

**RIGHT TO EDUCATION ACT 2009: STATUS OF  
IMPLEMENTATION AND PERCEPTION OF  
TEACHERS AND PARENTS IN MIZORAM**

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**CERTIFICATE**

This is to certify that Diana Zorinsangi, Ph.D. Scholar, Department of Education, Mizoram University, Regn.No. MZU/Ph.D./507 of 16.10.2012, has written her thesis titled, ‘Right to Education Act 2009: Status of Implementation and Perception of Teachers and Parents in Mizoram’ under my guidance and supervision. In preparing the thesis Ms. Diana Zorinsangi has complied all the requirements as laid down in the Ph.D. Regulations of the University. The thesis is the original work of the scholar and has not been submitted for any degree to any other University.

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**Year : 2018**

**DECLARATION**

I, Ms. Diana Zorinsangi, hereby declare that the subject matter of the thesis entitled 'Right to Education Act 2009: Status of Implementation and Perception of Teachers and Parents in Mizoram' is the record of work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me or, to the best of my knowledge to anybody else; and that the thesis has not been submitted by me for any research degree in any other University/Institute.

This thesis is being submitted to Mizoram University, Tanhril, Aizawl for the award of Doctor of Philosophy in Education.

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## **CHAPTER-I**

### **INTRODUCTION**

#### **1.1.0. Prologue**

The right to education originates from the apparent motion that it is obligatory for the state to provide education to its citizens. The core of the right to education relates to its substance, which differs from education itself. Effective and transformative education should be the result of the exercise of the right to education, which is a universal human right. The right is about the entitlement to claim the substance of it; it relates to the possibility of demanding the right to education and making it justiciable. The importance of education cannot be neglected by any nation. And in today's world, the role of education has become even more vital. It is an absolute necessity for economic and social development of any nation. In the context of a democratic form of the government like ours, education is at once a social and political necessity. Even several decades ago, our leaders harped upon universal primary education as a desideration for national progress. It is rather sad that in this great land of ours where knowledge first lit its torch and where the human mind soared to the highest pinnacle of wisdom, the percentage of illiteracy should be appalling. Today, the foremost need to be satisfied by our education is, therefore, the eradication of illiteracy which persists in a depressing measure. A true democracy is one where education is universal and the nation and know-how to govern themselves(Parishad,2013).

#### **1.2.0. Evolution of Right to Education Act 2009**

I beg to place the following resolution before the council for its consideration. The state should accept in this country the same responsibility in regard to mass education that the

government of most civilized countries are already discharging and that a well considered scheme should be drawn up and adhered to till it is carried out. The well being of millions upon millions of children who are waiting to be brought under the influence education depends upon it.

The above words are part of the resolution which Gopal Krishna Gokhale moved in the Imperial Legislative Council on 18th March, 1910 for seeking provision of “Free and Compulsory Primary Education” in India. This initiative must however be seen as part of the following sequence of events:

1870: Compulsory Education Act passed in Britain.

1882: Indian Education Commission: Indian leaders demand provision for mass education and Compulsory Education Acts.

1893: Maharaja of Baroda introduces Compulsory Education for boys in Amreli Taluk.

1906: Maharaja of Baroda extends Compulsory Education to rest of the state.

1906: Gopal Krishna Gokhale makes a plea to imperial Legislative Council for introduction of Free and Compulsory Education.

1910: Gokhale proposes Private Members Bill (Rejected).

1917: Vithalbhai Patel is successful in getting the Bill passed – First Law on Compulsory Education passed (popularly known as Patel Act).

1918: Every province in British India gets Compulsory Education Act on its 1930 Statute Book.

1930: Hartog Committee Recommendation for better quality (less focus on quantity) hinders spread and development of primary education.

However, many of the above initiatives were not seriously implemented; lack of resources and enforcement being the chief reasons.

### ***Mahatma Gandhi's Contribution to the Demand***

The situation worsened over the years forcing Mahatma Gandhi to give a stirring call for universal education in 1937. His plea for adequate finances for universal education was met with a response that if at all, the way was to utilize revenues from liquor sales. That meant he had to either give up his stand on prohibition, or his plea for universal education with state support which he expressed quite plainly: “the cruelest irony of the new reforms lies in the fact that we are left with nothing but liquor revenue to fall back upon in order to give our children education. He solved what he called the “education puzzle” by proposing self-funded education, in what came to be known as ‘naitalim’ later”.

### ***Arrival of the Original Article 45 of the Constitution:***

1946: Constituent assembly began its task.

1947: Ways and Means (Kher) Committee set up to explore ways and means of achieving Universal Elementary Education within ten years at lesser cost.

1947: Constituent Assembly Sub Committee on Fundamental Rights places free and compulsory education on list of Fundamental Rights: clause 23- Every citizen is entitled as of right to free primary education and it shall be the duty of the state to provide within a period of ten years from the commencement of this Constitution for free and compulsory primary education for all children until they complete the age of fourteen years.

- 1947 (April): Advisory Committee of the Constituent Assembly rejects free and compulsory education as a fundamental right (costs being the reason). Sends clause to list of “non-justiciable fundamental rights” (later termed as Directive Principles of State Policy).
- 1949: Debate in Constituent Assembly removes the first line of ‘Article 36..... “every citizen is entitled as of right to free primary education and it shall be the duty of the state to”.....and replaces it with “The state shall endeavour to...”. Why was the word primary education removed? According to Sh B.R.Ambedkar, “a provision has been made in Article 18, to forbid any child being employed below the age of 14. Obviously, if the child is not to be employed below the age of 14, the child must be kept occupied in some educational institution. That is the object of Article 36”
- 1950: Finally, Article 45 of Directive Principles of State Policy accepted, “the State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until complete the age of 14 years”.This denied a justiciable right. The inadequacy of the final Article 45 was foreseen by K.T. Shah in his note of dissent in April 1947 thus:Once an unambiguous declaration of such a (justiciable) right is made, those responsible for it would have to find ways and means to give effect to it. If they had no such obligation placed upon them, they might be inclined to avail themselves of every excuse to justify their own inactivity in the matter, indifference or worse

These words of K.T. Shah proved prophetic. On the fate of Article 45 after Independence, the noted Gandhian economist L.C. Jain has observed that there was no reference to education in any of the budget speeches during the ten year period after the adoption of the Constitution,

which was the time target envisaged by Article 45. It should therefore be clear that the plea of lack of resources made even Gandhi think of alternative methods, the Babasaheb Ambedkar to accept dropping the draft Article 36 from the final Constitution. Many shortcomings of the 2009 Act, like excluding 0-6 and 14-18 age group stem from the same lack of resources argument, and even the fate of the implementation of 2009 Act will crucially depend on the availability and proper utilization of adequate finances. In this context, where it is heartening that the Prime Minister in his unprecedented address to the nation on the Act on April 1, 2010 said that financial availability will not be allowed to hamper the implementation of the Act, one hopes that this promise to the nation will inform state policy in the coming years.

The Supreme Court in 1993 held free education until a child completes the age of 14 years to be a right (Unnikrishnan and other Vs State of Andhra Pradesh and others) by stating that:

The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right is, however not an absolute right. Its content and parameters have to be determined in the light of Articles 45 and 41. In other words, every child/citizen of this country has a right to free education until he completes the age of 14 years. Thereafter, this right to education is subject to the limits of economic capacity and development of the State.

Spurred by the Unnikrishnan judgement and a public demand to enforce the right to education, successive governments from 1993 worked towards bringing a constitutional

amendment to make education a fundamental right. This led to the 86<sup>th</sup> Amendment in December 2002 which inserted the following articles in the Constitution:

Insertion of new Article 21 A-After Article 21 of the Constitution, the following article shall be inserted namely- Right to Education

“21 A- The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner, as the State may, by law determine”

Substitution of new article for Article 45- For Article 45 of the Constitution, the following article shall be substituted namely- Provision for early childhood care and education to children below the age of six years.

“45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years”.

### ***86th Amendment diverted from Unnikrishnan judgement***

The original Article 45 of the Directive Principles had used the term ‘up to 14 years’ and the Unnikrishnan judgement said ‘till he completes the age of 14 years’. Both these definitions contain the age group 0-14 years. Article 21 A restricted the age group from 6-14 thereby removing the 0-6 age group from the right; relegating it to the new Article 45 of the Directive Principles. The Unnikrishnan judgement had further observed that the right to education existed and would not be contingent upon the economic capacity of the state up to 14 years of age. Article 21 A said that it would come into force ‘in such manner, as the State may, by law, determine’. So it was made contingent on a law that the state may bring in. This Act is that law, and it took another eight years to come since the 86<sup>th</sup> Amendment was passed. So it took seventeen years for the right to be enforced since the Unnikrishnan judgement, that too from the

restricted age group of 6-14 years. It may be noted here that it was the Parliamentary Standing Committee on education that recommended the age group of 6-14 years from the eventual 86<sup>th</sup> Constitutional Amendment, paving the way for the restricted age group.

### ***Sequence of Events Leading to RTE Act 2009***

After the 86<sup>th</sup> Amendment in December 2002, the following actions took place:

2003: The Free and Compulsory education for Children Bill, 2003 (NDA Government)

2004: The Free and Compulsory Education Bill, 2004 (NDA Government)

2005: The Right to Education Bill, 2005 June (CABE Bill) (UPA I Government)

2005: The Right to Education Bill, 2005 August (UPA I Government)

2006: Central legislation discarded. States advised to make their own Bills based on The Model Right to Education Bill, 2006 (UPA I Government)

2008-2009: Central legislation revived. The Right of Children to Free and Compulsory Education Bill, 2008, introduced/passed in Lok Sabha and Rajya Sabha and received the assent of the President in August 2009. However, the notification of the Act, and the 86<sup>th</sup> Amendment, issued on February 19, 2010 in the Gazette of India, stating that implementation will begin from April 1, 2010, eight months after the presidential assent.

From the above drafts of the Bill, the word 'Right' was missing in the first two drafts of the Bill and was used from the 2005 CABE Bill onwards. The Central Legislation was dropped in 2006 in preference to State Legislations based on independent financial estimates that made it possible to revive and bring back the Central Legislation in 2008.

This Indian Act is unique amongst such acts from any other countries for the following reasons:

- The definition of 'free' that goes beyond tuition fees.
- The 'compulsion' being on the governments rather than parents.
- The stress on ending discrimination and on inclusion.
- Prescribing quality principles for the teaching-learning process.
- An external constitutional body for monitoring the Act.
- Defining minimum norms and standards for the school.
- Addressing the emotional, stress and anxiety issues of children.

The Act is also momentous since it took a hundred years to bring it in. If we take 1957 war as the milepost for the fight for India's independence, it took ninety years up to 1947, for that to become a reality. But for the Right to Education, it has taken a decade longer, sixty two of those years after the nation became independent. This gives the Right to Education Act a very serious historic significance (Babu, 2014).

For strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since inception of the Republic. The 'Directive Principles of the State Policy' enumerated in our Constitution lays down that the State shall provide free and compulsory education to all children up to the age of fourteen years. With the insertion of article 21A in the Constitution by the Constitution (Eighty-Sixth Amendment) Act, 2002 wherein it is provided that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the state, by law, provides, it became imperative to

enact a law to implement the provision of Article 21A of the Constitution. Accordingly, the Right of Children to Free and Compulsory Education was introduced in the Parliament.

Over the years there has been significant spatial and numerical expansion of elementary schools in the country, yet the goal of universal elementary education continues to elude us. The number of children, particularly from the disadvantaged groups and weaker sections, who drop out of school before completing elementary education, remains very large. Moreover, the quality of learning achievement is not always entirely satisfactory in the case of children who complete elementary education. Article 45 of the Indian Constitution states that the state shall endeavour within a period of ten years from the commencement of the constitution for free and compulsory education for all children until they complete the age of 14 years.

Article 21A, as inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law determine. Consequently, the Right of Children to Free and Compulsory Education Bill, 2008 was proposed which seeks to provide –

\*That every child has a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards;

\*‘Compulsory education’ casts an obligation on the appropriate Government to provide and ensure admission, attendance and completion of elementary education;

\*‘Free education’ means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education;

\*The duties and responsibilities of the appropriate Governments, local authorities, parents, schools and teachers in providing free and compulsory education; and

\*A system for protection of the right of children and a decentralized grievance mechanism.

The proposed legislation was anchored in the belief that the values of equality, social justice and democracy and creation of a just and humane society can be achieved only through provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections is, therefore, not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools which are not dependent on Government funds.

The Right of Children to Free and Compulsory Education Bill having been passed by both the Houses of Parliament received the assent of the President on 26<sup>th</sup> August, 2009. It came on the Statute Book as THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 (35 of 2009). India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1<sup>st</sup> April 2010 (The right of children to free and compulsory education act, 2009

(35 of 2009) along with the right of children to free and compulsory education rules 2010, 2010).

Since Independence, India has made impressive progress in terms of growth of educational institutions at different levels, physical access to schooling for children, and diversification of educational programmes. With schematic interventions from the erstwhile Operation Blackboard, Bihar Education Project, Lok Jumbish, District Primary Education Programme and the Government's current flagship programme of Sarva Shiksha Abiyan (SSA), children are estimated to have access to primary schooling within one kilometer of their habitation. Gross enrolment ratios have increased significantly over all social categories, dropout rates at primary level have declined and transition from primary to upper primary stage has improved. Decentralised academic support structures have been established in the form of District Institutes of Education and Training (DIET) .Over 12 crore children participate in MidDay Meal programme, the world's largest school feeding programme, which impacts not only enrolment of children, but also their regular attendance in school and participation in the learning process.

This notable spatial spread and physical access has, however, by and large not been supported by satisfactory curricular interventions including teaching learning materials, training designs, assessment systems and classroom practices or even suitable infrastructure. "Our Constitution fathers did not intend that we just set up hovels, put students there, give untrained teachers, give them bad text-books, no playgrounds and say, we have complied with Article 45 and primary education is expanding. They meant that real education should be given to our

children between the ages of 6 and 14". Physical expansion has not adequately addressed the problem of social access. The country's expectations in respect of overall coverage, equitable distribution and quality of education have largely not been fulfilled.

The education system does not function in isolation from the society of which it is a part. Our social system is stratified into manifold layers based on class, caste, gender and religion. Unequal social, economic and power equations which persist deeply influence children's access to education and their participation in the learning process. This is evident in the disparities in education access and attainment between different social and economic groups. Thus, girls belonging to SC, ST and Muslim Minority communities and children with disabilities, especially those from poor families are educationally most vulnerable. Even as the education system seeks to reach out to every child by widening access and providing school infrastructure and teachers, the issue of quality presents daunting challenges. Indian education system is known for its inequitable character – there are high fee charging schools catering to the rich and privileged and ordinary government schools between these extremes. Time has come to make a decisive intervention to change this situation so that all children irrespective of their religion, caste, class, gender and location get an education of comparable quality (Pandey, 2013).

The Right to Education road map is derived from the timeframes mandated in the Act. It is given under the following table:

**Table 1.1.0**

<b>Sl. No.</b>	<b>Activity</b>	<b>Time Frame</b>
1.	Establishment of neighbourhood schools	3 years (by 31 <sup>st</sup> March, 2013)
2.	Provision of school infrastructure: All weather school buildings One-classroom-one-teacher Head teacher-cum-Office room Library Toilets, drinking water Barrier free access Playground, fencing, boundary walls	3 years (by 31 <sup>st</sup> March 2013)
3.	Provision of teachers as per prescribed PTR	3 years (by 31 <sup>st</sup> March 2013)
4.	Training of untrained teachers	5 years (by 31 <sup>st</sup> March 2013)
5.	Quality interventions and other provisions	With immediate effect

(Ministry of Human Resource Development, Department of School Education and Literacy, 2011)

### **1.3.0. RTE-SSA Convergence**

Currently, SSA is implemented as one of India's flagship programmes for universalizing elementary education. Its overall goals include universal access and retention, bridging of gender and social category gaps in elementary education and enhancement in learning levels of children. SSA provides for a variety of interventions, including inter alia, opening of new schools and alternate schooling facilities, construction of schools and additional classrooms, toilets and drinking water, provisioning for teachers, periodic teacher training and academic resource support, textbooks and support for learning achievement.

The Act has important implications for the overall approach and implementation strategies of SSA, and it is important to harmonize the SSA vision, strategies and norms with the Right to Education mandate. The Department of School Education and Literacy set up a Committee under the Chairpersonship of Shri Anil Bordia, former Education Secretary, Government of India to suggest vis-a-vis the RTE Act. The Committee held seven meetings between September 2009 and January 2010, during which it had interaction with State Secretaries of Education, educationists, representatives of teachers' unions, voluntary organisations and civil society organisations who are in close touch with field realities, and representatives of persons working with children with special needs. Consultation with representatives of teachers' unions and civil society organisations provided important insights, inter alia, for bringing out-of-school children from disadvantaged sections into age appropriate class, care and support in mainstream schools for children with special needs, education for girls, importance of forging partnerships with voluntary agencies and civil society organisations for developing capacities of School Management Committees (SMCs) to formulate school development plans, realigning teacher education and training systems to build learning on children's experiences and pre-knowledge. Additionally, interaction with State Secretaries of Education provided suitable inputs on issues relating to the nature of central assistance, implementation structure for SSA and RTE, and fund transfer mechanism for SSA and RTE.

Keeping in view the mandate of Right to Education Act particularly the need to provide to all children of the country education of equitable quality, Bordia Committee has been guided by the following principles:

1. Holistic view of education, as interpreted in National Curriculum Framework 2005 with implications for a systematic revamp of the entire content and process of education with significant implications for curriculum, teacher education, educational planning and management.
2. Equity, to mean not only equal opportunity, but also creation of conditions in which the disadvantaged sections of the society – children of SC, ST, Muslim minority, landless agricultural workers and children with special needs, etc – can avail of the opportunity.
3. Access, not to be confined to ensuring that a school becomes accessible to all children within specified distance but implies an understanding of the educational needs and predicament of the traditionally excluded categories – the SC, ST and other sections of the most disadvantaged groups, the Muslim minority, girls in general and children with special needs. This interpretation of access has been viewed by the Committee as an indispensable stipulation of the Act.
4. Gender concern, implying not only an effort to enable girls to keep pace with boys but to view education in the perspective spelt out in the National Policy on Education 1986/92 i.e., a decisive intervention to bring out basic change in the status of women.
5. Centrality of teacher, to motivate them to innovate and create a culture in the classroom, and beyond the classroom, that might produce an inclusive environment for children, specially for girls from oppressed and marginalized backgrounds.
6. Moral compulsion is composed through the Right to Education Act on parents, teachers, educational administrators and other stakeholders. Rather than shifting emphasis on punitive processes, the Committee has abided by this general tenor of the Act.

7. Convergent and integrated system of educational management is pre-requisite for implementation of the Right to Education law. All states must move in that direction as speedy as feasible.

8. Adherence to Right to Education stipulations – even where it seemed difficult to adhere to the timeframe laid down in the Right to Education law, the committee worked to find practical solutions for adherence to the Act's stipulations.

For quality education to truly reach every child in the country, it is necessary that the following steps are taken:

1. Each state should prepare a set of model rules for implementation of the right to education, with the participation of the community and other stakeholders.

2. Although the Right to Education Act puts the applicable age-group at 6-14, it has been left to the states to decide whether they want to widen this group, say from 0-18 as Kerala has done. States should think about including more children under the Act's ambit.

3. With the Act coming into effect, it has been found that there is a shortage of 12-13 lakh teachers in schools. The states must take steps to employ more teachers and not rely on para-teachers to provide children with quality education.

4. The government should ensure that all government schools are well-equipped to take in students, so that they are not left with the sole choice of going to private schools.

5. School management committees should take it upon themselves to spread awareness about the Act at the community level, in panchayats, so that people are encouraged to send their children to school.

6. School management committees should be provided the necessary financial and other support by the state to go about their duties.

7. For effective implementation of the Act, states should give some sort of judicial power to the education department.
8. The public private partnership (PPP) model in primary education should be avoided at all costs so that there is no commercialization of education.
9. There is a conflict between the child labour law and the Right to Education Act, although both deal with related issues and promote the overall development of children. It is important to bring them in step, to avoid confusion.
10. To effectively implement the Act, the Human Resource Development Ministry, Labour Ministry, Women and Child Development Ministry, Panchayati Raj Ministry and Rural Development Ministry have to work together. There should be an umbrella body that brings all these agencies together to work towards a common goal.
11. The government must make every effort to become self-sufficient by using the education cess and other taxes to effectively implement the Act. It must not always beg from the private sector.
12. The Education Programme supports and strengthens government efforts to provide quality education by reducing gender and other social and economic disparities at the national and state levels (Ministry of Human Resource Development, Department of School Education and Literacy, 2011).

The Ministry of Human Resource Development is the nodal ministry for UNICEF's Education Programme. Through a close and productive partnership with MHRD and the Department of School Education and Literacy along with civil society, the Programme has been supporting the government of India's flagship programme *Sarva Shiksha Abhiyan* (Education for

All) to ensure greater access to education, enrolment and improved learning outcomes for the most marginalized groups of children.

While retaining a focus on elementary education for children aged 6 – 14 years under the Right of Children to Free and Compulsory Education Act (RTE), the programme is now covering a wider gamut – starting from early childhood education through elementary and secondary. Child friendly schools and systems are being promoted and capacities of teachers strengthened to ensure children’s right to learn.

To move to a “Right to Learn” model, UNICEF has been working with national and state governments and civil society to take stock of Right to Education implementation and where progress is being made and where gaps persist in order to work together to bridge gaps.

UNICEF will intensify its work with government to promote child-centred, child-friendly learning environments through community-based school management structures and the development of RTE-compliant school development plans and in making schools Right to Education compliant in all areas including scattered habitations, civil strife affected areas and urban slums.

This will involve measures to improve the overall learning environment and ensure classrooms free of violence; improved school environment and infrastructure including improved water, sanitation and hygiene and mid-day meal practices; teacher development linked to learning outcomes; and community and civil society participation.

The integration of the child-friendly framework and tools into state education plans and delivery mechanisms will be crucial. Efforts will also be made to establish norms and standards on early learning with modelling supported in selected states to improve school readiness.

Strengthening state level teacher education planning and systems will be critical to ensuring improved teacher preparation and on-the-job support and ensure the mainstreaming of millions of out of school children back into age-appropriate classes.

Recognizing that teachers are catalysts for social change, they will be central to ensuring an inclusive and participatory teaching and learning process as well as classrooms free of trauma, violence and corporal punishment. In this regard, the National Vision for Girls' Education in India and the road-map to achieving gender equality in basic education by 2015 will be important tools in supporting girls' education.

***To this end, UNICEF recommends:***

1. Improved identification of children who are out of school and their mainstreaming into age-appropriate classes through special training programmes offered under the Act.
2. The adaptation of curriculums to ensure inclusive education and teacher training to implement inclusive education.
3. Establishment of robust systems for student assessment, including classroom-based comprehensive and continuous evaluation which feed into teacher education systems in order to improve teaching-learning outcomes.

4. Strengthening state-level teacher education planning and systems to ensure improved teacher preparation and on-the-job support.
5. Integration of Child Friendly Schools (CFS) and systems guiding principles into state planning and education programme delivery since the CFS package can be a powerful tool, both to fulfil children's entitlements under the Act and to provide them a quality education.
6. Inclusive and coordinated planning and implementation of the Act, especially for the most marginalized: Dalits, Tribals, girls, minorities, victims of child labour, children with disabilities and children from areas affected by civil strife.
7. A strong focus be placed on developing language and maths skills as fundamental tools for learning. Early grade reading and math approaches need to be improved. Promotion of instruction in students' local languages will be crucial for improved reading skills and learning outcomes of children especially in early grades.
8. Strengthening state-level teacher education planning and systems, which will be critical to ensuring improved teacher preparation and on-the-job support. Recognizing that teachers are catalysts for social change, they will be central to ensuring an inclusive and participatory teaching and learning process as well as classrooms free of trauma and violence.
9. Use of Information and Communication Technology (ICT) to expand access to and improve the quality of learning.
10. Increased access to quality Early Childhood Education(ECE) programmes which will lead to improved learning outcomes in early grades (Unicef India, 1949).

#### **1.4.0. Brief Profile of Mizoram**

Mizoram had occupied an important place in the history before independence and even after independence. It occupies a strategically very important position with an international boundary of 722 kms with Bangladesh on the west and Myanmar on the east and south. Mizoram is one of the seven north-east states of India, bordered by Myanmar (formerly known as Burma) to the east and south, Bangladesh to the west, and by the states of Manipur, Assam and Tripura to the north. It occupies an area of great strategic importance and has a total of 722km of international boundaries with Myanmar and Bangladesh. It lies between 21 58' and 24 35' north latitudes and 92 15' and 93 29' east longitudes. Mizoram is a land of hills. The hills run in ridges from north to south. The literal meaning of Mizoram is 'Land of the Highlanders'.

The Mizo District was transformed into Union Territory on 21<sup>st</sup> January 1972 and the name of the region was changed into Mizoram. As a sequel to the signing of the historic Memorandum of Settlement between the Government of India and the Mizo National Front in 1986, Mizoram was granted Statehood on February 20, 1987 as per Statehood Act of 1986 and it became the 23<sup>rd</sup> State of the Indian Union (History of Mizoram, n.d.).

#### ***Educational Background***

Formal education in Mizoram started only after the arrival of the Christian Missionaries in the year 1894, by two pioneering missionaries Dr.(Rev) J.H Lorrain and Rev. F.W.Savidge. They came first as teachers and then as preachers (Education in Mizoram, n.d.).

It was the sheer efforts and initiatives of the pioneering missionaries that the Mizo language was abridged into writing by adopting the Roman Script. What is now called the Mizo language is Duhlian dialect spoken by the Lusei from time immemorial. One of the beneficial results of missionary activities was the spread of education. Till the late 1952, the Church looked after the Elementary Education through Honorary Inspector of Schools. Starting with a literacy rate of 0.9 per cent in 1901 census, at present, Mizoram is the third most literate state (91.33%) in all of India, with Serchhip and Aizawl districts being the two most literate districts in India (literacy rate is 97.91% and 97.89%) both in Mizoram. Mizoram's literacy rate rose rapidly after independence from 31.14% in 1951 to 88.50% in 2001. The lowest literacy rate was at southernmost Lawngtlai district at 65.88 per cent followed by Mamit district on the Mizoram-Bangladesh and south Mizoram's Lunglei district at 84.93 per cent and 88.86 per cent respectively (Press Trust of India, 2014).

The comparison of 2001 and 2011 census of Mizoram is presented under the following table:

**Table 2.1.1**

<b>Description</b>	<b>2011</b>	<b>2001</b>
Approximate Population	10.97 Lakhs	8.89 Lakhs
Actual Population	1,097,206	8,88,573
Male	5,55,339	4,59,109
Female	5,41,867	4,29,464
Population Growth	23.48%	29.18%
Percentage of total Population	0.09%	0.09%
Sex Ratio	976	935
Child sex Ratio	970	964

Density/km <sup>2</sup>	52	42
Density/mi <sup>2</sup>	135	109
Area (km <sup>2</sup> )	21,081	21,081
Area mi <sup>2</sup>	8,139	8,139
Total Child Population (0-6 Age)	1,68,531	1,43,734
Male Population(0-6 Age)	85,561	73,176
Female Population(0-6 Age)	82,970	70,558
Literacy	91.33%	88.80%
Male Literacy	93.35%	90.72%
Female Literacy	89.27%	86.75%
Total Literate	8,48,175	6,61,445
Male Literate	4,38,529	3,50,105
Female Literate	4,09,646	3,11,340

(Mizoram population census data 2011, n.d.)

### 1.5.0. Rationale of the Study

The right to education was finally made a fundamental right of Indian children in the 6-14 age groups to get free and compulsory education. It was enshrined in the Indian Constitution as a Directive Principle of State Policy in Article 45 before the 86<sup>th</sup> Amendment, 2002. It was the visualization of the Founding Fathers of the Indian Constitution that took us almost 59 years to translate into reality. The 86<sup>th</sup> Amendment introduced new Article 21A, making the right to education of children from 6-14 years of age a fundamental right.

Consequently, the Right of Children to Free and Compulsory Education Bill, 2008 was proposed to be enacted and the Bill was made an Act in 2009. The Act has come into force with effect from 1<sup>st</sup> April 2010 in the whole of India except the State of Jammu and Kashmir. As such,

the people of India as well as in the state of Mizoram are supposed to be aware of the Act. But in reality, common people except few people working in the field of education are ignorant about this. It is the responsibility of each and every citizen of this country to take part for effective implementation of the Act.

The Right of Children to Free and Compulsory Education Act, 2009 as a revolutionary enabling measure, could lead India far in its commitment to an equitable and progressive society. The Act is well-intentioned but certain debatable provisions and lacunae therein require significant attention. What is more important is the aspect of implementation of the Act that raises some justifiable questions. An attempt has been made in the present study to address such issues.

In order to achieve the aims set out in the Right to Education Act, 2009, State Governments are assigned responsibilities where the state of Mizoram is not an exception. What actions have been taken by the Centre and the state of Mizoram as a result of the enactment of Right to Education? It is known that the state of Mizoram has prepared the Mizoram Right of Children to Free and Compulsory Education Rules, 2011. 'What provisions are there in the said rules?' is an important question to answer. As Right to Education Act is applicable to elementary education, studying the status of implementation of the Act and Rules in elementary schools management wise i.e., Government and private is a necessity. Success in the implementation of the Act and Rules greatly depends on teachers and parents and their perception about these. If teachers and parents have negative perception about the said Act, prompt actions will have to be

taken ‘What kind of perception do teachers and parents have?’ is therefore, an important question that needs to be answered through research.

In order to find answers to the above questions, it is pivotal to take up investigation on these. However, when the investigator made a serious and wide exploration of different sources to locate empirical studies of present nature, she could not find any empirical study conducted elsewhere in the country. Different provisions have been laid down in the Act and Rules have been framed for every state in the country. It is pertinent to have a careful study on the different provisions and Rules mentioned for all the citizens of India especially to those working in the field of education, teachers working in elementary schools and parents of elementary school children since its successful implementation solely depends on them and the Act will be a driving mechanism for bringing about better quality of education in the country. Since the Act was introduced only few years back which came into force from 1<sup>st</sup> April 2010, only few studies in this area have been conducted so far and no foreign studies could be conducted since the Act is meant only for schools in the country of India. Besides, no study of this kind has been found to be conducted in the state of Mizoram.

This Act is an important move towards educational reform in India and is intended to bring all children into schools thereby providing inclusive education. All children irrespective of caste, creed, gender, sex etc., will no longer be discriminated from the rest of the other children. They will receive and enjoy the same type of education and develop their potential to the fullest extent. Therefore, successful implementation of the Act is need of the hour and India has still a long way to go for its successful and thoughtful implementation. As success of the

implementation of Right to Education Act and Rules depends mainly on the State Government, schools including the teachers and parents, the present study is intended to deal with these issues

#### **1.6.0. Statement of the Problem**

Right to Education Act, 2009 presents the country with a great opportunity. The Act, if properly implemented, is expected to open a window of opportunity for many children who are denied elementary education just because they cannot afford education. Therefore, for the proper implementation of the Act and for making it a reality, there are certain issues that need to be dealt with. Since teachers and parents are directly involved with the education of children for whom the Act has been prepared, their perception about the Act and its implementation will go a long way for making the implementation more effective. To deal with these issues, the present study is undertaken which is stated as:

#### **Right to Education Act, 2009: Status of Implementation and Perception of Teachers and Parents in Mizoram**

#### **1.7.0. Objectives of the Study**

The present study has been conducted with the following objectives:

1. To examine the provisions of Right to Education Act, 2009.
2. To study major actions taken by the Central and State Government since the enactment of Right to Education in 2009.
3. To examine the Mizoram Right to Education Rules, 2011.
4. To prepare profiles of sample schools, teachers and parents

5. To study and compare the status of implementation of Right to Education Act, 2009 in elementary schools in Mizoram in relation to management of schools i.e., government and private.
6. To study and compare the perception of elementary school teachers in Mizoram about the provisions of Right to Education Act, 2009 and their implementation in relation to management of schools i.e., government and private.
8. To study and compare the perception of parents of elementary school children in Mizoram about the provisions of Right to Education Act, 2009 and their implementation in relation to management of schools i.e., government and private.
9. To suggest measures for effective implementation of the Right to Education Act 2009 in Mizoram.

#### **1.8.0. Hypothesis of the Study**

1. There is no significant difference between the status of implementation of Right to Education Act, 2009 in Government and private schools in Mizoram.
2. There is no significant difference between the perception of Government and private elementary school teachers about the provisions of Right to Education Act, 2009 and their implementation.
3. There is no significant difference between the perception of parents from Government and private elementary school children about the provisions of Right to Education Act 2009, and their implementation.

### **1.9.0 Operational Definitions of Key Terms Used:**

**Right to Education Act 2009:** Right to Education Act 2009 refers to the Right of Children to Free and Compulsory Education which came into force w.e.f. 1<sup>st</sup> April, 2010 in the whole of India except the State of Jammu and Kashmir.

**Mizoram Right to Education Rules, 2011:** Mizoram Right to Education Rules, 2011 implies the Mizoram Right of Children to Free and Compulsory Education Rules, 2011.

**Status:** In the present study, 'status' means the extent to which the provisions of Right to Education Act 2009 have been implemented in Mizoram.

**Implementation:** Implementation means making the provisions of Right to Education Act, 2009 a requirement for elementary education in Mizoram to the extent of its successfulness.

**Perception:** In the present study, 'perception' means how far the implementation of Right to Education Act, 2009 is known and understood by teachers and parents.

**Teachers:** Teachers in the present study refers to elementary school teachers as Right to Education Act, 2009 is meant for elementary education only.

**Parents:** Parents in the present study refers to parents whose children are enrolled in elementary schools.

**Elementary Education:** Elementary education means the education from first class to eight class.

**Government Schools:** The term ‘Government Schools’ in the present study implies Government elementary schools as the provisions of Right to Education Act, 2009 are applicable to elementary stage of education only.

**Private Schools:** The term ‘Private Schools’ frequently used in the present study means private elementary schools as the provisions of Right to Education Act, 2009 are applicable to elementary stage of education only.

#### **1.10.0 Delimitation of the Study**

The present study has been delimited to four districts of Mizoram i.e., Aizawl, Lunglei, Champhai and Mamit districts.

#### **1.11.0 Organization of the Report**

The report of the study has been divided into five chapters to facilitate a systematic presentation:

Chapter I is the introductory part which highlights the evolution of Right to Education Act, 2009. This chapter also presents the brief profile of Mizoram, rationale of the study, statement of the problem, objectives of the study, operational definitions of key terms used and delimitation of the study.

Chapter II deals with the review of related studies.

In Chapter III, the methodology adopted for the present study is highlighted. The research approach, population and sample, construction of tools, procedure of data collection, tabulation of data and statistical treatment of data are described in this chapter.

Chapter IV deals with the analysis and interpretation of data which are presented under different heads based on objectives of the study.

Chapter V is the concluding chapter which presents the major findings and conclusions, recommendations for improvement in the implementation of Right to Education Act, 2009 as well as suggestions for further research.

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## **CHAPTER II**

### **REVIEW OF RELATED STUDIES**

Since Right to Education Act, 2009 came into force only from 1st April 2010, only few studies are found to have been conducted regarding the provisions of the Act and their implementation. Further, since this Act is meant only for elementary schools in the country of India, studies in foreign countries could not be expected in this area. Studies that are directly related to the present study are very rare. However, studies having significant relevance to the present study or at least to any one of the objectives of the present study are briefly reviewed in this chapter in order to provide a gestalt view of the works already conducted in this area. Such studies have been collected mainly from different journals, different universities and internet sources. They have been arranged and presented in a chronological order as follow:

Debbarma (2011) who used secondary data for studying “Challenges in Implementation of Right to Free and Compulsory Education Act, 2009: A Critical Analysis of India with special focus on Karnataka” found that though the provisions of this Act were compulsory for approved schools, similar provisions had been made in Right to Education Act but enforcement was for all kinds of schools. The female literacy rate was just 68.13% as compared to male literacy rate of 82.85% though female literacy had increased from 56.87% in 2001. The difference between male and female rate 14.72 percentage points as compared to 19.23 percentage points in 2001 indicating that the gender gap had reduced. Educational Development Index (EDI) had come down from 12<sup>th</sup> to 16<sup>th</sup> position but has maintained its EDI rank at the upper primary stage. The state had shown improvement in rank only with regard to Teachers Index in upper primary stage. The state

was in a good position with its performance on outcome at primary stage, but infrastructure at upper primary stage was comparatively poor.

