

**Report of the Committee**  
*on*  
**Development of a Policy Framework  
for Implementation of the Right of  
Children to Free and Compulsory  
Education ACT 2009 in Schools in the  
NCT of Delhi**

**Report**

March 3, 2010

**National Council of Educational Research and Training**  
Aurobindo Marg, New Delhi

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## **Acknowledgement**

***Ashok Agarwal***  
***Advocate***  
***Chairperson***

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***on***  
**Development of a Policy**  
**Framework for Implementation**  
**of the Right of Children to Free**  
**and Compulsory Education**  
**ACT 2009 in Schools in the**  
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***March 3, 2010***

The development of policy perspectives is an important task for National Level Resource Institutions, and in the context of education an initiative was taken by the National Council of Educational Research and Training, New Delhi to constitute a committee to develop a policy framework on the important issue of the implementation of the Right of Children to Free and Compulsory Education Act, 2009, using as an example the context of the NCT of Delhi. On behalf of the Committee, I would like to express gratitude and appreciation to Prof. Krishna Kumar, Director, NCERT, for setting up this committee and extending all the help that made it possible for this Committee to complete its assigned task in the stipulated time. On behalf of NCERT, the Committee was facilitated in its deliberations through the good offices of Prof. A.K. Srivastava, (Prof. and Head, DERPP, NCERT), and Dr. N.K. Gupta of the same department, and we are indeed grateful to them for their support.

The task of this Committee was completed only through the active involvement, participation and deliberation of its members. I would like to thank Prof. Nargis Panchpakesan for keeping the discussion going, both inside and outside of formal meetings. Dr. Siddiqui and Mrs. Indira Yadav with their experience of heading education in MCD and Ms. Leena Ratti as a teacher in an MCD school provided invaluable knowledge and insights. I am indebted indeed to Prof. Nalini Juneja for her initiative in giving structure to the report and preparing the all important first draft for further discussion.

After all this work, I can only hope that the recommendations given in this report, will be seriously considered by the Government of NCT of Delhi, in framing its rules to the Act, as well as in its implementation.

Sd/-

**Ashok Agarwal**  
**Chairperson**

M-09811101923

Sd/-

Sh Ashok Agarwal, Advocate

Sd/-

Prof. N. Panchapakesan

Sd/-

Prof. Nalini Juneja

Sd/-

Smt. Leena Ratti

Sd/-

Dr. M. N. Siddique

Sd/-

Mrs. Indira Yadav

Sd/-

Dr. N. K. Gupta

Sd/-

Dr. A. K. Sirvastava

Dated 03.03.2010

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**INTRODUCTION**

Article 45 of the Constitution of India was originally incorporated in chapter IV dealing with the Directive Principles of State Policy which provided that the State shall provide free and compulsory education to all the children up to the age of 14 years within ten years. The realisation of this provision remained elusive. In 1993, the Supreme Court in Unnikrishnan case interpreting Articles 21 and 45 of the Constitution held that the right to education is a fundamental right and children up to the age of 14 years are entitled to free education and the State shall have no defense to deny the said right. Though the decision in Unnikrishnan case led to debate and filing of cases in the courts to some extent, the realization of right to education has remained unrealized. Whatever achievements the government may claim, the state of public education in reality is dismal.

The Indian Parliament enacted the Constitution (Eighty-sixth Amendment) Act, 2002 amending the Constitution thereby inserting Articles 21-A and 51-A(k) and amending Article 45 in the Constitution. Article 21-A directs the State to provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Article 51-A (k) casts a duty on every citizen who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years. The amended Article 45 provides that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years. The Central Government has issued notification

dated 16<sup>th</sup> February 2010 under Section 1 (2) of the Constitution (Eighty-sixth Amendment) Act, 2002 appointing the 1<sup>st</sup> day of April 2010 as the date on which the provisions of the said Act shall come into force.

