

In the second section of the chapter, the researcher broadly explains the administrative structure for implementing RTE act in the state and discusses the functions of all agencies and actors in the process as prescribed by the act. Since the education falls into the concurrent list, the responsibility of implementing the provisions of the act falls both on the centre and the states which is explicitly reflected in the RTE Act 2009. The act prescribes that every state should develop its own model rules for implementing the RTE Act in its respective state and also the centre and state governments shall have concurrent responsibility for providing funds for carrying the provisions of the act.

In Gujarat, the major task of implementing of RTE Act rests with competent authority which as per the Gujarat Government Gazette on RTE Act is the District Primary Education Officer (DPEO) and the District Education Officer (DEO). The jurisdiction of the DPEO is within the area of District Panchayat, Municipal Corporation and Municipality whereas for the remaining

areas, the concerned DEO of the district. Another important stakeholder in implementing of the RTE Act is local authority which is defined in the chapter 1 of Act as Municipal Corporation, Municipal Council, Zila Parishad, Nagar Panchayat or Panchayat. Apart from that, the SMCs is assigned important role and duties related to functioning of the schools by the Act. However, the State Advisory Council (SAC) comprising of Minister and top government officials along with other experts from non-government background is assigned with the duty of advising state government with the implementation of RTE Act in the state. Also bodies like Gujarat Council of Educational Research and Training (GCERT) and State Commission for Protection of Child Rights (SCPCR) are made part of the process and assigned important duties and powers. While GCERT is the academic authority to lay down the curriculum and evaluation process, the SCPCR performs the functions of examining and reviewing the safeguards for rights provided by or under the act and recommend measures for its effective implementation, and inquire into any complain relating to child's right to free and compulsory education.

The advent of RTE has considerably altered the primary education scenario in the state and country at large. Apart from making elementary education a fundamental right of children, the Act also lays down several norms and provisions that gives the state and its agencies a leverage over private players. The clauses related to 25% reservation for children belonging to weaker and disadvantaged section in unaided school, teacher pupil ratio, school infrastructure, teacher appointment and training, schools open to inspection for any state authorized officer, need for school to furnish necessary information and date periodically, fill up DISE website, schools to maintain an updated website. The chapter argues that the Act is empowering the government to enter into the ambit of private unaided schools by making them comply with above mentioned provisions. several studies and news items have reported that private school administrators have not been happy with it.

For assessing the efficiency of the administrative structure for the implementation of RTE act in the state the researcher has adopted the concept of good governance as provided by the UNDP. The UNDP defines good governance as "the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences" (UNDP, 1997). The UNDP also gives the following elements of good governance : Participation, Rule of Law, Transparency, Responsiveness, Consensus orientation, Equity, Effectiveness and Efficiency, Accountability, Strategic vision. In the light of the above elements, this chapter analyses the Gujarat RTE Act and argues that some of the above-mentioned good governance elements and practices are reflected theoretically in the implementation of the act. The act includes several provisions related to the formation of SMCs, duties of the local authority, provision to admit 25% children from weaker and disadvantaged group in un-aided primary schools, formation of state advisory council, and performance of functions by the State Commission for the Protection of Child's Rights, which enhances the scope of participation, equity, consensus orientation and transparency in the process. Also the involvement of several actors like parents, teachers, school principal, administrators, bureaucrats, ministers and members of civil society are involved in the implementation process make the act more participative in nature.

The principle of rule of law is also observed as the government has enacted a legal framework for the implementation of RTE act. For ensuring the accountability and transparency, the act prescribes the enactment of the State Commission for the Protection of Child's Rights (SCPCR) for monitoring the effective implementation of the act. The act also makes provision asking

SMC committees to properly maintain the minutes of the meetings held and put before the public for their intimation. In addition to the good governance criteria specified above, the chapter selectively borrows from top-down, bottom-up and hybrid theories in order to understand the administrative framework.