Thoute, Mathew & Rathoure (2013) in their study “Right to Education Act : An Analysis of Teachers Awareness in Central India” took a sample of 200 primary school teachers in different schools affiliated to M.P Board and CBSE in Morena district of Central India by using questionnaire as a tool for collecting their data. The result of the survey showed that the Right to Education Act awareness must still be more promoted further revealing that there was a low level of awareness about Right to Education Act among Primary School Teachers in Central India. They recommended workshop and seminar be conducted at school level to improve the awareness and Literature should be provided preferably in the mother tongue so that they may read and understand the Right to Education Act thoroughly.

Lal (2014) studied “Right to Education Act Awareness among the Teachers” by taking a sample of 120 prospective teachers (60 Urban and 60 Rural) of Rohtak City using self made questionnaire for collecting his data. His research would help in indicating why quality of education was more important and why the prospective teacher should be aware about the basic rights of education, so that in unpredictable future may be they would be able to achieve some of the target. His study revealed that male prospective teachers towards awareness of Right to Education was more favourable than female. Male prospective teachers had positive attitude towards Right to Education in urban area and female prospective teachers had positive attitude towards Right to Education in rural area. His study further showed that there was necessity to develop the awareness towards the Act which in turn would help them to develop the same

among their students. They should be sublimated through constructive activities. New techniques and methodology helped in work as well as created a conducive environment which should be the base of the urban and rural prospective teachers.

Phukan (2014) in his study “Major Aspects of Right to Education Act and Status of Primary Education” for head masters of primary schools of Chipahikhula Block of Jorhat District of Assam took a sample of 39 lower primary schools by using purposive sampling technique. He found that the teacher pupil ratio in the primary schools of Chipahikhula block of Jorhat District was not found up to the mark. Right to Education Act, 2009, in terms of teacher pupil ratio had not been implemented. The infrastructure facilities in the schools were not satisfactory and 59 teachers out of 76 had only matriculation qualification and 70 teachers had basic training.

Vakkil & Kunju (2015) in their study on “A Study of In-Service Special Education Teacher Trainees’ Perception about The Right to Education Act” focused on 40 special education teacher trainees of studying diploma level and bachelor level respectively, studying cerebral palsy II year and multiple disabilities at National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD). All of them were selected under random selection used with purposive sampling technique to find out the awareness of Right to Education Act, 2009. There were 20 female and 20 males from each group. The findings of their study showed that there was no significant difference between the male and female teacher trainee’s perception about the Right to Education Act. The study found that the Right to Education Act was mandatory and implemented successfully at all levels. Due to this act, the teachers of general and special education both should be aware about the Right to Education Act and provide information to

parents of children with or without disabilities. The inclusive education movement were propagating the Right to Education Act to bring the children with disabilities in mainstream schools. When the neglecting was there to admit the children to study in their ward with normal children, the teacher and the parents were supposed to be aware about the Act. Their study further revealed that most of the diploma teacher trainees were not aware about this Act because they did not have the syllabus.

Talluri (2015) studied “Attitude of Primary School Teachers towards Right to Education Act” where he had taken a sample of 100 primary school teachers in rural and urban areas belonging to Guntur district using random sampling technique. Based on his study, he found that there was a significant difference between the attitudes of male and female primary school teachers towards the Right to Education Act, no significant difference between the attitudes of urban and rural primary school teachers and there was a significant difference between the attitude of government and private school teachers towards the Act. He proved that although the Right to Education Act had to provide quality education to all children, one of the major challenges about this Act was lack of awareness among the teachers. The awareness of teachers towards the Act needed proper implementation. The study further revealed that it was not the responsibility of the government alone in implementing the act but everybody in the country should take this as a challenge and help the government in the successful implementation of the Act across the country.

Shinde (2015) studied “Challenges for Implementation of Right to Education Act (RTE) for Children with Hearing Impairment in Inclusive Education – A Survey”. His research study had

tried to explore the challenges faced by the principles of 15 schools for implantating the Act for Children with hearing impairment in Zila Parishad regarding access to education and infrastructure. He mentioned that Act was a path breaking Act in the history of Indian Education towards providing quality elementary education to all, it was not without loopholes. His study was very significant as it provided an insight into challenges raised in the schools while implementing Right to Education Act for children with hearing impairment. The findings of his study revealed that so far there had been some progress only in terms of enrolment but needed to improve in placing CWHI in age appropriate classroom and providing basic facilities for CWHI.

Fatima (2016) conducted a study on “Complaint Redressal and Awareness Generation: A two-pronged strategy for implementation for Right to Education Act, 2009 in India” and pointed out that Right to Education Act, 2009 was undoubtedly one of the most revolutionary legal instruments that promised to significantly improve the primary education system for children in India. As argued by many, the focus of the Act should be on its proper implementation. However, the challenges in the implementation of the Act had rarely been analyzed within the scope of complaint redressal going hand in hand with awareness generation. An analysis of 3588 Right to Education complaints coming from 11 Indian states revealed that the maximum number of complaints came from the state of Andhra Pradesh (2133) and the minimum number from Madhya Pradesh (6). Also, more than 76% of the total complaints were from the category of infrastructure (2122) and denial of entitlement (619). Field introspection about the level of awareness regarding RTE Act entitlements among teachers, students and parents brought into light loop holes in consciousness about rights and access to complaint redressal. Within the context of effective implementation of the Right to Education Act, 2009, the study advocated to

enhance awareness and assertion of rights on one hand as well as accountability and grievance redressal on the other.

Yabe (2016) in his study on “Attitude of Teachers’ towards Right to Education Act 2009 in East Kameng District of Arunachal Pradesh” analysed the attitude of teachers toward Right to Education Act where his sample comprised of 350 teachers consisting of 175 Graduate and 175 Post Graduate teachers. The findings of his study revealed that most of the elementary school teachers’ attitude were considered to be quite favourable for Right to Education as an educational programme in East Kameng District, there was no significant difference between the attitude of tribal and non-tribal teachers, no significant difference between the attitude of rural and urban teachers and there was no significant difference between the attitude of male and female teachers. He further concluded that the result of teachers’ attitude in East Kameng District of Arunachal Pradesh focused on quality of educational process.

KI & Jawale (2017) in their study on “Problems of Right to Free and Compulsory Education in India: A critical study” discussed the impact of the Right to Education Act, 2009 which could be understood from the fact that India was reported to have the largest number of illiterate adults in the world at 37 per cent of the global total in the year 2014. This showed the disparity that still existed with regards to the access to education in the nation, pointing to the fact that the provisions of the Education Act had failed to target those in the society who needed it the most. Though there had been an increase in the enrolment rates in schools, quality of learning had been diminishing. Various reports and studies revealed that there had been a decline in learning outcomes since the enactment of the Act. This had also been proved by The Annual Status of

Education Report (ASER) 2014 by education non-profit Pratham, which clearly spelled out that learning outcomes in reading, writing and arithmetic in state-run schools was poor. They revealed that we need to divert our attention from enrolment rates, infrastructure etc., to learning outcomes to ensure the young generation get access to quality education guaranteed by law, further saying that redefining the scope of Right to Education Act, 2009 was needed for the upliftment of children in India and for full development of human personality.

### **Conclusion**

A review of some studies in the area of Right to Education Act, 2009 considered to be having some relevance for the present study stated above reveals that there has not been any study exactly similar to the present one in any other states of the country. The review further reveals that some studies focus on challenges in the implementation of the Act, some on the major aspects and status of primary education, some on teachers' awareness while some other studies focus on perception of in-service special education teachers about the Act and challenges in implementation of the Act for children with hearing impairment. While the Right to Education Act is an impressive act taken in the right direction which aims at bringing about better quality of the educational system, some of these studies point out some flaws in the Act and that it is time the government start focusing on output (i.e. the quality of learning) instead of inputs in education.

Since Right to Education Act came into force only from 2010, the number of studies reported in this area is still very meagre. It is pertinent to conduct more studies in this particular area by thoroughly studying the different provisions in the Act and Rules meant for every state

for bringing about successful implementation of the Act. The investigator, therefore, felt the need to take up research in this area. Further, the availability of only few studies in the area of Right to Education Act, 2009 clearly reveals that this area has not been fully surveyed. This study, therefore, assumes significance as it evaluates the status of implementation of the Act and perception of teachers and parents in Mizoram about of the provisions of the Act and their implementation.

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## **CHAPTER III**

### **METHODOLOGY**

The methodology adopted by the investigator in the present study is discussed under the following heads:

1. Research Approach
2. Population and Sample
3. Construction of Tools
4. Procedure of Data Collection
5. Tabulation of Data
6. Statistical Treatment of Data

#### **3.1.0. Research Approach**

The present study mainly follows survey method. It is descriptive in the sense that it examines the provisions of Right of Education Act, 2009, studies the major actions taken by the Central and the State Governments since its enactment and examines the Mizoram Right to Education Rules, 2011. It is analytical in the sense that it analyses the status of implementation of Right to Education Act, 2009 in elementary schools in Mizoram, analyses the perception of elementary school teachers and parents of elementary school children in Mizoram about the provisions of the Act and its implementation in relation to management of schools i.e., Government and private. It is also a qualitative research as the data are mainly analysed qualitatively.

### **3.2.0. Population and Sample**

The present study is based upon three independent samples drawn from the following populations:

- 1) Population of elementary schools.
- 2) Population of elementary school teachers.
- 3) Population of parents of elementary school children.

Simple random sampling method was adopted as sampling technique. First of all, district-wise simple random sampling of the whole of Mizoram was done. Out of the eight districts of Mizoram, four districts namely, Aizawl, Lunglei, Champhai and Mamit districts were randomly selected to represent the state for conduct of the present study.

#### ***Population and Sample of Elementary Schools***

To fulfill objective no. 4 of the present study, i.e., to study and compare the status of implementation of Right to Education Act, 2009 in elementary schools in Mizoram in relation to management of schools; all Government and private elementary schools in Mizoram formed the population. The total number of elementary schools available in the state at the time of sample selection i.e., 2014-15 was 1991 as per District Information Systems for Education (DISE) 2014-15. For the purpose of sample selection, 4 out of 8 districts were selected by following simple random sampling method. From each selected district, both Government and private elementary schools were randomly selected. However, proportionate sampling was done to decide the number of Government and private elementary schools included in the sample from each district. The total sample schools came out to be 104 comprising of 63 Government and 41 private

elementary schools. The following table represents the population and sample of elementary schools:

**Table 3.1.0**

Population and Sample of Elementary Schools

State	Population of Elementary Schools			Sample Elementary Schools		
Mizoram	1991			104		
Districts	Govt.	Private	Total	Govt.	Pvt.	Total
Aizawl	482	132	614	28	12	40
Mamit	256	23	279	10	08	18
Lunglei	428	62	490	13	12	25
Champhai	266	39	305	12	09	21
Total	1430	256	1688	63	41	104

(Mizoram Sarva Shiksha Abhiyan Mission, n.d)

***Population and Sample of Elementary School Teachers***

To study and compare the perception of elementary school teachers about the provisions of Right to Education Act, 2009 and their implementation in Mizoram in relation to management of schools, all the elementary school teachers in the State constituted the population. Five teachers each from every sample school present on the day of visit constituted the sample of elementary school teachers. Thus, a total of 520 elementary school teachers comprising of 315 Government and 205 private elementary school teachers formed the sample.

### ***Population and Sample of Parents***

For the purpose of studying and comparing the perception of parents of elementary school children about the provisions of Right to Education Act, 2009 and their implementation in Mizoram in relation to management of schools, all the parents of children from both Government and private elementary schools in Mizoram formed the population. Two parents each from every sample school were randomly selected to form the sample of parents from elementary schools. Thus, a total of 208 parents comprising of 126 from Government and 82 from private elementary schools constituted the sample of parents for the present study.

#### **3.3.0. Construction of Tools**

In order to collect the necessary data, the following tools were constructed:

- i) Questionnaire for Headmasters for collecting information about the status of implementation of Right to Education Act, 2009 in Mizoram
- ii) Questionnaire for teachers for studying their perception about the provisions of Right to Education Act, 2009 and their implementation in Mizoram
- iii) Questionnaire for parents for studying their perception about the provisions of Right to Education Act, 2009 and their implementation in Mizoram

A brief description of the procedure followed in construction of each tool is given as under:

**1. Construction of Questionnaire for Headmasters for Collecting Information about the status of implementation of Right to Education Act, 2009 and Rules in their schools**

Due to non-availability of ready-made tool that could be used straightaway for this type of study, there was a need for developing a tool in the light of the problem under study. Since the present study was related to the status of implementation of the Act, it was decided to prepare a questionnaire through which needed information could be gathered from Headmasters. To begin with, The Right of Children to Free and Compulsory Education Act, 2009, the different provisions meant for schools and model rules of the Act prepared for the State of Mizoram were carefully studied with a view to getting a clear idea about the tool to be used for the present study. Discussions on various issues relating to the present study were constantly held with experts as well as the supervisor and necessary guidance and suggestions were obtained. It was then decided that the questionnaire should cover all the provisions meant for schools under Right to Education Act, 2009.

After thorough study of the provisions, questions related to each provision were prepared. So the Questionnaire meant for the Headmasters finally had 13 questions. A copy of the same has been given in Appendix III

## **2. Construction of Questionnaire for Teachers for studying their perception about the provisions of Right to Education Act, 2009 and their implementation in their schools**

For construction of this type of questionnaire, again there was a need for developing a tool in the light of the problem under study due to the absence of readymade tool that could be used right away for the present study. Since this study was related to the perception of the teachers, it was decided to prepare a questionnaire through which needed information and data could be elicited from the teachers. In order to begin with the tool, The Right to Education Act, 2009, the different provisions meant for the teachers and the model rules of the Act for the State of Mizoram were carefully studied so that lucid idea could be obtained for the tool to be used for the present study. The draft items were subjected to experts' and supervisor's comments. The final version had 13 questions. A copy of the same has been given in Appendix IV

## **3. Construction of Questionnaire for Parents for studying their perception about the provisions of Right to Education Act, 2009 and their implementation in their schools**

For studying the perception of parents, it was again decided to construct a questionnaire. Since this study was also related to the perception of the parents, it was again decided to prepare a questionnaire through which needed information and data could be elicited from the parents. In order to begin with the tool, The Right to Education Act, 2009, the different provisions meant for the parents and the model rules of the Act for the State of Mizoram were carefully studied so that clear idea could be obtained for the tool to be constructed for the present study. The draft items were subjected to experts' and supervisor's comments. The final version had 15 questions. A copy of the same has been given in Appendix V

#### **4. Validity of Questionnaires**

A single overall index of validity for questionnaires could not be established since they were constructed so that obtained data could be considered in the light of many other factors. However, there are ways to improve validity of the questionnaires. To make sure that questionnaires measure what they proposed to measure, the following principles were kept in mind while selecting and framing the statements:

1. It was ensured that items included in the questionnaires sample significant aspects of the purpose of investigation.
2. At the time of administering the questionnaires, various terms used in the questionnaires were clearly defined to the respondents.
3. In order to remove the ambiguities in the questions, suggestions and opinions from colleagues, supervisor and experts in the field were elicited.
4. It was also ensured that the questionnaires cover reasonably well the range of variables under study.

#### **3.4.0. Procedure of Data Collection**

Primary data for the present study were collected by visiting sample elementary schools in the four sample districts of Mizoram thereby administering the tools meant for them. While visiting schools, data about the status of implementation of the Act were collected by administering the questionnaire prepared for them. Data relating to the perception about the provisions of the Act and their implementation were collected from the teachers and parents of children studying in the schools by administering questionnaires prepared for them. Apart from

these, secondary data were collected from books, journals, office documents and other relevant sources.

#### **3.5.0. Tabulation of Data**

The mass of data collected through various tools was properly edited and classified before tabulating it. The classified materials were recorded in accurate mathematical terms, that is, marking and counting frequency tallies for different items on which information were gathered. The raw data obtained through different tools were thus arranged orderly in columns and rows and then displayed in compact form, that is, in the form of statistical tables for further analysis.

#### **3.6.0. Statistical Treatment of Data**

The data obtained were tabulated in terms of frequencies and percentages. Item-wise analysis was mostly carried out. The results obtained were quantitatively and qualitatively analysed. For quantitative analysis, only simple statistical techniques such as frequencies and percentages were used.

## CHAPTER IV

### ANALYSIS AND INTERPRETATION OF DATA

In this chapter, data collected for fulfilling objectives of the present study are examined, studied, analysed and interpreted. They are presented in the following order:

- 4.1.0. Examination of the provisions of Right to Education Act, 2009
- 4.2.0. Major actions taken by the Central and State Governments since the enactment of Right to Education in 2009
- 4.3.0. Examination of the Mizoram Right to Education Rules, 2011
- 4.4.0. Profiles of sample schools, teachers and parents
- 4.5.0. Status of implementation of Right to Education Act, 2009 in elementary schools in Mizoram in relation to management of schools i.e., government and private
- 4.6.0. Perception of elementary schools teachers in Mizoram about the provisions of Right to Education Act, 2009 and their implementation in relation to management of schools i.e., government and private
- 4.7.0. Perception of parents of elementary school children in Mizoram about the provisions of Right to Education Act, 2009 and their implementation in relation to management of schools i.e., government and private

#### **4.1.0. Examination of the Provisions of Right to Education Act, 2009**

Provision of equal opportunities to all has been accepted since inception of the Republic so as to strengthen the social fabric of democracy. The ‘Directive Principles of the State Policy’ spelled out in our Constitution lays down that all children up to the age of fourteen years will be provided free and compulsory education. Article 21A was introduced in the Constitution by the Constitution (Eighty-Sixth Amendment) Act, 2002 which provided that free and compulsory education to all children of the age of six to fourteen years will be provided by the State. Thus, it was crucial to enact a law in order to implement the provision of Article 21A of the Constitution. As a result, the Right of Children to Free and Compulsory Education Bill was introduced in the Parliament in 2008. The Bill was then approved by the cabinet on 2<sup>nd</sup> July 2009.

Both the Houses of Parliament passed The Right of Children to Free and Compulsory Education Bill and the Bill received the assent of the President on 26<sup>th</sup> August, 2009. It further came on the Statute Book as THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 (35 of 2009). Thus, India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1<sup>st</sup> April 2010 (The right of children to free and compulsory education act, 2009 (35 of 2009) along with the right of children to free and compulsory education rules 2010, 2010).

The Right of Children to Free and Compulsory Education Act (RTE Act), 2009 is presented in seven chapters as given below:

Chapter I	:	Preliminary
Chapter II	:	Right to Free and Compulsory Education
Chapter III	:	Duties of Appropriate Government, Local Authority and Parents
Chapter IV	:	Responsibilities of Schools and Teachers
Chapter V	:	Curriculum and Completion of Elementary Education
Chapter VI	:	Protection of Right of Children
Chapter VII	:	Miscellaneous

### **Chapter I: Preliminary**

Chapter 1- Preliminary introduces the Right to Education Act, 2009 by presenting its short title as the Right of Children to Free and Compulsory Education Act, 2009; its extension as the whole of India except the state of Jammu & Kashmir and its commencement on such date, as the Central Government may, by notification in the Official Gazette, appoint. The said notification which appointed 1<sup>st</sup> April, 2010 as the date from which the Act would come into force was published in the Gazette of India on 8<sup>th</sup> April, 2010. The preliminary chapter also defines a number of key words or terms used in the Act, which enable the readers to have better comprehension of the provisions contained in the Act.

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

Chapter II is about Right to Free and Compulsory Education comprising of section 3 to 5 of the Act. Section 3 talks about right of child to free and compulsory education according to

which every child of the age of 6 to 14 years is given the right to free and compulsory education in a neighbourhood school till completion of elementary education. Mention is also made on the inclusion of a child suffering from disability in the said right.

Section 4 is on special provisions for children not admitted to, or who have not completed elementary education. Such a child above 6 years of age is provided with the right to be admitted in a class appropriate to his or her age. In order to be at par with other children in the same class, he or she is given the right to receive special training, in such manner, and within such time limits, as may be prescribed. A child admitted to elementary education under the said condition is entitled to free education till completion of elementary education even after 14 years.

Section 5 provides for right to transfer of other school either within a State or outside, for any reason whatsoever. In such a case, it is the duty of the Head-teacher or in-charge of the school where such child was last admitted to immediately issue the transfer certificate. Delaying issuance of transfer certificate invites disciplinary action under the rule applicable to him or her. Moreover, delay in producing transfer certificate shall not be a ground for either delaying or denying admission in the school where new admission is sought for.

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

Chapter III is about the duties of appropriate Government, local authority and parents that comprises of section 6 to 11 of the Act. Section 6 begins with a provision that the central and state governments are responsible for establishing schools where one is not available, in every area or neighbourhood. This provision is pivotal as children living in small hamlets where

education is not within their reach and children who have to walk more than 1 km(for primary schools) and 3 kms (for middle schools) everyday inspite of all the difficult terrain to reach their school will be able to benefit from it. It could be possible that a neighbourhood may be linked to more than one school and a school may also be linked to more than one neighbourhood. Thus, the mapping exercise will help in identifying the gaps and areas where new schools need to be opened so as to ensure universal access to all children.

Section 7 outlines that the central and state governments share the responsibility both financial and others (such as development of curriculum, training of teachers, etc) required under this Act. For the implementation of the provisions of the Act, estimates of capital and recurring expenditure shall be prepared by the Central Government. The State Government shall be provided grants-in-aid of revenues from time to time by the Central Government. If there is a need for additional resources for the State Governments for implementing the provisions of the Act, a request may be made by the Central Government to the President to make reference to the Finance Commission to examine the need for additional resources. The State Government shall have complete responsibility of the funds received from the Central Government for the successful implementation of the provisions of the Act. This section also provides for the formulation of a National Curriculum Framework. In this regard, the Central Government has notified the NCERT as the designated authority for this purpose. The National Curriculum Framework, 2005, formulated by the NCERT has been hailed nationally and internationally as trendsetting in defining learning processes, assessment, quality and integration of various aspects of education geared towards producing a creative citizen of the country, and has been accepted as

the Curriculum Framework under the RTE Act (The right of children to free and compulsory education act, 2009: Clarifications on provisions).

Section 8 mentions the appropriate government being responsible for providing free and compulsory education to all children, except those who would choose to enrol in private unaided schools. This indicates that all children who are admitted in Government schools will get education free of cost and ensures compulsory admission, attendance and completion of elementary education to every child between the age of 6 to 14 years. This section states that the appropriate Government shall ensure no discrimination against children from educationally and socially backward groups. All children have the right to pursue and complete their elementary education. Every child irrespective of caste, creed, religion, sex shall have an equal opportunity of receiving free education without any discrimination. Proper infrastructure with well-equipped school building, adequate teaching staff and sufficient learning equipments should be provided by the State Government. It must provide good quality education conforming to the standards and norms, ensure completion of elementary school, and provide curriculum and teachers' training. Trained teachers are required for disseminating about good quality education to the students.

Section 9 provides that the local authority shares the above responsibilities as well as in charge of the academic calendar, education of children of migrant families, functioning of the school and maintaining a record of all children up to fourteen years of age in its jurisdiction. The successful implementation of providing free and compulsory education greatly lies in the hands

of the local authority and for this reason, the local authority must be capable of performing its duty efficiently for a better tomorrow for the children and the school.

Section 10 and 11 clearly outline that it is the responsibility of parents to send their children to school and the appropriate government (which is directly in charge of a school or area) to provide pre- primary (between ages 3-6) education and child care. Parents must know that they are responsible for the education of their children and prevent their children from doing household chores, taking care of their younger siblings, child labour or anything that will stop them from going to school. They must remember that they are the motivating force and take every possible measure and support to help their children receive a proper and formal education.

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

Chapter IV outlines the responsibilities of schools and teachers comprising of section 12 to 28. Section 12 states that a government school is required to provide free and compulsory education to any child that seeks admission. Aided schools receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority, special schools like Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other schools having a distinct character specified by notification, by the appropriate Government and private unaided schools are required to provide free education to a minimum of 25% of its students especially those from weaker and disadvantaged sections of society. In return the government is responsible to reimburse the expenditure 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. In this way, children from poor family background will have the chance to get

admission in private English medium schools where education will be given free of cost. However, the system of how to select those children who are to be admitted under the 25% seat reservation need to be clearly and neatly done.

Section 13 mentions that schools should not be allowed to charge capitation fees during the time of admitting a child and screen the children for admission. Receiving capitation fee are liable to be punished with fine extending to ten times the capitation fee charged and subjecting a child to screening procedure with a fine which may extend to twenty-five thousand rupees for the first contravention and fifty-thousand rupees for each subsequent contravention.

Section 14 states that although proof of age during the time of admission like Birth Certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886) or on the basis of such other document, as may be prescribed are demanded, non-availability of these documents should not be an issue for denying of admission in schools.

Section 15 and 16 provide that schools, except Government schools will not practice anything that will reject the children from getting admission. First come first serve procedure will be adopted in every school. No school may hold back or expel a child before their completion of elementary education. Children are not allowed to fail anymore which is a great advantage especially for slow learners as they are now allowed to be at par with the rest of the children in the class whether their performance is good or bad. But this provision could also cause hindrance in the current system of education as there could be some children taking

advantage of it. Knowing that they are not allowed to fail or get expelled could cause negligence in their studies, disobeying the teachers and indulging themselves in bad habits. If those children who are not performing well in their studies are not detained in the same class until they have a better performance, problem will get even worse the moment they enter the higher school level.

Section 17 mentions about prohibition against physical punishment and mental harassment, which if broken is liable to disciplinary action. This is another provision that could relief the fear of those children who feel intimidated to go to school because of frequently receiving punishments. A teacher must put the children's mind at ease if he wants them to learn well. It is the duty and responsibility of the teacher to provide a favourable class-room environment creating a peaceful ambience where all children are treated equally without any biasness and discrimination. Any school contravening this provision is liable to disciplinary action under the service rules applicable to such person.

Section 18 and 19 state that all schools must be registered or given a certificate of recognition by the appropriate government in order to function. This certificate will only be given or maintained if certain norms and standards are upheld. Recognition of schools will not be given unless it fulfills the norms and standards. The government can levy charges up to one lakh against schools for continuing to function without a certificate and in case of continuing contraventions, there will be a fine of ten thousand rupees for each day during which such contravention continues. Any school, established before the commencement of the Act, does not fulfill the norms and standards, it shall take steps to fulfill the norms and standards at its own expenses, within a period of three years from the date of commencement.

Section 20 conveniently added that the Central Government has the power to change these said "norms and standards" at any point.

Section 21 and 22 calls for the establishment of a School Management Committee (SMC), which consists of elected representatives of the local authority, women, parents or guardians of children admitted in such school, teachers and local educationists or children in the school. Parents are recognised as primary stakeholders in the education of their children and they must be involved in a meaningful manner in the monitoring and management of schools. The SMC shall monitor the working of the school, prepare and recommend school development plan, monitor the utilization of the grants received from the appropriate Government or local authority or any other source and perform other functions prescribed. The SMC is responsible for constituting School Development Plan which is basically an outline for plans and grants that the appropriate authority should make.

Section 23 provides for qualifications and terms and conditions of service of school teachers. Qualifications required by teachers can be set by the authorized academic authority such as a school headmaster. But the Central Government can override these minimum qualifications for a period of five years to allow for teachers to gain the appropriate qualifications. Acquiring minimum qualification is pertinent for every teacher for disseminating good and better quality education. It is a must for every teacher to be trained and possess the minimum qualification laid down by the academic authority. This section does not specify the salary and allowances granted to teachers.

Section 24 mentions about the duties of teachers and redressal grievances where teachers are responsible for regular attendance and punctuality, finishing curriculum within a specified time, supplementing learning in the classroom, and meeting with parents/guardians of the child on a regular basis. It is the duty of the teachers to sensitize the parents about the importance of education and must hold a meeting with the parents every now and then. In this way, parents will be aware of the progress and performance of their children. Teachers who are committing default in performance of their duties are liable to be punished under the service rules applicable to him or her.

Section 25 and 26 state that teacher, the appropriate Government and the local authority shall ensure that Pupil-Teacher Ratio is maintained in each school within six months from the date of commencement of the Act. The number of teachers required is described in the schedule. Teacher vacancies shall not exceed 10% of the total strength of teachers in a specific school. Rationalization of teachers and maintaining a proper teacher-pupil ratio is crucial for successful implementation of the Act.

Section 27 brings up about teachers not to get deployed for any non-educational purposes other than 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 28 requires teachers not to engage themselves in private tuition or private teaching activity. Any teacher who gives private tuition is liable to be punished with fine.

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

Chapter V brings up about the curriculum and completion of elementary education and consists of section 29 to 30. This section does not outline the specifics of curriculum and evaluation procedure but simply says it is the role of the authorized (by the appropriate government) academic authority. The authorized academic authority is required to look after the all round development of the child, the values of the constitution, moulding their innate inborn talent and potentialities, make them learn through activities, discovery and exploration in a child friendly and child-centred manner besides regular classroom teaching, using mother tongue as the medium of instruction, taking care of the mental and physical well being of the child, allowing for anxiety and fear free expression of each child and evaluating and understanding each child's knowledge and ability through Comprehensive and Continuous Evaluation (CCE). Under this section, no child will be subject to a board examination but will receive a certification on completion of elementary education. Banning of board examination could be a hindrance in the current system of education where it deteriorates the quality of education wiping away the competitive mind of the children and neglecting their studies resulting to poor or unsatisfactory performance

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

Chapter VI outlines the protection of right of children and comprises of section 31 to 34. Section 31 talks about the monitoring of child's right to education where the State Commission for Protection of Child Rights for every state will be responsible for examining and reviewing the safeguards for rights and recommend measures for effective implementation of the Act, look into any complaints regarding the child's right to free and compulsory education thereby taking

necessary actions. In case of a state where the State Commission for Protection of Child Rights has not constituted, the appropriate Government may constitute such authority for performing the functions mentioned.

Section 32 talks about the redressal of grievances where any person having complaints regarding the rights of their child can make a written complaint to the local authority having jurisdiction. Decision will be made by the local authority within a period of three months after affording a reasonable opportunity of being heard to the parties concerned. If a person is not satisfied by the decision of the local authority, he may prefer to appeal to the State Commission for Protection of Child Rights or the concerned authority.

Section 33 and 34 also provide for the establishment of the National Advisory Council, whose members are responsible for upholding this act. It further provides for the constitution of State Advisory Councils to advise the State Governments on the implementation of the Act. The State Advisory Council, under the supervision of the National Advisory Council will be responsible for ensuring free and compulsory education for all children between the age of 6 to 14 years. The salary and allowances of the State Advisory Council has not been specified.

## **Chapter VII: Miscellaneous**

Chapter VII is the miscellaneous chapter comprising of section 35 to 38. In these sections, we can see a detailed description of the powers of the various levels to issue directions to the authorities below them for example from central to state government. It provides for the central government to issue guidelines and directions to the appropriate government or local authority

for effective implementation of the Act. It also establishes that there is no prosecution taken without sanction of an authorized officer for violating the school certification requirements and the capitation fee ban. This section adds the disclaimer that the Government and all other bodies acting on its behalf are free from prosecution if their actions are in 'good faith'. The appropriate government is also given powers to make rules on a variety of areas such as the special training for children currently not enrolled, the area or neighbourhood limits, the duties of teachers, the allowances and terms and conditions of members of the National Advisory Board. These rules ought to be firmly and efficiently taken up for successful implementation of the Act. All rules must be laid before and passed by both houses of Parliament- Lok Sabha and Rajya Sabha (in the case of the Central Government) and State Legislatures (in case of the State Government) (Childline India Foundation,n.da)

## **Conclusion**

Thus, Right to Education Act provides a platform to reach the unreached, with specific provisions for disadvantaged groups. It focuses on the quality of teaching and learning, which requires accelerated efforts and substantial reforms where creative and sustained initiatives are crucial to train the untrained teachers and to reinforce the skills of in-service teachers to ensure child-friendly education. Families and communities also have a large role to play to ensure child-friendly education for each and every one of the children in the country by terminating disparities in order to ensure quality with equity. As successful implementation of the Right to Education Act, 2009 lies in the hands of all the citizens of this country, each and every one is responsible and must take part and co-operate with the Government in bringing about educational reformation and development in our country.

#### **4.2.0. Major Actions taken by the Central and State Governments since the Enactment of Right to Education in 2009**

With the passing of 'Right to Education Act, 2009, a radical transformation of the school education system is expected in the country. The Central Government and the State Government have concurrent responsibility for providing funds for carrying out the provisions of the Act.

It is the responsibility of the Central Government to develop a framework of National curriculum, develop and enforce standard for training of teachers and to provide technical support and resources to the State Governments for promoting education, innovation, researches, planning and capacity building while the responsibilities of the State Governments are the following:

1. Providing free and compulsory elementary education to every child of the age of six to fourteen years, and
3. Ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years.
4. Ensure availability of a neighbourhood school.
5. Ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds.
6. Provide infrastructure including school building, teaching staff and learning equipment.
7. Provide special training facility.

8. Ensure and monitor admission, attendance and completion of elementary education by every child.
9. Ensure good quality elementary education conforming to the standards and norms specified in the schedule.
10. Ensure timely prescribing of curriculum and courses of study for elementary education, and
11. Provide training facility for teachers (Singh, 2012).

In accordance with the responsibilities assigned to them, the Central and State Governments are required to take certain actions.

#### **4.2.1. Major actions taken by the Central Government since the enactment of Right to Education in 2009**

The following are major actions taken by the Central Government to fulfill its responsibilities outlined in the Right to Education Act 2009:

- (i) Central Right to Education Rules: The Central Rules titled “The Right of Children to Free and Compulsory Education Rules, 2010” were notified in the Official Gazette on 9<sup>th</sup> April, 2010. These rules are applicable to the Union Territories without Legislature.
- (ii) Model Right to Education Rules: The Model Right to Education Rules were shared with the States in the meeting of State Education Secretaries held on 30<sup>th</sup> January, 2010.

- (iii) Notification of NCTE as authority to prescribe Teacher Qualifications: Section 23(1) of the Act states that “Any person possessing such minimum qualifications as laid down by an academic authority authorized by the Central Government by notification shall be eligible for appointment as a teacher”. Consequentially, the Central Government has issued notification dated 5th April, 2010 authorizing the National Council for Teacher Education (NCTE) as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher.
  
- (iv) Teacher Qualifications prescribed by NCTE: NCTE has prescribed the Teacher Qualifications for appointment of teachers as per section 23 of the Right to Education Act. Further, NCTE has also developed Guidelines for conducting the Teacher Eligibility Test (TET).
  
- (v) Notification under section 7 and 29 of the RTE Act: Section 7 (6) (a) states that “central government shall develop a framework of national curriculum with the help of academic authority specified under section 29”. Further, Section 29 (1) of the Act States that “the curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate government by notification”. The Central Government has issued notification on 5th April, 2010 for National Council of Educational Research and Training (NCERT) to be the academic authority under section 29 for laying down the curriculum and evaluation procedure for elementary education in respect of UT without legislature and to develop a framework of national curriculum under section 7(6)(a) of the Act. The Central Government has

also clarified that the NCF-2005 will be the national curriculum framework till such time as the Central Government decides to develop a new framework.

- (vi) Constitution of National Advisory Council under section 33: The National Advisory Council (NAC) has been constituted to advise the Central Government on the implementation of the provisions of the Act.
  
- (vii) Revision of fund sharing pattern between the Centre and the States: The fund sharing pattern between the Centre and the States, originally approved for Sarva Shiksha Abhiyan for the duration of the 11<sup>th</sup> Plan ,was on a sliding scale viz.65:35 during the first two years of the 11th Five Year Plan, 60:40 in third year, 55:45 in the fourth year and 50:50 thereafter (90:10 for NE States). This has been replaced with a new funding pattern of 65:35 applicable from 2010-11 (90:10 for NE States) for period of 5 years with effect from 2010-11. Central Government has also approved an outlay of Rs.2,31,233crore for implementation of the combined RTE-SSA programme for the five year period of 2010-11 to 2014-15. The outlay of Rs.2,31,233crore is supported by Grant-in-Aid of Rs.24,068crore recommended by the 13th Finance Commission to the States during the next 5 years. The balance requirement of Rs.2,07,165crore would be shared between the Centre and the States in the ratio of 65:35 for all States/UT's.
  
