

Case study on the Grievance Redressal process set out in the Right to Education Act

By

Meghana Kumar

I live in London and completed my undergraduate degree in Philosophy, Politics and Economics at Oxford University. I recently qualified as an Associate at Clifford Chance LLP. From September – October 2010, I did a one month internship at Pratham / ASER in which I focussed on the implementation of the Right of Children to Free and Compulsory Education Act 2009, in particular with regards to the grievance Redressal process provisions aimed at getting out of school children into education.

From September to October 2010, I had the opportunity to complete a one month internship at Pratham / ASER. I had recently qualified as a lawyer in the UK and wanted to work on a project that as well as giving me an insight into the kind of work both Pratham and ASER do would also enable me to put my legal research and analysis skills into practice.

India's Right of Children to Free and Compulsory Education Act 2009 (the "**RTE**" or the "**Act**"), which came into force in April 2010 provided me with such a project. My task was to carry out a case study on the grievance redressal process set out in the Act, in particular to investigate whether the bodies the Act makes responsible for monitoring admission in schools actually exist and are operating accordingly. I focussed on one slum pocket, Zakhira in East Delhi and with an extremely helpful interpreter and guide interviewed children, parents, head teachers and local politicians in order to find out whether or not the Act's provisions are being enforced.

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Meghana Kumar

The aim of this case study was to investigate the ease of implementation of the Right of Children to Free and Compulsory Education Act 2009 (the “Act” or “RTE”) with a particular focus on the grievance redressal process or mechanisms set out in the Act designed to get children that are out of school, into education. To do this, the study focuses on one specific area in Delhi, namely a slum pocket called Zakhira in Karolbagh zone, one of the 12 zones into which Delhi has been divided by the Municipal Corporation of Delhi (the “MCD”) for the purposes of administering the city.

The case study is divided into five parts:

1. Overview of the RTE and the specific provisions aimed at enrolling children into schools
2. Discussion of Zakhira and its community
 - Grievance redressal process currently in place
 - Interviews with families
 - Interviews with two out of school children
 - Interviews with two MCD schools that cater to part of Zakhira’s community
 - Interviews with the Pradhan and Nigam Parshad
3. Caveats in relation to the interview process
4. Some underlying reasons why children are out of school
5. Analysis of grievance redressal under the RTE as applied to Zakhira
6. Conclusion

The following should be noted when reading:

- Some of the information included is second-hand and comes from studies conducted by Pratham.
- No prior knowledge of data collection informed the interviews conducted and the information was collected on an informal basis. Therefore, the analysis and conclusions reached are based on limited information and so could vary when applied to another area in Delhi with seemingly similar characteristics to Zakhira.
- Due to various sensitivities certain interviewees were not asked more probing questions and therefore some of the conclusions reached are implied rather than stated as fact.
- All interviews were conducted with the help of Shipra who works with Pratham Delhi and who was an extremely generous and helpful guide and interpreter.

Overview of the RTE

The RTE came into force on 1 April this year and heralds the Indian Central government’s attempts to give life to Article 21A of the Indian Constitution, which makes free and compulsory education between the ages of 6 and 14 a fundamental legal right of India’s children. Section 3 of the Act is the key provision, which sets out every child’s right to free and compulsory education between the ages of 6 to 14. This means that every child in India has the right to education from Classes I to VIII. However, the Act contains other significant repercussions for India’s schools, both state and private alike and impacts on teacher / student ratios and a school’s ability to fail and expel students (neither is allowed under the new law) amongst other things.

Some current barriers to enrolment for many of India’s underprivileged children are dealt with by various provisions of the Act. For example, s.4 provides that no child shall be denied admission to a

school either because they have never been admitted to or have not completed elementary education. Section 14(2) is also a crucial provision in this respect as it requires schools to admit a child even if they do not have proof of age. However, it should be noted that s.14 of the Act states that a child's age shall be determined according to his/her birth certificate and the Model Rules provide that other legally valid documents for the purposes of verifying a child's age include a hospital, auxiliary nurse and midwife register record, an *anganwadi* record or an affidavit given by the child's parent or guardian. Similarly, s.16 of the RTE focuses on keeping children in school by prohibiting the expulsion of children until they have completed their elementary education. Section 16 also states that children cannot be held back in any particular class until they have completed their elementary education.

