

# STATE OF THE NATION: RTE SECTION 12(1)(c) 2017





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The State of the Nation: RTE Section 12(1)(c) report is a collaborative effort of Indian Institute of Management Ahmedabad, Centre for Policy Research New Delhi, and Central Square Foundation, New Delhi.

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**Central Square Foundation (CSF), New Delhi** is a grant-making organisation and policy think-tank focused on improving quality of school education, and learning outcomes of children from low-income communities in India.

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**Vidhi Centre for Legal Policy, New Delhi** is an independent legal policy advisory group, whose mission is to achieve good governance in India through impacting legislative and regulatory design.

**Indus Action, New Delhi** is a not-for-profit organization founded in year 2013 with a mission 'to facilitate enrolment campaigns that empower choice for inclusion seats and school education programs that mobilize community ownership'.



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# EXECUTIVE SUMMARY

This report describes the status of implementation of the constitutional mandate under the Right of Children to Free and Compulsory Education Act (Section 12(1)(c)) for private unaided schools (non-minority) and special category schools to keep aside at least 25 per cent of their seats for children from economically weaker and disadvantaged sections of society at no fee to the children. The report focuses on its application for the private unaided non-minority schools.

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Out of 36 States and Union Territories in India, only 1 Union Territory and 11 States have reportedly sought funds from the Central Government for implementation of the mandate, as the rules allow them to. These States are Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Uttarakhand, and Uttar Pradesh. This suggests that despite nearly 8 years of its enactment, most of the States are yet to fulfil their obligations to their children, or do so in a manner that can be considered systematic. The debate on how to improve the implementation of the mandate, a debate that this report joins, is a healthy one. However, these debates cannot be used to justify the failure of those obligated to fulfill constitutional mandates that have also been settled by the Supreme Court. We urge the Court to take *suo moto* cognizance of this issue on which it has spoken so clearly.

This report presents field-based findings on the digitised admission process followed in Gujarat, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan. It also mentions the initial experiences with online implementation in Chhattisgarh and Uttar Pradesh. It is built on data collected from government officials, parents, school administrators, and civil society organisations in these States. We also present an account of legal development around the issue, and an analysis of secondary data on financial statements available in public domain.

Our analysis of per child reimbursement data reveals that there is discrepancy between notified per student reimbursement costs and actual per student expenditure by government. Sources of this discrepancy are difficult to locate due to lack of clarity on how these notified costs are derived. Analysis, detailed in the report, also points to the possibility that most of the schools admitting children under 12(1)(c) are low cost/fee private schools. What that means for inclusion and learning needs to be analysed.

The implementation of online portals has rendered mixed results. The centralised admission process with online

school profiles and enrolments has improved administrative control and transparency. However, the use of GPS-based neighbourhood mapping in Maharashtra and Gujarat, as well as heavy reliance on mobile phones, computer, and internet has created access barriers. Rajasthan's dual mode system of offline and online application is more accessible, which is also attempted partially in Madhya Pradesh and Gujarat. Also, the school-profiling in Rajasthan allows minority schools to register voluntarily, a feature that creates more avenues of admission. A significant lacuna that we highlight is that the admission timelines are not synced with regular admissions in all the States; the delays often force parents to pay high fees, and secure admissions otherwise.

The report also presents findings from a field-based inquiry in 5 States, and a child tracking study of 1642 households in Ahmedabad. Our research finds that there is a need to raise awareness about RTE 12(1)(c) amongst the eligible groups. About 92% of the eligible parents, who were systematically informed about the mandate, applied for admission. Also, the chances of actually securing admission improved, when parents were told about the application procedure in detail.

The issues observed across all the States underline the need for a responsive and accessible grievance redressal system pre and post admissions. The help-centres are limited in number, concentrated in urban areas- especially the capitals, and undersupplied with resources to support the children. The parents have to pay high costs to access the online portals through private facilities, and to obtain necessary documents from government offices. In all the States, parents are subjected to heavy non-tuition fees charged by the private schools. Also, many elite private schools are able to evade the system, or resist the admissions by imposing independent scrutiny of applications. Experiences in Maharashtra and Gujarat, that we describe here, suggest that community-led initiatives with collective efforts can help improve the implementation. The experience in Chhattisgarh and Uttar Pradesh underlines the importance of localised efforts and contextual problem solving, while implementing the mandate.

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The comparison of lottery algorithms shows that there are systematic differences across the States, which can limit the chances of admission. The sequential logic followed in Karnataka limits the role of parental preferences in the online application. It can also lead to large number of rejections after the allotment. In Maharashtra and Rajasthan, multiple allotments are possible at a time, which create a need to run multiple lottery rounds to fill the vacancies. The lotteries in Karnataka and Gujarat follow category-wise prioritisation, which provide examples of how governments can prioritize more disadvantaged groups. We draw special attention to the priority number system in Rajasthan that we believe can be potentially developed into an ideal algorithm, subject to contextual modifications.

Concluding the report, we prescribe ways to improve the implementation of the mandate. The recommendations are built upon our analyses of primary and secondary data, and our experience of working first hand in trying to facilitate the implementation process. We hope that the government will fulfill its constitutional obligations, and take proactive steps to help further the purposes of RTE 12(1)(c) in challenging the “hierarchies of access” to school education.



# FOREWORD

The Right to Education Act, 2009 made a provision under Section 12(1)(c) by mandating unaided schools to keep aside 25% seats for underprivileged children of society. The act poses implementation challenges. As part of an action research project at IIM Ahmedabad's Ravi J Mathai Centre for Innovation in Education and under the rubric of "Right to Education Resource Centre" a dedicated team of researchers have been making attempts to improve the implementation of this act. I am glad that they have sustained their efforts to engage with this challenging topic, and are presenting a State of the Nation Report for the third consecutive year.

The report should serve the interests of researchers, civil society workers, and government officials working in the education sector. The report has paid significant attention to the implementation of online portals and challenges therein, noteworthy since many State governments are moving towards the use of e-governance in school admissions. The report addresses the administrative, financial, and legal aspects of implementing the RTE 12(1)(c) online. This is supplemented by an Ahmedabad-based child tracking study, and contributions from social workers with grassroots level experiences.

I congratulate the authors at IIM Ahmedabad along with our partners – Central Square Foundation, Accountability Initiative, Centre for Policy Research, Vidhi Centre for Legal Policy, and Indus Action for this collaborative work. The report has also benefitted from contributions by civil society representatives and government officials. I hope these partnerships will continue to bring together meaningful dialog towards realising an inclusive education system.

**Ashish Nanda**

*Director*

*Indian Institute of Management, Ahmedabad*

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RTE Section 12(1)(c) is one of the world's largest programmes for public funding and private provision in education. This policy presents multiple opportunities to improve the school system:

Firstly, it allows parents to send their children to a school they consider to be of better quality. The only criterion is the distance between the school and home, rather than financial ability or background. Secondly, students from the economically weaker sections, disadvantaged groups, and relatively privileged children are all in the same class. Evidence suggests that inclusive education makes children more pro-social and generous, without affecting their academic outcomes. Interestingly, the implementation of Section 12(1)(c) requires that private schools submit data around enrolment and fees, among other aspects. Since the reimbursement that schools receive is calculated based on this information, it tends to be more reliable than other sources. Lastly, one of the major arguments for this provision is that attending private schools will improve the learning outcomes of children from marginalized sections.

Despite these multiple theories of change, the implementation of Section 12(1)(c) has been sporadic at best, with only eleven States and one UT having admitted children under this clause<sup>1</sup>. Financial burden on the State is one of the main reasons for the patchy non-implementation of this provision.

The proverbial silver lining comes from States like Madhya Pradesh, Rajasthan, and Karnataka. These States have the highest enrolments across the country when it comes to absolute number<sup>2</sup>. All three of these States use an online system to handle and streamline the complex process of application, allotment, and admission. Some States have even used such an e-governance system for the end-to-end implementation of Section 12. Every function from school registration to reimbursement is channeled through it.

Out of the eight States that currently use an online system, primary research was conducted in five<sup>3</sup>. Further, chapters from implementing agencies working in Chhattisgarh (Raipur)<sup>4</sup> and Uttar Pradesh have also been included.

Aside from highlighting national best practices, this year's State of the Nation report also examines some broader questions around the 25% reservation provision. Does it need to be altered to better serve its intended purpose? Better targeting of schools is also necessary so that parents aren't lured into fly-by-night, poor quality private schools under the guise of a better education. There is also the danger of students dropping out due to discrimination in the classroom, or the EWS/DG children not being able to cope.

Through this third edition of the State of the Nation report, we hope that the skeptics can become interested, and those who are interested can become champions for the promotion of this provision. Effective collaboration between NGOs and governments can bring some of the most marginalized and vulnerable members of our society into the mainstream. I commend the authors of this report for highlighting best practices for governments, and shining a light on RTE's Section 12(1)(c).

**Ashish Dhawan**  
*Founder and Chairman,*  
*Central Square Foundation*

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[1] Based on whether a proposal was submitted by a State during the Project Approval Board meetings, 2017 - 18

[2] PAB minutes 2017 - 18.

[3] The states are: Madhya Pradesh, Rajasthan, Maharashtra, Karnataka, Gujarat, Delhi, Tamil Nadu and Uttar Pradesh. Primary research was conducted in the first five.

[4] Chhattisgarh is piloting an e-governance system in Raipur district, in collaboration with Indus Action.

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## COMMONLY USED ACRONYMS

AMC	Ahmedabad Municipal Corporation
ASBS	Anudanit Shiksha Bachao Samiti, Andheri, Mumbai
BEO	Block Education Officer
BPL	Below poverty line
BRC	Block Resource Centre
CBSE	Central Board of Secondary Education
CRC	Cluster Resource Centre
CSF	Central Square Foundation, New Delhi
DEO	District Education Officer
DPEO	District Primary Education Officer
DG	Disadvantaged Group
DISE	District Information System for Education
EWS	Economically weaker sections
FAQ	Frequently Asked Questions
GPS	Global Positioning System
GR	Government Resolution
GSEB	Gujarat Secondary and Higher Secondary Education Board
HIV	Human Immunodeficiency Virus
IHDS	Indian Human Development Survey
ICT	Information and Communication Technology
ID	Identity card
IIM	Indian Institute of Management, Ahmedabad
IT	Information Technology
KKPKP	Kagad Kach Patra Kashtakari Panchayat
MHRD	Ministry of Human Resource Development
MIS	Management Information System
MLA	Member of Legislative Assembly
MP	Madhya Pradesh
NDNT	Nomadic and Denotified Tribes
NGO	Non-governmental organisation
NSS	National Sample Survey Office
PAB	Project Approval Board
PIL	Public Interest Litigation
PTA	Parent Teacher Association
PTM	Parent Teacher Meeting
RTE	Right of Children to Free and Compulsory Education Act, 2009
RTERC	Right To Education Resource Centre, Ahmedabad
SEBC	Socially and Educationally Backward Classes
SEO	Search Engine Optimization
SC	Scheduled Caste / Supreme Court of India*
SCPCR	State Commission for the Protection of Child Rights
SLAS	State Learning Achievement Survey
SMS	Short Message Service
SSA	Sarva Shiksha Abhiyan
ST	Scheduled Tribe
OBC	Other Backward Classes
UP	Uttar Pradesh

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# CHAPTER 1: INTRODUCTION

Right to inclusive, quality education is a non-negotiable criterion for a society and polity to be called just and democratic. Such a society cannot be realised by merely articulating the right, but by orienting policy and practice towards it. Social justice, going beyond the distribution of rights, requires a reorientation of social relations through policies, procedures, and formal and informal rules that govern organisations (Gewirtz 1998). In this light, Section 12(1)(c) of the Right to Free and Compulsory Education Act, 2009 (RTE), which mandates that unaided non-minority private schools set aside at least twenty-five percent of their entry level seats for children from weaker and disadvantaged sections of society, stands as a crucial policy instrument in India. By mandating the inclusion of underprivileged children in private unaided schools, it acknowledges and challenges the existing hierarchies in access to education. Its effective implementation requires the government to create a system providing administrative, financial, and legal support.

Section 12(1)(c) is an acknowledgement of the segregated school system in India, and that of the rising dominance of private schools<sup>5</sup> (see Majumdar and Mooij 2011). While the segregation reflects societal, political, and economic inequalities, the institutional structure of the schooling system undoubtedly enables and magnifies it. In doing so, extant institutions reproduce inequities in society, instead of mitigating them (Ball, Bowe and Gewirtz 1996). Section 12(1)(c) represents a potential challenge to existing institutional structures that serve to segregate educational opportunities available to children.

## THE INDIAN SCHOOL-SYSTEM: “HIERARCHIES OF ACCESS”

The Indian school-system is characterized by what Ramachandran and Saihjee (2002) describe as “hierarchies of access”; compartments of elite private schools and special category<sup>6</sup> schools on the one hand, and the local state-run schools, low budget private schools, and tribal schools on the other hand. This is accompanied by schools run by religious institutions and other civil society organisations. The exclusionary and highly differentiated nature of schooling implies an inverse relationship between access and quality, as the weaker sections find it increasingly

difficult- for political, cultural, or economic reasons- to enter and cope in schools regarded as better-quality schools.

Exclusions in the segregated school system occur and manifest themselves at multiple stages, with exclusions at one stage often serving to reinforce those at another. Starting from non-enrolment, children from weaker sections are more likely to drop-out because of poor quality of schooling. For those, who survive, the learning outcomes are often not commensurate to the investments made. Drawing on a systematic review of literature and a database on schooling in India, Govinda and Bandyopadhyay (2008) argue that the exclusion is better seen as a process rather than just an outcome. It is a reflection of a child’s personal history into their present social context. According to this study factors (in descending order of significance), the exclusion is primarily caused by four factors- gender discrimination, social differences of caste and religion, locational disadvantage, and economic disadvantage. Implying that children from Scheduled Caste (SC), Scheduled Tribe (ST), and minority communities, girls, children from remote areas, and those belonging to financially poor families find it difficult to secure enrolment in schools, or fail to cope with schooling after enrolment. The issues are exacerbated for children who are physically or mentally challenged. These children, who form a vulnerable section of society, are denied opportunities of mainstream educational prospects.

Section 12(1)(c) of the RTE, attempts to work as an ameliorative instrument against some, but not all factors of this exclusionary process. It mandates that special category schools such as Kendriya Vidyalaya, as well as unaided private schools should admit children from weaker sections and disadvantaged groups<sup>7</sup>. The number of seats reserved for these children should be no less than 25%, thereby creating a minimum critical mass for inclusion. The admission is statutorily guaranteed as free and compulsory, wherein the unaided schools are reimbursed a stipulated amount. While this process can be seen as an ‘exogenous privatisation’ of educational activity (Ball and Youdell 2008), the fact that it is accompanied by the state’s intervention in the private school system, also establishes new lines of control. Consequently, its implementation is tenuous, and attracts resistance from private schools (Sarin and Gupta 2014).

The resistance from private schools, and the limited success in implementation of Section 12(1)(c), serve to underline the obstacles in achieving the goals of social justice through

[5] According to the National sample survey, about 51% of primary school students in urban areas go to private unaided schools, the proportion being 41.5% and 36.5% for upper primary and secondary levels, respectively (NSSO 2015). In rural areas, the percentage of elementary school students going to private unaided schools is close to 20%. Nonetheless, ASER 2014 reports a significant rise in the private school enrolment in rural areas (ASER 2014).

[6] The special category schools include any school notified under this category by the government, and the centrally funded schools such as Kendriya Vidyalaya (see Government of India, RTE Act).

[7] The Supreme Court exempted minority schools from the mandatory provision: Society for Unaided Private Schools of Rajasthan v. Union of India, (2012) 6 SCC 102

the RTE. Based on a qualitative study of urban private schools, Verma (2016) highlights that the parents of the other 75% students, as well as the school administrators tend to have prejudice against the children from marginalised communities. They fear that these children bring inferior upbringing, cultural disadvantage, and poor academic contribution to the classroom. Such concerns fuel the resistance from private schools, and reluctance of the state in implementing the mandate. Against the backdrop of such difficulties, it is pertinent to note that the enrolments under RTE 12(1)(c) have been improving over the last two years. However, this growth is ponderous, and it suffers from new and rising challenges in the policy processes adopted for its implementation (Sarin et al. 2015, 2016). In this context, an inquiry into the procedures, formal and informal rules becomes critically important.

### ACADEMIC AND OTHER DISCUSSIONS AROUND 12(1)(c)

Various studies around this issue have often focused on feasibility and desirability of the quota, and on options such as low cost private schooling with respect to the goals of inclusion and efficiency (Jain and Dholakia 2009, Sarangapani 2009, Nambissan 2012). Also, there is considerable discussion amongst researchers on school-level experiences, and tensions arising post the implementation of RTE 12(1)(c) (Noronha and Srivastava 2013, Bhattacharjee, Mysoor and Sivaramakrishnan 2014, Sarangapani, Mehendale, et al. 2014). Notably, the admission and application processes in school education have been a subject of a few recent studies (Iyengar and Surianarain 2010, Jha, et al. 2013, Mehendale, Mukhopadhyay and Namala 2015). These attempt to provide a broad picture of the rules and bureaucratic structure, and make the case for clarity on the administrative procedures and practices<sup>8</sup>.

Apart from the work cited in this report and earlier ones, there are several practitioner-based and policy oriented accounts documenting 12(1)(c) implementation. Many civil society organisations working in education, even those with limited reach within their regions, have made contributions in this regard. These include the RTE Forum in New Delhi, Centre for Budget and Policy Studies in Bangalore (CBPS), Child Rights Trust- RTE Task Force in Bangalore, Coalition 25 run by the Centre for Civil Society, Avani in Kolhapur, Abhyutthanam Society in Jaipur, Centre for Social Equity and Inclusion with Oxfam in Delhi, and All India Forum for Right to Education. We highlight a few here.

The RTE Forum publishes the 'Status of Implementation of the RTE' report (RTE Forum 2011). While their reports

focus on overall implementation of all the provisions in the act, they also highlight the poor implementation of 12(1)(c) across the States, and the lack of institutional structures to improve it. Based on the experiences of various NGOs, they point to the opposition to 12(1)(c) by private schools, and the need for State intervention to facilitate admissions. The forum has published five reports since 2010-11.

A Karnataka-based report focussing specifically on implementation of 12(1)(c) has been published by CBPS in 2013. It focuses on acceptance of marginalised children in private, unaided schools (CBPS 2013). Drawing upon its findings from primary as well as secondary data, it makes five recommendations to improve the status of implementation. They include: ward-level information fair for parents, clarity about applicability of various rules and neighbourhood limits at the block level, and smooth distribution of responsibilities from the secretariat to block level offices. They also recommend that there should be sensitisation programmes for private school teachers to improve the overall implementation of the mandate, and to enhance children's experience in schools and outside. A report published by CBPS in 2016 compares the offline and online admission system in Karnataka. While underlining the benefits such as administrative efficiency and transparency, the report suggests that many parents still prefer offline system for its accessibility, and the trust they feel with it (CBPS 2016).

There are a few organisations that have attempted documenting the implementation of online portals. A website ([righttoteducation.in](http://righttoteducation.in)) run by Centre for Civil Society compiles information about RTE rules in various States, court judgements, and online portals. It suggests collaboration with private corporations to enhance RTE implementation in selected schools. Among other suggestions, it advocates for rating of schools based on learning outcomes, and private partnerships for effective implementation of RTE.

The RTE quota has gathered visibility in news and popular media. A Hindi film released in 2017 dealt with the issue of fake certificates used to secure admissions under 12(1)(c), uncertainties in the allotment process, elite bias against marginalised children, and lack of comparable alternatives in government schools (Chaudhary 2017). The news media has also provided considerable space to 12(1)(c) related matters, especially during the application period. Most of the government officials interviewed for this study have confirmed that they rely on print and online media for publicising the admission notifications.

The 12(1)(c) reportage has drawn attention to several practical issues in implementation. Media reports repeatedly suggest that city corporations and State governments do not have trackable records of the 25% children, despite government rules about the same. If the mandate is

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[8] The State of the Nation Reports presented earlier also followed this reasoning. They attempted evaluating the performance of different States in making the rules clear to understand, and simple to implement for general public.



implemented, the elite and dominant schools are typically able to escape any inquiry. This is seen despite news-reports publicly naming the schools, and their resistance to following the orders of Education Department (Bhatnagar 2016). Reports from North India, especially Uttar Pradesh and Delhi, indicate that many parents are not reimbursed for uniforms and textbooks, unlike what is mandated (Pandey, India and the Right to Education 2017) (Pandey 2017, S. Jain 2017). Also, reports suggest that imposition of new document requirements such as Aadhar Card has led to exclusion of many, especially migrant children (Chowdhury 2017).

### LEARNINGS FROM THE EARLIER REPORTS

The *State of the Nation: RTE Section 12(1)(c)* project began as an attempt to understand how different States are performing in their implementation of the mandate. Two prior reports, published in 2015 and 2016, cover administrative, legal, and financial aspects of implementation (Sarin et al. 2015, 2016). Importantly, they provide a comparable assessment across States, and glimpses of various issues involved in the implementation, thus suggesting further improvements. In doing so, the reports try to provide a comprehensive understanding of the unfolding of a policy mandate, seeing it as an iterative process with several different dimensions.

The performance of different States in clarifying the rules and procedures, and in increasing the enrolment is assessed using a rubric that facilitates macro-level comparison of the state systems, and highlights areas of improvement. Based on secondary data and field-based inquiries, the reports identify a need for clarity in definitions, especially in the definition of eligibility criteria for children, and that of neighbourhoods. Drawing from the analysis, the reports call for increased efforts by governments to raise awareness about the mandate amongst the targeted communities. Examining the application guidelines, the reports also suggest that states adopt dual (online and offline) application modes, build a responsive grievance redressal mechanism, and facilitate tracking of the children's enrolment and academic progress.

In Table 1.1, we revisit some of the findings from the earlier reports. Both the reports use a tabular rubric, which assesses various aspects of the 12(1)(c) implementation in the States. The assessment follows a rating as green, yellow, or red, in the descending order of the performance. For example, a green in neighbourhood criteria means that the State has explicitly clarified the definition of neighbourhood, and it is positively followed. Similarly, a red in outreach and awareness indicates lack of adequate efforts from the government in disseminating necessary information amongst the right-holders.

**Table 1: Selected findings from the earlier reports and new developments**

Findings noted in State of the Nation: RTE Section 12(1)(c) 2015 / 2016 reports	Improved understanding in the current report
Maharashtra: Green in neighbourhood criteria (both 2015 and 2016)	The GPS-based neighbourhood definition suffers from technical errors caused by wrong positioning by parents/ schools. It also adds technological burden, thus making the system inaccessible to underprivileged groups. (More in Chapter 2, 3, and 4)
Maharashtra: Green in outreach and awareness (both 2015 and 2016)	The regulated admission process, centralised at the education department, was implemented only in Mumbai and Pune. For 2017, we have found that the centralised admission is now followed across all the districts, and it is regulated from the Pune Centre. (Chapter 2)
Karnataka: Green in definition of eligibility criteria, Red in outreach and awareness (both 2015 and 2016)	Both the ratings have been found suitable through the field-based inquiry, as the eligibility criteria has been explicitly defined. Also, there seems little effort for generating awareness. (More in Chapter 2)
Karnataka: Green in neighbourhood criteria (both 2015 and 2016)	The selection process in Karnataka uses a process of computerised re-verification before conducting the lottery. It guesses neighbourhood based on candidate's locality and pincode. At this stage, about one lakh applications were rejected last year. (Chapter 2 and 8)
Madhya Pradesh: Red in outreach and awareness, Yellow in clarity on neighbourhood (both 2015 and 2016)	The outreach and awareness works better, since the BRC (Block Resource Centre) serves as the admission help-centre. Also, the neighbourhood is explicitly defined by identifying wards/villages. (Chapter 2)
Rajasthan: Green in definition of eligibility criteria	The State uses BPL (Below Poverty Line) as a criterion to identify economic deprivation. It has also attempted excluding OBC (Other Backward Class) candidates lacking BPL certificates. The reliance on BPL has been struck down through litigations. (Chapter 2 and 9)
Other relevant findings: <ul style="list-style-type: none"> <li>• The 12(1)(c) has the potential to impact about 16 million children from EWS (economically weaker section) and DG (disadvantaged groups).</li> <li>• The secondary data available on DISE (District Information System for Education), SSA (Sarva Shiksha Abhiyan), and online admission portals is inconsistent. The need for clean, uniform, and trackable data on enrolments and progress remains.</li> <li>• Several States need to develop MIS (Management Information System) along with institutionalised structures to improve the implementation of 12(1)(c).</li> <li>• Many governments are proactively avoiding the admissions under the quota. In such a scenario, the role of civil society organisations and collective action is critical.</li> </ul>	

Building on earlier State-level assessments, which are useful for macro-level comparisons, this report tries to further our understanding of the implementation process by studying deeper, contextual experiences of field based organisations in the cities of Ahmedabad, Mumbai, Pune, Bangalore, Bhopal, and Jaipur in the year 2016. Over the last year, the States of Chhattisgarh, Tamil Nadu, Karnataka, Madhya Pradesh, and Gujarat have initiated significant steps towards digitising the admission process, or revamping their earlier systems. Thus, our earlier inquiries that focused on definitions of the clause and clarity on procedures now emphasize the practical interpretations of the clause.

## OBJECTIVES

Unlike the earlier reports, there is no State-level comparison or a definitive rubric in the present analyses, as our assessment last year suggested that there are not too many significant changes to report on a year to year basis. Instead, deeper contextual inquiries into specific aspects of the mandate form the core of this year's report. The attempt is to provide richer, more descriptive analyses of the 12(1)(c) implementation, and its intermediate outcomes.

Broadly, this report aims to document and analyse:

1. Procedural design of the admissions process and systems in Gujarat, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan; initial implementation of online portals in Chhattisgarh and Uttar Pradesh
2. Concerns and challenges faced by multiple stakeholders in relation to the admission process
3. Parents' experiences of 12(1)(c) application process, and experiences once child is admitted to school through 12(1)(c) in Ahmedabad
4. Financial aspects of the implementation: reimbursements per school and overall expenditure incurred for 12(1)(c)
5. Legal developments in relation to 12(1)(c), especially those related to definitions of specific categories, and the centralised admission process

## INSIDE THE REPORT

There are ten independent chapters in this report. We hope the information presented in these chapters will benefit researchers in education, social activists, as well as government officials.

In the chapter on admission cycle, we describe and compare the Section 12(1)(c) admission process in the States of Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan. All the four States rely on online portals for admissions. Drawing on the comparisons, we argue that it is desirable

to have a dual mode of application (online and offline), accompanied by responsive help-centres. We find the application systems in Rajasthan and Madhya Pradesh to be particularly applicant-friendly, and worth of emulation by other States. The presence of RTE Cell and involvement of civil society organisations in Mumbai and Pune, although in small scale, shows that the availability of a responsive centre can help address significant issues in implementation.

The chapter on 'lottery logic' attempts to document the allotment algorithms used in the four States. The information presented in this chapter is based on structured interviews of the programmers working on the portals. The algorithms may help identify new areas of inquiry, and develop a comprehensive lottery logic for efficient and inclusive allotments. We discuss the priority number allotment in Rajasthan in juxtaposition with the single-seat allotment in Madhya Pradesh and Karnataka, and the multi-seat guarantee in Maharashtra.

Based on a survey of 1642 households in Ahmedabad Municipal Corporation area, the sixth chapter provides information on parents' experiences of application, allotment, and admission process. It also describes the schooling experiences post-admission. It has been found that majority of the eligible parents, who had clear information about the 12(1)(c) and its procedural requirements, applied for admission. It has also been noticed that they incurred significant costs during the process, which can be avoided by setting-up resourceful help-centres.

The financial and legal aspects of RTE 12(1)(c) implementation are discussed in two distinct chapters. They provide interesting updates, and insights on the issues. The chapter on financial aspects delves into 'reimbursement costs' using latest budget documents. It points out the necessity of methodological clarity in calculating reimbursements. The chapter on legal developments draws attention to issues related to Section 12(1)(c). The authors find that while the courts have resisted efforts to narrow the eligibility criteria (like using the criteria of having a BPL card as the only way of identifying EWS candidates), they have generally stayed away from ruling on administrative procedures like the mode of admissions. The courts have been particularly proactive in regard to ensuring the benefits of the mandate reach children with needs.