- (viii) Aligning SSA norms with Right to Education: The Government had set up a Committee on the Implementation of Right to Education and the resultant Revamp of SSA under the chairpersonship of Shri Anil Bordia, former Education Secretary. Based on

Committee's Report Government has revised the SSA Framework of Implementation and Norms. The Revised Framework of Implementation for SSA was approved by the Executive Committee for SSA on 1st February 2011 and by the National Advisory Council for Right to Education on 2nd March 2011.

- (ix) Enhancement of outlays for the year 2010-11: The Central Government has enhanced the budgetary outlays for the year 2010-11 from Rs.15,000crore (BE) to Rs.10,800 (RE). The outlay of Rs.19,800crore represents a 45% enhancement over the outlay for the year 2009-10.
- (x) Proposed Amendment to the Act: MHRD has received representations from organizations: (a) working for the welfare of the children with disabilities and (b) who set up minority institutions, seeking certain Amendments to the Right to Education Act. Amendments to the principle Act have been introduced in the Rajya Sabha in 2014
- (xii) Awareness Generation, Consultations: The Ministry organised a series meetings in June 2010 with Ministries of Education of the States of Bihar, Uttar Pradesh, West Bengal, Orissa, Rajasthan, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Assam, Meghalaya, Sikkim, Mizoram, Manipur, Nagaland, Arunachal Pradesh to generate awareness on teacher related issues, including inter alia the provisions mandating that pupil teacher ratios prescribed under the Act are maintained , not merely as an average for a block, district or State but specifically for each school. This entails concerted action to redeploy exiting teachers to address rural-urban imbalance in deployment,

reviewing the existing teacher recruitment rules to ensure that they conform to the teacher qualifications prescribed by the NCTE, and expediting processes for recruitment of teachers to fill up vacancies in the State sector as also SSA. This was followed with a meeting of all Ministers of Education to reiterate the importance of instituting reform in teacher recruitment, placement and deployment (Ministry of Human Resource Development, Department of School Education and Literacy, 2011).

***Visible improvement in School Infrastructure due to the actions taken by the Central Government since implementation of Right to Education Act, 2009***

The Right of Children to Free and Compulsory Education (RTE) Act, came into force from 1st April 2010. The Act laid down a three year time frame to attain various norms and standards as specified in the Schedule to the Right to Education Act. The Department of School Education & Literacy, Ministry of Human Resource Development has been documenting the progress made by States and UTs every year since the Act came into force on the basis of DISE data.

Total enrolment in the elementary education have been steadily rising and stands at 13.47 crores at primary and 6.49 crores at upper primary level with girls forming 48% and 49% of the enrolment respectively. There is also a very encouraging trend of the enrolment of SC/ST and Muslim children which is representative of their share in the population.

The pupil teacher ratio at the national level has shown a dramatic improvement. School infrastructure has been steadily improving since coming into force of the Right to Education Act.

The Act also lays down the working hours and instructional hours in schools. Each state has issued its own notification in this regard. 30 States have developed a Continuous Comprehensive Education module and in 26 States, it has been implemented universally in all schools.

The Act has met with success in meeting some of the goals with which it started in the year 2010. Many of the states have been successful in ensuring that the schools meet the infrastructure requirements as prescribed.

The Act has been able to bring an improvement in the enrolment number of girls in the upper primary section. There has been significant improvements in the schools. Playground, boundary wall and kitchen sheds have still not been developed in many schools. There has been significant increase in the percentage of schools that are equipped with toilets for girl students but there's still a long way to go to achieve full compliance.

There has not been a considerable improvement in the infrastructure facilities in government schools in rural India after the implementation of the Right to Education Act. Facilities like boundary walls and useable toilets, especially useable toilets for girls have not improved as per standards. The percentage of schools with computers has also not seen much increase. Though basic infrastructure has improved in government schools in rural India, the pace has been very slow and a lot still needs to be done to achieve the set standards.

The government has initiated a national campaign Swachh Bharat: Swachh Vidyalaya meaning 'Clean India: Clean Schools'. A key feature of this campaign is to ensure that every

school has a set of well-functioning water, sanitation, and hygienic facilities. A healthy school environment is a prerequisite for children to learn and grow. A clean and a healthy school will improve the health of children, boost attendance and decrease drop-out rates, help ensure better student performance and ultimately lead to economic growth. The technical components include provision of drinking water and hand wash toilet and soap facilities in the school compound, for teachers and students to use. Research shows that such provisions results in a number of benefits for children, especially girls and teachers (Press Information Bureau, Government of India, 2014).

***Steps taken by the Central Government for implementing educational rights of the children and the disabled section of the society***

Sarva Shiksha Abhiyan ensures that every child with special needs, irrespective of the kind, category and degree of disability, is provided meaningful and quality education. Hence, SSA has adopted a zero rejection policy. This means that no child having special needs should be deprived of the right to education and taught in an environment, which is best suited to his/her learning needs.

SSA provides upto Rs. 3000 per child for the inclusion of disabled children, as per specific proposal, per year. District plan for children with special needs is formulated within the Rs. 3000 per child norm, with Rs. 1000 earmarked exclusively for engagement of resource teachers. The interventions under SSA for inclusive education are identification, functional and formal assessment, appropriate educational placement, preparation of Individualised Educational Plan, provision of aids and appliances, teacher training, resource support, removal of

architectural barriers, research, monitoring and evaluation and a special focus on girls with special needs.

***Parliament passes bill to allow RTE teachers time till 2019 to acquire qualifications***

Eleven lakh teachers appointed till March 2015 under the Right to Education (RTE) Act will now get time till 2019 to acquire the prescribed minimum qualifications for firming up their appointments as Parliament passed a bill in this regard.

The Right of Children to Free and Compulsory Education (Amendment) Bill, 2017 was passed by the Rajya Sabha by voice vote. The Lok Sabha had passed it on July 22. According to 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 (Livemint, 2017).

According to the amendment bill, every teacher appointed or in position as on March 2015 is now required to acquire the minimum qualifications by 2019. The amendment will help teachers save their jobs. When the RTE Act was implemented in 2010, new schools were set up but qualified teachers were not available and unqualified teachers, including those with graduation degrees, were recruited, according to the Government. The expenditure relating to training of untrained teachers will be borne out of the approved allocation under Sarva Shiksha Abhiyan programme. The amount will be shared between the Central Government and the State Governments in the ratio of 60:40 for normal States, 90:10 for North Eastern States, Himachal Pradesh and Uttarakhand, and 100 per cent. for Union territories, as per the sharing pattern under Sarva Shiksha Abhiyan programme. It is estimated that a non-recurring expenditure of rupees

453.62 crore involved would be carried over to subsequent years to complete the training of untrained teachers by 31st March, 2019. This amount will be met out of the approved budget allocation for Sarva Shiksha Abhiyan (Press Information Bureau, Government of India, 2017).

Human Resources Development Minister, Prakash Javadekar said when the Government sought information regarding private schools, it was found that 7 lakh teachers lacked basic qualification. “There are 1.5 lakh (teachers) who have completed one year of training. Besides, there are around 2.5 lakh teachers still in Government stream. So, there are around 11 lakh teachers in total who are without proper qualification,” Javadekar said. The Government has brought this bill in order to let these teachers complete Bachelor of Education (B.Ed.) and other professional degrees, he added.

The Union Government has made an amendment in 2016 for bringing back board examination in elementary schools across the country since the quality of education and learning outcomes is deteriorating and many children from Government schools are neglecting their studies due to banning of board examination. Parents will be sensitized and given more awareness about the education of their children. In the absence of systematic evaluation of children of Class V-VIII, many schools have become midday schools.

The disparity between Government schools and private schools is increasing day-by-day. People are losing faith in government education with even daily wagers trying to send their children to private schools. The leaders of Congress party urged the Government to focus on improving the quality of education and fill up the vacancies of 9 lakh teachers across the country.

English should be made compulsory in Government schools to make children more competitive. Low budget allocation of funds on Sarva Shiksha Abhiyan (SSA) and Midday meal scheme need to be raised. The Government should divert unused funds of other education schemes to Sarva Shiksha Abhiyan and introduce English in Government primary schools (Livemint, 2017).

### ***Change in No Detention Policy***

Section 16 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 stipulates that 'No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education'. Thus, the policy covers elementary stage of schooling covering classes I to VIII.

In pursuance of a resolution adopted in the 59th meeting of the Central Advisory Board of Education (CABE) held on 6th June, 2012, a Sub-Committee was constituted for assessment of implementation of Continuous and Comprehensive Evaluation (CCE) in the context of No-Detention provision in the Right to Education Act, 2009. The Sub-Committee submitted its report in August, 2014. The report of the Sub-Committee was placed before CABE in its meeting held on 19.8.2015, wherein it was decided to request all States/UTs to share their views on the No-Detention policy. 28 States have shared their views on the No Detention policy out of which 23 States have suggested modification to the No Detention policy.

In pursuance of the decision taken in the CABE Committee meeting held on 19.8.2016, another Sub-Committee under the Chairpersonship of Prof. Vasudev Devnani, Minister of Education, Government of Rajasthan was constituted on 26.10.2015 inter-alia, to review the

feedback received from States/UTs on the 'No-Detention' policy. The recommendations of the Committee are as under:

- (i) There should be an examination at Class V. It should be left to the States and UT's to decide whether this exam will be at the school, block, District or State Level.
- (ii) If a child fails then allow the child an opportunity to improve. There should be additional instruction provided to children and the child should be given an opportunity to sit for another exam. If the child is unable to pass the exam in the second chance, then detain the child.
- (iii) At Classes VI and VII, there should be a school based exam for students.
- (iv) At Class VIII, there should be an external exam. In case the child fails, the child should be given additional instruction and then appear for an improvement exam. If fails again, then detain. The matter regarding amendment to Section 16 of the Right to Education Act, 2009 is under the active consideration of the Ministry (Press Information Bureau, Government of India, 2017).

#### **4.2.2. Major Actions taken by the State Government of Mizoram since the Enactment of Right to Education Act, 2009**

Following are major actions taken by Government of Mizoram in fulfilling the responsibilities assigned to it by Right to Education Act, 2009:

1. Government Notification has been issued for No Corporal Punishment/Expulsion on 11<sup>th</sup> Dec, 2007 vide Circular No C. 14011/214/2007-EDN of Government of Mizoram, Directorate of School Education
2. State Advisory Council has been constituted on 27<sup>th</sup> April, 2010 vide Circular No.B.17011/14/2002-EDNof Government of Mizoram, Directorate of School Education
3. Constitution of Committee to study & examine RTE Act/Rules on 4<sup>th</sup> June, 2010 vide Circular No.B.17011/14/2002-EDNof Government of Mizoram, Directorate of School Education
4. Class VIII has been fully integrated in Elementary Stage on 22<sup>nd</sup> June, 2010 vide Circular No.A.23022/2/2003-EDNof Government of Mizoram, Directorate of School Education

5. Notification has been made for 'No Board Examination' on 16<sup>th</sup> Aug, 2010 vide Circular No.B.11035/25/94-EDNof Government of Mizoram, Directorate of School Education
6. Rights to Education Protection Authority(REPA) has been constituted on 13<sup>th</sup> Sept, 2010 vide Circular No.b.17011/14/2002-EDN of Government of Mizoram, Directorate of School Education
7. SCERT has been notified as Academic Authority on 22<sup>nd</sup> Sept, 2010 vide Circular No.B.11035/25/94-EDNof Government of Mizoram, Directorate of School Education
8. Government notification has issued 'no collection of any capitation fee' and 'no student shall be held back or expelled till the completion of elementary education' on 20<sup>th</sup> Jan, 2011vide Circular No.B.17011/14/2010-EDNof Government of Mizoram, Directorate of School Education
9. RTE State Rules has been notified on 23<sup>rd</sup> March, 2011 vide Circular No.B.17011/14/2010-EDNof Government of Mizoram, Directorate of School Education

10. Comprehensive and Continuous Evaluation has been implemented vide Circular No.B.17011/14/2011-EDNof Government of Mizoram, Directorate of School Education
11. Notification has been made for ‘no private tuition’ or ‘private teaching activity’ to the student on 20<sup>th</sup> July, 2011vide Circular No.B.14011/28/10-SED(RMSA) of Government of Mizoram, Directorate of School Education
12. Notification has been made for the constitution of School Management Committee on 25<sup>th</sup> July, 2011 vide Circular No.B.14013/20/2011-EDN(RTE)of Government of Mizoram, Directorate of School Education
13. Notification has been made for State and District Working Group for Shiksha ka Haq Abhiyan on 30<sup>th</sup> March, 2012 vide Circular No.B.12018/5/2011-EDNof Government of Mizoram, Directorate of School Education
14. Teacher Eligibility Test (TET) has been notified on 5<sup>th</sup> November, 2012 vide Office Order No.D.32019/2/2011-DTE (EDN)of Government of Mizoram, Directorate of School Education
15. Grievance Redressal Cell has been set up on 30<sup>th</sup> November, 2012 vide Circular No.A.60011/12011-ENDof Government of Mizoram, Directorate of School Education

16. Rules and Drafting Committee has been constituted on Private Schools on 8<sup>th</sup> January, 2013 vide Circular No.B.17011/13/2012-EDNof Government of Mizoram, Directorate of School Education
17. Village Education Committee(VEC) has been notified as Local Authority on 5<sup>th</sup> March, 2013 vide Circular No.B.17011/17/2013-EDN(RTE)of Government of Mizoram, Directorate of School Education
18. Constitution of State Level Body on Implementation of teacher Counselling Scheme in School on 30<sup>th</sup> May, 2013 vide Circular No.B.14011/41/2010-EDNof Government of Mizoram,Directorate of School Education
19. Constitution of District Level Committee for SSA Mid Day Meal (MDM) and RMSA on 11<sup>th</sup> June, 2013 vide Circular No.B.11035/41/2002-EDNof Government of Mizoram, School Education Department
20. Notification has been made for minimum working days and hours for elementary School i.e., Class 1-VIII on 15<sup>th</sup> July, 2013
21. Campaigns and publicity has been organised for awareness of right to voice against corporal punishments and to bring such incidents to the notice of appropriate authorities by affected school students.

22. There has been an ensurance of providing forum for complaints in hostels, shelter homes etc., for boarder inmates.
23. Installation of complaint box in every school has been set up.
24. There has been preparation of schedules for periodic parents teacher meetings to review complaint and to take necessary action.
25. Sound standing procedure has been established for effective processing of complaints occurring within respective Jurisdiction (Government of Mizoram, Directorate of School Education, n.d.).

### ***Regularization of 75 Primary School Teachers***

In the interest of public service and on the recommendation of the Mizoram Public Service Commission in 1<sup>st</sup> November 2017, 75(seventy five) Primary School Teachers (Contract) are regularized to the post of primary School Teachers in the Pay Band-2 of Rs.9,390-34,800+ Grade Pay of Rs.4,600/- for Trained Graduate Teacher, Pay Band -2 of Rs.9,300-34/800 + Grade Pay of Rs.4,400/- for Untrained Graduate Teacher and Pay Band-2 of Rs.9,300-34,800 + Grade Pay of Rs.4,200/- for Trained Under Graduate Teacher plus all other allowances as admissible from time to time with immediate effect as per "The Government of Mizoram regularization of contract Employees Scheme, 2008" as amended from time to time(Directorate of School Education, Government of Mizoram, 2017).

**Conclusion**

Therefore, it is equally important for every citizen of this State to simultaneously ensure its proper implementation. Besides bringing about design changes, we, as responsible civil society members need to make the Government of India accountable through social audits, filing right to information applications and demanding our children's right to quality elementary education.

For better implementation and monitoring of the Act, there needs to be greater awareness in the State so that its provisions are understood and incorporated by all institutions. Therefore, the people of this country should join hands and work together and strive to achieve the goal of RTE Act, 2009 and put the Act into reality instead of jeopardising and criticizing the Act because at the end of the day, it is no one but we, the people of India who are going to benefit from it. All we need is to give a little co-operation and some effort for the successful implementation of the Act in our every State.

#### **4.3.0. Examination of the Mizoram Right to Education Rules, 2011**

Right to Education Act, 2009 came into effect on 1<sup>st</sup> April 2010. It is an Act of the Parliament of India which was enacted on 4<sup>th</sup> August 2009, describing the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21A of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child. In exercise of the powers conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the appropriate Government has the power to make rules for carrying out the provisions of this Act. As such, model rules for every state have been laid down where elementary schools in respective states are to run their schools as per the rules mentioned in the Act where Mizoram is no exception. On 23<sup>rd</sup> March, 2011, the Governor of Mizoram notified the Mizoram Right of Children to Free and Compulsory Education Rules, 2011. These rules, however, need to be examined carefully in order to maximize the chances for success in their implementation. Thus, it became pertinent to examine the Mizoram Right of Children to Free and Compulsory Education Rules, 2011 so as to have a clearer conception and deeper understanding for effective implementation of the Act.

The Right of Children to Free and Compulsory Education Rules, 2011 is presented in eight parts as given below:

- Part I : Preliminary.
- Part II : Right of Children to Free and Compulsory Education.
- Part III : Duties of Appropriate Government, Local Authority.
- Part IV : Responsibilities of Schools and Teachers.

- Part V : School Management Committee.
- Part VI : Teachers.
- Part VII : Curriculum and Completion of Elementary Education.
- Part VIII : Protection of Right of Children.

### **Part I: Preliminary**

Part I- Preliminary introduces the RTE Rules, 2011 by presenting its short title as the Mizoram Right of Children to Free and Compulsory Education Rules, 2011 and its commencement on such date, as the State Government may, by notification in the Official Gazette, appoint. This chapter states that the rules once passed by the State Government would be applicable to the whole of Mizoram. It highlights the definitions of the words and expressions mentioned in the rules under the Act, wherein it ascertains authority at the district and local level. The different definitions of words and expressions are pertinent as one needs to have a vivid understanding of all the rules for successful implementation to take place.

### **Part II: The Right of Children to Free and Compulsory Education**

Part II outlines the right of children to free and compulsory education comprising of section 3. This section provides special training for identified children requiring special training within the school premises or through Residential School Training Centre. Training will be imparted by the teachers or teachers specially appointed for the purpose, so as to enable them to successfully integrate with the rest of the children in the class. The special training shall consist of specially designed, age appropriate learning materials approved by the State Council of Educational Research and Training, Mizoram. The training session will last for a minimum

period of three months and is extendable, based on periodical assessment of learning process, for a maximum period, not exceeding five years. This rule is crucial especially for those children who are above 6 years of age who have not been admitted in any school or though admitted could not complete their elementary education, the right to be admitted in a class appropriate to their age for completing elementary education and also special training to enable them to be at par with other children. Such type of children are often found in rural or remote areas where parents are totally unaware of the education of their children thus, engaging them in some labour work, doing household chores or taking care of their younger siblings.

### **Part III: Duties of State Government and Local Authority**

Part III mentions about the duties of State Government and local authority and consists of section 4 to 6. Section 4 outlines the responsibility of the State Government who is responsible for establishing school within one kilometre (1km) for classes I - V and three kilometres (3kms) for classes VI-VIII respectively. It is the duty of the State Government/local authority to locate school within a short reach for the children as there are many children in remote areas who go to school everyday inspite of the difficult terrain, risk of landslides, floods and lack of roads. Children living in small hamlets, as identified by the State Government/ local authority, where no school exists within the area or limits of neighbourhood must be given adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school. However, in the present scenario of Mizoram, although arrangements have been made for these children in order to have feasible access to schooling and receive education, providing free transportation has not been initiated till today. In case of high population density, the State Government is expected to establish more than one neighbourhood

school, having regard to the number of children in the age group of 6-14 years in such areas. This is a rule that is hard to implement as majority population of the parents are admitting their children in private English medium schools resulting to a decline in the population of children in Government schools. Children with disabilities should be provided free transportation. The State Government has not made any necessary arrangements till today for children with disabilities regarding their transportation. This section also outlines that no children shall be disbarred from attending schools on account of cultural and social factors and is the duty of the local authority to identify those children and help them receive education.

Section 5 talks about all children attending Government and Government aided schools and those children attending specified category schools such as Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navodaya Vidyalaya and Sainik Schools to be provided free text-books and writing materials. However, in the case of Mizoram, parents from Government school children have to contribute money since the amount allocated for text-books and exercise books are less than the actual price of the books. Children admitted in Government schools generally come from a very poor and broken family background and making contribution even for a small sum of money is a big burden for them. In the Mizoram context, children from economically weaker and disadvantaged sections of the society are referred to as children belonging to BPL (Below Poverty Line) family where the annual income of their parents or guardian is lower than the minimum limit specified by the appropriate Government, by notification. For the purpose of determining and for establishing neighbourhood schools, the State Government/local Authority shall undertake school mapping, and identify all children belonging to BPL family and make sure that they receive free and compulsory education until they attain the age of 14 years. All

children should be treated equally and there should not be any biasness and discrimination. It is the duty of the teacher to ensure that no child is being discriminated due to caste, class, religion or gender especially those children from BPL family.

Section 6 provides for maintenance of records of the particulars of all the children by the local authority within its jurisdiction from birth till 14 years. These records are to be submitted to the Director of School so as to ensure the number of children enrolled in the schools. It is the responsibility of the local authority to ensure that all children enrolled in the school under their jurisdiction are publicly displayed in the school. It is their duty in identifying those children and make sure they receive proper education and schooling along with the rest of the other children.

Part IV brings up about the responsibilities of schools and teachers and covers section 7 to 12. Section 7 outlines that it is the duty of Government and Government aided schools, specified category schools such as Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navodaya Vidyalaya, Sainik Schools and private unaided schools to ensure that children belonging to BPL family are not discriminated on any grounds and receive the same type of education with the other children. It is the duty of the school and the teachers in ensuring that all children are treated equally and are not segregated from the rest of the children in the school in any manner pertaining to entitlements and facilities. These schools after filling up the mandatory requisite percentage of seats for children can extend the seat limit by getting approval from the State Government.

Section 8 points out reservation of 25% seats in Class-I and pre-school in Kendriya Vidyalaya, Navodya Vidyalaya, Jawahar Vidyalaya, Sainik School and private unaided schools for children belonging to BPL family where reimbursement will be made per child expenditure incurred by the State Government. These schools shall maintain a separate bank account in respect of the amount received by it as reimbursement. For the purpose of assessing per child expenditure incurred by the State for reimbursement, a Committee shall be constituted by the State Government to be headed by the Director of School Education along with members like Joint Director of School Education in-charge of elementary education and State Project Director (Sarva Shiksha Abhiyan). List of students admitted under 25% seat reservation will be submitted in the month of April every year for reimbursement. In private unaided schools in Mizoram, no such reservation has been made till today as the State Government has not given instruction or insisted them to do so. However, if this could be implemented, it would be a huge benefit for children belonging to BPL family where they will have opportunity to get education and mainstreamed with the other children of private English medium schools.

Section 9 spells out the requirement of the age proof for child admission into schools. Wherever a birth certificate under the Births, Deaths and Marriages Certificate Act, 1886 is not available, other documents like Hospital/Primary Health centre/Sub Health Centre register record, Anganwadi record, Declaration through an affidavit of the age of the child by the parent of guardian, Baptismal Certificate can be produced as proof of age for admission. However, failure to produce the said documents should not be a ground for delaying or rejecting a child for admission.

Section 10 points out that admission can be extended upto six months from the date of commencement of an academic year. If a child is admitted in a school after the extended period, the Local authority or the Head of the School will submit a report to that effect to the Director of School Education, within one month from the date of making such admission.

Section 11 points out that every school owned or controlled by the State Government, established before the commencement of these Rules shall make a self-declaration within a period of three months of the commencement to the District Education Officer or the Sub Divisional Education Officer where they must fulfill certain terms and conditions for grant of recognition.

Section 12 provides for withdrawal of recognition where if any school violates one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule of the Act, the District Education Officer or Sub-Divisional Officer shall pass an order to cancel recognition based on the decision of the State Government.

### **Part V: School Management Committee**

Part V lays out about School Management Committee and comprises of section 13 to 14. Section 13 mentions about the constitution of School Management Committee, formation of members and duties and responsibilities of the Committee. It is the duty of the SMC to communicate in simple and creative ways to the population in the neighbourhood, ensuring the proper implementation of the RTE Act, monitoring the teachers not to be burdened with non-academic duties, ensure enrolment and attendance of children, maintaining the norms and

standards, ensure rights of the child particularly about mental and physical harassment, monitor the implementation of mid-day meal, maintain receipts and expenditure of the schools etc. In Government schools in Mizoram, although School Management Committee has been formed as per the norms, there cannot be proper functioning due to lack of co-operation among the members. Parents who form majority of the SMC members do not have time for meetings and do not show their interest and support for the development and upliftment of the schools as they are mostly uneducated and totally unaware of the importance of SMC and its functioning. Rather, these parents are busy in their own personal interests like going to the farm and engaging in other chores for earning their livelihood.

Section 14 provides for preparation of School Development Plan which will be a three year plan comprising of three annual sub plans. The School Development Plan will contain estimates of class-wise enrolment for each year, requirement over the three year period like number of additional teachers and part time teachers, physical requirements of additional infrastructure and equipments, additional financial requirement, including additional requirement for providing special training facility and additional financial requirement for fulfilling the responsibilities of the school under the Act.

## **Part VI: Teachers**

Part VI outlines about the teachers and consists of section 15 to 20. Section 15 and 16 provide eligibility criteria for appointment as a teacher, estimating the requirement of teachers, relaxation of provision for under-qualified teachers as well as teacher's accountability. If the State does not have adequate institutions for training of teachers and persons possessing

minimum qualifications as per the rules are not available in sufficient numbers, the State Government shall request the Central Government for relaxation of the minimum qualification within one year of the commencement of the Act. The nature of relaxation for acquiring minimum qualification for all the teachers shall not exceed five years from the date of commencement of the Act. It further says that a teacher who is appointed after six months from the date of commencement of the Act must possess academic qualification not lower than higher secondary school certificate or equivalent.

Section 17 points out that it is the duty of the State Government to provide adequate teacher education facilities in order to ensure that all teachers in Government and Government-aided schools, specified category schools such as Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navodaya Vidyalaya and Sainik schools possess the required minimum qualification within five years from the date of commencement of the Act.

Section 18 mentions about the terms and conditions of service and salary and allowances of teachers of Government schools so as to create a professional and permanent cadre of teachers.

Section 19 brings out that teachers appointed shall maintain regularity and punctuality in attending school and conduct and complete the curriculum within a specified time. All round development of the children should be the main priority of the teacher and should often conduct meetings with the parents in order to let them know about the progress and performance of their children. A teacher may perform duties like participation in training programs, curriculum

formulation, and development of syllabi, training modules and text book development other than regular class-room teaching.

Section 20 provides for school tribunal for grievance redressal of teachers where the School Management Committee shall be the first level of grievance redressal of teachers and the Government shall constitute School Tribunals at the State, District and Block levels.

Section 21 outlines that every school must maintain a proper Teacher Pupil Ratio and teachers should not be deployed for any non-educational purposes other than decennial population census, disaster relief and elections to local authority, State Legislature and Parliament.

### **Part VII: Curriculum and Completion of Elementary Education**

Part VII outlines the curriculum and completion of elementary education and covers section 22 to 23. Section 22 outlines the State Council of Educational Research and Training (SCERT) as the body which will design all the needful relating to academic matters like formulating relevant and age appropriate syllabus and text-books and other learning material, develop in-service teacher training design and prepare guidelines to put Continuous and Comprehensive Education into practice.

Section 23 points out certificate of completion of elementary education to be issued at the school/block/sub division/district level within one month of the completion of elementary

education certifying that the child has completed all courses of study and contain the Pupil Cumulative Record of the child.

### **Part VIII: Protection of Right of Children**

Part VIII lays out the protection of right of children comprising of section 24 to 26. Section 24 and 25 provide for setting up of the State Commission for Protection of Child Rights (SCPCR). The State Commission consists of seven members including a Chairperson and six members, of which at least two need to be women. However, Right to Education Protection Authority (REPA) may be formed as interim authority till such time of SCPCR come into being. The Commission will act as the forum for the grieved child or guardian. The functions and powers of the State Commission is to:

- i) Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation
- ii) Prepare and present annual and periodic reports upon the working of these safeguards
- iii) Inquire into violation of child rights and recommend initiation of proceedings in such cases
- iv) Undertake periodic review of policies, programmes and other activities related to child rights in reference to the treaties and other international instruments
- v) Spread awareness about child rights among various sections of society
- vi) Examine and recommend appropriate remedial measures for all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence/riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution

- vii) Undertake and promote research in the field of child rights
- viii) Inspect institutions meant for juvenile/children
- ix) Inquire into complaints of deprivation and violation of child rights, non-implementation of laws and non-compliance policy decisions, guidelines or instructions
- x) Undertake other necessary functions for the promotion of child rights. The Commission has the power of a civil court and all criminal cases brought to the same has to be forwarded to a concerned Magistrate who has jurisdiction to try the same (Childline India Foundation, n.db).

Section 26 provides for the establishment and function of the State Advisory Council under the chairmanship of the Minister concerned, whose role is advisory wherein the Department of School Education shall provide logistic support for meetings of the Council. Members of State Advisory Council shall be appointed by the State Government having knowledge and practical experience in the field of Education wherein fifty percent of the member should be women. It is the duty of the State Advisory Council to give advice to the State Government for effective implementation. Every member of the Council shall hold office for a term of two years from the date on which he assumes office and no member shall hold office more than two terms. The member is liable to be removed from his office by an order of the State Government on the ground of proved misbehaviour or incapacity.

**Conclusion**

As much as Right to Education Act, 2009 is pivotal for bringing about reformation in the current system of education in our country, we, as responsible citizens of our own state, must give importance to the Rules made by the Government in every state where different duties and responsibilities have been assigned to the concerned authority. The children of Mizoram especially those from weaker and disadvantaged sections of the society (BPL family) are expected to get full benefit from it. Trained teachers have not utilized their competency and ability while disseminating teaching in class. These teachers need more training in an innovative and effective method as they are an important tool of bringing about quality education in our state. Besides, its successful implementation lies not only in the hands of the State Government but it is the sheer duty and responsibility of the community and the parents to give full cooperation to the Government as the Government alone cannot function in moving towards the realization of the Act.

#### 4.4.0. Profiles of Sample Schools, Teachers and Parents

##### Profile of Sample Schools

The following tables represent the distribution of sample schools in the four districts of Mizoram viz., Aizawl, Mamit, Lunglei and Champhai:

**Table 4.4.1**

Distribution of Sample Schools

<b>Management N=104</b>		<b>Stage N=104</b>		<b>Location N=104</b>	
<b>Government</b>	<b>Private</b>	<b>Primary</b>	<b>Middle</b>	<b>Urban</b>	<b>Rural</b>
63 <b>60.58%</b>	41 <b>39.42%</b>	53 <b>50.96%</b>	51 <b>49.03%</b>	56 <b>53.85%</b>	48 <b>46.15%</b>

In the present study, a sample of 104 schools were randomly selected both from Government and private elementary schools out of which 60.58 per cent and 39.42 per cent are from Government and private elementary schools, 50.96 per cent and 49.03 per cent from primary and middle schools and 53.85 per cent and 46.15 per cent from urban and rural schools respectively.



From a sample of 63 Government schools:

- i) Headmasters with HSLC as a minimum level of educational qualification are 9.52 per cent primary and 9.52 per cent middle, 7.34 per cent urban and 11.11 per cent rural schools.
- ii) Headmasters acquiring HSSLC as a minimum level of educational qualification are 12.20 per cent primary and 9.52 per cent middle, 12.70 per cent urban and 9.52 per cent rural schools.
- iii) Headmasters having graduate degree as a minimum level of educational qualification are 25.40 per cent primary and 20.63 per cent middle, 23.81 per cent urban and 22.22 per cent rural schools.
- iv) Headmasters acquiring Post Graduate degree as a minimum level of educational qualification are 4.76 per cent primary and 7.34 per cent middle, 9.52 per cent urban and 3.17 per cent rural schools.
- v) None of the sample Government school Headmasters acquire M.Phil and Ph.D as their educational qualification.

From a sample of 41 private schools-

- i) None of the sample private school Headmasters from primary and middle, rural and urban acquire educational qualification lower than graduate level.
- ii) Headmasters having graduate degree as a minimum level of educational qualification are 34.15 per cent primary and 36.58 per cent middle, 29.27 per cent urban and 41.46 per cent rural schools.

- iii) Headmasters acquiring post graduate degree as a minimum level of educational qualification are 14.63 per cent primary and 14.63 per cent middle, 24.39 per cent urban and 4.88 per cent rural schools.
- iv) None of the sample private school Headmasters acquire M.Phil and Ph.D as their educational qualification.

**Table 4.4.4**

## Professional Qualifications of Headmasters

Professional Qualification	Government N=63				Private N=41			
	Primary N=33	Middle N=30	Urban N=34	Rural N=29	Primary N=20	Middle N=21	Urban N=22	Rural N=19
B.Ed	13 20.63%	10 15.87%	17 26.98%	6 9.52%	8 19.51%	11 26.83%	13 31.71%	6 14.63%
M.Ed	2 3.17%	1 1.59%	3 4.76%	-	-	2 4.88%	2 4.88%	-
DI.Ed	14 22.22%	16 25.40%	12 19.05%	18 28.57%	-	-	-	-
Dt.Ed	4 6.35%	3 4.76%	2 3.17%	5 7.34%	-	-	-	-

From a sample of 63 Government schools-

- i) 20.63 per cent primary and 15.87 per cent middle, 26.98 per cent urban and 9.52 per cent rural school Headmasters have B.Ed as their professional qualification.
- ii) Headmasters acquiring M.Ed as professional qualification are 3.17 per cent primary, 1.59 per cent middle and 4.46 per cent urban schools. None of the sample Headmasters in rural areas acquire M.Ed as their professional qualification.

- iii) Headmasters from 22.22 per cent primary and 25.40 per cent middle, 19.05 per cent rural and 28.57 percent urban schools acquire DI.Ed as their professional qualification.
- iv) Headmasters who possess Dt.Ed as their professional qualification are 6.35 per cent primary and 4.76 per cent middle schools, 3.17 per cent urban and 7.34 per cent rural schools.

### Profile of Sample Teachers

The following tables represent the profile of sample elementary school teachers in the four districts of Mizoram viz., Aizawl, Mamit, Lunglei and Champhai:

**Table 4.4.5**

Distribution of Sample Elementary School Teachers

<b>Sl. No.</b>	<b>Sample teachers</b>	<b>Numbers</b>	<b>Percentage</b>
1.	Government school teachers	315	<b>15.14%</b>
2.	Private school teachers	205	<b>9.86%</b>
3.	Primary school teachers	265	<b>12.74%</b>
4.	Middle school teachers	255	<b>12.26%</b>
5.	Urban school teachers	280	<b>13.46%</b>
6.	Rural school teachers	240	<b>11.54%</b>
7.	Male teachers	284	<b>13.65%</b>
8.	Female teachers	236	<b>11.35%</b>

From a sample of 41 private schools,

- i) Headmasters from 19.51 per cent primary and 26.83 per cent middle schools, 31.71 per cent urban and 14.63 per cent rural schools acquire B.Ed as their professional qualification.
- ii) Headmasters with M.Ed as professional qualification are 4.88 per cent middle and 4.88 per cent urban schools. None of the sample Headmasters in primary schools and schools in rural areas possess M.Ed as their professional qualification.

A sample of 15.14 per cent Government school teachers and 9.86 per cent private school teachers are randomly selected for the present study out of which 12.74 per cent belongs to primary school teachers, 12.26 per cent belongs to middle school teachers, 13.46 per cent belongs to urban school teachers and 11.54 per cent belongs to rural school teachers. From these sample teachers, 11.65 per cent are male teachers and 11.35 per cent are female teachers.

**Table 4.4.6**

Distribution of Sample Government School Teachers

Stage		Location		Gender	
Primary	Middle	Urban	Rural	Male	Female
165 52.38%	150 47.62%	170 54%	145 46 %	162 51.43%	153 48.57%

In a sample of 315 Government school teachers, 52.38 per cent and 47.62 per cent are from primary and middle schools, 54 per cent and 46 per cent from urban and rural schools, 51.43 per cent and 48.57 per cent are male and female teachers respectively.

