

Evaluation of Monitoring Mechanisms of DCPCR to Ensure the Implementation of RTE Act in Delhi

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Researching Reality Summer Internship 2015

Working paper: 337

ACKNOWLEDGEMENTS:

This paper would not have been possible if not for the constant support and assistance of the team at Centre for Civil Society. I would also extend my gratitude to the very resourceful Mehak Malik, who surpassed her role of being a research guide by giving me valuable insights on my research theme and education system that prevails in India today.

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ABBREVIATIONS:

BFC: Budget for Children
CPCR: Commission for Protection of Child Rights, India
EWS: Economically Weaker Section
DCB: Delhi Cantonment Board
DCPCR: Delhi Commission for Protection of Child Rights
DDDE: District Deputy Director of Education
DG: Disadvantaged Group
DISE: District Information System for Education
DOE: Directorate of Education
GRM: Grievance Redress Mechanism
MCD: Municipal Corporation of Delhi
MHRD: Ministry of Human Resource Development, India
NCPCR: National Commission for Protection of Child Rights
NDMC: New Delhi Municipal Council
NGO: Non-Government Organization
RTE: Right to Education Act, The Right of Children to Free and Compulsory Education Act, 2009
SMC: School Management Committee
SSA: Sarva Shiksha Abhiyaan
UNCRC: United Nations Conventions on the Rights of the Child

ABSTRACT:

India became one of the 135 countries to make education a fundamental right to provide free and compulsory education to every child between the age group of six to 14 with the enactment of RTE Act. Right to Education Act, 2009 is a landmark development in ensuring universal primary education and making it accessible as well as affordable. To ensure quality education, the government has also introduced different schemes and policies like Sarva Shiksha Abhiyaan, Mid-day meal, Mahila Samakhya, etc. On the enactment of RTE in 2009, the Govt. assigned the monitoring of the Act to quasi-judicial bodies National Commission for Protection of Child Rights (NCPCR) and State Commissions for Protection of Child Rights (SCPCR).

This paper has made an attempt to understand the roles and functions performed by Delhi Commission for Protection of Child Rights (DCPCR) with regard to implementation of RTE Act in Delhi. Through examining various reports, legislations, acts, notices and interviews with personnel and organizations directly working on RTE Act, this paper has tried to evaluate the monitoring mechanism of DCPCR and its effectiveness in terms of monitoring of implementation of RTE Act.

1. INTRODUCTION

Article 4 of the United Nations Conventions on the Rights of the Child (UNCRC)¹ states “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.” India ratified UNCRC on 11th December, 1992.² As a measure of India’s commitment to the UNCRC and various other instruments for the protection and enhancement of child rights, India enacted the Commission for Protection of Child Rights Act, 2005 also known as CPR Act, 2005.

The introductory message to this Act clarifies its objective, “An Act to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children’s Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.” Hence, under section 3 of CPR Act the National Commission for Protection of Child Rights (NCPCR) was set up in March 2007. And Delhi Commission for Protection of Child Rights (DCPCR) was set up in September 2008 under Section 17 of CPR Act.

The Act empowers the Commissions to act as a Civil Court to undertake suo-moto enquiry and also look into complaints related to deprivation and violation of child rights and non-implementation of laws for protection and development of children. The Commissions are mandated to intervene in matters where ever there is a failure to implement policies, decisions, guidelines or instructions as per the perspective of the rights of a child enshrined in the Constitution of India and also the UNCRC. The commissions look into the matters of Right to Education Act, child labour, sexual abuse, child marriages, juvenile justice and all other forms of child abuse. Monitoring of RTE was added to the mandate of NCPCR and SCPCR on passing of RTE Act 2009.

The scope of this paper is to understand the mandate and functions of DCPCR with regard to RTE Act. By examining the monitoring mechanisms of DCPCR and local authorities to ensure the implementation of RTE Act, this paper has made an attempt to evaluate the role of DCPCR in terms of monitoring the RTE Act.

¹The United Nations Convention on the Rights of the Child is an international child rights treaty that protects the right of children. Nations that ratify this convention are bound to it by international law.

