

**Minutes of the Meeting on the Right of Children to Free and Compulsory
Education Act, 2009 held on 14th August, 2010**

The Ministry of Human Resource Development convened a meeting on 14th August 2010 with cross section of stakeholders, comprising educationists and academics, principals of schools, as well as representatives of civil society organizations and non government organizations to elicit suggestions on the implementation of the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009. A list of participants is attached at Annexure 1.

Smt D Purandeswari, Minister of State for Human Resource Development extended a warm welcome to the participants, and stated that the RTE Act was a historic legislation, giving children in the 6-14 age group the *right* to free and compulsory education. The RTE Act is a consequential legislation to Article 21A of the Constitution, and would enable all children, especially children belonging to disadvantaged groups and weaker sections to access and complete elementary education of good quality. This consultation was organised with a view to dispelling doubts and apprehensions about its implementation. She stated that it is indeed important for all stakeholders to come together to ensure education of equitable quality for children from disadvantaged groups and weaker sections. She stated that India is committed to the global goal of Education for All. India's commitment was reaffirmed in the Jomtien (1990) and Dakar (2000) Conference. India's ability to use knowledge will, ultimately, decide its position in the comity of nations. The RTE Act casts a responsibility on the Central Government, State Governments and local authorities to provide free and compulsory elementary education to all children in an inclusive and child-friendly school environment. To accomplish the objectives of the Act, the participation and contribution of all stakeholders, including aided and unaided schools and the local community is critical.

Shri Kapil Sibal, Minister of Human Resource Development also welcomed the participants, and stated that the purpose of the meeting was to elicit views/opinion of all the stakeholders on certain specific issues relating to the implementation of the RTE Act – applicability of the RTE Act on minority educational institutions, screening procedure for admission in schools, proof of residence for school admission, and recognition of schools under the Act. With this, Minister of Human Resource Development took up the issues for discussion:

1. Applicability of the RTE Act on Minority Institutions

Sh. Neil O'Brien, Chairman, Council for the Indian School Certificate Examination, stated that the RTE Act is a very welcome step forward, but needed certain clarifications. He stated that the word 'minority' is not mentioned anywhere in the Act, and expressed concern on the applicability of the provisions of sections 21 and 22 of the Act to Minority schools. He stated that Minority schools should be exempted from the provisions of sections 21 and 22.

Dr. Kancha Illiah, Osmania University, stated that the RTE Act may raise doubts regarding the functioning of Madarasas, and suggested that the Ministry of HRD may over a period of time work towards providing them a recognized curriculum and syllabus along with religious education.

Shri Inamdar suggested that aided minority schools should be kept outside the ambit of section 21 and 22 of the RTE Act.

Ms. Ameeta Mulla Wattal, Principal, Springdales School, Pusa Road, stated that the fundamental issue was *quality* of public education; private education is available even for the minority community.

Dr. Abusaiah Shariff, Member-Secretary, Sachar Committee stated that people want education of their choice for their children, and referred to the growing aspirations of people for education in private schools. He further stated that according to the Sachar Committee Report, less than 3% Muslim children go to Madarasas. In Kerala, children attend Madarasas as also regular schools. In other States, like UP and Bihar, however children attend only Madarasas. He suggested that GoI should recognise Madarasas as regular schools, and create an equivalence level, which takes into account culture and language issues. He stated that 99% Muslim children are going to regular schools, and their education is not a problem; therefore Madarasas which cater to a very small percentage of children should not be viewed as a problem.

Prof. Furqan Gamar, Vice Chancellor, Central University, Himachal Pradesh, stated that people are happy about the intent and objectives of the RTE Act. The number of children in Madarasas is not very large, but these should not be seen as children who are not attending school, and parents sending children to Madarasas should not be perceived as not performing their duty stipulated in section 10 of the RTE Act. He also suggested a system of equivalence between the curricula in Madarasas with that provided under section

29 of the Act. He suggested that there should be a separate Board, on the lines of ICSE Board. With regard to recognition of schools, he stated that a large number of schools run by Minority Institutions may not meet the norms and standards specified in the Schedule of the RTE Act, and therefore there are apprehensions about the recognition process. He also stated that bringing Muslims into mainstream institutions is very important, and suggested that 'neighborhood' school should be seen from the viewpoint of the minority community, and schools should be set up in predominantly Minority areas.