**Table 4.4.7**

Distribution of Sample Private School Teachers

Stage		Location		Gender	
Primary	Middle	Urban	Rural	Male	Female
100 48.78%	105 51.22%	110 53.66%	95 46.34%	122 59.5%	83 40.5%

In a sample of 205 private school teachers, 48.78 per cent and 51.22 per cent belong to primary and middle schools, 53.66 per cent and 46.34 per cent from urban and rural schools and 59.5 per cent and 40.5 per cent are male and female teachers respectively.

**Table 4.4.8**

Educational Qualification of Sample Government School Teachers

Educational Qualification	Government school teachers N=315					
	Primary N=165	Middle N=150	Urban N=170	Rural N=145	Male N=162	Female N=153
HSLC	33 10.48%	18 5.71%	17 5.40%	34 10.79%	28 17.28%	23 15.03%
HSSLC	23 7.30%	21 6.67%	15 4.76%	29 9.21%	21 12.96%	23 15.03%
Graduate	79 25.08%	87 27.62%	103 32.70%	63 20%	80 49.38%	86 56.21%
PG	30 9.52%	24 7.62%	28 8.89%	26 17.93%	33 20.37%	21 13.73%
M.Phil	-	-	-	-	-	-
Ph.D	-	-	-	-	-	-

From a sample of 315 Government school teachers,

- i) 10.48 per cent primary and 5.71 per cent middle, 5.40 per cent and 10.79 per cent urban and rural, 17.28 per cent male and 15.03 per cent female teachers possess HSLC as their minimum level of educational qualification.
- ii) Teachers from 7.30 per cent primary, 6.67 per cent middle, 4.76 per cent urban and 9.21 per cent rural, 12.96 per cent male and 15.03 per cent female teachers possess HSSLC as their minimum level of educational qualification.
- iii) Teachers possessing graduate degree as a minimum qualification are 9.52 per cent primary, 7.62 per cent middle, 8.89 per cent urban and 20.37 per cent rural, 20.37 per cent male and 13.73 per cent female teachers.
- iv) None of the sample Government school teachers acquire M.Phil and Ph.D as their educational qualification.

**Table 4.4.9**

Educational Qualification of Sample Private School Teachers

Educational Qualification	Private school teachers N=205					
	Primary N=100	Middle N=105	Urban N=110	Rural N=95	Male N=122	Female N=83
HSLC	-	-	-	-	-	-
HSSLC	52 25.37%	12 5.85%	31 15.12%	33 16.10%	36 29.51%	28 33.73%
Graduate	45 21.95%	77 37.56%	67 32.68%	55 26.83%	76 62.30%	46 55.42%
PG	3 1.46%	16 7.80%	12 5.85%	7 3.41%	10 8.20%	9 10.84%
M.Phil	-	-	-	-	-	-
Ph.D	-	-	-	-	-	-

From a sample of 205 private school teachers,

- i) None of the sample private teachers have educational qualification lower than HSSLC.
- ii) Teachers with HSSLC qualification are 25.37 per cent primary and 5.85 per cent middle, 15.12 per cent and 16.10 per cent middle, 29.51 per cent male and 33.73 per cent female school teachers.
- iii) Teachers possessing graduate degree as a minimum educational qualification are 21.95 per cent primary and 37.56 per cent middle, 32.68 per cent urban and 26.83 per cent rural, 62.30 per cent male and 55.42 per cent female school teachers.
- iii) Teachers from 1.46 per cent primary and 7.80 per cent middle, 5.85 per cent urban and 3.41 per cent middle, 3.41 per cent male and 10.84 per cent female have post graduate degree.
- iv) None of the sample private school teachers possess M.Phil and Ph.D as their educational qualification.

**Table 4.4.10**

Professional Qualification of Sample Government School Teachers

Professional Qualification	Government N=315					
	Primary N=165	Middle N=150	Urban N=170	Rural N=145	Male N=162	Female N=153
<b>B.Ed</b>	79 <b>25.08%</b>	53 <b>16.83%</b>	86 <b>27.30%</b>	46 <b>14.60%</b>	73 <b>45.06%</b>	59 <b>38.56%</b>
<b>M.Ed</b>	-	6 <b>1.90%</b>	4 <b>1.27%</b>	2 <b>0.63%</b>	4 <b>2.47%</b>	2 <b>1.31%</b>
<b>DI.Ed</b>	71 <b>22.54%</b>	83 <b>26.35%</b>	76 <b>24.13%</b>	78 <b>24.76%</b>	79 <b>48.77%</b>	75 <b>49.02%</b>
<b>Dt.Ed</b>	15 <b>4.76%</b>	8 <b>2.54%</b>	4 <b>1.27%</b>	19 <b>6.03%</b>	6 <b>3.70%</b>	17 <b>11.11%</b>

From a sample of 315 Government school teachers,

- i) 25.08 per cent primary and 16.83 per cent middle, 27.30 per cent urban and 14.60 rural, 45.06 per cent male and 38.56 per cent female school teachers acquire B.Ed as their professional qualification.
- ii) Teachers with M.Ed qualification are 1.90 per cent middle, 1.27 per cent urban and 0.63 per cent rural, 2.47 per cent male and 1.31 per cent female school teachers. None of the sample primary school teachers possess M.Ed as their professional qualification.
- iii) Teachers acquiring DI.Ed qualification are 22.54 per cent primary and 26.35 per cent middle, 24.13 per cent urban and 24.76 per cent rural, 48.77 per cent male and 49.02 per cent female school teachers.

- iv) Teachers possessing Dt.Ed qualification are 4.76 per cent primary and 2.54 per cent middle, 1.27 per cent urban and 6.03 per cent rural, 3.70 per cent male and 11.11 per cent female school teachers.

**Table 4.4.11**

Professional Qualification of Sample Private School Teachers

Educational Qualification	Private N=205					
	Primary N=100	Middle N=105	Urban N=110	Rural N=95	Male N=122	Female N=83
<b>B.Ed</b>	13 <b>6.34%</b>	17 <b>8.29%</b>	24 <b>11.71%</b>	6 <b>2.33%</b>	16 <b>13.11%</b>	14 <b>16.87%</b>
<b>M.Ed</b>	-	5 <b>2.44%</b>	4 <b>1.95%</b>	1 <b>0.49%</b>	3 <b>2.46%</b>	2 <b>2.41%</b>
<b>DI.Ed</b>	-	-	-	-	-	-
<b>Dt.Ed</b>	-	-	-	-	-	-

From a sample of 205 private school teachers,

- i) 6.34 per cent primary and 8.29 per cent middle, 11.71 per cent urban and 2.33 per cent rural, 13.11 per cent male and 16.87 per cent female school teachers acquire B.Ed as their professional qualification
- ii) Teachers who possess M.Ed qualification are 2.44 per cent middle, 1.95 per cent urban and 0.49 per cent rural, 2.46 per cent male and 2.41 per cent female. None of the sample primary school teachers possess M.Ed as their professional qualification
- iii) None of the sample teachers from primary and middle, urban and rural, male and female acquire DI.Ed and Dt.Ed as their professional qualification

### Profile of Sample Parents from Elementary Schools in Mizoram

The following tables represent the profile of sample parents in the four districts of Mizoram viz., Aizawl, Lunglei, Champhai and Mamit:

**Table 4.4.12**

Distribution of Sample Parents

Category of Parents		Number	Percentage
1.	Parents from Government schools	126	15.14%
2.	Parents from Private schools	82	9.86%
3.	Parents from Primary Schools	106	12.74%
4.	Parents from Middle schools	102	12.26%
5.	Parents from Urban schools	112	13.46%
6.	Parents from Rural schools	96	11.54%
7.	Male parents	119	14.30%
8.	Female parents	89	10.69%

A sample of 15.14 per cent Government and 9.86 per cent private school parents are randomly selected for the present study out of which 12.74 per cent and 12.26 per cent belong to parents of primary and middle schools, 13.46 per cent and 11.54 per cent belong to parents of urban and rural schools. Among these sample parents, 14.30 per cent and 10.69 per cent of parents are male and female.

**Table 4.4.13**

Distribution of Sample Parents from Government schools

Stage		Location		Gender	
Primary	Middle	Urban	Rural	Male	Female
66 <b>52.38%</b>	60 <b>47.62%</b>	68 <b>53.97%</b>	58 <b>46.03%</b>	72 <b>57.14%</b>	54 <b>42.86%</b>

In a sample of 126 Government school parents, 52.38 per cent and 47.62 per cent of parents are from primary and middle schools, 53.97 per cent and 46.03 per cent of parents from urban and rural schools, 57.14 per cent and 42.86 per cent of parents are male and female.

**Table 4.4.14**

Distribution of Sample Parents from Private Schools

Stage		Location		Gender	
Primary	Middle	Urban	Rural	Male	Female
40 <b>48.78%</b>	42 <b>51.22%</b>	44 <b>53.66%</b>	38 <b>46.34%</b>	47 <b>57.32%</b>	35 <b>42.68%</b>

In a sample of 82 private school parents, 48.78 per cent and 51.22 per cent of parents are from primary and middle schools, 53.66 per cent and 46.34 per cent of parents from urban and rural schools, 57.32 per cent and 42.68 per cent of parents are male and female

**Table 4.4.15**

Educational Qualifications of Sample Parents (Fathers)

Educa- tional Qualifica- tion	Government N=73				Private N=46			
	Primary N=39	Middle N=34	Urban N=40	Rural N=33	Primary N=24	Middle N=22	Urban N=24	Rural N=22
<b>Primary</b>	4 5.48%	-	-	4 5.48%	-	-	-	-
<b>Middle</b>	15 20.55%	12 16.44%	10 13.7%	17 23.29%	1 2.17%	-	-	1 2.17%
<b>HSLC</b>	14 19.17%	12 16.44%	17 23.29%	9 12.33%	4 8.7%	2 4.35%	-	6 13.04%
<b>HSSLC</b>	6 8.22%	9 12.33%	12 16.44%	3 4.11%	6 13.04%	4 8.7%	3 6.52%	7 15.22%
<b>Graduate</b>	-	1 1.37%	1 1.37%	-	9 19.57%	12 26.09%	17 36.96%	4 8.7%
<b>PG</b>	-	-	-	-	4 8.7%	4 8.7%	4 8.7%	4 8.7%

From a sample of 73 parents from Government schools,

- i) Fathers from 5.48 per cent primary and 5.48 per cent rural schools possess primary school stage as a minimum level of educational qualification.
- ii) Fathers from 20.55 per cent primary and 16.44 per cent middle, 13.7 per cent and 23.29 per cent urban and rural schools acquire middle school stage as a minimum level of educational qualification.
- iii) Fathers having HSLC as their minimum level of educational qualification are 19.17 per cent primary and 16.44 per cent middle, 23.29 per cent urban and 12.33 per cent rural schools.

- iv) Fathers from 8.22 per cent primary and 12.33 per cent middle, 16.44 per cent urban and 4.11 per cent rural schools acquire HSSLC as a minimum level of educational qualification.
- v) Fathers having graduate degree as a minimum level of educational qualification are 1.37 per cent middle and 1.37 per cent urban schools. None of the sample fathers from primary schools and schools in rural areas are graduate.
- vi) None of the sample fathers from primary and middle schools, urban and rural schools acquire post graduate degree.

From a sample of 46 parents from private schools,

- i) None of the sample fathers from primary and middle, urban and rural schools possess qualification lower than middle schools.
- ii) Fathers from 2.17 per cent primary and 2.17 per cent rural schools possess middle schools as their minimum level of educational qualification. None of the sample fathers from middle schools and schools in urban areas possess qualification lower than HSLC.
- iii) Fathers having HSLC as a minimum level of educational qualification are 8.7 per cent primary and 4.35 per cent middle and 13.04 per cent rural schools. None of the sample fathers from urban schools acquire educational qualification lower than HSSLC.
- iv) Fathers with HSSLC as a minimum level of educational qualification are 13.04 per cent primary and 8.7 per cent middle, 6.52 per cent urban and 15.22 per cent rural schools.

- v) Fathers from 19.57 per cent primary and 26.09 per cent middle, 36.69 urban and 8.7 per cent rural schools acquire graduate degree.
- vi) Fathers from 8.7 per cent primary and 8.7 per cent middle, 8.7 urban and 8.7 per cent rural schools have post graduate degree.

**Table 4.4.16**

Educational Qualifications of Sample Parents (Mothers)

Educa- tional Qualifica- tion	Government N=53				Private N=36			
	Primary N=27	Middle N=26	Urban N=28	Rural N=25	Primary N=16	Middle N=20	Urban N=20	Rural N=16
<b>Primary</b>	1 1.89%	5 9.43%	-	6 11.32%	-	-	-	-
<b>Middle</b>	11 20.75%	11 20.75%	7 13.21%	15 28.30%	1 2.78%	-	-	1 2.78%
<b>HSLC</b>	13 24.53%	5 9.43%	14 26.41%	4 7.55%	4 11.11%	4 11.11%	1 2.78%	7 19.44%
<b>HSSLC</b>	2 3.77%	5 9.43%	7 13.21%	-	4 11.11%	6 16.67%	4 11.11%	6 16.67%
<b>Graduate</b>	-	-	-	-	6 16.67%	7 19.44%	11 30.55%	2 5.55%
<b>PG</b>	-	-	-	-	1 2.78%	3 8.33%	4 11.11%	-

From a sample of 53 parents from Government schools-

- i) Mothers from 1.89 per cent primary and 9.43 per cent middle schools and 11.32 per cent schools in rural areas possess primary school stage as a minimum level of educational qualification. None of the sample mothers from urban schools acquire qualification lower than middle schools.

- ii) Mothers with middle school stage as a minimum level of educational qualification are 20.75 per cent primary and 20.75 per cent middle, 13.21 per cent urban and 28.30 per cent rural schools.
- iii) Mothers acquiring HSLC as a minimum level of educational qualification are 24.53 per cent primary and 9.43 per cent middle, 26.41 per cent urban and 7.55 per cent rural schools.
- iv) Mothers from 3.77 per cent primary, 9.43 per cent middle and 13.21 per cent urban schools acquire HSSLC as a minimum level of educational qualification. None of the sample mothers from rural schools possess HSSLC as their educational qualification.
- v) Mothers from primary and middle, urban and rural schools are neither graduate nor post graduate.

From a sample of 36 parents from private schools-

- i) None of the mothers from primary and middle, urban and rural schools have educational qualification lower than primary stage.
- ii) Mothers having middle school stage as a minimum level of educational qualification are 2.78 per cent primary and 28.30 per cent rural schools. None of the sample mothers from middle schools and schools in urban areas acquire qualification lower than HSLC.
- iii) Mothers having HSLC as a minimum level of educational qualification are 11.11 per cent primary and 11.11 per cent middle, 2.78 per cent urban and 19.44 per cent rural schools.

- iv) Mothers from 11.11 per cent primary and 16.67 per cent middle, 11.11 per cent urban and 16.67 per cent rural schools possess HSSLC as a minimum level of educational qualification.
- v) Mothers from 16.67 per cent primary and 19.44 per cent middle, 30.55 per cent urban and 5.55 per cent rural schools have graduate degree.
- vi) Mothers from 2.78 per cent primary, 8.33 per cent middle and 11.11 per cent urban schools are post graduate. None of the sample mothers from rural schools are post graduate

### **Conclusion**

It may thus, be concluded that the present study has been conducted in the State of Mizoram covering 104 elementary schools comprising of 63 Government and 41 private schools; 520 elementary school teachers comprising of 315 Government and 205 private school teachers and 208 parents comprising of 126 parents from Government elementary schools and 82 parents from private elementary schools in the four districts of Mizoram namely Aizawl, Mamit, Lunglei and Champhai districts.

**4.5.0. Status of Implementation of Right to Education Act, 2009 in Mizoram in Relation to Management of Schools i.e., Government and Private**

**Table 4.5.1**

Reservation of 25% of Seats in Class-I and Pre-school Section for Children belonging to Weaker and Disadvantaged Group in the Neighbourhood

Sl. No.	Seat Reservation	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	a)25% of seats in CI-I allotted to children belonging to BPL family	NA	NA	0	0
	b)No. of such children admitted	NA	NA	0	0
2	a)25% of seats in pre-school allotted to children belonging to BPL family	NA	NA	0	0
	b)No. of children admitted	NA	NA	0	0
3	Amount of reimbursement per child	NA	NA	0	0
Reasons for not implementing the provision:					
1	Provision not yet implemented by the State Government	0	0	41	100%
2	Not applicable	63	100%	0	0

The data found in table 4.5.1 reveal that-

- a) None of the Government and private schools in Mizoram makes reservation of 25 per cent of seats in class-I and pre-school section for children belonging to Below Poverty

Line (BPL) family who are declared by Mizoram RTE Rules 2011 as weaker and disadvantaged group in the neighbourhood.

- b) The reason for not implementing the provision as claimed by private schools is that the provision is not yet implemented by the State Government
- c) The schools that give 'not applicable' as the reason for not making the reservation are all Government schools.

Although section 12 (c) of The Right of Children to Free and Compulsory Education Act 2009 states “*An unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority shall admit in class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory education till its completion*”, private schools do not implement this provision in the absence of instruction/insistence from the State Government to do so while this provision is not applicable to Government schools.

**Table 4.5.2**

Schools receiving Reimbursement due to Reservation of 25% of Seats in Class-I and Pre-School Section for Children belonging to Weaker and Disadvantaged Group in the Neighbourhood.

<b>Sl. No.</b>	<b>School receiving reimbursement</b>	<b>Government Schools N=63</b>	<b>Private Schools N=41</b>
1	Yes/No	No	No
2	Amount of reimbursement per child	NIL	NIL

The above table 4.5.2 shows that-

None of the elementary schools in Mizoram receives reimbursement for reservation of 25 per cent of seats in class-I and pre-school section for children belonging to weaker and disadvantaged group in the neighbourhood as no school makes such reservation of seats.

Thus, the provision of Right to Education Act, 2009 of section 12 (2) that states, "*An unaided school providing free and compulsory elementary education 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, as may be prescribed*", is not applicable to elementary schools in Mizoram.

**Table 4.5.3**

Procedure of Admission that the School follows

Sl. No.	Procedure of Admission	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	First come first serve	63	100%	0	0
2	Admission test	0	0	16	39.02%
3	Admission interview	0	0	41	100%
4	Admission based on performance in qualifying examination	0	0	23	56.10%

It is found vide table 4.5.3 that-

- a) Cent per cent of Government schools admit students on first come first serve basis.
- b) Admission test is conducted by 39.02 per cent of private schools.
- c) Admission interview is conducted by cent per cent of private schools.
- d) Admission based on performance in qualifying examination is adopted by 56.10 per cent of private schools.

### **Comparison**

Section 13 (1) of The Right of Children to Free and Compulsory Education Act 2009 states, *“No school or person shall, while admitting a child subject the child or his or her parents or guardian to any screening procedure”*. In support of this provision, government schools implement the provision better than private schools as implied by the following:

- a) While cent per cent of Government schools admit students on first come first serve basis as per the provision of RTE Act, none of the private schools apply this procedure.
- b) None of the Government schools adopt admission test, admission interview and admission based on performance in qualifying examination while majority of private schools adopt these methods in contravention of the provision of Right to Education Act.

**Table 4.5.4**

Denying of Admission to any Child by the School

Sl. No.	Denying of admission	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Lack of age proof	0	0	0	0
2	Seeking admission beyond the admission period	0	0	28	68.29%

The above table 4.5.4 reveals that-

- a) None of the Government and private schools deny admission to a child due to lack of age proof.
- b) Private schools comprising of 68.29 per cent deny admission to a child because of seeking admission beyond the admission period.

### Comparison

Section 14(1) of The Right of Children to Free and Compulsory Education Act 2009, states, *“No child shall be denied admission for lack of age proof”*

Section 15 also states *“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”*. Based on this provision, Government schools have a better implementation of the provision than private schools as under:

- a) While none of the Government schools deny admission to a child, majority of private schools still deny admission because of seeking admission beyond the admission period.

**Table 4.5.5**

Schools admitting Children in Classes Appropriate to their Ages and giving Special Training  
(2015-2016 session)

Sl. No.	Schools admitting Out of School Children and giving special training	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Schools admitting children (out of school) in classes appropriate to their ages	12	19.05%	0	0
2	Schools giving special training through Non-RSTC	12	19.05%	0	0
3	Schools giving special training through RSTC	0	0	0	0

It is found vide table 4.5.5 that-

- a) Government schools comprising of 19.05 per cent admit out of school children during the academic session 2015-16 and these children were admitted in classes appropriate to their ages and were given special training through Non- Residential Special Training Centre.

### **Comparison**

According to section 4 of The Right of Children to Free and Compulsory Education Act, 2009: "Where a child above six years of age has not been admitted or though admitted could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed.

*The child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years".* In the light of this provision, Government schools are in better agreement with the provision than private elementary schools as follows:

- a) While none of the private schools have out of school children during the said academic session, 19.05 per cent Government schools admit out of school children during the said academic session and were admitted to classes appropriate to their ages and special training were given to these children through Non-RSTC.

**Table 4.5.6**

Number of Schools promoting all the Children to the next Higher Classes for the New Academic Session.

Sl. No.	Promotion of Children	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	All children promoted to their next higher classes for the new academic session	51	80.95%	37	90.24%

According to table 4.5.6, it is found that majority of Government schools, i.e., 80.95 per cent and private schools i.e., 90.24 per cent promote all their children to the next higher classes for the new academic session.

**Comparison:**

As per Section 16 of The Right of Children to Free and Compulsory Education Act 2009, "No child admitted in school shall be held back in any class or expelled from school till the

*completion of elementary education*". In support of this provision, private schools are better in implementing the provision than Government schools as implied by the following:

- a) While 80.95 per cent Government schools promote all their children to their next higher classes for the new academic session, a higher percentage i.e., 90.24 per cent private schools promote all their children.

**Table 4.5.7**

Number of Schools expelling Children from School during the Academic Session 2015-2016

Sl. No.	Expulsion of Children	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Schools expelling children during the last academic session (2015-16)	0	0	0	0

Table 4.5.7 shows that no Government and private schools expel children during the academic session 2015-2016.

As per section 16 of The Right of Children to Free and Compulsory Education Act 2009, "*No child admitted in school shall be held back in any class or expelled from school till the completion of elementary education*". The table clearly reveals that all Government and private schools effectively implement the provision by not expelling the children from school till completion of elementary education.

**Table 4.5.8**

Actions taken when Students bunk their Classes and/or Fail to do their Homework and/or indulge themselves in Bad habits like Smoking, Chewing of Tobacco, Drinking etc

Sl. No.	Actions taken	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Make them kneel down on the floor	15	23.81%	22	53.66%
2	Make them raise up both their hands	17	26.98%	14	34.15%
3	Scold them and yell at them	0	0	0	0
4	Slap them/pinch them	0	0	0	0
5	Beat them with a stick	0	0	0	0
6	Inform the parents to meet the teacher/headmaster	48	76.19%	41	100%
7	Give them good advice not to repeat it in future	63	100%	41	100%
8	Give them special counselling	49	77.78%	30	73.17%

According to table 4.5.8, it is found that-

- a) Government schools which consists of 23.81 per cent and private schools comprising of 53.66 per cent take action like making the students kneel down on the floor when they bunk their classes and/or fail to do their homework and/or indulge themselves in bad habits like smoking, chewing of tobacco, drinking etc.
- b) Action like making them raise up both their hands is practiced by 26.98 per cent Government schools and 43.15 per cent by private elementary schools.

- c) None of the Government and private schools adopt actions like scolding the students and yelling at them, slap them/pinch them and beating them with a stick.
- d) Majority i.e., 76.19 per cent of Government schools inform the parents to meet the teacher/headmaster for the student's unsavoury behaviour and cent per cent of private elementary schools follow this practice.
- e) Cent per cent Government and private schools give the students good advice not to repeat their bad actions in future.
- f) Majority of Government and private schools give special counselling to students with misbehaviour.

### **Comparison**

As per section 17 (1) of The Right of Children to Free and Compulsory Education Act 2009: *"No child shall be subjected to physical punishment or mental harassment. Whoever contravenes the provision shall be liable to disciplinary action under the service rules applicable to such person"*. In this regard, Government schools are little better in implementing the provision than private schools as:

- a) The percentages of schools resorting to physical punishment such as making the students kneel down on the floor and letting them raise up both their hands are lower among Government schools than that of private schools
- b) Majority i.e., 77.78 per cent Government schools give special counseling while a bit lower percentage (73.17 per cent) of private schools do the same.

On the other hand, private schools do better with regard to informing the parents to meet the teacher/headmaster for the misbehavior of students as the percentage of

private schools practicing this is 100 per cent whereas it is only 76.19 per cent in the case of Government schools.

**Table 4.5.9**

Schools having School Management Committee(SMC) as per Right to Education Act, 2009

Sl. No.	Members	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Headmaster/ senior most teacher	63	100%	NA	NA
2	25% of teachers	48	76.19%	NA	NA
3	75% of parents/guardians of children belonging to BPL family	30	47.62%	NA	NA
4	25% of Local Authority	35	55.56%	NA	NA
5	50% of women	25	39.68%	NA	NA
6	25% of local educationists	14	22.22%	NA	NA
7	Children in the school	0	0	NA	NA

The data found in table 4.5.9 reveal that-

- a) Cent per cent Government schools have Headmaster/Senior most teacher as a member of SMC.
- b) 25% of teachers as an SMC member is fulfilled by 76.19 per cent Government schools.
- c) 47.62 per cent Government schools have 75% of SMC member from parents/guardians of children belonging to BPL family.

- d) Government schools comprising of 55.56 per cent have 25% of Local Authority as an SMC member.
- e) 50% of women as an SMC member is fulfilled by 39.68 per cent of Government schools.
- f) 22.22 per cent of Government schools have 25% of SMC member from local educationists.
- g) None of the Government schools have children as an SMC member.

As per section 21 of The Right of Children to Free and Compulsory Education Act 2009, *“A school, other than an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority 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 provided that at least three-fourth of members of such Committee shall be parents or guardians. The appropriate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section wherein fifty per cent of Members of such Committee shall be women”*. Although this provision is implemented in all Government schools, they do not fulfil the required number of members for SMC.

**Table 4.5.10**

Functions that the School Management Committee perform

Sl. No.	Members	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Monitor the working of the school	32	50.79%	NA	NA
2	Prepare and recommend school development plan	50	79.36%	NA	NA
3	Monitor the utilization of the grants received from the appropriate Govt. or local authority or any other source	33	52.38%	NA	NA
4	Perform such other functions as may be prescribed	40	63.49%	NA	NA

According to table 4.5.10, it is found that-

- a) Monitoring the working of the school is performed by SMC members of 50.79 per cent Government schools.
- b) SMC members comprising of 79.36 per cent Government schools prepare and recommend school development plan.
- c) Monitoring the utilization of the grants received from the appropriate Government or local authority or any other source is performed by SMC members of 52.38 per cent Government schools.
- d) Performing other functions as may be prescribed is fulfilled by SMC members of 63.49 per cent Government schools.

According to section 21 (2) (a) of The Right of Children to Free and Compulsory Education Act, 2009, *“The School Management Committee (SMC) shall perform the functions of monitoring the working of the school, prepare and recommend school development plan, monitor the utilisation of the grants received from the appropriate Government or local authority or any other source and perform such other functions as may be prescribed. Every SMC shall prepare a School Development Plan and the School Development Plan so prepared shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be”*. SMC members of all Government schools are unable to implement this provision effectively. Constituting School Management Committee may not be difficult but performing the functions prescribed by the Act is an impossible task to fulfill for most of the Government schools.

**Table 4.5.11**

Implementation of Comprehensive and Continuous Evaluation

Sl. No.	Implementation	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	CCE calendar prepared by SCERT is followed	63	100%	41	100%
Main activities undertaken by the students					
1	Preparation of charts	60	95.24%	41	100%
2	Colouring/painting	28	44.44%	41	100%
3	Drawing	63	100%	41	100%
4	Clay modelling	63	100%	15	36.59%
5	Flower making	41	65.08%	25	60.98%

6	Stitching	34	53.97%	20	48.78%
7	Field visit	14	22.22%	31	75.61%

The data found in table 4.5.11 reveal that-

- a) CCE calendar prepared by SCERT is followed by 100 per cent of Government and private schools.
- b) Majority of Government schools, i.e., 95.24 per cent and cent per cent of private schools adopt an activity like preparation of charts for CCE.
- c) Government schools which consists of 44.44 per cent and cent per cent of private schools practice colouring/painting as an activity for CCE.
- d) Cent per cent of Government and private schools adopt activity like drawing for CCE.
- e) Cent per cent of Government schools and 36.59 per cent private schools practice clay modelling for CCE.
- f) Flower making is adopted by majority of Government and private schools.
- g) Government schools with 53.97 per cent and private schools with 48.78 per cent practice stitching as an activity for CCE.
- h) Field visit is adopted by 22.22 per cent Government and 75.61 per cent private schools.

### **Comparison**

Section 29 (2) of The Right of Children to Free and Compulsory Education Act 2009 provides for, “*Comprehensive and continuous evaluation of child’s understanding of knowledge and his or her ability to apply the same*”. In the implementation of this provision, Government and private schools are equally or almost equally good as revealed by the following:

- a) Both Government and private schools follow CCE calendar prepared by SCERT which is appointed by an academic authority by the Government of Mizoram.
- b) Out of 7 main activities undertaken, preparation of charts, colouring/painting and field visit are the one's implemented by higher percentage of private schools; clay modelling, flower making and stitching are the activities undertaken by higher percentage of Government schools. Drawing is an activity carried out by cent per cent of both Government and private schools

**Table 4.5.12**

Awarding Certificate to Children completing Elementary Education

Sl. No.	Awarding of certificate	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Certificate awarded to children completing elementary education	63	100%	41	100%
2	Things reflected in the certificate:				
	i)Date of Birth	63	100%	41	100%
	ii)Report Card	63	100%	41	100%
	iii)Transfer Certificate	63	100%	41	100%
	iv) Position	63	100%	41	100%
	v)Marks	63	100%	41	100%
	vi)Character	63	100%	41	100%

The above table 4.5.12 reveals that cent per cent of both Government and private schools award certificate to children completing elementary education where date of birth, report card, transfer certificate, position, marks and character are reflected in the certificate.

Section 30 (2) of The Right of Children to Free and Compulsory Education Act 2009 states, “*Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed*” is effectively implemented in all elementary schools where certificate is awarded to each and every child completing elementary education.

**Table 4.5.13**

Deployment of Teachers for any Non-Educational purposes other than Decennial Population Census, Disaster Relief and Elections to Local Authority, State Legislature and Parliament

Sl. No.	Deployment of teachers	Government Schools N=63		Private Schools N=41	
		No.	%	No.	%
1	Deployment of teachers for any non-educational purposes other than decennial population census, disaster relief and elections to local authority, State Legislature and Parliament	NIL	NIL	NIL	NIL

The above table 4.5.13 reveals that none of the teachers from Government and private schools get deployed for any non-educational purposes other than decennial population census, disaster relief and elections to local authority, State Legislature and Parliament.

Thus section 27 of The Right of Children to Free and Compulsory Education Act, 2009 that states, “*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.*” is effectively implemented in all elementary schools.

**4.6.0. Perception of Teachers about the Provisions of Right to Education Act, 2009 and their Implementation in Relation to Management of Schools i.e., Government and Private**

**Table 4.6.1**

Perception of Teachers about the Provision of Free and Compulsory Education to Every Child and its Implementation

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1.	The provision is good and properly implemented	0	0	NA	NA
2.	The provision is good but full implementation is difficult due to the following:				
a)	Education cannot be provided completely free as parents have to contribute/spend money on stationary items mainly due to the introduction of CCE	315	100%	NA	NA
b)	The amount allocated for text-books and exercise books for each child is less than the actual price of the books	315	100%	NA	NA
c)	Compulsory attendance cannot be insisted if and when children and parents are not aware enough of its importance	139	44.13%	NA	NA
d)	Compulsory completion of elementary education is hard to achieve since some children are irregular in attendance and do not do most of the activities for CCE	153	48.57%	NA	NA

The above table 4.6.1 reveals that-

- i) Cent per cent Government school teachers perceive that education cannot be provided completely free as parents have to contribute/spend money on stationary items mainly due to the introduction of CCE and education cannot be provided completely free as the amount allocated for text-books and exercise books for each child is less than the actual price of the books.
- ii) The perception that compulsory attendance cannot be insisted if and when children and parents are not aware enough of its importance is held by 44.13 per cent Government school teachers.
- iii) Government school teachers comprising of 48.57 per cent consider compulsory completion of elementary education as hard to achieve since some children are irregular in attendance and do not do most of the activities for CCE.

According to section 3 (1) of the Right of Children to Free and Compulsory Education Act 2009, "*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*". None of the Government school teachers perceive this provision as good and properly implemented, rather cent per cent of Government school teachers perceive this provision as not fully implemented as parents have to contribute/spend money on stationary items mainly due to the introduction of CCE as the amount allocated for text-books and exercise books for each child is less than the actual price of the books. As this provision is applicable only to Government school, the questions pertaining to this provision are responded by Government school teachers only.

**Table 4.6.2**

Perception about the Provision of prohibiting Physical Punishment and Mental Harassment and its Implementation

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1.	The provision is good and properly implemented in our school	191	60.63%	106	51.71%
2.	Due to this provision, cases of misbehaviour and indiscipline have greatly increased among students	124	39.37%	0	0
3.	Teachers are no more in a position to curb and check undesirable behaviour practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants	124	39.37%	0	0
4	Teachers are less respected by the students	93	29.52%	0	0
6	Teachers are not convinced by the provision	93	29.52%	99	48.29%

It is found vide table 4.6.2 that-

- i) The perception that the provision is good and properly implemented is held by 60.63 per cent Government school teachers and 51.71 per cent private school teachers.
- ii) Government school teachers comprising of 39.37 per cent perceive that prohibiting physical punishment and mental harassment has increased cases of misbehaviour and indiscipline among the students and teachers are no more in a position to curb and check undesirable behaviour practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants.

- iii) 29.52 per cent Government school teachers hold the view that teachers are less respected by the students.
- iv) The perception that teachers are not convinced by the provision is held by 29.52 per cent Government school teachers and 48.29 per cent private school teachers.

**Comparison:**

According to section 17 (1) of the Right of Children to Free and Compulsory Education Act 2009, "*No child shall be subjected to physical punishment or mental harassment*". In this regard, Government school teachers have more positive perception than private school teachers as briefly described below:

- i) The percentage of teachers who perceive the provision as good and as properly implemented in schools is higher among Government school teachers than among private school teachers
- ii) The percentage of teachers who have the view that teachers are not convinced by the provision is lower among Government school teachers than among private school teachers. However, Government school teachers perceive more bad effects of the provision.

**Table 4.6.3**

Perception about Provision of Continuous and Comprehensive Education (CCE) and its Implementation

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1.	CCE is good as its improves quality of education	315	100%	205	100%
2.	Since it is an activity based learning system, it releases the children from boredom	315	100%	205	100%
3.	Due to CCE, children feel more motivated and enthusiastic to go to school	218	69.21%	88	42.93%
4.	CCE is effectively implemented	0	0	0	0
5.	CCE cannot be effectively implemented due to:				
a)	Inadequate number of teachers	299	94.92%	0	0
b)	Limited time to assess the learning abilities of the children	99	31.43%	87	42.44%
c)	Inadequate amount of money for CCE	315	100%	0	0

The above table 4.6.3 reveals that-

- i) Cent per cent of Government and private school teachers perceive implementation of Continuous and Comprehensive Education (CCE) as good as it improves quality of education and that since it is an activity based learning system, it releases the children from boredom.
- ii) The perception that children feel more motivated and enthusiastic to go to school is held by 69.21 per cent Government and 42.93 per cent private school teachers.
- iii) 94.92 per cent Government school teachers perceive that CCE cannot be effectively implemented due to inadequate number of teachers.
- iv) Government school teachers i.e., 31.43 per cent and private school teachers i.e., 42.44 per cent perceive it as limited time to assess the learning abilities of the children for CCE.
- v) Cent percent of Government school teachers perceive it due to inadequate amount of money for CCE.

### **Comparison:**

Section 29 (2) (e) of The Right of Children to Free and Compulsory Education Act 2009 talks about *comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same*. In this regard:

- i) Both Government and private school teachers perceive CCE as good, as improving the quality of education and as releasing children from boredom. However, higher percentage of Government school teachers perceive children to feel more motivated and enthusiastic to go to school due to CCE.

