

## CHAPTER - III

### COMPLIANCE OF RTE ACT, 2009

#### 3.1 Evolution of the Act

The Constitution (Eighty sixth Amendment) Act, 2002 which received Presidential assent in December 2002, sought to make the following changes in the Constitution:

**i) insertion of Article 21-A in the Fundamental Rights:**

*“The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine”.*

**ii) replacement of Article 45 in Directive Principles of State Policy:**

*“The State shall endeavor to provide early childhood care and education for all children until they complete the age of 6 years”.*

**iii) insertion of clause (k) in Article 51-A in Fundamental Duties:**

*“It shall be the duty of every citizen of India ... (k) who is a parent or a guardian to provide opportunities for education to his child or as the case may be, ward, between the age of 6 and 14 years”.*

Consequently, after six years of amendment, the Right of Children to Free and Compulsory Education (RTE) Bill, 2008 was proposed. The Bill, after one year, was passed by both the Houses of Parliament and received the assent of the President in August 2009 as ‘The Right of Children to Free and Compulsory Education Act, 2009. The Act came into effect in whole of India except state of Jammu & Kashmir w.e.f. 1 April 2010. Hence, the RTE Act which represents the consequential legislation envisaged under Article 21-A came into effect after more than seven years of the constitutional amendment.

In exercise of the powers conferred by Section 38 of the Act, the Central Government framed the Right of Children to Free and Compulsory Education Rules, 2010 (RTE Rules). As per Rule 7(2) of the RTE Rules, in order to implement the provisions of the Act, the Central Government shall, within a period of six months of the appointed date, ensure that its programmes for elementary education are in conformity with the provisions of the Act. SSA Framework for implementation has been revised to correspond to RTE vision, strategy, norms and standards in March 2011. The revised SSA

Framework, which includes all the provisions of RTE, provides a broad outline of approaches and implementation strategies, within which States can frame more detailed guidelines keeping in view their specific social, economic and institutional contexts.

Subsequently, the RTE Act, 2009 was amended in July 2012 to exclude Madarsas, Vedic Pathshalas and Educational Institutes imparting religious instructions from the purview of the Act.

### **3.2 Non maintenance of records of children by local authority**

As per Rule 10 of the RTE Rules, the local authority shall maintain a record of all children in its jurisdiction, through a household survey, from their birth till they attain the age of 14 years. The record is to be updated annually and maintained in the public domain.

Audit noted that regular household surveys were conducted to record and update the information of all children upto the age of 14 years in 14 states/ UTs; while no such regular surveys were conducted in the remaining 21 states/ UTs<sup>13</sup> during 2010-2016.

Since, the household survey was not carried out, vital information viz. number of children in the age group of zero to 14 years; number of children attending schools, out of School Children etc. have not been captured and updated annually by the local authorities.

The data projections being used were based on 2011 census of India and also on the data received from schools spread across the 35 States/ UTs. In the absence of regular updation by the appropriate Governments through local authorities, assessment of the targeted group of children to be enrolled and the analysis carried out by MHRD based on assumptions, is not verifiable.

A comparative statement of the four sets of data available regarding Out of School Children (OoSC) during 2014-15 and 2015-16, i.e., State survey; UDISE; MHRD survey; and State (AWP&B) as in **Appendix-IV** indicates variations in all the four sets of data in all the states. Hence, the mechanism for collection/ projection of data of number of OoSC was not reliable, thus adversely impacting the implementation of Act.

MHRD stated (January 2017), that they had assigned the task of standardizing all data definitions including the definition of OoSC to

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<sup>13</sup> Andaman & Nicobar Island, Andhra Pradesh; Arunachal Pradesh; Assam; Bihar; Chhattisgarh; Goa; Gujarat; Haryana; Jharkhand; Karnataka; Kerala; Lakshadweep; Manipur; Meghalaya; Mizoram; Nagaland; Odisha; Punjab; Sikkim; and Rajasthan.

NUEPA. However, Ministry was unable to authenticate any set of data of OoSC.

MHRD stated (May 2017) that all 21 States and UTs mentioned in the Audit Report, except UT of Andaman and Nicobar Island, have informed in their AWP&B 2017-18 that household survey has been conducted in 2016/2017.

### 3.3 Expenditure on transport facility

Rule 6(4) of the RTE Rules states that for the children from small hamlets as identified by the appropriate Government or the local authority, where no school exists within the area or limits of neighbourhood specified under Rule 6(1) of the RTE Rules, the appropriate Government or the local authority shall make adequate arrangements, such as free transportation and residential facilities for providing elementary education in a school, in relaxation of the area or limits specified in the said Rule.

MHRD had set a timeframe of three years for establishment of neighbourhood schools, i.e., by 31 March 2013. It was observed that states could not establish the neighbourhood schools within the prescribed time of three years and therefore continued to incur expenditure towards transportation facility provided to students. Issues noticed in this regard in five states are as follows:

Sl. No.	State	Audit Observation																				
1	Andhra Pradesh	<p>Out of total 49,803 habitations in the state, 2,189 habitations were not having primary school within the prescribed limits of their neighbourhood and 2,242 habitations were without upper primary schools during 2015-16.</p> <p>Since the schools, as per RTE Rules, could not be established, State Implementing Authorities and District Authorities claimed transportation on this account for 59,270 students to provide transport facility by incurring an expenditure of ₹ 9.66 crore during 2011-16.</p>																				
2	Gujarat	<p>State Government, in lieu of relaxed norms, proposed transportation facility for children every year as detailed below:-</p> <p style="text-align: center;"><b>Table 11: Expenditure on transportation</b> (₹ in crore)</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Year</th> <th>Student Identified for transportation</th> <th>Student Provided for transportation</th> <th>Expenditure</th> </tr> </thead> <tbody> <tr> <td>2012-13</td> <td>51,653</td> <td>44,944</td> <td>11.16</td> </tr> <tr> <td>2013-14</td> <td>79,535</td> <td>73,487</td> <td>12.96</td> </tr> <tr> <td>2014-15</td> <td>79,508</td> <td>86,128</td> <td>21.15</td> </tr> <tr> <td>2015-16</td> <td>99,989</td> <td>1,08,231</td> <td>28.19</td> </tr> </tbody> </table> <p>Source: Figures provided by State Project Director (SPD)</p> <p>The table clearly indicate that the requirement of transport</p>	Year	Student Identified for transportation	Student Provided for transportation	Expenditure	2012-13	51,653	44,944	11.16	2013-14	79,535	73,487	12.96	2014-15	79,508	86,128	21.15	2015-16	99,989	1,08,231	28.19
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		<p>facility more than doubled from 44,944 in 2012-13 to 1,08,231 in 2015-16 which implies that the Government had not covered all eligible habitations as per neighbourhood norms which resulted in excessive expenditure on transportation.</p> <p>Further, for the last three years, the State had been reporting to PAB that all its habitations were covered by regular schools at primary and upper primary level; yet it was providing transportation facility.</p>
3	Meghalaya	<p>Contrary to the PAB approvals, transport allowance was underpaid to the eligible children in East Khasi Hills district. State Project Director (SPD) released GIA of only ₹ 6.50 lakh, against eligible amount of ₹ 8.13 lakh for 271 children that resulted in short payment of Transport Allowance by ₹ 600/- per head amounting to ₹1.63 lakh.</p> <p>However, the matter of short payment was taken up by District Monitoring Committee, East Khasi Hills with the SPD Office for final settlement.</p>
4	Maharashtra	<p>17,874 children in 2014-15 and 14,087 children in 2015-16 were residing in 2,216 remote habitations without schools. The Project Approval Board (PAB) approved in principle, transportation to children in remote area for 2015-16 subject to condition that the State Government should notify the habitation eligible for Transport Facility. However, the State failed to notify the habitations.</p>
5	Uttar Pradesh	<p>In Uttar Pradesh, transport/ escort facilities were proposed annually in AWP&amp;B during 2012-16 for children living in remote habitations with sparse population ranging between 1,336 and 8,473. In addition, urban deprived children/children without adult protection in urban areas ranging between 1,403 and 9,792 were also proposed transport/ escort facilities.</p> <p>The proposal, however, was not approved by PAB (2012-16) with the remark that the State had not notified the limit norms of transportation.</p>

Neighbourhood schools were not established within three years as stipulated in SSA Framework which resulted in continuous and extra expenditure on transport facility.

### 3.4 Net Enrolment Ratio<sup>14</sup> trend

As per Section 8(a)(i & ii) of the Act, it is the duty of the State Government to provide free elementary education; and ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years. The Net Enrolment Ratio (NER) for the country is tabulated below.

