

RAJASTHAN STATE HUMAN RIGHTS COMMISSION, JAIPUR

Projects by Law Students



Under the guidance of

Chairperson ,
Justice N.K. Jain
(Former Chief Justice
High Court of Madras & Karnataka)

With best Compliments
RSHRC

1

RAJASTHAN STATE HUMAN RIGHTS COMMISSION



SECRETARIAT

Under the guidance of Hon'ble Mr. Justice N.K. Jain.
(Former Chief justice of Madras and Karnataka High Court)
Chairperson, RSHRC

Prepared by:-
Internship students of various law university and colleges.

2

Hon'ble Chairperson and Members Of Rajasthan State Human Rights Commission are :

From 06-07-2005

Justice N K Jain,
Chairperson

Members

Justice Jagat Singh

Shri D.S.Meena

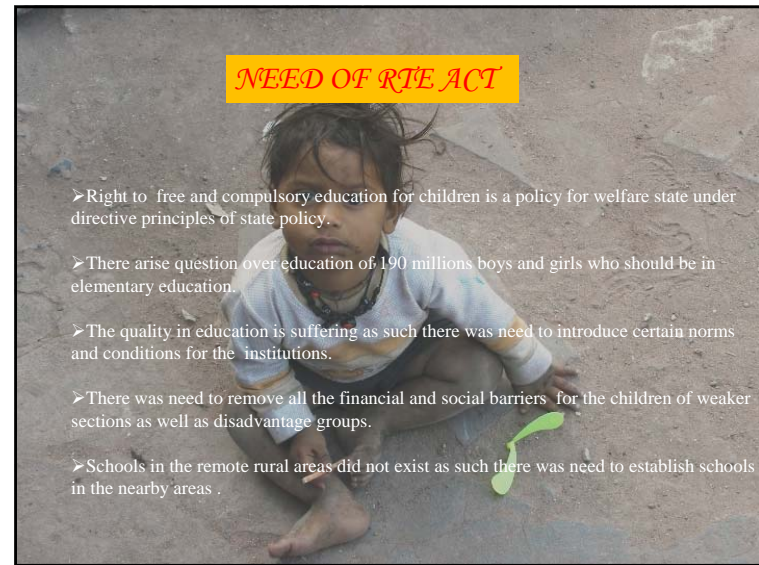
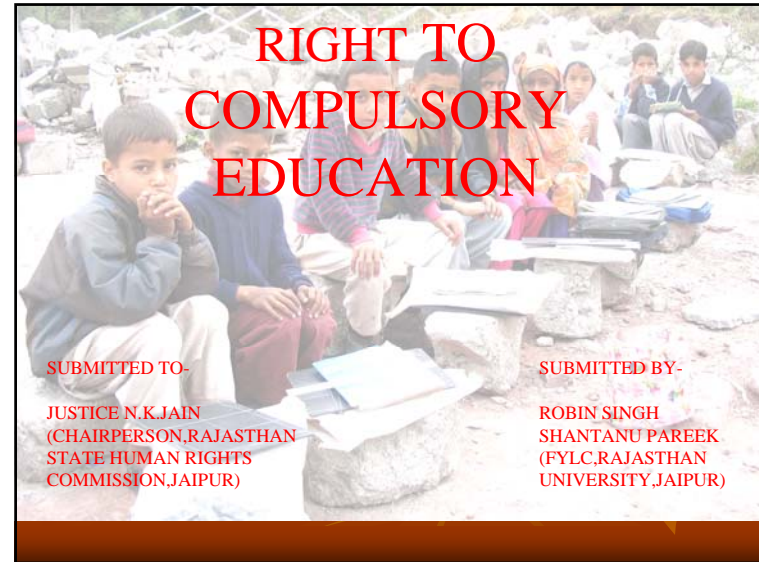
Shri Pukhraj Seervi



Hon'ble Chief Minister Shri Ashok Gehlot

3





HISTORICAL BACKGROUND OF RTE ACT

- December 2002-86th Amendment Act (2002) via Article 21A (Part III) seeks to make free and compulsory education a Fundamental Right for all children in the age group 6-14 years.
- October 2003-A first draft of the legislation for Free and Compulsory Education for Children Bill, 2003, was prepared and posted on the <http://education.nic.in> website in October, 2003, inviting comments and suggestions from the public at large.
- 2004-Subsequently, taking into account the suggestions received on this draft, a revised draft of the Bill entitled Free and Compulsory Education Bill, 2004, was prepared and posted on the <http://education.nic.in> website.
- June 2005-The CBE (Central Advisory Board of Education) committee drafted the 'Right to Education' Bill and submitted to the Ministry of HRD. MHRD sent it to NAC where Mrs. Sonia Gandhi is the Chairperson. NAC sent the Bill to PM for his observation.

- 14th July 2006-The finance committee and planning commission rejected the Bill citing the lack of funds and a Model bill was sent to states for the making necessary arrangements. (Post-86th amendment, States had already cited lack of funds at State level)
- 19th July 2006- CACL, SAFE, NAFRE, CBE invited ILP and other organizations for a Planning meeting to discuss the impact of the Parliament action and set directions on what need to be done at the district and village levels.
- 26th August ,2009- The RTE Act got the assent of the president.