In this report, we also include three chapters that are based on sustained, grassroots level experiences of work in aiding the implementation of RTE 12(1)(c). They are written by representatives of Anudanit Shiksha Bachao Samiti (ASBS), Kagad Kach Patra Kashtakari Panchayat (KKPKP), and Right to Education Resource Centre (RTERC). Through this discussion, various procedural issues related to the implementation are highlighted. These chapters provide an

account of commonly faced grievances with the system. This discussion is supplemented by the chapter by Indus Action, in which the authors draw on the organisation's experience to describe the recent implementation of online portals in Chhattisgarh and Uttar Pradesh. The overall admission scenario is summarised in the eleventh chapter, followed by recommendations and conclusion.

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# CHAPTER 2:

## ONLINE PORTALS: WHAT WORKS

*Shrikant Wad, Ambrish Dongre, Ankur Sarin*

This chapter summarises the major challenges in implementing the RTE 12(1)(c) mandate online. It highlights the variations in admission process in the States of Maharashtra, Madhya Pradesh, Karnataka, and Rajasthan. Further, it tries to suggest what works so that the admission procedures can be made more accessible to underprivileged children, subject to contextual difficulties. This summary is based on a field-based inquiry conducted in Mumbai, Pune, Bhopal, Bangalore, and Jaipur in 2016.

### INTRODUCTION

In order to make the admissions under RTE 12(1)(c) transparent and centralised, the State governments<sup>9</sup> are adopting the use of e-governance techniques. This has given rise to online portals for admission, and centralised monitoring of the admission process from the department of education. The digitisation of the admission process has also led to introduction of new application procedures, and technological requirements. For parents, the system has created access issues, as it demands literacy, computer proficiency, and availability of computers with internet and electricity. For schools, the challenge is to maintain their profile accurately, and report the admissions duly to the department. The department, making policy decisions, is required to make arrangements for making the admission process accessible and inclusive, while also retaining its centralised control, and goals of transparency through online monitoring.

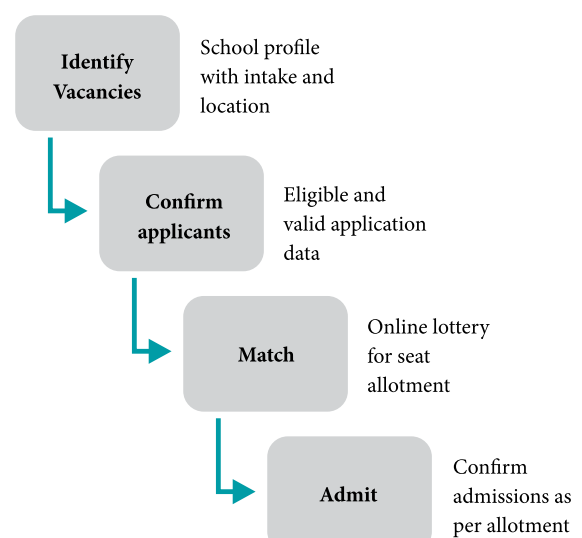
Acknowledging these challenges, this chapter delineates the similarities and differences in admission cycle in four States viz. Maharashtra, Madhya Pradesh, Karnataka, and Rajasthan. The States were selected based on the availability of resources, networking, and convenience. Data was collected through field-visits to Mumbai, Pune, Bangalore, Bhopal, and Jaipur. Key government officials involved in executing the RTE 12(1)(c) admission process in these States were interviewed. Practical issues were noted by interacting with local NGO workers, parents, and school

administrators. Through the comparative analysis of this data presented further, an attempt is made at highlighting critical issues affecting the implementation of RTE 12(1)(c), and possible alternatives to address them.

### STEPS IN ADMISSION

In all the four States, the admission processes follow four stages as shown in figure 1. In the first two stages, the challenge is to obtain accurate details about location, entry-level, and vacancy from schools, and eligibility and location details from deserving applicants. After announcing the lottery results, the administrator's task is to convert the vacancy-applicant matches into final school admissions.

**Figure 1: Major Stages in RTE 12(1)(c) Admission Process**



[9] The online portals are being used in Maharashtra, Madhya Pradesh, Karnataka, Delhi, and Rajasthan. The other States including Gujarat, Tamil Nadu, and Uttar Pradesh have announced that they will begin using the online portals from 2017.

## IDENTIFY VACANCIES

To identify vacancies<sup>10</sup> for admission, the system relies on profiles of unaided, non-minority schools with data on location, intake capacity, entry criteria, entry level, and bank account for reimbursement against the admissions. These profiles are then verified by respective Education Officers online. The process varies as shown in Table 2.1.

	Maharashtra	Madhya Pradesh	Karnataka	Rajasthan
<b>School profile is created by</b>	School (DISE code used)	School (DISE code used)	Migrated from DISE, updated by BEOs	School (DISE code not essential; registration open to minority schools as well)
<b>Profile update</b>	Fresh profile every year	Annual update by school, subject to changes if any	Annual update by BEO, subject to changes if any	Annual update by school, subject to changes if any
<b>What works and the challenges</b>	<ul style="list-style-type: none"> <li>The school profile system in Rajasthan and Madhya Pradesh provides direct access to schools for maintaining and updating their permanent profiles. Moreover, the Rajasthan system is more open to including the schools irrespective of availability of DISE code. It also allows minority schools to voluntarily register.</li> <li>The fresh entry system in Maharashtra burdens the schools with update work in a short span of time; it overloads the portal website. Also, the DISE migration and BEO's role in Karnataka leaves room for errors caused by negligence in data entry, as BEOs cannot track every school detail. In MP and Rajasthan, this problem is addressed by retaining online profiles from previous years, and updating them through schools based on changes if any.</li> </ul>			
<b>School location and neighbourhood</b>	GPS pin location on Google Map entered by School; Area within 3km aerial radius	Ward or village in which the school is located, and its predefined neighbouring wards/ villages	Ward or village in which the school is located	
<b>What works and the challenges</b>	<ul style="list-style-type: none"> <li>The Maharashtra system provides for the possibility of the most accurate school mapping. However, it suffers from access issues as schools as well as parents cannot always place themselves correctly on the map. Parents often lack spatial literacy or acquaintance with the Google Map system to identify their neighbourhood.</li> <li>The system in Rajasthan and Madhya Pradesh ensures a robust mapping in which the whole ward or village is included in neighbourhood, along with the predefined neighbouring ward or village. It provides for a neighbourhood that can be known without spatial or technological literacy. Also, such neighbourhood covers wider area than the GPS system.</li> <li>Nonetheless, ward is not the best measure of geographical neighbourhood, since it is defined by population size. The neighbourhood can be large and inaccessible for applicants in a scarcely populated area, and narrow for a densely populated one.</li> <li>Also, there is often a lack of clarity on ward/ village to which the schools belong. Erroneous ward entries lead to unsuitable allocations for applicants, as the school allotted might be too far to access. Alternatively, schools in the actual neighbourhood might be inapplicable, if their ward/ village entries are incorrect. The Karnataka, Madhya Pradesh, and Rajasthan systems carry forward these issues. They can be improved by generating awareness amongst school administrators about their ward/ village identification.</li> </ul>			
<b>Entry level</b>	<ul style="list-style-type: none"> <li>Unlike the other three States, Karnataka does not offer dual entry in pre-primary and grade 1 class. This limits the number of seats.</li> </ul>			

[10] Here, the identification of vacancies is for the computer system to run the lottery, not for parents. The 25% seats are set aside, and not updated during the application process. Parents are not informed about the vacancy/ number of applications received for each school.

## CONFIRM APPLICANTS

The school vacancies need to be matched with applicants, who fit the requirements prescribed by the State RTE rules. Accordingly, the admission portals seek candidate's name, age, cellphone number, eligibility category, and location details. Their designs vary as discussed in Table 2.2.

	Maharashtra	Madhya Pradesh	Karnataka	Rajasthan
<b>Form submission mode</b>	Online only	Either online or offline (same as online form, submitted at a school or BRC Office)	Online only	Online (one form for all schools) and Offline (One form per school, submitted at the desired school)
<b>Submission of evidence for Eligibility, Age, and Location</b>	Certificates to be uploaded along with the application	Certificates to be uploaded along with the application	Certificate numbers to be uploaded with the application, which are internally verified.	No upload requirement. Also, documents are instantly verified at the school level, when offline mode is used.
<b>Assistance for online submission</b>	A few help-centres in Mumbai and Pune, reportedly inadequate in resources	No specific help-centres, but offline alternatives provided	A few help-centres in Bangalore, reportedly inadequate in resources	No specific help-centres, but offline alternatives provided
<b>Proposed Changes in 2017-18 and future</b>	<ul style="list-style-type: none"> <li>No uploads will be required in Maharashtra. Applicants need to tick 'yes' that they have the certificates.</li> <li>Aadhar Card of parents as well as children will be practically mandatory for the RTE 12(1)(c) applications in all the four States.</li> <li>In Karnataka, applicant's postal address will be used to automatically determine the ward/ village using fuzzy logic (finding/ guessing variable answers based on partial knowledge).</li> </ul>			
<b>What works and the challenges</b>	<ul style="list-style-type: none"> <li><b>The Rajasthan system</b> creates a more inclusive platform than other States by providing online as well as offline mode. Also, unlike the Madhya Pradesh system, the offline application in Rajasthan can be submitted at a school. The school is supposed to upload the details, and also provide a receipt to the applicant for further tracking. One can approach as many schools in their neighbourhood to submit the application. No internet or technological literacy is required.</li> <li>The offline application in Rajasthan ensures <b>instant verification of documents</b> at the school level, thus increasing the probability of admission post successful allotment. This process is then further verified by department officials, who visit the school to check presence of the admitted children, and their documents.</li> <li>The systems in <b>Maharashtra and Karnataka offer administratively convenient alternatives</b>. They require less resources from the State and no burden on schools to receive the application. The help-centres are neither fully-equipped, nor known to be fully functional in all towns throughout the application period.</li> <li>The cost of help-centres and offline alternatives is virtually shifted to the underprivileged parents, when the application mode is 'online only', since they are supposed to get internet, visit government offices for inquiry, and submit the online forms through external help. A few parents interviewed in all the States responded that the cost per online application can be upto thousand rupees depending on cyber cafe charges during the application season, local travel, and the certificates required immediately at the time of application.</li> <li>Publicity of school profile offline: There is no <b>offline alternative for parents to read about the school</b>. They might benefit from a school catalogue. Currently, the online forms accessible to parents do not provide more details, other than school name, location, and medium of instruction.</li> </ul>			

## MATCH

The allocation of vacancies to eligible applicants is done through a computerised programme, popularly called as 'RTE Lottery'. The lottery logic in the four States is discussed in detail in Chapter 8.

## ADMIT

After the lottery results are announced online and via SMS in English, the applicants are supposed to approach their designated schools for admission within a prescribed period of a week or two. While these requirements vary slightly across the States, the problems faced by applicants tend to be similar, as shown in Table 2.3.

	Maharashtra	Madhya Pradesh	Karnataka	Rajasthan
<b>Admission Period (Tentative/ Approximate)</b>	(Subject to District) School Registration: Jan-May 2017  Application: Feb-Jun 2017  Admission: May-Jun 2017	School Registration: Till 9 May 2017  Online Application: Till 31 May 2017  Admission: Till 20 June 2017	School Registration: By February 2017  Online Application: Till 15 April 2017  Admission: April-May 2017	School Registration: Before 11 April 2017  Online Application: Till 30 April 2017  Admission: Till 9 May 2017
<b>What works and the challenges</b>	<ul style="list-style-type: none"> <li>It is necessary that the admission of RTE 12(1)(c) applicants is synchronised with that of the other students. Because of delay in admission process, the RTE 12(1)(c) children face academic loss. Also, parents, waiting for the lottery results, are forced into a dilemma of opting for a paid seat in unaided schools. If the admissions are synchronised, then parents can take informed decision about the admission quota. Also, the academic loss can be avoided.</li> </ul>			
<b>Document requirements</b>	Applicants need to produce hard-copies of all the original certificates to the school authorities. The certificates must match with the uploaded copies (not applicable in 2017).	Applicants need to produce originals of all the certificates to the education officer at the school or a designated BRC Office.	Applicants need to produce originals of all the certificates to the school authorities. The certificate numbers must match with those provided in the application.	Applicants need to produce originals of all the certificates to the school authorities.
<b>What works and the challenges</b>	<ul style="list-style-type: none"> <li>In the Madhya Pradesh system, applicant documents are verified by an education department official at the BRC Office or the one visiting the school. The list of applicants, whose documents have been successfully verified, is sent to the school as admitted candidates. This system removes the burden of document verification from school. Also, it ensures that schools admit the candidates post verification.</li> <li>Regulating the post-allotment process, setting-up help-centres for aggrieved parents, and discouraging any payment of fees by running awareness campaigns for parents and school staff is necessary to meet the objectives of this stage.               <ul style="list-style-type: none"> <li>Although the document verification process is regulated by the department of education, schools have certain discretion in this process. This often leads to arbitrary rejection of admission by the school. Many big private schools are known for not allowing the RTE 12(1)(c) applicants to enter their premises even after successful allotment. Such applicants are often marked as 'not approached' in the admission system.</li> <li>Almost all the schools in all the States are known for charging non-tuition fees from the RTE 12(1)(c) candidates. They inform the candidates of such charges in advance, thus discouraging the admissions.</li> </ul> </li> </ul>			



पढ़ेंगे,  
बढ़ेंगे।



# CHAPTER 3:

## GRASSROOTS OBSERVATIONS: ALIENATED CONTEXT, FLAWED DESIGN

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The RTE 12(1)(c) admission faces multiple hurdles in its implementation, because of the flaws in its procedural design, as well as because of its alienation to the context. Here, we share a few findings and experiences of working on the RTE 12(1)(c) related issues in Pune city, and underline the need to improve various aspects of the application process.

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### CONTEXT AND ITS RELEVANCE IN THE IMPLEMENTATION

#### Limited channels of spreading awareness

It has been almost six years since the RTE 12(1)(c) has been implemented in Pune. Still, the persons belonging to the eligible communities and income groups are not made fully aware of 12(1)(c) provisions and process. Even two months after commencement of admissions process (referring to admissions for academic year 2017-18), it is found that many parents are unaware that the RTE applications process has already taken place.

The entire communication by the government takes a form of press releases, which appear in select newspapers. The poorest and most marginalized are unable to get this information on time. The press releases are usually issued only a week or two prior to the commencement date of admissions. This leaves little time for aspiring parents to obtain Income / Caste / Disability Certificates necessary for the application. The only other official source of information is the website i.e. the RTE 12(1)(c) portal, which is technologically inaccessible to the most marginalised.

The reach of government's awareness activities should be increased by using non-text modes of communication such as TV and Radio. It needs to be supplemented with traditional ways of direct communication such as pamphlet distribution, loud speakers, help desks, and group meetings in low income group residential areas and slums. Local municipal authorities, and the primary education directorate of the State Government have regularly promised publicity through non-print / non-text media.

However, they have failed to do so. One recurring excuse given by them is that the total number of applications is higher than the total number of vacancies available, which they take as a proxy for high awareness. This argument is fallacious as there is an overlap of applications in crowded urban areas, and a dearth thereof in fringe areas or upper class areas. Similarly, the total number of applications also includes incorrect, incomplete, and possibly duplicate applications.

#### Peculiar Cases:

- Sangita Navgire of Sanjay Park slum filed an online application form for the RTE Admission through a local tout at a cyber café. A month later, she discovered that the application was submitted for the local Kendriya Vidyalaya School, and not for a private unaided school under RTE 12(1)(c). She has to wait another year for applying again.
- Namrata Yuvraj Shinde's application was filed at the PMC's (Pune Municipal Corporation) local help centre. The help centre staff chose an incorrect standard (level) for Namrata's age. This led to no schools being displayed by the website for Namrata's application. The application was then left incomplete online. However, Namrata's parents were made to believe that the application had been filed.
- In the case of Namrata's sister, Narayani Yuvraj Shinde, the same centre chose a single language as medium of instruction (Marathi), while making the application on her behalf. This decision of the centre reduced the potential number of schools to which she could apply by more than fifty percent. As a result, both Namrata and Narayani have not received any admission this year.

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[11] KKPKP is a trade union of waste-pickers and itinerant scrap buyers registered in 1993, based in Pune, India.

### Want of resourceful and responsive help-centres, Expectations of literacy

Most parents from the eligible categories have never seen a physical map, much less the Google maps being used in online application. There is no possibility of parents from the poorest, and the most marginalised backgrounds being able to pinpoint their residential location on Google maps, which is an essential part of the application process. They are completely dependent on local touts, cyber café, local NGOs, and poorly resourced help-centres for this vital part. This makes applications highly susceptible to mistakes, especially as parents have no way of ascertaining the accuracy of location inserted during the application process.

The local body, Pune Municipal Corporation (PMC), sets up help centres in schools across the city. Some of these schools lack regular electricity supply, internet connectivity, and printers etc. This basic infrastructure is required for proper completion of the application process. Every year, it is found that inadequate facilities, and lack of trained staff has caused delays and shut downs at the application centres. This makes the application process extremely painful for parents, who have to wait, or make repeated visits to the centre. It costs them their day's work, and hence a significant loss of income. Despite repeated requests, the government continues keeping the help-centres closed on public holidays and weekends.

Workers in the informal economy do not have the luxury of paid leaves or holidays. They are often on unpaid leaves, foregoing daily wages, or even risking their jobs in order to spend days at the application centres. The slow speed of activities, delays, malfunctioning equipment, untrained staff lead to parents having to spend multiple days, and missing work and income for making applications. This is a high cost that parents from the marginalised communities are made to pay, since the help-centres are not well-equipped and supportive.

The delays are not only caused by poorly maintained help-centres, but also by lack of quick response from the associated government offices. The task for acquiring caste certificates is long and arduous. Parents without caste certificates are simply excluded from the process. Even income certificates take a minimum of eight working days to be made available, and the process can stretch upto one month in some cases. These issues are often exacerbated by poor planning in terms of dates for applications process. For example, the 2017 admissions process was conducted during elections in Pune and Pimpri-Chinchwad. The incidence of elections alongside the application process left little government resources for the parents, as the entire machinery was busy in the election-related works.

Example:

- Naitik Ashok Wadmare (2014) was allocated a school more than 15 km from his house (aerial distance), because the help-centre merely searched for the name of his locality (Gandhinagar) without confirming the city in which it was located (Pune instead of Pimpri Chinchwad).

### DEFICIENCIES IN THE ONLINE PORTAL

#### School's discretion in deciding the entry-level

On January 10, 2017, the School Education and Sports Department of the Government of Maharashtra issued a Government resolution stating, inter alia, that 'the schools should decide the entry level'. This led to widespread confusion as to whether schools were allowed to specify 'class one' as their entry level despite having pre-primary classes. Only after several protests by social activities, and inquiries through media, the government clarified that the schools did not have liberty to 'decide' the entry level, but merely had the obligation to 'choose' the correct entry level during the registration process. This clarification, however, was sent through a quote in the media, and not an official communication channel.

Parents applying under RTE 12(1)(c) face resistance from schools, when they approach for admissions. The Government of Maharashtra has not paid reimbursements to many schools for admission to pre-primary classes. This has made schools extremely reluctant to admitting children in pre-primary. Additionally, each school seems to specify its own upper age limit for admission, although the minimum age for application has been specified by the government.

#### Artificial re-categorisation of SC-ST as 'General'

During the application process, only those applying under the caste criterion, i.e. those having caste certificates, can specify their caste category such as SC or ST. Parents applying under the income criterion are forced to specify their caste as 'General', irrespective of their caste. This happens because of a defect in the application. In the online application, one has to first choose their religion and caste. If the applicant chooses SC or ST as their caste, the next option asks the applicant whether they have a caste certificate. If there is no caste certificate, then the applicant has to go back and change their caste as 'General' in order to apply using income as the eligibility criterion.

When this issue was brought up to the officials, some dismissed it as a minor process-level error. Nevertheless, it has led to widespread misunderstanding and



misinformation that those applying under income criterion will 'lose' access to caste-based government schemes in the future, since they are registering in the school under income criterion of 'General' category.

### Representative Cases

- Mira Vishal Kamble, a waste-picker from Bibvewadi in Pune, went to the PMC's application help centre at the Hutatma Babu Genu Primary School in Bibvewadi to fill her application. Though she belongs to a Scheduled Caste, her husband's family does not have a caste certificate for proof of the same. She then chose to apply under the income (< 1 Lakh) criterion for RTE 12(1) (c). At first, the PMC education officer manning the help centre turned her away citing the reason that she did not have a caste certificate. After repeated attempts, the officer agreed to file her application warning her that if she chooses to apply under the income criterion, her child's caste will be recorded as 'Open' in the government database, and in the school records. Consequently, the child would not be eligible for any caste-based government assistance in the future. She then refused to file the application until KKP activists intervened, and asked the officer not to misinform parents in such a manner.
- Sangram Amol Kuchekar: The help centre staff filed the application for parent under the caste criterion, despite the parents not having a caste certificate. After allotment, the parents had to spend 4 days speaking with local authorities and schools to have the eligibility criteria changed and the admission confirmed. The school and local authorities both informed the parent that the child will lose out on any caste related benefits in future, unless a caste certificate was produced, and submitted in the school.

### SUGGESTIONS

Every year, there has been a spate of changes from the government regarding the admissions process. The admission rules were revised in 2012, 2013, 2014, 2015, and 2017. The government regulations and circulars have caused changes in age limits, documentation requirements, entry level, online process, scanning of documents and not scanning of documents, verification and non-verification of documents by local authorities, formation and dissolution of grievance redressal committees etc. Such experiments have led to confusion in the public's mind as they are not accompanied by any clarifications or publicity.

Rather, there is a need to bring coherence in these efforts. The government directives need to acknowledge the difficulties faced by the parents due to issues discussed above. Amongst other initiatives that could address the problem of RTE 12(1)(c) admissions, we suggest the following changes to be considered.

1. Registration process for schools should commence at least three months prior to the admissions process. The delays in registration by schools result in delays in commencement of the admission process.
2. The admission process should commence latest in December so as to be simultaneous, or prior to the admission process of schools for the other 75% seats.
3. Grandparents should be allowed to file application on behalf of children, especially where children are residing with, or they are being looked after by grandparents.
4. Responsible, responsive, and resourceful staff is needed in the help-centres. Capacity building and training of staff along with NGOs, volunteers etc. for proper filing of application forms should be done on regular basis.
5. The application window should be open for at least two months period.
6. The help-centres should be open on weekends and public holidays to provide access to parents, who cannot visit on weekdays or might have to sacrifice their day's work for the same.
7. There should be an RTE cell in every city for immediate redressal of grievances. A helpline should be linked to such RTE Cell for quick redressal.
8. The awareness campaigns should have offline mode including pamphlet distribution, and community meetings in slum and rural areas.
9. Dependency on mobile phones should be removed, as many parents lack mobile phone access. Also, messaging in local language should be undertaken, wherever mobile phones are being used.
10. There should be a dedicated, post-admission support for all the parents, so that all schools admit the candidates without harassment or charging any fee.
11. There should be clarity and consistency on pre-school entry levels – that every school having pre-school is mandated to provide admissions to the lowest level under 12(1)(c).
12. Currently, parents are only allowed to apply for one school beyond 3 kilometers from their place of residence. This should be expanded so that parents can choose to apply to multiple schools, subject to other constraints.
13. The government should release clarificatory circulars/ notifications to schools regarding provision of free entitlements such as writing material, textbooks, uniforms, shoes etc. to school children admitted under 12(1)(c). These circulars should be publicised on official government websites.

14. All the free entitlements should be comprehensively listed in an official notification. They should include transportation, annual days, outdoor activities, co-curricular activities, field trips etc.

15. Strict and immediate action should be taken against the schools that refuse admissions under 12(1)(c), or spread wrong information regarding the RTE 12(1)(c) provisions, thereby discouraging the parents from admitting their children.





# CHAPTER 4:

## THE 12(1)(c) AND STRUGGLES IN MUMBAI

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### INTRODUCTION

The Anudanit Shiksha Bachao Samiti (ASBS) was formed in 2008 to spearhead a struggle to prevent the closure of Sheth M.A. High School in Mumbai. Situated in a prime location close to the station, the school is one of the oldest schools in Andheri (West). It was visited by Mahatma Gandhi in the pre-independence period. For many years, it has catered to the downtrodden sections of society, especially the Muslim community in Gilbert Hill area. The struggle for the school concluded successfully. It also gave rise to the formation of ASBS.

Post the 2012 SC judgement upholding the constitutional validity of the Right to Education Act (RTE), the team working in the ASBS, under the convenorship of Com. K. Narayan, decided to use the organisational platform to work for implementation of the Act in Andheri and vicinity<sup>12</sup>.

In year 2012-13, we succeeded in getting 150 children admitted to about 25-30 schools in Mumbai, both aided as well as unaided. This was significant given the hurdles faced by ordinary parents at the offices of the BMC Ward, and at the office of Tehsildar of Andheri Taluka for procuring Income Certificates. Our effort was supported by the Students' Federation of India (SFI) and the Janawadi Mahila Sanghatan (JMS).

During the second year of implementation (2013-14), we organised a protest against the delay by Government of Maharashtra in issuing the required notification for starting admissions under the 25% reserved quota. The notification was not released until the end of February 2013. Over 500 parents from Andheri and Dharavi area participated in the protest.

### ONLINE PROCESS AND LEGAL BATTLES

In 2014-15, the Government of Maharashtra brought two major changes. Firstly, it introduced the online system of admissions for a segment of population that is largely unlettered, and computer-illiterate. Secondly, it created a new post of Education Commissioner ostensibly to manage the RTE activities. In effect, a significant proportion of

government machinery was employed for the online implementation of RTE 12(1)(c).

In the first year of online implementation, we could help about 1000 parents to submit their application forms online. Along with this effort, we filed our first PIL (Public Interest Litigation) in the Bombay High Court. Amongst other issues, we highlighted in this PIL that the online process had left the aided schools out of its purview. It was also shown that the schools exercised discretion in admitting children even with valid allotment letters. Nevertheless, there were shortcomings in our petition. Its failure could be attributed to our lack of knowledge about the Act, and about the arena of litigation. Learning from the mistakes, we filed the next petition against the cancellation of pre-primary admissions under RTE 12(1)(c) by the Government of Maharashtra in 2015. The hearing of the petition is still in process.

Along with these struggles, we participated in the proceedings of Maharashtra State Commission for Protection of Child Rights (MSCPCR) in Mumbai. The intervention could support about 20 children over the years, who were rejected by the schools for admission under 12(1)(c), or were denied free entitlements such as books and uniforms.

We also found that children with disabilities, who have been included under 12(1)(c) as per the recent amendment to the Act, receive little support from the government in filing their application or securing admission after the allotments. The admission process has to provide offline alternatives to such applicants. It should also account for mental age of the applicants, not restricting itself to physical disability.

At present, there is an issue of entry-level for admission under RTE 12(1)(c). By Government Resolution dated 10 January 2017, schools have been given option to register their entry point for the 12(1)(c) online admissions. Following the same, a large number of schools have opted to register grade 1 as their entry level, irrespective of whether they have pre-primary stage. As a result, the number of seats has reduced from approximately 12,000 in 2016-17 to under 9,000 in 2017-18<sup>13</sup>.

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[12] See: Paranjape, S.M. (N.d.). ASBS Convention Calls for Holistic Implementation of RTE Act. *People's Democracy*. [http://peoplesdemocracy.in/2015/0222\\_pd/asbs-convention-calls-holistic-implementation-rte-act](http://peoplesdemocracy.in/2015/0222_pd/asbs-convention-calls-holistic-implementation-rte-act)

[13] Also, this decrease in the number is irrespective of pre-primary or grade 1 class-size. According to the Maharashtra Government Resolution dated 21 January 2015, the schools are required to fill the balance in grade 1, if the pre-primary classes are smaller.

## INEFFICIENCY AND REDUNDANCY IN ONLINE PROCESS

Based on the data obtained through RTI (Right to Information) applications in Mumbai, it is evident that the current lottery system leaves large number of vacancies in the unaided schools, despite potential applicants. The data gathered through RTI applications underlines the need to examine the lottery design, and make it more inclusive. The data is verifiable to the area level. For example, in Kurla- a locality in Mumbai, it was found that only 3 out of 10 applicants had received any allotment in 2016, despite a large number of schools located in that area. These schools were either excluded from the admission process, or the applicants could not apply to them given the GPS-based neighbourhood restrictions.

Additionally, it is pertinent to note that the data obtained through the RTI application has school-wise details of vacancies in tabular and computerised form. Moreover, due to the UDISE code system implemented many years ago, it is mandatory for schools to upload all pertinent data on a regular basis, including data pertaining to RTE 12(1) (c) admissions. Hence, it is redundant to ask the schools to register afresh every year, which also provides them certain discretion in entering the number of available seats for 12(1) (c).

