

INCLUSION: SSA, RTE ACT 2009

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Abstract

In this article an attempt has been made to focus on the Inclusion:SSA, RTE 2009. The Universal Elementary Education (UEE) plays a vital role in Universal strengthening the socio-economic base of a nation by promoting social justice and equity. Basic education is known to improve the overall well-being of people. Focus on UEE also became imperative, because India has been signatory to a number of international covenants – Jomtien declaration, UCRC, Millennium declaration, Dakar declaration, SAARC SDG charter for children, etc. With the formulation of the National Policy on Education (NPE) in 1986, a number of programs were initiated in India with a view to achieving UEE. These efforts got intensified through the 1990s via several specific interventions such as Operation Blackboard (OBB), the Shiksha Karmi Project (SKP), the Andhra Pradesh Primary Education Project (APPEP), the Bihar Education Project (BEP), the UP Basic Education Project (UPBEP), Mahila Samakhya (MS), the Lok Jumbish Project (LJP), and Teacher Education, which put in place a decentralized system of teacher support through District Institutes of Education and Training (DIETs) and the District Primary Education Program (DPEP) in 1993-94. The DPEP, over several phases, covered 272 districts in 18 states of the country. (SSA) The Sarva Shiksha Abhiyan Scheme is a centrally sponsored scheme. It was launched in the year 2001 under the leadership of the then Prime Minister of India – Shri Atal Bihari Vajpai. The Sarva Shiksha Abhiyan program was launched with the aim of providing useful and relevant elementary education for all children in the age group 6-14 by 2010, and to bridge social and gender gaps, with the active participation of the community in the management of schools.



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Introduction

After independence, Article 45 under the newly framed Constitution stated that the state shall endeavor to provide free and compulsory education to all children until they complete the age of fourteen years within a period of ten years from the commencement of this Constitution. 86th Amendment Act (2000) via Article 21A (Part III) seeks to make free and compulsory education a Fundamental Right for all children in the age group 6-14 years. The amendment also introduced a new article 21 A, which imposes a duty on parents and guardians to provide their children with educational opportunities. In October, 2003 a first draft of the legislation envisaged in the above Article, viz., Free and Compulsory Education for Children Bill, 2003, was prepared and posted on this website in October, 2003, inviting comments and suggestions from the public at large. In 2004, subsequently, taking into account the suggestions received on this draft, a revised draft of the Bill entitled Free and

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Compulsory Education Bill, 2004, was prepared. In June, 2005, the CABE (Central Advisory Board of Education) committee drafted the Right to Education Bill and submitted to the Ministry of HRD. MHRD sent it to National Advisory Committee (NAC) where Mrs. Sonia Gandhi is the Chairperson. The National Advisory Committee (NAC) sent the bill to Prime Minister of India for his observation. The finance committee and planning commission rejected the Bill citing the lack of funds and model bill was to states for making necessary arrangements (Post- 86th amendment, States had already cited lack of funds at State level).

This was revised and became an Act in August, 2009 but was not notified for roughly 7 months. The Right of Children to Free and Compulsory Education Act came into force from April 1, 2010. This was a historic day for the people of India as from that day the Right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood. For the first time in the history of India it is made a right enforceable by putting in Chapter 3 of the Constitution as Article 21. The government schools shall provide free education to all the children and the schools will be managed by school management committees (SMC). “Free” means as removal of any financial barrier by the state that prevents a child from completing eight years of schooling. “Compulsory” means compulsory admission, attendance and completion of elementary education. “Compulsion” means as compulsion on the state/ local bodies, rather than targeting parents, fundamental duty of parents to send their children to schools (Joshi, 2013).

