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**EVALUATING THE SECTION 12(1)(C) OF RTE IN
DELHI**

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Introduction

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), which was passed by the Indian parliament on 4 August 2009, describes the modalities of the importance of free and compulsory education for children between 6 and 14 years in India under Article 21a of the Indian Constitution. India became one of the 135 countries to make education a fundamental right of every child when the act came into force on 1 April 2010. Under this Act, all children between the ages of 6 to 14 years have a right to free and compulsory education in a neighborhood government school till completion of elementary education (Classes 1-8).

The most debated and contentious provision in the RTE Act has been the section 12(1)(c), which requires that 25 per cent of total available seats in Class 1, or at the pre-primary stage, in all private unaided schools, should be reserved for students from Economically Weaker Section (EWS), socially disadvantaged groups, physically handicapped children and orphans. According to Directorate of Education, a child belonging to economically weaker section means a child whose parents have total annual income of less than one lakh rupees from all sources. The issue was referred to the Supreme Court, which ruled in April 2012 that all government aided, and specified schools, as well as private schools, with a few exceptions, should provide such reservation.

Section 12(1)(c) of the RTE Acts states that no registration fee, including charges of prospectus, shall be charged from the parents/children applying against free seat. The school shall provide Common Admission Form free of cost to parents/children as prescribed by the Directorate of Education. In case the number of applications for admission against the free seats at entry level classes exceeds the number of seats available, admission shall be made by draw of lots in the presence of parents of the applicants and a nominee of Education Department, not below the rank of Vice Principal.

This clause of RTE has the scope of being abused by some families as they can forge fake income certificates understating their income to get their wards enrolled. Further they can bribe school authorities or use

contacts to secure a seat for their child under this section. Relative unawareness among the expected beneficiaries, in particular the families belonging to EWS category, further increase the chances of this clause being misused.

This paper takes a two-fold approach. It looks at Section 12(1)(c) of the RTE in two different ways:

1. Implementation at the level of schools, and
2. Awareness at the level of public

It evaluates how well the Section 12(1)(c) of the RTE Act is being implemented in private unaided schools all over Delhi and also how fair is the admission process under the quota. It also studies the factors responsible for varying levels of awareness among households.

Literature Review

On surveying Bangalore and Delhi, Padma M. Sarangapani and Archana Mehendale found out that in both the cities under study, rules and guidelines on financial reimbursement have been prescribed in clear and accessible forms. However, requirements of income certificate and other documentation caused delays, harassment and corruption. With respect to administrative structure itself, both places reported lack of staff as the main bottleneck and a hurdle in effective implementation and monitoring. The study found that the 25 per cent provision has been claimed by those who knew how to get the required documentation. The absolutely impoverished and marginalised families have not made use of the provision in both the cities.

A recent study conducted by NGO Indus Action in Delhi reveals that most of the eligible parents were unaware about the law and the rules under the state guidelines and there was lack of clarity for schools in terms of neighbourhood criteria, reimbursements and changes in guidelines based on the government or court orders. The financial viability for low and middle-income schools becomes a concern without timely reimbursement.

The caste certificates from other states, outside Delhi are not accepted under Section 12(1)(c). As a lot of families have migrated from

other states to Delhi, this is major obstacle for them in applying to private schools. A lot of grievances were received from parents with regards to the lottery system around fair play and monitoring.

According to Prachi Srivastava, the implementation of the act was affected by several factors like lack of concrete policy directives, appropriate institutional structures and social embeddedness of schools and education in deep and hierarchical power relations. A considerable gap has been observed between the official articulation of act and what the intended principle was. It was observed in several studies that the freeship children came from relatively more economically stable families and had parents who were relatively better schooled. Also the households whose children got admission under this act were not aware of the full extent of provision and all paid significant costs to access freeship schools. In addition to these cost barriers, the opacity of the freeship application processes, timeliness of freeship announcements to applicants, social networks, and household ease and familiarity with interacting with private schools posed significant barriers in households' attempts at securing a free place.

