CHAPTER -7

GUIDELINES/ MEASURES TAKEN BY GOVT./ UGC/ AICTE
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7.1 UNIVERSITY GRANTS COMMISSION

The Government of India recognized the need for a central agency for disbursing funds to various universities. Accordingly, the University Grants Commission was constituted in 1952. UGC was made a statutory body of the Central Government by an act of Parliament “for the coordination, determination and maintenance of standards of university education in India.” The mandate of the UGC is:

- Promoting and coordinating university education
- Determining and maintaining standards of teaching, examination and research in universities
- Framing regulations on minimum standards of education
- Monitoring developments in the field of collegiate and university education; disbursing grants to the universities and colleges
- Serving as a vital link between the Union and state governments and institutions of higher learning
- Advising the Central and State governments on the measures necessary for improvement of university education.

7.2 THE ALL-INDIA COUNCIL OF TECHNICAL EDUCATION

Technical education in India contributes a major share to the overall education system and plays a vital role in the social and economic development of India.

In India, technical education is imparted at various levels such as: craftsmanship, diploma, degree, post-graduate and research in specialized fields, catering to various aspects of technological development and economic progress.
The beginning of formal Technical Education in India can be dated back to the mid-19th Century. The major policy initiatives in the pre-independence period included the appointment of the Indian Universities Commission in 1902, the issue of the Indian Education policy resolution in 1904 and the Governor General’s policy statement of 1913 stressing the importance of Technical Education.

The All-India Council for Technical Education (AICTE) was set-up by the Government of India in November 1945 as a national level Apex Advisory Body to survey the national facilities for technical education and to promote their development in a coordinated and integrated manner. To ensure this and as stipulated by the National Policy of Education (1986), AICTE was vested with statutory authority for planning, formulation and maintenance of norms and standards, quality assurance through accreditation, funding in priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring coordinated and integrated development and management of technical education in the country.

The AICTE Bill was introduced in both the Houses of Parliament and passed as the AICTE Act No. 52 of 1987. The Act came into force with effect from 28 March 1988. The statutory All India Council for Technical Education was established on 12 May 1988 with a view to proper planning and coordinated development of technical education system throughout the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith.

The purview of AICTE (the Council) covers programs of technical education including training and research in Engineering, Technology, Architecture, Town Planning, Management, Pharmacy, Applied Arts and Crafts, Hotel Management and Catering Technology etc. at different levels.

7.3 ACCREDITATION OF ACADEMIC INSTITUTIONS AND PROGRAMS

There are two primary accreditation bodies involved in the accreditation of academic institutions and programs. AICTE has established the autonomous body the National
Accreditation Board. NAB was set up “to periodically conduct evaluation of Technical Institutions or Programs on the basis of guidelines, Norms and Standards specified by it and to make recommendations to it, AICTE or to the Council, or to the Commission or to the other bodies, regarding recognition or de-recognition of the institution or program.” All technical programs must be approved by the AICTE, but not all programs are accredited by AICTE.

Approval of AICTE for new Institutions or for starting new programs is based on:

- Credibility of Institutional Management and the Program providers
- Assurance of Compliance to AICTE Norms and Standards
- Prior approval by the State Government and University or other competent authority
- Market sensitivity of program output, to avoid imbalance in supply of qualified manpower.

Accreditation of the Institutional Programs by NBA is based on:

- Availability of potential for sustaining and improving upon assessment criteria
- Recognition by all stakeholders like the end-users, institutional products and the community at large
- Demonstrated capability of the institution and program to adhere to the qualitative criteria of Accreditation
- Assessment by peer groups of NBA experts through a visit to the institution and making relevant recommendations to the NBA.

7.4 THE NATIONAL ASSESSMENT AND ACCREDITATION COUNCIL (NAAC)

NAAC is an autonomous body established by the University Grants Commission (UGC) of India to assess and accredit institutions of higher education in the country.
It is an outcome of the recommendations of the National Policy in Education (1986) that laid special emphasis on upholding the quality of higher education in India.