Minister of Human Resource Development clarified that:

- (a) The Government has introduced a Bill in the Parliament to amend the RTE Act, in which it has been proposed that the SMC constituted u/s 21 in respect of aided minority institutions would function in an advisory capacity, and that the SMCs of such schools would not be required to prepare a School Development Plan u/s 22 of the Act;
- (b) Madaras impart religious education. There is no intention of interfering in this process of religious instruction.
- (c) A large number of children go to other schools – minority or otherwise; these schools must conform to the norms and standards specified in the RTE Act. The Act provides a 3-year window for institutions to conform to the norms and standards, and a 5-year window to ensure that all teachers acquire the prescribed minimum qualifications.

2. Prohibition of screening for admission in schools

Sh. Pramod Mahajan, Secretary, DAV Trust sought clarification as to whether the 'no screening' clause is applicable only to the 25% children from disadvantaged groups and weaker sections, or also to the remaining 75%. The Minister of Human Resource Development clarified that the provisions of section 13 (1) of the RTE Act is applicable for all admissions. Shri Mahajan stated that in such a situation the schools would not be able to extend admission to children of their teaching and non teaching staff, alumni, etc. He stated that random selection will not work.

Ms Ameeta Mulla Wittal stated that private schools in Delhi were following the admission procedure in accordance with the directions of the Delhi High Court. In respect of admissions under EWS quota, the schools were following the lottery

system for EWS. In respect of general students, she stated that a point system is being followed, under which points are allotted to each applicant on basis of pre-determined norms, encompassing neighborhood, alumni, sibling, girl child, child of single parent, etc. She stated that extending the lottery system for all admissions may become administratively infeasible. She stated that the present admission system was open and transparent, and should be allowed to continue.

Shri Ashok Pratap Singh, Chairman, Modern School, stated that schools vary in terms of their philosophy and objectives. The concept of screening has to seen from the viewpoint of their philosophy. In Modern School, he stated, an effort is made to ensure that there is no discrimination. He stated that 'screening' per se is not bad, and that random selection is not feasible. He added screening is a dynamic, not a static, concept, and that fact has to be appreciated institution by institution. He further clarified that Modern School lays down a criteria of 20% admission for children of alumni, 20% for siblings, as also weightages for gender, neighbourhood proximity, etc.

Sister Cyril, Principal, Loreto School, Kolkata stated that for 30% Loreto, Kolkatta has taken children on the basis of a lottery system, and 50% children belong to disadvantaged groups and weaker sections. In 30 years, she stated, there has not been a single failure. She stated it is important to admit children from disadvantaged groups and weaker sections. Loreto School has a status of a minority institution, with a quota for Catholic children, but the number of Minority institutions far exceeds the number of minority children in the country. She stated that screening should be prohibited at all levels of education. She added that schools that cater to only children from well off backgrounds deserve only 10 percent credit for the success of their pupils. On the other hand, schools catering to children from disadvantaged backgrounds deserve 90 percent credit for the success of their pupils as they receive little help at home.

Minister of Human Resource Development explained that the objective of the provisions of section 13(1) is to ensure that admission procedure is non-discriminatory and transparent and to disallow schools from profiling children and their parents on the basis of ability. Admission tests and interviews are generally a tool for eliminating children.

Ms. Manju Bharat Ram, Chairperson, Shri Ram Schools stated that in Delhi, the schools while following the High Court order have laid out a procedure which is transparent and rational and that should be allowed to continue. She stated

that the criteria followed takes into account the needs of single parent, special needs children, area and neighbourhood, etc.

Ms. Shyama Chona, former Principal, DPS, RK Puram mentioned that in Delhi NCT, every schools is required to prepare a 100 point formula, in accordance with the recommendations of the Ganguly Committee, and approval of the Directorate of Education, Government of Delhi. She was of the view that this system should be allowed to continue, as it is rational and transparent.