As a follow up legislation in terms of Article 21-A of the Constitution of India, the Indian Parliament enacted Right of Children to Free and Compulsory Education Act, 2009. The Central Government has issued notification under Section 1(3) of the Right of Children to Free and Compulsory Education Act, 2009 appointing the 1<sup>st</sup> day of April 2010 as the date on which the provisions of the said Act shall come into force.

In terms of the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the Government of Delhi is required to frame Rules. The Union Ministry of Human Resource Development has prepared Model Rules under Right of Children to Free and Compulsory Education Act, 2009 and sent the same to the States including the Government of NCT of Delhi to frame and notify the Rules to enable the Act to function. Certain provisions of the Act need urgent attention by the State Governments as the same contain a time frame of implementation of the same.

The NCERT has constituted a group of experts consisting of Shri Ashok Agarwal (Legal Expert) Chairperson, Prof. N. Panchpakesan; Prof. Nalini Juneja, (NUEPA); Smt. Indira Yadav; Dr. Naseem Siddiqi; Smt Leena Ratti, MCD school teacher; Dr. N.K. Gupta, Reader, DERPP; and Prof. A.K. Srivastava, Head, DERPP (Convener) to suggest a policy framework for implementation of the RTE Act 2009 in the NCT of Delhi.

### **Terms of Reference**

1. To examine the arrangements for school education in NCT of Delhi
2. To examine the capacity of the MCD/ Delhi Government to meet the challenges presented by the RTE Act with focus on quality education
3. To recommend measures for implementation of the Right of Children to Free and Compulsory Education Act 2009 in the NCT of Delhi

## **Methodology of the Work of the Committee**

The Committee held three meetings to deliberate upon the contentious issues raised by the learned members of the committee and another two meetings of a subcommittee to evolve a first draft of its recommendations. At the final meeting, they came to a unanimous decision on the recommendations submitted herein for the implementation of the RTE Act, 2009 in schools in National Capital Territory of Delhi.

## **Brief Report of deliberations and decisions of the Committee**

The recommendations of this committee are focused on improving the ‘quality of education’ and its enjoyment by all children fully, equally and equitably. We are happy to note that the same is the objective of The Right of Children to Free and Compulsory Education Act, 2009, as may be seen in the Statement of Objects and Reasons that accompanied its placement as a Bill before the Parliament of India in 2008. This statement speaks of ‘strengthening the social fabric of Democracy’; of ‘provision of equal opportunities to all’; of the belief in the values of equality, social justice, and democracy and the creation of a just and humane society – **only through inclusive education for all**. The committee shares with Statement of Objects and Reasons its emphasis on the right of every child to free & compulsory education of satisfactory and equitable quality **in a formal school** which satisfies certain standards and norms.

It is in order to guide the Government of the NCT of Delhi to achieve these very objectives, that the following recommendations are being submitted by this committee.

## **Chapter II: *Right to Free and Compulsory Education***

1.1 The committee noted that the right of the child to a ‘formal’ (recognised) school is clearly stated in the Act in Section 3 and the ‘full time’ nature of such school becomes more than apparent when this Section is read with the Schedule to the Act, which at serial No. 4 specifies 45 working hours for each teacher per week; which for a six day week works out to 7.5 hours per day<sup>1</sup>. If each school would now be required to remain open at least for a normal eight hour working day, then:

- a. All double shift schools would need to be forthwith converted to single shift schools, with the teacher pupil ratios as specified in the Schedule.
- b. The distance and accessibility norms will have to be adhered to and arrangements made to address any cases of difficulty anticipated or experienced.
- c. Supplemental instructions to children, including children with disabilities who have been (age appropriately) enrolled in classrooms will have to be carefully monitored, (and arrangements created for the same) in order to ensure that teachers are child friendly, and the teaching learning environment remains free from anxiety.
- d. All alternative modes of education such as for example ‘bus schools’ and other para formal schools would have to be replaced by full time formal schools.
- e. The needs of children with disabilities (Section 3) will need to be addressed through inclusive classrooms in accordance with the provisions laid down in

