Educational Rights of Children with Special Needs

Frequently Asked Questions
Schools that are inclusive are effective schools for all children
The gains in education of children over the past decades have been phenomenal. Yet inequalities persist, for there are a large number of children who are not in school or able to complete the full cycle of education. The enactment of the Right of Children to Free and Compulsory Education (RTE) Act in 2009 was a milestone decision for the children of our country. This Act mandates free and compulsory elementary education in a neighbourhood school to all children in the age group of 6 to 14 years. It lays down specific provisions for children belonging to disadvantaged groups and weaker sections, including those with special needs. The implementation of this Act has been made possible through several initiatives, including the Sarva Shiksha Abhiyan (SSA), a flagship programme of Government of India (GOI), of which, inclusive education is a vital component.

It has been globally recognised that inclusion becomes a reality when teachers are supported by special educators, parents and other stakeholders; with each of them aware of their specific role and directly involved in the educational process. In accordance with this need, the present book demystifies the legal jargons related to the RTE Act and creates awareness of the educational rights of all children. Along with the several new amendments, rules, guidelines, and norms of the RTE Act, this book highlights the recent provisions made under the Rights of Persons with Disabilities (RPwD) Act, 2016.

I hope this book proves to be useful to facilitators of inclusive education and all other stakeholders who seek a deeper understanding of the RTE Act and its implications for children from disadvantaged groups and weaker sections. Constructive comments on this book are welcome.

Hrishikesh Senapaty
Director

New Delhi
November 2017
The book *Educational Rights of Children with Special Needs: Frequently Asked Questions* is the result of a team effort to develop a comprehensive document to shed light on the provisions for the educational rights of all children, including those with special needs, under the Right of Children to Free and Compulsory Education (RTE) Act, 2009 as well as the Rights of Persons with Disabilities (RPwD) Act, 2016.

This book has materialised through intensive research, discussions, and workshops. A team consisting of an advisory committee and other professionals working in the field, collectively dwelt on various aspects related to the objectives, content, presentation style, dissemination, and use of the document. While delineating the questions, the major thrust was on understanding the basic educational rights of children belonging to disadvantaged groups and weaker sections of society, particularly focusing on children with special needs.

Through this book, an attempt has been made to answer questions on the educational rights of children by using existing information from the RTE Act. The Act itself is a legal document, the language of which may be complex and inanimate for many readers. Through the interactive layout, theme-based discussion, and conversational tone used for explaining the provisions made under the Act, the legal document has been made accessible to all the readers. The book also refers to relevant sections on inclusive education from the Rights of Persons with Disabilities (RPwD) Act, 2016 and *Some Inputs for Draft National Educational Policy, 2016*, wherever required, to highlight the current educational policy of the Government with regards to children with special needs. While going through the book, the reader will come across information on the roles, responsibilities, and functions of the appropriate government at different levels (Central, State, Union Territory, and local) for implementation of the RTE Act. The book includes sections on designing curriculum and evaluation procedures as outlined in the National Curriculum Framework, 2005, especially
with regards to children with special needs. Further, it draws attention towards the existing legal framework for the protection of child rights. The salient features of the RTE Act identified in the book are suggestive and not prescriptive.

This document has been prepared with a focus on the latest information available on the Ministry of Education (MoE), erstwhile Ministry of Human Resource Development (MHRD) website. The Annexure appearing at the end of the book contains web links for related and updated information on the RTE Act. While this book covers all major aspects of the RTE Act in detail, it does not claim to be exhaustive in its coverage (sections, amendments, rules, guidelines, and norms may vary across different States). The content is intended to help in creating the required awareness about the rights and duties of parents, guardians, and teachers toward their child’s education under the RTE Act, especially those belonging to disadvantaged groups and weaker sections of society.

We hope that this book, which endorses the rights of all the learners to be respected as individuals, will help facilitate and promote greater awareness of the inclusive, non-discriminatory, and equitable educational rights of all children in our country.

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Overview

The Right of Children to Free and Compulsory Education Act, 2009 is a landmark legislation towards the universalisation of elementary education in India. This Act, commonly referred to as RTE Act, 2009, is of critical importance in the constitutional history of India and has relevance for generations of children to come. It champions the cause of children in India, particularly those who are marginalised due to their caste, class, gender, religion, language, and other inequalities. All children are promised to be safeguarded by this Act. This recognition of the educational rights of all children, including those with special needs, whether they have a disability and/or belong to disadvantaged groups and weaker sections, is a feature that thrusts the RTE Act, 2009 towards inclusion and equity, the guiding principles of the educational policy of the Government of India (GoI).

More recently, the Rights of Persons with Disabilities (RPwD) Act, 2016, makes provisions for ‘Inclusive Education’ for all, particularly children with special needs. Along with the provisions made under the RTE Act and the RPwD Act, the GoI has further made its intention clear to provide quality education for all, at regular school settings, as is reflected in the suggestions included in the policy document titled ‘Some Inputs for Draft National Educational Policy, 2016.’ Therefore, the onus is now on the appropriate government and local authorities to make accessible quality education at elementary levels, in regular school settings, to all children in the 6–14 years’ age group, including those with special needs.

Why this Book?

The book Educational Rights of Children with Special Needs: Frequently Asked Questions has been prepared to highlight inclusion in the RTE Act.
The Right of Children to Free and Compulsory Education Act, 2009 subsumes children with special needs under the phrase “children from disadvantaged groups and weaker sections.” This book, therefore, also follows suit. However, wherever a need has been felt to specify children with special needs, it has been done.

The book has been prepared to achieve the following objectives:

- create awareness about the educational rights of all among various stakeholders, including teachers, parents, and other community members;
- disseminate information on how each provision in the RTE Act applies to all children, including those from disadvantaged groups and weaker sections; and
- enable educational administrators, teachers, and others to effectively implement the provisions made under the RTE Act and RPwD Act for children with disabilities, as well as provisions made under RTE Act for children from disadvantaged groups and weaker sections.

Layout of the Book

This book is a comprehensive document that covers all major aspects of the RTE Act, including relevant sections and clauses, amendments, rules, guidelines, and norms. The eight chapters in this book follow the thematic sequence of the Act itself. Each chapter starts in a novel way, using voices of characters with subtle messages that are in tune with the content.

It is hoped that the reader will identify these messages and be inquisitive to learn more. This is followed by an introductory aim of the chapter that briefs the issues covered within. Along with the

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The Right of Children to Free and Compulsory Education Act, 2009 subsumes children with special needs under the phrase “children from disadvantaged groups and weaker sections.” This book, therefore, also follows suit. However, wherever a need has been felt to specify children with special needs, it has been done.
answers to the FAQs, there are many success stories incorporated within the text to better understand the provisions of the RTE Act.

The book also uses illustrations and graphics liberally, to convey information for ready reference. A conscious decision has been taken to make the illustrations and information boxes catchy. These are not only useful for quick information but also act as a break between the text covering legal aspects that may be tedious and disengaging for the practitioners. Additionally, the book contains relevant published news stories in the form of newspaper clippings. These stories, while not entirely recent, have contemporary relevance. They are all events that highlight key developments that have taken place since the enactment of the RTE Act.

**Introduction to the Chapters**

The book has been divided into eight chapters, each dealing with a specific aspect of the RTE Act and related legal provisions for ensuring all children’s right to education.

Chapter 1, ‘Understanding the RTE Act’, sets the scene with a detailed overview of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). This includes the amendments and relevant rules, regulations, norms, and guidelines. The chapter opens by briefly outlining the RTE Act and delving into its historical backdrop, including a timeline from when it was first introduced in the Parliament as a Bill in 2003 till its enactment in 2009 and subsequent Amendment in 2019. Additionally, the chapter explains the significance of fundamental rights and underlines the uniqueness of this Act. Since the broad aim of the book is to demystify and de-jargonise the legal language of the RTE Act, care has been taken in this chapter to define and explain, as best as possible, the key terminology used within the Act without deviating from their essential implications.

The chapter also addresses questions related to the primary actors and beneficiaries of the RTE Act. After highlighting subtle state-wise differences and interpretations, the focus is on the application of the Act for children with special needs, and other marginalised children as well, as its significance in light of the
Rights of Persons with Disabilities Act, 2016. This chapter ends by debunking some common myths related to Children with Special Needs (CWSN) which maybe especially useful for teachers with CWSN in their classrooms. The information boxes, in this chapter, include definitions and variations in state-wise interpretations of key terminology, information on prohibition of child labour, and fundamental rights.

More significantly, the chapter provides insights into the more recently implemented Rights of Persons with Disabilities (RPwD) Act, 2016, as well as the National Trust Act. It includes the revised definitions and categories of disabilities as recognised by the GoI.

The second chapter in this book, ‘Understanding Specific Rights of Children’ belonging to Disadvantaged Groups and Weaker Sections, focuses on the specific educational provisions and rights of children with disabilities and those from disadvantaged groups and weaker sections of society. This entails detailing the particular responsibilities of School Management Committee (SMC) members and duties of appropriate governments, local authorities, and institutions in ensuring and safeguarding the education of all children as well as promoting and facilitating inclusion in educational structures. Insight is taken not only from the RTE Act, 2009 but also from the RPwD Act, 2016. The chapter defines and discusses some disabilities and their requisite needs like home-based education, age relaxation, etc. It discusses in detail, the provisions made under RPwD Act for ‘Inclusive Education.’ The chapter also throws light on the educational needs of children affected by migration, and the provisions allowed to ensure their smooth education. The boxed information in this chapter includes a narrative account of the inclusion of a special-needs child in school, and pictorial depiction of unacceptable labelling of children.

An act alone does not materialise into action that ensures safeguarding of the rights of individuals. Officers and other personnel are entrusted with duties and responsibilities, that result in the implementation of various provisions of an act. Chapter 3 of this book, ‘Implementing the RTE Act: Duties of Key Personnel’, centres on these duties and responsibilities with regard to the RTE
Act. It lays out the main responsibilities of the Central Government as well as the essential duties of all appropriate governments, whether Central, State, Union Territory, or local. This includes, but is not limited to, arranging financial and technical support, developing appropriate structures of teacher training, enforcing policy, and ensuring follow through in implementation while engaging in research and development activities.

The chapter also addresses the role and composition of SMCs, as well as the nature and functions of National and State Advisory Councils for effective implementation of the RTE Act. The illustrations and information boxes in this chapter include an organogram of RTE Act implementing authorities and women’s participation in SMCs.

It is widely recognised that when teachers and parents work in tandem, it helps children progress well in school. While this involvement is beneficial for all students, children with disability related special needs, and those belonging to disadvantaged groups and weaker sections gain more. Parents know their children well and they need to feel empowered to voice their concerns. They also need to understand their rights under the RTE Act.

Chapter 4, ‘Involving Parents’, creates awareness about these and other related issues. It highlights the moral responsibility of every parent or guardian to admit their children in school. The chapter highlights the role of parents in planning and managing school programmes through their major representations in SMCs. It delves into their duties and obligations as parents for the education of their children. The chapter covers some important questions like who a parent or guardian is, how parents can share the responsibility of educating children, how a child, who has no parents, can go to school, whether parents face penalty for not sending their children to school, etc. The content placed in the boxes highlight the significance of the RTE Act related to monitoring the right to education, the process of redressal of grievances, and SMC rules. The selected pictorial depictions and newspaper clippings focus on the education of the girl child and conversation among SMC members that bring forth important issues such as the participation of women and parents of children with disabilities.
‘Schools for All’, the fifth chapter in this book, addresses the requirements and guidelines that apply to schools under the RTE Act. The Act prescribes certain minimum norms and standards for all schools. These are explained in detail through questions and answers as well as through information boxes and fictional narrative accounts. Barrier-free access to schools, the proximity of school to home, the guidelines for admissions, the minimum infrastructural requirements of schools, etc., are all issues that are addressed in this chapter. Additionally, this chapter highlights the main duties and responsibilities of appropriate governments for promoting access and attendance in schools by focusing on school improvement.

Issues like out-of-term school admissions; minimum reservations for free education; action against schools for non-compliance; school development plans; and overall monitoring of effective implementation of RTE Act are also addressed across this chapter. Government schemes such as the ‘Accessible India Campaign (Sugamya Bharat Abhiyaan)’ to make India ‘disabled-friendly’ by the Department of Empowerment of Persons with Disabilities (DEPwD), Ministry of Social Justice and Empowerment, are also discussed. The boxes in this chapter consist of pictorial depictions of the Braille script and sign language, accounts of children overcoming difficulties, and gaining access to school education and information on compulsory requirements; for example, playgrounds in all schools.

Chapter 6, ‘Empowering Teachers’, pivots around the roles and responsibilities of teachers as per the RTE Act. It provides details about the minimum qualifications of elementary school teachers, including essential training requirements for teaching children with special needs. The emphasis is on the role of the teacher as an indispensable part of school education and their rights and duties within it. Teachers are the driving force of the system of education all across the world. It is this group of professionals that is entrusted with sustaining and empowering the education system of any society. Yet, they often are some of the most disempowered professionals of the education system. The RTE (Amendment) Act, 2015 under Section 21A makes provision for a four-step grievance redressal mechanism for teachers, thereby
ensuring them timely as well as effective remedy and assistance. This chapter also addresses issues like the teachers’ professional concerns and their career related anxieties. The information boxes in this chapter detail the responsibilities of schools and teachers in terms of norms and standards, a list of do’s and don’ts for teachers according to the RTE Act, a narrative account of the teachers’ grievance redressal and a teacher’s initiative in enabling inclusive learning.

‘Access to Curriculum’, the seventh chapter of this book, highlights the ways in which the curriculum is made accessible to all children keeping in mind their varied needs. It begins with locating the responsibility of designing the curriculum and evaluation procedures with the concerned authorities and organisations. This chapter highlights how the curriculum is aligned with constitutional values and consequently how it caters to the needs of all children as outlined in the National Curriculum Framework, 2005.

This chapter also refers to the policy document ‘Some Inputs for Draft National Educational Policy, 2016’ to provide a glimpse of modifications and changes suggested in the educational policy of the Government. There are specific curricular considerations for children with special needs and those from disadvantaged groups and weaker sections. The chapter contains information on the roles of teachers and parents in promoting an all-round development of all children, including children with special needs. This involves steps that can be taken to build a child’s knowledge, skills, and talent. The emphasis is that all children can engage with the curriculum and therefore, teachers and parents should be able to support children in negotiating with it. Issues like enabling and maintaining child-friendly environments, child-centred curriculum and evaluation procedures, certification, learning outcomes, no-detention, etc., are also addressed in this chapter. The information boxes focus on the methodology of activity-based learning, fictional accounts of students reflecting on their curriculum, and provision of schools for children with special needs.

The last chapter of this book called ‘Protection of the Rights of Children’ centres on RTE Act’s provisions for ensuring that no
child is subject to discrimination and harassment. This chapter highlights the functions of the National and State Councils for the Protection of the Rights of Children. It also addresses issues like approaching concerned authorities and appropriate litigations in the case of the violation of children’s rights, etc.

The chapters in this book will be of use for any person interested in the educational rights of all children, especially those belonging to the disadvantaged groups and weaker sections. The book can be used for a quick reference on various provisions made under the RTE Act as well as the provisions made for inclusive education under the RPwD Act, 2016.

It is expected that the book, *Educational Rights of Children with Special Needs: Frequently Asked Questions* will provide the required impetus in developing a fuller understanding of the educational rights of children with special needs and fulfil its objective of simplifying the RTE Act and other related legal provisions for all.
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We hope that this document will fulfil the purpose of understanding and implementing the Right to Education (RTE) Act and take the agenda of inclusive education forward by promoting education of all children, including the children with special needs.
# Contents

**Foreword** iii  
**Preface** v  
**About the Book** vii  
**List of Abbreviations** xxi  
**Have You Met?** 1–2  
**Chapter 1 :** Understanding the RTE Act 3–30  
**Chapter 2 :** Understanding Specific Rights of Children 31–46  
**Chapter 3 :** Implementing the RTE Act 47–57  
**Chapter 4 :** Involving Parents 58–74  
**Chapter 5 :** Schools for All 75–117  
**Chapter 6 :** Empowering Teachers 118–139  
**Chapter 7 :** Access to Curriculum 140–170  
**Chapter 8 :** Protection of the Rights of Children 171–185  
**Appendix**  
A. RTE Rules, Guidelines and Notifications 186–188  
B. Important References 188–189
Whenever I talk with someone I learn from him. I take from him more than I give him. In this way, a true teacher regards himself as a student of his students. If you will teach your pupils with this attitude, you will benefit much from them.

—Mahatma Gandhi
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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>CCE</td>
<td>Continuous and Comprehensive Evaluation</td>
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<td>CWD</td>
<td>Child with Disability</td>
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<td>CWSN</td>
<td>Children with Special Needs</td>
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<td>GoI</td>
<td>Government of India</td>
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<td>LA</td>
<td>Local Authority</td>
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<td>MHRD</td>
<td>Ministry of Human Resource Development</td>
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<td>MoE</td>
<td>Ministry of Education</td>
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<td>NAC</td>
<td>National Advisory Council</td>
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<td>NCERT</td>
<td>National Council of Educational Research and Training</td>
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<td>NCF</td>
<td>National Curriculum Framework</td>
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<td>NCPCR</td>
<td>National Commission for Protection of Child Rights</td>
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<td>NCTE</td>
<td>National Council for Teacher Education</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>OOSC</td>
<td>Out of School Children</td>
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<td>PTR</td>
<td>Pupil-Teacher Ratio</td>
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<td>PWD</td>
<td>Persons with Disabilities</td>
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<tr>
<td>RPwD</td>
<td>Rights of Persons with Disabilities</td>
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<td>RTE</td>
<td>Right of Children to Free and Compulsory Education</td>
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<td>SCERT</td>
<td>State Council of Educational Research and Training</td>
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<td>SCPCR</td>
<td>State Commission for Protection of Child Rights</td>
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<td>SMCs</td>
<td>School Management Committees</td>
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<td>SSA</td>
<td>Samagra Shiksha Abhiyan</td>
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<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<td>UNICEF</td>
<td>United Nations International Children’s Emergency Fund</td>
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<td>UT</td>
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CHILDREN’S BILL OF RIGHTS

A child is every person under the age of 18 years. Parents have the primary responsibility for the upbringing and development of the child. The State shall respect and ensure the rights of the child.

Dignity and Expression
- I have the right to know about my Rights. (Article 42)
- I have rights being a child and no matter who I am where I live, what my parents do, what language I speak, what religion I follow, whether I am a boy or a girl, what culture I belong to, whether I am disabled, whether I am rich or poor. I should not be treated unfairly on any basis. Everyone has the responsibility to know this. (Article 2)
- I have the Right to express my views freely which should be taken seriously, and everyone has the Responsibility to listen to others. (Article 12, 13)
- I have the Right to make mistakes, and everyone has the Responsibility to accept we can learn from our mistakes. (Article 28)
- I have the Right to be included whatever my abilities, and everyone has the Responsibility to respect others for their differences. (Article 23)

Development
- I have the Right to a good education, and everyone has the Responsibility to encourage all children to go to school. (Article 23, 28, 29)
- I have the Right to good health care, and everyone has the Responsibility to help others get basic health care and safe water. (Article 24)
- I have the Right to be well fed, and everyone has the Responsibility to prevent people from starving. (Article 24)
- I have the Right to a clean environment, and everyone has the Responsibility not to pollute it. (Article 29)
- I have the Right to play and rest. (Article 31)

Care and Protection
- I have the Right to be loved and protected from harm and abuse, and everyone has the Responsibility to love and care for others. (Article 19)
- I have the Right to a family and a safe and comfortable home, and everyone has the Responsibility to make sure all children have a family and home. (Article 9, 27)
- I have the Right to be proud of my heritage and beliefs, and everyone has the Responsibility to respect the culture and belief of others. (Article 29, 30)
- I have the Right to live without violence (verbal, physical, emotional), and everyone has the Responsibility not to be violent to others. (Article 28, 37)
- I have the Right to be protected from economic exploitation and sexual exploitation, and everyone has the Responsibility to ensure that no child is forced to work and is given a free and secure environment. (Article 32, 34)
- I have the Right to protection from any kind of exploitation and everyone has the Responsibility to ensure that I am not being subjected to be taken advantage in any manner. (Article 36)

IN ALL ACTION CONCERNING CHILDREN, THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION

All these rights and responsibilities are enshrined in the United Nations Convention on the Rights of the Child, 1989. It contains all the rights which children have all over the world. The Government of India signed this document in 1992.

Source: National Commission for Protection of Child Rights (NCPCR), Government of India
Reema has hearing impairment and locomotor disability caused by a road accident. She could not attend school for a while. Now, she is continuing her schooling through a home-based education programme. A special educator attends to her learning needs.

Sanju was spotted at a railway station and taken to a safe residential home. He was then admitted to the residential home’s neighbourhood school until the time his parents were located six months later.

Mira lives with her grandmother, who is her current guardian. Her parents have migrated to another city in search of work. Recently, she was admitted in a neighbourhood school with the help of a kinship certificate despite lacking other documents and her parents’ involvement in the admission procedure. A neighbour, an SMC member, guided her grandmother.
Ricky is a ten-year-old boy who is a street vendor and has never been to school. A teacher from a neighbourhood school got him admitted in a neighbourhood school in his age-appropriate class, after taking special training without any entrance test and school fee.

Ms Minz, along with some other teachers at the neighbourhood school, was facing problems due to the inconsiderate behaviour of the school principal. The teachers voiced their grievances to the SMC members, and a meeting was held with the principal. With the help of the SMC members, the matter was resolved within fifteen days.

Reshma is orthopaedically challenged and has poor hearing in her left ear. As she attained puberty, her parents withdrew her from school. On the advice of the SMC members of the neighbourhood school, she was re-admitted in her age-appropriate class after one year of special training.
Chapter 1

Understanding the RTE Act

“All of us do not have equal talent. But, all of us have an equal opportunity to develop our talents.”

— A.P.J. Abdul Kalam

“I waited each day, without fail, for the school bell to ring and the gates of the school to open, only to see smiling faces of children from the neighbourhood in school uniform with their bags and books. And how I wished I could be like them.” (Sonu was engaged in labour from an early age to support his family.)

“The enactment of RTE Act in 2009 opened the school gates for Sonu and gave him the right to avail free elementary education in a neighbourhood school. As a teacher in the neighbourhood school, I met his parents and encouraged them to send him to school. I ensured them that his education would not add to the family expenses.”

“Rinku, the daughter of a farmer, could not sit up, crawl, or speak properly as a child. She was diagnosed with cerebral palsy and mild intellectual disability. She also underwent surgery for both her legs. Using the rolletor, Rinku learnt to walk slowly at home. Later, she was enrolled in a government school, and placed under the home-based education programme. Today, Rinku’s parents express their satisfaction at the intervention of the resource person who identified her and gave their daughter the required upstart.”
1. **What is ‘The Right of Children to Free and Compulsory Education (RTE) Act’? How and when did it come into effect?**

Ans. The Right of Children to Free and Compulsory Education Act, 2009 or Right to Education Act (RTE), as it is often called an Act of the Parliament. It ensures that every child within the age-group of six to fourteen years in our country has a fundamental right to pursue free and compulsory elementary education in a neighbourhood school.

This fundamental right of children came into effect from 1 April, 2010 with the insertion of Article 21A in the Constitution of India by the eighty-sixth (86th) Constitution Amendment Act of 2002, which states that “the States shall provide free and compulsory education to all children of the age group of six to fourteen (6–14) years in such manner as the State may, by law, determine”.

