

# INDIA SCHOOL CLOSURE REPORT 2018

Centre for Civil Society<sup>†</sup>

New Delhi, India

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Prior to the passage of the Right to Education (RTE) Act 2009, government registration or recognition of private schools was not mandatory in most Indian states (Kingdon 2017). The RTE Act specified minimum input standards for physical infrastructure, teacher qualifications, teacher pay and pupil-teacher ratio for all private schools. The Act granted private schools a period of three years to comply with the norms, failing which the schools would be forced shut.

Over the years, the Act has drawn heavy criticism for its impact on recognised and unrecognised private schools across India. Even the growth in demand for low-fee private schools, reflected in increased enrolment from 44 million in 2010-11 to 61 million in 2016-17 in 21 of India's 29 states, has not altered the inherent bias against private schools. The emptying of government schools is a long-term trend visible through DISE data from 2005, yet education policy and legislation has largely ignored it (Kingdon 2017).

The Act's uniform input-oriented regulatory approach does not pay attention to the fact that children from all socioeconomic classes attend private schools. In rural areas, for example, the monthly fees paid by 26.5% of students is less than the states' minimum daily wage (Kingdon 2017). Private schools' monthly fee ranges from Rs 117 in rural Uttar Pradesh to Rs 692 in rural Punjab and from Rs 250 urban Uttar Pradesh to Rs 1,800 in urban Delhi (Kingdon 2017).

The Act also does not consider the costs private schools have to bear in complying with the mandated input norms, and the implicit penalty imposed on low-income parents for their choice of school. Our study finds that, in Delhi, compliance with the norms increases the average cost per child from Rs 322 to Rs 2,223, a potential 590% increase in private school fees (Nayar and Roy 2017, citing Centre for Civil Society 2015).

Worst of all, the enforcement of the Act threatens to shut down well-performing schools who may not have the means to comply with input norms. Nearly 10 years after the passage of the Act, we are yet to have acknowledged or credible estimates from the government on the regulatory impact of RTE, particularly on low-income families and children attending low-fee private schools.

**Against this backdrop, we set out to track the extent of school closures as a result of enforcing private school recognition norms prescribed under RTE.**

## Methodology and Limitations

Information on private school closure is sourced from Right to Information (RTI) applications and media reports. We filed RTI applications to 14 states and 2 union territories between December 2017 and July 2018. We also mined 170 articles, published between April 2015 and March 2018, that discussed private school closures. Based on a close reading of the media reports, we labelled government action on private schools under three categories:

1. **Schools closed:** This includes private schools declared shut as per media reports. For example, according to a *Pune Mirror* report published in June 2017,

70 schools were closed by the Zilla Parishad and Pune Municipal Corporation due to absence of a license.

2. **Schools served closure notices:** This include articles that report the number of schools that have received closure ‘notices’. Consider this: An April 2016 article states that the schools were sent a “final notice on April 4, and were given a week to shut down or face action, which can range from a lumpsum fine of Rs 1 lakh, to Rs 10,000 per day of violation or even criminal action for running an educational institution without approval.” In this case, while the schools have received a notice, we are not sure if they were eventually closed.
3. **Schools under threat of closure:** This category includes instances where schools were issued show cause notices, i.e., to state reasons why they should not be closed. For example, a *Business Standard* report, published in March 2018, refers to issuance of show cause notices to 1,585 schools. It also captures articles that report schools being threatened to close, although without any formal issue of notice.

In a number of instances, we found that multiple articles reported the same event with different estimates of schools. In such cases, we have considered the highest number of schools cited.<sup>1</sup>

The reader should note that the data from media reports only provides a sense of the scale of impact and not necessarily the actual closures. Because the data is difficult to triangulate, we cannot ascertain if the schools reported to be closed have shut down or continue to operate. Besides this, we have only reviewed English and Hindi reports due to lack of resources to translate articles in regional languages.

The data received from RTIs is modest. We are not certain if this is due to a lack of data at source or due to a misinterpretation of questions by the government officials. However, in absence of any other research, it is a starting point for other researchers and a push to the government for better data collection.

## Data on Private Schools Closed

Enforcement of the Act has a direct bearing on private school students. 32% of all students (approximately 80 million) were enrolled in private schools in 2016-17 (NUEPA 2018). This is a likely underestimate as official statistics do not cover unrecognised schools.<sup>2</sup>

**To investigate the number of schools closed under RTE, we used three methods.**

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1. For example, in one of the districts in Uttar Pradesh, the number of schools served closure notices in three different media reports is 200+146+37, so instead of adding them or taking an average, we have considered the highest being 200.