Chapter 5

A CRITICAL ANALYSIS OF PROCESS OF IMPLEMENTATION OF RTE ACT IN GUJARAT: ROLE AND PARTICIPATION OF VARIOUS ACTORS AND AGENCIES

At the outset, the chapter discusses the importance of participatory framework with following arguments -

In the area of Public Policy, the proponents of the bottom-up approach have argued that a legitimate democratic governance is only possible in a participatory model of democracy which includes those who are affected by a particular decision (lower-level administrative actors, interest groups, private actors etc.) in policy formation (PÜlzl & Treib, 2007).

Scholars like Peter deLeon (1997) have recommended a participatory policy analysis based on three founding principles- that democracy requires all affected citizens to be involved in advising government in their decisions; that participation among affected citizens would foster socialization among people from both government and nongovernment and; a contextual knowledge from the affected citizens would compliment other forms of knowledge, particular from technical and scientific paradigms. DeLeon's mainly argues that a participatory policy analysis would serve to advise government in making decisions, revitalize social capital and reduce distrust in government, and, in the end, strengthen democracy.

The Good Governance parameters includes participation of sections of society either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.

The scope of activity involved in the implementation of RTE act in the state is very wide and therefore, it is essential to reach out to each and every section of society for ensuring effective implementation of the act. An effective implementation of policy requires an active participation of all stake holders. Every actor irrespective of his hierarchical position plays a crucial role in contributing to the success of the policy. Without a participatory process involving actors from all the sections of society, the objectives of the act may not be successfully achieved.

The chapter further proceeds to discuss the existing provisions in the RTE Act and the Gujarat govt RTE model rules that support the participatory framework, and identifies various actors and agencies involved in the implementation process and examines their role. It also attempts to find out whether the implementation process takes into account the consensus of the affected target group, local bureaucrats and private actors. The participatory framework is enhanced in the Act under several provisions like -

The Section 21 of the Act, which calls for the formation of School Management Committees (SMCs) for all schools established, owned and controlled by government or local authority and schools receiving any aid or grant from government or local authority to meet its expenses in whole or parts. The SMCs shall constitute of total 12 members of which 50% shall be women, in which 9 members (75%) will be of parents or guardians of children studying in school, and the parents or guardians of children belonging to disadvantaged and weaker section shall be given proportionate representation in the said committee. The remaining 25% members of the Committee shall be from- one member from amongst the elected members of the local authority, as may be nominated by the local authority; one member from amongst teachers of the school, to be decided by the teachers of such school; one member from among local educationists /children in the school, as may be decided by the parents or guardians in the

Committee; One local mason (To be nominated by the chairperson of the Committee). To manage its affairs, the committee shall elect the Chairperson and the Vice-Chairperson from amongst the parent members. The Committee shall meet at least once a quarter and the minutes and decisions of the meetings shall be properly recorded and made available to the public.

The Act rests important functions on the SMCs like - monitor on school functionary; prepare school development plan and recommend; monitor use of grants received from state government or local authority or any other source; explain about the rights received by the children under RTE act 2009 in simple and creative style in nearby public of school; ensure nomination and regular presence of all children of nearby area of the school, etc.

The RTE Act defines the structure of SMC in such a way that it represents people from sections of society and gives them an opportunity to raise their voices and opinions on important matters related to the functioning of school. For gaining insight into the ground reality, the researcher has conducted interviews with the SMC members in selected areas and collected data related to several aspects of SMCs like- whether they are functional or not; are regular meetings held; what are the issues and points addressed by them and the attendance of parents and other members. The study reports that during the field investigation undertaken by the researcher during the school enrolment programme (Shala Pravesh Utsav) it was observed that the all the SMC members were not actively involved in the implementation process. Some of the members had no adequate knowledge about the various aspects of RTE act. Although, the SMC meetings are regularly held in most schools but important issues are not being discussed and also the members are not much aware about the crucial role they're being assigned by the act in the functioning of the school.