- ii) No Government and private school teacher perceive CCE as effectively implemented
- iii) While majority of Government school teachers perceive inadequate number of teachers and money as the main reasons for not effectively implementing CCE, no private school teacher perceives so. However, higher percentage of private school teachers (42.44%) perceive that CCE cannot be effectively implemented due to limited time to assess the learning abilities of the children
- iv) It may thus be concluded that the perception of Government school teachers about the provision of CCE is slightly more favourable than that off private school teachers. At the same time, such Government school teachers perceive more problems that hamper effective implementation of CCE than private school teachers.

**Table 4.6.4**

Perception about the Provision of holding Regular Meetings with Parents and Guardians and its Implementation

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision is good	315	100%	205	100%
2	The provision is effectively implemented	0	0	205	100%
3	Effective implementation of the provision is difficult due to:				
a)	Shortage of teachers	107	33.97%	0	0
b)	Inadequate infrastructure	131	41.59%	0	0

According to table 4.6.4, it is found that-

- i) Cent per cent of both Government and private school teachers perceive provision of holding regular meetings with parents and guardians as good.
- ii) Cent per cent of private school teachers perceive that the provision is effectively implemented in their schools.
- iii) Government school teachers comprising of 33.97 per cent perceive holding regular meetings with parents and guardians as difficult to effectively implement due to shortage of teachers.
- iv) 41.59 per cent Government school teachers perceive it due to inadequate infrastructure.

**Comparison:**

Section 24 9(1) (f) of the Right of Children to Free and Compulsory Education Act 2009 states, "*A teacher appointed shall perform the duty of holding regular meetings with parents and guardians and appraise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child*". In regard to this provision, perception of teachers from private schools are in better conformity with the provision than that of teachers from Government schools as follows:

- i) While none of the Government school teachers perceive the provision of holding regular meetings with parents and guardians as effectively implemented, cent per cent of private school teachers perceive so.
- ii) While Government school teachers i.e., 33.97 per cent perceive holding regular meetings with parents and guardians as difficult to effectively implement due to shortage of teachers, none of the private school teachers perceive the same.

- iii) While Government school teachers perceive that effective implementation of the provision is difficult due to inadequate infrastructure, none of the private school teachers perceive so.

**Table 4.6.5**

Perception about the Provision that prohibits Teachers to engage Himself or Herself in Private Tuition or Private Teaching Activity

Sl. No	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision is good and implemented in our school	315	100%	16	7.80%
2	The provision is good but not implemented effectively	0	0	189	92.2%
3	Private tuition is still continued due to:				
a)	Pressure from parents	0	0	154	75.12%
b)	Pressure from children	0	0	88	42.93%
c)	If parents are willing to pay money for tuition, why should the government ban it	151	47.93%	189	92.2%
d)	There is no harm in giving private tuition as long it does not affect our work	0	0	189	92.2%

The above table 4.6.5 reveals that-

- i) Cent per cent of Government and 7.80 per cent private school teachers perceive the provision that prohibits teachers to engage himself or herself in private tuition or private teaching activity as good and implemented in their school.
- ii) Private school teachers comprising of 92.2 per cent perceive the provision as good but not implemented effectively.
- iii) Private school teachers consisting of 75.12 per cent perceive giving private tuition as necessary due to pressure from parents.
- iv) 42.93 per cent private school teachers perceive it due to pressure from children.
- v) Government school teachers with 47.93 per cent and private school teachers with 92.2 per cent perceive that if parents are willing to pay money for tuition, the Government should not ban it.
- vi) Private school teachers i.e., 92.2 per cent find it no harm in giving private tuition as long as it does not affect their work.

### **Comparison**

As per section 28 of the Right of Children to Free and Compulsory Education Act 2009, "*No teacher shall engage himself or herself in private tuition or private teaching activity*". In the light of this provision, perceptions of teachers from Government schools are in better conformity with the provision than that of private school teachers on the following grounds:

- i) As low as 7.80 per cent perceive the provision that prohibits teachers to engage himself or herself in private tuition or private teaching activity as good and implemented in their school while cent per cent of Government school teachers perceive the same.

- ii) Whereas private school teachers with 92.2 per cent perceive the provision as good but not implemented effectively, none of the Government school teachers perceive so.
- iii) While none of the private school teachers consisting of 75.12 per cent perceive giving private tuition as necessary due to pressure from parents, none of the Government school teachers perceive the same.
- iv) Whereas 42.93 per cent private school teachers perceive it due to pressure from children, none of the Government school teachers perceive so.
- vii) While Government school teachers comprising of 47.93 per cent perceive that if parents are willing to pay money for tuition, the Government should not ban it while a large majority of private school teachers perceive so in this case.
- viii) Private school teachers comprising of 92.2 per cent find it no harm in giving private tuition as long as it does not affect their work while Government school teachers do not have perception in this case.

**Table 4.6.6**

(For Private Unaided Schools only) Perception about the Provision of admitting in class 1, to the extent of at least 25 per cent of the Strength of that Class, Children belonging to Weaker Section and Disadvantaged Group in the Neighbourhood and provide Free and Compulsory Elementary Education till its completion.

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1.	The provision is good and children belonging to Below Poverty Line (BPL) family should be given free and compulsory elementary education	NA	NA	205	100%
2.	The provision is properly implemented in our school	NA	NA	0	0
3.	The provision is not implemented in reality	NA	NA	205	100%

According to table 4.6.6, it is found that –

- i) Cent per cent private school teachers perceive the provision of reserving of 25 per cent of seats in class I for children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till their completion as good and children belonging to Below Poverty Line (BPL) family should be given free and compulsory elementary education.
- ii) The perception that the provision is not implemented in reality is held by cent per cent of private school teachers.

Although section 12 (c) of The Right of Children to Free and Compulsory Education Act 2009 states “An unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority shall admit in class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory education till its completion”, this provision though good is not implemented in reality as perceived by cent per cent of private school teachers.

**Table 4.6.7**

Perception about the Provision that prohibits Subjecting the Child or his/her Parents or Guardian to any Screening Procedure for Admission and its Implementation.

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision is good and implemented in our school	315	100%	78	38.05%
2	The provision is good but not implemented in our school	0	0	127	61.95%
3	It is not fair to ban screening for admission as:				
a)	The number of applications exceeds the number of seats available	0	0	127	61.95%
b)	It is the desire of every school to admit better students	0	0	205	100%
c)	Without screening, many good students are denied admission	0	0	205	100%
4	The provision has nothing to do with our schools as:				

a)	The number of students seeking admission in our school is too limited even without screening	315	100%	0	0
b)	Screening is not needed since more children seek admission to private schools which makes us loose our students gradually	315	100%	0	0

The above table 4.6.7 reveals that-

- i) Cent per cent of Government and 38.05 per cent private school teachers perceive the provision that prohibits subjecting the child or his//her parents or guardian to any screening procedure for admission as good and implemented in their schools.
- ii) Private school teachers with 61.95 per cent perceive the provision as good but not implemented in their schools.
- iii) Private school teachers comprising of 61.95 per cent perceive it is not fair to ban screening for admission as the number of applications exceeds the number of seats available.
- iv) Cent per cent of private school teachers perceive it is the desire of every school to admit better students and without screening, many good students are denied admission.
- v) Government school teachers comprising of cent per cent percentage perceive the provision has nothing to do with their schools as the number of students seeking admission in their school is too limited even without screening and that screening is not needed since more children seek admission to private schools which makes them loose their students gradually.

## Comparison

Section 13 (1) of the Right of Children to Free and Compulsory Education Act 2009 states, "*No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure*". Based on this provision, the perceptions of teachers from Government schools are more in conformity with the provisions than that of teachers from private schools on the following grounds:

- i) While cent per cent of Government school teachers perceive the provision that prohibits subjecting the child or his/her parents or guardian to any screening procedure for admission as good and implemented in their schools, as low as 38.05 per cent private school teachers perceive the same.
- ii) Majority of private school teachers comprising of 61.95 per cent perceive the provision as good but not implemented in their schools while none of the Government school teachers perceive so.
- iii) While majority i.e., 61.95 per cent private school teachers perceive it is not fair to ban screening for admission as the number of applications exceeds the number of seats available while none of the Government school teachers perceive the same.
- iv) Cent per cent of private school teachers perceive it is the desire of every school to admit better students and without screening, many good students are denied admission while cent per cent of Government school teachers hold the view that the provision has nothing to do with their schools as the number of students seeking admission in their school is too limited even without screening and screening not needed since more children seek admission to private English medium schools which makes them loose their students gradually.

**Table 4.6.8**

Perception about the Provision that prohibits Denial of Admission if such Admission is sought Subsequent to the Extended Period and its Implementation

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision is good as it safeguards children from dropping out	315	100%	176	85.85%
2	The provision is properly implemented in our school	315	100%	0	0
3	The provision is difficult to implement due to accomodation problem	0	0	205	100%

Table 4.6.8 shows that-

- i) Cent per cent of Government and 85.85 per cent private school teachers perceive the provision that prohibits denial of admission if such admission is sought subsequent to the extended period as good as it safeguards children from dropping out.
- ii) Cent per cent of Government school teachers perceive the provision as properly implemented in their schools.
- iii) Cent per cent of private school teachers perceive the provision is difficult to implement due to accommodation problem.

## Comparison

According to section 15 of the Right of Children to Free and Compulsory Education 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*". In the light of this provision, Government school teachers seem to agree better with this provision than Government school teachers as follows:

- i) Whereas cent per cent of Government school teachers perceive the provision that prohibits denial of admission if such admission is sought subsequent to the extended period as good as it safeguards children from dropping out, only 85.85 per cent private school teachers perceive the same.
- ii) Cent per cent of Government school teachers perceive the provision as properly implemented in their schools while none of the private school teachers perceive so.
- iii) While cent per cent of private school teachers perceive the provision as difficult to implement due to accommodation problem, none of the Government school teachers hold such view.

**Table 4.6.9**

Perception about the Provision that prohibits Holding Back a Child in any Class or Expulsion from School till the Completion of Elementary Education and its Implementation

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision is good and implemented in our school	123	39.05%	205	100%
2	The provision is not good and not implemented as:				
a)	Students become more indisciplined	192	60.95%	0	0
b)	Students become more irregular in attendance	102	32.38%	0	0
c)	Students give less importance to their studies	192	60.95%	0	0
d)	Students take more advantage from their teachers	85	26.98%	0	0

According to table 4.6.9, it is found that-

- i) The perception that the provision of prohibiting to hold back a child in any class or expulsion from school till the completion of elementary education as good and implemented in their school is held by 39.05 per cent Government school teachers and cent per cent of private school teachers
- ii) Government school teachers consisting of 60.95 per cent perceive the provision as not good and not implemented as students become more indisciplined and give less importance to their studies.
- iii) 32.38 per cent Government school teachers perceive that students become more irregular in attendance.

- iv) The perception that students take more advantage from their teachers is held by 26.98 per cent Government school teachers.

### **Comparison**

Section 16 of the Right of Children to Free and Compulsory Education Act 2009 states, "*No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education*". In regard to this provision, private school teachers are in better conformity with the provision than Government school teachers implied as under:

- i) While cent per cent of private school teachers perceive that the provision of prohibiting to hold back a child in any class or expulsion from school till the completion of elementary education as good and implemented in their schools, 39.05 per cent Government school teachers perceive the same.
- ii) While there are several Government school teachers who perceive this provision not good as students become more indisciplined and give less importance to their studies, become irregular in their studies and students taking more advantage from their teachers, none of the private school teachers have perceptions like these since this provision is effectively implemented in private schools.

**Table 4.6.10**

Where a Child above Six years of age has not been admitted in any School or though admitted, could not complete his/her Elementary Education, Perception about Admitting that Child in a Class Appropriate to his/her Age

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision is good and should be implemented as:				
a)	It is the right of every child to be admitted in school and get education	315	100%	136	66.34%
b)	It is the duty of the school to accommodate such children	315	100%	136	66.34%
c)	It is the duty of the teacher to guide those children and give them special attention	275	87.30%	136	66.34%
2	The provision is not good and difficult to implement as:				
a)	It creates accomodation problem	0	0	69	33.66%
b)	Number of teachers is insufficient	0	0	37	18.05%
c)	It deteriorates the quality of education	0	0	0	0
d)	There is no time for remedial teaching	0	0	33	16.1%

The above table 4.6.10 reveals that-

- i) Government and private school teachers having cent per cent percentage perceive admitting a child in a class appropriate to his/her as good and should be implemented as it is the right of every child to be admitted in school and get education.

- ii) Cent per cent of Government school teachers and 66.34 per cent private school teachers perceive it the duty of the school to accommodate such children.
- iii) 87.30 per cent Government school teachers and 66.34 per cent private school teachers hold the view that is the duty of the teacher to guide those children and give them special attention.
- iv) Private school teachers comprising of 33.66 per cent perceive as not good and difficult to implement due to accommodation problem.
- v) 18.05 per cent private school teachers perceive it as the number of teachers being insufficient
- vi) The perception that there is no time for remedial teaching is held by 16.1 per cent private school teachers.

### **Comparison**

As per section 4 of the Right of Children to Free and Compulsory Education Act 2009, *"Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age"*. In the light of this provision, the perceptions of teachers from Government schools are more in conformity with the provision than that of private school teachers on the following grounds:

- i) Cent per cent Government school teachers perceive admitting a child in a class appropriate to his/her as good as it is the right of every child to be admitted in school and get education and the duty of the school to accommodate such children while majority i.e., 66.34 per cent private school teachers perceive so.

- ii) As high as 87.30 per cent Government school teachers hold the view that is the duty of the teacher to guide those children and give them special attention while 66.34 per cent private school teachers perceive so.
- iii) While several teachers from Government schools perceive the provision as not good and difficult to implement as it creates accommodation problem, number of teachers insufficient and no time for remedial teaching, none of the private school teachers perceive the same.

**Table 4.6.11**

Perception about the functioning of School Management Committee (SMC)

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision prescribing the functions of SMC is good and implementable	315	100%	NA	NA
2	SMC functions efficiently in our school	0	0	NA	NA
3	SMC does not function efficiently in our school due to:				
a)	Lack of co-operation among the members	255	80.95%	NA	NA
b)	Lack of interest among the members	255	80.95%	NA	NA
c)	Members not willing to devote their time	255	80.95%	NA	NA
d)	Member busy in their personal business	197	62.54%	NA	NA
e)	No time for SMC meeting	0	0	NA	NA

The above table 4.6.11 reveals that-

- i) Cent per cent of Government school teachers perceive the provision about the functioning of School Management Committee (SMC) as good and implementable.
- ii) Government school teachers consisting of 80.95 per cent perceive SMC does not function efficiently due to lack of co-operation, lack of interest and members not willing to devote their time.
- iii) 62.54 per cent Government school teachers hold the view that members are busy in their personal interest.

iv) As per Section 21 (2) of The Right of Children to Free and Compulsory Education Act 2009, *“The School Management Committee (SMC) shall perform the functions of monitoring the working of the school, prepare and recommend school development plan, monitor the utilisation of the grants received from the appropriate Government or local authority or any other source and perform such other functions as may be prescribed”*.

Cent per cent of Government school teachers perceive the provision about the functioning of School Management Committee (SMC) as good and implementable and majority of them perceive SMC does not function efficiently due to lack of co-operation, lack of interest, members not willing to devote their time and members busy in their personal interest. There are no teachers who have perception about SMC functioning efficiently in their schools.

**Table 4.6.12**

Perception about the Provision for giving Special Training to those Children who have been admitted into the Age Appropriate Class and its Implementation.

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205		
		No.	%	No.	%	
1	The provision is good and implemented	34	10.8%	0	0	
2	Giving the child an academic and emotional support will enable him to successfully integrate with the rest of the children	315	100%	0	0	
3	The provision is good but difficult to implement due to:					
a)	Shortage of teachers	159	50.47%	0	0	
b)	Lack of sufficient time	122	38.73%	0	0	

It is found vide table 4.6.12 that-

- i) Government school teachers with 10.8 per cent perceive the provision of giving special training to those children who have been admitted into the age appropriate class as good and implemented in their schools.
- ii) Cent per cent of Government school teachers perceive giving the child an academic and emotional support will enable him to successfully integrate with the rest of the children.
- iii) 50.47 per cent Government school teachers perceive the provision as good but difficult to implement due to shortage of teachers.
- iv) Government school teachers i.e., 38.73 per cent perceive it due to lack of sufficient time.

As per section 4 of The Right of Children to Free and Compulsory Education Act 2009, “Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age”. As low as 10.8 per cent Government school teachers perceive the provision of giving special training to those children who have been admitted into the age appropriate class as good and implemented in their schools and cent per cent of them perceive that giving the child an academic and emotional support will enable him to successfully integrate with the rest of the children. Several teachers from Government schools hold the view that the provision is good but difficult to implement due to shortage of teachers and lack of sufficient time. Since private schools do not have such kind of children, private school teachers do not have perceptions about this provision.

**Table 4.6.13**

Perception about the Provision of making a Person possess Minimum Qualifications as laid down by the Academic Authority eligible for appointment as a Teacher and its Implementation

Sl. No.	Perception	Teachers from Government Schools N=315		Teachers from Private Schools N=205	
		No.	%	No.	%
1	The provision is good for improvement of quality of education	315	100%	NA	NA
2	Only persons possessing the minimum qualifications as laid down by the academic authority are appointed as teachers	0	0	NA	NA
3	Persons not possessing the minimum qualifications as laid down by the academic authority are also appointed as teachers	315	100%	NA	NA

The above table 4.6.13 reveals that-

- i) Cent per cent of Government school teachers perceive the provision of making a person eligible for appointment as a teacher as good for improving the quality of education.
- ii) Cent per cent of Government school teachers perceive that persons not possessing the minimum qualifications as laid down by the academic authority are also appointed as teachers.

Section 23 (2) of The Right of Children to Free and Compulsory Education Act 2009 states, *“Any person possessing minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher”*. Cent per cent of Government school teachers find the provision of making a person eligible for appointment as a teacher as good for improving the quality of education. However, cent per cent of them perceive that persons not possessing the minimum qualifications as laid down by the academic authority are also appointed as teachers. This provision is not applicable for teachers of private schools.

**4.7.0. Perception of Parents about the Provisions of Right to Education Act, 2009 and their Implementation in Relation to Management of Schools i.e., Government and Private**

**Table 4.7.1**

Perception about the Provision of Free and Compulsory Education for Every Child

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is very good for ensuring universalization of elementary education	126	100%	NA	NA
2	The provision of free education is very good as our children can receive free education	119	94.44%	NA	NA
4	I find compulsory completion of elementary education good	126	100%	NA	NA

It is found vide table 4.7.1 that-

- a) Cent per cent parents from Government schools perceive the provision of free and compulsory education for every child as very good for ensuring universalization of elementary education
- b) As many as 94.44 per cent of parents from Government schools perceive the provision of free education as very good as their children can receive free education
- c) Cent per cent parents from Government schools find compulsory completion of elementary education good

According to section 3 (1) of the Right of Children to Free and Compulsory Education Act 2009, "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". Cent per cent of parents from Government schools perceive the provision of free and compulsory education for every child as very good for ensuring universalization of elementary education and compulsory completion of elementary education. Majority of the parents also perceive the provision of free education as very good as their children can receive free education. As this provision is applicable only to Government schools, the questions pertaining to this provision are responded by parents of children from Government schools only.

**Table 4.7.2**

Perception about the Implementation of Free and Compulsory Education for every Child

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	It is fully implemented by the school where my child is enrolled	0	0	NA	NA
2	Implementation of compulsory attendance on our part is difficult as we parents cannot send our children to school every day due to the need for our children's service at home	35	27.78%	NA	NA
2	Education is not completely free as we have to contribute/spend money on stationary items mainly due to the introduction of CCE	126	100%	NA	NA
3	Education is not completely free as we have to pay for some text-books and exercise books	126	100%	NA	NA
4	Implementing the provision in its true sense is difficult	126	100%	NA	NA

Table 4.7.2 shows that-

- i) The perception that implementation of compulsory attendance on our part is difficult as we parents cannot send our children to school every day due to the need for our children's service at home is held by 27.78 per cent parents from Government schools.
- ii) Cent per cent parents from Government schools perceive education as not completely free as they have to contribute/spend money on stationary items mainly due to the introduction of CCE, pay for some text-books and exercise books and that implementing the provision in its true sense is difficult. No parent perceives the provision as fully implemented in the school where his/her child is enrolled.

Section 3 (1) of the Right of Children to Free and Compulsory Education Act 2009 that states, "*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*" is perceived to be not fully implemented even by parents from Government schools. There are some parents who perceive implementation of compulsory attendance on their part as difficult as they cannot send their children to school every day due to the need of their children's service at home. Cent per cent of the parents also perceive that education is not completely free as they have to contribute/spend money on stationary items mainly due to the introduction of CCE, pay for some text-books and exercise books and that implementing the provision in its true sense is difficult. As this provision is not applicable for private schools, parents of children from these schools did not respond to the questions pertaining to the provision.

**Table 4.7.3**

Where a Child above Six years of age has not been admitted in any School or though admitted, could not complete his/her Elementary Education, Perception about the Provision of Admitting that Child in a Class Appropriate to his/her Age.

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good as it helps in compulsory enrolment, attendance and completion of elementary education of our children	126	100%	64	78.04%
2	It is the duty of the school to accommodate such children	126	100%	64	78.04%
3	It is the duty of the teacher to guide those children and give them special attention	126	100%	74	90.24%
4	It is implemented in my child's school	47	37.30%	0	0

According to table 4.7.3, it is found that -

- a) Cent per cent of the parents from Government schools and 78.04 per cent parents from private schools perceive the provision of admitting a child into a class appropriate to his/her age as good as it helps in compulsory enrolment, attendance and completion of elementary education of their children.
- b) Cent per cent parents from Government schools and 78.04 per cent parents from private schools perceive that it is the duty of the school to accommodate such children.

- c) The perception that it is the duty of the teacher to guide those children and give them special attention is held by cent per cent parents from Government schools and 90.4 per cent parents from private schools.
- d) 37.01 per cent parents from Government schools perceive the provision as implemented in their child's school

### **Comparison**

As per section 4 of the Right of Children to Free and Compulsory Education Act 2009, *"Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age"*. In the light of this provision, the perceptions of parents from Government schools are more in conformity with the provision than that of parents of private schools on the following grounds:

- a) While cent per cent of parents from Government schools perceive this provision as good and helping compulsory enrolment, attendance and completion of elementary education of their children and perceive that it is the duty of the school to accommodate such children and the duty of the teacher to guide those children and give them special attention, majority of the parents from private schools perceive so.
- b) While 37.01 per cent parents from Government schools perceive the provision as implemented in their child's school, none of the parents from private schools perceive so.

**Table 4.7.4**

Perception about the Implementation of the Provision of admitting that Child in a Class  
Appropriate to his/her Age

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is implemented in my child's school	18	14.29%	0	0
2	The provision is not yet implemented in my child's school	0	0	0	0
3	I am not aware about its implementation	108	85.71%	82	100%

The above table 4.7.4 reveals that-

- a) Parents from Government schools comprising of 14.29 per cent perceive provision of admitting a child in a class appropriate to his/her age as implemented in the schools where their children are admitted. None of the parents from private schools perceive the provision as implemented.
- b) None of the parents from Government and private schools perceive the provision as not yet implemented in their children's schools.
- c) 85.71 per cent parents from Government schools and cent per cent parents from private schools are not aware of its implementation.

## Comparison

Section 4 of the Right of Children to Free and Compulsory Education Act 2009 states, *"Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age"*. The perception/awareness of parents from Government and private schools are slightly different as under:

- a) While 14.29 per cent parents from Government schools perceive the provision of admitting a child in a class appropriate to his/her age is implemented in their children's schools, none of the parents from private elementary schools perceive so. This may be due to the fact that none of the private schools implement the provision.
- b) While 85.71 per cent of parents from Government schools are not aware about the implementation of the provision, cent per cent of the parents from private schools are not aware of it probably due to non-implementation of the provision by private schools.

**Table 4.7.5**

Perception about the Prohibition of collecting any Capitation Fee while admitting a Child and its Implementation.

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good as it prohibits the collection of capitation fee	126	100%	82	100%
2	The provision is good as it safeguards parents from being exploited by schools	100	79.37%	82	100%
3	Parents are relieved by the implementation of this provision	0	0	74	90.24%
4	Schools do not collect capitation fee	126	100%	82	100%

According to table 4.7.5, it is found that-

- a) Cent per cent parents from Government and private schools perceive the provision of prohibiting collection of any capitation fee while admitting a child as good and that the schools do not collect capitation fee
- b) 79.37 per cent parents from Government schools and cent per cent parents from private schools perceive the provision as good and as safeguarding parents from being exploited by schools
- c) Majority of parents i.e.,90.24 per cent private schools perceive that parents are relieved by the implementation of this provision while none of the parents from Government

schools perceive the same possibly due to non-applicability of capitation fee for Government schools

### **Comparison**

According to section 13 (1) of the Right of Children to Free and Compulsory Education Act 2009, "*No school or person shall, while admitting a child, collect any capitation fee*". In this regard, the perceptions of parents of private schools are little more in agreement with the provision than that of parents from Government schools as implied by the following:

- a) While cent per cent parents from private schools perceive the provision as good and safeguarding parents from being exploited by schools, there are some percentages of parents from Government schools who do not have favourable perception to that extent probably as they are not affected by collection of capitation fee
- b) Majority of parents i.e., 90.24 per cent of private schools perceive that parents are relieved by the implementation of this provision while none of the parents from Government schools perceive the same

**Table 4.7.6**

Perception about prohibition of any Screening Procedure for Admission and its Implementation.

Sl. No.	Perception	Parents of Government Schools N=126		Parents of Private Schools N=82	
		No.	%	No.	%
1	Prohibition of any screening procedure for admission is good	126	100%	55	67.07%
2	Admission by first come first serve is better than screening	126	100%	55	67.07%
3	Admission by draw of lottery system is better than screening	0	0	0	0
4	Screening for admission should not be prohibited	0	0	27	32.93%
5	Schools screen children for admission through test and/or interview	0	0	27	32.93%
7	Any school subjecting a child to screening procedure for admission should be punished with fine	68	53.96%	55	67.07%

Table 4.7.6 shows that-

- a) Cent per cent parents from Government schools and 67.07 per cent parents from private schools perceive prohibiting any screening procedure for admission as good and admission by first come first serve as better than screening.
- b) 32.93 per cent parents from private schools hold the view that screening for admission should not be prohibited and that schools screen children for admission through test and/or interview.

- c) Majority i.e., 53.96 per cent parents from Government schools and 67.07 per cent parents from private schools hold the view that any school subjecting a child to screening procedure for admission should be punished with fine.

### **Comparison**

Section 13 (1) of the Right of Children to Free and Compulsory Education Act 2009 states, "*No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure. Any school or person, if in contravention of the provision receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged*". Based on this provision, the perceptions of parents from Government schools are better than parents from private schools on the following grounds:

- a) Whereas cent per cent parents from Government schools perceive prohibition of any screening procedure for admission as good and admission by first come first serve as better than screening, only 67.07 per cent parents from private schools perceive the same.
- b) While 32.93 per cent parents from private schools perceive that screening for admission need not be prohibited and schools screen children for admission through test and/or interview, none of the parents from Government schools perceive so.
- d) On the provision relating to fine, perception of parents from private schools is more in agreement with the provision of Right to Education Act, 2009 as 67.07 per cent of these parents perceive that any schools subjecting a child to screening procedure for admission should be punished with fine, whereas only 53.96 per cent parents from Government schools perceive so.

**Table 4.7.7**

Perception about the Provision of admitting all the Children seeking Admission in the Child's School even if Admission is sought subsequent to the Extended Period and its Implementation.

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good as it helps in ensuring universal enrolment, attendance and completion of elementary education to every child	126	100%	82	100%
2	The provision is good as it gives a challenge to the teachers to work more	7	5.56%	19	23.17%
3	Children seeking admission subsequent to the extended period should be welcome	126	100%	82	100%
4	The provision is good as my child has the chance to get admission in good schools due to migration or other problems	41	32.54%	30	36.59%
5	The provision is implemented by the schools	7	5.56%	19	23.17%

The above table 4.7.7 reveals that-

- a) Cent per cent parents from Government and private schools perceive the provision of admitting all the children seeking admission in their children's school even if admission is sought subsequent to the extended period as good.
- b) As low as 5.56 per cent parents from Government schools perceive the provision as good as it gives a challenge to the teachers to work more and that the provision is implemented by the schools while 23.17 per cent parents of children from private elementary schools perceive the same.

- c) Cent per cent of parents from both Government and private schools are of the view that children seeking admission subsequent to the extended period should be welcome.
- d) 32.54 per cent parents from Government schools and 36.59 per cent parents from private schools find the provision good as their children have the chance to get admission in good schools due to migration or other problems.

### **Comparison**

According to section 15 of the Right of Children to Free and Compulsory Education 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”*. In the light of this provision, parents from private schools seem to agree better with this provision than parents from Government schools as follows:

- a) As low as 5.56 per cent parents of Government schools find the provision as good as it gives a challenge to the teachers to work more and that the provision is implemented by the schools while 23.17 per cent parents from private schools perceive so.
- b) Parents from Government schools i.e., 32.54 per cent perceive the provision as good as their children have the chance to get admission in good schools due to migration or other problems while 36.59 per cent parents from private schools perceive the same.

**Table 4.7.8**

Perception about prohibition of Holding Back a Child in any Class or Expulsion from School till the completion of Elementary Education and its Implementation.

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good as it does away with unnecessary burden of the children	99	78.58%	48	58.54%
2	The provision is good as my child now feels safe and secured	50	39.68%	6	7.32%
3	When CCE is properly implemented, there is no question of holding back a child in any-class	99	78.58%	82	100%
4	The provision makes the teachers work less and neglect our children to a certain extent	11	8.73%	0	0
5	The provision makes our children work less and create negligence in their studies	23	18.25%	0	0
6	The provision is properly implemented	103	81.75%	82	100%

It is found vide table 4.7.8 that-

- a) Majority i.e., 78.58 per cent parents from Government and 58.54 per cent parents from private schools perceive the provision of prohibition of holding back a child in any class or expulsion from school till the completion of elementary education as good and doing away with unnecessary burden of the children.
- b) 39.68 per cent parents from Government schools and 7.32 per cent parents from private schools perceive the provision as good and making children feel safe and secured.

- c) As many as 78.58 per cent parents from Government and cent per cent parents from private schools are of the view that there is no question of holding back a child in any class if CCE is properly implemented.
- d) As low as 8.73 per cent parents from Government schools find the provision makes the teachers work less and neglect their children to a certain extent.
- e) Parents from Government schools consisting of 18.25 per cent perceive the provision makes their children work less and create negligence in their studies.
- f) As high as 81.75 per cent Government school teachers and cent per cent private school teachers perceive the provision as properly implemented.

### **Comparison**

Section 16 of the Right of Children to Free and Compulsory Education Act 2009 states, *"No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education"*. In regard to this provision, perception of parents from Government schools are in better conformity with the provision than that of parents from private schools implied by the following:

- a) As many as 78.58 per cent parents from Government schools perceive the provision of prohibition of holding back a child in any class or expulsion from school till the completion of elementary education as good and does away with unnecessary burden of the children while only 58.54 per cent parents from private schools perceive so.
- b) While 39.68 per cent parents from Government schools hold the view that the provision is good and their children feel safe and secured, as low as 7.32 per cent parents from private schools perceive the same.

- c) At the same time, it is only parents from Government schools who express the negative effects of the provision.
- d) The percentage of parents who perceive that there is no question of holding back a child in any class if CCE is properly implemented is higher among parents from private schools than among parents from Government schools.
- e) A large majority of parents from Government schools perceive the provision as properly implemented while cent per cent of parents from private schools perceive so in this case.

**Table 4.7.9**

Perception about prohibition of Physical Punishment and Mental Harassment and its Implementation

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good as it makes children feel safe and secured	116	92.06%	82	100%
2	The provision is good as it enhances closer relationship among students and teachers	116	92.06%	82	100%
3	The provision is bad as it enhances misbehaviour and indiscipline among students	10	7.94%	0	0
4	Teachers are no more in a position to curb and check undesirable behaviour and practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants	8	6.35%	0	0
5	Teachers are less respected by the students due to this provision	5	3.97%	0	0
6	The provision is properly implemented	68	53.97%	56	68.29%

The above table 4.7.9 reveals that-

- a) As high as 92.06 per cent parents from Government schools and cent per cent parents from private schools perceive prohibition of physical punishment and mental harassment as good and makes children feel safe and secured and enhances closer relationship among students and teachers.
- b) As low as 7.94 per cent parents from Government schools find the provision as bad and enhances misbehaviour and indiscipline among students.
- c) Only 6.35 per cent parents from Government schools are of the view that teachers are no more in a position to curb and check undesirable behaviour and practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants.
- d) Parents of Government schools i.e. 3.97 per cent perceive teachers are less respected by the students due to this provision.
- e) The perception that the provision is properly implemented is held by 53.97 per cent parents from Government schools and 68.29 per cent parents from private schools.

### **Comparison**

According to section 17 (1) of the Right of Children to Free and Compulsory Education Act 2009, "*No child shall be subjected to physical punishment or mental harassment*". In support of this provision, parents from private schools are in better agreement with this provision than parents from Government schools implied as under:

- a) While cent per cent parents of private schools perceive the provision of prohibiting physical punishment and mental harassment as good and makes children feel safe and

secured and enhances closer relationship among students and teachers, less than 100 per cent of parents from Government schools perceive so.

- b) Some parents from Government schools perceive the provision as bad as it enhances misbehaviour and indiscipline among students, teachers no more in a position to curb and check undesirable behaviour and practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants and teachers being less respected by the students while none of the parents from private schools perceive the same.
- c) While the perception about the provision being properly implemented is held by 53.97 per cent parents from Government schools, 68.29 per cent parents from private schools perceive the same.

**Table 4.7.10**

Perception about the composition of School Management Committee (SMC)

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	Composition of parents or guardians (at least three-fourth of members of such committee) is -				
	too less	0	0	NIL	NIL
	good enough	29	23.02%	NIL	NIL
	too many	97	76.10%	NIL	NIL
2	Composition of women member (fifty percent of members of such committee) is -				
	too less	0	0	NIL	NIL
	good enough	34	26.98%	NIL	NIL
	too many	101	80.16%	NIL	NIL
3	Composition of elected members of local authority (one-third members of such committee) is				

	too less	8	6.35%	NA	NA
	good enough	118	93.65%	NA	NA
	too many	0	0	NA	NA
4	Composition of teachers from the school (one-third members of such committee) is				
	too less	14	11.11%	NA	NA
	good enough	112	88.89%	NA	NA
	too many	0	0	NA	NA
5	Composition of local educationists or children in the school (one-third members of such committee) is				
	too less	0	0	NA	NA
	good enough	126	100%	NA	NA
	too many	0	0	NA	NA
6	Composition of SMC in my child's school is as per the provision	0	0	NA	NA

It is found vide table 4.7.10 that-

- a) Parents from Government schools comprising of 23.02 per cent perceive the composition of parents or guardians for SMC member as good enough and 76.10 per cent of the parents perceive as too many.
- b) For the composition of women member, 26.98 per cent parents from Government schools perceive as good enough and 80.16 percent parents perceive as too many.
- c) Parents from Government schools consisting of 6.35 per cent perceive the composition of women member as good enough and 93.65 per cent of the parents perceive as too many.
- d) As low as 11.11 per cent parents from Government schools perceive composition of elected members of local authority as too less and majority i.e., 88.89 per cent parents perceive that as good enough.

- e) Cent per cent parents from Government schools perceive the composition of local educationists or children in the school as good enough.

As per section 21 of The Right of Children to Free and Compulsory Education Act 2009, *“A school, other than an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority 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 provided that at least three-fourth of members of such Committee shall be parents or guardians. The appropriate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section wherein fifty per cent of Members of such Committee shall be women”*

Majority of the parents from Government schools find the composition of parents and women member for SMC as too many. However, there are majority of the parents who find the compositions of elected members of local authority, teachers from the school and local educationists or children in the school for SMC members as good enough and at the same time, there are few parents who perceive the composition of elected members of local authority as too less. There are no parents who perceive the composition of SMC member in their child's school as per the provision of Right to Education Act.