<sup>14</sup> Net Enrolment Ratio =  $\frac{\text{Total enrolment in grades I – VIII aged 6 to 14 in year } t * 100}{\text{Total population in the age group of 6 to 14 in the year } t}$

Table 12: Net Enrolment Ratio during 2012-16

(figures in per cent)

Year	Net Enrolment Ratio		
	Primary (Class I – V)	Upper Primary (Class VI & VII)	Secondary (Class VIII – X)
2012-13	96.09	73.78	47.92
2013-14	90.41	72.54	46.86
2014-15	87.41	72.48	48.46
2015-16	87.30	74.74	51.26

Source: UDISE Data

Above table indicates that NER for primary classes was in the decreasing trend during 2012-13 to 2015-16.

Further analysis of U-DISE data revealed least NER for the year 2015-16 in Puducherry and Andhra Pradesh in the Primary segment with 69.30 and 72.10 *per cent* respectively and in Uttar Pradesh in the Upper Primary segment with 60.53 *per cent*.

As NER relates to only those children who are within the official school age range to the school age population, it should never exceed 100 *per cent*. However, the data under UDISE indicating NER in excess of 100 have been highlighted in **Appendix VA - VD**.

MHRD (January 2017) explained the measures adopted by Centre/ States to improve the quality of database.

Since, it is the obligation of the appropriate Government to ensure compulsory education to all children in the age group of 6 to 14 years, incorrect NER raises doubts on the achievement of the objectives of the Act.

MHRD stated (May 2017) that it has decided to upgrade the existing system of school-wise data w.e.f. 2016-17 to address the concerns on the quality and reliability of data collected by NUEPA under U-DISE, especially on enrolment and infrastructure.

### 3.5 Poor retention rate<sup>15</sup> in Government Management schools

As per Section 8(f) and 9(e) of the Act, the Appropriate Government/Local Authority shall ensure and monitor admission, attendance and completion of elementary education by every child. The retention rates at All Management.

<sup>15</sup> Retention Rate for the year t+4 (SR<sub>t</sub>)=  $\frac{\text{Enrolment in grade V in year } t + 4 * 100}{\text{Enrolment in grade I in year } t}$

Schools and Government Management Schools for the years 2014-15 and 2015-16 is given below:

**Table 13: Retention Ratio during 2014-16**

(figures in per cent)

Year	All Management Retention Rate		Government Management Retention Rate	
	Primary	Upper Primary	Primary	Upper Primary
2015-16	84.21	70.70	77.59	52.00
2014-15	83.74	67.38	73.75	48.46

Source: UDISE Data

The above table indicates that the retention rate at Government management schools was poor in comparison to that in all management schools. Further analysis of U-DISE data revealed that least retention rate was in Mizoram in the Primary segment with 36.07 per cent and in Maharashtra in the Upper Primary segment with 14.61 per cent for the year 2015-16. Further, the data captured under UDISE was incomplete and the above retention rate was computed without data of all the states. For instance, for 2015-16 for Primary Segment, the retention rate was computed without data of six states (Chandigarh; Daman & Diu; Delhi; Kerala; Puducherry & Tamil Nadu).

However, despite the initiatives taken for universalising elementary education, the retention ratio has not reached 100 per cent even after six years of implementation of RTE Act.

This indicates that all children getting admitted in Class I do not complete the elementary education till Class VIII even after six years of implementation of the Act.

### 3.6 Incomplete UDISE dropout<sup>16</sup> data

Analysis of UDISE data of dropout pertaining to a period of four years (2012-13 to 2015-16) is tabulated below:

**Table 14: Dropout Rate during 2012-16**

(figures in per cent)

Year	Primary		Upper Primary	
	Government	Private & Others	Government	Private & Others
2012-13	9.39	NA	11.81	NA
2013-14	4.86	4.39	19.60	5.45
2014-15	7.82	4.72	13.66	NA
2015-16	5.10	2.60	11.73	NA

Source: UDISE Data; NA = Not available in UDISE

<sup>16</sup> Dropout is a person who withdraws from a programme of study before completing the same.

U-DISE data further revealed highest dropout rate for the year 2015-16 in respect of Government Management schools in the primary segment was in Assam where the dropout rate was 18.52 *per cent* and in upper primary segment in Maharashtra where the dropout rate was 35.34 *per cent*.

Similar to the case of retention rate, the data captured for dropout under UDISE was incomplete and it was not possible to derive any conclusion. Further, the dropout rate under UDISE does not correlate with retention rate indicating the deficiencies in data compilation.

### **3.7 Discrimination of HIV affected children**

As per Section 9(e) of the Act, every local authority shall ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction. Scrutiny of records at Goa Sarva Siksha Abiyan (GSSA) and the Goa State Commission for Protection of Child Rights (GSCPCR) revealed that the schools denied admission to 43 children including 13 HIV affected children. The children were then admitted to a new school, which was 10 km away from the first school. However, the new school also discriminated against the HIV affected children. Remaining 30 children who were not HIV+ were shifted back to original school. Thereafter, these 13 HIV affected children had to be enrolled in another school which was not their neighbourhood school.

GSSA (August 2014) admitted the fact of discrimination of the children.

### **3.8 Facilities for Children with Special Needs (CWSN)**

Section 3(2) of the Act read with chapter V of the Persons with Disabilities Act 1995 states that the appropriate Government and the Local authority should ensure that every child with a disability has access to free education in an appropriate environment and should endeavour to provide integration of students with disabilities in the normal schools.

Further, as per Rule 6(7) of the RTE Rules, the appropriate Government or the local authority shall endeavour to make appropriate and safe transportation arrangements to enable children with disability, which prevents them from accessing the school, to attend school and complete elementary education. Test check regarding provision of facilities revealed the following:

Sl. No.	State	Audit Observation
1.	Assam	Out of 6,07,182 CWSNs identified, 5,16,169 (85 per cent) were enrolled in schools and the balance (15 per cent) were provided Home Based Education. The shortfall in providing Transport Allowance (TA) to CWSNs enrolled ranged from 66.27 per cent to 96.65 per cent during 2010- 15. No TA was provided during 2015-16 due to non-receipt of funds from GoI.
2.	Kerala	In 60 test checked schools in Thrissur and Idukki Districts, 42 to 79 CWSNs were eligible for free and safe transportation facility during the period 2010-11 to 2015-16. However, no free and appropriate transportation facility was provided to any of those students during 2010-11 and 2011-12. Transportation facility was given only for 1 to 6 students during the period 2012-13 to 2015-16.
3.	Tamil Nadu	22,310 to 25,468 CWSNs, identified during 2010-14, were not provided transportation as funds were not allotted for this component by SSA, though funds were allotted under Inclusive Education for Disabled (IED). As of March 2016, 20,588 CWSNs were not provided with transport arrangements.

Further, as per Para 35 on FM&P on 'Education of children with special needs', all children requiring assistive devices should be provided with aids and appliances, and support services like physical access, special equipment etc.

Test check of other facilities provided to CWSNs revealed the following:

Sl. No.	State	Audit Observation
1.	Uttar Pradesh	As per Manual for Planning and Implementation of Inclusive Education, children suffering from mild disabilities (less than 40 per cent) were not eligible for benefits provided to CWSNs. Out of 18.76 lakh children enrolled as CWSN during 2010-16, only 2.09 lakh children had disability certificate. However, 16.67 lakh children who were not issued disability certificate were also considered eligible under CWSN leading to irregular expenditure of ₹ 256.49 crore.
2.	Gujarat	Braille books were not provided to 9,189 children during 2010-16. SPD stated (September 2016) that Braille books were not provided during last two years as approved cost of Braille books was very low in comparison to actual cost and there was no participation in online tender for Braille books during 2014-16. The reply was, however, silent as to why corrective measures were not taken.
3.	Tamil Nadu	Grant of ₹ 35.75 crore was received under Inclusive Education for children with Disabilities (IED) for provision of equipment



		<p>viz., caliper, hearing aids, wheel chair and transport arrangements in five test checked districts. Out of which, ₹ 32.72 crore was utilized leaving a balance of ₹ 3.03 crore.</p> <p>Despite having closing balance of funds to the extent of ₹ 3.03 crore, 798 out of 7,049 children with disabilities were not provided with the entitled equipment.</p>
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Despite existence of adequate provisions in the scheme guidelines for providing facilities to children with disabilities, irregularities still persist.

### 3.9 Facilities for pre-school education

Section 11 of the Act states that, with a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children. The provision of the Act is also consistent with the UN Convention on Rights of the Child (September 1990), to which India is a party.

Even after lapse of six years, MHRD was unable to formulate policy of pre-school education for children between three to six years.

No pre-school education is being provided in five states viz., Bihar; Chhattisgarh; Gujarat; Meghalaya; and Punjab.

MHRD stated (May 2017) that as per U-DISE 2015-16, in 10 States more than 50 *per cent* of Government primary schools had pre-primary sections. Most of the States are covering children in the age of 3-6 years through convergence with Aaganwadi Centres co-located in primary schools or opening pre-primary sections in Government Schools. However, the fact remains that Government is yet to formulate policy for pre-school education and more than 50 *per cent* states were yet to provide pre-school education to children.