Prof. Krishna Kumar, CIE, University of Delhi drew attention to the spirit of RTE Act, which aims at free and compulsory elementary education as a fundamental right for all children in the country. He said that laws evolve when they begin to be implemented. The RTE Act should be allowed to function for a couple of years, before decisions are taken to change its provisions. Screening, which provides for selection of 'good' children on parameters, which are rarely acknowledged in the school prospectuses, is a social Darwinist philosophy. In academic circles there has been a long struggle against this philosophy. He stated that the very thought that 'some' schools 'deserve' children who are perceived to be more able than others is flawed. The RTE law gives us an opportunity to ensure that schools, principals and teachers reflect on the 'homogeneity' of their clientele. He referred to Jerome Bruner and Montessori, and stated that school principals and teachers must understand that classroom processes become richer if the class has children from varying backgrounds and abilities. It is an academically established point that heterogeneity in the classroom leads to greater creativity. Every child has enormous potential. He further stated that many private schools are providing good service, but these are scarce, and few and far between. 'Scarcity' has consequently got associated with 'quality' and the average parent has begun to feel that the more difficult it is to get admission the greater the quality of that school. He emphasized the need for moving towards composite classrooms with students from diverse backgrounds rather than homogenous and exclusivist schools, and argued that heterogeneous classrooms are the greatest challenge for the teacher as they help in creating better learning environment. Screening to assess a child's 'intelligence' should be prohibited. The idea of 'categories' and the admission of children in accordance with predetermined categories through random selection may be explored further.

Prof. Marmar Mukhopadhyay, former Director, NUEPA stated that the issue of screening is altogether an urban centric issue and deals with a very small percentage of children studying in schools across the country. He stated that

Kendriya Vidyalays have no admission tests and still they are doing so well. Other schools could follow the same. Screening, especially on the basis of caste should be stopped. He suggested that the RTE Act should not be amended for the next 2 – 3 years.

Shri Steven De Costa, Principal Frank Anthony School said that his school is accredited to ICSE and is committed ensuring that siblings get admission. Under these circumstances, it may become difficult for the school to give 25% admission to children from the neighbourhood. He also mentioned that there were 9 schools in close proximity which was making it difficult for the school to fill even its existing free-ship seats

Dr. Kancha Illiah stated that schools having a positive discrimination policy in matters of admission should be accepted under the RTE Act. For example, schools in tribal areas, catering largely to tribal populations, should continue to cater to such children.

Prof Anita Rampal, Faculty of Education, University of Delhi stated that categories should be rational and non-discriminatory, and should not be on the basis of educational qualification of parents. Based on such pre-determined norms, admission should be through randomized selection within the categories, and should be made under a transparent procedure.

Shri Veeraghavan President, Bharat Vidya Bhawan stated that provision for CWSN should also be made in admissions.

Major General (retd.) Kanwar Singh Malhotra, Principal Mayo College pointed out that the residential school takes admissions at classes 4, 5 and 7 and the child's ability to cope in a residential environment in school is necessary. In his school interviews are held in order to assess the capability and confidence of the child to cope in a residential environment. Hence some screening becomes essential.

Shri Praveen Vashishtha, Lawrence School, Sanawar stated that his school makes admissions at class 5 and 7, by which time children have had some experience and consequently 'background' comes into play. He also raised the issue of admission of children from neighborhood in residential schools.

Shri Manoj Singh, Commissioner NVS informed that NVS, besides being residential schools, is also mandated to admit talented children through an entrance test. However, the NVS has been served a notice by the NCPDR for conducting admission tests which is not in conformity with the provisions of section 13 (1) of the RTE Act. **Minister of Human Resource Development** stated that the Ministry would be addressing this issue separately.

Concluding, the **Minister of Human Resource Development** stated that the consensus of the House was that each school may formulate a policy under which admissions are to take place. The policy must include categorization in terms of objectives of the school, including provision for positive discrimination and affirmative action on a rational, reasonable and just basis. This policy should be placed in the public domain, given wide publicity and explicitly stated in the school prospectus. There should be no testing and interviews for any child/parent falling within or outside the categories, and selections would be on a random basis. He stated that based on this understanding the Ministry would take further appropriate action.

3 Proof of Residence

Sister Cyril, Principal stated that street children do not have any residence and hence cannot produce any proof of residence. She also stated that there are lots of children migrating from Bihar, Jharkhand etc. to Kolkata and it is not possible to obtain proof of residence in these cases. In many cases these children stay only for a period of six months.