Another study points out that only 4 per cent of parents from economically weaker sections (EWS) are aware about the availability of 25 per cent seats under EWS category in the capital's private schools, under the RTE Act. Also, only half of these 4 per cent parents have managed to navigate through bureaucratic and psychological barriers to apply. 94.80 per cent people had at least one of the birth proof certificates. 96.85 per cent people had at least one of the accepted documents for address proof. And 82.80 per cent people had at least one of the accepted documents for proof of income. Yet, families chose not to apply, with the exception of 4 per cent families who did — high fees being a major concern discouraging them from applying to private schools.

Against this background, this study aims to understand the factors responsible for varying levels of awareness amongst households since not much work has been done in this area so far. It also evaluates the implementation process at the level of schools in Delhi.

Areas Surveyed

For the purpose of conducting surveys, Delhi was divided into 4 regions- North, South, East and West. The areas visited in each region were as follows:

North	Razapur, Shalimar Gaon, Majnu ka Tilla
South	Hauz Rani, Khidki Extension, Rangpuri Pahadi and Islam Colony
East	Kalandar Colony, Seemapuri
West	Uttam Nagar, Shiv Vihar, Khayala gaon, Khazan Basti

Methodology

In order to understand the qualitative and quantitative aspects of RTE, a Questionnaire was prepared and a total of 136 households were surveyed in Delhi.

A door-to-door survey was conducted to identify families with children in the age group of 3-8 years. Also help was taken from NGOs to identify these households.

Targeted Families included:

- The parents who had applied and got admission under the scheme
- The parents who had applied and did not get through
- The parents who were unaware

The data collected from the families who applied under the scheme was used to understand the descriptive statistics which helped comprehend the pattern observed in Delhi at the aggregate level as well as the regional differences.

Also, a regression was run to understand the factors that might influence the level of awareness about the scheme since awareness plays a major role in the process. In the data collected, the only families that didn't apply were the ones who were unaware of the scheme. So, it was important to see what might be influencing awareness.

SECTION 1: IMPLEMENTATION

- The 101 households who were aware and applied for admission under the EWS quota of RTE were studied in this section
- Different household characteristics were analyzed to understand the differences, if any, between the households with children who got admission and households with children who didn't
- This was done to examine if the schools are following the rule regarding the lottery properly or not because if they are, it is expected that the household characteristics shouldn't play any role in deciding the outcome

Quantitative Analysis:

A total of 136 households were interviewed during the survey out of which 101 households applied for admission under RTE quota and while the remaining 35 households didn't have any knowledge about this flagship program of RTE. Out of the 101 households who applied for admissions under RTE EWS quota, 80 (79.21%) children were successfully admitted in schools under this scheme.

Following is the summary of the basic attributes of the 101 samples that were interviewed:

Income:

Parents whose children:	Obs.	Avg. Income (INR)	Max Income (INR)	Min Income (INR)	Standard Deviation
Got through RTE	80	7101.25	15000	2500	2112.081
Didn't get through RTE	21	6538.095	15000	3800	2490.076
Total	101	6984.158	15000	2500	2194.754

The average monthly income of the sample was Rs. 6984, with minimum being Rs. 2500 and maximum being Rs. 15000. What seemed peculiar was the presence of 9 General category households in our sample with

annual income above the defined EWS criterion out of which 8 applicants (88.88%) got admitted under the Section 12(1)(c) of the RTE Act. For the household whose child got through, the average monthly income was Rs. 7101 and for those whose child didn't get through being Rs. 6538. This indicates that there might be an income bias against poor households. To check whether this was indeed the case, a t-test was done.

Two-sample t test with equal variances

Group	Obs	Mean	Std. Err.	Std. Dev.	[95% Conf. Interval]	
0	21	6538.095	543.379	2490.076	5404.626	7671.564
1	80	7101.25	236.1378	2112.081	6631.229	7571.271
combined	101	6984.158	218.3862	2194.754	6550.886	7417.43
diff		-563.1548	537.8772		-1630.42	504.1104

diff = mean(0) - mean(1) t = -1.0470
 Ho: diff = 0 degrees of freedom = 99

Ha: diff < 0 Ha: diff != 0 Ha: diff > 0
 Pr(T < t) = 0.1488 Pr(|T| > |t|) = 0.2977 Pr(T > t) = 0.8512

The above figure shows that the impact of monthly income on admissions under scheme turns out to be **insignificant**. Thus monthly income has no impact on getting admission under RTE-EWS quota.