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<sup>1</sup> (taking the case of classes one to five, for the 200 mandated working days and 800 mandated instructional hours annually it can be calculated that this works out to 4 hours of instruction. Thus although only 4 of the 7.5 working hours of the teacher are mandated towards instructional time, this provision, read with the duties of such teacher in S/ 24 precludes any interpretation that the remainder of the teacher’s duties may be carried out by the teacher at her home. The duties of the teachers also include provision of supplementary instruction to individual children as per their uniquely assessed need, (s/24 (d) and meeting of parents and guardians, which would need to take place at the school/ homes of the children.

Article 24 of the UN Convention on the Rights of the Persons with Disabilities (2008) as ratified by the Government of India.

f. The right of all children to equal opportunities at this stage would render the 'Pratibha Vikas Vidyalayas' and their mode of selective admission as contrary to the spirit of the Act, at least till the end of class eight.

1.2 The admission plan of the Delhi Government for the transition to the upper primary/secondary classes is already a model.

1.3 Private schools- The rights of equitable access to private schools will also have to be strictly monitored by the Government of NCT of Delhi in order to ensure that children with disabilities are not discriminated against in their access to the school, nor are their parents asked to pay more fees because they have 'special needs'. Sample checking and research is recommended to ensure equal opportunities in all schools for children with disabilities.

1.4 As per orders dated 10.09.2009 of the Hon'ble High Court of Delhi in W.P.(C) No. 6771 of 2008 entitled Social Jurist, A Civil Rights Group vs. Govt. of NCT of Delhi, An Action Plan for education of children with disabilities was prepared. This committee recommends the implementation of the Action Plan for the implementation of the RTE.

1.5 Attendance officers- Posts of ten 'attendance officers' existed in the MCD and at one time were expected to deal with admission, and truancy in relation to compulsory education. Similar posts need to be created, and renamed for the implementation of the RTE. This committee also recommends that in view of the expansion of number of schools, and enrolment, the number of officers may be increased adequately. These posts may rightly be renamed as 'Right to Education Protection Officers' and as part of their duties they should:

- constantly 'walk their beat' especially at construction sites, garbage dumping grounds, urban villages etc. looking for children who should be in school;
- enable out of school children to secure admission;
- coordinate between home and school for children
- coordinate with community groups, especially mothers
- ensure issuance of transfer certificates
- respond to reports of violation of child rights
- serve to support admission and retention of children in government and private schools
- all tasks related to service as a 'nodal officer' for right to education

1.6 Road Marshals through Volunteers of NCC/ NSS/ Scouts etc. Delhi is a city state, and despite the best of planning, children will need to cross roads in order to reach schools, and in many places this is a risky exercise. Therefore, in order to literally facilitate access to schools, this committee recommends that traffic marshals be deployed at points at which children cross roads on the way to schools. Giving right of way to school goers will not only make the right to education 'visible', but will also give a new Delhi/ urban specific task to the NSS/ NCC volunteers to do. Coordination between school and the traffic police personnels is also recommended to ensure safety of the school going children.

1.7 Incentives for children identifying out of school children It is recommended that children be used to search for and identify children who are for some reason not in school. An incentive of about Rs. 50/- could also be given to children who identify a child who could be brought to school.

### **Chapter III: Duties of Appropriate Government, Local Authority and parents**

2.1 In the context of the provisions of this chapter of the Act, the committee had detailed discussions regarding the right of all children who choose to attend state

provided schools to receive equitable quality of education– whether the schools are run by the Government of NCT of Delhi, the NDMC, the MCD, or the Cantonment Board, or even through unaided private and private aided schools.