According to the Ministry of Human Resource Development (MHRD), the RTE Act, as envisaged under Article 21A, implies that every child has a right to pursue full-time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.
2. **What are the series of important events that led to the implementation of Right to Education Act?**

Ans. The following legislative actions took place after the 86th Amendment in December 2002:

- 2004: The Free and Compulsory Education Bill, 2004
- 2005: The Right to Education Bill, 2005 (CABE Bill)
- 2006: Central legislation was discarded. The States were advised to make their own Bills based on the Model Right to Education Bill, 2006
- 2008-09: The Right of Children to Free and Compulsory Education Bill, 2008, was introduced and passed in Rajya Sabha and Lok Sabha, with the central legislation restored. In 2009, President’s assent was received. However, the notification of the Act and the 86th Amendment, was issued on 19 February, 2010, in the Gazette of India, stating that implementation will begin from 1 April, 2010, eight months after the presidential assent.


3. **What makes the Right to Education Act unique and historic?**

Ans. This Act is unique due to the following reasons:

- the definition of ‘free’ means that education in school is free.
- the ‘compulsion’ being on the appropriate governments rather than on parents.
- the stress is on inclusion and ending discrimination.
Some other salient features of the Act include:

- defining minimum norms and standards for the school.
- prescribing quality principles for the teaching-learning process.
- addressing the emotional, stress, and anxiety issues of children.
- an external constitutional body for monitoring the Act.

India became the 135th country in the world to guarantee universal elementary education for its children.

For more details on Right to Education Act, 2009, refer to:
1. What are Fundamental Rights?

Fundamental Rights are meant to preserve individual liberty and democratic principles based on the equality of all members of the society. Fundamental Rights are the most important rights that are recognised by the State and enshrined in the Constitution.

2. Why are these rights fundamental?

These significant rights are fundamental because they are mentioned in the Constitution of India, which guarantees them, and at the same time, these rights are justiciable, that is, they are enforceable through the court.

3. How does the Constitution of India guarantee fundamental rights?

The fundamental rights are embodied in Part III of the Constitution, which guarantees civil rights to all citizens of India, and prevents the State from encroaching on the individual liberty while simultaneously placing upon it an obligation to protect the citizens’ rights from encroachment by society.
The Constitution guarantees six fundamental rights to Indian citizens. These include:

1. Right to Equality (Articles 14–18)
2. Right to Freedom (Articles 19–22)
3. Right against Exploitation (Articles 23–24)
5. Cultural and Educational Rights (Articles 29–30)
6. Right to Constitutional Remedies (Articles 32–35)

4. **What is meant by the fundamental rights being justiciable?**

It means that these rights are just and enforceable through the court. That is, in case of their violation, the citizens can approach the court for the protection of their rights. These fundamental rights also act as limitations on the powers of the legislature and executive, under Article 13. In case of any violation of these rights, the Supreme Court of India and the High Courts of the respective States have the power to declare such legislative or executive action as unconstitutional and void.

While these fundamental rights are universal, the Constitution of India provides for some exceptions and restrictions. The fundamental rights are not absolute and are subject to reasonable restrictions, as necessary for the protection of the public interest.

For more details on fundamental rights, refer to:

Kids take school to court for denying admission under Right to Education

Date: 22 April, 2014

Bangalore: A bunch of six-year-olds on Monday moved the Karnataka High Court, seeking to know why they could not be admitted to a private school in Kalyan Nagar, under the Right to Education (RTE) quota.

In response to the petition, the High Court ordered notices to the State Government, National Council for Minority Education and CMR National Public School, Kalyan Nagar. Justice Anand Byrareddy also ordered notice to the BEO (North Range-III) in response to the petition filed by Akash and seven other children.

The petitioners, who are seeking admission to Class I of this school under the Right of Children to Free and Compulsory Education (RTE) Act, 2009, on the strength of the list issued by the local block education officer, have complained that the school authorities failed to issue an endorsement as to why they could not be given admission under the RTE.

They also contended that the school had admitted students under the RTE in the previous academic year. They said they would lose one year of academics if they weren’t admitted to Class I, while terming the school’s action to deny them admission as “illegal”...


The definition of the RTE Act integrates the words ‘free’ and ‘compulsory’ ‘elementary education’ in a ‘neighbourhood school’ for ‘every child’ within the age group of six to fourteen years.
4. **What does the term ‘every child’ signify in the RTE Act?**

Ans. According to the RTE Act, the word ‘child’ means a female or male child in the age group of six to fourteen years as contained in Article 21A (Clause (c) of Section 2). The Draft National Policy 2019, however, proposes to extend the RTE Act to all children under 18 years of age.

5. **The RTE Act provides for ‘free’ education. What does it imply?**

Ans. According to the RTE Act, the word ‘free’ means that no child shall be liable to pay any kind of fee charge or expense, which may prevent him/her from pursuing and completing the elementary education [Section 3(2)]. It is the responsibility of the appropriate government and local authority to make sure that a child attending a school shall be entitled to free education [Rule 9(1) of RTE Rules, 2010], and in particular, to:

**Definition of the term ‘free education’ by States as per the State Rules**

**Andhra Pradesh:** ‘Free education’ means providing elementary education to all children, with no direct costs to be borne by the parents of child, such as, fees, capitation fees, or indirect costs like services and fees for stationery, etc. The Government shall provide free textbooks, notebooks, that is, one notebook per subject, and other writing material, mid-day meals with nutritional value, uniforms, in neighbourhood schools run by the Government.

**Nagaland:** ‘Free education’ means no child shall be liable to pay admission, tuition, examination or any other fees which may prevent her or him from pursuing and completing elementary education, and includes providing textbooks, one time writing material with minimum requirement in an academic year, and uniforms as prescribed by the implementing authority from time to time.
(i) Free textbooks, writing material, and uniforms. In addition, a child with disability shall be entitled also for free special learning and support material [Rule 9(1) of RTE Rules, 2010];

(ii) For children from small hamlets—adequate arrangements, such as free transportation and residential facilities, for providing elementary education in a school, in relaxation of the area or limits and [Rule 6(4) of RTE Rules, 2010];

(iii) And no school can seek any kind of donation, contribution, or payment in the form of capitation, fees [Section 13(1) of RTE Act, 2009].

For more details on free education, refer to:


6. What is a ‘neighbourhood school’?

Ans. Compulsory elementary education in a ‘neighbourhood school’, according to the RTE Act, ensures that every child has easy access to school, situated in close physical proximity. The area or limits of the neighbourhood within which a school has to be established by the appropriate government or the local authority shall be [Rule 6(1) of RTE Rules, 2010]:

(i) in respect of children in Classes I–V, a school shall be established within walking distance of one kilometre of the neighbourhood; and
(ii) in respect of children in Classes VI–VIII, a school shall be established within walking distance of three kilometre of the neighbourhood.

7. What is meant by the term “compulsory education” in the RTE Act?

Ans. According to the RTE Act, “compulsory education” means that it is the obligation of the appropriate government to provide free elementary education to every child in the age group of six to fourteen years. It shall also ensure their admission, attendance, and completion of elementary education [Clause (a) of Section 8]. In addition, the word “compulsory” in the title stands for obligation of the State and duty of parents to send their children to school.

This has immediate impact on child labour, that is, if the child is engaged in child labour and is not in school, it is the Government which is in violation of law. In other words, if a child in the age group of six to fourteen years is working at a tea shop, dhaba, mechanic shop, agricultural field, cooking at home, or simply wandering around when the school is functioning, then the Government is violating their fundamental right.
The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 1986

The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 1986 prohibits the employment of a child in—
(1) mines, (2) inflammable substances and explosives, and (3) hazardous process, the latter as mentioned in the Factories Act, 1948.

Provided that it does not affect the school education of the child, the Act permits:

a) the child to help their family or family enterprises, which is other than any hazardous occupations or processes set forth in the Schedule, after their school hours or during vacations;

b) the child to work as an artist in an audio-visual entertainment industry, including advertisement, films, television serials, or any such other entertainment or sports activities, except the circus, subject to such conditions and safety measures, as may be prescribed.

As per this Act, ‘child’ means a person who has not completed his fourteenth year of age or such age as maybe specified in the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), whichever is more. The Act provides punishment for the offence of employing or permitting employment of any child in contravention of the provisions of this Act.

For more details on the Child and Adolescent Labour Act, 1986, refer to: www.labour.nic.in/child-women-labour
8. How does the RTE Act define “elementary education”?
Ans. In the RTE Act, “elementary education” means education from Class I (one) to Class VIII (eight) [Clause (f) of Section 2].

9. How is a “school” defined in the RTE Act?
Ans. According to the RTE Act, “school” means any recognised institution imparting elementary education [Clause (n) of Section 2]. It also includes:

(i) a school established, owned or controlled by the appropriate government or the local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate government or the local authority;

(iii) a school belonging to specified category; and

(a) “specified category”, in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate government [Clause (p) of Section 2];

(iv) an unaided school not receiving any kind of aid or grant, to meet its expenses, from the appropriate government or the local authority.

10. The RTE Act covers the education of children belonging to the “disadvantaged groups and weaker sections”. Who are the children included in this category?
Ans. The education of “every child” is given importance in the RTE Act, and includes:

Child belonging to disadvantaged group means [Clause (d) of Section 2]:

- a child with disability or

- a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally-backward class, or such other groups having disadvantage owing to social, cultural,
Admissions under RTE Act begin in city

Date: 04 May, 2013

Chennai: According to the RTE Act, disadvantaged groups include persons from SC and ST categories, socially and educationally backward classes, or other such groups that are at a disadvantage due to gender or social, cultural, economical, geographical and linguistic factors.

The Tamil Nadu Rules add: a child who is an orphan, affected with HIV virus, a transgender or the child of a transgender are eligible for provisions under the RTE Act. Children of parents or guardians whose income is lower than ₹ 2 lakh per annum qualify as 'belonging to weaker sections.'


economical, geographical, linguistic, gender, or such other factors, as maybe specified by the appropriate government, by notification. And a child belonging to weaker section means [Clause (e) of Section 2 of RTE Act, 2009]:

- a child belonging to such parent or guardian, whose annual income is lower than the minimum limit specified by the appropriate government, by notification.

11. Children from disadvantaged groups and weaker sections of society differ across various parts of the country. How does the Act address these differences while defining such groups?

Ans. According to the RTE Act, the appropriate governments can notify different categories of children belonging to “disadvantaged groups and weaker sections” in different districts and sub-districts of the State. Most of the States have issued notifications regarding the different categories of children covered under these categories.
State definitions of children belonging to disadvantaged groups and weaker sections: A few examples

**Andhra Pradesh**
- Child belonging to socially disadvantaged groups means a child belonging to the Scheduled Caste, Scheduled Tribe, orphans, migrants, and street children, children with special needs and HIV affected/infected children.
- Child belonging to weaker sections means a child belonging to the backward communities, minorities, and includes other categories whose parents’ income does not exceed ₹ 60,000/- per annum.

**Kerala**
- Child belonging to weaker sections means a child with a parent or guardian whose income is less than ₹ 60,000/- per annum.
- Similarly, child belonging to disadvantaged groups means a child belonging to the Scheduled Caste, Scheduled Tribe, socially and educationally backward classes, and a child belonging to the following categories:
  (i) HIV affected children and children of HIV affected parents;
  (ii) orphans and children from recognised orphanages;
  (iii) children with learning disabilities;
  (iv) children with autism, cerebral palsy, etc.; and
  (v) children with special needs.

**Delhi**
Child belonging to disadvantaged group means:
- a child belonging to the Scheduled Castes, Scheduled Tribes, and Other Backward Classes (non-creamy layer);
- a child with special needs and suffering from disability;
- a transgender child; and
- a child living with or affected by HIV.
Tamil Nadu

Children belonging to weaker sections include those whose parents’/guardian’s annual income is less than two lakh rupees. Children belonging to disadvantaged groups include:

- children belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and Most Backward Classes;
- orphans;
- children infected with HIV;
- transgender children; and
- children of scavengers.

Have you seen these children around you?

- Children living in slums
- Children of parents with AIDS/HIV
- Transgender children
- Children subjected to violence
- Displaced children
- Child beggars
- Children involved in the sex trade
- Homeless children
- Children of single-parent families, and domestic workers
Schools show the door to HIV kids; Supreme Court takes up their cause

Date: 17 January, 2017

New Delhi: According to a study by Naz Foundation, children living with or affected by HIV/AIDS are increasingly being denied admission, suspended, expelled and segregated in classroom.

...The NGO found that children living with or affected by HIV/AIDS are increasingly being denied admission, suspended, expelled and segregated in classroom, they are being publicly ridiculed by school authorities.... But now, there is some hope for such children as the Supreme Court on Monday promised to lay down guidelines under the Right to Education Act to protect such students.

...According to the latest report of National Aids Control Organisation (NACO), the total number of people living with HIV in India is estimated at around 30.9 lakh and children less than 15 years of age account for 2.45 lakh.
Understanding the RTE Act

12. How is the RTE Act significant for children belonging to disadvantaged groups and weaker sections?

Ans.

“The problem is not how to wipe out all differences but how to unite with all differences intact.”
— Rabindranath Tagore

The Right to Education Act in India is a significant act which focuses on the education of all children in the age group of 6 to 14 years. Each child is an individual with their unique identity, strengths, and differences. However, in any society, there are several groups of children who are disadvantaged owing to their gender, disability (physical, sensory, cognitive and others), socio-economic status of the family, religious, ethnic, cultural, and geographical location and several other factors.

According to UNICEF India, there are 2,20,000 children infected by HIV/AIDS in India. It is approximated that every year, 55,000 to 60,000 children are born to mothers who are HIV positive. Thirty per cent of these children are likely to be infected themselves. The NGOs told the court that the breach of confidentiality regarding children’s HIV-positive status was the beginning of their mistreatment.

Highlighting the severity of the situation, the plea pointed out that there have been incidents where HIV/AIDS afflicted students were made to clean toilets and classrooms.

...The PIL sought the following prayers. No child affected by HIV/AIDS be suspended or expelled from any educational institution or segregated in the class, the Centre be asked to frame and notify comprehensive guidelines under Section 35(1) of the RTE Act, 2009, pertaining to children living with and affected by HIV/AIDS in schools, covering issues of right to education without any discrimination and confidentiality of their HIV-positive status.

[Source: http://indiatoday.intoday.in/story/hiv-children-schools-show-the-door-sc-right-to-education/1/859096.html]
Role of Schools

The former UN Special Rapporteur for the Commission for Social Development on Disability, Bengt Lindqvist, emphasised the role of schools as sites where:

“all children and young people of the world, with their individual strengths and weaknesses, with their hopes and expectations, have the right to education.... it is the school system of a country that must be adjusted to meet the needs of all its children.”

(B. Lindqvist, UN Rapporteur, 1994)

Goa government issues guidelines to make schools a secure place for transgender students

Date: 24 December, 2019

New Delhi: ...“In exercise of the powers conferred by Clause D of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (RTE Act), the Lt-Governor of Delhi is pleased to notify inclusion of a ‘transgender’ child within the meaning of ‘child belonging to disadvantaged group’ as defined in the said section of the RTE Act applicable to all schools situated within the National Capital Territory of Delhi,” the notification issued by the Directorate of Education (DoE) reads. Inclusion of transgender children in the disadvantaged group comes on the heels of Delhi University’s decision to acknowledge transgender students by introducing a third gender category in its application form.

With the inclusion, transgender children will now be eligible for 25 per cent reservation under the economically weaker section (EWS) and disadvantaged students for admission into city schools.

[Source: http://indianexpress.com/article/cities/delhi/reserved-seats-for-transgender-children-in-schools/]
In order to ensure that all children are able to participate fully and equally in the educational process along with other children, the RTE Act lays down some provisions specifically for children belonging to disadvantaged groups and weaker sections. It includes participation of parents of children from these categories in the school management, relaxation in norms of neighbourhood schools, compulsion on private schools to reserve 25 per cent seats for children belonging to disadvantaged groups and weaker sections in pre-school or Class I, and various other important provisions (for more details, refer to Chapter 2 of this book).

13. Does the RTE Act apply only to children belonging to poor families?

Ans. No, the RTE Act is not meant only for children belonging to poor families. Any child who is living in India, rich, poor, or born to parents of any caste, religion, or ethnicity shall have a right to free and compulsory elementary education.


14. How does the Act cover children with disabilities?

Ans. To ensure that a child with disability is able to enjoy and avail the rights provided under the RTE Act, an amendment was passed by Parliament in 2012 and the words “child with disability” were inserted in the definition of “child belonging to disadvantaged group” [Clause (a) of Section 3 of RTE Act, 2012]. Therefore, wherever the term “child belonging to disadvantaged group” is used in the Act, it also includes “child with disability”.

15. What are the disabilities covered under the Act?

Ans. The RTE Act refers to the previous law on persons with disabilities, the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) act, 1995, which now stands repealed.
The disabilities covered under the RTE Act are as per two significant Central Acts, which are:

- The Rights of Persons with Disabilities Act of 2016; and
- The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

The new act called the Rights of Persons with Disabilities (RPwD), 2016 came into force on 19 April, 2017. Thus, the RTE Act, in Clause (b) of Section 3, of RTE (Amendment) Act, 2012 refers to the “child with disability” to be included in the “child belonging to disadvantaged group”. Clause (b) of Section 3 of RTE (Amendment) Act, 2012 defines a “child with disability” accordingly:

1. A child with a disability as defined in Clause (s) of Section 2 of the Rights for Persons with Disabilities Act, 2016, means a ‘person with long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders her/his full and effective participation in society equally with others.’

2. A child being a person with disability as defined in Clause (j) of Section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999).

Persons with Disability means a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability.

3. A child with severe disability as defined in Clause (o) of Section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act of 1999 (44 of 1999).

Severe disability means disability with eighty per cent or more of one or more multiple disabilities.
For more details on the Rights of Children with Disabilities, refer to:


Some disabilities with definitions covered in the RTE Act

As defined in the Schedule of the RPwD Act, 2016:

1. **Visual impairment**

   It includes:

   I. **Blindness**: A condition where a person suffers from any of the following conditions, after best correction:

      (i) total absence of sight, or

      (ii) visual acuity not exceeding 3/60 or 10/200 (Snellen) in the better eye with best possible correction, or

      (iii) limitation of the field of vision subtending an angle of 20 degree or worse.

   II. **Low vision**: A condition where a person has any of the following conditions:

      (i) visual acuity not exceeding 6/18 or less than 3/60 or up to 10/200 (Snellen) in the better eye with best possible correction; or

      (ii) limitation of the field of vision subtending an angle less than 40 degrees and up to 10 degree.
2. **Hearing impairment**
   It includes:
   
   I. deaf, which means a person having 70 DB hearing loss in speech frequencies in both ears;
   II. hard of hearing, meaning a person having 60 DB to 70 DB hearing loss in speech frequencies in both ears.

3. **Physical disability**
   It refers to a person’s inability to execute distinctive activities associated with movement of self and objects, resulting from affliction of musculoskeletal or nervous system or both. It includes:
   
   I. Leprosy cured person:
      A person who has been cured of leprosy but is suffering from:
      
      (i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eyelid but with no manifest deformity;
      
      (ii) manifest deformity and paresis, but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity; and
      
      (iii) extreme physical deformity as well as advanced age which prevents them from undertaking any gainful occupation, and the expression ‘leprosy-cured’ shall be construed accordingly.
   
   II. Cerebral palsy: Group of non-progressive neurological condition affecting body movements and muscle
coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth.

III. Dwarfism means a medical genetic condition resulting in an adult height of 4 feet 10 inches (147 centimetres) or less.

IV. Muscle dystrophy means a group of hereditary genetic muscle disease that weakens the muscles that move the human body. Persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue.

V. Acid attack victim means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

4. Intellectual disability

A condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including:

I. specific learning disabilities mean a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical
calculations and include such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia; and

II. autism spectrum disorder, means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person’s ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours marked by repetitive and ritualistic behaviour.

5. Blood disorders
These include:

I. Haemophilia, means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding.

II. Thalassemia, means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

III. Sickle cell disease, means a hemolytic disorder characterised by chronic anaemia, painful events, and various complications due to associated tissue and organ damage; hemolytic refers to the destruction of the cell membrane of red blood cells resulting in the release of haemoglobin.

IV. Disability caused due to chronic neurological conditions, such as multiple sclerosis.

Multiple sclerosis means an inflammatory, nervous system disease in which the myelin sheaths, around the axons of nerve cells of the brain and spinal cord, are damaged, leading
to a state known as demyelination, which affects the ability of nerve cells in the brain and spinal cord to communicate with each other.

6. **Multiple disabilities**

Refer to a combination of more than one of the above-specified disabilities, including deaf blindness, which means a condition in which a person may have a combination of hearing and visual impairments causing severe communication, developmental, and educational problems.


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<thead>
<tr>
<th>Seven Common Myths on Disability</th>
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<tr>
<td><strong>Myth</strong></td>
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<tr>
<td>It is believed that, “Disabilities can be cured by sadhus, tantrics, ojhas...”</td>
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<tr>
<td>Disability is a result of ‘karma’. Parents say: “I have done something wrong. It is my past karmas that I have to suffer having a child with disability.”</td>
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<tr>
<td>Myth</td>
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<td>Disability is infectious.</td>
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<td>Children with disabilities have limited learning capacities. Their capacity does not grow.</td>
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<td>The child with a disability is different from other children.</td>
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<td>The child with disability cannot be included in mainstream schools.</td>
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<tr>
<td>Children with disabilities cannot work and contribute. They will always be a burden.</td>
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</tbody>
</table>
16. **The RTE Act lays the compulsion of providing free elementary education on the appropriate government. What does the term “appropriate government” in the Act mean?**

Ans. Education is a responsibility of both Central and State Governments. The term “appropriate government” in the RTE Act [Clause (a) of Section 2], refers to the Government under which a school is established, owned, managed, or controlled. It may be the Central or State Government or the Government of a Union Territory having legislature.

17. **What is meant by “local authority”?**

Ans. According to the RTE Act, “local authority” means a Municipal Council or Municipal Corporation or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town, or village [Clause (h) of Section 2].

**Definition of the term ‘local authority’ by some States/Union Territories as per the State/UT rules**

**Andaman and Nicobar Islands**

The following have been declared as ‘local authorities’ for the purpose of the provisions of the Act:

- Municipal Council in urban areas;
- Panchayat Raj Institutions in rural areas; and
- Tribal Council in tribal areas (wherever Tribal Council exists in Nicobar District).

**West Bengal**

‘Local authority’ means:

- in case of rural areas, Panchayat Samitis; and
- in case of urban areas, the Municipality or Borough in respect of Municipal Corporations, or any other urban authority duly notified.
18. Is the Act applicable all over India?
Ans. Yes. The RTE Act shall extend to the whole of India [Section 1 (2)].

For more details on free education, refer to:
MHRD, GoI, Department of School Education & Literacy.
Retrieved from: http://mhrd.gov.in/rte_state_rules
“There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace.”
— Kofi Annan

“Today’s potatoes taste just like home. It’s so nice that Rahul is eating the mid-day meal with all of us in the school courtyard. Now he can move independently in and out of the school, as the mason did a good job preparing the slope next to the stairs at the entrance. Before the slope was made, Rahul had to ask for help to move around. Now it is easy for him to move around in his wheelchair at his own pace, as and when he likes. His grandfather also walks up using the slope when he visits the school.”

“I love going to school on my own, sitting in the classroom and playing with my classmates, as now my school is near my home. It has ramps and slopes. This allows me to move freely in the school. I can even go and solve a sum on the blackboard as my teacher can adjust its height for me and Sanjana, who is not as tall as other children. I can also move in the class and sit with any of my friends.”

