

Right to Education Act, 2009-- Key issues of effective functioning - Role and Responsibilities of School Management Committees

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Abstract: *The Right of Children to Free and Compulsory Education Act or 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 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. It presents a tremendous opportunity to overhaul India's education system and change the inequities that exist within it. The Act is enormous in its scope, with various provisions that cover aspects of school management, curriculum, teacher qualifications, pupil-teacher ratio, physical infrastructure, as well as many other provisions regarding access, equity and quality. Moreover, the Act also specifies proper mechanisms for its implementation. Section 21 of the Right to Free and Compulsory Education Act 2009 (RTE), mandates the formation of School Management Committees (SMCs) in all elementary government, government-aided schools and special category schools in the country. The SMC plays an important role in accomplishing the goals of the RTE Act. The present article is an attempt to study the functioning of SMC in the implementation of the Right to Education Act, 2009.*

Key Words: *Right To Education, School Management committees, Sarva Shiksha Abhiyan (SSA) , Constitution, Free and compulsory education.*

1. INTRODUCTION:

The 86th Constitutional Amendment (2002) inserted Article 21A in the Indian Constitution which states: "The State shall provide free and compulsory education to all children of 6 to 14 years in such manner as the State, may by law determine." As per this, the right to education was made a fundamental right and removed from the list of Directive Principles of State Policy. The RTE is the consequential legislation envisaged under the 86th Amendment. The article incorporates the word "free" in its title. What it means is that no child (other than those admitted by his/her parents in a school not supported by the government) is liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. This Act makes it obligatory on the part of the government to ensure admission, attendance and completion of elementary education by all children falling in the age 6-14(six to fourteen) years. Essentially, this Act ensures free elementary education to all children in the economically weaker sections of society.

2. OBJECTIVES OF THE STUDY:

- To study the Right to education Act and other programs and facilities available under the Right to Education act
- To examine the social and educational background of the parents and students ,and their attitude towards the School education.
- To identify the perception of the parents of the parents on present school management committees SMC educational schemes and programs schools.
- To study the impact of educational programs Right to education Act.

- To assess the educational gaps and suggest suitable remedial measures for improvement of their education.

3. METHODOLOGY:

The research depends on secondary data, the related data will be collected from books. Magazines, annual reports, documents, news papers journals thesis and etc .This paper tries to analyze impact of SMC on student's access to education and quality of education with the analysis of this secondary data.

4. Constitutional provisions View :

Originally Part IV of the Indian Constitution, Article 45 and Article 39 (f) of DPSP, had a provision for state-funded as well as equitable and accessible education.

- The first official document on the Right to Education was Ramamurti Committee Report in 1990.
- In 1993, the Supreme Court's landmark judgment in the Unnikrishnan JP vs State of Andhra Pradesh & Others held that Education is a fundamental right flowing from Article 21.
- Tapas Majumdar Committee (1999) was set up, which encompassed the insertion of Article 21A.
- The 86th amendment to the constitution of India in 2002, provided the Right to Education as a fundamental right in part-III of the Constitution.
- The same amendment inserted Article 21A which made the Right to Education a fundamental right for children between 6-14 years.
- The 86th amendment provided for follow-up legislation for the Right to Education Bill 2008 and finally the Right to Education Act 2009.

Features of Right to Education (RTE) Act, 2009. The RTE Act aims to provide primary education to all children aged 6 to 14 years. It enforces Education as a Fundamental Right (Article 21). The act mandates 25% reservation for disadvantaged sections of the society where disadvantaged groups include: SCs and STs, Socially Backward Class, Differently-abled persons It also makes provisions for a non-admitted child to be admitted to an age- appropriate class. It also states that sharing of financial and other responsibilities between the Central and State Governments. It lays down the norms and standards related to:

- Pupil-Teacher Ratios (PTRs)
- Buildings and infrastructure
- School-working days
- Teacher-working hours.

It had a clause for "No Detention Policy" which has been removed under The Right of Children to Free and Compulsory Education (Amendment) Act, 2019. It also provides for the prohibition of deployment of teachers for non-educational work, other than decennial census, elections to the local authority, state legislatures and parliament, and disaster relief. It provides for the appointment of teachers with the requisite entry and academic qualifications. It prohibits

- Physical punishment and mental harassment
- Screening procedures for admission of children
- Capitation fee
- Private tuition by teachers
- Running of schools without recognition

It focuses on making the child free of fear, trauma and anxiety through a system of child-friendly and child-centered learning.

The Positive Aspects of the RTE ACT

The Act forces state governments to make sure that every child in the age group of 6-14 years under their jurisdiction receives at least eight years of education in a school that is able to meet the minimum standards. Children admitted like so, will be allowed to complete their elementary education even after 14 years of age as well. Authorities

are also obligated to identify dropouts or other children who have never been to school and allocate them to age-appropriate classes after providing special training to make sure they do not fall behind. Free education does not mean the exemption of the tuition fees alone.

