

Problems and Constraints in Implementation of Right of Children to Free and Compulsory Education Act, 2009



**State Planning Commission
3rd August 2012**

Tamil Nadu State Planning Commission

The State Planning Commission was constituted in Tamil Nadu on 25th May 1971 under the Chairmanship of the Hon'ble Chief Minister as an Advisory Body to make recommendations to the Government on various matters pertaining to the development of the State. The Chairman of the Commission is assisted by a team of Members, Consisting of Vice Chairman, Full Time Member & Part Time Members who are experts in various fields. The Additional Chief Secretary to Government, Planning, Development and Special Initiatives and the Principal Secretary to Government, Finance Department are the *ex-officio* Members. The Member Secretary is responsible for administration in the Commission.

The Commission has the following technical divisions:

1. Agricultural Policy and Planning
2. Industries, Power and Transport
3. Land Use
4. Education and Employment
5. Health and Social Welfare
6. District Planning and Rural Development
7. Plan Co-ordination

Main activities of SPC:

The major functions of the State Planning Commission are as follows:

1. Preparation of Five Year and Annual Plans based on the policies and priorities of the Government;
2. Undertake Mid Term review of the Five Year Plan, other special reviews on the Economy and advise the Government on appropriate modification and restructuring of the schemes;
3. Monitor development indicators that influence the Human Development Index, Gender Development Index, etc., at a disaggregated level and suggest correctional measures;
4. Undertake special studies as required for formulation and implementation of plan projects and programmes;
5. Tamil Nadu State Land Use Research Board (TNSLURB) is functioning under the chairmanship of Vice Chairman, State Planning Commission as a permanent body in the State Planning Commission. This Board is intended to promote interaction and study in the vital areas of land use. The State Planning Commission organises seminars/workshops and undertake studies.
6. Human Development Reports (HDRs) were prepared for Dindigul, Sivagangai, Tiruvannamalai, Cuddalore, Nagapattinam, the Nilgiris, Kanyakumari and Dharmapuri districts. The concept of Human Development has been disseminated to all districts through workshops organized in the concerned districts. Proposal for preparation of District Human Development Reports (DHDR) for the remaining districts is under process .
7. State Balanced Growth Fund (SBGF) is operated to bridge the regional imbalances among the districts.

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Workshop Sessions

Welcome Address

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Presidential Address

Tmt. Santha Sheela Nair, IAS., (Retd.)
Vice Chairperson, SPC

Session I: "Problems and Constraints in Implementation of Right of Children to Free and Compulsory Education Act."

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Session II: "Problems and Constraints in Implementation of Right of Children to Free and Compulsory Education Act."

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Executive Summary

The year 2010 is a landmark year for education in India. Education was declared as a fundamental right of every Indian Citizen. The Education Act is called as Right of Children to Free and Compulsory Education Act, 2009. It came into force on 1st of April 2010. The Act was enacted under the 86th constitutional amendment of Article 21 in December, 2002 and inserted a new Article-21 A which states, 'the State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine'. It is a historic moment for the children as the Act mandates the provision to every child free and compulsory education. The Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 was developed and notified in the Government Gazette on 08.11.2011.

Education in order to be a meaningful right must be Available, Accessible, Acceptable and Adaptable. The concept of these 4 As was developed by the former UN Special Rapporteur on the Right to Education, Katarina Tomasevski and it is one of the best ways to assess and act upon the situation. The 4 As are to be respected, protected and fulfilled by the government, as the prime duty-bearer, but there are also duties on other actors in the education process: the child as the privileged subject of the right to

education and the bearer of the duty to comply with compulsory-education requirements; the child's parents who are the 'first educators' and professional educators, namely teachers. A participatory process of this framework of the 4 As can become a tool to enable people to think through what the right to education means to them, and compare their current reality to this ideal context.

The Educational Development Index value and Educational Development Rankings assigned to States as a Composite index of Primary and Upper Primary level ranks Tamil Nadu in the second position (0.815).