A key feature of the Act is that it places the onus of ensuring that children are in school on schools themselves. Parents have a duty to make sure their children are in school but the obligation is on schools to ensure that s.3 of the Act is being met. This gives rise to the question of the necessary steps to take if a parent, teacher or concerned citizen or children themselves see or know that a child is not in school. The Act and its accompanying Model Rules under the Right of Children to Free and Compulsory Education Act, 2009 (the "**Model Rules**"), which are intended to provide further guidance when implementing the Act, allocate responsibility for ensuring that children are enrolled in schools and the monitoring of admission amongst the following bodies:

- appropriate Governments, defined as the Central Government, State Governments and Union Territory Governments;
- local authorities, defined as a Municipal Corporation, Municipal Council or Zila Parishad, Nagar Panchayat, Panchayat and any authority or body having administrative control over the school in question or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;
- School Management Committees ("**SMCs**") to be constituted by schools themselves and consisting of elected representatives of the local authority, parents or guardians admitted in the schools and teachers; and
- State Commissions for the Protection of Child Rights ("**SCPCR**") as constituted under s.3 of the Commission for the Protection of Child Rights Act 2005 or its equivalent Right to Education Protection Authority ("**REPA**") if the State Government in question has not yet set up an SCPCR, which are in charge of setting up child helplines to act as a forum for an aggrieved child /guardian who wishes to register a complaint regarding the violation of rights under the RTE.

There are two principal problems with the suggested grievance redressal process set out in the Act. First, no definitive structure is given as to which of the above bodies one can or should go to first when they see a child out of school and want to do something about it i.e. there is no clear hierarchy in the grievance redressal process. Second, questions arise as to whether the listed bodies exist in all villages and towns across India and even more crucially, whether those who are likely to have most need of these bodies actually know of them and are aware of the functions they are supposed to perform. For example, the Panchayat bodies listed under the definition of local authorities in the Act are part of the Panchayati Raj system of governance most commonly found in rural India. It is unlikely that such a structure will be found in urban areas and so the question arises as to whether

an equivalent structure exists and where it does, are people aware of both its presence and its purpose?

Overview of Zakhira

Zakhira is a densely populated slum located in Karolbagh zone, Delhi. According to data provided by Pratham, Zakhira's total population numbers approximately 30,000 which has been divided by Pratham for planning purposes into 28 clusters with 225 households in each, referred to as "Bastis".

We visited one Basti called Dayabasti, a large sprawling settlement near a railway track with extremely poor sanitary conditions. We interviewed Vinod Bhaskar, head of Pratham's Schools Based Library Programme in Zakhira who told us that many of the families were migrant families from states such as Uttar Pradesh and Bihar and lived in the Basti on a temporary basis. He also said that there are between 8 – 10 schools in Zakhira and 78 in the entire Karolbagh zone. Vinod explained the formal and informal political and administrative structures that stem from the MCD down to Zakhira and gave us an idea of the grievance redressal process with regards to getting children into school that, at least in theory, is in place and is serving the people living in Zakhira.

We then interviewed several families to get an idea of the backgrounds and previous educational experience of those living in Dayabasti. The experiences of two families are described in detail in this case study with a focus on one of each of the children from each household that is out of school. We also interviewed a couple of senior teachers and administrative figures at two schools as well as two local level public figures.

