



# Complaint Redressal and Awareness Generation: A two-pronged strategy for implementation for Right to Education Act, 2009 in India

Jannat Fatima Haider

Department of Social Work, Delhi University, New Delhi-110007, India  
jannat.me@gmail.com

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## Abstract

*The Right to Education Act, 2009 is undoubtedly one of the most revolutionary legal instruments that promise to significantly improve the primary education system for children in India. As argued by many, the focus of the Act should be on its proper implementation. However, the challenges in the implementation of the Act have rarely been analyzed within the scope of complaint redressal going hand in hand with awareness generation. An analysis of 3588 RTE complaints coming from 11 Indian states revealed that the maximum number of complaints came from the state of Andhra Pradesh (2133) and the minimum number from Madhya Pradesh (6). Also, more than 76% of the total complaints were from the category of infrastructure (2122) and denial of entitlement (619). Field introspection about the level of awareness regarding RTE Act entitlements among teachers, students and parents brought into light loop holes in consciousness about rights and access to complaint redressal. Within the context of effective implementation of the RTE Act, 2009, this study advocates to enhance awareness and assertion of rights on one hand as well as accountability and grievance redressal on the other.*

**Keywords:** Right to Education Act, Complaint Redressal, Awareness Generation, Effective Implementation.

## Introduction

India belongs to the comity of nations who have reaffirmed successively to global commitment towards the cause of children. The Right of Children to Free and Compulsory Education Act, 2009<sup>1</sup> (RTE Act, 2009) is one of the most revolutionary legal instruments being used by the Government of India, for guaranteeing a free and compulsory educational developmental platform to all children between 6-14 years of age, within the rights based framework - adapted by India with the ratification of the United Nation Convention for Child Rights (UNCRC).

The RTE Act extends multiple provisions to provide accessible quality education for children, which mainly include age appropriate free and compulsory education, school within vicinity, no denial of admission, no capitation fee and screening procedure for admission, appropriate pupil-teacher ratios, duties of teachers/parents, formation of School Management Committees (SMCs), provision of School Development Plan, no form of corporal punishment and discrimination<sup>1,2</sup>.

Making education a fundamental right with such multi-faceted provisions has undoubtedly been a landmark step in primary education system of India. Due to the wide scope that it offers, the RTE Act has been studied and analyzed in different ways across different studies since its inception. Many studies have delved into historical perspectives which have lead to the evolution of the Act<sup>3</sup>, the content or the provisions which come under the Act<sup>4</sup>, the role of different stakeholders (teachers,

parents, schools, students) in the ambit of the Act<sup>5</sup>, successes and challenges revolving around implementation of the Act<sup>6</sup>.

But what happens if any of the provisions guaranteed under the RTE Act are not available to the concerned beneficiaries? If the Act is not translated effectively in reality, like many other legislations of this country do not find their true on-ground implementations? If a child seeks to go to school, but is denied admission, learning aids and opportunities to do so?

It needs to be understood that the basic right of the child is not only to education, but also to learning and the opportunity to learn, to have access to enabling and supportive learning environments, which will help children gain access to other rights and to the knowledge, skills, competencies, attitudes and values needed for continuing lifelong learning<sup>7</sup>.

Moreover, in a democracy like India the scope for secure, speedy and inexpensive justice and grievance redressal must be extended to all citizens, which would then translate into faith and confidence in the government machinery<sup>8</sup>.

Hence, to answer these significant questions regarding effective implementation of the RTE Act, it also becomes important to become consciously aware about the complaint redressal mechanisms available under the Act.

## Complaint Redressal Mechanisms under RTE Act

The basic premise of the child rights-based approach is the expectation that the delivery of the service hitherto inadequate

or insufficient will now be aligned to meet the demands of the children and be in conformity with their rights under the law. It is with this child-centric and implementation-based mindset that a radical new feature was mandated by RTE Act which set a precedent in the legislative history of India, wherein an independent statutory body-National Commission for Protection of Child Rights (NCPCR) - was charged with monitoring and implementation of the fundamental right to education.

It needs to be highlighted here that Chapter - IV, Section 31 and 32 of the Act is dedicated solely to defining and elaborating the role of National Commission for Protection of Child Rights (NCPCR) or State Commission for Protection of Child Rights (SCPCR), as the case may be, in the RTE Act<sup>1</sup>.

