

## RETROSPECTION AND FUTURE EXECUTION

### **A brief report on the Implementation of Right to Education Act, 2009 in West Bengal**



**West Bengal Commission for Protection of Child Rights**



The Right to Education Act (RTE) is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 years of age in India under Article 21a of the Indian Constitution.

India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1 April 2010.

Free Education generally refers to any sort of Fee or charges that may prevent a child from completing the elementary cycle of Education.

### **Salient features of the RTE Act, 2009:**

- Every child in the age group of 6-14 has the right to free and compulsory education in a neighbourhood school, till the completion of elementary education

- Private schools will have to take 25% of their class strength from the weaker section and the disadvantaged group of the society through a random selection process. Government will fund education of these children.

- No seats in this quota can be left vacant. These children will be treated at 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 school are lower).

- All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfil 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.

- No donation and capitation fee is allowed.

- No admission test or interview either for child or parents.

- No child can be held back, expelled and required to pass the board examination till the completion of elementary education.

- There is provision for establishment of commissions to supervise the implementation of the act.

- A fixed student and teacher ratio is to be maintained.

- All schools have to adhere to rules and regulations laid down in this act,

failing which the school will not be allowed to function. Three years moratorium period has been provided to school to implement all that is required of them.

- Norms for teachers training and qualifications are also clearly mentioned in the act.

- All schools except private unaided schools are to be managed by School Management Committees with 75% of parents and guardians as members. (<http://socialissuesindia.wordpress.com>)

This Act is an essential step towards improving each child's accessibility to secondary and higher education. The Act also contains specific provisions for disadvantaged groups, such as child labourers, migrant children, children with special needs, or those who have a disadvantage owing to social, cultural, economical, geographical, linguistic, gender or any such factor. With the implementation of this Act, it is also expected that issues of school dropout, out-of-school children, quality of education and availability of trained teachers would be addressed in the short to medium term plans.

**The West Bengal Commission for Protection of Child Rights (WBCPCR)** has been mandated as the Nodal Agency to monitor the implementation of this Act. The Commission plays an active role by regularly visiting schools and interacting with teachers and students to monitor the implementation of RTE at all levels. It addresses the complaints lodged under RTE and takes up *suo motu* cognizance wherever it sees the violations of the Act.

WBCPCR also would like to work with civil society groups, academia, government officials, legislators, members of the Judiciary and all other stakeholders to build a movement to ensure that every child of this state gets the opportunity to read in school in a child friendly environment and enabled to get at least 8 years of quality education.

As an integral part of this activity, West Bengal Commission for Protection of Child Rights organised a day long Consultation jointly with Save the Children on Implementation of Right to Education Act in West Bengal on 25th April 2017.

### **A brief report on Consultation:**

The consultation was held at the WBCPCR Conference Hall at ICMARD and was attended by the School Education Department and SarvaSiksha Mission, Members of The Syllabus Committee of the Government of West Bengal, District Social Welfare Officers, District Child Protection Officers, representatives of WBCPCR and NGOs working on education for children.



## The Context of RTE Act Implementation in West Bengal

The consultation was initiated by Ms. Suparna Das Ahmed, Secretary WBCPCR with a round of introductions. Ms. Ananya Chakraborti, Chairperson WBCPCR welcomed the participants and gave an overview of the role of SCPCR in the effective implementation of RTE in the state. She also pointed out the broad areas of concern related to the commercialization of education and the violations of RTE Act and SCPCR's intervention in these matters. Joint Secretary of the Education Department, Mr Samir Kumar Bhattacharyya outlined the primary education scenario of the state which has 67000 government schools and 10000 private schools catering to around 60 lakh children in the age group of 9 to 14 years.

He gave a brief account of the State Level Actions taken for implementation of RTE as well as the challenges being faced and some of the key aspects highlighted were:

- Net Enrollment Ratio for the state was at 84.97% (gross enrollment or enrollment beyond age limit is 103%) and the allocation for education was 3.71% of the total budget.
- Lack of enough classrooms in schools
- For compliance with RTE's mandate for teachers to be trained in B.Ed or Diploma in Elementary Education, a backlog of around 80,000 teachers (out of a total of 3.5 lakhs teachers) are to be trained which is likely to take 2-3 years
- No detention policy elucidated in RTE still remains a matter of contention among implementers. One view is that failure is not a student's responsibility and hence detention is not justified and the conflicting view is that detention is essential to improve dispensation of the child to do better.
- Public Private Partnership is being encouraged to bring in more funds and investments
- The 25% mandated reservation in private schools is not happening. Even those schools who claim to be including are running separate evening classes for such children which defeats the goal of inclusive education.

