



Chapter VII
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7.1 Formation of State Advisory Council

Section 34 of the RTE Act provides that State government shall constitute by notification, a State Advisory Council, consisting such number of members not exceeding 15, as the State government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development. The functions of council shall be to advise the State government on implementation of provisions of the Act in an effective manner. Rule 20 of MP RTE Rules provides for constitution of the council with a chairman, a co-chairman and 12 members. The meetings of the council were to be held quarterly with minimum eight members required for quorum.

The State Advisory Council did not meet at regular intervals.

Audit scrutiny revealed that the State Advisory Council was formed (February 2012) for two years under the chairmanship of Minister, School Education Department and Minister, Tribal Welfare Department as co-chairperson with 13 other members. However, the nominated members were not appointed after expiry of their terms in January 2014. We noticed that ten members were nominated in March 2015, i.e., after a delay of more than one year.

During four years only five meetings were held against the required 16 meetings. The year wise meetings held during 2012-13 to 2015-16 are given in **Table 7.1**.

Table 7.1: Details of year wise meetings held

(Figures in number)

Year	No. of meetings to be held	No. of meetings held	Shortfall
2012-13	4	3	1
2013-14	4	0	4
2014-15	4	0	4
2015-16	4	2	2
Total	16	5	11

(Source: Records of RSK)

Audit noticed that the quorum of minimum eight members were not fulfilled in the three meetings of State Advisory Council held during 2012-13. Further, RSK could not furnish information on the action taken on the advice given by the council.

During the exit conference (November 2016), Department stated that the matter was noted for future compliance.

7.2 School Management Committee

Section 21(1) of the RTE Act provides that a school other than unaided school shall constitute a school management committee (SMC) consisting of the

elected representatives of the local authority, parents or guardians and teachers. At least three fourth of the members of SMC should be parents or guardians. SMC shall carryout the functions, such as, monitor the working of the schools, prepare and recommend school development plan, monitor the utilisation of grants received, etc.

Rule 12 of MP RTE Rules further provides that SMCs shall be 18 members committee for the primary schools and 16 members committee for the middle schools. Two members shall be elected representatives. The head teacher or senior most teachers shall be *ex-officio* member secretary of SMC. The chairperson of the committee shall be elected from amongst the members of the committee. Further, SMC was to be constituted in every school by September 2011 and thereafter it was to be reconstituted every two years.

School Management Committees were functioning without required number of parents.

Audit scrutiny of records of test checked schools revealed that SMC was formed in all government schools. However, SMC in 103 PS and 50 UPS did not have required number of members and the number of members of SMCs were ranging from eight to 17 in PS and 10 to 15 in UPS. Further, the required proportion of representation of parents/guardians was not found in SMCs of 87 schools. In 65 schools, elected members were less than two in SMCs. Further, SMC was not formed in 43 out of 87 test checked private sector aided schools.

7.2.1 Training of SMC members

RSK issued instructions (December 2013) for conducting training of four SMC members of each PS and UPS for empowerment of SMC members. Trainings were to be provided by the master trainers in two phases at cluster level in the identified training centres. The in-charge of *Jan Shiksha Kendra* was responsible for ensuring training. RSK issued another instruction (January 2016) for providing two days training to six members of each SMC, including chairperson and secretary. The consolidated report of training was to be sent to RSK by the DPC.

Members of SMC were not aware of their role under the RTE Act, which jeopardise the objective of forming SMC.

As per information provided by RSK, 15,865 SMC members could not be trained in the State during 2013-16 against the targets of providing training to 11.36 lakh SMC members. However, the data reported by RSK was not correct. In test-checked districts, training was provided to 1.80 lakh members during 2013-16 as against the target of providing training to 2.09 lakh SMC members. Thus, there was a shortfall in providing training to 28,208 members in test checked districts.

During survey of parents, audit noticed that there were 80 parents who were members of SMCs, but were not aware of the RTE Act. Thus, some of the parents were part of SMC without any knowledge of their roles in management of schools, which jeopardise the objective of forming SMC.