**NCPCR and RTE:** NCPCR has been formed under Section 3 of the Commission for Protection of Child Rights Act, 2005 also known as CPCRA Act, 2005<sup>9</sup>. The RTE Act clearly mentions that NCPCR must not only take up the duties enlisted in the CPCRA Act, but shall also perform the following functions: i. To examine and review the safeguards for rights provided under the RTE Act and recommend measures for effective implementation. ii. To inquire into complaints related to a child's right to free and compulsory education, with the help of effective and efficient grievance redressal mechanism.

The separation of powers embodied in this provision of the Act leading to the existence of an independent monitoring agency like NCPCR, provides an additional institutional space for protection and enhancement of rights of children. It also provides further opportunity to involve stakeholders such as children and parents in the monitoring exercise through a process facilitated by bodies like National and State Commissions.

It needs to be mentioned here that monitoring and safeguarding of rights, is not independent of a well managed complaint redressal mechanism which would mandate grievances to be addressed by appropriate office/officers and for action to be taken in time bound fashion.

### Significance and Objectives of the study

The RTE Act, 2009 stands enforced with its detailed entitlements. However, the main aim of this study is to highlight those processes which can be followed when these entitlements are violated. It elaborates upon how to complain, what to complain about, and where to complain when these violations takes place. Alongside, the study emphasizes on how awareness regarding a particular legislation is essential to understand the gaps therein, and lodging complaints about those gaps.

In this context, the objectives of the study will be two-pronged in nature which would be in-turn be instrumental in devising strategies for effective implementation of the RTE Act, 2009: i. To understand the complaints received by NCPCR under RTE

Act, ii. Documentation and analysis of the type of complaints received (infrastructure, admission, corporal punishment, etc.), iii. Documentation and analysis of the location of complaints (state-wise), iv. Documentation and analysis of the most frequent complaints (according to type and location), v. To understand the level of stakeholder (teachers, parents and children) awareness about the RTE Act, vi. Analyzing consciousness level on the field regarding provisions the Act, vii. Analyzing awareness and accessibility of complaint redressal mechanisms.

### Methodology

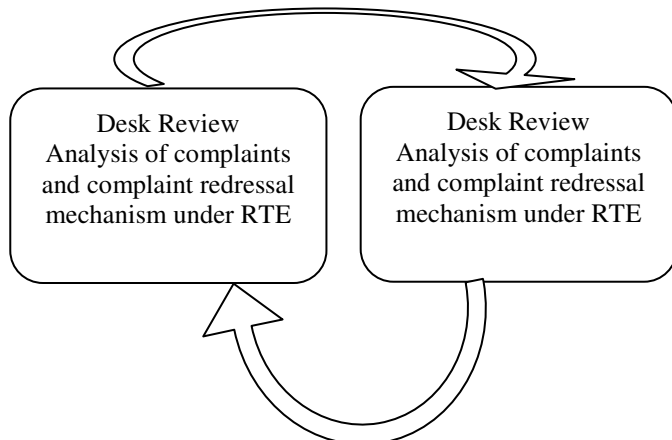
This descriptive study used a combination of both desk-data analyses and field-based understandings to obtain findings which were both quantitative and qualitative in nature, as depicted in Figure-1. All data has been collected through a short term project conducted in association with United Nations International Children's Emergency Fund (UNICEF) in 2012.

**Desk Review:** Since NCPCR has been assigned to be the nodal agency that handles all complaints pertaining to the RTE Act at a national level, the first part of the study was carried out at the Commission itself to get a detailed understanding of the complaints and the complaint redressal system. An intensive desk review was conducted at NCPCR with 101 case files, containing a total of 3588 complaints related to violation of one or more entitlements guaranteed under the RTE Act. The review was done with complaints received by the Commission from 11 Indian States, including those from Andhra Pradesh, New Delhi, Maharashtra, Rajasthan, Tamil Nadu, West Bengal, Uttar Pradesh, Orissa, Jharkhand, Manipur, Madhya Pradesh. Data documented from these complaint files, reviewed and analyzed at NCPCR, is presented in terms of number, type, location, frequency, and status of complaints. Interviews with the NCPCR staff helped further clarifying the process, implementation and challenges in the complaint redressal system.