Besides SMCs formation, during the research it was observed that the act expanded the scope of participation through several other provisions related to appointing GCERT as an academic authority under Section 29 of Chapter V for implementing RTE act and composition of the State Advisory Council (SAC) under Section 33 and 34 of Chapter VI, according to which 4 members shall be from SC & ST community, at least one member from person having specialized knowledge and practical experience of education of children with special needs, one member from persons amongst having specialized knowledge in the field of primary education, at least two members from amongst persons having specialized having knowledge and practical experience in the field of teacher education and 50% of all such members shall be women.

Further, the chapter discusses the role of bureaucrats, teachers, parents, school administrators, and members of civil society in implementing the RTE act in the state and making it more participatory in nature.

The chapter further provides that theoretically the participatory framework is reflected in several provisions of the act like the formation of a School Management Committee (SMC), duties of the local authority, provision to admit 25% children from weaker and disadvantaged group in un-aided primary schools, formation of state advisory council, and performance of functions by the State Commission for the Protection of Child's Rights. Several actors like parents, teachers, school principal, administrators, bureaucrats, ministers and members of civil society are involved in the implementation process.

Chapter 6

AN ANALYSIS OF EFFECT OF RTE ACT ON ENROLMENT AND DROPOUT RATES IN GUJARAT WITH SPECIAL FOCUS ON COMMUNITY, SUB-REGION, AND GENDER

The universal primary education has been on the policy agenda of the country since decades. Several government policies and programmes like Sarva Shiksha Abhiyan Mission (SSAM) have been launched in the past to achieve this goal. On the international front, the Millennium Development Goals, of which India is a signatory, also includes universal primary education as one of its objective. The RTE act fundamentally aims at providing elementary education free for all children in the country. Therefore, the enrolment, retention and dropout rates are closely linked to the RTE act. They play a crucial role in determining the success or failure of RTE implementation in the state. This makes it is necessary to analyze them across different sections of society and different regions in Gujarat.

The fifth chapter of the thesis highlights the effect of RTE act on enrolment rate and dropout rate in Gujarat with a special focus on the following variables:

- 1) Community - This includes Schedule Castes (SCs), Schedule Tribes (STs), Other Backward Castes (OBCs), and Muslims.
- 2) Sub-region- Four regions of Gujarat (Kutch & Saurashtra. North Gujarat, Central Gujarat, South Gujarat)
- 3) Gender- This includes Girl child and Boy child.

This chapter uses the data available on the District Information System for Education (DISE) website for analysis. It compares the enrolment, retention and dropout rates figures of the years 2005-06 to 2015-16 in Gujarat to study the effect of RTE act.

Table 1: Analytical table of enrolment figures of children in all areas, all management in Gujarat

Year	Boys	Girls	Total Enrolment (in Lakhs)	SCs (in %)	STs (in %)
2015-16	53.61	46.39	90,90,714	6.95	17.43
2014-15	53.82	46.18	91,42,451	7.17	17.36
2013-14	53.95	46.05	92,29,471	7.26	17.36
2012-13	53.91	46.09	92,20,204	7.55	17.67
2011-12	53.81	46.19	83,76,967	7.60	18.34
2010-11	53.91	46.09	81,47,024	7.70	18.12
2007-08	53.64	46.36	76,62,493	7.98	18.41
2006-07	53.70	46.30	75,40,861	7.83	18.04

2005-06	53.69	46.31	71,55,000	7.51	18.34
2004-05	54.10	45.90	68,19,906	8.19	18.28
2003-04	54.19	45.81	66,01,031	7.82	18.89

Table 2: Analytical table of enrolment figures of children in government school and private schools in Gujarat