Mr. Chittapriyo Sadhu, General Manager - State Program, Save the Children West Bengal brought to the participant's attention to the fact that the consultation was the first ever synergy at the state level between Education and Child Protection departments to assess the status of RTE implementation. Thus far these two sectors were considered to be mutually exclusive and this synergy is a first step in the right direction. Five years have passed since the 2012 rules were laid down

for RTE implementation and still ensuring enrollment of migrant children and community participation in school management continue to remain elusive and they need to be taken cognizance of.

## **Implementation hurdles and possible solutions**

Mr. Susanta Panda, DSPD II, PBSSM, Representative of SSM emphasized the need for collective responsibility and a consolidated task force comprising of social welfare, education and child protection to ensure implementation of RTE guidelines. He also underlined the need for training of teachers to help them internalize the RTE Act as a Right Based Approach. Kolkata has about 14,000 out of school children most of whom are migrant and not traceable; the focus should be on reducing this number as well as increasing retention of children in schools and reducing drop outs.

SSM is responsible for implementation and monitoring of the RTE Act. It is however not the decision maker and can only recommend changes. The four pillars of SSMs work are ensuring access to education, universal enrollment, universal retention and quality education

The issue of inclusive education and the problems in integrating specially abled as well as vulnerable children into mainstream schools was discussed. Seasonal migration, (for instance in areas around brick kilns) where children are enrolled in one school but are living 10-15 kms away is yet another problem. Schools don't admit children for few months and thus children eventually drop out and start to work as child labour. Residential schools are required in such places to address this problem. Migrant children also face language barriers when they move from one state to another and multilingual schools could be a solution to this problem.

In spite of resource allocation, special TLMs and even transport/escort allowance are not being given, so inclusion of specially abled children is still not happening. Insufficient number of special educators owing to inadequate remuneration and high turnover as they constantly leave for better job prospects were cited as some of the main reasons. It was also pointed out that neither home based education in the absence of a special educator or counselor nor special and exclusive schools for such children is in sync with the spirit of RTE. It has been suggested that there is a need to take it up with district administration to integrate differently abled children into mainstream schools.

## **Learning Outcomes**

In order to improve learning outcomes, the TLMs have to be altered drastically

and some of the teachers are not amenable to getting out of their comfort zones and changing old methods. Re-evaluation and sensitization of teachers is much needed to enhance their capacities and for this, it's important to create the space and scope for the handholding of teachers. Comprehensive Continuous Evaluation is another area where teachers need to be trained intensely. There is also a need to expand the horizon and include issues like good touch/bad touch, child protection and life skills education into the curriculum. The Teaching Learning Processes, methods and innovations that have worked well and yielded results need to be institutionalized. The focus has to now shift from only improving infrastructure to enhancing TLPs, learning outcomes and quality of education. For those children/adolescents who are not able to (or do not wish to) pursue academics, there must be alternatives of vocational training available.

### **A unique initiative**

Representatives of East Midnapore shared an interesting initiative of the district where in every month officers are assigned school visits. All officials from DM's Office, District Officials, Sub Divisional and Block Officers are part of this review team. They fan out in the district and visit schools, observe the teaching learning process, eat the mid day meal with the children and then submit their feedback on an online portal. Every primary school gets visited once in 4 months and since officials visiting are different each time it also helps in comparing perspectives and for suitable follow up and action.

### **Administrative Issues**

The group agreed on the need to review the status of Village Education Committees and School Management Committees throughout the state. The last massive training for teachers on RTE was organized in 2011 for the entire state and its time for refresher training. The state government order permitting schools to charge fees up to Rs. 240 as well as the lottery system in admission needs to be critically reviewed. 200 school days only exist on paper in many schools while teachers are actually busy in meetings. Most schools show all enrolled children as recipient of mid day meals instead of the precise number of children present on that particular day. Such discrepancies need to be addressed. The primary school teacher is virtually a multipurpose worker who is in charge of everything from mid day meals to elections and this compromises her time to make and execute lesson plans. Appointment of non teaching staff in primary schools is much needed.