“Earlier, I used to meet new friends only at the beginning of the new class, but now two children from another State have joined my class after the summer vacation. They regularly move from one school to another, due to the nature of their parents’ occupation as seasonal migrant labourers in big cities.”
provide detailed information related to specific rights of children belonging to disadvantaged groups and weaker sections, especially children with disabilities and those from migrant families.

elaborate the responsibilities of the school management and appropriate government with a view to ensure a non-discriminatory school environment for children belonging to disadvantaged groups and weaker sections.

equip the reader with the relevant information about the provisions regarding education of children with disabilities; with focus on multiple or severe disabilities and the provision of home-based education.

1. **What are the specific rights of children belonging to disadvantaged groups and weaker sections under the RTE Act?**

   Ans. The RTE Act mandates provisions such as:

   - State Government, local authorities, and schools ensure that children belonging to disadvantaged groups and weaker sections pursue and complete elementary education, and are not subjected to any form of discrimination in the school [Sections 8(c), 9(c) and 17 of RTE Act, 2009].

   - Private and specified category schools to admit at least 25 per cent of the strength in pre-school or Class I children belonging to disadvantaged groups and weaker sections, and provide them free elementary education [Section 12 (b) and (c) of RTE Act, 2009].

   - Children belonging to disadvantaged groups and weaker sections admitted in private or specified category schools be provided free entitlements such as textbooks, writing material, uniforms, and special learning and support material, provided children with disability shall also be entitled for free special learning and support material [Rule 9 (1) of RTE Rules, 2010].

   - The norms regarding the areas or limits of schools should be relaxed for children in difficult terrains and dangerous situations [Rule 6(3) of RTE Rules, 2010].
Understanding specific rights of children

- Children from small hamlets and those with disabilities should be provided with residential school facilities and free transportation [Rule 6(4) of RTE Rules, 2010].
- Records should be maintained by the local authority regarding special or residential facilities required by the children of migrant families, sparse population, or those with disability [Rule 10 (4i) of RTE Rules, 2010].

The role of SMC members is also clearly delineated for promoting the education of children with special needs and those belonging to disadvantaged groups and weaker sections in the RTE Act and include:

- Proportionate representation be given to the parents of children belonging to disadvantaged groups and weaker sections in the SMCs, which would be constituted for effecting monitoring and implementation of the RTE Act in the schools [Section 21(1) of RTE Act, 2009]. SMCs should monitor that children with disabilities are identified and enrolled in the school and provided necessary facilities for completion of elementary education [Part II, Sub-clause (h) of Clause (6) of Section 3, RTE Rules, 2010].

2. What are the responsibilities of the School Management Committee in order to ensure a non-discriminatory school environment for children belonging to disadvantaged groups and weaker sections?

Ans. According to the guidelines issued under Section 35 (1) (RTE) Act, 2009, a school shall not discriminate with a child belonging to a disadvantaged group or weaker section, allow or condone any constituent of the school to discriminate with such a child or a group of such children. For implementing Clause (c) of
Sections 8 and 9 of the RTE Act, the following measures need to be taken:

I. The school shall not discriminate against a child belonging to disadvantaged group or weaker section in admission or
(a) while processing applications;
(b) by denying or limiting access to any benefit or entitlement; and
(c) by treating unfavourably in any way in connection with the child’s enrolment to a specific standard of class or area of study, training or instruction.

II. The school shall prohibit all persons and authorities of the school from harassing or victimising any child belonging to disadvantaged group or weaker section:
(a) by announcing verbally or otherwise in the class, the names of the community or castes or tribes of the students;
(b) by labelling such students as reserved category in the class;
(c) by passing derogatory remarks indicating social, economic, or other background details as reason of under-performance in the class;
(d) by allotting different time to such students to meet the teacher as compared to other students; and
(e) by treating them separately in utilising the sports and other facilities.

III. The school shall ensure that no child belonging to disadvantaged group or weaker section is discriminated against by segregating such children from others in the playground or canteen or any provision of Mid-Day Meal or any other amenities provided by the school, including toilets and drinking water facilities, and would further ensure that:
(a) regular activities of such children are not disrupted or disturbed by any of its decisions;
3. Does the RTE Act specify duties for the appropriate government and local authority, for ensuring that all schools adhere to its guidelines?

Ans. According to the guidelines (refer to Question two in this chapter), the State Government and local authorities, are requested to take appropriate steps for ensuring that all schools adhere to

b) such children do not experience financial extortion or forceful expenditure; and

c) all such children are allowed to participate in cultural programmes, sports events and other activities organised by the school.


Negative terms and labels used for Children with Special Needs can have a lasting derogatory effect. Teachers, administrators and parents must ensure that all children are addressed with respect by everyone, including by their peers.
the aforementioned guidelines for preventing discrimination in schools with respect to the children belonging to disadvantaged groups and weaker sections.

In order to enable State Governments and school managements, to fulfil their responsibilities for creating a non-discriminatory school environment, the following guidelines are issued for implementation of Clause (c) of Sections 8 and 9 of the RTE Act, 2009.

Every school shall take appropriate measures to:

- safeguard the interest of the child and eliminate discrimination or harassment of a child belonging to a disadvantaged group or weaker section in schools, by prohibiting and providing for preventive and protective measures to facilitate its eradication. In addition, promote equality for children belonging to disadvantaged groups and weaker sections.

- the school shall prescribe the procedures and mechanism to deal with and decide any complaint or discrimination made or submitted by any child belonging to disadvantaged groups or weaker section. It shall be obligatory on the part of the school to decide on such complaints, within a maximum period of 60 days.

- The school shall take steps to engage with the education fraternity, the community, and the public at large and raise public awareness on the importance of equality and overcoming discrimination and harassment against children belonging to disadvantaged groups and weaker sections. In addition, the school shall make public all measures taken by it for the elimination of discrimination against and harassment of children belonging to disadvantaged groups and weaker sections.

4. Are there any additional provisions regarding education of children with disabilities in RTE Act, 2012?

Ans. Yes, there are additional provisions for children with disabilities as per the RTE (Amendment) Act passed in 2012 [Section 4 of RTE Amendment Act, 2012].

Like all children, children with disabilities also have the right to pursue free and compulsory elementary education, either in formal government schools or private and specified category schools or avail the home-based education facility.

Their education is to be provided as per the Rights of Persons with Disabilities Act, 2016, commonly referred to as RPwD Act. Further, as per the RPwD Act, 2016, every child with benchmark disability between the age of six to eighteen years has the right to free education in a neighbourhood school, or in a special school, of their choice. Whereas, a child with high support needs, is entitled to services and facilities, to be provided by the Government as per their needs and requirements.

The RTE Act safeguards the rights of children with disabilities, (as provided to them according to the RPwD Act, 2016).
5. The RPwD Act, 2016 makes provisions for providing inclusive education for children with disabilities. What is inclusive education?

Ans. Inclusive education refers to an education system that accommodates all children, regardless of their physical, intellectual, social, emotional, linguistic, or other conditions. This creates a range of challenges for the school system that have to be met by creating a child-centred pedagogy capable of successfully educating all children. For example, an inclusive class may have, amongst others, children with disabilities, working children, children from migrant families, children belonging to ethnic, linguistic, cultural minorities or children from other disadvantaged or marginalised groups.


6. Does RTE Act guarantee inclusive education?

Ans. Yes. There are provisions made for inclusive education for all children in the National Curriculum Framework, 2005. The Act makes provisions for an effective and meaningful learning experience for all children; including children from the disadvantaged groups, weaker sections, and children with special needs. The RTE Act refers to the RPwD Act for children with disabilities. As per the directions given in the RPwD Act, all schools are now required to make educational services accessible to all.
What is Inclusive Education?

- Inclusive education is about embracing all.
- Disability is a social responsibility—accept it.
- No selection procedures to be adopted for denying admission to learners with disabilities.
- Children do not fail, they only indicate failure of the school.
- Accept difference and celebrate diversity.
- Inclusion is not confined to the disabled. It also means non-exclusion.
- Learn human rights and conquer human wrongs.
- Handicap is a social construct; deconstruct handicap.
- Make provisions, not restrictions; adjust to the needs of the child.
- Remove physical, social, and attitudinal barriers.
- Partnership is our strength such as school-community; school-teachers; teachers-teachers; teachers-children; children-children; teachers-parents; school systems, and outside systems.
- All good practices of teaching are practices of inclusion.
- Learning together is beneficial for every child.
- Support services are essential services.
- If you want to teach, learn from the child. Identify strengths not limitations.
- Inculcate mutual respect and inter-dependence.

[Source: National Curriculum Framework, 2005]

For more details, refer to:


7. **Who is a child with “multiple” or “severe” disability?**

Ans. In the RTE (Amendment) Act, 2012, the definitions of “multiple” or “severe” disability are according to the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. These disabilities are defined as:

“Multiple disability”, as mentioned in the National Trust Act, means a combination of two or more disabilities as defined in Clause (i) of Section 2 of the PwD Act, 1995. Since the PwD Act has been repealed and replaced by RPwD Act, 2016, multiple disabilities, as defined by the RPwD Act, refer to the combination of more than one of the specified disabilities in the Act, including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

“Severe disability” means disability with eighty per cent or more of one or more of multiple disabilities. In addition to this, the RTE (Amendment) Act, 2012 also makes provision for a child with ‘multiple’ or ‘severe’ disability to opt for home-based education.

8. **Does it mean that all children with multiple or severe disability, be provided home-based education?**

Ans. Home-based education should primarily focus on children with “multiple” or “severe” disabilities who cannot be immediately mainstreamed through special support and services.

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**Inclusion of Yogeshwari Jamble**

In the context of Children with Special Needs, we hear and say repeatedly, “see their abilities not their disabilities”. This idea proves true when we meet Yogeshwari, a 10-year-old girl with deaf blindness. She is studying in Class IV of Zila Parishad Girls Primary School, Bardapur, Taluka Ambajogai in District Beed, Maharashtra. In 2011, during the summer vacation household survey for identification of CWSN, Yogeshwari was identified. Then, with the help of a special educator, Yogeshwari was
assessed. After the assessment, individualised educational plan was developed for Yogeshwari as per her need and current level.

The special educator began by giving home-based education to Yogeshwari. Here, Yogeshwari was prepared for pre-inclusive skills, orientation and mobility skills, ADL, etc., during eight months of home-based education. At Taluka Patoda, under the Inclusive Education programme, three month school readiness programme was given to Yogeshwari. She learnt skills that are needed in the regular classroom and school. As she achieved independence in her day-to-day life, her supports gradually decreased. Now, Yogeshwari goes to a regular school and attends classes for 2 to 3 hours daily. The successful inclusion of Yogeshwari has increased the acceptance level of inclusive education by School Management Committee (SMC) and the community members. Teachers have started to believe that every special child can be mainstreamed and all children have a right to enjoy and learn. Parents feel highly encouraged and motivated. This case study has helped to break the attitudinal barriers for children with special needs.

Annual Report 2013, MHRD.

9. **What is the mechanism of home-based education? Are there any guidelines regarding the implementation?**

Ans. Home-based education is provided as an option under the RTE Act (Amendment), 2012 for children who cannot immediately join a mainstream school. It is a short interim measure, aimed at preparing children with multiple or severe disabilities for studying in mainstream schools. Such children are provided necessary support, through a resource person. The resource person should have the same qualification as the other teachers, as laid down under the RTE Act, and should have also attended refresher courses like the regular teacher.
Home-based education should not be implemented beyond a maximum period of two years, and should also be accompanied by social inclusion in a neighbourhood school.

However, the RPwD Act, 2016 does make provision for children with benchmark disabilities to avail free education till the age of eighteen years and; children with high support need to avail educational facilities as per their needs and requirements, as may be prescribed by the Government from time to time.

For more details on Questions 6 and 7, refer to:

10. **Is there any age relaxation for children with disabilities, for pursuing education?**

Ans. Yes, children with benchmark disabilities have a right to pursue free education till they attain the age of eighteen years, according to Chapter IV of the Rights of Persons with Disabilities Act, 2016.

11. **Does the RTE Act provide for the education of children of migrant families?**

Ans. Yes, children from migrant families have the same right to free and compulsory education in a neighbourhood school as other children. Every local authority shall ensure admission of children of migrant families [Clause (k) of Section 9 of RTE Act, 2009].
Education of children affected by migration

To address the issue of seasonal migration for varying periods for work in brick kilns, agriculture, sugarcane harvesting, construction, stone quarrying, salt pans, etc., and its adverse effect on the education of children who migrate with or without other members of the family, Sarva Shiksha Abhiyan (SSA) encourages identification of districts, blocks, villages, cities, or towns from where or to which there is a high incidence of migration. The RTE Act mandates bringing such children to regular schools, both in districts where they stay, or in districts to where they seasonally migrate.

For more details, refer to:
CHAPTER III

EDUCATION

16. Duty of educational institutions—The appropriate government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and, towards that end, shall—

(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(iii) provide reasonable accommodation according to the individual’s requirements;

(iv) provide necessary support, individualised or otherwise, in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; and

(viii) provide transportation facilities to the children with disabilities and also the attendants of the children with disabilities having high support needs.
17. Specific measures to promote and facilitate inclusive education— The appropriate government and the local authorities shall take the following measures for the purpose of Section 16, namely:

(a) to conduct survey of school going children every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met; provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes, including means and formats of communication, Braille and sign language to supplement the use of one’s own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities and enable them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disabilities;
(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination papers, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as maybe required.

CHAPTER VI
SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

31. (1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six and eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of her/his choice.

(2) The appropriate government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till she/he attains the age of eighteen years.

For more details, refer to:
“Children are our greatest untapped resource.”
—The Dalai Lama

“I am so happy to have you all (parents) here in our first School Management Committee (SMC) meeting. We all know that we, as members of SMC, as parents and as community members, have specific responsibilities for effective implementation of the provisions of the RTE Act, 2009. Let us put our collective efforts for the proper education of all our children.”

“Since the implementation of the RTE Act, 2009, there have been new amendments. Rules, norms, and guidelines that have been developed by the Central and State Governments. We appreciate such training workshops, as they keep us up to date with the existing information and latest provisions related to the RTE Act.” (State officials at a National Outreach Workshop on Right to Education Act)

The aim of this chapter is to:

- Develop in readers an understanding related to the roles and responsibilities assigned to the appropriate government at different levels (Central, State, Union Territory, and local authority) for implementing the RTE Act.
- Create awareness about the specific duties assigned to the local authorities for effective implementation of the provisions of the RTE Act.
- Provide the readers with an understanding about the roles and responsibilities of the School Management Committee and its composition.
1. **What are the responsibilities assigned to the Central Government for implementing the RTE Act?**

Ans. The Central Government plays a pivotal role in implementing the RTE Act. It provides financial and technical support to the State Government and monitors teacher recruitment, training, and implementation of policy provisions.

I. **Provide financial and technical support**
   - provide funds for carrying out the provisions of the Act along with the State Government [Section 7(1) of RTE Act, 2009];
   - provide technical support and resources to the State Government for promoting innovations, researches, planning, and capacity building [Section 7(6(c)] of RTE Act, 2009];
   - set up National Advisory Council by notification for the purpose of advising the Central Government on implementation of the provisions of the Act in an effective manner [Section 33 of RTE Act, 2009]; and
   - provide resource support to the National Commission of Protection of Child Rights (NCPCR) in performance of its functions under the Act [Rule 25 of RTE Rules, 2010].

II. **Streamline teacher recruitment and training**
   - Develop and enforce standards for training of teachers [Section 7(6(b)] of RTE Act, 2009];
II. Notify an academic authority for prescribing the minimum qualifications of teachers [Section 23(1) of RTE Act, 2009]; and

relax the minimum qualifications for teachers, if necessary, by notification for a period not exceeding five years [Section 23(2) of RTE Act, 2009].

III. Enforce policy and promote research and development

- develop National Curriculum Framework with the help of an academic authority specified by the appropriate government [Section 7(6(a)] of RTE Act, 2009];

- amend (omit or add) the norms and standards of schools provided in the schedule, by notification [Section 20 of RTE Act, 2009];

- issue guidelines, if required, to the appropriate government or local authority for the purpose of implementation of the provisions of the RTE Act [Section 35 (1) of RTE Act, 2009]; and

- ensure that all the Central Government programmes for elementary education (for example, Sarva Shiksha Abhiyan) are in conformity with the provisions of the RTE Act [Rule 7(2) of RTE Rules, 2010].

2. What are the duties assigned to the appropriate government at the Centre, State and UT1 levels?

Ans. The duties assigned in the RTE Act to the appropriate government at the Central, State, and UT levels relate primarily to providing quality education to all children in regular schools and setting up of advisory bodies in the form of the State Advisory Councils.

According to Section 8 of the RTE Act, the duties will be to:

I. Ensure inclusion

- provide free and compulsory elementary education of good quality to all children and monitor their admission, attendance and completion of elementary education;

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1Note: Where a Union Territory does not have a legislature, Central Government would act as the appropriate government.
- prevent discrimination on any grounds, of children belonging to disadvantaged groups and weaker sections from pursuing and completing elementary education; and
- provide special training facility for out-of-school children.

II. Facilitate schooling
- ensure availability and establishment of a neighbourhood school within the prescribed limits;
- provide good infrastructure, including school building, teaching staff and learning equipment;
- ensure timely prescription of curriculum and courses of study for elementary education;

With the Central Act having been implemented, how do we implement the Act with the existing variations, challenges, and funds?
provide training facility for teachers; and

ensure the maintenance of Pupil: Teacher Ratio as specified in the Schedule of the Act [Section 25 (1) of RTE Act, 2009] within three years that is, by 31 March of 2019.

C. Set up State Advisory Council

- For the purpose of advising the State Government on the implementation of the provisions of the RTE Act in an effective manner [Section 34 of RTE Act, 2009].

In addition to these, the appropriate government may frame its own State rules, in accordance with Section 38 of the RTE Act, 2009 on the issues such as—special training, area, and limits of the neighbourhood schools, maintenance of records, school recognition, admission procedures, functions of School Management Committee (SMC), preparation of school development plan, matters related to teachers and members of the National and State Advisory Council.

What are the duties assigned to the local authority as per the RTE Act?

Ans. Whenever possible, the local authority shall also take charge of the duties assigned to the appropriate government body. In addition to these, the local authority (refer to Question two in this Chapter) shall perform the following duties [Section 9 of RTE Act, 2009]:

- maintain records of children up to the age of 14 years residing within its jurisdiction;
- ensure admission of children of migrant families;
- monitor functioning of schools within its jurisdiction;
- schedule the academic calendar;
- identify the neighbourhood school(s) where children can be admitted, and make such information public for each habitation [Rule 6(6) of RTE Rules, 2010]; and
- ensure that the names of children enrolled in the schools are publicly displayed in each school [Rule 10(5) of RTE Rules, 2010].
4. **What are the duties of the appropriate government and the local authority in the RTE Act?**

Ans. There is some overlap in duties of the appropriate government and the local authority. The function of the appropriate government is to lay down policy, prescribe curriculum, make arrangement for teacher recruitment and their proper deployment, make financial arrangements, and provide technical support.

The local authority, on the other hand, will ensure the enumeration, admission, and attendance of children, mapping of schools, availability of neighbourhood schools, and overall monitoring and assessment.

5. **Who has the power to issue directions regarding implementation of the provisions of the RTE Act?**

Ans. The RTE Act makes it clear that for purpose of implementation of the provisions of the RTE Act, guidelines shall be issued in the following sequence [Section 35 of the RTE Act, 2009]:

- Central government or local authority;
- Appropriate government to local authority or school management committee; and
- Local Authority to School Management Committee.

6. **What is a School Management Committee (SMC)?**

Ans. According to the RTE Act, every school (except private unaided*) shall constitute a School Management Committee (SMC) which will play a pivotal role in the implementation of the RTE Act (Section 21 of the RTE Act, 2009). It shall consist of elected representatives of the local authority, parents/guardians of the children of the school, school teachers and academicians/students.

Parents and teachers play a key role in the functioning of the SMC. Three-fourth of the members of the SMC shall be parents of children enrolled in that school, and the Chairperson and Vice Chairperson shall be from amongst the parent-members or the head-teacher of the school (For more details, refer to Chapter 5, Question and Answer 30 and 31 in this book).

*Note: Since private schools are already mandated to have management committees on the basis of their trust/society registrations, they are not covered by this provision of the Act.
7. **What is the composition of the School Management Committee (SMC)?**

Ans. According to the Central Model Rules, 2009, the composition of the School Management Committee (SMC), is to be in the following manner:

1. An SMC shall be constituted in every school, other than an unaided school, under its jurisdiction, within six months of the appointed date, and reconstituted every two years.

2. Seventy-five per cent of the strength of the SMC shall be from amongst the parents or guardians of children.

3. The remaining twenty-five per cent of the strength of the SMC shall be from amongst the following persons:
   (a) one-third members from amongst the elected members of the local authority, to be decided by the local authority;
   (b) one-third members from amongst the teachers from the school, to be decided by the teachers of the school; and
   (c) the remaining one-third from amongst the local educationists, children in the school, to be decided by the parents in the Committee.

4. To manage its affairs, the SMC shall elect a Chairperson and Vice Chairperson from amongst the parent-members. The head-teacher of the school or where the school does not have a head-teacher, the senior-most teacher of the school shall be the ex-officio Member-Convener of the SMC.

5. The SMC shall meet at least once a month. The minutes and decisions of the meetings shall be properly recorded and made available to the public.
Women Participation in SMC

In the Central Model Rules, the composition of SMC is as follows:

✓ Three-fourth (75 per cent) members of the SMC from the parents or guardians. Among them, 50 per cent will be women. Weaker sections will be represented in the SMC in proportion to their population in the village.

✓ The remaining one-fourth (25 per cent) members will constitute one-third local authorities; one-third school teachers; and one-third academicians and students.

For more details on the composition and functions of the School Management Committee, refer to:

8. **How is the inter-ministerial and departmental coordination and convergence ensured for the effective implementation of the provisions of the RTE Act?**

Ans. National and State Advisory Councils [Sections 33 and 34 of RTE Act, 2009 and Rules 29 (4) and 31 (4) of RTE Rules, 2010] shall be constituted to advise on the implementation of the provisions of the Act in an effective manner. In the meetings of these Councils, representatives of the related ministries and departments, (for example, Ministry of Women and Child Development, Ministry of Social Justice and Empowerment, Ministry of Minority Affairs, etc.) maybe invited as required, to ensure coordination and convergence among themselves.

**Functions of the National Advisory Council**

I. The National Advisory Council shall function in an advisory capacity and shall perform one or more of the following functions:

(a) Take up a review of:
   - the norms and standards as specified in the schedule;
   - compliance with teacher qualifications and training; and
   - implementation of the curriculum and evaluation procedure as explained under Section 29.

(b) Commission studies and research for the effective implementation of the Act.

(c) Coordinate with the State Advisory Councils.

(d) Act as an interface between the public and the media, and the Central Government, in creating awareness, mobilisation, and a positive environment for the implementation of the Act.

II. Prepare reports relating to the reviews, studies, and research undertaken by it and furnish the same to the Central Government. State/UT Advisory Councils shall perform similar functions in their respective State/UT.
9. How are the concerns of children belonging to the disadvantaged groups and weaker sections taken care of in the constitution of the National and State Advisory Council?

Ans. The National and State Advisory Council shall be composed of a Chairperson and 14 members of whom, as per Rules 29 and 31 of the RTE Rules, 2010, and will consist of:

(a) At least three members from the Scheduled Castes (SC) Scheduled Tribes (ST), and Minorities;

(b) At least one member from amongst persons having specialised knowledge in pre-primary education, teacher education, and practical experience of education of children with special needs; and

(c) One-third of all members shall be women.
“At the end of the day, the most overwhelming key to a child’s success is the positive involvement of parents.”