- 2.2 It was brought to the notice of the committee that even in this very academic year (2009-10) itself, ad hoc decisions were apparently taken in the MCD resulting in for example i) mid session change of primary school textbooks; ii) mid session introduction of English medium classes in selected MCD schools; iii) mid session transfer of teachers.
- 2.3 These discussions lead the committee to note that eventualities of this nature were more frequent in MCD schools than in state government schools, perhaps because of the absence of a ‘buffer zone’ of professionally and managerially qualified personnel who could guide the expert implementation of policy decisions (and also serve to prevent ad hoc interferences).
- 2.4 The committee also discussed the difference in infrastructural provisioning, administration and monitoring and teacher facilities and supports in the different types of state provided schools in Delhi. The committee noted that while decentralisation and devolution to local bodies, and private (aided) managements should not per se be seen as a drawback, (quite the opposite in fact); the attendant differences in outcomes however cannot be condoned as they are contrary to the letter and spirit of the RTE Act.
- 2.5 The committee also noted the lack of availability of information about school education in Delhi on any one website. The various service providers of ‘state’ provided education, i.e. the Government of the NCT of Delhi, MCD, NDMC etc. by giving more importance to their separateness, with their separate websites, make mockery of the service of education being provided, and show little concern for the public who is expected to sift from one site to another in attempting to piece together fragments of a picture from different sources.

On the basis of the discussions on this subject, the committee recommends:

- All state provided EE / school education whether through State government as provider of EE through Sarvodaya, Pratibha, and Government schools having classes 6-8, MCD, NDMC, or DCB be administered by one single body, perhaps the Government of the NCT of Delhi, but on the basis of a set of non negotiable guiding principles.
- This body should also accord approval to all proposed academic changes, such as of textbooks, pattern of evaluation, medium of instruction etc. It should also be referred to for closure of any schools.
- A unified website for school education in Delhi with all information about all kinds of schools with a report card for every school.

2.6 In view of the number of children who continue to be not enrolled, or who have dropped out, children of migrants seeking enrolment, etc. the reported closure of almost one hundred MCD Schools in the past decade appears to be incomprehensible, and this committee recommends:

- Independent investigation of the reasons thereof, and of the steps that were taken to re allocate the children attending the closed schools.
- Govt of NCT of Delhi to deal in future with all such issues, to prevent extraneous reasons from operating to close down schools, or to resist encroachment of the school land for commercial purposes. (land in urban areas such as Delhi has high property value, and schools attended by the children belonging to economically weaker sections can fall prey to such designs).

- If for some reason, there are no children available to attend a particular school, then the school building shall be used for other purposes related to education only, such as for a residential camp for migrant children etc.

2.7 Supports for completion of EE- the state is required by Section 8(c), Section 9(c), Section 8(e), Section 9(e), to ensure completion of elementary education especially children of weaker sections, disadvantaged, and migrants. This committee was of the opinion that in the case of Delhi, there is a need to point out to the ‘urban disadvantage’ experienced by weaker sections, disadvantaged and migrants, especially in the case of smaller children and girls. In urban areas, mothers of these children are, more often than not, working to supplement the family income, and at the same time, lack the supports towards child care usually provided by extended families in rural areas. The second urban disadvantage, relates to the security of women and girl children in particular, and is reflected in the case of Delhi through one of the highest rates of reported crime against women. It is therefore recommended that schools provide after **school care and protection to children, especially girls**, as one of the means of ensuring their continued attendance at school.

2.8 Pre-school education – The RTE Act 2009 in Section 11 suggests that the state government may make arrangements for pre school education. However, the committee is of the view that in the case of Delhi, and in view of the urban disadvantage, the provision of early childhood care and pre-school education should be treated as mandatory.

2.9 Therefore, related to the previous recommendation of care arrangements and in addition to it, the committee recommends the formulation of a ‘workable’ scheme of early childhood care and its convergence with pre school education in such a way that the needs of parents, (rather than merely the needs of the parameters of a scheme) are met. The committee notes that in state schools, it shall be the SMC that shall hence forth be a major player in the site based management of schools. It

is recommended that the SMC may design the manner of provision of early childhood care arrangements, and of pre school arrangements. On case to case basis pre school centers may be provided within the school or in smaller centers nearer to the homes of children.

