



TEACHER'S ROLE IN IMPLEMENTATION OF RIGHT TO EDUCATION

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ABSTRACT

Right to education act (RTE 2009) enacted in 2009 has ushered in hope for school education in the country. It is the culmination of efforts made by Educationists, members of the civil society and judiciary for the last many years free and compulsory education for all the children had been a debated even pre-independence years. It made its way into the constitution as a directive principle of the state policy under the former Article 45 whereby states were required to ensure to all children till the age of 14 years within a period of 10 constitution.

KEY WORDS : Right To Education Act 2009, Salient Features Of Rte Act 2009, Role Of Head Of School In Implementation Of Rte Act, Role And Duties Of Teachers, Protection Of Rights Of Children

INTRODUCTION

Right to education act (RTE 2009) enacted in 2009 has ushered in hope for school education in the country. It is the culmination of efforts made by Educationists, members of the civil society and judiciary for the last many years free and compulsory education for all the children had been a debated even pre-independence year. It made its way into the constitution as a directive principle of the state policy under the former Article 45 whereby states were required to ensure to all children till the age of 14 years within a period of 10 constitutions.

The right of children to free and compulsory education act came in force from April 1, 2010. This was a historic day for the right of the education will be accorded the same legal status on the right to life as provided by Article 21 of the Indian constitution. Every child in the age group of 6-14 year will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his /her neighbourhood.

All private schools shall be required to enroll the children from weaker section and disadvantaged communities in their incoming class to the extent of 25% of their enrollment by simple random selection. No seats in this quota can be left vacant. All schools have to prescribe to norms and standards laid out in the act and no school that does not fulfill this standard within 3 years will be allowed to function.

RIGHT TO EDUCATION ACT, 2009

- It is an important legislation in the field of education. It has come into force with effect from 01/04/2010.
- Now education upto elementary level has become a fundamental right of every child aging 6-14 yrs.

**SALIENT FEATURES OF RTE ACT 2009**

- Every child of the age of six to fourteen years shall have a right to free and compulsory Education in a neighbourhood school till completion of elementary education.
- Neighbourhood school means a primary school in vicinity of 1 Km and an upper primary school in the vicinity of 3 Km of every habitation.
- Duty of the appropriate govt/local authority to provide
 - i. Free and compulsory education to every child.
 - ii. To establish school within limits of prescribed neighbourhood.
- Unaided Pvt. recognized schools and schools of special category to admit 25% children from economically weaker section and disadvantaged group in class I and reimbursement thereof.
- No capitation fee and screening procedure for admission.
- No child shall be denied admission in a school for lack of age proof and in extended period of admission.
- The Act prohibits holding back in any class and expulsion of child admitted in a school till completion of elementary education.
- Prohibition of physical punishment and mental harassment to child.
- No school to be established or can function after the commencement of the Act without obtaining certificate of recognition from appropriate Government which can be obtained subject to fulfillment of norms and standards of the school as per RTE Act.
- Constitution of School Management Committee in every school except unaided pvt. recognized schools.
 - 75% representation from parent members.
 - 50% representation from women.
 - Representation from SC/ST and disadvantage group.
 - Minimum qualification as laid down by Government is required for appointment of a teacher.
 - Duties of teachers and provision of redressal of their grievances.
- Curriculum and evaluation procedure for elementary education shall be laid down by an academic authority.
- Delhi SCERT has been notified as Academic authority for the above purpose.
- No board examination till elementary education and award of certificate on completion same.
- Provision of protection of child rights and redressal of their grievances.
- Constitution of National and State Advisory councils.
- For carrying out the provisions of this Act, Delhi Government has notified its rules under the title, "Delhi Right of Children to Free and Compulsory Education Rules, 2011"
- Creating awareness in the neighbourhood of the school regarding right of child (6-14 yrs) for seeking compulsory education through students, teachers and parents and identifying children who are out of school.