### 3.10 Reimbursement of per-child-expenditure

As per Section 12(1)(c) of the Act, read with Section 2(n)(iv) of the Act, an unaided school, not receiving any kind of aid or grants from the appropriate Government or the local authority, shall admit in Class I, to the extent of at least twenty-five *per cent* of strength of that class, children belonging to weaker sections and disadvantaged groups in the neighbourhood and provide free and compulsory elementary education. Further, schools shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of Section 12 (RTE Rules).

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For 2015-16<sup>17</sup>, an amount of ₹ 492.70<sup>18</sup> crore was reimbursed by MHRD for 11.13 lakh children of 10 states (average cost arrived at ₹ 4,424 per child per annum). It was noticed that unit cost Per Child Per Annum (PCPA) ranged from ₹ 5,400 (Uttar Pradesh) to ₹ 23,805 (Tamil Nadu) in respect of 10 States/UTs to whom the reimbursement was made.

Cases relating to excess/irregular reimbursement to ineligible institutions in violation of the RTE Rules are discussed below:

Sl. No.	State	Audit Observation
1.	Karnataka	<ul style="list-style-type: none"><li>• Test check of 10 blocks revealed excess reimbursement of fee of ₹ 80.00 lakh in 124 schools due to inclusion of inadmissible items of expenditure such as fees paid for cultural activities, repair and maintenance, insurance on rent, travelling expenses etc.</li><li>• Block Education Officer (BEO), Channagiri, retained ₹ 6.25 lakh of the reimbursement amount for 16 schools. The amount was not reimbursed due to non-availability of statutory records from the schools. The amount continued to remain irregularly in the Savings Bank account of the BEO from December 2015 until March 2016.</li><li>• An amount of ₹ 28.86 lakh was drawn in excess and retained in Savings Bank accounts by six BEOs during 2012-13 and 2015-16.</li><li>• The unaided schools were required to submit the annual accounts of the school, certified by the CA, along with their claim in prescribed form for reimbursement. 1,304 unaided schools in Basavakalyan, Bhalki, Bidar and Humnabad taluks were reimbursed ₹ 13.15 crore during 2012-13 to 2015-16 without receipt of the certified annual accounts.</li></ul>
2.	Bihar	For 2011-12 to 2013-14, in three test check districts (East Champaran (11 schools); Madubani (3 schools); Patna (76 schools), 90 unrecognised schools were reimbursed fees of ₹ 1.18 crore irregularly as reimbursement could be done only to recognized unaided schools.
3.	Madhya Pradesh	<ul style="list-style-type: none"><li>• In three districts (Burhanpur, Dhar and Jhabua), ₹ 1.01 crore was paid to 303 unrecognised schools for 4,361 students during 2011-15.</li><li>• Payment of ₹ 1.63 crore was not made to schools in four districts (Balaghat, Datia, Dhar and Ratlam) during 2011-16 due to wrong entry of account numbers in the database of the Department and the amount was lying in the bank accounts of four District Planning Coordinators (DPC). As a result the schools were deprived of their legitimate dues.</li></ul>

<sup>17</sup> In 2014-15 an amount of ₹ 250.65 crore was reimbursed for 5,05,117 children of 7 states (average cost arrives at ₹ 4,962 per child per annum).

<sup>18</sup> Vide OM No. F.No.2-21/2016-EE.3 dated 27 July 2016 issued by DSEL, MHRD.

4.	Uttarakhand	As per Section 2(5) of the RTE Amendment Act 2012, Madarasas, Vedic Pathshalas and educational institutions primarily imparting religious instructions are not covered under the RTE Act. In DPO Udham Singh Nagar, Uttarakhand, 14 Madrasas were reimbursed ₹ 19 lakh as school fees etc. up to March 2014. DPO Udham Singh Nagar, Uttarakhand accepted the mistake and confirmed that no further reimbursement/ assistance was provided after 2013-14. The reimbursed amount is however, yet to be recovered.
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MHRD stated (May 2017) that the comments on inaccuracies pointed by the Audit are being collected from the State/UTs.

### 3.11 Retention of students in same class

Section 16 of the Act envisages that no child should be held back in any class or expelled from the school till the completion of elementary education. Audit noted that children above the age of 14 years were retained in elementary classes in violation of the Act in 15 states<sup>19</sup>.

Some specific instances are given below:

Sl. No.	State	Audit Observation
1.	Assam	During the six year period ending 31 March 2016, children in the range of 28,427 to 33,930 who attained the age of 14 years were retained in class VIII. The reason for retaining the students above the age of 14 years was attributed to non-completion of the elementary cycle as they were not enrolled in schools in time i.e. at the beginning of the academic years and in some cases, the students were retained in same classes ( <b>repeaters</b> ) due to poor performances in class ( <b>slow learners</b> ).
2.	Rajasthan	During 2010-16, 83.17 lakh children enrolled in classes I to VIII were over-aged. Moreover, 17.60 lakh children more than 14 years were found enrolled between classes III to VIII.
3.	Arunachal Pradesh	The number of retained children in primary classes and upper primary classes were 10,284 and 1,717 respectively during the period 2011-2016.
4.	Kerala	<ul style="list-style-type: none"> <li>• 103 students were detained in five schools in Thrissur District and 10 students in one school in Idukki District during the academic year 2010-11.</li> <li>• In Alappuzha district, despite orders of the High Court of Kerala, a student continued to be denied promotion from the 6th to 7th standard during 2015-16.</li> </ul>
5.	Sikkim	During joint physical inspection, it was noted that one school Rongneck, JHS, in East District retained 114 students (out of 2105 enrolled) in the same class during 2010-11 to 2014-15.

<sup>19</sup> Andaman & Nicobar, Arunachal Pradesh, Assam, Chhattisgarh, Dadra Nagar Haveli, Daman & Diu, Gujarat, Himachal Pradesh, Kerala, Maharashtra, Manipur, Nagaland, Rajasthan, Sikkim and Uttar Pradesh.

MHRD stated (May 2017) that comments on the violation of No-detention Policy are being collected from the concerned States.

### 3.12 Functioning of Unaided Schools without recognition

As per Section 19(1) of Act, no school shall be established, or recognised, unless it fulfils the norms and standards specified in the Schedule annexed to the Act. Also, where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement. Further, as per Section 19(3) of the Act, where a school fails to fulfil the norms and standards within the period specified (three years) under sub-section (2), the authority prescribed shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof. Subsequently, as per sub-section (4), with effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function and any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

Audit noted deviations in implementing the provisions of the Act in five states:

Sl. No.	State	Audit Observation
1.	Chhattisgarh	In District Education Offices at Raipur and Ambikapur, 70 Primary Schools (PSs) and Upper Primary Schools (UPS) were recommended for de-recognition to the Government (July 2016), but only 11 PS and UPS in Ambikapur were derecognised.
2.	Kerala	1,666 unaided schools were functioning without recognition as on 31 March 2016.
3.	Jharkhand	In four test checked districts (Deoghar, Giridih, Pakur and Simdega), out of 547 private schools operating, 352 private schools applied for recognition during January 2013 to December 2015. After verification by the DPOs/DSEs, 101 schools of these, were found eligible for recognition. However, recognition was not provided to them as of July 2016 since proposals, were pending with Director Primary Education, Jharkhand and no government funds have been provided to these schools.
4.	Gujarat	2,052 existing unaided schools were running without certificate of recognition in test checked districts even after a lapse of four years since implementation of Gujarat State RTE Rules, 2012. DPEOs and DEO stated (May-August 2016) that issue of recognition certificates to existing unaided schools was in progress.

5.	Uttarakhand	In Udham Singh Nagar, Uttarakhand, 109 schools were running without the requisite recognition certificates during 2015-16 and no action against them was initiated until March 2016. Further, instead of levying a penalty for running the school without recognition, two of these schools were reimbursed tuition fees under section 12(1) (c) amounting to ₹ 2.84 lakh.
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Functioning of schools without recognition or delay in recognition results in non-compliance to norms and standards of the Act.

MHRD stated (May 2017) that the comments on inaccuracies pointed by the Audit are being collected from the State/UTs.

### 3.13 Levy of capitation fee in violation of Act

As per Section 13 of the Act, no school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure. Any school or person, in contravention of the provisions, receives capitation fee or subjects a child to screening procedure, shall be punished with levy of penalty.

Audit noted that the Education Department in the state of Telangana issued notices (March – December 2014) to 21 schools for conducting screening tests for admission into classes I to VIII and for collecting capitation fee from children. Of these, a penalty of ₹ 15.29 crore<sup>20</sup> was imposed on nine such schools. No amount was recovered from these schools as of August 2016 even after a lapse of about two years from the date of imposition of penalty.

MHRD stated (May 2017) that the comments on inaccuracies pointed by the Audit are being collected from the State.