Year	Government			Private		
	Boys (in %)	Girls (in %)	Total	Boys (in %)	Girls (in %)	Total (in Lakhs)
2015-16	50.79	49.21	58,16,280	58.64	41.36	32,73,318
2014-15	51.07	48.93	59,41,473	58.93	41.07	31,99,525
2013-14	51.31	48.69	61,05,605	59.10	40.90	31,22,142
2012-13	51.47	48.53	62,15,390	58.95	41.05	30,03,059
2011-12	51.64	48.36	59,68,507	59.20	40.80	23,93,253
2010-11	51.81	48.19	59,05,321	59.45	40.55	22,28,365
2007-08	52.01	47.99	60,31,806	59.66	40.34	16,30,687
2006-07	52.25	47.75	60,83,903	59.77	40.23	14,56,921
2005-06	52.57	47.43	60,65,451	59.93	40.07	10,89,529
2004-05	53.24	46.76	59,68,380	60.13	39.87	8,51,526
2003-04	53.49	46.51	58,65,119	59.83	40.17	7,35,912

Table 3: of figures in rural management

Analytical enrolment areas across all in Gujarat

Table 4:
and NER figures in Gujarat

Year	Rural Areas		
	Boys (in %)	Girls (in %)	Total (in Lakhs)
2015-16	52.89	47.11	59,32,695
2014-15	53.11	46.89	60,06,543
2013-14	53.36	46.64	61,36,549
2012-13	53.32	46.68	62,22,089
2011-12	53.23	46.77	58,19,071
2010-11	53.39	46.61	57,32,367
2007-08	53.30	46.70	56,23,847
2006-07	53.49	46.51	56,15,699
2005-06	53.61	46.39	54,69,624
2004-05	54.29	45.71	53,27,357
2003-04	54.43	45.57	52,26,360

Analytical table of GER

Year	GER (in %)		NER (in %)	
	Primary	Upper Primary	Primary	Upper Primary
2005 - 2006	100.3	49.91	78.89	36.64
2006 - 2007	105.35	54.24	84.03	39.92
2007 - 2008	107.23	55.9	86.31	41.04
2008 - 2009	107.73	57.66	86.03	41.86
2009 - 2010	109.02	59.75	85.8	42.42
2011 - 2012	110.2	69.18	85.73	48.77
2012 - 2013	102.28	88.14	83.99	67.42
2013 - 2014	101.13	90.86	82.92	68.39
2014 - 2015	98.72	93.56	83.29	71.36

Based upon the analysis of the above mentioned figures, the researcher argues that there has been a substantial increase in the enrolment figures in the post-RTE act years compared to pre-RTE years. The analysis of the GER and NER figures shows that the impact of RTE is felt in the later phase of RTE in the GER and NER figures. The RTE Act also has greater impact on retention rate in Gujarat. The aggregate increase in terms of total students enrolled in schools in all areas and all managements after RTE Act is approximately 37.71%. The effect of RTE Act is also visible in rural areas school, which saw a rise of 13.51% in enrolment. However, the enrolment figure in rural areas is lower compared to enrolment in all areas, therefore, it seems like the benefits of the RTE Act has not been fully realized in rural areas as compared to non-rural areas. Also the number of SC and ST students enrolled in primary education has increased after RTE. However, it was observed that there is no significant change in the enrolment figures among girls and boys after RTE act. The RTE Act has not been able to narrow the gap in percentage of boys and girls enrolment.

The analysis of enrolment of students in government schools saw a gradual rise in post-RTE years, however, compared to the year 2003-04, in the year 2015-16 the total enrolment a meagre decline of 0.83%. On the other side, enrolment figures amongst private schools had seen manifold rise in the number of students getting enrolled, wherein, from the year 2003-04 the figure 7,35,912 has jumped to 32,73,318 in the year 2015-16, which is almost 334.77% rise. Similarly, the researcher has also analyzed the enrolment figures at sub-regional level with variables like caste, community, and gender, which is provided in the thesis and the chapter has also made a detail analysis of factors has explain these patterns.

