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Education Community



Decentralization Community



Solution Exchange for the Education Community Solution Exchange for the Decentralization Community Consolidated Reply

Query: Role of Local Governance System in implementation of Right to Education Act - Advice

Compiled by [Shubhangi Sharma](#) and [Joy Elamon](#), Resource Persons and [Tina Mathur](#), Research Associate

Issue Date: 13 November 2009

From [Binay Pattanayak](#), Technical Support Group, Sarva Shiksha Abhiyaan, New Delhi
Posted 31 August 2009

6th of August 2009 was a historic day for the children of India when the Indian Parliament unanimously passed the Right to Education Bill. With the signature of the President of India, it will soon become an Act. This Bill has come in an opportune moment and would not only pave way for free and compulsory education for children in the age group of 6 to 14 years in India but also would make governments accountable to fulfill the right in a qualitative manner. It is now the responsibility of the state governments to implement the provisions of the Bill as ultimately Education is the responsibility of the states.

With the Bill becoming an Act the responsibility of Indian civil society has also increased manifold. Having a right is just a step towards its realization; however the actual benefits of the various provisions in the Act would be available to all the children only when a multi pronged approach is adopted to see that Act is implemented in its spirit. Here the local self governance system beginning from village to block to district level Panchayats/municipal corporation have a critical role to play. The Bill enlists many roles and responsibilities for "Local authority" which include "a host of Departments, democratic bodies such as Municipal Corporation or Council, Zila Parishad or Nagar Panchayats and any other local authority or body having administrative control over the school or empowered by and under any law for the time being in force to function as a local authority in any city, town or village".

However, the modalities of how this is to be done are to be discussed thoroughly given the spirit of the 73rd Amendment to the Constitution. Education ultimately being the responsibility of state governments and falling within the purview of Panchayats in many States, a lot more can be achieved in terms of access, equity and quality in education if the roles and responsibilities of Panchayats are well defined with statutory backing, adequate resources and enhanced capacities. The formulation of the rules by states on the implementation of the Act can serve as an effective tool towards realization of the long cherished goal of engaging local self-governments more comprehensively with the educational issues and challenges in their respective areas. In the light of the above the following questions are important to deliberate upon:

- What should be the roles and responsibilities of each of the 'local authorities' as envisaged in the Bill?
- What kind of accountability and supervisory mechanisms are to be ensured to make sure that the line departments in education at each level are made accountable to the democratic local authorities?
- What kind of preparation, capacity enhancement and framework will be needed for local authorities, as mentioned in the Bill, to play their role effectively?
- What should be the process and mechanism for centre and subsequently states to formulate the guidelines and rules for the implementation of the Bill, who should be the participants, how it should be done?

Presently a lot of discussion is going on regarding this and the Centre is in the process of formulating the draft of the model guidelines for the States to refer to when they take up the same exercise in their respective States. Your inputs on the above questions could be vital and useful in the process.

Responses were received, with thanks, from

1. [Shashikant Kumar](#), Green Eminent Research Centre, Vadodara
2. [Raju Sharma](#), Mawana Sugars Ltd., New Delhi
3. [Ashok Sircar](#), Rural Development Institute, Kolkata
4. [Rajiv Jain](#), Kota
5. [Mahi Pal](#), Ministry of Rural Development, New Delhi
6. [Achyut Das](#), Agragamee, Orissa
7. [Dinesh Kumar Barupal](#), University of California, Davis
8. [Prof. Ranjan Mohapatra](#), VISION FOUNDATION for Development Management, New Delhi
9. [Anjela Taneja](#), ActionAid, New Delhi ([Response 1](#); [Response 2](#))
10. [Ch.Santakar](#), People's Group for Children's Development (PGCD), Orissa
11. [Manju Agrawal](#), Amity Institute of Behavioral and Allied Sciences (AIBAS), Lucknow
12. [Raj Srivastava](#), UNICEF, Allahabad
13. [Nalin Kumar Mishra](#), UNICEF, Patna
14. [A.R Vasavi](#), National Institute of Advanced Studies, Bengaluru
15. [Vijaya Varma](#), Ambedkar University, New Delhi
16. [Suparno Satpathy](#), Smt.Nandini Satpathy Memorial Trust, Bhubaneswar
17. [V.B. Bhatia](#), Independent Consultant, New Delhi
18. [Suraj Kumar](#), UN Resident Coordinator's Office, New Delhi
19. [Subhash Mendhapurkar](#), SUTRA, Himachal Pradesh
20. [Sujit Sinha](#), Swanirvar, West Bengal
21. [T.R Ragunandan](#), Government of Karnataka, Bangalore
22. [S.N Tripathi](#), Panchayati Raj Department, Government of Orissa

23. [Arun Jindal](#), Society for Sustainable Development, Karauli
24. [Chitra Shrivastav](#), Samvedna- A Society for Global Concerns, Jabalpur
25. [Nirmala Sanu George](#), SDC-CapDecK, Trivandrum*

**Offline Contribution*

Further contributions are welcome!

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Summary of Responses

Under the 7th Schedule of the Constitution, education is kept in the concurrent list to enable state governments to customize and adapt educational policies as per their contextual requirements. Similarly, the Panchayats and Municipalities have been vested with responsibilities on education under the 11th and the 12th Schedules respectively. However, even after decades of the 73rd and 74th Amendments and putting in place a fairly large and significant local self governance system, basic services have remained out of the periphery of these local governance bodies.

Right to Education Act (RTE Act) is a historic step forward in terms of recognizing and according due weightage to the local governance system to play their legitimate role in making RTE a reality for the children of this country. The present discussion was meant to understand the roles of various 'local authorities' mentioned in the bill as well as to discuss the preparation and framework required for these systems to play their role effectively.

At the outset members felt that the word "local authority" needs to be further elucidated in order to differentiate between various administrative bodies within the government and urban as well as rural governance structures. Recognition is also required of the variation in communities in different settings such as areas primarily inhabited by tribal communities, those with mixed communities and their abilities to perform assigned tasks. Discussants also opined the need to squarely address the marginalization of education as a subject in state and central plans while responding to the four specific questions raised.

Roles and responsibilities of each of the segments under 'local authority'

The definition of 'local authorities' clubs a range of completely different entities and structures which require to be dealt with separately in order to define clear roles and responsibilities. School Development and Management Committees (SDMCs) and community levels groups formed at the village level should undertake the responsibility of planning and monitoring of each school. Gram Sabhas should be the forum to approve the plans prepared by SDMC and Gram Panchayat should play an 'oversight role' for the schools in its area. One of the roles of Gram Panchayat should also be to ensure the convergence between education department and other services such as water and sanitation, mid day meal etc. as well as between school development plan and Panchayat overall plan for development. Same roles should be played by municipal authorities at each level in urban and semi urban areas.

Another important role of local bodies at each level should be to ensure redressal of complaints before those complaints are escalated to the State Child Rights Commission to be formed in each state under the provision of Right to Education Act.

Members referred to the example of [Jan Shiksha Adhiniyam](#) in Madhya Pradesh and Communitization in [Nagaland](#) as promising steps forward to involve community as well a local representatives in delivery of education. They cited example of Bihar where functions related to education at the state level have been given to local governance bodies. Additionally, a member cited the example of [Guidelines for Educational Institutions](#) published by a Gram Panchayat- the Karakulam Gram Panchayat, for making educational service delivery more efficient.

Accountability and Supervisory Mechanisms

Members observed the tendency in officials of Education department to sideline and neglect local governance structures in the absence of clear guidelines and accountability mechanisms being in place. The Education Department needs to be oriented to the rights of all people and their representatives to decentralized administration.

