

Land Ownership Rules: No right to educate for 'illegal' slum schools

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When Right to Education (RTE) Act was passed in 2009, it was hailed as a legislation that will promote the cause of social justice by ensuring free and compulsory education for all. Six years on, however, a provision of the Act could be forcing some schools to shut down.

Deepalaya, an NGO based in Delhi, has been running a school in Sanjay Colony, Okhla for more than 20 years. For many residents of the slum, Deepalaya School has come to mark an opportunity for thousands of poor students living in the vicinity, providing NCERT-curriculum education for a small fee.

But the school is now staring at a lock down, having lost about 500 of its 800 students in the past year. "Under the Delhi School Education Act (DSEA) 1973, it is not a 'recognised' school since every school has to own the land it is built on, and Deepalaya School stands on land owned by the Slum Board. According to Section 18 of RTE, 'unrecognised' schools are illegal, and can't be allowed to function," T K Mathew, chief executive of Deepalaya, explained.

"RTE is causing several low-cost private schools like Deepalaya to shut down, unwittingly depriving poor children of quality education," he said. There are scores of schools such as Deepalaya in Delhi, which are running on the so-called BPS model (budget private school). Here, teachers are mostly volunteers, fees are minimal and beneficiaries the poorest. Most of these schools aren't recognised since they don't fulfil the recognition criteria such as government-grade salaries to teachers, land ownership or minimum land area requirements. Most of these schools are primary-level and follow the NCERT curriculum.

A 2012 report by former Delhi chief secretary Shailaja Chandra, who chaired a committee to review the DSEA, said there are about 1,593 unrecognised schools in Delhi, having 1.64 lakh children on their rolls.

Now, an online petition to the Delhi government on behalf of Deepalaya demands that an ordinance be issued to exempt schools in slums and villages from the land-title requirement for recognition. Also, it asks for the recognition criteria in the DSEA to be made reasonable for quality low-cost private schools to operate in Delhi. Signed by thousands, the petition has come to the notice of directorate of education. "

We are aware of the matter. Deepalaya's recognition has not come through since we need more clarity on their land lease," Padmini Singla, director of education, said. But

she said land ownership is not the only prerequisite. "In 2008, we had relaxed minimum land area requirement norm for schools, and under the scheme, more than 750 schools in Delhi were granted recognition."

Baladevan Rangaraju, director of the India Institute, the Delhi-based think tank which initiated the online petition on Deepalaya's behalf, said, "After the RTE came, unrecognised schools across India were given a three-year holiday. In 2013, the Delhi government came out with a public advertisement asking such schools to adhere to the state norms for recognition and obtain the essentiality certificate."

He said the problem is most BPS schools can never fulfil the criteria. Consequently, some schools shut on their own, while many continue to run "discreetly".

"In case of those who got recognised, the fee structures had to be revised. But that defeated the whole purpose of educating the underprivileged. After the 2013 advertisement, as estimated 3,000 BPS schools in Delhi have become extinct," Rangaraju said.

Singla said the government is "trying to work out a formula" and till then no such school will be sent a notice from our side to shut down".

Many of these schools have, meanwhile, devised their own ways to duck the legislation. A school in Mahipalpur is in talks for a "franchise arrangement" with a recognised school. While students will continue to study at the said informal school, they will get a pass certificate from the recognised school, at a "small fee".

Another one in Shahdara has asked its students to concurrently register as students in a nearby government school, so that certificates and legalities are taken care of, while it will now call itself a tuition centre".

Even Deepalaya School has renamed itself as Deepalaya Learning Centre. The children continue to trickle in every morning, but their parents have been informed that the worst may happen and they are free to shift their wards to the nearest government school.

"Sanjay Colony is an area where only one in four houses has a toilet. And Deepalaya School has separate toilets for girls. If nothing else, it should continue to function for this sole reason," Rangaraju said.