Caste:

	Applicants	Avg. Income (INR)	Got Through RTE	Success Rate (%)
General	36	7472.22	28	77.78
OBC	32	6500.00	23	71.88
SC/ST	33	6921.21	29	87.88

(Note: Success Rate is defined as proportion of children getting enrolled out of the total applicants)

Out of the 101 households, 36 (35.64%) belong to General Category, 32 (31.68%) belong to OBC and 33 (32.67%) belong to SC/ST category. 28 General category households got through the RTE quota. The statistics were 23 out of 32 and 29 out of 33 for OBC and SC/ST category respectively.

The above table infers that a child belonging to SC/ST household has relatively better chances of getting enrolled as compared to the other two categories. This indicates that there might be no bias against lower classes.

Gender:

	Applicants	Average Income (INR)	Got Through RTE	Success Rate (%)
Boys	61	7040.98	48	78.69
Girls	40	6897.50	32	80.00

Since the success rate remains almost the same across the gender of the child, it indicates that there is no bias against any gender at the level of the school, which should be the case if the admission process actually includes lottery.

Parents' Education:

	Applicants	Average Income (INR)	Got Through RTE	Success Rate (%)
Both Parents Illiterate	5	6200	5	100.00
Only one Parent Literate	39	6958.97	31	79.48
Both Parents Literate	57	7070.175	44	77.19

The no. of applicants in case where both parents are educated exceeds the no. of applicants in other categories. This could be because of the higher levels of awareness among more educated parents and hence they are more likely to apply. However, the categories where one or both parents are educated have similar success rate indicating zero bias at the school level. The absurd result of 100% success rate in case where both parents are uneducated could be due to sample bias.

Lottery:

According to Directorate of Education, in case the number of applications for admission against the free seats at entry level classes exceeds the number of seats available, admission shall be made by draw of lots. The statistics show that lottery took place in 72.28 per cent of the total cases. Out of the 80 applicants that got enrolled successfully, lottery took place in 61 (76.25%) cases and for the remaining 21 households that applied and didn't get through, lottery took place in 12 (57.14%) cases. After accounting for the cases where applicants were lower than the number of seats available in a private school, use of unfair means for admission could be a possibility in the rest of the cases where lottery didn't take place.

Middleman:

28 of the 80 (35.00%) enrolled students were assisted by a middleman, mostly NGOs, in the admission process. NGOs played an important part in spreading awareness about the concerned scheme in Delhi and helping the applicants obtain the required documents necessary for the admission process. An important observation is that the households that didn't get through were not assisted by any middleman.

Registration Fee:

Registration Fee was charged in only about 5 (4.95%) cases out of which only 3 got enrolled. This shows that the system is mostly transparent and there is minimum presence of unfair practices at the school level.

SECTION 2: AWARENESS

- In order to study the factors responsible for varying levels of awareness, a regression was done on the entire sample
- The independent variables were chosen based on the prior belief about factors that could affect awareness

Regression Model

A Logistic regression model was used to find the factors that influence awareness about the scheme.

Dependent Variable: A dummy variable which takes value:

- 1 when the parents were aware about the scheme
- 0 otherwise

Independent Variables:

1. **Parent's Education** – The coefficient of this variable is expected to be positive as more educated parents are likely to be more aware than uneducated parents.

In order to verify this two dummies are created:

- Educ_1 takes value of 1 for one of the parent literate
- Educ_2 takes value of 1 for both parents literate
- Base category is both parents illiterate

2. **Income** - The sign of the coefficient of this variable is expected to be positive since relatively richer people are expected to be more aware about the scheme due to better resources they have access to. Here, two income dummies are created:

- Income_1 assigns value 1 for monthly income between 4000 and 8000
- Income_2 assigns value 1 for monthly income greater than 8000
- Base category is monthly income less than 4000