Respondents also expressed the need to abolish all parallel committees and institutions to establish Gram Sabhas as empowered bodies for making decisions on all aspects of Primary Education. Moreover, discussants felt that the standing committee on Education formed under the Panchayats should be strengthened to play its role in improving the access and quality in education. Panchayats should be accepted as point of convergence and to play its role effectively, the education budget should be handed over to these bodies without any administrative delays.

A range of examples were cited by respondents to showcase the transparency and accountability measures taken by several states in the process of democratization of education which included attempt to involve women's groups for payment of salaries to teachers in [Orissa](#). Example of Kerala was quoted by many as an example where Standing Committee on Education comprises of representatives from Gram Panchayat. District officials also disaggregate data and provide it to the Gram panchayat for further action.

['Shiksha Nayaya Manch'](#) a quasi judicial body with the support of Guwahati High court was cited as a promising example to further the issues of equity in education. This Manch can be approached by the parents, guardians or teachers if the Right to Education of their children is violated. One of the concerns raised by discussants was supervision and regulation of private unaided schools through the involvement of local self governance system in villages and cities which is overlooked in the present Act.

Preparation, capacity enhancement and framework for local authorities

Members opined that only peripheral powers cannot strengthen governance system. In order for elected local bodies to be able to play their role well, they need to be provided orientation on their role. This should be followed by recurrent reinforcement through periodic interactions on new inputs and planning. Periodic field visits to those areas where local bodies have been doing good work was also suggested to enhance the capacities of these bodies.

Members also expressed the need to clearly spell out the constitution and responsibility of SDMCs along with indicators of proper functioning. They referred to by rules formed for functioning of SDMCs in Karnataka in this context. They stressed the need to apply the cardinal principle of allocation of functions and resources at different levels of governance system based on the abilities as well as the absorbing capacity. A number of members emphasized the need to compile and aggregate District Information System for Education (DISE) data at the Panchayat level so as

to build the awareness on critical indicators of educational access and attainment. This would enable Panchayats to handle the issue of dropouts and absenteeism more effectively.

However, many felt that first and foremost is the need to update local governance system on the Act before making them work toward its implementation.

Process, mechanism and participation to formulate guidelines and rules for implementation of the Act

Members emphasized the need to evolve a multi-pronged strategy at the state level to be able to draw guidelines and rules which suit the contextual requirements. A copy of the Act should be made available on the website of Ministry of Human Resource Development (MHRD) with 'space' for civil society to suggest ideas for implementation. This should coincide with publicity through newspapers. Attempts should also be made to have systematic consultations with civil society organizations working in rights mode to improve education governance.

Finally the discussants opined that in order to get the maximum benefit of the Act and ensure its proper implementation decentralization is needed in a constitutionally required manner, overcoming the tendency of undermining these elected bodies and using their 'limited capacities' as an excuse to keep them out of the management of education.

Comparative Experiences

Assam

Siksha Nyay Manch helps monitor school performance (from [Raju Sharma](#), *Mawana Sugars Ltd., New Delhi* and [Sujit Sinha](#), *Swanivar, West Bengal*)

Siksha Nyay Manches were established with support of Guwahati High Court in each block of the District. This was a quasi judicial body to which any parent or guardian in a village could write for redressal if the school authorities or teacher did not help the child learn or in cases of discrimination. This initiative did not take off due to transfer of key officials, but is an example of the kind of effective monitoring authority that could aid implementation of RTE Act.

Orissa

Involvement of Women's Groups ensures accountability, Kandhamal District (from [Achyut Das](#), *Aragamee, Orissa*)

A District Collector in Kandhamal created the system of Women's Groups giving a 'no objection' certificate for the payment of teachers' salaries. This initiative made the teachers accountable to the Women's Groups and thereby to the community. Similarly for the delivery of primary education, support of a civil society organization was taken. These initiatives resulted in better functioning of government schools and set up a strong accountability mechanism.

From Anjela Taneja, ActionAid, New Delhi; [response 1](#)

Nagaland

Communitisation of public institutions and services-a useful framework for service delivery

Consisting of a unique partnership between the government and the community involving transfer of ownership of public resources and assets, control over service delivery, empowerment, decentralization and building capacity, the programme laid out the framework for education service delivery. The Village Education Community was made the local legal authority

to manage schools. This resulted in improved enrollment and dropout rates in schools. [Read More](#)

Madhya Pradesh

Jan Shiksha Adhiniyam gives role clarity to local bodies

The Jan Shiksha Adhiniyam gives a clear framework for the local bodies including Panchayati Raj Institutions and Parent Teacher Associations for the delivery of elementary education in villages. This includes power to make decisions, use funds and mobilize the community. The clarity in framework aided in energizing stakeholders and education to a great extent, leading to enhanced capacities. [Read More](#)

Related Resources

Recommended Documentation

The Right of Children to Free and Compulsory Education Act 2009 (from [Binay Pattanayak](#), Technical Support Group, Sarva Shiksha Abhiyan, New Delhi)

Act; Ministry of Law and Justice, Government of India; New Delhi

Available at http://www.educationforallindia.com/gazette_right_to_education_bill_2009.pdf (PDF; Size: 1 MB)

An Act to provide for the free and compulsory education of all children of the age of six to fourteen years

From [Anjela Taneja](#), ActionAid, New Delhi; [response 1](#)

Jan Shiksha Adhiniyam

Act; Government of Madhya Pradesh; Bhopal; 2002

Available at <http://www.fundaschool.org/jsa.html>

Act to universalize elementary education through society and state endeavor; outlines responsibility of Panchayats for delivery of quality education services

Nagaland Communitisation of Public Institutions and Services Ordinance, 2002

Ordinance; Governor of Nagaland; 2002

Available at

http://www.neportal.org/northeastfiles/Nagaland/ActsOrdinances/Nagaland_Communitisation_of_Public_Institutions_and_Services.asp

Places management of elementary education in the hands of Village Education Committees, making them local legal authorities to improve service delivery

From [Suraj Kumar](#), United Nations Resident Coordinator's Office, New Delhi

Improving Local Service Delivery for the MDGs in Asia: Pilot of Methodology for Support to National Policy and MDG Strategies -Education Sector Methodology

Study Protocol; United Nations; 2009

Available at <http://www.solutionexchange-un.net.in/decn/cr/res31080904.doc> (Doc; Size: 225 KB)

Protocol for study aimed at examining current institutional and fiscal arrangements for primary, secondary levels of education sector; and effects on functioning of the system

Approach Note for Study on Improving Local Service Delivery in Education in India

Note; United Nations; 2009

Available at <http://www.solutionexchange-un.net.in/decn/cr/res31080903.doc> (Doc; Size: 55.5 KB)

Approach note detailing strategy for education sector study and improving local service delivery in India

Recommendations for strengthening Community based monitoring in the context of RTE Act (Anjela Taneja, ActionAid, New Delhi; [response 2](#))

Note; Oxfam and Wada Na Todo Abhiyan's Education Thematic Action Group; New Delhi

Available at <http://www.solutionexchange-un.net.in/education/cr/res31080902.doc> (Doc; Size: 44.5 KB)

Outlines major points that emerged in terms of recommendations for strengthening the process of community monitoring of schools in the context of the passage of the RTE Act

From [Nirmala Sanu George](#), SDC-CapDeck, Trivandrum

Guidelines for Educational Institutions

Guidelines; Karakulam Gram Panchayat with Karakulam Grameena Patana Kendrama and SDC-CapDeck; Karakulam; Kerala; 2005

Available at <http://www.sdccapdeck.in/publications/GPK%20manual-educational%20institutions.pdf> (PDF; Size: 794 KB)

Published by a Gram Panchayat with the aim of responsive administration, empowered and meaningful self governance and better education service delivery

From [Tina Mathur](#), Research Associate

Education Guarantee Scheme, Madhya Pradesh

Case Study; by V. Ramachandran; 2003

Available at <http://www.eruindia.org/files/India%20MP%20EGS%2030%20April%202004.pdf>