**Table 4: Vacancies left after the RTE 12(1)(c) lottery**

Academic year	Number of rejected applicants (Sorry/No Message recipients) (approx.)	Unfilled Vacancies (approx.)
2013-14 (Offline)	350	7000
2014-15	500	4000
2015-16	750	9000

*Source: Based on the response given by the Government of Maharashtra and the Brihanmumbai Municipal Corporation to our PIL in 2014-15.*

## CONCLUDING COMMENTS

The data and our experience of working in Mumbai suggests that schools have extraordinary discretion in the admission process, which limits the success of RTE 12(1) (c). While access to schools has improved considerably with introduction of the online admissions process, the procedural difficulties have not been addressed adequately. Lack of political will and effort is a serious impediment in bringing a change in this scenario. We need collective effort from people, along with systematic government initiatives, for successful implementation of the RTE.



*Dharna by ASBS at Azad Maidan, Feb 2017*



*Community interaction by ASBS members*

# CHAPTER 5:

## GUJARAT: SHIFTING FROM OFFLINE TO ONLINE

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### INTRODUCTION

For 12(1)(c) admissions of the academic year 2017-18, an online portal was newly introduced in Gujarat State. Given the shift in mode, this chapter discusses the changes in the design and implementation of the application process. It also mentions applicants' experiences in this regard. First, we compare the official design of implementing this provision (across basic stages of implementation) in previous years with the online system adopted this year. Further, we compare the process on-ground in stages, highlighting where we believed it differed from the official design. Issues persisting with the offline process are discussed along with the those that have emerged with the way online process is carried out.

### IMPLEMENTATION SINCE 2013

Unlike other States implementing 12(1)(c), Government of Gujarat introduced the mandate reserving a limited number of seats based on the budget provision i.e. setting their own targets (instead of mandating it in all eligible unaided private schools). The RTE 12(1)(c) mandate was selectively introduced as a "pilot" in the year 2013 with the concerned government resolution stating that: "This scheme (provision 12(1)(c) of the Right to Education Act) is being introduced in 8 Municipal Corporations on experimental basis. Under the experimental basis in 8 Municipal Corporations around 5300 children will be covered"<sup>14</sup>. While the general rules for application, allotment, and admission were similar throughout the State, the implementation was conducted at the district level. The Ahmedabad Municipal Corporation was one of the first districts in Gujarat to implement the provision, and has been relatively more successful in increasing number of applicants, allotments, and admissions<sup>15</sup>.

As shown in Table 1, the number of admissions under Section 12(1)(c) was low in the State with a total of only 549 admissions secured in 2013-14. The targets for number of admissions during each admission cycle set by the state were not met until the 2016-17 cycle. In 2017-18, this target was raised to 60,000. Given that 25 percent of the total number of seats in private unaided schools (including minority) in Gujarat is around 92,000<sup>16</sup> as per the DISE, these targets still seem to be lower than what might be expected from the complete implementation of the mandate. However, since DISE does not allow us to identify minority schools, we are unable to ascertain this.

**Table 5.1: Admission targets set and secured in the State of Gujarat**

Academic Year	Target	Admissions
2013-14	5,300	549
2014-15	18,300	12,601
2015-16	30,000	28,553
2016-17	46,000	48,383
2017-18	60,000	62,419

Source: Primary data, received from the Gujarat State School Textbook Board Director's office, Gandhinagar.

### OFFLINE PROCESS (2013-2016)

Till the most recent admission cycle of 2017-18, the process of application and allotment was executed manually through an offline system. The steps were:

1. Applicants were to collect application forms from official help centres set up in government schools. They were required to fill the form with personal details of the child and parents/guardians of the child and attach the required documents such as birth certificate, address proof, income certificate, BPL card etc. for application.
2. A list of schools located in the ward was to be provided at help centres, from which applicants chose schools. Applicants were to write the names of the schools they wanted to apply to on the application forms. They were allowed to select a maximum of 5 schools that were within their "neighbourhood".

[14] Education Department, Government of Gujarat, 2013. Resolution No.KhPSh-102012-727646-Ch, Sachivalaya, Gandhinagar, Retrieved from- [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/Gujarati\\_Notification\\_admission.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/Gujarati_Notification_admission.pdf)

[15] Despite having 8.3 percent of the total population between 0-6 years of age in the State (Government of India, 2011, Provisional Population Totals Paper 1 of 2011. Retrieved from [http://www.censusindia.gov.in/2011-prov-results/prov\\_data\\_products\\_gujarat.html](http://www.censusindia.gov.in/2011-prov-results/prov_data_products_gujarat.html)), Ahmedabad secured around 30.45 percent of the total admissions under this provision in Gujarat in 2016-17 admission cycle. Of 48,383 admissions in the State of Gujarat in the 2016-17 application cycle, 14,735 children secured admissions through this provision in Ahmedabad alone. (Retrieved from: <http://timesofindia.indiatimes.com/city/ahmedabad/14735-students-admitted-under-RTE-ACT-in-Ahmedabad/articleshow/52398554.cms>)

[16] State of the Nation Report, 2015. The number of seats mentioned here is based on DISE data, and does not exclude seats in minority schools.

- a. The specific regulations pertaining to “neighbourhood” has differed from year to year. In 2015-16, the road distance of 6 km or less between a household and school was defined as the neighbourhood; this changed to the electoral ward defining the neighbourhood in 2016-17; for the 2017-18 admission cycle, the criteria reverted to the road distance rule.
3. Applicants submitted completed application forms at the help centres to officials who checked their forms before accepting them. An acknowledgement receipt was to be provided to the applicants after necessary verification.
4. Applicants were to be informed of their allotment to a school via post or SMS on the mobile phone numbers registered in the application forms. Parents were supposed to receive a notice confirming their allotment via post which had to be presented at the school when they went to take admission. In case of non-allotment, no notification was sent to the applicants.

As mentioned, the application process shifted to online mode since academic year 2017-18. The next section describes similarities and contrasts between the two.

### COMPARING THE DESIGN: OFFLINE VS ONLINE APPLICATION PROCESS IN GUJARAT

Table 5.2 outlines official implementation machinery and stages in the process of the application and allotment cycle

Stage of Process	Offline	Online
Implementation Authority and Guidelines	<ul style="list-style-type: none"> <li>District-wise</li> </ul>	Change <ul style="list-style-type: none"> <li>Centralized at State level</li> </ul>
Medium of information <sup>17</sup>	<ul style="list-style-type: none"> <li>Newspaper advertisement</li> <li>Notification about number of seats and eligibility criteria was posted on government school notice boards</li> </ul>	Change <ul style="list-style-type: none"> <li>While notices were still present in government school notice boards, the list of schools provided to them was from the previous cycle (when school selection was ward-wise, not distance-wise), which was later removed to avoid confusion</li> </ul> New Inclusion <ul style="list-style-type: none"> <li>Updated notifications and advertisements were published on the online application portal.</li> </ul>
Nature of Help Centre	<ul style="list-style-type: none"> <li>Help centres were set-up in government schools across the district</li> </ul>	Change <ul style="list-style-type: none"> <li>The help centres in government schools were converted to ‘receiving centres’</li> <li>Officials at these centres were responsible for only checking documents before forms were accepted for submission</li> </ul>

[17] This refers to generating awareness about 12(1)(c) and its benefits prior to application, and about the process of applying, eligibility criteria, etc. during the application process.

in 2016-17 (offline manual system), and changes in the process due to online system adopted in 2017-18.

Some notable changes made were:

- Centralisation of the process at the State- level, which allowed for uniformity of implementation across districts, and for rural and urban districts.
- The application forms were shifted to online portal that could be accessed through internet connection, and an offline application process was designed to assist e-illiterate applicants.
- Changes were made to the school selection criterion. In the 2016-17 application cycle, schools were selected ward-wise, but this was reversed in this cycle to a distance-wise criterion based on an applicant’s residential address.
- The allotment process was computerised, based on pre-decided lottery logic.

The online system also brought about a few new means of accessing information, and verifying and submitting applications, in addition to the mechanisms already in place. These are reflected as new inclusions in the table below.



**Table 5.2: Changes in design of implementation from manual to online process of application and admission**

Stage of Process	Offline	Online
Application Form	<ul style="list-style-type: none"> <li>Was collected from help centres set-up in government schools or the DEO, after showing documents</li> </ul>	<p>Change</p> <ul style="list-style-type: none"> <li>Was accessible on website, through any internet connection</li> </ul>
Assistance for preparing the form for submission	<ul style="list-style-type: none"> <li>Officials at Help Centres were responsible for assisting applicants in form collection, school selection, form completion, and checking of documents before forms were accepted for submission</li> </ul>	<p>Change</p> <ul style="list-style-type: none"> <li>For e-illiterate applicants the option of printing blank forms from the website was provided, which could be filled with the assistance of officials present at the receiving centres</li> <li>Step- by- step tutorials provided on the website for e-literate applicants (in English and Gujarati)</li> </ul>
School Selection	<ul style="list-style-type: none"> <li>Formation of district committee to create list of schools</li> <li>Lists of schools available in the ward were published at help centres where forms were collected and submitted</li> <li>5 school preferences could be given by applicants from urban, and 3 from rural Ahmedabad</li> </ul>	<p>Change</p> <ul style="list-style-type: none"> <li>List of eligible schools was identified automatically once applicants located their residential address on a map during application process. Schools would be displayed if they fell within a radius of 1 KM, 3 KM, and 6 KM from the applicant's address</li> <li>3 preferences could be given by all applicants</li> </ul> <p>New inclusion</p> <ul style="list-style-type: none"> <li>List of all schools and number of seats available, in the state and across districts, were provided on website</li> </ul>
Submission and verification/ approval of forms	<ul style="list-style-type: none"> <li>Were manually checked- First at help centres and then at DPEO office. (district Primary Education Officer)</li> <li>Form approval would be on the basis of eligibility of applicant and submission of prerequisite valid documents</li> </ul>	<p>New Inclusion</p> <ul style="list-style-type: none"> <li>Additional opportunity given to applicants to prevent rejection prior to allotment- DPEO notified applicants with incomplete forms/ minor errors to gather additional documentation post the application deadline</li> </ul>
Lottery/Allocation	<ul style="list-style-type: none"> <li>Priority order pre-decided based on Statewide criteria</li> <li>Manual allotment process</li> <li>Single round of allotment</li> </ul>	<ul style="list-style-type: none"> <li>Priority order pre-decided based on Statewide criteria</li> </ul> <p>Change</p> <ul style="list-style-type: none"> <li>Computerized allotment process</li> <li>Provisional allotment was followed by final allotment (for those who did not get seats in the first round)</li> </ul>
Announcement of Result	<ul style="list-style-type: none"> <li>Through an SMS</li> <li>Official allotment receipt sent by post to applicants' homes</li> </ul>	<ul style="list-style-type: none"> <li>Through an SMS</li> </ul> <p>Change</p> <ul style="list-style-type: none"> <li>Official allotment receipt was available on website for print.</li> </ul> <p>New inclusion</p> <ul style="list-style-type: none"> <li>Applicants were given private logins on the website to check - 1. Approval of form at DPEO, 2. application status, 3. Reason for form rejection, and 4. Allotment and school details</li> </ul>
Reporting at School	<ul style="list-style-type: none"> <li>Required to present allotment notice received by post at schools</li> </ul>	<p>Change</p> <ul style="list-style-type: none"> <li>Required to present the printed allotment notice at schools</li> </ul>
Grievance and Feedback Mechanism	<ul style="list-style-type: none"> <li>Authorities: Rural- Gram panchayat office, C.R.C office, Taluka Panchayat office, DPEO/ District Project Coordinator Office, Urban- Ward Office, CRC office, Municipality and Administrative office</li> <li>Formation of "District Committee"</li> </ul>	<p>New inclusion</p> <ul style="list-style-type: none"> <li>Helpline number provided</li> <li>Feedback and query form was available and opened to all on website</li> </ul>



**LOTTERY LOGIC FOR ADMISSION CYCLE 2017-18<sup>18</sup>:**

The online portal for Gujarat followed a design that avoids duplicate application. Once a candidate's details are recorded into the system, every new application is checked for duplicity with respect to the recorded details. A combination of keys including parent's Aadhar number, name, date of birth, and bank account information is used to identify a unique applicant record.

If the applicant record is created online successfully, it implies that the record is unique in the system. Post this submission, another step is introduced to test the validity of information. Every applicant has to report to a nearby receiving centre with appropriate documents. The receiving centre would then validate applicant's record. Thus, every application approved by the receiving centre is considered unique and valid. All such applications are considered in the lottery.

All applicants are allotted one seat out of the preferences (maximum three) they have submitted online. The order of the selection of these preferences plays no role in determining the allocation as once the preferences are made, they are by default arranged on the basis of distance between the school and the household.

1. The allocation is 'merit-based'. Here, merit refers to the categorization of candidates according to the following criteria.
  - a. Category: The eligible categories for 12(1)(C) in Gujarat have been ordered, from rank 1 to 15<sup>19</sup>. Applicant with higher ranks have higher chances of being allocated a seat.

Rank	Category
1	Orphan Child
2	Child in need or care and protection
3	Child belonging to child care institution
4	Child labour/Children of migrating labourers
5	Mentally Challenged/ Child cerebral palsy
6	Child with special needs
7	HIV affected children

[18] The information presented here is based on author's interactions with relevant government officials in May 2017.

[19] The official lottery logic for the State of Gujarat has 9 ranks; with rank 8 referring to "Scheduled Caste and Scheduled Tribes", and rank 9 referring to "Socially and educationally backward class/ Other backward class". The subcategories from rank 8-15 were introduced in the 2017-18 computerized allotment cycle.

(Education Department, Government of Gujarat, 2013. Resolution No.KhPSh-102012-727646-Ch, Sachivalaya, Gandhinagar., Retrieved from- [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/Gujarati\\_Notification\\_admission.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/Gujarati_Notification_admission.pdf))

Rank	Category
8	SC/ST BPL
9	SC/ST Non-BPL
10	SEBC/OBC NDNT
11	SEBC/OBC BPL
12	SEBC/OBC Non-BPL
13	BPL
14	General Category Rural
15	General Category Urban

- b. Distance: Based on the GPS location entered by an applicant, the distance between their residence and school is calculated. This exact measurement of distance determines the priority with which an allocation will be done. For example, a candidate residing within 0.5 km from school is given a higher priority over a candidate within 0.7 km from the same school.
  - c. Age: While deciding the allocation between two candidates, whose category and distance are identical, the older applicant is given a higher priority. In the case of a tie on age as well, alphabetical order is followed.
3. The algorithm
    - a. The allocation moves with an alphabetically sorted list of applicants.
    - b. Amongst these applicants, all the applicants belonging to category 1 are considered first.
    - c. They are allotted the nearest school chosen by them. In case of a tie, the older applicant is allotted the school.
    - d. After all applicants in category 1 are allotted a seat, the next category is considered.

### COMPARING ON-GROUND EXPERIENCES: OFFLINE VS ONLINE APPLICATION PROCESS IN GUJARAT

The table below outlines implications of the design of implementation to the experience of applicants. We discuss those stages where on-ground experiences differed from the official design outlined in Table 5.2 above.

Some notable observations:

- As a direct result of the online application process, cyber cafes became an integral party to the application cycle. It was observed that many applicants were completely dependent on the services of these unregulated third parties.

- Due to unfamiliarity with computers, applicants faced several problems while filling their forms. One major issue- locating applicants' residences using Google maps- was found to be challenging for applicants, initially due to errors in the design of the form.
- The computerized allotment process allowed for two rounds of allotment to be conducted, possibly to increase the number of total allotted seats, however was

delayed repeatedly due to difficulties in designing the mechanism

- Unlike previous years in which many applicants were not informed of their application result, announcements of results in this cycle were made online, and individual applicants could use their private login IDs to check their application status.

**Table 5.3: Changes in applicants' experiences- from offline to online process of application and admission**

Stage	Offline	Online
Implementation Authority and Guidelines	<ul style="list-style-type: none"> <li>• Unclear rules for applicants living at the boundary between two districts. This was because boundaries are not clearly defined, and rules differed from district to district</li> <li>• Different and unclear timelines for start and cessation of process between districts, and within districts</li> </ul>	<p>Change</p> <ul style="list-style-type: none"> <li>• Single deadline and set of regulations observed by the entire State</li> </ul>
Awareness	<ul style="list-style-type: none"> <li>• Newspaper advertisement published just prior to cycle</li> <li>• Schools visited did not have notices stating eligibility criteria displayed</li> <li>• Diffusion of information from earlier applicant's family, friends, NGOs/ voluntary organisations etc.</li> <li>• Efforts of ward councilors increased awareness</li> </ul>	<p>New inclusion</p> <ul style="list-style-type: none"> <li>• Eligibility criteria, school list, and other FAQs were made available on the website</li> <li>• Government helpline was not functional</li> </ul>
Assistance for form- collection, form- filling and submission	<p>For form collection, filling of forms, instructions for process people received assistance from:</p> <ul style="list-style-type: none"> <li>• Officials at help centres</li> <li>• Voluntary Organisations</li> <li>• Anganwadi workers</li> <li>• Friends, Family, Neighbours</li> <li>• Agents</li> </ul> <p>For making documents</p> <ul style="list-style-type: none"> <li>• Agents</li> </ul>	<p>Change</p> <p>For form collection, filling forms, printing forms, viewing status of form</p> <ul style="list-style-type: none"> <li>• Cyber café</li> <li>• Fewer organisations individuals, and anganwadi workers, could help as they now required to have access to computers and internet facilities.</li> </ul> <p>New inclusion</p> <ul style="list-style-type: none"> <li>• Option of offline application process could not be used by applicants as most of the receiving centres did not have enough resources to upload their forms online, or the infrastructure to print them.</li> </ul>
School Selection	<ul style="list-style-type: none"> <li>• Distance criteria for selection of schools was not stated to applicants at the time of application process leading to selection of schools they were ineligible for</li> </ul>	<p>Change</p> <ul style="list-style-type: none"> <li>• Distance criteria made clear to applicants</li> <li>• Schools were not mapped by location causing errors in selection process</li> </ul>
Lottery/Allocation	<ul style="list-style-type: none"> <li>• Violation of rules for priority of applicants – in some cases BPL card-holders were prioritized over orphans, children with disabilities, etc.</li> </ul>	<p>Change</p> <ul style="list-style-type: none"> <li>• Lottery logic was as per State rules</li> <li>• Second round of allotment was conducted (primarily to rectify cases where schools allotted were at a distance of six kilometres or greater from an applicant's home)</li> </ul>

**Table 5.3: Changes in applicants' experiences- from offline to online process of application and admission**

Stage	Offline	Online
Announcement of Result	<ul style="list-style-type: none"> <li>Many applicants were not informed of their results as notifications sent by post did not reach them</li> </ul>	Change <ul style="list-style-type: none"> <li>Applicants could check status of their application from any internet connection</li> </ul>
Reporting at School	<ul style="list-style-type: none"> <li>Post of notice was delayed/ not received by many, SMS with notice of allotment was not accepted in schools</li> </ul>	Change <ul style="list-style-type: none"> <li>Applicants were able to access their notice of allotment at their convenience, but for a few exceptions: For example- where there was a delay in updating a few applicants' status with the school allotted</li> <li>Schools were required to verify notices of allotment using a unique online profile created for each school. Many were not aware of the procedure for this, delayed applicants' admissions</li> </ul>

### IMPLICATIONS OF DESIGN AND IMPLEMENTATION OF AN ONLINE APPLICATION AND ALLOTMENT SYSTEM

Apart from streamlining the process, and minimizing the burden of the state's implementation machinery, there are potential benefits of adopting an online application and allotment process. Many of the issues that have occurred in previous years were rectified due to the adoption of the online design in the current cycle in Gujarat.

### MERITS OF THE DESIGN OF GUJARAT'S ONLINE SYSTEM: RESOLVING ISSUES OF PREVIOUS YEARS

#### Implementation Authority and Guidelines

##### *Due to centralized implementation at the State level:*

- Issues due to overlapping districts and unclear boundaries between districts did not arise,
- All implementation errors could be rectified faster due to a single decision-making authority across districts.

##### *Assistance during process*

- By providing the option of an offline process of completing application forms along with the online process, it could give applicants the convenience to access forms from anywhere, while preventing them from incurring higher transaction costs than they should if they cannot easily traverse the online process

##### *Approval of forms and allotment*

An automated allotment process could lead to

- Greater transparency as priority of applicants during allotment must be predefined
- Consistent lottery logic across the State
- Minimization of human error

##### *Grievance redress*

- Both the feedback form on the website and the helpline are mechanisms through which applicants could directly contact authorities at minimal cost

##### *Announcement of results*

- Applicants can access/ track their applications, anytime and from anywhere, from time of submission, reducing delays in transmission of information regarding the results of their application

### ISSUES WITH ONLINE APPLICATION PROCESS IN 2017-18

Many issues that occurred in the current application cycle had not been faced in previous years. They came about as a result of the design and implementation of the online system and should be amenable to improvement .

##### *Awareness and clarity of the process and guidelines of the provision*

- While official notifications of rules and regulations, and deadlines were published on the website, they did not benefit many applicants during this cycle as the online portal was published only one day prior to the onset of the application cycle.
- Errors in notifications on the website led to confusion amongst applicants across the State.

##### *Examples of errors leading to misinformation and confusion*

1. Despite mention in the advertisement, General Category without BPL cards missing:
  - The advertisement of the government explicitly mentioned eligibility of people from 'General' caste category without BPL cards having Rs. 68,000 annual income limit for urban residents, and Rs. 48,000 for rural residents. However, in the

application forms no category was available for applicants belonging to general category without BPL cards.

- This rule was reversed on 4 March 2017 i.e. 14 days after the process started, but the reversal was not publicized with a new advertisement from the government or on the website.
2. Different age criteria for CBSE schools- lack of information led to application being rejected for 'not meeting the age criteria'
- As of this year, students applying to CBSE board could apply if they were completing 6 years of age as of 1 June 2017. Children applying to any other board e.g. GSEB, had to complete 5 years of age as of 1 June 2017 (Gujarat State Education Board)
  - However, the official government advertisement and notifications on the online portal did not state this change. The application form itself had no constraints linking date of birth to the board of school that was being applied to.
3. Confusion for migrants because of State-specific guidelines for validity of documents required for the process
- Caste certificates: For the State of Gujarat, caste certificates for people falling under OBC category must adhere to State rules, however SC/ST caste certificates can be from any State.
  - Income certificates: must be made from the district Mamlatdar, and is valid for up to 3 years from when it is made. Some receiving centres rejected applications if applicants did not have income certificates even if they had BPL cards
  - Aadhar Card and Income Certificate made mandatory in the presence of alternate proofs: It was made mandatory in 2017-18 application cycle that at least one family member have an Aadhar card linked to a bank account, despite alternative identity and residence proofs being present

*Assistance during process: Applicants were dependent on unregulated third parties such as cyber cafes, and agents to complete their forms*

- Failure of offline assistance option of application forms:
- Some receiving centres did not have capacity to both-check forms being submitted and fill forms. Some did not have the infrastructure (of computers, internet) to fill forms.

- As a result of the failure of the offline process of filling application forms, applicants were dependent primarily on cyber cafes.
- They were unable to access help from neighbours, family members, or friends as was done in previous years, because rate of e-literacy is considerably lower than that of literacy, and requires access to a computer and internet facilities.

**School Selection:** Applicants were often unable to accurately locate their address on the Google Map provided; as a result the list of schools that were provided were not correctly identified. This error occurred due to the following reasons:

- Applicants' address was located using pincodes and landmarks; Some officials at receiving centres did not accept forms if the address mentioned in an applicant's residence-proof documents did not match the GPS location identified in the online form.
  - Applicants were asked to enter their postal address, including their pincode and a landmark. A location pin was then dropped on the map based primarily on the landmark and pincode, which were the major source for tracing the 'neighbourhood' location on the GPS, locating the address on the basis of pincodes and landmarks posed an issue.
  - In order to increase accuracy, the applicants could move the location- pin within a maximum range of 1000 meters from the location picked up by the GPS. However since these pins were dropped on the basis of landmarks and pincodes, and since most applicants reside in remote areas within a ward, which differ in size, the location-pin was often more than 1000 meters away from the applicant's exact address.
  - Problem of location accuracy and large ward-sizes explained: Administrative wards are divided on the basis of population size. Of 64 wards in Ahmedabad Corporation (urban), 26 wards (as of 2014) are greater than 4 sq km in area, implying that the criteria for shifting the location pin within 1 km of the position located as per the pincode won't allow an applicant to select their location accurately. The largest ward is 57.3 sq km. In 2015, the division of these 64 wards were restructured to 48 wards possibly further increasing ward sizes<sup>20</sup>.

For the most recent admission cycle, the combination of these issues might have affected the allocation process as the lottery logic prioritizes the school preferences based on the distance of a school to an applicant's home.

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[20] Data for exact ward sizes post restructuring is not publicly available.

### Grievance redress

- Help centres created in previous years that were able to provide support to applicants with filling forms were converted to receiving centres. Officials at some of these centres were overburdened, and provided with less information than in previous years
- Official helpline provided was non-functional throughout the process of application and allotment

### ISSUES WITH IMPLEMENTATION OUTSIDE THE SCOPE OF THE ONLINE SYSTEM

There are certain issues that have persisted since the previous cycles that cannot be addressed, or lie outside the scope of the online system. They require additional attention to be given by administrative machinery in order to be resolved.

#### Awareness about the provision as a right

Since the first cycle in 2013-14, the government of Gujarat has not undertaken awareness activities over and above the newspaper advertisements to broaden reach of the provision

- Since 2013, the Gujarat government has advertised the provision once a year just prior to the commencement of the application cycle via a newspaper advertisement published in local newspapers. In the 2017-18 application cycle, the advertisement was published on 20 February when applications opened on 21 February, 2017.
- Increasing awareness since 2013 is a result of involvement of multiple voluntary stakeholders such as NGOs, academic institutions, and individuals. Individual ward councillors have led awareness campaigns in wards across the district since 2015.

#### Extended deadlines and overlap with private school admission cycles

In most private schools in Ahmedabad, the new academic year starts by the first week of June, and accordingly the regular admissions process ends prior to that. In previous years, the allotment and admission process for students under Section 12(1)(c) would overlap with deadlines for regular admissions due to which parents waiting for results of allotment might have missed out on the regular admission deadlines. This has led to some children losing a year, if they were unable to secure admissions through either, the regular process or through section 12(1)(c). Some private schools are known to use this opportunity to ask parents to submit the school fees to reserve seats for their children before the 12(1)(c) deadlines have passed.

This problem of extended and overlapping deadlines remains an issue with the online system as well. Despite the process of application ending on 15 March 2017, first round of allocation of seats was announced on 15 May 2017 and the second round, on 25 of May. The online system could be a means through which the application cycle for section 12(1)(c) can be completed prior to the regular admission cycle each year.

### RECOMMENDATIONS FOR IMPROVEMENT

#### Information, education and communication:

- 1) **All visitors to the website should be able to easily access the list of schools in their neighbourhood.** This will additionally be helpful for NGO- and other volunteers assisting the applicants.
- 2) **All receiving-centres should be fully-equipped with computer, internet, and printing facilities for submitting the forms through the offline process.** In addition to currently available 'receiving centres', multiple avenues, such as government schools and block offices, should be utilized for providing assistance to applicants.
- 3) **Local NGOs, Anganwadi workers, and ward councillors should be engaged** in the campaign to generate awareness amongst potential applicants, assist them in accessing crucial information for the process, form-filling, and in tracking their admission status.
- 4) **Need for a fully functional helpline<sup>21</sup>:** Multiple telephone helplines providing up-to-date information should be active throughout the day for schools, applicants, and departmental staff who might need clarifications. The attendants at these helplines must have clarity on all updates regarding 12(1)(c) admissions.
- 5) **The application website should be search engine optimised (SEO) and equipped to handle heavy traffic.** It should appear amongst the top search results for RTE 12(1)(c) admissions in Gujarat.
- 6) **A YouTube video demonstrating school registration and application submission** should be posted on the website's home page. It should be regularly updated<sup>22</sup>.

#### Applicant registration:

- 1) **The neighbourhood should be defined as applicant's own ward or village along with the neighbouring wards.** The experience in Maharashtra and Delhi informs that the use of geographical positioning is

[21] At the RTE Resource Centre (RTERC), more than twenty calls are received every hour due to non-functionality of the official helpline.

[22] For example, see a video from the Delhi portal: <https://www.youtube.com/watch?v=9n2ymgymbds>.



impractical for catering to the target population under RTE 12(1)(c).