2.10 Appointment of heads of schools and Strengthening of SCERT and DIETs in Delhi-

Heads of schools in Delhi tend to be appointed by seniority and very often with only a short time to go before retirement. In such cases, they have little administrative experience (or interest), they are looking forward to retiring peacefully, without ‘audit objections’. In such a situation, dynamic and vibrant leadership can hardly be expected. The committee discussed this problem and suggested:

- a. Firstly, the selection of 75% of the heads of schools through direct selection processes, and only 25% through limited departmental examination.
- b. The strengthening of the State Council of Educational Research and Training (SCERT) and DIETs in Delhi which will work towards the development of a cadre of educational management professionals for management of schools provided by the state. These institutions should also be engaged in full time policy research related to management of education in Delhi

2.11 Inclusion of Private schools in Training Programmes Workshops, Evaluation and

Election Duties: Private schools are seldom perceived to be belonging to the same ‘system’ and their teachers and heads of schools are hardly ever included in seminars, trainings and workshops organised by the state providers of education in Delhi. They are also treated differently in relation to the participation of teachers in invigilation and evaluation duties of board exams and for duties related to elections. This committee recommends the proportionate inclusion from private schools for all the above mentioned functions.

## **Chapter IV: Responsibilities of Schools and Teachers**

- 3.1 In respect of the provision made in this chapter of the RTE Act, the committee took into consideration data, research studies, reports of committees, court cases and other material related to these aspects before making the following recommendations:
- 3.2 EWS admission and support- The committee noted that Delhi is perhaps the only state with the advantage of having experience in implementation of the rule recommending inclusion of children from EWS in its regular classes. However, this committee noted that the Hon'ble Delhi High Court by an interim order in Writ Petition No. 3156 of 2002 has permitted to the schools under obligation to provide free seats to the extent of 15% instead of 20% to the children belonging to the economically weaker sections but even that is not being honored by the schools.
- 3.3 Now, however, the obligation of all private recognised schools stands at 25 per cent and the Delhi government is advised to ensure that the problems experienced in the past do not hamper the inclusion of the children of the EWS. The recommendations of the Krishna Kumar Committee and of the Janaki Rajan Committee, 2006 may be referred to in this regard, since they are all the more relevant, and it is imperative that a climate of 'true inclusion' is fostered in schools.
- 3.4 Needless to say, it is expected that wide publicity shall be given to this provision, and rules shall be framed to enable, the eligible parents to take advantage of the choice offered to them.
- 3.5 Issuance of Birth certificates- Birth certification is a right of the child, and it is recommended that it be ensured that those children who enter state provided schools without a formal birth certificate are provided a certificate through the school. The government, if necessary, may bring amendment in the Birth and Death

Registration Act thereby creating an obligation on the State to provide birth certificate to the school children without subjecting them to difficult procedure. This should be made a duty of the school. It also supports the UID project of the central government.

- 3.6 SMC , School Development Plan, capacity and information needs- The RTE Act 2009 mandates an SMC for each school at the elementary stage. In Delhi, there are no elementary schools. There are primary schools, or middle schools having classes 6-8, or composite schools having both primary and upper primary classes, and secondary schools having upper primary classes. Delhi will need to work out a mechanism to ensure that the children in classes 1 to 8 have the benefit of a school management committee and a school development plan prepared by the committee.
- 3.7 The committee noted that Delhi will need to replace its nominated Vidyalaya Vikas Committees, at least at the elementary stage, with statutory School Management Committees having wide ranging powers.
- 3.8 This committee discussed concerns about the awareness building and capacities of these committees, and felt that these areas represent spaces for proactive action, both by the government and the civil society. Orientation and Training of School Management Committees (SMCs) needs to be taken up as an ongoing exercise. This work could be shared among Community based voluntary organisations, SCERT, DIETs, universities and colleges (as part of their ‘extension’ responsibilities)