2. A survey of rural private schools in 20 states by Muralidharan and Kremer (2006) in 2003 found over half of all schools were unrecognised—consistent with findings from a 13 village study in Uttar Pradesh (Härmä 2011).

## 1. Raised a Query in the Lok Sabha: 2,173 Schools Closed as of August 2015

In a 2015 parliamentary question [on the number of schools closed](#), Smriti Irani, the former Minister of Human Resource Development, reported **that as of August 2015, 2173 schools in three states and one union territory had been forced shut**: 1170 schools in Punjab, 4 in Himachal Pradesh, 998 schools in Madhya Pradesh and 1 in Puducherry.

Table 1: School Closures Due to the RTE Act, 2009, as of August, 2015

State	Punjab	Madhya Pradesh	Himachal Pradesh	Puducherry
Schools Closed	1,170	998	4	1

*Source: Lok Sabha Question number 2543*

## 2. Filed Application under Right to Information: 7 Applications Rejected; 13 Schools Closed in Haryana, 2 in Delhi

We filed 12 RTI applications (Appendix A and B) to 10 states between December 2017 and July 2018. Seven states did not provide information. Table 2 captures the reasons for it.

Table 2: No Information By Seven States

State	Schools Closed
Andhra Pradesh	Application transferred from Public Information Officer of Sarva Sikhsha Abhiyaan to the officer at Commissioner of School Education.
Jharkhand	Information asked in application seeks different types of things and needs to be more clear; therefore not answered.
Punjab	Information asked in application can't be created; therefore it is returned.
Tamil Nadu	Information asked in application is not enlisted as under Section 2(f) of the Right to Information Act, 2005 <sup>3</sup> ; therefore can't be provided.
Uttar Pradesh	Information asked in application is not enlisted as under Section 2(f) of the Right to Information Act, 2005; therefore can't be provided.
Madhya Pradesh	Information seeks to know about whole of the state, providing or collecting which doesn't concern the Lok Sikshan Sanchalnalaya.

Out of the 10 states in which we filed RTE, only Delhi, Haryana and Maharashtra responded with answers to select questions.

### ***47 schools threatened in Haryana, 13 closed***

The State Education Department transferred our application to the districts. Out of the 22 districts, only 7 responded. Out of the seven that responded, there were no threats, notifications or closures in five districts during 2010-16. In Sirsa, 13 schools were closed. In Hisar, 21 schools were threatened with closure (Figure 1). We are unaware if the threatened schools were served a notice or closed in the following years. Unfortunately, none of the districts specify the time allowed to any school to comply with the norms.

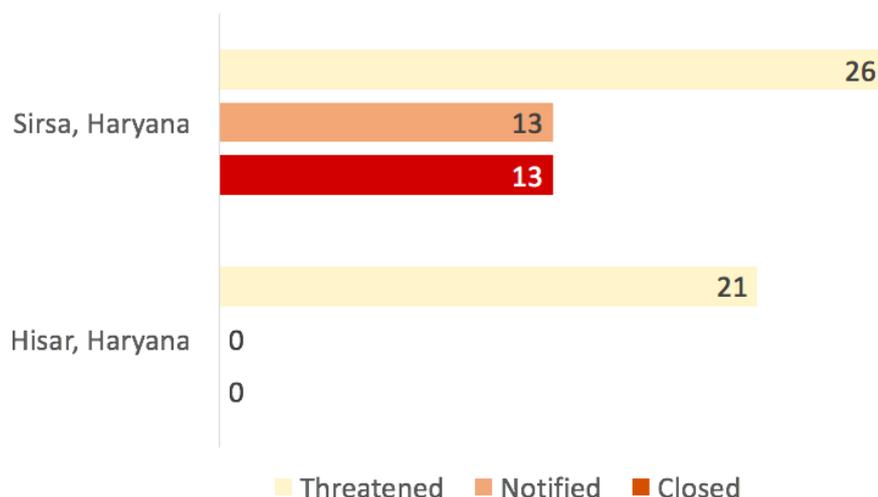


Figure 1: Schools Threatened, Notified and Closed in Haryana, 2010-2016

### ***Two schools shut down in Delhi, 16 applications for recognition rejected***

In Delhi, we received zone-wise responses to the RTI application (A) filed in July 2018. Across all districts, only three schools were shut down, two were served show-cause notices and two were served closure notices.