Studies the Education Guarantee Scheme as a rights based, fast track approach to basic education service by linking it with local self government institutions

Institutions and Service Delivery in Asia

Paper; by Anuradha Joshi; Institute of Development Studies, University of Sussex; Brighton; Presented at Asia 2015 Conference; 2006

Available at <http://www.eldis.org/vfile/upload/1/document/0708/DOC21180.pdf> (PDF; Size: 184 KB)

Highlights the institutional problems in delivery of basic services including education, specifically in the context of decentralization of service delivery

Rajasthan's Experience in Improving Service Delivery in Education

Paper; by Prema Clarke and Jyotsna Jha in Reinventing Public Service Delivery in India; Vikram Chand; 2006

Analyses the impact of community participation in quality of education service delivery and improving accountability of local bodies in Rajasthan

Recommended Organizations and Programmes

The National Commission for Protection of Child Rights (NCPCR) (from [Raju Sharma](#), Mawana Sugars Ltd, New Delhi)

5th Floor, Chanderlok Building, 36, Janpath, New Delhi - 110 001; Tel: 011-23731583; Fax: 011-23731584. ncpcr.india@gmail.com; <http://www.ncpcr.gov.in/>; Contact Prof. Shantha Sinha; Chairperson; Tel: 011-23731583; shantha.sinha@nic.in

Ensures that all laws, policies, programmes are in consonance with Child Rights perspective enshrined in Constitution of India and UN Convention on Rights of the Child

From Anjela Taneja, ActionAid, New Delhi; [response 1](#)

Wada Na Todo Abhiyan, New Delhi

C-1/E, 2nd Floor, Green Park Extension, New Delhi-110016; Tel: 011-46082371; Fax: 011-46082372. info@wadanatodo.net; <http://www.wadanatodo.net/>

A national campaign to hold the government accountable to its promise to end Poverty; has organized consultations on community based monitoring of schools

Oxfam, New Delhi

2nd Floor, 1 Community Centre, New Friends Colony, New Delhi- 110 065; Tel: 011- 46538000; Fax: 011- 46538099. delhi@oxfamindia.org ; www.oxfamindia.org

Works with communities and partner organizations to empower poor and marginalized; has organized consultations on community based monitoring of schools

Responses in Full

[Shashikant Kumar](#), Green Eminent Research Centre, Vadodara

On recent passing of Bill on "Right to Education" for children 6- 14 years age, the Government of India, has created another task which require tremendous interface with the public at large. The local authorities -needs to understand the spirit of the Act rather than a part of already existing infrastructure and education model. The Bill needs to deliberate on the questions raised in the query; we have not discussed these issues in the bill across the forums.

The rights groups needs to understand the situation better, the government already has administrative machinery in place, which may ensure following;

(a) Access to education for all children's irrespective of caste/tribe groups, gender and income levels. 100% enrollments and least drop outs.

(b) Ensure child gets education from whatever stage and place of residence he/she may be moving. (in case of migrants - its difficult to achieve - with few successful schemes.)

(c) Education for children who are either working or not able to go School- including the disabled should be targeted by the authorities in state education department or local bodies.

To enhance the capacity of the institutions in government as well civil society, we may think on following lines;

(a) All stakeholders needs to come together to take care of the basic identification and sharing of information on the children's- not educated or not going to school in particular area.

(b) A huge fund base would be required to ensure success of the programs, where in public - private partnership in enrolling the students.

(c) The issue of dealing with parents, community and society at large in bringing children to nearest education centers needs to be carefully planned by institutions involved in educational research.

(d) Curriculum modification and uniformity of teaching should be brought to maintain the equity in quality of education rendered in states.

(e) Centre should immediately call for planning for constructing centralized infrastructure at all the districts of country in states, to facilitate large scale schooling and boarding for SEBC, Tribals and other specific groups.

(f) Ensure cities should encourage public schooling by local bodies (off late most of the local bodies have not maintained the school infrastructure in spite charging Education Tax) in larger cities.

And many more can be thought on these lines.

Raju Sharma, Mawana Sugars Ltd., New Delhi

"Accountability" is today- as ever, a powerful word. But today with the Parliament passing the right to education, it has become even more relevant and contextualized for issues such as elementary education in the country. Binay Pattanayak in his commentary has raised few pertinent issues that need serious thoughts from all us.

One of the variables of quality in education could be the existing gap between monitoring and actual implementation of programs in the field.

All our field experiences reflect on how lack of monitoring leads to a decline in the quality components of the best of the programs. My own experience in the field tells me that even a basic 1 + 1 visit to AIE/EGS centre helps the instructor in (at least) understanding a lot about the seriousness of the program. Hence basic systematic monitoring (not only with MIS data) helps program functioning and activating units like BRC/CRCs/ SMC or Mothers Groups etc. Moreover strengthening the existing VECs/SMCs/MGs need to be done through regular inputs by trainings, cross visits etc.

One of the demerits of the new law is that it provides limited powers to the National Commission for Protection of Child Rights (NCPCR).

This body does not have capacity to monitor performance of teachers in terms of quality. Hence which agency/organization is going to monitor the functioning of the schools, teachers and other units? If monitoring of the systems and processes are not institutionalized its very difficult for any law to be effective.

I have been fortunate to have worked in SSA Assam on the issue of advancing issues of equity in education. Under the Mission Office, we tried to institutionalize a system whereby parents, guardians or even teachers can approach if their right to education is violated. A system of establishing "Siksha Nyaya Manch" with the Support of Guhawati High Court was initialized in each block of the district.

Siksha Nyaya Manch was a quasi judicial body having a district judge, district mission coordinator, a reputed person from the block. Any parent, guardian in the village or town could write against any school through a simple application if the school or teacher did not help the child learn or if the teacher had subjected his student to discrimination, punishment etc. The SSA Mission Office worked closely with the Law Research Institute, Guahati High Court to get this body established. Unfortunately, the Siksha Nyay Manch was not able to see the light of the day due many of the key officials getting abruptly transferred. And we did not have an institute which we could approach to STOP the transfer...

My point is perhaps we might need someone/somebody who can effectively monitor the functioning of the schools. If accountability is to be established, it will not be offered like a desert by the people who matter. It has to be ensured by creatively thinking “out-of –the box”.

Let's try and be stringent about making education a reality for all.

Ashok Sircar, Rural Development Institute, Kolkata

1. First of all, we need to make distinctions between various functions related to school education. a) Daily management function, b) Curriculum and TLM development function, c) Teacher's training function, d) students' examination-performance evaluation function, e) Overseeing function, f) Research & Development Function, g) Infrastructure development function, h) Policy and budget making function, i) Social mobilization function, j) Recruitment function etc.

2. At this moment, most of the functions are with one authority or the other, and the local governments' (LG) function is thought to be limited to local overseeing of the schools and often only social mobilization functions. Moreover, even under overseeing, the powers of LGs are not well defined. In some states, the LG can suspend a teacher, and in some, they can only complaint in writing.

3. We can start by handing over overseeing, social mobilization function, infrastructure development and improvement function, and I would reckon that even recruitment function can also be given to LGs for some levels. However, given the overall capacities we are in, it may be difficult to hand over any other function to LGs.

4. While handing over functions, we need to be clear about what powers and authority are vested on LG tiers vis-a-vis primary-pre-primary, upper-primary and school and high school level. This needs to be mapped out under an agreed framework. We can map several powers and authorities, like inspection power, power to issue work certificates, power to appoint, power to suspend, power to recommend incentive transfer and punishment transfers, power to invest in infrastructure by mobilizing local funds, power to fill casual vacancies, power to fill permanent vacancies, power to conduct the recruitment process, and so on (these are only few examples) and also map it for various LG tiers.