Tamil Nadu is the only state where the concept of 'free' under the RTE, 2009 has been expanded. The concept of free includes the following components: Free text books, note books, school bags, uniforms, noon meal, foot wear, bus pass, colour pencils, geometry box,

Salient Features - RTE Act.
<i>Provides for Free and Compulsory Education to all children of the age of 6 to 14 years with all educational facilities.</i>
<i>Prescribes quality parameters to teachers, school, pedagogy, evaluation for providing quality elementary education.</i>
<i>The Act specifies equity, equality and quality in elementary education and outlines responsibilities among various academic stake holders to achieve the above.</i>
<i>Contravention of the provisions of the Act is subjected to legal action and punishment.</i>
<i>The State Council of Educational Research and Training (SCERT) has been designated as the nodal agency to organise Training on RTE Act.</i>
<i>Joint Director (Schemes), SCERT has been deputed as Nodal Officer for addressing RTE related queries and monitoring provisions of the Act and related Activities.</i>
<i>'RTE cell' has been created in SCERT with telephone connections – 044-28278742, 28211391 open to public to clarify their queries.</i>

atlas, cash incentives for reducing drop outs and exclusive financial assistance for students who lost the bread winner of their family. Tamil Nadu perhaps is also the only state where the evaluation system is based on the principle of Continuous & Comprehensive Evaluation (CCE) & extensive training to all teachers in the state. Tamil Nadu is also one of the few states where the maximum trainings have been provided to the officials of the Department of education on RTE related matters. Tamil Nadu Government has zero tolerance to sexual violence in schools and stringent disciplinary action including dismissal and 'invalidation' of the basic degree.

NCPCR also invites all civil society groups, students, teachers, administrators, artists, writers, government personnel, legislators, members of the judiciary and all other stakeholders to join hands and work together to build a movement to ensure that every child of this country's in school and enabled to get at least 8 years of quality education. A special toll free helpline to register complaints will be set up by NCPCR for this purpose.

This Report is the consolidation of the Seminar / Workshop proceedings on the Right of Children for Free and Compulsory Education Act 2009. Nodal Officer State Council of Educational Research and Training, and The

People's Watch Chennai made power point presentations. There was discussion among the Academia / Consultants/ Experts / NGOs / Private school Principals/ with State Planning Commission playing a facilitating role.

This document would be useful as it reflects the latest constraints and problems of the implementation of the RTE Act along with State Planning Commission's outcomes and recommendations. These outcomes would update the concerned departments to initiate the RTE Act in right path and rejuvenate the Act to achieve the expected goals.

RTE Act at a Glance

There are Seven Chapters and 38 Sections with sub-sections:

Preliminary (Sections 1 & 2)

Right to Free and Compulsory Education (Sections 3 – 5)

Responsibilities of School and Teachers (Sections 12 – 28)

Curriculum and Completion of Elementary Education (Sections 29 & 30)

Protection of Right of Children (Sections 31 – 34)

Miscellaneous (Sections 35 – 38) and Schedule





Introduction

Education has been a thrust sector ever since attained Independence in 1947. Right from the inception of planning, the crucial role of education in economic and social development has been recognized and emphasized. Despite a series of problems that the country faced soon after independence, it has been possible to create a vast educational infrastructure in terms of large enrolments and teaching force and massive capabilities for management, research and development.

Constitutional Provisions Regarding Education

Education is a subject and hence a subject of common interest to both Central and State Governments. Vide entry 25 of list III (Concurrent List) in the Seventh Schedule of the Constitution of India,

The Constitution (86th Amendment) Act, 2002, amended the Constitution by inserting Article 21A which reads as follow, "The State shall provide free and compulsory education to all children of age of six to fourteen years in such manner as the State may , by law, determine. This was a significant measure for achieving the goal of Education for all (EFA) by making free and compulsory elementary education right for all children in the age group of 6-14 years.

The year 2010 was a landmark for education in India as the Right of Children to

Free and Compulsory Education (RTE), Act, 2009 was enforced with effect from April 1, 2010. The RTE Act 2009, responding the consequential legislation to the Constitution Act, secures the right of children in a neighborhood school. RTE Act, 2009 lays down norms and standards relating to pupil teacher ratios, buildings and infrastructure, school working days and working hours of teachers.

RTE- Act in Indian Context:

The Right of children to Free and Compulsory Education Act came into force from April 1, 2010. The landmark passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. For the first time in India's history, children will be guaranteed their right to quality elementary education by the state with the help of families and communities. The people of India from this day will be accorded the same legal status for education 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 neighbourhood.

Few countries in the world have such a national provision to ensure child-centered, child-friendly education to help all children develop to their fullest potential. There were

an estimated eight million 6 to 14-year- out of school in 2009. The world cannot reach its goal to have every child complete primary school by 2015 without India. India's education system over the past few decades has made significant progress. According to India's Education For All Mid Decade Assessment, in just five years between 2000 and 2005, India increased primary school enrolment overall by 13.7 per cent and by 19.8 per cent for girls, reaching close to universal enrolment in Grade one. Even with these commendable efforts, one in four children left school before reaching Grade five and almost half before reaching Grade 8 in 2005. Right of children to Free and Compulsory Education Act Provides for free and compulsory education to all children of the age of six to fourteen years.