Grievance redressal in Zakhira

The MCD is both political and administrative in nature and comprises two parallel structures. One is political in nature and the elected head is the Mayor who is appointed annually. At the bottom of this political chain of command are the Nigam Parshads or Councillors who are elected every five years. Each controls one of the 274 wards which together make up the 12 MCD zones into which Delhi is divided. However, it should be noted that Nigam Parshads don't report to anyone and so the political grievance redressal process as it were begins and ends with the Nigam Parshad. Therefore the Nigam Parshad is the formal political body or individual of first contact should people in his or her wards have a problem with schools, electricity and drains etc. Zakhira has 3 Nigam Parshads in total and therefore responsibility for Zakhira's 28 Bastis is divided between them. However, an informally elected individual, known as the Pradhan is the head of certain Bastis and is the person that in theory, the people in a slum such as Zakhira are likely to have the greatest access to. Zakhira has more than one Pradhan, and the Pradhan that we interviewed, Laloo Prasad is actually only Pradhan of five of Zakhira's Bastis including Dayabasti. The Pradhan is most likely to be the person of first contact when people have problems for example with theft or with their property and he acts as the link between the people and the Nigam Parshad i.e. the first formally elected MCD body.

A second structure runs parallel to the MCD's political structure and is administrative in nature. At the top of this structure is the Commissioner. The MCD is divided into various departments and at the top of the department for education is the Director of Education. Below him/her will be so-called additional directors who are responsible for various components of the school system including

midday meals etc. A Deputy Officer of Education will be in charge of one particular zone and s/he is the person whom head teachers and teachers of the various schools in that zone report to.

Interviews with families

We managed to interview several families living in H block and I block, each a small enclave of Dayabasti. There were many similarities across the families especially with regards to the parents' own experience with education which in many cases was none. However, cultural and social factors also seemed to play a huge role as to why children were not in school.

We first spoke to a 40 year old woman named Shaheen Nisha, who said she and her family have been living in Dayabasti for the last 15 years. She told us that she works as a maid and that her husband, who is between 40 and 45 years old, had completed Class 5 and runs a tea shop. Her and husband have 3 girls and 1 boy and the older two, both girls are both married. The eldest named Shabnam is at 15 too old to qualify for an elementary education under the RTE but the 13 year old Shaheen should be in school. Shaheen told us that she didn't send the 13 year old to school because she was getting older and it was too dangerous. The younger two both attend school although Shaheen went on to say that her 10 year old daughter Gulafsa, who at the moment attends the MCD Tulsī Nagar school would also be pulled out and married when she starts "getting young" i.e. hits puberty. According to Shaheen "the world is a bad place out there" and it appeared that she felt that once her daughters started to physically develop it was safer and also perhaps part of the culture to get them married. Interestingly, Shaheen had heard of the Pradhan but had never been to see him about her problems. However she had not heard of the Nigam Parshad, who in theory is supposed to be the political representative within the MCD that she should have most access to. Finally Shaheen told us that she did not have a birth certificate for any of her children even though they were all born in Delhi.

Another lady we spoke to called Roshan Begum did not know her own age or that of her husband and was also vague about how old her children were. Roshan Begum's husband is a rickshaw puller and they have 5 children. The elder two are older than 14 years of age and as with Shaheen's two older girls, both are married. 12 year old Afsana and 10 year old Salman and 7 year old Gini are all out of school. Roshan Begum told us that Afsana and Salman were both in Class 2 when she fell ill and so returned to her village taking them with her. They returned after a year and she said they have been trying since August of this year to get them into school. She told us that they had been going to MCD Zakhira Pul school, which is under the railway track and as we learned from Vinod Bhaskar and subsequent interviews with a couple of teachers at the school, has only 4 classrooms but approximately 500 children in attendance. Roshan Begum's husband said that the school had refused to take them on their return, saying that it had been a year since they had last attended. He said he had told the school the children could be put back in Class 1, even though according to him, they were in Class 2 when they left for the village but the school still refused. Roshan Begum told us that she wanted Gini to be enrolled in school but was waiting for the elder two to gain admission. Her husband said that he himself had completed Class 5 and wanted his children to be in school. However, their son Firoze who was now married had, prior to this been at school but had started working in a factory and lost interest in his studies. Again, none of the children had birth certificates but the couple had been told they could pay a Rs 2000 bribe to acquire them. As with Shaheen, both

had heard of the Pradhan but were ignorant as to his function and neither had heard of the Nigam Parshad. Both Roshan Begum and her husband were also unaware of the RTE.