### 3.14 Pupil Teacher Ratio

Section 25 of Act states that within three years (31 March 2013) from the date of commencement of this Act, the appropriate government and the local authority shall ensure that the Pupil Teacher Ratio (PTR) as specified in the Schedule is maintained in each school.

As per Schedule (u/s 19 & 25/ Part-II) of Act, norms for pupil teacher ratio in primary as well as in upper primary schools was as follows:

<sup>20</sup> 1. Meridian School, Madhapur, Hyderabad (₹ 0.10 crore); 2. CHIREC School, Kondapur, Hyderabad (₹ 0.15 crore); 3. Delhi Public School, Khajaguda (₹ 0.10 crore); 4. SPR High School, Warangal (₹ 6.62 crore); 5. Greenwood High School, Hanmakonda (₹ 1.81 crore); 6. Oasis High School (₹ 0.31 crore); 7. Tejaswi High school, Hanmakonda (₹ 0.78 crore); 8. St. Gabriel's High School, Warangal (₹ 2.92 crore); and 9. National High School, Warangal (₹ 2.50 crore).

Table 15: Norms for teachers under RTE

Class	No. of students	No. of teachers required
Primary (I to V)	Up to 60 student	Two teachers
	61-90 student	Three teachers
	91-120 student	Four teachers
	121- 200 student	Five teachers+ one Head teacher
	Above 200 student	Per 40 student one teacher plus Head teacher
Upper Primary (VI to VIII)	Per 35 student	One teacher
		One full time Head teacher
		One teacher each for Science & Mathematics, Social Studies, and Language
		Part time instructor for Art Education, Health & Physical Education and Work Education

These norms clearly prohibit single teacher schools. Audit observed cases of irrational deployment of teachers in 11 states as detailed below:

Sl. No.	State	Audit Observation
1.	Chhattisgarh	There was incidence of both adverse and surplus PTR. In 2015-16, out of 30,919 PSs & 13,408 UPSs, in 4,362 PSs & 2,112 UPSs there was adverse PTR and in 13,947 PSs and 8,227 UPSs, there was surplus PTR. On being pointed out, the Department stated that action would be taken as per the provision of the Act. However, Department failed to rationalize the deployment of teachers.
2.	Bihar	PTR (both PS and UPS) of Government schools was in the range of 50:1 and 61:1 during 2010-16. 3,269 PSs (eight <i>per cent</i> ) and 127 UPSs (one <i>per cent</i> ) were running with single teacher in Bihar during 2015-16.
3.	Meghalaya	Scrutiny of records of the State Project Director, State Education Mission Authority Meghalaya (SEMAM) during 2010-16 revealed a favourable PTR ratio despite 224 single teacher schools which reflects irrational deployment of teachers as of 31 March 2016.
4.	Madhya Pradesh	18,940 to 48,132 PSs and 13,763 to 15,107 UPSs had adverse PTR during 2010-16 in the state. In test checked districts, 2,925 teachers and 729 Head teachers were working in excess in 2,444 PSs against the requirement as per RTE Act and 751 teachers and 621 full time Head teachers were working in excess in 886 UPSs. 17,938 (15 <i>per cent</i> ) to 20,245 (18 <i>per cent</i> ) schools were working with single teachers during 2010-2016. In eight districts, there was no teacher in 1,329 PSs and UPSs. Against the requirement of three teachers, two teachers were available in 7,269 (24 <i>per cent</i> ) (2013-14) to 7,937 (26 <i>per cent</i> ) (2015-16) UPSs.
5.	Gujarat	64 schools having 5,698 students had no teachers during 2013-14 and 677 schools had only one teacher as of March 2016. On the other side there were 843 and 7,333 surplus

		teachers in 1,539 PSs and 4,243 UPs respectively as of March 2016. No efforts were made by the Director of Primary Education for rational deployment of teachers in the PSs and UPSs.
6.	Andhra Pradesh	5,282 PSs (15 per cent) and 35 UPSs (0.67 per cent) had single teachers as of 31 March 2016 and further, there were 1,928 PSs (5.5 per cent) and 829 UPSs (16 per cent) with adverse PTR.
7.	Haryana	There were 788 PSs (8.86 per cent) and 269 UPSs (4.79 per cent) running with single teachers in 2015-16.
8.	Odisha	2,023 (3.4 per cent) schools were functioning in the State with single teacher during 2015-16. In sampled districts, Audit noted that 85 schools with 2,379 students (2015-16), were functioning with single teacher against the norm of two to three teachers.
9.	Punjab	There were 1,406 PSs (10.78 per cent) and 228 UPSs (3.61 per cent) running with a single teacher.
10.	Rajasthan	11,071 PSs (29 per cent) and 365 UPSs (two per cent) were running with single teacher in 2015-16 against the norm of two and three teachers.
11.	Tamil Nadu	The State continued functioning with 197 (2.39 per cent) single teacher schools (Government schools 154 and Government Aided schools 43) during 2015-16.

Persistent vacancies and lack of proper deployment of available teachers cause adverse PTR. Adverse PTR and single teacher schools affects the quality of education being imparted and the learning environment.

MHRD stated (May 2017) that it has been emphasising on the States and UTs to ensure that all Schools meet the prescribed PTR norms.

### 3.15 Reverse trend in teacher classroom ratio

In terms of Section 19 and Schedule to the Act, in a school, there should be at least one classroom for every teacher and an office-cum-store-cum Head teacher's room. Data under 'School Report Card' during the last four years revealed that number of schools having teachers in excess of classrooms has increased from 8,94,329 in 2012-13 to 9,58,820 in 2015-16 as depicted in the table below:

**Table 16: Teacher Classroom Ratio**

Year	Total number of Primary/ Upper Primary schools	No. of schools having teachers in excess of classrooms in a school	Percentage (%)
2012-13	14,31,703	8,94,329	62.47
2013-14	14,48,712	10,17,496	70.23
2014-15	14,45,807	9,83,359	68.01
2015-16	14,49,078	9,58,820	66.17

Source: UDISE data

From the table, it is seen that 62.47 *per cent* schools in 2012-13 had to accommodate more than one teacher in a class and this increased to 66.17 *per cent* schools in 2015-16 which warranted addition of classrooms in existing schools to comply to the norms prescribed under the Act.



Picture 1: Three classes (Class I, II and K-Shreni) running in a single room of 656 No Dubachuri LPS-Bilasipara, Dhubri District (Assam)

MHRD stated (January 2017) that 17.59 lakh additional classrooms have been constructed since 2000-01, but however, the fact remains that as of March 2016, there are 9.59 lakh schools with adverse Teacher Classroom Ratio.

### **3.16 Deployment of teachers for non-educational purposes**

As per Section 25 (2) read with Section 27 of the Act, no teacher shall be deployed for any non-educational purposes except for decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

MHRD issued guidelines (September 2010) based on Hon'ble Supreme Court orders to all States/UTs for deployment of teachers for non-teaching duties which stated that teachers could be deployed for duties relating to election to the local authority/State Legislatures/Parliament which inter-alia include conduct of elections, time spent on training and collection of election material. Further, all other duties relating to electoral roll revision would be undertaken on holidays and during non-teaching hours and non-teaching days.

Audit noted the deployment of teachers in non-educational purposes in violation of norms in the following cases:



Sl. No.	State	Audit Observation
1.	Andhra Pradesh	In addition to Census and Election duties, 37 teachers were posted as PAs to Public Representatives and 28 teachers on other deputations not related to teaching. The Department stated that in view of the decision of Hon'ble Supreme Court of India, all the District Collectors and District Educational Officers were instructed to withdraw teachers so deputed. Action was yet to be initiated by the District Collectors.
2.	Assam	In three out of the four selected districts of Assam, 1,559 elementary teachers were engaged in field verification for updation of the National Register of Citizens (NRC) <sup>21</sup> during 2014-15.
3.	Kerala	12 Panchayats in Thrissur and Idukki districts of Kerala deployed 12 teachers (six each in Thrissur & Idukki districts) for non-educational purposes such as Gram Sabha Co-ordinators and Implementing Officers.
4.	Meghalaya	In East Khasi Hills district, 133 school teachers were engaged during 2010-16 for 30 to 45 days every year for summary revision/ updation of electoral rolls.
5.	Mizoram	PS and UPS teachers were irregularly engaged for non-educational works in Circle, Block, District and State level offices as Coordinators, Project Assistant, Data Entry Operator etc. This had a financial implication of ₹ 37.22 crore towards salary paid from SSA funds during 2010-16.
6.	Punjab	1,609 teachers were deployed as District Resource Persons (DRP) and Block Resource Persons (BRP). During Exit meeting, the Department stated that all the BRPs and DRPs deployed for non-education purposes were being shifted back to schools.
7.	Rajasthan	During 2010-16, 112 teachers in 14 districts were deployed for performing duties in the office of Nagar Parishad, Zila Parishad and Rajasthan Council of Rural Livelihood etc.
8.	Telangana	67 teachers in two test checked districts were deployed for other works, i.e., other than educational purpose.
9.	Uttarakhand	268 teachers were deployed on arrangement basis as Cluster Resource Coordinators (CRCs) in the State. The SPO stated that the selection process of regular CRCs had been initiated, but the selection process was held up due to the matter being <i>sub judice</i> .