- 2) **Computing infrastructure needs to be invested in that can support the potential traffic of applicants, schools and others.** During the first few, and last few days of the online application process- when traffic was probably heaviest- the server crashed repeatedly. As a result of this, and due to heavy traffic on the site, automated confirmation receipts were not generated for all applicants.
- 3) **All schools should be requested to defer other admissions until the RTE 12(1)(c) admission cycle is over.** Ideally the section 12(1)(c) allotment cycle should be completed by the end of April- at least a month prior to the beginning of the academic year- with the month of May being used for admission for both, those allotted through 12(1)(c), and those securing seats through the regular means. The schools should also be prohibited from charging fees or confirming admission to any candidate, whether under 12(1)(c) or not, until the RTE 12(1)(c) admission cycle is over.
- 4) **All help-centres should be clearly instructed to accept offline applications.** Applicants should be able to approach the desks without any knowledge of using computers<sup>23</sup>. The attendants should fill the forms and provide receipts to the applicants.
- 5) **Increased resources should be dedicated for applicants seeking the various pre-requisite certificates/ documents from government offices for the application process<sup>24</sup>.**

#### *Post-application:*

- 1) **Post-lottery, every applicant should receive three SMS messages stating the outcome of their application.** In addition to Gujarati and Hindi, messages in English should also be sent to avoid font compatibility issues. Along with SMS, the result notification of results could be published in newspapers, and in anganwadi centres or the office of ward councilors. Applicants should be able to access their result without remembering their passwords.
- 2) **In case of non-allotment, the result should mention 'considered for next round'.** Use of negative words such as 'rejected' or 'unsuccessful' misleads the applicants.

They need to be informed that they will be considered in further rounds. And in cases where their application has been rejected parents should be notified through the same means (via SMS) as those whose forms have been accepted.

- 3) **All help-centres should be active for redressing queries and grievances throughout** the admission process. They should function as the first point of contact for applicants and school administrators. Accordingly, departmental staff should be posted. In cases where the grievance is beyond their authority they should be able to assist the applicant with whom to approach and the process for redress.

#### *School profiles:*

- 1) **All processes from enrolment to reimbursement should be integrated** on the portal. Using a simple login, schools as well as applicants should be able to verify and update their details. This is important for administrative convenience and efficiency.
- 2) **All unaided schools should be registered** on the portal. The minority schools should be included so that they have an option to partake voluntarily. Also, their admission data before obtaining the minority certificate can be maintained.
- 3) **School administrators should be trained and sensitized** towards RTE 12(1)(c) admissions. Adequate support along with training and quick query redressals should be provided by the local offices of the Department for fast and accurate registration.
- 4) **Up-to-date and comprehensive school profile** should be created on the portal and made public. Schools should be able to edit their profile until the portal opens for admissions. All editing requests should be verified and approved by respective BEOs. A comprehensive school profile should include details such as recognition status and board affiliation, school's intake capacity and enrolment, address with identified neighbourhood, school fee, bank account details, and annual expenditure.
- 5) **A map of school's neighbourhood should be publicised.** A map of school's neighbourhood region should be displayed on school's website, notice boards, and the online profile. Any discrepancy should be redressed by BEOs and higher authorities.

[23] Based on our study, more than 60% of the applicants in Rajasthan fill in their applications through offline mode because of its convenience and accessibility.

[24] In the latest application cycle in Ahmedabad, we received complaints that government offices in the district had notified applicants that certificates to validate caste, income, BPL, and Aadhar could not be obtained until 10 March, i.e., 5 days before the application deadline.



# CHAPTER 6: IMPLEMENTATION OF 12(1)(c): EARLY EVIDENCE FROM URBAN AHMEDABAD

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Despite the attention that Section 12 (1) (c) of the Right to Education (RTE) Act continues to receive, the focus has primarily been in terms of number of applications and enrolments. Evidence on the actual experience of children admitted to schools and their parents under the mandate remains limited. In this chapter, we share initial results based on a survey of 1642 households residing within Ahmedabad Municipal Corporation (AMC) area, and who were thought to be eligible for admission under 12(1)(c) during 2015-16 admission cycle.

Utilising data collected in this survey, we describe characteristics of households and compare them across stages of application, allotment, and admission. We also describe experiences of applicants of 12(1)(c) during the application and admission process. Finally, we compare schooling experiences of parents and students studying in government schools, those studying in private schools through 12(1)(c), and those studying in private schools but who have obtained admission outside 12(1)(c). While these data provide a glimpse of the experiences of parents in navigating the policy process, there are important caveats in generalizing from it. As described below, the data were collected as part of an action research study that was trying to provide information and support to potentially eligible households. Therefore, the data can at best be considered representative of what might be possible if the policy was implemented along with sufficient information and communication efforts in the field.

## CHARACTERISTICS OF THE SURVEYED HOUSEHOLDS

The appallingly low application rates in Ahmedabad in the first two years (2013-2015) of implementation suggested lack of awareness about the policy amongst households as one of the important reasons. Hence, the Right to Education Resource Centre, an action research project at IIM Ahmedabad ran an awareness campaign during February to March 2015 in more than 200 localities utilising a variety of media. Anganwadi workers and field volunteers were a central figure in this awareness campaign. Data collection

was carried out during September to December 2016, with the objective of going back to the households who were contacted during the awareness campaign to obtain more detailed information. The table below provides a snapshot of the characteristics of these households<sup>25</sup>.

Characteristics of Households & Children	Proportions/ Means
Sampled child is Male	51.52%
Currently studying in a school	98.33%
Mother Tongue:Gujarati	77.1%
Household Size	5.79
<b>Caste/Religion</b>	
General	8.89%
Scheduled Tribe (ST)	6.76%
Other Backward Class (OBC)	32.22%
Scheduled Caste (SC)	36.18%
Muslim	12.67%
Christian/ Others	3.29%
Household has flush toilet	74.00%
House has Pucca walls	83.31%
Median monthly per capita Income	1666.67
<b>Mother's Education Level</b>	
None	17.3%
5th or below	16.69%
6th to 10th	54.46%
Above 10th	11.55%
<b>Father's Education Level</b>	
None	7.46%
5th or below	12.05%
6th to 10th	61.90%
Above 10th	18.59%

[25] The sample size reduces due to non-response in the case of a few variables such as Monthly per capita Income (1634 households), Mother's education levels (1636 households), and Father's Education levels (1635 households). Subsequently a similar difference is seen in these variables in the following tables.

Compared to the average household in the second round of Indian Human Development Survey (IHDS) conducted in 2011-12<sup>26</sup> and the 71st round of National Sample Survey (NSS) conducted in 2014<sup>27</sup> (nationally representative datasets) our sample is relatively disadvantaged when compared to such as . Our sample consists of a higher share of SC, ST and Muslim households and consists of economically less affluent households indicated by a lower percentage of pucca houses and lower monthly per capita incomes compared to those in IHDS, and lower monthly consumption expenditure compared to those in NSSO.

### POLICY TAKE UP

Given that the surveyed households had been part of a targeted information and awareness campaign on section 12(1)(c), our data reflects fairly high awareness about 12(1)(c), at 81% (see Table 6.2). Among those who were aware, over 91 percent had applied. Among those who applied, the percentage of those who were allotted a school drops to nearly 54 percent. Since available seats did not exceed number of seats allotted in 2015-16<sup>28</sup>, a high rate of non-allotment probably suggest the hurdles in successfully negotiating the procedural requirements of the application process. Finally, of those allotted a school, 25% did not take admission.

Percentage who were aware about 12 (1) (c)	81.06%
	1331 of 1642
Percentage of those who applied of those who were aware	92.19%
	1227 of 1331
Percentage of those allotted a school of those who applied	53.95%
	662 of 1227
Percentage of those admitted of those allotted	74.92%
	496 of 662

Based on our field experiences the most common reasons for not taking admission in an allotted school were

1. The school allotted was too far away from the applicant's home, and

[26] The second round of Indian Human Development Survey was conducted by National Council of Applied Economic Research (NCAER) and University of Maryland. For further details: <http://www.icpsr.umich.edu/icpsrweb/DSDR/studies/36151>

[27] The 71st round of National Sample Survey was conducted by the National Sample Survey Organisation, Ministry of Statistics & Programme Implementation. For further details: <http://mail.mospi.gov.in/index.php/catalog/161>

[28] The number of seats allotted were 3712 out of 4950 seats available for admission. This information was obtained from the office of the District Education Officer (DEO) of Ahmedabad through a request made under the Right to Information Act 2005.

2. They had applied to the same school where the child was already studying in academic year 2014-15 but were not allotted that school, and did not want to switch the child's school.

### APPLICATION AND ADMISSION PROCESS IN AHMEDABAD 2015-16

An applicant needs to go through three stages to avail the benefits under Section 12 (1) (c): (a) application, (b) allotment of a seat in a school, and (c) taking admission in the allotted school.

Application and admission process in the 2015-16 cycle involved applicants filling paper forms with details about their annual earnings, caste category, the child's age, any other kind of disadvantage that the child might face (such as disability), and finally the schools they wished to apply to. This along with proof of their disadvantage in the form of government documents (birth certificate of the child, residence proof of the family/ guardian, income proof, and caste certificates), were to be submitted for their application to be considered.

Incomplete forms or forms filled incorrectly, or those where eligibility criteria were not met were rejected before the allotment process began, after which applicants were allotted seats based on a lottery logic<sup>29</sup>. In most cases, applicants were allotted schools from those selected by them. But there were instances of receiving an allotment to a school which had not been mentioned in the application. Applicants were to be notified about the allotment of a seat via SMS and a letter by post. But many applicants who were not allotted seats were not notified of their rejection.

Receiving allotment of a seat in a school through the policy does not translate to automatic admission in that school. Applicants are required to present proof of their allotment along with the eligibility documents at the school. There have been many instances where schools have refused admission to the applicant despite allotment<sup>30</sup>.

### CHARACTERISTICS OF HOUSEHOLDS ACROSS THE THREE STAGES OF THE POLICY

In the tables below, we compare the surveyed households across three stages: application, allotment and admission on the basis of characteristics that are likely to influence a household's decision to participate and successfully navigate the application process

[29] See Chapter 5 and 8 for more details.

[30] An example: "3 Ahmedabad schools refused RTE admissions, parents complain", 17 May 2017, Times of India; available at: <http://timesofindia.indiatimes.com/city/ahmedabad/3-city-schools-refused-rte-admissions-parents-complain/articleshow/58706420.cms>



### Comparing households who applied and who did not:

Reflected by relatively higher share of households having a private flush toilet and pucca walls, we find that households that applied are more affluent compared to those who did not apply. Further these households have, relatively higher share of households where- Gujarati (the local language) was their mother tongue, mother of the child having a mobile phones, and at least one of the household members being personally acquainted with school teachers/ staff and/ or lawyers. We also find that fewer Scheduled Tribe (ST) households and more Scheduled Caste (SC) households applied under the policy.

### Comparing households who were allotted a school, to those who applied but were not allotted a school:

Of those who were allotted a school compared to those who were not, relatively more children were from households belonging to SC, OBC and ST caste categories. This probably reflects the lottery logic employed by the state, where historically disadvantaged social groups are given priority in allotment. In addition, importance of Gujarati as mother tongue, the mother of the child owning a mobile phone, personal acquaintance with school staff and economic affluence seem to matter more when it comes to allotment.

### Comparing households who admitted the child to those who did not:

Children who took admission in a school through the provision belonged to households that were relatively worse off, as measured by having a private flush toilet. This is in comparison to those who were allotted a school but did not take admission. The households do not appear to differ on other parameters.

**Table 6.3: From Application to Admission: Socio-Economic Characteristics of Households in Our Sample Across Stages of the Implementation Cycle**

	Overall	Applied	Allotted	Admitted
(%)				
Gender of child is Male	51.52	51.75	53.02	53.02
Mother Tongue- Gujarati	77.1	78.97	84.29	84.48
Household Size	5.79	5.77	5.79	5.82
<b>Caste/Religion</b>				
General	8.89	8.88	8.16	8.27
ST	6.76	6.11	7.55	8.27
OBC	32.22	31.7	29.46	29.23
SC	36.18	39.28	44.71	43.95
Muslim	12.67	11.41	8.76	8.87
Christian/ Others	3.29	2.61	1.36	1.41
Household has flush toilet	74	75.06	77.95	76.01
Household has pucca wall	83.31	85.25	87.92	88.31
Median monthly per capita Income (in Rs.)	1666.67	1700	1750	1666.67
Mother owns a Mobile phone	49.57	51.52	56.08	55.49
<b>Social Connections</b>				
<i>Member of the household knows:</i>				
School Official/ Teacher/ Principal	36.66	38.39	44.56	42.94
Local Politician/ MLA	28.56	29.99	32.63	33.06
Police official	21.38	22.09	22.51	21.37
Lawyer	22.72	24.21	26.28	25.2
Sample Size	1642	1227	662	496





Table 4 (below) presents education levels of both parents of the child. In line with previous results, more educated parents (especially educated mothers) are more likely to apply and also more likely to receive an allotment.

	Overall	Applied	Allotted	Admitted
<b>Mother's Education Level (%)</b>				
None	17.3	15.54	12.14	12.17
5th or below	16.69	15.29	12.44	12.58
6th to 10th	54.46	56.26	62.22	62.07
Above 10th	11.55	12.92	13.2	13.18
<i>Sample Size</i>	1636	1223	659	493
<b>Father's Education Level (%)</b>				
None	7.46	6.54	5.3	5.86
5th or below	12.05	10.63	7.87	7.47
6th to 10th	61.9	63.37	65.51	65.05
Above 10th	18.59	19.46	21.33	21.62
<i>Sample Size</i>	1635	1223	661	495

Thus, a combination of affluence, education, social networks do seem to make a difference to whether a household applies and receives an allotment. This potentially indicates information complexity (about guidelines, eligibility, and application processes of policies), as well as direct and indirect costs incurred during the process of availing benefits of a scheme.

### ACCESS AND EASE OF THE APPLICATION PROCESS

In Table 5 and Table 6 we present data on the experiences of the households in our sample that applied.

Majority of applicants were able to collect forms from visiting centres that were at walking distance and did not make more than one visit to collect the forms. This implies that application forms for the process were relatively easily accessible to most and could have been influenced by the information and communication efforts. More than a third of the households reported that they did not visit help centres at all, but were helped by others (student volunteers, voluntary organisations, anganwadi workers, etc.) who brought the form to them. In the next section we

discuss different third parties who helped applicants during different parts of the application process.

Did not visit (form was brought to them)	34.2
Walking distance (Within 15 minutes)	42.54
15-30 minutes of travel time	14.91
Over 30 minutes of travel time	5.23
Don't remember	3.12
<i>Sample Size</i>	1187
<b>Had to make multiple visits to collect the form (of those who visited the help centre) (%)</b>	
Yes, had to make multiple visits	12.29
<i>Sample Size</i>	781

### TRANSACTION COSTS OF THE APPLICATION AND ADMISSION PROCESS

Relatively more households spent money on travel to and from the collection centres than on procurement of application forms and on agents or helpers. The amount of money spent on travel was not significantly large for most households<sup>31</sup>.

<b>Spent money on the following during the application process (%)</b>	
Procuring Application Form	2.23
Agent/ Helper	0.42
Travel	21.32
<i>Sample Size</i>	1187

### DOCUMENTS PROCURED DURING THE APPLICATION PROCESS

It was compulsory for all applicants to submit proof of residence and age. In addition, applicants belonging to SC, ST, or OBC categories were required to produce caste certificates, and all applicants without Below Poverty Line (BPL) cards were required to submit income certificates.

Of those who applied, more than half had to procure income certificates specifically for the purpose of application (table 7). Given the finite validity of an income certificate, many applicants have to get fresh certificates made every year to apply under government policies. Fewer applicants needed to procure birth certificates, residence proof and to some extent caste certificates. Based on our field experiences and data, most households already had these documents to avail other benefits from the government.

[31] The median amount spent on travel was Rs.50 for those who incurred expenditure during the application process

Table 8 gives an insight into costs and burdens for procuring caste and income certificate/BPL card in our sample. Many households had to make multiple visits to obtain these documents and additionally a large number of them incurred expenditure in this process.

Got document made specifically for application (%) (Out of those who submitted the document for application)	
Residence Proof	6.93
Sample Size	967
Birth Certificate	2.94
Sample Size	1093
Income Certificate/ BPL	51.42
Sample Size	737
Caste Certificate (if applicable)	13.79
Sample Size	631

Spent money on procurement of documents (%) (of those who got documents made)	
Income Certificate/ BPL	88.39
Sample Size	379
Caste Certificate	81.61
Sample Size	87
Households made more than two visits to procure document (%)	
Income Certificate/ BPL	30.08
Caste Certificate	20.69
Median Amount spent (of those who spent money)	
Income Certificate/ BPL	Rs. 200
Caste Certificate	Rs. 200

## HELP RECEIVED BY APPLICANTS FROM VARIOUS SOURCES

Applicants primarily received help from anganwadi workers (45.8%), and from their friends, family and neighbours (17.52%). Most sought assistance for collection and filling of forms. Almost half of those who sought help were given information about schools to apply to, and 41.4% applicants were given advice on which schools to apply to. In approximately 24.0% cases, the person providing help decided which schools the applicants should apply to. In our experience applicants usually know only a limited number of schools within walking distance of their house and a few others in their locality/neighborhood. Their perceptions of the schools are based on their social network and very few have visited these schools themselves or interacted with other parents or teachers to assess their quality. Ensuring that parents have easy access to meaningful information

about many schools will go a long way in helping parents make a better schooling choice for their child.

Who all helped during the application process? (%) (multiple choice question)	
Friends/ Family/ Neighbours	17.52
Employer/Office Colleague	0.42
NGO/ Community workers	2.53
Anganwadi worker <sup>32</sup>	45.83
Local Politician	2.86
Agents	0.84
Education Officers	3.79
School	1.77
Government help centre	0.51
College students	5.31
Sample Size	1187
What help did they provide? (multiple choice question)	
Helped in collecting form	77.85
Filled based on what you told	69.72
Helped you with what to write where	59.90
Gave you information about schools	51.64
Advised about which school to apply	41.42
Decided about which school to apply	23.98
Sample Size	763

Table 10 shows that only 42% applicants received acknowledgement slips after submitting their application forms at help centres instead of all. Receipts signal transparency of the system, and act as proof for applicants to make formal complaints if issues arise at a later time. Further, only 63% of the applicants were informed about the result of allotment. We realized during our field work that many of those whose forms were rejected prior to the allotment process or who were not allotted seats thereafter were not sent an SMS or any notification via post. It is possible that many of the 36.6% who were not informed of their result largely fell within this category.

[32] This number is significantly higher than other categories due to our awareness campaign (as discussed above).

**Table 6.10: Responsiveness of the authorities**

Received an acknowledgement slip having the form number after the application was accepted (%)	
Yes	42.04
No	46.25
Don't remember	11.71
How many were informed of the result? (%)	
Were informed	63.44
Sample Size	1187

### HURDLES DURING ADMISSION & TRANSPARENCY OF THE PROCESS

Once an applicant was allotted a seat, admission had to be secured from the schools itself. Mandated by law, schools cannot refuse any applicant if they had sufficient proof of their allotment and relevant supporting documents. Additionally, based on the guidelines for the provision, schools are not allowed to conduct any test, either of the child or the parent prior to admission in the school, and cannot refuse a child admission on the basis of any test conducted. But our data shows that of the parents that took admission, 10.7% claimed that their child was made to take a written test, and 2.6% claimed that they were made to take a written test at the time of admission. An even higher proportion, 11.8% households reported parents being interviewed and one-fifths of the households reported child being interviewed. Further, 11.6% of the respondents said they were asked for a deposit/donation amount during the admission process. Only 54.4% of those admitted were given an admission confirmation receipt by the school.

**Table 6.11: Admission Experiences of those were admitted in allotted schools**

School conducted interview/ written tests for parent and child (%)	
Written test for parents	2.55
Written test for child	10.65
Interview for parents	11.81
Interview for child	20.6
Paid any money donation/deposit to the school during admission (%)	
Yes	11.57
Were given an admission confirmation receipt (%)	
Yes	54.4
Sample Size	432

The questions listed in Tables 12 and 13 were asked to all households who were part of the application and/ or admission process.

Of those who applied, 14.5% of the households claimed they faced issues during various stages of the process. The common grievances of applicants were: schools being allotted further away from their house than the policy guaranteed, not getting a school of their choice, and the allotted school refusing to admit the child or charging additional fees that the parents did not wish to pay or could not afford. Only about a fifth of those facing an issue reported it to a concerned authority, of which action was only taken in 36.8% of such cases.

**Table 6.12: Grievance redressal at Application, Allotment or Admission stage**

Grievance Redressal (%)	
Faced problems from application to admission or even after admission	14.49
Sample Size	1187
Reported the grievance to any authority	22.09
Sample Size	172
Authority took some action	36.84
Sample Size	38
Were satisfied by the action taken	78.57
Sample Size	14

Overall, the findings from this study suggest that most applicants found the process to be easy and honest. Our field experiences tell us that while many applicants faced problems during the process, such a high number of households finding the process honest and easy could be possibly attributed to assistance received from local NGOs, anganwadi workers, student volunteers and others.

**Table 6.13: Opinion about the process**

Applicants who believed the following of the application process (%):	
Process of application was honest (%)	85.93
Process of application was easy (%)	84.16
Sample Size	1187

### RETENTION OF CHILDREN IN 12 (1) (C) SCHOOLS

The table below presents schooling status of children who had received admission through section 12(1)(c), at the time of survey (September to November 2016). Of those who were admitted in a school through 12 (1) (c), 17 children (3.4%) left their respective schools. 12 of those who left their schools shifted to a different private school, four shifted to a government school while one child is currently not attending any school (has dropped-out). Of those who left their respective schools, there were at least 2 respondents who explicitly pointed to mistreatment of the child at the school as the reason for leaving that school.

**Table 6.14: Retention of children in schools through Section 12 (1)(c) and percentage of dropouts from schools admitted through 12 (1)(c)**

Continuing in school admitted to under policy	96.57%
Shifted to different private school	2.42%
Shifted to a govt. school	0.81%
Currently not in any school	0.2%
No. of children admitted through policy	496

## SCHOOLING EXPERIENCES

While enrollments through section 12(1)(c) is an important measure of implementation, the evidence on achieving inclusion and quality education in schools leaves much to be desired. We now discuss results from our attempts to fill this gap.

Table 15 presents the proportion of children studying in government and private schools in our sample. Students have accessed private schools both through 12 (1)(c) and independent of it. Almost 73% of our sample was attending a private school, and 44% were attending it even without 12(1)(c). Only one-fourth of the sampled children were in government schools on the date of survey.

**Table 6.15: Management type of Schools children were studying in as of September to December 2016**

School Management (%)	
Government	25.27
Private without 12(1)(c)	43.79
Private through 12(1)(c)	29.17
Dropped out	1.77
Sample Size	1642

Table 16 includes the parents responses to questions asked about their child's experiences in school- what he/she likes the most and the least about school. Responses of those studying in schools through Section 12 (1) (c) are compared to responses of those attending government schools and private schools without 12 (1) (c).

Relatively more parents with children studying in schools through 12 (1) (c), compared to those whose children study in government schools or private schools without 12 (1) (c), claimed that the thing their child like the most about school were "good teachers", and the playground or field. More parents with children studying in a private schools without 12(1) (c), compared to those studying in private schools through 12(1)(c), claimed that the thing their child like most about school was 'learning'.

Relatively fewer parents with children in 12 (1) (c) schools compared to those in government schools reported that

what their child liked least about school was being beaten by teachers.

Finally, many more parents with children studying in 12 (1) (c) schools claimed that the fact that the school was far from home is what their child like least about school. This is corroborated by responses from applicants who claimed that one of the primary grievances they faced was being allotted a school far from their home.

**Table 6.16: Child likes most and least about school**

Child likes most about school (%)				
	Overall	Government	Private without 12(1)(c)	Private through 12(1)(c)
Friends	7.44	7.71	7.09	7.72
Learning	54.68	55.18	58.55	48.43
Playground/ gardens/field	25.91	26.51	23.92	28.39
Good teachers	6.01	5.3	4.87	8.35
Good school complex	0.81	0.24	0.97	1.04
Nothing	1.18	1.93	0.7	1.25
Others/ Don't know	3.97	3.13	3.89	4.8
Sample Size	1613	415	719	479
Child likes least about school (%)				
	Overall	Government	Private without 12(1)(c)	Private through 12(1)(c)
Teachers beating	6.14	7.23	5.98	5.43
Pupils beating	3.41	3.37	3.48	3.34
Being bored	4.77	3.86	5.42	4.59
Having to work hard	3.10	3.61	2.36	3.76
Too far from home	1.92	2.17	0.83	3.34
Dirty toilets	1.61	1.2	1.95	1.46
No safe drinking water	0.50	0.72	0.7	0
No playground	1.43	0	1.95	1.88
Poor teaching	1.98	2.17	1.81	2.09
No good school building	0.50	0.24	0.42	0.84
Nothing	63.05	65.3	62.45	62
Others/Don't know	11.59	10.12	12.66	11.27
Sample Size	1613	415	719	479

Extracurricular activities in school form a crucial aspect of a child's schooling experience. Table 17 captures the percentage of schools offering such activities as reported by parents of children studying in these schools, as well as the percentage of children participating in these activities (in schools that offer them).

More parents of children studying in schools through 12 (1) (c) reported these schools as organising extracurricular activities such as sports activities, cultural activities, and picnics compared to both, government and private schools without 12 (1) (c). However fewer children in schools through the provision participated in any of these activities compared to those studying in private schools without the provision. This possibly suggests some barriers which might prevent them from participating. It's a cause of concern and merits further exploration.

<b>Table 6.17: Sports, cultural and picnic activities in schools</b>				
School organises activities (%)				
	Overall	Government	Private without 12(1)(c)	Private through 12(1)(c)
Sports Activity	67.95	61.45	67.32	74.53
Cultural	59.14	50.12	57.44	69.52
Picnic	43.52	31.57	46.04	50.10
Sample Size	1613	415	719	479
Child participation in activities (%)				
Sports Activity	60.49	53.33	65.91	58.26
Sample Size	1096	255	484	357
Cultural	54.30	47.6	57.63	54.35
Sample Size	954	208	413	333
Picnic	36.47	32.83	38.97	35
Sample Size	703	131	331	240

What about parental involvement in schooling of their child? In Table 18 we capture interaction between school and parents - how comfortable parents are in approaching teachers, and participation in parent-teacher meetings, as well as whether the school sends notices to parents regarding the child or activities in school. As was shown in Table 5, not all parents in the sample are educated and some are not literate. We thus, also asked parents if they were able to understand notices sent by the school.

While relatively more parents reported receiving notices from schools where their child was admitted through 12(1) (c) compared to both, government and private schooling without the provision, relatively fewer reported feeling comfortable in approaching the teachers to discuss child-related issues. In schools where parent- teacher meetings

were held more parents of children studying in schools through 12 (1) (c) reported attended these meetings, compared to parents of those studying in government schools.