Universal Elementary Education

The Universal Elementary Education (UEE) plays a vital role in Universal strengthening the socio-economic base of a nation by promoting social justice and equity. Basic education is known to improve the overall well-being of people. Focus on UEE also became imperative, because India has been signatory to a number of international covenants – Jomtien declaration, UCRC, Millennium declaration, Dakar declaration, SAARC SDG charter for children, etc. With the formulation of the National Policy on Education (NPE) in 1986, a number of programs were initiated in India with a view to achieving UEE. These efforts got intensified through the 1990s via several specific interventions such as Operation Blackboard (OBB), the Shiksha Karmi Project (SKP), the Andhra Pradesh Primary Education

Project (APPEP), the Bihar Education Project (BEP), the UP Basic Education Project (UPBEP), Mahila Samakhya (MS), the Lok Jumbish Project (LJP), and Teacher Education, which put in place a decentralized system of teacher support through District Institutes of Education and Training (DIETs) and the District Primary Education Program (DPEP) in 1993-94. The DPEP, over several phases, covered 272 districts in 18 states of the country. (SSA) The Sarva Shiksha Abhiyan Scheme is a centrally sponsored scheme. It was launched in the year 2001 under the leadership of the then Prime Minister of India – Shri Atal Bihari Vajpai. The Sarva Shiksha Abhiyan program was launched with the aim of providing useful and relevant elementary education for all children in the age group 6-14 by 2010, and to bridge social and gender gaps, with the active participation of the community in the management of schools.

The RTE Offered Legal Cover to the SSA. The provisions under the SSA were not part of the fundamental rights enshrined in the Indian Constitution; the RTE provisions offer the legal cover. Under by his or her parents to a school which is not supported by the appropriate government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. The phrase ‘compulsory education’ casts an obligation on the appropriate government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the age group of 6–14 years. With this, India has moved forward to a rights based framework under the RTE Act that makes governments accountable to implement this fundamental right. (MHRD 2013, 14)

Constitutional Statements for UEE

Legal Arguments and National Statements for UEE throughout ages are promoted by government are as under:

Charter Act (1813): Clause 43 of the Charter Act, 1813 made it obligatory for the state to promote “knowledge of sciences” among the natives of India.

Hunter commission (1882): Indian Education Commission of 1882, popularly known as Hunter Commission, declared the elementary education of the masses to be that part of the educational system toward which the State would direct its major responsibility.

Gopal Krishan Gokhale’s Demand (1910): A nationalist leader Shri Gopal Krishna Gokhale put forward the demand for free and compulsory elementary education in the country. No

progress was made. Again, on March 16, 1911, Shri Gokhle moved his private Bill demanding gradual introduction of the principle of compulsory elementary education for the country's children. The Bill was rejected.

Basic Education (1935): Mahatma Gandhi recommended that education should be free for all boys and girls between the age of six and fourteen years. However, as a concession, for 12 years girls if their guardians so desires

The Sargent Report (1945): Recommended that a system of universal, compulsory and free education should be introduced for both boys and girls between the ages of six and fourteen years.

1947-Status: Primary education had been made compulsory in 152 urban areas and 4995 rural areas (Bhatia, 2015).

Constitutional provisions (1950): when the Constitution was adopted in 1950, policy makers agreed on the importance of providing free and compulsory education and made investments to improve the state of education in the country. It had defined education as a state subject. However, in 1976 an amendment was added in the Article 42 of the Constitution and education became a concurrent list subject enabling the Central government to legislate on the matter of education. The original Article 45 in the Directive Principles of State Policy in the Constitution (1950) mandated the State to endeavor to provide free and compulsory education to all children up to age 14 within a period of 10 years. It stated "The State shall endeavor to provide, with in a period of ten years from the commencement of this Constitution, for free and compulsory education to all children until they complete the age of 14 years."

The National Policy of Education (1986): It shall be ensured that free and compulsory education of satisfactory quality is provided to all children up to 14 years of age before we enter the twenty first century.

NPE (1992): NPE was revised in 1992; its Program of Action (POA) stresses the need to lay down minimum levels of learning at the primary and upper primary levels as a way to promote equity and quality.

Unnikrishnan Judgment (1993): Every child / citizen of this country has a right to free education until he completes the age of fourteen years.

Saikia Committee(1997): Recommended that an amendment of the Constitution making education for children under 14 a fundamental right (Bhatia, 2010).

The Education Ministers Resolved (1998): Universal elementary education should be pursued in the mission mode. It emphasized the need to pursue a holistic and convergent approach towards UEE.