Chapter 7

RECOMMENDATIONS & CONCLUDING OBSERVATION

This is the concluding chapter of the study. It contains observations and relevant recommendations related to implementation of RTE Act in Gujarat. It also highlights the success stories of RTE implementation and the drawbacks in the process.

- The SMC members need to be made more aware of their rights and duties as prescribed in the act.
- A training programme for the same can be conducted regularly by the government.
- The frequency of the SMC meetings can be increased and the SMC members should ensure greater connect and information sharing with the parents.
- There is a need to increase active participation among women SMC members.
- There is a need to enhance more participation in the implementation process. A platform for exchange of ideas among all stakeholders should be created.
- A proper data management for ensuring transparency and efficiency in the implementation process should be done.
- Need to create more awareness among different communities for increasing enrolment of children
- Need to increase enrolment among girls across communities and areas.
- Community awareness and parents awareness programmes should be frequently conducted for creating more awareness about RTE act.

KEY REFERENCES & BIBLIOGRAPHY

- Aiyar, S (2012-13) and Panagariya, A. (2013), cited in Bhattacharjee, M, Mysoor, D, and Sivaramakrishnan A, (2014) RTE Grievance Redress in Karnataka, *Economic & Political Weekly*, Vol - XLIX No. 23, June 07, 2014: 37-41
- Allan, J. (2008). *Rethinking inclusive education: The philosophers of difference in Practice*. Dordrecht, The Netherlands: Springer.
- Bovaird, Tony., & Löffler, Elke. (Eds.). (2009). *Public Management and Governance*. Routledge, Taylor & Francis Group: London
- Chowdhary, M., & Banerjee, A. (2013) " Right to education of scheduled Tribe: An Indian Perspective". *International Journal of Educational Administration and Policy Studies*", Vol.. 5 (7) PP. 128- 134.
- Craissati, D., Devi Banerjee, U., King, L., Lansdown, G., & Smith, A. (2007). A human rights based approach to education for all. United Nations Children's Fund. Retrieved from: http://eprints.ulster.ac.uk/7097/2/A_Human_Rights_Based_Approach_to_Education_for_All.pdf
- Coomans, F. (2009). Justiciability of the Right to Education. *Erasmus Law Review*, II, 427-443.
- Curren, R. (2009). Education as a social right in a diverse society. *Journal of Philosophy of Education* 43, no. 1: 45–56.
- Dale, R. (2000). Globalization and education: Demonstrating a “common world educational culture” or locating a “globally structured educational agenda”? A comparative approach. *Educational Theory*, 50(4), 21-43.
- Dewey, J. (1916). *Democracy and education*. New York: MacMillan.
- Dyer, C. (2000). ‘Education for All’ and the Rabaris of Kachchh, Western India. *International Journal of Educational Research* 33, no. 3: 241–251.
- Fischer, Frank. (2003). *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Oxford University Press : New York
- Frank, F., Miller, G., & Sidney, M. (2007). *Handbook of Public Policy Analysis: Theory, Politics, and Methods*. Taylor & Francis: Florida
- Husain, Noushad. (Ed.) (2014). *Right to Education: Retrospect and Prospects*. Shipra Publications: Delhi
- Jain, P., & Dholakia, R. (2009). “Feasibility of Implementation of Right to Education Act”. *Economic & Political Weekly*, Vol XLIV, No 25: 38–43.
- JANVIKAS. (2012). *Study on Implementation of Right to Education Act-2009 in Gujarat: Status of 506 Government Primary Schools in 8 Districts of Gujarat*. Retrieved from http://www.janvikas.in/download/study_rte.pdf
- Klees, S. J., & Thapliyal, N. (2007). The right to education: The work of Katarina Tomasevski. *Comparative Education Review*, 51(4), 497-510.
- Malik, B. (2015). "RTE and Marginal Communities: A perspective". *Economic and Political Weekly*, 25-27.
- Mehta, A. C. (2016). *Elementary Education in India: Progress towards UEE*. New Delhi: National University of Educational Planning and Administration.
- Menashy, F. (2012). Interrogating an omission: the absence of a rights-based approach to education in World Bank policy discourse. *Discourse: Studies in the Cultural Politics of Education*, (ahead-of-print), 1-16.
- Munoz, V. 2007. The right to education: Report of the special rapporteur on the right to education. UN General Assembly, Human Rights Council Fourth Session, Item 2 on Agenda, March 2006.

