

COMMENTS OF THE STATES/UTs TO THE DRAFT CENTRAL LEGISLATION (AUGUST 2005)

Himachal Pradesh

Sl.No	Section of the Bill	Suggestions
1.	Section 3 (1)	The experience of the Government has been that some children (Children with Special Needs) are so severely disabled either mentally or physically that they are not even able to leave their homes for any purpose. Such children can only covered under "Home Based Education" Programmes which have already been started under SSA in the State. As such the proviso should also provide for home Based Education in addition to "Appropriate Alternative Environment"
2.	Section 9 (I)	While making provision for financial assistance to State Governments the Centre should factor in the actual cost of implementation in each State depending upon its backwardness, terrain, connectivity and category of State (for e.g. "Special Category State"etc.). In other words formula for each financial assistance should be state specific not a common national formulation.
3.	Section 14(1) (iii)	Of 25 % reservation of seats in unaided schools for children of weaker sections, atleast 10% should be earmarked for children with special needs (CWSN) since it has been our experience that this category is almost completely excluded from the present education system though these comprise an invisible but major percentage of the out of school children. The private un-aided schools should also share the social responsibility.
4.	Section 18	It should be left to the concerned State Government to fix the teacher-taught norms for various levels/ categories of schools in that State, rather than imposing a National norm. If necessary, there could be a provision in this section requiring the concerned State to have its norms approved by some National Agency, such as NCTE.
5.	Section 23	This entire Section needs to be deleted as it shall result in complete chaos in the existing education system in the states. The appointments of teachers of all categories in Himachal Pradesh is being currently made by independent and Autonomous Organizations such as HP Public Service Commission and the HP Subordinate Selection Board. This centralized system ensures uniformity, objectivity and a certain minimum academic quality. Delegating this function to tens of thousands of individual schools and their SMCs shall be disastrous.
6.	Section 27	This section also needs to be deleted as there is already a mechanism existing for purely administrative matters such as grant of leave, monitoring reports, power to impose penalties/punishment etc. This will vary from State to State and from one level of school to another. There is no need to provide for such Micro Management in a Central Legislation as the State Governments are quite competent to evolve their own systems.

Madhya Pradesh

Sl.No	Section of the Bill	Suggestions
1.	Section 3 (2)	A non-enrolled child who is <u>up to 8 years of age</u> , at the commencement of this Act, shall, in addition to the right specified in sub-clause (1), have the right to be admitted to an age appropriate grade in a neighbourhood school within one year from the commencement of this Act. Reason: A 9 year old never enrolled child cannot be admitted directly into Class - IV
2.	Section 3 (3)	A non-enrolled child who is in the age group <u>8-14 years</u> , at the commencement of this Act, shall in addition to the right specified in sub-clause (1), have the right to be provided special programmes within <u>and/or outside</u> the neighbourhood school to enable her to join, as early as possible, but in any case within three years from the commencement of this Act, the age appropriate grade. Reason: Even after bridging, a child in the age group 13-14 years may require at least 5 years to complete her elementary education.
3.	Section 6 (i)	(i) All non-enrolled children who are <u>upto 8 years of age</u> at the commencement of this Act are enrolled in a neighbourhood school within one year of the commencement of this Act. Reason: as for Section 3(3)
4.	Section 6 (ii)	All non enrolled children who are in the <u>8-14 years age group</u> at the commencement of this Act are enrolled in special programmes in a neighbourhood school..... Where such children do not live within the neighbourhood of a school, they are enrolled in a residential bridge course in <u>or outside</u> a school school/residential school to enable them to be admitted to an age appropriate grade in a neighbourhood school as early as possible, but in any case within three years of the commencement of this Act.
5.	Section 7	The appropriate government shall endeavor to provide facilities for pre-school education in State and fully aided schools for children between the ages of 3 to 6 years, if such facilities are not already being provided, through Integrated Child Development Services (ICDS) or other government programmes, in proximity to such schools <u>and in consonance with the timing of the school</u> .
6.	Section 10 (2) (vi)	Provision of a building, teaching aids and learning material of the prescribed specifications in accordance with the Schedule to every State school and fully aided school, <u>Provided that where a State school building is required to be constructed on forest land, the same shall be made available not withstanding the provisions of the Forest Conservation Act, 1980.</u> <i>SSA norms for civil works will need to be amended to meet the obligation placed by this provision.</i>
7.	Section 12	<i>Add:</i>

		vi. <u>To determine the academic calendar for schools and ensure its implementation.</u>
8.	Section 14 (1) (3)	State schools of specified categories, and unaided schools, to at least 25% children admitted to <u>entry level class</u> after the commencement of this Act, from among children belonging to weaker sections randomly selected by the school <u>through public draw of lots</u> and for the continued education of such children in the School thereafter till completion of elementary education or till they seek transfer from the school, whichever is earlier.
9.	Section 20	Prohibition of Deployment of Teachers for Non-educational Purpose. No teacher of a State or fully-aided school shall be deployed for any non-educational purpose except for decennial population census, election to local authorities, State Legislatures and Parliament, disaster relief duties <u>and Polio drive.</u> — <u>Provided that for the revision of electoral rolls, a teacher shall not be deployed outside her school.</u>
10.	Section 22 (4)	To following additions are proposed: <ul style="list-style-type: none"> ▪ <u>ensure that all entitled children in the age group 6-14 are enrolled in schools till they complete elementary education.</u> ▪ <u>ensure that the learning levels of children are satisfactory.</u> ▪ <u>Ensure children of 3-6 years are enrolled in pre primary educational facilities.</u>
11.	Section 24 (3)	Deputation or temporary deployment of teachers to schools other than those to which they have been appointed shall be prohibited, <u>except for reasons as prescribed. In such cases, the deployment should not exceed a prescribed period.</u> Reason: Deputation for teacher administrators and teacher trainers should be allowed.
12.	Section 25	Teacher Qualifications and <u>Terms and Conditions of service.</u> Reason: Remuneration is only one of the terms of a teacher's service. Hence the title should be wider.
13.	Section 29	Concerns of State Government: <ul style="list-style-type: none"> ▪ <i>The provision is likely to work against equitable opportunities for disadvantaged children in Government schools.</i> ▪ <i>It cannot work in heterogeneous multilingual situations.</i> ▪ <i>It will be difficult to develop such a wide range of textbooks and provide varied training to teachers.</i> To facilitate learning, mother tongue can be used for class room transaction for the first three years of primary level.
14.	Section 46 (1)	Anyone who has a grievance that provisions of Section 12,..... The Local Authority or the School Management Committee concerned, which shall take appropriate action on it and inform the applicant within a period <u>as prescribed but not exceeding ninety day</u> from the date of receipt of the representation. <i>Reason: Decision regarding admission, for instance, cannot wait for 90 days.</i>