The National Committee's Report on UEE (1999): Supported the fundamental right to education and desired quick action towards operationalization of the mission mode towards UEE “UEE should be pursued in a mission mode with a holistic and convergent approach with emphasis on preparation of District Elementary Education Plans (DEEP) for UEE.”

The 86th Constitutional Amendment (2000): Paved the way to move further without any legal hurdle. It added a new article, Article 21A, in Part I of the Constitution of India to make “free and compulsory elementary education a fundamental right for children.”

The National Knowledge Commission's Recommendation (2005): Asserted that “providing universal access to quality school education is a cornerstone of development and a minimum necessary condition for progress towards making India a knowledge society.” So, the commission pleaded for legislation at the central level to affirm the Right to Education, which is a fundamental right mandated by Article 21A. The central legislation “should be enacted along the lines of the Panchayat Raj (Amendment) Act, requiring the states to enact Right to Education Bills within a specified time period.”

RTE Act (2009): The right of children to free and compulsory Education Bill 2008 was introduced in the Parliament. The said Bill was passed by both the houses of parliament and received the assent of the president of India on 26th Aug 2009 (Das and Mottanty, 2008).

Historical Background of the RTE Act (2009)

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Basic Provisions made in the RTE Act (2009)

MHRD (2014) laid few important basic provisions of the RTE Act (2009) are mentioned below:

1. It is included in the fundamental rights of Indian constitutions in Article 21A inserted by the 86th Amendment in December, 2002. The provisions of the Act came into force from 1st April, 2010.
2. The name of the Act is “The Right of Children to Free and Compulsory Education Act, 2009”.
3. It shall extend to the whole of India except the State of Jammu & Kashmir.
4. It is an Act to provide for free and compulsory education to all children of the age of 6-14 years i.e. from Class I to VIII.
5. It shall be the duty of every parents or guardian to admit or cause to be admitted his or her child or ward to an elementary education in the neighborhood school.
6. Both the Central and State Government will share the financial and other responsibilities.
7. The local authority like, municipal corporation, municipal council, zilla parishyad or nagar panchayat or panchayat maintain records of children up to the age of fourteen years residing within its jurisdiction and ensure admission, attendance and completion of elementary education by every child.
8. The local authority shall ensure admission of children of migrant families.
9. No capitation fee and screening procedure for admission in elementary classes, It makes provisions for a non admitted child to be admitted to an age appropriate class and no child shall be denied admission if he or she is entitled to take admission according to the provision of the Act.

10. The private school managements have to take at least 25% of the class strength should belong to the economically weaker sections (EWS) in the neighborhood at the time of admission in Class-I and provide free and compulsory elementary education till its completion.
11. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.
12. No child shall be subjected to physical punishment or mental harassment.
13. A teacher shall maintain regularity and punctuality in attending the school and complete curriculum within the specified time.
14. The pupil teacher ratio from class I to V shall be 30:1 and from class VI to VIII shall be 35:1.
15. Teacher vacancy in a school shall not exceed 10 percent.
16. No teacher shall be deployed for any non-educational purpose either than the decennial population census duties relating to disaster relief and general election in different purpose.
17. No teacher shall engage himself or herself in private tuition or private teaching activity.
18. No child shall be required to pass any board examination till completion of elementary education.
19. Minimum numbers of working days/instructional hours in an academic year shall be: 200 working days for Class I to V or 800 instructional hours and 200 working days or 1000 instructional hours for Class VI to VIII.
20. Minimum number of working hours per week for the teachers shall be 45 (forty five) including preparation hours.
21. There shall be a library in each school providing news papers, magazines and books on all subjects including story books.
22. Play material, games and sports equipment shall be provided to each class as required.
23. National level test shall be conducted like Teacher Eligibility Test (TET) for making eligible the teacher to teach in elementary classes and maintaining quality in elementary education.
24. No school shall be run without recognition.

Constitution of School Management Committees

As per the Right to free and Compulsory Education Act 2009 of Government of India, it is mandated to form school management committees in all schools with certain laid down roles and responsibilities in Act.