— Jane D. Hull

My parents say, “You go to school... we’ll look after all the work in the fields and the household chores as well. Now, you can study with your friends for many years and we don’t have to worry about school fees. As School Management Committee members, my parents are able to look after not only my educational needs but also those of my classmates who come from neighbouring hamlets.”

Anita, an SMC member, says, “Women as SMC members have been able to influence many girls from various communities. Effective implementation of RTE Act has been possible today because of the active participation of women SMC members, where majority of them are themselves parents of a girl child.”

The aim of this chapter is to:

- highlight the moral responsibility of parents and guardians to admit their children to school and to ensure that no child is deprived of their right to elementary education.
- create awareness about the duties of parents and guardians towards their children’s education, and empower them to voice their concerns for children, including children with special needs, children belonging to disadvantaged groups, and weaker sections.
- emphasise the role of parents as members of the School Management Committee in planning and managing school programmes for all children, including those belonging to the disadvantaged groups and weaker sections.
1. **Who, according to the Act, is a “parent”?**

Ans. According to the RTE Act, 2009, the term “parent” means the natural or step or adoptive father or mother of a child [Section 2(k)].

2. **Who, according to the Act, is a “guardian”?**

Ans. According to the RTE Act, 2009, the term “guardian”, in relation to a child, means a person having the care and custody of that child, and includes a natural guardian or guardian appointed or declared by a court or a statute [Section 2(g)].

3. **What are the duties of parents for ensuring the child’s right to education?**

Ans. Parents play an important role in ensuring the right of their child to free and compulsory elementary education in a neighbourhood school. According to the RTE Act, 2009, it shall be the duty of every parent or guardian to admit or cause her or his child or ward, to be admitted as the case may be, for elementary education in a neighbourhood school (Section 10).

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**THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT) ACT, 2002 [12th December 2002]**

The proposed amendments in Part III, Part IV and Part IVA of the Constitution were made and are:

(a) to provide for free and compulsory education to children in the age group of 6 to 14 years and for this purpose, a legislation would be introduced in Parliament after the Constitution (93rd Amendment) Bill, 2001 is enacted;

(b) to provide in Article 45 of the Constitution that the State shall endeavour to provide early childhood care and education to children below the age of 6 years; and

(c) to amend Article 51A of the Constitution with a view that it shall be the obligation of the parents to provide opportunities for education to their children.
4. **What if the parents do not send their child to school? Can they be punished?**

Ans. According to the Act, it is the duty of every parent or guardian to admit their child in a neighbourhood school. However, the Act does not impose punishment on the parents, if they do not send their child to school. Reluctant parents should be persuaded and encouraged by the SMC members, teachers, local NGOs, and the local authorities to fulfil their duties and send their child or children to school, including those belonging to disadvantaged groups and weaker sections (girls, children with disabilities, children belonging to the SC and ST communities, and so on).
5. **How does a child without parents get admitted in a school?**

Ans. According to the RTE Act, 2009, every child should be provided with free and compulsory elementary education. The term “compulsory education” implies an obligation on the part of the appropriate government to:

(i) provide free elementary education to every child of the age of 6 to 14 years;

(ii) ensure compulsory admission, attendance, and completion of elementary education to every child in the age group of 6 to 14 years [Duties of the appropriate government; Section 8(a) of RTE Act, 2009]; and

(iii) ensure and monitor admission, attendance, and completion of elementary education by every child residing within its jurisdiction [Duties of local authority; 9(e) of RTE Act, 2009].

Thus, in all situations (for example, where a child is without parents, displaced, or orphaned, etc.) it is the duty of the appropriate government or local authority to provide such children with free elementary education in neighbourhood schools.

**Sanju’s story**

“I was separated from my parents and found by a lady at the Varanasi Railway Station. The lady noticed that I was sitting and crying in a corner. She consoled me and took me to the Station Master. He took the decision to call up the Child Helpline Number, 1098. The officer from the Child Welfare Committee came and took me to a residential home for children.
6. According to the RTE Act, how can parents be involved in sharing the responsibilities of a child’s education?

Ans. The RTE Act provides basic rights to parents to participate in school management, and work together with the schools and community for the overall growth and development of children at the elementary level.

According to the RTE Act, a school [other than a school specified in Sub-clause (iv) of Clause (n) of Section 2] shall constitute a School Management Committee (SMC) consisting of the elected representatives of the local authority, parents, or guardians of children admitted in such schools, and teachers. The composition of the elected representatives, especially parents, is as follows [Section 21(1)]:

- at least three-fourth of members of such committee shall be parents or guardians;
- proportionate representation shall be given to the parents or guardians of children belonging to the disadvantaged groups and weaker sections;
Involving Parents

- fifty per cent of members of such committee shall be women; and
- parents can participate in planning and managing of the school programmes, and have their views represented as members of the SMC.

Parents’ participation as members of SMC

Community members, especially parents, can contribute as members of the SMC in the following ways: (Dayaram, 2011)

- support in preparing the school development plan and monitor its implementation;
- bridge the distance between the school and block and district authorities by representing the school at various platforms;
- volunteer to spend time with children in the schools and teach them a variety of skills;
- help teachers perform their job better by supporting them in material development and distribution;
- help children learn various crafts, musical instruments, and other skills available in the community, etc.; and
- work as support teachers when the teacher goes on leave.
The collective union of parents residing in Shivhari village in Maharashtra, realised that their SMC was sneakily disbanded by the headmaster. Led by the SMC President, himself a parent, the SMC, and some other community members filed an RTI application with the Block Education Officer (BEO) to check the names of original SMC members submitted earlier. They got to know that the headmaster had modified the official sheet and changed the names of the SMC members elected by the community. They followed up the case with the BEO and made sure that the headmaster admitted his misdoing and reinstated the original SMC (Dayaram, 2011).

For more details on School Management Committee and community participation, refer to:

**Fifty per cent girls dropout before entering secondary schools in Kutch: A study**

Date: 15 December, 2015
Ahmedabad: Lack of transportation, toilets, social practices like child marriage and child labour as well as safety and security, were some of the major reasons for the high rate of 50 per cent dropout of girls from primary to secondary classes in the Kutch region.

This has been revealed in a pilot project undertaken jointly by the Cohesion Foundation Trust and American India Foundation (AIF) that started in July 2014, covering 36 villages in Bhachau and Rapar blocks in Kutch region. The project includes 50 primary schools and 10 secondary schools, all government, with 3,500 children across Classes VII till X.
7. How can parents represent the special needs of children in the School Management Committee?

Ans. Realising the importance of parents, as resource persons, for sharing information about the needs of their children, especially those belonging to the disadvantaged groups and weaker sections, the Act states that proportionate representation should be given to parents or guardians of children from disadvantaged groups and weaker sections, as members of the SMC. The Act also ensures the representation of women members in the SMCs.

Women participation as members of SMC

Women in the village sit together under a Neem tree before sunset. A lady congratulates Seema on becoming an SMC member; another lady says:

“I have been observing Pushpa’s daughter very closely in the evenings. She seems to be facing difficulty in locating things, bumps into doors, and complains to her brother that she cannot read her book in the evening. Though her eyes look healthy, something appears to be wrong.”

“We have arranged for a resource person. She is called the IE resource person and will arrange for a doctor to check the eyes of Pushpa’s daughter.”

Among these, nearly 2,800 students are from Classes VII and VIII while remaining 700 from Classes IX and X.


INVOLVING PARENTS
An elderly lady says, “Our long-standing conflict with the adjoining village seems to be affecting our children. They feel reluctant to cross the road as some children from the other villages, pass nasty remarks on them. It has affected them so adversely that some of them start crying at the mention of going to the school. We need to do something about it, immediately.”
8. **What are the benefits of involving parents?**

Ans. It is a widely recognised fact that the involvement of parents is one of the effective means of ensuring that children realise and develop according to their full potential. This involvement has proved beneficial, not only for the children and their teachers, but also for the parents themselves, as:

- it enables them to voice their concerns more confidently;
- it keeps the parents informed about the quality of education that their child is receiving;
- it helps increase coordination in learning between the school and home;
- it helps children feel safe and secure in school; and

Seema, an SMC member, says, “I’m happy to have been informed by the group, about all these important issues affecting us and our children, including those of children like Pushpa. Our school authorities are not fully aware of such issues, and the appropriate services which should be provided to them. I am certainly going to take them up in the next SMC meeting and will get back to you.”
• it is helpful for the teachers in planning activities based on the interests of the child.

While the involvement of parents and/or family proves beneficial for all students, children with special needs often need it more. The RTE Act serves as a building block in ensuring the parents’ participation, for effective learning and inclusion of children with special needs.

Mira’s story
“I am a 13-year-old girl, living in a village in Haryana. Since my parents have to migrate frequently, the decision was taken that I should be sent to Delhi to continue my education and to look after my ailing grandmother. Though I was not too happy about the decision, I knew that my grandmother lived alone and would benefit from my presence. Within a week of my stay in Delhi, my aunt approached the nearby school for admitting me in Class VII. Initially, I was refused admission in the neighbourhood school. That day in the evening as I stood in the courtyard, our neighbour, Rama, and her mother came to visit us. Rama’s mother is a member of the SMC. On hearing about the nearby school denying admission to me, she said, “It was a mistake, as no child can be denied admission due to a lack of documents.” She suggested that my grandmother approach and seek permission from the Child Welfare Committee for a Kinship Certificate which would also certify my grandmother’s
9. **What can a parent do in case their child is denied their right under the RTE Act?**

Ans. Children belonging to disadvantaged groups and weaker sections along with all other children have a right to receive free quality education, appropriate teaching-learning materials, and the State specific free entitlements. No child can be subjected to any form of discrimination or corporal punishment according to the RTE Act. If a parent, student, or any other concerned individual observes that the child has been denied their right under the RTE Act, they can file a complaint against the authoritative body.

The procedure to file a complaint, if a child is denied their rights under the RTE Act is:

(a) Initially, the SMC of the school should be approached. Any person, on behalf of the child, can also write a complaint to the local authority that has jurisdiction.
School Management Committee
Rule 3(6f) of RTE Rules, 2010

Bring to the notice of the local authority, any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per Sub-section (2) of Section 3.

(b) The complaints can be sent to the local authority either by post, fax, e-mail or in person. The local authority ought to decide the matter within a period of three months or earlier, in urgent cases such as denial of admission.

(c) Further, in respect of complaints related to violence, child abuse, corporal punishment, etc., the local authority may facilitate the filing of the FIR before the police authorities.

Protection of Rights of Children, Redressal of Grievances
Section 32 (1 & 2) of RTE Act, 2009

1. Notwithstanding anything contained in Section 31, any person having any grievance relating to the right of a child under this Act, may make a written complaint to the local authority having jurisdiction.

2. After receiving the complaint under the Sub-section (1) of Section 32, the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard by the parties concerned.

(d) If the person is not satisfied with the decision of the local authority, they may approach the State Commission for the Protection of Child Rights (SCPCR).
Protection of Rights of Children, Section 32 (3) of RTE Act, 2009 — Redressal of Grievances

Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights (SCPCR) or the authority prescribed under the Sub-section (3) of Section 31, as the case maybe.

(e) RTE Act also assigns the role to the National Commission for Protection of Child Rights (NCPCR) for monitoring the child’s right to education (Section 31 of RTE Act, 2009).

(f) Since the right to elementary education is a fundamental and justiciable right, cases of violation of child rights can also be taken to the court. Depending on the nature of the complaint, the case can be filed in the lowest civil court, or the High Court/Supreme Court.

Protection of Rights of Children, Monitoring of Child’s Right to Education — Section 31 of RTE Act, 2009

1. The National/State Commission for the Protection of Child Rights (N/SCPCR) constituted under Section 3, and Section 17 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), will perform the following functions:
   (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
   (b) inquire into the complaints relating to the child’s right to free and compulsory education; and
   (c) take necessary steps provided under Sections 15 and 24 of the said Commission for Protection of Child Rights Act.

2. Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate government may, for the purpose of performing the above mentioned functions, constitute such authority, in such a manner and subject to such terms and conditions, as maybe prescribed.
This Group of Mothers from Kerala Brought in Regulations for Better Treatment of Autistic Kids

Date: 13 July 2017

...Seema Lal, a Kochi-based special educator, psychologist, and researcher decided to act against these malpractices in therapy centres. It all began in March 2015, when a six-year-old boy, non-verbal, Autistic returned with a broken arm after his therapy sessions. He was rushed to the hospital and the doctor said that something drastic must have occurred, that has led to such severe damage. There was no scope of transparency to understand how the kid broke his hand. After this incident, several complaints from the parents, whose children have gone through the same ordeal came to light.

Seema together with other parents formed the informal group called, TogetherWeCan. With the help of the Human Rights Law Network, they filed a petition in the Kerala State Commission for the Protection of Child Rights in April 2015. They moved ahead to the District Collector and Child Welfare Authorities where they were heard and understood, however, no action was taken as such cases were not under their purview.

...The Kerala State Commission for Protection of Child Rights (KeSCPCR) took notice of it, and after one-and-a-half-year of study into the petition, they passed recommendations in favour of TogetherWeCan. Yet, no action was taken. Later, in May 2017, a PIL (Public Interest Litigation) was filed. The recommendations of the KeSCPCR said there should be committees at every district in Kerala which should be headed by the DMO (District Medical Officer). It also said, the committee should include parents and it will monitor the functioning of the therapy centres. The recommendations also spoke about bringing about the best therapy practices and a clear child safety policy. As of now, there are no regulatory bodies in the country, which can effectively monitor the functioning of these therapy centres.

...After filing the PIL, TogetherWeCan aims at bringing about the following reforms in the way these therapy centres function across the country.

- Therapy centre regulation
- Best practices for various therapies for children with neurological differences. These guidelines would include a strict child safety protocol which is, as of now, non-existent in the country.
Involving Parents

Rahul stays in school

“I am in Class VI. I love going to school with my friends and hardly ever miss the school. Recently, in a tree plantation drive, my friend and I planted a mango sapling and put a mesh around it. I can hardly wait to see it become a big tree laden

- Ensuring parent representation in constitution of a district level committee for transparent, community-based monitoring of therapy centres.
- Advocating for Government facilities, offering such services and therapies so as to ensure affordability and accessibility.
- Shifting the paradigm towards Parent Empowerment and Home Programmes rather than “treating” children with neurological differences as affected by a “disease” requiring a “cure.” Therapies are needed to help the parent understand and accept the condition and help them work with their children, to make them as functionally independent as feasible.
- Focusing on the therapy goal, of bettering the quality of life of the family and not the child alone.
- Mandatory usage of Individualised Education Programme templates, for seamless continuum of service with guidelines for documentation, a copy of which to be shared with the parents.
- Ending closed door therapy where the parent is kept in the dark on the pretext that the child does not cooperate, if the parent is inside. Enough and more empirical research, shows that the parents are the best therapists. Remember that together we can open doors to a safer future.

When asked, how can one mitigate the issues against which Seema is raising her voice, she said, “Parents must be let inside the therapy rooms. They need to know what is happening with the child. These centres must send regular monthly reports to monitor the training of the children. Setting up of specific, measurable, attainable, time-bound, and relevant (SMART) goals must be the priority. The emotional exploitation of parents should stop.”

[Source: https://thelogicalindian.com/my-social-responsibility/mothers-brought-regulations-for-treatment-of-autistic-kids/]

Rahul stays in school

“I am in Class VI. I love going to school with my friends and hardly ever miss the school. Recently, in a tree plantation drive, my friend and I planted a mango sapling and put a mesh around it. I can hardly wait to see it become a big tree laden

Involving Parents
with fruits. Our village is expanding and factories are being set up on the outskirts. Both my father and mother have decided to work as contract labourers and would be living in temporary tents, put up around the factory. I was shocked to learn about this, as I didn’t want to leave my tree, friends, and teachers in school.

My parents saw me crying, and hugged me. They told me that they didn’t want me to discontinue going to my present school and had discussed the matter with the Sarpanch of the Gram Panchayat. I was told that I wouldn’t be going with them but instead will move into the nearby residential school as suggested by the Gram Panchayat.”

For more details on Protection of Child Rights, refer to:
“Daring to rise, braving the odds, reaching for the stars... dreams are forever.”

— Kalpana Chawla

“I study with the big sahib’s son, in whose house my father is a domestic help. The village Pradhan’s son also studies with us. We all take turns performing duties such as, cleaning the blackboard, bringing chalks, and cleaning the desks. Now, both of them have stopped bossing around and they also perform all these activities with us. They are now my good friends.”

“I lost my sight in an accident when I was three years old. After the accident, it seemed like my world had suddenly got limited. It took some time for my parents to accept my limitation and enrol me into a residential school for blind children. After spending a few years in the residential school, I learnt Braille and other daily living skills. One day, a teacher from a neighbourhood school visited my residential school. She said that as per the provisions under the RTE Act, I will now study in a regular primary school near my house. I was admitted in a regular school. I enjoy studying with friends from the neighbourhood.

The aim of this chapter is to:

- provide readers with information about the provisions of the RTE Act and develop a fuller understanding of how it ensures schools for ‘all children’.
- create awareness about the accessibility of the schools and educational facilities, especially for a child belonging to the disadvantaged group and/or weaker section, girl child, and child with disabilities.
- inform the reader about the provisions in the RTE Act, related to issues such as dropout and its prevention.
1. What are the prescribed minimum norms and standards for schools under the RTE Act?

Ans. The Act prescribes minimum norms and standards for schools through a mandatory schedule (Norms and Standards for a School under RTE Act and Sections 19 and 25 of RTE Act, 2009).

It includes norms regarding Pupil:Teacher Ratio (PTR), number of teaching days per year, number of teaching hours per day, number of rooms, safe and adequate drinking water facility, availability of teaching-learning materials, playground, kitchen for mid-day meals, separate toilets for boys and girls, and barrier-free access.

Requirement of Playgrounds

“Paucity of open areas, especially in metropolis, and other big cities, and in crowded localities, etc., are genuine difficulties in providing playground facility within the school premises.... The intent of inclusion of playground as an infrastructural requirement of a school is to ensure that children have sufficient open space for sports and other physical activities during the school hours.... It is not necessary that the school management
Schools for All

provides this facility within the school arrangements (sic); it can provide this facility in an adjoining playground, municipal park, etc., for children to play outdoor games and other physical activities.”


Norms and Standards for a School
(Section 19 of RTE Act, 2009)

(1) No school shall be established under Section 18, or recognised, unless it fulfils the norms and standards specified in the Schedule.

(2) Where a school is established before the commencement of this Act and does not fulfil the norms and standards specified, it shall take steps to fulfil such norms and standards at its own expense, within a period of three years from the date of such commencement.

(3) Where a school fails to fulfil the norms and standards, the authority prescribed shall withdraw recognition granted to such a school.

(4) With effect from the date of withdrawal of recognition, no school shall continue to function.

(5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine, which may extend upto one lakh rupees and, in case of continuing contraventions, to a fine of ten thousand rupees for each day, during which such contravention continues.
“Access to playfields mandatory for schools”, says Government

Date: 2 December 2016

New Delhi: “Access to playfields and engagement of the physical education instructor, has been made a mandatory requirement for all schools under the Right to Education Act”, Government told the Lok Sabha on Thursday.

Union Sports Minister Vijay Goel said, “Government recognises the role of sports and physical education, in the holistic development of children and youth of the country.”

“As part of this policy, the Government has made access to playfields and engagement of the physical education instructor, a mandatory requirement for all schools under the Right to Education Act,” he said during the Question Hour.

The Minister said, “The CBSE places special importance on co-scholastic areas which include sports and physical fitness and it is expected that the state education boards would also emulate the CBSE example in due course.”

Shri Goel said, “A scheme called ‘Khelo India—National Programme for Development of Sports’ is being implemented by the Sports Ministry as a Central sector scheme from the current financial (2016–17).”

“The scheme provides for holding of annual sports competitions in two age groups— (i) under 14, and (ii) under 17 all over the country, to encourage mass participation of both boys and girls in sports, in both urban and rural areas, and identification of talented sportspersons through competitions and creation of sports infrastructure facilities”, he said.

2. What is meant by “barrier-free access”? As per the RTE Act, are the schools required to undergo modifications in order to suit the diverse needs of children?

Ans. “Barrier-free access” refers to universal access for all children and adults, within the school. It implies modifications in the physical infrastructure, educational materials, services, curriculum, and teaching-learning processes. This is particularly relevant to children with disabilities having physical disability, visual impairment, hearing impairment, intellectual disability, disability caused due to chronic neurological conditions and blood disorder; and multiple disabilities. Social stigmas and attitudes linked with disability also act as barriers, which may result in discrimination and exclusion and thus, need to be addressed.

Under the revised Rights of Persons with Disabilities Act, 2016, provisions have been made under Section 46 to direct all service providers, whether Government or private, to provide services in accordance with the rules on accessibility formulated by the Central Government under Section 40 within a period of two years from the date of notification of such rules. Provided that the Central Government, in consultation with the Chief Commissioner, may grant extension of time for offering certain category of services in accordance with the said rules. The RTE Act provides every child with rights and opportunities to participate actively and equitably in school. Barrier-free access for all children and adults, within the schools, is required for independence, safety, dignity, and addressing varied learning needs.

The Rights of Persons with Disabilities Act, 2016

Accessibility

Section 40 — The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities, laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.
All schools are required to undergo modifications in order to suit the diverse needs of the children. Guidelines have been developed by SSA (MHRD), NCERT, Rehabilitation Council of India (RCI) and other national and international institutions to ensure ‘barrier-free access’. Some of the key issues highlighted in these guidelines are given below:

1. For wheelchair users (not wheelchair bound, as it is a term with a negative connotation), teachers should allocate seats either on the left or right side of the door. While selecting the seats for crutch users, it must be ensured that there is sufficient space available for them to keep their crutches.
2. Wheelchair users must also be given equal opportunity for changing their seats like other children in the classroom. For them, the blackboard should be adjustable so that it can be lowered for writing.

3. For children, who cannot hear and those with hearing aids, communication is better when the child is seated in front of the teacher. Seats in the middle row should be preferred for the easy reading of lip movement and facial expressions of teachers. For helping all children hear and listen well, especially for a child using hearing aid, the surrounding sounds should be minimised.
4. For children with low vision, the source of light should be either right behind or above them, to ensure visual efficiency. A seat for a low vision child should preferably be in the front row, as this would minimise the distance between the child and the blackboard.
5. People with Autism Spectrum Disorder (ASD) often have difficulty in negotiating confusing spaces. It may also be difficult for them to ask for help. Clear signage makes it easier for them to get about quickly and efficiently. When anxious or stressed, they find it easier to process pictorial signage rather than written ones. Such signage makes it easy for all other children as well.

**Providing Accessible Services to All: ‘Accessible India Campaign or Saugamya Bharat Abhiyan’**

Accessible India Campaign (AIC), under the Department of Empowerment of Persons with Disabilities (DEPwD), Ministry of Social Justice and Empowerment, was launched on 3 December, 2015. It aims to make a barrier-free and conducive environment for persons with disabilities throughout the country.

Disability is understood to be caused by physical, social, structural, and attitudinal barriers that prevent persons with disabilities from participating equally in the socio-cultural and economic activities. A barrier-free environment, facilitates equal participation and ensures an independent and dignified way of life for all.

Modifications and upgradations are to be made, along three verticals for providing universal accessibility to all: built environment, transport, and information and communication technology.