7.2.2 Functioning of SMCs

Audit scrutiny also revealed that SMCs were not monitoring attendance in schools. As a result, SMCs failed to address large dropouts of children at PS/UPS level. There were shortfall in the meetings of SMC in 245 test-checked schools during the last five years.

As required under section 22(1) of the RTE Act and Rule 13 of the MP RTE Rules, SMCs did not prepare three years school development plan in 277 government and private aided schools. Further, SMCs did not ensure timely utilisation of funds provided to schools.

During the exit conference (November 2016), Department stated that action would be taken for formation of SMC in schools and preparing school development plan. The shortfall in number of parents in the committee was due to unavailability of class wise parents. The members were absent in the SMC training due to personal problems, who would be included in the next year's training programme.

The fact remains that Department could not ensure formation of SMC in each school as required under the RTE Act. Further, DPCs failed to ensure required representation of parents in SMC and to motivate members to attend training programme.

7.3 Role of Parents

Section 10 of the RTE Act provides that it shall be the duty of parents/guardian to admit child/ward to an elementary education in the neighborhood school. It was also duty of SMC to spread awareness about rights of child.

The 86th Constitutional Amendment Act amended Article 51 A – Fundamental Duties, of the Constitution of India and added clause (k) as follows:

"who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years."

Beneficiary survey of 1,007 parents conducted during the performance audit revealed that 62 *per cent* parents were not aware of the RTE Act. Thus, Department/SMC failed to spread awareness among parents about the RTE Act and right of children for elementary education.

During the exit conference (November 2016), Department stated that special measures would be taken to increase awareness among parents in rural areas regarding RTE.

Department failed to spread awareness among parents about the RTE Act and right of children for elementary education.

7.4 Role of elementary education officer

Rule 2(g) of the MP RTE Rules provides that the DEO is responsible for the management of elementary education at district level. As per provision of rule 11(9), DEO is responsible for providing intimation of granting recognition to the local authority belonging to rural/urban area in which the school was functioning.

Audit noticed in test-checked districts that the intimation of recognition was not sent by DEO to the local authority. Further, DEOs were not monitoring admission process of children in private sector schools and fee structure of private schools as required under RTE, which are discussed in preceding paragraphs 6.2.1 and 6.2.2.

In Madhya Pradesh, there were 89 tribal blocks. The responsibility of education from primary to higher secondary in these tribal blocks was of

Tribal Welfare Department. The Assistant Commissioner Tribal Development (ACTD) working at district level and 74 Block Education Officer of the department working at block level had administrative control over the teachers and management of schools in these tribal blocks.

Thus, the role of DEOs, who were under administrative control of School Education Department, was limited in tribal blocks and restricted mainly to providing recognition to private institutions. However, MP RTE Rules did not specify the role of ACTD in monitoring the implementation of the RTE Act/Rules in PS/UPS of tribal blocks, who were primarily responsible for providing education from primary to higher secondary in these areas.

During the exit conference (November 2016), Department stated that the compliance would be ensured.

7.5 Monitoring of schools by *Jan Shikshak*

Under MP RTE Rules, *Jan Shikshak* are the resource teacher that coordinates academic activities in a cluster of schools. An UPS subject-specific teacher is appointed as *Jan Shikshak* on deputation for a period of maximum four years. *Jan Shikshak* has a crucial role for successful implementation of the RTE Act, as he is the primary monitoring authority for schools. He is responsible for admission, regular attendance, completion of quality elementary education of all children in his jurisdiction. *Jan Shikshak* has to collect all information from schools including information on OOSC, analyses the information and submits it at the Block.

Jan Shikshaks did not visit schools as per norms and 914 posts of *Jan Shikshak* were vacant.

The School Education Department issued instructions (October 2010 and August 2012) to district level officials for ensuring monitoring of elementary education at *Jan Shiksha Kendra* (cluster) level. *Jan Shikshaks* were directed to ensure the visit to all schools under their jurisdiction at least twice in a month. The school visit report was to be submitted to the BRCC and the in-charge of the *Jan Shiksha Kendra*. A workshop was to be organised each month at the *Jan Shiksha Kendra* level to review the result of visit made by *Jan Shikshak*.