Of the three zones in which schools were closed, reasons included 'due to personal reasons and funds problem', 'poor enrolment, poor connectivity, unable to pay rent

3. "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

etc’, and ‘administrative decision due to lesser number of students’. Of the remaining 24 zones, 7 zones responded saying ‘not applicable’, 3 partially filled in responses and stated ‘Information not Available’ for the rest and 14 reported zero activity.

***450 unrecognised private schools in Maharashtra; no information on closure***

The Education Department of Maharashtra responded only to one question in the RTI application (A) that asked for the number of unrecognized private schools, reporting 450 unrecognised private schools in the state.

***Jharkhand: ‘Some’ schools’ recognition were cancelled***

We filed a request at the State level in Jharkhand; the department, however, requested a change of questions. In response, we then filed an application to 24 districts in July 2018 (B). Until the time of writing this brief, we have only received responses from Ranchi and Jamshedpur. To the question of how many recognitions were cancelled, Jharkhand Academic Council of Ranchi responded saying ‘some’ while District Superintendent of Education of Jamshedpur reported ‘nil.’ For information of the number of schools notified, threatened or shut down, Jamshedpur responded with ‘nil’ and Ranchi left the tabs blank.

**3. Review of Media Reports: 2,469 Schools Closed over 2015-18**

Third, in the absence of systematic administrative records, we reviewed 170 English media articles from 2015-18 to understand state action on three parameters: schools that were threatened, schools that received closure notices and those that were eventually closed. We found out that between April 2015 to March 2018, **4,482 schools were under threat of closure, 13,546 schools were served closure notices by any government authority and 2,469 schools were closed** in the 14 observed states for non-compliance with RTE norms.

Table 3: School Closures Due to the RTE Act, 2009 from April 2015 to March 2018

State	Schools Closed	Closure Notices Served	Closure Threat
Andhra Pradesh	81	112	181
Assam	-	-	145
Bihar	27	-	-
Chhattisgarh	18	54	334
Haryana	2	180	109
Himachal Pradesh	19	-	48
Jharkhand	46	551	483
Karnataka	-	-	65
Kerala	-	-	270
Madhya Pradesh	18	-	408

Maharashtra	70	7,000	23
Punjab	1,361	-	219
Tamil Nadu	574	746	-
Uttar Pradesh	253	4,903	2,197
<b>Total</b>	<b>2,469</b>	<b>13,546</b>	<b>4,482</b>

Source: Review of 170 English media articles <sup>4</sup>

## Discussion

While the data is not sufficient to draw conclusions on the number of private schools closed or the scale of impact on children enrolled in these schools, it throws light on certain governance related challenges highlighted below.

### *Missing Data*

Media coverage and states' response to a parliamentary question, raised in August 2015, show that many more schools have closed than RTIs confirm. Four states, in August 2015, reported closure of 2,173 schools; media articles between 2015 and 2018 reported closure of 2,469 closures from 15 states and RTIs filed by our team in 10 states, reported closure of only 15 schools. Consider this: Punjab and Madhya Pradesh, for example, reported closure of 1,170 and 998 schools in August 2015, both states rejected our application due to lack of data on school closure.

Where information was provided, for example in Delhi, the reason for closure is not coherently stated. One school was closed under RTE due to 'Poor enrolment, poor connectivity, unable to pay the rent etc.' However, these reasons do not fall under 'norms and standards' a private school has to comply for, as under Section 19 of the RTE Act, and could indicate a voluntary closure. It is not clear whether the states are reluctant to disclose the data or have not recorded the data systematically. Although it is difficult to draw conclusions from the scant and inconsistent data, even the absence of quality data on government action is a cause for concern; typically when it has a direct impact on quality and choice of education for millions.

Shoddy data collection, storage and usage practices is one of the critical challenges in education policy-making in India. Forms are filled routinely in many different formats, but the information is rarely retained or used in administrative discussions (Bhatty and Saraf 2016). The moot questions are: How does the State Education Department make effective policy decisions with partial information? How do administrators recognise or register private schools without quality information on schools? Rules and government action on private schools affect a third of Indian school going children and must not be created in a vacuum.

Bad data results in bad policies, not rooted in evidence. A committee tasked with the *Review of 'Delhi School Education Act and Rules, 1973'* warned: 'If all these (unrecognised) schools are closed down, the fate of tens of thousands of children would be jeopardized. These schools are neighbourhood schools and... many schools are quite good.'(Page 36).

