CHAPTER III

COMPLIANCE AUDITS

This Chapter contains four Compliance Audit paragraphs covering themes on "Implementation of Right of Children to Free and Compulsory Education Act, 2009", "Mukhyamantri Amrutum Yojana and Mukhyamantri Amrutum Vatsalya Yojana", "Enforcement of Factories Act in Gujarat", "Development of Infrastructure and promotion of sports activities in Gujarat" and seven individual paragraphs.

EDUCATION DEPARTMENT

3.1 Implementation of Right of Children to Free and Compulsory Education Act, 2009

3.1.1 Introduction

To provide free and compulsory education[1] to all children in the age group of six to 14 years, Article 21-A was inserted in the Constitution of India through the Constitution (Eighty-Sixth Amendment) Act, 2002. Consequently, Government of India (GoI) enacted the Right of Children to Free and Compulsory Education (RTE) Act in August 2009. The RTE Act provides that every child in the age group of six to 14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education[2].

The key objective of RTE Act, 2009 was universalisation of elementary education which encompasses three major aspects *i.e.* access, enrolment and retention of children in the age group of six to 14 years. The RTE Act became operative in Gujarat State with effect from April 2010 and the State Government notified (February 2012) the Gujarat RTE (GRTE) Rules, 2012.

The literacy rate in Gujarat increased from 69.14 *per cent* in 2001 (Census 2001) to 79.31 *per cent* in 2011 (Census 2011). However, to improve the same further, effective implementation of the RTE Act was an essential requirement.

The Principal Secretary (PS), Education Department is the administrative head of the department and is responsible for implementation of RTE Act in the State. The PS is assisted by State Project Director (SPD) of SSA under Gujarat Council of Elementary Education[3] (GCEE) and Director of Primary Education (DoPE) at State level. The SPD of SSA is assisted by District Project Co-ordinators (DPCs)/Additional District Project Co-ordinators (ADPCs) at district level, Block Resource Centre Co-ordinators/Urban Resource Centre Co-ordinators (BRCCs/URCCs) at taluka level and Cluster Resource Centre Co-ordinators (CRCCs) for cluster[4] of schools. The DoPE is responsible for

1 Free education is defined as 'removal of any financial barrier by the State that prevents a child from completing eight years of schooling'. Compulsory education means obligation of the appropriate Government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the age group of six to 14 years.

2 Elementary Education means the education from Standard I to VIII

3 Registered as a Society (State Implementing Society-SIS)

4 Eight to nine schools

granting recognition to Primary and Upper Primary schools and for implementing Section 12 of the RTE Act, 2009. Section 12 envisages admission of children of weaker sections and disadvantaged group to the extent of 25 *per cent* of total seats available in Class – I in unaided non-minority schools and monitor the same till completion of elementary education. The DoPE is assisted by District Primary Education Officers (DPEOs) at district level, District Education Officers (DEOs)/Administrative Officers of Municipal School Board for corporation areas and Taluka Primary Education Officers (TPEOs) at taluka level. Gujarat State Commission for Protection of Child Rights (GSCPCR) is responsible for safeguarding child rights. Elementary Education in the State is imparted through 44,545 schools as of March 2017 (33,647 Government Schools, 911 Private Aided Schools and 9,987 Private Schools).

Audit was conducted with the objective of deriving an assurance about the efficacy of implementation of RTE Act in the State. Audit test-checked (March to October 2017) the records of GSCPCR, SPD and DoPE, field offices of SPD and DoPE at eight test-checked districts[5]. Audit also test-checked the records at 32 taluka level field offices (four talukas of each selected district) covering the period 2012-17. Audit also conducted joint field visit of 24 Government Primary Schools (PSs) and 136 Government Upper Primary Schools (UPSs) of 32 selected talukas. Audit visited 25 private schools of Anand, Ahmedabad and Surendranagar districts for assessing the implementation of admission to children of weaker sections and disadvantaged groups against 25 *per cent* reserved seats.

Audit findings

'Smart Goals' with a future vision of 'Education for All' is the most important project of the Education department with its continuing education and literacy policies geared to promote literacy and reduce the drop-out rates. To achieve these goals, the main objective was to increase the retention rate at primary level and to increase the transition rate from primary to upper primary. Audit findings on access, enrolment and infrastructural facilities for elementary education are discussed in the succeeding paragraphs -

3.1.2 Planning

3.1.2.1 Maintenance of records of children

Section 9 (d) of the RTE Act and Rule 7 of GRTE Rules stipulated that every local authority shall maintain records of children up to the age of 14 years residing in its jurisdiction, which would be updated annually through Household Survey.

The State Government had notified (February 2013) the District Panchayats (DPs) and Municipal Corporations (MCs) as local authorities for rural and urban areas respectively for the purpose of RTE implementation. However, in test-checked districts, Audit observed that the local authorities had not maintained proper records of all children in the age group of six to 14 years in their jurisdiction either due to non-conduct of household survey or deficient household survey. Absence of specific identification of children and non-maintenance of records

5 5 DPCs and DPEOs of Ahmedabad (including DEO (City) and Ahmedabad Municipal School Board), Anand, Banaskantha, Dahod, Junagadh, Navsari, Patan and Surendranagar

prescribed under the Act/Rules, indicated lack of efforts of the district authorities in implementation of RTE Act.

The Director of Primary Education stated (March 2017) that local authorities were maintaining the records of children. However, test-checked local authorities[6] stated (March to October 2017) that the records of children for the age group up to 14 years were not being maintained at district level but were being maintained at school level. It was further added that the school authorities maintained the same in Village Education Register (VER)/Ward Education Register (WER). Audit observed during joint field visit (March to October 2017) that the said registers were not being maintained by 98 out of 160 Government schools (61.25 *per cent*). In the remaining 62 Government schools, the registers were maintained but were found to be incomplete and not being updated annually.