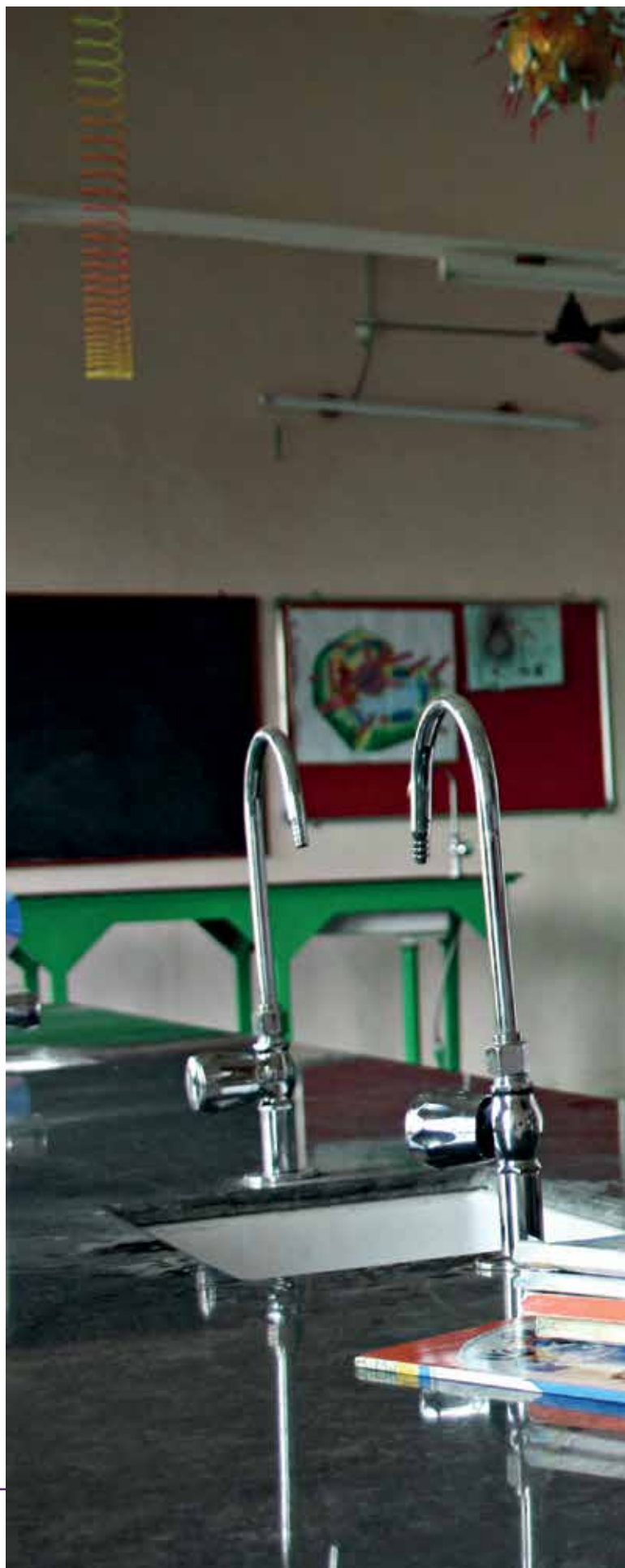
<b>Table 6.18: Parents experience at school: Parent Teacher Meetings, Receiving notices and Approaching Teachers</b>				
Parents' Schooling Experience (%)				
	Overall	Government	Private without 12(1)(c)	Private through 12(1)(c)
Parent is comfortable in approaching the teacher to discuss child- related issues	78.05	75.66	80.39	76.62
Receive notices from school regarding academic progress/ events	48.92	24.34	55.35	60.54
Sample Size	1613	415	719	479
If they do receive notices, are they able to understand the notices	96.70	95.05	97.49	96.21
Sample Size	789	101	398	290
Parent- Teacher meetings are held in school	59.33	62.42	57.44	59.50
Sample Size	1613	415	719	479
If PTMs are held, did parent/ member of household attend most PTA meetings	79.00	73.75	80.15	82.11
Did parent find out about a parent- teacher meeting they were not invited to	2.61	4.25	1.69	2.46
Sample Size	957	259	413	285



## CONCLUSION

Section 12(1) (c) is a key provision of the RTE and yet systematic evidence on its implementation is scarce. This study is an attempt to fill that gap.

We find 92% of those who had information about the policy applied. This indicates that creating awareness about the policy is important in increasing the number of applicants. Our findings suggest that relatively advantaged households have a higher probability to both applying and being allotted a seat via the mandate. Despite being “free” applicants report to incurring financial costs during the application process- while procuring application forms, while procuring documents, or while travelling to collect and submit their forms. These costs of transaction might also prevent some from applying. This indicates that there are potential barriers- direct or indirect costs, and information complexity- which prevents the more disadvantaged households from applying and receiving allotments. If true, simply providing people with information about the policy may not be sufficient but rather more detailed, specific information pertaining to the application process, simplification of this process, and more hands-on assistance would be required during the process to increase the number of applicants who are ultimately allotted seats. These potential barriers should be addressed in the new online application process.





# CHAPTER 7:

## ACCOUNTS OF ONLINE IMPLEMENTATION: RAIPUR AND LUCKNOW

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This chapter describes the maiden attempts of implementing RTE 12(1)(c) applications and admissions through online portals in Raipur (Chhattisgarh) and Lucknow (Uttar Pradesh). The description is based on the Indus Action's field-work in these cities.

### INTRODUCTION

Indus Action, a not-for-profit organization was founded in year 2013 in New Delhi with a mission 'to facilitate enrollment campaigns that empower choice for inclusion seats and school education programs that mobilize community ownership'. Currently, Indus Action is working in six cities viz. Delhi, Raipur, Bangalore, Lucknow, Pune, and Chennai. We work in the areas of online MIS system development, increasing awareness among eligible families, helping parents fill applications, performing online lottery, building tracking modules for children admitted under RTE 12(1)(c), and helping build capacity for government officials. In this chapter, we report on the implementation process followed in the cities of Raipur and Lucknow, our experiences and perceptions from working in them.

The RTE 12(1)(c) admission cycle follows four stages in general: identification of school vacancies, applications from candidates, match of eligible applications with vacancies through a fair and unbiased process (lottery), and finally, admission into the school. We revisit various aspects of these stages as observed in the two capital cities.

### RAIPUR

The online application system has been initiated for the academic year 2017-18. This is a pilot implementation restricted to Raipur district, and is expected to inform the decisions on digitisation of RTE 12(1)(c) admissions across the State of Chhattisgarh.

### Administration

The regulation and control of offline admissions until academic year (AY) 2016-17 lay with 'nodal school principals' (NSP) in the district. The NSPs are Principals posted in designated government higher secondary schools,

who are assigned the additional duty of administering 12(1)(c) admissions in unaided schools in their vicinity. With digitisation, the procedures have been shifted online to a centralised system. Nonetheless, the NSPs still work as the local authority and primary contact for coordination of online application and admission process. The District Administration (administered by District Magistrate and routed through District Education Office) is responsible for the design and implementation of the online portal, which had been facilitated by representatives of Indus Action in Raipur for AY 2017-18.

### Identification of vacancies

Every unaided school is required to submit a school information sheet to the local NSP. This sheet primarily includes number of 12(1)(c) vacancies, and details about the school's neighbourhood. By defining locality, sublocality, and sub-sublocality, the school defines its own neighbourhood from the nearest to the farthest area within 1km. The NSP is supposed to verify this information, for uploading it to the online database.

**Table 7.1: Neighbourhood data submitted by school (Raipur)**

	Locality	Sub-locality	Sub-Sub-locality
Urban	Ward Number	Ward Name	Area/ Mohalla Name
Rural	Gram Panchayat	Revenue Village	Area/Mohalla Name

### Application

For the 2017-18 admissions, the District Administration publicized the details of online applications through its website, newspaper advertisements, and pamphlets made available at NSP offices. The information was made



public about twenty days prior to the start-date of online applications. Additionally, a telephonic helpline was opened to address applicant queries. Despite these efforts, it was found that many parents were unaware of the application dates, and could not obtain the necessary information, when they visited nearby unaided schools.

Till 2016-17, parents could approach the local NSP, and submit their application for unaided schools offline. They were required to submit a separate form for each school. For 2017-18, the application could be submitted only through online mode using a single form for multiple schools. In this form, they could submit at least one and maximum five preferences based on their priority for schools within their locality, sub-locality, and sub-sub-locality. The online application window was open between 20 February and 10 March, 2017. Many parents expressed the need to extend this period. Nevertheless, there was an increase in the number of registered vacancies and corresponding applications, as shown in Table 7.2.

**Table 7.2: Applications under RTE 12(1)(c) in Raipur**

	AY 2016-17 (Offline)	AY 2017-18 (Online)
Vacancies	5500	9566
Schools	780	822
Applications received	3600	8959

The rise in the number of vacancies and applications can also be attributed to a change in the entry-level. In 2016-17, the entry-level for admissions under RTE 12(1)(c) was grade 1 and pre-primary (nursery) classes. In 2017-18, it was expanded to all fresh admissions at nursery, kindergarten 1, kindergarten 2, and grade 1 classes. The eligible categories included people from disadvantaged categories (SC/ ST irrespective of income limit, and other categories) or low income backgrounds with annual income less than 1 lakh rupees. The age criteria were defined as follows: Nursery (2.5-3.5 years); kindergarten 1 (3.5-4.5 years), kindergarten 2 (4.5-5.5 years) and grade 1 (5.5-6 years). This age was determined as of 31 January, 2017.

For submitting the online application, parents could approach a local application centre. There are approximately 150 government high schools with functional ICT programs in Raipur district. Out of them, 82 schools were assigned the duty of accepting online applications. Parents could visit these schools and submit the form. Alternatively, they could visit application centres run by Indus Action, a cyber café or, submit the form on their own. The onus of entering correct details for the necessary documents lied with the operators or parents filling up the application form. After successfully submitting the application, the centre could provide a receipt mentioning name, registered mobile

number (essential for making an application), application ID, and password. This receipt could be used to track the application further.

### Allotment

Eligible applications could be matched with corresponding vacancies using the lottery algorithm as follows:

1. All applications and vacancies corresponding to nursery class are selected.
2. The list of schools and applications is randomly sorted.
3. The first school is selected in the randomly sorted list
4. Every application to the school is scanned, and allotted against vacancy, if the school is indicated as its first preference. In the randomly sorted list of applications, this allotment is on a first-come-first-serve basis.
5. Step 3 and 4 are repeated for all the schools in the list (obtained in step 2).
6. Step 3 and 4 are repeated for all the schools in the list (obtained in step 2), wherein the school is indicated as second/ third/ latter preference.
7. Step 1 to 6 are repeated for kindergarten 1, kindergarten 2, and grade 1 classes, until no preference is left unattended.

### Admission

Post lottery, an SMS is sent to the registered mobile number with details of the allotted school. When there is no allotment, the SMS states the same. A printout of the list of students selected school-wise is sent to the unaided schools, and their corresponding NSP.

The applicants are required to report to the allotted schools within a stipulated period of seven days. They must submit original certificates for admission, including birth certificate of child, identity proof of parents/ guardians, address proof, and income proof (BPL Card or Income Certificate issued by Tehsildar) /caste proof (SC/ST certificates issued by Tehsildar) for parents/ guardians. The validity of documents is verified by school authorities.

### Challenges in Raipur:

1. Many applications had to be deleted, and refilled again, since the internet cafes provided wrong information while filling up the forms.
2. It was found that café operators, school administrators, and government officials needed training and orientation for using computer-based portals.

3. There was no clear information regarding localities for mapping of schools.
4. Enrollment confirmation was not provided by schools on time leading to duplication in lottery results in subsequent rounds.
5. Short timelines for implementation resulted in a more firefighting approach rather than a structured system for the pilot implementation.
6. Short timelines also affected the overall number of applications for the admission cycle.

### Areas of Development

1. "Income Targeting needs to be improved as current process for procuring certificates has high potential for leakage." - Parent
2. "GPS Mapping for school locations could have potentially reduced the errors in school mapping." - Parent
3. "The timeline for accepting applications should have been more. We were not aware regarding the exact dates, since the school did not tell us about it" - Parent
4. "The IT operator at the government high school, did not tell us about the availability of schools in nearby areas, and allotted us a school far away from our neighbourhood." - Parent

### LUCKNOW

There are approximately six lakh vacancies for admissions under RTE 12(1)(c) in unaided schools in Uttar Pradesh. In the last two years, approximately twenty-thousand vacancies were filled. For 2017-18, the Government of Uttar Pradesh digitised the application process by collaborating with various NGOs such as Bharat Abhyudaya Foundation, Indus Action, and the State Collective for Right to Education.

### Administration

The Department of Education, Government of Uttar Pradesh circulated the RTE rules documentation - including the rules of online portal - to all the district BSA (Basic Shiksha Adhikari) offices. It included details such as responsibilities of different officials, rules, and criteria of admission. The BSAs were trained on various aspects of the implementation procedure by the government, which was attended by about 28 BSAs. The BSA served as local contact for RTE 12(1)(c) admissions in their neighbourhood. The NIC (National Informatics Centre) was responsible for building up the online portal with data obtained from DISE.

### Identification of Vacancies

The following are key rules and procedures mentioned by the Uttar Pradesh government for admissions, and for identifying the schools under which students can apply:

- DISE data will be used for school related data.
- The SSA will provide funds to support RTE section 12(1)(c).
- The BSA will take care of information related to schools and its correction.
- Neighborhood is defined as all area within a 1km radius (using GPS).

Extracting data from DISE, about 80,000 schools were added to the newly developed online portal. The responsibility for correcting this data lay with the BSA officers.

### Application

The information related to RTE 12(1)(c) application process including the eligibility criteria and form submission dates was disseminated through pamphlets, posters, advertisements in local newspapers, radio, and involvement of some Anganwadi, Lokwani, and Community health centres. It was publicised fifteen days prior to the official start date of the online portal. Volunteers and district representatives were hired by the NGOs and trained for increasing awareness related to the online portal and the RTE Act amongst the parents.

**Table 7.3: Entry-age for admission in Uttar Pradesh**

Date as of	Age of child	Admitting grade
1 April, 2017	< 6 years	Pre-primary
1 April, 2017	> 6 years but < 7 years	1st grade

**Table 7.4: Application Timelines and Lottery rounds in Uttar Pradesh**

Phase	Submission date	Lottery date	School Admission date
1st Phase	25 Feb to 15 Mar	25 March	Till 1 April
2nd Phase	16 Mar to 15 Apr	25 April	Till 1 May
3rd Phase	16 Apr to 10 May	15 May	Till 18 May
4th Phase*	11 May to 15 Jun	25 June	Till 1 July



The application process followed the timeline shown in Table 4. In this process,

- Parents had the option to fill forms manually and submit them to the BSA office. It was the responsibility of the BSA to upload them online.
- To avoid duplication in applications, NIC developed a unique id for each child, based on child’s father name, date of birth, and mobile number. In case of duplication, the online portal selected the latest application.
- In case of non-allotment during the first lottery phase, a fresh application could be submitted for second lottery following the same process.

### Allotment and Admission

For the year 2017-18, 30,754 allotments were made. The results of online lottery were released on the website, and on various district BSA offices. Parents could visit the BSA offices, where BSAs issued a letter of allotment. Children were offered admission into the respective schools after giving allotment letter to the schools. However, some schools continued denying the admission to eligible children under RTE 12(1)(c).

After providing admission to the lottery winners, the school was required to enter the name of child on the online portal under its login. If the school rejected the admission for any reason, then the same had to be mentioned on the portal. The process began with parents approaching the schools for admission, when this report was documented.

The following were the criteria for the admission process:

- Age of child as of 1 of April, 2017 should be between 3 and 7 years (Table 7.3).
- Beneficiaries: SC/ST, Disabled, Widow living on pension (if not receiving pension, then she has to submit an income certificate), orphan child, or BPL (defined in UP for annual income less than Rs 1,00,000 and other conditions).
- Selection of school should be in the radius of 1km
- Required documents –

Unaffordable Group(Alabhit Samooh)- SC/ST/Disabled/ Widow Pension/Orphan/ vulnerable child	EWS- Annual Income less than 1 lakh or BPL card or Name in BPL list
Address proof(Any One)- Adhar card, voter card, Ration Card, Driving license, Bank Passbook	Address proof(Any One)- Adhar card, voter card, Ration Card, Driving license, Bank Passbook

Caste Certificate/ Pension Passbook/Disability Certificate	Annual Income Certificate or BPL Card
Child Birth Certificate	Child Birth Certificate

- Parents were required to submit their certificates online (by scanning), or manually submit the copies at the BSA office. The documents submitted at the BSA Office were scanned and uploaded to the application.

### Learnings/ problems faced

#### Challenges in Lucknow:

- Migrant workers don’t have proof of address of their current residence and hence their children are not eligible to apply for seats
- Online portal is supported only by Firefox and Chrome browsers.
- Parents from rural areas are unable to locate their neighborhood schools in the portal. Most of the schools currently on the portal are Nagar Nigam schools. Even manual form submissions are not helping in these cases, as BSAs do not know how to enter the information online without the schools being listed.
- Last year, elite private schools resisted giving admission to a lot of children. It is yet to be seen how things will pan out this year.
- Only the tuition fees will be borne by the government and there is no clarity on the rest of the expenses like uniforms, books etc.
- Errors in DISE have led to missing information of some schools. A feature in the portal meant to take in parent submissions of missing schools, does not work as of now.
- The introduction of MIS this year has meant that parents have to be proficient in using computer with internet. This is leading them to seek help from outside like internet cafes.
- Some district BSA offices are not accepting offline forms, and are instead asking parents to fill online. This is possibly due to some miscommunication.
- There is no functional grievance system in place.

#### Issues to be Addressed for Better Implementation:

- The admission system needs to be transparent- online as well as accessible with records offline.
- The information regarding admission procedure should be easily accessible to parents. There needs to be a simplified checklist for documents.

- The private schools need to receive full and timely reimbursements.
- Special admission preparedness drives need to be conducted for parents before the admission cycle begins.
- Proper capacity building activities need to be conducted for all the government stakeholders related to implementation of RTE.
- There is a need for an alternative platform like mobile friendly app to make filling of application easy.
- A functional grievance system is required, which will support parents throughout the application process.

#### CONCLUSION:

Online platforms to admit students under the purview of RTE Sec 12(1)(c) were implemented for the first time in Raipur, and Lucknow. This initiative was taken to help inculcate more transparency in the system, and to reduce the burden of all stakeholders in the system with the help of a technology platform. Implementation was not smooth, and a lot of challenges were faced across various domains during this process. However, the general consensus seems to be that a step in the right direction has been taken.. We also hope that with feedback from all stakeholders after the pilot implementation, the process shall be smoother with incorporation of more efficiency and transparency in the process.



# CHAPTER 8:

## LOTTERY LOGIC IN THE FOUR STATES

*Shrikant Wad, Ambrish Dongre, Ankur Sarin*

In this chapter, we discuss systems and processes used for allocating eligible children to unaided schools under RTE Section 12(1)(c). In particular, we describe and study in detail, the allocation process in four States: Maharashtra, Karnataka, Madhya Pradesh, and Rajasthan. We discuss the implications of these systems on the implementation of the mandate, and suggest how these can be improved.

### INTRODUCTION

Despite clearing all the application hurdles, it is possible that a child is not admitted to the desired unaided school through RTE 12(1)(c) provisions. This uncertainty is led by limited availability of seats per school compared to the number of applicants. Often, certain preferred schools attract more applicants than others. Alternatively, there are some schools which receive lesser or no interest from the prospective students. As the admissions are typically run centrally, the relevant education departments face a challenge of maintaining fairness throughout the process. To resolve the puzzle of matching high number of applicants against limited number of seats in unaided schools, several states rely on computerised randomisation techniques, an “RTE lottery”.

The “lottery” - a computerised programme typically run for a few hours on a network server, carries high administrative and political significance<sup>33</sup>. Not only is the lottery process crucial for deciding the allotments, they are also important symbols of fairness and transparency. Recognizing their importance, in Madhya Pradesh and Rajasthan, officials at the level of secretary or minister are often invited for the inauguration of lottery. In Maharashtra, the lottery is officially initiated at a well-known school or auditorium. It is attended by high-level government officials, and involves participation of parents in the process. In all the four States, lottery dates are publicly announced, the results are announced in the presence of high level officials, with the process attracting high media attention.

Underlying these highly significant events are the algorithms, which allot schools to the eligible children.

Through subsequent sections, we try explaining their logical flow as followed in four States: Maharashtra, Karnataka, Madhya Pradesh, and Rajasthan; the design principles, and various techniques used in these States. All the selected States have had at least a year’s experience of implementing RTE 12(1)(c) online, cover large geographical regions with rural as well as urban habitation, and have reported substantial number of enrolments in the past years<sup>34</sup>. They rely on a team of in-house programmers or NIC (National Informatics Centre) division for designing and running their online admission systems.

### DATA COLLECTION

The information presented in this chapter is based on structured interviews of selected government officials from the four States. The programmers of the online portal and respective coordinators at the Department of Education/ National Informatics Centre offices in Mumbai, Pune, Bhopal, Jaipur, and Bangalore have been interviewed in November 2016 for the same.

### DESIGN PRINCIPLES FOR ALLOCATION SYSTEM

Discussions with those involved in the design of the allocation process suggest that all systems have the following principles underlying their design.

1. Every vacancy in schools registered for RTE 12(1)(c) admissions should be considered for seat allotment.
2. Every eligible application should be considered for the seat allotment.
3. A successful application should have at least one seat allotted.

[33] The online portals are being used in Maharashtra, Madhya Pradesh, Karnataka, Delhi, and Rajasthan. The other States including Chhattisgarh, Gujarat, Tamil Nadu, and Uttar Pradesh have started adopting the online systems partially or fully.

[34] See State of the Nation: RTE Section 12(1)(c) report published in 2015 and 2016



4. The match between the school vacancy and applicant should be ideally based on applicant's indication of preferences.
5. While deciding between two potential matches, higher priority should be given to a match with a school in candidate's closest neighbourhood, subject to the candidate's eligibility category.

These five objectives can be considered as the foundation of lottery logic in all the four systems discussed further. The distinction amongst the specific designs is a function of State-level RTE rules as well as the indigenous randomisation techniques employed by the computer programmers. We describe these next.

## ALLOTMENT ALGORITHMS

### Maharashtra

Amongst the four systems, Maharashtra offers arguably the most complex and multi-stage algorithm. Maharashtra is also the only one that has publicly declared the step-by-step internal logic, and enabled people's participation in the randomisation procedure. The entire algorithm and rules governing the same are disclosed on the RTE 12(1)(c) admission website of Maharashtra State<sup>35</sup>.

The lottery is conducted at the **district level**, and students can initially be allotted to multiple seats. The District Education Officer (DEO), in consultation with the State RTE Coordinator in Pune, finalises a date for lottery. On this day, departmental officials, school representatives, and applicants are invited to attend the lottery event in a public place (an auditorium or a well-known school). The result of the lottery is conveyed through the website; applicants receive an SMS in English asking them to check the website and print their allotment letter. The allocation procedure is as follows.

#### Lottery procedure

1. The number of applications received by the most preferred school is recorded, and the schools are sorted based on number of preferences indicated. If the total number of seats in a school is greater than the number of children preferring it, then all the preferences are converted into allotments. If the seats are not fully exhausted, they remain vacant for the lack of applicants. Also, such school (and not the candidates) is automatically excluded from further allotments.

2. For the schools that have more applicants than their available seats, an allotment algorithm is followed<sup>36</sup>. A parent or a person from the audience is invited to stage to pick-up number chits from bowls. These numbers form a random combination of digits to be used in the lottery. The algorithm is as follows.
  - a. Consider all applicants and their preferred schools that are within 1km radius of the applicant's address<sup>37</sup>.
  - b. Arrange the schools in descending order on the basis of number of applications received.
  - c. For each school, make a list of applicants who have indicated it as a preferred school. Here, the same applicant can be a part of multiple lists, depending on how many schools they have expressed an interest in (and applicants are not removed from other lists, even if they have been successful in any one of them).
  - d. Arrange the list of applicants per school according to their application form number.
  - e. Order these applicants further using the random combination of digits obtained through the number chits. The application form numbers are matched with the digits one-by-one, and in combination. When there is a match, the application is moved up in the list.
  - f. Allot the vacant seats in the first school (most preferred) to all the applicants in this randomised list from start to end- one by one, until the vacancy is full, or all applicants have been allotted a seat.
  - g. Move to the next school, and continue until all the schools have been considered.
3. Repeat steps 'a' to 'g' for all the applicants, and their preferred schools that are within 2-3km distance.

As it is evident from the lottery logic, one applicant may receive multiple allotments. That is, an applicant with 3 preferences may get allotted to all the three schools or even none of them. The candidates have to choose one from the allotted schools, and approach the corresponding / relevant school office within a specified period. They need to carry their allotment letter and certificates to confirm their identity, address, and eligibility, which are verified at the school. Seats that are left vacant after the first round of the lottery are considered in the second round.

[35] The information presented here is based on the response from government officials and the public declaration of lottery logic as found here: [https://student.maharashtra.gov.in/adm\\_portal/app/webroot/uploads/LotteryLogic.pdf](https://student.maharashtra.gov.in/adm_portal/app/webroot/uploads/LotteryLogic.pdf) (Last accessed 19 March 2017)

[36] See Annexure 1 for Maharashtra lottery logic in detail with example.

[37] While submitting the application form in Maharashtra, candidates indicate their preferences for schools within 1km and those within 2-3km separately.

## Madhya Pradesh

Unlike the system in Maharashtra, only one seat is allotted per successful applicant in Madhya Pradesh. The randomisation is entirely computer-based. The lottery is conducted at the State-level, in a public event organised in Bhopal. It is inaugurated by an official of the level of secretary or minister, who presses a key on computer to initiate the lottery. Parents, government officials, and school representatives are invited to attend the event.

Before commencing the lottery, all applications are verified for eligibility. Ineligible applicants, candidates with multiple applications, and any data incorrectly entered as application are filtered out of the lottery. Their status is updated on the RTE 12(1)(c) portal along with the reasons for discarding them in addition to being informed about it via SMS sent to their registered mobile number.

The lottery in Madhya Pradesh provides applicant-led allotments, unlike the school-vacancy led allotments in Maharashtra<sup>38</sup>. Also, only one school is allotted per successful applicant due to two features. Every applicant is required to indicate desired schools for admission in order of descending preferences. The allotment is made per candidate, one at a time. Secondly, every school is made part of the randomised allotment irrespective of the number of applications received for the school. Implying, if a school has received less applications than the available seats, it is still possible that the seats will remain vacant because of applicant's preferences to other schools.

The lottery is governed by a principle that 'allotment should be made, when entry and neighbourhood criteria match high preference' and the process<sup>39</sup> is as follows.

1. Filter applicant records and select all the eligible applications, in terms of their eligibility and age, and with no reference to the distance of preferred schools to applicant's address at this stage.
2. Every application will have 3 to 10 school preferences in order. The birth date of the applicant is matched with the school's entry-age criterion. Every school will have intake and entry criterion (age) to match. The entry criterion is automatically obtained; it is based on entry class (grade 1 or pre-primary) and the school board (CBSE or State Board).
3. Randomly sort the list of applicants and schools.

4. Pick the first applicant from the randomly sorted list. Find if its first preference corresponds to a school in its own village or ward. If there is an exact match and the school has vacancy, allot the school seat. Close the application for further allotment. If there is no match, consider the application again later.
5. Search through subsequent applicant records similarly to match the top preference with a school in the same village/ ward. After all the applicants having their first preference within the same village/ ward have been allotted, conduct the same exercise with the next preference.
6. Now, search for preferences for the schools in the neighbouring ward/ village. Here, the neighbouring ward/ village is predefined<sup>40</sup>.
7. Continue doing the match until the school vacancy is null or there is no preference left, whichever is earlier.

## Karnataka

The algorithm utilises category-wise prioritisation of candidates prescribed in the Karnataka RTE rules<sup>41</sup>. The lottery is preceded by a number of filtration tests, which remove duplicate and ineligible applicants. According to a respondent from the department, about one lakh applications were discarded last year. Post filtration, the randomisation is followed on eligible and valid applications.

The lottery is broadly a stratified random allotment of preferences. The allotment happens in groups. Post randomisation, all applicants from the first special set of categories (orphans, HIV, transgender etc.) are picked. After all of them are allotted seats, then the second set (SC, ST) is picked. In the first round, allotment for SC and ST applicants is limited to 7.5% and 1.5% seats per school reserved for them respectively. These seats are never allotted to other categories. In the second round, SC and ST candidates are considered for SC-ST seats as well as other 16% seats. The third set of OBC, WS (weaker section), and other categories is picked at the end. This internal division is applied only when 1.5% of the total number of seats in a school is at least one<sup>42</sup>.

[38] Here, an applicant-led allotment means that the lottery moves from one applicant to another, filling-up school vacancies. In Maharashtra, the school vacancy-led allotment moves from one school vacancy to another, while considering applicants for it.

[39] There is a subtle difference caused by this principle. If two preferences are near-equal, then the probability of getting a similarly-preferred school is reduced, when it is placed below the other.

[40] The geographical boundary of every school and its neighbourhood is predefined. The rural (village) or urban (ward) sections are pre-identified with their neighbouring sections. For a village, only neighbouring villages are considered in neighbourhood. Whereas, a ward is identified with its neighbouring wards as well as villages, if any.

[41] The lottery event in Karnataka appears not to be as widely publicised or attended as an event by various stakeholders as in the other three States.

[42] That is, the internal division of seats per school is possible, only when the smallest quota (ST 1.5%) can have at least one seat separated out. If 1.5% of seats is less than one, then it is impossible to divide them amongst the quotas. However, most of the schools will have enough seats (> 67 at entry level) to make the internal division possible.



All participating applications are given a random rank by the system within their categories. This rank determines the order in which applications will be considered for allotment. They are allotted seats according to their preference, considering one application at a time. It works as follows. Suppose, applicant X has three preferences A, B, and C. Then, the system will check if seats are available in A. It will allot or move to B, and then C. Only one seat will be allotted per applicant. After X, the system will move to the X+1th applicant. Here, X, X+1... X+N are random ranks given in the beginning.