The system of higher education in India has expanded rapidly during the last 50 years. Despite the built-in regulatory mechanisms that ensure satisfactory levels of quality in the functioning of higher education institutions, there have been criticisms that the country has permitted the mushrooming of institutions of higher education with fancy program and substandard facilities and consequent dilution of standards. To address the issues of deterioration in quality, the National Policy of Education (1986) and the Plan of Action (POA-1992) that spelt out the strategic plans for the policies, advocated the establishment of an independent national accreditation body. Consequently, the NAAC was established in 1994 with its headquarters in Bangalore.

The vision of the NAAC is to make quality the defining element of higher education in India through a combination of self and external quality evaluation, promotion and sustenance initiatives. The mission statements of the NAAC aim at translating the NAAC’s vision into reality, defining the following key tasks of the organization:

- To arrange for the periodic assessment and accreditation of institutions of higher education or units thereof, or specific academic program or projects
- To stimulate the academic environment for promoting the quality of teaching and learning and research in higher education institutions
- To encourage self-evaluation, accountability, autonomy and innovations in higher education
- To undertake quality-related research studies, consultancy and training program
- To collaborate with other stakeholders of higher education for quality evaluation, promotion and sustenance.

Guided by its vision and striving to achieve its mission, the NAAC primarily assesses the quality of institutions of higher education that volunteer for the process, using an internationally accepted methodology.
7.5 THE FOREIGN EDUCATIONAL INSTITUTIONS (REGULATION OF ENTRY AND OPERATIONS) BILL, 2010

A BILL to regulate entry and operation of foreign educational institutions imparting or intending to impart higher education (including technical education and medical education and award of degree, diploma and equivalent qualifications by such institutions) and for matters connected therewith or incidental thereto.

The Bill was introduced in the Lok Sabha on May 3, 2010 by the Ministry of Human Resource Development. The Bill was referred to the Standing Committee on Human Resource Development (Chairperson: Shri Oscar Fernandes) on May 14, 2010. The committee is scheduled to submit its report within two months.


- The Bill seeks to regulate the entry and operation of foreign educational institutions seeking to impart higher education. Every foreign educational institution intending to operate in India has to be notified as a foreign educational provider by the central government on the recommendation of the Registrar (Secretary of the University Grants Commission).

- Foreign educational providers have to maintain a corpus fund of a minimum of Rs 50 crore.

- Upto 75% of any income generated from the corpus fund shall be utilized for developing its institution in India and rest should be put back in the fund.

- The central government may exempt any institution, on the advice of the Advisory Board, from conforming to the requirements of the Bill except the penalty provision and the ban on revenue repatriation.
Key Issues and Analysis

There are three views on the issue of foreign educational institutions operating in India.

➢ Opponents argue that it would limit access and lead to commercialization.

➢ Proponents of the Bill argue that it would increase choices for students and enhance competition in the sector.

➢ There are some experts who support limited entry based on the reputation of the institution.

Present rules permit foreign universities to collaborate with Indian partners through various mechanisms. However, few globally renowned universities collaborate with India. It is not clear if the Bill would attract quality foreign universities given the stricter guidelines.

The Bill lacks clarity on what provisions the foreign institutions may be given an exemption from since they have to follow all other laws in force. This effectively means that they have to conform to standards set by statutory authorities on curriculum, methodology and faculty and mandatory publication of prospectus.

PART A: HIGHLIGHTS OF THE BILL

Higher educational institutions (including foreign institutions) are regulated by the University Grants Commission (UGC) and the All India Council of Technical Education (AICTE).

1. The UGC regulates degrees and diplomas awarded by all universities. These include universities which grant degrees and diplomas through collaboration with foreign educational institutions.

2. The AICTE regulates foreign institutions, which provide technical education either directly or through collaboration with Indian partners.
3. Although, government data is not publicly available, a 2008 study commissioned by the UK-India Education Research Initiative identified 640 collaborative programmes in India.