3.1.2.2 School Development Plan

Section 22 of the RTE Act and Rule 17 of GRTE Rules provide that each School Management Committee[7] (SMC) of a school shall prepare a three year School Development Plan (SDP) encompassing all requirements *viz.* infrastructure, books, uniforms, transportation, funds, *etc.* It shall also contain three annual sub-plans. The SDP shall be the basis for release of grants by the State Government or Local Authority. As per information furnished by DPCs of test-checked districts, all the SMCs in the districts have prepared the SDP. However, Audit observed during joint field visit (March to October 2017) that 79 out of 160 Government schools (49 *per cent*) visited had not prepared the SDP during the period 2012-17. This indicated incorrect reporting by the district authorities in this respect. In absence of SDP, the grants were being released without assessing the requirement by the schools.

The SPD stated (February 2018) that the State Government had instructed (2014-15) all DPEOs to prepare SDP at their level and the SMCs had been instructed (December 2015) to update the SDP. However, in case of absence of SDP, one time grant is given to the schools in the first quarter of the year. It was further added that preparation of SDP by all SMCs would be ensured in future. The reply did not address the issue raised by Audit about incorrect reporting.

3.1.3 Compliance with RTE Act, 2009

3.1.3.1 Enrolment of Children

Section 3 (1) of the RTE Act stipulates that every child in the age group of six to 14 years shall have right to free and compulsory education in a neighbourhood school till completion of elementary education. SSA guidelines provide for identification of Out of School Children[8] (OoSC) by conducting household surveys and their mainstreaming to regular schooling.

6 District Panchayats and Municipal Corporation, Ahmedabad

7 SMC shall consist of 12 members including 50 *per cent* women. Nine members shall be amongst parents or guardians of children admitted in such school and remaining three members shall be an elected representatives of the local authority, teachers of that school and an educationalist.

8 Primary school age children not enrolled in any level of education (primary and upper primary). OoSC could belong to remote school-less habitation, could be working children, street children, deprived children in urban slums, bonded child labourers, *etc.*

A comparison of year-wise number of children[9] attaining the age of enrolment for elementary education as per Census 2011 and number of children enrolled in various schools in the State during 2012-17 as per District Information System for Education (DISE) is shown in **Table 1** below –

Table 1: Status of enrolment of children in the age group of six to 14 years

(Numbers in lakh)

Year	Number of children (as per Census 2011)	Number of children enrolled in PS and UPS (as per DISE)	Number of children not enrolled (Percentage)	Number of Children identified as OoSC (Percentage)
1	2	3	4	5
2012-13	108.10	91.76	16.34 (15.11)	1.00 (6.12)
2013-14	107.69	92.29	15.40 (14.30)	0.94 (6.10)
2014-15	106.48	91.43	15.05 (14.13)	0.41 (2.72)
2015-16	105.28	90.67	14.61 (13.88)	0.67 (4.59)
2016-17	103.35	90.12	13.23 (12.80)	0.39 (2.95)

(Source: Data obtained from the website of GoI and DISE)

The above table depicts that the percentage of children in the age group of six to 14 years not enrolled in any schools in the State during 2012-17 ranged between 12.80 and 15.11 *per cent*. Of these, the State Government could identify between 2.72 and 6.12 *per cent* of children as Out of School Children (OoSC) during 2012-17. Deficient household survey could be a reason for not identifying the OoSC in the State by the local authorities.

3.1.3.2 Establishment of neighbourhood schools and transportation facility

Section 6 of the RTE Act provides for establishing a school in the neighbourhood for the children, where no school exists within the area or limits. Rule 5 of GRTE Rules envisage establishment of a PS within a walking distance of one kilometre (km.) of neighbourhood and a UPS within a walking distance of three kms. of the neighbourhood. It also envisages that the State 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. GoI had set a timeframe of three years for establishment of neighbourhood schools *i.e.* by 31 March 2013.

The State Government in co-ordination with Bhaskaracharya Institute for Space Applications and Geo-Informatics (BISAG) had conducted (2011-12) mapping of schools and found the requirement of 201 schools in the State to meet the above norm. Of these, only 25 schools have been established and made functional as of March 2017. As a result, the number of students identified[10] to be provided transportation facilities due to non-availability of schools in the neighbourhood

9 As per Single Year Age Data (Table C-13) table downloaded from site of Ministry of Home Affairs, Office of the Registrar General and Census Commissioner of India. Data obtained from website as the said information was not available with the department.

10 51,653 students (2012-13), 79,535 students (2013-14), 79,508 students (2014-15), 99,989 students (2015-16) and 1,41,854 students (2016-17)

increased three times from 51,653 in 2012-13 to 1,41,854 students in 2016-17. Providing of transportation facility indicated that habitations were yet to be provided with the facility of neighbourhood schools.

Audit observed in seven test-checked districts[11] that 11,072 children of 163 habitations (25 to 516 students per habitations) commuted to schools in nearby villages/areas by availing transportation facilities due to non-availability of PSs/ UPSs as per neighbourhood norms.

The DPEOs of test-checked districts stated (April to October 2017) that they would explore the possibility for establishment of new schools after obtaining details of potential enrolment and availability of land.

- ***Deficiencies in providing transportation facilities***

The RTE Act envisages entitlement of transportation facilities to children of habitations without a PS/UPS. The applications received for transportation facility are required to be scrutinised at each level *i.e.* SMC/CRCC/BRCC and finally by the DPC. During test-check, Audit observed in Anand district that 37 SMCs of Anand and Umreth Talukas had applied for transportation facility for 1,799 students during 2015-17. However, the DPC had not approved the proposal and had not recorded any reasons for not approving the same. Similarly, in Dahod district, 98 SMCs had applied to the DPC for approving transportation facility for 7,613 students during 2016-17. However, the DPC had accorded approval for only 5,606 students without any recorded reasons. Further, in Surendranagar district, 1,107 eligible students were not provided transportation facility due to budget constraints. This resulted in deprival of transportation facilities to 4,913 students in test-checked districts, which was in contravention to the provisions of RTE Act.