**Table 4.7.11**

Perception about the functioning of School Management Committee

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The functioning of SMC in my child's school is good and up to the mark	0	0	NIL	NIL
2	The functioning of SMC in my child's school is satisfactory	10	7.93%	NIL	NIL
3	The functioning of SMC in my child's school is unsatisfactory and not up to the mark	116	92.06%	NIL	NIL

The above table 4.7.11 reveals that-

- i) None of the parents from Government schools perceive the functioning of SMC in their children's school as good and up to the mark.
- ii) Parents from Government schools, i.e., 7.93 per cent perceive the functioning of SMC in their child's school as satisfactory.
- iii) As many as 92.06 per cent parents from Government schools perceive the functioning of SMC in their children's school as unsatisfactory and not up to the mark.

According to section 21 (2) of The Right of Children to Free and Compulsory Education Act 2009, *“The School Management Committee (SMC) shall perform the functions of monitoring the working of the school, prepare and recommend school development plan, monitor the utilisation of the grants received from the appropriate Government or local authority or any other source and perform such other functions as may be prescribed. Every SMC shall prepare a*

*School Development Plan and the School Development Plan so prepared shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be".*None of the parents from Government schools perceive the functioning of SMC in their children's school as good and up to the mark. While few parents from Government schools perceive the functioning of SMC in their children's school as satisfactory, majority of them perceive it as unsatisfactory and not up to the mark.

**Table 4.7.12**

Perception about the Provision of recommending the Child's Mother Tongue as the Medium of Instruction and its Implementation.

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	It is good as children can fully understand the subjects being taught	40	31.75%	0	0
2	It is good as children are able to express themselves freely	40	31.75%	0	0
3	It is good although children tend to show weakness in English	40	31.75%	0	0
4	It is not good as children tend to show weakness in English	86	68.25%	82	100%
5	It is not implemented in my child's school	0	0	82	100%

Table 4.7.12 shows that-

- i) Parents from Government schools i.e., 31.75 per cent find using child's mother tongue as the medium of instruction as good as children can fully understand the subjects being taught, children being able to express themselves freely and good although children tend to show weakness in English.
- ii) While only 68.28 per cent parents from Government schools perceive it is not good as children tend to show weakness in English, cent per cent parents from private schools perceive so.
- iii) Cent per cent of parents from private schools perceive as not implemented in their child's school.

### **Comparison**

As per section 29 (2) (e) of The Right of Children to Free and Compulsory Education Act 2009, "*The academic authority, while laying down the curriculum and the evaluation procedure shall take into consideration the child's mother tongue as the medium of instruction*". In support of this provision, the perceptions of parents from Government schools are in better agreement with the provision than parents from private schools as implied by the following:

- a) While 31.75 per cent parents from Government schools perceive using child's mother tongue as the medium of instruction as good as children can fully understand the subjects being taught, children being able to express themselves freely and good although children tend to show weakness in English while none of the parents from private elementary schools perceive the same

- b) Cent per cent parents from private schools perceive it is not good as children tend to show weakness in English while there are some percentages of parents from Government schools who do not perceive so
- c) Whereas cent per cent of parents from private schools perceive as not implemented in their child's school, none of the parents from Government schools perceive so in this case

**Table 4.7.13**

Perception about the Provision of Comprehensive and Continuous Evaluation (CCE) and its Implementation

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good and has made education an activity based learning	126	100%	82	100%
2	Children find school life enjoyable	126	100%	82	100%
3	The provision is good and has been fully implemented by the schools	0	0	73	89.02%
4	The provision is good but it is difficult to fully implement it	104	82.54%	0	0

The above table 4.7.13 reveals that-

- a) Cent per cent parents from Government schools and private schools perceive implementation of Comprehensive and Continuous Evaluation (CCE) as good and has made education an activity based learning where children find school life enjoyable.
- b) Majority of the parents from private schools i.e., 89.02 per cent perceive it is fully implemented in their children's school.

- c) As many as 82.54 per cent parents from Government schools perceive the provision as good but difficult to fully implement it.

### Comparison

As per section 29 (2) (e) of The Right of Children to Free and Compulsory Education Act 2009, “*The academic authority, while laying down the curriculum and the evaluation procedure shall take into consideration comprehensive and continuous evaluation of child’s understanding of knowledge and his or her ability to apply the same*”. In the light of this provision, parents from private schools are little in better conformity with the provision than parents from Government schools as follows:

- a) Although cent per cent parents from private schools perceive the provision as fully implemented in their children’s school, none of the parents from Government schools perceive so in this case.
- b) While majority of parents from Government schools perceive the provision as good but difficult to fully implement it, none of the parents from private schools perceive the same.

**Table 4.7.14**

Perception about the Provision that bans Board Examination and its Implementation

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	Banning board examination at the elementary level is good for our children	57	45.24%	73	89.02%
2	Banning board examination at the elementary level is not good for our children	69	54.76%	9	10.98%

3	Quality is maintained without board examination with CCE properly implemented	57	45.24%	73	89.02%
4	The provision is not good as it makes our children become less competitive	33	26.19%	9	10.98%
5	The provision is not good as it makes our children neglect their studies	33	26.19%	0	0
6	The provision is implemented in my child's school	126	100%	82	100%

It is found vide table 4.7.14 that-

- a) Parents from Government schools i.e.,45.24 per cent and 89.02 per cent parents from private schools perceive banning board examination at the elementary level good for their children and quality is maintained without board examination with CCE properly implemented.
- b) 54.76 per cent parents from Government schools and 10.98 per cent parents from private schools perceive banning board examination at the elementary level not good for children.
- c) Parents from Government schools which constitute 26.19 per cent and 10.98 per cent parents from private schools perceive the provision not good as it makes children become less competitive.
- d) 26.19 per cent parents from Government schools find the provision not good as it makes children neglect their studies.
- e) Cent per cent of parents from Government and private schools perceive the provision as implemented in their child's school

**Comparison**

As per section 30 (1) of The Right of Children to Free and Compulsory Education Act 2009, "*No child shall be required to pass any Board examination till completion of elementary education*". Based on this provision, parents from private schools seem to agree more better with the provision than parents from Government schools on the following grounds:

- a) The percentages of parents from private schools perceiving banning of board examination at the elementary level as good and as maintaining quality with CCE properly implemented are higher than that of Government schools.
- b) Majority of parents from Government schools perceive banning board examination at the elementary level not good for their children while few parents of children from private schools perceive so.
- c) Whereas parents from Government schools i.e., 26.19 per cent perceive the provision not good as it makes children less competitive and neglect their studies, as low as 10.98 per cent parents from private schools perceive the same.

**Table 4.7.15**

Perception about the Provision of holding Regular Meetings with Parents and Guardians and its Implementation

Sl. No.	Perception	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good and enhances co-operation between teachers and parents	126	100%	82	100%
2	The provision is good as parents get to know the performance, attendance and behaviour of our children	126	100%	82	100%
3	The provision is good but difficult to implement due to parents' inability to give time	81	64.29%	8	9.76%

According to table 4.7.15, it is found that-

- a) Cent per cent parents from Government schools and private schools perceive the provision of holding regular meetings with parents and guardians as good as it enhances co-operation between teachers and parents and as parents get to know the performance, attendance and behaviour of their children.
- b) Majority of parents from Government schools i.e., 64.29 per cent and 9.76 per cent parents from private schools perceive the provision as good but difficult to implement it due to parents' inability to give time.

## Comparison

Section 24 9(1) (f) of the Right of Children to Free and Compulsory Education Act 2009 states, "A teacher appointed shall perform the duty of holding regular meetings with parents and guardians and appraise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child". In regard to this provision, parents from private schools are slightly in better conformity with the provision than parents from Government schools as follows:

- a) While majority of parents from Government schools perceive the provision of holding regular meetings with parents and guardians as good but difficult to implement it due to parents inability to give time, as low as 9.76 per cent parents from private schools perceive so.

**Table 4.7.16**

Perception about the Provision of not to Engage the Teachers in Private Tuition

Sl. No.	Information	Parents from Government Schools N=126		Parents from Private Schools N=82	
		No.	%	No.	%
1	The provision is good and should be obeyed by every teacher	107	84.02%	16	19.51%
2	The provision is good as it ensures same type of education for all the students	107	84.92%	16	19.51%
3	The provision is good but there are cases when it is necessary	0	0	4	4.88%
4	The provision is not necessary as there are some children who need private tuition at home	0	0	66	80.49%

5	There is no harm in giving private tuition as long as it does not affect the work of the teachers	19	15.08%	66	80.49%
6	There is no harm in giving private tuition as long as we the parents are willing to pay for our child's tuition fee	0	0	66	80.49%

It is found table 4.7.16 that-

- a) Majority i.e., 84.02 per cent parents from Government and 19.51 per cent from private schools perceive the provision of prohibiting private tuition as good and should be obeyed by every teacher and ensures same type of education for all the students.
- b) 4.88 per cent parents from private schools are of the view that the provision of not to engage in private tuition as good but there are cases when it is necessary.
- c) The perception that the provision is not necessary as there are some children who need private tuition at home and that there is no harm in giving private tuition as long as the parents are willing to pay for their child's tuition fee is perceived by 80.49 per cent parents from private schools.
- d) Parents of 15.08 per cent Government schools and 80.49 per cent private schools perceive there is no harm in giving private tuition as long as it does not affect the work of the teachers.

### **Comparison**

As per section 28 of the Right of Children to Free and Compulsory Education Act 2009, "*No teacher shall engage himself or herself in private tuition or private teaching activity*". In the light of this provision, parents from Government schools are in better conformity with the provision on the following grounds:

- a) While majority of parents from Government schools perceive the provision of prohibiting private tuition as good and should be obeyed by every teacher and as ensuring same type of education for all the students, only very less number of parents from private schools perceive the same.
- b) While none of the parents from Government schools perceive the provision as good but there are cases when it is necessary, as low as 4.88 per cent parents from private schools perceive so.
- c) None of the parents from Government schools have perception regarding the provision that it is not necessary as there are some children who need private tuition at home and that there is no harm in giving private tuition as long as the parents are willing to pay for their child's tuition while majority of parents from private schools perceive so in these cases.
- d) Only few parents from Government schools perceive there is no harm in giving private tuition as long as it does not affect the work of the teachers while majority of parents from private schools perceive the same.

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**CHAPTER V**  
**MAJOR FINDINGS AND CONCLUSIONS, RECOMMENDATIONS AND**  
**SUGGESTIONS**

In this chapter, major findings and conclusions of the study, recommendations for improvement of the implementation of Right to Education Act, 2009 and suggestions for further research are discussed and presented.

Major findings of the study are arranged in the following order:

- 5.1.0. Major Findings and Conclusions on Examination of the Provisions of Right to Education Act, 2009
- 5.1.1. Major Findings and Conclusions on Major Actions taken by the Central Government since the Enactment of Right to Education in 2009
- 5.1.2. Major Findings and Conclusions on Major Actions taken by the State Government since the Enactment of Right to Education in 2009
- 5.1.3. Major Findings and Conclusions on Examination of the Mizoram Right to Education Rules, 2011
- 5.1.4. Major Findings and Conclusions on Preparation of Profiles of Sample Schools, Teachers and Parents
- 5.1.5. Major Findings and Conclusions on the Status of Implementation of Right to Education Act, 2009 in Mizoram in Relation to Management of Schools i.e., Government and Private

- 5.1.6. Major Findings and Conclusions on the Perception of Teachers about the Provisions of Right to Education Act, 2009 and their implementation in Relation to Management of Schools i.e., Government and Private
- 5.1.7. Major Findings and Conclusion on the Perception of Parents about the Provisions of Right to Education Act, 2009 and their Implementation in Relation to Management of Schools i.e., Government and Private
- 5.2.0. Recommendations for Improvement in the Implementation of Right to Education Act in Mizoram
- 5.3.0. Suggestions for further Research

### **5.1.0. Major Findings and Conclusions on Examination of the Provisions of Right to Education Act, 2009**

1. The provisions of the Act called for free and compulsory education for all children between the ages of 6 and 14. These children had the right to compulsory admission, attendance and completion of elementary education until they complete the age of 14 years. It provided for equal opportunities of differently able children where all children could be taught in the same class irrespective of their physical or mental condition.
2. Children with disabilities were among the most disadvantaged in terms of access to schooling and completion of elementary education. The Right to Education Act attempted to provide an enabling environment for differently able children to enter school, attend and complete elementary education. Parents no longer had to admit their children in special schools, rather, they would be admitted in regular schools and integrate with the rest of the other normal children enjoying the same type of education while receiving special care and attention.
3. The Act called for any child having the right to transfer to a school that provided education up to class VIII if it is not provided in the school she was enrolled in. No child could be denied admission to a school if the child was overage or had not attended school. If in a school, there was no provision for completion of elementary education, children had the right to get transferred to Government or Government-aided school. This was very important especially for those migrant families who needed to shift their habitat from one location to another. These children of migrant families would no

longer be rejected but be welcome at any time of the academic year. Delayed in producing a transfer certificate by the previous school could not be grounds for delaying or refusing children admission to a school.

4. The Act made a provision where the Central and State Governments were responsible for establishing schools where not available, in every area or neighbourhood. This provision was pivotal as children living in small hamlets where education was not within their reach and children who had to walk more than 3 kms everyday to reach their school would be able to benefit from it. School mapping was to be done by the authority every now and then in order to identify children living in far off areas so that they could have an easy access to schooling.
5. The Act outlined the responsibilities of schools where private schools were required to provide free education to a minimum of 25% of its students especially those from disadvantaged sections of society. In return the government was responsible to reimburse private schools the cost per child that a public school incurred for free education provided by such schools. In this way, children from poor family background would have the chance to get admission in private schools where education would be given free of cost. However, the system of how to select those children who were to be admitted under the 25% seat reservation needed to be clearly and neatly done. For effective implementation, there needed to be a fair selection process, a leak proof payment mechanism, and a transparent monitoring and evaluation system.

6. Schools were not allowed to charge capitation fees, screen the children for admission and even though they were allowed to ask for proof of age they could not deny admission on the basis of lack of age proof. Schools, except Government schools were not to practice anything that would reject the children from getting admission. First come first serve procedure was to be adopted in every school. In this way, every child seeking for admission especially in private schools would have an equal chance of being admitted.
  
7. No school was allowed to hold back or expelled a child before their completion of elementary education. Children were not allowed to fail anymore which was a great advantage especially for slow learners as they were allowed to be at par with the rest of the children in the class whether their performance was good or bad. But on the other hand, this provision could also cause hindrance in the current system of education as there could be some children taking advantage of it. Knowing that they were not allowed to fail or get expelled could cause negligence in their studies and disobeying the teachers. If those children who were not doing good in their studies were not detained in the same class until they had a better performance, situation would be more complicated at the higher stage of education.
  
8. There was a prohibition against physical punishment and mental harassment, which if broken was liable to disciplinary action. Corporal punishment in schools, both Government as well as private, was deeply ingrained as a tool to discipline children and as a normal action. However, a teacher must put the children's mind at ease if he wanted them to learn well. Any school contravening this provision was liable to disciplinary

action under the service rules applicable to such person. Children had the right to protection from all forms of violence, abuse and maltreatment.

9. The Act called for the establishment of a School Management Committee (SMC), which consisted of Headmaster, parents or guardian, women member, local authority, parents or guardians of children admitted in such school, teacher and local educationist. These member were expected to be involved in a meaningful manner in the monitoring and management of schools. The SMC was responsible for monitoring the school and making a school development plan.
  
10. The Act provided for qualifications and terms and conditions of service of school teachers. Qualifications required by teachers could be set by the authorized academic authority. The State Governments in different states had not been able to continue the training process for in-service untrained teachers hence, had requested the Centre for extension of the period for training untrained teachers and the Centre had agreed to extend four years which would end in 31<sup>st</sup> March 2019. Acquiring minimum qualification was pertinent for every teacher for disseminating good and better quality education and bringing about educational reformation in our country.
  
11. . The authorized academic authority was required to look after the all round development of the child, the values of the constitution, moulding their innate inborn talent and potentialities, made them learn through activities, discovery and exploration in a child friendly and child-centred manner besides regular classroom teaching, using mother

tongue as the medium of instruction, the mental and physical well-being of the child, allowing for anxiety and fear free expression of each child and evaluating and understanding each child's knowledge and ability through Comprehensive and Continuous Evaluation (CCE). Under CCE, students' marks would be replaced by grades which would then, be evaluated through a series of curricular and extra-curricular evaluations along with academics. The aim was to decrease the workload on the student by means of continuous evaluation by taking number of small tests throughout the year in place of single test at the end of the academic program. CCE was done with the intention that students who were not good in academics to show their talent in other fields such as arts, humanities, sports, music, athletics, and also helped to motivate the students who had a thirst of knowledge.

12. No child would be subjected to a board examination but would receive a certification on completion of elementary education. However, an amendment had been passed in the Parliament recently where the child would again be subjected to board examination since it was found that many children especially from Government schools were neglecting their studies due to banning of board examination.

### **5.1.1. Major Findings and Conclusions on Major Actions taken by the Central Government since the Enactment of Right to Education in 2009**

1. The Central Rules titled “The Right of Children to Free and Compulsory Education Rules, 2010” were notified in the Official Gazette on 9<sup>th</sup> April, 2010.
2. The Model RTE Rules were shared with the States in the meeting of State Education Secretaries held on 30th January, 2010.
3. The Central Government issued notification dated 5th April, 2010 authorizing the National Council for Teacher Education (NCTE) as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher.
4. National Council for Teacher Education (NCTE) prescribed the Teacher Qualifications for appointment of teachers as per section 23 of the Right to Education Act and developed Guidelines for conducting the Teacher Eligibility Test (TET).
5. The Central Government issued notification on 5th April, 2010 for National Council of Educational Research and Training (NCERT) to be the academic authority under section 29 for laying down the curriculum and evaluation procedure for elementary education in respect of UT’s without legislature and to develop a framework of national curriculum under section 7(6)(a) of the Act and further clarified that the National Curriculum

Framework (NCF)-2005 will be the national curriculum framework till such time as the Central Government decided to develop a new framework.

6. The National Advisory Council (NAC) was constituted to advise the Central Government on the implementation of the provisions of the Right to Education Act.
7. Government had revised the SSA Framework of Implementation and norms under the chairpersonship of Shri Anil Bordia, former Education Secretary. The Revised Framework of Implementation for SSA was approved by the Executive Committee for SSA on 1st February 2011 and by the National Advisory Council for RTE on 2nd March 2011.
8. Ministry of Human Resource Development (MHRD) received representations from organizations: (a) working for the welfare of the children with disabilities and (b) who set up minority institutions, seeking certain Amendments to the RTE Act. Amendments to the principle Act were introduced in the Rajya Sabha in 2014
9. The Ministry organised a series meetings in June 2010 with Ministries of Education of the States to generate awareness on teacher related issues, including inter alia the provisions mandating that pupil teacher ratios prescribed under the Right to Education Act were maintained, to redeploy exiting teachers to address rural-urban imbalance in deployment, reviewing the existing teacher recruitment rules to ensure that they conformed to the teacher qualifications prescribed by the NCTE, and expediting

processes for recruitment of teachers to fill up vacancies in the State sector as also SSA and reiterated the importance of instituting reform in teacher recruitment, placement and deployment.

10. The Union Government passed an amendment in 2016 to bring back board examination in elementary schools across the country. This amendment was passed since the provision of banning of board examination at the elementary level had brought about indiscipline among the children and negligence in their studies deteriorating the quality of education.
11. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2017 was passed by the Rajya Sabha by voice vote. The Lok Sabha had passed it on July 22. According to the existing Act which came into effect from 1 April, 2010, eleven lakh teachers appointed till March 2015 under the Right to Education Act would now get time till 2019 to acquire the prescribed minimum qualifications for firming up their appointments. The amendment would help teachers to save their jobs.

**5.1.2. Major Findings and Conclusions on Major Actions taken by the State Government of Mizoram since the Enactment of Right to Education in 2009**

1. Government Notification was issued for No Corporal Punishment/Expulsion on 11<sup>th</sup> December, 2007 by Government of Mizoram, Department of School Education.
2. State Advisory Council was constituted on 27<sup>th</sup> April, 2010 by Government of Mizoram, Department of School Education.
3. Committee was constituted to study & examine Right to Education Act/Rules on 4<sup>th</sup> June, 2010 by Government of Mizoram, Department of School Education.
4. Class VIII was fully integrated in Elementary Stage on 22<sup>nd</sup> June, 2010 by Government of Mizoram, Department of School Education.
5. Notification was made for 'No Board Examination' on 16<sup>th</sup> August, 2010 by Government of Mizoram, Department of School Education.
6. Rights to Education Protection Authority(REPA) was constituted on 13<sup>th</sup> September, 2010 by Government of Mizoram, Department of School Education.

7. State Council of Educational Research and Training (SCERT) was notified as Academic Authority on 22<sup>nd</sup> September, 2010 by Government of Mizoram, Department of School Education.
8. Government notification had issued 'no collection of any capitation fee' and 'no student shall be held back or expelled till the completion of Elementary Education on 20<sup>th</sup> January, 2011 by Government of Mizoram, Department of School Education.
9. RTE State Rules was notified on 23<sup>rd</sup> March, 2011 by Government of Mizoram, Department of School Education.
10. Implementation of Comprehensive and Continuous Evaluation (CCE) by Government of Mizoram, Department of School Education.
11. Notification was made for 'no private tuition or private teaching activity to the student' on 20<sup>th</sup> July, 2011 by Government of Mizoram, Department of School Education.
12. Notification was made for the constitution of School Management Committee (SMC) on 25<sup>th</sup> July, 2011 by Government of Mizoram, Department of School Education.
13. Notification of State and District Working Group for Shiksha ka Haq Abhiyan was made on 30<sup>th</sup> March, 2012 by Government of Mizoram, Department of School Education.

14. Teacher Eligibility Test (TET) was notified on 5<sup>th</sup> November, 2012 by Government of Mizoram, Department of School Education.
15. Grievance Redressal Cell was set up on 30<sup>th</sup> November, 2012 by Government of Mizoram, Department of School Education.
16. There was a constitution of Rules and Drafting Committee on Private Schools on 8<sup>th</sup> January, 2013 by Government of Mizoram, Department of School Education.
17. Village Education Committee(VEC) was notified as Local Authority on 5<sup>th</sup> March, 2013 by Government of Mizoram, Department of School Education.
18. Constitution of State Level Body was set up on Implementation of teacher Counselling Scheme in School on 30<sup>th</sup> may, 2013 by Government of Mizoram, Department of School Education.
19. There was a constitution of District Level Committee for SSA Mid Day Meal (MDM) and RMSA on 11<sup>th</sup> June, 2013 by Government of Mizoram, Department of School Education.
20. Notification of minimum working days and hours for elementary School i.e., Class 1-VIII was made on 15<sup>th</sup> July, 2013 by Government of Mizoram, Department of School Education.

21. There were campaigns and publicity for awareness of right to voice against corporal punishments and to bring such incidents to the notice of appropriate authorities by affected school students.
22. Ensurance of providing forum for complaints in hostels, shelter homes etc. for boarder inmates were done.
23. Installation of complaint box was set up in every school.
24. Schedules were prepared for periodic parent teacher meetings to review complaint and to take necessary action.
25. Sound standing procedure was established for effective processing of complaints occurring within respective jurisdiction.
26. In the interest of public service and on the recommendation of the Mizoram Public Service Commission in 1<sup>st</sup> November 2017, 75(seventy five) Primary School Teachers (Contract) were regularized to the post of primary School Teachers.

### **5.1.3. Major Findings and Conclusions on Examination of the Mizoram Right to Education Rules, 2011**

1. The Mizoram Right to Education Rules provided special training for identified children requiring special training within the school premises or through Residential School Training Centre which would be imparted by the teachers or teachers specially appointed for the purpose, so as to enable them to successfully integrate with the rest of the children in the class. Generally majority of out of school children belonged to disadvantaged communities: i.e. Scheduled Castes, Scheduled Tribes, Muslims, Migrants, Children with Special Needs, Urban Deprived Children, working children, children in other difficult circumstances for example, those living in difficult terrain, children from displaced families and areas affected by civil strife etc. Identifying these children and giving them free and compulsory education was pertinent for effective implementation
2. The reasons for dropout and never enrolled children in schools could be lethargy of parents towards education, lacked of awareness among parents about the necessity and importance of education, parents who were financially weak, seasonal migration of the family for work, unfavourable environment of the schools and not showing a desired level of achievement Therefore, the School Management Committee/local authority was to take every possible ways and means in identifying those children and create more awareness and sensitization programme among the parents in rural or remote areas focusing on the education of their children.

3. The Rule outlined the responsibility of the State Government to establish school within one kilometre (1km) for classes I - V and three kilometres (3km) for classes VI-VIII respectively. It was the duty of the State Government/local authority to locate school within a short reach for the children as there were many children in remote areas who went to school everyday inspite of the difficult terrain, risk of landslides, floods and lack of roads.
4. Children living in small hamlets, as identified by the State Government/local authority, where no school existed within the area or limits of neighbourhood would be given adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school. However, in the scenario of Mizoram, although arrangements had been made for these children so as to have feasible access to schooling and receive education, providing free transportation had not been initiated.
5. In case of high population density, the State Government was expected to establish more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas. This was a rule that was hard to implement as majority population of the parents were admitting their children in private schools resulting to a decline in the population of children in Government schools. Children with disabilities would be provided free transportation. The State Government had not made any necessary arrangements regarding their transportation.

6. Although the Rule mentioned that all children attending Government and Government aided schools would be provided free text-books and writing materials. However, parents had to contribute money since the amount allocated for text-books and exercise books were less than the actual price of the books. Children admitted in Government schools generally come from a very poor and broken family background and making contribution even for a small sum of money was a big burden for them.
  
7. For the purpose of determining and for establishing neighbourhood schools, the State Government/Local Authority had to undertake school mapping, and identify all children belonging to BPL family and make sure that they received free and compulsory education until they attained the age of 14 years. All children were supposed to be treated equally and there would not be any biasness and discrimination. It was the duty of the teacher to ensure that no child was discriminated due to caste, class, religion or gender especially those children from BPL family.
  
8. The Rule outlined that children of Government and Government aided schools belonging to BPL family would not be discriminated on any grounds and received the same type of education with the other children. It was the duty of the local authority, SMC and the teachers in the school in ensuring whether all children were treated equally and were not being segregated from the rest of the children in the school.
  
9. The Rule pointed out reservation of 25% seats in Class-I and pre-school in Kendriya Vidyalaya, Navodya Vidyalaya, Jawahar Vidyalaya, Sainik School and private unaided

schools for children belonging to BPL family where reimbursement would be made per child expenditure incurred by the State Government. In private unaided schools in Mizoram, no such reservation had been made as the State Government had not given instruction or insisted them to do so. Private schools had to co-operate with the State Government and take actions with the help of the Government in order to implement this rule and make it a reality.

10. The Rule provided eligibility criteria for appointment as a teacher, estimating the requirement of teachers, relaxation of provision for under-qualified teachers as well as teachers' accountability. The National Council of Teacher Education (NCTE), as the academic authority notified by the Central Government, under the Right of Children to Free and Compulsory Education (RTE), Act 2009, had laid down the minimum educational & professional qualifications for a person to be eligible for an appointment as a teacher for classes I-VIII, which were applicable to all schools imparting elementary education, including the schools under the State Governments and to qualify under a Teacher Eligibility Test (TET).
11. The teachers appointed to teach the students would be trained for bringing about better quality of education. They would maintain regularity and punctuality in attending school and conduct and complete the curriculum within a specified time. All round development of the children was be the main priority of the teacher and meetings would be conducted as often as possible with the parents in order to let them know about the progress and performance of their children.

12. There had to be rationalization of teachers where every school would maintain a proper Teacher Pupil Ratio and teachers would not be deployed for any non-educational purposes other than decennial population census, disaster relief and elections to local authority, State Legislature and Parliament. This Rule had been strictly implemented in Mizoram.
  
13. The Rule provided for school tribunal for grievance redressal of teachers where the School Management Committee (SMC) would be the first level of grievance redressal of teachers and the Government would constitute School Tribunals at the State, District and Block levels.
  
14. For protection of rights of children, the Rule provided for setting up of State Commission for Protection of Child Rights (SCPCR) which would be act as the forum for the grieved child or guardian.

#### **5.1.4. Major Findings and Conclusions on Profiles of Sample Schools, Teachers and Parents**

1. While there were some Headmasters from Government schools who possessed HSLC and HSSLC qualification, none of the Headmasters from private schools had qualification lower than graduate level. Headmasters possessing post-graduate qualification were lesser than those Headmasters having graduate degree in both Government and private schools. There were no Headmasters acquiring M.Phil and Ph.D degree in both Government and private schools.
2. Most of the Headmasters from both Government and private schools had B.Ed as their professional qualification. Only very few Headmasters from both Government and private schools had M.Ed as their professional qualification. Majority of the Headmasters from Government schools had DI.Ed as their professional qualification while none of the Headmasters from private schools possessed such qualification. Few Headmasters from Government schools had Dt.Ed as their professional qualification while none of the Headmasters from private schools possessed so.
3. While quite a number of teachers from Government schools had HSLC and HSSLC qualification, none of the teachers from private schools had qualification lower than HSSLC. Majority of the teachers from both Government and private schools were graduate. There were several teachers in Government schools who had post-graduate

degree while only few teachers from private schools possessed such degree. Teachers from both Government and private schools had neither M.Phil nor Ph.D qualification.

4. Majority of the teachers from Government schools had B.Ed and DI.Ed as their professional qualification while only a few number of teachers from private schools possessed such degree. There were also some teachers from Government schools who acquired M.Ed and DI.Ed as their professional qualification while none of the teachers from private schools acquired such degree.
5. While 5.48 per cent of the fathers from Government schools had qualification as low as primary stage of education, none of the fathers from private schools acquired qualification lower than middle school. Majority of the fathers from Government schools possessed middle school, HSLC and HSSLC stage as their minimum level of qualification while only a very few number of fathers from private schools possessed so. While majority of the fathers from private schools were graduate, only 1.37 per cent of the fathers from Government schools possessed graduate degree. None of the fathers from Government schools had post-graduate degree while there were few fathers from private schools who acquired such degree.
6. While there were few mothers from Government schools who possessed qualification as low as primary stage of education, none of the mothers from private schools possessed such qualification. Mothers from primary schools with 2.78 per cent acquired middle school stage as the minimum level of qualification while majority of the mothers from

Government schools acquired so. While there were several mothers from Government schools having HSLC qualification, mothers from private schools having such qualification seemed to be a lot lesser. None of the mothers from Government schools possessed graduate degree while majority of mothers from private schools were graduate. Few mothers from private schools acquired post-graduate degree while none of the mothers from Government schools acquired so.

**5.1.5. Major Findings and Conclusions on the Status of Implementation of Right to Education Act, 2009 in Mizoram in Relation to Management of Schools i.e., Government and Private**

1. Right to Education Act provision for ‘Reservation of 25% of seats in class-I and pre-school section for children belonging to weaker and disadvantaged group in the neighbourhood’ was not implemented by any elementary school in Mizoram since the provision was not yet implemented by the State Government as claimed by private schools and non- applicability of the provision for Government schools.
2. Private schools in Mizoram did not receive reimbursement as per the provision of ‘reservation of 25 per cent of seats in class-I and pre-school section for children belonging to weaker and disadvantaged group in the neighbourhood’ as no school made such reservation of seats.
3. While cent per cent Government schools admitted children only on ‘first come first serve basis’, majority of private schools adopted admission test, admission interview and admission based on performance in qualifying examination. Whereas Right to Education Act, 2009 prohibits any screening procedure for admission, private schools still adopted screening procedures. Thus, government schools were better in the implementation of this provision.

4. None of the Government and private schools denied admission for lack of age proof. However, while none of the Government schools denied admission if such admission is sought subsequent to the extended period, majority i.e., 68.29 per cent private schools denied admission in such circumstance. Thus, Government schools were better in implementing the provision of Right to Education Act, 2009 in this regard.
  
5. The Right to Education Act provision for ‘admitting a child in a class appropriate to his or her age’ was implemented by Government schools where 12 schools admitted out of schools children in classes appropriate to their age during the academic session 2015-2016 and special training were given through Non-Residential Special Training Centre whereas private schools did not have such children. Thus, Government schools were in better in implementing the provision.
  
6. The percentage of Government and private schools promoting all children to their next higher classes for the new academic session were 80.95 and 90.24 respectively. Thus, private schools are little better in implementing the Right to Education provision of ‘no holding back a child in any class’
  
7. The Right to Education provision of ‘no expulsion of child from school till completion of elementary education’ was implemented by cent per cent of both Government and private schools.

8. Government schools were bit better than private elementary schools in implementing the provision of Right to Education Act which 'prohibits physical punishment and mental harassment'. They were also better in dealing with children by way of giving counselling. Informing the parents to meet the teacher/headmaster, give them good advice not to repeat it in future and give them special counseling were practiced to a large extent by majority of both Government and private schools. The overall actions taken indicate that Government schools were slightly better in implementing the provision.
9. All Government schools, though implemented the provision of 'constituting School Management Committee', did not fulfill the required number of members for SMC as per Right to Education norms.
10. Although majority of SMC members in Government schools performed their functions like monitoring the working of the school, preparing and recommending school development plan, monitoring the utilization of the grants received from the appropriate Government or local authority or any other source and performed other functions as may be prescribed, there were also some SMC members in Government schools who were unable to implement this provision effectively due to lack of co-operation and interest among the members.
11. Regarding the implementation of 'Comprehensive and Continuous Evaluation', all Government and private schools followed CCE calendar prepared by SCERT. A higher percentage of private schools carried out activities like preparation of charts,

colouring/painting and field visit. Government schools were better in undertaking the activities such as clay modelling, flower making and stitching. Cent per cent of both Government and private schools carried out drawing. Thus, Government and private schools are equally or almost equally good in implementing the provision of CCE.

12. The provision of 'awarding certificate to each and every child completing elementary education' was effectively implemented in all elementary schools be it Government or private schools.
  
13. The provision of 'not to deploy teachers for any non-educational purposes other than decennial population census, disaster relief and elections to local authority, State Legislature and Parliament' was effectively implemented by authority in all elementary schools.

**5.1.6. Major Findings and Conclusions on the Perception of Teachers about the Provisions of Right to Education Act, 2009 and their Implementation in Relation to Management of Schools i.e., Government and Private**

1. Cent per cent of Government school teachers perceived that the Right to Education Act provision for ‘providing free and compulsory education to every child’ as good but full implementation was difficult since education could not be provided completely free as parents had to contribute/spent money on stationary items mainly due to the introduction of CCE and the amount allocated for text-books and exercise books for each child was less than the actual price of the books. Several teachers also perceived that compulsory attendance could not be insisted as children were not aware enough of its importance and compulsory completion of elementary education was hard to achieve since some children were irregular in attendance and did less activities for CCE. This provision was not applicable to private school teachers.
2. Teachers who perceived the provision of ‘prohibiting physical punishment and mental harassment’ as good and properly implemented in their schools were higher among Government school teachers than among private school teachers. At the same time, private school teachers had higher perceptions about teachers not convinced by the provision than Government school teachers thus, indicating that Government school teachers had more positive perception about this provision.
3. Although cent per cent of both Government and private school teachers perceived ‘Continuous and Comprehensive Education (CCE)’ as good, as improving the quality of

education and as releasing the children from boredom, Government school teachers had higher perception about children being more motivated and enthusiastic to go to school but at the same time perceived it could not be effectively implemented due to inadequate number of teachers and money. On the other hand, higher percentage of private school teachers perceived CCE could not be effectively implemented due to limited time to assess the learning ability of the children. Thus, private school teachers had slightly more favourable perceptions about this provision.

4. Cent per cent of private school teachers perceived 'holding regular meetings with parents and guardians' as good and effectively implemented in their schools. Although cent per cent of Government school teachers perceived the provision as good, its effective implementation was not possible due to shortage of teachers and inadequate infrastructure. This reveals that the perception of private school teachers were in better concordance with the provision.
5. While cent per cent of Government school teachers perceived the provision of 'engaging in private tuition' as good and implemented in their schools, as low as 7.80 per cent private school teachers perceived so. Private tuition was still continued by private school teachers due to pressure from parents and children and further perceived that the Government should not ban it if parents were willing to pay money for tuition fee and found no harm in giving private tuition as long as it did not affect their work. Thus, the perception of Government school teachers were in better conformity with the provision.