15.	Section 46 (2)	<p>If the person preferring the representation under sub-section (1) above is not satisfied with the action taken thereon and inform the petitioner applicant within a period <u>as prescribed but not exceeding ninety days</u> from the date of receipt of the representation.</p> <p>Reason: As for Section 46 (1)</p>

Maharashtra

Sl.No	Section of the Bill	Suggestions
1.	Ch.III 9 (I)	Responsibility of the Central Government: The State Government is at present spending 23% of its revenue income on all activities of School education Department. It will not be possible for the State Govt. to start new educational activities envisaged in the bill for Free and Compulsory Education. Hence, it is submitted that Central Govt. should, ideally provide 100 % financial assistance to the State Govt. In the event of States obligation in sharing it should be at the ratio of 90% Govt. of India and 10% State Govt. If the State is required to contribute more than his, the State Govt. will find it difficult to pay its required share and hence all the activities pertaining to Free and Compulsory Education may suffer for want of funds.
2.	Ch.III 10 (2)	Responsibility of the Appropriate Government: In Maharashtra more than 80% of the Primary Schools are run by local bodies i.e. Zilla Parishad, Municipal Council and Municipal Corporation. At present all these local bodies are receiving grants from State Govt. as per their Grades. Zilla Parishads are getting 100% maintenance grant from the State Govt. Municipalities on the other hand are getting 80% for 'A'; Grade, 90% for 'B' Grade and 100% for 'C' Grade Municipalities. It is only the case of Mumbai that the Corporation is getting the grants at 50%. The present grant-in-aid formula which is adopted by the State Govt. for local bodies may not work in the case of additional financial burden created due to implementation of Free and Compulsory Education. All the local bodies will have to be given 100% grant to meet the additional expenditure to be borne by them for implementing the provisions of Free and Compulsory education.
3.	Ch.III 12 (1)	Responsibility of the local authority: local bodies may be asked to prepare a Plan for additional schools, teachers and other facilities that may be required as a result of the gaps identified through the school mapping exercise for ensuring Free and Compulsory Education. For this additional responsibility, the local body will not be in a position to provide funds from their own sources, 100% budgetary provisions will have to be provided to them by the State Govt. and Government of India. The teacher, pupil ratio at present is 37. The teacher, pupil ratio should ideally be 30 and no school either run by the Local Body or Private Management be allowed to run with a single teacher. Irrespective of the strength of the school there should necessarily be at least 2 teachers.
4.	Ch.IV 18 (2&3)	Norms and Standards for a school: all schools which are deemed to have been recognized at the commencement of the Act under Sub section-I of Sub section 17 but do not fulfill the norms prescribed in the schedule at the commencement date should be allowed to do so within a period of 5 years instead of 3 years as mentioned in this section. The provisions contained in Sub-Section 2,3 of Section 18 may become part of Rules and not the part of Act.
5.	Ch.IV 18 (4)	Norms and Standards for a School: The schools failing to comply Sub-Section-2 within the period of 5 years may be given an opportunity for complying the required norms in a years time. Orders declaring that such schools have forfeited its recognition shall be issued after ascertaining its non compliance even after the 6 th year.

Uttar Pradesh

Sl.No	Section of the Bill	Suggestions
1.	Ch.I 2 (u)	Guardian of orphans, street children etc. has not been defined which needs to be clarified.
2.	Ch.II 4 (2)	<p>It provides that non-availability of transfer certificate of student will not be considered a basis for delay or denial for his/her admission in appropriate class of new school. It also forbids any type of test of the child for admission.</p> <p>The section needs to be amended because student achievement levels can be assessed only through some type of test to decide the appropriate class for admission.</p>
3.	Ch.III 9 (1)	An addition is required in this section stating that the entire expenditure arising, as a result of implementation of the provisions of the Act will be borne by the Government of India.
4.	Ch.IV 18	Certain norms and pay scales etc. has been made an integral part of the Draft Bill. It would be appropriate to provide flexibility to states so that the states can decide their norms to achieve universalisation of elementary education.
5.	Ch.IV 23	It lays down that cadre of teachers will be school based. In Uttar Pradesh the Cadre of teachers is district based that it is not feasible to make the teacher cadre school based. It may be left to the states to undertake the review of the teacher cadre.
6.	Ch.IV Section 25 (2)	<p>It provides that all teachers who do not possess qualifications prescribed by the NCTE they will be given equivalent training within 5 years from the commencement of the Act.</p> <p>In the light of the provision, definition of teacher in section 2 (pp) of Chaper-I needs to be amended otherwise the provision in section 25 (2) will become applicable to shiksha mitra also.</p>

West Bengal

Sl.No	Section of the Bill	Suggestions
1.	Preamble	3 rd Para: "for Free and Compulsory Education of all children in the age group of 6-14 years" is to be amended to "upto 14 years" as was incorporated in Article 45 of the Constitution of India before the 86 th Amendment of the constitution and as has been upheld by the Supreme Court in Unni Krishan case where education upto 14 years of age has been declared as fundamental right.
2.	Chapter III (5)	General responsibility of the State here in this clause, the State shall be the Union Government not State Government.
3.	Chapter III (6)	The responsibility of the State Government towards non-enrolled child should also be the responsibility of the Union Government.
4.	Chapter III (9)	Responsibility of the Central Government should be clearly mentioned that it will bear the full financial responsibility for implementation of the Act.
5.	Chapter IV Section 25(1) & (2)	In different states, the teachers training arrangements are not uniform. So different arrangements for training should be provided in the Act and the provisions of NCTE should not be made compulsory throughout the country.
6.	Chapter IV Section 33	No useful purpose can be served by appointing a National Commission for Elementary Education as has been provided in the proposed Act. The same commission may be appointed by the State Government to perform the function of the provision of the Act.