The DPCs, Anand, Dahod and Surendranagar stated (May to October 2017) that the transportation facilities to eligible students could not be provided due to budget constraints. Reply of DPC, Dahod is not correct as there was a saving of ₹ 35.02 lakh under transportation head at the end of financial year 2016-17 which could have been utilised for providing facility to at least 1,167 additional students[12]. The fact remains that eligible students of Anand, Dahod and Surendranagar districts were deprived of transportation facility as envisaged in the RTE Act. As regards providing of transportation facilities to ineligible students, the DPCs of test-checked districts attributed (March to October 2017) the reason to improper scrutiny of applications by BRCCs/CRCCs.

3.1.3.3 Pupil Teacher Ratio (PTR)

As per Pupil-Teacher Ratio (PTR) norms of RTE Act, there should be at least two teachers[13] in a PS and three teachers in a UPS. Audit observed that the prescribed PTR was not maintained in 1,156 out of 10,531 PSs and in 3,098 out of 22,234 UPSs in the State as on 31 March 2017. Of these, 539 PSs and 196 UPSs had been

11 Ahmedabad, Anand, Banaskantha, Dahod, Junagadh, Navsari and Surendranagar

12 ₹ 35,00,000/ ₹ 3,000 per student per year

13 Enrolment : Upto 60 students – 2 teachers, 61 to 90 students – 3 teachers, 91 to 120 students – 4 teachers, 121 to 150 students – 5 teachers, 151 to 200 students – 5 teachers + one head teacher. Above 200 students – Pupil Teacher Ratio is 40:1 + one head teacher

functioning with a single teacher as against minimum requirement of two and three teachers respectively. Audit further observed that 740 and 3,291 teachers were surplus in 641 PSs and 2,758 UPSs respectively as on 31 March 2017. This indicated that the deployment of teachers in the State was not being done in a rational manner by the DPEOs.

In test-checked districts, Audit observed that PSs and UPSs were functioning without any teacher[14] and less number of teachers[15] during 2012-17 as against the minimum requirement. As on 31 March 2017, 153 PSs were functioning with single teacher as against the minimum requirement of two teachers. Similarly, 50 UPSs were functioning without any teacher while 650 UPSs were functioning with lesser number of teachers against the minimum requirement of three teachers. During test-check, it was observed that Gajeta Falia PS of Dahod district with 119 students was functioning without any teachers during 2012-14 and the students were being taught by teachers from nearby schools on alternative basis. In addition, Audit observed surplus teachers in 275 PSs (349 teachers) and 924 UPSs (1,105 teachers) in test-checked districts as of March 2017. The State Government could have utilised these surplus teachers in schools which did not have or which had less number of teachers. Thus, even after a lapse of more than seven years since inception of the Act, the State Government failed in ensuring maintenance of PTR as mandated in the RTE Act. Non-availability of teachers affects the quality of education being imparted and the learning environment.

Director of Primary Education stated (August 2017) that as per transparent transfer policy of the Government, no teacher could be transferred without their consent. The teachers opt for schools near their native place or urban areas and are not ready to move to remote areas. It was further added that the State Government was considering formulation of a new policy to rationalise the deployment of teachers.

3.1.3.4 Intervention for Out of School Children

The RTE Act provides that the local authorities shall arrange Special Training Programmes (STPs) for three/12 months for identified Out of School Children (OoSC) for increasing their competency level and mainstream them for regular schooling in appropriate class. Audit observed that the local authorities in the State had not provided training to 90,789 (27 *per cent*) out of 3,41,157 OoSC identified during 2012-17. Thus, the objectives of the Act of increasing the competency level of OoSC for their mainstreaming in appropriate class remained unachieved. Audit further observed following deficiencies in the Special Training Programmes (STPs) held by the SMCs -

- Out of 160 schools test-checked during joint visit, STPs were held in only 39 schools during 2012-17. Remaining schools had not conducted the STPs as the SMCs had not conducted the survey to identify OoSC.

14 10 PSs and 189 UPSs (2012-13), 06 PSs and 143 UPSs (2013-14), 02 PSs and 126 UPSs (2014-15), 116 UPSs (2015-16) and 50 UPSs (2016-17)

15 Single teacher - 91 PSs and 276 UPSs (2012-13), 107 PSs and 274 UPSs (2013-14), 117 PSs and 203 UPSs (2014-15), 161 PSs and 155 UPSs (2015-16) and, 153 PSs and 198 UPSs (2016-17), Two teachers – 515 UPSs (2012-13), 643 UPSs (2013-14), 533 UPSs (2014-15), 517 UPSs (2015-16) and 452 UPSs (2016-17)

- In Banaskantha district, 33 STPs having total 380 OoSC and 42 STPs having up to five OoSC (total 159 OoSC) were closed (2016-17) by the district authorities[16] within six months as against the schedule of conducting 12 months training. The district authorities compulsorily mainstreamed 412 out of these 539 OoSC without assessing their competency level. Similarly, in Dahod district, 13 STPs having 127 OoSC were closed within six months during 2015-16 and no children have been mainstreamed till March 2017. The DPC, Banaskantha stated (April 2017) that remaining OoSC would also be mainstreamed in due course. DPC, Dahod stated (May 2017) that due to irregular attendance of children and migration, STP classes were closed.

- In test-checked districts[17], 243 over-aged (15 to 18 years) and 611 under-aged (below six years) OoSC had been irregularly covered under various STPs during 2012-17 because the applications received were not scrutinised properly by the DPCs.

- STP norms provide maintenance of child profile of each OoSC by the SMC, which includes name, address, date of birth, photograph, *etc.* Out of 39 SMCs who conducted STPs, 21 SMCs had not maintained the child profiles. Further, two SMCs[18] of Junagadh district had incurred an expenditure of ₹ 17.61 lakh for STPs conducted during 2012-15. However, except for payment vouchers, no other records have been maintained by the SMCs *viz.* survey report, attendance register, child profile, movement register, *etc.* In view of the non-maintenance of complete records, Audit could not vouchsafe the authenticity of the actual conduct of STP by these SMCs.

This indicated that the local authorities could put more efforts into getting the OoSC admitted for regular schooling.

3.1.3.5 Intervention for children affected by migration

To address the issue of seasonal migration for work during varying periods and its adverse effect on education of children who migrate with or without other members of the family, the Act mandates bringing such children to regular schools both in districts where they stay and in districts where they seasonally migrate.