<http://www.internationaldisabilityalliance.org/wpcontent/uploads/2009/09/Report-on-persons-with-disabilities-by-SR-on-right-to-education.pdf>.

Noronha, C., & Srivastava, P. (2016). "The myth of free and barrier-free access: India's Right to Education Act—private schooling costs and household experiences", *Oxford Review Of Education*, Vol.52, No 5.

Osborne, Stephen P. (Ed.) (2010). *The New Public Governance? Emerging Perspectives on the Theory and Practice of Public Governance*. Routledge, Taylor & Francis Group: London

Rai, V., & Kumar, N. (2010). *Right to Education: A Way Forward*. New Delhi: Perfect Publications

Ramachandran, V (2009). "Right to Education Act: A Comment", *Economic & Political Weekly*, Vol XLIV, No 28: 155

Robeyns, I. (2006). Three models of education Rights, capabilities and human capital. *Theory and Research in Education*, 4(1), 69-84.

Sadgopal, A. (2010). Right to Education vs. Right to Education Act, *Social Scientist*, Vol. 38, No. 9/12, pp. 17-50

Sapru, R.K. (2011). *Public Policy: Art and Craft of Policy Analysis*. New Delhi: Raj Press

Sarin, A., & Gupta, S. (2013). "Quotas under RTE: Leading towards and Egalitarian Education System?", Working Paper 2013-10-1, Ahmedabad: Indian Institute of Management.

Schultz, T. W. (1961). Investment in Human Capital. *The American Economic Review*, 1-17.

Sen, A. (1992) *Inequality Re-examined*. Oxford: Clarendon Press.

Sen, A. (1999) *Development as Freedom*. New York: Knopf.

Shah, Rajiv. (2013). The Right to Education Act: A Late Starter, Gujarat's Performance Remains Poor Compared to Most States. Retrieved from <https://counterview.org/2013/05/09/right-to-education-and-where-gujarat-stands/>

Somerset, A. (2009). Universalising primary education in Kenya: The elusive goal. *Comparative Education* 45, no. 2: 233–250.

Spring, J. (2000). *The Universal Right to Education: Justification, definition, and guidelines*. New Jersey: Lawrence Erlbaum.

Stone, Deborah A. (2002.). *Policy Paradox: The Art of Political Decision Making*. New York: Norton.

Stromquist, N. P., & Monkman, K. (2000). *Globalization and Education: Integration and Contestation across Cultures*. Lanham: Rowman & Littlefield.

Teltumbde, A. (2012). "RTE: A Symbolic Gesture", *Economic & Political Weekly*, Vol 47, No 19

UNESCO. 1990. *World declaration on education for all*. Paris: UNESCO.

UNESCO. 2000. *Education for all, Dakar framework for action*. France: UNESCO

UNICEF and UNESCO. 2007. *A human rights-based approach to education for all: A framework for the realization of children's right to education and rights within education*. New York: UNICEF.

United Nations. 1948. *The universal declaration of human rights*. <http://www.un.org/en/documents/udhr/> (accessed October 1, 2009).

United Nations. 1966. *International covenant on economic, social and cultural rights*. New York: United Nations.

Vernekar, N. & Singhal, K. (2017). Oversight during RTE implementation in Gujarat has bred feelings of caste antagonism. Retrieved from <https://thewire.in/131359/gujarat-right-to-education/>