Any cost that prevents a child from accessing school will be borne by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. Children with disabilities will also be educated in the mainstream schools. It is also emphasized that if we nurture our children and young people

with the right kind of education, India's future would be strong and prosperous.

All private schools shall be required to enroll children from weaker sections and disadvantaged communities in their incoming class to the extent of 25% of their enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private schools are lower).

All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.

The National Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the implementation of this historic Right. Tamil Nadu is the only state where the

concept of 'free' under the RTE, 2009 has been expanded. Tamil Nadu perhaps is also the only state where the evaluation system is based on the principle of Continuous & Comprehensive Evaluation (CCE) & extensive training to all teachers in the state. A special Division within NCPCR will undertake this huge and important task in the coming months and years.

A special toll free helpline to register complaints will be set up by NCPCR for this purpose. NCPCR welcomes the formal notification of this Act and looks forward to playing an active role in ensuring its successful implementation. Tamil Nadu is also one of the few states where the maximum trainings have been provided to the officials of the Department of education on RTE related matters. Tamil Nadu Government's zero tolerance to sexual violence in schools and stringent disciplinary action including dismissal and 'invalidation' of the basic degree. In Tamil Nadu the concept of free is inclusive of the following components: Free text books, note books, school bags, uniforms, noon meal, foot wear, bus pass, colour pencils, geometry box, atlas, cash incentives for reducing drop outs and financial assistance for students who lost the bread winner of their family.

NCPCR also invites all civil society groups, students, teachers, administrators, artists, writers, government personnel, legislators,

members of the judiciary and all other stakeholders to join hands and work together to build a movement to ensure that every child of this country is in school and enabled to get at least 8 years of quality education.

Four components of RTE:

Education in order to be a meaningful right must be Available, Accessible, Acceptable and Adaptable. The concept of these 4 As was developed by the former UN Special Rapporteur on the Right to Education, Katarina Tomasevski, and it is one of the best ways to assess and act upon the situation.

However, it should be noted from the outset that these 4 As are not definitive. Whilst they are an extremely useful way of explaining the right to education in terms of tangible factors, they are not necessarily the standard used in every international treaty and as such should not be treated as a generic, comprehensive guide to what the right to education means under every law.

The 4 As are to be respected, protected and fulfilled by the government, as the prime duty-bearer, but there are also duties on other actors in the education process: the child as the privileged subject of the right to education and the bearer of the duty to comply with compulsory - education requirements; the

child's parents who are the 'first educators'; and professional educators, namely teachers.

By using a participatory process this framework of the 4 As can become a tool to enable people to think through what the right to education means to them, and compare their current reality to this ideal context. The 4 As can be summarised as below:

Availability: That education is free and government-funded and that there is adequate infrastructure and trained teachers able to support education delivery.

Possible questions to consider:

- ✓ Is primary education free and compulsory?
- ✓ If not, is there a government plan to achieve free and compulsory primary education, with a reasonable time frame and budget?
- ✓ Is sufficient money allocated for all children to receive primary education?
- ✓ Is the state making concrete steps towards achieving free secondary and higher education?
- ✓ Are teachers well trained, and do they receive domestically competitive salaries, do they have appropriate working conditions, teaching materials and the right to organise?
- ✓ Are school buildings safe, do sanitation

facilities exist, and are there safe drinking water, a library, ICT resources?

Accessibility: That the system is non-discriminatory and accessible to all, and that positive steps are taken to include the most marginalised.

Possible questions to consider:

- ✓ Is education accessible to all, without discrimination on any grounds – for example race, colour, ethnicity, sex, language, religion, economic or social status? Are positive actions made to reach the most vulnerable? Are there any laws, such as laws preventing child labour, which need to be enforced to ensure accessibility?
- ✓ Is education within safe physical reach? Are there appropriate transport facilities?
- ✓ Is education affordable for all – including indirect costs such as textbooks and uniforms?
- ✓ Have all legal and administrative obstacles, such as the need for a birth certificate, been abolished?

Acceptability: That the content of education is relevant, non-discriminatory, culturally appropriate, and of quality; that the school itself is safe and teachers are professional.