Karnataka

Sl.No	Section of the Bill	Suggestions
1.	Section 2 (aa)	Such "areas" to replace "area" After " as may be prescribed" add " for whole or part of elementary stage". Reason: To enable fixing different distances criteria for access to primary & for upper primary stages.
2.	Chapter II Section 4 (2)	A provision should be suitably provided so that temporary schools/tent schools for the admission of migrant children can also be opened apart from regular permanents schools.
3.	Section 5 (ii)	Free education provision should be limited to state schools and fully aided schools. It should be extended to unaided schools only where State or fully aided schools are not available in the neighborhood and free transportation is not provided to the nearest school in case they are not available. If such and amendment is not made the Government of India should bear 100% of the additional consequential cost.
4	Chapter III Sub Section (6) of Section 10	10 Responsibility of the Appropriate Government 1..... 2..... (i) (ii) (iii) (iv) (v) (vi) Provision of a building, teaching aids, learning material of the prescribed specifications in accordance with the Scheduled to every State School (omitting "and fully aided school") Reason. The responsibility for such provision in a fully aided school should be that of the management and not of the appropriate Government
5	Chapter - IV Section 14	Add " only where state or fully aided schools are not available in the neighborhood and free transportation is not provided to the nearest state fully aided school, in case they are not available "(If this provision is retained without amendment government of India shall bear 100% of the resultant additional cost). Admission to schools to be generally done at the commencement of the academic year but not to be denied at other times Children shall be admitted to schools as far as possible at the commencement of the academic year, or within such period thereof as may be prescribed by the appropriate Government(Add)

	Section - 16	
6	Chapter IV sub section(3) of Section 18	<p>18. Norms and Standards for a school</p> <p>1.....</p> <p>2.....</p> <p>3. Responsibility for compliance with the provisions of sub section (2) , shall be as follows:</p> <p>i) In case of State schools of the appropriate government /local authority (subject to the provisions of sections 9,10,& 12 omit- " fully aided schools" from this part.</p> <p>ii) In case of fully-aided Schools and other schools-the management of such schools; (Because it is responsibility of the management of fully aided schools for compliance with provisions of sub section (2) of the Section 18</p>
7	Chapter IV Section 20	<p>20. Prohibition of Deployment of Teachers for Non-Educational purpose.</p> <p>No teachers of a state or fully-aided school shall be deployed for any non-educational purpose except for decennial population census, election to local authorities, State legislatures and Parliament, (polling duty only) and disaster relief duties.</p>
8	Chapter IV Sub Section 1 and 2 of Section 22	<p>22. School Management Committees</p> <p>1. A School Management Committee (SMC) shall be constituted for every State school and aided school, with such representation of parents, teachers, the community and representatives of the local authority,. as may be prescribed by the Appropriate Government .(Add)</p> <p>2. Composition of the School Management Committee shall be so prescribed that;</p> <p>i. At least three-fourths of is members are parents or where both parents are not alive (add) guardians of children studying in the schools, with proportionate representation among them of women, scheduled castes , scheduled tribes (Add)and other socially and educationally backward classes; Reason: to prevent misuse of the provision to capture SMC posts by non-parents in the guise of guardians.</p> <p>ii.</p> <p>Add: iii) Chairman of the SMC should be a parent representative</p>

		<p>3. :SMC should be appropriately linked to local authorities. There should be a sub-section which also lays down the responsibilities or duties of the SMC, e.g. to ensure that all children in the neighborhood regularly attend school . (Inclusion of suitable representation for woman should also be added to part (i) as above)</p>
9	Chapter IV Sub section 1 and 2 of section 23	<p>23. Teachers of State Schools to be a School-based Cadre</p> <p>(1) after the commencement of this Act, teachers in State schools, except in State schools of specified categories, shall be appointed for a specific school by such local authority or SMC as may be notified by the appropriate government, and shall not be transferred therefrom except by prescribed manner which ensures sufficient strength of teachers in the school and replacement where necessary . Add</p> <p>(2) Recruitment of teachers shall be carried out in accordance with transparent, merit cum reservation-(Add) based criteria, and information thereof shall be made available in the public domain</p> <p>(3)</p>
10	Chapter IV Section 24	<p>24. Teachers Vacancies in State Schools and Fully- aided Schools Not to Exceed 5% of Total Strength " Reason - 10% is about 3 years vacancies. At most there should be one or two year vacancies. Hence should be reduced to 5%</p> <p>1..... 2..... 3.Deputation or temporary deployment of teachers to schools other than those to which they have been appointed shall be prohibited except for educational purposes Reason : To allow for temporary redeployment in unavoidable circumstances. (Subsection 4 may be inserted under this section as follows)</p> <p>"(4) Servant- master relationship of teachers in fully aided or aided schools exists not with the appropriate government/ Local authority but with the management .</p>
11	Chapter IV Section 28	<p>28. Redressal of Teachers Grievances</p> <p>It shall be the duty of the SMC/Local authority to redress teachers' grievances to the extent they fall within its purview, and to forward such grievance of the teachers to the appropriate authority in obtaining redressal of such grievances as do not fall within its purview.</p>
12	Chapter V Section 30	<p>A suitable provision has to be inserted under this section as sub section (3) as follows: "(3) Standardized non- threatening assessment of learning levels of children, in schools should be done at regular intervals to enable corrective action"</p>
13	Section 31 (2)	To replace " Section 26" by " Section 27
14	Section 32 (2)	To change as " The appropriate government in respect of teachers in State schools and management in respect of teachers in fully aided schools and unaided schools".