**Field Understandings:** In addition, empirical field based data was collected to obtain an understanding about the level of awareness regarding RTE, and the provisions therein, amongst 3 primary stakeholders – parents, teachers and students. The second part of the study was done through field visit to two districts of Andhra Pradesh (Warangal and Nalgonda). Qualitative narratives from key stakeholders on the field has further substantiated quantitative data derived at the Commission. The information was derived with the help of separate interview schedules for teacher and parents and child-friendly worksheets for students.

### Decoding the Data

As mentioned, a total of 101 complaint files and 3588 complaints therein were looked into at NCPCR. Each of these files were carefully read, understood, and then documented in an excel format, leading to the following analyses.



**Figure-1**  
**Research methodology used in the study**

**State/Location of Complaints:** Figure-2 represents the distribution of complaints across the 11 states that have been studied.

The analysis elaborates that maximum number of complaints received are from Andhra Pradesh (2133) and the minimum number of complaints are from Madhya Pradesh (6). Though explicitly it can be deciphered that states having greater number of complaints represent greater violation of the RTE Act.

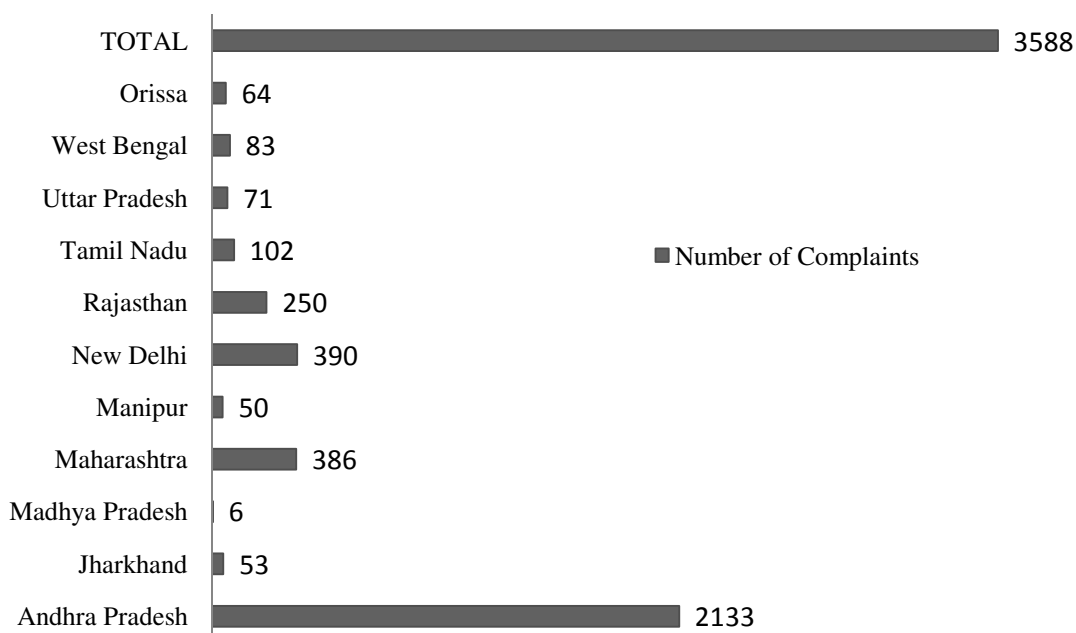
However it needs to be understood that there are several possible reasons for which the numbers are so skewed. If more than 59% of the total complaints are coming solely from Andhra Pradesh it can represent high levels of awareness about the Act itself amongst parents, students and teachers in the state.

Moreover, this also implies the presence of active nodal NGOs, SCPCRs, and RTE Cells in the state, which become catalysts for effective complaint redressal. Through field visits done to Andhra Pradesh in the second part of this study, it was understood that significant amount of work is being done at the state, district, and village level. A lot of complaints come from bottom up and through representatives (governmental and non-governmental) that have built an active network in the entire state.

On the flip side, fewer complaints may be indicative of low level of awareness and assertion of rights amongst stakeholders on the field. Hence the given numbers need to be understood through a deeper perspective.

**Nature/Type of Complaints:** The Right to Education Act, 2009 does not simply extend education to overtly become a fundamental right for children aging 6-14 years. It lays down specific description on how these entitlements can be translated effectively in reality. As mentioned before, the legislation details various provisions to ensure free and compulsory education of satisfactory quality for all; responsibilities of the state, parents, schools and teachers; the content and process of education; and the monitoring process for the implementation of the Act<sup>1</sup>. Hence, every child who comes within the ambit of this Act, can legally complaint if any of these entitlements are denied to him/her in any form.