Every private school is required by the Act to ensure that 25 percent of the children enrolling for their incoming class are from weaker sections and disadvantaged communities. This quota cannot be left empty. The teacher-student ratio is fixed at 1:30 for each school and has to be complied with. This ensures that the teacher is able to give equal importance to all students in a given class. The financial weight of such an elaborate scheme covering such a massive population have been agreed to be split by the central and state governments in a 55:45 ratio.

These are a few key aspects of what is a very elaborate effort by the Indian government in bringing about a change in the country by reducing illiteracy and providing education to the masses.

Problems and Challenges

All of the afore mentioned points sound really appealing and nice on paper. The actual implementation is actually far from easy and even after more than ten years, there is much more to be seen in terms of changes brought about by the act. There are many reasons for this.

Lack of Funds allocation

The first thing that immediately comes up is the glaring deficit of funds in order to implement every aspect of this Act as efficiently as possible. Despite the state and central governments coordinating it is not a small amount that is required to educate such a large population. Many state governments initially came out and said that they would require additional funds in order to implement the Act. The Orissa government then also made a demand that the state should be allocated into a special category.

Infrastructural scarcity

The Act aims for schools to keep up a minimum standard of infrastructure for students. Basically, making sure that with free education there is no lack of necessary student amenities such as availability of drinking water, clean kitchens for midday meals, number of classrooms and their capacities, playgrounds and finally separate toilets for boys and girls. The underlying reality is that most schools still do not meet such basic requirements and come up short in many aspects. A survey conducted by the National University of Education Planning and Administration revealed that roughly half of the elementary schools in the country do not have separate toilets for girls.

Shortage of Qualified Teachers

A much less evident problem is the lack of qualified teachers in most schools across India. It is predominant in the government schools in rural areas, but private schools are also susceptible to the same problem. Even where there are qualified teachers, the average teacher-student ratio is much higher than the prescribed 1:30 in the Act. This disappointing shortage of teachers is very detrimental to the cause of educating such a big population.

No Detention Policy

The policy of not detaining students in a class as prescribed by the Act is one that has proved to be a loophole. What this means is that, there is no insistence on a formal examination that a student must write and pass before being promoted to the next class. The measure was taken to reduce the chances of a student dropping out of school in case they were detained. A direct offshoot of this is that it fails to examine a students' knowledge base.

Achievements of Right to Education Act, 2009

The RTE Act has successfully managed to increase enrolment in the upper primary level (Class 6-8). Stricter infrastructure norms resulted in improved school infrastructure, especially in rural areas. More than 3.3 million students secured admission under the 25% quota norm under RTE. It made education inclusive and accessible nationwide. Removal of "no-detention policy" has brought accountability in the elementary education system.

- The Government has also launched an integrated scheme, for school education named Samagra Shiksha Abhiyan, which subsumes the three schemes of school education:
- Sarva Shiksha Abhiyan (SSA)
- Rashtriya Madhyamik Shiksha Abhiyan (RMSA)
- Centrally Sponsored Scheme on Teacher Education (CSSTE).

Limitation of Right to Education Act, 2009 The age group for which Right to Education is available ranges from 6 – 14 years of age only, which can be made more inclusive and encompassing by expanding it to 0 – 18 years. There is no focus on the quality of learning, as shown by multiple ASER reports, thus the RTE Act appears to be mostly input-oriented. Five states namely Goa, Manipur, Mizoram, Sikkim and Telangana have not even issued the notification regarding 25% seats for underprivileged children of society under the RTE. More focus is being given to statistics of RTE rather than the quality of learning. Lack of teachers affects the pupil-teacher ratio mandated by RTE which in turn affects the quality of teaching. School Management Committees (SMCs)

Composition of the SMC

Keeping in view the power dynamics that exist in a community and also its heterogeneous nature, the Act has tried to ensure representation of different segments of the community in the SMC, especially reserving 50% seats for women. In the Central Rules, the composition suggested is as follows: Three fourth (75%) of members of the SMC must be from the parents/ guardians. From the 50% must be women. Weaker sections are to be represented in the SMC in proportion to their population in the village. Rest one fourth (25%) must be as; (1/3rd local authorities; 1/3rd school teachers; 1/3rd academicians/ students }

5. Formation of SMCs: Some Critical Issues :

Participation of Women Members:

The RTE Act very clearly designates 50% place for women (mothers) among the elected members. It is also desirable that a woman member is made the President of the committee. It is important to ensure that women's representation must not be taken as mere tokenism rather women must be encouraged to play a positive role as members and participate constructively in the committee.

