

REPORT

An extramural seminar was organized by Department of Education, Pattamundai college, Pattamundai on dated 21/02/2018 on the topic "Right to Education Act, 2009". The resource person of the seminar was Dr. Gouri kumar Samal, Senior lecturer in education, Brahmani college, Dandisahi, Kendrapara. Prof. A L N Dash, Principal of the college chaired the session. Dr. Rajalaxmi Mohanty, Head of Department introduced and welcomed the guest on the dias and participants. She also gave the key note talk on the topic. Then papers were presented by the students on the similar themes. Paper on Present Status of Indian Higher Education was presented by Prabhuti Mallick, student of 6th semester. Paper on Quality of Indian Higher Education was presented by Pravati Swain, student of 6th semester and then paper on Problems and Challenges of Indian Higher Education was presented by, Laxmipriya Sahoo, student of 6th semester. Then Dr. Samal delivered his paper with a detailed explanation on the genesis, structure, characteristics, issues and challenges of Indian higher education. It was followed by an interaction session with resource person, faculties of the department and students. The meeting was ended with a vote of thanks to the resource person by Ms. Nibedita Nayak, Lecturer in Education.

Nibedita Nayak

∞ CONTENTS ∞

1. Introduction
 2. Private and Government Schools
 3. Right to Education (RTE) Act, 2009
 4. Scheduled Castes and their Educational Scenario
 5. Observations in Position Paper of National Focus Group on Problems of Scheduled Caste and Scheduled Tribe Children (2007)
 6. Observations of Some of the Research Studies regarding Education of Children from Scheduled Castes
 7. Impact of RTE Act upon the Education of Children from Scheduled Castes
 8. Chapter-wise Implications of RTE Act, 2009 for the Education of Children from Scheduled Caste Communities:
 - Chapter-1
 - Chapter-2
 - Chapter-3
 - Chapter-4
 - Chapter-5
 - References
- Annexure -1
- Annexure -2

1. INTRODUCTION

The development of any nation depends on its educational system and it is proved that education is the key to human progress and social change. Education is a powerful tool for the empowerment of individuals. It helps in developing confidence in individuals and community as a whole, about their own capacities, inherent strengths to shape their lives.

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. Today, 18 crore children are taught by almost 57 lakh teachers in more than 12 lakh primary and upper primary schools across the length and breadth of the country.

The Government of India's various programmes and schemes, such as, the Operation Blackboard, Bihar Education Project, *Lok Jumbish*, District Primary Education Programme, and the last of these being the *Sarva Shiksha Abhiyan* (SSA), have led to over 98 per cent of our children estimated to have access to primary schooling within one kilometer of their habitation, and almost 92 per cent to an upper primary school within three kilometers of their habitation. Gross enrolment ratios have increased significantly across all social categories, drop-out rates at primary level have decline, and transition from primary to upper primary stage has improved. The Mid-day Meal programme which originated in Tamil Nadu in 1982, is currently implemented in most states of the country. The research studies have observed that the mid-day meal scheme had an immense positive impact in terms of higher enrolment and attendance levels (Dreze and Goyal, 2003).

This massive expansion of education, in terms of physical access has, however, by and large, not been reinforced by adequate curricular inventions, including teaching-learning materials, training designs, assessment system and classroom practices, or even suitable infrastructure. Physical expansion has also not adequately addressed the problem of social access. An alarming 46 per cent children, largely girls and SC/ST children drop-out before completing the elementary stage of education. The country's expectations in respect of overall coverage, equitable distribution and quality of education have largely not been fulfilled.

If we look back into the history of India, education was never in reach of its entire people. Unequal access to education

has been rampant in India. This is because 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 children, particularly girls, belonging to SC, ST and Muslim minority communities, and children with disabilities, especially those from poor families, are educationally most vulnerable.

2. PRIVATE AND GOVERNMENT SCHOOLS

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 with extremely insufficient facilities to which the masses of people living in rural areas and urban slums send their children. There is a range of government and private 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.

