



PARLIAMENT OF INDIA RAJYA SABHA

223

**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

TWO HUNDRED TWENTY-THIRD REPORT

ON

**THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2010**

**(PRESENTED TO HON'BLE CHAIRMAN, RAJYA SABHA ON 28TH JUNE, 2010)
(FORWARDED TO HON'BLE SPEAKER, LOK SABHA ON 28TH JUNE, 2010)**

**(PRESENTED TO THE RAJYA SABHA ON)
(LAID ON THE TABLE OF LOK SABHA ON)**

**RAJYA SABHA SECRETARIAT
NEW DELHI**

JUNE 2010/ ASADHA,1932 (SAKA)

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**COMPOSITION OF THE COMMITTEE ON HRD
(2009-10)**

RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri M. Rama Jois
5. Shri Penumalli Madhu
6. Shri Brij Bhushan Tiwari
7. Shri T.T.V. Dhinakaran
8. Shri N.K. Singh
9. Dr. Janardhan Waghmare
10. Vacant

LOK SABHA

11. Shri Suresh Angadi
12. Shri Kirti Azad
13. Shri P.K. Biju
14. Shri Jitendrasingh Bundela
15. Shrimati J. Helen Davidson
16. Shri P.C. Gaddigoudar
17. Shri Rahul Gandhi
18. Shri Deepender Singh Hooda
19. Shri Prataprao Ganpatrao Jadhav
20. Shri Suresh Kalmadi
21. Shri P. Kumar
22. Shri Prasanta Kumar Majumdar
23. Capt. Jai Narain Prasad Nishad
24. Shri Sis Ram Ola
25. Dr. Vinay Kumar Pandey
26. Shri Tapas Paul
27. Shri Brijbhushan Sharan Singh
28. Shri Ashok Tanwar
29. Shri Joseph Toppo
30. Shri P. Viswanathan
31. Shri Madhu Goud Yaskhi

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri J. Sundriyal, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer
Smt. Harshita Shankar, Committee Officer

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorized by the Committee, present this Two Hundred and Twenty-third Report of the Committee on the Right of Children to Free and Compulsory Education (Amendment) Bill, 2010.*

2. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 was introduced in the Rajya Sabha on the 16th April, 2010. In pursuance of Rule 270 relating to Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha, referred** the Bill to the Committee on the 22nd April, 2010 for examination and report within two months.

3. The Committee considered the Bill in three sittings held on the 5th, 18th and 26th May, 2010

4. On the 5th May, 2010, the Committee heard the Secretary, Department of School Education and Literacy on various provisions of the Bill. The Committee also interacted with an expert on children with disabilities and the Secretary, Legislative Department.

5. The Committee, while drafting the report, relied on the following:

- (i) Background Note on the Bill and Note on the clauses of the Bill received from the Department of School Education and Literacy;
- (ii) Presentation made and clarifications given by the Secretary, Department of School Education and Literacy,
- (iii) Oral evidence of the Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, New Delhi; and
- (iv) Clarifications given by the Secretary, Legislative Department, Ministry of Law and Justice.

6. The Committee considered the Draft Report on the Bill and adopted the same in its meeting held on the 4th June, 2010.

7. For facility of reference, observations and recommendations of the Committee have been printed in bold letters at the end of the Report.

NEW DELHI;
JUNE 4, 2010
Jyaistha 14, 1932 (Saka)

OSCAR FERRENDES
Chairman,
Department-related Parliamentary
Standing Committee on Human Resource Development.

*Published in Gazette of India Extraordinary Part II Section 2 dated the 16th April, 2010

** Rajya Sabha Parliamentary Bulletin Part II No. 47165 dated the 22nd April, 2010

REPORT

I. INTRODUCTION

1.1 The Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 was introduced in the Rajya Sabha on the 16th April, 2010 and referred to the Department-related Parliamentary Standing Committee on Human Resource Development on the 22nd April, 2010 for examination and report thereon.

1.2 The Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 seeks to amend the Right of Children to Free and Compulsory Education Act, 2009 with a view to include children with disabilities within the ambit of this legislation so that their specific needs are taken care of in the elementary education system in the country and enable them, over time, to participate as full and equal members of the community in which they live. The Bill also seeks to provide that the School Management Committees in respect of minority educational institutions shall function only in an advisory capacity and they would not be required to prepare School Development Plan, safeguarding thereby the interests of all minorities whether based on religion or language, as enshrined in Article 30 of the Constitution.