### *Inconsistent Patterns of Closures*

An example of arbitrary practices around school closure is highlighted in *A.V. Public School and others v. State of Haryana and others (2013)*. In August 2013, the state of Haryana issued show cause notices to all unrecognised schools to explain why it must not take action against them. The schools were given 15 days to submit their responses. Subsequently, in September 2013, an order was passed to close the schools who then filed a petition in the High Court of Punjab and Haryana. The court

4. Data includes Hindi media reports for 2017-18.

criticised the state for not following due process before withdrawal of recognition and for passing “stereotyped orders” without notifying each school of specific deficiencies. It noted:

Whatever were the failings of the petitioners, there is a modicum of procedure that the State is bound to follow before the orders are passed directing closure of the schools. If only the State had undertaken any inspection and noticed on a case to case basis that norms had not been fulfilled or applications had not even been filed or replies had not been given, it would not be possible for the State to pass the order in the manner that it did . . . An omnibus order that the replies submitted were not found in proper order only betrays a complete lack of application of mind. If the schools were required to be closed or recognition was required to be withdrawn, there bound to be for reasons laid down under the 2003 Rules or under the RTE Act.

A study in Punjab highlights the lack of procedure followed by officials. In Mansa district, for example, schools were not issued any closure notices. School closures ”happened either through phone or by visiting the school directly.” In absence of guidelines for school evaluators, the decision to close was defined by the relationship between the school and the officer, opening channels for corrupt practices. (Centre for Civil Society 2014, 5).

### *Need for Change*

Missing data and incoherent information on private school closure is a challenge for two reasons.

First, it demonstrates a lack of government accountability. Access to information on how government officials and administrators work increases transparency by providing politically and socially valuable information to citizens (Yannoukakou and Araka 2014). While the Right to Education vests the government with the power to withdraw recognition of schools, it does not require maintenance or publication of records of schools closed. If at all schools must be forcefully closed, the closures should be carried out objectively based on evidence that supports the decision and with thought for children and parents that are directly affected by the closures. More importantly, the information needs to be released upon request, if not proactively disseminated.

There is no reliable data on when, where, how and on what grounds schools are being shut. The scale and impact of low-fee private school closures on low-income parents are unknown. We do not know what kind of due process was followed and if appellate recourse was available to schools and parents. We also do not know if the schools that were shut down in the aftermath of the RTE Act were maintaining learning outcomes. Several researchers (Rajagopalan and Agnihotri 2014; French, Kingdon, et al. 2010; Chudgar and Quin 2012; Tooley et al. 2011; Tooley et al. 2010) have demonstrated low-fee private schools perform better or as well as government schools.

We need to organise data on the number of unrecognised schools, enrolment in such schools, number of schools closed and reasons for closure. The collection and release of such information is critical to ensure transparency and accountability in the working of the government.

## Bibliography

- Bhatty, Kiran, and Radhika Saraf. 2016. "Does Government's Monitoring of Schools Work?" In *Technical Report*. Centre for Policy Research.
- Centre for Civil Society. 2014. "Limiting Choices and Denying Opportunities" (July). <https://bit.ly/2B5z4s1>.
- . 2015. "Effectiveness of School Input Norms under the Right to Education Act, 2009" (January). <https://bit.ly/2B6DgYM>.
- Chudgar, Amita, and Elizabeth Quin. 2012. "Relationship between private schooling and achievement: Results from rural and urban India." *Economics of Education Review* 31 (4): 376–390.
- French, Rob, Geeta Kingdon, et al. 2010. "The relative effectiveness of private and government schools in Rural India: Evidence from ASER data." *London: Institute of Education*.
- Härmä, Joanna. 2011. "Low cost private schooling in India: Is it pro poor and equitable?" *International journal of educational development* 31 (4): 350–356.
- Kingdon, Geeta Gandhi. 2017. "The Private Schooling Phenomenon in India: A Review." *IZA Discussion Paper No. 10612*. <https://bit.ly/2B70rCt>.
- Muralidharan, Karthik, and Michael Kremer. 2006. "Public and private schools in rural India." *Harvard University, Department of Economics, Cambridge, MA*.
- Nayar, Maya, and Shubho Roy. 2017. "Cost of compliance for clinical establishments." September 4. <https://bit.ly/2DhP2Bn>.
- NUEPA. 2018. "Flash Statistics on School Education 2016-17." <https://bit.ly/2DzRNyG>.
- Rajagopalan, Sridhar, and Vishnuteerth Agnihotri. 2014. *Establishing Benchmarks of Student Learning*. Michael and Susan Dell Foundation. <https://bit.ly/2RWITP7>.
- Tooley, James, Yong Bao, Pauline Dixon, and John Merrifield. 2011. "School choice and academic performance: Some evidence from developing countries." *Journal of School Choice* 5 (1): 1–39.
- Tooley, James, Pauline Dixon, Yarim Shamsan, and Ian Schagen. 2010. "The relative quality and cost-effectiveness of private and public schools for low-income families: a case study in a developing country." *School Effectiveness and School Improvement* 21 (2): 117–144.
- Yannoukakou, Aikaterini, and Iliana Araka. 2014. "Access to government information: Right to information and open government data synergy." *Procedia-Social and Behavioral Sciences* 147:332–340.