The random rank determines the allotment on first come first serve basis. Suppose, applicant X has 5th preference for School A (and its first four preferences are unavailable), while applicant X+1 has 1st preference for the same. Also, let us assume that School A has only one seat that can be claimed by X or X+1. In this case, applicant X will get the seat, because it is considered before X+1, despite X+1 having a higher preference for School A.

Thus, the lottery moves in three phases in order. It follows a random allotment process considering one applicant at a time. The results are conveyed on the application website, and via SMS in English sent to applicant's registered mobile number. The same lottery process is followed for two rounds, except for SC-ST applicants whose claim for seats expands after the first round. The first round takes place in March or April. The second round is conducted for applicants, who did not get any allotment in the first one. If an applicant does not take admission, or is rejected by the school for late reporting, or insufficiency of valid documents, then the corresponding seat is opened for further rounds.

All allotments in lottery, as they are subject to preferences limited to the same village/ ward, are for the schools located within the same village or ward as that of the applicant. The scope of allotments is proposed to expand from next year (2017-18). All neighbouring wards will be numbered serially (1, 2, 3...). If a candidate has said 'yes' to allotment beyond the same village or ward, s/he will be eligible to get a seat in any school in any neighbouring ward. This will be randomly determined by the online system. No preference will be asked from the candidate in this regard.

The third round of lottery happens offline. Based on a response from an official involved with the RTE in Bangalore, 'very few' applicants, 'about hundred' get admission in the third round. It is conducted offline because the online system cannot track rejected or not-approached applicants precisely, and that the online data might be erroneous. Although offline, it requires a prior online application. All applicants who have submitted online application form, and fulfil one of the following three conditions may participate in this round: 1) they were

allotted a school, but failed to approach it in given time; 2) their application was rejected by the system; 3) they received no allotment despite submitting a complete application. To participate, the applicants need to approach local District Collector or an appointed authority with a requisition letter. At the local authority's discretion, they may be allotted a seat in nearby school. This process does not always involve a random lottery, but negotiations with BEOs and respective authorities. According to a few respondents, some schools utilise the 3rd round for confirming 12(1)(c) admissions from local candidates. For example, certain school prefers candidates with physical disabilities and gathers suitable children from nearby households in the third round.

As it may be observed, the Karnataka lottery system also follows applicant-led logic. However, it reduces the significance of school preferences, by considering one candidate at a time. Also, it restricts SC-ST candidates from claiming other seats, until the first round is over. The lottery logic has a clear priority for children from the vulnerable groups such as HIV infected or orphans. Also, it may be noted that the allotment is randomised irrespective of whether the number of applications exceed the number of seats in the school, unlike in Maharashtra.

## Rajasthan

Amongst the four lottery systems discussed in this chapter, the Rajasthan lottery system is arguably the oldest system of all. While Maharashtra also began the RTE 12(1)(c) admissions through online systems, the implementation was restricted to Mumbai and Pune only. Rajasthan has been running the RTE 12(1)(c) admissions throughout the State since 2012 (offline, and online 2014 onwards). This significance and uniqueness of Rajasthan is reflected in the procedures followed for design and implementation of the lottery. It is a public event, wherein the Chief Minister along with other Ministers and Government officials are invited. They publicly initiate the lottery on a computer designated by NIC Staff. The NIC Staff is housed within the education department, which coordinates these activities along with the department of education officials. The lottery concludes within an hour or slightly longer; its results are sent via SMS to candidates like that in other States.

Contrary to the idea of allotment used in the other three States, the lottery in Rajasthan does not determine any final allotment, but the priority with which an applicant's particular preference may be considered for admission. It works as follows<sup>43</sup>.

1. All applications are randomly sorted and allocated a random rank.

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[43] See Annexure 1 for Rajasthan lottery logic in detail with example. We thank Mr. Vinod Jain for his note, which helped in writing these sections.

2. The ascending order of ranks determines the sequence with which applications are considered further.
3. Each application is opened, and its preferences are separated into two groups.
  - a. The first group contains all the preferences by all the eligible applicants, except those referring to the schools located outside the applicant's own ward or village.
  - b. The second group contains the preferences not included in the first group, i.e., those referring to the schools located outside applicant's own ward of village.
4. All the preferences within a group are randomly sorted, and given a school-wise priority number in order.

A priority number is allotted to every preference indicated by an applicant, so long as the applicant record satisfies the age entry criterion (determined at the State level, can be modified by the school in their profile keeping the age range within specified limits). The preferences in the first group

are allotted priority numbers first. For each preference, if it is the first instance for the preferred school, the priority number allotted is one. That is, the first randomly selected applicant-preference from the first group will have the top priority number. As long as it figures in the preference list of at least one applicant, every school will have one top priority applicant, and others allotted serially thereafter. After all the first group preferences of all the applicants are allotted a priority number, the same process is followed for their second group preferences. A particular applicant may have a priority number 1 for more than one school, depending on whether earlier applicants had indicated that school as their preference.

## DISCUSSION

The four different algorithms used for RTE 12(1)(c) admission in Maharashtra, Rajasthan, Madhya Pradesh, and Karnataka represent different allocation techniques. We briefly discuss the similarities amongst different lottery systems, features that distinguish them from each-other, and possible merits or limitations of the processes.

**Table 8.1: Similarities and Differences amongst the four lottery designs**

RTE Lottery Features	Maharashtra	Madhya Pradesh	Rajasthan	Karnataka
Public Disclosure	Lottery logic along with prioritisation is communicated through website.	Prioritisation with respect to neighbourhood (i.e. likelihood of receiving allotment within the same ward/village) is communicated through website.	Prioritisation with respect to neighbourhood is communicated through website.	Prioritisation with respect to neighbourhood (category-wise prioritisation mentioned in the rules) is communicated through website.
Randomisation sequence	School-vacancy-led, i.e. moves from one school to another	Application-led (all top preferences at a time)	Application-led (Applicant-school preference combinations)	Application-led (One application at a time)
Allotment per applicant	Multiple and confirmed	Single and confirmed	Multiple and tentative	Single and confirmed
Preferences	All preferences are equal, no order	Ordered	All preferences are equal, no order	Ordered
Lottery as randomised allotment of seats	Randomisation only for schools with seats < applications	All allocations randomised	All allocations randomised	All allocations randomised
Basis of prioritisation between two allotments	Neighbourhood	Neighbourhood	Neighbourhood	Neighbourhood and applicant category
Randomisation procedure	Manual and computer-based combination	Entirely computer-based	Entirely computer-based	Entirely computer-based
Allotment with respect to ordered preferences	Not applicable	All top preferences first	Not applicable	Follows preferences per applicant, one at a time
Format of result	List of all confirmed schools	Name of allotted school	Priority number for each preference submitted	Name of allotted school

**The sequential allotment in Karnataka creates a significant disadvantage in the system.** It considers one applicant at a time from top to the lowest preference, ignoring the higher preferences of other applicants. As discussed earlier, this system might render a large number of allotments that are not highly preferred by the parents. Also, the Karnataka lottery allots a school outside of the candidate's preferences, if no match is found for the child. This allotment might go wasted, since parents might not take admission into such school. Implying, the data on allotment and admission in Karnataka is likely to mislead the analyses, rendering a large number of rejected allotments.

**The Karnataka lottery makes an explicit use of inclusiveness criterion,** as articulated in the Karnataka RTE rules. It separates out candidates from special categories, and allots them seats before anyone else. This is a guaranteed provision for children from vulnerable groups. Also, since the categories are merely attributes of the applicant records, it is possible to include new categories, exclude existing ones, or rearrange their sequence without major changes in the lottery design.

**The algorithm in Madhya Pradesh focuses on order of preferences,** although it also allots only one school at the end. All the top preferences and neighbourhood criteria are considered first. This increases the likelihood of securing admission in a nearby school, if it has been indicated as a top preference. The high predictability might add convenience in decision making for the applicants.

**Applicants in Maharashtra and Rajasthan get more time to decide** on their school preferences. Both in Madhya Pradesh and Karnataka, parents are asked to articulate their choices before submitting the application. That is, in the month of January or during the application season, parents are supposed to collect information about various schools in their neighbourhood and arrange their preferences in strict order. This scenario is avoided in Maharashtra and Rajasthan. In Maharashtra, parents can visit all the allotted schools with certainty of admission in any of them. Similarly, the Rajasthan lottery can enable parents to consider multiple schools based on their priority numbers.

**In Maharashtra, multiple seats can be blocked for one candidate** after the first round. Nonetheless, as the logic traces school vacancies, there are distinct benefits for the schools as well as parents. As the schools with applications less than the number of seats are pre-filled, an assured list of candidates is made available. This enables applicants to have a backup option, if they fail to get a seat in a highly-preferred school. Also, the schools are made aware of the candidates, who are considering admission there, irrespective of the final conversion. They can contact the candidates independently, and persuade them to join

the school. Also, the Maharashtra system needs multiple rounds, since new vacancies are created after the candidates choose one out of the many allotments.

**The lottery in Rajasthan accommodates multiple preferences without blocking seats,** unlike in Maharashtra. Parents can apply to a school through offline as well as online mode. Post allotment, they know about the certainty of admission in school (for which they have a priority number of one), as well as the probability of securing others. Also, if the priority number for a school is less than its vacancy, then the admission is as certain as that for priority number 1. Thus, parents can experiment with their choices post allotment. Moreover, this allotment does not block multiple vacancies as in Maharashtra. If a candidate does not take admission through an allotment in the first round in Rajasthan in the stipulated time period- usually one or two weeks post result, the seat is instantly available to another candidate with a priority number.

## SUGGESTIONS

Based on the descriptive analysis presented in this chapter, we believe that elements of the the Rajasthan lottery system, with modifications drawn from othe States, hold the promise of being a comprehensive, robust, and applicant-friendly algorithm. Data on outcomes at various stages in the computer programme (such as list of applicants filtered out before the lottery with reason, list of applicants allotted within the same ward/village etc.), school vacancies, and conversion of allotments to admissions post each lottery round would help researchers assess their efficacy of various designs, and we hope governments would share these publicly.

1. Accept offline applications and merge them with online applications
  - a. The Rajasthan lottery system is robust since it accommodates offline as well as online applications into one logical flow. Also, it does not burden applicants for making ordered choices beforehand.
2. Give multiple chances, not allotments
  - a. The priority number system in Rajasthan does not result in multiple confirmed allotments like in Maharashtra. It renders specific numbers, which are signs of the best possible choices parents can make post lottery. While doing so, the lottery already incorporates the conditions for neighbourhood.
3. Indicate the probability of converting the allotment to admission
  - a. The lottery result can indicate priority number along with school vacancy for each school. For example, a priority number 10 holds the same probability as



that of priority number 1, if the school's vacancy is less than or equal to 10. We suggest that this be explicitly communicated to the candidates.

4. Relook at provision of allotments outside the preferences
  - a. States like Karnataka allow applicants to indicate their consent in being allotted a school outside those

indicated in the preferences. Although this might increase the flexibility in the allotment process, the complete opening up of possible allotments implies that there is a risk of allotting schools that parents are not at all interested in. After such allotments, they may lose any chance for further rounds.



# CHAPTER 9: LEGAL DEVELOPMENTS

*Shruti Ambast and Akriti Gaur*<sup>44</sup>

Section 12(1)(c) of the RTE Act has been at the centre of a significant amount of litigation since the Act came into force. The judgments issued by the Supreme Court and various High Courts delineate and clarify various aspects of the provision such as applicability to different types of schools, applicability to pre-primary classes, eligibility criteria, scope of school choice, and validity of admission procedures. This chapter provides an overview of legal developments on Section 12(1)(c) and attendant issues, focussing on important cases which have been contested in the year 2016-2017 (January 2016 to June 2017).

## INTRODUCTION

Section 12(1)(c) of the RTE Act places an obligation upon non-minority unaided private schools and special category government schools to reserve 25% seats in their entry level classes for children belonging to economically weaker sections (EWS) and disadvantaged groups (DG). The provision holds staggering implications for all the stakeholders involved. It imposes a positive obligation on private schools, which enjoy a reasonable measure of autonomy in their operations, to provide free education. It requires governments to reimburse all such schools for the education of children so admitted, indicating large budgetary expenses. Finally, it secures a rare opportunity for marginalised children to seek admission in schools they might otherwise not be able to enrol in. Given the stakes, the provision has naturally been subject to a lot of litigation since the time the RTE Act came into force. This provision is envisaged as a means of building social integration and inclusion in school education<sup>45</sup>. While the implementation of the Section 12(1)(c) by governments has been poor, judicial intervention has proven to be a useful instrument of furthering this objective in some instances.

In the eight years since the RTE Act came into force, Section 12(1)(c) of the Act has been the subject of litigation all over India. In fact, as much as one-fourth of total litigation under the RTE Act in High Courts and the Supreme Court

between 2010-2016 has been around this provision<sup>46</sup>. This may be explained by the fact that the provision provides a critical and immediately realisable entitlement – admission into a neighbourhood private school for children from EWS and DG categories – as opposed to other provisions of the Act which require more time and resources to fulfil such as infrastructural standards and appointment of teachers. The tendency to approach courts may also be reflective of the possibly weak enforcement of the provision by the government and local authorities.

## RECAP OF LEGAL DEVELOPMENTS (2010-2016)

The first edition of the *State of the Nation* report discussed some legal lacunae arising from both the substantive content of the provision, as well as the way it has been drafted. The issues include lack of clarity over reimbursement for admissions in pre-primary classes and for those beyond the minimum 25%, lack of a means for preventing dropouts among children admitted under Section 12(1)(c), exemption of minority schools arising out of a problematic interpretation of the balance between minority rights and RTE, and deficiencies in the grievance redress mechanisms. Some of these lacunae have been partially addressed in litigation, which has taken place since the enactment of the RTE Act.

[44] The authors work as Research Fellows at Vidhi Centre for Legal Policy, a non-profit organisation in New Delhi.

[45] RTE section wise rationale, page 7, accessed May 31, 2017 <[http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Section\\_wise\\_rationale\\_rev\\_0.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)>

[46] See page 56, Vidhi Centre for Legal Policy, “Law in Numbers,” Accessed May 31, 2017 <<https://vidhilegalpolicy.in/reports-1/2016/12/2/law-in-numbers-evidence-based-approaches-to-legal-reform>>



The biggest legal challenge to Section 12(1)(c) was mounted by private schools in 2012. The Supreme Court, in a seminal ruling, held that the RTE Act was constitutional and that Section 12(1)(c) was applicable to unaided private schools<sup>47</sup>. However, it excluded minority unaided schools from the application of the Act. In a subsequent ruling 2014, the Court excluded minority aided schools from the Act as well<sup>48</sup>. However, due to the lack of clarity provided by the Supreme Court in *Society* and *Pramati*, different High Courts in some isolated instances have allowed the application of RTE provisions such as the no-detention policy and ban on corporal punishment to minority schools<sup>49</sup>.

Various aspects of this Section 12(1)(c) have been contested in Courts, including but not limited to the following: applicability to residential schools, schools with pre-existing reservations, applicability to pre-school classes, calculation of the 25% proportion; eligibility criteria in terms of both income and disadvantage, scope of school choice, definition of ‘neighbourhood’, and reimbursement<sup>50</sup>.

## OVERVIEW OF LITIGATION IN 2016-17

This section provides a summary of litigation over 12(1)(c) that has taken place in High Courts and the Supreme Court over the past year. The definitions of ‘disadvantaged group’ and ‘weaker section’ under this provision, and intended beneficiaries have been a contentious issue. This year has also witnessed disputes on the specifics of States’ executive policy on the provision and its implementation. Moreover, there have been cases where Courts have had to step in simply to direct compliance with the law in force.

### Eligibility criteria

Under the RTE Act, two groups of children are eligible for reservation under Section 12(1)(c): ‘child belonging to disadvantaged group’ and ‘child belonging to weaker section’. The former includes children with disabilities, children belonging to Scheduled Castes, Scheduled Tribes, socially and educationally backward classes, and other disadvantaged groups that may be decided by the State Government. The latter includes children whose parents’ annual income is lower than the limit specified by the State Government.

The definitions and criteria notified by the State Government are crucial as they determine inclusion or exclusion from benefits under the provision. Previous attempts by States to introduce additional criteria or restrict eligibility have been challenged in Courts and struck down<sup>51</sup>.

In a 2016 case, the Rajasthan High Court ruled against the Rajasthan Government’s policy on eligibility for 12(1)(c) admissions in the interest of making the free seats available to a larger number of children. In 2011, the Rajasthan Government had notified that ‘children belonging to disadvantaged groups’ would include a child belonging to ‘Other Backward Classes and Special Backward Classes whose parents’ annual income does not exceed Rs. 2.5 lakhs’. However, this inclusion was reversed in a subsequent 2016 notification. The new notification also removed the income limit of Rs. 2.5 lakhs specified for defining the category of ‘children belonging to weaker sections’, instead restricting it to children from Below Poverty Line (BPL) families. The income limit had been present in the 2011 notification. The notification was challenged in the Rajasthan High Court. The case raised two significant questions: (i) can the State government remove the category of socially and educationally backward classes from the definition of disadvantaged group? and (ii) can the State government remove the income limit criterion from the definition of weaker sections?

Regarding the first, the Court observed<sup>52</sup> that the State government is not competent to amend the definition of disadvantaged group in this manner, as it violates the definition specified under the RTE Act, which clearly contemplates the inclusion of children from OBC categories. The Court also cited admission numbers to show that the exclusion of OBC children from the disadvantaged category caused a significant drop in applications received under that category for the 2016-17 academic session. Regarding the second question, the Court ruled that possession of a BPL card cannot be the single eligibility criterion for weaker sections, as the RTE Act clearly states that weaker sections must be identified through a minimum annual income (whereas the BPL category is based on a range of other socio-economic considerations). The Court also observed that while there might be some overlap in the eligibility for disadvantaged group and weaker section, the RTE Act guarantees benefits for both categories separately, therefore it is not necessary that a child should belong to both categories in order to avail such benefits. However, it did not clarify whether this meant that an OBC child whose parent’s annual income is over Rs. 2.5 lakh would also be eligible

[47] *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 102. [“Society”]

[48] *Pramati Educational and Cultural Trust v. Union of India*, (2014) 8 SCC 1. [“Pramati”]

[49] See Vidhi Centre for Legal Policy, “Right to Education and Minority Rights”, Accessed July 29, 2017 <<https://vidhilegalpolicy.in/reports-1/2016/1/19/right-to-education-and-minority-rights>>

[50] For a full discussion on these cases, see *State of the Nation: RTE Section 12(1)(c) 2015 Report*.

[51] See *Jatin Singh v. Kendriya Vidyalaya Sangathan*, 2012 XAD (Delhi) 296 and *Himangi v. GNCTD of Delhi*, 204 (2013) DLT 147.

[52] *Abhyutthanam Society v. State of Rajasthan and Another*, Rajasthan High Court (decided on 13.05.2016)

under the disadvantaged group category. Following appeal, the Supreme Court issued an interim order stating that the High Court's ruling shall not affect the admissions in the 2016-2017 session<sup>53</sup>.

A challenge might soon be placed before the Gujarat High Court in response to income limits for SC/OBC groups notified by the Gujarat government<sup>54</sup>.

However, there has also been an instance where the criteria laid down by the government was found to be reasonable. A petition before the Bombay High Court challenged a government resolution allowing children residing outside three kilometres of the school to be eligible for 12(1)(c) admissions in particular circumstances<sup>55</sup>. These children would be required to bear transportation costs on their own. It was argued that this would result in diluting the nature of 12(1)(c) seats as 'free seats.' However, this contention was rejected by the Court and the resolution was upheld.

### Inclusion of differently-abled children

In August 2016, the Delhi High Court gave a favourable ruling for the admission of a differently-abled child in a neighbourhood school under Section 12(1)(c)<sup>56</sup>. The Motor Accident Claims Tribunal had directed a private school to admit the child who had lost his leg in an accident and acquired a prosthetic leg. When the school challenged this direction in the High Court, the Court held that while the tribunal did not have jurisdiction to order the admission, the child was nevertheless eligible for admission under both EWS and DG categories. This case is noteworthy because the Court waved aside several technicalities while directing the admission owing to the circumstances of the child's disadvantage, such as the fact that he resided in Ghaziabad and not Delhi, and that there was some discrepancy in his date of birth. The Court held that the admission would be in the interest of the child and further reasoned that his admission would 'make the general students more sensitive and humane as they would appreciate the challenges faced by a student with disability and poverty'. This assertion of the Court reiterates the spirit of the RTE Act as envisaged at the time the legislation was enacted.

The Delhi High Court has previously given rulings which favoured not only the admission of differently-abled children under the DG category, but also directed the provision of appropriate facilities and special educators

for such children in schools. This is an important instance, where judicial intervention has widened the ambit of the provision and addressed gaps in executive policy.

It should be noted that the Supreme Court, in response to a petition highlighting discrimination faced by children affected by HIV, has asked States to consider including such children in the DG category under the RTE Act<sup>57</sup>. Inclusion in this category and the ensuing benefits under Section 12(1)(c) can serve as an important vehicle for bringing marginalised children into the mainstream education system.

### Admission Procedure

It can be noted that many States have chosen to move the admissions under 12(1)(c) to online portals, and procedures have changed accordingly. In one case, the Delhi High Court recognised that the purpose of the online portal introduced by the Delhi Directorate of Education was to ensure that admissions were conducted in a fair and transparent manner<sup>58</sup>. Accordingly, it held that the parents and their wards did not have the right to seek admission for reserved seats on the strength of a manual application, and therefore their plea contesting denial of admission was not valid.

In the same case, the Court also clarified the period till which admission for the reserved seats can be extended. The RTE Act provides for an extended period for admissions (both reserved category and general), and further prohibits denial of admission even if admission is sought after the extended period. Moreover, the Act also provides for special training of children admitted after the extended period. Under the Delhi RTE Rules, the extended period is required to be of five months, indicating that admissions can be made till August 31st. Moreover, the Rules also state that a child admitted after the extended period should receive special training for a minimum of three months. The Court, taking these facts into account, argued that while a child can be admitted after the extended period, the period open to admission must be a reasonable one, and a child cannot be admitted into a class as late as the end of the academic year (March 31st). The Court held that admissions can only be made up till December 31st to allow for a minimum three months of special training, and therefore, admissions made after December 31st could not be considered valid.

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[53] Accessed June 30, 2017 <http://www.livelaw.in/rajasthan-hc-ruling-rte-act-not-affect-admissions-already-finalized-present-academic-year/>

[54] Accessed June 30, 2017 <http://indianexpress.com/article/india/india-news-india/dalit-group-set-to-move-hc-against-income-cap-for-scssts-and-obcs-2849761/>

[55] *Savari Muthu Micheal Selvan v. State of Maharashtra*, 2017 SCC OnLine Bom 165

[56] *Siddharth International Public School v. Motor Accident Claim Tribunal*, 2016 SCC Online Del 4797

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[57] Accessed June 30, 2017 : <http://www.livelaw.in/not-put-hiv-affected-kids-disadvantaged-group-education-sc/>

[58] *Neeraj Kumar and Ors. v. Venkateshwar Global School and Ors*, Writ Petition 7945 of 2016, decided on 31.03.2017

## School Choice

Two States have attempted to limit the option of availing seats under Section 12(1)(c) by making such admission contingent on unavailability of seats in government schools in the neighbourhood. The Governments of Uttar Pradesh and Himachal Pradesh had both notified guidelines to this effect<sup>59</sup>. A Public Interest Litigation (PIL) was filed before the Allahabad High Court challenging the executive order of the Uttar Pradesh government which imposed these guidelines<sup>60</sup>. The order directed that Section 12(1)(c) would apply only in cases where no seat is available in government or aided schools. The Court reasoned that the purpose of the provision was to assimilate children belonging to DG and EWS categories into the mainstream and afford them access to facilities in unaided private schools. It was held that the executive order was against the intent of the provision as laid down in the RTE Act and hence, in violation of the Act itself. Accordingly, the Court directed the State Government to revise the order.

The guidelines issued by the Government of Himachal Pradesh were also challenged in Court. The Himachal Pradesh High Court relied on the pronouncement in the Uttar Pradesh case and struck down the guidelines<sup>61</sup>. It argued that the guidelines imposed a hierarchy of benefits effectively curtailing the aspirations of DG and EWS groups to study in private schools, and therefore violated the Act.

## Dual entry

The proviso to Section 12 of the RTE Act states that schools which have pre-primary classes will have to reserve 25% of seats in these classes for children from DG and EWS categories. This proviso has led to considerable confusion for governments and schools. The Karnataka Government had issued an order which required private schools to make Section 12(1)(c) admissions in both pre-primary and class 1. When challenged by a school, the Karnataka High Court observed that the proviso should be read as an addendum to the main provision and not as an exception, in keeping with legislative intent<sup>62</sup>. It accordingly ruled the requirement to simultaneously admit DG and EWS students in both classes was valid under the Act. In 2015, a similar order of the Maharashtra Government had been held to be valid by the Bombay High Court<sup>63</sup>.

## CONCLUSION

From a perusal of the cases discussed above, it can be seen that Courts have generally chosen to act in the interest of the disadvantaged child. Executive policy has been struck down where it narrows the net of eligibility for Section 12(1)(c), constrains the choice and ability of children from DG and EWS categories to avail their entitlement, or is otherwise arbitrary or restrictive. On the other hand, Courts have refrained from interfering in cases where matters of administrative procedure are at stake.

The role of Courts remains vital when it comes to directing compliance with the RTE Act. The Punjab and Haryana High Court had to direct a Kendriya Vidyalaya school to modify its admission policy in accordance with Section 12 of the Act<sup>64</sup>. The school had not been aware of the provision being in force. Recently, a PIL was filed in the Hyderabad High Court seeking implementation of Section 12(1)(c) in both Andhra Pradesh and Telangana<sup>65</sup>.

Finally, there are some issues discussed in previous editions of the report which remain unresolved. First, the exemption granted to minority schools from the application of the RTE Act continues to be in force, pushing a large number of schools out of the ambit of Section 12(1)(c). It also appears to have pushed more and more private schools to seek minority status to evade the obligation, even though they are not necessarily serving minority communities, and others to acquire fake certification<sup>66</sup>. Second, there is still a lack of clarity over who should cover the costs of textbooks and uniforms for children admitted under Section 12(1)(c). In 2016, the Delhi High Court had asked the Delhi government to formulate an appropriate policy for textbooks and uniforms after detecting some irregularities in the same<sup>67</sup>.

[59] Government Orders dated 3 December 2012 and 6 January 2015

[60] *Ajay Kumar Patel v. State of U.P. and Ors.*, 2016(4) ADJ662

[61] *Namita Maniktala v. State of H.P. and Ors.*, High Court of Himachal Pradesh, CWP No. 355 of 2013, decided On: 30.08.2016

[62] *Soujanya Patel Trust v. State of Karnataka*, 2017 SCC OnLine Kar 1001

[63] *Dr. Vikhe Patil Foundation's Vikhe Patil Memorial School Pune and Ors. v. Union of India and Ors.*, 2015 (6) ABR 53

[64] *Kendriya Vidyalaya Sangathan v. Seema and Ors.*, 2016 SCC OnLine PH 4118

[65] Accessed June 30, 2017 <<http://www.newindianexpress.com/states/telangana/2017/jun/27/pil-filed-for-implementation-of-rte-in-schools-in-ap-ts-1621278.html?>>

[66] Accessed June 30, 2017 <<https://thewire.in/21254/the-minority-institution-tag-is-very-ambiguous-and-this-must-be-corrected/>>

[67] Accessed June 30, 2017 <<http://www.dnaindia.com/india/report-can-government-give-free-booksuniform-to-poor-students-in-private-schools-delhi-high-court-2164206>>

### Box 1: Delhi HC asks for vacant seats to be disclosed online

*Anurag Kundu*

The Delhi High Court has directed three municipal corporations (MCD) in Delhi to make the details of the number of vacant seats in the private schools recognised by MCD available online to the public.

In a PIL, it was argued that the availability of information in public domain is an essential condition for the exercise of a right. Since there is no publicly available data about the availability of seats in private schools under the Section 12(1)(c) of Right to Education Act, it is leading to the violation of the fundamental right of around 12000 children, who could have availed admissions in nearly 1000 private schools regulated by the three municipal corporations. The litigants used section 9(e) of the Right to Free and Compulsory Education Act for arguing their case. The section states that “every local authority shall *ensure and monitoring admission, attendance and completion of elementary education by every child residing within its jurisdictions*”. The litigation argued that availability of information with the local authority is a pre-condition to “monitoring” as envisaged in Section 9(e).

Delivering the judgment, the court has directed the corporations to upload the seat status by 31st December 2017 along with detailed admission process including eligibility, documents required, and grievance redressal process. The local bodies have been directed to upload the complete status of admission under the provision once the process is over, and do so yearly.