1.3 Secretary, Department of School Education and Literacy, during her presentation before the Committee informed that as per Census 2001, 2.1 per cent children in the 6-14 years age group are estimated to have disabilities. Under Sarva Shiksha Abhiyan, 30.42 lakh children with disabilities representing 1.50 per cent of the population, have been identified, through house-to-house survey, special surveys and assessment camps. Out of these, elementary education is being imparted to 27.80 lakh children through regular schools, schools readiness programmes and home-based education. In spite of these

initiatives, children with disabilities continue to experience barriers to the enjoyment of basic rights and to their inclusion in the society. Specific inclusion of children with disabilities proposed under the RTE Act will facilitate the participation of all such children in the elementary education system in the country.

1.4 The other amendment proposed seeks to protect the right of minorities to establish and administer educational institutions of their choice as enshrined in Article 30 of the Constitution. Representations have been received from minority organizations that constitution of School Management Committees and preparation of School Development Plan by such Committees under the RTE Act infringe upon their rights as enshrined in Article 30 of the Constitution. The proposed amendment seeks to safeguard their interests by providing a viable solution to their problem.

2. The clauses where the amendments have been suggested by the Committee are given in the succeeding paragraphs:-

III. CLAUSE 2

3.1 Section 2(d) of the Right of Children to Free and Compulsory Education Act, 2009 defines the expression ‘child belonging to disadvantaged group’ to mean 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. However, children with disabilities, even though disadvantaged, are not specifically included in that definition. Clause 2 (a) of the Amendment Bill, 2010 seeks to amend Section 2(d) to include “a child with disability” within the definition of ‘child belonging to disadvantaged group’.

3.2 The Committee notes that the children with disabilities, even though disadvantaged were not specifically included under the RTE Act. Significant achievement has been made under SSA with identification of 30.42 lakh children with disabilities. However, this represents only 1.50 per cent children against 2.1 per cent children in the 6-14 age group estimated to have disabilities as per Census 2001. The Committee was informed that so far only 27.80 lakh children with disabilities have been covered under SSA in regular schools and home-based education. With the enforcement of the RTE Act, it is expected that the process of identification of children with disabilities would be strengthened, leading to participation of all such children in the learning process. With the specific inclusion of children with disabilities under the RTE Act, such children would also be eligible for admission in specified category schools and private unaided schools within the overall limit of 25 per cent of seats in class I of such schools.

3.3 The Committee welcomes the initiative taken by the Department for the inclusion of children with disabilities under the RTE Act. Nobody can deny the fact that such children face psychological complex and feel isolated in the society. Inclusive education is a very important gateway for these children to become part of the mainstream and to participate as citizens of the country. The Committee believes that this positive move would not only ensure that the specific needs of children with disabilities are given precedence in the elementary education system in the country but would also give them newer opportunities to maximize their potential and help bring them into the mainstream.

3.4 Clause 2(b) seeks to insert a new clause (ee) after clause 2(e) of section 2 of the RTE Act, 2009 thereby providing a specific definition of 'child with disability' in the following manner:-

“child with disability” includes,-

(A) a child with “disability” as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

(C) a child with “severe disability” as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

3.5 As per this amendment, children with disabilities as covered under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 have been brought under the definition of ‘child with disability’ under the RTE Act.

3.6 The Committee had the occasion to interact with the Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, New Delhi who was of the view that the proposed definition of “child with disability” should be adequate for the present. However, she emphasized that the definition needs to be framed in a different way, taking into cognizance the various types of disabilities and the different types or ways of communication, language, training, teaching and other assistive devices for children with disabilities. Keeping in view the UN Convention on Rights of People with Disabilities, the following definition was suggested:-

“a child with disability includes a child with long term physical, mental, intellectual or sensory impairments which in interaction with various barriers hinder full and effective participation on an equal basis with others”.

It was also suggested that in order to facilitate the realization of the right, after consultation with disabled people and their organizations, the appropriate

Government may incorporate an enumerative list of impairments in the Rules under the RTE Act.

3.7 The Committee observes that with the proposed definition of ‘child with disability’, children with all types of disability as specified in the Persons with Disabilities (Equal Opportunities, Protection or Rights and Full Participation) Act, 1995 and the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 have been brought under the ambit of the RTE Act. Specific inclusion of all kinds of disabilities in the Act itself is a better option in all respects when compared with having the same incorporated in the Rules. However, the Committee finds that ‘dyslexia’ which is also a disability observed in children, does not find place in the above mentioned two Acts. The Committee is of the view that ‘dyslexia’ and any other type of disability, if existing, also need to be included in the definition of “child with disability”. The Committee, therefore, recommends that necessary modifications in the definition of “child with disability” may accordingly, be made.

IV. CLAUSE 3

4.1 Clause 3 seeks to modify section 3 of the Act relating to ‘Right of Child to Free and Compulsory Education’ by omitting the proviso to sub-section (2) and inserting a new sub-section (3) after sub-section 2 which is as mentioned below:-

‘A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have

under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995”.