One of these measures could be the public display of the School report card since every school already has a DISE ‘School Report Card’. It is further recommended that:

- i. a 'public version' (i.e. excluding details of SC, ST, minority, repeater, status of children) of this card be displayed in each school. (perhaps on a 3 by 4 ft. Flex sheet)
- ii. details of funds received (and date of sanction and receipt) also be displayed, (as also details of fees charged from students and salaries paid to teachers)
- iii. SMC members should be informed through easy to read graphs (prepared by DIETs, / colleges of education/ students of statistics of class eleven in government schools) showing progress of educational indicators related to the school (indicators could be enrolment, attendance, gender parity, teachers attendance, school facilities etc.). The state EMIS cell could even generate graphical pages for each school, which may be downloaded, and explained to the parent members of the SMC. Assistance of government secondary school students is recommended here both for the sake of making statistics come alive for these students, as well as for the sake of transparency. Past students of the concerned primary elementary school should be preferred.

3.10 Teachers' salaries & Recognition of small schools It was discussed that all schools have, and by law can only exist if they are philanthropic, non-commercial, non-profit and community service, and existing recognised schools need to pay their teachers at scales approved by the Govt. of NCT of Delhi. However, the RTE Act 2009 opens up possibilities for the existence of another category of schools – the hitherto unrecognised schools running perhaps in small premises but now fulfilling the requirements of the schedule of the RTE Act 2009, and of its rules and perhaps with trained (as is required) but underpaid teachers.

3.11 At present, the law is silent on the matter of teachers' salaries in schools recognised under the RTE Act 2009. While this fact will surely enable a number of small, but otherwise eligible schools to become recognised, it also opens up the possibility of this lacuna being exploited by elementary schools that will now *prefer* recognition under this Act, precisely in order to exploit a situation in which aspiring but

qualified teachers may be willing to trade salary for 'teaching experience' in a recognised school. It may well lead to existing schools bifurcating themselves into an elementary stage recognised under the RTE Act 2009, (with no need or state salaries for teachers) and a secondary stage recognised under the Delhi Schools Education Act, 1973 (where teachers are paid state salaries) thus reverting again to the very conditions existing not so long ago when teachers in private schools were exploited by their school managements.

This committee recommends that this issue be seriously considered in the case of Delhi, since the Delhi is yet to frame rules under this Act. While small, unrecognised schools might be fulfilling a real need in some areas of the country, it is doubtful if such is the case for most areas of the city of Delhi, and it may be more advisable to adhere to norms that protect teachers' salaries even in schools recognised under the RTE Act 2009. However, this committee also recognizes the existence of some exceptional schools run by NGOs which although fulfilling real but un/under served needs, may not be able to subsist on fees charged from students. In such cases, it is recommended that the Govt. consider aiding these schools towards payment of salaries of the teachers.

3.12 Where the neighbourhood Govt / MCD / NDMC School is witnessing declining enrolment, PTR lower than 1:30; this fact should be taken into consideration before giving recognition to another (unaided private) school within one km radius.

3.13 Teacher' duties- The committee discussed at length the report submitted by a member of the committee on the clerical duties performed by the teachers in MCD schools. It was pointed out that the MCD teachers in the absence of any clerical support in schools have to do the following tasks:

Maintain records of details of expenditure on all funds provided to the school; maintain the staff pay bills, calculate income tax, maintain records of DA, CPC, ACP, GPF, CPF , pre sanctions, quotations, bills, receipts, and post sanctions etc.;

maintain leave records, and obtain sanction for maternity leave, earned leave, compensatory leave, child care leave, and special leave; maintain school property register of items bought by school or donated to the school; maintain registers of consumable and non consumable articles; maintain records of teachers details, monthly attendance records of students (average attendance, total number of admissions, withdrawals, minority, SC, ST, total students) answer RTI queries; get books from Kamala Nagar and distribute them and maintain records class wise; distribution of stationery; measure, cut and distribute school dress material; fill different forms for minority/ SC/ST students getting above 50%; work related to Laadli scheme such as filling forms, verifying them, and submitting them at Rohini office; daily, weekly and monthly records of mid day meal; maintaining library records, old records, and providing other sundry details required for EMIS such as grades of students in different subjects according to categories (minority/ SC/ ST, girls, boys etc.) The committee was also informed that these tasks were performed by clerks using computers in Schools run by the Govt. of NCT of Delhi.