For more details, refer to: [http://disabilityaffairs.gov.in/content/accessible_india.php](http://disabilityaffairs.gov.in/content/accessible_india.php)

3. **Is it recommended in the RTE Act that the schools be located at suitable distances and locations for easy access?**

Ans. Yes, the RTE Act emphasises on the need for neighbourhood schools. The Central Model Rules [Rule 6(1) of RTE Rules, 2010 and Section 6 of RTE Act, 2009] specify the areas or limits of the neighbourhood, within which a school has to be
established by the appropriate government or local authority within three years from the commencement of this Act (that is, 31 March, 2013).

Neighbourhood Schools: Areas or Units of Neighbourhood

According to Rule 6(1) of RTE Rules, 2010, the area or limits of the neighbourhood, within which a school has to be established by the appropriate government or the local authority shall be:

(a) in respect of children in Classes from I to V, a school shall be established within a walking distance of one km of the neighbourhood; and

(b) in respect of children in Classes from VI to VIII, a school shall be established within a walking distance of three kms of the neighbourhood.
Many children do not attend school due to social, cultural, geographical and other difficult situations. Can the norms of neighbourhood schools be eased for such situations?

Ans. Yes, the RTE Rules [Rule 6(3–8) of RTE Rules, 2010] state that the State Government or Local Authority shall ensure that access of children to school should not be hindered on account of social and cultural factors.
Duties and Responsibilities of Appropriate Government to Ensure Access of Children to School

Duties and Responsibilities of Central Government, Appropriate Government and Local Authority [Rule 6 (3–8) of RTE Rules, 2010]:

1) In places with difficult terrain, risk of landslides, floods, lack of roads, and, in general, which involves a danger for young children in approaching the school from their homes, the appropriate government or the local authority shall locate the school in a manner that it avoids such dangers, by reducing the area or limits.

2) For children from small hamlets, as identified by the appropriate government or the local authority, where no school exists within the area or limits of neighbourhood, the appropriate government or the local authority shall make adequate arrangements, such as free transportation and residential facilities, for providing elementary education in a school, in relaxation of the area or limits specified in the same rule.

3) In places with high population density, the appropriate government or the local authority may consider establishment of more than one neighbourhood school with regard to the number of children in the age group of 6–14 years in such places.

4) The local authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation.

5) With respect to children with disability, to enable them in accessing the school, the appropriate government or the local authority shall endeavour to make appropriate and safe transportation arrangements so that they attend the school and complete their elementary education.

6) The appropriate government or the local authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

5. How will the information regarding neighbourhood school(s) be known to the public?

Ans. It is the responsibility of the local authority to identify neighbourhood school(s) where the children can be admitted, and make this information known, to the public for each habitation [Rule 6 (6) of RTE Rules, 2010].
6. **When can a child seek admission in a school during the year?**

Ans. A child can be admitted in a school, anytime during the year. Though ideally, a child should be enrolled either at the beginning of the academic year or within the extended period (as prescribed by the appropriate government), they cannot be denied admission even after the extended period. However, in such a case, the child shall be given special training to build their skills.

**No Denial of Admission (Section 15 of RTE Act, 2009)**

A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

- Provided that no child shall be denied admission if such admission is sought subsequent to the extended period.
- Provided further that any child admitted after the extended period shall complete her/his studies in such manner as may be prescribed by the appropriate government.

**Extended Period for Admission**

Rule 14 (1 & 2) of RTE Rules, 2010 states:

- extended period of admission shall be six months from the date of commencement of the academic year of a school.
- where a child is admitted in a school after the extended period, she/he shall be eligible to complete studies with the help of special training, as determined by the head-teacher of the school.
7. On what basis will the child be admitted to a school?

Ans. For the purpose of admitting children, no school can take a test or an interview or ask for interaction with the parents or their children, or seek capitation fee. This is clearly stated in Section 13(2) of the RTE Act, 2009.

No Capitation Fee and Screening Procedure for Admission
[Section 13 (1 & 2) of RTE Act, 2009]

- No school or person shall, while admitting a child, collect any capitation fee and subject the child or her or his parents or guardian to any kind of screening procedure.

- Any school or person, if in contravention of the provisions of Sub-section 1:
  
  (a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged; and

  (b) subjects a child to any screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contravention.

Rahul’s application got rejected

“In the year 2012 we got our younger son, Sohail, enrolled in a school. Thanks to the RTE Act, we didn’t have to go through a toiling admission related examination process. But back in May 2008, our eldest son Rahul had to give an interview and test for admission to the same school,” said Ameena. “I still remember that difficult day. Rahul and I, waited outside that dreaded room, where his test was to take place, while Rahul’s father filled up a form that required details about
our qualifications, occupation, monthly income, etc. Rahul looked at me, as I held tightly on to his wheelchair handle. I smiled at him, trying not to show how nervous I was.”

“It was the longest hour for both of us. After the whole process, the school decided not to admit Rahul. Rahul used a yellow crayon to colour the apple, he did not assemble the pieces of a puzzle and he fumbled, while giving his father’s name during the school test,” Ameena remembered. “No child should have to go through such pressure and then face rejection. This was many years ago; Rahul then went to a different school and performed well. The art classes, in particular, were his favourite. However we are glad that we did not have to put our younger son through such a process, thanks to the RTE Act.”

8. **What are the categories of schools which come under the ambit of the RTE Act?**

Ans. “School” means any recognised school imparting elementary education. Four categories of schools are covered under the RTE Act [Section 2 (n) (o) of the RTE Act, 2009] and include:

1. a school established, owned, or controlled by the appropriate government or local authority;
2. an aided-school receiving aid or grants, to meet whole or part of its expenses, from the appropriate government or local authority;
3. a school belonging to a specified category; and
9. Which schools are exempted from the provisions of the RTE Act?

Ans. The provisions of the RTE Act are not applicable to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instruction (Section 2 (o) of the RTE Act, 2009); and

- the Central Government specified the schools established, managed, and administered by the Central Tibetan School Administration, Government of India, to come under specified category schools.

[As per MHRD, Department of School Education and Literacy Notification dated 19 January, 2011, New Delhi]

10. Does the RTE Act cover minority schools?

Ans. The RTE Act is not applicable to minority schools. However, minority schools are required to abide by one key provision of the RTE Act that safeguards the rights of children. There are provisions of ‘no detention’ and ‘no corporal punishment’.

For more details, refer to:

Notice to Centre, Uttar Pradesh over Exemptions for Minority Schools

Date: 5 October, 2016

New Delhi: The debate over whether minority institutions should be excluded entirely from the provisions of the Right to Education Act reached the Supreme Court today, which issued a notice to both the Centre and the Uttar Pradesh Government in the matter.

A bench of Justices Dipak Mishra and UU Lalit were hearing a plea filed by the Independent Schools Federation of India which sought a relook on the exemptions provided to—both unaided and aided—minority institutions.

Such institutions are not only excluded from provisions of the Right to Education but also, other legal provisions like reservations for students from weaker sections.

The court had earlier sought a response from the Centre and the Uttar Pradesh Government without issuing notices to them on whether the minority institutions needed any recognition as mandated under the Right to Education Act, after they were excluded from its purview.

Earlier in May 2014, a five-judge bench had upheld the validity of the Right to Education Act, 2009 and said it was not applicable to minority schools.

...Right now, minority institutions can be established without a certificate of recognition from the authorities, and don’t need to adhere to norms and standards for schools.

11. **How does the RTE Act apply to the Special Schools managed by the NGOs and Ministry of Social Justice and Empowerment?**

Ans. The Special Schools that are managed by the NGOs and Ministry of Social Justice and Empowerment have to attain the norms and standards, as defined in the RTE Act and in the States’ own rules, in order to continue functioning as a recognised school or to qualify as legal schools, within three years of notification of the Act.

Reference: Right to Education. ‘Would special schools run by NGOs qualify as legal schools under the Act?’ Retrieved from: http://righttoeducation.in/would-special-schools-run-ngos-qualify-legal-schools-under-act

12. **Does the RTE Act allow schools to run double shifts?**

Ans. The RTE Act requires that all schools across the country follow a single schedule as regards the minimum number of instructional hours per year. This also ensures that schools do not run double shifts.

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<thead>
<tr>
<th>The Schedule — Norms and Standards for a School (Item No. 3 of RTE Act, 2009)</th>
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<td>Minimum number of working days or instructional hours in an academic year</td>
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13. **What action would be taken against a school if it does not adhere to the required norms and standards?**

Ans. It is important that schools follow the minimum norms and standards as specified in the RTE Act, 2009. Schools will not be recognised if they do not adhere to the norms and standards. In addition, no school can be established without obtaining the ‘certificate of recognition’ from proper channels as specified in Sections 18 and 19 of the RTE Act, 2009.

**No School to be Established without Obtaining Certificate of Recognition (Section 18 of RTE Act)**

(1) No school, other than a school established, owned, or controlled by the appropriate government or local authority, shall, after the commencement of this Act, be established or function, without obtaining the ‘certificate of recognition’ from such authority, by making an application in such form and manner, as may be prescribed.

(2) The authority prescribed shall issue the ‘certificate of recognition’ in such form, within such period, in such manner, and subject to such conditions, as maybe prescribed:

- Provided that no such recognition shall be granted to a school unless it fulfils norms and standards.

(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

- Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted.
- Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as maybe prescribed.
(4) With effect from the date of withdrawal of the recognition, no such school shall continue to function.

(5) Any person who establishes or runs a school, without obtaining the ‘certificate of recognition’, or continues to run a school after withdrawal of recognition, shall be liable to a fine, which may extend to one lakh rupees, and in case of continuing contraventions, to a fine of ten thousand rupees for each day, during which such contravention continues.

14. **How is it ensured (under the RTE Act) that all schools admit children belonging to the disadvantaged groups and/or weaker sections?**

Ans. The RTE Act makes it compulsory for private and specified category schools to admit at least 25 per cent children, belonging to disadvantaged groups and weaker sections, in Class I or pre-school (where a school imparts pre-school education) and provide free and compulsory elementary education till its completion.
Extent of School’s Responsibility for Free and Compulsory Education (Section 12.1.c of RTE Act)

(1) For the purposes of this Act, a school:

(c) shall admit in Class I, to the extent of at least 25 per cent of the strength of that class, children belonging to disadvantaged groups and weaker sections in the neighbourhood, and provide free and compulsory elementary education till its completion:

Provided further that where a school imparts pre-school education, the provisions shall apply for admission to such pre-school education.

It is anchored in the belief that all schools, including those not dependent on government funds, shall provide inclusive elementary education to all children. This belief is in concurrence with the constitutional values of equality, social justice, democracy, and creation of a just and humane society.

Note: In case of private unaided and specified category schools, random selection shall be done for the applications received from the children belonging to disadvantaged groups and/or weaker sections, for filling the pre-determined number of seats (that is, not less than 25 per cent of the strength of the class).

Navodaya Vidyalayas all set to get exemption for two key RTE provisions

Date: 22 June, 2011

New Delhi: Lakhs of children, waiting to take the entrance test for admission into the prestigious Navodaya Vidyalayas can now finally appear for the exams, take relief as the Law Ministry has finally said that these schools can be exempted from two key provisions of the Right to Education Act.
However, the Law ministry has asked the HRD ministry to take the precaution of issuing the necessary notification exempting these schools from the RTE Act.

The two key provisions—no screening and 25 per cent reservation for the economically weaker sections—will not be applicable to the 444 Navodaya Vidyalayas across the country. As a result, the entrance test for these schools, that was to take place in February, would now be held in July. Sources in the Navodaya Vidyalaya Sangathan (NVS) said, “The session in Navodaya Vidyalayas has already been delayed by a few months. We would like to conduct the test next month.”

There are a number of reasons for letting Navodaya Vidyalayas off the RTE hook. They start from Class VI and not Class I. These schools, located in all districts, have 75 per cent seats reserved for rural children. Seats are also reserved for children from SC and ST communities, in proportion to their population in the district, but not less than the national average. One-third of the seats are for girl students and three per cent of the seats are for disabled children. Till Class IX there is no fee, and from Classes IX to XII, ₹200 is charged per month.

NVS argued that since these schools cater primarily to poor rural children, there is no reason for it to give 25 per cent reservation. As for the contentious issue of no-screening, NVS contended that these schools were primarily meant for meritorious children and admission was done through a tough entrance examination conducted by CBSE.


15. Who is responsible for providing funds for free education of children belonging to the disadvantaged groups and weaker sections under the RTE Act?

Ans. As per the RTE Act, the costs incurred by private and specified category schools, on providing free education to children
belonging to the disadvantaged groups and weaker sections, will be reimbursed by the respective State Governments.

**Extent of School’s Responsibility for Free and Compulsory Education (Section 12.2 of RTE Act)**

The school providing free and compulsory elementary education, shall be reimbursed the expenditure so incurred by it to the extent of per-child expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such a manner as may be prescribed:

- Provided that such reimbursement shall not exceed per child expenditure incurred by a school.
- Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment, or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

**Interviewer:**

It is the responsibility of the private schools that receive aid from the Government, to admit children (subject to a minimum 25 per cent) in proportion to the annual recurring aid or grants received.

Will these schools receive any extra financial aid as reimbursement for these children?

**Educational administrator:**

Let me give an example; if a private school receives 40 per cent of the total recurring expenditure as annual contribution for a particular year, it will have to admit 40 per cent children from disadvantaged groups and weaker sections, in the induction class, for free education that year.
However, if the grant received is less than 25 per cent, the school should still admit at least 25 per cent children in the induction class for free education.

**Responsibilities of Schools and Teachers, Extent of School’s Responsibility for Free and Compulsory Education, Section 12[1(b)] of RTE Act**

School shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of 25 per cent.

**16. Who is responsible for providing the free entitlements to children?**

Ans. The responsibilities of providing free entitlements to children vary according to the type of school. In case, there is a child with disability, they shall be entitled also for free special learning and support material [Rule 9 (1) of RTE Rule, 2010].

For all children admitted to government schools, the appropriate government or local authority is responsible for providing free entitlements to all the children.
In private schools (aided/unaided), the provision for free entitlements is available to the children admitted for free elementary education. The schools shall be responsible for providing free entitlements to these children [Section 12(2) of RTE Act].

17. **Does it imply that private and specified category schools can no longer charge fees under the RTE Act?**

Ans. Private schools and schools in the specified category can continue to charge fees as per their standard norms. However, they are required to admit at least 25 per cent children from disadvantaged groups and weaker sections (or economically weaker section) of the society, without charging any fees.

18. **Why should at least 25 per cent children from disadvantaged groups and/or weaker sections be admitted for free education in private schools?**

Ans. The rationale for including at least 25 per cent children from disadvantaged groups and weaker sections is to ensure that they form a substantial portion or critical mass in the class they join. A smaller proportion would serve only a token purpose and it may run the serious risk of creating a feeling of alienation, among the children, belonging to disadvantaged groups and weaker sections. The aim is to ensure that participation in the classroom interaction remains lively, inclusive, strong, as well as enriches the overall experiential learning taking place in any given subject area. This implies that children from disadvantaged groups and weaker sections cannot be pooled together in a separate section or taught during the afternoon shift. Any arrangement which segregates, or treats these children in a differentiated manner vis-à-vis the fee-paying children, is undesirable for the promotion of inclusive classrooms.
19. Why is Class I or preschool fixed as the entry level for admitting 25 per cent children from disadvantaged groups and weaker sections in private schools?

Ans. The RTE Act provides for admission of 25 per cent children from disadvantaged groups and weaker sections in Class I and not across the whole school. As children admitted to Class I move to Class II, new children will be admitted to Class I, and so on, till completion of 8 years of elementary education. Thus, the school will gradually have a more diverse population spread across all classes. Progression at this pace will allow the children the opportunity to grow up together and create bonds that can survive social taboos. The intention is well thought of, respecting the overall school ethos to respond to the new policy in a positive manner. It allows space for teachers, who are used to selective homogeneous classroom environments, to gradually develop the required positive attitude and professional skills, to deal with this diversity. Thus, the RTE Act provides for admission of disadvantaged children at the entry level, covering pre-school and Class I.
10. **How does the RTE Act provide for preschool education?**

**Ans.** According to the RTE Act, the appropriate government may make arrangements for providing free pre-school education for children till the age of six years.

21. **What if a child was not enrolled in a school at six years of age or dropped out of school before completing elementary education? Is it possible to seek admission later?**

**Ans.** Yes. According to the RTE Act, an ‘out-of-school child’ above six years of age can also take admission in any school, for pursuing and completing free elementary education (Section 4 of RTE Act, 2009). However, in such cases, the child will be directly admitted in an age appropriate class after going through special training and/or remedial classes. This is done with the intention of avoiding possible humiliation and embarrassment of sitting with younger children and consequently dropping out.
Ricky’s Story

Ricky, a boy aged 10, sells balloons in the Connaught Place area of Delhi. In the evening, he supports his father in selling vegetables.

One day, Joseph, a social worker, was buying vegetables. He was surprised to see this little boy calculate the daily earnings with such speed and accuracy. Out of curiosity, he asked Ricky which school he went to.

Ricky replied, “Of course, the Right to Education Act gives your son the right to elementary education.”

Joseph asked, “Can my son get admission at this age?”

Ricky thought for a moment and said, “10 + 15 + 25 + 7 = 57.”

Joseph was impressed and said, “Wow, that’s amazing! Does your school teach you to calculate so well?”

Ricky smiled and said, “Yes, we learn to calculate quickly. It helps us manage our earnings.”

Joseph was touched and said, “Thank you, Ricky. You are a smart boy.”

Ricky’s Story

Educational Rights of Children with Special Needs — FAQs
103

22. Who is an ‘Out-of-School Child’ according to the RTE Act?

Ans. There is no standard definition for clarifying children who are ‘Out-of-School Children’. Varied approaches have been adopted in different parts of the country with regard to ‘Out-of-School Children’. For clarity on the concept, the following standard definition is suggested by MHRD:

“\text{A child 6–14 years of age will be considered out-of-school if she/he has never been enrolled in an elementary school or, if after enrolment has been absent from school without prior intimation for reasons of absence for a period of 45 days or more.}”

\textbf{State definitions of ‘Out-of-School Child’: A few examples}

\textbf{Maharashtra:} ‘Out-of-School Child’ means a child of the age of 6 to 14 years who has either never been admitted to a school or who, having been admitted, has not completed elementary education. It shall also include a student of elementary school being continuously absent for more than a month.

he attends. Ricky said that he had never been to school. Impressed by the child, Joseph decided to talk to the child’s father and proposed admitting him in the neighbourhood school. Ricky’s father who had never gone to school himself, wondered how this could be possible with his meagre earnings. He doubted how Ricky could get admission in a school at this age.

Joseph eased all the apprehensions of the father and explained that, with the enactment of the RTE Act, it is the right of the child to get admission in any school in an age appropriate class. He informed that a child has to be six years old to be in Class I, and if Ricky is 10 years old, so he has a right to be admitted in Class IV. It is the responsibility of the school to provide him with special training to cope with what he had missed, within a time-frame of two years.

"A child 6–14 years of age will be considered out-of-school if she/he has never been enrolled in an elementary school or, if after enrolment has been absent from school without prior intimation for reasons of absence for a period of 45 days or more."
23. How can an Out-of-School Child be helped to reach the level of the age appropriate class?

Ans. According to the RTE Act, a child admitted directly to an age appropriate class shall have the right to receive special training. This training shall be organised by the School Management Committee (SMC) within the school or in safe residential facilities. It shall be based on the age appropriate classroom learning material, specially designed for the purpose and approved by the academic authority. Special training shall be provided by the teachers working in the school or those appointed specially for this purpose. For the training, an Individualised Education Plan (IEP) shall be prepared by the trainer, in consultation with the family and the student. Further, the child shall continue to receive special attention by the teacher after getting into the age appropriate class to enable them to successfully integrate academically, socially, and emotionally and connect with other members of the class (Section 4 of RTE Act, 2009 and Rule 5 of RTE Rules 2010).
24. **Would the special training be provided for a specific duration? What if the child is not able to cope within the time frame?**

Ans. Yes, the special training shall be provided for a minimum period of three months. The training may be extended, based on the periodical assessment of the learning progress made by the child. However, the training shall not be extended beyond two years [Rule 5(1(d)] of RTE Rules, 2010].

### Special Training

**Rule 5 of RTE Rules, 2010**

(1) The School Management Committee (SMC) of a school owned and managed by the appropriate government or local authority shall identify children requiring special training or organise such training in the following manner, namely:

(a) the special training shall be based on specially designed, age appropriate learning material, approved by the academic authority;

(b) the said training shall be provided in classes held on the premises of the school, or in classes organised in safe residential facilities;

(c) the said training shall be provided by teachers working in the school, or by teachers specially appointed for the purpose; and

(d) the duration of the said training shall be for a minimum period of three months which may be extended, based on the periodical assessment of learning progress, for a maximum period not exceeding two years.

(2) The child shall, upon induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable her/him to successfully integrate with the rest of the class, academically and emotionally.
Reshma Goes Back to School

Reshma, an 11-year-old girl, is orthopedically challenged and has hearing impairment. Her parents’ attitude had always been blaming their and her own fate. Though she was initially sent to school; as she attained puberty, she was made to discontinue her schooling. Her parents asked her to stay inside the home, as they felt that it was no longer safe for her to go to school, and schooling will be of no use to her. Her neighbours advised her parents that it will be futile to invest in a “disabled girl”.

The school headmaster, the people of the Panchayat, and members of School Management Committee (SMC), while identifying the number of children staying in a family in each house in the village, identified Reshma and inquired about her age, name of the school, and class last attended.

It was through their persuasive efforts that Reshma’s parents were encouraged to send her back to school. The headmaster explained that they have a special educator, who will assess her learning ability and based on the assessment, an Individualised Educational Plan (IEP) would be developed. After developing her preinclusive skills, she will be inducted into an age appropriate class.

Now, after one year of special training, Reshma is studying in Class VI of the Zila Parishad School and her family feels motivated and encouraged to continue her education in the regular neighbourhood school.
What if a child admitted late to school, turns 14 years old, before completing elementary education?

Ans. A child enrolled in a school after six years of age can pursue free and compulsory education, till the completion of elementary education [Section 4 of RTE Act, 2009]. It means that, if a child was enrolled in a school at the age of 12 years, the child can pursue free and compulsory education even after 14 years of age till they complete elementary education. The DNEP 2019, however, suggest extending the RTE Act to include secondary education for children up to 18 years of age.

**Special Provisions for Children not Admitted to or Who Have not Completed Elementary Education**

*(Section 4 of RTE Act)*

Where a child above six years of age has not been admitted in any school or though admitted, could not complete her or his elementary education, then, she or he shall be admitted in a class appropriate to her or his age:

- provided that where a child is directly admitted in a class appropriate to her or his age, then, she or he shall, in order to be at par with others, has a right to receive special training, in such manner, and within such time limits, as may be prescribed.

- provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after 14 years of age.

Since age appropriate admission is a provision under the RTE Act, what documents can be considered as a proof of age?

Ans. According to the Act, the age of the child, shall be determined on the basis of the birth certificate issued according to the Births, Deaths and Marriages Registration Act, 1886 or any other document prescribed by the States [Section 14(1) of RTE Act, 2009].
27. **Can the school deny admission due to lack of age proof?**

Ans. No. According to the RTE Act, no child can be denied admission due to the lack of age proof [Section 14(2) of RTE Act, 2009].

**Proof of Age for Admission**
*(Sections 14.1 and 14.2 of RTE Act)*

(1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis of such other document, as may be prescribed (6 of 1886).

(2) No child shall be denied admission in a school for lack of age proof.