## Curriculum Design

Mr. Rudranil Ghosh from the State Level Expert Committee on Education (syllabus committee) explained to the participants the rationale and vision behind the new curriculum. Some of the key aspects highlighted about the new curriculum were:

- Diffusing subject boundaries and learning through discovery and exploration, getting out of definitions and learning through activities and examples.
- Revision of text books and making them more colourful as well as inclusion of workbooks
- Prioritizing on class room transactions
- Comprehensive and Continuous Evaluation and moving from summative to formative style
- A five point rubrics for CCE – Participation, Questioning and Experimentation, Interpretation and Application, Empathy and Cooperation and Creative and Aesthetic Expression
- Teachers diary to be updated regularly with qualitative statements on child's performance and progress which serves as an evidence supporting the CCE

## Initiating a dialogue process

In the past, Public Hearings have been held by the education department to understand the people's perspective and the problems at the grassroots. There is however an inherent element of hierarchy in public hearings which impedes opens and frank deliberations. The 'SikshaBaithak' a unique consultation programme conceived by Save the Children in collaboration with the SarvaSiksha Mission, Kolkata district, held its first meets earlier in the month of April, 2017. This effort brought together all the key stakeholders in the education sector viz a viz the schoolteachers from government and private schools, representatives from the education department, activists, and academicians in an active dialogue process. It was suggested that the SCPCR by virtue of being the ombudsman and vigil for the RTE implementation should also be included as an integral part of future Baithaks.

## Recommendations

Following are the Recommendations of the WBCPCR as emerged from the consultation:



1. WBCPCR recommends setting up more residential schools for specially-abled children which will help them overcome their physical difficulty and continue their study.

2. WBCPCR recommends the appointment of more number of Special Educators as per the Rule 5 Sub Rule 1 Clause C of the Right of Children to Free and Compulsory Education Rules, 2010 as the number of Special Educators is grossly inadequate per circle. It is needed to be mentioned that according to RTE Act, adequate number of Special Educators in every school is mandatory. WBCPCR also recommends enhancing the pay scale of the Special Educators.

3. WBCPCR recommends the publishing of multilingual school text books to help the migrant children of other states to continue their school education in West Bengal. Every year a number of children from Bihar, Jharkhand and other states migrate here whose mother tongue are different. So they remain out of school here due to language barrier. Multilingual text book will attract them in school and thus curb the drop out problem of migrant children.

4. WBCPCR recommends sharing of model teaching technique between NGO and Sarva Siksha Mission. As we all know that many NGOs are doing wonderful work on RTE and have developed alternative teaching methodology which may be incorporated in our teaching process.

5. The RTE Act specifies what constitutes Child Rights violation. However there is not enough clarity on the punitive measures in cases of violation of the act. WBCPCR recommends punitive measures on the violation of RTE guidelines be specified through State Rule modification. The Commission recommends to the Department of School Education of the Government of West Bengal to formulate stringent laws in this regard.

6. WBCPCR recommends training and sensitizing of the teachers of the primary schools to change their mind set in accepting the newer method of learning as introduced by the government. The Syllabus Committee of the Government of West Bengal has come up with an innovative and experimental learning methodology for primary school children. But a common feature witnessed in many primary schools is that the primary teachers are reluctant to open up to this new syllabus. So they must be trained and sensitized and enhanced after the sensitization process.

7. WBCPCR recommends developing residential support system for the children of difficult circumstances.

8. WBCPCR recommends to the Department of Education to formulate a methodology to make the School Managing Committee functional and active.

9. WBCPCR recommends recruiting of non teaching staff in the primary schools. At present primary school teachers are also required to cook and act like multipurpose attendants of the school. It is certainly detrimental to the primary duty of a teacher, i.e teaching.

10. WBCPCR recommends the repealment of section 5 of the West Bengal Government rule, notification No.09SE(S)-SL/5S-116/10-dt., 6th Jan, 2011 related to Corporal Punishment immediately.