²https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv11&chapter=4&lang=en#EndDc

2. METHODOLOGY:

For the purpose of this research, various acts, legislations, documents and reports were analysed and examined. Findings from secondary research were used to identify areas of concern in the monitoring mechanisms and roles performed by each organisation responsible for monitoring RTE (including DCPCR) and these findings formed the basis of primary research conducted henceforth.

To have the knowledge and clear understanding of RTE Act, DCPCR's functions and mandate and role of Directorate of Education in monitoring and implementing RTE Act; various pertinent acts, reports and documents were thoroughly analysed. This included CPCR Act, 2005; RTE Act, 2009; DCPCR notification, 2008; NCPCR's annual reports, DCPCR's annual reports - 2011 to 2013, Grievance Redressal circular, SSA framework for RTE implementation, implementation of RTE Act in Delhi report and DISE data.

The primary research included interviews conducted with social organisations directly working on ensuring the Right to Education of children in Delhi such as Indus Action, interview with DCPCR's RTE consultant and telephonic interactions with DOE personnel.

Through primary and secondary research, an attempt is made to analyse the gap in the roles and functions performed by DCPCR and DOE (local authorities) apropos monitoring and implementation of the RTE Act.

3. Right of Children to Free and Compulsory Education Act, 2009

RTE Act provides for free and compulsory education to all children between the age group of six to fourteen years. India became one of 135 countries to make education a fundamental right of every child when the act came into force on 1 April 2010. The legislation details every child's right to free and compulsory education of satisfactory quality; responsibility of the state, parents, schools and teachers; the content and process of education; and the monitoring process for the implementation of the Act.

3.1 Some of the important provisions under RTE Act

- It clarifies that 'compulsory education' means obligation of the appropriate Government³ to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- It makes provisions for a non-admitted child to be admitted to an age appropriate class.

³ Appropriate governments include State Government, Central Government or Union Territory.

- It specifies the duties and responsibilities of appropriate Government, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days and teacher-working hours.⁴
- It provides for establishment of school within the prescribed area or limits of neighbourhood by the appropriate Government and the local authority.
- Section 12 of RTE Act provides for extent of school's responsibility for free and compulsory education. In this section it has been provided that public schools and unaided schools not receiving any kind of aid/grants shall admit to the extent of at least 25 percent of the strength of the class, children belonging to weaker section and disadvantaged group.
- No capitation fee and screening procedure for admission.
- It prohibits expulsion and denial of admission. No child shall be expelled till completion of elementary education.
- No school, other than a school established, owned or controlled by the appropriate government or the local authority, shall be established or function without obtaining a certificate of recognition from such authority by making an application in such form and manner.
- It provides for withdrawal of recognition if the school is established or run without obtaining a certificate.
- It provides for the establishment of School Management Committee (SMC) in schools other than unaided private schools. It also provides for the functions performed by SMCs and provision of School Development Plan by SMCs.
- Section 24 of RTE Act provides for Duties of Teachers that include (a) Maintain regularity and punctuality in attending school; (b) Conduct and complete the curriculum in accordance with the provisions under Act (c) Complete entire curriculum within the specified time; (d) Assess the learning ability of each child and accordingly supplement additional instructions
- It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides

⁴ Norms and standards under RTE Act are provided in annexure 1.

for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.

- It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition. (MHRD. Department of school education and literacy n.d.) (The Gazette of India. The Right of Children to Free and Compulsory Act, 2009. n.d.)

The Act has given the role of monitoring the provisions to a statutory body, i.e. NCPCR and SCPCRs, which are independent of the implementing agency i.e. MHRD.

Section 9 of RTE Act specifies duties of local authorities to monitor the RTE Act. Various local authorities mentioned in the Act are State Government, Directorate of Education, Municipal Corporation, New Delhi Municipal Council, District Education Officer and School Management Committees.