(i) Seasonal Hostel

Seasonal Hostel is a residential STP for children of migrants who do not migrate with other members of the family. The SMCs after identifying the children for seasonal hostel shall apply to the district authorities for running the hostel. The district authority accords the approval and releases funds for its operations. A hostel shall accommodate 25 children in one unit and shall function for a period of six months.

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16 These STPs were closed as the special team constituted for monitoring the functioning of STPs found them closed on the date of visit, hence, the district authorities decided to close these STPs

17 Over-aged : Ahmedabad-45, AMC-02, Banaskantha-110, Junagadh-11, Navsari-16, Patan-14 and Surendranagar-45 and Under-aged : Ahmedabad-250, Anand – 82, AMC-71, Banaskantha-29, Junagadh-64, Navsari-29 and Surendranagar-86

18 Lirbainagar - ₹ 14.90 lakh (2012-15) and Timbavadi - ₹ 2.71 lakh (2012-14)

- In Dahod district, 156 SMCs had submitted (2015-16) proposal for running 281 units for accommodating 7,030 identified children. Audit observed that the district authorities had approved only 156 units for accommodating 3,900 children. Reasons for non-approving rest of the units were not on record. This resulted in deprival of hostel facility to remaining 3,130 children and the situation could have compelled the children to drop-out from the school and migrate with their family members. Thus, the very objective of the Act to provide continuous education was defeated.

- Junagadh district authority approved (2015-16) five units (125 children) of seasonal hostel to be run by Shobhavadala SMC of Visavadar Taluka. It was observed that profiles of 95 children neither had photographs of the child nor signatures of Balmitra, SMC chairman or Block Resource Person. Repeated photographs were found in 21 profiles *i.e.* photograph of nine children was repeated twice in 18 profiles and photograph of a child was repeated in three profiles. This raises doubt whether the units had actually functioned and expenditure had been incurred for said purpose by the SMC. The DPC stated (April 2017) that through oversight same photographs were pasted on more than one child profile. The reply is not convincing as child profile is an important document for identification of children covered under seasonal hostel. Non-attestation of 95 profiles by the SMC chairman/Balmitra is a serious omission.

(ii) Tent Special STP

Tent special STP is organised to provide education to children of migrant parents at work site. As per guidelines, the tent special STP shall consist of 20 children and training shall be provided for three to six months. Audit observed in Junagadh district that the DPC had approved (October 2016) 97 units of tent special STP for 1,697 children to be managed by eight SMCs. However, only nine units of three SMCs actually functioned covering 165 children resulting in deprival of education facility to remaining 1,532 identified children. Reasons for non-functioning of remaining 88 units were not available on record. In Anand District, tent special STP had not been provided to 287 eligible children during 2015-17 due to non-approval of 20 units by the DPC.

3.1.3.6 Intervention for children with special needs

Section 3 (2) of the RTE Act provides that Children with Special Needs[19] (CWSN) shall be provided access to free education in an appropriate environment. The State Government and the local authority shall ensure barrier free access facility in the schools for CWSN *i.e.* ramp, accessible classrooms, toilet, *etc.* to promote continuous elementary education. It also provided preparation of Individualised Education Plan (IEP) for each CWSN and to provide aids and appliances. Audit observed that -

- Out of 44,545 schools in the State, only 16,939 (38.03 *per cent*) schools could provide disabled-friendly toilet in the schools for CWSN as of 31 March 2017.

19 Orthopaedically impaired, visually impaired, cerebral palsy, intellectually challenged, *etc.*

- The State Government had not provided sets of Braille books (7,048 sets) to visually impaired students studying in Class I to VIII in the State during the period 2014-16 due to non-printing of such books. Thus, visually impaired students in the State were compelled to study without books during these two years. The SPD stated (July 2017) that the Braille books were not provided as the cost approved per book by Project Approval Board (PAB) was very low as compared to the actual cost. It was further stated that not a single tender was received against online tenders invited during 2014-16.

- Out of 43,678 hearing impaired students in the State, hearing aids had been provided to only 27,568 (63 *per cent*) students during 2012-17. The SPD attributed (October 2017) the reason for not providing hearing aids to non-organising of assessment camps for identifying the percentage of impairment. It was further stated that more hearing aids would be provided during 2017-18 with the assistance of the Health Department.

- An amount of ₹ 1.19 crore sanctioned (2012-13) for providing 11,916 kits to intellectually challenged and Visually Impaired students in the State had not been utilised by the SPD which resulted in deprival of benefit of kits to children with special-needs.

3.1.3.7 Recognition of existing Private Schools

Section 19 of RTE Act provides that no school shall be established or recognised unless it fulfils the norms and standards specified in the Schedule annexed to the Act. Rule 13 of GRTE Rules provides that every existing school[20] established before commencement of RTE Act shall make a self-declaration within a period of three months by May 2012 regarding its compliance with the norms and standards prescribed in the Schedule. A Committee consisting of three members[21] appointed by the Competent Authority shall conduct on-site inspection of such schools within three months of receipt of self-declaration form and submit its report to the Competent Authority indicating whether the school fulfils the norms for recognition. After inspection, the Competent Authority shall grant recognition on fulfilment of norms within a period of 30 days.

In test-checked districts, there were 3,112 Private schools established before commencement of the Act. Audit observed that of these, only 1,377 schools had submitted self-declaration forms till October 2017. Due to shortage of staff, the district authorities had not initiated any action against remaining 1,735 schools for non-submission of self-declaration forms. Audit further observed that none of the test-checked districts (except Surendranagar) had constituted the Committee for inspecting the schools. As a result, inspections of these schools to ascertain compliance of RTE norms had not been carried out and these 1,735 schools were running without recognition.

The DPEOs and DEO of the test-checked districts stated (March to October 2017) that scrutiny of self-declaration forms and on-site inspections of schools could not be done due to shortage of staff.