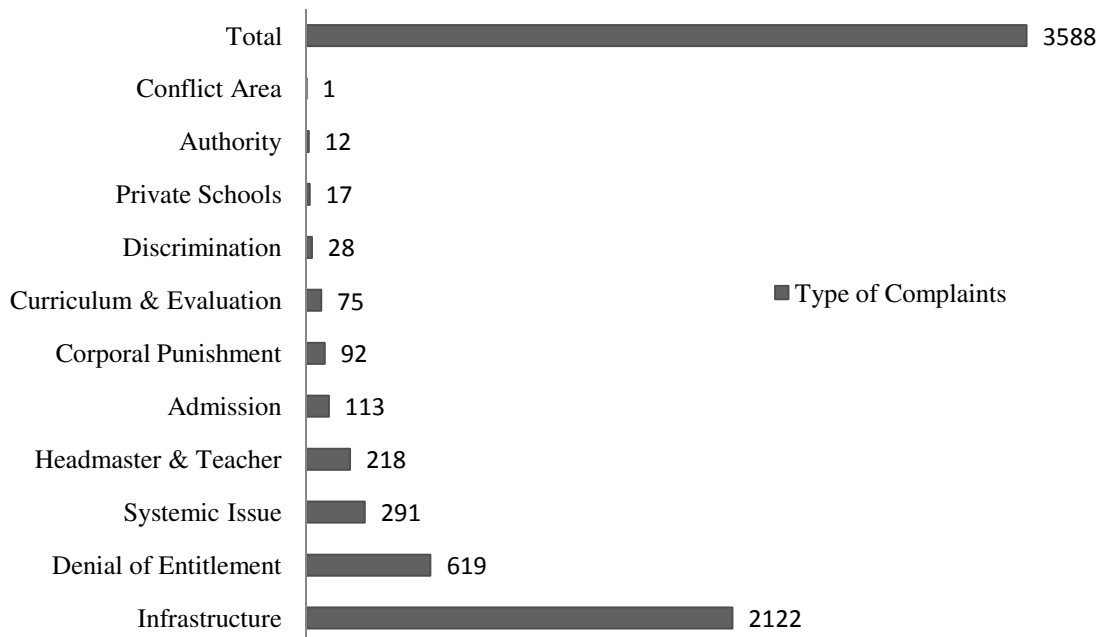
In this context the type of complaints, which came to NCPCR were disparate in nature and can be analyzed through various main-headings, as depicted in Figure-3.



**Figure-2**  
**State-wise distribution of complaints**

Figure-3 represents that the main-heads of infrastructure (2122) and denial of entitlement (619) together make up around 76.3 % of total complaints received. Since a majority of the complaints documented fall under these two categories, let us try to understand the sub-heads of complaints, which come within these main heads.

**Infrastructure:** Within the ambit of ‘infrastructure’, several crucial issues are dealt with such as lack of a school building which is functional in all types of weathers, unavailability of safe drinking water and misuse of the school premises by villagers due to no/broken boundary walls, non-availability of separate classrooms for each teacher etc. as elaborated in Table-1.



**Figure-3**  
 Type-wise distribution of complaints

**Table-1**  
 Division of complaints under ‘infrastructure’

MAIN HEAD: INFRASTRUCTURE												
SUB-HEADS	AP	MH	MN	OR	WB	TN	JH	MP	ND	UP	RJ	Total
All weather School building	1	0	0	2	0	0	1	0	274	0	0	278
Number of Classrooms	244	0	2	0	2	53	4	0	0	10	0	315
Functional separate toilets	265	62	6	6	1	0	5	1	0	10	0	356
Drinking water	257	62	7	6	1	0	5	1	0	5	0	344
Boundary wall	269	62	0	6	3	0	3	0	0	10	0	353
Playground	7	60	0	0	0	0	1	0	0	0	0	68
Library	87	0	0	0	0	0	0	0	0	0	0	87
Miscellaneous	242	67	0	6	0	0	6	0	0	0	0	321
<b>Total</b>	<b>1372</b>	<b>313</b>	<b>15</b>	<b>26</b>	<b>7</b>	<b>53</b>	<b>25</b>	<b>2</b>	<b>274</b>	<b>35</b>	<b>0</b>	<b>2122</b>