4. Role of Local Authorities and Grievance Redress Mechanism:

In pursuance of the Delhi RTE rules, 2011 the Lieutenant Governor of Delhi has notified the State Government, DOE, Municipal Council, New Delhi Municipal Council as local authorities for monitoring the RTE Act in schools under respective administration and recognition. Chapter III of RTE Act mentions the duties of appropriate government and local authorities for monitoring Right to Education Act.

4.1 The major functions of Local Authorities are:

- Establish and ensure availability of neighbourhood schools as specified in Section 6 of RTE Act
- Ensure free elementary education of every child of age group of six to 14
- Ensure compulsory admission, attendance and completion of elementary education by every child
- Ensure that children belonging to EWS and disadvantaged group are not being discriminated
- Provide infrastructure including school building, teaching staff and learning equipment
- Provide special training facility specified in Section 4 of RTE Act⁵
- Maintain records of children up to the age of fourteen years residing within its jurisdiction
- Maintain Pupil-Teacher Ratio as per the norms of the Act
- Ensure good quality elementary education conforming to the standards and norms specified in the schedule
- Ensure timely prescribing of curriculum and courses for elementary education
- Provide training facility for teachers
- Ensure admission of children of migrant families

⁵ Special training for children who need additional teaching in order to be at par with other children

- Monitor function of schools within its jurisdiction
- Ensure no capitation fee and screening procedure for the admission
- No denial of admission for lack of proof age
- Ensure no school is functioning without obtaining the certificate of the recognition from the appropriate government
- Ensure schools fulfill the norms and standards specified under RTE Act
- Ensure all schools other than private unaided schools form a school management committee

Functions performed by SMCs:

The Act provides that at least three-fourth of the SMC shall be parents and guardians.

- a) Monitor the working of the school
- b) Prepare and recommend school development plan
- c) Monitor the utilization of the grants received from the appropriate government or local authority
- d) Perform such other functions as may be prescribed

4.2 Grievance Redressal under RTE Act:

Section 32 of the RTE Act provides for Redressal of Grievances relating to Rights of a Child by the Local Authorities having jurisdiction. Grievances may relate to violation of any of the provisions under the RTE Act and may be against any public officer, public servant, private institution, private person or any other agency responsible directly or indirectly for the effective implementation of provisions of the RTE Act. If the person is aggrieved by the decision of local authorities then he/she can make an appeal to DCPCR and the commission shall take the matter foreword.

The following procedure is followed by local authorities for filing and processing of complaints/grievances:

A three member committee comprising (a) District Deputy Director of Education (DDDE)- (Chairperson) (b) Education officer of the concerned Zone/DEO (Member) and (c) Assistant Director of Education (Admn.) or an Equivalent Officer-(Member) is constituted in each District for the purpose of deciding a matter arising out of a grievance/complaint.

<p>The DDDE shall fix days/timings for hearing grievances and for personal meetings with aggrieved parties. The registered grievance should be decided by the committee within three months of its filing.</p>	<p>In respect of grievances relating to matters of urgency, such as denial of admission etc., the District Deputy Director of Education shall endeavor to decide the matter within 15 days from the date of receipt.</p>	<p>In respect of grievance relating to violation of Indian Penal Code, such as violence, child abuse, corporal punishment etc., DDDE may facilitate filing of FIR before the police authorities.</p>	<p>Each DDDE will submit the online report to Director of Education by the end of each month regarding number of complaints received, addressed, transferred and decision taken in a proper format. *</p>
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*The submission format can be found in annexure 2.

5. Delhi Commission for Protection of Child Rights

Under section 31 of RTE Act and section 17 of CPCR Act, DCPCR is the quasi-judicial body, set up to monitor the implementation of RTE Act. Other than RTE, DCPCR also invokes to protect various laws which are mentioned in annexure three. The commission has formed special RTE division to look into the matters related child's right to education. Mr. B. C. Narula is the RTE consultant of the commission. Like the NCPCR, it has provision for a Chairperson and six members. The organization structure of DCPCR can be found in annexure four. The Government of NCT Delhi makes rules relating to the functions of the DCPCR.