Another set of parents we interviewed had eight children ranging from 26 to 6 years old and were originally from Bihar. The father was 51 years old and had completed Class 10 and now worked in the plastics industry. The 38 year old mother did not work and had never been to school. Four of the children were eligible to be in school under the Act, however the 8 year old and the 7 year old were currently out of school, the former because she had gone to the parent's village and the latter because she had applied for admission after the July deadline and so had been told to come back after the school holidays. The mother told us that when they first arrived in Dayabasti, it was "like a jungle" and that they didn't even have permanent accommodation. At the time there was no school nearby which meant that elder four did not receive an elementary education.

Interviews with children

As well as interviewing parents we also managed to speak to two children who are currently out of school. The first, Shehzade is a 12 year old boy and has 3 siblings. His father, Tofail is 45 years old and his mother Sabina is 40 years old. Tofail told us that he makes things from scraps of plastic and that neither he nor his wife had been to school. They are originally from Bihar and Tofail told us that he had lost a huge amount of money when trying to secure a job. Amongst the parents we interviewed, Tofail seemed to have the most appreciation for the long term benefits of education. When asked why he thought it was so important he replied that life experience had taught him its value. Tofail was very keen that his children should become "knowledgeable people" but seemed a bit resigned to that fact that his children did not show much of an interest in their studies. Shehzade told us that he had been in school but had gone to his parents' village for a month. The school in which he was enrolled, MCD Inderlok school had apparently refused him re-admission on his return and Tofail told us that Shehzade's name had been struck from the register. Tofail's desire to educate his children was apparent as he told us that after Shehzade had been refused admission by his old school, he had put him in a Madrassa. Further, his 16 year old daughter was also studying urdu in a village school, which given the fact that a few of the girls in the other families we had spoken to were married off at a young age, suggested that Tofail really did want to educate all his children. However, he also made it clear that as far as he was aware, even though his children were going to school, it did not mean they were receiving a good education. Tofail said that even in the Madrassas, children could not count up to 50 and told us that in some MCD schools, children are left to their own devices and are not supervised or taught properly. He suggested that this was one of the reasons for his children's lack of interest in studies but also made it clear that nevertheless, he tried to instil in them the importance of studying.

The second child we spoke to, Chandini, is a 10 year old girl and one of 5 children of an original family of 6 but sadly one of her sisters died. She told us that her mother is employed as a maid and that her father is a rickshaw puller. Chandini's story was similar to many of the children in the other families we spoke to as she too had been going to school and had completed Class 3. However, her grandmother had had to return to her village, leaving Chandini responsible for her younger siblings' care during the day while her parents were working. Again, when asked, Chandini said she would like to go back to school, but it was clear that given her current family circumstances this seems unlikely.

Interviews with MCD Inderlok school

After interviewing the parents, we also requested an interview with each of the MCD Inderlok school and the MCD Zakhira Pul school to find out amongst other things, whether the schools are aware of the RTE and its provisions as well as the conditions under which they are operating.

MCD Inderlok school is situated a short auto rickshaw ride away from Dayabasti and runs two shifts, a morning shift for girls and an afternoon shift for boys. The building appeared to be clean and safe and the children had a proper playground to run about in. We visited the school during the morning shift and interviewed the Head Mistress, Mrs Najma Khatoon. It should be noted that during the interview Mrs Khatoon also dealt with other people coming in and out of her office. Also, she did not always answer our questions; instead responses were given by one of the other teachers also present.

Mrs Khatoon told us that she became a teacher in 1979 and had been Head Mistress for the last 3 years. The school currently has 400 children in primary education and 60 children in nursery, with 1 Head Teacher (Mrs Khatoon), 3 permanent staff and 4 on contract. The nursery has one permanent teacher but a second is supplied by a NGO which means that the teacher to child ratio at nursery level is 1:30. We were told that the school currently runs classes from class 1 to class 8 but that it has capacity to conduct classes 10, 11 and 12. When asked about the admissions policy we were told the following: no legal documents are required to gain admission to the school and that all parents do when a child is enrolled is sign a form with the child's approximate birth date on it. This can be established according to the season in which the child was born.