FEATURES OF THE RTE ACT

CHILDREN

- Every child of age group 6-14 yrs shall have right to free and compulsory elementary education.
- No donations.
- No screening procedure.
- No charges direct or indirect.
- Special provision for those children not admitted to or who have not completed elementary education
- Free pre -school education.
- Continuous evaluation rather than stressing on exams.

TEACHERS

- Qualified and trained teachers.
- Assess the learning ability of each child and accordingly supplement additional instructions.
- Hold meetings with parents/guardians.
- Complete entire curriculum within specified time.
- No deployment of them for non educational purposes.
- No engagement of them in private tuitions.




PARENTS

- Duty of parents/guardian to admit their child to elementary education in the neighborhood school.
- 3/4th of members of school management committee which shall monitor the working of school shall be parents.

SMC



- SMC (School Management Committee) shall monitor the working of schools and prepare school development plan.
- 50% of its member shall be women.



FRIENDLY ENVIRONMENT


- Child suffering from disability shall be given free and compulsory education and such other help as considered necessary.
- Special training for children who could not be admitted to elementary education at the right age.
- No denial of admission in school for lack of age proof.
- No denial of admission during or after the extended period of school session.
- No child shall be expelled or hold back before the completion of elementary education.
- No physical punishment and mental harassment of the child.
- School shall work according to the norms and conditions as prescribed.
- No board exams.
- Fixed pupil teacher ratio.



- Learning through activities, discovery, exploration in a child friendly and centered manner.
- Making child free of fear, trauma and anxiety which would help him to express his views freely.
- All round development of the child rather than stressing on academics only.

DISADVANTAGE GROUPS/WEAKER SECTIONS

- Child belonging to disadvantage groups i.e. SC, ST & OBC having disadvantage owing to social, economic, cultural, geographical, linguistic, gender or other factor and weaker sections i.e. where annual income of the parents is less than the prescribed shall not be discriminated.
- They shall not be prevented from pursuing and completing elementary education on any ground.



PRIVATE SCHOOLS

- All private schools shall provide free education to at least 25% children from neighborhood – as a measure to ensure common schooling.

NORMS AND STANDARD FOR THE SCHOOL

- The schedule under the Act has mentioned certain norms and conditions for the schools which they would have to follow, these include provisions regarding
 - Fixed pupil-teacher ratio.
 - Proper infrastructural facilities.
 - Minimum no. of working days/instructional hours in an academic year.
 - Proper library facility.
 - Availability of play material, games & sports equipments.

CHILD RIGHT

- NCPDR/SCPCR constituted under Protection of Child Right Act, 2005 shall
- Examine & review the safeguards for rights provided by or under the Act & recommend measures for their effective implementation.
- Inquire into the complaints relating to child's right for free & compulsory education
- Take necessary steps & exercise power as provided under the Act.
- REPA (Right to education protection authority) shall also entertain the appeals for complaints regarding child's right to free and compulsory education.

FINANCIAL BURDEN ON GOVERNMENT

- Nearly 7.8 lakh additional classrooms and seven lakh girls' toilets will have to be created. The government will spend Rs 1.71 lakh crore in the next five years for implementing the Act.
- Each child will be provided uniforms at Rs 400 per annum.
- Every child will be provided free textbooks while a child with special need will get Rs 3,000 per annum for inclusive education. Similarly, Rs 10,000 will be given for home-based education for severely disabled children.
- There will be a requirement of additional 5.1 lakh teachers to meet the pupils-teacher ratio of 30 for one as per the RTE Act.
- Rs 1.71 lakh crore will be spent on provision of access, infrastructure, training of untrained teachers and for intervention for out-of-school children. The teachers' salary and civil work will have maximum financial requirements of 28 per cent and 24 per cent respectively.
- Nearly 17 per cent of the total estimate will be spent on child entitlement, while nine per cent will go to special training for out-of-school children. School facilities will require eight per cent of this money and inclusive education will need six per cent.
- The 7.6 lakh untrained teachers will be provided training in next five years. Maximum number of untrained teachers are in Bihar, Jharkhand and the northeastern states.

➤ The RTE stipulates barrier-free education for children with special needs and one classroom per teacher. About 7.8 lakh additional classrooms will be required. Majority of these classrooms will be Uttar Pradesh and Bihar (2.5 lakh each) followed by West Bengal (1.3 lakh) and Assam (30,000).

➤ There are nearly 27,000 'kuchcha' school buildings which will have to be upgraded. Nearly seven lakh toilets for girls will be required, including 90,000 in Bihar, 63,000 in Madhya Pradesh and 54,000 in Orissa. About 3.4 lakh schools will require drinking water facility.