4. The National Knowledge Commission (NKC) estimated that every year about 160,000 students from India study abroad, spending about US$4 billion. It recommended that India should frame policies for the entry of foreign institutions.

5. According to the Ministry of Overseas Indian Affairs, as of July 15, 2009, about 264,324 Indian students are studying abroad.

6. The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010 seeks to regulate the entry and operation of foreign educational institutions seeking to impart higher education. Higher education includes technical and medical education and the award of degree and diploma.

**Key Features**

A “foreign educational institution” is defined as any institution established outside India, which has been offering educational services for a minimum of 20 years and proposes to offer courses which shall be taught through conventional teaching methods (including classroom teaching). It excludes distance education (offered independently or through collaboration, partnership or twinning arrangement). The Bill also lays down norms for foreign institutions conducting certificate courses.

- Every foreign institution intending to operate in India has to be notified as a foreign educational provider by the central government on the recommendation of the Registrar (Secretary of UGC) in the prescribed manner.

- The application has to be endorsed by the High Commission of that country in India. An existing institution has to apply within six months of the Act coming into force.

- The central government, based on the recommendation of the UGC, may withdraw recognition in case a foreign educational provider violates any provision
of the regulations. The management, teacher, students or parents may make representation against the proposed withdrawal.

- The programme of study offered by the foreign university has to conform to standards laid down by the statutory authority (such as UGC, AICTE, Bar Council of India) and the quality in terms of curriculum, methods of teaching and faculty is comparable to that offered to students in the main campus.

- Every foreign institution has to publish a prospectus 60 days prior to admission which shall include information about fees, amount of fees refundable, approved number of seats, conditions of eligibility, and details of teaching faculty.

**Mandatory Conditions**

The foreign university has to maintain a corpus fund of a minimum of Rs 50 crore. Maximum of 75% of any income generated from the fund shall be utilized for developing the institution in India and the rest should be reinvested in the fund.

Any surplus in revenue generated in India by the foreign university has to be invested in the development of the educational institution established by it in India.

**Penalties**

Any person who offers admission to an unrecognized institution or makes misleading advertisement shall be liable to a minimum fine of Rs 10 lakh (upto Rs 50 lakh) in addition to refunding the fees collected. Any recognized foreign institution that violates the law shall be liable to a fine between Rs 10 and 50 lakh and forfeiture of the corpus fund.

**Provision of Exemption**

The central government shall establish an Advisory Board, consisting of three national research professors, Chairman of the UGC and Chairman of one of the other statutory authorities. The central government may exempt any institution, on the advice of the Advisory Board, from conforming to certain provisions of the Bill.

However, they would be subject to the ban on revenue repatriation and penalties for offences.
PART B: KEY ISSUES AND ANALYSIS

Debate on entry of foreign educational institutions The debate over whether foreign educational institutions should be allowed to operate in India is divided into three camps.

- The opponents argue that it would lead to commercialization of higher education, which would lead to withdrawal of the government from the sector. It would also increase the disparity of access to quality education between the rich and the poor.

- The proponents argue that it would increase choices for students, enhance competition in the sector with potential for qualitative improvement in the Indian educational institutions, provide technical skills for the job market and retain some of the funds that flow overseas.

- Some experts take a middle view arguing that foreign institutions should have limited entry so long as certain concerns over the quality of the education provided, the type of subjects that would be taught, and the possibility of faculty moving from Indian institutions are addressed.

Adequacy of the Provisions of the Bill

According to the Ministry of HRD, some of the possible benefits of foreign universities include participation of globally renowned universities, skill development, increasing access to innovative areas of studies, and increase in Gross Enrolment Ratio.

However, some experts argue that the provisions of the Bill would neither attract quality institutions nor would it adequately regulate existing institutions.

Attraction for foreign educational providers

India does not maintain a central database of foreign universities. Only six foreign universities have AICTE approval to collaborate with Indian institutions; none of these figure highly in global ratings.

Also, there are 67 institutions running technical programmes with foreign collaboration without AICTE approval.
The Bill increases the constraints for foreign universities. Given such conditions, it is an open question whether top foreign educational institutions would choose to come to India.

