

## SCHOOL MANAGEMENT COMMITTEES AND THE RIGHT TO EDUCATION ACT 2009

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### ABSTRACT

Article 45 of the Indian constitution declares “The State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.” However, it was only in 2002, that the 86th amendment to the Indian constitution made free and compulsory primary education a fundamental right. The legislation envisaged by this amendment cleared its final hurdle seven years later as the Right of Children to Free and Compulsory Education Act of 2009 came into force, which for the first time in India’s history made primary education a legal right. The RTE Act provides a legal framework to provide free and compulsory education for all children age 6- 14. It presents a tremendous opportunity to overhaul India’s education system and change the inequities that exist within it. The act is enormous in its scope, with various provisions that covers aspects of school management, curriculum, teacher qualifications, pupil teacher ratio, physical infrastructure, as well as many other provisions regarding access, equity and quality. Moreover the Act also specifies proper mechanisms for its implementation. (Schechter, 2011)

**KEYWORDS:** Right of Children, Education, Teacher Qualifications, Pupil- Teacher Ratio, Physical Infrastructure

### INTRODUCTION

Right to Education Act, 2009 guarantees every child the basic fundamental right to education. Any child between 6-14 years has a right to free and compulsory education in a neighborhood school till completion of elementary education. The Act provides for special attention to the education of girls, disadvantaged children as well as children belonging to weaker sections of society. It provides a justifiable legal framework that entitles all children of this age-group for quality education, based on the principles of equity without discrimination

Based on principles of equity and non-discriminatory access to education, RTE embodies the core principles of the preamble (i.e. Social justice and equality, prohibition of discrimination, equality of opportunities and promotion of the educational interest of Scheduled Caste (SC), Scheduled Tribes (ST), Religious Minorities and other excluded groups like girl children and children with disability). The Act identifies community participation as a central and an overarching factor in achieving the goals of universal elementary education. It defines a clear role for community participation that aims to support systems of monitoring, developing school plans and helping resolve local grievances. In this regard, RTE provides that each school must have a School Management Committee (SMC).

### Key Provisions of the RTE Legislation

Some of the key provisions of the legislation include:

- Free and compulsory education for all children between 6-14 years of age in government schools, along with special provisions for transfer, attending school in the neighborhood, support throughout elementary school even beyond age 14, and never being denied admission.
- No capitation fee and screening procedure for admission
- It is the duty of appropriate Government and local authority to establish a school
- Develop framework for a national curriculum, enforce standards of training of teachers, and obtain facilities for training.
- Infrastructure of school building (along with a library, toilet facilities, textbooks), and availability of school in the neighborhood are mandatory.
- Monitoring of students' attendance and learning.
- Prohibition of school and teachers from a) holding back student in class, b) physical punishment, c) mental harassment.
- Formation of School Management Committees: to monitor working of the school, recommend school development, monitor utilization of grants, prepare the school development plan.
- Ensuring prescribed Pupil-Teacher Ratio, and filling up of teacher vacancies, and prohibiting the deployment of teachers for non-educational tasks.
- Introducing comprehensive and continuous evaluation, as well as rights-based approach to education – focusing on all-round development of a child, learning through activities, and building child's potential.

### School Management Committees

Section 21 of the Right to Free and Compulsory Education Act 2009 (RTE), mandates the formation of School Management Committees (SMCs) in all elementary government, government-aided schools and special category schools in the country. The RTE Act envisions an SMC as the basic unit of a decentralized model of governance with an active involvement of parents in the school's functioning. The RTE Act carries forward the suggestions of New Education Policy of 1986 and the new discourse beginning from DPEP. However, the role of community remains central to the emergence of the RTE Act, as it was enacted primarily because of peoples' demands and pressure and the community has the largest stake in its proper implementation.

### Composition of the SMC

Keeping in view the power dynamics that exists in a community and also its heterogeneous nature, the Act has tried to ensure representation of different segments of the community in the SMC, especially reserving fifty percent seats for women. In the Central Rules, the composition suggested is as follows:

- Three fourth (75%) members of the SMC must be from the parents/ guardians. From the 50% must be women. Weaker sections are to be represented in the SMC in proportion to their population in the village.
- Rest one fourth (25%) must be as; (1/3rd local authorities; 1/3rd school teachers; 1/3rd academicians/ students }

#### Formation of SMCs: Some Critical Issues

- **Participation of Women Members:** The RTE Act very clearly designates 50% place for women (mothers) among the elected members. It is also desirable that a woman member is made the President of the committee. It is important to ensure that women's representation must not be taken as mere tokenism rather women must be encouraged to play a positive role as members and participate constructively in the committee.
- **Student Nominee:** The spirit of including a student at SMC is very important. Representation of children has to be made mandatory as the right of children to participate is one of the key rights in the UN Child Rights Charter. The participation of a child would enhance child-sensitive culture and would also help the SMC to understand things from children's' perspectives.
- **Other Members of SMC:** While ensuring the selection from the weaker sections, it is crucial that the representation of the migrant families is also ensured. For SMCs to function as an effective democratic space, it is important to ensure that all classes/ caste categories must get adequate representation.
- **Size of SMC:** The size of SMC is not clearly specified in the Central Model Rules. It is important that SMC is of a manageable size. In Rajasthan the number of members suggested is 15, in Maharashtra, it is between 12 and 16, in Sikkim, it is 12 and so on.
- **Office Bearers:** The Office Bearers suggested in Central Model Rules are as follows:
  - Selection of the President and Vice President to be from among Parents.
  - Convener/Secretary, suggested by the School, could be either the Headmaster or the senior most teacher of the school. The convener will bear the overall responsibility of providing administrative support to the SMC. /He must ensure the notification of the SMC formation, and provide linkages with the government departments.

