

Petition to MHRD from concerned citizens

Towards a free, **non discriminatory**,
& modern education law
In India

(The Right to Education Act)

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By



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Who are we ?

From vigilant social media

Common citizens

Grateful to MHRD Smriti Irani for
reaching out to citizens directly

Thousands of everyday people behind this

Whats at stake ?

Who gets to educate the

ENTIRE POPULATION

of the country as a captive audience
For the first 21 years of their lives ?

FAR REACHING - CAN MAKE OR BREAK NATONS DESTINY

Current situation – CHAOS

Private schools yet to be reimbursed 100Cr in TN

India finishes second LAST in PISA tests

DELHI NURSERY ADMISSIONS FIASCO

RTE Hits Enrolment in Govt schools

Schools ordered to shut down amid scarcity for RTE

Mumbai Pre-KG admissions headed to Court

Confusion over minority schools

Education activist NGO charge school with violation

WHY CANT INDIA FIX EDU EVEN AFTER 70 YEARS ?

DESPITE HAVING HIGHLY QUALIFIED EXPERTS DESIGN POLICIES

The False Division



GOVERNMENT SCHOOL HERE

Lets focus on public schools

Goal is to make govt schools as
Good as private ones



PRIVATE SCHOOL HERE

Private school regulation

Allow private schools

Regulate fees



Most policy use this division (including RTE) and fumbles !!

Things arent that simple !!!

The Real Division



GOVERNMENT

Regulate ability

9



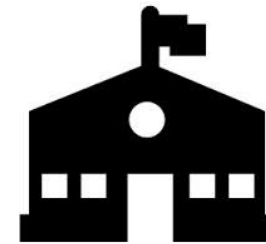
AIDED
MINORITY

3



AIDED
NON
MINORITY

9



PRIVATE
MINORITY
RUN

1



PRIVATE
HINDU
RUN

8

Real division is along sectarian lines due to **peculiar Indian judicial evolution**

Ability of govt to regulate the 5 categories are dramatically different

Attempts to **secularize education policy** have **failed** in courts due to prevailing wisdom

A large chunk of higher quality capacity is practically out of bounds due to minority status

Regulations and exemptions

- Typical regulations use the “false division” and create burdens to establish and run schools
- The reality is however that minorities are able to secure immunity/exemption on a facial constitutional challenge
- **End result : Discriminatory regime replaces what was a uniform social law**

Right to Education Act is the latest manifestation of this phenomenon

Is discrimination bad ?

- Schools are non profit unlike businesses
- Without a commercial model ; what if one group is favored ?
As long as students benefit ?
- **Education may not be a COMMERCIAL activity but it is still very much a COMPETITIVE activity**
- Both exempt and non-exempt schools draw students and teachers from the same general population
- Establishing schools is the time tested way to preserve and propagate culture, values, and leave a legacy
- Increases social standing, networking benefits,

Is RTE “implementable”

- **Unimplementable by design ?** Best efforts in MH, Delhi Nursery have failed with even courts unable to grapple
- Flawed at conceptual level – of persons asserting “positive rights” against other persons
- Two biggest issues apart from minority exemption.
- **NOMINATION** : Govt selects 'underprivileged' and schools cannot contest
- **CROSS SUBSIDY** : Refunds aren't full therefore balance has to be borne by paying students
- Sec 12 (25% Quota nominated by govt) and Sec 18 (no screening)

Nomination

- Basis of philanthropy is to select who you want to help
- No philanthropist voluntarily pays a higher tax or just leaves money on the pavement
- Abolition of screening for open seats (Sec 18)
- Key incentive for providing education lost
- Exempt religions however are able to retain this power

Cross Subsidy

- Cross subsidy is **X pays for Y** without going via the public purse – generally frowned upon
- Baked into RTE – because govt only refunds partial tuition and does not refund uniforms/teaching aids/ extra curriculans
- Definition of DG in most states does not have income criteria
- Moral hazard if lower income student forced to subsidize those with higher means & school mgmt forced to implement this scheme
- EWS could be a temporary state as fortunes change – but checking is only done at entry level

RTE of last 5 yrs

- Schools closing down – have tracked dozens of reports involving thousands of schools
- Few kids benefit on upside but downsides are not highlighted by media or think tanks.
- WORSE is the repelling effect this law has on NEW schools opening up – so it is a negative sum game
- Each clause of the RTE is contentious and easy to visualize litigating them all the way to the Supreme Court.
- Crores pending dues to private schools instead of funding govt ones
- Exemption from this law is a crucial competitive advantage given to minorities

Hindu trusts and temples

- Currently unable to enter education sector under the same rules available to minorities
- Curious situation where incentives work against local majorities most likely to provide edu on philanthropic basis !!
- TMA Pai granted parity to Hindu v Minority – annulled by UPA 93 Amendment
- No other country has any thing like this !!

Equitable access important

- Equitable access esp for SC/ST is a key concern – but RTE isnt the way to solve it
- Severe oversubscription is the primary reason
- Scarcity even at higher end = expensive private edu
- Incumbents in enviable position due to near monopoly – hence pick and choose favorites
- NOC/ Essentiality are anti competitive and create territorial monopolies
- Need a TOTAL FRESH LOOK to change direction

If nothing is done now

- Gloom over edu sector
- Repeating the same programs produce no results
- Invidious exemption could lead to social strife as some religions will behave in strategic manner
- Minorities alone cannot provide all private capacity
- Reckless behaviour by NGOs and Thinktanks who will lock up schools in endless court cases over this or that denial of “rights”
- Social media is a vehicle for information & resistance

Ideas

- Open up the 93rd Amendment & NCMEI for debate
- Announce concern about sectarian exemption and start a debate

SHORT TERM

- Amend RTE without sacrificing nomination OR cross subsidy
- Amend RTE to use advance payments & treat amount as scholarship (student pays balance)
- Amend RTE to give govt money to private only when no govt school nearby

Thanks

Chaos and poor quality after 70 years – India deserves better

New Education Policy is a valuable exercise

We have a new MHRD who can take a totally fresh look at edu for first time in 68 years.