3.14 The committee discussion related firstly to the disparity in conditions of service in schools in Delhi, and secondly to the fact that almost all the tasks mentioned in the paragraph have been declared under the RTE Act 2009 as tasks for which teachers should not be responsible. Other solutions will need to be found for these administrative tasks, and under the model rules it has been made the duty of the SMC to ensure that teachers are not burdened with such tasks. The committee recommends that these model rules be adopted for Delhi.

3.15 However, committee also noted that as in all cases wherein the ‘culture’ of an organisation has to undergo a change, there will need to be a change towards a culture devoted to the teaching learning process. This may need steps for example regarding:

- Guidelines regarding the work that is required of a teacher of classes 1-5, outside the four hours of classroom instruction.

- Deployment of administrative staff, (or volunteer workforce of NGOs/ PPP mode personnel etc) for administrative tasks with which the teacher was earlier engaged.
- Capacity building of both teaching and administrative staff in the new roles etc.

3.16 'Leave substitute' teachers- The absence of a teacher violates the right of the child to education. Therefore, in order to ensure that a class is at no time deprived of a teacher, it is recommended that about 10% extra teachers are selected and placed on a reserve panel to be tapped whenever there is need for a substitute teacher.

## **Chapter V: Curriculum and Completion of Elementary Education**

4.1 **Govt. of NCT of Delhi** will also **ensure continuous and comprehensive evaluation of all children** in all state provided schools in Delhi, in such a manner that children are not subjected to anxiety but it becomes clear, which teachers are making efforts and which teachers are not engaging with their pupils (for reasons of their being deployed at other tasks or otherwise). The CCE should be supported with:

- 'pupil level'/ 'class level' monitoring cards on the website (restricted access)
- Communication of progress to parents in a manner designed to encourage their continued interest in education, rather than to shift responsibility for 'disciplining'.

## **Chapter VI: Protection of Right of Children**

- 5.1 Child line as in model rules to RTE- Again, in the model rules to the RTE Act 2009, this aspect has been dealt with and it was the view of the committee that a mechanism such as recommended in the model rules be adopted for Delhi. The system should be transparent and should enable cross check by NGOs, with Delhi legal services authority, by independent lawyers & by law colleges, in addition to the other safeguards provided. It is recommended that the model rules circulated by the MHRD in this regard be adopted by Delhi.
- 5.2 Awareness creation about rights against punishment and harassment- It is recommended that the model rules circulated by the MHRD in regards to a child helpline coupled with an alert and action mechanism be adopted by Delhi. Since this right relates to a school, and every school has a unique ID code number, it is suggested that the online mechanism should be linked using this unique ID code to the page of the school – so that all the details of the school are immediately at hand, and the complaints are recorded against a page related to the school. Linkage with NGOs, lawyers, legal services authority is also recommended.
- 5.3 Discrimination, what constitutes discrimination in this context and Complaints mechanism should be given wide publicity

### **Miscellaneous**

- 6.1 It is recommended that part-time instructors for art, music, health and physical education be also provided for the children of classes I to 5 in addition to the general teachers to develop potentiality, knowledge and talent.
- 6.2 No fee in any kind or form should be charged from the students of elementary school.

6.3 Government of NCT of Delhi may issue notification in terms of Section 1(d) bringing 'children with disabilities' within the ambit of "child belonging to disadvantaged group" as defined in Section 1(d) of the Act.