#### Formation of SMC

The process of constituting SMC could be as follows:

- General Body (GB) meeting of parents/guardians - all parents/guardians of children studying in the school will constitute the membership of the GB of the SMC.
- The GB members will elect representation of parents as per RTE norms for the executive committee of the SMC, by consensus or, if needed, by voting.
- Teachers and other members (1/3rd of the SMC) along with the elected members from the parents will constitute the Executive Committee of the SMC
- In turn, they will elect office bearers of the SMC as per norms specified in the Act.

- The SMC can also constitute sub-committees including members from the GB for specific functions, and all these committees would be responsible towards the GB of the SMC.

### Functions of SMCs

In addition to the RTE provisions, the Act, states that the following functions should also be performed by SMC:

- Communicate in simple and creative ways to the population in the neighborhood of the school, the rights of the child as enunciated in the Act; and the duties of the appropriate government, local authorities, school, parent, and guardian;
- Ensure the enrollment and attendance of all children, especially, the disadvantaged and weaker sections;
- Ensure that weaker sections are not discriminated.
- Monitor the identification and enrollment of children with special needs;
- Ensure that the rights of children specified in the Act are met promptly and the basic provisions entitled to children are provided in a timely manner;
- Prohibit private tuition or private teaching activity by teachers;
- Monitor that teachers are not burdened with non-academic duties.
- Making School Development Plan(SDP) as per the RTE guidelines/norms
- Supervising and supporting the implementation of SDP
- Supervision/monitoring of finance, management, academic progress
- Ensuring regular attendance and punctuality of teachers
- Auction of all old equipments, furniture and other unused items and the money to be given to the school.
- Regular auctioning of crops grown in the school lands and giving the money to the school.
- Organizing programmes for mobilizing enrollment and bridge courses for bringing children back to school
- Supervise the civil works in the school campus
- Ensuring that the parents enroll and send all the children to school regularly
- Monitor children's growth in the achievement in different subjects
- Supervise and review all development-academic, administrative and financial activities of the school.
- Ensuring that all the incentives from the government reach to the students.
- Keeping proper accounts (records) of the funds received and sharing its utilization with the immediate community.

### Role and Responsibilities of SMCs

Based on the provisions mentioned in the RTE Act and, there are at least four major roles that the SMCs can play:

- All SMCs are management bodies created for the decentralized governance of the school to ensure that quality education is imparted to all categories of children, without discrimination. As a structure of management, SMCs are the first level of governance.
- SMCs can also be seen as a means of mobilizing community resources for the school- linking schools with the local community. The school is intrinsically linked to the community. The school and the community can work together in harmony.
- SMCs can create a sense of community ownership of schools in their locality.
- SMCs can mobilize the community for the development of the school.

### Key Issues for Effective SMC

SMCs have the potential to make a tremendous impact and transform the existing system of education which is characterized by pessimism and the defeatist outlook of the system, even by its primary stakeholders. Through its positive action and a constructive dialogue with other stakeholders, the SMC can work towards reinstating a well-functioning school system. But some key issues need to be addressed for the SMCs to function effectively and smoothly.

- **Awareness about Rules and Roles:** For the SMC, to function effectively there is a need to create awareness among the members about their roles and functions as specified in the RTE Act and to educate them on how this Right can play a key role to address their educational related issues. Headmasters, teachers and especially parents are not fully aware of the composition, functions, and structure of SMC. A greater effort is required to encourage headmasters to share information with parents.
- **Effective Level of Participation of Parents:** Parents understanding of their roles as members and their level of participation is a very crucial factor behind the success of this whole concept of SMCs. As a the first unit of decentralization, it can go a long way in improving school facilities if parents' are active participants.
- **Member's Communication with the Higher Authorities:** There is a need to encourage committee members to bridge the communication gap with the Government Officials and work collaboratively for the betterment of the school. The headmaster can act as a proper bridge between the members and other stakeholders.
- **Empowering SMCs to Create SDP:** SDP or School Development Plan is the essence of the change that has been sought through the SMC. RTE implementation guidelines visualize preparation of School Development Plan, using School Mapping, and Micro-planning (SM&MP) exercise. Through the processes of School Mapping and Micro Planning, local stakeholders are involved in the educational process.
- **Social Mapping:** "The most important resource of any community is its local wisdom and knowledge." Social mapping enables the community to harness their local wisdom and knowledge to identify their educational needs and problems, based on which they can formulate and implement School Development Plan and also monitor and evaluate the whole process.

- **Implementation Challenges:** Community members lack awareness regarding the roles and responsibilities of SMCs. SMC members have limited capacity for school monitoring and planning due to inadequate training and social hierarchies. Merely setting up of the committee is not enough. Most states do not contextualize the roles and responsibilities of SMC. Moreover, there are also no clear mechanisms through which the functioning of SMC and participation of its members be evaluated.

## CONCLUSIONS

Under the RTE Act 2009, parents have been entrusted with certain powers through the SMC elected by them; proper exercise of the same can initiate a process of improving schools for the betterment of children, school, society and ultimately the country. (Dayaram, 2011) For that to get actualized, the community at large and the SMC members, in particular, have to be supported through training and capacity building. It would be impossible for RTE to succeed without the people's support and ownership. The RTE mandate for age- appropriate admission of every out-of-school child, special training for each child to enable him/ her to cope in school, promoting child-friendly child-centered and activity based learning processes, which is free of anxiety, trauma and fear set the agenda for proactive community participation. Community participation would be a central and an overarching factor in planning, implementation and monitoring interventions for universal elementary education. To facilitate such massive mobilization and solicit active participation, SMCs, as a microcosm of the society, can collaborate with the larger community and go a long way.

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