The inability of the State to provide these basic amenities has a negative impact on enrollment and retention of children (especially girls). Lack of separate functional toilets for boys and girls have the highest number of complaints (356). A study done in the state of Bihar revealed that the absence of toilets, dismal amenities, and poor quality education is forcing many girl students to drop out<sup>10</sup>. Infrastructural issues are not just restricted to toilets and buildings, but various other significant issues like well organized classrooms, sufficient blackboards, tables, desks, chairs and space in per class, an adequate number of sanitation facilities, access to adequate clean drinking water, electricity, ventilation and light, fire exits and first aid kit, medical assistance, canteens, recreational facilities, library, computer facilities and information technology etc<sup>11</sup>.

Studies reveal that there is strong positive relationship between good quality school infrastructure, school climate and overall students performance and achievement levels<sup>12</sup>.

**Denial of Entitlements:** Another header within which a large amount of complaints were received included ‘denial of entitlements’ which included provision of uniforms, textbooks, stationery, transport, aids and appliances (wheelchairs, hearing aids, reading glasses, and any kind of support), and midday meals.

Table-2 shows that out of 619 denial of entitlement complaints, the Commission received highest number of complaints pertaining to transport and transport allowance (188). As per the Act, if any child is traveling to school that is located outside of the stipulated radius the child is entitled to a transport allowance – wherein any expenditure incurred by the child or parent must be reimbursed<sup>1</sup>. Following this were the complaints under aids

and appliances (280). The Act claims that any appliance required by the child to support the learning objective is to be provided by the school<sup>1</sup>. Mid-Day Meal in itself is an innovative scheme introduced by the government targeting issues relating to enrolment, attendance, dropout rate and retention rate in the schools and its impact on nutritional status as well as on school performance<sup>13</sup>. However, nutrition and hygiene are now among the main challenges it faces, due to which the complaints under this sub-head are also considerably high (188). A study done to assess the impact of the scheme in Delhi reports that out of 876 mid-day meal samples, more than 90% failed to meet the standard of 12 gms of protein and 450 calories<sup>14</sup>.

**Frequency of Complaints:** With an amalgamation of the above the analyses, Table-3 provides a snap shot of all the frequency of all the complaints that were received state-wise as well as type-wise. It helps us to understand further how the complaints were further bifurcated as per their location and nature.

**Voices from the Field**

With an aim of substantiating data and numbers with ground reality, a field visit was conducted in the State of Andhra Pradesh. In the state, a total of 2 districts and 5 mandals (blocks) were covered for purpose of the field study, as depicted in the Table-4.

One of the main reasons for the field visit to be set in Andhra Pradesh was due to the high volume of complaints the Commission receives from this particular state. As represented previously, out of the 3588 RTE complaints received by NCPDR, 2133 RTE complaints come from Andhra Pradesh.

**Table-2**  
**Division of complaints under ‘denial of entitlements’**

Main Head: Denial of Entitlement												
SUB-HEADS	AP	MH	MN	OR	WB	TN	JH	MP	ND	UP	RJ	Total
Uniform	4	0	0	0	1	0	0	0	0	0	0	5
Textbooks	0	0	0	0	1	0	0	0	1	0	0	2
Transport	173	15	0	0	0	0	0	0	0	0	0	188
Aids and Appliances	223	2	7	0	0	0	6	0	42	0	0	280
Stationery	3	0	1	0	0	0	0	0	0	0	0	4
Midday Meal	98	14	5	1	12	0	5	0	0	5	0	140
<b>Total</b>	<b>501</b>	<b>31</b>	<b>13</b>	<b>1</b>	<b>14</b>	<b>0</b>	<b>11</b>	<b>0</b>	<b>43</b>	<b>5</b>	<b>0</b>	<b>619</b>