Possible questions to consider:

- ✓ Is education pluralistic? Is it free from religious (or other) indoctrination? Are the curricula and texts open and tolerant towards a range of different (religious, political, etc.) belief systems?
- ✓ Is education non-discriminatory? Are texts and curricula non-biased and objective? Is the education relevant and culturally appropriate?
- ✓ Are there minimum standards for education (numbers of text books, methods of instruction, etc.), which are monitored and enforced by the Government (in both the private and public school systems)?
- ✓ Is the school safe? Is violence condemned? Are minimum health standards in place?
- ✓ Are there sufficient teachers? Are they trained to an appropriate standard? Are they properly supported and supervised?

Adaptability: That education can evolve with the changing needs of society and contribute to challenging inequalities, such as gender discrimination, and that it can be adapted locally to suit specific contexts.

Possible questions to consider:

- ✓ Is the school able to adapt the provision of education to the specific needs of their pupils

and local children? (e.g. Are religious and cultural holidays recognised; are students with disabilities catered for etc.?)

- ✓ Can education adapt to the changing needs of societies and communities? Are there adequate provisions for linguistic and cultural minorities – balancing learning the National language and culture with preserving their own? Is education adapting and responding to the HIV pandemic etc.?
- ✓ Is there a link between school leaving age and minimum age for employment, marriage, military, criminal responsibility etc.? What happens to young people if there is a mismatch of ages?
- ✓ Does schooling protect and enhance children's rights – e.g. does it prevent them from child labour or forced marriages, does it enhance their employability, increase gender equality etc.?

Implementation of the RTE – Comparison across states

- i. **Out-of-School Children:** The number of out-of-school children has declined from 25 million in 2003 to 8.1 million in mid 2009. The most significant improvements have been in Bihar, Jharkhand, Manipur and Chhattisgarh. The percentage of out-of-school children in highly populated states

like Uttar Pradesh, West Bengal, Orissa and Bihar remains a cause of concern.

- ii. **Social Inclusion:** Although there have been significant improvements in the proportion of children from socially disadvantaged groups in school, persistence gaps remain. Girls are still less likely to enroll in school than boys; in 2005, for upper primary school (Grades 6-8) girls' enrolment was still 8.8 points lower than boys, for Scheduled Tribes (ST) the gender gap was 12.6 points and 16 points for Scheduled Castes (SC). In addition, ST and SC children are less likely to access their right to 8 years of schooling; the drop-out rate for ST children being 62.9% and 55.2% for SC children compared to a National average of 48.8% leaving school before completing Grade 8.
- iii. **Teachers:** Children have the right to have at least 1 qualified and trained teacher for every 30 pupils. Currently, the National average is about 1 teacher to every 34 students, but in states such as Jharkhand, Madhya Pradesh and West Bengal 1 teacher works with more than 60 students. Approximately 1.2 million additional teachers need to be recruited to fill this gap at the all India level. Currently, about 1 in 5 primary school teachers do not have the requisite minimum academic qualification to ensure children's right to quality learning.

iv. **Sanitation:** 84 out of 100 schools have drinking water facilities overall in India. But nearly half the schools in Arunachal Pradesh, Assam and Meghalaya do not. Sixty-five out of 100 schools have common toilets in India; however only one out of four schools in Arunachal Pradesh, Assam, Chandigarh, Delhi, Jammu & Kashmir, Jharkhand, Orissa and Rajasthan have this facility. Fifty-four out of 100 schools have separate toilets for girls. On average, only one in nine schools in Assam, Meghalaya, Manipur have separate toilets and one in four schools in Bihar, Chhattisgarh, Jammu & Kashmir, Jharkhand and Orissa.

v. Key Issues

The RTE Act is in force from 1 April. Draft Model Rules have been shared with states, which have formulated their state rules and have notified them. RTE provides a ripe platform to reach the unreached, with specific provisions for disadvantaged groups, such as child labourers, migrant childrens, children with special needs, or those who have a "disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor." RTE focuses on the quality of teaching and learning, which requires accelerated efforts and substantial reforms.

Creative and sustained initiatives are crucial to train more than one million new and untrained teachers within the next five years and to reinforce the skills of existing teachers to ensure child-friendly education. Bringing eight million out-of-school children into classes at the age appropriate level with the support to stay in school and succeed poses a major challenge. Substantial efforts are essential to eliminate disparities and ensure quality with equity. For example, investing in preschool is a key strategy.

Families and communities also have a large role to ensure child-friendly education for each and every one of the estimated 190 million girls and boys in India who should be in elementary school today. School Management Committees, made up of parents, local authorities, teachers and children themselves, will need support to form School Development Plans and monitoring. The inclusion of 50 per cent women and parents of children from disadvantaged groups in these committees should help overcome past disparities.