In the State, against the sanction of 5,320 post of *Jan Shikshak*, 4,406 *Jan Shikshaks* were posted and 914 posts of *Jan Shikshak* were vacant. Analysis of information collected from 162 *Jan Shikshaks* supervising 5,157 schools in test-checked Blocks revealed the following:

- There should be one *Jan Shikshak* for 18 schools as per norms approved by PAB. However, the number of schools in the jurisdiction of 143 *Jan Shikshaks* were more than the approved norms and it ranged from 19 to 50 schools.
- 35 *Jan Shikshaks* did not visit more than 50 per cent school twice in a month. Further, 3,313 schools were visited only once in a month as against the norms for two visits.
- Against the target of holding 1860 meetings, 1562 meeting were held in 35 out of 148 *Jan Shiksha Kendras* during 2010-16. Further, representative of 576 schools were not present in the monthly workshops in 63 *Jan Shiksha Kendras*.

Thus, the shortage of *Jan Shikshak* affected quality of monitoring. Further, the policy of deputing subject specific teachers as *Jan Shikshaks* required review, as there was already shortage of subject-specific teachers in State.

During the exit conference (November 2016), Department stated that there was shortage of teachers in the State and posts of *Jan Shikshak* were vacant in some *Jan Shiksha Kendras* due to which *Jan Shikshaks* were conducting inspection of schools more than their targets.

The reply is not acceptable, as the targets for school visits were not achieved by *Jan Shikshaks* in the test checked districts.

7.6 Monitoring of school at block level and district level

School Education Department issued instructions (August 2009 and September 2012) for monitoring schools and *Jan Shiksha Kendra* by Block level and district level officials. The block level officials were required to carry out monthly visit of 30 schools covering the *Jan Shiksha Kendras*. Similarly the district level officials were to visit 30 schools each month. The details of visit were to be posted in the education portal. The norms for conducting inspection were given in **Table 7.2**.

Table 7.2: Norms for conducting inspection of school

Sl. No.	Inspecting officers at different level	No. of PS/UPS to be inspected by inspecting officers during monthly visit.
1	Block education officer, Block resource centre coordinator and Block academic coordinator at block level.	At least 30 schools each (20 PS and 10 UPS)
2	DEO, Assistant Director, DPC, Gender coordinator and Assistant Project Co-ordinator at district level.	At least 30 schools each (20 PS and 10 UPS)

(Source: School Education Department order)

During scrutiny of records of RSK, it was noticed that:

Target set for inspections of schools by district level and block level officials were not achieved.

- The inspection of school conducted by district level officials ranged from 853 to 11,047 during 2012-13 to 2015-16 against the target of 15,300 per year. At block level, the BEOs conducted inspection of 1,413 to 6,904 schools. BRCCs conducted inspection of 32,267 to 52,936 schools against annual target of 88,800¹. BRC offices conducted inspection of 2.13 lakh to 2.63 lakh schools against annual target of 2.57 lakh².

- 129 post of Assistant Project Co-ordinator at district level and 781 posts of Block Resource Centre Coordinator, Block Academic Coordinator and Block Gender Coordinator at block level were lying vacant. These vacancies of inspecting staff affected inspection of schools.

During the exit conference (November 2016), Department stated that the instructions would be issued to districts to achieve the target of inspections.

¹ Target of inspection = 300 per year per BRCC X 296 working BRCC.

² Target of inspection = 300 per year per BRC X 855 working staff.

7.7 Evaluation study/impact assessment of the RTE Act

The details of evaluation studies relating to the RTE Act conducted in the State are given in **Table 7.3**.

