

**The Right of Children to Free and Compulsory Education Bill, 2008**

**Suggestions from the Centre for Civil Society**

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Over the last few days, a series of discussions among stakeholders have generated a large number of suggestions for change in the Right to Education Bill 2008. However in light of the fact that very little time is left before the beginning of the new Session of the Parliament, the Centre for Civil Society proposes only **6 short changes** in the current Bill.

**1.** The Bill continues the current practice to require private schools to meet the specified standards but exempts all schools established by the government from those standards. Ideally all schools, government as well as private, must meet the same standards. This requires slight change in Section 18:

| Existing Clause   | Reworded Clause  |
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| <p><b>18.</b> (1) No school, <b>other than</b> a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.</p> | <p><b>18.</b> (1) No school, <b>including</b> a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.</p> |

**2.** The current Bill guarantees the right to schooling but not a right to education, in other words, it promises graduation but not learning. A child could spend 8 years in a well furnished school but not really learn much at the end of it. We need some assurance of learning achievements. Three sections talk about ‘good quality’ or ‘evaluation’ and we need to probably tweak all three sections.

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| <p><b>8.</b> (g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;</p>                | <p><b>8.</b> (g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule <b>and assessed through regular or at the minimum annual independent evaluation;</b></p>  |
| <p><b>9.</b> (h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule</p>                 | <p><b>9.</b> (h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule <b>and assessed through regular or at the minimum annual independent evaluation</b></p>   |
| <p><b>29.</b> (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.</p> | <p><b>29.</b> (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same, <b>which is also judged through an independent regular assessment</b></p> |

**3.** The Bill would compel the government to build hundreds of thousands of new schools, the neighbourhood schools, which it may or may not be able to do so. It is also clear that this right is not really justiciable, that is, there is no penalty or anything for government failing to build new schools as required. So the only other assurance for children is that government would provide financial support, where it can't provide a neighbourhood school, to children to attend an equivalent quality school. This requires changes in either Section 3 (1) or in (6) but preferably in both Sections.

| Existing Clause  | Reworded Clause  |
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| 3. (1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.  | 3. (1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education <b>or in lieu of such school a right to financial support to attend an equivalent quality school.</b>   |
| 6. For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act. | 6. For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act <b>or in lieu of such school provide financial support to attend an equivalent quality school.</b> |

4. The reimbursement to private unaided schools for the 25% quota should be in line with not any government school but the government school of equivalent quality of education and the cost calculations should include fixed or capital as well as the variable expenditures with due allowance for depreciation of assets and interest costs.

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| 12. (2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed 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 manner as may be prescribed:<br><br>Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2: | 12. (2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of <b>total</b> per-child-expenditure incurred by the State <b>in an equivalent quality school</b> , or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:<br><br>Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (iii) of clause (n) of section 2: |
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5. The School Management Committee is a critical new accountability structure in the Bill, but it does not provide minimum representation of mothers and the powers necessary for it to perform its assigned role. Changes in two sections can achieve both of these goals.

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| 21. (1) Provided that atleast three-fourth of members of such Committee shall be parents or guardians: | 21 (1) Provided that atleast three-fourth of members of such Committee shall be parents or guardians, <b>and atleast two-third of whom are women</b>   |
| 21. (2) add (d) and the current (d) would become (e)   | 21. (d) <b>undertake measures including assessing performance of the staff and taking suitable actions, not limited to recommendations, to assure good quality education as stated in Section 8, sub-section (g) and in Section 9, sub section (h)</b> |

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**6.** The ‘specified category’ schools like Kendriya Vidyalaya, Navodaya Vidyalaya are government schools as much as municipal schools and we should not perpetuate the class discrimination under the new milieu. There seems to be no reason to exclude any school, specified category or private unaided school, from the requirement to take transfer students. If we genuinely believe that after this Bill all schools would have ‘good quality education’ then there is no reason to exclude any school from having to take students from any other school.

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| <p><b>5.</b> (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, <b>excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2</b>, for completing his or her elementary education.</p>  | <p><b>5.</b> (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 for completing his or her elementary education.</p>  |
| <p><b>5.</b> (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, <b>excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2</b>, for completing his or her elementary education.</p> | <p><b>5.</b> (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 for completing his or her elementary education.</p> |