Role of Head of School in implementation of RTE Act

- Providing admission to out of school children in age appropriate class and special training to them.

- Ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years studying in school.
- Ensure that there is no discrimination and segregation of children belonging to weaker section, dis-advantage group, children with special need which prevent them from completing elementary education.
- No child is subjected to caste, religion, gender abuse.
- Ensuring that children in school get good quality elementary education conforming to standards and norms specified in the schedule.
- No delay in issuance of transfer certificate as and whenever required by the child.
- Maintain records of the children admitted in a school as prescribed.
- No physical punishment or mental harassment.
- Ensuring the constitution of School Management Committee as prescribed and timely preparation of school development plan.
- To ensure that children admitted in school get timely benefits of their rights like free books, uniforms, stationary, mid day meal, benefits of welfare schemes etc.
- **Ensure** that teachers perform their duties namely regularity and punctuality in attending the school.
- Timely completion of entire curriculum within prescribed time frame as prescribed by academic authority.
- Assess the learning ability of each child and accordingly supplement additional instructions, if any as required.
- Hold regular meetings with parents and guardians.
- Ensure that teachers attend training programmes and takes part in developing the curriculum, syllabi, training modules and text book development and any other duties as prescribed by the govt. from time to time.
- Ensure that child completing elementary education is being awarded a certificate as prescribed by the government.

ROLE AND DUTIES OF TEACHERS

Minimum qualification for purposes of section 23 (1) – (1) The academic authority notified in pursuance of sub – section (1) of section 23, shall, within three months of such notification, lay down the minimum qualification for persons to be eligible for appointment as a teacher in an elementary school.

The minimum qualification laid down by the academic authority referred to in sub – rule (1) shall be applicable for every school referred to in clause (n) of section 2.

Relaxation of minimum qualification for purposes of section 23 (2). – The Government shall estimate the teacher requirement as per the norms mentioned in the Schedule for all schools referred to in clause (n) of section 2 within the State, within six months from the commencement of the Act, and the number of institutions required for offering courses or training in teacher education, If the number of such institutions are found to be inadequate to train estimated requirement of teachers or the number of teachers available is less than the estimated number of teachers, the Government shall make representation to the Central Government for relaxation of minimum qualifications required for appointment as a teacher.

Acquiring minimum qualifications under proviso to section 23 (2). – The Government, with the help of government aided and unaided teacher training institutions, shall provide adequate teacher education facilities to ensure that all teacher in all types of schools referred to in sub – clauses (i) and (iii) of clause (n) of section 2, who do not possess the minimum qualifications

laid down under sub – rule (2) of rule 15 at the time of commencement of the Act, acquire such minimum qualifications within a period of five years from the commencement of the Act or the date of their appointments as per sub – section (2) of section 23, as the case may be.

Salary and allowance and conditions of service of teachers for purpose of section 23 (3). – (1) The Government or the Local Authority, as the case may be, shall specify terms and conditions of service and salary and allowances of teachers employ only if in order to create a professional and permanent cadre of teachers.

In particular and without prejudice to sub – rule (1), the terms and conditions of service shall take into account the following norms, namely :

A. accountability of teachers to the School Management Committee constituted under section 21;

B. Provisions enabling long term stake of teachers in the teaching professions.

Duties to be performed by teachers for purpose of clause (f) to section 24 (1). – (1) For proper performance of the functions specified in sub – section (1) of section 29, the teacher shall maintain a file containing the Pupil Cumulative Record for every child which shall form the basis for awarding the completion certificate specified in sub – section (2) of section 30.

In addition to the functions specified in clauses (a) to (e) of sub – section (1) of section 24, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching namely :

A. participation in training programmes;

B. participation in curriculum formulation and development of syllabi, training modules, text book development and development of evaluations;

C. identification of out of school children within the locality and ensuring their enrollment in the neighborhood school.