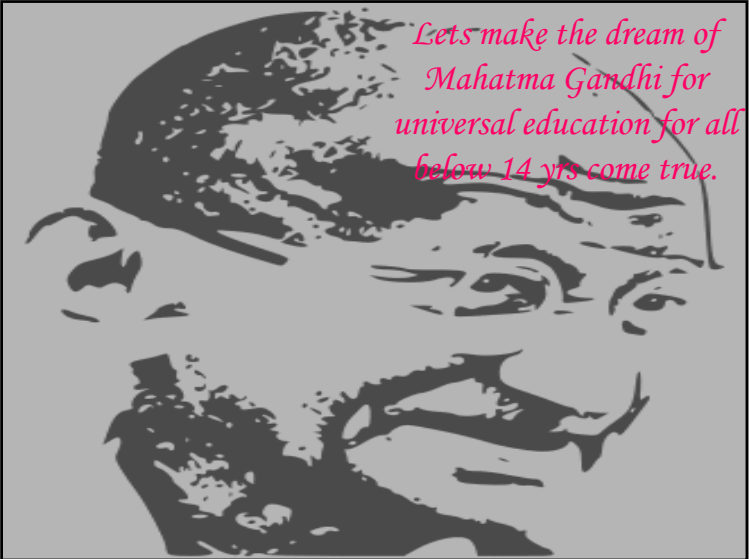
HOW FINANCE WOULD BE MANAGED

- The Central Government shall prepare an estimate of the capital and recurring expenditure for implementation of the RTE Act.
- The Central Government shall provide to State Government such percentage of expenditure as grants in aid of revenue, which shall be determined from time to time in consultation with the State Government.
- The Central government may also make a request to the president for making reference to Finance Commission to examine additional resource need of the State Government for implementing the Act.



HELP FROM INTERNATIONAL ORGANISATIONS

- UNICEF would play role in bringing together the relevant stakeholders from government ,civil society ,teachers organizations , media and the celebrity world.
- It would mobilize the partners to raise public awareness and would work to strengthen the national and state level bodies on RTE.



Lets make the dream of Mahatma Gandhii for universal education for all below 14 yrs come true.

BOOKS PUBLISHED

- These books are kept in the Libraries of different schools and colleges for awareness of students as well as the teaching and ministerial staff. Some books are even kept in the UN-Congress Library at New Delhi.
- Teachers of various school are interacting with the students on these issues in zero hours.
- About legal aid committees, NGO's / Educational Institutions above 55, and some Newspapers have re-printed/Published these booklets as intimated and about 80,000 booklets titled on women, child rights, dalits, arrest, human rights and HIV have been published and distributed free of cost among the general public to create awareness.

23

Legal Awareness Programmes

- For the awareness of the human rights in public at large, Justice Jain has wrote about 31 booklets of various legal issues. Out of these booklets 18 booklets have been published by the R.S.H.R.C. Many other organizations, District Legal Aid Authorities, Departments, Schools, Colleges etc. has also published some booklets like Women, Children, Dalits, Arrest, HIV/AIDS, Human Rights etc. by the permission of the Commission. They have distributed these booklets in 80000 in numbers.
- Some of these booklets are available on Commission's website www.rshrc.nic.in and justicenagendrakjain.com. English translation of Some booklets are also available on a German website herenow4u.de.
- These books are:

24

Reciting the Pledge — fundamental duties mentioned in Article 51-A, Constitution of India
"We are proud to be Indian"

It shall be the duty of every citizen of India:

- to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- to cherish and follow the noble ideals, which inspired our national struggle for freedom;
- to uphold and protect the sovereignty, unity and integrity of India;
- to defend the country and render national service when called upon to do so;
- to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- to value and preserve the rich heritage of our composite culture;
- to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures;
- to develop the scientific temper, humanism and the spirit of inquiry and reform;
- to safeguard public property and to abjure violence;
- to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.

"BE AWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION."
 Chairperson : Justice N.K. Jain (Former Chief Justice - Madras and Karnataka High Court)

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Students reciting the oath of section 51(A) of Constitution of India under the guidelines of RSHRC.

■ In addition to that in legal literacy and awareness program, chairman motivated students and even general public to recite the pledge as mentioned in article 51(A) of Constitution of India. It is good sign that so many schools have started taking prayer as per instructions of different concerned authorities as per the request of the commission. Some of them are as follows:-

बियानी गर्ल्स कॉलेज विद्याधर नगर, जयपुर में राजस्थान राज्य मानवाधिकार आयोग के निर्देश पर छात्राओं को भारत के संविधान के अनुच्छेद 51ए का संकल्प दिलाते कॉलेज के वाइज प्रिंसीपल पी.सी. जांगिड़।



Bibliography



WIKIPEDIA



Sarva Shiksha Abhiyan



www.rshrc.nic.in



www.unicef.com

RIGHT TO EDUCATION project
promoting mobilisation and legal accountability

www.education.com

ACKNOWLEDGEMENT

We are very thankful to Rajasthan State Human Rights Commission for giving me a chance to do the internship from here. And I am thankful to all the people who are concerned in particular Chairperson, Hon'ble Justice N. K. Jain for completing my project.

ANANTANUPUR
JYLC RAJASTHAN
UNIVERSITY