5. Once these are clear, and then come the issues of tools and instruments of exercising those powers. For example, if a LG representative inspects a school, what are the things she should see and record and how, and where she will report and so on. Related to this are the capacity building (CB) needs to fulfill these tasks expected of her. Also important is the CB of other stakeholders, to allow, appreciate and accept these vested powers.

6. My sense is that it is possible to centrally draw model guidelines involving several levels of functional and power redistribution among LGs on their role in education following the principles I just mentioned. Then incentivize the states to implement them. Kerala has gone the maximum in devolving real functions, powers and authority on LGs regarding some aspects of school education. Mapping can be done following Kerala examples.

Rajiv Jain, Kota

If this bill implemented and we do follow the path in given time guideline we can be the part of developed nations by 2020.

but the bill require the closer look, there are three parties involving this bill, first one is the resource provider(government and private institutions), second one is the organizers (like local bodies and school staff including teacher(who actually going to run the show)) and third one is child and his/her parents.

Every party has to play its role in different shoe and that makes the task tedious and monitoring system becomes complicated to track upon.

Government concern

- 1) Government should ensure that funds should not be the deterring factor any time during the implementation of the program.
- 2) there should be track on weekly basis the way funds are used in particular heads, monthly monitoring of the job accomplished by the management staff and yearly monitoring of the job accomplished by the teachers.
- 3) Government should encourage educated people to participate in the program who really want to pay something back to the society.
- 4) Proper mechanism to curb the fraudulent activities.
- 5) Awareness about the bill and right to education in the needy areas.
- 6) Reward scheme for the students performing extraordinary.
- 7) Privilege in job security through different government scheme (to the parents (immediately) and the child (after the completion of minimum education as decided by governing body)
- 8) Encourage teachers to participate in awareness program apart from teaching.
- 9) Developing the spirit of healthy competition among different organizer bodies.

Organizer's concern

- 1) Get the 100% enrollment, initially through awareness and then through encouragement.
- 2) Minimize the dropout rate through regular counseling.
- 3) Provide better learning conditions.
- 4) Training to staff (teachers and management employee) to accomplish its job and in case of new centers to get the learning of the conditions before actually facing them.
- 5) Enhancing the psychological understanding and learning behavioral pattern in society through counseling to parents and child.

Concern of parents and the child is most deciding and uncontrolled parameter which depends on psychological shift toward understanding the value of education and then to cope up in the new environment with old circumstances.

And may such issues.

[Mahi Pal](#), Ministry of Rural Development, New Delhi

My response to the query is as follow:

1. All the State Panchayat Acts have provision for constitution of Education Committee or in some other name but among other dealing with education. Instead of creating another Committee in the name of education will not only be a parallel body but also injurious to the health of local government. Re-energization of these Committees will enable the members of the Panchayats to participate in the process of educational empowerment of people. Often they found of saying hat they have no role and only Sarpanch or presidents hold the balance. Adequate representation should be given to women and marginalized groups. Although, this is for inclusive growth. But cooperation of well off section of the village community should also be harnessed for making inclusive growth or people's friendly.

2. Cardinal principle of allocation of functions (i.e. what can be done properly at particular level should be given to that level of the Panchayati Raj System) should be applied in distribution of educational functions to different levels of Panchayats.

3. Capacity Building has two components i.e. competence and concern. Hence, for devising training module of the elected representatives, these elements be embedded in modules. Exposure visits to those areas or states where local bodies have been doing good work in this area should be the part of training.

4. The Model draft is Ok. But, it has potential to suggest uniform rules, which may not be suited to local conditions; however, flexibility element remained there. I may like to suggest studying the rules of those states which are progressive in this regard.

Achyut Das, Agramee, Orissa

Thanks for raising the Issue of Local Authority in the context of Local Governance and Right to Education Act.

Let me emphasize on the role of Panchayats and how it can ensure Education for All. My suggestions are as follows:

1. Let us abolish all these parallel committees and institutions and make the Gram Sabha and Palli Sabha (for each Ward/hamlet) responsible and accountable for primary education which includes - Enrollment and retention, teachers coming to the school. supply of teaching -learning materials, school infra-structure, quality of education and mobility from primary level to higher classes.
2. All school infra-structures like buildings etc. are to be constructed as per the decision of the Palli Sabha and Gram Sabha. I notice that in some of the villages in our area, at least two to three school building half constructed and abandoned. No one knows who the contractor is and what has been the estimate. Now under SSA, the headmasters/school teachers have assumed responsibilities for construction of the school building. Let us wait and see what the result is.
3. The Panchayat can be a point of convergence as Education needs convergence with Health, Supply of Drinking Water, Nutrition, and Sanitation and over all learning environment. A framework can be built-up that.
4. The Accountability and Transparency factors are important to ensure quality Education. In Kandhmal Dist. a District Collector had experimented that the Women's Group should give a no objection certificate for the payment of Teachers' Salaries. Though it had generated a lot of heat, it had worked. The Panchayat can adopt a similar practice and involve not only the Women's' Group but the local Civil Society Organizations. In Pairaju GP of Kandhmal Dist. the Pantheist and the Govt. officers had sought the support of my organization to improve the delivery of primary education. It had given good result in terms of effective functioning of all Government Schools.
5. The Education Budget earmarked for the Panchayat should be given to the Panchayat. If the Panchayat is interested in Education for All, can mobilize the local villages for participation and contribution. Our History says that many schools were established in the villages not because of the Govt. grants but because of local contributions. I have seen that some Panchayats/villages have earmarked a pisciculture tank or a Mango orchard and the income goes to the development of the school. This practice has to be revived. The dependence on the Govt. which is in turn dependent on External Donors must stop at some point of time. Of course, it is to be seen if the Gram Sabha is taking place regularly and is free from the clutches of the contractors, middlemen and officials but no harm in trying as other systems have not delivered expected results.

Hope the debate will continue in right earnest.

Dinesh Kumar Barupal, University of California, Davis

Right to Education act is a great step by current central government to prepare young minds for future.

I have following recommendations to achieve 100% schooling for kids of 6 to 14,

- Motivation: Recruitment of motivators via gram Panchayats. On every 20 household, we should recruit one motivator who will monitor the schooling of kids. A monthly salary of 2000 Rs. should be enough for a 10th pass motivator. It will create employment as well as mobilization of society.
- Provision of separate school: Open separate schools for marginalized kids.
- Connect public distribution system to schools. Give extra wheat/rice/sugar to houses that have 100% schooling of 6-14 years old kids.
- On village level make a vigilance committee of five person (teacher, gram sevak, patwari, ward member, SC/ST, women).
- On district level ZP will be monitoring progress of school education in villages. It can increase/decrease funds to Panchayats with high/low schooling %.
- Make school more interesting: Live video telecast/Podcast, Posters, Internet, Video Lectures, animations etc.
- Good libraries: each school should have 100 essential books selected by national level educators.
- Convert school to E-schools using wimax/3g or broadband internet.
- Make school materials more electronics than printed. For example a national level experts committee will finalize PowerPoint slides that can be explain to kids by teachers in villages. Such materials also can be prepared by ZP/ Panchayats on local level.
- An electronic network of all schools should be created. A central server should be placed in ZP headquarter. In every school, teachers should provide electronic data of attendance to central server. A verification of this data should be done by motivators and vigilance committee every month.
- Map each school on GPS maps with school education data.
- ZP will be central authority at district level to monitor all issues related to education bill. A district level committee can do it.
- Provision of awards to teachers with good results. A travel award will be great in this case.
- No Job cards or payment of NERGA schemes to parents whose kids are not in schools. Monitor this with electronic database system.
- Teach English and one more foreign language (Spanish/French/German) from class one.
- Teach how to do common stuffs. We can collect the materials from various websites.
- ZP should reward panchayats with higher level of schooling.
- Make a big lecture hall in each school with a large display. It should be utilized for live telecast of lectures or speeches.
- Each ZP should distribute a variety of electronic or printed materials about learning and knowledge improvement.