3. RIGHT TO EDUCATION (RTE) ACT, 2009

In August 2009, Parliament passed the historic Right of Children to Free and Compulsory Education (RTE) Act, 2009. The new law must be seen from the perspective of children. It provides a legal framework that entitles all children between the ages of 6-14 years to an education of reasonable quality, based on principles of equity and non-discrimination. It provides for children's right to free and compulsory admission, and completion of elementary education. More importantly, it provides for the child's right to education that is free from fear, stress and anxiety. There are several provisions in the Act, including for example, provisions prohibiting corporal punishment, detention and expulsion. The most important aspect, however, is to ensure that the teaching-learning process is free

from stress and anxiety (Sec.29), with obvious implications for curricular reform. Testing and school grading systems need to be reviewed to motivate children to deepen and widen their learning. The RTE Act also lays down the responsibilities of teachers. Teacher accountability systems would need to ensure that children are learning and that their right to learning in an environment that is free from stress and anxiety is not violated.

The RTE Act provides for:

- The right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
- It clarifies that 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child 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.
- It makes provisions for a non-admitted child to be admitted to an age-appropriate class.
- It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- It lays down the norms and standards relating to, inter alia. Pupil Teacher Ratios (PTRs), buildings and infrastructure, school working days, teacher working hours.
- It provides for rational deployment of teachers by ensuring that the specified pupil-teacher ratio is maintained for each school, rather than just as an average for the State or District, or Block, thus ensuring that there is practically no urban-rural imbalance in teacher postings. It also prohibits deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and Parliament, and disaster relief.
- It provides for appointment of appropriately trained teachers, i.e., teachers with the requisite training and academic qualifications.

- For children in 6-14 age group it prohibits (i) physical punishment and mental harassment; (ii) screening procedures and for admission; (iii) capitation fees; (iv) private tuition by teachers; and (v) running of schools without recognition,
- It provides for the following penalties:
- For charging capitation fee: fine upto 10 times the capitation fee charged;
- For resorting to screening during admission: Rs (symbol need). 25,000 for first contraventions; Rs(symbol need).50,000 for each subsequent contravention; and
- For running a school without recognition; fine upto Rs. One lakh, and in case of continuing contravention Rs. 10,000 for each day during which the contravention continues.
- It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child-friendly and child-centred learning.

It provides for protection and monitoring of the child's right to free and compulsory education and redressal of grievances by the National and State Commissions for Protection of Child Rights, which shall have the powers of a civil court.

4. SCHEDULED CASTES AND THEIR EDUCATIONAL SCENARIO

The Scheduled Castes, one of the socially disadvantaged groups, constitute around 16 per cent of the total Indian population with marked State and Regional variations in terms of their proportions. They have been subjected to oppressions, under the feudal caste system, due to their low ritual and social status in the traditional social hierarchy. And hence, their children have historically been excluded from the formal education system.

It would be observed from the table that the general literacy rose by 13.17 per cent during the decade from 1991 to 2001 as it rose from 52.21 per cent in 1991 to 65.39 per cent in 2001 with male literacy being 75.65 per cent and female literacy being 54.16 per cent. Significantly, there has been marked improvement in the literacy rate of the

Scheduled Castes. The rate of increase of literacy among the SCs was 17.28 per cent as compared to 13.17 per cent increase in overall literacy as the literacy of the SCs increased from 37.41 per cent in 1991 to 54.69 per cent in 2001. There is, however, still a wide gap of 10.64 per cent in the overall literacy rate of the country as a whole and the literacy rate of SCs. The gap between the male literacy of the general population and SC population is 9.21 per cent whereas it is 12.26 per cent in the case of female literacy.

Census	Total Population			SC Population		
	Male	Female	Total	Male	Female	Total
1961	40.40	15.34	28.31	16.96	3.29	10.27
1971	39.45	18.69	29.54	22.36	6.44	14.67
1981	46.29	24.82	36.25	31.12	10.93	21.38
1991	64.13	39.29	52.21	49.91	23.76	37.41
2001	75.85	54.16	65.38	66.64	41.90	54.69
2011		80.9	73.0		75.2	66.1

One more important fact worth mentioning is that there was 44.28 per cent increase in the literacy rate for SC males which rose from 22.36 per cent in 1971 to 66.64 per cent in 2001 but the rise in the female literacy during this period was 35.46 per cent only as it was 6.44 per cent in 1971 and 41.90 per cent in 2001.

The above trends in the literacy rates of SC population indicate that much more efforts are required for their educational development. Special attention is needed for increasing the female literacy rate of SC population since increase in their literacy is low as compared to the increase in male literacy.