20 Other than a school established, owned or controlled by the State Government or Local Authority

21 TPEO, BRCC and Education Inspector

3.1.3.8 Admission to children belonging to weaker sections

Section 12 of the Act envisages that each aided and unaided non-minority school shall admit in Class-I (to the extent of at least 25 *per cent* of the strength of that class) children belonging to weaker sections and disadvantaged groups[22] and provide free and compulsory elementary education till its completion. The State Government or the Local Authority shall reimburse the amount of fees to the schools. The State Government issued (May 2013) detailed guidelines in this respect.

Audit observed that the State Government allotted (2013-14) target of 5,300 admissions of children belonging to weaker sections and disadvantaged groups to eight Municipal Corporations[23] (MCs) in the State. From 2014-15, year-wise targets were communicated to all districts and MCs in the State. Details of actual admissions made against the targets allotted during 2013-17 is shown in **Table 2** below –

Table 2: Actual admission of students against the target during 2013-17

Year	State as a whole			Test-checked districts		
	Target	Actual admission	Percentage of target achieved	Target	Actual admission	Percentage of target achieved
2013-14	5,300	432	8.15	2,250	33	1.47
2014-15	18,300	16,605	90.74	5,900	3,301	55.95
2015-16	30,000	27,929	93.10	11,100	9,630	86.76
2016-17	46,000	45,869	99.72	21,550	19,165	88.93
Total	**99,600**	**90,835**	**91.20**	**40,800**	**32,129**	**78.75**

(Source: Figures provided by DoPE and DPEOs and DEO of test-checked districts)

The above table shows an overall achievement of 91.20 *per cent* in the State and overall achievement of 78.75 *per cent* in test-checked districts. However, Audit observed that this process of fixation of a target was erroneous. The target fixed was much less than the mandated 25 *per cent* of the seats reserved as per RTE Act. As per DISE data (2016-17), 4,26,510 seats in the State were available for admission in Class-I of unaided schools. Against 1,06,628 seats (being 25 *per cent* of total seats of Class-I) available for giving admission to children of weaker sections and disadvantaged groups, the target fixed was only 46,000 (43 *per cent*) seats for the State. This indicates that the targets have been allotted by the State Government without considering the mandated provision of the Act.

During 2016-17, the State and the test-checked districts had received 59,841 and 24,191 applications respectively from children of weaker sections and disadvantaged groups for getting admission against the reserved seats. Of these, 51,952 and 20,859 applications had been approved for providing

22 Orphan Child, children needs care and protection, children belonging to child care institute, child labour/ children of migrating labourer, children affected with HIV, children belonging to SC, ST (annual income up to ₹ 2.00 lakh) and socially and educationally backward class (Annual income up to ₹ 1.00 lakh), children belonging to BPL family

23 Ahmedabad- 2000, Bhavnagar- 250, Gandhinagar- 250, Jamnagar – 250, Junagadh-250, Rajkot-500, Surat-1000 and Vadodara-800

admission. However, Audit observed that the State and the test-checked districts could provide admission to only 45,869 (88 *per cent*) and 19,165 (92 *per cent*) students respectively during 2016-17.

Audit further observed that –

- DEO, Ahmedabad City received 17,866 applications as against the target of 18,950 seats during 2013-17. Of these, only 13,126 children have been provided admission. Of the remaining 4,740 applications, 2,178 applications had been rejected for want of supporting documents while 2,562 children had not joined in the allotted school. Scrutiny revealed that these children had not joined the school due to allotment of admission in a school other than the school chosen by the applicant, allotted school being far away from their place of stay (above six kilometres), allotment in other medium of education, *etc.*

- In Surendranagar district, 359 eligible children of weaker sections and disadvantaged groups were denied admission during 2016-17 by the district authorities stating that the reserved seats of the school opted by the applicants had been filled up. The DPEO, Surendranagar confirmed (August 2017) that the children were studying in the same schools by paying fees which they had opted for in the applications.

The above deficiencies indicated that though the percentage of achievement against target for providing admission to children of weaker sections and disadvantaged groups improved over the years, the district authorities had not ensured allotment of admission by the schools.

- ***Reimbursement of fees to the unaided schools***

The State Government fixed (December 2014) reimbursement of maximum amount of ₹ 10,000 or actual fees charged by the unaided school whichever is less, for a child of weaker section and/or disadvantaged group admitted under the Section 12 of RTE Act. Audit observed delay of six to 12 months in reimbursement of fees to unaided schools by the district authorities in all the test-checked districts. In two test-checked districts[24], the district authorities had not reimbursed (June 2017) fees of ₹ 91.28 lakh payable to 377 unaided schools in respect of 2,121 students admitted under the RTE Act during 2014-17. Audit further observed in seven talukas[25] of three test-checked districts that the TPEOs had not calculated the fees to be reimbursed to 59 unaided schools for 770 students admitted during 2014-17.

The DPEOs of test-checked districts stated (March to October 2017) that the delay was due to late receipt of grant from DoPE. The DPEO, Patan stated (March 2017) that grant has been released to talukas for reimbursement of fees to unaided schools. DPEO, Ahmedabad stated (June 2017) that Show Cause Notice had been issued to TPEO, Dhandhuka for non-reimbursement of fees.

24 Ahmedabad – ₹ 29.44 lakh and Banaskantha - ₹ 61.84 lakh

25 Ahmedabad (Dhandhuka – 15 schools and 247 students), Anand (Anand- six schools and 128 students), Patan (Harij, Radhanpur, Santalpur, Saraswati and Shankheshwar – 38 school and 395 students)

- ***Payment of recurring expenditure to students***

The State Government provides ₹ 3,000 per child per annum to the students of weaker sections and disadvantaged groups admitted in unaided schools under Section 12 of the Act from 2015-16. The assistance is provided to the students towards expenditure of text books, writing materials, uniforms, *etc.* Audit observed delay of nine to 19 months in payment of assistance to these students in test-checked districts. In six test-checked districts, the district authorities had not made payment of assistance to 4,260 students[26] for the academic years 2015-16 and 2016-17 amounting to ₹ 1.28 crore till October 2017. Delay/non-payment of assistance to the students resulted in deprival of benefits to the students and resultant financial burden on the parents.