Mrs Khatoon and her colleague told us that they were aware of the RTE and had been informed of it by the Deputy Education Officer in a meeting organised for all head teachers between 2-3 months ago. However, Mrs Khatoon said that they were not up to speed on exact provisions in the Act, only that admission could not be denied to any child that requested it. She said that further details would be sent out to schools in time. However, we were told that there were two separate issues – re-admission and new admission. Mrs Khatoon seemed to be clear that when it came to a new enrolment, no child could be refused under the RTE. However there appeared to be some confusion in the case of re-admission. We were told that children's names were struck from the register after a 3 day absence and that according to MCD rules, they were obliged to wait for 6 months before gaining re-admission into a school. Mrs Khatoon seemed to backtrack on this statement when she said that the school's rule of thumb is to take the child back. Therefore it was not clear whether the RTE was followed only in cases of new admission but there seemed to be some confusion where children had been absent for longer than a 3 day period and were requesting re-admission.

We then asked if the school had a School Management Committee in place, which according to MR 13(6)(d) should ensure the enrolment and continued attendance of all the neighbourhood children in the school. We were told that a Vidyalaya Kalyan Samiti ("VKS") i.e. School Welfare Committee which is a platform for community participation in the management of a school is in place and is comprised of 1 government employee, 2 of the school's teachers, 2 parents of children that attend the school and 1 senior citizen. Their role is to determine how the school's funds can be spent and according to Mrs Khatoon and her colleague, many parents are not aware of the committee. We were told that the school conducts an annual survey to ascertain which children are in and out of

school and that enrolment is also a focus of NGOs working in the Bastis. We asked who the children communicate their problems to and were told that teachers fulfil this role.

Finally we wanted to ascertain whether Mrs Khatoon was broadly aware of the administrative hierarchy above her when it came to dealing with education matters. She mapped out the following chain of command: head teacher → school inspector → assistant education officer → deputy education officer → education officer → director of education → commissioner.

Interview with MCD Zakhira Pul school

Our interview with the MCD Zakhira Pul school elicited broadly similar answers. The headmistress, Kulkalawati Devi was not present and so we interviewed her colleague, the so called Incharge of the school. MCD Zakhira Pul school is the school situated near the railway track and the conditions were shocking. As we climbed the stairs we could hear the thudding of children's feet as they ran around and when we got to the top of the stairs we saw hundreds of kids running around screaming and playing as the inside of the building seemed to also serve as their playground. Aside from the fact that the school is located in a very unsafe place being next to a railway track, the inside of the building was filthy and stank. A couple of teachers were sitting in corners more observing the children than supervising them and large groups of children sat on two extremely filthy mats chatting and playing.

One of the first topics of discussion was space or rather the school's lack of it. We were told that the school's 4 rooms could accommodate approximately 200 children but that there were roughly 500 children actually in attendance at the school. Consequently, two to three classes were conducted in the corridor and two or more classes were sometimes conducted simultaneously in one room. Due to this lack of space, the school had also taken over the space reserved for the community centre and the Incharge acknowledged that the school had turned children away because they just did not have room for more. We were told that these children were often directed to the Nehru Nagar school which is roughly 1km away from Dayabasti and is actually operating out of a building that belongs to Prem Nagar school i.e. children from Nehru Nagar and Prem Nagar are sharing the building due to a lack of space in Nehru Nagar as well.

The Incharge informed us that the MCD Zakhira Pul school has, along with its head teacher, 4 permanent teachers and 7 teachers on contract. The school runs classes 1 to 5. He said that the head mistress was aware of the RTE and came to know about it from either the deputy education officer or the assistant education officer. She in turn communicated the Act's existence to the teachers. Throughout the year, circulars are received which highlight the Act's main points. As regards the issue of enrolment, he said that the onus was on parents to bring their children to school but told us that the school conducts an annual survey in April and draws up a list of children who are out of school. A parent teachers' meeting is called with the parents whose children are not in school and they are told to correct the situation. He also said a school attendant was sent 3 times to visit the parents whose children are out of school and that some children who came back from visiting their villages have their names put on the register but then stop coming again. In spite of his assertion that the onus is on parents to make sure their children attend school, the Incharge also said that in those cases where both parents worked for example, the elder child often had to stay at home to look after his/her younger siblings.

