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Right to Education Act threatens education

In analysing the [Supreme Court](#) judgment upholding the Right to Education (RTE) Act, television channels have focused too much on the 25% reservation of seats in [private schools](#) - including famous elite schools - for low-income children.

This minor social engineering has produced some ridiculous protests from the elite. Yet, equally ridiculous is the claim that this will significantly help the poor. Of India's hundreds of millions of schoolchildren, only a few thousand poor will enter the elite havens. The others will remain at the mercy of third-rate government schools that provide no worthwhile education.

Worse, the Act poses a huge threat to the poor because it mandates the closing of all private unrecognised schools by 2013. If implemented, this will be the greatest educational disaster to befall India.

In desperation, the poor have increasingly switched their children from free government schools to fee-paying private ones. Only a tiny handful of private schools are elite schools. Most are unrecognised, charging low fees of 300 per month or less. They are cheap precisely because they lack the expensive infrastructure and qualified teachers mandated by government rules.

The Act obliges private schools to match government school salaries and amenities or close down. If implemented, school fees will rise 560% in low-cost schools and 173% in higher-cost schools in Patna, says a recent study by Rangaraju, Tooley and Dixon ([The Private School Revolution in Bihar](#)).

The Act obliges the government to finance the 25% of reserved seats in private schools based on government teacher salaries. But government payments are typically much delayed, and require the greasing of palms. Even after receiving payment for 25% of students, private schools will have to raise fees enormously for the remaining 75%. This will hit the poor.

The educational establishment is embarrassed by the failure of government schools, and the mass switch to unrecognised schools. But the Patna study suggests that the rise of unrecognised schools is more a matter for celebration than embarrassment. Though illegal, they are providing parents with choice and education that were unavailable earlier.

The study of Patna is a microcosm of the issues affecting the whole country. It suggests that 65% of all Patna children are in private unaided schools. There is hardly a street without such a school. This is not because of the lack of government schools. The study looked for private schools within a radius of 1 km of different government schools. It found a minimum of nine private schools, and a maximum of 93!

Children in unrecognised schools cannot appear for official school-leaving exams. Yet, the study showed that the majority of parents knew this and did not care. One reason was double enrolment: kids were enrolled in government schools but actually studying in private unaided schools. This was illegal, but enabled them to appear for exams, after greasing some palms. Once again, government failure was partly assuaged by a nominally illegal, but socially sanctioned market solution.

Many educationists expostulate that the bulk of these private schools lack qualified teachers, playgrounds and other infrastructure, and amount to exploitation of the poor. Many claim to be English-medium schools but have teachers that can barely speak or teach English.

The Patna study found that low-cost schools on average paid teachers 1,447 per month. High-quality private schools paid as much as 11,094. Government school teachers get far more in several states. Yet, the lowly-paid, unqualified teachers in private schools in Patna have on average produced better results than government schools.

An Aser study of Ward 60 in Patna compared learning outcomes in government and private schools, and found that the former lagged in virtually all indicators. For instance, the proportion of Class II children who could read at least some words was 30.6% in government schools and 87.5% in private schools. The proportion of Class III children who could recognise numbers up to 100 was 53.9% in government schools and 97.2% in private schools.

These figures should be used with caution. They may not apply to other states and cities. Some private schools may be useless.

Yet, on the whole, parents switching their children to private schools know what they are doing. Educationists wanting to close substandard private schools do not.

A Right to Education may be a good idea, but the actual Act provides no such right at all. It has no penalties or sanctions whatsoever for state governments that fail to provide schooling. It has no penalties for government schools and teachers that do not teach. It has no objection to schools that produce only dropouts and functional illiterates. The Supreme Court judgment pays no attention to this.

Private schools are illegally providing some sort of education, which the [RTE Act](#) is incapable of doing legally. That is India's tragedy. It will not be solved by ordering 25% reservation for poor children in elite schools. And it certainly will not be solved by closing down unrecognised schools, or forcing them to match government teacher salaries and, hence, quintuple school fees.

I don't often suggest the flagrant violation of the law. But state governments should ignore the RTE Act's provision to close private schools that do not measure up to desirable but unrealistic standards. Rather, state governments should recognise the value of 'unrecognised' schools, and devise ways to gradually integrate these

into the formal system. If this means violating the Act, so be it.

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