Minister of Human Resource Development stated that if Ration Card is available that should be accepted as proof of residence. In other cases the concerned school should decide about in case the Ration Card is not available.

Shri G.P. Chopra, President, DAV College Management Committee stated that there are afternoon schools and those schools are not insisting for any proof of residence.

Secretary (SE&L) stated that as per the Act inclusive education should be provided to all children and if there is any afternoon school it has to function as an inclusive school conforming to the provisions of the Act. Representative from the Delhi Govt. stated that affidavit by parent regarding address proof may be treated as proof of residence.

The Minister of Human Resource Development stated that the Ministry would issue appropriate guidelines in this regard.

4 Recognition of Schools

Minister of Human Resource Development stated that he has received representations from various private unaided schools expressing apprehension regarding the procedure for recognition of schools under the RTE Act. **Col. Arun Datta, Principal, Sainik School, Karnal** stated that the schools which have already been granted recognition should be deemed to be recognized under the RTE Act and should not be required to undergo a fresh process for recognition. This viewpoint was also reiterated by **Shri Praveen Vashisht. Dr. Shyama Chona** stated that the Directorate of Education, Govt. of NCT of Delhi is now asking for fresh recognition till class VIII.

Ms. Manju Bharat Ram stated that even the government schools should be asked to undergo the process of recognition as several schools run by the Government do not adhere to the norms and standards laid down in RTE. Minister of Human Resource Development clarified that, under the RTE Act, All schools, including Government schools are required to adhere to the norms and standards specified in the Schedule

Prof Anita Rampal stated that there may be several schools which do not meet the norms and standards specified in the Schedule. However, the Act provides a 3 year window to provide the infrastructural facilities and a 5 year window to provide trained teachers. She expressed the view that even if the school has been running for several years, it would not mean that it adheres to the norms under the Act.

Minister of Human Resource Development stated that schools which have been running before the commencement of the Act and have been earlier granted recognition by the State Government must file an affidavit to the effect that they are in alignment with the provisions of the Act. There should be no need to put in place an inspection system which would lead to an 'inspector raj' for existing schools. Only where it comes to the notice that the schools are not in alignment with the provisions of the Act should a mechanism of verification or authentication be put in place. He felt that the Government should facilitate the process of recognition in a smooth manner.

5 Other issues

The following additional issues were flagged for further discussion:

- i. Financial viability of reimbursement for admission of 25% quota under section 12(1) (c).
- ii. Special provision for children with disabilities
- iii. Schools affiliated to International Boards
- iv. Curriculum of schools in different States affiliated to the CBSE vis-à-vis the provisions of section 29 of the RTE Act read with the definition of appropriate Government in section 2(a) of the RTE Act.
- v. Issues with regard to residential schools and defining neighbourhood for such schools.

LIST OF PARTICIPANTS

1. Shri Kapil Sibal, Minister of Human Resource Development.
2. Smt D.Purandeswari, Minister of State for Human Resource Development.
3. Smt Anshu Vaish, Secretary, Department of School Education and Literacy.
4. Smt Anita Kaul, Additional Secretary, Department of School Education and Literacy.
5. Shri S.C. Khuntia, Joint Secretary, Department of School Education and Literacy.
6. Shri A.K. Singh, Joint Secretary, Department of School Education and Literacy.
7. Prof Krishan Kumar, Education Department, University of Delhi.
8. Ms. Ameeta Mulla Wattal
Principal, Springdales School
9. Ms. Lata Vaidyanathan
Principal, Modern School
10. Padma Shri Sister M. Cyril Mooney
Principal, Lorento Day School Sealdah.
11. Ms. Manju Bharat Ram
Chairperson, The Shri Ram School
12. Shri BS Yadav
Delhi Public School, Jodhpur.
13. Prof. Farqan Qumar
Vice Chancellor, Central University of Himachal Pradesh
14. Dr. Abusaleh Shariff
Ministry of Home Affairs, Government of India
15. Shri M.P. Vijay Kumar
Former Project Director, SSA, Tamil Nadu.