4.2 It has been pointed out that the proviso to section 3(2) specifies that a child suffering from disability as defined in section 2 (i) of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1995 shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act. It does not cover children with autism, cerebral palsy, mental retardation and multiple disabilities. Hence, the specific mention of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 has been included under the proposed sub-section (3) so as to ensure right of free and compulsory education to children with all types of disability.

4.3 The Chairperson, National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, during her deposition before the Committee, while agreeing to the deletion of proviso to sub-section (2) did not favour the insertion of proposed sub-section (3) as a separate provision for children with disabilities would exclude them all over again. It was, accordingly, suggested to modify sub-section (1) of section 3 in the following manner:

“Every child of the age of six to fourteen years, including a child belonging to a disadvantaged group shall have the right to free and compulsory education in a neighbourhood school till completion of elementary education”.

4.4 On a specific query with regard to level of implementation of provision of free education to children with disabilities under Chapter V of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1995, the Committee was informed that impact of the Act has not been very satisfactory so far. One of the major problems noticed during the last fifteen years since the Act coming into force was that education of children with

disabilities has been implemented through special schools. Due to such schools not being affiliated to any Board, there was no uniformity of curriculum, assessment, evaluation, standards of school structure, their functioning etc. Children of such schools do not get a School Leaving Certificate and are not really prepared for employment or any aspect of adult life. Very few children may have got the relevant education. It was also emphasized that education of all children, including children with disabilities should be governed by one Act. There should not be a reference to the Disability Acts. Committee's attention was also drawn to the fact that the Persons with Disabilities (Equal Opportunities, Protection and Full Participation Act), 1995 has become obsolete and a Committee has been set up to draft a new Act.

4.5 In view of above, the Committee is inclined to agree with the proposed modification in sub-section (1) of section 3 and accordingly, recommends the deletion of proviso to section 3 (2) and non-inclusion of sub-section (3). The Committee would also appreciate if the process of redrafting of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1995 is expedited so that the new Act comes into force at the earliest.

4.6 The Committee also deliberated upon the concept of neighborhood school in the context of disabled children. Right of child to free and compulsory education in a neighborhood school is enshrined in Section 3 of the RTE Act. The Committee felt that for a disabled child, especially with severe or multiple disabilities, a special school, not necessarily a neighbourhood school may be more suitable as it would be better equipped for such children.

4.7 On a specific query in this regard, the Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities opined that it would be advisable to ensure that every school welcomed children with disabilities and was capable of handling their

diverse needs. It was also pointed out that special schools had failed to take the place of mainstream schools. Growing up in a small, segregated environment of special schools was likely to leave a child with disability psychologically and emotionally immature and under-developed in all skills.

4.8 The Committee also takes note of key interventions for inclusive education made under SSA which include identification, functional and formal assessment, provision of aids and appliances, teacher training, appointment of specialist teachers and incorporation of barrier-free access facilities in regular schools. The Committee was informed that a total number of 10,014 special educators have been appointed, especially to provide specialized support to children with disabilities, 58.78 per cent schools have been provided ramps and handrails. Efforts were also on to equip the schools with disabled-friendly toilets. Teachers were also being oriented to prepare/procure TLM as per the needs of children with disabilities. Lastly 72.39 per cent of children with disabilities had been provided with assistive devices and equipment.

4.9 While appreciating the considerable progress made for inclusive education under SSA, the Committee would like to point out that visible gap between estimated number of children with disability and those identified under SSA and also between those identified and brought under Inclusive Education continues to persist. The Committee hopes that with concerted efforts, things would improve on this front. The Committee would also like to point out that a very large number of schools-both aided and unaided are functioning across the country which have all the required facilities for children with disabilities. In these schools, the added advantage is that such children get the healthy environment of normal schools. It may happen that such schools may not fall in the category of neighbourhood school in the

context of right of children including those with disabilities for free and compulsory education. Keeping in view the ground realities, the Committee strongly feels that for children with disabilities, option of going to a school fulfilling their requirement, be it a neighbourhood school or a school at a feasible distance should be available. The Committee, accordingly, recommends that suitable provision in section 3 of the Act may be incorporated.

4.10 The Committee finds that under SSA, district plan for children with special needs is formulated at Rs. 3000/-per child norm, with Rs. 1000/- earmarked exclusively for engagement of resource teachers. The Committee, however, observes that so far, only 75,099 children with multiple disabilities are being provided education in regular schools. The Committee would like to point out that for better coverage, Block Resource Centres/Cluster Resource Centres for a specified number of schools need to be specially resourced to cater to the needs of children with disabilities. These special supports may include Braille, Sign language, other communication devices and adapted learning materials. Other useful interventions can be therapy, teacher support and inclusive playgrounds with adapted play equipment. The Committee would also appreciate if special strategies like Action Based Learning Materials adopted by States like Karnataka, Andhra Pradesh and Tamil Nadu are put into practice by other States also.

