

## **Monitoring the Right to Education**

by  
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The Right to Education Act 2009 (RTE Act) passed by the Parliament of India makes education a fundamental right for all children between the ages of six and fourteen. The Act was enforced on 1 April 2010 and is a landmark development in achieving universal elementary education.

This Act is probably one of the first examples where the implementing agency i.e. the Ministry of Human Resources Development is different from the monitoring agency. The National Commission for Protection of Child Rights (NCPCR) has been chosen as the monitoring agency under Section 31 of the RTE Act. Along with NCPCR, the state commissions and Right to Education Protection authorities are also responsible for monitoring. Some of the measures taken by NCPCR include –

- Establishment of an RTE Division within NCPCR
- Appointment of state representatives to assist NCPCR
- Maintaining a web-based portal for registering and tracking complaints online
- Social Audits and public hearings to be conducted at regular intervals

The RTE Division website (<http://rtemonitoringcell.info/>) is an excellent attempt by NCPCR to disseminate information about RTE. The website has sections such as RTE primers, facility to initiate a petition, details about the committees and sub-groups set up under the RTE Division and discussion forum to facilitate debate and dialogue about the RTE. The website also has the facility to post RTE related information and events. It also plans to maintain a directory and send out newsletters to provide regular updates.

Besides this, there are some measures that need to be taken by NCPCR to facilitate their monitoring procedures such as publicising the role of NCPCR in the RTE Act via information campaigns and media outreach, making the RTE Division more accessible to the general public and initiating online complaint registration and follow-up mechanism. NCPCR also needs to work out modalities of interaction with MHRD at the earliest and ensure that NCPCR's autonomy is not hindered despite the financial support from MHRD.

Within Delhi region, the Delhi Commission for Protection of Child Rights (DCPCR) is assigned as the monitoring agency. Since the enforcement of the Right to Education Act, the commission has received complaints relating to 2612 children regarding violations ranging from denial of admission, corporal punishment, and admission under free ship quota and cases of dropouts.

DCPCR also needs to strengthen the monitoring mechanisms and work on specific issues such as setting up a website at the earliest to ensure that complaints can be received and tracked online and recruiting more consultants and staff for the RTE Division to deal

with the large volumes of complaints. Measures also need to be taken to make the list of complaints public without disclosing the identity of the complainant to ensure accountability and transparency. Moreover there is need to create a computerised database of complaints received and their follow-up to reduce unnecessary secretarial work and speed up processes. There is also need to publicise the role of DCPDR for RTE monitoring and build awareness about the proposed grievance redressal mechanism. It is evident that the NCPCR and DCPCR are doing good work to fulfill their responsibility. However, to ensure proper implementation and monitoring, the setting up of other state commissions and the Right to Education protection authorities must be accorded the highest priority.

Another issue that arises is the bringing together of the *Sarva Shiksha Abhiyan* and the RTE Act. Both RTE and SSA have the same goal in mind – ensuring access to quality education for all children. However, while SSA is implemented and monitored by the MHRD, RTE is to be implemented through SSA and monitored by NCPCR. This is a welcome step as differentiated responsibility can result in higher accountability. Going forward there is a need to ensure that the monitoring mechanisms of SSA are strengthened and that the lessons learnt from the monitoring failures and successes of SSA are successfully applied to RTE.