16. Shri Praveen Vasisht,
Head Master, The Lawrence School, Sanovar, Himachal Pradesh
17. Ms. Shyama Chona
Former Principal, Delhi Public School, R.K. Puram.
18. Prof. (Ms.) Anita Rampal
Faculty of Education, University of Delhi
19. Dr. Ravindranath G. Pardeshi
Principal, Fergusson College, Pune
20. Shri Rakesh Mohan
Principal Secretary, Department of Education
21. Ms Aarti Karwar, SPD, SSA
Government of Gujarat
22. Shri C. Roul
Principal Secretary (School Education), Government of Punjab
23. Shri A.K. Pandey, Education Department,
Government of Bihar
24. Ms. Chandana Khan
Principal Secretary, School Education Department, Govt. of Andhra Pradesh.
25. Shri Partha Roy, Education Department
Government of West Bengal
26. Shri Deepak Raj
Department of School and Mass Education, Govt. of Orissa.
27. Shri Umesh Chandra
Department of School and Mass Education, Govt. of Orissa.
28. Shri James Verghese
Secretary, General Education Department, Government of Kerala,
29. Major General (Retd.) Kanwar Vijay Singh Lalotra
Principal, Mayo College, Rajasthan.
30. Mrs. Anuradha Joshi
Principal, Sardar Patel Vidyalaya

31. Mrs. Baby Kala
Principal, Chennai
32. Shri R.S. Sharma
DAV College Management Committee
33. Shri Ashok Pradhan
Bharatiya Vidya Bhavan,
34. Ms Joyi Sharma
Production and Industrial Engineering IIT Delhi
35. Dr. Kancha Illiah
Osmania University, Hyderabad.
36. Shri Neil O'Brien
Chairman,
Council for the Indian School Certificate Examinations
37. Prof. Marmar Mukhopadhyay
Former Director, NUEPA.
38. Shri S.S.Mishra
Guru Harikrishan Public School, Vasant Vihar.
39. Dr. Indu Khetriwal
Salwan Public School, Gurgaon.
40. Mrs. Anita Mukkar
DAV School, Gurgaon.
41. Ms. Nina Sehgal
Retd. Principal, Delhi Public School, Noida
42. Mrs. Reeta Chatterjee
Principal and Administrator, Apeejay School
43. Ms. Rema Daniel
St. Paul's School, New Delhi.
44. Dr. Mohd. Maroof Khan
Dr. Zakir Hussain Sr. Sec. School, Jafrabad
45. Ms. Neera Mathur
Maharaja Sewai Mansingh School, Jaipur.

46. Dr. (Mrs.) Indu Shahani
Sheriff of Mumbai,
47. Shri Ashok Pratap Singh
Chairman, Modern School
48. Shri D.K. Baksh
Apeejay Education Society
49. Mr. Peerpasha Husaini Ab. Razak Inamdar
President, Maharashtra Cosmopolitan Education Society, Pune,
50. Ms. Jyoti Sharma
SPIC MACAY
51. Col. Kr. Pratap Singh
CCA School President JPSC
52. Sh. Dhriti Malhotra
Manav Rachna Int school Gurgaon
53. Sh. Leah. Verghese
Centre for Civil Society
54. Sh. Shalender Sharma
Chief Consultant, TSG, SSA
55. Sh. K. Gopalan
Sr. Consultant, TSG, SSA
56. Sh. J. Veera Raghawan
Director, B.V. Bhawan Delhi
57. Sh. Prabodh Mahajan
Secy. DAV Education Trust
58. Sh. R.D. Sahay
Director Higher Education
59. Sh. M.A. Rajat, IAS
SPD, SSA, AP
60. Sh. Mohan bindco
Principal Ramjas School

61. Sh. Manohar, EPSI
62. Sh. Tejoamr, EPSI
63. Sh. Sunil Agarwal, EPSI
64. Sh. Jyoti Gupta, EPSI
65. Sh. Goldy Malhotra
Principal Modern School
66. Sh. T.K. Adhikari
Jt. Secy. School Edu Dept.
67. Dr. Suparna S. Pachori, MHRD
68. Prof. Sarita Sinha
NCERT
69. Prof. Neerja Shukla,
NCERT
70. Sh. D. Mukherjee
Director, School Education West Bengal
71. Sh. Asadullah
Chief Consultant, TSG, SSA
72. Sh. Ajay Kumar Singh
Chief Consultant, TSG, SSA
73. Shri Gaya Prasad, Director, MHRD
74. Shri Vikram Sahay, Director, MHRD