4.11 The Committee is also of the view that the Department should ensure option of better equipped schools for disabled children, especially in rural areas. There should be certain parameters for neighborhood schools so that they make arrangements and provide basic facilities with a view to ensure a barrier free and conducive environment for disabled children in the school.

Another intervention can be mandatory provision of yoga classes in all the schools which will prove beneficial to normal children as well as children with disabilities. Provision of naturopathy would certainly help in improving the physical and psychological strength of disabled children.

4.12 Another issue before the Committee was the aspect of compulsory education for children with severe or multiple disabilities who may not be in a position to attend school. **The Committee understands that children with multiple disabilities need to be part of the compulsory education process. However, there may be cases where in such a situation, a view needs to be taken about the viability of invoking the component of compulsory education in schools. In this connection, the Committee would like to point out that under SSA, 75,099 children with multiple disabilities are being provided education in regular schools. This has been made possible by these children being first provided some school preparation programmes before being mainstreamed in regular schools. The Committee understands that the strategy of Home Based Education under SSA is at present being evaluated. The Committee is of the view that this strategy needs to be vigorously pursued for children in the 0-6 years age-group for Early Intervention and School Readiness followed by their induction in the mainstream schools. The Committee, therefore, believes that elementary education should not be made compulsory for children with severe or multiple disabilities and the relevant provision in the Act may accordingly be modified.**

IV CLAUSES 4 and 5

5.1 Clause 4 and 5 of the Bill seek to amend sections 21 and 22 of the Act relating to the constitution of School Management Committee and School Development Plan respectively in all categories of schools excluding unaided

schools. The proposed amendment seeks to insert the following proviso in section 2 of section 21 of the Act:-

“Provided that the School Management Committee constituted under subsection(1) in respect of a school established and administered by minority, whether based on religion or language, shall perform advisory function only.”

5.2 Another amendment seeks to modify section 22(1) thereby exempting the school established and administered by minority from preparing the School Development Plan in the manner as mentioned below:-

“Every School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language, constituted under subsection (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.”

5.3 The Committee has been given to understand that after the RTE Act came into force, the Ministry received representations from minority organisations that the provisions of sections 21 and 22 undermine their autonomy and right in managing the affairs of their schools as enshrined in Article 30 of the Constitution. They apprehend that founders and nominees of minority institutions would be displaced and substituted by outsiders including persons not having interest in the welfare of the institution. In fact, those who have established the institutions would be reduced to a minority in the School Management Committee and would have little say in running the administration of the school and as such, the capacity of minority schools to achieve the desired objectives of protecting the interests of the minorities, would be considerably curtailed. The proposed amendment, therefore, envisages that the School Management Committees in minority schools would function in an advisory capacity and also not prepare School Development Plan.

5.4 The Legislative Department, while endorsing the proposed amendment was of the view that the functions of the School Management Committees as envisaged in section 21 would definitely have a decisive role to play in the administration of school management which goes against the right of minority educational institutions as enshrined in Article 30 of the Constitution.

5.5 The Committee supports the interests of minorities as enshrined in Article 30 of the Constitution. However, the Committee would like to point out that since the School Management Committee comprises of elected representatives of the local authority, parents or guardians of children admitted in such school and teachers, it is unlikely that parents/guardians and teachers would act against the interests of the School. The Committee, therefore, feels that the proposed amendment of School Management Committees functioning in an advisory capacity and not preparing School Development Plan is the best way to protect the interests of minorities.

5.6 The Committee has been informed by the Department that it has received representations from aided schools/Members of Parliament that the provisions of Section 21 and 22 undermine the autonomy of aided schools in managing their affairs. The Department has found merit in their argument and is of the view that concession and exemption proposed for minority schools may be extended to all aided schools also.

5.7 On a specific query in this regard, the Legislative Department has opined that the setting up of School Management Committees would have a solitary effect by improving the management of the affairs of schools, whether Government, aided or private. The Committee is also of the view

that School Management Committee as envisaged in sections 21 and 22 of the Act should continue to be made applicable to aided schools. The Committee is also in agreement with the Legislative Department's proposal to have School Management Committees in unaided schools. However, they should function only in an advisory capacity thereby safeguarding their autonomy as well as helping in monitoring 25 per cent quota of admission for children belonging to disadvantaged group as envisaged under the RTE Act.

6. The enacting formula and the title are adopted with consequential changes.
7. The Committee recommends that the Bill be passed after incorporating the amendments/additions suggested by it.
8. The Committee would like the Department to submit a note to it with reasons on the recommendations/suggestions made by it which could not be incorporated in the Bill.