Prof. Ranjan Mohapatra , VISION FOUNDATION for Development Management, New Delhi

The passing of the Education Bill is truly a historic development. But the challenges it has raised are tremendous, primarily because the local authorities have a long history of poor capacity, poor

governance, poor accountability etc. for example PRI audits in most of the states are pending for years. The state governments are not taking action, in spite of CAG reports and comments.

As a Management Consultant and trainer, working in the area of service delivery, I look at this development as a positive development, because the long overdue strengthening of local authorities will have to be acted upon. Until and unless, we strengthen these local authorities, no programme delivery process can be effectively supervised by these authorities.

These authorities are not being strengthened due to reasons, which are commonly known. I have done an analysis of the issues in a report on Social Audit, available on the Planning Commission web site.

About the question of capacity building of the local authorities, the practical question is from what level to what level, as the level of capacity of different local bodies in different states are at different level, which need be studied. Essentially, the status of capacity of these bodies and the need of capacity for the Education Act and the consequent CAPACITY GAP need be assessed. This can act as a base for the capacity building frame work.

The people to be involved in the process must include professionals, who understand CAPACITY BUILDING PROCESS in the context of Public Systems.

[Anjela Taneja](#), ActionAid, New Delhi

My response to the query would be in two parts. The present post answers the specific questions put forth based on my experience. The other (to be sent later) would be a list of recommendations emerging from a consultation on Community Based Monitoring of Schools undertaken by Wada Na Todo and Oxfam that has direct implications for the guidelines/rules under the Act.

What should be the roles and responsibilities of each of the 'local authorities' as envisaged in the Bill?

- The current definition of 'local authorities' currently clubs a number of completely different entities in the definition. In the rules and guidelines there is a need to clearly differentiate between the bodies having administrative control within the government, the urban governance structures, the rural governance bodies (at each level and starting from the Gram Sabha) and the SDMCs set up under the Act.
- The role of the administrative bodies must be to ensure delivery of services, the role of the SDMC to undertake planning and monitoring of the individual school, the Gram Sabha to approve the plans and resolutions passed by the SDMC (and serve as a forum to raise issues pertaining to functioning that have not been resolved in the SDMC), and of the Gram Panchayat to provide overall oversight of the schools set up in their area and ensure convergence between the school development plan and the panchayat level plan. Higher structures within the PRI structure would assist in directing the overall planning process of the area (as part of the District level planning process) and form another body for redressal of complaints (before the situation reaches that they have to go all the way to the State Child Rights Commission).
- It is also imperative to ensure that issues emerging from the SDMC are fed into the existing governance system to ensure that there is a higher tier to which issues raised by the parents forming the SDMC can be taken that is outside the education departmental administrative structure.
- Another issue that assumes importance is the introduction of the 25% clause. Until now the function of the PRI system has been principally to regulate the government schools.

However, with the introduction of a system whereby expenses would be reimbursed to the private schools in the village, a degree of oversight would need to be extended to the PRIs to ensure monitoring of their functioning.

What kind of accountability and supervisory mechanisms are to be ensured to make sure that the line departments in education at each level are made accountable to the democratic local authorities?

- Newly elected bodies have to be oriented on their role for ensuring education for all within days of their election. The content of the training to be imparted needs to be looked into seriously (and the selection of the trainers given serious thought- there is lot of evidence to support the idea that trainings of SDMCs if they happen at all- are done as a formality). The initial training needs to be supported by (Quarterly or six monthly) meetings of the elected representatives where new inputs are given and planning for common area based problems is done.
- Apart from these processes with the structures themselves, a training/orientation/sensitization of the education officials at all levels needs to happen on their overall understanding of the role of democratic local authorities (especially as it applies to education) needs to happen. However, once again, this is not sufficient. I guess a process of deeper engagement between the PRIs and the education department through mandated participation of PRIs in cluster, block, district and State level processes. At the same time, Sarpanches/panches/SDMC members who are active need to be recognized, awarded, supported in their work and given wider exposure to act as role models. A space for their involvement in decision making bodies also needs to be created

What kind of preparation, capacity enhancement and framework will be needed for local authorities, as mentioned in the Bill, to play their role effectively?

- Clear rules for the process of constitution of the SDMCs need to be drafted. This includes the necessity of it being an elected (not nominated or otherwise constituted body) and having representation of marginalized groups in elected positions (preferably with provision of recall of non functioning leaders). Provision for conducting meetings, quorum, a clear complaint and redressal mechanism etc needs to be specified. One may learn from the experiences (good or bad) of the various states. Thus, the by-rules of the SDMCs in Karnataka, the Jan Shiksha Adhiniyam in MP (which isn't perfect) and the communitization in Nagaland may be looked into. They provide a fair starting point.
- It is imperative that the responsibilities of the newly constituted SDMCs (with their powers) are clearly demarcated from the pre-existing PRI committees. The status of other bodies like MTAs would also need to be reviewed. The case of Jharkhand with its peculiar situation of the PRI bodies needs to be also looked into. It is imperative that the new structures do not create confusion and diffusion of responsibility on the ground.
- As stated previously, trainings of the local authorities and SDMCs need to happen. This would need to be done in accordance with the points raised above. The initial process would also need to be followed up and reinforced through continued interaction and support to them. This would also entail adequate allocation of resources for this under SSA/education department/whatever funds and considered a core function along with the actual lesson transaction.
- Addition of indicators of the functioning of the SDMCs/PRIs- viz. capacity building undertaken, regularity of meetings, representation of marginalized groups in leadership positions, follow-up (and status) of the resolutions and requests of the committees/PRIs need to be tracked regularly as a core function (as part of the DISE data). At the same time, the % of the structures that are active (or proactive- raising issues on their own without prodding by the government functionaries or other outside parties) could be another indicator. At the same time, DISE data needs to be aggregated at the Panchayat

- level (and hence including aspects currently not included but which assume significance if the performance of the PRI is to be understood- including children out of school, patterns of incoming migration etc.
- In addition to expecting the PRIs to perform the tasks mandated to them under existing schemes, resources may be allotted for their innovation and action within the area of their Panchayats to be utilized for the purpose of furthering the goal of education

What should be the process and mechanism for centre and subsequently states to formulate the guidelines and rules for the implementation of the Bill, who should be the participants, how it should be done?

A first step would be to make the text of the Act in vernacular languages available on the MHRD website. At the same time, an open space for ideas of implementation needs to be created, say through the MHRD/State Ministry/SSA website/s. This would need to be backed by adequate publicity of the fact that suggestions are sought through advertisement in the local newspapers (especially vernacular ones). At the same time, consultations with organizations with an experience of working on education (especially in a rights based mode) and addressing school governance issues need to be done involving all concerned stakeholders nationally & at the State levels) and followed by engagement with those keen to continue to work on them. I really do not need to mention that NCPCR/State Commissions need to be involved since their own capacities may need to be enhanced if they are to play the huge role that the Act mandates them to play. It would also be interesting to look into the structure of the Advisory Bodies (at the National and State Levels) to ensure that these are representative.

The full response can be read going to the following link <http://www.solutionexchange-un.net.in/education/cr/res31080901.doc> (Size: 42.5 KB)

Ch.Santakar, People's Group for Children's Development (PGCD), Orissa

While talking about the realization of the rights on education, it needs to raise the level of consciousness of the public representatives to appreciate this among the masses. We have laid hopes on the local governance system to deliver the monitoring mechanism. However, looking at the ways these institutions of importance function it does look easy to make them accountable. As a journalist I have seen the priorities of these institutions in the various forums. Take for example, in a Zilla Parishad Meeting while the leaders and public representatives spend a great amount of time discussing on the construction of roads and buildings , very less , almost negligent time is spared for discussion on the status of education . We have to accept the fact that there is very little concern in the Panchayat level meetings or even the Palli Sabha and Gram Sabhas on education. Hence a lot of efforts were needed to update these institutions on the Bill before asking them to deliver the responsibility of ensuring right to education for the children.