Table 7.3: Status of studies conducted on RTE issues

Sl. No.	Topic	Year of study	Institute/agency conducted survey
1	Study of the difficulties coming in execution of Right to education (RTE) Act and Diagnostic Suggestions.	2011-12	DIETs, Khandwa, Khargone and Badwani
2	An analytical study of the problems in the identifications of CWSN children in the context of RTE 2009.	2013-14	Government College of Teacher Education, Khandwa
3	Impact of the RTE Act provisions on the enrolment and retention of children from minorities in classes I to VIII from the selected localities / areas predominantly inhabited by Muslim communities	2013-14	Institute of Advanced Study in Education, Bhopal
4	An analytical study of the integration and educational achievement of fee exempted children under the RTE Act and comparison of the same with those of general category studying in unaided private school	2014-15	Institute of Advanced Study in Education, Bhopal
5	Implementation of reservation provision for children from weaker section and disadvantaged group in unaided private schools under the RTE Act	2015-16	United Nations Children's Fund, Bhopal

(Source: Information provided by RSK)

Audit noticed that no action was taken on findings/suggestions of evaluation studies. The Commissioner RSK stated (July 2016) that necessary action would be taken after examining the recommendations.

During the exit conference (November 2016), Department stated that necessary action was being taken as per recommendations.

7.8 Incorrect reporting in Unified-District Information System for Education

Government of India started Unified District Information System for Education (U-DISE) from 2012-13 for classes I to XII in which the schools are allotted an 11-digit unified code. U-DISE provides information on vital parameters relating to students, teachers and infrastructure at elementary stage.

The in-charge of schools were provided training to fill information in the U-DISE format. The *Jan Shikshak* at the cluster resource centre was responsible to collect the U-DISE data filled in the prescribed format from the school under his jurisdiction. These filled U-DISE format was to be checked

by him for accuracy. The block level authorities were responsible for 10 per cent verification and each district level authority had to do sample checking of five formats. Entries in computer in DISE software had to be done under the supervision and guidance of Programmer at district level and Block Management Information System (MIS) Co-ordinator at block level. After making entries in U-DISE software printed copies of school report card generated and sent to school for further verification. The DISE format after correction if any, was to be returned to district office for correction in the software.

In order to ensure better quality and analysis of U-DISE data, PAB suggested (March 2012) for filling up of the vacant posts of block MIS Co-ordinators immediately. However, audit scrutiny revealed that the posts of 130 Programmers, Data Entry Operators and Block MIS Co-ordinator were lying vacant as on March 2016.

Further scrutiny revealed discrepancies in the U-DISE data in test-checked districts. The schools were not categorised properly in the “school management” field in U-DISE. As a result, 52 aided private schools of six districts were not reflected in the U-DISE list of aided school. These schools were incorrectly classified as unaided schools. The DPCs stated that action for changing the category would be taken.

U-DISE data was not reported correctly at district and block level.

During test check of schools, Audit noticed variation in information in U-DISE and the actual status in selected schools. There were discrepancies in information on enrolment, teacher position and basic infrastructure facilities, as shown in *Appendix-7.1*. Thus, the U-DISE data was not reported correctly by MIS co-ordinator at block level and programmer at district level.

During the exit conference (November 2016), Department stated that instructions were issued to districts to maintain qualitative U-DISE data. MIS co-ordinators and programmers posted at block and district level were provided training for compilation of error less data and their utilisation. The vacant post of MIS co-ordinators and programmers were not filled up due to unavailability of reserved category candidates.

The reply is not acceptable, as there were discrepancies in U-DISE data despite various instructions of Department. Further, Department did not inform the action taken for rectifying the errors noticed during audit.

7.9 Grievance redressal of teachers

Rule 16 of MP RTE Rules states that the SMC will be the first level for grievance redressal of teachers. The teacher of the school should send the grievance to the controlling officer, who will dispose the complaint within 30 days of receipt of the complaint and inform the teacher accordingly.

MP RTE Rules further provide that there shall be a district level grievance redressal committee consisting of seven members to redress the grievances of teachers. The Collector shall be the chairperson of the committee and the DEO shall be the Convenor of the committee. The committee should meet every quarter. In case any teacher is not satisfied with the decision of the controlling officer, he may submit the grievances in writing to the convenor of the

Committee. The convenor shall communicate the decision of the Committee to the teacher within one month of the decision.