Regression Result

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Logistic regression                                Number of obs =      136
                                                    Wald chi2(4)      =      37.54
                                                    Prob > chi2       =      0.0000
Log pseudolikelihood = -47.45588                    Pseudo R2        =      0.3881
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awaredummy	Robust				
	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]
_Ieduc_1	9.27074	6.160912	3.35	0.001	2.520256 34.10234
_Ieduc_2	12.52185	9.140477	3.46	0.001	2.994493 52.36167
_Iincomedum_1	8.005953	4.432372	3.76	0.000	2.704945 23.6956
_Iincomedum_2	30.19058	32.21042	3.19	0.001	3.730114 244.3548
_cons	.1024865	.0624405	-3.74	0.000	.0310504 .3382723

Inferences

Parent's Education:

Educ_1: The odds of being aware about the scheme are approximately 9.3 times higher for the households where at least one of the parents is educated as compared to the households where no parent is keeping rest of the variables constant. Further, the coefficient in this case is highly significant at 1% level of significance.

Educ_2: The odds of being aware about the scheme for the households where both parents are educated are approximately 12.5 times high as compared to the households where both parents are uneducated, keeping rest of the variables constant. The coefficient in this case is also highly significant at 1% level of significance.

Thus the regression result shows that educated parents are more likely to be aware of the RTE EWS scheme as compared to uneducated parents.

Income:

Incomedum_1: The odds of parents who earn more than Rs. 4000 but less than Rs. 8000 per month being aware are 8 times higher as compared to a parents earning less than Rs. 4000 per month keeping rest of the variables constant. The coefficient turns out to be highly significant at 1% level of significance confirming the intuition.

Incomedum_2: The odds of parents who earn more than Rs. 8000 per month being aware are 30.2 times greater than the parents earning less than Rs. 4000 per month keeping rest of the variables constant. Also the coefficient is highly significant at 1% level of significance, stating that parents with monthly income more than Rs. 8000 are more likely to be aware. Also, the odds in this case are higher than in the case of parents earning between 4000-8000 which confirms what was expected.

Parents with higher income have relatively higher level of awareness which indicates an income bias in favor of the rich.

REGIONAL DIFFERENCES

NORTH

	Observations	Lottery (%)	Middleman (%)
Got through RTE	30	86.67	40.00
Didn't get through RTE	3	100	0.00
Total	33	87.88	36.36

North Delhi had the highest success rate of 90.91 per cent followed by maximum incidents where lottery took place. Middleman assisted 40 per cent of the 30 applicants who got enrolled in private unaided schools signaling that middlemen play an important part as concluded earlier.

Shalimar Gaon:

The findings here depicted caste bias. The scheme seems to be working well at the school level. But, a bias was observed in case of awareness, parents belonging to lower castes had little awareness whereas those belonging to the upper castes were well aware and had children going to good private schools. Lottery took place in all the schools in the presence of parents and no fee was charged for the admission forms.

Majnu ka Tila:

Everyone irrespective of his or her caste was well aware. The admission process was mostly transparent. However, a few parents mentioned that having contacts helps to get into a school through the quota.

Razapur:

Awareness was high but schools were conducting unfair practices during admissions such as screening tests and bribery. The major problem faced by parents in Razapur was that the schools forced them to pay for magazines, educational trips and swimming fee, which they found troublesome at such low income.

SOUTH

	Observations	Lottery (%)	Middleman (%)
Got through RTE	25	56.00	52.00
Didn't get through RTE	10	30.00	0.00
Total	35	48.57	37.14

South Delhi had a success rate of 71.43 per cent with minimum incidence of lotteries. Middleman assisted 52 per cent of the applicants that got enrolled. Hence, this observation strengthens our previous finding that middleman increases the probability of a child in getting admission under the RTE quota.

Islam Colony:

Households surveyed in this area were well aware of the RTE-EWS scheme. The high levels of awareness were due to the initiative taken by an NGO, EWS Parents' Association. However, most of the children who

had applied did not get through, as lottery did not take place in most schools of that area. Moreover, many households were asked to pay bribes although no form fee was charged.

Rangpuri Pahadi:

All the children living in this area got admission through RTE. Everyone was aware due to the presence of NGOs. This area had the presence of high-income private schools. Lottery took place in each and every school. This shows that the high-income private schools were performing better and had greater transparency when it came to implementation of the scheme. Another important finding was that having a sibling in a school did not increase the probability of getting through RTE for the younger one in the same institution.