## Summary of Main Recommendations

### Administrative Changes

1. State provided School Education should be administered by one unified body-i.e. Government of NCT of Delhi and its schools managed with due regard to decentralisation of responsibility; this body should also accord approval to all proposed academic changes, such as of textbooks, pattern of evaluation, medium of instruction etc. It should also be referred to for closure of any schools (2.5)
2. Strengthening of SCERT and DIETs for policy level research and training of teachers and administrators for implementation of RTE (2.10)
3. Direct recruitment of 75% of Heads of Schools (2.10a)
4. Appointment of 'Protection of RTE Officers' (1.5)
5. Inclusion of Private schools in Training Programmes Workshops, Evaluation and Election Duties (2.11)

### Legislative Action

Delhi rules to RTE Act 2009 should specify:

1. Inclusive education of children with special needs in common classroom (1.1e)
2. Protection of state salaries for teachers in private schools recognised under RTE Act and consideration in exceptional cases of grant in aid for payment of salaries of teachers (3.11)
3. Information about Fees charged by Schools and salaries paid to its teachers should be placed in the public domain i.e. on the Delhi Schools website and also on the 'school report card' of each school (2.5)

## **Measures for Accountability and Voice**

1. There needs to be a unified website for all state and state recognised schools in Delhi with School Report Cards and reporting on child progress on measures of continuous and comprehensive evaluation supplemented with remarks of the SMC (2.5, 5.2, 4.1)
2. Information dissemination about RTE to children in schools and Child line as in Model Rules (5.1, 5.3)
3. Orientation and Training of School Management Committees (SMCs) needs to be taken up as an ongoing exercise. This work could be shared among Community based voluntary organisations, SCERT, DIETs, universities and colleges (as part of their 'extension' responsibilities)

## **Supportive Measures**

1. Pre school arrangements either in schools or near to communities (2.10)  
Crèche and after school care arrangements to facilitate education of girls (2.9)
2. For admission of economically weaker section children in private schools, implement recommendations of Krishna Kumar Committee Report 2006 and Janaki Rajan Committee Report 2006 (3.2, 3.3)
3. Implementation of Action Plan for Education of Children with Disabilities prepared by Department of Education, Delhi Administration pursuant to the orders of the Hon'ble Delhi High Court in CWP 6771/2008 (1.4)

## **Leading initiatives**

1. Road marshals (NCC / NSS) could be enlisted for helping children cross road to and from schools in addition to the deployment of traffic police personnel **(1.6)**
2. Birth certificates could be arranged for all children in state schools (3.5)
3. Incentive for each child identifying child out of school (1.7)
4. Establishment of Police beats (with lady police constables) at girl schools to ensure safety and security to the girl students.
5. Government of Delhi should exempt stamp duty on the affidavit regarding date of birth of the child to be submitted to the school for the purpose of admission.
6. Government of Delhi should authorize head of the school to attest the affidavit regarding date of birth of the child to be submitted to the school for purpose of admission
7. School education should be totally free. No fee in any form or under any head should be charged from any student in state funded schools.

## **List of Documents in Appendix**

- i. Order dated 29.08.2000 in CWP 3956**
- ii. Affidavit dated 25.08.2000 in CWP 3956 (2000)**
- iii. Order dated 31.10.2002 in CWP 5982 (2002)**
- iv. Delhi Primary Education Act 1960**
- v. Order dated 3.03.2003 in CWP 7027 (2001)**
- vi. Status Report of the GNCT of Delhi dated 16.12.2009 in CWP 6771 (2008)**
- vii. Status Report of the GNCT of Delhi dated 18.12.2009 in CWP 6771 (2008) with final Action Plan for Education of Children with Disabilities**
- viii. Order dated 20.01.2010 in CWP 6771 (2008)**
- ix. Letter dated 15.12. 2009 to DCPCR regarding closure of MCD Schools**