Unlike MCD Inderlok school, MCD Zakhira Pul school appears to require legal documentation for a child to be re-admitted. The Incharge told us that a birth certificate or an affidavit affirming the child's age was needed. A colleague of his also said that a polio card could be given instead. However a child seeking admission for the first time apparently did not have to provide a birth certificate.

As with MCD Inderlok school, when asked if a SMC is in place, we were told that a VKS exists without which the school could not function since they too determine how funds are to be allocated. Here too, when children have a problem they are supposed to contact a teacher. If the teacher and the head teacher are unable to solve the problem, they will call a parent teacher's meeting to try and resolve the situation.

Like Mrs Khatoon, the Incharge seemed to be broadly aware of the administrative hierarchy that exists above the principal: Head teacher → school inspector → assistant education officer → deputy education officer → deputy commissioner → commissioner.

Interview with Pradhan

Our principal objectives for interviewing the Pradhan and the Nigam Parshad were to find out whether people in Dayabasti had actually approached them with concerns regarding education and also to get a broad idea of how active they are in the community.

We first met the Pradhan, Laloo Prasad who told us that his brother in law is in fact the real Pradhan and is the one who was elected by the people. Laloo Prasad's brother in law is the one with connections to political parties but since he does not live in Zakhira, Mr Prasad acts as the Pradhan in his place. He told us that people come to him with, for example, property and theft related problems. Mr Prasad also said that he knows the Nigam Parshad.

We asked whether any parents had come to him with education related problems, specifically regarding admission but he said that none had. Mr Prasad has not heard of the RTE and said that he had never been to school but when asked about his thoughts on education said he thought everyone should be educated but that there were certain limits and contexts that both facilitate and limit people's attempts to study. He gave the example of parents who pull their children out of a government school and send them to a private school but then run out of money to keep paying the fees. Mr Prasad also referred to the socio-cultural barriers to education which came up in our interviews with various families such as girls marrying early and boys working from a young age whether by choice or due to other pressures.

Interview with Nigam Parshad

Our meeting with the Nigam Parshad, Tarun Kumar, took place in his home, where on the gate outside, there is a sign saying that he is available to see people from 10 am to 1pm between Monday and Wednesday every week. He told us that people came to see him about various problems such as with pensions, electricity and health and said that some people are aware of his role in the community.

He wanted to know why we had come and Shipra explained to him that we were conducting some research related to the RTE. Tarun Kumar told us that he paid regular visits to Zakhira and that parents had come to him regarding getting admission for their children into schools once the

deadline had passed. He said that he was actively working in the field of education and had got MCD Inderlok school built and ensured that a water purifying system was installed. He also said that he had arranged for the MCD Zakhira Pul school to be renovated and that he was the one who arranged for toilets in the school to be constructed. Further, Mr Kumar said that he had started a mission in the community whereby a survey is conducted to identify out of school children and that so far 125 identified out of school children have been admitted to schools.

However, Mr Kumar was not aware of the RTE and he also said that Pratham should give him a list of children who are out of school and that he would speak to the relevant head teachers and get them enrolled. Unfortunately, the interview ended when Mr Kumar's father came and started aggressively questioning Shipra and Vinod who had also accompanied us about Pratham and why we were interviewing his son. We noted that he said a Nigam Parshad has things apart from education to think about and that he can visit schools but is not interested in how the schools actually do.

