

COMMENTS ON RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION RULES (DELHI)

1. The per-child expenditure amount as defined in Rule 8 may not be enough to cover the cost that the private schools actually incur on such students and does not reflect the actual per-child expenditure of the government. Apart from this, a higher reimbursement amount would engender less resistance to the 25% quota on the part of the private unaided schools. It would also reduce the possibility of an inequitable burden being imposed on the parents of the non-quota students. The per-child expenditure for the purpose of reimbursement in respect of the 25% quota can be taken as the total annual recurring and capital expenditure of the government on its own schools divided by the number of students enrolled in such schools.

2. In Rule 11(1)(d) the use of the school building restricted to purposes of education and skill development. This restriction is too narrow as it prevents the school building from being used for various legitimate purposes which do not interfere with the provision of education within the school. In many rural areas the school building is used for community gatherings and meetings which gives the community a sense of ownership of the school and helps in the process of community building. For private schools renting out schools buildings could be alternate sources of revenue which could even be used to offset the cost of admitting students under the 25% quota. The Rule may be amended in the following manner to make it more flexible permitting use of the school building for legal purposes as approved by the School Management Committee after school hours.

3. The following can be added to the functions of the School Management Committee:
 - Periodically monitor and verify regular and timely attendance of teachers, non-teaching staff and students. To this end, the School Management

Committee shall require the school to maintain attendance registers for teachers, non-teaching staff and students and have the power to approve or disapprove casual leave of teachers.

- Ensure enrollment of all non-school going children in the village irrespective of their religion, race, caste, sex, language, place of birth. To this end, the School Management Committee may conduct enrolment drives, bridge courses and special campaigns for girl children, disabled children and child labourers and their parents.

4. In order to minimise the possibility of political interference in the functioning of School Management Committees, the representative of the local authority in the Committee should not have voting rights.
5. The academic authority under Rule 21 should devise tools for assessing learning levels of students from class 1 to 8 and should appoint an independent agency to carry out assessments of learning levels of students in these classes on a random basis.
6. Section 12 of the RTE Act provides that all aided school have to provide free education to such proportion of their students, as the aid received by them by the government bears to their total recurring expenditure. The Act is silent about what criteria the aided schools will use to determine which students they will provide free education to under this section and the Rules should fill this lacuna. The Rules can provide that the children given free education under this section shall belong to weaker sections and disadvantaged groups as defined for the purpose of the 25% quota.