Initiatives taken by Government of Tamil Nadu for Quality Enhancement as per RTE Act

Chapter V Sec 29 of RTE Act insisted that “the curriculum and evolution procedure shall be laid down by academic authority to be specified by appropriate Govt. by notification”.

In this context, Hon. Chief Minister of Tamil Nadu has announced on 26.8.2011 in the floor of Legislative Assembly that the Trimester pattern and CCE to be implemented in all the schools.

The Govt.of Tamil Nadu issued GO (Ms) No.143 dt.19/9/2011 to implement Trimester and CCE from the academic year 2012-13 onwards for standards I to VIII for enhancing quality education and fixed the responsibility to SCRET for implementation of Trimester and CCE.

A High Level Committee has been constituted as per GO (MS) NO: 89 dt. 27.03.2012 under the Chairmanship of Hon’ble. School Education Minister and suggested to form the following sub committees:

- *Curricular Frame Work Committee*
- *Syllabus Revision Committee for classes XI and XII*
- *Examination Reforms Committee*

In order to enhance the quality of school education, the Government of Tamil Nadu have implemented 14 Nos. students welfare schemes and special incentive progemmes. Besides, the Government issued 13 GOs to implement the RTE Act.



Power point presentations were made by Dr. M. Palanisamy, Joint Director, State Council of Educational Research and Training, Chennai and he explained at length the RTE Act in four Parts such as:

1. Important provisions of the RTE Act
2. Initiatives taken by the Government of Tamil Nadu for quality enhancement as per RTE Act
3. Initiatives taken by the State Council of Educational research and Training (SCERT) regarding creating awareness on RTE Act 2009
4. Issues to be addressed and Dr. V. Arul Raj, Deputy Executive Director, People's Watch, Madurai also described about problems and constraints of RTE Act.

RTE ACT in Tamil Nadu:

School Education Minister said education was a priority area for the Government. "The Chief Minister had indicated that school education would be given a lot of emphasis even before the elections, in her election manifesto," he said. Urging teachers, parents and school managements to ensure that every clause of the Act is diligently implemented, he said: "Teachers must ensure that there is no gap between them and children. They should be role models and

treat students like their own children." As many as 12 Government Orders pertaining to the RTE Act have been issued so far. Nearly 65 primary schools had been upgraded to middle schools. As many as 210 middle schools had been upgraded to high schools and 100 high schools to Higher Secondary Schools. Around 53,000 teachers were being recruited this year.

The trimester and Continuous and Comprehensive Evaluation (CCE) to be implemented by the department would go a long way in reducing the burden on students, he said.

The Minister released a manual with guidelines on the Act, applicable to different stakeholders. It also outlined the punishments and disciplinary action that would be initiated in case of violation of the clauses. The training on RTE Act would be extended to as many as 1.25 lakh teachers.

School Education Department is aware of challenges in implementing the Act, said Secretary to the School Education Department, Chennai - 9. A helpdesk to offer clarifications, when sought, on the Right To Education (RTE) Act has been set up at the Directorate of Teacher Education Research and Training (DTERT) here. For any query on the implementation of the Act, or clarification on specific clauses one could contact the help desk on 044-28278742.

While the 12 GOs in regard to the RTE Act have taken care of several provisions, the Government is yet to constitute the State Commission for Protection of Child Rights (SCPCR) mandated by the Act.

“Tamilnadu Right of Children to Free and Compulsory Education Rules – 2011” was notified on 08.11.2011. Thirteen Government orders have been issued for the effective implementation of the Act. Responsibilities of the school have been outlined and directions have been issued for the following: No detention, No corporal punishment, no Board Exams at elementary level, Banning screening procedure and capitation fees and Extended period of admission. (G.O.Ms.No 189 SE(C2) Dept dated 12.07.10)

Responsibilities of the school would ensure reimbursement for admission of 25% children from disadvantaged / weaker section given in Private schools. The schools would also not undertake any screening procedure for admission, random selection of students for admission and inclusion of Transgender, HIV affected Children and Children of scavengers and disadvantaged group for 25% admission in schools. Ensuring a comfortable Teacher Pupil Ratio and the Norms prescribed by RTE is one primary requisite of RTE compliance. The