Moreover the details of the bill should be let known to the children through their text books in the form of stories and articles. Posters prepared in local languages be placed in villages including the school premises. Let the children be the right kind of advocates for the implementation of the bill. Let the journalists be made sensitized on the bill so as to see that the right is honored at the grassroots.

Manju Agrawal, Amity Institute of Behavioral and Allied Sciences (AIBAS), Lucknow

In my view empowering the community is the only answer to many problems of accounting and monitoring. Mahila Samakhya, in different states of the country, has experimented it and found it working effectively even in a society which is full of corruption. Empowering the Gram Sabha

works where the so called monitors of the program are themselves responsible to manipulate thing in their interest and not bother for effective implementation.

Raj Srivastava, UNICEF, Allahabad

There are numerous committees at grassroots to manage their own affairs as envisaged by the PRI Act and other decentralizing measures under different flagships and state sponsored schemes. Duplicity persists in the committees and even beyond, members are not aware about being in committee (s). In education sector, standing committee of Panchayat, Village education committee and ad-hoc committee of each school besides MTA/PTA etc are constituted. But as far as orientation about roles and responsibilities; capacity building to discharge duties and the decision making power of the committees are missing in general.

Educational affairs must decentralize and power to be rested with the local bodies at least for the primary and upper primary education. The need is to devolve the funds, functions and functionaries to the local bodies. In Bihar, some of the powers have been devolved in terms of recruitment of Block and Panchayat teachers and constitution & empowering Village Education Committee in terms of day to day management, infrastructural development and quality education at school level. School management came down somewhere in the hands of local community but at the same time the standing committee of Panchayat has not been given its entitlements so far. The need is to nurture these committees by orientation and capacity building measures then only the envisioned objective of local governance can be realized.

Nalin Kumar Mishra, UNICEF, Patna

Binay has put a great question but why do we always talk about community participation in government sector only. In case of government schools the parents are not so aware about the provisions in the bill. There are about 5% children still out of schools and their parents do not represent any democratic institution. Basically they are hard to reach people. At the same time there is a large gap in terms of infrastructure and human resource in government schools. So how will it be possible to ensure quality education through the existing system?

It is the responsibility of PRI institutions to take care of elementary education. Any arrangement other than strengthening of PRI will be a worthless exercise. It will rather create confusion in the community. School under the supervision of PRI should be made responsible for providing quality education to all 6-14 age group children in its feeder area.

Either we do not know the democratic values or we do not want to obey the democratic values. Hence no such question arises. For last many years we include community in every programme but in actual sense we never promote community participation. Every time we wear mask and do not dare to dialogue with community.

A.R Vasavi, National Institute of Advanced Studies, Bengaluru

The renewed focus and orientation towards mass elementary education, made possible by the new Constitutional Amendment, is indeed an opportune moment for us to seek strategies to ensure real and complete accessibility, especially to those in disadvantaged conditions and societies. Our focus on enhancing administration, via community-based structures, needs to be oriented to some realities of the life of a range of communities and to the state-based variations in the functioning of the Panchayat system, and thereby to designing and providing such structures that can become effective and not be merely laid down in bureaucratic processes.

One: we need to ensure that our definitions of 'communities' factor in the wide variations (economic, social, political and ecological) in the functioning and abilities of these communities. A basic flaw has been a simplistic understanding in which an idea of all communities as being homogenous and thereby all members as having equal standing is rooted in the policy documents. This largely accounts for the fact that the abilities of communities to engage with such policy norms are widely varied.

Hence, any attempt to respond to the four key queries raised by Mr. B. Pattanayak needs to factor in this variations in communities, variations in abilities and trends in school choice which then constitute key reasons for the effectiveness or failure of communities to be able to administer their own schools.

What I would like to see in the forthcoming policy documents is the recognition of this variation. Therefore, what are the policy prescriptions for the following types of communities: (1) homogenous indigenous tribal communities where schools (typically Ashramshalas) are not part of the education dept but are part of the Dept of ST and SC welfare? (2) Mixed caste villages in which power (combining both customary and democratic power) rests with some elite families who choose to send their own children to private schools but are reposed with the democratic responsibility of ensuring that schools function? (3) In the urban poverty areas in which the sense of communities is fragile and the processes of democratic administrative is more distant than in cities?

HOW CAN POLICY PRESCRIPTIONS ALSO FACTOR IN SUCH VARIATIONS? This is central as such variations have become the reason/s for the education department and its attendant wings to not take the new democratic structures of decentralized education administration seriously.

Education as a subject itself is peripheral to the interests and functioning of the larger decentralized administrative system (as in the Zilla Panchayat and its devolved structures). How can this be addressed so that accountability is ensured?

Only if the marginal positions of education as a subject is addressed can the abilities and rights of all community members to access the allocations made to education can be ensured. How this is to be done needs to be discussed and addressed at the level of the Panchayat dept itself.

Second, the education department itself needs to be oriented to the rights of all people to decentralized administration. Currently, resistance and hostility mark the processes and much of the actual functioning of these structures is violated. Therefore, how can these rights be ensured and made legitimate and acceptable to the departmental personnel so that they do not railroad them?

What are the other structures, apart from the Panchayat, and state-level bodies, that can assist people in realizing their right to elementary education?

Accountability measures need to be both processual and also 'public'. Having taluka level forums in which complaints and grievances can be redressed in an open and periodic manner will help. What needs to be done is to provide people with guidelines as to what are the facilities, norms, processes and rights they have towards elementary education and then also provide forums in which to address or indicate the lapses in these rights. This would be one way to enhance accountability of officers and personnel from the department.

Training of personnel needs to include youth of various communities and follow up exercises which take into account the area specific problems need to be made.

Only a more nuanced understanding and thereby policies and programmes which factor in these complexities will facilitate the effective implementation and impact of decentralized administration of elementary education.

Vijaya Varma, Ambedkar University, New Delhi

I would like to thank Professor Bhatia for a thoughtful piece of writing. I agree wholeheartedly with his concerns and endorse his stand. Supposedly more 'enlightened' and certainly better educated (measured in terms of years spent in formal school) communities, for example in the US, are not averse to throwing their weight behind obscurantist assertions that creationism should find equal time with Darwin's theory of evolution in the school curriculum or that the value of pi should be taken as 3 because it is implied to be so somewhere in the Bible. What hope then that our village communities will always act in the best interests of their children?

This should not be read as endorsing centralized curriculum making by organizations like the NCERT - only against going to the other extreme of ALL decision making being vested in village communities. The need is to encourage the growth of professionalism among the ranks of teachers and find ways of empowering them and making them accountable to a code of conduct they should be encouraged to draw up for themselves. Local education authorities, teachers as well as members of the community should have an equal role to play in organizing school education and the role of national agencies like the NCERT should be restricted to broad policy formulations alone.

Suparno Satpathy, Smt.Nandini Satpathy Memorial Trust, Bhubaneswar

The right to education bill is indeed a revolutionary idea. I have always advocated for a '**software heavy and infrastructure light**' education system. I work on a number of social cause issues in the poorest state of our country - Orissa and I very strongly feel that the said is '**THE**' answer.

I personally feel a defined emphasis on the improvement measures for the education imparting personnel and a series of sensitization program for them could have been the 'icing on the cake'.

The monitoring authority provided to the PRI members is a good idea. In the process each education unit will have its own local vigil mechanism. The reason I applaud this idea is that the PRI has a closer proximity and in ideal circumstances has a higher realization of belonging. The flip side I see is that today 'in reality' each village of our country is divided when it comes to political affiliations. With the monitoring authority provided to the elected local body members, politicking might see enroots into the education system and where ever politicking enters, it degenerates the system.