28. **Can the child seek transfer to another school anytime during the academic year?**

Ans. Yes, a child can seek transfer to any other school (except private unaided and specified category schools) anytime during the academic year. In such a case, the head-teacher or teacher in-charge, shall issue transfer certificate without delay. However, admission cannot be denied on the account of delay in producing the transfer certificate.

**Right to Transfer to Other School**
*(Section 5 of RTE Act)*

(1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek...
transfer to any other school, excluding the school specified in Sub-clauses (iii) and (iv) of Clause (n) of Section 2, for completing her or his elementary education.

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in Sub-clauses (iii) and (iv) of Clause (n) of Section 2, for completing her or his elementary education.

(3) For seeking admission in such other school, the headteacher or teacher in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

- provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school.

- provided further that the head-teacher or teacher in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to her or him.

Ramesh’s Misplaced Disability Certificate

Ramesh’s father got transferred from Delhi to Mumbai. When the entire family got off the train, Ramesh’s mother realised that one of the suitcases, that had Ramesh’s disability certificate, was missing. She panicked because she thought her child would be denied admission to school due to the lack of a disability certificate.

Ramesh’s parents sought help from the District Education
29. **Who is responsible for monitoring effective implementation of the RTE Act in the schools?**

Ans. According to the RTE Act, every school (except private unaided schools) shall constitute a School Management Committee (SMC), which will play a pivotal role in monitoring effective implementation of the RTE Act. It shall consist of elected representatives of the local authority, parents of the children in the school, and the teachers.

30. **Can parents of the children belonging to the disadvantaged groups, weaker sections, or those with special needs, become members of SMC?**

Ans. Realising the important role of parents in understanding the needs of their children, especially of children belonging to the disadvantaged groups and weaker sections, the RTE Act states that proportionate representation be given to them in the SMC. In addition, 50 per cent of members of such committees shall be women [Section 21(1) of RTE Act, 2009]. The States have formulated their
own rules regarding the composition and functioning of the SMCs.

**School Management Committee**  
**(Section 21.2 of RTE Act)**

The School Management Committee shall perform the following functions, namely:

(a) monitor the working of the school;
(b) prepare and recommend school development plan;
(c) monitor the utilisation of grants received from the appropriate government or local authority or any other source; and
(d) perform such other functions as may be prescribed.

- Whether the School Management Committee, constituted under Sub-section (1) of Section 21 of RTE Act, is a School Management Committee of a school established and administered by a minority whether based on religion or language; or any and (b) all other aided schools mentioned according to the Section 2 (n)(ii) of the RTE Act. [Inserted by RTE (Amendment) Act, 2012].

### 31. What are the duties of the SMC?

Ans. The School Management Committee (SMC) shall be responsible for monitoring the proper utilisation of grants, implementation of the mid-day meal scheme, and the proper functioning of the school on the whole [Section 21 (2) of RTE Act, 2009 and Rule 3(6) of RTE Rules, 2010].

It shall also be responsible to look especially into the concerns of children belonging to the disadvantaged groups and weaker sections, and identify their additional needs. As regards the children with special needs, the members have a vital role in monitoring that they are identified and enrolled in the neighbourhood schools. For the purpose of fulfilling
the additional identified needs of the children studying in the school, it shall prepare a School Development Plan (SDP). (Please refer to the next question for more details.)

Further, the SMC members shall also gear their efforts towards spreading awareness about the protection of rights of children and duties of the State Government, local authority, school, and parents among the neighbourhood population.

**Composition and Functions of School Management Committee (Rule 3.6 of RTE Rules, 2010)**

The said committee shall perform the following functions, namely:

(a) communicate in simple and creative ways to the population in the neighbourhood of the school, the rights of the child as enunciated in the Act; as also the duties of the appropriate government, local authority, school, parents, and guardian;

(b) ensure the implementation of Clauses (a) and (e) of Section 24 [Duties of teachers and redressal of grievances] and of Section 28 [Prohibition of private tuition by teacher];

(c) monitor that teachers are not burdened with non-academic duties other than those specified in Section 27 [Prohibition of deployment of teachers for non-educational purposes];

(d) ensure the enrolment and continued attendance of all the children from the neighbourhood in the school;
(e) monitor the maintenance of the norms and standards specified in the Schedule;
(f) bring to the notice of the local authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements;
(g) identify the needs, prepare a plan, and monitor the implementation of the provisions;
(h) monitor the identification and enrolment of, and facilities for education of children with disabilities, and ensure their participation in, and completion of elementary education;
(i) monitor the implementation of the Mid-Day Meal in the school; and
(j) prepare an annual account of receipts and expenditure of the school.

32. **What is a School Development Plan (SDP)? Would it be an inclusive plan, indicating the needs of children with special needs?**

Ans. The School Development Plan (Rule 4 of RTE Rules, 2010) is a comprehensive plan, reflecting the goals and development plans of the school. It is a three-year plan, which according to the RTE Act, shall be prepared at least three months before the end of the financial year. It should focus on the various important aspects such as protection of child rights, child-friendly environment, infrastructure, barrier-free access, availability of Teaching-Learning Material (TLM), and other entitlements, preparation of pupil cumulative record, and inclusive classrooms.
Preparation of School Development Plan  
(Rule 4 of RTE Rules, 2010)

1. The School Management Committee shall prepare a School Development Plan at least three months before the end of the financial year in which it is first constituted under the Act.

2. The School Development Plan shall be a three-year plan comprising three annual sub-plans.

3. The School Development Plan shall contain the following details:
   (a) Estimates of class-wise enrolment for each year;
   (b) Requirement of the number of additional teachers, including head-teachers, subject teachers and part-time teachers, separately for Classes I to V and Classes VI to VIII, calculated with reference to the norms and standards specified in the Schedule;
   (c) Physical requirement of additional infrastructure and equipment, calculated with reference to the norms and standards specified in the Schedule; and
   (d) Financial requirement in respect of (b) and (c) above, including for providing special training facility specified in Section 4, entitlements of children such as free textbooks and uniforms, and any other additional requirement for fulfilling the responsibilities of the school under the Act.

4. The School Development Plan shall be signed by the Chairperson or Vice Chairperson and Convener of the School Management Committee and submitted to the local authority before the end of the financial year in which it is prepared.
Especially in the context of children with special needs, the School Development Plan should focus on:

- number of Children With Special Needs (CWSN) in the school and types of disabilities;
- accessing neighbourhood school;
- age appropriate admission of children;
- comments on the availability and quality of ramps and handrails, and the accessibility of the entire school premises to children with special needs;

- provision of Braille books and books on tape, audio books, and relevant teaching-learning materials and equipment for children with special needs;
- seating arrangements for the children with disabilities and the attitude of the teacher and other students towards them;
- availability of transport/escort facility for CWDs;
- availability and repair of assistive devices;
- nature and frequency of visits by the resource teacher to CWSN and volunteers for CWSN;
- frequency of parental interaction with the teacher;
- orient teachers towards the needs of CWDs;
- availability and use of resource room; and
- development and maintenance of an Individualised Educational Plan.

For more details, refer to:
“Education is the most powerful weapon which you can use to change the world.”

— Nelson Mandela

The class teacher when introducing Swagat to our new science teacher, said, “He is a student with a wonderful sense of humour, loves science, and writes science fiction stories which have been published in a few children’s magazines”. She added that “he has great enthusiasm for cricket”. The teacher said she was surprised to know that Swagat is a child with down syndrome.

“Had I not attended the life skills training, I would have missed some refreshing teaching mantras. In my zeal to cover the curriculum I always kept focus on teaching to impart knowledge and thought that children need to be always taught. After the training, when I applied our discussions and gave vocabulary building exercise to the children, they worked in groups and came up with many new words. I was amazed at their creativity and the different ways in which they could think. I reflected and realised that such different opportunities need to be planned regularly.”

The aim of this chapter is to:

- highlight as per the RTE Act the role of teachers as members of the SMC.
- emphasise the role of teachers towards creating appropriate conditions of learning for all children, including children with special needs.
- provide information based on the RTE Act regarding teachers’ minimum qualifications, the working conditions and provision of grievance redressal mechanism.
As per the qualifications laid down by the NCTE, the teachers trained in general or in special education have an equal opportunity for appointment. Thus, every teacher is qualified to teach a child with disability.

However, necessary support can be provided by special educators and/or specialists to meet the educational needs of children with disability. Such teachers and/or specialists are expected to be trained [degree or diploma holders in special education courses recognised by the Rehabilitation Council of India (RCI)]. Under Sarva Shiksha Abhiyan, an MHRD flagship programme, there is a provision for appointing two resource persons at the Block Resource Centre (BRC) to provide such report.
For more details, refer to:

Raghav’s Story

“I grew up seeing my father shout at my mother, blaming her for my condition. He believed that I was a curse for her past sins. My father being a professional athletics coach could never come to terms with my physical disability. Some relatives who admired him as an athlete often gave ‘sincere’ advice and recommended that instead of focusing on my education, my parents should ensure that I acquire some skills to earn a living.

I could never understand the link they established between my physical impairment and my intellectual abilities. I feel that this was true of my teachers as well. I remained invisible for most of them. I hardly ever missed school but one day when I couldn’t answer my teacher’s question, she asked me to be regular! I knew the answer but felt nervous at that time. I now feel, in a way, I only fulfilled what she expected of me! One of our teachers was a state level chess player. She had taught us the game. I often got to play chess and participate in the school level competitions, whenever a team was short of players. But, if the team lost, the entire blame was thrust upon me. As my parents and teachers had low expectations of me, it most often led me to doubt my own abilities. I think I have done fairly well academically, but could have done better, if I was considered ‘normal’ like my other friends.”
Raghav’s teacher was adequately trained and qualified. Yet she was unable to fully support Raghav.

- Why do you think Raghav’s teacher had low expectations from him? Could it be attributed to a lack of understanding of his needs?
- Could professional training for handling diversity, have helped her, address his needs? Also, could a better understanding of her duties towards creating the appropriate conditions of learning for all children have helped?
- Teaching in a diverse classroom requires not only the requisite qualifications and degrees but also, a sensitivity and a nuanced approach to handle diversity. Let us read the following interview to help ponder over these questions further.

Since I didn’t know anything about Rahul, I approached his parents to find out, what he could do despite his disability. I learnt a lot and we decided that they would help me in school with Rahul.

Having understood that he is very good at identifying people from their voices, I planned a set of activities with children to help Rahul know his classmates and vice-versa. This was done during Rahul’s first fortnight in my class. All children were required to bring a piece of cloth. Every morning, 10 children would stand one by one in front of the group and give their name, produce animal or bird sounds, and describe the piece of cloth. Later on, I organised an activity where these children were blindfolded. I arranged all the pieces of cloth in a bowl on my table. All the children were expected to stand around the table and pick the cloth of a particular texture and identify the corresponding name of the child and the sound of the animal they had imitated. We repeated this six times.
At the end of the week, the scores showed that Rahul was the quickest to select textures, and then say the name of the child and the sound of the animal they had imitated. The whole class applauded his achievement. This activity helped Rahul and other children form a good rapport and get to know each other well.

Oh! I am sure this must have been an exciting activity for all the children and for you as well. Did you learn the skills of organising such activities during the special education training programme?

No. I have never received any training for teaching children with special needs. But, I feel equipped and have the will to teach all children, including Rahul, at the school.
That’s really good. What suggestions can you give to other teachers, who hesitate to work for children, like Rahul?

As a teacher, I use different strategies to accommodate the learning styles of diverse learners. Inside the classroom, I try to promote positive interdependence among learners. I use a hands-on approach that maximises the use of all senses. I believe in exposing the students to real objects and meaningful experiences in natural environments. I’m particular about having high expectations from all my learners and I let all the students experience success. Neither I nor my children make fun of each other. I seek support from parents, older children in the school, other teachers or experts, to provide the children with small group tutoring or individual tutoring, in or outside the class. For Rahul and other children, I ensure that there are no sharp objects or hurdles in the classroom. While teaching, I remember that Rahul’s learning is limited only to his auditory skills and therefore, try to minimise extra noise from the surroundings. He and many other children are allowed extra time for completing the assignments. I believe every teacher has their own individual style of teaching children and we can certainly learn a lot from each other.
Do you think that any teacher can teach every child by making the required accommodations?

Yes. All that is required is a strong-willed perseverance and a positive attitude. Simple small changes by using the experience I have with teaching other children and sometimes just applying common sense can make a big difference.
2. **According to the RTE Act, how can in-service teachers be trained to teach in inclusive settings?**

Ans. The RTE Act recognises the importance of continuous in-service training for enhancing and developing the skills of teachers. The academic authority is responsible for developing the design for in-service training of teachers. This includes equipping teachers to teach in inclusive settings. It is the duty of teachers to actively participate in the training programmes, curriculum formulation, and development of syllabi, training modules, and textbooks, to promote inclusive education in classrooms.

**Curriculum and Completion of Elementary Education: Academic Authority**

While laying down the curriculum and evaluation procedure, the academic authority shall develop in-service teacher training design [Rule 23 2(b) of RTE Rules, 2010].

**Right to Education Act: Bill Introduced in Lok Sabha to Amend Elementary Teachers Qualifications**

Date: 10 April, 2017

New Delhi: The government today introduced in the Lok Sabha, a bill seeking to amend the Right to Education Act to allow elementary teachers time till 2019 to acquire minimum qualifications as mandated under the 2010 law. As per the existing Act which came into effect from 1 April, 2010, these teachers were to acquire minimum qualifications within five years by 31 March, 2015. To bring in the required changes, HRD Minister Prakash Javadekar introduced the ‘The Right of Children to Free and Compulsory Education (Amendment) Bill, 2017’.

The new bill has been brought as the state governments were not able to continue the training process for in-service untrained teachers.
3. **What are the duties of the teachers, as per the RTE Act, for creating appropriate conditions of learning and promoting the best interests of all children?**

Ans. The RTE Act recognises the multifaceted role of teachers in creating appropriate conditions of learning for all children. It requires the teachers to be regular, punctual, and complete the curriculum within a specified time. In addition, they are required to assess the learning ability of every child, by maintaining a pupil cumulative record and supplementing additional instructions, if required.
The teachers are also entrusted with the duties listed below, for promoting the best interests of all children, including those from disadvantaged groups and weaker sections:

- regular meetings with parents to discuss the attendance, learning abilities, progress made in academic subjects, participation in co-curricular activities, and any other issue concerning the safety and security of the child;
- participate in training programmes;
- participate in formulation of curricular and development of syllabi, training modules, and textbooks development; and
- perform other school duties that may be specified from time to time.

## Responsibilities of School and Teachers

**Duties of Teachers and Redressal of Grievances** (Section 24 of the RTE Act, 2009):

1. A teacher shall perform the following duties, namely:
   
   (a) maintain regularity and punctuality in attending school;
   
   (b) conduct and complete the curriculum;
   
   (c) complete the entire curriculum within the specified time;
   
   (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;
   
   (e) hold regular meetings with the parents and guardians and apprise them of the child’s regularity in attendance, ability to learn, progress made in learning, and any other relevant information about the child; and
   
   (f) perform such other duties as maybe prescribed.

2. A teacher committing default in performance of duties shall be liable to disciplinary action under the service rules.
applicable to her or him provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

3. The grievances, if any, of the teacher shall be redressed in such manner as maybe prescribed.

**Duties Performed by Teachers**

**Rule 21 of RTE Rules, 2010**

(1) The teacher shall maintain a file containing the cumulative record of every child. It shall be the basis for awarding the certificate for completion of elementary education.

(2) A teacher [in addition to the functions specified in Clauses (a) to (e) of Sub-section (1) of Section 24 of the RTE Act, 2009 (refer to the next question)] may perform the following duties:

(a) participate in training programmes; and

(b) participate in curriculum formulation, and development of syllabi, training modules, and textbook development.

**4. How does the RTE Act ensure that teachers perform their duties appropriately?**

Ans. The RTE Act encourages teachers to perform their duties optimally in the school; and prohibits them from engaging in private tutoring, any work of non-academic nature, except for duties related to elections, decennial census, or disaster relief. The RTE Act gives a reasonable opportunity to all teachers to be heard regarding inappropriate performance of their duties. If, the reasons provided are found unsatisfactory, disciplinary action shall be taken against the teacher.

**Responsibilities of School and Teachers**

1. Prohibition of Deployment of Teachers for Non-Educational Purposes—No teacher shall be deployed for any
non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be (Section 27 of RTE Act, 2009).

2. Prohibition of Private Tuition by Teachers—No teacher shall engage herself or himself in private tuition or private teaching activity (Section 28 of RTE Act, 2009).

3. Duties of Teachers and Redressal of Grievances—A teacher committing default in performance of duties specified in Sub-section (1), shall be liable to disciplinary action under the Service Rules applicable to her or him: Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such a teacher [Section 24 (2) of RTE Act].

Ms Minz and Ms Bhalla Address their Grievances

“There was chaos and disorder in the school and hence, classes could not take place. In distress, I told our principal that our school looks no less than a fish market,” narrated Ms Minz. “The principal was confused about how to resolve the indiscipline. He started issuing memos and explanation letters to teachers. Once a teacher got delayed
in reaching her class, as she was trying to resolve a fight between the students; and the principal sent a letter seeking explanation for late reporting for duty. This made us feel scared. It also created a lot of undue pressure on the staff members. The teachers then consulted the SMC members, who suggested that they seek a meeting with the principal. The matter was discussed with everyone present, and the principal was made to realise that in order for the school to function properly, the school administration cannot neglect the concerns of the teachers. With the new laws for addressing teachers’ grievances in force and the help of the SMC members, the matter was resolved within a fortnight.”

5. How will the grievances (if any) of the teachers be redressed?

Ans. The Act makes provisions for teachers to redress their grievances in a four-step method. A teacher can initially submit a written complaint to the SMC. Provided the issue is not related to any disciplinary action taken against the teacher, they can if they are not satisfied with the response or if the concerned authorities do not reply within the stipulated time; they can take up the issue with the Block Level Redressal Committee. Further up, there is the District Level Redressal Committee and the State Level Redressal Committee, to whom the teacher can address their complaints. Cases of sexual harassment will be given priority.

Section 21A of RTE Rules, 2010

Grievance Redressal Mechanism for Teachers

(1) School Level Grievance Redressal Committee

(a) The School Management Committee (hereinafter referred to as the SMC) shall be the first level of grievance redressal at the school level. Any teacher of a school established, owned or controlled by the appropriate government may submit her or his grievance in writing to the Convener or Member-Secretary of the SMC.
(b) The SMC shall examine the grievance in the first instance and redress it within fifteen days from the date of receipt of the written representation from the teacher.

(c) In case of non-receipt of response or unsatisfactory response from the Convener or Member-Secretary of the SMC, the teacher shall be free to represent her or his case to the Block Level Grievance Redressal Committee.

(2) Block Level Grievance Redressal Committee

(a) For redressal of the grievances of teachers in the schools established or controlled by the appropriate government, there shall be a Block Level Grievance Redressal Committee consisting of Block Development Officer as Chairperson and Block Education Officer as Convener or Member-Secretary.

(b) The Committee shall redress the grievances within thirty days.

(c) In case of non-receipt of response from the Committee, the teacher shall be free to represent her or his case to the District Level Grievance Redressal Committee.

(d) In Union Territories, where there is no block level, other options may be considered such as Taluka or Panchayat or Ward or Island level.

(e) The Block Level Committee shall meet as per the requirement but at least once every three months.

(3) District Level Grievance Redressal Committee

(a) There shall be a District Level Grievance Redressal Committee for teachers consisting of the District Collector as Chairman, senior representatives from the Zila Parishad or Municipal Council and District Education Officer. The District Education Officer shall be the Convener or Member-Secretary of the Committee.

(b) The District Level Committee shall redress the grievances within a period of three months.

(c) In case the teacher is not satisfied with the recommendations of the District Level Grievance Redressal Committee, she/he may prefer an appeal to the State Level Grievance Redressal Committee.
(d) The District Level Committee shall meet as per the requirement but at least once every three months.

(4) **State Level Grievance Redressal Committee**

(a) A Committee shall be constituted under the chairmanship of Director (Elementary Education) and consisting of two members as may be nominated by Secretary, Education of the appropriate government. The State Level Grievance Redressal Committee shall meet as per the requirement but at least once every six months.

(b) The Committee, shall after enquiry, as it deems fit, redress the grievance within a period of ninety days.

(5) **No service matters, orders of suspension from service and penalties** under disciplinary proceedings initiated by the Education Department or the School Management shall be taken up by the Committee.

(6) **Complaints relating to harassment of women teachers** shall be accorded priority and shall be redressed without delay in compliance with the guidelines issued by the Supreme Court on prevention of sexual harassments at the work place.

(7) **Management of schools** referred to under Sub-clauses (iii) and (iv) of Clause (n) of Section 2 shall provide adequate mechanism for redressal of grievances of teachers.
6. **Why is the Pupil:Teacher Ratio prescribed in the RTE Act?**

Ans. The Pupil:Teacher Ratio has been specified by the RTE Act, in order to help the teachers perform their duties in an effective manner. For Classes I–V, two teachers shall be appointed, if the number of children admitted is up to 60. Thus, the Pupil:Teacher Ratio of 1:30 shall be adhered to, in the schools. For Classes VI–VIII, at least one teacher shall be appointed for every 35 children. It is believed that this will also help teachers promote diversity among children and in classrooms, especially for children belonging to disadvantaged groups and weaker sections of society.
For Classes I–V, two teachers shall be appointed if the number of children admitted is up to 60.

**Responsibilities of School and Teachers**

- Norms and Standards for a School (Section 19 of RTE Act, 2009)
- Pupil: Teacher Ratio (Section 25 of RTE Act, 2009)

<table>
<thead>
<tr>
<th>Item</th>
<th>Norms and Standards</th>
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<tr>
<td><strong>Admitted Children</strong></td>
<td><strong>Number of Teachers</strong></td>
</tr>
<tr>
<td>Up to sixty (60)</td>
<td>Two</td>
</tr>
<tr>
<td>Between 61 and 90</td>
<td>Three</td>
</tr>
<tr>
<td>Between 91 and 120</td>
<td>Four</td>
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Chennai: According to the directives issued, a classroom should have 10 sq feet of space per student and 40 sq feet space for the teacher. Matriculation inspectors have also been asked to keep checking whether these norms are being followed.

“In a phased manner, the number of students should be brought down to adhere to the current norms. In the next few years, the schools which do not have enough space, should not start any additional items.”

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<th>Norms and Standards</th>
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<tr>
<td>Admitted Children</td>
<td>Number of Teachers</td>
</tr>
<tr>
<td>Between 120 and 200</td>
<td>Five</td>
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<tr>
<td>Above 150 children</td>
<td>5+1 head-teacher</td>
</tr>
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(b) For Classes VI to VIII

1. At least one teacher per class so that there shall be at least one teacher each for:
   i. Science and Mathematics
   ii. Social Studies
   iii. Languages

2. At least one teacher for every thirty-five children

3. Where admission of children is above one hundred:
   i. A full time head-teacher
   ii. Part-time instructor for
      - Art Education
      - Health and Physical Education
      - Work Education
7. **How should schools ensure adequate teaching staff according to the RTE Act?**

Ans. It is the responsibility of the appointing authority of the government or private aided schools, to ensure adequate teaching staff in the schools, under its control. Every school has a sanctioned strength of teachers. Vacancy of teachers should not exceed 10 per cent of the sanctioned strength. This will ensure that the States take steps to fill up the existing teacher vacancies and also, rationalise deployment of teachers in schools to remove urban-rural imbalances. Further, this provision is to ensure adequate teaching staff for carrying out effective teaching-learning processes for meeting the needs of all children, including those belonging to disadvantaged groups and weaker sections of society.