5. OBSERVATIONS IN POSITION PAPER OF NATIONAL FOCUS GROUP ON PROBLEMS OF SC AND ST CHILDREN (2007)

The Position Paper of National Focus Group on Problems of Scheduled Caste and Scheduled Tribe Children has pointed out that the post-independent India witnessed a massive state supported expansion and democratisation of schooling and institution of positive discrimination policies to facilitate access, education has successfully served, albeit to varying extents and with marked regional variations, as a key instrument of change and emancipation for the SC. It has brought them self-respect

and socio-economic advance, raised political consciousness and empowered their identity struggles. However, educational disparities between the SC, and the rest of the population, in terms of quantity, quality, teaching-learning process and learning outcome, have been far from eliminated. The inequalities reflect the fact that theirs has scarcely been an equal integration into dominant society. Rather, in a society characterised by growing polarisation, their inclusion has been governed by relations and processes of exploitation, discrimination, displacement and oppression. Global economic forces have brought about greater number of large sections of SCs who experiences marginalisation by development processes. Poverty, unemployment and ill-health are disproportionately located among them. Vast numbers of the Scheduled Castes have been unable to escape stigmatised occupations and social existence.

Further, the Position Paper has stated observations on the basis of exploration into the field reality of schooling of SC and ST children which entailed a critical overview of basic educational provisions as well as issues related to structure, content and process of the schooling. It was found that historical inequality in diffusion has been mitigated to a great extent, but unequal provision continues to be fundamental educational deterrent. Quality of mass education has declined to an abysmal level. Current policy changes have led to a rapid decline in teaching-learning conditions and have exacerbated the already grim situation in neglected regions and remote areas. The cut in public spending on education has proved most damaging. It has adversely affected state provisioning of schools and teachers and encouraged in its place the most substandard and commercially oriented private effort or spectacular but unsustainable innovations. Ironically, as India stakes claim as frontrunner in the world knowledge economy, her under-privileged children suffer the consequences of grossly inferior basic education. Several dimensions of educational inequality are conspicuous by their presence in schools for the SC and ST and signify the decline and dilution in educational quality. Diffusion is as yet inadequate in many parts, leading to situations whereby 'social' accessibility persists as a problem for the SC child and the absence of even a poorly functional school remains a disadvantage imposed on a remotely-located SC/ST child. Inferior learning opportunity is actualised in the poor quality of infrastructure, an inadequate and demotivated teaching staff, inadequacy of teaching transaction and in the provision of teaching-learning material.

6. OBSERVATIONS OF SOME RESEARCH STUDIES OF CHILDREN FROM SCHEDULED CASTES

In examining the extent of discrimination against Scheduled Caste children in schools, Throat (2002) compares data on untouchability in several states in 1971 and 1996. He finds that while the practice of untouchability is much less severe and the practice of making Scheduled Caste children sit separately from other students had practically disappeared in his sample schools, discriminatory treatment persists in milder forms. The examples he found in the mid-1990s, for instance, were the lack of friendship between Scheduled Caste and non-Scheduled Caste students, and subtle differences in the treatment of SC and non-SC students by teachers.

Economic pressures force a large number of Scheduled Caste children to leave school at an early age. However, this is not the only reason that children leave. Memories of humiliation can also play an important role in the decision to leave, albeit a less visible one (National Commission on Scheduled Castes and Scheduled Tribes, 1998).

The poor quality of education is another critical factor that leads to lower retention. Research has found that the majority of students from Scheduled Caste and Scheduled Tribe communities study in government schools that are badly-equipped in terms of the number of teachers, infrastructure and school environment. Discrimination against under-privileged groups is endemic, and takes numerous forms (PROBE, 1999).

Issues of self-worth, dignity and livelihoods that school education has failed to address or even acknowledge also arise for Scheduled Caste communities. While SC students have much greater access to elementary education than ST children, they frequently encounter overt and covert acts of discrimination, prejudice and rejection from teachers and fellow students. Commonly reported instances of cruel treatment include being told to sit separately from other students, being called 'untouchable' or stupid, being beaten and caned for presumed infractions and so on (Dreze and Gazdar, 1997).

A study of Jha and Jingran (2002), with an all India sample has lent ample credence to the assertion that poverty and caste act as fundamental deterrents to education.

Kaul's (2001, taken from Sedwal, M. and Kamat, S. 2008) paper highlights the need for a fresh approach to study the extent and forms of discrimination against SC and ST children.

In her study, she found that many Scheduled Caste children were scared to talk about the unequal treatment meted out to them, such as verbal abuse, physical punishment or avoiding touch, by some of the upper caste teachers in their schools.