5.1 With regard to implementation of RTE DCPCR's functions and mandate include:

- Look into complaints or take suo-moto notice of the cases involving violation RTE
- Look into matters of RTE violations, initiate proceedings and recommend appropriate remedies
- Review the existing laws and suggest amendments therein, if considered necessary
- Monitor the implementation of RTE
- Examine and review the safeguards provided by or under RTE Act and recommend measures for their effective implementation
- Undertake and promote research in the field of child rights

- Review of treaties, international instruments, Govt. policy, programme & activities in the best interest of children
- Research, literacy & awareness of child rights & safeguards through media, publication, seminars etc.
- To spread awareness about Child Rights and related issues through seminars, workshops, publications, media etc. and promote awareness of safeguards available against violation of RTE

The commission is mandated to enquire into complaints and take suo-moto notice of matters related to:

- A. Deprivation and violation of Child Rights
- B. Non-implementation of laws providing for protection and development of children
- C. Non-compliance of policy decisions, guidelines or instruction aimed at mitigating hardships to and ensuring the welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities (Govt. of NCT Delhi n.d.)

5.2 What are the Powers of DCPCR regarding inquiries?

The Commission, while inquiring into complaints has all powers of the Civil Court trying a suit under the Code of Civil Procedure, 1908 and, with respect to the following matters:

- Summoning and enforcing the attendance of any person from any part of India and examining him/her on oath
- Receiving evidence on affidavits
- Requisitioning of any Public Record or copy thereof from any Court of Office
- Issuing commissions for the examination of witnesses or documents
- Forwarding cases to Magistrates who have jurisdiction to try the same

On completion of inquiry, the Commission has powers to take the following actions:

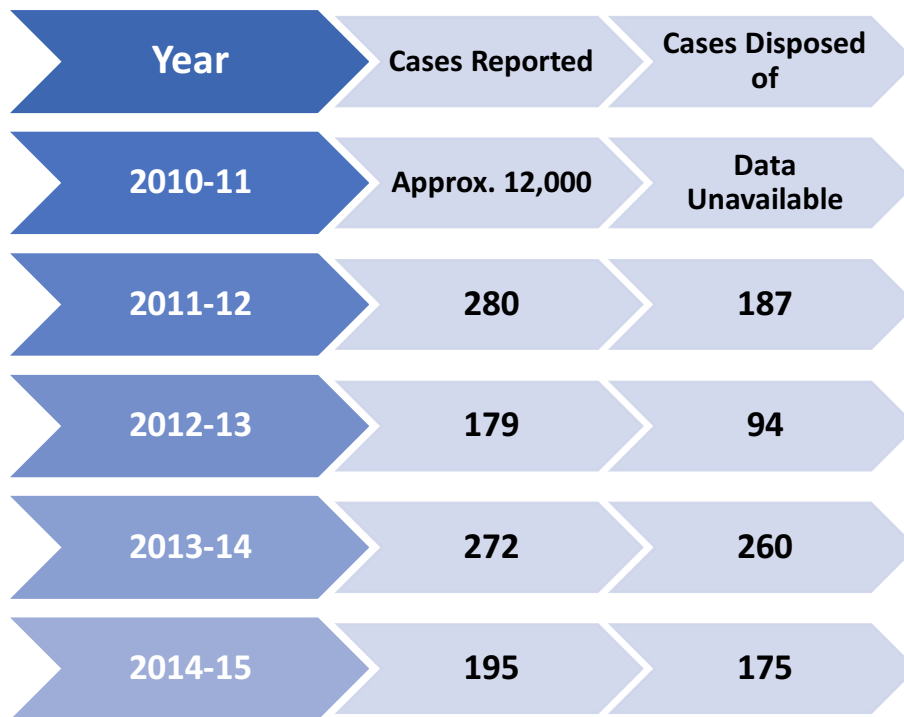
- A. To recommend to concerned Government for initiation of proceedings for prosecution or other suitable action on finding any violation of child rights and provisions of law during the course of an inquiry
- B. To approach the Supreme Court or the Delhi High Court for such directions, orders or writs as that court may deem necessary
- C. To recommend to concerned Government or authority for grant of such interim relief to the victim or the members of his family as considered necessary

The magistrate to whom any cases are forwarded shall proceed to hear the complaint against the accused as if the cases had been forwarded to him u/s 346 Cr.P.C, 1973.