Hauz Rani:

Most people were unaware of the scheme in this area. The few that knew had already taken advantage of it. The lottery didn't take place in most of the cases.

EAST

	Observations	Lottery (%)	Middleman (%)
Got through RTE	25	84.00	12.00
Didn't get through RTE	8	87.50	0.00
Total	33	84.85	9.09

Success rate in East Delhi was observed to be 75.76 per cent followed by high lottery incidents. Middlemen helped spread awareness in this region but did not play a major role in the admission process under Section 12(1)(c) of the RTE Act.

Kalandar Colony and Seemapur:

People were well aware about the RTE-EWS scheme due to the presence of an NGO and Anganwadi in the area. Lottery took place in most cases. There were no issues regarding the implementation of the scheme. No fee

was charged from the households. Another finding was that the area criterion applicable in this region was that the residence should be within 1 km of the school instead of 3 km.

WEST

Areas surveyed: Khajan Basti, Uttam Nagar, Shiv Vihar, Khayala Gaon

29 households were surveyed in this region and the main observation was that they were not aware of the scheme. The most probable reasons contributing to the situation are the absence of a proper government initiative and lack of NGOs. Moreover, the people in Khajan Basti were so poor that education wasn't something they cared about. Most of the parents were engaged in very low-income activities and had very little or no education at all.

Conclusion

The study reveals that the RTE section 12(1)(c) is working well in Delhi as a whole. But there are regional variations within. North Delhi shows acceptable results except in Shalimar Gaon where lower castes are comparatively unaware. At the level of schools, implementation is good overall. As the data inferred, variables like household income, caste, parents' education do not play any role in getting admission which indicates that malpractices are at bare minimum levels and lottery system, where and when used, is usually fair. Awareness levels vary across regions too. South Delhi has a huge presence of NGOs and hence, the level of awareness is very high. The implementation of the scheme is satisfactory in this area. West Delhi shows comparatively poor results. The area seems to have very low level of awareness. East Delhi shows good implementation but the criterion applicable in this region is that the residence should be within 1 km of school instead of the 3 km, which violates the rules of the scheme. Another important observation is that the children admitted to private school under the scheme face no discrimination in any region.

The main issue keeping the children from getting admission in the schools is that a large number of parents is still unaware of the RTE-EWS scheme. The regression results show that income dummy and parent's education turn out to be highly significant at 1% LOS. A significant income dummy coefficient implies that the households with relatively higher income levels are more aware about the scheme. A significant education dummy implies that more educated parents are more aware of the scheme. The lack of awareness can also be attributed to the absence of media coverage and proper government initiative. Moreover, income issues also add up to the list of obstacles as items such as uniforms, stationery and books are not covered under the scheme and hence it becomes troublesome for the parents to bear the expenses as the government is unable to provide sufficient funds for the allocation of school items to the private unaided schools. Due to unavailability of funds, most private schools are finding it difficult to implement the scheme properly. It has been observed that the relatively well-off private schools have implemented the scheme successfully.

The mentality of the lowest strata of society is very different from the average EWS as their main focus is to get a two square meal for everyone in their family instead of getting their children into schools. On the brighter side, caste bias has become insignificant, almost a non-entity, and is giving way to equality. Malpractices are at bare minimum levels and lottery system, where and when used, is usually fair.

References

The Right of Children To Free And Compulsory Education Bill, 2008

The Gazette of India (2009) *Right of Children to Free and Compulsory Education, Act 2009*

Ministry of Human Resource Development, Right to Education, November 2010: <http://mhrd.gov.in/rte>

Sajak Society, E.W.S. Parents' Association

Shailey Tucker and Gayatri Sahgal (2012) *25% Reservation under the RTE: Unpacking the Rules in PAISA States*

Indus Action (2014) *Finding's & Learning's of INDUS ACTION's project for enrollment under Section 12(1)(c) of RTE*

ASER Centre (2013) *Annual Status of Education Report*, ASER Centre

Centre for Civil Society (2013) *Sab School Chale Abhiyan*, New Delhi