In her study of 12 schools in two districts of Rajasthan and Madhya Pradesh, Subramanian (2005) also found that primary school teachers freely expressed opinions about the 'in educability' of SCs and STs. Such biased views, she reports, were expressed less by middle and secondary school teachers in the same districts.

According to the National Focus Group Paper, 2007, a highly inadequate teaching force has been a most critical element of unequal provisioning. Teacher-pupil ratios in schools frequented by SC/ST have been much higher than those in other schools meant for higher caste villagers.

The problem of insufficient number of teachers has been compounded by the problem of unmotivated teachers, which is reflected in the phenomenon of teacher absenteeism. Teachers for SC and ST children primarily belong to non-SC or non tribal backgrounds. They are highly irregular in attending since they live outside the villages. This is a common feature in schools located in remote areas.

Leclerecq (2003) noted that in the EGS schools in SC and ST dominated district of Madhya Pradesh, multi grade teaching was generalised. The quantity of teaching was problematically low and quality was equally a key deficiency.

The objective of the Baskaran's study was to find out the impact of mid-day meal scheme on enrolment of primary school students belonging to scheduled caste and, understand how it is related to their drop-out rates. His study was undertaken in the taluka of Thiruvallur of the M.G.R. District. The results of the study showed that introduction of Mid-day meal scheme was one of the important factors for improving enrolment of scheduled caste students in schools of Thiruvallur taluka; the dropouts were below 10 per cent; good nutrition helped them to learn what the teacher teaches in the classroom; most of the parents informed that because of mid-day meal scheme, they send their children to the school.

Ramachandran, 2004 "Teachers in India are predominantly upper caste and bring their own understandings of the legitimacy of caste relations into the classroom. *Dalit* children are expected to run errands and are assigned menial tasks such as

sweeping and cleaning the classrooms. Higher rates of teacher absenteeism were reported when children were mainly from *dalit* and tribal communities” (Kabeer, 2006).

7. IMPACT OF RTE ACT UPON THE EDUCATION OF CHILDREN FROM SCHEDULED CASTES

In the light of the above background including the observations from the various research studies, we have tried to examine the impact of RTE Act, 2009 on the education of children of Scheduled Castes.

8 CHAPTER-WISE IMPLICATIONS OF RTE ACT, 2009 FOR THE EDUCATION OF CHILDREN FROM SCs

Chapter-1

- “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 disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification.
- “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.

Chapter-2

- The children of scheduled caste communities along with other children of the age of 6 to 14 years have a right to compulsory education in a neighbourhood school till completion of elementary education. Having a Right means that it is not a welfare measure for them and no one is obliging them by admitting in the school.
- Free education i.e., to say no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education – Poverty being invariably the reason for children of scheduled caste not affording education.
- The children of scheduled caste, for various reasons discontinue their schooling. However, as per this Act, a child above six years of age who 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. Further, in such cases, they have a right to receive special training and if required, he/she is entitled for free education till completion of elementary education even after fourteen years.

- In many areas, particularly in remote areas and in predominantly scheduled caste inhabited villages, there may be only primary level schools.
- 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. 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.

Chapter-3

Duties of Appropriate Government, Local Authority and Parents

- For carrying out the provision of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed a school, where it is not so established, within a period of three years from the commencement of this Act.
- Develop and enforce standards for training of teachers; ensure availability of a neighbourhood school as specified in section 6; Ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevent from pursuing and completing elementary education on any grounds; Provide infrastructure including school building, teaching staff and learning equipment. Ensure and monitor admission, attendance and completion of elementary education by every child. Ensure good quality elementary education conforming to the standards and norms specified in the Schedule.
- Ensure timely prescribing of curriculum and courses of study for elementary education. Ensure admission of children of migrant families; monitor functioning of schools within its jurisdiction; decide the academic calendar.

- It shall be the duty of every parent or guardian to admit or cause to be admitted her or his child or ward, as the case may be, to an elementary education in the neighbourhood school.
- The appropriate Government may make necessary arrangement for providing free pre-school education for such children.