3.1.3.9 Availability of Infrastructure Facilities in Schools

Schedule forming part of Section 19 and 25 of the Act provides that adequate infrastructure[27] shall be made available in all schools by 31 March 2013. Audit observed that 260 out of 32,765 Government schools in the State were functioning in rented or rent free buildings due to non-availability of own building while 14 Government schools were functioning without any building as of March 2017. The details of infrastructure not available in Government PSs and UPSs in the State and test-checked districts as of March 2017 are given in **Table 3** below –

Table 3: Details of non-availability of infrastructure in Government PSs and UPSs

(in numbers)

	PSs and UPSs	At least one class room for every teacher	Office –cum-Headmaster's room	Kitchen shed	Play ground	Compound Wall
State	32,765	7,876	24,199	5,693	9,096	1,927
Test-checked districts	9,654	3,688	7,076	2,577	2,197	757

(Source: Information provided by SPD and DPCs/ADPC of test checked districts)

The above table shows that as against the target date of 31 March 2013 of GoI for providing infrastructure facilities in all schools, the State could not achieve the same as of March 2017. It may be pertinent to mention that provision of drinking water, barrier free access/ramp and separate toilets for boys and girls have been provided in Government schools. It can be seen that as of March 2017, 7,876 schools (24 *per cent*) did not have at least one class room for every teacher, 24,199 schools (74 *per cent*) did not have office-cum-headmaster's room, 1,927 schools (six *per cent*) did not have boundary wall/ fencing, 5,693 schools (17 *per cent*) did not have kitchen shed and 9,096 schools (28 *per cent*) had no play grounds.

26 2015-16 : 622 students (Ahmedabad- 476, Anand- 56, Banaskantha- 26, Junagadh – 14 and Patan -50) and 2016-17 : 3,638 students (Ahmedabad- 875, Anand- 56, Banaskantha-1,440, Junagadh – 213, Navsari- 446 and Patan -608)

27 All weather building consisting of at least one class room for every teacher; barrier free access; separate toilets for boys and girls; safe and adequate drinking water facility for all the children; play ground; and arrangement for securing the school building by boundary wall or fencing

Joint visit (March to October 2017) of 160 Government schools in test-checked districts revealed the following -

- In Bhadodar PS of Banaskantha district, only one class room was available for 354 students of Class I to VIII. Of these, 96 students of Class V and VI were found studying under Neem and Tamarind Trees and 85 students of Class VII and VIII were found studying in rooms made of pre- fabricated material. Similarly, in Khorda PS, only three class rooms were available for 451 students. Of these, 103 students of Class I and II were found studying under Banyan Tree **(Picture 1)**, 86 students of Class III and IV were studying under a tree in a nearby temple **(Picture 2)** and 69 students of Class V were studying in a Tin Shed on the day of joint visit.

Picture 1: Students of Class I and II of Khorda PS studying under Banyan Tree (13.04.2017)

Picture 2: Students of Class III and IV of Khorda PS studying under a tree (13.04.2017)

- In seven (four *per cent*) schools facility of drinking water[28] and in eight (five *per cent*) schools separate toilets for girls[29] were not available. However, the district authorities were reporting that all the schools in the districts were having these facilities. In 17 schools, toilets had no provision of running water.

- In two Government schools (Sayama PS and Golana PS) of Anand district, though the DPEO had declared (October 2016) the school building was not usable due to dilapidated condition; 796 children of Class I to VIII were found studying in the classrooms in this building as of October 2017.

- In six schools[30], 859 Desks (for students of Class I to Class V) and in eight schools[31], 961 Benches (for Class VI to Class VIII) received between August 2009 and June 2016 respectively were found lying idle **(Pictures 3 and 4)**.

28 Uteliya PS (Ahmedabad district), Dabhava PS, Kaglakheda PS, Kaliyakuva Varg PS and Kamboi Bhagat Faliya Varg PS (Dahod district) and Chuli PS and Dudhrej PS No. 1 (Surendranagar district)

29 Ambali PS (Anand District), Changa PS, Khorda PS, Sakriya PS and Shantinagar PS (Banaskantha district), Kaglakheda PS (Dahod district), Gudajali SIM Shala (Junagadh district) and Jhadi Faliya PS Ghej (Navsari district),

30 Chaveli PS - 41, Dantisana PS- 78, Jesada PS-126, Laxmipura PS-162 and Vallabhnagar PS -404 (Patan district) and Soniyadhar (KH) PS – 48 (Surendranagar district)

31 Ajak PS – 84 and Lirbainagar PS- 65 (Junagadh district), Chaveli PS – 25, Khari Vavdi PS -53, Vallabhnagar PS-563 and Sojitra PS -90 (Patan district), and Soniyadhar (KH) PS – 31 and Ranagadh PS No. 1 - 50 (Surendranagar district)

Picture 3: Desks lying idle at Chaveli PS, Chanasma, Patan (22.03.2017)

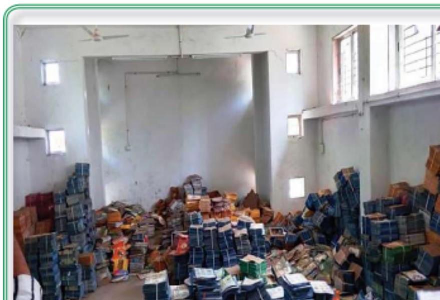
Picture 4: Benches lying idle at Sojitra PS, Chanasma, Patan (22.03.2017)

The School authorities stated (March 2017) that the desks and benches had been supplied by the State authorities without ascertaining their requirement.

- ***Construction/utilisation of building***

(i) SPO approved (March 2011) augmentation of Block Resource Centre (BRC) building and construction of resource room for Children with Special Needs (CWSN) at BRC, Dascroi at an estimated cost of ₹ 37.83 lakh. SPO had released (April 2011 and March 2014) an amount of ₹ 36.20 lakh. However, Audit observed that even after a lapse of more than six years, the work remained incomplete despite incurring expenditure of ₹ 38.49 lakh (including interest income of ₹ 2.29 lakh) as the BRCC, Dascroi had misappropriated the Government money. Non-completion of works resulted in deprival of training facilities to the teachers as well as CWSN. The DPC stated (June 2017) that notices for completion of work had been issued to the BRCC and efforts would be made to get the works completed as soon as possible.