Caveats in relation to the interview process

It is worth pointing out that we were prevented from asking certain questions due to cultural and social sensibilities and also because it was unlikely that in some cases we would get an accurate answer. For example, we did not feel we could ask Mrs Khatoon, Head Mistress of MCD Inderlok school, to verify the assertion by some parents we had interviewed that their children had been refused re-admission to her school. Similarly, we could not probe much as to the reasons why and the circumstances surrounding the various child marriages that had occurred and most likely will continue to occur in future if for example 10 year old Gulafsa's mother pulls her out of school once she starts to physically mature.

Second, our interviewees generally consisted of those we had specifically asked to interview plus various hangers-on especially in the case of administrative figures such as Mrs Khatoon and Tarun Kumar. This meant that it was difficult to ascertain whether those we had originally intended to interview would have given us the same answers which in most cases were "correct" i.e. those that were perceived to be the answers which demonstrated that everyone was doing their job.

It was also difficult to get clear opinions on school and education from the children themselves, many of whom were shy and who let their parents do most of the talking.

Some underlying reasons as to why children are out of school

From the information we gathered, it is clear that there are few issues which are keeping some of the children of Dayabasti and Zakhira out of school. One is a socio - cultural issue and to do with how girls are viewed by their parents and by the society in which they live. If some parents feel that once their daughters start to physically mature they must be married partly because due to tradition but also because they regard the society in which they live as a dangerous place for single women, then even if a concrete and efficient grievance redressal process is in place to get children into school, it is unlikely that it will benefit these girls. Another socio - cultural issue is the fact that children are pulled out of school for what can become fairly lengthy periods of time in order to go to back to the family village. Of course, the reasons for this vary, from accompanying an ill parent presumably because the other parent cannot look after them if they remain in the Basti, to general visits perhaps to visit family for example. This is an issue that will not be directly solved by a grievance redressal

process that is in place because it relates more to the behaviour and attitudes of particular families than of schools themselves. Parents need to be made aware that pulling children out of school during term time could have an effect on their re-enrolment but more importantly is disruptive to their learning. However, it is clear that the situation is unavoidable for some families such as in Roshan Begum's case where she fell ill and perhaps due to problems with child care, had to take the children with her. Of course, under the RTE, schools are prohibited from turning children away and an effective grievance redressal process will be of use when trying to get children that have returned to the Basti back in school. However, the root causes of this issue also need to be addressed. A third barrier to enrolment for the children in Dayabasti seems to be the lack of capacity of the surrounding schools. Finally, apparent ignorance of the provisions of the RTE mean that schools seem to be failing in their duty to admit all children between the ages of 6 -14 who request to be enrolled. For example, the Act clearly states that children are not required to give a proof of age to be admitted in a school but by MCD Zakhira Pul school's own admission, this provision is still being flouted 6 months after the Act came into force.

Analysis of grievance redressal under the RTE as applied to Zakhira

Grievance redressal with the focus of getting children into schools appears to be quite complicated, one of the principal reasons being that no one clear mechanism is in place. Second educating the relevant people about the Act's various provisions is still far from complete. Third, knowledge of the various grievance redressal routes has been poorly communicated or has so far not been communicated at all especially to those it would most benefit. Finally the question arises as to the efficiency of the grievance redressal processes that are actually in place.

First, however, there does not seem to be a concrete grievance redressal process in place, which can be followed by the general public to ensure that out of school children end up in school. As mentioned above, the RTE lists a handful of bodies which are entrusted with monitoring enrolment in schools. Further the definition of "local authorities", one of the groups of bodies which should be handling complaints and ensuring school admission, is also multi jurisdictional i.e. there is no one body which fulfils the role. More importantly, the various bodies listed do not necessarily apply to urban India. The clearest example of this is the fact that Panchayat bodies are listed under the definition of local authorities but are part of the Panchayati Raj system of governance most commonly found in rural India.