The deployment of teachers, in violation of provisions of the Act, compromised the quality of education being imparted to children.

<sup>21</sup> NRC is the project undertaken by the State Government of Assam through the Project Coordinator, National Register of Citizenship for updating the National Register of Citizenship, 1951, which is different from Census.

MHRD stated (May 2017) that NUEPA has conducted a study to assess the time spent by teachers on academic and non-teaching activities and the report is under consideration.

### 3.17 Procurement/distribution of text books and uniforms

As per the provisions of Section 8 and 9 of the Act, it is the duty of the State Government/Local Authority to provide learning material to the children. Further, as per Rule 4(3)(d) of the RTE Rules, the School Development Plan shall include entitlements of children such as free text books and uniforms and any other additional requirement for fulfilling the responsibilities of the school under the Act and is part of the PAB approved outlay.

Cases of irregularities in procurement and disbursement of text books/uniforms is stated below:

Sl. No.	State	Audit Observation
1.	Arunachal Pradesh	<p>As per Financial Rules 121.6(e) of SSA, advance payment to contractors is to be made in respect of construction works only and not for supply of goods and services.</p> <p>Audit observed that ,in violation of the above Rules SPD, SSA released advance payment of ₹ 20.08 crore during 2010-11 to 2014-15 to four suppliers for supply of work/text books which was 73.59 to 100 <i>per cent</i> of the total cost of the books. Thus, releasing advance payment of ₹ 20.08 crore to the four suppliers was not only irregular but an undue favour to the suppliers.</p> <p>Audit further observed that despite full payment of ₹ 4.73 crore as advance to M/s Shanti Enterprises, Naharlagun during 2013-14, 12,299 text books worth ₹ 10.88 lakh were never delivered to SPD, SSA. No follow-up action to get delivery of the balance text books from the suppliers was available on record.</p>
2.	Chhattisgarh	<p>Records of the Mission Director revealed that Chhattisgarh Text Book Corporation (CTBC) supplied text books to 26,27,818 number of children (Class VI to VIII) during 2012-13 to 2015-16 at the price ranging from ₹ 256 to ₹ 317 per child against the ceiling of ₹ 250 per child (norms prescribed in SSA Framework). This resulted in extra expenditure of ₹ 7.70 crore.</p> <p>The Mission Director stated (May 2016) that the payment was made for supply of text books within the approved budget provision. The reply does not address the issue of procurement at a higher price.</p>
3.	Maharashtra	<p>Maharashtra Prathamik Shikshan Parishad (MPSP) places orders on Maharashtra State Bureau of Text Book and Curriculum Research (MSBTB&amp;CR), Pune for printing of textbooks and workbooks for free</p>

		distribution to children enrolled in Government and Aided schools up to class VIII. During 2010-14, out of 57.81 crore books, 17.09 crore books (29.56 per cent) were supplied by MSBTB&CR after the commencement of academic session. The delays ranged between one to six months. As a result, the books could not be distributed to the children on time.
4.	Jharkhand	<p>Total enrolment in Government and Aided schools during 2010-16 was 3.25 crore, however, only 2.79 crore sets of text books were printed during this period. Consequently 45.81 lakh children were deprived of free text books during 2010-16 due to short printing of books.</p> <p>In four selected districts (Deoghar, Giridih, Pakur and Simdega), books were not distributed among 16.83 lakh students during 2010-16. Further, in test checked 42 schools of two districts (Giridih and Pakur), 12,576 out of 35,225 students of class I to VIII did not receive free text books during 2010-16.</p> <p>Jharkhand Education Project Council (JEPC) stated that the State Government decided to print the text books on the basis of student attendance and availability text books in book bank of every school.</p> <p>Reply of the State is not tenable as distribution of books should be on the basis of enrolment and not as per attendance.</p>
5.	Kerala	Uniforms were required to be supplied to all categories of students, but eligible boys students belonging to Above Poverty Line (APL) category were not provided with uniforms during 2012-16.
6.	Madhya Pradesh	<p>Records of Rashtriya Shiksha Kendra (RSK), revealed that 42.88 lakh books were short supplied to districts against the supply order of 26.49 crore books during 2010-16. Districts which were not provided books by the MP Pathya Pustak Nigam raised additional demand after the session started. This led to delayed distribution of text book.</p> <p>1,10,933 books of different subjects were not distributed during 2013-16 in three districts (Balaghat, Datia, and Ratlam) and in three districts (Balaghat, Burhanpur, and Datia), 4,32,497 books were distributed after commencement of session between months July to November.</p> <p>The DPCs stated that delayed distribution was due to delay in supply from the Nigam and the timely distribution of text book would be ensured in future.</p>
7.	Odisha	Against the requirement of 2.77 crore of free text books during 2014-15 for 54,99,796 students of class I to class VIII in Government and Aided schools, only 2.69 crore of books were supplied, resulting in short supply of 7.5 lakh books.

		As a result, 59,710 students did not receive full set of books during the year and 1,38,636 students of class IV to VIII received the books partly.
8.	Meghalaya	82 to 97 per cent of the eligible children were deprived of free school uniforms during 2012-15 (except for the year 2015-16) due to short release of funds (₹ 37.79 crore) as against PAB approved outlays. During 2012-16, 9,44,828 children were deprived of free school uniforms.
9	West Bengal	Uttar Dinajpur district (West Bengal), Teacher-in-Charge of 13 Schools reported that the quality of the uniform distributed during 2014-15 was very poor. Further, it was observed that guardians of 17 children of Kaliyaganj Milanmoyee Free Primary School, Uttar Dinajpur refused to receive sub-standard quality uniforms.
10	Uttar Pradesh	In three test-checked districts (Maharajganj, Ghazipur and Sonbhadra), 24.73 lakh books valuing ₹ 3.19 crore were purchased in excess of requirement during 2014-16.

Non distribution of school books in time and non-distribution/distribution of substandard uniforms adversely affects the education being imparted.

MHRD stated (May 2017) that the matter has been referred to the concerned states for clarification on the issue.

### 3.18 Irregularities in infrastructure development of schools

As per Section 8 and 9 of the Act, it is the duty of the State Government/ Local Authority to provide infrastructure including school building, teaching staff and learning material. Further as per Section 19(1) of the Act, no school shall be established, or recognized, unless it fulfils the norms and standards specified in the Schedule to the Act. Also as per Section 19 of the Act and as mentioned in the Schedule annexed to the Act, every school must have an all-weather building consisting of (i) at least one classroom 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) playground; (vi) arrangements for securing the school building by boundary wall/fencing. The Act has mandated that provision for school infrastructure shall be met within three years, i.e., by 31 March 2013. The cases of irregularities noticed in infrastructure development are discussed below:

#### 3.18.1 Inadequate Infrastructure

Test check in audit revealed that in seven States/UTs, there were shortcomings in infrastructure facilities as mentioned below:

**(i) Chandigarh**

Test check of Government Sr. Secondary School at Khuda Ali Sher, Chandigarh, revealed that the building of the school was unsafe due to major cracks in beams and leakages. Despite the request by the School Principal (July 2014), no corrective measures were taken by the Engineering Department and school was still running in unsafe building, thus, exposing the students (approximately 200) to risk.

The Department accepted the (August 2016) the audit observation.

**(ii) Tripura**

Physical inspection at Durgapur J.B. School under Dharmanagar Municipal Council in North Tripura district revealed that the school was functioning in a Anganwadi Centre (AWC) since 2004. Further, the AWC was in a dilapidated and unhygienic condition.



Picture 2: School run in bamboo shed

Similarly, Kumbharam Para JB School under Ganganagar Block in Dhalai district was running in a temporary bamboo shed since 2001. Rajdhan Chowdhury Para J.B School under Dumburnagar Block, Gandacherra in Dhalai district was also running in a temporary room constructed

with GCI Sheet since 2004.

As a result, conducive atmosphere for imparting education was not prevalent in these three schools.

**(iii) Kerala**

1,412 schools did not obtain fitness certificates as of September 2016. Directorate of Public Instruction, Kerala informed that 146 schools were in unsafe condition.

**(iv) Jharkhand**

In two of the four selected districts (Giridih and Pakur), 14 schools were without buildings. In two Government Primary Schools, three

rooms out of existing six classrooms in one school and three rooms in another school were under unauthorized occupation and hence, not being used for teaching purpose.