prescribed norms are: Primary - 1:30, Upper Primary-1:35. Tamil Nadu of course is way ahead in this aspect of compliance in TPR. It has a ratio of Primary 1:27, Upper Primary - 1:29. The State has adopted a rationalization of deployment procedure in Government Schools and 2392 teachers have been deployed. Collection of excess fee by Private schools would not be Other than fees fixed by the fee regulation committee (chapter I-2-b) Private schools should not collect fees without any receipt and authorization. Corporal Punishments should not be given to children and disciplining the children through physical punishment and mental harassment is strictly prohibited. (Chapter 4-17-1). Grievance redressal mechanism and Protection of Right of Children would be enforced by the Constitution of SCPCR / REPA as per Sec 31(3) and REPA was constituted as per the G.O.Ms.No.7 SE(C2) Dept dated 18.01.11. Officers would be authorised for the prosecution of offences punishable under the RTE act by the G.O.Ms.No.81 SE (C2) dated 28.04.2011.

The Nodal officer, RTE divided his presentation in four parts .They are: Important provisions of the RTE act and Rules, Government Orders Issued by Government of Tamil Nadu on RTE Act, Initiatives taken by SCERT in organizing training programmes on RTE Act and Issues that need to be addressed.

The Act is called as Right of Children to Free and Compulsory Education Act, 2009 and enforced as an Act from 26 August 2009. It came into force on 1st of April 2010. Historic moment for the children of India as the Act mandates every child free and compulsory education. The Act was enacted under the 86th constitutional amendment in Article 21 in December, 2002 and inserted a new Article-21 A which states, 'the State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine'.

Academic Authority – G.O. (Ms) No. 209, dated 27.07.2010, Pupil Teacher Ratio – G.O. (Ms) No. 231, dated 11.08.2010, Formation of State Child Rights Commission – G.O. (Ms) No. 7, dated 18.01.2011, Admission of at least 25% of children belonging to Weaker Section in

Private School, No Capitation Fee and Screening Procedure for Admission – G.O. (Ms) No. 9, dated 18.01.2011

Trainings on the RTE Act to all academic stakeholders were organized with the objective of implementing the provisions of the Act effectively. It was proposed to establish new schools in hilly areas or areas prone to landslides. A display of list of neighborhood schools would be made in the notice board of the offices at block level and district level. Submission of self declaration by the existing schools as per Form-I regarding recognition and complying with the norms and standards within 3 years of the implementation of the Act. Action would be initiated against schools which do not comply with the norms like withdrawing the recognition of Schools. Awareness campaigns through *kalajathas* have been done in the state





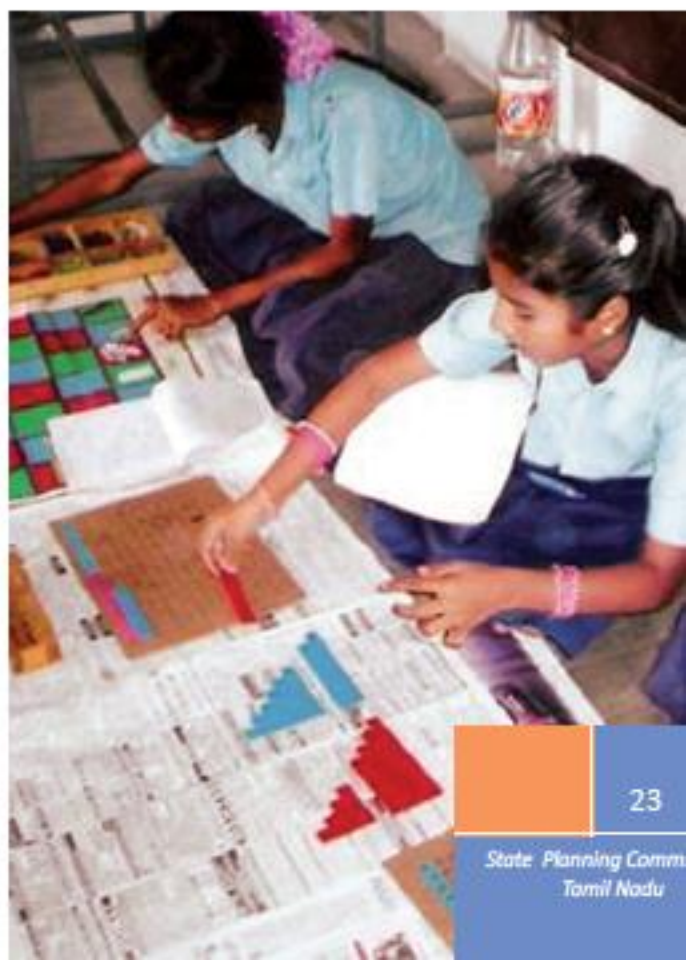
Presentation of RTE Act by People's Watch Tamil Nadu