RECOMMENDATIONS/OBSERVATIONS AT A GLANCE

III. CLAUSE 2

The Committee welcomes the initiative taken by the Department for the inclusion of children with disabilities under the RTE Act. Nobody can deny the fact that such children face psychological complex and feel isolated in the society. Inclusive education is a very important gateway for these children to become part of the mainstream and to participate as citizens of the country. The Committee believes that this positive move would not only ensure that the specific needs of children with disabilities are given precedence in the elementary education system in the country but would also give them newer opportunities to maximize their potential and help bring them into the mainstream. (Para 3.3)

The Committee observes that with the proposed definition of ‘child with disability’, children with all types of disability as specified in the Persons with Disabilities (Equal Opportunities, Protection or Rights and Full Participation) Act, 1995 and the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 have been brought under the ambit of the RTE Act. Specific inclusion of all kinds of disabilities in the Act itself is a better option in all respects when compared with having the same incorporated in the Rules. However, the Committee finds that ‘dyslexia’ which is also a disability observed in children, does not find place in the above mentioned two Acts. The Committee is of the view that ‘dyslexia’ and any other type of disability, if existing, also need to be included in the definition of “child with disability”. The Committee, therefore, recommends that necessary

modifications in the definition of “child with disability” may accordingly, be made. (Para 3.7)

IV. CLAUSE 3

The Committee is inclined to agree with the proposed modification in sub-section (1) of section 3 and accordingly, recommends the deletion of proviso to section 3 (2) and non-inclusion of sub-section (3). The Committee would also appreciate if the process of redrafting of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1995 is expedited so that the new Act comes into force at the earliest.

(Para 4.5)

The Committee also takes note of key interventions for inclusive education made under SSA which include identification, functional and formal assessment, provision of aids and appliances, teacher training, appointment of specialist teachers and incorporation of barrier-free access facilities in regular schools. The Committee was informed that a total number of 10,014 special educators have been appointed, especially to provide specialized support to children with disabilities, 58.78 per cent schools have been provided ramps and handrails. Efforts were also on to equip the schools with disabled-friendly toilets. Teachers were also being oriented to prepare/procure TLM as per the needs of children with disabilities. Lastly 72.39 per cent of children with disabilities had been provided with assistive devices and equipment. (Para 4.8)

While appreciating the considerable progress made for inclusive education under SSA, the Committee would like to point out that visible gap between estimated number of children with disability and those identified under SSA and also between those identified and brought under Inclusive

Education continues to persist. The Committee hopes that with concerted efforts, things would improve on this front. The Committee would also like to point out that a very large number of schools-both aided and unaided are functioning across the country which have all the required facilities for children with disabilities. In these schools, the added advantage is that such children get the healthy environment of normal schools. It may happen that such schools may not fall in the category of neighbourhood school in the context of right of children including those with disabilities for free and compulsory education. Keeping in view the ground realities, the Committee strongly feels that for children with disabilities, option of going to a school fulfilling their requirement, be it a neighbourhood school or a school at a feasible distance should be available. The Committee, accordingly, recommends that suitable provision in section 3 of the Act may be incorporated.

(Para 4.9)

The Committee finds that under SSA, district plan for children with special needs is formulated at Rs. 3000/-per child norm, with Rs. 1000/- earmarked exclusively for engagement of resource teachers. The Committee, however, observes that so far, only 75,099 children with multiple disabilities are being provided education in regular schools. The Committee would like to point out that for better coverage, Block Resource Centres/Cluster Resource Centres for a specified number of schools need to be specially resourced to cater to the needs of children with disabilities. These special supports may include Braille, Sign language, other communication devices and adapted learning materials. Other useful interventions can be therapy, teacher support and inclusive playgrounds with adapted play equipment. The Committee would also appreciate if special strategies like Action Based Learning Materials adopted by States

like Karnataka, Andhra Pradesh and Tamil Nadu are put into practice by other States also. (Para 4.10)

The Committee is also of the view that the Department should ensure option of better equipped schools for disabled children, especially in rural areas. There should be certain parameters for neighborhood schools so that they make arrangements and provide basic facilities with a view to ensure a barrier free and conducive environment for disabled children in the school. Another intervention can be mandatory provision of yoga classes in all the schools which will prove beneficial to normal children as well as children with disabilities. Provision of naturopathy would certainly help in improving the physical and psychological strength of disabled children.