(v) **Puducherry**

Test check of 378 schools in two selected districts revealed that, six schools were running in rented buildings. A test check of 70 schools in two selected districts revealed that 17 schools were without playground, 37 schools were without barrier free access and two schools were without boundary wall. In one school, two classes were found running in a dilapidated old kitchen building covered by asbestos sheets.

(vi) **Delhi**

In Delhi Municipal Corporations (DMC), construction and renovation works in schools are carried out by Engineering Department on the requisition of Education Department of respective DMCs. During 2009-16, Education Departments of North and South DMCs issued requisition of various works in 95 schools. The status of these works as of July 2016 is tabulated below:

**Table 17: Status of works**

Work	No. of schools	Works proposed	Works executed	Not executed (%)
Class Rooms	78	1317	380	937 (71)
Halls	28	29	9	20 (69)
Toilet Blocks	34	271	100	171 (63)
Seats (toilet)	6	83	16	67 (81)
Boundary walls	18	18	5	13 (72)
Gates	1	1	0	1 (100)

Audit scrutiny revealed the following:

- Works in eight schools were not taken up as budget was not made available by their respective Education Departments.
- 24 works in North MCD and 25 works in South MCD were not started though requisitions were received by the Engineering Departments 7 to 78 months ago.
- Construction work of the Municipal Corporation Primary school, Gopal Nagar was abandoned after completion of 50 *per cent* of work and incurring expenditure of ₹ 1.16 crore due to construction of Metro Station.

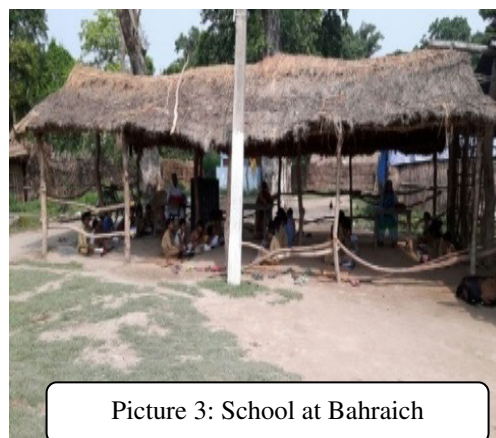
**(vii) Tamil Nadu**

Test check of 150 schools in five selected districts revealed that, nine schools did not have barrier free access for crossing State Highway, River and Dam; classes were conducted in the corridor of broken tiled roof in one school; 19 schools were functioning in tiled roof buildings; three schools in buildings with asbestos sheet roofing; 11 schools in dilapidated buildings; and 19 schools did not have kitchen shed.

**(viii) Uttar Pradesh**

➤ 105 schools were running without building; 403 schools were running in dilapidated buildings; and 858 schools were running in rented buildings.

➤ 26 school buildings ➡ were accommodating 2 to 3 PSs/ UPSs each (total 58 schools) in Bahraich, Gorakhpur, Sultanpur and Unnao districts. Thus, proper school buildings were not provided to schools even after six years of implementation of the Act.



➤ Physical verification ➡ of PS Payasi, Gorakhpur revealed that the school was being used as dairy/goatery and PS Payasi was running in the building of UPS Payasi.



The above cases indicate inadequacies of infrastructure posing risk to students and also failing to provide conducive environment for providing quality education.

### 3.18.2 Boundary walls

As per Section 19 of the Act and as per the Schedule annexed to the Act, every school must have an all-weather building with arrangements for securing the school building by boundary wall/fencing. Analysis of 'School Report Card' data revealed that during 2012-13, 64 *per cent* schools were having boundary walls. This increased to 68 *per cent* during 2015-16. Hence, till date, 32 *per cent* schools are without boundary walls.

MHRD (January 2017) stated that the boundary walls were provided to schools which were situated near highways, ponds, railway lines, forests, international boundaries and those having the rule of encroachment etc. The reply of the Ministry is not tenable because, as per the norms prescribed under RTE Act, every school must be provided by an all-weather building consisting of arrangements for securing the school building by boundary wall/fencing, as one of the essential condition.

### 3.18.3 Schools having Electricity

Provisions under Para 6.4.3 of the SSA Framework stipulates that school buildings should be electrified. Analysis of 'School Report Card' data for the four years period is tabulated below:

**Table 18: Schools having Electricity**

Sl. No.	Year	Total no. of Government Management Schools	No of schools having Electricity	<i>Per cent</i> of Govt. Management Schools having Electricity
1.	2012-13	10,62,147	5,36,431	50.50
2.	2013-14	10,89,892	5,35,910	49.17
3.	2014-15	10,78,021	5,87,653	54.51
4.	2015-16	10,75,036	6,23,152	57.97

Source: UDISE data

Though the status of electrification has marginally improved, only 57.97 *per cent* of the Government Management Schools were electrified. Even though the Government is emphasizing on computer assisted learning in schools, even after six years of implementation of Act, 42.03 *per cent* of the schools were not having electricity which constrained the beneficiaries from using the modern learning techniques and a learning environment as envisaged by the Government.

MHRD stated (January 2017) that the responsibility of external electrification in school was to be done by the State Electricity Board.



### 3.18.4 Number of schools having ramps

As per norms in Section 19 of the Act, every school must have barrier free access. Analysis of 'School Report Card' data for the last four years with reference to the provision of ramps in schools is as indicated below:

**Table 19: Schools having ramps**

Year	Government Schools			Unaided Schools		
	No.	With Ramp	%	No.	With Ramp	%
2012-13	10,62,147	2,05,286	19.32	3,53,952	33,503	9.47
2013-14	10,89,892	2,57,488	23.62	3,44,521	46,706	13.55
2014-15	10,78,021	3,92,454	36.40	3,54,200	85,897	24.25
2015-16	10,75,036	3,80,332	35.37	3,60,758	86,617	24.00

Source: UDISE data

The table indicates improvement in provision of ramps in schools but is still far from satisfactory as 76 per cent schools were still without ramps which hamper education of CWSN students.

MHRD stated (January 2017), that as per UDISE data, percentage of schools which required and having ramps during 2013-14, 2014-15 and 2015-16 were 82.33, 77.37 and 82.60 respectively. The reply is not tenable because as per section 19, no school shall be established unless it fulfils the norms and standards.

MHRD stated (May 2017) that the matter has been referred to the concerned states for clarification on the issue.

### 3.19 Blocking of funds

Examination of records in eight states revealed blocking of funds by various agencies as detailed below:

Sl. No.	State	Audit Observation
1.	Chandigarh	A sum of ₹ 541.48 lakh (SSA share ₹ 257.20 lakh plus UT share ₹ 284.28 lakh) was released during 2010-11 for the construction of Government Model High School, Chandigarh. However, the work was not started till date (August 2016) as the approval of revised site plan was still awaited. This resulted in blocking of funds of ₹ 541.48 lakh.
2.	Telangana	An amount of ₹ 103.91 lakh was released (2012-13) towards electrification in 666 schools in Khammam district. However, there was no progress in work and the funds were lying unutilised as of March 2016.
3.	Lakshadweep	An amount of ₹ 2.56 crore released to Lakshadweep Public Works Department (LPWD) for deposit work during the period 2010-11 to 2012-13 was lying idle as no works were

		undertaken by LPWD and the amount was refunded to MHRD in 2014-15.
4.	Odisha	135 infrastructure works were not started even after 4 to 7 years of approval, resulting in blocking of ₹ 5.22 crore. The money is lying idle as the schools lacked preparedness and there was absence of need based planning. Lack of community participation and improper monitoring by District Project Coordinator (DPC) were also noticed.
5.	Puducherry	Out of ₹ 463.53 lakh meant for Civil works, ₹ 160.17 earmarked for construction of 19 rooms in eight schools remained unutilised since four and a half years resulting in blocking of ₹ 160.17 lakh.
6.	Uttar Pradesh	Out of 12,542 schools sanctioned during 2010-12, 99 schools were under construction. Construction in 542 schools has not commenced due to land disputes, and insufficient funds leading to blocking of funds of ₹ 38.14 crore at District Project Office (DPO) level.
7.	Daman & Diu	<ul style="list-style-type: none"> <li>The collector of Diu shifted two Government middle (boys and girls) school in a nearby Government Higher Secondary School building in November 2014 because the buildings were structurally weak and unsafe. A sum of ₹ 50 lakh was allotted for maintenance and repair of these buildings. However, no progress had been made as of June 2016.</li> <li>Capital grant of ₹ 79.50 lakh for construction of three schools buildings sanctioned under SSA during period from 2010-11 to 2012-13 had not been utilised as of June 2016.</li> </ul>
8.	Nagaland	During 2012-13, PAB approved construction of 97 new Government Primary School (GPS) (₹ 28.11 crore) and upgradation of 41 Government Middle School (GMS) (₹14.43 crore). However, the works were not started and no expenditure was incurred for those approved schools resulting in blocking of fund of ₹ 42.54 crore.