(ii) Construction of BRC training hall sanctioned in 2012-13 for BRC, Navsari in the campus of Primary School, Viraval had been completed in March 2016 at a cost of ₹ 15.15 lakh. However, Audit observed that the same had not been put to use for training purpose till date (May 2017) and was being used for storage of materials/books/stationary items for BRC as well as DPEO office **(Picture 5)**. BRCC, Navsari stated (May 2017) that due to distance of five Km. from BRC Bhawan and other administrative reasons, the training hall could not be utilised. It was further stated that the same would be used as a resource room for CWSN in near future. This indicated that the site for construction of training hall was selected without assessing the requirement and consideration of these facts.



Picture 5: Newly Constructed BRC Training Hall at Navsari being used for storage of books/materials (31.05.2017)

3.1.4 Financial Management

Section 7 of the Act provides that the Central and the State Government shall have concurrent responsibility for providing funds for carrying out the provisions of the Act. There is no separate budget for RTE, rather it is subsumed in Sarva Shiksha Abhiyan (SSA) budget. The Central Government up to 2014-15 had provided the Central share in the ratio of 65:35 and from 2015-16, the ratio has been revised to 60:40. The approved amount of funds was released by the Central/State Government to State Implementing Society[32] (SIS) directly under SSA programme up to 2013-14. From 2014-15, the Central share is being released to the State Government, which in turn releases the Central as well as State shares to SIS for implementation of the approved activities.

During 2012-17, against the available funds of ₹ 7,595.23 crore[33], the State utilised ₹ 7,233.01 crore (95.23 *per cent*). However, against the approved outlay of ₹ 10,717.71 crore, the actual funds released were only ₹ 7,082.14 crore *i.e.* there was a short release of ₹ 3,635.57 crore (33.92 *per cent* of the approved outlay) by GoI and State Government. Consequently, even the annual plan made on the basis of planned allocation could not be translated into actual achievement due to short release of funds. The percentage shortfall in utilisation of funds in the State during 2012-17 ranged between five and 27 *per cent* indicating that the Department could not adequately utilise the available funds. This reflects inadequate planning and execution of works by the districts authorities which resulted in non-accomplishment of goals to provide infrastructure by March 2013 even upto March 2017.

On scrutiny of records, Audit observed the following –

- Projet Approval Board (PAB) approved (2014-15) an outlay of ₹ 2.79 crore for Teaching Learning Equipment (TLE) for 1,859 schools at the rate of ₹ 15,000 per school for integration of Class-VIII to elementary schools. However, SPD released only ₹ 65.40 lakh (23.45 *per cent*) to 436 schools. As a result, remaining 1,423 schools could not get the grant and the students of these schools were deprived of the benefit of TLE. The SPD attributed (March 2017) the reason of short release of grant to integration of Class-VIII in only 436 schools by DoPE during 2014-15.

- SSA framework provides for support under 'Learning Enhancement Programme' (LEP) to schools for initiating and instituting curricula reform including development of syllabi, textbooks and supplementary reading material keeping with the child centric assumptions. PAB approved (2016-17) ₹ 51.90 crore for LEP. However, the State could utilise only ₹ 26.34 crore during the year. This resulted in children being deprived of child centric curriculum reforms by the academic authority besides affecting teaching-learning process of students.

- SSA guidelines provide that each and every payment exceeding ₹ 2,000 should be made through account payee cheque. However, test-checked

32 Gujarat Council of Elementary Education (GCEE)

33 Opening balance as on 1 April 2012 (₹ 184.75 crore) plus funds received from GoI (₹ 4,122.58 crore), State Government (₹ 2,633.56 crore) and TFC (₹ 326.00 crore) and Miscellaneous receipts (₹ 328.34 crore).

BRCCs/URCC made payments of ₹ 2.31 crore either in cash or through bearer cheques in 1,145 transactions above ₹ 2,000 during 2012-17. It was further observed that due to late receipt of grants, BRCCs/URCC made payments from their personal funds and recouped through self cheques which was in contravention to the provisions of General Financial Rules and indicates lack of financial control. The BRCCs and URCC assured that henceforth cash payment would be avoided.

- In seven test-checked districts, an amount of ₹ 12.25 crore[34] and ₹ 2.01 crore[35] received during 2014-17 had been parked in the Personnel Ledger Account of the DDOs and TDOs respectively as of June 2017. These funds had been received for reimbursement of fees to unaided schools as per Section 12 and to provide financial assistance to students of weaker sections and disadvantaged groups. The DPEOs stated (March to October 2017) that the unspent balance after making payment to schools and students would be credited back to Government Account.

3.1.4.1 Retention of funds by headmasters

The SMC at village level is responsible for carrying out civil works such as construction of additional classroom (ACR), toilet blocks, kitchen sheds, *etc.* Funds are provided by the DPC and each sanctioned work is required to be completed by SMC within 10 months from the date of sanction. The Member Secretary of the SMC is empowered to withdraw ₹ 0.50 lakh as per instructions issued (November 2012) by the SPD. Unspent withdrawn amount if any, are required to be deposited into SMC account within seven days of withdrawal.

In three test-checked districts, the headmasters of 20 SMCs being the Member Secretary had withdrawn (2011-17) ₹ 1.62 crore[36] for 30 civil works. General Financial Rules (GFR) provide that money should be withdrawn from Government account as and when required for making payment. However, Audit observed that these works had not been completed till June 2017 and the SMCs had incurred only ₹ 1.12 crore on these works as per the valuation of these incomplete works done by the Technical Resource Persons[37] (TRPs) engaged by SSA. This indicated that the headmasters of these SMCs had withdrawn the money without ascertaining the actual requirement, which was in contravention to the provision of GFR. Till June 2017, the headmasters had not credited back the unspent amount of ₹ 0.50 crore to the SMCs' bank accounts despite lapse of more than one year. Retention of the money by the Member Secretary is fraught with the risk of misappropriation.