(Para 4.11)

Another issue before the Committee was the aspect of compulsory education for children with severe or multiple disabilities who may not be in a position to attend school. The Committee understands that children with multiple disabilities need to be part of the compulsory education process. However, there may be cases where in such a situation, a view needs to be taken about the viability of invoking the component of compulsory education in schools. In this connection, the Committee would like to point out that under SSA, 75,099 children with multiple disabilities are being provided education in regular schools. This has been made possible by these children being first provided some school preparation programmes before being mainstreamed in regular schools. The Committee understands that the strategy of Home Based Education under SSA is at present being evaluated. The Committee is of the view that this strategy needs to be vigorously pursued for children in the 0-6 years age-group for Early Intervention and School Readiness followed by their induction in the mainstream schools. The Committee, therefore, believes that elementary

education should not be made compulsory for children with severe or multiple disabilities and the relevant provision in the Act may accordingly be modified. (Para 4.12)

IV CLAUSES 4 and 5

The Committee supports the interests of minorities as enshrined in Article 30 of the Constitution. However, the Committee would like to point out that since the School Management Committee comprises of elected representatives of the local authority, parents or guardians of children admitted in such school and teachers, it is unlikely that parents/guardians and teachers would act against the interests of the School. The Committee, therefore, feels that the proposed amendment of School Management Committees functioning in an advisory capacity and not preparing School Development Plan is the best way to protect the interests of minorities.

(Para 5.5)

On a specific query in this regard, the Legislative Department has opined that the setting up of School Management Committees would have a solitary effect by improving the management of the affairs of schools, whether Government, aided or private. The Committee is also of the view that School Management Committee as envisaged in sections 21 and 22 of the Act should continue to be made applicable to aided schools. The Committee is also in agreement with the Legislative Department's proposal to have School Management Committees in unaided schools. However, they should function only in an advisory capacity thereby safeguarding their autonomy as well as helping in monitoring 25 per cent quota of admission for children belonging to disadvantaged group as envisaged under the RTE Act. (Para 5.7)

MINUTES

XV
FIFTEENTH MEETING

The Committee on Human Resource Development met at 4.00 P.M. on Wednesday, the 28th April, 2010 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Penumalli Madhu
5. Shri N.K. Singh
6. Shri M. Rama Jois
7. Shri Brij Bhushan Tiwari

LOK SABHA

8. Shri Suresh Angadi
9. Shri P.K. Biju
10. Shrimati J. Helen Davidson
11. Shri P.C. Gaddigoudar
12. Shri Rahul Gandhi
13. Shri Prataprao Ganpatrao Jadhav
14. Shri Prasanta Kumar Majumdar
15. Capt. Jai Narain Prasad Nishad
16. Dr. Vinay Kumar Pandey
17. Shri Tapas Paul
18. Shri Madhu Goud Yaskhi

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri J. Sundriyal, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer
Smt. Harshita Shankar, Committee Officer

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3. Thereafter, Chairman, informed the members that three legislations amending (i) The Right of Children to Free and Compulsory Education Act, 2009 (ii) *** (iii) *** have been referred to the Committee for examination and report within two months. The Committee then decided to hold preliminary discussions with the Secretary, Department of School Education and Literacy on 5th May, 2010, on the Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 and the National Council for Teacher Education (Amendment) Bill, 2010. As regards the Copyright (Amendment) Bill, 2010 the Committee decided to issue a Press Release for inviting the memoranda/representation from the individuals/organisations etc.

4. The Committee then adjourned at 4.30 p.m.

XVI
SIXTEENTH MEETING

The Committee on Human Resource Development met at 4.00 P.M. on Wednesday, the 5th May, 2010 in Room '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shri Vijay Kumar Rupani
4. Shrimati Mohsina Kidwai
5. Shri Shri Penumalli Madhu
6. Shri N.K. Singh
7. Shri Brij Bhushan Tiwari
8. Dr. Janardhan Waghmare

LOK SABHA

9. Shri Suresh Angadi
10. Shri Kirti Azad
11. Shri P.K. Biju
12. Shrimati J. Helen Davidson
13. Shri P.C. Gaddigoudar
14. Shri Prataprao Ganpatrao Jadhav
15. Shri P. Kumar
16. Shri Prasanta Kumar Majumdar
17. Capt. Jao Narain Prasad Nishad
18. Shri Sis Ram Ola
19. Shri Tapas Paul
20. Shri Ashok Tanwar
21. Shri Joseph Toppo
22. Shri Madhu Goud Yaskhi

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri J. Sundriyal, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer
Smt. Harshita Shankar, Committee Officer

LIST OF WITNESSES

MINISTRY OF HUMAN RESOURCE DEVELOPMENT DEPARTMENT OF SCHOOL EDUCATION AND LITERACY

1. Smt. Anshu Vaish - Secretary (SE&L)
2. Smt. Anita Kaul - Additional Secretary
3. Shri A.K. Singh - Joint Secretary
4. Prof. Mohd. Akhtar Siddiqui - Chairperson (NCTE)
5. Shri Vikram Sahay - Director

2. At the outset, the Chairman briefly mentioned about the salient features of (i) The Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 and (ii) *** for which the Secretary, Department of School Education and Literacy has been invited for oral evidence. He also informed the members that the third Bill i.e. the Copyright (Amendment) Bill, 2010 would be taken up in subsequent meetings. He further mentioned that four Bills namely: (i) *** (ii) *** (iii) *** (iv) *** introduced recently in Lok Sabha might also be referred to the Committee and as such a heavy agenda awaits the Committee in coming days.