**Table-3**  
**Frequency of complaints state-wise and type-wise**

Main Head	States											Total
	Andhra Pradesh	Jharkhand	Madhya Pradesh	Maharashtra	Manipur	New Delhi	Rajasthan	Tamil Nadu	Uttar Pradesh	West Bengal	Orissa	
Admission	35	0	0	0	10	0	27	1	1	34	5	113
Corporal Punishment	12	0	3	1	0	18	0	44	14	0	0	92
Discrimination	16	0	0	6	2	0	0	2	0	2	0	28
Denial of Entitlement	501	6	0	31	13	43	0	0	10	14	1	619
Systemic Issue	127	13	1	11	5	2	80	1	3	20	28	291
Conflict Area	0	0	0	0	0	0	0	1	0	0	0	1
Infrastructure	1372	25	2	313	15	274	0	53	35	7	26	2122
Headmaster & Teacher	38	4	0	24	4	53	91	0	0	3	1	218
Authority	5	0	0	0	0	0	0	0	7	0	0	12
Curriculum & Evaluation	19	0	0	0	1	0	52	0	0	3	0	75
Private Schools	8	5	0	0	0	0	0	0	1	0	3	17
<b>TOTAL</b>	<b>2133</b>	<b>53</b>	<b>6</b>	<b>386</b>	<b>50</b>	<b>390</b>	<b>250</b>	<b>102</b>	<b>71</b>	<b>83</b>	<b>64</b>	<b>3588</b>

**Table-4**  
**Field visit details**

State	District	Mandal (Block)		
Andhra Pradesh	Warangal	Rayaparthi	Wardhanapetha	Thorrur
	Nalgonda	Penpahad	Athmakur	

As mentioned before while on one hand, the high number of complaints do represents an overarching violation of RTE Act entitlements in the State. However on the other, it also indicates how the nodal NGOs and SCPCR have been active in identifying violations of the Act and has taken up the responsibility of sensitizing the villagers, *panchayats*, teachers, children, and the government agencies involved at various levels. In this context, the primary objective of the field visit was to link the inflow of complaints to on-ground stakeholder awareness of the entitlements and complaint redressal mechanisms which come under the RTE Act. Only with

awareness and understanding of the provisions of RTE Act amongst teachers, students and parents will people become aware of their rights, take an active role in the enforcement of these rights, and thereby raise relevant questions and complaints if the Act is not being effectively translated on field to have a better quality education for the students for whom this act is meant<sup>15</sup>.

**Teacher Awareness:** In spite of being the essential custodians of RTE provisions, when headmaster/teacher awareness on RTE was assessed - there was a broad ambiguity and vagueness in

responses. Most teachers co-related RTE with only providing children with a general atmosphere of learning for children, not particularly knowing the specificities of the Act or the complaint redressal mechanism.

*“Of course I know that education is the right of every child, but I do not know particularly about the Right to Education Act, 2009” -A government school teacher, Wardhanapetha Mandal*

However the vagueness in responses recorded can in a way be attributed to the nature of 10-day teachers training programme on RTE conducted once a year. On enquiring about the design of the training programme, the training was discovered to be more curriculum and evaluation centric and not very RTE specific in nature. For instance, the school authorities were aware about the free textbook and uniform provision, but were unaware of this being a provision of the RTE Act.

However, on the other hand, the level of RTE awareness amongst the school authorities cannot be completely discounted. In Thorrur Mandal, the responses gathered from a group of 6 teachers reflected a more holistic understanding of RTE. Interesting and equally important aspects such as child centered education, no stress, no punishment and inculcating and positive thinking were talked about.

**Parent Awareness:** The stakeholder group of parents included both who were petitioners and who were not. On an average, the petitioner parents were broadly aware about RTE provisions and also about complaint redressal mechanism, which had led them to make a complaint in the first place. They informed us that this RTE Awareness in the village community was usually facilitated by local NGOs. However even after lodging a complaint, most petitioners did not know about the status of their complaint.

*“I filed a complaint regarding poor quality of education. However I do not know what has happened to my complaint. Ultimately I have shifted my child to a private school for better quality education.” - A parent/A petitioner, Nalgonda Mandal.*

Talking even about non-petitioners, parents were broadly aware about issues effecting their school going children such as availability of safe drinking water, functional toilets, mid-day meal, teacher attendance etc. There was a general awareness about the School Management Committee (SMC) being the primary platform for parents to address these essential issues. However, due to a lack of bottom up approach for addressing complaints, the power of an SMC becomes limited. In Wardhanapetha Mandal, a parent who was also an SMC member was uncertain about how exactly the SMC would handle the complaint and how effective it would be.

**Children Awareness:** The stakeholder group of children, being the primary beneficiaries of the Act, provided us with the maximum amount of information regarding availability and

non-availability of RTE entitlements in a school. With the help of worksheets and interviews, majority of the children informed us about not being provided with notebooks and stationary, aids and appliances, separate toilets and safe water.