- i. A school management committee shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the appointed date, and reconstituted every two years.
- ii. Seventy five percent of the strength of the school management committee shall be from amongst parents or guardians of children(out of 20 members, 15 should be parents)
- iii. Provided fifty percent of committee shall be women.(10 must be woman)
- iv. Provided further that proportionate representation shall be given to the parents or guardians of the children belonging to disadvantaged group and weaker section.
- v. The remaining twenty five percent of the strength of the school management committee shall be from amongst the following persons:-
 - a. one third members from amongst the elected members of the local authority, to be decided by the local authority;
 - b. one third members from amongst teachers from the school, to be decided by the teachers of the school;
 - c. One third from amongst local educationists / children in the school, to be decided by the parents in the committee.
- vi. To manage its affairs, the school management committee shall elect a Chairperson and Vice Chairperson from among the parent members. The Head teacher of the school or where the school does not have a head teacher, the senior most teacher of the school shall be the ex-officio Member-Convener of the school management committee.
- vii. Where there are two or more schools in a panchayat, the panchayat president will be the member of school management committee of one of the school remaining schools shall have ward members as members of the school management committee.

- viii. The school management committee shall meet at least once a month and the minutes and decisions of the meetings shall be properly recorded and made available to the public.

(ii) Functions of School Management Committee

A.) Monitor the functioning of the school.

- i. Ensure the regularity and punctuality in attendance by teachers of the school.
- ii. Assess the learning ability of each child and accordingly supplement additional instructions if any required.
- iii. Ensure the enrolment and continued attendance of all the children from the neighborhood of the school.
- iv. Bring to the notice of the local education authority any deviation from the rights of the child, in particular mental and physical harassment of the children, denial of admission and timely provision of free entitlements.
- v. Communicate in simple and creative ways to the population in the neighbourhood of the school, the rights of the child as enunciated in the Act as also the duties of the appropriate government, local authority, school, parents and guardian.
- vi. Ensure that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education.
- vii. Identify the needs, prepare a plan, and monitor the implementation of the provisions, where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age.
- viii. Monitor the identification and enrolment of CWSN and mobilize facilities for education of children with disability, as per equal opportunities, protection and full participation Act 1995 and ensure their participation in and completion of elementary education.
- ix. List out specifications for equitable quality of education in a school.
- x. Monitor the implementation of the mid day meal in the school
- xi. Ensure that no teacher shall engage himself or herself in private tuition or private teaching activity

B.) Preparation, recommendation, implementation and monitoring of the School Development Plan (SDP)

- i. Every school management committee constituted under subsection (1) of section 21 shall prepare a school development plan every year in such manner as may be prescribed.
- ii. The school management committee shall prepare a school development plan at least three months before the end of the financial year in which it is first constituted under Act.
- iii. Monitor that teachers are not burdened with non academic duties other than those specified in section 27. No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating in elections to the local authority or the state legislatures or parliament, as the case may be.
- iv. Assess financial requirement and needs of the RTE Act 2009, including for providing special training facility specified in section 4. Entitlements of children such as free text books and uniforms, and any other additional requirement for fulfilling the responsibilities of the school under Act.
- v. The school development plan shall be signed by the chairperson or vice chairperson and convenor of the school management committee and submitted to the local authority before the end of the financial year in which it is prepared.
- vi. Sub committees and sub groups with co-opted members for effective implementation & monitoring of the school development plan may be formed as requested / needed by the SMC preferably with parents, heads, teachers, children, educationalist, BRTes, local engineers, elected representatives, civil society members supporting the school.

Conclusion

It has and has been observed that parents are not taking interest to send their children in schools. Secondly, private institutions are not properly joining the hands in real sense. Motivation of the stakeholders is not proper. Enrollment of the students in Government institutions is in decreasing sense. It is the need of the hour to think over on this. No doubt, government has been spending money for this purpose, but purpose not solving properly. It is humble request to all the stakeholders to think over on this and try to make it successful.

Without the joining hands of the society members and government, it would not to be successful 100% practically. To make this Abhiyan successful, we should all show the dedication, devotion and honesty. Teachers are not paying attention to increase the enrolment of the students, in the hidden form a few teachers are engage in private tution,teacher and student ratio is not proper, in the private institutions it is on paper work only. Very few local authorities are ensuring admission of children of migrant families. Joined hands with dedication devotion and honesty is the solution to make this Abhiyan.

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