Chapter-4

The responsibilities of Schools and Teachers

- For the purposes of this Act, a school may admit in Class I to the extent 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.
- 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. If any school or person receives capitation fee, shall be punishable with fine which may extend to ten time the capitation fee charged and if subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupee for the first contraventions and fifty thousand rupee for each subsequent contraventions.
- For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate or on the basis of such other document, as may be prescribed but no child shall be admitted in a school shall be held back in any class or expelled from school till the completion of elementary education. No child shall be subjected to physical punishment or mental harassment, otherwise the teacher shall be liable to disciplinary action under the service rules applicable to such person.
- In the school Management Committee, the proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section.

- Duties of teachers include maintaining regularity and punctuality in attending schools, conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29; complete entire curriculum within the specified time; assess the learning ability of each child and accordingly supplement additional instructions, if any, as required.
- Hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child.
- A teacher committing default in performance of duties specified as above shall be liable to disciplinary action under the service rules applicable to him or her.
- The appropriate Government/local government shall ensure that the Pupil-teacher Ratio and to maintain it no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose except for 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. No teacher shall engage himself or herself in private tuition or private teaching activity.

Chapter-5

- Curriculum and Completion of Elementary Education.
- The academic authority, while laying down the curriculum and the evaluation procedure shall take into consideration.
- All-round development of the child, building up child's knowledge, potentiality and talent.
- Learning through activities, discovery and exploration in a child-friendly and child-centred manner.
- Making the child free of fear, trauma and anxiety and helping the child to express views freely.
- Comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

The October, 2012 amendment of RTE Act has further clarified the role of schools in the context of children of weaker

sections as well as of disadvantaged groups such as Scheduled Castes (Please see the Annexure-2).

1. What specific provisions have been made for the access to education for children of Scheduled Castes?
2. How is this Act going to help in retaining the Children of Scheduled Castes?
3. What measures have been given in RTE Act for improving the quality of education for children of Scheduled Castes?

Signature Sheet of Students

	Students Name	Class
1	Sujata Sahoo	+3 3rd Year Arts
2	Soubhagyabati Dash	+3 3rd Year Arts
3	Pratima Behera	+3 3rd year Arts
4	Manini Das	+3 3rd year Arts
5	Upasana Samal	+3 3rd Year Arts
6	Sanghamitra Sahoo	+3 3rd year Arts
7	Rudrani Das	+3 3rd year Arts
8	Jounya Hansan Bini	+3 3rd year Arts
9	Riturani Nayak.	+3 3rd year Arts
10.	Kabita Sahoo	+3 3rd year Arts
11.	Bandita Das	+3 3rd year Arts
12.	Bandita Kap	+3 3rd year Arts
13.	Susmita Tarai	+3 3rd year Arts
14.	Swarnalata Malik	+3 2nd year Arts
15	Chidananda Mohanty	+3 3rd year Arts
16.	Sasmika Das	+3 2nd year Arts
17.	Pritisha Panda	+3 1st year Arts
18.	OM prakash panda	+3 2nd year Arts
19.	Anil Kumar Rana	+3 2nd Year Arts
20	Srikanta Behera	+3 1st year Arts
21	Liparani Khuntia	+3 1st Year Arts
22.	Dipanjali Sethi	+3 2nd year Arts

23	Jyoti Bhusan Biswal	+3 2nd year Arts
24	Surendra Malik	+3 2nd year Arts
25	Ankita Sahoo	+3 3rd year Arts
26	Rojain Jena	+3 2nd year Arts
27	Scuti Swain	+3 1st year Arts
28	Madheemita Behara	+3 1st year Arts
29	Preyanka Parida	+3 2nd year Arts
30	Senita Gire	+3 2nd year Arts
31	Archana Bal	+3 1st year Arts
32	Sarojini Rout	+3 3rd year Arts
33	Ipsarani Panda	+3 3rd year Arts
34	Rutusmita sethi	+3 1st year Arts
35	Laxmi priya Mphanthi	+3 2nd year Arts
36	Upasana Barik	+3 1st year Arts
37	Mitali Swain	+3 3rd year Arts
38	Swagatika Rout	+3 3rd year Arts
39	Tulasi Sethi	+3 3rd year Arts
40	Mounmayee panda	+3 3rd year Arts
41	Anjana Barik	+3 1st year Arts
42	Savarna Prava Nath	+3 1st year Arts
43	Diptimayee Sahoo	+3 1st year Arts
44	Praymbada Das	+3 1st year Arts
45	Smriti Prava Biswal	+3 2nd year Arts
46	Lisbarani Malik	+3 1st year Arts
47	Dipanjali sethi	+3 1st year Arts

Teacher and students present in the seminars