**Teacher Vacancy (Section 26 of RTE Act, 2009)**

The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided
directly or indirectly by the appropriate government or by a local authority, shall ensure that the vacancy of teachers in a school under its control shall not exceed 10 per cent of the total sanctioned strength.

8. With regard to salary, allowances and conditions of service of teachers in schools, what does the RTE Act specify?

Ans. The RTE Act assigns the role to the appropriate government or the local authority, for prescribing terms and conditions of service, salary, and allowances for the teachers of the schools managed by them. Each State has laid down State Rules and issued notifications regarding the same.

Teachers: Service, Salary and Allowances
[Rule 20 (1) of RTE Rules, 2010]

The Central Government or the appropriate government or the local authority, as the case may be, shall notify terms and conditions of service, salary and allowances of teachers of schools owned and managed by them in order to create a professional and permanent cadre of teachers [Rule 20 (1) of RTE Rules, 2010].

9. How are the teachers represented in the SMCs?

Ans. The teachers of a school shall elect some teachers amongst themselves as representatives in the SMCs. One-third members from amongst the teachers, from the school should be elected as members of the School Management Committee (SMC).
School Management Committee: Constitution

Section 21 (1) of RTE Act, 2009

A school shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers [Section 21 (1) of RTE Act, 2009]:

[Rule 3 [3 (b)] of RTE Rules, 2010]

One-third members from amongst the teachers from the school; to be decided by the teachers of the school.

School’s Annual Day in Traditional Theme

The head-teacher and all other teachers were planning the annual day and collectively decided to elect a teacher from the tribal community for selecting the story, characters, costumes, and dialogues of the children for the play. They agreed to give her all the requested support. The teacher brought in many stories, sensitive cultural issues depicting the different aspects of her community. The play was praised by parents, other visitors, and members from the SMC community. Realising the importance of knowing tribal culture, it was decided to elect her in the SMC for sensitive handling of the issues of the majority of children from the tribal communities in the school.
For more details, on minimum qualifications for a person to be eligible for appointment as a school teacher, refer to:


10. **How does the RTE Act provide for the teachers appointed before the RTE Act and not possessing the essential minimum qualifications?**

Ans. According to the RTE Act, all teachers who did not possess the minimum qualifications (laid down by the academic authority) had to acquire such qualifications within a period of 5 years from the commencement of the Act, that is, 31 March, 2015. The responsibility to enable such teachers to acquire the minimum qualifications, lay on the appropriate government for the teachers of government schools whereas for a teacher of private or specified category schools, the same responsibility lay on the management of the school. Under the RTE (Amendment) Act, 2017, dated 9 August, 2017, teachers who did not possess the minimum qualifications as on 31 March, 2015, had to acquire the minimum qualifications within a period of four years from that date, that is, by 31 March, 2019.

**RTE (Amendment) Act, 2017, Section 23, Sub-section 2**

Provided further that every teacher appointed or in position as on the 31st March, 2015, who does not possess minimum qualifications as laid down under Sub-section (1), shall acquire such minimum qualifications within a period of four years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017.
“Some of the brightest minds in the country can be found on the last benches of the classroom.”

— A.P.J. Abdul Kalam

“Hey Zoya, have you seen the new primary level story books called ‘Barkhaa: A Reading Series for All’ that have arrived in our school library. The children seem to love them! I saw Riya and Nancy reading them together, the other day. Riya doesn’t need separate books in Braille anymore. These new books also have in-built flashcards. Those will be very useful for Nancy and other children, to practice their vocabulary. In these new books, the Braille and text are provided on the same page. There are many other features that facilitate reading and help children in acquiring good reading habits. Isn’t it amazing, now all our students can read together from one book? Such material can go a long way to promote inclusion in our school.”

“My mother was surprised to hear that Vivek, who is blind, plays cricket with us. I explained to her how this has been made possible since we got a sound-ball. Vivek just follows the sound of the sound-ball bowled at him and hits it hard with his bat. He is such a fine player of spin and even hits the ball for fours. There are frequent balls hit for six runs, up in the sky as well from his bat.”
1. According to the RTE Act, who is responsible for laying down curriculum and evaluation procedures for all children?

Ans. At the Central level, the National Council of Educational Research and Training (NCERT) has been authorised as the academic authority for laying down the curriculum and evaluation procedures and developing a framework for the national curriculum.

The National Curriculum Framework (NCF, 2005), developed by NCERT in 2005, shall be followed till a new curriculum framework is prepared. SCERTs or other academic institutes of the States may adapt/adopt the curriculum framework prepared at the Central level.

2. What does the RTE Act suggest regarding curriculum and evaluation procedures for the promotion of education of children belonging to disadvantaged groups and weaker sections?

Ans. The RTE Act promotes the creation of a child-friendly environment, child-centred curriculum and evaluation procedures for all children, including those belonging to the disadvantaged groups and weaker sections. The academic
authority, according to the RTE Act, 2009 [Section 29 (2)], while laying down the child-centred curriculum and evaluation procedure, shall take into consideration the following:

(a) conformity with the values enshrined in the Constitution;

(b) all-round development of the child;

(c) building up child’s knowledge, potential and talent;

(d) developing child’s physical and mental abilities to the fullest extent;

(e) learning through activities, discovery and exploration, in a child-friendly and child-centred manner;

(f) medium of instruction shall, as far as practicable, be in the child’s mother tongue;

(g) making the child free of fear, trauma and anxiety, and helping the child express her/his views freely; and

(h) comprehensive and continuous evaluation of the child’s understanding and knowledge, and her or his ability to apply the same.


In exercise of the powers conferred by Sub-section (1) of Section 29 of the Right of Children to Free and Compulsory Education Act, 2009, the Central Government hereby authorises the National Council of Educational Research and Training, as the academic authority, to lay down the curriculum and evaluation procedure for elementary education, and to develop a framework of national curriculum.
The Right of Children to Free and Compulsory Education (RTE) Act, 2009, states that the Central Government shall develop a framework on national curriculum with the help of an academic authority specified under Section 29. It has been decided that the NCF, 2005, shall be the national curriculum framework, till such time as the Central Government decides to develop a new framework.

For more details, refer to:


Notification dated 31 August, 2010 regarding development of a framework of national curriculum under section 7 of the RTE Act.

3. How can the curriculum conform to the values enshrined in the Constitution?

Ans. According to NCF 2005, the values that we cherish as a nation, ought to be inculcated during the learning process of the child. The Constitution of India guarantees equality to all citizens. Therefore, the curriculum should keep the principle of equity and inclusion at the forefront, proactively break stereotypes and address issues related to gender, religion, caste, peace, health, and the needs of children with disabilities.
Such a curriculum will help promote constitutional values, such as:

- justice—social, economic, and political;
- liberty of thought and action; and
- fraternity among all.

For more details, refer to:


4. How can a teacher or parent promote all-round development of children, including those belonging to disadvantaged groups and weaker sections?

Ans. Children develop receptive capabilities of learning, such as reading, writing, or arithmetic skills in an all-round manner. Quality education ought to ensure the child’s all-round development of their potentials in physical, mental, social, emotional, and spiritual aspects. For promoting all-round development of every child, including those belonging to disadvantaged groups and weaker sections of society, a teacher or parent can:

- help the child develop an understanding about their own capabilities and potentialities, thereby empowering them to utilise these potentialities for the betterment of the self and society;
- provide opportunities to the child to grow and develop in different dimensions, and not just restrict themselves to textbooks and the classroom;
- provide equal opportunities to children belonging to the disadvantaged groups and weaker sections of society;
- plan the learning experiences in a way, that allows space to children, to connect with their culture and context; and
- make suitable adaptations in the physical surroundings and the teaching methodologies, and respect ‘every’ child’s style and pace of learning.
5. **What can be done for nurturing a child’s potential and talent?**

Ans. Every child can learn and all children, at some point of time, may need support. This belief is endorsed in the NCF, 2005, which, in addition, recognises that all children can construct knowledge. For nurturing a child’s potential and talent:

- Varied formal and informal experiences and knowledge that children from diverse backgrounds bring into the classroom needs to be utilised.

- Enabling conditions ought to be created for every child, which include allowing opportunities for free expression, observation, discussion and critical thinking.

- The teacher needs to be sensitive towards the learning needs of all children, including children with special needs and those coming from disadvantaged backgrounds of society.

- Learning opportunities that help identify strengths and potentials, nurture talent, build self-esteem and capacities to face any challenge with courage and positivity should be planned.

6. **Can all children be helped to develop their physical and mental abilities to the fullest extent?**

Ans. Yes. All children can be provided assistance and supported to develop and enhance their physical and mental abilities to their fullest extent. These abilities need to be developed with care, during early childhood and through elementary school years, as these are significant periods of a child’s development. All children, including those belonging to disadvantaged groups and weaker sections of society, bring
with them a rich resource of knowledge and experiences from their communities. Teaching and learning ought to help realise children’s full potential by utilising the diversity of the learning group. The strengths and weaknesses of children with special needs should be identified for developing their physical and mental abilities, to the fullest extent, along with other children in the class.

7. **How can teachers adopt a child-centred approach, to engage all children in the teaching and learning process?**

Ans. All children are natural learners. They are actively engaged in exploring and responding to the world around them from birth. Child-centred teaching and learning process requires the teachers to:

- focus on children’s interest, requirements according to the cultural and social context;
• shift from teacher-centred and authoritative practices to participatory and mutual learning environment;

• create learner-centred classrooms where more opportunities of peer interaction and self-learning are provided;

• allow the children to ask questions and encourage them to relate what they are learning in schools to life outside school;

• encourage children to respond in their own words and from their own experiences, rather than simply memorising, giving right answers by rote, and restricting learning to the textbook and examination questions;

• encourage children to share rather than keeping silent out of fear of being wrong; and

• be aware of what children already understand, and what they are ready for, and through well-chosen tasks and questions assist them in realising their developmental potential.
8. **How can an enabling learning environment be created where the child is free from fear, trauma and anxiety, and expresses their views freely?**

Ans. Children require a healthy and supportive environment to grow and develop. All children have a right to live in dignity, and have access to education in an environment that is safe, protective, and conducive to growth and development. The school environment is associated with overall growth and development, cognitive behaviour, and safety and security of a child. Any kind of fear, trauma, or anxiety not only acts as deterrent for learning, but are often the leading causes of dropouts among all children, including those belonging to disadvantaged groups and weaker sections of society.

The following aspects should be kept in mind while creating an enabling environment where the child is free from fear, trauma, and anxiety, and expresses their views freely:

- Schools should be a welcoming place where all children feel themselves being valued. They should provide an environment that is inclusive and child-friendly.
- The school environment should be such that each child should feel that help would be available to them if they approach the teachers.
- Alternate teaching-learning approaches, that motivate the students to think and reason according to their potential and allow them to express their opinions, should be used.
- Children should be encouraged to express their feelings through art and other forms of expression.
- Children should be protected from harm and abuse.
- No verbal, physical, or mental (abuse) or punishment should be inflicted on the children.
- Clear guidelines should be laid down for conduct between teachers and students, and among students, so that no bullying is allowed.
- Avoid stigmatising and labelling of specific students, which may create a sense of being helpless and instil feelings of inferiority among children.

For more details on safety and security of children, refer to:
MHRD, RTE (Rules/Guidelines/Notifications)


9. **Can quality education for all be achieved, when education is packaged in a language that some learners neither speak nor understand?**

Ans. Barriers in elementary education due to language constraints is a situation faced by many children, including those from ethnic minorities, when they enter formal school systems. This is because the language used in the school is often different from the language they speak at home. Forcing children to learn in a language they do not understand, creates an educational handicap, that must not exist. Therefore, to address this situation, the RTE Act emphasises providing
teaching-learning in the child’s mother tongue, wherever practically possible.

Children with speech and hearing difficulties, learn to use alternative systems and symbols for communication. They can be introduced to the standard sign languages, that can support their continued growth to the fullest.
For more details on language, refer to:

**Article 350 A**
Facilities for Instruction in Mother Tongue at the Primary Stage:
“It shall be the endeavour of every state and of every local authority within the state to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any state as she/he considers necessary or proper for securing the provision of such facilities.”

10. Can children with special needs access all the aspects of the curriculum?

Ans. Children with special needs may require some curricular modifications, that will help them in accessing the learning materials and participating in the teaching-learning process.

Some of the following alternatives can be used with respect to content, teaching-learning materials, students’ responses, and methods of assessment:

- modification; for example, computer responses instead of oral responses;
- substitution; for example, Braille for written materials;
- omission; for example, omitting very complex work for children with intellectual disabilities; and
- compensation; for example, self-care skills, vocational skills.

For more, on modification in curriculum for inclusive classrooms, refer to:

11. **How can a teacher provide reasonable accommodation and support to children with special needs?**

Ans. A teacher can provide reasonable accommodation and support by making small changes, modifications, adjustments, at the individual level, so that children with special needs can participate optimally according to their potential in the teaching-learning process. Any laxity in providing such accommodations can amount to discrimination.

For example, children with visual impairments, access to books, and reading material can be ensured by:

1. providing books and reading material in Braille;
2. making audio copies of books and/or reading materials;
3. making available a digital copy of the books and reading material for students who can use computers;
4. providing a large-print copy of the books and/or reading material for children with low vision. The print size can be determined as per the individual needs of the child;
5. allowing the use of magnifiers for children with low vision;

6. maintaining a small resource room with all the necessary equipment such as Braille slates and stylus, Brailler, typewriter, felt pens/black sketch pens, tape recorders, CD players, computer with ‘Jaws’ software for English and ‘Safa’ for Hindi, and coloured monitors for low-vision students; and

7. allowing the use of blackboards for classroom work for students with low vision.

12. The RTE Act highlights the need for preparing inclusive learning material. Is there an example of such learning material for the early years?

Ans. Through its provisions of free and compulsory education, neighbourhood schools, reservation for children from disadvantaged groups and weaker sections, and children with special needs, the RTE Act advocates for an inclusive system of school education with a diverse group children. One of the key characteristics of inclusive education, is the provision of a curriculum with teaching-learning materials, that are appropriate for each child and focus on the unique learning needs, characteristics, interests, and strengths of children at different developmental levels. While there is no established ideal method of developing appropriate learning material for inclusive settings, the need is to approach the task with sensitivity and considerateness. As part of its objectives to produce textbooks, supplementary material, multimedia digital material and the like, the National Council for Educational Research and Training (NCERT) has attempted to bring this
sensitivity and considerateness into an exemplary inclusive learning material.

‘Barkhaa: A Reading Series for All’ focuses on promoting and scaffolding early reading among all children in an inclusive setting. This reading series is an adaptation of NCERT’s original Barkhaa Series. The uniqueness of ‘Barkhaa: A Reading Series for All’ lies in the fact that its design in print and digital forms is based on the concept of Universal Design, for Learning (UDL). UDL finds its roots in the architectural concept of Universal Design, wherein structural designs allow for greater accessibility for numerous individuals across a diverse range of needs. In inclusive classrooms, UDL is a systematic and flexible approach to designing and adapting learning activities and materials, by customising and making adjustments for individual needs while keeping the material meaningfully functional for all. With this, the core objective is to respect original materials, diverse learning needs, and facilitate access of each child to the learning material.

The UDL-based adaptations in ‘Barkhaa: A Reading Series for All’ are a result of analyses of workshops and consultations, with the aim of aiding children of varying needs, at the early reading stage. Some of the salient adaptations are:

- text print and Braille on the same page;
- embossed invisible Braille with a longer shelf life;
- tactile illustrations with high resolution colour;
- picture window flashcards to reinforce difficult words;
- green and red dots to indicate beginning and end of sentences;
- arrows to indicate page turning;
- thick and high quality pages with page gradation for easy page turning; and
- wiro-binding to bypass use of staples and to allow books to open flat for Braille reading.

Additionally, a note for teachers and parents (in Hindi and English), accompanying each of the 40 storybooks, helps in
the facilitation of early reading in the classroom and at home. This note also includes a short introduction to each story, which is meant to raise curiosity, clarify certain concepts, and motivate the children to read. Parents and teachers are expected to read this introduction aloud to the children.

All these features are retained in the digital version, which is accompanied by a ‘How to use’ section. In addition, the introductory note for each book is incorporated in the audio-video format. The audio-video note is also available in sign language. The digital version can be accessed from the NCERT website and NCERT’s e-pathshala on computers, mobile phones, laptops, and tablets.

These small adaptations in the existing learning materials, without changing the essence of the original material, are a leap into the future, for preparing inclusive learning material. They provide guidelines for the future and lead to a foundation for inclusive schooling that embraces differences and leaves no child behind.

There are flash-cards on the page with tactile illustrations for difficult words or where an object is illustrated in a way a blind child will not understand.

In a single illustration from one of the stories, *Chupan Chupai*, or Hide and Seek, each of the three main characters has a different tactile texture for hair. Jeet (left) has dots, Babli (middle) has diagonal stripes and Naziya (right) has vertical stripes.

The advanced-level books in the series have Braille dots over the regular text. The use of transparent Poly-Braille allows sighted children to read through the dots that are also durable and do not discolour easily.
13. Are there any guidelines in the RTE Act for promoting child-centred curriculum and evaluation procedures?

Ans. Yes. Guidelines have been issued for the implementation of child-centred curriculum and evaluation procedures. The following guidelines are issued for the academic authority to implement the provisions of Section 29 of the RTE Act.

(a) **Formulate age-appropriate curricula and syllabi in keeping with NCF, 2005.**

The curriculum and syllabus document, should be, an explicit document indicating the goals and aims of education. This should address questions, such as, what is worth teaching, how much should be taught in a particular class, and in what sequence, with what methods and materials, the linkages across different aspects of knowledge, how teachers should be prepared, and children’s learning assessed, and how schools should be monitored.

The curricula and syllabi should be prepared from Class I upwards, based on what is age-appropriate for children.

(b) **Maintain subject balance**

While developing the curriculum and syllabus, it will be important to rationalise the number of subjects and textbooks at the primary and upper primary levels, such that there is no additional curriculum load on children. There is also a need to integrate and align various learning materials such as textbooks, workbooks, worksheets, supplementary materials, etc., in order to reduce unnecessary burden on the teacher and child, bring in cohesiveness and reduce overlaps.

(c) **Initiate textbook contents reform**

The academic authority notified by the appropriate government under Section 29(1) of RTE Act for developing curriculum and evaluation procedures, is also responsible
for textbook development. Textbooks must reflect the principles of child-centred pedagogy as enunciated in:

(i) Section 29(2) of RTE Act (e)—learning through activities, discovery and exploration in a child-friendly and child-centred manner;

(ii) Section 29(2) of RTE Act (g)—making the child free of fear, trauma, and anxiety and helping the child express views freely. Textbook developers should design books, such that, they provide interactive opportunities for group activities with continuous self and peer assessment. The textbooks should keep the principle of equity and inclusion at the forefront; and proactively break stereotypes to reflect sensitivity to gender and caste, peace, health, and the needs of differently-abled children.

(d) Textbook language

Extensive research points to the fact, that in a multilingual country like India, the child’s ‘home’ language is often different from the ‘standard’ language in textbooks. This often imposes enormous learning burden on the child, and is perhaps one of the chief reasons of low achievement in school subjects. The difference between the ‘home’ language and ‘textbook’ language, not only
affects the language-learning in school, but also affects the learning of subjects like Mathematics, Environmental Studies, etc., because these subjects also need a language for transaction. This is why, the RTE Act, 2009 [Section 29 (2) (f)], stipulates that the mother tongue should be used as far as practicable. Thus, efforts to incorporate well known methods, of bridging between the child’s ‘home’ language with the ‘standard’ classroom language need to be given utmost attention.

**(e) Undertake textbook production reform**

Textbook production, encompassing the layout and design, text and cover, paper size and specifications, ink, printing and binding, etc., have significant implications for quality. There should be adequate focus on good quality printing and visual design of the books, alongside improvement in content.

For more details, refer to:


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**Drop in Educational Standards after the Right to Education Act: TSR Subramanian**

Date: 26 October, 2016

New Delhi: Unimpressed by the highly regarded Right to Education Act (RTE), former Cabinet Secretary Shri TSR Subramanian, said that, India has witnessed as much as “25 per cent drop in standards of education” after RTE.

RTE has done enormous good but there are evident gaps. One is ‘quality.’ RTE talks of the infrastructure quality, however it requires tremendous attention and detailing.
14. According to the RTE Act, how shall the learning of every child be assessed?

Ans. The RTE (Amendment) Rules, 2017, in Rule 23, Sub-rule (2), Clauses (c) and (d) provide for Continuous and Comprehensive Evaluation (CCE) of every child, to achieve defined learning
outcomes. The Act also makes provision for the preparation of class-wise, subject-wise learning outcomes for all elementary classes. The objective behind class-wise and subject-wise learning outcomes, is to provide teachers with a set of criteria to direct their teaching-learning best practices, to monitor the learning levels and improvements required, and to make the different stakeholders responsible and alert towards their roles in ensuring quality education.

The RTE Act provides for Continuous and Comprehensive Evaluation (CCE) of every child, which implies continuous assessment rather than no assessment. Assessment should be treated as an integral part of teaching and learning, and involve methods such as preparing profiles of each child, including engagement pattern, observations in general in the classroom during group-work and individual activity, understanding the child’s written work or work assigned by the teacher, and an anecdotal record. CCE implemented in this manner, from the child’s perspective, will bring out the best in every child, rather than pressurising the child to compete and outperform in every aspect of learning, and show what progress the child has made with respect to their own performance over time.

**Akriti’s Reflections**

Diary entry by a little girl: till the age of 10, I loved writing poetry, observing little insects and birds, but these interests were never ever recognised, let alone appreciated by my teachers. All they cared for, were marks, which I did not score at that time. Those who managed to get marks were recognised by the teachers and the school gave them opportunities to participate in functions and competitions. They became popular and we were just a part of the crowd.
For more on learning outcomes, refer to:
NCERT. 2017. *Learning Levels at the Elementary Stage*.

**RTE (Amendment) Act, 2017**

**Comprehensive Evaluation and Learning Outcomes**

In the Right of Children to Free and Compulsory Education Rules, 2010, in Part VII relating to Curriculum and Completion of Elementary Education, in Rule 23, Sub-rule (2), for Clause (c), the following clauses shall be substituted, namely:

“(c) prepare class-wise, subject-wise learning outcomes for all elementary classes; and

(d) prepare guidelines for putting into practice continuous and comprehensive evaluation, to achieve the defined learning outcomes.”

**Quality Education under RTE Act**

Date: 20 July, 2017

Delhi: The Right of Children to Free and Compulsory Education (RTE) Act, 2009 lays down the duties of the appropriate government and the local authority to ensure that good quality elementary education, conforming to norms and standards, is provided, curriculum and courses of study are prescribed in a timely manner, and teachers are trained. In order to focus on quality education, the Central RTE Rules have been amended on 20 February, 2017, to include reference on class-wise, subject-wise Learning Outcomes. The Learning Outcomes for each class in Languages (Hindi, English, and Urdu), Mathematics, Environmental Studies, Science, and Social Science up to the elementary stage have, accordingly, been finalised and shared with all States and UTs. These would serve as a guideline for the States and UTs, to ensure that all children acquire an appropriate learning level.
Under the Centrally Sponsored Scheme of *Sarva Shiskha Abhiyan* (SSA), the State Governments and UT Administrations, are supported on several interventions to improve teaching standards, including regular in-service teachers’ training, induction training for newly recruited teachers, training of all untrained teachers to acquire professional qualifications through Open Distance Learning (ODL) mode, recruitment of additional teachers for improving pupil:teacher ratios, academic support for teachers through block and cluster resource centres, continuous and comprehensive evaluation system, to equip the teacher to measure pupil performance and provide remedial action wherever required, and teacher and school grants for the development of appropriate teaching-learning materials, etc.