		There appears to be a contradiction between the stipulations between these sections.
2.	General comments	The Bill strongly advocates for non-detention policy till a child completes elementary education. Historically, non-detention policy was put in place with a different purpose in the early decades of post-independent period. The reason being the facilitating the process of universalization of elementary education. In a context in which quality education is being emphasized and all tried-out interventions and inputs are put into the system, non-detention appears to be a non-phenomena in schools. Therefore, the policy of non-detention is in direct conflict with the policy of quality education. This needs to be reconsidered before the Bill is placed before the winter session for the Parliament.
3.	Chapter-IV Section-23(1)	<p>The idea of school-based cadre for teachers is likely to create a number of problems, which include</p> <ul style="list-style-type: none"> a) In many states such as in Orissa there is a cadre called Elementary Education Cadre, 1997 which provides vertical mobility of teachers from on-level to the next higher up level to promote professionalism and motivate teachers to strive for up gradation of their qualifications and better performance. The proposed policy will stifle the intrinsic motivation of teachers. b) Non-transfer of teachers after formation of a Scholl-based cadre will create a lot of administrative inconveniences. c) Unless adequate built-in incentive mechanisms are there in the system, the school-based teachers will seize to function effectively and efficeiently.
4.	Chapter-V Section-30(1)	<p>This Section provides for no public examination before completion of elementary stage. While the proposal appears to be a welcome one in terms of the stress and anxiety public examination entail, it does not go well with the concern for quality education. The conventional concept of quality in terms of years of schooling is no more valid. Elementary education, as per national structure, comprises five years of primary education and three years of upper primary education.</p> <p>It is, therefore, proposed that there should be space for public examination at the end of primary stage i.e. Class V and another public examination at the end of Class VII/VIII as the case may be. Doing away with public examination will affect the system in the following ways:</p> <ul style="list-style-type: none"> a) The parental perception of quality education does not appreciate doing away with public examination, which according to them is a more valid and reliable indicator of what their wards have learnt. This helps them to know how well their wards are in their studies. b) Public examinations, if properly designed, boost up the confidence and morale of students. They create seriousness in students to prove their competence in different school subjects. c) Public examinations help inter district comparisons. It provides better understanding of an insight into children's progress in different school subjects if the child continues his/her entire elementary education in the same school.
5.	General Comments	Elementary education is the sole responsibility of the State as defined in Article 12 of the Indian Constitution. If the state is accepted as the sole funder and provider of elementary education, elementary education should be provided through state-run school alone. In other words, through Common School System as envisaged by the Kothari commission (1964-66). Private initiatives in elementary education, as envisaged in the Bill, will inevitably create a system of elite education i.e. quality education to accessed by the children of those parents

		who can afford for it. This appears to be against the principles of equity and social justice. At least for elementary education, state should continue as the only provider. It should absolve itself the responsibility the Bill thrusts upon it.
6.	Schedule S.No.-6	The Bill provides for minimum of 200 working days. In many countries of the world, there is a demand for 'longer school year' and 'longer school days'. It appears that the schools have more holidays. It is, therefore, proposed to reconsider whether the number of working days in a school could be enhanced.
7.	Chapter-VII Section-29- 50 (2)	The Bill provides for financial penalty on the parents whose children do not attend classes regularly. It appears to be impracticable for very poor parents, who leave on the edge of subsistence to send their children to the schools for the sake of opportunity costs that would be inflicted on such families. This may be reexamined.
8.	Chapter-V Section-29(ii)(c)	Child has the right to be taught through his/her mother tongue up to first five years of elementary education as envisaged by the Draft Bill. But it is apprehended that mainstreaming of children whose home language and school language are different beyond Class V for this, probably progressive scaling of the use of regional State language, with a corresponding reduction in use of home language in instruction shall be workable proposition. This needs to be examined further.
9.	Chapter-IV Section-23(1)	Chapter IV deals with provisions for schools and teachers. The centrality of teachers in improving the internal efficiency and effectiveness of schools is well recognized. But there exists very little in the provisions about teacher accountability, teacher motivation, incentives for good performance and disincentives for poor performance. Teacher accountability is critical importance. It may be re-examined.
10.	Chapter-IV, Section 24(1)	Existence of teachers' vacancies in State and fully-aided schools, the Draft Bill stipulate, does not at any time exceed 10% of the total sanctioned posts. However, it does not qualify 'teachers'-regular teachers or para teachers. The States have, in the recent years, taken recourse to engaging para teachers. This unqualified concept of teachers leaves enough space for school authorities to appoint low paid para teachers with little professional identity, which is at the cost of education of children, the Bill stoutly vouches for. Teachers should mean regular teachers with accountability.