The judgment is particularly useful, as the information regarding the seats is not available in real time in majority of the States. It sets a precedent for similar PILs to be taken up in other States.

Refer: *Anurag Kundu & Ors vs. South Delhi Municipal Corporation & Ors*. 2017. 12018 (Delhi High Court, May 1).

# CHAPTER 10: COSTS, COMPENSATIONS, AND CHALLENGES

*Amrish Dongre, Avani Kapur<sup>68</sup>*

## INTRODUCTION

Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 (henceforth RTE Act) provides for reservation of at least 25 percent of the total class strength at entry level (pre-primary or grade 1) in a non-minority private unaided neighborhood school. The school is responsible to provide free and compulsory education to the admitted students till the completion of grade 8. In turn, state governments are to reimburse such schools and the reimbursement amount per admitted student is mandated to be the lower of a) actual amount charged by the school from students other than those admitted through 12(1)(c) and, b) the recurring per-student expenditure incurred by the government.

Section 12(1)(c) is unique for a number of reasons. First, it places the legal duty on private schools to provide free and compulsory education in a *manner decided by the government*. As noted by Mehendale et al, 2015<sup>69</sup>, this has implications on a number of factors, ranging from administrative (how the rules are operationalized, the existence of regulatory structures), process related (how per-student costs are determined, fee reimbursements, admission processes etc.) to social-economic factors (such as school preparedness, socio-cultural dynamics, family support and peer interactions).

However, despite the passage of 7 years since the RTE came into force, only a handful of states are implementing the provision and it remains one of the most contested provisions with numerous implementation hurdles<sup>70</sup>. This chapter focuses on process-related aspects, specifically reimbursements to private schools. It highlights the gap between notified per-student reimbursement costs and estimated per-student expenditure as well as gap between notified per-student costs and actual reimbursements

(proxied by per student ‘approved’ amount under SSA), followed by their implications. The chapter concludes with suggestions to bring clarity and transparency in reimbursement-related aspects.

## PROCESS OF CALCULATING PER-STUDENT RECURRING COST

The process and manner of calculating per-student<sup>71</sup> recurring cost incurred by the government continue to be extremely opaque. According to a Government of India (GoI) notification in April 2010, per student reimbursement is to be determined on the basis of the total annual recurring expenditure incurred by the “appropriate government”, either from its own funds (line department expenses) or funds provided by the central government on elementary education (such as SSA) and “by any other authority on elementary education in respect of all schools established, owned or controlled by it.”<sup>72</sup>

The total annual recurring expenditure of the State Government is to be then divided by the total number of children enrolled in all such schools, to arrive at the per-student recurring expenditure. Aided schools are not included in the calculation for estimating total expenses<sup>73</sup>.

Whilst these broad guidelines exist, as per Section 38(2) (d), it is left up to the respective state governments to decide the manner and extent of reimbursements. However, none of the state governments implementing 12(1)(c) have made available the detailed method of calculating these notified costs in the public domain.

Hence, we rely on two main sources for calculating per student costs: - a) The proposed unit costs as mentioned by states in the Sarva Shiksha Abhiyan Annual Work Plan and Budgets (AWP&B) and b) the actual per-student recurring

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[69] Mehendale A et al (2015), “Right to Education and Inclusion in Private Unaided Schools: An Exploratory Study in Bengaluru and Delhi”, *Economic and Political Weekly*, Vol 1 No. 7, February 14, 2015

[70] Almost 24% of the litigation related to RTE in High Courts and the Supreme Court during 2010 to 2016 pertained to section 12(1)(c). Details are in the report ‘Law in Numbers: Evidence Based Approaches to Legal Reforms’ by Vidhi Centre for Legal Policy, available at <https://vidhilegalpolicy.in/reports-1/2016/12/2/law-in-numbers-evidence-based-approaches-to-legal-reform>

[71] While the RTE Act and subsequent notifications refer to it as per-child, given that it is based on the number of students enrolled, we have referred to it as per-student.

[72] See this link: [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTI1.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTI1.pdf)

[73] According to the GoI notification dated April 9, 2010, per child expenditure is calculated by total annual recurring expenditure by the appropriate government for all schools in sub-clause (i) of clause (n) of section 2 divided by total number of children enrolled in such schools. Sub-clause (i) of clause (n) of section 2 of the RTE act refers to “a school established, owned or controlled by the appropriate Government or local authority”.



expenditure calculated from state budgets. Both of these are described below.

### VARIATION IN NOTIFIED PER-STUDENT RECURRING COSTS ACROSS STATES

On the 1st of April 2014, the SSA Framework was amended to assist states/Union Territories (UTs) towards reimbursement of costs incurred with respect to admissions under Section 12(1)(c). The reimbursement is based on notified per-student cost norms of the state/UT, subject to a maximum ceiling of 20 percent of the size of the total Annual Work Plan and Budgets (AWP&B) approved for the state /UT under SSA and is available from 2015-16.

In financial year (FY) 2015-16, reimbursement for students in the previous academic year (namely 2014-15), was approved for 7 states under SSA.

As can be seen in Table 10.1, there are significant state variations in notified per-student costs. Whilst the notified cost was the highest in Uttarakhand at Rs. 18,311, followed by Rajasthan at Rs. 14,141 it remained low in Chhattisgarh at Rs. 7,650 and Uttar Pradesh at Rs. 5,400.

Part of this variation may be driven by differences in per-student recurring expenditures, of which teacher salaries is a main component. Ramchandran (2015)<sup>74</sup>, for instance, found that a salary for a newly appointed teacher may vary from Rs. 14,031 in Odisha to as high as Rs. 36,588 in Punjab (urban). But in addition, differences may also be the result of different methodologies adopted for calculating the notified cost.

**Table 10.1: Per-student recurring costs notified by state governments**

S.No	State	Per-student costs for students in 2014-15 academic year
1	Chhattisgarh	7,650
2	Gujarat	10,000
3	Karnataka	11,848
5	Odisha	9,184
6	Rajasthan	14,141 <sup>75</sup>
7	Uttar Pradesh	5,400
8	Uttarakhand	18,311

Source: Lok Sabha Starred Question No. 311, Answered on 21st December 2015.

Note: Figures are for Primary sections and do not include Pre-Primary.

[74] Ramchandran, Vimala (2015), "Teachers in the Indian education system: Synthesis of a nine state study", National University of Educational Planning and Administration, NUEPA, New Delhi. Available at [http://www.nuepa.org/New/download/Research/Teachers\\_in\\_the\\_Indian\\_Education\\_System.pdf](http://www.nuepa.org/New/download/Research/Teachers_in_the_Indian_Education_System.pdf)

[75] This is consistent with the Government of Rajasthan, GO: प.9(1) शिक्षा-5/2010 पार्क dated 25/06/2014 which states that the unit cost is Rs. 14,034+Rs.107 for textbooks.

### COMPARISON OF NOTIFIED PER-STUDENT COSTS WITH ESTIMATED PER-STUDENT EXPENDITURE

Given the lack of a declared methodology, the veracity of notified costs remains a concern. In fact, this has become a major issue of discord between the government and private schools which have admitted children through Section 12(1)(c). In this section, we compute and report per-student recurring expenditure for selected states using their budget documents (henceforth, estimated per-student recurring expenditure), and compare them with their notified costs.

Before we proceed, two key points must be discussed. First, there is a time lag between the year of calculation of the notified cost, the academic year to which it pertains and the financial year in which the cost is actually reimbursed. The Government of Odisha is one of the few states which clearly outline the timeline of the reimbursement process. It states, "per-child expenditure incurred of the previous year to be reimbursed to the school in the current year. Reimbursement proposal submitted by schools in the current year will be considered in the next financial year"<sup>76</sup> While there might be state-variations, conversations with officials from other states suggest a similar process. This suggests that, for students studying in academic year 2015-16, unit costs are calculated based on expenditure incurred in FY 2014-15 and often the reimbursement is done in FY 2016-17. We have thus tried to follow a similar process in our calculations for comparison with notified costs.

Second, it is important to note that collecting data from state budgets is a complex exercise. Indian budget documents follow a six-tier accounting classification, and are grouped into sectors which are further sub-divided into sub-sectors and major heads of account. Despite this, budget data is often not disaggregated making the classification of expenditures a difficult exercise. For example, a budget head even at the most disaggregated level available may be classified vaguely, say as "grants-in-aid general", making it difficult to ascertain what specific activity is being carried out with this money. Secondly, there are also differences across states on the classification of schemes/programmes. To give an example, whilst the head of account for elementary education across both State and Union Government is the budget head 2202.01, the classification of whether a particular scheme or activity falls under this particular code (or in other words is classified by the state as "elementary education") rests with respective state governments. Thus, while some states such as Karnataka include the Mid-Day Meal scheme under elementary education, others such as Gujarat include it under the budget head for nutrition or 2236. In Rajasthan, as the Panchayati Raj Department is responsible for

[76] Government of Odisha, School and Mass Department, Circular Number 4030(30)/Plg/14 dated 20.05.14. Available online at: <http://oepa.odisha.gov.in/website/Download/4030.pdf>



implementing MDM, expenditure is booked under other rural development programmes (2215). Similarly, in FY 2015-16, Karnataka included the expenditure incurred on the reimbursement of per-student costs under RTE under 2202.80 (general education).

This complexity of budget data in India coupled with the absence of a clear methodology by the States on which items are included from their calculations of notified costs, has made it difficult to calculate per-child recurring expenditure relevant for Section 12(1)(c).

We have thus followed a three-step process. First, since we are interested in recurring expenditure, we have focused on revenue expenditure under elementary education and ignored capital expenditure (4202.01.201). Secondly, we have excluded expenditure on non-government schools to be consistent with what the Act says about calculating reimbursement expenditure<sup>77</sup>.

There still remains, lack of clarity on a number of expenditure items. For example, private schools are not mandated to serve MDM and thus it's unclear whether it is included in the calculations. Moreover, in some states, expenditure on elementary education includes expenditure on distance education, adult education as well as activities conducted to get out-of-school children enrolled into schools and informal education. These may not be directly relevant to costs incurred on students admitted under Section 12(1)(c). Similarly, general administrative costs (such as expenditure on the office of District Education Officer (DEO), to give an example) are included in elementary education budget. These costs are not incurred on government schools per se but on overall education machinery. Some states also incur expenditure which seems to be capital expenditure but is booked under revenue expenditure. For instance, Gujarat has a significant amount of expenditure incurred on "improvement of physical facilities in primary schools"; "refurbishing of existing primary school classrooms"; "sanitary facilities for girls in upper primary schools".

For our last step then, in addition to excluding expenditure incurred on non-government schools from our calculation, we have also excluded expenditure on MDM, distance, adult and informal education, seemingly capital expenditure and administrative expenses including inspection – henceforth called "others". Our expenditure thus only includes teacher salaries, textbooks, uniforms, scholarships, teacher trainings and other miscellaneous expenditure<sup>78</sup>.

As can be seen in Table 10.2, there are significant differences across states in estimated per-student revenue expenditure ranging from as low as Rs. 14,228 in Madhya Pradesh in FY 2015-16 to Rs. 22,087 in Karnataka. Interestingly whilst per-student revenue expenditure increased by 10% in Madhya Pradesh from Rs. 12,939 in FY 2014-15 to Rs. 14,228 in FY 2015-16, it has actually decreased in Rajasthan by 12% from Rs. 20,344 to Rs. 17,820.

There aren't significant differences in estimated per-student revenue expenditure including and excluding expenditure incurred on non-government schools. However, also excluding the other<sup>79</sup> items specified above does result in a significant decrease in our estimated per-student expenditure. For instance, whilst the estimated revenue per-student expenditure in FY 2014-15 for Madhya Pradesh stood at Rs. 12,939, this decreases to Rs. 11,411 excluding the expenditure incurred on non-government schools and "other" items. Similarly, in Rajasthan, whilst estimated per-student recurring expenditure is over Rs. 20,000, this decreases to Rs. 18,210. (Table 10.2).

The pattern continues in FY 2015-16. For instance, in Karnataka estimated per-student revenue expenditure including and excluding 'others' decreases from over Rs. 22,000 to Rs. 17,978.

In the subsequent discussion, we will only report expenditure excluding expenditure incurred on non-government schools and 'other' expenditure, unless otherwise specified.

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[77] See section 12 of GOI Notification dated 8th April 2010 [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTI1.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTI1.pdf)

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[78] The miscellaneous expenditure includes expenditure which did not clearly state what it pertains to. For instance, grants in aid for tribal sub-plan. However, the proportions are small and thus would not make a significant difference to the calculations.

[79] Others refers to MDM, distance education, adult education, activities for out of school children, informal education, direction and administration, inspection and seemingly capital expenditure.

**Table 10.2: Estimated per-student revenue expenditure**

State	Estimated per-student revenue expenditure in FY 2014-15	Estimated per-student revenue expenditure (excluding non-govt) in FY 2014-15	Estimated per-student revenue expenditure (excluding non-government and others) in FY 2014-15	Estimated per-student revenue expenditure in FY 2015-16	Estimated per-student revenue expenditure (excluding non-govt) in FY 2015-16	Estimated per-student revenue expenditure (excluding non-government and others) in 2015-16
Gujarat	NA	NA	NA	20029	19945	18113
Karnataka	NA	NA	NA	22087	21532	17978
Rajasthan	20344	20037	18210	17820	17515	15388
Madhya Pradesh	12939	12641	11411	14228	13733	12279

Source: Calculated from state budget documents. For Gujarat and Karnataka calculations for FY 2014-15 were not carried out. Whilst states may have their own system to collect enrolment numbers, we have used DISE State Report Cards 2014 for enrolment in 2014 and DISE State Report Cards 2015 for enrolment in 2015

A comparison of the estimated per-student revenue expenditure with the notified per-student costs too indicate significant variation (Table 10.3).

**Table 10.3: Comparison of notified costs and estimated per-student expenditures**

State	Notified per-student costs for academic year 2015-16 based on expenditure incurred in FY 2014-15	Estimated per-student revenue expenditure (excluding non-govt and "others") in FY 2014-15	Notified per-student costs for academic year 2016-17 based on expenditure incurred in FY 2015-16	Estimated per-student revenue expenditure (excluding non-govt and "others") in FY 2015-16
Rajasthan	17732	18210	15029	15388
Karnataka	11848	NA	11848	17,978
Madhya Pradesh	4209	11411	4629 <sup>81</sup>	12279
Gujarat	10000	NA	13000	18113

Source: Calculated from state budget documents.

The difference in the notified cost and the estimated per-student expenditure excluding "others" is less than Rs. 500 in Rajasthan. In contrast, there is still a significant difference in case of Madhya Pradesh, Karnataka<sup>81</sup>, and Gujarat. The primary reason for the lower difference in Rajasthan is due to more than 90 percent of expenditure incurred on elementary education being for teacher salaries<sup>82</sup>. For the other states however, the lack of a defined methodology makes it difficult to know exactly what state governments are including in their calculations and the reasons for these differences. What is however clear is that relatively fewer expenditure items are included in the State calculations compared to our calculations.

### MIS-MATCH BETWEEN ACTUAL REIMBURSEMENT AND NOTIFIED PER-STUDENT COSTS

Next, we compare actual reimbursement per-student with

the notified per-student costs. Actual reimbursement per student is total expenditure actually incurred on reimbursements divided by cumulative number of children enrolled through 12(1)(c). Unfortunately, information on the latter has been difficult to obtain for most states. Further, using reimbursement expenditure for a particular financial year as reported in the budget document is problematic since it may include reimbursement expenditure pertaining to previous financial years<sup>83</sup>. Hence, we look at the 'approved' number of children for which reimbursement is given along with the total reimbursement amount under SSA. For most other states, there was a difference of nearly Rs. 4,000 between unit costs proposed and reimbursed amount per approved student admitted. Interestingly, we find no gap in Gujarat as the state has been reimbursing the notified amount per-student to every private school that has admitted students under 12(1)(c) irrespective of actual fees charged by the private school! (Table 10.4)

[80] Collected from education official in Madhya Pradesh.

[81] In a recent judgement, Karnataka government has announced that the notified costs will be increased to Rs. 16,000, from academic year 2017-18, bringing it closer to our calculations. See <http://timesofindia.indiatimes.com/city/bengaluru/fee-reimbursement-under-rte-increased-for-private-schools-govt-tells-karnataka-hc/articleshow/57433353.cms>

[82] Accountability Initiative (2014), PAISA District Study: Rajasthan. Available online at: <http://accountabilityindia.in/paisa/study/download/163>

[83] For instance, the Project Approval Board (PAB) minutes under SSA for Odisha in 2016-17 include approvals of Rs. 24.45 lakh for 2014-15 for 610 children in addition to approval for 2015-16.

**Table 10.4: Differences between per-student reimbursement and notified per student costs**

State	Notified costs for academic year 2014-15 (1)	No. of children in academic year in 2014-15 (approved by GOI) (2)	Approved amount in Rs. Lakhs in FY 2015-16 for academic year 2014-15 (3)	Per-Student reimbursement amount (Amount in lakhs divided by Number of children approved) (4=3/2)	Diff between notified cost and calculated per-student (5=1-4)
Chhattisgarh	7,650	81316	3,065	3,769	3881
Gujarat	10,000	13033	1,303	10,000	0
Karnataka	11,848	155378	12,355	7,952	3896
Odisha	9,184	310	15	4,876	4308
Rajasthan	14,141	189083	4,171	2,206	11935
Uttar Pradesh	5,400	108	5	4,872	528
Uttarakhand	18,311	65889	4,150	6,300	12011

Source: Authors calculations from information taken from Lok Sabha Starred Question No. 311, Answered on 21st December 2015. Note: Figures are for Primary sections and do not include Pre-Primary. Numbers have been rounded off.

## REIMBURSEMENT AS A PROPORTION OF TOTAL RECURRING EXPENDITURE

Concerns have been expressed about the quantum of resources required for reimbursement to private schools and adverse consequences it would have on the resources available for government schools. Complete analysis would entail projecting cumulative number of kids entering private schools through 12(1)(c), the trajectory of per-student expenditure on government schools as well as that of fees charged by private schools for the next few years. This is beyond the scope of this chapter. We have thus looked at the proportion of actual reimbursements to the total revenue expenditure on elementary education in select states.

As indicated in Table 10.5, the share of expenditure on 12(1)(c) in overall expenditure on elementary education is currently low. In Gujarat for instance, less than 0.5% of the total revenue expenditure in FY 2015-16 was for reimbursement. In Rajasthan and Madhya Pradesh it was 1.31% and 1.57%, respectively. In contrast, it's nearly double in Karnataka at 2.4%.

**Table 10.5: Proportion of reimbursement out of total revenue expenditure**

State	% EWS reimbursement out of total revenue expenditure in FY 2014-15	% EWS reimbursement out of total revenue expenditure in FY 2015-16
Gujarat	NA	0.42%
Karnataka	NA	2.40%
Rajasthan	1.06%	1.31%
Madhya Pradesh	1.33%	1.57%

Source: Authors calculations from State budget documents

## DISCUSSION

What do differences in notified per-student costs and estimated per student expenditure indicate? As mentioned, it indicates that the states have excluded certain expenditure items. But what these items are and why they have been excluded This indicate the need for clearer norms and guidelines on which budget heads are to be included (and excluded) from the calculation and a discussion these inclusions or exclusions are justified

Differences in the notified per-student costs and the actual per-student reimbursement raises some important questions with respect to characteristics of schools attended by students through 12(1)(c). The RTE norm clearly states that the reimbursement amount will be determined as the lower of the actual school fees and the notified cost. Actual reimbursement cost being lower than notified costs could also indicate that fees of the majority of the private schools are lower than notified costs. In fact, a report on Karnataka had found that “[o]nly half of the 10,467 private schools across Karnataka that received fee reimbursement for admissions under the Right to Education (RTE) Act quota were eligible for the maximum ceiling set by the State government for the academic year 2016–17<sup>84</sup>.

The question this then raises is whether Section 12(1)(c) is enabling parents to choose schools which they would not have otherwise applied to or is it the case that they are attending the same type of school that they would have attended without 12(1)(c) but now don't have to pay any fees. And if it is more of the latter, can we say that objectives of achieving inclusion and ensuring quality education are

[84] The Hindu, April 6, 2017. Available online at: <http://www.thehindu.com/news/national/karnataka/rte-admissions-only-50-schools-receive-maximum-fee-reimbursement/article17856461.ece>



being achieved? There is currently no empirical evidence on either and this needs urgent exploration.

Lastly, whilst the reimbursement as a proportion of total recurring expenditure on elementary education is currently low, it may increase in the future. Increased awareness of the provision coupled with streamlining admission processes can increase the number of students availing of this provision. Moreover, the notified cost is also likely to increase with increases in teacher salaries following the implementation of the 7th Pay Commission and declining enrolment in government schools. For instance, between 2014-15 and 2015-16, at an all India level, there was a decline of 2 percent in enrolment to government schools. (Table 10.6 below). This will imply increasing (actual) reimbursement amount per student, and hence increasing expenditure on 12(1)(c) in absolute and relative terms.

	2014-15	2015-16	Change in Enrolment
Gujarat	5941473	58,16,280	-2%
Karnataka	4360499	42,49,264	-3%
Rajasthan	5940518	62,66,075	5%
Madhya Pradesh	8715731	7979306	-8%
All India	118973934	11,69,21,077	-2%

Source: UDISE State Report Cards 2014 and 2015.

## RECOMMENDATIONS

Despite 7 years since the passing of the RTE Act, it is clear that there continue to be gaps in the implementation of Section 12(1)(c). The objective of ensuring that the students admitted through Section 12(1)(c) receive quality education without discrimination will necessitate initiation of a number of steps. Some of our specific recommendations regarding reimbursement-related issues are as follows: -

### 1) Defining Methodology of calculating notified per student costs

The first most important step is to make publicly available both the methodology for calculating the notified per student cost as well as the actual unit costs. Some states have taken steps towards forming a committee consisting of experts in public finance and education administration<sup>85</sup>. The first task of this committee should be to develop a robust methodology for cost calculation and its regular updation. The same should be put up for comments from the public.

### 2) Timely and Reliable Reimbursements

Whilst this chapter did not track the actual reimbursement process, lack of timely and reliable reimbursement has been a cause for concern and one of the reasons for unaided schools' unwillingness to implement the provision. According to the amended SSA Framework, for reimbursement claims, private unaided schools complying with Section 12(1)(c) are meant to submit their claim of reimbursement to respective State Governments/UTs through the district office. Thereafter, the State Governments/UTs reimburse the expenditure incurred by private unaided schools. As stated earlier, there is already a difference between the year on which the notified costs are calculated, the academic year in which students are admitted and the year in which reimbursements are made. State governments in turn also only get reimbursed by the Central government once they have incurred the expenditure, on a reimbursement basis. Efforts should be made to streamline the process by transferring funds to the districts and schools on time.

### 3) Basing reimbursement on expenditure norm

As mentioned earlier, the per student expenditure in government schools is likely to rise on account of declining government school enrolment and increasing cost of teacher salaries. Fluctuations on actual expenditure due to a state's fiscal health can also cause uncertainty in per-student expenditures. Further, actual expenditure has a two-year lag which can result in an over or under estimation of the per student expenditure.

In this context, it may be more useful to have norm based reimbursement which will not fluctuate due to fluctuations in enrollments in government schools. The previous State of the Nation Report gives an example of how this could be calculated. It states, "as per the RTE, there should be one teacher for 30 students in the primary sections. From this, one can easily compute per student salary expenditure norm. Unit costs have already been specified for various entitlements such as mid-day meal, uniforms, textbooks etc., either at the state or central level. This allows computation of per-student recurring expenditure norm<sup>86</sup>." While it may be argued that high Pupil Teacher Ratio in government schools in some states may bias this norm, a different approach in those cases can be adopted. In these cases, the government could compute an average salary expenditure per teacher to compute per-student recurring expenditure.

[85] See State of the Nation: RTE Section 12(1)(c), March 2015 for details on states which have set up committees.

[86] State of the Nation: RTE Section 12(1)(c), March 2015 State of the Nation: RTE Section 12(1)(c), March 2015



#### 4) Increased Transparency in Private School Fees

There is currently limited information on the actual fees charged by private schools and concerns have been raised on the hidden costs and significant year on year increases. Given that the reimbursement amount is the lower of the notified cost and actual fees charged by private schools, it would be useful to have information on the actual fees charged by private schools. Steps in this direction are already being taken. Rajasthan and Madhya Pradesh have initiated systematic collection of such data. Gujarat has also initiated regulation of fees of private schools and has made it mandatory for private schools to submit their proposals to the Fee Regulatory Committee in case they want to charge a fee higher than stipulated by the Act<sup>87</sup>. The Central Board of Secondary Education (CBSE) is also currently in the process of collecting data on fees charged by private schools<sup>88</sup>. This information should also be made publicly available to ensure informed school choice for all parents (not just 12(1)(c)) for increased transparency.

#### 5) Regular Measurement of Learning Outcomes for both Public and Private Schools

A related recommendation is with respect to measuring the quality of education provided across both government and private schools. A major objective of Section 12(1)(c) in addition to fostering inclusion was ensuring access to quality education. However, currently there is no information on the quality of private schools

which are admitting students under this section. While the National Council of Education Research and Technology (NCERT) conducts the National Achievement Surveys (NAS) in government schools, the only source of learning outcomes in private schools is the Annual Status of Education Report (ASER). These however are limited to rural schools.

The amendment of Rule 23 (2) announced through a gazette notification on February 20, 2017 to include learning outcomes is an important step in the right direction. According to the notification, the academic authority must “prepare class-wise, subject-wise learning outcomes for all elementary classes and prepare guidelines for putting into practice continuous and comprehensive evaluation, to achieve the defined learning outcomes<sup>89</sup>”. Accordingly, NCERT will conduct a nation-wide national assessment in both public and private schools to measure learning outcomes. This initiative should be continued on a regular basis to ensure movement towards improved learning outcomes. In addition to making raw data and overall results public, results should be disaggregated to also give learning outcomes for students enrolled in government schools, aided schools and unaided schools, and separately for those who are enrolled through 12(1)(c) or otherwise. This will tell us how well the academic performance of children admitted through 12(1)(c) compare with the rest.

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[87] [http://gujarat-education.gov.in/education/images/GOG\\_GAZETTE\\_27042017.pdf](http://gujarat-education.gov.in/education/images/GOG_GAZETTE_27042017.pdf)

[88] <http://www.thehindu.com/news/national/cbse-asks-private-schools-for-data-on-fee-structure-to-curb-overcharging/article18718008.ece>

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[89] [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Amendment\\_2017.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Amendment_2017.pdf)

# CHAPTER 11: A QUICK PEEK INTO REIMBURSEMENT DATA

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This chapter briefly summarises data on reimbursements directed towards private unaided schools under 12(1)(c) of the Right to Education (RTE) in various States across India. Unlike the earlier reports, we do not use the admission data from DISE (District Information System for Education) database, because of several issues with consistency and reliability of the data<sup>90</sup>. We find that many of the shortcomings in data, outlined in earlier reports, still remain unaddressed. Instead, we *follow the money*, and compile enrolment/ reimbursement figures from the minutes of the Project Approval Board (PAB) meetings and online admission portals of certain States. The PAB is a group of nominated officials appointed by the Ministry of Human Resource Development (MHRD) for a specified tenure to work on a fixed set of development areas. They take decisions regarding disbursement of funds, development, and closure of works within their projects. In this report, we refer to PABs under the Sarva Shiksha Abhiyaan (SSA), a scheme initiated in 2000-2001 by the Government of India in partnership with State governments for universalising elementary education.

The 12(1)(c) specific data from the PAB minutes has been compiled in Table 11.1. The PABs have made recommendations for disbursement of funds in financial year 2017-18. The State/UT (Union Territory) governments submitted their proposals for funds to the SSA PABs. The PABs appraised these proposals, and made appropriate recommendations. They relied on estimates or actual figures of admissions under 12(1)(c) in the academic year 2016-17.

While reading this data, it should be noted that the 'total amount' indicates the amount recommended by PAB to be paid to the State/ UT Government. It is not necessarily the total amount of reimbursement for all admissions in 2016-17. It may include previous instalments as well. Additionally, it is not always possible to estimate the per child cost from the 'total amount' and 'number of children'. This is because the PAB minutes only mention the Centre's share in total expenditure. The State might have to add more funds depending on its previous dues or savings. Overall, the data compiled from the PAB points to 12(1)(c) implementation in the State/ UT regions.