3. Thereafter, the Committee first heard the views of the Secretary, Department of School Education and Literacy on the Right of Children to Free and Compulsory Education (Amendment) Bill, 2010. The Secretary informed that amendments to the RTE Act related to two issues viz (i) inclusion of children with disabilities and (ii) the role of School Management Committees in schools run by Minority Organizations. The Chairman and Members of the Committee raised queries which were replied to by the Secretary. The Committee decided to forward a questionnaire for obtaining written replies from the Department within one week. It also decided to hear the views of some experts on this amendment Bill in its next meeting.

4. The Secretary then briefed the Committee on the National Council for Teacher Education (Amendment) Bill, 2010. She explained that the amendments are aimed to remove the ambiguity regarding applicability of the National Council for Teacher

*** Relates to other matter

Education Act 1993 on schools, school teachers and also provide minimum qualifications for appointment of school teachers so as to ensure uniform standards throughout the country. On a query whether necessary consultations were held with the State Governments with regard to the proposed extension of Council's jurisdiction the Secretary clarified that the Department had not consulted the State Governments on this amendment Bill though the provision of regulations for minimum qualifications for school teachers was within the mandate of NCTE, the amendments to the Act are proposed to preclude the possibility of State Governments taking advantage of recent decision of Supreme Court saying that NCTE regulations for appointment are not applicable of school teachers. Taking into cognizance the importance attached with this crucial area and wide ramifications of the Bill, the Committee decided to obtain written views of the State Governments/UTs on the said Bill. The Committee also decided to forward a questionnaire for written replies from the Department within a week and also hear the views of experts on the Bill in its next meeting.

5. A verbatim record of the proceedings was kept.

6. The Committee then adjourned at 5.40 p.m. to meet again at 4.00 p.m. on Tuesday, the 18th May, 2010.

XVII
SEVENTEENTH MEETING

The Committee on Human Resource Development met at 4.00 P.M. on Tuesday, the 18th May, 2010 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Vijaykumar Rupani
2. Shri Penumalli Madhu
3. Shri Brij Bhushan Tiwari
4. Shri N.K. Singh
5. Dr. Janardhan Waghmare

LOK SABHA

6. Shri Suresh Angadi
7. Shri Kirti Azad
8. Shri P.K. Biju
9. Shrimati J. Helen Davidson
10. Shri P.C. Gaddigoudar
11. Shri Prataprao Ganpatrao Jadhav
12. Shri P. Kumar
13. Shri Prasanta Kumar Majumdar
14. Capt. Jai Narain Prasad Nishad
15. Shri Sis Ram Ola
16. Shri Tapas Paul
17. Shri Ashok Tanwar
18. Shri Joseph Toppo
19. Shri Madhu Goud Yaskhi

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri J. Sundriyal, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer
Smt. Harshita Shankar, Committee Officer

LIST OF WITNESSES

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|--------|--|--|
| I. | Mrs. Poonam Natarajan, Chairperson | National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. |
| II. | Shri R.S. Khan, Former Vice-Chairperson, | National Council for Teacher Education. |
| III. | Prof. Mohammad Akhtar Siddiqui, Chairperson, | National Council for Teacher Education. |
| IV. | Representatives of Legislative Department, Ministry of Law | |
| (i). | Shri V.K. Bhasin, Secretary, | Legislative Department |
| (ii). | Shri Diwakar Singh | Deputy Legislative Counsel. |
| (iii). | Shri K. Sreemannarayana | Assistant Legislative Counsel |
| (iv). | Shri N.K. Nampoothiry | Additional Secretary |

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3. Thereafter, the Chairman apprised the members about the experts invited for clarifications on the Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 and the National Council for Teacher Education (Amendment) Bill, 2010 including the Secretary, Legislative Department, Law Ministry.

4. The Committee, first heard the views of Smt. Poonam Natarajan, Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental retardation and Multiple Disabilities on the Right of Children to Free & Compulsory Education (Amendment) Bill, 2010. She informed the Committee about the special needs of disabled children and different types of disabilities including the need for bringing disabled children into the mainstream through the RTE Act. The Members put

forward their queries which were replied to by Smt. Poonam Natarajan. The Committee decided to send a questionnaire on the said Bill to her with the direction to send the response within a week.

(The witnesses then withdrew.)

5. * * *

6. The Committee, then, heard the views of Shri V.K. Bhasin, Secretary, Legislative Department on the technical and implemental aspects of the Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 and the National Council for Teacher Education (Amendment) Bill, 2010. The Members sought certain clarifications which were replied to by the representatives of Legislative Department. The Committee also decided to seek written replies of the Department on its questionnaire within a week for its consideration.