Well I would remain with an optimistic note which the hon'ble union cabinet minister of HRD Mr. Kapil Sibal conveyed in his speech while inaugurating the central university at Koraput that 'there should be no politics when it comes to education'.

Wish our political system realizes the importance of 'people first'.

V.B. Bhatia, Independent Consultant, New Delhi

It seems to have become an article of faith that many of the problems besetting our school system can be solved by decentralizing and handing over the charge of schools to local communities like village *panchayats*. It may be so but there may be pitfalls of which we must be aware.

The aim of education, in my view, is to make us better human beings. To this end, it must help us shed our prejudices and superstitions. It must promote equity and a modern viewpoint. Above all, it must make us think rationally. If we acknowledge these as the aims of education, then we must think seriously whether our village communities can promote this kind of education. These communities are highly feudal and backward-looking. Reports of persecution of young people at the hands of these communities in the name of preserving the honor and traditions of the community are disturbing. There are also reports of rural schools in many states practicing gender inequality and untouchability and other caste and religious prejudices openly or surreptitiously. Unfortunately, our politicians, who can see nothing beyond votes, also pander to these communities. Failure to eradicate child marriage and the practice of *sati* are cases in point. In the light of these, do we trust that the education of children will be safe in the hands of village communities? How can we ensure that children in schools under the control of these communities will not be taught obscurantist and obsolete values? Until we have assurance on these points, I for one would like education to remain in the hands of authorities (District, State, or Central) who can ensure education that is liberal, enlightening and egalitarian. To fight absenteeism and other afflictions of the school system, the administration will have to find other means.

Suraj Kumar, UN Resident Coordinator's Office, New Delhi

I welcome Dr. Pattanayak's query regarding the local governance and the implementation of the Right to Education. As a reading of the Act makes clear, "local authority" is amongst the duty-holders bound to deliver the right to education to those who choose to demand the right – the entitlement is that of "quality education".

It is our case that if local government is construed as local authority then the extent of decentralization will clearly determine the extent to which local bodies can deliver "quality education" to right-holders.

Given that the role of local governments vis-à-vis the delivery of education services varies according to national and local contexts, I would like to brief the Education and Decentralization communities regarding the India Education Sector Study being undertaken by UNESCO and UNICEF, with coordination support from the UN Resident Coordinator's Office.

The objective of the exercise is to map the financial, functional and staff devolution in select states, assess the extent to which actual level "subsidiarity" (or the lack of it) contributes to education outcomes (enrolment, years of schooling, levels of learning, etc.) and make recommendations that enable a better fit between improved education delivery and more empowered local bodies (the desired level of subsidiarity).

I am attaching the Study protocol (See <http://www.solutionexchange-un.net.in/decn/cr/res31080904.doc>; Size: 225 KB) and the draft Approach Note (See <http://www.solutionexchange-un.net.in/decn/cr/res31080903.doc> ; Size: 55.5 KB) , for the views and suggestions of SolEx distinguished members. At the Inception Workshop and subsequent meetings with Solution Exchange COPs, it was agreed that the vitality and expertise of Solution Exchange could be tapped to enrich the India Education Sector Study – so your feedback would be most welcome.

Thanks a lot.

Subhash Mendhapurkar, SUTRA, Himachal Pradesh

Yes, I agree that Right to Education Bill is a historical one. Having said that, I would like to say that we should not lose this opportunity and lose the gains made by getting this Bill passed by Parliament like it has happened with number of Historic legislations in India - just for example, when Dowry Prohibition Act was passed, it was also been held as Historic one, what have we got?

Now to realize the dreams of this Bill, we need to take a fresh look at structures and systems that have been developed over a period to impart education to children belonging to poor/marginalized classes.

Can the Panchayats take over this responsibility?

If one looks at the states like Maharashtra and Karnataka, where ZPs have been given full responsibility to provide education up to class 10th/class 12th, can that be replicated in the States where in ZPs are still new concepts and more or less decorative bodies.

How do the teachers perceive their services transferred to PRIs - will they be ready? In 1996, when we were talking about devolution of power to PRIs in Himachal Pradesh, we received a Resolution passed by Government Teachers' Union opposing handing over Primary Education to Panchayats and they threatened that if Government goes ahead, they shall go on strike. The meek government accepted the threat and handed over only - ensuring attendance of children to the schools to Panchayats - nothing for BDC and ZP- but not even checking attendance of teachers, forget about keeping an eye on quality of education that is being imparted.

Teachers across the country - where ZPs are newer- are strongly organized community and they think ` they -teachers- being educated persons and Gram Panchayat leaders being uneducated persons-' working under GPs is not acceptable to them.

Secondly, have we ever thought of developing vision of `good education' amongst the middle class of rural communities which provides leaders to PRIs. In last decade or so, this middle class elites have developed their alternate system for having education to their children declaring that they personally have no faith in the government run schools. How are we going to change this perception?

What about the private players - right from A for Apple schools that you see in every village to highly acclaimed private schools of the country? Will PRIs have any control over these schools - even Government of Delhi is helpless when private schools raise fees so people rush to High courts. As PRIs or Urban Bodies have no power to regulate these schools - their power reaches to only those schools that aided by them - who is going to ensure that malpractices do not take place in these schools.

Lastly, a new phenomenon has started in most of the `developed' states of regular teachers appointing `proxy teachers' and making money - Punjab has rampant examples of this especially Ferozpur and Gurdaspur district and now Himachal has also adopted this. As these teachers are well connected to `power' that exists in the State, the department can not do anything. So let us start thinking about first: What kind of Regulatory Body to regulate the private as well as government and aided schools is needed, what relationship this Body shall have with Local Governance Bodies and how best this can be done. Unless we have a regulatory body which is empowered to take strong punitive actions against those school authorities and teachers who fail to meet `standards of quality'; I think talking about involving PRIs is not going to make any headway.

Sujit Sinha, Swanirvar, West Bengal

We are an NGO which is trying, since year 2006, to improve the quality of 20 ICDS centers, 100 government primary schools and 20 government secondary schools in North 24 Parganas district of West Bengal; and also ensure community participation and see what role the Gram Panchayat can play. I have a few observations and suggestions

1. At the lowest level there is a strong need for a school specific committee with parents as majority members. It can be MTA or PTA or SDMC. But only one committee. VEC cannot play that role as it is not school specific. West Bengal experience is that the school managing committees of Sishu Shiksha Kendra's (the state's own EGS schools) have performed much better than VECs which are mostly non existent. As a first level of monitoring system this school committee can function quite well. But it should be strongly linked to the Gram Pantheist Education Standing Committee and not be a committee "owned" by the Education department.

2. In West Bengal the Gram Panchayat Education Standing Committee consists of 3 elected members. The electoral process ensures that such members in most cases have no idea or inclination or minimum competencies to play a decent role. But this can be overcome by the Kerala model where the Standing Committee in turn forms a "Working Committee" consisting of people from the gram panchayat area who have the desired qualities. In West Bengal and Kerala where the population of a Gram Panchayat is more than 15,000, this should not be a problem. Then this "expanded Standing Committee" can be quite effective

3. But most states have very small sized Gram Panchayats. It should be noted that the 2nd Administrative Reforms Committee has submitted its recommendations and they have said that most states should increase the size of their Gram Panchayats as otherwise they are un-viable and will not be able to deliver the minimum necessary services. The optimum size will have some variations according to particular conditions.

4. The gram sabha or palli sabha or gram sansad (in case of West Bengal) can lay down a broad goal. In half yearly general meeting they can be presented a progress report (by the Education Standing Committee members) and deliberate and ask for broad changes. A lot needs to be done to make these mass meetings effective. But models and best practices do exist.