6. Cent per cent of private school teachers perceived the provision of ‘admitting a child in class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion, as good, however, could not implement it in reality. This provision is not applicable to Government school teachers
  
7. While cent per cent of Government school teachers perceived the provision that ‘prohibits subjecting the child or his/her parents or guardian to any screening procedure for admission’ as good and implemented in their schools, several teachers from private schools perceived it as good but could not implement it. Cent per cent of private school teachers perceived that this provision should not be banned as it was the desire of every school to admit better students and many good students were denied admission due to screening while cent per cent of Government school teachers perceived that the provision had nothing to do with their schools. This reveals that Government school teachers had better perception about this provision.
  
8. Cent per cent and majority of Government and private school teachers perceived the provision of ‘prohibiting denial of admission if such admission is sought subsequent to the extended period’ as good as it safeguarded children from dropping out. Cent per cent of Government school teachers perceived the provision as properly implemented in their school while cent per cent of private school teachers could not implement it due to

accommodation problem. This indicates that Government school teachers had better perception about this provision.

9. While several Government school teachers perceived the prohibition of 'holding back a child in any class or expulsion from school till the completion of elementary education' not good and not implemented as students become more indisciplined, become irregular in their attendance and gave less importance to their studies, none of the private school teachers perceived the same. This proved that private school teachers had better perception about this provision.

10. While cent per cent of Government school teachers perceived the provision of 'admitting a child above six years of age who has not been admitted in any school or though admitted, could not complete his/her elementary education to be admitted in class appropriate to his/her age' as good and should be implemented, majority i.e., 66.34 per cent of private school teachers perceived the same. Several teachers from private schools further perceived the provision not good and difficult to implement due to accommodation problem, insufficient teachers and no time for remedial teaching which shows that Government schools were in better concordance with the provision.

11. Although cent per cent of Government school teachers perceived the 'functioning of School Management Committee' as good and implementable, majority of them perceived that it could not be effectively implemented due to lack of co-operation, lack of interest, members not willing to devote their time and members busy in their personal interest.

12. As low as 10.8 per cent Government school teachers perceived 'giving special training to those children who have been admitted into the age appropriate class' as good and implemented while none of the teachers from private schools perceived so. While several teachers from Government schools perceived the provision as good but difficult to implement due to shortage of teachers and lack of sufficient time, private school teachers did not have such perceptions. This indicates that Government school teachers had better perception about this provision.
  
13. Cent per cent of Government school teachers perceived the provision of 'making a person possess minimum qualification for appointment as teacher' as good for improving the quality of education. At the same time, they also perceived that persons who did not possess the minimum qualifications as laid down by the academic authority were also appointed as teachers. This provision was not applicable for teachers of private schools.

**5.1.7. Major Findings and Conclusion on the Perception of Parents about the Provisions of Right to Education Act, 2009 and their Implementation in Relation to Management of Schools i.e., Government and Private**

1. Cent per cent of parents from Government schools perceived the provision of free and compulsory education for every child as very good for ensuring universalization of elementary education and compulsory completion of elementary education as their children can receive free education. This provision is applicable only for Government schools.
2. All the parents from Government schools perceived the provision of free education for every child not being fully implemented by the schools since they had to contribute/spent money on stationary items mainly due to the introduction of CCE, pay for some textbooks and exercise books and also perceived that implementing the provision in its true sense was difficult.
3. The Right to Education Act provision for ‘admitting a child into a class appropriate to his/her’ was perceived to be implemented by few parents of Government schools while private schools parents did not have perception about this. While cent per cent parents from Government schools perceived this provision as good as it helped in compulsory enrolment, attendance and completion of elementary education, perceived accommodating such children as the duty of the school and guiding and giving them special attention as the duty of the teacher, lesser percentages of parents from private

schools perceived the same which shows that the perceptions of parents from Government schools were in better agreement with this provision.

4. Cent per cent parents from Government and private schools perceived 'prohibition of collecting capitation fee' as good and schools did not collect capitation fee.
5. While the Right to Education Act provision for, 'prohibition of screening procedure for admission', was perceived to be implemented effectively in all Government schools, majority of parents from private schools perceived screening for admission as a thing should not be prohibited. While cent per cent parents from Government schools perceived that admission by first come first serve was better than screening, there were several parents who did not perceive this way. Therefore, the perception of parents from Government schools were better in conformity with this provision.
6. Cent per cent parents of both Government and private schools perceived the provision for 'no denial of admission if such admission is sought subsequent to the extended period' as good and that children seeking admission to the extended period should be welcome. However, only few parents from both Government and private schools perceived the provision as implemented by the schools which clearly shows that large majority of the parents were not aware of this provision and its implementation in their child's school. This reveals that parents of both Government and private schools had very low perception about this provision.

7. Cent per cent of parents from private schools and a large majority of parents from Government schools perceived the provision of 'no holding back a child in any class' as properly implemented in the schools and that when CCE was properly implemented, there was no question of holding back a child in any class. Parents from private schools had higher perception than parents from Government schools as a way of giving challenge to the teachers to work more and children having the chance to get admission in good schools due to migration or other problems. This shows that parents from private schools had better perceptions about this provision.
8. The Right to Education Act provision for 'prohibition of physical punishment and mental harassment' was good as it made children feel safe and secured and also enhanced closer relationship among students and teachers as perceived by majority of parents from Government and cent per cent of parents from private schools. However, few percentages of parents from Government schools perceived this provision as enhancing misbehaviour and indiscipline among students. Parents from Government schools comprising of 53.97 per cent and parents from private schools with 68.29 per cent perceived the provision as properly implemented in their child's school. This indicates that parents from private schools had more favourable perceptions about this provision.
9. In the Right to Education Act provision for 'composition of School Management Committee', majority of the parents from Government schools perceived local authority, teachers, local educationists or children of schools for the compositions of SMC members as good enough. On the other hand, there were large percentages of parents who

perceived the composition of parents and women member for SMC as too many. In Government schools, parents generally did not take interest being a member of SMC and they were not really aware of its functioning. None of the parents perceived that the composition of SMC member in their child's school was as per the provision.

10. None of the parents from Government schools perceived the functioning of SMC in their children's school as good and up to the mark. While there were few parents who perceived the functioning of SMC in their children's school as satisfactory, majority of them perceived that it was unsatisfactory and not up to the mark.
11. While majority of parents from Government schools and cent per cent percentages from private schools perceived the provision of 'using child's mother tongue as the medium of instruction' not good as children tended to show weakness in English, very few percentages of parents from Government schools perceived the provision as good as children can fully understand the subjects being taught and express themselves freely. This signifies that parents from Government schools had more favourable perceptions about this provision.
12. Although cent per cent of the parents from Government and private schools perceived the provision of 'Comprehensive and Continuous Evaluation (CCE)' as good and had made education an activity based learning where children find school life enjoyable, effective implementation were unlikely to take place in case of Government schools

which shows that the perceptions of parents from private schools were in better conformity with this provision.

13. While majority of parents from private schools perceived 'banning Board Examination at the elementary level' as good for their children, fewer percentages of parents from Government schools perceived the same. Quite a number of parents from Government schools perceived this provision not good as children became less competitive and neglected their studies. This indicates that the perceptions of parents from private schools were in better agreement with this provision.

14. Cent per cent of parents from Government and private schools perceived the provision of 'holding regular meetings with parents and guardians' as good and had enhanced co-operation between the teachers and parents and perceived that parents got to know the performance, attendance and behaviour of their children. However, a larger percentage of parents from Government schools perceived it could not be effectively implemented due to parent's inability to give time. This signifies that parents from private schools had favourable perceptions about this provision than parents from Government schools.

15. Whereas majority of parents from Government schools perceived the provision of 'not to engage in private tuition' as good and should be obeyed by every teacher as it ensured same type of education for all students, only a very few number of parents from private schools perceived the same. Majority of the parents from private schools were of the view that there was no harm in giving private tuition as long as it did not affect the work

of the teachers and as long as parents were willing to pay for the children's tuition fee. This reveals that parents from Government schools perceived better about this provision.

### **5.2.0. Recommendations for Improvement in the Implementation of Right to Education Act, 2009 in Mizoram**

1. The provision of Right to Education Act, 2009 for free and compulsory education for every child of the age of 6 to 14 years should be implemented more effectively. For this, the appropriate authority needs to take some steps for effective monitoring of implementation of the provision. The fact that cent per cent of parents of Government school children perceive education as not completely free as they have to contribute or spend money on stationary item for carrying out activities under CCE and on some text-books and exercise books needs to be taken care of. Better arrangements have to be made to make elementary education completely free.
2. Since the State Government has not given any instruction to private schools for 25% of reservation of seats to children belonging to weaker and disadvantaged sections of the society, it is a high time that Government should look into this matter so that this provision can be successfully implemented. It should decide neatly and clearly the system of how to select those children thereby ensuring a fair selection process so that every child from Below Poverty Line (BPL) family gets an equal chance of being admitted in private English medium schools. Private schools, on the other hand, should not wait for the Government to give instruction regarding the implementation of this provision. They

should join hands and suggest effective measures and take initiative on how to make this provision a reality thus, keeping in mind that they are a catalyst of social change where weaker and disadvantaged children will be segregated with the rest of the other children by receiving same quality of education.

3. Private schools should be made aware of the evils of screening during the time of admission and should be encouraged to adopt only first come first serve or lottery system for selecting students for admission. Every child seeking for admission in their schools should have a fair and equal chance of being selected.
4. Teachers should be convinced that if CCE is properly and effectively implemented, the provision of not to hold back a child in any class or expel from school is not going to dilute and hamper the quality of educational system.
5. It is the responsibility of the teachers to put the children's mind at ease for effective learning to take place. They should be convinced that physical punishment and mental harassment is not the solution for undisciplined children. They should be given more awareness regarding their role as a character builder and they should be equipped with psychological knowledge on how to deal with the children.
6. Rationalization of teachers is a must so that a school will not suffer from shortage of teachers, thus, making it possible to give special attention and remedial teaching to all students especially who have been admitted after the commencement of the academic

year and admission of children above six years of age who has not been admitted in any schools before and admit them in a classes appropriate to their age.

7. Rationalization of teachers and sufficient fund are necessary for effective implementation of Comprehensive and Continuous Evaluation (CCE). CCE is an important catalyst of moulding the innate inborn talents of the students. Every possible measure should be taken for its effective implementation. The Government should sanction more money for CCE as the materials needed for CCE require certain amount of money. Otherwise, it is not possible for the teachers to let the students perform different activities for CCE.
8. Due to lack of co-operation and interest among the members of School management Committee, the members should be given some incentives in terms of their performance so that they will have better co-operation in monitoring the school and working for its development. In this way, they will be more devoted and take effective measures for working towards the progress and development of the school.
9. Penalty should be given to those teachers engaging themselves in private tuition so that there can be a proper balance and co-ordination between the rich and the poor. In present scenario of Mizoram, teachers in almost every private school are giving private tuition due to pressure from parents. Besides, teachers long to take incentives besides their regular pay since their salary is very low compared to the salary of teachers in Government schools.

10. For better quality of education, only trained teachers should be employed. There should be provision of providing substitute teachers to those schools where teachers have to undergo required training programme.
11. There should be sufficient allocation of funds by the Central Government to the State Government so that requirements will be easily met and help the State Government in fulfilling the norms and standards laid down for successful implementation of Right to Education Act.
12. Parents living in migrants and remote areas need to be given more awareness so as to let them realize how important it is to educate their children which will thus solve the problem of ensuring compulsory admission to some extent.
13. The Central Government should provide adequate funds to the State Government for establishing schools in the neighbourhood and for revision of school mapping so that each and every habitation and school could be checked. This in turn will help the Government to set up schools in small and scattered habitations of some migrants in some places.
14. The State's Budget for Education Department needs to be raised so as to ensure effective compulsory admission, compulsory attendance and compulsory completion of elementary education.

15. The various financial provisions under RTE-SSA need to be raised for reconstruction of dilapidated school buildings, sufficient play materials, games and sports equipments. Grant for library also needs to be raised which will help in improving successful implementation of the Act in the State.
16. For the Government to take initiatives in providing proper and well-equipped infrastructure, teaching staff and learning equipments, there has to be rationalization of teachers in the State. This would also make it easier for the State Government to take necessary steps in providing training facilities for the teachers who still have to undergo the required training programme.
17. Clear mechanisms for grievance redressal for violations of RTE need to be specified. A standard operating procedure needs to be put in place for issues outside the control of School Management Committee (e.g., teacher shortages, infrastructure gaps etc) or when a satisfactory resolution could not be found by the SMC locally (e.g., corporal punishment, discrimination) and a case has to be referred upwards.
18. Practical measures should be taken in identifying children who remain out of school especially in remote rural areas in order to have a proper education and schooling. Keeping in mind that these out of school children could be the reason for lowering literacy rate in our state and the reason for remaining backward and under-developed, the Government should make efforts and sanction more funds for identifying these children and keep them in schools.

19. Teachers should be convinced that physical punishment and mental harassment is not the solution for children with unsavoury characters. Maximum awareness should to be given to the teachers towards their role as a character builder and equip them with psychological knowledge on how to deal with the children.
20. Regarding the provision that prohibits holding back a child in any class or expulsion from school, teachers especially from Government schools should take it as a positive challenge and think of effective remedial measures for reducing indiscipline and irregularity of children in attendance caused by this provision so that its implementation can be successfully met.
21. Maximum awareness campaign should be given to the parents about the provisions of Right to Education Act, 2009 as majority of the parents from both Government and private schools are still very unaware of the provisions of the Act and their implementation. Parents should know that they have a major role to play for successful implementation of the Act and should act as responsible parents for their children and step forward in making this Act a reality. It is the need of the hour to make the parents totally aware of the Act and the provisions therein and participate in bringing about improvement and quality of education through their support and cooperation.

### 5.3.0. Implications of the Study

The present study has the following implications:

1. The provision of Right to Education Act, 2009 for free and compulsory education for every child of the age of 6 to 14 years has not been effectively implemented. The amount allocated for text-books and exercise books are less than the actual price of the books. Education is not provided completely free as students still need to contribute money for stationary items and materials for performing activities for CCE. Since children admitted in Government schools usually come from weaker and disadvantaged sections of the society, contribution of even a small sum of money is a big burden for their parents. The State Government needs to be more serious in its implementation of RTE Act 2009 as it is responsible to provide funds for implementation of the provisions of the Act taking into consideration the sums provided by the Central Government.
2. Regarding reservation of 25% seats to children belonging to weaker and disadvantaged sections of the society, the Government of Mizoram, till today, has not given any information or instruction regarding the implementation of this provision. The Government of India promised to give reimbursement to private schools for admitting poor students but only to the extent of expenditure it will incur if those students were to be schooled in a state-run set-up. Private schools believe that the money the Government will pay them will be meagre, and that the cost of educating the poor students will need to be subsidized by the majority. Efforts need to be made to settle this controversial issue.
3. Physical punishment is still practiced in both Government and private schools in order to deal with students having unsavoury characters and discipline them. Banning of physical

punishment and mental harassment is a provision that is difficult to be effectively implemented as teachers perceive that punishments are sometimes necessary for children so that they can grow up to be competent and responsible individuals. Besides, since the provision of 'no detention' in and 'no expulsion' from school has highly increased indiscipline and lethargy among the students especially in State-run schools, scope for some sort of mild physical punishment may be needed as a tool to deal with those students.

4. Non-rationalization of teachers is an impediment in bringing about improvement in the quality of education in Mizoram. Due to shortage of teachers, many Government schools find it difficult to effectively implement Comprehensive and Continuous Evaluation (CCE). Schools, especially in remote rural areas suffer from shortage of teachers and thus, providing special care and attention to the students, giving remedial teaching to the slow learners, assisting the students and performing variety of activities for CCE becomes difficult. There are also teachers who still cannot possess the minimum qualification required for a teacher and undergo a training programme since there are no teachers to fill up their posts while they undergo training. Thus, rationalization of teachers is an urgent need.
5. Members of School Management Committee (SMC) are still ignorant about their duties and responsibilities in bringing about quality and improvement for the school. They lack interest and co-operation and hardly attend the SMC meetings. They are unable to accomplish their role which may be due to lack of community awareness and involvement, lack of knowledge among the parents, socio-political distance between

teachers and parents and lack of co-ordination. Awareness and motivation of members of SMC will be helpful in making SMC's functions becoming more successful.

6. The awareness level of the parents on the importance and implementation of Right to Education Act, 2009 in Mizoram is still very low. Many of the parents, especially from the rural areas do not have knowledge about the Act and the significance it can have towards the life of their children due to lower level of literacy. Due to their low awareness level, ensuring compulsory admission, compulsory attendance and compulsory completion of elementary education cannot be effectively implemented. Instead of sending their children to school, they still want their children to stay at home and perform domestic work like doing the household chores, watch their younger siblings or other necessary chores. Public awareness campaign on RTE Act is still a necessity.
7. Transportation of any kind has not been provided to the physically challenged children by the State Government for their easy access to schooling. Therefore, there are some physically challenged children who still sit back at home as schools do not have infrastructure or teachers to cater to their special needs. There is a need for checking whether the provisions for this kind of children are properly implemented or not.
8. Although children living in small hamlets, as identified by the State Government/local authority, where no school existed within the area or limits of neighbourhood would be given adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school, arrangements have not been made for these children till today so as to have feasible access to schooling.

Therefore, there are still many children in rural areas who have to walk more than 3kms everyday to reach their school and receive education.

9. Lack of proper infrastructure and learning equipments in Government schools is a hindrance in providing better quality of education in Mizoram. Sufficient play materials for games and sports and materials for performing different activities for Comprehensive and Continuous Evaluation (CCE) have not been provided. Enough financial assistance has not been given in order to bring about all round development of the children.
  
10. Private school teachers, who are under strict administration and management and with much lesser pay than Government school teachers seem to be more capable of providing good quality elementary education. There are many Government school teachers who show lack of seriousness in their work, often remain absent, neglecting the students and taking their job for granted. As long as these kinds of teachers persist in Government schools, our educational system will not go a long way in bringing about educational reformation and excellent quality of education in our State. This is the reason why we can witness more and more parents, even in rural areas, admitting and shifting their children to private schools seeking for better education since many Government schools have been neglected. All these imply that serious efforts need to be made to improve the work culture and quality of government school teachers.

#### **5.4.0. Suggestions for Further Research**

The present study evaluates the status of implementation of Right to education Act, 2009 and perception of teachers and parents about the provisions of Act and their implementation. It is predicted that some researchers would undertake their study in this area in the near or far future.

The investigator, therefore, suggests the following for further research:

1. A comparative study of the status of implementation of Right to Education Act, 2009 in elementary schools in north-eastern states of India
2. A study on awareness of elementary school teachers about the provisions of Right to Education Act, 2009
3. A study on awareness of parents of elementary school children about the provisions of Right to Education Act, 2009
4. A study on attitude of parents and teachers towards the provision of Right to Education Act, 2009 on prohibition of physical punishment and mental harassment
5. An in-depth study on the status of implementation of Right to Education Act, 2009 for the disabled children in Mizoram
6. An analytical study on the provision of Right to Education Act, 2009 relating to reservation of 25% seats for children belonging to weaker and disadvantaged sections of the society

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**APPENDIX-I**  
**THE RIGHT OF CHILDREN TO FREE AND COMPULSORY**  
**EDUCATION ACT, 2009**  
(35 of 2009)

[26<sup>th</sup> August, 2009]

*An Act to provide for free and compulsory education to all children of the age of six to fourteen years.*

Be it enacted by the Parliament in the Sixtieth Year of the Republic of India as follows:-

*CHAPTER I*

**PRELIMINARY**

**1. Short title, extent and commencement—**

- (1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.
- (2) It shall extend to the whole of India except the State of Jammu & Kashmir.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions -**In this Act, unless the context otherwise requires, -

- (a) “appropriate Government” means -
  - (i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i),  
 established within the territory of -

(a) a State, the State Government;

(b) a Union territory having legislature, the Government of that Union territory;

(b) "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school;

(c) "child" means any kind any of donation or contribution or contribution or payment other than the fee notified by the school

(d) "child belonging to disadvantaged group" means a child belonging to the scheduled Caste the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantages owing to social cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government ,by notification;

(e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

(f) "elementary education" means the education from first class to eighth class;

(g) "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;

(h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called and includes such other authority or body having administration 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;

- (i) “National Commission for Protection of child Rights” means the National Commission for Protection of child Rights constituted under section 3 of the Commission for Protection of Child Rights Act,2005 (4 of 2006);
- (j) “Notification” means a notification published in the Official Gazette;
- (k) “prescribed” means either the natural or step or adoptive father or mother of a child;
- (l) “prescribed” means prescribed by rules made under this Acts;
- (m) “schedule” means the Schedule annexed to this Act;
- (n) “Schedule” means any recognised school imparting elementary education and includes----
  - (i) a school established, owned or controlled by the appropriate Government or a 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
  - (iv) an unaided school not receiving aid or grants to meet its expenses from the appropriate Government or the local authority.
- (o) “screening procedure” means the method of selection for admission of a child, in preference over another, other than a random method;
- (p) “specified category” in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other on notification,by the appropriate Government;
- (q) “State Commission for Protection of Child Rights” means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act,2005 (4 of 2006)

*CHAPTER II***RIGHTS TO FREE AND COMPULSORY EDUCATION****3.Right of child to free and compulsory education –**

- (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.
- (2) For the purpose of sub-section (1),no child shall be liable to pay any kind of fee of charger or expenses which may prevent him or her from pursuing and completing the elementary education:Provided that a child suffering from disability, as defined in clause(i)of section 2 of the persons with Disabilities(Equal Opportunities, Protection and Full Participation) Act,1996 (1 of 1996), shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

**4.Special provisions for children not admitted to, or who have not completed, elementary education–**

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

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have 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 fourteen years.

**5. Right of transfer to other school –**

- (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 his or her 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 his or her elementary education.
- (3) For seeking admission in such other school, the Head-teacher or 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 in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rule applicable to him or her.

*CHAPTER III***DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS****6. Duty of appropriate Government and local authority to establish school–**

For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limit 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.

**7. Sharing of financial and other responsibilities–**

- (1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.
- (2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.
- (3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.
- (4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.
- (5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State

Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) The Central Government shall -

- (a) develop a framework of national curriculum with the help of academic authority specified under section 29;
- (b) develop and enforce standards for training of teachers;
- (c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

### **8. Duties of appropriate Government—**

The appropriate Government shall-

(a) provide free and compulsory elementary education to every child; Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or his or her appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school. Explanation-- The term "compulsory education" means obligation of the appropriate Government to-

- (i) provide free elementary admission, attendance and completion of elementary education by every child of the age of six to fourteen years; and
- (ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

- (b) ensure availability of a neighbourhood school as specified in section 6;
- (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;
- (d) provide infrastructure including school building, teaching staff and learning equipment;
- (e) provide special training facility specified in section 4
- (f) ensure and monitor admission, attendance and completion of elementary education by every child;
- (g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
- (h) ensure timely prescribing of curriculum and courses of study for elementary education; and
- (i) provide training facility for teachers.

**9. Duties of local authority-Every local authority shall-**

- (a) provide free and compulsory elementary education to every child: Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred or elementary education of the child in such other school;
- (b) ensure availability of a neighbourhood school as specified in section 6;

- (c) ensure that the child belonging to weaker sections and the child belonging to disadvantaged groups are not discriminated against and prevented from pursuing and completing elementary education on any grounds;
- (d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;
- (e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;
- (f) provide infrastructure including school building, teaching staff and learning material;
- (g) provide special training facility specified in section 4;
- (h) ensure good quality elementary education conforming to the standards and norms specified in the schedule;
- (i) ensure timely prescribing of curriculum and courses of study for elementary education;
- (j) provide training facility for teachers;
- (k) ensure admission of children of migrant families;
- (m) decide the academic calendar.

#### **10. Duty of parents and guardian –**

It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

#### **11. Appropriate Government to provided for pre-school education–**

With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of

six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

#### *CHAPTER IV*

### **RESPONSIBILITIES OF SCHOOLS AND TEACHERS**

#### **12. Extent of schools responsibility for free and compulsory education-**

(1) For the purpose of this Act, a school

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein

(b) specified in sub - clause (ii) of section 2 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, subjects to a minimum of twenty - five per cent;

(c) specified in sub – clauses(iii)and (iv)of clause (n) of section 2 shall admit in class 1, to the extend of at least twenty - five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c)shall apply for admission to such preschool education.

(2) The school specified in sub-clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as

may be prescribed: 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;

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.

- (3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

**13.No capitation fee and screening procedure for admission–**

- (1) No school or person shall, while admitting a child, collect any capitation fee and subjects the child or his or her parents or guardian to any screening procedure.
- (2) Any school or person, if in contravention of the provision of sub section (1)-
- (a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;
  - (b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for each subsequent contraventions.

**14. Proof of age for admission–**

- (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 (6 of 1886) or on the basis of such other document, as may be prescribed

**20. Power to amend Schedule–**

The Central Government may, by notification, amend the Schedule by adding to, or omitting there from, any norms and standards.

**21. School Management Committee -**

(1) A School, other than a school specified in sub-clause (iv) of clause (n) of section 2, 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 : Provided that at least three-fourth of members of such Committee shall be parents or guardians. Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section: Provided also that fifty per cent of Members of such Committee shall be Women.

(2) 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 the grants received from the appropriate Government or local authority or any other source; and
- (d) perform such other functions as may be prescribed.

**22. School Development plan–**

(1) Every school Management Committee, constituted under sub-section (1) of section 21, shall prepare a school Development Plan, in such manner as may be prescribed.

- (2) The school Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.

**23. Qualifications for appointment and terms and conditions or service of teachers—**

- (1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.
- (2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification: Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.
- (3) The salary and allowances payable to, and the terms and conditions of service of teacher shall be such as may be prescribed.

**24. Duties of teachers and redressal of grievances—**

- (1) A teacher appointed under sub-section (1) of section (1) of section 23 shall perform the following duties, namely:-
- (a) maintain regularity and punctuality in attending school;

- (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;
  - (c) complete 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 parents and guardians and appraise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and learning and any other relevant information about the child; and
  - (f) perform such other duties as may be prescribed.
- (2) 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 him or her: 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 may be prescribed.

## **25. Pupil-Teacher Ratio–**

- (1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

- (2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

**26. Filling up vacancies of teachers–**

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 not exceeding ten per cent of the total sanctioned strength.

**27. 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.

**28. Prohibition of Private tuition by teacher–**

No teacher shall engage himself or herself in private tuition or private teaching activity.

*CHAPTER V***CIRRICULUM AND COMPLETION OF ELEMENTARY EDUCATION****29. Curriculum and evaluation procedure–**

- (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.
- (2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely :-
  - (a) conformity with the values enshrined in the Constitution;
  - (b) all round development of the child;
  - (c) building up child's knowledge, potentially and talent;
  - (d) development of 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 instructions shall, as far as practicable, be in child's mother tongue;
  - (g) making the child free of fear, trauma and anxiety and helping the child express views freely;
  - (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

**30. Examination and completion certificate -**

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

- (2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribe.

## *CHAPTER VI*

### **PROTECTION OF RIGHT OF CHILDREN**

#### **31. Monitoring of child's right to education–**

- (1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), 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) inquire into complaints relating to child's right to free and compulsory education; and
  - (c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.
- (2) The said Commissions shall, while inquiring into any matter relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

- (3) 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 functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed

### **32.Redressal of grievances–**

- (1) Notwithstanding anything contained in section 31, any person having any grievance relating to the rights of a child under this Act may make a written complaint to the local authority having jurisdiction.
- (2) After receiving the complaint under sub-section(1), 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) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.
- (4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (1) of section 31,as the case may be, as provided under clause (c) of sub-section (1) of section 31.

### **33. Constitution of National Advisory Council–**

- (1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

- (2) The function of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.
- (3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed

**34. Constitution or state Advisory Council–**

- (1) The State Government shall constitute, by notification, a state Advisory Council consisting of such number of Member, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.
- (2) The function of the State Advisory Council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.
- (3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.

*CHAPTER VII*

**MISCELLANEOUS**

**35. Power to issue directions–**

- (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, to the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.
- (2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the school Management Committee regarding implementation of the provisions of this Act.

**36. Previous sanction for prosecution–**

No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be constituted except with the previous sanction of an officer authorised on this behalf, by the appropriate Government, by notification.

**37. Protection of action taken in good faith–**

No suite or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the school Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made there under.

**38. Power of appropriate Government to make rules–**

- (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
  - (a) the manner of giving specific training and the time-limit thereof, under first provision of section 4
  - (b) the area or limits for establishment of a neighbourhood school, under section 6;

- (c) the manner of maintenance of records of children up to the age of fourteen years, under clause(d)of section 9;
- (d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;
- (e) any other document for determining the age of child under sub-section (1)of section 14;
- (f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;
- (g) the authority, the form and manner of making application for Certificate of Recognition, under sub-section (2)of section 18
- (h) the form, the period, the manner of making application for issuing Certificate of Recognition, under sub-section (2)of section 18;
- (i) the manner of giving opportunity of hearing under second provision to sub-section(3)of section 18;
- (j) the other functions to be performed by School Management Committee under clause (d) of sub- section (2)of section 21;
- (k) the manner of preparing School Development Plan under dub-section (1)of section 22;
- (l) the salary and allowances payable to, and the terms and conditions of service of teacher, under sub-section (3)of section 23
- (m) the duties to be performed by the teacher under clause (f) of sub-section (1)of section 24;

- (n) the manner of redressing grievances of teacher under sub-section(3)of section 24;
  - (o) the form and manner of awarding certificate for completion of elementary education under sub-section(2)of section 30;
  - (p) the authority, the manner of its constitution and the terms and conditions thereof, under sub-section (3) of section 31;
  - (q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;
  - (r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34.
- (3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be completed in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session of the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.
- (4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislatures.

## THE SCHEDULE

(See Section 19 and 25)

### NORMS AND STANDARDS FOR A SCHOOL

Sl. No	ITEMS	NORMS & STANDARDS														
1	<p>Number of teachers; (a) For first class to fifth class</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>Admitted children</u></td> <td style="width: 50%;"><u>Number of teachers</u></td> </tr> <tr> <td>Up to sixty</td> <td>Two</td> </tr> <tr> <td>Between sixty-one to ninety</td> <td>Three</td> </tr> <tr> <td>Between Ninety-one to one hundred and twenty</td> <td>Four</td> </tr> <tr> <td>Between One hundred and twenty-one to two hundred</td> <td>Five</td> </tr> <tr> <td>Above One hundred and fifty children</td> <td>Five plus one head-teacher</td> </tr> <tr> <td>Above Two hundred Children(excluding Head-teacher)</td> <td>Pupil-Teacher Ratio Shall not exceed forty</td> </tr> </table>	<u>Admitted children</u>	<u>Number of teachers</u>	Up to sixty	Two	Between sixty-one to ninety	Three	Between Ninety-one to one hundred and twenty	Four	Between One hundred and twenty-one to two hundred	Five	Above One hundred and fifty children	Five plus one head-teacher	Above Two hundred Children(excluding Head-teacher)	Pupil-Teacher Ratio Shall not exceed forty
<u>Admitted children</u>	<u>Number of teachers</u>															
Up to sixty	Two															
Between sixty-one to ninety	Three															
Between Ninety-one to one hundred and twenty	Four															
Between One hundred and twenty-one to two hundred	Five															
Above One hundred and fifty children	Five plus one head-teacher															
Above Two hundred Children(excluding Head-teacher)	Pupil-Teacher Ratio Shall not exceed forty															
	<p>(b) For sixth class to eighth class</p>	<p>(1) At least one teacher per class so that there shall be least one teacher each for-</p> <p>(i) Science and Mathematics; (ii) Social Studies; (iii) Languages.</p> <p>(2) At least one teacher for every thirty-five children.</p> <p>(3) Where admission of children is above one hundred</p> <p>(i) a full time head-teacher; (ii) part time instructor for-</p>														

		(a) Art Education; (b) Health and Physical Education; (c) Work Education.
2	Building	All-weather building consisting of- (i) at least one class-room for every teacher and an office cum-store-cum-Head teacher's room; (ii) barrier-free access; (iii) separate toilet for boys and girls; (iv) safe and adequate drinking water facility to all children; (v) a kitchen where mid-day meal is cooked in the school; (vi) playground; (vii) arrangements for securing the school building by boundary wall or fencing.
3	Minimum number of working days/instructional hours in an academic year	(i) two hundred and working days for first class to fifth class; (ii) two hundred and twenty working days for sixth class to eight class; (iii) eight hundred instructional hours per academic year for first class to fifth class; (iv) one thousand instructional hours per academic year for sixth class to eighth class.
4	Minimum number of working hours per week for the teacher	Forty-five teaching including preparation hours
5	Teaching learning equipment	Shall be provided to each class as required.
6	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
7	Play material, games and sports equipment	Shall be provided to each class as required.

**APPENDIX-II**  
**THE MIZORAM RIGHT OF CHILDREN TO FREE AND COMPULSORY**  
**EDUCATION RULES, 2011**

**PART I - PRELIMINARY**

**Short title, extent and commencement:**

1. (1) These Rules may be called the Mizoram Right of Children to Free and Compulsory Education Rules, 2011.
- (2) It shall come into force from the date of its publication in the Official Gazette.
- (3) It shall extend to the whole of Mizoram.

**Definitions:**

2. (1) In these rules, unless the context otherwise requires, -
  - (a) “Act” means the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009)
  - (b) “Anganwadi” means an Anganwadi Centre established under the Integrated Child Development Services Scheme of the Ministry of Women and Child Development of the Government of India;
  - (c) “Child” means a male or female child of the age of six to fourteen, years;
  - (d) “District Education Officer” means an Officer of the Government of Mizoram in-charge for elementary education in a district.

- (e) “Local authority” means Local Councils under the Aizawl Municipal Council or Village Councils or Village Councils or Village Committee or District Councils, as the case may be;
- (f) “Neighbourhood” means area under the jurisdiction of Local Councils under Municipal Corporation or Village Councils or Sub-Village, as the case may be;
- (g) “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation;
- (h) “Schools” means any recognised school imparting elementary education and includes-
  - (i) a school established, owned or controlled by the Government of Mizoram or the local authority.
  - (ii) an aided school receiving aid or grants to meet whole or part of its expenses from the Government of Mizoram or the local authority.
  - (iii) a school belonging to specified category; and
  - (iv) an aided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority.
- (i) “School mapping” means planning school location to overcome social barriers and geographical distance.

- (j) All others words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

**PART II - RIGHT OF CHILDREN TO FREE  
AND COMPULSORY EDUCATION**

3. (1) The School Management Committee/ local authority shall identify children requiring special training and the Government shall organize such training in the following manner, namely :
- (a) The special training shall be based on specially designed, age appropriate learning material, approved by the State Council of Educational Research & Training, Mizoram.
  - (b) It shall be provided in classes held on the premises of the school, or through classes organized in safe residential facilities.
  - (c) It shall be provided by teachers working in the school, or by teachers specially appointed for the purpose.
  - (d) The duration shall be for a minimum period of three months which may be extended, based on 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 him/her to successfully integrate with the rest of the class, academically and emotionally.

**PART III - DUTIES OF STATE GOVERNMENT, LOCAL AUTHORITY**

4. (1) The areas or limits of neighbourhood within which a school has to be established by the State Government shall be as under -
- (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.
  - (b) In respect of children in classes from VI to VIII, a school shall be established within a walking distance of 3 kms of the neighbourhood.
- (2) Wherever required, the State Government shall upgrade existing schools with classes from I to V to include classes from VI to VIII. In respect of schools which start from class Vonwards, the State Government shall endeavour to add classes from I to V, wherever required.
- (3) In areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the State Government/ Local Authority shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub-rule (1).
- (4) For children from small hamlets, as identified by the State Government/ Local authority, where no school exists within the area or limits of neighbourhood specified under sub-rule (1) above, the State Government may make adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school, in relaxation of the area or limits specified under sub-rule (1). Provided that the Government shall, by issue of a notification, identify such hamlets.

- (5) In areas with high population density, the State Government may consider establishment of more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas.
- (6) The State Government/ Local Authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation within its jurisdiction.
- (7) In respect of children with disabilities which prevent them from accessing the school, the State Government/ Local Authority will endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education.
- (8) No children shall be barred from attending school on account of social and cultural factors.