### 3.20 Irregularities in procurement

#### 3.20.1 Irregular payment of ₹ 80.44 lakh on procurement of furniture

DPC, Surguja, Chhattisgarh placed (February 2011) supply orders worth ₹ 2.35 crore to 10 firms for supply of 7,495 tables and benches for UPSs and made payment of ₹ 2.70 crore. Payments were made in advance during 2011. The payment included Value Added Tax (VAT) amounting ₹ 34.58 lakh which was to be retained from the suppliers' bills as per the provision of Section 27 of the VAT Act and to be deposited in the Government Account. The firms concerned had not deposited the VAT amount in the Government Account. Further, four firms had not supplied (July 2016) 2,532 tables and benches valuing ₹ 45.86 lakh. Action against the suppliers had not been initiated for non-supply (July 2016).

DPC, Surguja, thus, made irregular payment of ₹ 80.44 lakh on procurement of furniture.

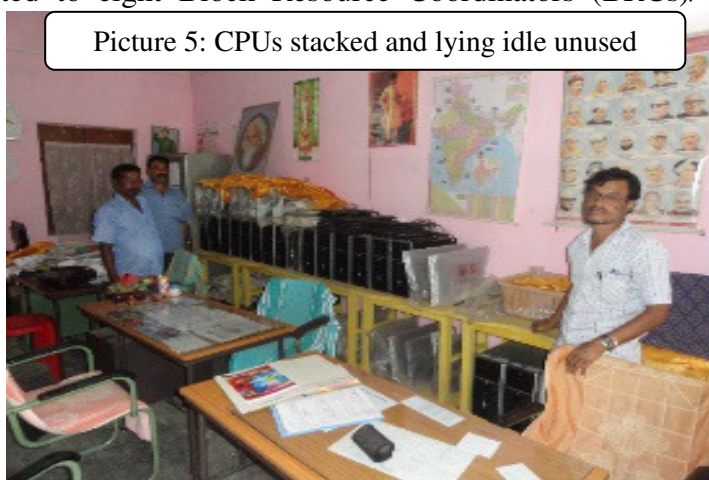
### 3.20.2 Irregularities in procurement of computers/ accessories in Chhattisgarh, Tripura & Delhi

(i) PAB sanctioned (October 2010), ₹ 9.00 crore to 18 districts of Chhattisgarh under Computer Aided Learning Programme (CAL) for 288 UPSs to be developed under CAL with Large Format Display (LFD) computers.

Supply order was issued (October 2010) by Rajiv Gandhi Siksha Mission (RGSM) to a firm registered under Director General of Supplies & Disposal (DGS&D) rate contract, for supply of 246 units of computer equipment for schools at a total cost of ₹ 3.29 crores. Audit noted that the equipment were supplied by another firm, not registered under DGS&D rate contract and the payment of ₹ 3.29 crore was released to that firm. Thus, procurement of computer equipment of ₹ 3.29 crore was irregular.

The RGSM Director stated (May 2016) that the second firm was an authorized dealer of the first firm to whom supply order had been placed. Reply is not acceptable because RGSM issued the supply order to the second party without terminating the contract with first firm. Besides, the second firm was also not empanelled under DGS&D.

(ii) PAB had approved ₹ 1.85 crore during 2011-12 for CAL programme under Innovative Activities of SSA in Tripura. Accordingly, MHRD provided ₹ 1.85 crore to Rajya Shiksha Mission, Tripura in March 2012. The Rajya Shiksha Mission centrally procured 160 computer sets for ₹ 59.33 lakh (including ₹ 5.82 lakh for five years Annual Maintenance Contract) and distributed to eight Block Resource Coordinators (BRCs)/ Urban Resource Coordinator (URC) in May 2013. Audit noted that no computer training was conducted by the BRCs/URC except one batch in Gournagar, BRC under North Tripura District. Out of 160



Picture 5: CPUs stacked and lying idle unused

computers, 26 were being used in the office of the IS/DEO/BRC etc, 22 became non-functional and 112 were lying idle with BRCs/URC since March

2013 as displayed in the picture above. The computers were not being used for the purpose for which these were procured and consequently intended benefits for providing innovative training to the teachers were remained unfulfilled.

(iii) During 2010-16, the Universalisation of Elementary Education Mission (UEEM), Delhi made a total provision of ₹ 20.84 crore for CAL activities viz. Infrastructure Technology support to schools, Development of Hardware/Software CAL content, Technical Personnel, Programmers and Specialists, etc. of this, ₹ 7.01 crore was only utilised, leaving ₹ 13.83 crore unutilized as of March 2016, which constituted 66 *per cent* of the total budget.

MHRD stated (May 2017) that the matter has been referred to the concerned states for clarification on the issue.

### **3.21 Cases of irregularities in operation of schools**

- One UPS viz. Goalgaon Jr. High School, Uttar Dinajpur, West Bengal though shown as functioning during 2015-16, was found closed during the visit of audit. On verification, it was intimated that the school was closed since December 2013 owing to non-posting of teachers. The village (Goalgaon) had no UPS within 6 to 7 KM. Hence, legally guaranteed right of education to the eligible students in a neighbourhood school in that village was not fulfilled.
- Khikhirtola F.P. School, Uttar Dinajpur, West Bengal is an Urdu medium school. But, Urdu teacher was not available in this school for the last five years, also, no Urdu scripted books could be made available in the school for the last five years. Teacher in charge of the school stated that no classes were conducted in the school during last five years due to shortage of teacher and also due to non-availability of class room in good condition. However, only Mid-Day Meal was served during the school hour.

### **3.22 Discrepancies between UDISE and State(s) Data**

The data collected during the audit of test checked schools in the states for the five interventions was compared to the corresponding UDISE data. Differences in the information is tabulated below:

Table 20: Discrepancies in UDISE and State(s) data

(Per cent)