## প্রাথমিক স্কুলে শিক্ষাকর্মী নিয়োগ

# শিশুর অধিকার লঙ্ঘনে শাস্তিসহ ১০ দফা সুপারিশ

নিজস্ব প্রতিনিধি, কলকাতা: শিশুর অধিকার লঙ্ঘন করলে কঠোর শাস্তি দিতে হবে। রাজ্যের শিশু অধিকার রক্ষা কমিশনের তরফে এমনই সুপারিশ করা হবে। গত ২৫ তারিখ সর্বশিখা মিশন, সিলেবাস কমিটি এবং একটি স্বেচ্ছাসেবী সংস্থার সঙ্গে বৈঠক করে এই কমিশন। সেখানেই এমন প্রস্তাব দেওয়া হয়। কমিশন সূত্রে খবর, শিশু অধিকার লঙ্ঘন করলে শাস্তি দেওয়ার নিদান রয়েছে শিক্ষার অধিকার আইনে। তাই শিক্ষা দপ্তরকে কমিশনের পক্ষ থেকে আরজি জানানো হবে, যাতে এই সংক্রান্ত কঠোর আইন তৈরি করা হয়। শুধু এটিই নয়, মুখ্যমন্ত্রীর কাছে দশ দফা সুপারিশ জানাতে চলেছে এই কমিশন।

মূলত শিক্ষার অধিকার আইন সার্বিকভাবে কার্যকর করতেই কমিশনের তরফে এই বৈঠক করা হয়েছিল। সেখানে শিক্ষা দপ্তরের কর্তাদের পাশাপাশি জেলা পরিদর্শকদের একাংশও উপস্থিত ছিলেন। কী কী সুপারিশ করতে চলেছে কমিশন? এক প্রেস বিবৃতি দিয়ে তারা জানিয়েছে, রাজ্যে আরও বেশি করে আবাসিক স্কুল খুলতে হবে। এই স্কুলগুলি অবশ্য বিশেষ চাহিদাসম্পন্ন পড়ুয়াদের জন্যই। তারা যাতে সাবলীলভাবে পড়াশুনা করতে পারে, তার জন্যই এটা করা দরকার। এই রকম পড়ুয়াদের জন্য স্পেশাল এডুকেশনিস নিয়োগ করার সুপারিশও করবে কমিশন।

দ্বিতীয়ত, রাজ্যে আরও কয়েকটি ভাষায় পাঠ্যপুস্তক আনা দরকার। কারণ, প্রতিবেশী রাজ্য যেমন, বিহার, ঝাড়খণ্ড থেকে বহু পরিবার এখানে আসে। তাদের ছেলেমেয়েদের প্রথম ভাষা বাংলা নয়। এখানে তাদের মাতৃভাষার বই না থাকায় অনেকেই স্কুলে যেতে পারে না। সেই সমস্যাটা দেখা দরকার। তৃতীয়ত, স্কুলের পরিচালন সমিতিগুলি যাতে ঠিকমতো কাজ করে, সেই বিষয়টি দেখা দরকার। স্কুলশিক্ষা দপ্তরকে নিয়ম তৈরি করতে হবে, যার দ্বারা এই কমিটিগুলি ঠিকমতো কাজ করবে। প্রাথমিক স্কুলগুলিতে শিক্ষাকর্মী নিয়োগ করার সুপারিশও করেছে কমিশন। তাদের যুক্তি, বহু স্কুলে একজন শিক্ষককে পড়ানো ছাড়াও রান্না এবং অন্যান্য আনুষঙ্গিক কাজ করতে হয়। যা খুব একটা কামা নয়। আধুনিক পদ্ধতিতে যাতে প্রাথমিক শিক্ষকরা পড়ান, সেজন্য তাঁদের বিশেষ প্রশিক্ষণ দেওয়া দরকার। সিলেবাস কমিটি নতুন পদ্ধতি বের করলেও শিক্ষকদের একটা অংশ তা অনুসরণ করেন না। এই মানসিকতা বদলাতে হবে। এছাড়াও আরও কয়েকটি সুপারিশ রয়েছে। মুখ্যমন্ত্রী ছাড়াও এই সুপারিশগুলি নারী, শিশু ও সমাজকল্যাণ এবং শিক্ষা দপ্তরে পাঠানো হবে বলে কমিশনের কর্তারা জানিয়েছেন।

'BARTAMAN' Dated 29th April, 2017