Gujarat

S.No.	Section of the Bill	Suggestions
1.	Chapter-V Section 32 (1)	<p>In Gujarat, the 8th Standard is a part of the secondary education, the curriculum, qualification of teachers and training of teachers for 8th Standard are different from 1st to 7th Standards.</p> <p>The proposed Bill may not cover the age group but can be remodeled more in terms of compulsory and free primary/elementary education as defined by the State, with a minimum period of such education being fixed at 7 years.</p>
2.	Chapter-VI Section-33	<p>The creation of National Commission for Elementary Education will create additional administrative burden on the already over worked State governments. The existing system is decentralized. Creation of such Commissions belittles the authority, responsibility and flexibility of the States, apart from being a burden on central/state resources. No worthwhile achievement will be effected by creation of yet another body.</p> <p>There is no necessity for such a commission.</p>
3.	Chapter-III Section-9(i)	<p>The Central Government should bear the entire cost of elementary education. The least expected, is bearing the additional burden.</p>
4.	Chapter-IV Section-14(1)(iii)	<p>The act is quite vague about non-aided private schools. It is anticipated that in future such schools might use the Act to drag the Government into litigations.</p> <p>The Act should clarify that the State will have no burden as far as non-aided private schools are concerned.</p>
5.	Chapter-IV Section-23(1)	<p>The Bill proposes school-based cadres for primary school teachers whereby they will report to the proposed School Management Committees (SMCs) and are non-transferable. The preponderant majority of Primary School Teachers are government/Panchayat servants. The very concept of non-transferability goes against their service rules. The teachers are part of District cadres; District Primary Educaiton Cadre whereby the appointing authority is the 'District Primary Education Committee' (Part of the Gujarat Panchayati Raj System). Shifting such a cadre to a school based cadre is neither practical nor feasible, apart from going against the basic tenets of the Panchayati Raj System. Many of the teachers are women. Non-transferability will create problems for them post-marriage. The concept of SMC in the proposed Bill is vague and not very well defined.</p> <p>The concepts of SMC and non-transferability need to be dropped all together.</p>
6.	General Comments	<p>The Bill seems to be mixing up a number of school systems i.e. the neighborhood schools of USA, the voucher system of a number of Latin American Countries. Many ideas are impractical.</p> <p>It is necessary to evolve an Act, which takes care of the Indian reality and is implementable. If not acceptable, higher period of implementation (Minimum 10 years) and financial resources need to be given.</p>
7.	Chapter-I Section-2(j),(I),(m),(aa),(bb),(ss)	<p>These sections need further elaboration. In many existing Acts have been used to define certain concepts. This might create problems of interpretations.</p>
8.	Chapter-II Section-3(1)(ii)	<p>This section speaks of children having severe or profound disability will have a right to education in an</p>

		appropriate alternative environment. This is quite vague.
9.	Chapter-III Section-5(i)	This section speaks of availability of neighbourhood school within three years. This may possible in rural areas. In urban areas (Particularly suburbs) this is well neigh impossible even in 5 years.
10.	Chapter-III Section-7	This section speaks of facilities for Pre-School Education unnecessarily includes age groups which have no relation with the Right to Education as defined in the amended Fundamental right, 21A.
11.	Schedule-2	The number of teachers including subject teachers is too ambitious and impractical.
12.	Chapter-III Section-5(i)	Concept of paying transport cost and providing free residential schools, in case a school is not available in the neighbourhood is thoroughly impractical apart from increasing administrative and financial burden.
13.	Chapter-III Section-12(1)(i)	This section speaks of Responsibility of Local Authorities to maintain a record of all children in its area, who are in the age group of 0-14 years. In the urban areas, this will entail high recurring cost and a whole system will have to be developed, which might take many years.
14.	Chapter-IV Section-14(1)(iii)	Reimbursing private schools for 25% of its intake is an unnecessary financial burden. In any case, the per student cost in the State Schools (which is payable under the Section) will fall short of the charged fees and as a result, other 75% of the students will ultimately bear the higher burden. Hence it will be better if the private schools compensate by charging higher fees, rather than the State taking up this burden. Alternatively Center should pay the cost. In any case, such ideas are contrary to neighbourhood schools.
15.	General Comments	Since the Bill contains many vague references, they need to be worked on. Unnecessary concepts need to be pruned. (for example if the State has to fund neighbourhood schools everywhere, why should it be combined with the voucher system of 25% in private schools? Additional resources should go into improvement of the existing schools rather than subsidizing private schools). The spirit of the amendment should be maintained along with practicality of implementation. <u>We suggest a 10-year implementation period and total central funding of Elementary Education.</u>

Tamil Nadu

S.No.	Section of the Bill	Suggestions
1.	Chapter-I, 2(b)	Under Tamil Nadu Compulsory Elementary Education Act, 1994 and Tamil Nadu Compulsory Elementary Education Rules 1998 it has been specifically mentioned school age as the date on which he attains age of 6 (Completion of age 5). However in the proposed legislation school age mentioned as completed 6 years of age as age for enrolment in I std. This tends to affect enrolment eligibility in Primary Education of our state. Hence the age of completion of 5 years (5+) as age limit for enrolment in I std may be adopted.
2.	Chapter-I, 2(f)	It may be modified as a person who is not less than '5' years and not more than 14 years of age.
3.	Chapter-I, 2(bb)	Neighbourhood School-educational institution/schools located within 1 k.m. radius for primary, 3 k.m. radius for upper primary/Middle Schools.
4.	Chapter-II, 3	As far as our state is concerned, the concept of neighbourhood schools is fulfilled since a primary school exists within a distance of 1 k.m. radius and middle schools 3 k.m radius from their residence.
5.	Chapter-II, 3(1)	Attainment of age may be modified as 5 years.
6.	Chapter-II, 3(5)	Orders of expulsion of child should be effected only by the Head of Institution/Head Master after consulting the School Management Committee (SMC).
7.	Chapter-III, 6(i)	Age group for non-enrolled child may be modified as 6-9.
8.	Chapter-III, 9	The additional financial burden on the State Government arising out of the implementation of this act should be specifically met by Central Government as it is bound to be very large.
9.	Chapter-III, 10(2)(vi)	The norms prescribed in the schedule are very ambitious. Building & teaching aids to aided schools cannot be made the responsibility of the State Government.
10.	Chapter-III, 11	Again financial burden on the State Government is not specified.
11.	Chapter-IV, 14	The neighbourhood school will be the Government or fully aided school provided within 1 k.m. (in case of primary Schools) and 3 k.m. (in the case of Middle School). Only where such schools are not available, the question of admitting children in unaided schools and reimbursing cost should arise. Additional cost to be borne by Central Government.
12.	Chapter-IV, 17	May be adopted. Suitable amendments may have to be made to the Tamil Nadu Private Schools Regulation Act 1973 and Code of Regulation of Nursery and Primary School on enactment of Right to Education Act 2005.
13.	Chapter-IV, 18	Norms are too ambitious which may result in some Government schools getting de-recognised after 3 years
14.	Chapter-IV, 20	Generally teachers are not involved in any Non-educational purpose. However, sometime their services may be required for certain social purposes and public cause. In such cases a sub-clause "any other duties that require their services for public cause may be incorporated."
15.	Chapter-IV, 22(1)	Formation of School Management Committee is a welcome step. It promotes community involvement and people participation in Educational Development. However the constitution of the School Management Committee should be restricted only to members from the teachers of the schools, parents of the children studying in the school and only elected representative of the local bodies of that area.
16.	Chapter-IV, 22(2) (i)	Especially for minority schools has to be studied.