5.3 Grievance Redressal:

Any person who encounters violation of RTE can make a complaint to local authorities having jurisdiction and local authorities shall decide the matter within three months. If the person is aggrieved by the decision of local authority then he/she may prefer an appeal to DCPCR.⁶ A person can directly report complaints to DCPCR as well. Apart from this, the commission is also empowered to take suo-moto cognizance from reports in the media where a clear case of violation of RTE is indicated. The commission acts as an appellate authority against the orders passed by local authorities. The commission does not inquire into any matter which is pending before the NCPDR or any other State Commission. After receiving such complaints, the commission writes to the concerned authority to investigate/inquire into the matter and send report to the commission within a stipulated time limit. If there is no response, a notice is issued by the commission to the concerned authority. If report is not received despite issue of Notice, the commission issues summons to the concerned authority to appear before it to explain the position along with relevant records/documents. The commission is empowered to recommend to the state government or concerned authority, the initiation of proceedings for prosecution or such other action as the commission may deem fit against the concerned person or persons. It can also approach the High Court or Supreme Court for such directions, orders or writs as that court may hold necessary.

5.4 Year wise handling of RTE Cases by DCPCR



⁶ Once the complaint is attended by local authority, it informs the complainant about the status of the complaint. The form specifies that if the complainant is not satisfied with the decision of local authority then he/she may prefer an appeal to DCPCR. The form can be found in annexure five.

As 2010-11 was the first year of the enactment of RTE Act, a large number of cases were reported to the commission, involving approximately 12,000 children. After one year of the operationalization of the Act, people got aware about the rights of their children. Hence, there was a spurt in the number of cases reported to DCPCR next year. After dealing with 187 cases out of 280, the remaining 93 were in process. Along with that, the commission also followed up a sizable number of cases from previous year. Thus each year the commission is dealing with a considerable number of cases and following up with remaining cases of previous years. Most of the cases are related to denial of admission either in public recognized schools or Govt. run schools, denial of admission under EWS quota, screening procedure and discrimination with children under EWS quota, corporal punishment in schools and drop-out of children. Despite placed mechanism for grievance redressal by local authorities of the DOE, the commission received many appeals against the decisions taken by the DOE; although many cases were directly reported to DCPCR as well. For an adequate number of cases, DCPCR took suo-moto cognizance from reports in the media where there were clear cases of violation. (Implementation of the Right to Education Act in Delhi. 2015)

6. Key Problems in Monitoring the Implementation of RTE

In pursuance of its mandate and functions performed for monitoring the implementation of RTE as well as providing remedies and recommendations, DCPCR has individually or in collaboration with other departments, Govt. and Non-Govt. organizations taken several initiatives, conducted surveys and researches.

DCPCR in collaboration with Save the Children⁷ commissioned a study within 416 schools in Delhi including schools managed by Delhi Cantonment Board, the three Municipal Corporation of Delhi, DOE and NDMC. The study looked into compliance of norms related to physical infrastructure, RTE norms related to EWS admission, provisions of free text books and Mid-Day Meal. The study also looked at the Grievance Redressal Mechanism in schools for addressing complaints from students and teachers. The findings of this study were enclosed in a report titled: "Status of Implementation of Right to Free and Compulsory Education Act and Rules in Delhi." The report disclosed that 52% of MCD-unaided and 55% of DoE-unaided schools were following screening procedure in the admission of EWS/DG (Disadvantaged Group) and 13% of MCD-unaided and 9% of DoE-unaided schools were also charging admission fee from these candidates. Only 57% of schools accept a declaration from parents as proof of age and remaining 43% demand other documents which is a violation of RTE Act. The study also shows that 42% schools were unaware of the grievance redressal mechanism which is an area of great concern as grievance redressal plays the most important role in the proper implementation of RTE Act. A positive outcome of the study was that 96% schools have formed SMCs. However, there is no system that proves the authenticity of the work done by SMCs. A recent article in Times of India⁸ discloses that a considerable number of these 96% SMCs are not particularly effective. A third of them don't meet

⁷ Save the Children is an international NGO that promotes children's rights, provides relief and helps support children in developing countries.