Formation of SMC

The process of constituting SMC could be as follows:

- General Body (GB) meeting of parents/guardians - all parents/guardians of children studying in the school will constitute the membership of the GB of the SMC.
- The GB members will elect representation of parents as per RTE norms for the executive committee of the SMC, by consensus or, if needed, by voting.
- Teachers and other members (1/3rd of the SMC) along with the elected members from the parents will constitute the Executive Committee of the SMC
- In turn, they will elect office-bearers of the SMC as per norms specified in the Act.
- The SMC can also constitute sub-committees including members from the GB for specific functions, and all these committees would be responsible for the GB of the SMC.

Functions of SMCs

- In addition to the RTE provisions, the Act, states that the following functions should also be performed by SMC:
- Communicate in simple and creative ways to the population in the neighborhood of the school, the rights of the child as enunciated in the Act; and the duties of the appropriate government, local authorities, school, parent, and guardian;
- Ensure the enrollment and attendance of all children, especially, the disadvantaged and weaker sections;
- Ensure that weaker sections are not discriminated against.
- Monitor the identification and enrollment of children with special needs;
- Ensure that the rights of children specified in the Act are met promptly and the basic provisions entitled to children are provided promptly;
- Prohibit private tuition or private teaching activity by teachers;
- Monitor that teachers are not burdened with non-academic duties.
- Making the School Development Plan(SDP) as per the RTE guidelines/norms
- Supervising and supporting the implementation of SDP.

Role and Responsibilities of SMCs

Based on the provisions mentioned in the RTE Act and, there are at least four major roles that the SMCs can play. All SMCs are management bodies created for the decentralized governance of the school to ensure that quality education is imparted to all categories of children, without discrimination. As a structure of management, SMCs are the first level of governance. SMCs can also be seen as a means of mobilizing community resources for the school- linking schools with the local community. The school is intrinsically linked to the community. The school and the community can work together in harmony. SMCs can create a sense of community ownership of schools in their locality. SMCs can mobilize the community for the development of the school.

Key Issues for Effective SMC

SMCs have the potential to make a tremendous impact and transform the existing system of education which is characterized by pessimism and the defeatist outlook of the system, even by its primary stakeholders. Through its positive action and constructive dialogue with other stakeholders, the SMC can work towards reinstating a well-functioning school system. But some key issues need to be addressed for the SMCs to function effectively and smoothly.

Awareness about Rules and Roles:

For the SMC, to function effectively there is a need to create awareness among the members about their roles and functions as specified in the RTE Act and to educate them on how this Right can play a key role to address their educational related issues. Headmasters, teachers and especially parents are not fully aware of the composition, functions, and structure of SMC. A greater effort is required to encourage headmasters to share information with parents.

Effective Level of Participation of Parents:

Parent understands of their roles as members and their level of participation is a very crucial factor behind the success of this whole concept of SMCs. As the first unit of decentralization, it can go a long way in improving school facilities if parents' are active participants.

Member's Communication with the Higher Authorities:

There is a need to encourage committee members to bridge the communication gap with the Government Officials and work collaboratively for the betterment of the school. The headmaster can act as a proper bridge between the members and other stakeholders.

Empowering SMCs to Create SDP:

SDP or School Development Plan is the essence of the change that has been sought through the SMC. RTE implementation guidelines visualize preparation of School Development Plan, using School Mapping, and Micro-planning (SM&MP) exercise. Through the processes of School Mapping and Micro Planning, local stakeholders are involved in the educational process.

Social Mapping:

"The most important resource of any community is its local wisdom and knowledge." Social mapping enables the community to harness their local wisdom and knowledge to identify their educational needs and problems, based on which they can formulate and implement School Development Plan and also monitor and evaluate the whole process.

Implementation Challenges:

Community members lack awareness regarding the roles and responsibilities of SMCs. SMC members have limited capacity for school monitoring and planning due to inadequate training and social hierarchies. Merely setting up of the committee is not enough. Most states do not contextualize the roles and responsibilities of SMC. Moreover, there are also no clear mechanisms through which the functioning of SMC and participation of its members be evaluated.

6. CONCLUSION:

Under the RTE Act 2009, parents have been entrusted with certain powers through the SMC elected by them; the proper exercise of the same can initiate a process of improving schools for the betterment of children, school, society and ultimately the country. (Dayaram, 2011) For that to get actualized, the community at large and the SMC members, in particular, have to be supported through training and capacity building. It would be impossible for RTE to succeed without the people's support and ownership. The RTE mandate for age-appropriate admission of every out-of-school child, special training for each child to enable him/ her to cope in school, promoting child-friendly child-centered and

activity-based learning processes, which is free of anxiety, trauma and fear, set the agenda for proactive community participation. Community participation would be a central and overarching factor in planning, implementation and monitoring interventions for universal elementary education. To facilitate such massive mobilization and solicit active participation, SMCs, as a microcosm of the society, can collaborate with the larger community and go a long way.

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