Analysis of information furnished by the DEOs of the test-checked districts revealed the following:

District level grievance redressal committees were not formed.

- Out of 13 test-checked districts, the district level grievance redressal committee was formed in five districts, Dhar, Indore, Ratlam, Shahdol and Singrauli.
- There was no complaint received from teachers, except in district Singrauli. Out of 76 complaints received during 2010-16, 14 cases were settled and 62 cases were pending. Out of 62 pending cases, 55 cases were pertaining to year 2010-14 and remaining seven cases were pertaining to year 2014-16.

During the exit conference (November 2016), Department stated that redressal mechanism for teachers and other staff was in place through portal. E-Shiksha Mitra application had been developed and the teachers could now use whatsapp to address their grievances. Department further stated that there was arrangement of grievance redressal cell at district level to address teachers' issues. This was being made more effective.

The reply is not acceptable, as the district level grievance redressal committee were not formed in eight test-checked districts though required under MP RTE Rules.

7.10 Protection of Rights of Children

- As per Section 31 of the RTE Act, State Commission for Protection of Child Rights (SCPCR) shall examine and review the safeguards for rights provided by or under the RTE Act and inquire into complaints relating to child's rights to free and compulsory education.

As reported by Madhya Pradesh SCPCR, 128 complaints were settled out of 426 complaints received during 2010-16. SCPCR informed (March 2016) that complaints were pending due to vacant post of Chairperson/Members from December 2015.

During the exit conference, Department stated that Chairperson of SCPCR had been appointed.

Local authorities did not form grievance cell for protection of rights of children.

- Section 32 of the RTE Act provides that any person having any grievance relating to the right of a child under the Act may make written complaint to the local authority, who will decide the matter within three months. The School Education Department issued (August 2011) directions to Commissioner, Municipal Corporation; Chief Municipal Officers, Municipal Councils and *Nagar Panchayats*; and Chief Executive Officer, *Zila Panchayat* for forming grievances cell and appointing in-charge of the cell. A register of grievances was to be maintained and the information of cell was to be advertised in local newspaper for public notice. It was noticed in test-checked districts that the required actions, were not taken by the respective local authorities.

During the exit conference (November 2016), Department stated that local authorities had been instructed to set up grievance redressal cell at their offices.

The reply is not acceptable, as local authorities in test checked districts had not taken any action for grievance redressal under section 32 of the RTE Act.

7.11 Recommendations

- Timely appointment of members of State Advisory Council and holding regular meetings of the council should be ensured.

Department accepted (November 2016) the audit recommendation.

- The School Management Committee (SMC) should be formed with requisite number of members and regular holding of meetings should be ensured.
- The SMC members should be aware of their functions in the RTE Act and members need to be empowered through arranging training programme at regular interval.

Department stated (November 2016) that the provision of the RTE Act and duties of SMC members had been incorporated in the module of training for SMC members.

- SMC should spread awareness amongst parents about the rights of children as per the RTE Act.
- Department should take steps to fill up the vacant posts of inspecting officials at district and block levels to ensure the achievement against target set for school inspection and school visit.
- Action should be taken on the recommendation pointed out in evaluation studies conducted on issues of the RTE Act.
- The vacant post of Programmers and MIS coordinators at district level should be filled up to ensure qualitative and effective maintenance of U-DISE data.
- Department should put in place a rigorous process of the verification and analysis of the U-DISE data to avoid the discrepancies. Responsibilities should be fixed at appropriate level for correct entry of school data in U-DISE database.
- The grievance redressal mechanism for teachers and students at State level and district level should be strengthened.

Department stated (November 2016) that grievance redressal cell at district level was being made more effective.

- Timely appointment of the Chairperson of State Commission for Protection of Child Rights should be ensured for taking decision on complaints relating to child rights.

Department stated (November 2016) that the Chairperson, State Commission for Protection of Child Rights had been appointed.