⁸ (Chowdhury 2015) <http://timesofindia.indiatimes.com/city/delhi/55-private-unaided-schools-screen-EWS-applicants-10-take-admission-fees-from-them-DCPCR-Study/articleshow/47906502.cms>

even once in two months - the minimum required - and only 26% perform all the functions prescribed to them by the Delhi RTE Rules, including monitoring the working of the school and preparation of mid-day meals, meeting with parents etc.

The other noteworthy program of DCPCR was a monitoring program in partnership with NCPCR to ensure that children in schools particularly in far flung and backward areas received the entitlements and benefits under the RTE Act. To accomplish the purpose of the program which was to monitor RTE implementation at district level, DCPCR identified a surveying agency that visited 10 schools in 12 districts. A format was also developed to collect details on compliance of various parameters indicated in the RTE Act. The findings were to be shared with the authorities of DOE. Since the report and findings of this program were not published when this research paper was carried on, including the details of this program is out of the scope of this paper.

By virtue of its existence for more than five years, it cannot be denied that DCPCR is doing a commendable work by taking such initiatives and surveys, appointing a number of expert groups comprising eminent child rights activists, NGOs, lawyers in order to discuss and put together recommendations on various child rights issues.

However, as discussed below, there are various loopholes and issues left unattended which need to be tackled for an effective implementation of the Act.

6.1 Disorganized Grievance Redressal Mechanism and Missing Accountability:

After four years of the enactment of the Act, the circular of Guidelines for Redressal of Grievances under RTE Act was notified in 2014. As per the Govt. vide notification, District Director of Education and Education Officer of the concerned zones are authorized as local authorities to redress grievances. It cannot be abnegated that approaching these higher level authorities for all kind of violations is a strenuous process for individuals and parents. The Grievance Redress Mechanism lacks clarity of roles performed by different officers in charge. For example, complaints related to absence of teachers, inappropriate money distribution to various schools, dysfunctional SMCs, etc. would fall under purview of different officers. If corporal punishment takes place, who is to be held accountable? Or if the toilets are not functional, who could be taken to task? This can lead to confusion as to whom to approach for one's specific complaint. Moreover, the complaints sometimes travel from desk to desk and the opportunity cost of being redirected to different people for one complaint is often too high.

Being a state level monitoring authority, DCPCR's significant role is to monitor the implementation of the Act and not the redressal of grievance at the first place. Redress should only be done by the implementation agency – which is the Education Department. Individuals and parents are unaware of the hierarchy and order in which one should report a complaint. Absence of accountability and grievance redress mechanism within the government and departments increases the load on the commission. A direct approach to DCPCR for redressal oftentimes diminishes the pace of other important tasks performed by DCPCR.

Therefore, by developing a strong and systematic ground level redress mechanism, effective and efficient SMCs and spreading awareness amongst the citizens about the same, the Govt. can moderate the number of unattended cases.

6.2 Coordination between Ministry and Departments:

The implementing agency of the RTE Act is MHRD and DOE while the monitoring authority is DCPCR. An interview with DCPCR's RTE department conjectures that though these three agencies are working on a same goal of RTE implementation, there is not much coordination and interchange between them. These agencies work at their own pace. The entire onus of grievance redressal lies on the DOE and Municipal Corporations with respect to their schools. DOE is not supposed to report to DCPCR and DCPCR is not supposed to intervene in the matters held by DOE. Hence, DCPCR becomes mere an appellate authority, hearing appeals in the matters where local authority has failed to discharge its functions.

Being a state level monitoring authority, it is DCPCR's major responsibility to analyze the current status of the implementation of RTE Act and provide recommendations to MHRD to improve its effectiveness. It is evident that by conducting regular meetings and consultations with DOE, DCPCR can efficiently fulfill this responsibility. By keeping a track of complaints received by DOE; nature, categories and frequency of complaints, DCPCR can analyze the loopholes in the implementation of RTE and suggest remedies and recommendations.