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34 Ahmedabad - ₹ 8.03 crore, Anand – ₹ 1.88 crore, Dahod - ₹ 0.38 crore, Navsari - ₹ 0.47 crore and Patan –₹ 1.49 crore.

35 Ahmedabad - ₹ 0.84 crore (Bavla – ₹ 0.007 crore, Dascroi - ₹ 0.04 crore, Dhandhuka - ₹ 0.02 crore, Dholka - ₹ 0.05 crore, Ahmedabad city - ₹ 0.005 crore, Sanand - ₹ 0.47 crore and Viramgam - ₹ 0.25 crore), Banaskantha - ₹ 0.03 crore (Deesa) and Junagadh - ₹ 1.14 crore (Bhesan - ₹ 0.004 crore, Junagadh city - ₹ 0.56 crore, Junagadh rural - ₹ 0.02 crore, Keshod - ₹ 0.09 crore, Maliya-Hatina - ₹ 0.02 crore, Manavdar - ₹ 0.05 crore, Mangrol - ₹ 0.22 crore, Menderda - ₹ 0.11 crore and Visavadar - ₹ 0.07 crore).

36 ₹ 1.32 crore by 13 SMCs of Banaskantha, ₹ 0.09 crore by four SMCs of Dahod and ₹ 0.21 crore by three SMCs of Surendranagar

37 Engaged on contract basis having educational qualification of degree/diploma in Civil Engineering

DPC Banaskantha stated (April 2017) that notices had been issued for completion of works and penal action had been initiated by the TPEOs against the errant Member Secretaries. DPC Dahod stated (May 2017) that payment of salary to the concerned headmasters had been stopped and recovery of any excess above the valuation of the work would be effected in due course.

3.1.5 Monitoring

3.1.5.1 Central Admission Control Committee

Guidelines for admission under 25 *per cent* reserved seats for weaker sections and disadvantaged groups envisaged constitution of Central Admission Control Committee[38] for rural and urban areas in each district. The committee was responsible for allotment of admission of the applicants in schools. However, Audit observed that none of the test-checked districts (except Ahmedabad city) had constituted the Committee and the admission process was being looked after by officials of BRCC/URCC, TPEO, CRCC, *etc.* Absence of the Committee resulted in non-monitoring of admission process by the District Authorities and deprival of admission to children as discussed in **Paragraph 3.1.3.8.**

3.1.5.2 Inspection of schools

SSA framework provides that BRCC and CRCC shall inspect at least five schools in a month and one school in a day respectively to provide on-site academic support to address pedagogic issues, hold meetings with members of SMCs, check availability of basic infrastructure, *etc.* Out of 160 schools test-checked, Audit observed that 14 schools had not been inspected by the BRCCs/CRCCs, 35 to 47 schools had not been inspected by the CRCCs and 107 to 112 schools had not been inspected by the BRCCs during 2012-17. Deficiencies in availability of teachers and infrastructure facilities in schools discussed in the **Paragraphs 3.1.3.3 and 3.1.3.9** could have been avoided had the BRCCs and CRCCs conducted the prescribed inspections of schools.

3.1.5.3 Constitution of State Advisory Council

Section 34 of the RTE Act stipulates constitution of State Advisory Council (SAC) for advising compliance of the provisions of the Act to the State Government in an effective manner. Further, SAC is required to meet every quarter as per RTE Rules. However, Audit observed that against 16 meetings required (2013-17) to be held since its constitution in March 2013, only two meetings (2016-17) have been held. This indicated that the purpose of constitution of SAC was defeated as it could not provide necessary advice to the State Government for effective compliance of RTE Act in the State.

The Deputy Secretary stated (August 2017) that due to busy schedule of the Chairman and heavy work load, meetings of SAC could not be held as per norms. It was further stated that henceforth, meetings of the SAC would be held as per norms.

38 The members of the committee would DEO and AO of MCs (urban)/DPEO (rural), School Principal, representative of the respective school and the applicant.

3.1.6 Conclusion and Recommendations

3.1.6.1 Conclusion

The RTE target was to achieve the objective of providing free and compulsory education to all children in the age group of six to 14 years through proper identification, enrolment and retention. Though, there was marginal improvement during the last five years, however, the RTE target was not achieved by 12.80 to 15.11 *per cent* during 2012-17. Similarly, the prescribed pupil teacher ratio in the State was not achieved in 1,156 PSs and 3,098 UPSs as on 31 March 2017.

It was seen that training had not been provided to 27 *per cent* of the identified OoSC in the State for their mainstreaming to regular schooling in appropriate class during 2012-17. The State Government did not print and provide Braille books to visually impaired students in the State during 2014-16. Only 63 *per cent* of hearing impaired students in the State had been provided with hearing aids during 2012-17.

The department allotted targets to all districts and Municipal Corporations for admission under 25 *per cent* RTE Quota without considering the total number of seats available for admission in Class I. The targets allotted were observed to be much lower than the actual seats available for admission in the State. Instances of denial of admission to eligible children and allotment of admission in different medium/school not opted for by the applicants were also noticed.

The State Government could not provide basic infrastructure facilities in majority of the Government Schools even after a lapse of seven years of implementation of the RTE Act. The GoI and State Government's share of ₹ 3,635.57 crore (34 *per cent*) was short released due to under utilisation of funds for implementation of the RTE Act. The monitoring mechanism was weak as BRCCs/CRCCs had not conducted the prescribed number of inspections of schools and the State Advisory Council met only twice against 16 meetings to be held during 2013-17.

The above deficiencies indicated that the key objectives of the RTE Act, 2009 of universalisation of elementary education could not be fully achieved.

3.1.6.2 Recommendations

The State Government may -

- ***ensure conduct of annual household survey to identify number of children who are in the age group of six to 14 years and take requisite steps to ensure their enrolment in schools.***
- ***take steps to enhance infrastructure facilities and ensure availability of teachers in all Government schools.***
- ***ensure that the provisions of the RTE Act regarding admission under 25 per cent quota in all unaided schools are adhered to in letter and spirit.***

The matter was reported to the State Government (September 2017). Reply is awaited (February 2018).