Tamil Nadu is the only state where the concept of 'free' under the Right to Education Act (RTE) 2009 has been expanded and also the evaluation system is to be based on the principle of Continuous & Comprehensive Evaluation (CCE) with extensive training to all teachers in the state. The concept of free in Tamil Nadu envisages: Free text books, note books, school bags, uniforms, noon meal, foot wear, bus pass, colour pencils, geometry box, atlas, cash incentives for reducing drop outs and financial assistance for students who lost the bread winner of their family. Tamil Nadu is also one of the few states where the maximum trainings have been provided to the officials of the Department of Education on RTE related matters. Tamil Nadu Government zero tolerance to sexual violence in schools and stringent disciplinary action including dismissal and 'invalidation' of the basic degree.

However, there are few constraints and problems in implementing the RTE act such as the recent 2012 Amendment to the RTE Act incorporate a broader and more holistic view of the rights of children with disabilities has not been notified in the state so far, violence against children in schools – physical punishment, mental harassment and discrimination.

(Including discrimination in fee charging private schools), Violence against children in hostels attached to schools, Deaths of children due to private / state transport vehicles, Poor presence of HMs and teachers in interior ADW / GTR schools due total lack of monitoring and unwritten policy by Government, Government aided & private schools of detaining children in 9th / 11th std or non-inclusion of children in the 'nominal role' for Public examinations in the 10th and 12th standards.

The following points were discussed in detail in the Seminar/Workshop on "The Problems and Constraints in Implementation of Right of Children to Free and Compulsory Education Act"



- Lack of designated Nodal Authority in the Districts to exclusively monitor the RTE Act 2009.
- Admissions in schools – fees, T.C, Screening tests etc.,
- 25% Reservations in self financing non-minority schools.
- Lack of training to Head Masters / Teachers of the schools run by Adi Dravidar Welfare (ADW) / Govt. Tribal Residential (GTR) Department.
- Quality of teaching in ADW schools
- Continuation of administration of all private schools by a separate Director of Matriculation Schools after the introduction of 'Uniform System of Education'.
- The recent 2012 Amendment to the RTE Act incorporating a broader and more holistic view of the rights of children with disabilities has not been notified in the state so far.
- Deaths of children due to private-state transport vehicles.
- Poor presence of Head Masters and Teachers in interior ADW/GTR schools due to total lack of monitoring.

Training Programmes organised by SCERT for the implementation of RTE Act. 2009.

Training on the RTE Act to all the academic stakeholders were organised with the objective of implementing the provisions of the Act effectively.

Material Development:-

A Training Manual incorporating the Central Act, Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 and 13 Government Orders

A Booklet of Frequently Asked Questions.

A Manual of Guidelines to carryout the actions specified in the RTE Act.

Brochures – The Compact ready reckoner on the RTE Act.

Hypothetical situations to analyse the RTE violations - Case Study



- Large numbers of vacancies are found in the Dharmapuri, Salem and Krishnagiri districts.
- Composition of school Management Committees (SMCs need for district level revamping of SMCs)
- The RTE Act 2009 envisages a larger role for 'local Authorities' in monitoring the RTE Act 2009– but they have not been trained at all in this.
- Certificate of recognition of private schools under Sec 18 of the RTE Act and Rule 12 of the RTE Rules 2011.
- SMCs of an advisory nature in all minority aided schools.
- Unwritten policy by Government, Government Aided & private schools of detaining children in 9th /11th Std or non-inclusion of children in the 'nominal role' for Public examinations in the 10th and 12th Standards.
- Large numbers of private schools who do not have their formal renewal of recognition for several years as on date are now applying for certificate under Sec.18 of the RTE.
- Discrimination in private schools governed by the TN Schools Regulation of Fees Act of 2009.