	&ii)	
17.	Chapter-IV, 22(3)	Transfer of Physical assets to the School Management Committee to be left to the State Government.
18.	Chapter-IV, 22(4)	Role of School Management Committee to be drawn up by State Government in their rules.
19.	Chapter-IV,23	In theory, even if this is introduced, it has to be prospective. Trying to bring existing teachers to a school based cadre will lead to large legal complications and paralise the system.
20.	Chapter-IV, 24	This will result in major public interest litigation as the month of June is likely to have teacher vacancies due to retirement.
21.	Chapter-IV 26(2)	May be decided in consonance with Service rules by appropriate authority.
22.	Chapter-IV, 27	Powers to the School Management Committee, to be decided by State Governments based on local conditions.
23.	Chapter-IV, 28	May be adopted-separate-adalat may be constituted for redressal of teacher grievances.
24.	Chapter-V, 33	A commission for monitoring a national level may not be necessary at this stage.
25.	Chapter-VII 49(1)	Completion of 5 years age as eligibility for admission Grade I may be incorporated.

KERALA

S.No	Section of the Bill	Suggestion																		
1.	Chapter-I Section-2(f)	In Kerala, it is not less than five years. Hence the definition should be “not less than five years.”																		
2.	Chapter-I Section-2(II)	Whether the Multigrade Learning Centres under SSA functioning in Kerala will come under the definition of “school”. If so, the infrastructural facilities, teaching learning materials, teacher competence and the no. of teachers are to be enhanced to ensure equitable quality in such alternative learning centers.																		
3.	Chapter-IV Section-14	Every school is bound to admit the children the children in the neighbourhood. Hence there should be a provision to make it enforceable in unaided schools and other schools under CBSE and ICSE.																		
4.	Chapter-III Section-5(v)	There should not be any barrier for completing elementary education. This necessitates the opening of new schools in the remote and tribal areas in Kerala. The financial burden may be met by the Central Government.																		
5.	Chapter-IV Section-14(2)	The state government has to reimburse to the Unaided schools at a rate equal to the per child expenditure in State schools/Fully aided schools. The financial burden may be met by the Central Government.																		
6.	Chapter-IV Section-18 (2)	<p>All schools are to fulfill the norms prescribed in the schedule within 3 years. As per the provisions in Kerala Education Act and Rules the staff pattern is as shown below:</p> <table><thead><tr><th></th><th>No. of Children</th><th>No. of Teacher</th></tr></thead><tbody><tr><td>25-50</td><td>1</td><td></td></tr><tr><td>51-95</td><td>2</td><td></td></tr><tr><td>96-140</td><td>3</td><td></td></tr><tr><td>141-185</td><td>4</td><td></td></tr><tr><td>186-230</td><td>5</td><td></td></tr></tbody></table> <p>In lower primary and upper primary schools the post of Headmasters inclusive of the total no. of post of teachers admissible. The teachers for the purpose of Art Education, Health and Physical Education and Work Education may be fixed taking the lower Primary and Upper Primary schools in a local body as a unit. The services of these teachers may be extended to all the schools within the local body in such a way that every school gets the benefit every week.</p>		No. of Children	No. of Teacher	25-50	1		51-95	2		96-140	3		141-185	4		186-230	5	
	No. of Children	No. of Teacher																		
25-50	1																			
51-95	2																			
96-140	3																			
141-185	4																			
186-230	5																			

7.	Chapter-IV Section-22(3)	All assets of the State schools are to be transferred to the School Management Committee (SMC) and they are the authority even for the disbursement of salary. It is not acceptable as per the provision in Kerala Education Act and Rules and Kerala Service Rules.
8.	Chapter-IV Section-23	The Teacher of State schools are to be a school based cadre. It is not feasible in the Kerala context where teachers are recruited by the State Public Service Commission on district basis.
9.	Chapter-IV Section-29	The pedagogy is child centred, activity based and process oriented as envisaged in the National Curriculum Framework 2005. It is being implemented in Kerala. Mother tongue is the medium of instruction. Continuous and comprehensive evaluation to be practiced.
10.	Chapter-V Section-30	Certification of completion of Elementary Education to be issued. This need not be insisted upon in states where class XII is proposed as terminal.
11.	Chapter-V Section-32	There should be provision for empowering the teachers through in-service training and scope for innovation. Their participation in training programmes should be made compulsory as part of duty even during the holidays and summer vacation.
12.	Chapter-VII 47	There will be a State Level Regulatory Authority for inquiring into the grievances to be redressed.

13.	Chapter-VII Section-48	No person shall prevent the child from participating in elementary education. To ensure this, provision should be made for flexibility in school timings in rural areas during the harvest and fish catching seasons since the parents need the service of their wards.
-----	---------------------------	---

Following provisions may be added.