#### **Duties of State Government and Local Authority**

5. (1) A child attending a school established, owned or controlled by the Government, a child attending Government Aided School, and a child attending a specified category school such as, Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navadaya Vidyalaya and Sainik School shall be entitled to free text books and writing materials. Provided that a child belonging to Below Poverty Line (BPL) family, attending the school mentioned in sub-rule (1) above shall also be entitled to free school uniforms. Provided further that a child with disabilities shall also be provided free special learning and support material.
- (2) Below Poverty Line (BPL) family for the purpose of these Rules shall be BPL list compiled and approved by Rural Development Department, Government of Mizoram.

- (3) For the purpose of determining and for establishing neighbourhood schools, the State Government/Local Authority shall undertake school mapping, and identify all children, including children belonging to weaker sections and children referred to in section 4 of the Act, within a period of one year from the appointed date, and every year thereafter, update such list as on 30<sup>th</sup> October every year.
- (4) The State Government, local authority and the school authorities shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.
- (5) The Government, Local Authority and the School 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 class room, during mid-day meals, in the play grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.
- (6) For the purpose of these rules, a child belonging to the weaker section and a child belonging to disadvantaged group shall mean a child belonging to the BPL Family.

#### **Maintenance of records of children by Local Authority**

6. (1) The Local Authority shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth till they attain 14 year.
- (2) The record, referred to in sub rule (1) above, shall be updated each year in December.
- (3) The record referred to in sub rule (1);shall be maintained transparently, in the public domain and used for the purposes of monitoring admission, attendance and completion of elementary education of every child residing within its jurisdiction
- (4) The record, referred to in sub-rule (1) shall, in respect of every child, include-

- (a) name, sex, date of birth,(Birth Certificate Number),place of birth;
  - (b) parents’/guardians’ names, address, occupation;
  - (c) pre-primary school/Anganwadi centre that the child attends (upto age 6);
  - (d) elementary school where the child is admitted;
  - (e) present address of the child;
  - (f) class in which the child is studying (for children between age 6-14), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;
  - (g) whether the child belongs to the weaker section within the meaning of clause (d) of section 2 of the Act;
  - (h) details of children requiring special facilities/residential facilities on account of migration and sparse population; age appropriate admission; disability.
- (5) The Local authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.
- (6) The Local authority shall submit a record maintained under sub-rule(1) above, to the Director of School Education on or before 15<sup>th</sup> December every year.

#### **PARY IV- RESPONSIBILITIES OF SCHOOLS AND TEACHERS**

7. (1) A school established, owned or controlled by the Government, Government Aided Schools, Specified Category schools, such as, Kendriya Vadyalaya, Jawahar Navodaya Vidyalaya, Navodaya Vidyalaya, Sainik School and an unaided schools not receiving any kind of aid or grants from the Government shall ensure that children belonging to weaker section and disadvantaged group are not segregated from the other children in

the classrooms and that their classes are not held at places and timings different from the classes held for the other children.

- (2) The school referred to in sub - rule (1) above shall ensure that children belonging to weaker section and disadvantaged groups are not discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and ICT facilities, extra-curricular and sports.
  - (3) The areas or limits of neighbourhood specified in Rule 4 (1) shall apply to admissions made in pursuance of clause (c) to section 12 (1) of the Act. Provided that the school may, for the purpose of filling up the requisite percentage of seats for children referred to in clause (c) to section 12 (1) of the Act, extend these limits with the prior approval of the State Government.
8. (1) The total annual recurring expenditure incurred by the Government of Mizoram, whether from its own funds, or funds provided by the Central Government or by any other authority, on elementary education in respect of all schools established owned or controlled by it, divided by the total number of children enrolled in all such schools, shall be the per child expenditure incurred by the State Government. Explanation-For the purpose of determining the per-child expenditure, the expenditure incurred by the State Government on Deficit Schools, Adhoc Grant-in-aid Schools and Lump-sum Schools and the children enrolled in such schools shall not be included.
- (2) Every specified category schools, such as, Kendriya Vidyalaya, Navodya Vidyalaya, Jawahar Vidyalaya and Sainik School as well as all unaided schools not receiving any kind of aid or grants from the Government shall maintain a separate bank account in

respect of the amount received by it as reimbursement under sub-section(2)of section 12 of the Act.

- (3) The State Government shall constitute a Committee to be headed by the Director of School Education Department with the following Members-Joint Director of School Education i/c Elementary education and State Project Director (Sarva Shiksha Abhiyan) for the purpose of assessing per child expenditure incurred by the State for reimbursement of expenditure to the schools.
- (4) Every School shall submit list of students admitted in the school to the District Education Officer or Sub Divisional Education Officer,as the case may be, in the month of April every year for reimbursement.The DEO or the SDEO shall verify or cause to be verified the enrolment of the children before making reimbursement.
- (5) The re-imbursement shall be made in one installment in November and shall be credited directly to the bank account of the school to be opened for this purpose as required in sub-rule (1) above.

### **Proof of age for admission**

9. Wherever a birth certificate under the Births,Deaths and Marriages Certificate Act,1886 is not available,any one of the following documents shall be deemed to be proof of age of the child for the purpose of admission in schools-
  - (a) Hospital/Primary Health centre/Sub Health Centre register record;
  - (b) Anganwadi record;
  - (c) Declaration through an affidavit of the age of the child by the parent or guardian;

(d) Baptismal Certificate.

10. (1) Extended period of admission shall be six months from the date of commencement of the academic year of a school.
- (2) Where a child is admitted in a school after the extended period, the Local authority or the Head of the School will submit a report to that effect to the Director of School Education, within one month from the date of making such admission.
- (3) Where a child is admitted in a school after the extended period, the Local authority or the Head of the School will submit a report to that effect to the Director of School Education, within one month from the date of making such admission.

### **Recognition of schools**

11. (1) Every school, other than a school established, owned or controlled by the State Government, established before the commencement of these Rules shall make a self declaration within a period of three months of the commencement of these Rules, in Form No.1 to the District Education Officer or the Sub Divisional Education Officer concerned regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the fulfillment of the following conditions for grant of recognition:
- (a) the school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;
- (b) the school is not run for profit to any individual, group or association of any other persons

- (c) the school conforms to the values enshrined in the Constitution;
  - (d) the school buildings or their structures or the grounds are used only for the purposes of education and skill development;
  - (e) the school is open to inspection by any officer authorized by the State Government/Local Authority
  - (f) the school furnishes such reports and information as may be required by the Director of Education/District Education Officer/Sub Divisional Education Officer from time to time and complies with such instructions or the State Government may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in working of the school;
- (2) Every self-declaration received in Form 1 shall be placed by the District Education Officer or Sub Divisional Education Officer in public domain within fifteen days of its receipt.
- (3) The District Education Officer of the Sub Divisional Education Officer shall conduct on-site inspection of such schools which claim in Form No.1 to fulfill the norms and standards and the conditions mentioned in sub-rule (1) within three months of the receipt of the self-declaration.
- (4) After the inspection referred to in sub-rule (3) is carried out, the inspection report shall be placed by the District Education Officer or Sub divisional Education Officer in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by Director of School Education, on receipt of recommendations from the District Education Officer or the Sub divisional Education

Officer in Form No.2 within a period of 15 days from the date of receipt of recommendations from the District Education Officer or Sub Divisional Education Officer.

- (5) School that do not confirm to the norms,standards and conditions mentioned in sub rule (1) shall be listed by the District Education Officer or Sub Divisional Education Officer through a public order to this effect,and any time within the next two and a half years,such schools may request the District Education Officer or Sub Divisional Education Officer for an onsite inspection for grant of recognition.
- (6) School which do not conform to the norms,standards and conditions mentioned in sub rule (1) after three years from the commencement of these Rules,shall cease to function.
- (7) Every school,other than a school established,owned or controlled by the State Government,established after the commencement of these Rules shall conform to the norms and standards and conditions mentioned in sub-rule (1) in order to qualify for recognition.

### **Withdrawal of recognition to Schools**

12. (1) Where the District Education Officer or the sub Divisional Education Officer on his motion,or on any representation received from any person,has reason to believe,to be recorded in writing,that a school recognized under rule 11,has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule,he shall act in the following manner;
  - (a) Issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month.

- (b) In case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the District Education Officer or Sub Divisional Education Officer may cause an inspection of the school, to be conducted by a Committee of three to five members comprising of educationists, civil society representative, media, and Government representatives, which shall make due inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the District Education Officer or the Sub Divisional education Officer.
- (c) The District Education Officer or Sub Divisional Education Officer shall forward the Report of the Committee, along with his comments, to the State commission for Protection of Child Rights or the Right to Education Protection Authority, as the case may be with a copy to the Secretary, School Education Department.
- (2) The State Commission for Protection of Child Rights or the Rights to Education Protection Authority, as the case may be, shall, after seeking explanation from the school concerned and after due examination, prepare and send its recommendations to the Secretary, School Education Department.
- (3) The Secretary, School Education Department, shall, on the basis of the recommendations referred to in sub Rule (2) convey decision of the Government to the District Education Officer or Sub Divisional Education Officer.
- (4) The District Education Officer or Sub Divisional Education Officer shall, on the basis of the decision of the Government, pass an order cancelling the recognition granted to the

school. The order of de-recognition shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of the de-recognized schools shall be admitted.

#### **PART V - SCHOOL MANAGEMENT COMMITTEE**

13. (1) A School Management Committee (SMC) shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the appointed date, and reconstituted every two years.
- (2) Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardian of children.
- (3) The remaining twenty five percent 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 teachers from the school, to be decided by the teachers of the school;
  - (c) remaining one third from amongst local educationists, children in the school, to be decided by the parents in the Committee.
- (4) To manage its affairs, the School Management Committee shall elect a Chairperson and Vice Chairperson from among the parent members. The Headmaster of the school or where the school does not have a headmaster, the senior most teacher of the school, shall be the ex-officio Member-Convener of the School Management Committee.

- (5) The School Management Committee shall meet at least once every two months and be minutes and decisions of the meetings shall be properly recorded and made available to the public.
- (6) The School Management Committee shall, in addition to the functions specified in clauses (a) to (d) of section 21 (2) of the Act, perform the following functions, for which it may constitute smaller working groups from amongst its Members:
- (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 State Government, Local Authority, school, parent and guardian;
  - (b) Ensure the implement of clauses (a) and (e) of section 24 and section 28 of the Act,
  - (c) Monitor that teachers are not burdened with non-academic duties other than those specified in section 27 of the Act;
  - (d) Ensure the enrolment and continued attendance of all the children from neighbourhood in the school;
  - (e) Monitor the maintenance of the norms and standards prescribed 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 as per section 3(2) of the Act.

- (g) Identify the needs, prepare a Plan, and monitor the implementation of the provisions of Section 4 of the Act.
  - (h) Monitor the identification and enrolment of, and facilities for learning by disabled children, and ensure their participation in, and completion of elementary education.
  - (i) Monitor the implementation of the Mid-Day Meal in the school.
  - (j) Prepare an annual account of receipts and expenditure of the school.
- (7) Any money received by the School Management Committee for the discharge of its functions under these Rules, shall be kept in a separate account, to be made available for audit every year.
- (8) The accounts referred to in clause (j) to sub-Rule (6) and sub-Rule (7) should be signed by the Chairperson/Vice-Chairperson and Convener of the School Management Committee and made available to the local authority within one month of their preparation.

### **Preparation of School Development Plan**

14. (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 first constituted under these Rules.
- (2) The School Development Plan shall be a three year plan comprising of 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, over the three year period, of the number of additional teachers and part time teachers, separately for Classes I to V and classes VI to VIII, calculated, with reference to the norms specified in the Schedule.
- (c) Physical requirements of additional infrastructure and equipments over the three year period, calculated, with reference to the norms and standards specified in the Schedule.
- (d) Additional financial requirement over the three year period, year-wise, in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4 of the Act, entitlements of children such as free text books and uniforms, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.

## **PART VI – TEACHERS**

15. (1) The minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school shall be as per the relevant Recruitment Rules framed by the Government at the time of recruitment.
- (2) The minimum qualifications as per the relevant Recruitment Rules shall be applicable for every school established, owned and controlled by the Government.

16. (1) The State Government shall estimate the requirement of teachers as per the norms in the Schedule of the Act for all Government schools within the State, within six months from the commencement of these Rules.
- (2) Where a State does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as per existing recruitment rules are not available in sufficient numbers in relation to the requirement of teachers estimated under sub- Rule (1), the State Government shall request, within one year of the commencement of the Act, the Central Government for relaxation of the prescribed minimum qualification.
- (3) On receipt of the request referred to in sub-Rule (2), the Central Government shall examine the request of the State Government and may relax the minimum qualifications by way of a Notification.
- (4) The Notification referred to in sub-Rule (3) shall specify the nature of relaxation and the time period, not exceeding three years, but not beyond five years from the commencement of the Act, within which the teachers appointed under the relaxed conditions acquire the minimum qualifications prescribed by the recruitment rules.
- (5) After six months from the commencement of the Act, no appointment of teacher for any teacher of any school can be made in respect of any person not possessing the minimum qualifications prescribed by the recruitment rules without the notification referred to in sub-rule (3).
- (6) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic qualification not lower than higher secondary school certificate or equivalent.

17. (1) The State Government shall provide adequate teacher education facilities to ensure that all teachers in Government schools, Government Aided Schools, and special category schools such as Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navodaya and Sainik School, who do not possess the minimum qualifications laid down in the recruitment rules at the time of commencement of these Rules, to acquire such minimum qualifications within five years from the commencement of the Act.
18. (1) The State Government shall notify terms and conditions of service and salary and allowances of teachers of Government Schools in order to create a professional and permanent cadre of teachers. Provided that the terms and conditions of service to teachers of Government Aided Schools shall be the following, notified separately by the Government.
- (2) In particular and without prejudice to sub rule (1) the terms and conditions of service shall take into account the following namely-
- (a) Accountability of teachers to the School Management Committee constituted under Rule 13.
  - (b) provisions enabling long term stake of teachers in the teaching Profession
- (3) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training as specified in Section 4 of the Act, shall be the same as that of regular teachers, and at par for similar work and experience.
19. (1) In performance of the functions of maintaining regularity and punctuality in attending school; conduct and complete the curriculum in accordance with the provisions' of sub-section (2) of section 29 of the Act; complete entire curriculum within the specified time

assess the learning ability of each child and accordingly supplement additional instruction, if any, required; hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress about the child and; and perform other duties as may be prescribed; and in order to fulfill the requirements of clause (h) or sub – section (2) of section 29 of the Act, the teacher shall maintain a file containing the pupil cumulative record for every child which will be the basis for awarding the completion certificate specified in sub -section (2) of section 30 of the Act.

(2) In addition to the functions specified in sub rule (1) above, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching:

(a) Participation in training programs;

(b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;

20. (1) The School Management Committee constituted under Rule 13 shall be the first level of grievance redressal of teachers of schools specified therein.

(2) The Government shall constitute School Tribunals at the State, District and Block levels which would act as the grievance redressal mechanism for the teachers.

21. (1) Sanctioned strength of teachers in a school shall be notified by the Government, within a period of six months of the appointed date. Provided that the Government, shall within six months of such Notification, reemploy teacher of schools having strength in excess of the sanctioned strength prior to the Notification referred to in sub-rule (1) above.

(2) For the purpose of maintaining the Teacher Pupil Ratio, no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational

purpose other than those specified in section 27 of the Act. If any person of the Government violates sub rule (1) above he or she shall be personally liable for disciplinary action.

**PART VII-CURRICULUM AND COMPLETION OF  
ELEMENTARY EDUCATION**

22. (1) The State Government shall notify the State Council of Educational research and Training as the academic authority for the purposes of section 29 of the Act.
- (2) While laying down the curriculum and evaluation procedure the academic authority notified under sub-Rule (1) shall-
- (a) formulate the relevant age appropriate syllabus and text books and other learning material
  - (b) develop in-service teacher training design, and
  - (c) prepare guidelines for putting into practice continuous and comprehensive evaluation.
- (3) The academic authority referred to in sub-rule (1) shall design and implement a process of holistic school quality assessment on a regular basis.
23. (1) The Certificate of completion of elementary education shall be issued at the school/ block/sub division/district level within one month of the completion of elementary education.
- (2) The Certificate referred to in sub-rule (1) shall -

- (a) Certify that the child has completed all courses of study prescribed under section 29 of the Act.
- (b) contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and may include music, dance, literature, sports, etc

### **PART VIII-PROTECTION OF RIGHT OF CHILDREN**

24. (1) In respect of a State which does not have a State Commission for Protection of Child Rights, the State Government may take immediate steps to set up the Commission.
- (2) Till such time as the State Government sets up the Commission, it shall constitute an interim authority known as the Right to Education Protection Authority (REPA) for the purpose of performing the functions specified in sub-section (1) of section 31 of the Act, within six months of the commencement of Act or the constitution of the State Commission for Protection of Child Rights, whichever is earlier.
- (3) The Rights to Education Protection Authority (REPA) shall consist of the following namely-
- (a) A chairperson who is a person of high academic repute or has been a High Court Judge or has done outstanding work for promoting the rights of children; and
  - (b) Two Members, of whom at least one shall be a woman, from the following areas, from amongst persons of eminence, ability, integrity, standing and experience in-

- i. education;
- ii. child health care and child development;
- iii. juvenile justice or care of neglected or marginalized children or children with disabilities;
- iv. elimination of child labour or working with children in distress;
- v. child psychology or sociology;or
- vi. legal profession.

- (4) The National Commission for Protection of Child Rights Rules,2006 shall, so far as pertains to the terms and conditions,mutatis mutandis apply to Chairperson and other Members of the REPA.
- (5) All records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.
- (6) In performance of its functions, the State Commission for Protection of Child Rights or the REPA, as the case may, may also act upon matters referred to it by the State Advisory Council.
- (7) The State Government shall enable constituting a Cell in the State Commission for Protection for Child Rights or the REPA,as the case may be which may assist the Commission or the REPA in performance of its functions under the Act.
25. (1) The State Commission for Protection of Child Rights,or the REPA,as the case may be,shall set up a child help line,accessible by SMS,telephone and letter,which would act as the forum aggrieved child/guardian to register complaint regarding violation of rights under the Act,in a manner that records her identity but does not disclose it;

- (2) All complaints to the helpline should be monitored through a transparent alert and action on line mechanism by the State Commission for protection of mechanism by the State Commission for Protection of Child Rights, or the REPA, as the case may be.

### **Constitution and Functions of the State Advisory Council**

26. (1) The State Advisory Council shall consist of a Chairperson and fourteen Members.
- (2) The Minister in-charge of the Ministry/Department of School Education in the State Government shall be the ex-officio Chairperson of the council.
- (3) Members of the Council shall be appointed by the State Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, as under-
- (a) At least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
  - (c) One member should be from amongst persons having specialized knowledge in the field of pre-primary education;
  - (d) At least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education;
  - (e) Fifty percent of such members shall be from amongst women.
- (4) The department of school Education shall provide logistic support for meetings of the Council other functions.
- (5) The procedure for transaction of business of the Council shall be as under-

- (i) The council shall meet regularly at such times as the chairperson thinks fit but three months shall not intervene between its last and the next meeting.
  - (ii) The meeting of the Council shall be presided by the Chairperson, if for any reason the chairperson is unable to attend the meeting of the Council, he may nominate a member of the Council to preside over such meeting. Quorum of the meeting of the council shall be considered complete if at least 50% of its members are present.
- (6) The terms and condition for appointment of members of the council shall be as under-
- (a) Every member shall hold office as such for a term of two years from the date on which he assumes office. Provided that no member shall hold office more than two terms.
  - (b) The member may be removed from his office by an order of the State Government on the ground of proved misbehaviour or incapacity, or on the happening of any one or more of the following events-
    - i. In adjudged and insolvent; or;
    - ii. Refuses to act or become incapable of acting; or;
    - iii. Is of unsound mind and stands so declared by a competent court; or
    - iv. has so abused his office as to render his continuance in office detrimental to the public interest or
    - v. Is convicted for an offence by a competent Court; or
    - vi. Is without obtaining leave of absence from the Council, absent from two consecutive meetings of the Council

- (c) No member shall be removed from his office without being removed from his office without being given an adequate opportunity of being heard.
- (d) If vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within period of 120 days by making a fresh appointment in accordance with the provisions of sub-rule (2)
- (e) Members of the Council shall be entitled to reimbursement of travelling and daily allowances for official tours and journeys in accordance with the orders issued by the State Government in relation to non-official members of the Committees and Commissions and such like categories of persons.

### APPENDIX-III

#### QUESTIONNAIRE FOR HEADMASTERS

(for studying their perception about the provisions of Right to Education Act, 2009 and their implementation in the schools)

1. Regarding reservation of 25% of seats in class 1 and pre – school section for children belonging to weaker and disadvantaged group in the neighbourhood, what does your school do?

i) (a) 25% of seats in class 1 are allotted to children belonging to BPL family ( )

(b) No. of such children admitted ( )

ii) (a) 25% of seats in pre-school section are allotted to children belonging to BPL family ( )

(b) No. of such children admitted ( )

iii) Amount of reimbursement per child ( )

iv) Reasons for not implementing the provision:

(a) Provision not yet implemented by the State Government ( )

(b) Not applicable ( )

2. Has your school received reimbursement for this? Yes/No

If yes, how much per child:- \_\_\_\_\_

3. What procedure of admission does your school follow?

(i) First come first serve ( )

(ii) Admission test ( )

(iii) Admission interview ( )

(iv) Admission based on performance in qualifying examination ( )

4. Has your school denied admission to any child due to the following reasons?

(i) Lack of age proof ( )

(ii) Seeking admission beyond the admission period ( )

5. In the academic session 2015-16:

(iii) Did you admit out of school children in classes appropriate to their age? Yes/No.

(iv) Were these children given special training by special trainers? Yes/No.

If Yes, how?

(a) Through Residential Special Training Centre (RSTC) ( )

(b) Through Non – Residential Special Training Centre ( )

6. Were all the children promoted to their next higher classes for the new academic session?

Yes/No

7. Were there any children expelled from school during the academic session 2015-2016?

Yes/No

8. What kind of actions do you take when students bunk their classes and/or fail to do their homework and/or indulge themselves in bad habits like smoking, chewing of tobacco, drinking etc.?

(i) Make them kneel down on the floor ( )

- (ii) Make them raise up both their hands ( )
- (iii) Make them write impositions ( )
- (iv) Scold them and yell at them ( )
- (v) Slap them/pinch them ( )
- (vi) Beat them with a stick ( )
- (vii) Inform the parents to meet the teacher/headmaster ( )
- (viii) Give them good advice not to repeat it in future ( )
- (ix) Give them special counselling ( )

9. Who constitute the members of School Management Committee (SMC)?

- (i) Headmaster/senior most teacher ( )
- (ii) 25% of teacher ( )
- (iii) 75% of parents/guardians of children belonging to BPL family ( )
- (iv) 25% of Local Authority ( )
- (v) 50% of women ( )
- (vi) 25% of local educationists ( )
- (vii) Children in the school ( )

10. What functions does your School Management Committee perform?

- (i) Monitor the working of the school ( )
- (ii) Prepare and recommend school development plan ( )
- (iii) Monitor the utilization of the received from the appropriate Government or local authority or any other source ( )

(iv) Perform such other functions as may be prescribed ( )

11. Does your school implement Continuous and Comprehensive Evaluation? If Yes, how?

(i) CCE calendar prepared by SCERT is followed ( )

(ii) Main activities undertaken by students are:

a) Preparation of charts ( )

b) Colouring/Painting ( )

c) Drawing ( )

d) Clay modelling ( )

e) Flower making ( )

f) Stitching ( )

g) Field visit ( )

12. Is every child completing his elementary education awarded a certificate? Yes/No

If Yes, What things are reflected in the certificate?

i) Date of Birth ( )

ii) Report Card ( )

iii) Transfer Certificate ( )

iv) Marks ( )

v) Character ( )

13. Do the teachers get deployed for any non-educational purposes other than decennial population census, disaster relief and elections to local authority, State Legislature and Parliament? Yes/No.

## APPENDIX-IV

### QUESTIONNAIRE FOR TEACHERS

(for studying their perception about the provisions of Right to Education Act, 2009 and their implementation in their schools)

1. What is your perception about providing free and compulsory education to every child and its implementation?

(i) The provision is properly implemented ( )

(ii) The provision is good but full implementation is not possible due to the following:

(a) Education cannot be provided completely free as parents have to contribute/spend money on stationary items mainly due to the introduction of CCE ( )

(b) Education cannot be provided completely free as the amount allocated for text-books and exercise books for each child is less than the actual price of the books ( )

(c) Compulsory attendance cannot be insisted if and when children and parents are not aware enough of its importance ( )

(d) Compulsory completion of elementary education is hard to achieve since some children are irregular in attendance and do not do most of the activities for CCE ( )

2. What is your perception about the provision of prohibiting physical punishment and mental harassment and its implementation?

(i) The provision is good and properly implemented in our school ( )

(ii) Due to this provision, cases of misbehaviour and indiscipline have greatly increased among students ( )

(iii) Teachers are no more in a position to curb and check undesirable behaviour practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants

- ( )
- (iv) Teachers are less respected by the students ( )
- (v) Teachers are not convinced by the provision ( )

3. What is your perception about the provision of Comprehensive and Continuous Evaluation (CCE) and its implementation?

- (i) CCE is good as it improves quality of education ( )
- (ii) Since it is an activity based learning system, it releases the children from boredom ( )
- (iii) Children feel more motivated and enthusiastic to go to school ( )
- (iv) CCE is effectively implemented ( )
- (v) CCE cannot be effectively implemented due to ( )
- (a) Inadequate number of teachers ( )
  - (b) Limited time to assess the learning abilities of the children ( )
  - (c) Inadequate amount of money for CCE ( )

4. What is your perception about the provision of holding regular meetings with parents and guardians and its implementation?

- (i) The provision is good ( )
- (ii) The provision is effectively implemented ( )
- (iii) Effective implementation of the provision is difficult due to:
- (a) Shortage of teachers ( )
  - (b) Inadequate infrastructure ( )

5. What is your perception about the provision that prohibits teachers to engage himself or herself in private tuition or private teaching activity and its implementation?

- (i) The provision is good and implemented in our school ( )
- (ii) The provision is good but not implemented effectively ( )
- (iii) Private tuition is still continued due to:
  - (a) Pressure from parents ( )
  - (b) Pressure from children ( )
  - (c) If parents are willing to pay money for tuition, why should the government ban it ( )
  - (d) There is no harm in giving private tuition as long as it does not affect our work ( )

6. (For private unaided schools only) What is your perception about the provision of admitting in class 1, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion and its implementation?

- (i) The provision is good and children belonging to Below Poverty Line (BPL) family should be given free and compulsory elementary education ( )
- (ii) The provision is properly implemented in our school ( )
- (iii) The provision is not implemented in reality ( )

7. What is your perception about the provision that prohibits subjecting the child or his/her parents or guardian to any screening procedure for admission and its implementation?

- (i) The provision is good and implemented in our school ( )
- (ii) The provision is good but not implemented in our school ( )
- (iii) It is not fair to ban screening for admission as:
- (a) The number of applications exceeds the number of seats available ( )
- (b) It is the desire of every school to admit better students ( )
- (c) Without screening, many good students are denied admission ( )
- (iv) The provision has nothing to do with our schools as:
- (a) The number of students seeking admission in our school is too limited even without screening ( )
- (b) Screening is not needed since more children seek admission to private schools ( )

8. What is your perception about the provision that prohibits denial of admission if such admission is sought subsequent to the extended period and its implementation?

- (i) The provision is good as it safeguards children from dropping out ( )
- (ii) The provision is properly implemented in our school ( )
- (iii) The provision is difficult to implement due to accomodation problem ( )

9. What is your perception about the provision that prohibits holding back a child in any class or expulsion from school till the completion of elementary education and its implementation?

- (i) The provision is good and implemented in our school ( )
- (ii) The provision is not good and not implemented as:
- (a) Students become more indisciplined ( )

- (b) Students become more irregular in attendance ( )
- (c) Students give less importance to their studies ( )
- (d) Students take more advantage from their teachers ( )

10. Where a child above six years of age has not been admitted in any school or though admitted, could not complete his/her elementary education, what is your perception about admitting that child in a class appropriate to his/her age and its implementation?

(i) The provision is good and should be implemented as:

- (a) It is the right of every child to be admitted in school and get education ( )
- (b) It is the duty of the school to accommodate such children ( )
- (c) It is the duty of the teacher to guide those children and give them special attention ( )

(ii) The provision is not good and difficult to implement as:

- (a) It creates accommodation problem ( )
- (b) Number of teachers is insufficient ( )
- (c) It deteriorates the quality of education ( )
- (d) There is no time for remedial teaching ( )

11. What is your perception about the functioning of School Management Committee (SMC)?

- (i) The provision prescribing the functions of SMC is good and implementable ( )
- (ii) SMC functions efficiently in our school ( )
- (iii) SMC does not function efficiently in our school due to:
  - (a) Lack of co-operation among the members ( )

- (b) Lack of interest among the members ( )
- (c) Members not willing to devote their time ( )
- (d) Members busy in their personal business ( )
- (e) No time for SMC meeting ( )

12. What is your perception about the provision for giving special training to those children who have been admitted into the age appropriate class and its implementation?

- (i) The provision is good and implemented ( )
- (ii) Giving the child an academic and emotional support will enable him to successfully integrate with the rest of the children ( )
- (iii) The provision is good but difficult to implement due to:
  - (a) Shortage of teachers ( )
  - (b) Lack of sufficient time ( )

13. What is your perception about the provision of making a person possess minimum qualification as laid down by the academic authority eligible for appointment as a teacher and its implementation?

- (i) The provision is good for improvement of quality of education ( )
- (ii) Only persons possessing the minimum qualifications as laid down by the academic authority are appointed as teachers ( )
- (iii) Persons not possessing the minimum qualifications as laid down by the academic authority are also appointed as teachers ( )

## APPENDIX-V

### QUESTIONANIRE FOR PARENTS

(for studying their perception about the provisions of Right to Education Act, 2009 and their implementation in the schools where their children are studying)

1. What is your perception about the provision of free and compulsory education for every child?

(i) The provision is very good for ensuring universalization of elementary education ( )

(ii) The provision of free education is very good as our children can receive free education ( )

(iii) Implementation of compulsory attendance on our part is difficult as we parents cannot send our children to school every day due to the need for our children's service at home ( )

(iv) I find compulsory completion of elementary education good ( )

2. What is your perception about the implementation of free and compulsory education for every child ?

(i) It is fully implemented by the school where my child is enrolled ( )

(ii) Education is not completely free as we have to contribute/spend money on stationary items mainly due to the introduction of CCE ( )

(iii) Education is not completely free as we have to pay for some text-books and exercise books ( )

(iv) Implementing the provision in its true sense is difficult ( )

3. Where a child above six years of age has not been admitted in any school or though admitted, could not complete his/her elementary education, what is your perception about the provision of admitting that child in a class appropriate to his/her age?

- (i) The provision is good as it helps in compulsory enrolment, attendance and completion of elementary education of our children ( )
- (ii) It is the duty of the school to accommodate such children ( )
- (iii) It is the duty of the teacher to guide those children and give them special attention ( )
- (iv) It is implemented in my child's school ( )

4. What is your perception about the provision of admitting a child in a class appropriate to his/her age and its implementation?

- (i) The provision is implemented in my child's school ( )
- (ii) The provision is not yet implemented in my child's school ( )
- (iii) I am not aware about its implementation ( )

5. What is your perception about the prohibition of collecting any capitation fee while admitting a child and its implementation?

- (i) The provision is good as it prohibits the collection of capitation fee ( )
- (ii) The provision is good as it safeguards parents from being exploited by schools ( )
- (iii) Any school collecting capitation fee should be punished with fine ( )
- (iv) Parents are relieved by the implementation of this provision ( )

6. What is your perception about prohibition of any screening procedure for admission and its implementation?

- (i) Prohibition of any screening procedure for admission is good ( )
- (ii) Screening for admission should be replaced by first come first serve ( )
- (iii) Screening for admission should be replaced by draw of lottery system ( )
- (iv) Screening for admission should be replaced by stratified random selection ( )
- (v) Screening for admission should not be prohibited ( )
- (vi) Schools should be given the freedom to employ admission procedure of their choice ( )
- (vii) Any school subjecting a child to screening procedure for admission should be punished with fine ( )

7. What is your perception about the provision of admitting all the children seeking admission in the child's school even if admission is sought subsequent to the extended period and its implementation?

- (i) The provision is good as it helps in ensuring universal enrolment, attendance and completion of elementary education to every child ( )
- (ii) The provision is good as it gives a challenge to the teachers to work more ( )
- (iii) Children seeking admission subsequent to the extended period should be welcome ( )
- (iv) The provision is good as my child has chance to get admission in good schools due to migration or other problems ( )
- (v) The provision is good as my child receives care and attention due to late admission ( )

8. What is your perception about prohibition of holding back a child in any class or expulsion from school till the completion of elementary education and its implementation?

- (i) The provision is good as it does away with unnecessary burden of the children ( )
- (ii) The provision is good as my child now feels safe and secured ( )
- (iii) When CCE is properly implemented, there is no question of holding back a child in any class ( )
- (iv) The provision makes the teachers work less and neglect our children to a certain extent ( )
- (v) The provision makes our children work less and create negligence in their studies ( )

9. What is your perception about prohibition of physical punishment and mental harassment and its implementation?

- (i) The provision is good as it makes children feel safe and secured ( )
- (ii) The provision is good as it enhances closer relationship among students and teachers ( )
- (iii) The provision is bad as it enhances misbehavior and indiscipline among students ( )
- (iv) Teachers are no more in a position to curb and check undesirable behaviour and practices such as smoking, drinking, consumption of pan, tobacco products and other intoxicants ( )
- (v) Teachers are less respected by the students due to this provision ( )

10. What is your perception about the composition of School Management Committee(SMC)?

- (i) Composition of parents or guardians (at least three- fourth of members of such committee)is too less/good enough/too many ( )
- (ii) Composition of women member (fifty per cent of members of such committee) is too less/good enough/too many ( )
- (iii) Composition of elected members of local authority(one-third members of such committee)is too less/good enough/too many ( )
- (iv) Composition of teachers from the school (one-third members of such committee) is too less/good enough/too many ( )
- (v) Composition of local educationists or children in the school (one-third members of such too less/good enough/too many ( )

11. What is your perception about the functioning of School Management Committee?

- (i) The functioning of SMC in my child's school is good and up to the mark ( )
- (ii) The functioning of SMC in my child's school is satisfactory ( )
- (iii) The functioning of SMC in my child's school is unsatisfactory and not up to the mark ( )

12. What is your perception about the provision of recommending the child's mother tongue as the medium of instruction and its implementation?

- (a) It is good as children can fully understand the subjects being taught ( )
- (b) It is good as children are able to express themselves freely ( )
- (c) It is good although children tend to show weakness in English ( )

(d) It is not good as children tend to show weakness in English ( )

13. What is your perception about the provision of Comprehensive and Continuous Evaluation (CCE) and its implementation?

(a) The provision is good and has made learning, activity based ( )

(b) Children find school life enjoyable ( )

(c) The provision is good and has been fully implemented by the schools ( )

(d) The provision is good but it is difficult to fully implement it ( )

14. What is your perception about the provision that bans board examination and its implementation?

(i) Banning board examination at the elementary level is good for our children ( )

(ii) Banning board examination at the elementary level is not good for our children ( )

(iii) Quality is maintained without board examination with CCE properly implemented ( )

(iv) The provision is not good as it makes our children become less competitive ( )

(v) The provision is not good as it makes our children neglect their studies ( )

(vi) It is implemented in my child's school ( )

15. What is your perception about the provision of holding regular meetings with parents and guardians and its implementation?

- (i) The provision is good and has enhanced cooperation between teachers and parents ( )
- (ii) The provision is good as parents get to know the performance, attendance and behaviour of our children ( )
- (iii) The provision is good but difficult to implement due to parents inability to give time ( )

16. What is your perception about the provision of not to engage the teachers in private tuition?

- (i) The provision is good and should be obeyed by every teacher ( )
- (ii) The provision is good as it ensures same type of education for all the students ( )
- (iii) The provision is good but there are cases when it is necessary ( )
- (iv) The provision is not necessary as there are some children who need private tuition at home ( )
- (v) There is no harm in giving private tuition as long as it does not affect the work of the teachers ( )
- (vi) There is no harm in giving private tuition as long as we the parents are willing to pay for our child's tuition fee ( )

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