D. Ensuring attendance of children enrolled in the school.

E. Grievance Redresal mechanism for teacher for purposes of section 24 (3). –

F. A teacher or employee of a school other than a school run by Government or Local Authority, who is aggrieved by any to the decisions of the management regarding his or her service conditions or a teacher or an employee, -

G. who is dismissed or removed or whose services are otherwise terminated or who is reduced in rank, by the order passed by the management; or

H. who is superseded by the management while making an appointment to any post by promotion and shall have a right of appeal and may appeal against such order or supersession to the tribunal constituted under section 8 of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act. 1977 (Mah. III of 1978).

The appeals so preferred shall be governed by the provisions of sections 8, 9, 10, 11, 12, 13 and 14 of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977 (Mah. III of 1978) and the Rules 39 ad 43 of the Maharashtra Employees of Private School (Condition of Service) Rules, 1981.

Maintaining Pupil – Teacher Ratio in each school for purposes of section 25. – (1) The Government or the Local Authority, as the case may be, may redeploy teachers of schools having a strength in excess of the sanctioned strength on 31st of July every year.

If any officer or employees of the Government or the Local Authority violating the provisions of sub – section (2) of section 25, he or she shall be personality liable for a disciplinary action.

PROTECTION OF RIGHTS OF CHILDREN

Performance of functions by the State Commission for Protection of Child Rights for purpose of section 31. – (1) The State Commission for Protection of Child Rights, shall set up a child help – line, accessible by as S. M. S., a telephone and letter, or any other such facilities, which would act as the forum for aggrieved child or guardian to register complaint regarding violation for rights under the Act, in a manner that records his or her identity but shall not disclose it.

Constitution and Functions of the State Advisory Council for the purpose of section 34. – (1) The State Advisor Council shall consist of a Chairperson and fourteen Members.

The Minister and Minister for State for School Education, of the Government shall be the ex – officio Chairperson and Vice – Chairperson, respectively, of the Council.

Members of the Council, shall be appointed by the State Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, as under, namely: -

- A. At least four members should be from amongst persons belonging to scheduled Castes, Scheduled Tribes and Minorities;
- B. At least on members should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
- C. One member should be from amongst persons having specialized knowledge in the field of primary education.
- D. At least two members should be from amongst persons having specialized knowledge in the field of primary education.
- E. Fifty percent of such members shall be from amongst women.
- F. The Department of School Education and Sports shall provide logistic support for meeting of the Council and its other functions.
- G. The procedure for transaction of business of the Council shall be as under, namely; -
 1. the Council shall meet regularly at such times as the Chairperson thinks fit but a period of three months shall not intervene between its last and the next meetings;
 2. the meetings of the Council shall be presided over by the Chairperson. If for any reasons the Chairperson is unable to attend the meeting of the Council, he may nominate the Vice – Chairperson of the Council to preside over such meeting on his behalf. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.

The terms and conditions for appointment of Members of the Council shall be as under, namely –

- A. every non – official member shall hold office for a term of two years from the date on which he assumes office:
Provided that, no member shall hold office more than two terms:
- B. the member may be removed from his office by an order of the Government on the ground of proved misbehaviour or incapacity, or on the happening of any one or more of the following event, namely –
 - i. is adjudged an insolvent; or
 - ii. refuses to act or become incapable of acting; or
 - iii. is or has become of unsound mind and stands so declared by a competent court; or
 - iv. has so abused his office as to render his continuance in office detrimental to the public interest; or



- v. is convicted for an offence involving moral turpitude by a competent court; or
 - vi. is, without obtaining leave of absence from the Council, absents himself for two consecutive meetings of the Council;
- (a) no members shall be removed from his office without being given an adequate opportunity of being heard;

Members shall be removed from his office to reimbursement of traveling and daily allowances for official tours and journeys in accordance with the orders issued by the Government in relation to non – official members of the Committees and Commissions and such like categories or person.

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