Second, perhaps because schools are still in the process of being educated about the RTE, there is some confusion as to the functions and titles of various bodies referred to in the Act. This is clearly demonstrated by the role that SWCs are playing in the two schools that we visited. According to the Act and the Model Rules, one of the jobs of SMCs is to keep an eye on school admission. SWCs are referred to in the National Commission for the Protection of Child Rights' ("**NCPCR**") Action Plan that it issued subsequent to a court order in 2008 in the context of being strengthened so that they can "organize regular meetings to monitor regularity of attendance of children and teachers and help resolve problems confronted by first generation learners". However, the so-called SWCs that are operating in MCD Inderlok school and MCD Zakhira Pul school seem to have the same composition as set out for SMCs but are not carrying out the functions of SMCs as provided for in the Act, nor as stated by the NCPCR in its Action Plan. This general confusion further undermines the grievance redressal process.

Third, the Act seems to ignore those bodies that the population of Zakhira for example, would actually have access to such as the Pradhan and even the Nigam Parshad to an extent. References to bodies such as the NCPCR and SCPCRs ignores the fact that many people are unaware of their local political representative i.e. the Nigam Parshad, let alone state bodies such as the NCPCR and the Delhi based SCPCR i.e. the DCPCR. This break in information flow is not just one way – it exists at the top of the chain as well.

I called the RTE cell of the DCPCR whose main focus is the implementation of the Act and spoke to a consultant with the DCPCR RTE cell. He told me had previously worked in the Delhi state education department for 38 years. I asked him who according to the Act, the local authorities would be in Delhi. He said that these would be either the MCD or the New Delhi Municipal Council (“**NDMC**”). There was no further reference to who in the MCD or NDMC one would contact let alone any acknowledgement of individuals and bodies that might operate at the grass roots level. This was also demonstrated when I asked the question as to what one would do if they saw a child out of school. His response was they should call the RTE cell of the DCPCR which would then issue a notice to the Director of Education. He would then take up the matter with the Education Officer of the relevant zone who would in turn arrange for the child to be admitted to a school. A compliance report would then need to be filed with the DCPCR stating that the child has been admitted. This is an option that might be available to a concerned passerby on the street provided he was aware of this process. However, this would not be a route that many parents or children themselves would take, principally because they don’t know about it. It should also be noted that I was only aware of the fact that the NCPCR as well as various SCPCRs are supposed to devote a part of the organisation to RTE implementation and specific queries through reading an article by the Chairperson of the NCPCR. I also called the child helpline that children or any other concerned person can call for matters to do with children (Tel: 1098). Again, I had to get the number from the DCPCR and the lady on the other line said that if a child is out of school, the helpline will locate the child, locate a nearby school and make arrangements for the child to be enrolled.

However, it does not appear that information concerning these various grievance redressal routes have been generally well publicised in particular on the internet. The broader question also arises as to how these organisations are publicising information apart from through the internet. The families that we met live in shacks with mud flooring.

Finally the question arises as to the effectiveness of the grievance redressal processes that are actually in place. This is best demonstrated by my conversation with the consultant from the DCPCR. He told me that the DCPCR had received approximately 11,000 complaints in relation to admission under the RTE. Out of those 1,514 children have since been enrolled into schools. When I asked what had happened to the other 10,000 he said that many have either left Delhi or they have incomplete addresses so the relevant education authorities have had difficulty following up. Finally I asked whether the DCPCR tracks out of school children and was told that it did not have the mechanisms to do that and relied on information provided by NGOs.

Conclusion

The RTE is no doubt an extremely important law that promises to significantly improve access to education for India's children. However implementation is key and part of that is ensuring that there is a concrete and effective grievance redressal process which will actually achieve the aim of getting children into schools.

A concrete process needs to be in place and even if the current muddled system remains, the various organisations and bodies need to be well publicised so that those who are most likely to need to contact them are aware of their presence and their purpose. This case study showed that in Dayabasti and the wider Zakhira area, this is currently far from being the case. The Delhi local authorities might also find it helpful to work with the more informal structures that exist in urban areas and tap in on those bodies and individuals that might have greater access to people who live in a slum pocket such as Zakhira.

However, any effective grievance redressal process will be undermined if other parts of the school infrastructure continue to fail such as lack of space and teachers and heavy reliance on NGOs. Further, underlying socio-cultural reasons need to be addressed so that once children are in school, they stay there.