

3rd Meeting of the Expert Group on Monitoring Child's Right to Education

February 22, 2010

Vigyan Bhavan New Delhi

Participants

Mr Anil Bordia, Doosra Dashak

Mr Vinod Raina, BGVS

Prof. Krishna Kumar, Director NCERT

Dr. Shantha Sinha, Chairperson, NCPCR

Mr Lov Verma, Member-Secretary, NCPCR

Ms. Kiran Bhatta

Ms. Farida Lambey, Maharashtra SCPCR and PRATHAM

Mr Binod Kumar Sahu, Registrar, NCPCR

Agenda:

1. Confirmation of Minutes of previous meeting and discussion of Action Taken Report
2. Discussion on draft Model Rules for the RTE Act
3. Special Cell on RTE at NCPCR
4. Modalities of interaction with MHRD
5. State Representatives of NCPCR on RTE

Introduction

The meeting started with Chairperson, Dr Shantha Sinha welcoming the participants and congratulating Mr Bordia on receiving the Padma Bhushan for his contribution to the field of education.

Mr Lov Verma then went through the Action Taken Report based on the decisions taken at the last Expert Committee Meeting. It was noted that Ministry of Social Empowerment and Justice that had agreed to send information on a range of issues had yet to do so despite written and verbal requests. NCPCR would continue to follow up. A meeting with the Ministry of Labour on amendments to the Child Labour Act following the RTE was also a pending item from the last meeting that NCPCR would follow up with greater urgency.

Draft Model Rules: NCPCR Concerns

After the minutes of the last meeting had been confirmed and the ATR discussed, Ms Kiran Bhatti, made a presentation on NCPDR's concerns with the draft Model Rules. The following issues were raised:

- Removal of the word "affidavit" from the age-proof documents required in admission procedures. It was felt that affidavits would be difficult to acquire for people in rural areas and therefore simple letters of self-declaration should suffice.
- Inclusion of a rule on pre-school education in the responsibilities of local authority. Since pre-school education has been included in the Act as an area that local authority may look into (Section 11), perhaps the rules could specify a clearer role for the local authorities in the area of pre-school education.
- Designating an officer from the education department as the "education rights officers" who would be accountable for guaranteeing the rights under RTE. Neither the Act nor the Rules assigns responsibility to any officer of the education department as the "nodal" person accountable for the implementation of the Act. This, it was felt, was a lacuna, that needed to be addressed by specifying an officer, perhaps, at the district level as the "Education Rights Officer".
- Functioning of schools in more than one shift and the impact on child labour. Dr Sinha was of the view that if schools are allowed to run in more than one shift the possibility of children falling into the pool of child labour would increase. Hence in addition to specifying "instructional hours" as done in the Schedule, perhaps "functional" hours could also be specified which by making the school day longer would make it difficult if not impossible for schools to function in two shifts. Farida Lambe raised the point that in urban areas the lack of space often made it necessary to run schools in shifts and that dis-allowing shifts would create a serious shortage of schools.
- Definition of drop-out child as one that does not attend school for 15 continuous days and the need to identify such a child and bring back into the fold. The current SSA definition of drop out is 3 continuous months of absence. This issue led to a great deal of debate and discussion on the veracity of attendance records and the pressures felt by teachers to project statistics in a manner dictated by the system, rather than by reality. It was suggested that perhaps the teacher could key a closer eye on the attendance of children and report to the SMC any absence that goes beyond 7 days. The SMC, along with the local authority could then try and enquire into this absence and work towards bringing the child back to school. Hence long periods of absence and potential drop put situations could be avoided and records maintained accurately too.
- Redressal Rule for a situation when government schools do not meet the norms. While private schools, not meeting the norms and standards prescribed in the Schedule, are liable to be de-recognized, the Act is silent on government schools not meeting the norms. This is a serious lacuna and needs a Rule to address. Mr Raina was of the opinion that this needed to be considered.

- Grievance Redressal Mechanism at District/ Block level. The need for another level of grievance redressal between the local authority and the SCPCR was noted. Perhaps at the district or Block level. NCPCR's suggested grievance redressal mechanism was presented. MHRD has asked the Law Department to look into the possibility of including this in the Model Rules and we await their decision.
- Coordinating NCPCR grievance redressal with MHRD grievance redressal. The need for establishing a regular system of interaction between MHRD and NCPCR was noted. It was suggested that a meeting be held with the Secretary MHRD and the details of this interaction discussed and finalized as early as possible.
- Inclusion of NCPCR representative in NAC and SAC. This suggestion was accepted by the participants.

Special Cell on RTE at NCPCR

It was expressed by the members present that Special Cell was not an appropriate name for the group as the work that would need to be done was of a greater magnitude and importance and required a whole separate "directorate of division within NCPCR. It was therefore agreed that it would be called "RTE Division".

On the issue of the appropriate designation for Kiran Bhatta, Mr Bordia suggested that Mr Verma should take on the additional task of RTE along with his responsibilities as MS and be designated Commissioner RTE. Kiran could then be designated Director.

Mr Krishna Kumar raised some concerns about the nature of appointments to this Division. He felt that hiring only "consultants" as presently described in the proposal submitted to the MHRD, was trivializing the tasks that lay ahead for them. Permanent posts needed to be created and persons with a long term interest in the work of the Commission needed to be hired. He also expressed the need for human resources dedicated to research needs that would arise in the process of implementing and monitoring the Act.

Modalities of Interaction with MHRD

It was regretted that the modalities of interaction between NCPCR and the MHRD had not yet been discussed. The need to work out a system of close coordination, at the earliest was strongly urged.

State Representatives

The second meeting of the Expert Committee had taken a decision that NCPCR would appoint State Representatives/ Commissioners (following the model of the Food Commissioners) who would act as the "eyes and ears" of NCPCR as well as assist in following up on complaints as and when required. In addition they would help build a network of civil society groups acting as a bridge between them and the NCPCR. They could also act as resources person to these groups and transfer complaints received through them to SCPCR/ NCPCR.

It was shared with the Expert Committee that the first meeting of potential State Representatives had been planned for February 23, 2010 and roughly 30 persons from almost 15 states had confirmed their participation. It was agreed that the minutes of that meeting would be shared with the members of the Expert Committee.

Decisions and Action Points

1. Formally send the concerns and suggestions regarding Model Rules to the MHRD.
2. Designate the special cell as “RTE Division” and Member Secretary as Commissioner and Kiran Bhatta as Director.
3. Send a fleshed out proposal to the MHRD for the Division with requests for adequate funds and staffing.
4. Ask for a meeting with Secretary Education, at the earliest (March 3rd was suggested at the date where Mr Bordia, Mr Krishna Kumar and Mr Vinod Raina would also accompany the Chairperson to the meeting.
5. NCPCR to prepare a detailed proposal for the Division to be presented to the MHRD.