Similarly, the report titled: "NCPCR-The First six years", states that there is always a tension between the Ministries and the Commissions, which points out towards the need to have a close coordination between the two if we wish to leverage NCPCR and State Commission's work in influencing policy and regulatory changes. These tensions are structural in nature because of the very nature of the respective roles the Commissions and the Governments are to perform. This has consequences for the autonomy and independence of the Commission. Furthermore, the commission often has to rely on government to inform it of policy initiative early enough so that it may have the opportunity to influence its outcome. The report also states that there is so much secrecy in the government and there is no institutional mechanism for keeping the commission informed. Hence, there is a strong need for coordination and synergy between these two authorities.

6.3 Budget Allocation:

A report of HAQ: Centre for Child Rights⁹ titled: "Delhi State Budget 2013-2014 disappoints children once again" discloses that the share of Budget for Children (BFC)¹⁰ allocation in Delhi budget 2013-14

⁹ HAQ: Centre for Child Rights is a national organisation with a vision and dream for realising every right for every child. It works towards the recognition, promotion and protection of rights of all children.

¹⁰ The budget for children work is a decadal analysis of the Union Budget by HAQ. BFC is not a separate budget; it is an attempt to disaggregate from the overall budget, the allocations made specifically for programmes that benefit children.

was only 18.10% of total state budget, of which 16.24% was for education. While the State budget was increased by 12.01 per cent, the share of BFC was increased by only 0.07 per cent over 2012-13. Centre for Policy Research's report on Monitoring RTE (Documentation of the NCPCR Community Monitoring Pilot of the Right of Children to Free and Compulsory Education Act 2009 n.d.) states that the new SSA guidelines formulated after the passage of the RTE Act allocates a ridiculously miniscule budget of about Rs.50 per school for monitoring. This insufficient allocation of budget by the government is a huge obstruction to DCPCR's ability to monitor RTE.

6.4 Social Audit:

To monitor RTE, DCPCR is conducting surveys, visits, public hearings, consultation, etc. But it has to evolve a strong social audit to realize shortcomings in the monitoring. For e.g. the survey of DCPCR in collaboration with Save the Children showed that 96 per cent schools had formed SMCs. But there is no well-grounded system that proves the authenticity of the functionality of SMCs. Delhi NGO JOSH (Joint Operation for Social Help) conducted a survey titled: "The Delhi Story 2014" which covered 1,823 households and 49 schools spread across nine districts of Delhi. As per its report, 43.5 per cent of students said they did not have functional toilets in their schools and 47.61 per cent said the drinking water facilities were not adequate. While as per the government data recorded in DISE Flash Statistics 2013-14, all primary schools in Delhi have functional toilets and drinking water facility. The gap between government data recorded in DISE and civil society's assessment of the situation is absurdly wide. Needless to say, DCPCR needs to develop a reliable, qualitative and quantitative method for measuring the status of RTE implementation.

7. Conclusion:

It's been five years since the enactment of RTE, though there are various areas where the Act is being violated. By ensuring a considerable number of EWS reservations, DCPCR has done a praiseworthy job. But there are many issues which require a different approach than a rights based approach. One cannot deny that conducting public hearings, surveys, researches, meetings are inadequate for an appropriate implementation of RTE but DCPCR has to widen its scope beyond that for an effective monitoring and implementation of the Act. DCPCR needs to develop a strong and reliable social audit system which can bring out the actual status of the implementation of RTE. The loopholes mentioned above are the great areas of concern for DCPCR. Hence, the approach should be more output-oriented than input-focused. If various government functionaries which are working for RTE can synergize, then policy loopholes can be identified and mended.