6. A verbatim record of the proceedings was kept.

7. The Committee then adjourned at 6.10 p.m. to meet again at 3.00 p.m. on Wednesday, the 26th May, 2010 and on Friday, the 4th June, 2010.

XVIII
EIGHTEENTH MEETING

The Committee on Human Resource Development met at 3.00 P.M. on Wednesday, the 26th May, 2010 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Vijaykumar Rupani
5. Shri Brij Bhushan Tiwari
6. Shri N.K. Singh
7. Dr. Janardhan Waghmare
8. Shri M. Rama Jois

LOK SABHA

9. Shri Suresh Angadi
10. Shri Jitendra Singh Bundela
11. Shri P.K. Biju
12. Shri Rahul Gandhi
13. Shri P.C. Gaddigoudar
14. Shri P. Kumar
15. Shri Prasanta Kumar Majumdar
16. Capt. Jai Narain Prasad Nishad

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri J. Sundriyal, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer
Smt. Harshita Shankar, Committee Officer

LIST OF WITNESSES

I. Representatives of Department of Higher Education, Ministry of HRD and Legislative Department, Ministry of Law and Justice.

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|--------|----------------------|--|
| (i). | Smt Vibha Puri Das | Secretary |
| (ii). | Shri Sunil Kumar | Additional Secretary |
| (iii). | Shri Amit Khare | Joint Secretary |
| (iv). | Shri Narayan Raju | Joint Secretary (Legislative Department) |
| (v) | Shri G.R.Raghavendra | Deputy Secretary |

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3. The Committee then deliberated on the status of eight Bills referred to it for examination and report. Given the extent of large mandate and time constraint of two months, the Committee finalized its road map for completion of assignments. It decided to seek extension of time upto the last day of first week of ensuing Monsoon Session in respect of the Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 and the National Council for Teacher Education (Amendment) Bill, 2010. It felt that for the Copyright (Amendment) Bill, 2010, a legislation needing extensive deliberations with stakeholders, extension of time be sought till the first day of the last week of ensuing Monsoon Session.

4. * * *

*** Relates to other matter

5. * * *

6. * * *

7. Thereafter, the Committee took up the clause by clause discussion on the Right of Children to Free and Compulsory Education (Amendment) Bill, 2010. A number of suggestions were put forward by the Members for incorporation in the Report on the Bill.

8. A verbatim record of the proceedings was kept.

9. The Committee then adjourned at 5.10 p.m. to meet again at 3.00 p.m., on Friday, the 4th June, 2010.

XIX
NINETEENTH MEETING

The Committee on Human Resource Development met at 3.00 P.M. on Friday, the 4th June, 2010 in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Penumalli Madhu
5. Shri Brij Bhushan Tiwari
6. Dr. Janardhan Waghmare

LOK SABHA

9. Shri Suresh Angadi
10. Shri Jitendra Singh Bundela
11. Shri P.K. Biju
12. Shri Kirti Azad
13. Shri P.C. Gaddigoudar
14. Shri P. Kumar
15. Shri Prasanta Kumar Majumdar
16. Capt. Jai Narain Prasad Nishad
17. Smt J.Helen Davidson
18. Shri Prataprao Ganpatrao Jadhav
19. Shri Tapas Paul
20. Shri Brijbhushan Sharma Singh
21. Shri Ashok Tanwar
22. Shri Joseph Toppo
23. Shri Madhu Goud Yaskhi

SECRETARIAT

Smt.Vandana Garg, Additional Secretary
Shri J. Sundriyal, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Smt. Himanshi Arya, Committee Officer
Smt. Harshita Shankar, Committee Officer

LIST OF WITNESSES

	Name	Designation
(i).	Shri Javed Akhtar	MP, Rajya Sabha
(ii).	Shri Ameet Datta	Advocate
(iii).	Sai Krishna Raj Gopal	Advocate

2. At the outset, the Chairman welcomed the members and apprised them of the day's agenda which included the hearing of experts on Copyright (Amendment) Bill, 2010, clause-by-clause consideration of National Council for Teacher Education (Amendment) Bill, 2010 and consideration and adoption of the Draft 223rd Report on Right of Children to Free and Compulsory Education (Amendment) Bill, 2010.

3. * * *

4. * * *

5. The Committee, thereafter, took up for consideration the Draft 223rd Report on The Right of Children to Free and Compulsory Education (Amendment) Bill, 2010 and adopted the same with minor changes.

6. A verbatim record of the proceedings was kept.

7. The Committee then adjourned at 5.20 p.m. to meet again at 11.00 a.m., on Tuesday, the 15th June, 2010.