Additionally, the Central Government supports States and UTs on early grade reading, writing and comprehension, and early Mathematics programmes, through a sub-programme of SSA namely *Padhe Bharat Badhe Bharat* (PBBB) in Classes I and II. Further, the Government has launched *Rashtriya Aavishkar Abhiyan* (RAA) programme on 9 July, 2015, inter alia, as a sub-component of *Sarva Shiksha Abhiyan* and *Rashtriya Madhyamik Shiksha Abhiyan* (RMSA), to motivate and engage children, of the age group from 6–18 years in Science, Mathematics and Technology through observation, experimentation, inference, drawing, model building, etc., both through inside and outside classroom activities.


**Lalit’s Reality**

Lalit’s current class teacher explains, “Lalit is in Class VI and is fond of studies but is still struggling with reading and writing. He lives in Delhi but goes off to his village during the sowing and harvesting seasons. Due to the frequent interruptions, he finds it difficult to cope with the school schedule. Some teachers suspect that he may be a slow learner. Lalit is not happy being labelled a slow learner.”
Activity-Based Learning (ABL)—An Example of CCE

Activity-Based Learning (ABL) methodology is practised in schools in Tamil Nadu, and piloted in several States, including Madhya Pradesh, Rajasthan, etc.

Central to ABL is the ‘learning ladder’ with a series of activity cards. Assessment is built into the ‘learning ladder’ in the form of activity cards. When a child finishes with a set of activity cards, including the assessment cards, they complete a ‘milestone’ on the ladder, and can move to the next level. Every milestone involves completing several activities, including games, rhymes, drawings, and songs. There are no exams, but a student can move to the next level, only after attaining proficiency in the previous one. Thus, assessment is in-built into the teaching-learning process, and is recorded on an assessment chart for each child at their own pace of learning.

Apart from the ABL methodology, there are other CCE techniques which provide for an appropriate assessment profile for the child. These include, engagement pattern of the child; observations in general; observation in classroom during group-work and individual activity; understanding the child’s written work assigned by the teacher; and an anecdotal record.

Evaluation of Activity-Based Learning as a means of Child-Friendly Education—Final Report

How can the evaluation procedures be modified, to meet the requirements of children with special needs?

Ans. For blind students and low-vision students, access to question papers (during exams) can be ensured by:

- providing the question paper in the Braille script.
- reading out the question paper without giving any clarification or explanation.
- making an audio copy of the question paper on a cassette, provided a cassette player is available.
- making available a digital copy of the question paper for students who use computers.
- providing a large-print copy of the question paper for students with low vision. The print size needs to be determined as per the individual needs of the child.
- by allowing the use of magnifiers and other assistive devices.
- children with cerebral palsy can use a computer either with a regular keyboard or with the help of a specially designed switch. There are a wide variety of switches available. Information regarding these can be obtained from Action for Ability Development and Inclusion (AADI), Delhi and Vidyasagar, Chennai.
- schools and teachers can arrange for the services of a sign language interpreter to facilitate communication between hearing impaired students and the evaluators.
- children who have hearing impairments should be asked questions in their preferred language during practical work.
- blackboard, overhead projectors or LCD can be used by teachers to write questions. Otherwise, for the purpose of clarity, a spoken question can be supplemented with a handwritten one.

A minimum level of accessibility to the examination centre, can be ensured by providing ramps as an alternative to steps and/or lifts, wide doors, large toilets with wide doors.

Access to Curriculum
for wheelchair movement, drinking water within reach, and expanded space in the examination area for keeping crutches, walkers, etc.

16. **According to the RTE Act, how will children be certified on completion of elementary education?**

Ans. Every child completing elementary education shall be awarded a certificate in such form and the prescribed format under the State Rules [Section 30(2) of RTE Act, 2009].

According to the RTE Act, 2010, the certificate will include the Pupil Cumulative Record of the child, which will contain the talents and abilities of the child beyond school subjects. The implication is that such a cumulative record, spanning eight years of the elementary stage, shall be kept for each child, and teachers shall be facilitated through training and other means, to fulfil this task [Rule 24(2) of RTE Rules, 2010].
The schools shall:

(a) issue the certificate of completion of elementary education, within thirty days from the last working day of the academic year.

(b) return original documents and/or certificates of children in their possession after completion of elementary education, within thirty days from the last working day of the academic year.

(c) endeavour to process any request for transfer certificates of any child, at the earliest and, in any event, within thirty days from the date of such request to facilitate implementation of Section 5 (Right to transfer to other school) of RTE Act, 2009.

Certificate of Completion
Elementary Education

This is to certify that
Name : __________________________
Class : __________________________
Date : __________________________

has successfully completed Class VIII

Signature

Great Job

Curriculum and Completion of Elementary Education
Examination and Completion Certificate [Section 30 (1) & (2) of RTE Act, 2009]

(1) No child shall be required to pass any Board examination till completion of elementary education.

(2) Every child completing her/his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.
Curriculum and Completion of Elementary Education
Award of certificate [Section 24 (1) & (2) RTE Rules, 2010]:

(1) The certificate of completion of elementary education shall be issued at the school level within one month of the completion of elementary education.

(2) The certificate referred shall contain the pupil cumulative record of the child.

Some Inputs for Draft National Education Policy, 2016

4.3 Learning Outcomes in School Education

In order to address the poor learning outcomes in elementary education, the following policy initiatives were suggested:

1. In addition to infrastructure norms specified in the RTE Act, norms for learning outcomes will be developed and applied uniformly to both private and government schools.

2. Within the parameters prescribed by the RTE Act, States will have the flexibility to design and plan for the infrastructure keeping in view the local conditions. Local norms, appropriate for local conditions, will be evolved, if necessary, through amendment in RTE Act, for ‘alternate schools’ which offer educational interventions for specific categories of very deprived and migrating children, and those living in difficult circumstances.

3. The present provisions of ‘no-detention policy’ will be amended, as it has seriously affected the academic performance of students. [Note: In January 2019, the Right of Children to Free and Compulsory Education (Amendment) Act, 2019 was passed. This stated that “The appropriate government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as maybe prescribed, if he fails in the re-examination.”]

4. Effective steps will be taken to improve teaching standards in schools, create mechanisms for supporting children through special academic support and providing access to multiple sources of knowledge, including e-resources.
17. According to the RTE Act, ‘no child admitted shall be held back in any class or expelled from school till the completion of elementary education.’ How does this help children learn better?

Ans. In the initial RTE Act 2009, it was stated that “no child admitted shall be held back in any class or expelled from school till the completion of elementary education.” This meant that children were carried over to the next grade without taking into account their academic performance or learning level. However, The Right of children to free and compulsory Education (Amendment) Act, 2019 came into force on 1st March, 2019. This amended the no-detention policy and stated the following:

1. There shall be a regular examination in the fifth class and in the eighth class at the end of every academic year.

2. If a child fails in the examination referred to in sub-section (1), he shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.

3. The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2), Provided that the appropriate Government may decide not to hold back a child in any class till the completion of elementary education.

4. No child shall be expelled from a school till the completion of elementary education. There is no educational research at the school level supporting the argument that the learning level of a child, who is labelled or expelled, shall improve the next year. If at all, the social stigma of failure, particularly for a child coming from a poor home, is more likely to ensure that the failed child drops out from the
next year. Judging children harshly for being ‘weak’ or ‘dull’ may have a lot to do with the learning environment of the school, the psychological and coping stress of the child, rather than any innate deficiency in the child. More often, failure and expulsion of the child hides the deficiencies of the learning environment of the classroom. The RTE Act attempts to prohibit this malpractice and help all children learn better.

**Responsibilities of Schools and Teachers**

*Prohibition of holding back and expulsion:* No child admitted in a school shall be expelled from a school till the completion of elementary education. Held back in any class or expelled from school till the completion of elementary education (Section 16 of RTE Act, 2009).

For more details, refer to:
“Being unwanted, unloved, uncared for, forgotten by everybody, I think that is a much greater hunger, a much greater poverty than the person who has nothing to eat.”
— Mother Teresa

“I was always the last one to be dropped by the school bus. But since a couple of weeks ago, I had started dreading the journey from school to home. The bus conductor had been nice to me and would give things to eat everyday. But soon his closeness, his tight grip on my hand, and his hard pats on my back made me feel very uneasy. I shared this with my class teacher. The conductor has now been replaced and a teacher also travels with us. My class teacher spoke to my family, who have started checking with me, regularly, about how I am feeling.”

“When I used to go to drink water, my classmates who come from upper caste families, would tell me to move aside. They would say, “If you drink first, then you will have to wash the tap.” I avoided drinking water during school because of this. I began to dread even going to school. One day, my principal noticed that I would not drink water. He asked me and I shared my embarrassment. He talked to my classmates and said, it is each student’s responsibility to take care of their surrounding and their classmates. We discussed it in the morning assembly and in class, too. Since then, my classmates have become friendlier towards me. Now, the teacher assigns every child duties for keeping our classrooms and playground clean. Noone singles me out when there is talk of cleaning.”
1. How does the RTE Act ensure that no child is subjected to any form of discrimination or harassment in school?

Ans. The RTE Act makes it the responsibility of the appropriate government and local authority to ensure that no child is harassed or discriminated against, due to their family background, or prevented from pursuing and completing elementary education on any ground. The RTE Act also clearly prohibits corporal punishment by stating that no child shall be subjected to physical punishment or mental harassment of any kind. Whoever contravenes the Act, shall be liable to disciplinary action under the service rules, applicable to such a person [Section 17 (1) of RTE Act, 2009]. The same emphasis is also given in the Central RTE Rules (RTE Rules, 2010).
Responsibilities of Stakeholders for the Protection of Child Rights

A 13-year-old girl child:
“The hooligans on the street, who used to whistle and pass remarks, are now nowhere to be seen, after the SMC members arranged rotational duties of the retired school teachers and the army personnel to patrol the path from home to school.”

Pledge by the Local Authority Representative
“We promise to bring every child to school and ensure that no hindrance is caused due to their social background and cultural factors.”

A 10-year-old schoolboy:
“The calling of names like “dumb”, “stupid”, “lower caste”, “disabled”, by my classmates from the upper-caste has stopped. The SMC members and school teachers ensure we eat our mid-day meals together and share duties to look after our school. I see my classmates having lunch with everyone, cleaning the playground and classrooms when it is their turn.”

Pledge by the Government Representative
“We will ensure that no child is subjected to caste, class, religious, or gender abuse in the school. We take a pledge that we shall identify and eliminate the causes of discrimination against all children.”
Responsibilities of the Appropriate Government and Local Authority

“The appropriate government or the local authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.” [Rule 9(3) of RTE Rules, 2010]

“The appropriate government or the local authority shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or discriminated against in the classroom, during mid-day meals, in the playgrounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.” [Rule 9(4) of RTE Rules, 2010]

A teacher:

“As a teacher, I am happy about the recent change that has been introduced and teaching all children together in an inclusive setting, giving them all equal opportunities to learn, play, eat together, use the computers and go to the library. Each child gets their textbooks on time and they look good in their uniforms. I never liked the idea of teaching children from disadvantaged groups and weaker sections and children with special needs separately from other children.”

Pledge by the School Management Committee

“We will take necessary steps to prevent any denial of protection of the rights of children, brought to our notice by the SMC. We pledge to protect all children from mental and physical harassment. We will ensure that no child is denied admission and that there is timely provision of the free entitlements.”
**School Management Committee**
Composition and Functions of the School Management Committee [Rule 3(6)(f) of RTE Rules, 2010]:

The said committee shall bring to the notice of the local authority any deviation from the rights of the child, in particular, mental and physical harassment of children, denial of admission, and timely provision of free entitlements.

**Responsibilities of Schools and Teachers**
Admission of children belonging to disadvantaged groups and weaker sections [Rule 11(1) & (2) of RTE Rules, 2010]:

1. The school shall ensure that children admitted belonging to disadvantaged groups and weaker sections shall neither be segregated from other children in the classrooms nor shall the classes be held at places and timings different from the classes held for the other children.

2. The school shall ensure that children in school, belonging to disadvantaged groups and weaker sections shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as textbooks, uniforms, library and Information, Communication and Technology (ICT) facilities, extra-curricular activities and sports.

For more details, refer to:

2. **Who should a child approach, if they are subjected to discrimination or denied any right under the RTE Act?**

   Ans. If a child is denied any right provided under the RTE Act, the child or any other person on the behalf of the child may:

   - initially approach the School Management Committee (SMC).
   - make a written complaint to the local authority having jurisdiction.
   - if, the person is not satisfied with the decision of the local authority, they may approach the State Commission for Protection of Child Rights (SCPCR) [Section 32 (3) of RTE Act, 2009].
   - the RTE Act also assigns a role to the National Commission for Protection of Child Rights (NCPCR) for monitoring the child’s right to education [Section 31 of RTE Act, 2009].
   - the complaints can be sent to the local authority by post, fax, e-mail, or in person. The local authority ought to decide the matter within a period of three months, or earlier, in matters of urgency, such as denial of admission. Further, with respect to complaints related to violence, child abuse, corporal punishment, etc., the local authority may facilitate filing of FIR before the police authorities.

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**Protection of Rights of Children**

**Redressal of Grievances**

*[Section 32 (1) & (2) of RTE Act, 2009]*

1. Any person having a grievance relating to the right of a child under this Act, may make a written complaint to the local authority having jurisdiction.

2. After receiving the complaint, the local authority shall decide the matter within a period of three months, after affording a reasonable opportunity of being heard to the parties concerned.
3. What are the major functions performed by the National/State Commission for Protection of Child Rights (N/SCPCR) for monitoring the child’s right to education?

Ans. The National/State Commission for Protection of Child Rights protects the rights of children (both in and out of school) in matters related to the provision of the neighbourhood schools, norms and standards of schools, admission procedures, corporal punishment, discrimination against children belonging to disadvantaged groups and weaker sections, entitlements, etc. They investigate and recommend cases to courts. However, they do not have the power to pass judgments or punish any individual or respective authority.

Protection of Rights of Children Redressal of Monitoring of Child’s Right to Education
(Section 31 of RTE Act, 2009)

1. The National/State Commission for Protection of Child Rights, shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:
   (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
   (b) enquire into complaints relating to the child’s right to free and compulsory education; and
   (c) take necessary steps for protection of the Child Rights Act.

2. The said Commission shall, while inquiring into any matters relating to child’s right to free and compulsory education, have the same powers for protection of the Child Rights Act.
3. Where the SCPCR has not been constituted in a State, the appropriate government may, for the purpose of performing the functions, constitute such authority, in such manner, as may be prescribed.

For more details on National Commission for Protection of Child Rights Act, 2005, refer to:

Role of National/State Commission for Protection of Child Rights (N/SCPCR) in Protection of Rights of Children

The monitoring of rights of children in school, including those belonging to the disadvantaged groups and weaker sections, shall involve the following issues:

(i) Provision of Neighbourhood School
1. requisite number of classrooms and infrastructure facilities for children, including those with disabilities;
2. appropriate Pupil:Teacher Ratio (PTR); and
3. suitable school hours.

(ii) Access to School: School Building
1. school should have at least one classroom for every teacher and one office-cum-storeroom-cum-Head’s room;
2. barrier-free access;
3. separate toilets for girls and boys;
4. safe and adequate drinking water facility for all children; and

5. kitchen where mid-day meal is cooked; playground, arrangements for secure school building with boundary wall and fencing.

(iii) Admission

1. no denial of admission, no capitation fee, no screening procedure, no demand for affidavits; and

2. any-time admission of children from disadvantaged groups and weaker sections in private-aided and unaided schools.

(iv) Entitlements

1. textbooks, including those in Braille, large print and audio books;

2. uniforms;

3. library with books, newspapers;

4. sports equipment for all children, including those with disabilities;

5. play material, including appropriate selected materials for children with disabilities;

6. special learning and support material (such as hearing aids, spectacles, crutches) for children with disabilities;

7. mid-day meals;
8. special training for age-appropriate education for all children, including those from disadvantaged groups and weaker sections;

9. transfer certificates;

10. completion certificates; and

11. provisions for other expenses.

(v) Classroom Transaction

1. no discrimination on the basis of caste, class, religion, gender or any other ground;

2. no corporal punishment;

3. appropriate teaching methods with accommodations for children with disabilities; and

4. appropriate evaluation systems with suitable modifications for children with disabilities.

(vi) School Management Committee (SMC)

1. appointments as per rules;

2. regular meetings;

3. teacher accountability;

4. preparation of School Development Plan (SDP); and

5. other responsibilities.

4. Are there any guidelines issued for implementation of the provisions of Sections 31 and 32 of the RTE Act?

Ans. Yes. Guidelines have been issued for implementation of Sections 31 and 32 of the Right of Children to Free and Compulsory Education (RTE) Act by the Ministry of Human Resource Development in February 2012. The guidelines issued provide details regarding the:

A. responsibilities of State Government;

B. processing Grievances/Complaints; and
C. role of SCPCR/Right to Education Protection Authority (REPA) and Process of Appeal.

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<th>e-baalnidan: Online Complaint Management System</th>
<th><a href="http://ebaalnidan.nic.in/Welcome.aspx?ReturnUrl=%2f">http://ebaalnidan.nic.in/Welcome.aspx?ReturnUrl=%2f</a></th>
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A. Responsibilities of State Government

The State Government may undertake the following measures:

- identifying the local authority(ies) for performing the functions envisaged in Section 32 (1) of the RTE Act.
- notify the local authority at the village, block/mandal and district levels having jurisdiction in respect of the responsibilities specified for local authorities who would perform the functions envisaged in Section 32 (1) and (2) of the RTE Act.
- the notification should be placed in public domain and given wide publicity.
- prepare a list of legal entitlements of a child guaranteed under the RTE Act and State RTE Rules and make this information widely available.
- prescribe the manner in which the decision is to be taken by the notified local authority under Section 32 (2) of the RTE Act.

B. Processing Grievances and Complaints

The notified local authority shall take into consideration the following factors, while developing a procedure for filing and processing of such grievances:
the local authority can accept a written complaint made by any person on behalf of the child. The grievance redressal authority will provide prescribed relevant formats, which are simple and easy to understand, comprehend, and furnish.

the notified local authority will develop a system of registration of grievances, and a receipt of registration of the grievance should be provided to the complainant instantly.

the notified local authority for the purpose of deciding a matter out of a grievance, may call for verification for such information as it considers necessary.

the grievances should be decided within three months of its filing, after affording adequate opportunity of being heard to both parties.

in respect of grievances relating to matters of urgency, such as denial of admission, etc., the notified local authority shall decide the matter in a shorter time.

in respect of grievances relating to violation of Indian Penal Code, such as violence, child abuse, corporal punishment, etc., the notified local authority may facilitate the filing of a FIR before the police authorities.

C. Role of SCPCR/REPA and Process of Appeal

In order to develop a transparent procedure for furnishing and disposal of appeals by the State Commission for Protection of Child Rights (SCPCR) and REPA:

the State Government shall provide adequate resource support to the SCPCR/REPA to enable it to perform its functions under the RTE Act.

the SCPCR shall prepare a Memorandum of Appeal in which appeals can be furnished before it.

the Memorandum may be placed on the website of the SCPCR, the State Education Department and made available to the public by the notified local authorities.
5. **How can complaints be registered with the N/SCPCR in the case of denial of child rights?**

Ans. Complaints regarding any violation of child rights can be registered with the N/SCPCR by:

- registering on the Child Helpline Number (1098).
- writing a letter to the N/SCPCR.
- logging on to e-baalnidan on the website of NCPCR. The entire movement of the complaint can also be tracked through this system.
- online Complaint Management System under POSCO (The Protection of Children from Sexual Offences, NCPCR).

**Protection of Rights of Children**

Manner of furnishing complaints before the National Commission for Protection of Child Rights (NCPCR) (Rule 26 of RTE Rules, 2012) — The NCPCR may set up a child helpline to register complaints regarding the violation of rights of the child under the Act, which may be monitored by it, through a transparent online mechanism.

6. **Can a case of violation of child rights under the RTE Act be taken to court?**

Ans. Yes. Since the right to elementary education is a fundamental and justiciable right, cases of violation of child rights can be taken to court. Depending on the nature of the complaint, a
case can be filed in the lowest civil court, a High Court, or the Supreme Court.

**Article 21(a) of Constitution of India states:**

“The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State may, by law, determine.”

For more details on Guidelines issued by NCPCR, Protection of Children from Sexual Offences (POCSO) for Child’s Rights, refer to:


**POSCO, NCPCR**

The Protection of Children from Sexual Offences (POCSO) Act, 2012

Online Complaint Management System

http://ncpcr.gov.in/index2.php
Tell us how you are being harassed.

- School and/or Tuition
- Playground, Shop and/or Road
- Blackmail
- In School Bus, Van, etc.
- Internet and/or Phone

http://ncper.gov.in/user_complaints.php

Protection of the Rights of Children
A. RTE Rules, Guidelines and Notifications


**RTE Rules**

- RTE (Amendment) Rules, 2017
- RTE (Amendment) Rules, 2015
- Model Rules under the Right of Children to Free and Compulsory Education Act, 2009
- The Right of Children to Free and Compulsory Education Rules, 2010 dated 8 April, 2010

**RTE Guidelines**

- Guidelines for curbing malpractices in schools as per the provisions of the RTE Act, 2009.
- Guidelines for Special Training and Definition of OoSC (Out-of-School Children).
- Guidelines issued under Section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 in respect of residential schools.
- Guidelines on Clause (c) of Sections 8 and 9 of RTE Act on prevention of
discrimination in schools in respect of children belonging to the disadvantaged groups and weaker sections.

- Guidelines under Section 35(1) of the RTE Act regarding implementation of Section 25(1), that is PTR (Pupil:Teacher Ratio).
- Guidelines under Section 35(1) regarding deployment of teachers for elections under Section 27 of the RTE Act.
- Guidelines regarding applicability of RTE Act on Minority Institutions.
- Guidelines for conducting Teacher Eligibility Test (TET) under RTE Act.

**RTE Notifications**

- State RTE Notifications
- State RTE Rules; Local Authority; Local Grievance Redressal Mechanism; State Advisory Council; Definition of Disadvantaged Group and Weaker Section; Constitution of School Management Committee (SMC); Activity Mapping of Functions at each level of Local Authority/PRI’s; Constitution of SCPCR/REPA.
- Notification for appointment of NCTE as academic authority under Section 23 of the RTE Act and of NCERT as the academic authority under Section 29 of the RTE Act.
- Notification of Constitution of National Advisory Council (NAC) under Section 33(1) of the RTE Act.
- Notification of NCTE laying down the minimum qualification for a person to be eligible for appointment as a school teacher under Section 23 (1) of the RTE Act.
• Notification for including CTSA as specified category school.
• Notification regarding amendment in Notification of 23 August, 2010 on minimum teacher qualifications.

B. Important References


Retrieved from: [http://ssashagun.nic.in/docs/SSA-Frame-work.pdf](http://ssashagun.nic.in/docs/SSA-Frame-work.pdf)


- Module 1: Inclusive Education
  Retrieved from: http://ssashagun.nic.in/docs/module1.pdf

- Module 2: Including Children with Autism
  Retrieved from: http://ssashagun.nic.in/docs/module2.pdf

- Module 3: Including Children with Cerebral Palsy

- Module 4: Including Children with Deaf Blindness

- Module 5: Including Children with Hearing Impairment
  Retrieved from: http://ssashagun.nic.in/docs/module5.pdf
Padhe Bharat
Badhe Bharat
Early reading and writing with comprehension
& Early Mathematics Programme