S.No.	Section of the Bill	Suggestions
1.	Chapter-III Section-5(vi)	School Health programme is to be introduced and the health of the children is to be monitored regularly. Nutritious food is to be provided as part of mid day meal to ensure the health of the children.
2.	Chapter-V Section-29(ii)(g)	Guidance and counseling to be provided to the children from UP level onwards.
3.	Chapter-IV Section-22(4)(vii)	To assess that every teacher works for the satisfactory progress of every child in the class.
4.	Chapter-III Section-12(1)(vi)	To assess the performance of every school based on the District level Quality checklist every year.

TRIPURA

S.No.	Section of the Bill	Suggestion
1.	Chapter-III Section-9	In view of the recommendation taken in the meeting of the Central Advisory Board of Education (CABE) the additional financial burden both for capital investment as well as for recurring expenditure to be taken by the states specially by the special category state, should be borne by the Government of India in full.
2.	Chapter-III Section-9(I)	In case of special category state like Tripura it will not be possible to share the burden of expenditure with Government of India as indicated in section-9 of the draft bill.
3.	Chapter-IV Section-23(I)	Teacher should be deployed as school based cadre. In this regard school based deployment of teacher is possible in case of new recruitment but in case of in service teacher more time needs to be provided in the bill. There should also be saving clause in the form of relaxation that the State Government may re-deploy teachers from one other in special circumstance.
4.	Chapter-IV Section-20	Teachers shall not be deployed for non-educational purpose except for census operation, election & disaster relief. Here national days like 15 th August & 26 th January may be indicated in the list so that teachers may be deployed there.

SIKKIM

S.No	Section of the Bill	Suggestion
1.	Chapter-IV Section-23(1)	Sikkim is a mountainous terrain State we have a large no. of school located at high altitude and difficult areas without proper communication facilities. It may not be advisable to post a teacher at such school for a long period.
2.	Chapter-IV Section-23(1)	School based cadre for teachers may sometimes pose difficulty in providing convenient posting for teachers facing serious medical problem like heart disease etc.
3.	Chapter-IV, Section-23(1)	Provision for mutual transfer for teachers may be given.

PONDICHERRY

S.No.	Section of the Bill	Suggestion
1.	General Comments	Wherever there is reference to age, the following modifications may be made: 3-6 years 3-5 years 6-14 years 5-14 years 7-9 years 6-8 years 9-14 years 8-14 years
2.	Chapter-I Section-2(1)(a)	To maintain uniformity throughout the country the number of working days for primary and upper primary stages of education may be included.
3.	Chapter-I Section-2(1)(b)	In most of the States children are enrolled in class 1 after the completion of 5 years of age. Therefore “Six years of age” may be replaced by 5 years of age.
4.	Chapter-I Section-2(1)(f)	If a child joins class I at the age of 5+ she will complete elementary education at the age of 12+. Therefore to be realistic the definitions of the child should be a person who is not less than 5 years and not more than 14 years.
5.	Chapter-I Section-2(1)(k)	Six years may be corrected to read as five.
6.	Chapter-I Section-2(1)(ii)	Pre-school means a facility provided by a school to meet the educational needs of the children at least between the ages of 3 and 5 years.
7.	Chapter-II Section-3	Wherever the age of child is referred to 6 years may be replaced by 5 years. (2) age group 6-8 year (3) age group 8-14 years.
8.	Chapter-III Section-6	As above
9.	Chapter-III Section-7	To be reads “between the ages of 3 and 6 years-3 and 5 years”.
10.	Chapter-IV Section-14(1)(iii)	Monitored by appropriate government authority.
11.	Chapter-IV Section-(22)(2)(i)	Not more than 50% members of parents/guardians.
12.	Chapter-IV Section-(22)(4)&(iv)	Not advisable SMC must assume only advisory and developmental role for the uplift of the school.
13.	Chapter-IV Section-23(1)&(3)	School based cadre as envisaged may not suitable. To ensure continuity of service it is worthwhile to lay down conditions for transfer from one school to another and a fixed tenure in a place of posting. The SMC may be authorized to check the regularity and punctuality of attendance of teachers.
14.	Chapter-IV Section-27(1)(i)	Shall be vested with the Head Teacher.
15.	Chapter-Section-27(1)(iii)	Must be imposed by a competent authority.
16.	Chapter-IV Section-23	Section must be deleted.
17.	Chapter-VII Section-50(2)	If a parent/guardian persistently defaults in discharge of his responsibility under sub-clause (1) above, the SMC may direct such parent/guardian to pay a fine of 100/- failing which, he/she may be directed to perform compulsory community service by way of child care in the school, in such manner as may be prescribed.
18.	Schedule-2(a)	One teacher for each section with an enrolment of 15—40.

CHATTISGARH

S.No.	Section of the Bill	Suggestion
1.	Chapter-II Section-3(1)	Right to free education provided in the constitution is undisputed.
2.	Chapter-II Section-3(2)	However we do not agree with the concept of neighborhood schools. This has not worked anywhere in the world. If at all this concept needs to be brought in, it should be experimented with in a small area on a pilot basis.
3.	Chapter-II Section-3(3)	Government should provide free education to all in government schools.
4.	Chapter-II Section-5	In order to fulfil the responsibility outlined here, the budget of elementary education sector will have to be increased to about four times of the present. This can be done only if Government of India provides all additional funding. We may agree for a Centrally sponsored scheme of 90% central share and 10% state share.
5.	Chapter-III Section-6	We may want to consider some penal provisions in the nature of penalty to, either the parents or guardians of the non-enrolled children, who have been provided with adequate access to schools by the State.
6.	Chapter-III Section-6	Additional funding required for this should be provided by the Central Government.
7.	Chapter-III Section-9	Responsibility of the Central Government should be much more than what has been proposed in this section. Central Government should be responsible for providing all additional funding required to fulfill the provisions of the Act.
8.	Chapter-III Section-10	The State Government will be able to fulfil the responsibilities provided in this section only if Central Government provides all the additional funding required.
9.	Chapter-III Section-11	As above.
10.	Chapter-III Section-12	Local authorities have very little funds of their own. They will therefore depend on the State Government for funding to fulfil the responsibilities provided in this section. The State Government will be able to fulfil the responsibilities provided in this section only if Central Government provides all the additional funding required
11.	Chapter -III Section 13(1)	We may agree with this with the proviso that separate school management committees need not be formed. The education committee of the concerned panchayat be designated school management committee for all school in its area.
12.	Chapter-IV Section-14	We may agree with this with the exception that the provision for reimbursement to private unaided schools be dropped. The State will not be in a position to reimburse private unaided schools from its own funds. As a matter of fact even if these schools are not reimbursed they can easily cross subsidize the poor children. If this is not acceptable, Government of India should reimburse the Private Schools.
13.	Chapter-IV Section-18	The norms and standards have been prescribed in the schedule to this section. These norms and standards though desirable, will cost a lot so money. If these become part to the Act, it will become incumbent on the State Government to fulfil these norms and standards immediately, and they will even become justiciable. It may therefore be suggested that instead of prescribing the norms and standards for the entire country in the schedule it may be left to the state Governments to prescribe these norms and standards by rules.
14.	Chapter-IV Section-19	As above