## A RTI Application Filed in December 2017

To,  
The Public Information Officer  
Basic Education Department,  
\_\_\_\_\_

Date of Receipt: _____
Application Id: _____
File No. _____
<i>For office use only</i>

Date:  
RTI no.

### REQUEST FOR INFORMATION UNDER "RIGHT TO INFORMATION ACT-2005"

Respected Sir,

Kindly provide me the following information with regard to numerous school closures in state \_\_\_\_\_ :

S. No.	Questions							
1.	Please provide the total number of unrecognized private schools operating in _____ for the following years:	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
2.	Please share the details of all the unrecognized private schools as follows:	Name of the School Owner	Mobile Number of the School Owner	Name of the School Principal	Address of the School	Pincode	Contact number of the school	
3.	Please share the number of unrecognized private schools served notice for school closure in following years :	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
4.	What is the total time period given to unrecognized schools to comply with the regulation in notice?							
5.	Please share the copy of Notices served to schools.							
6.	What is the Total number of unrecognized private schools been closed by _____ government in following years:	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
7.	Please share the following details of all the unrecognized private schools closed by the _____ government:	Name of the School Owner	Mobile Number of the School Owner	Name of the School Principal	Address of the School	Pincode	Contact number of the school	
8.	Please provide following details regarding the Students got impacted by the closure of unrecognized private schools in following year?							
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
	I. Totals Number of							

	students shifted to another school							
	2. Total Number of Boys shifted to another school							
	3. Total number of Girls shifted to another school							
	4. Number of Schedule caste (SC)students shifted to another school							
	5. Number of Schedule tribe (ST)students shifted to another school							
	6. Number of EWS category students shifted to another school							
	7. What process or steps been followed by state government to shift or transfer students of closed unrecognized schools?							
	8. How many Students have dropped out of schools after the closure of unrecognized schools?							
9.	Please provide following details regarding the Teachers got impacted by the closure of unrecognized private schools in following year?							
	1. What is the total number of Teachers got impacted due to school closure?	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
	2. What process or steps been followed by state government to shift or transfer Teachers of closed unrecognized schools? If yes please share the circular's copy							
	3. How many Teachers are out of their employment after the closure of unrecognized schools?							

Please find the requisite fee enclosed in form of a Postal Order No. .... for Rs. 10/- here with. I authorize you to fill in the relevant details in favor of the appropriate authority in order to encash the postal order. You can reply by email or post. Let me know if there are additional photocopying charges, I undertake to pay the same.

## B RTI Application Filed in July 2018

Date of Receipt: _____
Application Id: _____
File No. _____
<i>For office use only</i>

To,  
The Public Information Officer  
Directorate of Education (Private School Education)  
Room No. 229, Old Secretariat,  
Delhi-110054

Date: 30.07.2018

Letter no. 2017/Jul/1037

### **REQUEST FOR INFORMATION UNDER "RIGHT TO INFORMATION ACT-2005"**

Respected Sir,

Kindly provide the following information for **years 2015, 2016, 2017, 2018** with regard to the implementation of the Right to Education Act, 2009:

1. Number of schools that applied for recognition
2. Number of schools with applications pending for recognition
3. Number of schools whose recognition applications were rejected
4. Reasons for denying recognition
5. Number of schools granted INTERIM (temporary) recognitions
6. Number of schools whose recognitions were cancelled
7. Number of schools that were shut down
8. Number of schools that received show cause notices
9. Number of schools that were served notices for school closure
10. Number of schools shut down
11. Reasons for shutting down schools
12. Number of schools inspected for recognition by the Department
13. Which department and officer inspect the schools for recognition?
- 14. Please share the copy of inspection reports of schools inspected?**

Please find the requisite fee enclosed in form of a **Postal Order No. ....** for Rs. 10/- here with. I authorise you to fill in the relevant details in favour of the appropriate authority in order to encash the postal order. You can reply by email or post. Let me know if there are additional photocopying charges, I undertake to pay the same.