Recommendations

- ❖ It is suggested that the discussion/Interaction points in this seminar / workshop on the RTE Act would be taken in to account for better implementation of the above Act.
- ❖ The prevalence of violence against children in hostels attached to schools, deaths of children due to private / state transport vehicles and discrimination in private schools governed by TN Schools Regulation of Collection Fee Act, 2009. It should be properly monitored and controlled.
- ❖ The United Nations International Children's Emergency Fund (UNICEF) representative stated that Tribal/hilly region children are unable to attend schools in Krishnagiri district. The schools are not properly maintained (Infrastructure-toilet, lab, etc). It is suggested that special care should be taken up to make schools available for all hilly region students.
- ❖ The UNICEF study relating to RTE Act in Krishnagiri district may thoroughly be studied and necessary action to be taken to bridge the gaps for better implementation of RTE Act.
- ❖ To set up a designated nodal authority in the Districts to exclusively monitor the RTE Act.
- ❖ The RTE 2009 envisages a larger role for 'Local Authorities' in monitoring the RTE Act. Hence they need to be given training.
- ❖ Non- constitution of the State Advisory Council under RTE.
- ❖ It is stressed that the strict enforcement of the RTE Act particularly violence against children in hostels and also stated that the RTE rules are strictly monitored by the Local Authority /SMC.
- ❖ Regarding the Grievance redressal mechanism, the Principal Secretary to Government, School Education Department stated that Dr.M.Palanisamy, Joint Director (Schemes), State council of Educational Research and Training (SCERT) has been deputed as nodal officer for addressing RTE related queries and monitoring provisions of the Act and related activities. "RTE cell" has been created in SCERT with telephone connections - 044-28278742, 28211391 open to public to clarify their queries.
- ❖ It is suggested that a door to door household survey as part of "Shiksha Ka Haq Abhiyan" relating to implementation of RTE Act is presently going on. If the survey is over, all the problems such as attendance, drop out

- ❖ In hilly regions and mobility of student, lack of enrollment and infrastructure facilities, access of the out of school children, toilet and drinking water facility and other aspects will be sorted out with the help of School Mapping, GIS mapping, Longitude and Latitude Mapping. The findings of the survey will become a part of the agenda of action for implementation of the RTE Act.
- ❖ It has also informed that Students admitted under RTE are unable to adjust with regular students. However, they could easily mingle with at Pre KG and First standard entry level, whereas at 6th standard they find it difficult to mingle with other students.
- ❖ It has stated that awareness training on RTE has been imparted to the Teacher's / Head Masters of all schools and also officials (Block, District and State level) of School Education Department.
- ❖ School Education Department should take proactive attempt to document the good stories on implementation of RTE Act in Tamil Nadu and display in the websites. This attempt would create an opportunity and motivation to achieve enrollment of 25% of students belonging to weaker section and disadvantaged group in the private schools.



Training for Head Masters

Headmasters of all Government and Unaided schools and faculty of DIETs were given Training on the various provisions of the RTE Act in 2 spells at Conference Hall, SIEMAT, SCERT, Chennai. The Principal Secretary, School Education Department has presided over the training.



Training for Block level Functionaries

Block level functionaries like Assistant Elementary Educational Officers, BRC Supervisors, Block Resource Teacher Educators were oriented on RTE Act.





List of Participants

S. No	Name and Designation
1	Smt. Santha Sheela Nair, IAS., Vice-Chairperson, State Planning Commission, Ezhilagam, Chepauk, Chennai -5.
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6	Ms. D. Vasundara Devi, Director of Government Examination, Director of School Education i/c., Chennai -6.
7	Thiru. V.C. Rameswara Murugan, Director of Elementary Education, DPI Complex, Chennai – 6.
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13	Thiru. S. Karmegam, Joint Director, Directorate of Matric Schools, Chennai – 6.

14	N. Sathi, Assistant Professor, SCERT, DPI Complex, Chennai – 6.
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17	Dr. V. Mirasu David, Principal, St. John’s Academy, Chennai - 600 123.
18	Dr. V. Arul Raj, Deputy Executive Director, People’s watch, Chennai.
19	Thiru. Hussain Bappu, Secretary, Confederation of Tamil Nadu Minority Schools, Chennai.
20	Thiru M.K. Mohamed Mustac, President, Tamil Nadu Nursery & Primary School, Management Association, Chennai – 78.
21	Ms. Akila Radhakrishnan, Planning Monitoring Evaluation Specialist, UNICEF., Chennai.
22	Thiru. G. Rajendra Babu, District President, T.N.N.P.H.S.S. Association, Chennai.
23	Thiru.J. Ganapathy District Secretary, TNNPHSS Association.
24	Thiru. R. Venkatesan, District Planning Secretary, TNNPHSS Association, Chennai.
25	Thiru. Vasantha Mahadevan Principal, Sri Sankara Vidyalaya Matriculation School, East Tambaram, Chennai.
26	Thiru. O. Fernandes, State Representative for RTE in Tamil Nadu, Human Rights Advisory and Research Chennai.
27	Ms. V. Indira, Representative, Human Rights Advisory and Research, Chennai.
28	Dr. R. Sujatha, Consultant, Shri Cheema foundation, Chennai.