5. But the detailed planning and budgeting should be the task of Gram Panchayat Education Standing Committee. They will also play some role in implementation and monitoring and problem solving.

6. School inspectors (in West Bengal each SI has 3-5 Gram Panchayats under their jurisdiction) and District officials should dis-aggregate all school data (including DISE) to the Gram Panchayat level and give them to respective Gram Panchayats. This should start immediately.

7. Which level will have what powers? Members have rightly pointed out two issues --- the highly heterogeneous local community still full of unhealthy tendencies (someone has rightly pointed out that has very little to do with formal education levels); and the massive variations in communities and PRI and other structures all over the country. Further there are severe state /district /local specific problems. So using the principle of subsidiarity but keeping the above variations in mind, the powers of gram panchayat block panchayat, zilla parishads will have to be worked out and it should not be uniform throughout the country. Some activity mapping has already been done by Government of India and various states.

8. It seems that the Block (or taluka) is the right level to have some kind of grievance redressal system where a parent or school committee or Gram Panchayat Education Standing Committee

can complain about non compliance with RTE. Siksha Nyaya Manch in Assam seems an interesting experiment to work upon.

9. It is essential for people to know "what should be happening". As a start the full page newspaper ads given at the time of NREG launching with FAQs can be a very good model as soon as RTE becomes operational. I also like the idea of putting RTE in school text books at appropriate level and children can be their own advocates.

10. How to carry out the massive Capacity Building of lakhs of elected members and education officials and "working Committee" members? Face to face training in cascade mode often collapses or degenerates into a farce. The good trainers soon disappear. We know that cross visits and exposures are quite effective. But very difficult to manage in large scale. On the other hand good films of case studies (successful models and failures) have been used very effectively to build capacity. The key word is "good" and it should be accompanied with proper exercises, fuel for debates –discussions etc. The other thing which is turning out to be effective in many case is a "Helpline". And on top of that we would need "stable" trainers and CSOs can play a big role here (if allowed).

11. Finally whatever we do, tremendous effort has to be given to build the capacity and confidence and support systems (including CRCs) of teachers.

T.R Rangunandan, Government of Karnataka, Bangalore

I'm afraid, I don't agree with Mr. Bhatia's response, which, to my mind exhibits a limited understanding of local governments. He seems to have made the persistent and depressing mistake of equating constitutionally mandated elected Panchayats, which are representative local governments, with the 'khap' panchayats, which are traditional, usually caste based organizations, with nothing more than customary value. IIT is the latter caste based institutions that perpetrate the kind of atrocities that he describes and not the local governments. Unfortunately, the fact that the term 'Panchayats' are used loosely by the press, means that quite often, the inequities perpetrated by the caste Panchayats are unfairly attributed to the elected Panchayats. I wish people would actually go beyond the vague and inaccurate reports in the press, before coming to generalizations. I also wish that we use terms such as 'Panchayat', 'Community' etc. a little more accurately when debating issues such as decentralization, because they do not necessarily mean the same thing.

The fact of the matter is that as we debate the issue of whether, and to what extent, education should be decentralized, it has already been decentralized, but not in the constitutionally required manner. Today, the hierarchical administration for education has already created a large number of village education committees, to which have been given the responsibilities of locally managing the schools. However, such committees have no protective measures to ensure that they reflect the views of all. Unfortunately, most policy makers in education fallaciously mistrust elected Panchayats and do not accept that they can be entrusted some responsibilities of running schools locally, but prefer to create local village education committees, with no representative safeguards and believe that they are able to better manage schools! It is these double standards and a steadfast refusal to run the country in the manner that the constitution prescribes, that results in the poor delivery of services, particularly to the poor. I could go on and provide a lot of conceptual suggestions on how the responsibilities regarding education, right from the point of setting standards, syllabi and monitoring to the actual local management, can be devolved within a multi tiered government system, but it would be futile to do so if people don't grasp the basics of institutional design and understand the difference between the centre, the state, the local government and the community.

Anjela Taneja, ActionAid, New Delhi

Find enclosed some of the emerging issues from a seminar organized by Oxfam and Wada Na Todo's Education Thematic Action Group with a focus on Community Based Monitoring of Schools. You can access it going to the link <http://www.solutionexchange-un.net.in/education/cr/res31080902.doc> (Size: 44.5 KB). The present write-up is the result of the discussion with civil society organizations from across the country (especially those working with marginalized communities- Dalits, Adivasis and Muslims) who shared their experiences of community based work with schools. The document lists some recommendations for strengthening community participation in monitoring and planning through the strengthening of the local authority and SDMC in the context of the RTE Act. A clear focus of the exercise was also on how to ensure inclusion of the marginalized groups in the process.

S. N Tripathi, Panchayati Raj Department, Government of Orissa

Some schools were funded and run by urban local bodies in Orissa earlier and the teachers were really responsive towards these ulbs but once they became government servant they enjoyed their new status and their original appointing authorities became enemy number one.

The lesson learnt is that teachers engaged by ULB or RLBs need to be better paid to attract their interest. I once submitted an idea that why not transfer vacant post to Gram Panchayats and build a rural GP based non transferable cadre of teacher except on promotion etc but no body pick up the idea.

I hope that new Act will do something in this regard.

Arun Jindal, Society for Sustainable Development, Karauli

After 73rd Amendment local governments /Panchayats are responsible for development of their citizens. Rural and Urban Governance system requires CB support and motivation to handle social issues like education. Gram/Block/District Panchayats and Urban bodies have system of standing committees. These committees should be strengthened and funds and functionaries should be transferred fully with functions. Merely peripheral powers can't strengthen local governance.

Chitra Shrivastav, Samvedna- A Society for Global Concerns, Jabalpur

It is really great that Right to Education will become Act. But it will be fruitful only if implemented in proper way so that people who really needed it get benefited. The deprived class i.e. marginalized and poor people living in far flung areas and urban poor should get the benefit. Our organization made a survey on status of education in rural areas of Satna District of M.P. and tried to find out the reason of low literacy rate among various classes. What we think is Government is trying hard on educational issues and is succeeding also up to certain extent. Still there is gap between theory and practice.

People belonging to this group do not understand the importance of education so

1. first thing to be done in this direction could be creating awareness regarding importance of education.
2. Infrastructure should be developed in remote areas.
3. It will be better if area specific syllabus could be designed so that children could relate the things in book to the abstract thing they come across.
4. Teaching methodologies should be made more interesting.
5. Conducive atmosphere should be generated in schools (especially for girls).

6. Stress should be given on skill development that can help them in earning livelihood; such type of courses will help in development of the backward area and will also check the rural urban migration.

7. Facilities for higher education should also be provided in these areas so that those who cannot go to city can continue their education. Open Education and Information and Communication Technology can help in this direction. Lectures of experts in particular field can be provided through internet and a person (counselor) educated enough to explain the thing to student should be appointed in these areas.

Panchayat, Educated local people and Non Government Organisations could be of great help in achieving the goal.

Nirmala Sanu George, SDC-CapDeck, Trivandrum*

I would like to share with members, a set of Guidelines for Educational Institutions published by the Karakulam Gram Panchayat in Kerala. These guidelines have been developed with the technical support from Karakulam Grameena Patana Kendram and with the support of SDC-CapDeck. The guidelines form part of the Responsive Self Governance- A Management Development Programme aimed at making local self governance meaningful and service delivery efficient.

Many thanks to all who contributed to this query!

If you have further information to share on this topic, please send it to Solution Exchange for the Education Community in India at se-ed@solutionexchange-un.net.in or Solution Exchange for the Decentralization Community at se-decn@solutionexchange-un.net.in with the subject heading "Re: [se-ed] Query: Role of Local Governance System in implementation of Right To Education Act - Advice. Additional Reply."

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