Out of a class of 16, when asked individually about their entitlements under the RTE, the popular understanding with respect to education was compulsory education for all, with a special focus on education of a girl child.

An overall enquiry was also done on presence of corporal punishment in schools. There were a few implicit instances of physical abuse that were seen in schools and children were not particularly raising this issue with their parents.

However besides this, child awareness specifically on RTE Act/RTE Complaint Mechanism was minimal. Thereby it is obvious that the level of child participation in lodging RTE Complaints also was negligible. In fact when interaction was done with a child petitioner, the child himself did not know clearly under what implications his name was being used to file a complaint.

*“The Headmaster told me that my name would be used in the complaint as a petitioner and this would help our school in getting a compound wall” -A government school student, ThorrurMandal*

## Recommendations

This in-depth study regarding the magnitude and kind of complaints under RTE Act, as well as the level of awareness amongst stakeholders about the same has helped to narrow down certain challenges and recommendations. These would be fruitful in making the redressal mechanism system more effective and level of awareness more meaningful.

**Complaint Redressal: Empowerment of local complaint redressal bodies:** NCPCR is responsible to handle only those complaints which come to the Centre and a majority of the complaints fail to reach the Commission. Hence, it becomes significant to empower State level bodies like SCPCR, SMCs, *panchayats*, and civil society organizations to identify and redress complaints locally.

**Social Auditing:** Monitoring of RTE is being done through conducting surveys, visits, public hearings, suo-moto actions etc<sup>16</sup>. However, there is a gap between what is recorded and what is happening. Social auditing can become a powerful tool for community mobilization to help keep check on proper quality implementation of the Act.

**Categorization of complaints according to ‘urgency’ levels:** All categories of complaints that come to NCPCR are dealt with in a uniform manner. There is no difference in the way the Commission approaches cases – whether it is an infrastructural

issue or whether it is discrimination or corporal punishment case. Such cases, which require immediate attention, are lost somewhere between sanctioning toilets and sending proposals for a boundary wall. But depending on their level of gravity and urgency, cases need to be categorized separately and dealt with in a time-appropriate manner.

**Complaint-centric mechanisms:** Though the complaint redressal tool/cell is fairly accessible, difficulty arises once the complaint is logged. The complainant is not updated about the status of his/her complaint and communication is sent out only once the case is closed. Any response generated from the end of the concerned department is not shared with the complainant and as such there is no way that the complainant can track the status of their complaint. Such an approach dilutes the essence of the Commission in the eyes of the complainant and in effect defeats the purpose with which the Commission was set up in the first place.

**Awareness Generation: Increase in stakeholder awareness regarding complaint redressal:** Periodic targeted RTE trainings for teachers and parents need to take place, where the procedure for complaint redressal would be clearly explained. Organizations and bodies responsible for complaint redressal need to be well publicized so that those who are most likely in need to contact them are aware of their presence and their purpose<sup>17</sup>.

**Child participation in complaint redressal:** The concept of 'child reporters'<sup>18</sup> should be encouraged wherein children themselves advocate for their rights. Children from classes 8 and above should be encouraged to take on the role of 'champions of the act' spreading awareness on RTE as well keeping a check on the delivery of the Act.

## Conclusion

The process, pedagogy, curriculum and atmosphere of education provided in the early grades are foundational in nature, without which sustained and meaningful progress in education is difficult<sup>19</sup>. Never more than before were we cognizant of this gap in the education system that has affected many in later life. The elementary schooling sector in India now governed by the Right to Education (RTE) Act, seeks to fundamentally alter the concerns pertaining to access, enrollment, retention, equity and quality of education.

It is with these concerns that this study aimed to examine RTE guidelines for handling of complaints, the facilitating and limiting factors. While working on the documentation and analysis of complaints received by the NCPCR based under the RTE Act, it was studied how these complaints have been distributed across various states and categories which would help in multi-stage and complaint-centric redressal mechanism. Also, a glance at the level of awareness regarding RTE Act entitlements among key field stake-holders has brought into

light loop holes in consciousness about rights and access to complaint redressal.

As argued by many, the focus of the Act should be on its proper implementation. However, the challenges in implementation of the Act have rarely been analyzed within the scope of complaint redressal going hand in hand with awareness generation. This study advocates to enhance awareness and assertion of rights on one hand as well as accountability and grievance redressal on the other.

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