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ANNEXURE:

1. Norms and Standards for a school as per the RTE Act, 2009.

THE SCHEDULE

(Sections 19 & 25 of RTE Act, 2009)

Norms & Standards for a School

Sl. No	Item	Norms & Standards
1.	No. of Teachers	Admitted children Number of teachers
	(a) For First class to fifth class	Up to Sixty (60) Two
		Between sixty-one to ninety Three
		Between Ninety-one to one hundred and twenty Four
		Between One hundred and twenty-one to two hundred Five
		Above One hundred and fifty children 5+1 Head-teacher
		Above Two hundred Children Pupil-Teacher Ratio shall not exceed forty (excluding Head-teacher)
	(b) For sixth class to eighth class	(1) At least one teacher per class so that there shall be at least one teacher each for i. Science and Mathematics; ii. Social Studies iii. Languages
		(2) At least one teacher for every thirty-five children
		(3) Where admission of children is above one hundred i. A full time head-teacher; ii. Part time instructor for A. Art Education B. Health and Physical Education C. Work Education

2.	Building	All-weather building consisting of : i. At least one class-room for every teacher and an office-cum-store-cum-Head teacher's room; ii. Barrier-free access iii. Separate toilets for boys and girls. iv. Safe and adequate drinking water facility to all children' v. A kitchen where mid-day- meal is cooked in the school; vi. Playground vii. Arrangements for securing the school building by boundary wall or fencing
3.	Minimum number of working days/instructional hours in an academic year	i. Two hundred working days for first class to fifth class ii. Town hundred and twenty working days for sixth class to eighth class iii. Eight hundred instructional hours per academic year for first class to fifth class iv. One thousand instructional hours per academic year for sixth class to eighth class
4.	Minimum number of working hours per week for the teacher	Forty-five teaching including preparation hours
5.	Teaching learning equipment	Shall be provided to each class as required.
6.	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books
7.	Play material, games and sports equipment	Shall be provided to each class as required

2. Report of Grievances received and disposed off to DOE.

**OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
GOVT. OF NCT OF DELHI, DISTRICT _____**

**Report of Grievances received and disposed of
[To be sent to Director (Education) online]**

1	2	3	4	5
Month/Year	Number of Complaints Received	Number of Cases in which decision has been taken.	Number of cases in which decision has been communicated to the complainant	Number of Complaints transferred to the competent authority
			(a)By Post. _____ (b) Online _____ Total _____	

Signature of Member

Name: -

Signature of Member

Name:-

Signature of Chairperson

Name _____

3. Various laws that DCPCR invokes to protect as part of its mandate:

- i. The Commission for Protection of Child Rights Act, 2005
- ii. Right of Children to Free and Compulsory Education Act, 2009
- iii. The Protection of Children from Sexual Offences Act, 2012
- iv. Bonded Labour System (Abolition) Act, 1976
- v. Child Labour (Prohibition and Regulation) Act, 1986
- vi. Contract Labour (Regulation and Abolition) Act, 1970
- vii. Factories Act, 1948
- viii. Immoral Traffic (Prevention) Act, 1956
- ix. Juvenile Justice (Care and Protection of Children) Act, 2000
- x. Medical Termination of Pregnancy Act, 1971
- xi. Prohibition of Child Marriage Act, 2006

4. Structure of DCPCR:

Name	Designation
Sh. Arun Mathur	Chairperson
Sh. B. C. Narula	RTE Consultant
Sh. M.M.Vidyarthi	Member
Dr. Sarita Sarangi	Member
Mrs. Zeeshana Khan	Member
Mrs. Mamta Sahai	Member
Sh. Shashank Shekher	Member

*From the website of Govt. of NCT of Delhi

5. Complaint Form:

**Office of the Deputy Director of Education
Govt. of NCT of Delhi
District-----**

Order

Your complaint No. _____ dated _____ made on behalf of _____ regarding _____ was attended and is found to be baseless/true. The following decision has been taken by the Committee constituted for this purpose:-

In case you are not satisfied by the decision of the undersigned, you may prefer your appeal to Delhi Commission of Protection of Child Right (DSCPCR) at the following address:

Delhi Commission of Protection of Child Rights
5th Floor, I.S.B.T., Kashmiri Gate, Delhi-110006.
Ph: 011-23862685 Fax: 011-23862684

(_____)
Deputy Director of Education

To
Shri/Smt. _____
Address _____