State	District Name	Percentage having school building		Barrier free access		Separate toilets for boys and girls		Safe and adequate drinking water facility to all children		Securing the school building wall and fencing	
		A	B	A	B	A	B	A	B	A	B
Assam	Lakhimpur	40.66	82.71	26.00	40.00	43.33	79.17	50.00	81.65	33.33	23.09
	Kokrajhar	-	-	36.66	39.32	60.00	58.25	33.33	52.51	30.00	11.61
	Dhubri	-	-	33.33	17.69	33.33	83.00	33.33	88.48	16.66	10.83
	Darrang	-	-	23.33	16.88	50.00	42.92	20.00	42.55	3.33	16.01
Goa	South Goa	100	100	53.33	21.96	100	100	100	100	76.66	73.41
	North Goa	100	100	56.66	43.61	99.9	98.56	100	100	80	81.20
Bihar	Jamui	89.65	91.84	79.31	30.99	62.06	94.33	75.86	86.00	55.17	36.71
	Madhubani	92.59	92.59	0.00	15.28	33.33	100.00	70.37	95.05	25.92	59.21
	Motihari	96.55	81.78	86.20	20.78	79.31	74.42	93.16	87.53	37.93	47.94
	Munger	78.57	89.10	10.71	4.10	25.00	98.99	35.71	99.74	35.71	57.25
	Nalanda	82.14	97.67	67.85	15.84	53.57	92.43	67.85	93.19	39.28	59.15
	Patna	78.57	93.36	3.57	20.09	64.28	97.85	82.14	95.99	28.57	59.59
Rajasthan	Barmer	100	98.66	65.00	45.44	90.00	99.88	95.00	97.19	60.00	79.19
	Jhunjhunu	100	98.77	100	39.64	95.00	100.00	95.00	100.00	95.00	91.03
	Rajasmand	100	100	70.00	34.32	90.00	100.00	85.00	99.80	55.00	77.90
	Sikar	100	99.33	100	26.39	100	100	95.00	97.72	65.00	88.13
	Udaipur	95.00	100	85.00	19.52	95.00	99.00	95.00	94.54	65.00	67.65
UP	Sonebhadra	100	100	3.66	7.15	80.00	100	66.66	94.23	70.00	95.31
	Sultanpur	100	100	20.00	22.18	53.33	97.13	56.66	94.68	40.00	49.67
	Unnao	100	100	31.04	18.46	51.72	99.81	48.27	99.48	24.14	71.66
	Bahraich	100	99.68	30.00	47.75	70.00	99.88	70.00	97.57	46.66	53.01
	Gorakhpur	100	100	18.75	9.15	37.50	99.80	37.50	98.95	12.50	41.33
	Maharajganj	100	100	26.66	9.94	66.66	100.00	80.00	99.03	50.00	43.44
	Lakhimpur	100	99.79	43.33	67.18	83.33	99.79	93.33	98.57	43.33	53.56
	Kanpur Dehat	100	99.95	44.83	12.36	72.41	99.65	82.75	99.90	62.06	62.16
	Farrukhabad	100	100	25.00	32.73	46.42	99.73	57.14	98.17	50.00	55.91
Pudducherry	Pudducherry	90.00	100	30.00	75.88	100	100	100	100	100	96.15
	karikal	83.33	100	20.00	43.26	93.33	93.26	96.66	100	93.33	94.68
Tamil Nadu	Virudhunagar	100	99.80	100	5.42	100	99.21	86.66	100	43.33	66.86
	Trichy	100	100.00	100	47.67	90.00	98.95	100	100	23.33	67.64
	Tiruvarur	96.66	99.57	86.66	83.35	90.00	99.04	100	100	53.33	83.56
	Villupuram	100	99.90	86.66	47.76	90.00	99.03	96.66	100	36.66	65.63
Arunachal Pradesh	East Siang	100	99.38	0.00	6.74	40.00	100.00	50.00	93.25	70.00	73.00
	West Siang	100	100	0.00	-	75.00	94.04	60.71	80.95	57.14	40.87
Chhattisgarh	Dhamtari	100	99.44	100	52.76	76.66	100.00	86.66	99.58	60.00	69.54
	Raipur	100	99.12	100	61.99	73.33	100.00	93.33	99.85	86.66	88.37
	Rajnandgaon	100	99.26	100	37.10	80.00	100.00	93.33	99.12	33.33	61.98
	Surguja	100	99.84	100	53.00	93.33	100.00	96.66	99.94	46.66	44.68
Gujarat	Bharuch	100	100	90.00	56.55	90.00	94.97	93.33	100.00	90.00	96.31
	Kutchh	100	100	80.00	51.57	100	94.68	86.66	100.00	90.00	89.68
	Mahisagar	100	100	80.00	32.10	93.33	100.00	93.33	100.00	76.66	84.18
	Narmada	100	100	86.66	33.38	83.33	99.22	80.00	99.95	76.66	90.20
	Surat	100	100	90.00	45.14	90.00	94.07	90.00	100.00	96.66	95.39
Jharkhand	Deoghar	100	99.90	60.71	32.67	85.71	99.39	78.57	98.47	60.71	41.24
	Giridih	100	99.68	51.72	26.70	86.21	99.31	82.76	95.71	20.69	11.74
	Pakur	100	99.90	37.04	21.33	74.07	99.42	85.19	90.76	25.93	15.04
	Simdega	100	99.89	83.33	13.52	93.33	90.04	70.00	88.96	26.67	14.61
Lakshadweep	Lakshdweep	100	100	100	37.77	100	100	100	100	66.66	57.77
Nagaland	Dimapur	100	98.32	83.33	26.75	80.00	100	46.66	78.26	16.66	39.46
	Mon District	100	100	90.00	72.72	70.00	100	33.33	82.25	26.66	48.05
Tripura	Dhalai	93.33	100	80	7.92	73.33	100	70.00	71.78	8.00	11.40
	North Tripura	96.66	100	76.66	22.97	73.33	100.00	70.00	90.99	23.33	16.21
Uttarakhand	Tehri garwal		99.24	100		80.00	93.42	76.66	93.65	56.66	65.36
	Udhamsingh Nagar		98.86	96.66		76.66	92.65	83.33	98.86	70.00	90.28

Haryana	Kaithal	100	100	90.00	30.51	86.66	91.70	100	100.00	80.00	97.84
	Panipat	100	98.12	86.66	30.21	90.00	92.50	73.33	98.67	93.33	97.65
	Fatehabad	100	100	63.33	23.26	93.33	93.67	83.33	100.00	86.66	99.05

A=State Joint Physical Inspection data, B=UDISE

The table revealed that:

- There was no major variation in collated state data by Audit and UDISE data with reference to schools having buildings except in Lakhimpur, Assam.
- Variation was noticed in nearly all the states in all the districts for provision of barrier free access to schools.
- Regarding separate toilets for boys and girls, while UDISE depicted a satisfactory situation, collated state data by Audit indicated clear deviations.
- In the remaining two interventions, there was a mixed trend. In some districts there was a wide variation and in some districts the state figures tallied with the UDISE data.

Further, data (41 indicators) of the School Report Card was verified through physical verification of facilities in 150 test-checked schools of five selected districts of Karnataka and variations in all the indicators was noticed. The details are included as **Appendix-VI-A**. Similarly, in 150 sampled schools in Odisha, it was observed that the actual position of infrastructure in the schools does not tally with the UDISE data. The details are included as **Appendix-VI-B**.

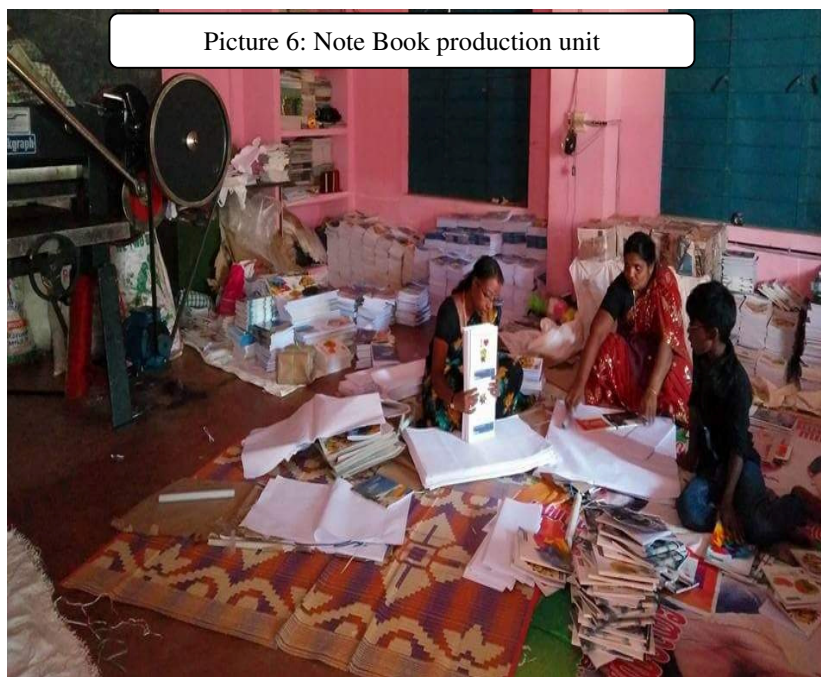
Variations in UDISE data indicate that data capture and validation was deficient. UDISE data entry, validation, verification and test check needs to be strengthened.

### 3.23 Good practices noticed by Audit

Audit identifies factors inhibiting satisfactory performance or goal fulfilment. Some good practices noticed for augmentation of the objectives are mentioned below:

- (i) In Karnataka, Action Plan for increasing enrolment was prepared every year through public awareness programmes, viz., Thayindira Mela, Dakalathi Andolana and Vishesha Dakalathi Andolana.
- (ii) Block Resource Centre, Vellangallur, Thrissur District in Kerala had started a Note Book production Unit from March, 2015 to facilitate

self-employment for the mothers of Children with Special Needs. Block Panchayat had provided the unit with ‘cutting’ and ‘stapler’ machines. BRC Vellangallur provided the required training to these mothers. The Unit named ‘Punyam’, a registered society utilizes the spare time of mothers of children studying in schools in five Panchayaths under BRC, Vellangallur in the manufacturing unit. Thus, mothers could attend to their children as well as earn an income with a flexible time schedule without disturbing their household affairs.



### **3.24 Conclusion**

Access to elementary education is not a privilege, it's a legally enforceable right and yet, many of the children are still not in school. The number of children eligible for elementary education is not being maintained and updated through house hold surveys by the local authorities under the appropriate Government. The UDISE data has inconsistencies in terms of data capture/ projections made and the data captured is not validated at appropriate levels. Children above the age of 14 years were retained in elementary classes in violation of the Act. Schools were running without the recognition even after six years of the implementation of the Act. Adverse PTR noticed in the states indicated poor mobilisation of teachers to synchronise with the provision of the Act. Deployment of teacher in non-educational purposes in contravention of Supreme Court orders compromised the quality of education. Provision of infrastructure as prescribed for schools to be completed within a timeframe of three years (March 2013) was still not fully provided.

### **3.25 Recommendations**

We recommend that,

- i. The State Government may conduct household survey for identification of eligible children in the State to ensure provision of compulsory education to the all eligible children.
- ii. Specific steps may be taken to ensure enrolment of all eligible children to eliminate dropout rate in line with the objective of the Act.
- iii. The appropriate Government may re-evaluate requirement of teachers in the schools and develop a roadmap for deployment of teachers with a view to minimize the possibility of shortage/excess of teachers, as providing relevant and useful education to children is dependent on the availability of teachers.
- iv. The appropriate Government may regularly review supply and distribution of free text books.
- v. The procurement of text books and uniforms may be further streamlined to ensure proper accounting of receipts and distribution to targeted schools/students.
- vi. The infrastructure requirements, as per the RTE roadmap, may be immediately provided.