15.	Chapter-IV Section-20	Deployment of teachers for all non-educational purposes except decennial census, and elections to local authorities, Parliament and state legislatures has been banned. This is desirable, but may pose some problems at the district level, as teachers are used for many programmes like Pulse Polio etc. these days. Therefore this should be left at the discretion of the State Government.
16.	Chapter –IV Section-21	Theoretically we may agree, but it may be difficult to implement.
17.	Chapter-IV Section-22	The Statutory Education Committee of the village Panchayat should be designated the School Management Committee under this Act, to fulfil the spirit of the 73 rd and 74 th Constitutional amendments.
18.	Chapter-IV Section-23	This does not seem to be practical. We may instead have a block level cadre.
19.	Chapter-IV Section-25(3)	State Government is authorized to decide the terms and conditions of service of teachers. However it is said that it has to be commensurate with the prescribed professional qualification. This may lead to litigation if the teachers are not satisfied with their salaries. We should say that salaries etc. should not be mentioned in the Act. Similarly the issue of appointment of only those persons who fulfil qualifications prescribed by NCTE is desirable. However it may be difficult to implement in some backward areas, so it should be left to the State Governments to prescribe a date for this.
20.	Chapter-IV Section-27	We may agree to this with the condition that the School Management Committee in this case mean the Education Committee of the Village Panchayat.
21.	Chapter-V Section-30 (1)	This will mean that we will have to abolish the 5 th board examination in our State. This is not a bad idea. We may agree with this.
22.	Chapter-VII Section-50(2)	We may agree with this. However it is not clear how the direction of community service shall be enforced by the School Management Committee.
23.	General Comments	This Bill has been drafted in a manner that all the details are provided in the Act itself. It may be better that the Act should have only enabling provisions, and details are left to the rules to be framed by the appropriate governments.

Haryana

S.No.	Section of the Bill	Suggestion
1.	General Comments	The implementation of the statute would pose tremendous financial burden on the state. 5 such areas of additional burden are:- a) Regarding 25% children in Private Schools, who are to be from weaker sections, the state would be required to reimburse the cost to the private school. b) In section 7, the proposal is to include Nursery Classes with the Schools. Accordingly, the burden would increase regarding the children in Nursery Classes. c) In aided-schools, complete free education would need to be provided. (Presently, we are only giving a grant equivalent to 70% of the salary component alone) d) As per the Bill, the education is to be totally free. e) Presently, our teacher-student ratio is 1:40 for elementary classes, whereas after implementation of the Bill, the actual teacher-student ratio would be anywhere between 1:20 or 1:30
2.	Chapter IV, Section 2291)	The schools are to be managed by School Management Committees and are to be only with PRI's . This provision should not be in the statute, since even the constitutional amendment for devolution of powers to PRI's does not stipulate any deadline/time-frame.
3.	Chapter IV Section 22(3)	It is provided in the proposed Bill that the complete assets of the schools would be transferred to the School Management Committees. We may point out that unless the School Management Committee is a legal/juristic personality, it would not be possible to transfer assets to the School Management Committee.
4.	Chapter IV, Section 24(1)	It is stipulated that the vacancies of teachers would not exceed 10% at any time. Such a provision in a statue would invite severe litigation, since filling up of vacancies may be delayed for any time period due to administrative reasons.
5.	Chapter IV Section 18(1)	Norms of recognition of schools mentioned in the statute mention only about the teacher student norm, but do not mention about other physical infrastructure required in the school. This must also be provided.
6.	Chapter III, Section 9(I)	While the general statement is provided that the GOI would try and provide funds, there is no firm commitment of GOI to provide financial assistance to the states. It should be categorically stipulated that the entire additional financial burden on the states would be borne by the GOI.
7.	Chapter I, Section 2(1)(nn)	It is strange that the GOI run schools, viz Navodaya Vidyalayas, Kendriya Vidyalayas and Sainik Schools have been exempted from the provisions of this statute by way of declaring them as 'specified category schools'. Accordingly, for the GOI run schools as per proposed statute, fees would be leviable, whereas in the state run schools, it is to be made obligatory that it will be totally free.
8.	Chapter VI, section 33(1)	The statute envisages a National Commission for Elementary Education, which will have powers to inspect and accordingly give directions to state govt. Such a National Commission may lead to undue interference in the State's administration of the education.

Mizoram

S.No.	Section of the Bill	Suggestion
1.	Chapter IV Section 17(1)	Recognition of Schools in Mizoram is the statutory duty of the Mizoram Board of School Education, which is established under the MBSE, Act 1975. As per the provision of the MBSE (Recognition of Schools) Regulations, schools are given recognition based on the academic performance. Even state schools or government schools are not necessarily recognised unless the school has, Inter-alia, an average of 30% of pass during the last three consecutive years. Therefore, this clause may be considered.