**Table 11.1 : Reimbursement against implementation of 12(1)(c) in AY 2016-17**

State	Payment recommended for FY 2017-18	Per Child Cost for AY 2016-17	Number of children for whom the payment is recommended	Total amount
Chhattisgarh	Proposal approved in principle. State asked to submit more details.	Not notified	167044	NA
Delhi	Proposal approved in principle. State asked to submit more details.	Not notified	38336	NA (i.e. Not applicable/ No information)
Gujarat	Not approved for lack of necessary documents, pending payments to private schools	Not notified	NA	Estimated expenditure 1134.35L
Jharkhand	Proposal approved in principle, subject to submission of appropriate documents	Not notified	13263	INR 100,000,000
Karnataka	Proposal approved in principle. State asked to submit more details.	Not notified	242759	NA

[90] Please see Part B of Chapter 2 in the *State of the Nation: RTE Section 12(1)(c) 2016* report.

Table 11.1 : Reimbursement against implementation of 12(1)(c) in AY 2016-17				
State	Payment recommended for FY 2017-18	Per Child Cost for AY 2016-17	Number of children for whom the payment is recommended	Total amount
Madhya Pradesh	Approved	Not mentioned in PAB minutes	Not mentioned in PAB minutes	INR 1,491,960,000
Maharashtra	Approved	Not mentioned in PAB minutes	Not mentioned in PAB minutes	INR 140,000,000
Odisha	Approved	INR 6,269.64	560	INR 3,511,000
Rajasthan	Approved (per child cost includes 150 per child for textbooks)	INR 15,029	Not mentioned in PAB minutes	INR 1,245,341,200
Tamil Nadu	Incomplete proposal was submitted by the State/ UT. A revised proposal is awaited.	NA	NA	NA
Uttar Pradesh	Not recommended after appraisal (no reason cited in the minutes)	Not notified	NA	NA
Uttarakhand	Approved	Not mentioned in PAB minutes	Not mentioned in PAB minutes	INR 395,042,000
Andhra Pradesh Meghalaya Tripura	No admission	Not notified	NA	NA
Andaman and Nicobar Islands Bihar	Proposal not recommended, because the State/UT Government has not reimbursed the private, unaided schools.	Not notified	NA	NA
Arunachal Pradesh Assam Chandigarh Dadra & Nagar Haveli Daman & Diu Goa Haryana Himachal Pradesh Jammu & Kashmir Kerala Lakshadweep Manipur Mizoram Nagaland Puducherry Punjab Sikkim Telangana West Bengal	The State/ UT did not submit a proposal.	NA	NA	NA

Source: PAB minutes: SSA ShaGun, Department of School Education & Literacy. Accessed 15 July, 2017. <http://ssashagun.nic.in/pab1718.html>



## REGIONS WITH NO REIMBURSEMENT

Out of the thirty-six States and Union Territories (UTs) in India, most have not submitted an appropriate proposal for reimbursement, according to the 2017-18 PAB minutes. The long list of these regions, shown in Table 11.1, points to the failure of majority of States/UTs in obtaining the necessary funds from the Centre for implementation of the mandate. It might also be possible that these States/ UTs have no reportable admission in private unaided schools under RTE 12(1)(c). For three regions viz. Andhra Pradesh, Meghalaya, and Tripura, the PAB minutes transparently mention that there is no admission under 12(1)(c). For other regions, it is likely that the mandate has not been implemented. However, the PAB minutes do not clarify on the same.

## TWELVE STATE/UTS WITH REPORTABLE ADMISSIONS:

There are only twelve State/UT governments that have reportedly been reimbursed or considered positively for reimbursement for claimed admissions under RTE 12(1) (c) to private unaided schools. This information is obtained based on the States mentioned in the PAB minutes, and respective education department websites. Out of the eleven States, the proposals by Gujarat, Tamil Nadu, and Uttar Pradesh have been unsuccessful. Nonetheless, they indicate that the mandate has been implemented, and there have been certain number of admissions. Also, except in Odisha and Uttarakhand, the online implementation of 12(1) (c) is being followed or recently initiated in these States. This report has discussed various aspects of the admission processes in these States in earlier chapters.



# CHAPTER 12:

## SUGGESTIONS FOR ENHANCING EFFECTIVENESS OF IMPLEMENTATION

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Drawing on the research that has been conducted for this report, we suggest the specific recommendations that we believe would improve the implementation of the mandate under Section 12(1)(c) of the RTE.

### 1. Clarity and enforcement

- 1.1. The rules regarding entry-age, entry-class, and eligibility criteria should be clear and consistent throughout the admission process. Use of ambiguous language in stating the rules, or multiple notifications announcing the changes in the rules have created hurdles for applicants as well as the schools.
- 1.2. All schools with pre-primary classes should be mandated to accept admission at pre-primary as well as grade 1 level. Rather, within the pre-primary, admissions should be separately opened for nursery, kindergarten 1, and kindergarten 2. This can increase the visibility of vacant seats.
- 1.3. Neighbourhood: The use of GPS or ward/village to define neighbourhood is cumbersome for implementation. While GPS positioning creates access issues and technological challenges, the ward/village definitions rely on population, making the geographic division difficult. It is suggested that the neighbourhood should be defined using fresh geographic divisions. These divisions should be marked based on pin-code, ward/village, and locality names collectively; the mapping should account for contextual difficulties such as terrain and transport.
- 1.4. The free entitlements for 12(1)(c) including writing material, textbooks, uniforms, shoes, cultural activities, transport, field-trips etc. should be explicitly mentioned on the website, and communicated on the candidate's admission form. Government should release clarificatory notifications that all the 12(1)(c) children are entitled to all the facilities and activities in the school without paying any fee.
- 1.5. All unaided schools should be notified of the reimbursement amount, and the methodology of calculating those reimbursements. The notification should be sent before the admission process begins.
- 1.6. All reimbursements should be announced with a date for disbursement of funds. They should be paid regularly, and in full as announced.
- 1.7. The private school fees and the utilisation of funds should be made public. The school accounts should be transparent, and accessible to all stakeholders for obtaining relevant information.
- 1.8. It has been observed that district-level implementation of the admission process adds to the administrative convenience. Depending on the context, the admission process should be decentralised to districts. This may help accelerate the overall schedule of activities.

### 2. Schedule of activities

- 2.1. The application window should be open earlier than it currently does. At the least, it is necessary that the admission of RTE 12(1)(c) applicants is synchronised with that of the other students. Because of delay in admission process, the RTE 12(1)(c) children face academic loss. Also, parents, waiting for the lottery results, are forced into a dilemma of opting for a paid seat in unaided schools.
- 2.2. All schools should be mandated to defer other admissions until the RTE 12(1)(c) admission cycle is over. The schools should also be prohibited from charging fees or confirming admission to any candidate, whether under 12(1)(c) or not, until the RTE 12(1)(c) admission cycle is over.

### 3. School profiles

- 3.1. All processes from enrolment to reimbursement should be integrated on the portal. Using a simple login, schools as well as applicants should be able to verify and update their details. This is important for administrative convenience and efficiency.
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- 3.2. All unaided schools should be registered on the portal, irrespective of DISE code or minority status. The minority schools should be included so that they have an option to partake voluntarily. Their admission data before obtaining the minority certificate can be maintained. Also, the requirement of DISE code should not prevent a recognised school from being registered on the portal.
- 3.3. Up-to-date and comprehensive school profile should be created on the portal and made public. It should be accessible on the website throughout the year. Schools should be able to edit their profile until the portal opens for admissions. All editing requests should be verified and approved by respective BEOs. A comprehensive school profile should include details such as recognition status and board affiliation, school's intake capacity and enrolment, address with identified neighbourhood, school fee, bank account details, and annual expenditure.
- 3.4. A map of school's neighbourhood should be publicised. A map of school's neighbourhood region should be displayed on school's website, notice boards, and the online profile. Any discrepancy should be redressed by BEOs and higher authorities.
- 3.5. Schools should be notified to recheck or update their profiles on the portal at least three months before the application process begins. For example, for admission in April or June 2019, the application registration should begin by November 2018. Implying, the school update should begin in August 2018. The delays in school profile update cause further delays in application and admission, ultimately resulting into academic loss for children, and limited time for parents to gather resources.

#### **4. Awareness campaigns**

- 4.1. The awareness campaigns should have offline mode including pamphlet distribution, and community meetings in slum and rural areas. The campaigns should explicitly inform people about how to submit a 12(1)(c) application, how to track it, and how to obtain the redressal of grievances.
- 4.2. As part of the campaign, a school catalogue should be available for parents to know about local schools without going to the website. Currently, the online forms accessible to parents do not provide any details except school name, location, and medium of instruction.

- 4.3. Local NGOs, Anganwadi workers, and ward councillors should be engaged in the campaign to generate awareness amongst potential applicants, assist them in form-filing, and track their admission status.

#### **5. Mode of application**

- 5.1. Offline as well as online alternatives should be available for submitting the applications. One should be able to submit their application without the use of internet or mobile phone. There should be enough assistance from government to accept plain-paper applications, and process them along with other online or offline submissions.
- 5.2. The documents corroborating candidate's eligibility should be verified before their registration. This process should be available offline as well as online for scanned documents. Candidates- who successfully submit all the required documents, should be marked as 'verified applicants'. Post lottery allotment, they should not be denied admission based on the grounds of inadequate documentation. Schools should admit all the 'verified applicants' after allotment.
- 5.3. It should not be mandatory that only the child's parent submit their application. Grandparents and other caregivers should be allowed to submit the forms.
- 5.4. Dependency on mobile phones should be removed, as many parents lack mobile phone access. Parents should be able to file and follow-up on application by visiting a local help-centre or school, asking for their name, or checking the notice boards. Also, messaging as well as IVRS (interactive voice response) in local language should be employed, wherever mobile phones are being used.

#### **6. Help-centre**

- 6.1. There should be an RTE cell or help-centre in every locality for immediate redressal of grievances. A helpline should be linked to such centres for quick redressal.
- 6.2. The help-centres should be open on weekends and public holidays to provide access to parents, who cannot visit on weekdays, or might have to sacrifice their day's work for the same. They should be open for the entire duration of working hours.
- 6.3. The staff in help-centres should be well-informed and responsive. They should receive training to address various queries. They should be proficient



in using computers for submitting the forms. The staff should be familiar with local NGOs and volunteers working on RTE.

- 6.4. The help-centres should accept forms in offline as well as online mode. Applications should be able to approach these centres, enquire about the admission process, and submit the forms at the counter. For those who cannot write, the centre should provide aid.
- 6.5. All help-centres should have electricity, internet connection, computers, printers, and air-cooling facilities. For this purpose, local computer coaching centres, school or colleges with ICT facilities, and BRC offices may be utilised.
- 6.6. The help-centres should be open throughout the year, especially after the allotments. One should be able to know the allotment result by simply visiting a help-centre. The centre's staff should address parents' queries, and provide immediate redressals.

## 7. Website and communication

- 7.1. All visitors to the website should be able to easily access the list of schools in their neighbourhood. This will be particularly helpful for NGO workers assisting the applicants.
- 7.2. The application website should be search engine optimised (SEO), and equipped to handle heavy traffic. It should appear amongst the top search results for RTE 12(1)(c) admissions in Gujarat.
- 7.3. Simple YouTube videos in local language demonstrating school registration and application submission procedures should be posted on the website's home page. They should be regularly updated.
- 7.4. Post-lottery, every applicant should receive at least two SMS messages stating the outcome of their application. In addition to the local language, messages in English should also be sent to avoid font compatibility issues.
- 7.5. Along with SMS, the result notification should be sent through mass media and social networks.
- 7.6. In case of non-allotment, the result should mention 'considered for next round', as applicable. Use of negative words such as 'rejected' or 'unsuccessful' misleads the applicants. They need to be informed that they will be considered in further rounds.
- 7.7. Need for a fully functional helpline: Multiple telephone helplines providing up-to-date

information should be active throughout the day for schools, applicants, and departmental staff who might need clarifications. The attendants at these helplines must have clarity on all updates regarding 12(1)(c) admissions.

## 8. Post-allotment

- 8.1. If an applicant, whose eligibility documents have been successfully verified before the application, is found with a lack of those documents after allotment, then the allotment should not be cancelled. This should be followed for candidates, whose applications may be found invalid despite earlier verification. The responsibility for producing the right documents should lie with the parents only before the application. If the documents are later found to be invalid or inadequate, necessary remedial measures should be taken. However, the child should not be denied admission.
- 8.2. The help-centres should work as first-point-contact for school administrators as well. The school staff should be able to call or visit the centre, and get their queries resolved.
- 8.3. School administrators should be trained, and sensitised towards RTE 12(1)(c) admissions. Adequate support along with training, and quick query redressals should be provided by the local offices of the Department for fast and accurate registration of admitted children.
- 8.4. All schools should be rated based on their responsiveness to the 12(1)(c) application process. If a school refuses to cooperate for admission, or exercises unreasonable discretion to reject the applicants, then it should be fined and warned of further punitive actions.



# CHAPTER 13:

## CONCLUSION :

### DEEPENING ROOTS

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The policy journey of Section 12(1)c is well under way, with the “25 percent mandate” finding its way into the cultural and social life of the country. For a policy to find itself at the centre of a popular film (“Hindi Medium”), is as strong an evidence as one can hope to find, of a policy deepening its roots. Affirmation for the policy has also come in the form of Report of the Committee for Evolution of the New Education Policy<sup>91</sup>. The committee states its support for the mandate emphatically, and asserts that the 12(1)(c) clause is ‘designed to conform to the spirit of a common curriculum and a common school system’. Identifying inclusive education as ‘a significant social objective’, the committee calls upon Union and State governments to resolve operational problems, and implement the provision in a smooth manner. Moreover, the report recommends expansion of the mandate. It suggests that ‘the larger national obligations to meet the rights of economic weaker sections should extend to all institutions including minority (religious and linguistic) institutions’. The increased visibility and assertions in support of the 12(1)(c) clause underscore its rising significance in policy debates surrounding inclusive education.

In this context, it is crucial that different stakeholders of the policy actively engage with its discourse, and act to further its objectives. As an instrument challenging the inequalities in access to education, the 12(1)(c) clause is bound to create tensions. The gradual development in its implementation over 8 years since the enactment stands as an evidence to the systemic and social difficulties it faces. Nonetheless, there is a progress on many fronts over the last few years. New institutional arrangements in the form of e-governance initiatives and centralised admission systems are being created distinctly to facilitate the implementation of 12(1)(c) clause. These efforts of the government are supplemented by active participation of civil society organisations, and benevolent support of the judiciary. There is also a palpable rise in school participation. Against the backdrop of these developments, we conclude the report by reiterating several themes that have arisen in the report, and those that need attention for the policy to deepen its roots, and achieve its intended objectives. We call upon government officials, judiciary, and private stakeholders for their active participation in this regard.

#### LACK OF CLARITY ON IMPLEMENTATION IN MOST STATES

Issue of inconsistency that continue to characterise DISE data mean that we do not have any reliable admissions data to assess the actual implementation of the mandate. As an earlier chapter points out, less than half the States have actually received funding from the centre to reimburse schools, and pay for uniforms and books (depending on State rules) under the mandate. If this is an indication of actual implementation, then it paints a very poor picture of the other States. Either the other States have not implemented the mandate at all, or failed to do so in a manner that allow them to fund the mandate as per its rules. This either reflects a failure to fulfill a constitutional obligation, or poor governance, neither of which should be excusable.

#### ATTENTION TO (E)GOVERNANCE IN MANY STATES

An important theme that has emerged from this year’s report is the significant effort made by many States to systemise the admissions process using tools of e-governance. The tools have also aided several State governments in coming up with thoughtful alternatives to determine the process of allocating available seats to applicants based on their preferences. We have discussed some of these in earlier chapters, and we hope that those responsible for determining these will find the report useful in learning from other States. The e-governance systems in place and the allocation algorithms in many ways point to the potential of governments - which are otherwise maligned - to be innovative and responsive in their service delivery. We hope that officials across the country will learn from the thoughtful attention to details that their colleagues in other States have demonstrated on the mandate. We also hope that the implementation process continues to improve in those States, which have shown leadership in implementing the mandate.

While we strongly believe that the utilisation of technology has the potential to reduce administrative burden, and improve citizen’s experience of the mandate, there is a compelling need to supplement the efforts by aiding citizens to negotiate the technology. According to the 2011 census, merely 3% households have access to internet on computer. The proportion of mobile internet users is as low as 28%,

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[91] Subramanian, TSR. 2016. *Report of the Committee for Evolution of the New Education Policy*. Report on National Policy on Education 2016, MHRD, New Delhi: Government of India. Accessed May 31, 2017. <http://www.nuepa.org/new/download/NEP2016/ReportNEP.pdf>.

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which also includes persons with multiple connections<sup>92</sup>. The highly sophisticated tools of online portals while easier to administratively implement, can also be unfit and intimidating for the target population that belongs to the most disadvantaged sections. Leaving the task of providing help to unregulated private operators runs the risk of either corruption, or reinforcing the very forms of exclusion that the mandate is supposed to help overcome. Further, reach of non-governmental organizations is limited.

We strongly recommended that governments eliminate the barriers of technology and literacy in the application process. And till that time, they continue to use offline, community-based alternatives in parallel. The awareness campaigns need to reach beyond internet and newspapers. Given the targeted segment, they need to use channels of radio, panchayat announcements, and community centres. While spreading awareness, people need to be informed about specific application requirements and ways to fulfil them. One should be able to submit a plain paper application at any panchayat or ward office, with adequate documentation. These offices need to provide assistance to those who cannot read or write. For the applicants, there needs to be responsive and resourceful help-centres within reachable boundaries; the centres should provide start to end assistance from application stage to admission, as well as post admission. This calls for considerable investment by the government in staff as well as other resources.

### SUPPORTIVE JUDICIARY

The mandate has benefitted from strong support by the judiciary. As the chapter by Vidhi Legal points out, courts have taken a strong view on the desirability of the mandate, and to ensure that it implemented both in spirit and the letter. The courts continue to resist efforts to define eligibility criteria that will undermine the spirit of the law. However, as we have pointed out in earlier reports, we hope the courts would revisit the issue of exemption of minority schools from the mandate. Although public information to verify this remains unavailable, there are sufficient anecdotal accounts on how the exemption is being (mis) used by schools (especially many of those catering to the elite) to escape the mandate. We hope the courts would take cognizance of this. Further, we hope that the courts take cognizance of the potential non-implementation of the mandate in several States. In this regard, recent Delhi High Court directives<sup>93</sup> to the Municipal Corporations for implementation of the mandate along with sharing of relevant data in the public domain is a step in the direction we hope other courts will take as well.

### CALL TO CIVIL SOCIETY AND FOR GREATER POLITICAL MOBILIZATION

As the report highlights (often in their own voice), the significant civil society efforts in many States have held the state accountable for its obligations, and played an active role in the implementation of the mandate. In doing so, they have also fulfilled their own roles of working towards the welfare of those neglected by the dominant institutions of the state and the market.

We hope that that others will follow their steps, and take advantage of the potential of leveraging on a rights based framework to truly create public private partnerships that work for the economically weaker and disadvantaged. We strongly believe that supporting children, who are attending schools via the mandate (and hence also supported by the state), provides a highly impactful strategy for philanthropic capital to not only leverage on the government's efforts to improve human capital, but also bring about systemic change by demanding more of government systems.

The experience<sup>94</sup> of working with ward-councillors in Ahmedabad informs that political mobilisation can also help in improving the implementation of 12(1)(c). Such efforts should be increased. The department of education needs to engage local political leaders and representatives of marginalised communities in the policy implementation. It may run awareness campaigns through these actors. Also, simple and accessible application process needs to be designed with people's participation.

### CALL TO PRIVATE SCHOOLS

The stakeholder who is ultimately responsible for, and determines the nature of implementation of the mandate, are private schools. During our field visits and field work, we have heard instances of many schools arbitrarily rejecting the applicants, or charging hefty non-tuition fees from those admitted. We are told that in some cities, the schools and parents of the privileged groups have formed independent associations, which now lobby against the bureaucratic pressure to implement the mandate. Our report does not adequately cover the status and nature of their engagement with the mandate. We recognize this limitation. However, this limitation largely stems from the reluctance of most schools to share information and provide us access. There are some exceptions that other reports<sup>95</sup> including ours have highlighted in the past. The reluctance of most schools to be open and transparent has implied an inability to systematically study the issues they face. We hope that over time this reluctance will diminish. There is no arguing that

[92] Krishnan, Aarati. 2017. "How many Indians have Internet? ." *The Hindu*. March 26. Accessed June 15, 2017. <http://www.thehindu.com/business/how-many-indians-have-internet/article17668272.ece>

[93] See *Anurag Kundu & Ors vs. South Delhi Municipal Corporation & Ors*. 2017. 12018 (Delhi High Court, May 1).

[94] See chapter 5 for a similar Ahmedabad-based experience.

[95] Indus Action. 2014. *Making Social Inclusion Possible within private unaided non-minority schools under Section 12(1)(c) of RTE*. New Delhi: Indus Action. Accessed May 31, 2017. <http://www.indusaction.org/publications>.

the implementation of the mandate is far from perfect, but this is a task that private schools will have to find a way to engage in. To be a violator of the law, cannot be a position from which any school can hope to educate any children. We hope school leadership - academic and administrative, will see in the mandate, an opportunity to repay the trust that society has placed in them in creating the next generation for a more just and democratic society.





## Annexure 1: Reference: Chapter 8: Lottery Logic in the Four States

## MAHARASHTRA LOTTERY WITH EXAMPLE

All applicants within 1km radius of a school are considered first. The neighbourhood is recorded in the application form, when it is submitted online. Step 1 to 6 are followed for such applicants.

1. The number of applications received by the most preferred school is recorded, and the schools are sorted based on number of preferences indicated for each.
  - a. If the total number of seats in a school is greater than the number of children preferring it, then all the preferences are converted into allotments. Also, such school is automatically excluded from further allotments. For example, Ganapat Vidya Mandir has 45 seats and 40 applicants. Then, all the forty applicants are allotted a seat in Ganapat Vidya Mandir. Thus, all the possible allotments to Ganapat Vidya Mandir are exhausted and it no longer requires to be considered in the lottery.
  - b. However, the applicants are considered for other schools as well. That is, the forty children- who have been allotted Ganapat Vidya Mandir, will be considered for other schools.
2. Generation of random numbers:
  - a. The lottery set-up for allotment to schools with excess demand consists of bowls with number chits and a computer connected to internet. The number of bowls is same as the number of digits in the number of applications received by the most preferred school. For example, if the maximum number of applications received by any school is 484, then three bowls will be used, one each for unit's place (U), ten's place (T), and the hundred's place (H). The U and T bowls would have 10 chits with digits 0 to 9 written on them. The H bowl would have number chits numbered from 0 to 4 for the case of 484.
  - b. To begin the randomisation, any person- preferably a parent- is called to draw one chit from each of the bowls to form a three-digit random number. Suppose, table 13.1 shows the random sets formed for the case of 484 maximum applicants per school. When the chits in the bowl of hundred's place are over, the set is completed by assuming zero in its place. Thus, the number sets are ten unique random numbers. These numbers decide the sequence in which an applicant is considered for allotting a school seat. These ten numbers are fed into the computer system and the allotment is initiated.

**Table 13.1: Set of random numbers formed for lottery (Example for Maharashtra system)**

100's Place	10's Place	Unit Place
4	9	2
0	7	9
1	8	1
3	1	6
2	5	4
0	0	7
0	3	0
0	2	3
0	4	5
0	6	8

3. For the schools that have more applicants than their available seats (those left after step 1a), an allotment algorithm is followed.
  - a. All such schools are sorted in descending order of number of applications per school.
  - b. Each school is considered separately. A list of applicants per school, who reside within 1km distance from the school, is prepared with their application form numbers in order.
  - c. The list is rearranged with respect to the set of unique random digits generated as per the process described above.
  - d. For example: Adarsh Vidya Mandir has 65 applicants against its 50 vacancies. Since the number of applicants exceeds the number of seats, the algorithm will be followed. All 65 applicants will be ordered according to their application numbers. Now, since the vacancies are 50, the total capacity of Adarsh Vidya Mandir, considering the 25% reservation, is 200 seats. Beginning with zero, the applications can be ordered up to 199. Hence, all the applicants to Adarsh Vidya Mandir will be ordered matching their application numbers successively with the set shown in Table 13.2. Here, table 13.2 is obtained from table 13.1 skipping the entries for 4, 3, and 2, as the highest digit at the hundred's place can be 0 or 1.
4. Using Table 13.2, all applications to Adarsh Vidya Mandir are sequenced. For example, consider Makarand and Rucha as potential applicants in order. Firstly, Makarand's application number, which is (supposedly) before that of Rucha, will be matched with the unit place digit 9 in table 13.2. If it matches, then Makarand will be ordered up in the list. If it does not match, then Rucha's application will be matched for the same digit and so on.



Moving from 9, matches with 1, 7, 0, 3, 5, and 8 will be made. Subsequently, a combination will be considered using the digits in the ten's place and hundred's place. As soon as a match is found, the application will be moved up in the list.

**Table 13.2: Example: Adarsh Vidya Mandir: Digit Combinations as per Table 13.1**

100's Place	10's Place	Unit Place
0	7	9
1	8	1
0	0	7
0	3	0
0	2	3
0	4	5
0	6	8

- Now, we have a list of applicants for Adarsh Vidya Mandir. This list is randomly ordered according to step 2 and 3a. The first 50 applicants from this list can fill the 50 vacancies of Adarsh Vidya Mandir, provided their entry-level and entry-age matches. Thus, the vacancies in Adarsh Vidya Mandir are filled.
- Similarly, all school vacancies are filled beginning with the school with most number of applications to the one with the least number of applications.

Post this allotment, remaining school vacancies are filled for the applicants residing within 1 to 3 km distance from the school. The entire process is identical except that the list of applicants per school consists of applicants residing farther than those considered earlier. Every applicant is considered in all the allotments as many times possible.

### RAJASTHAN LOTTERY WITH EXAMPLE

The lottery logic in Rajasthan can be understood from the following illustration. Suppose, a candidate called Malkin Bano in ward or village 31 has indicated preference for ten schools (L School, Q School, Z School, Jankidevi School, Joseph School, Vidyasagar School, Aabeda School, T School, M School, D School- not in order). Suppose, L, Q, Z, Aabeda and D are recorded in the database as the schools located outside ward 31. Then, the first group will have Jankidevi, Joseph, Vidyasagar, T and M, while others will be in second group. Now, the five preferences in group one will receive a random priority number.

Suppose, in the randomisation, Jankidevi School has had 10 applicants before Malkin. Then, Malkin will get priority number 11 for Jankidevi. It might happen that Jankidevi has only 9 vacancies. Still, the priority numbers 10, 11.. will

be assigned. Thus, the priority number is a function of the demand for the school (every school preference has one top applicant), but not of the number of seats in school (the largest priority number for a school may not be same as its vacancy, rather will depend on number of applicants to the school).

Suppose, the result for Malkin is as follows: Jankidevi School: 11, Joseph School: 1, Vidyasagar: 13, T: 21, and M: 14. Now, the first priority number in second group will be generally higher, and allotted in the second phase. This is because the priority numbers in the second group are allotted only after allotting those in the first group. The order may be something like: L: 109, Q: 116, Z: 18, Aabeda: 10, and D: 107. As it may be observed, Malkin has received priority number 10 for Aabeda as against 14 for M and 11 for Jankidevi, which are both in Ward 31. Such cases may happen, when a school has not been opted by many other applicants. In this case, Aabeda School was not opted by more than 10 applicants in the same ward, or by those applicants in the neighbouring ward, who were randomly considered before Malkin Bano.

The allotment of a priority number for each preference stated by the applicant concludes the online lottery. Every applicant receives an SMS in English mentioning that the result is available online. They are supposed to download the allotment letter from the 12(1)(c) portal. The lottery result for Malkin Bano will mention the following:

- Malkin Bano's profile details submitted online and certificates that she should have in original
- Period within which she should approach a school (generally a week-long time)
- A list of her preferred schools with priority order:

L: 109, Q: 116, Z: 18, Jankidevi: 11, Joseph: 1,

Vidyasagar: 13, Aabeda: 10, T: 21, M: 14, and D: 107.

This allotment concludes the lottery. Now, Malkin Bano has a list of schools with priority number for each. She will definitely get admission in Joseph School, if she fulfils other requirements of the process, which include approaching the school within the stipulated time, and submitting hard-copies of the original certificates corroborating her eligibility. She might also get admission in other schools, provided their intake capacity is high or other applicants do not confirm their admission. For example, if Vidyasagar school has a vacancy of 10, then Malkin Bano will not get admission in Vidyasagar, unless at least three candidates with higher priority number for Vidyasagar do not seek admission there. Similarly, if the vacancy in school Z is 20, then Malkin Bano will certainly receive an admission in Z School, irrespective of other applicants.