**Yash Pal Committee Report** emphasized that any policy framed for regulating foreign institutions should ensure that there is an incentive for good institutions and a disincentive for substandard institutions to come to India.

The Bill allows foreign universities to set up branch campuses without an Indian partner. But it includes requirements such as maintaining a corpus fund of at least Rs 50 crore, not allowing repatriation of funds and a track record of 20 years in the parent country. Countries such as South Korea, Singapore, and UAE offer incentives that reduce the costs and the risks associated with establishing a campus in a different country.

**Lack of clarity on exemption**

The Bill allows the central government to exempt a foreign institution from certain provisions of the Act except the penalties provision and the provision that prohibits repatriation of surplus revenue. Foreign universities (including such exempted ones) shall be penalized if they: (a) operate without recognition; (b) do not maintain standards to be prescribed; (c) do not comply with any provisions of the University Grants Act, 1956; (d) do not maintain a corpus fund; and (e) do not publish a prospectus in the specified form. Also, the Bill states that all other laws in force will apply to all foreign universities.

This could imply that exempted foreign institutions have to conform to all the norms for the non-exempt ones. Therefore, it is not clear what provisions the foreign institutions are exempted from, other than the provision on withdrawal of recognition.

7.6 **THE NATIONAL ACCREDITATION REGULATORY AUTHORITY FOR HIGHER EDUCATIONAL INSTITUTIONS BILL, 2010**

The Bill was introduced in the Lok Sabha on May 3, 2010 by the Ministry of Human Resource Development. The Bill was referred to the Standing Committee

A BILL to make provisions for assessment of academic quality of higher educational institutions, programmes conducted therein and their infrastructure through mandatory accreditation by independent accreditation agencies and to establish a statutory Authority for the said purpose and to provide for matters connected therewith or incidental thereto.

**Highlights of the Bill**

The Bill makes it mandatory for every higher educational institution (other than agricultural institutions) and every programme conducted by it to get accredited by an accreditation agency in order to certify academic quality.

Assessment of such accreditation has to be made before the institution starts the process of admission to such programmes. Existing educational institutions have to get their accreditation within three years (five years for medical institutions).

The Bill establishes a National Accreditation Regulatory Authority for Higher Education, which shall register and monitor accreditation agencies. These accreditation agencies shall accredit every higher educational institution based on a specified procedure and fees.

An accreditation agency has to be a non-profit organization, which is controlled by the central or state government.

**Key Issues and Analysis**

The Bill, which allows only government controlled agencies to accredit educational institutions, may dilute the objective of creating a healthy competitive environment for quality rating of educational institutions.

Regulatory bodies are required when the private sector is allowed to provide certain goods and services. Under the Bill, private players cannot register as accreditation agencies. So a regulatory authority for registering agencies may be redundant.
The Bill allows an institution to appeal to NARA for modification of a rating given by an accreditation agency. This implies that NARA would have to perform the role of an accreditation agency; it may not have the competence to do so.

Accreditation agencies are required to help institutes to improve their quality and may be penalized for not performing this duty. This may result in conflict of interest. Downgrading of an institution may be seen as admission of failure to improve quality by an agency. As this may invite penalty, agencies may be wary of downgrading institutions.

7.7 THE PROHIBITION OF UNFAIR PRACTICES IN TECHNICAL EDUCATIONAL INSTITUTIONS, MEDICAL EDUCATIONAL INSTITUTIONS AND UNIVERSITIES BILL, 2010

A BILL to provide for the prohibition of certain unfair practices in technical educational institutions, medical educational institutions and universities and to protect interests of students admitted or seeking admission therein and to provide for matters connected therewith or incidental thereto.

CONDUCTING TESTS FOR ADMISSION, PUBLICATION OF PROSPECTUS AND PROHIBITION OF COLLECTION OF CAPITATION FEE, ETC.

(1) No institution shall, for admission in respect of any seat in any course or programme of study conducted in such institution, accept any payment towards admission fee and other fees and charges,—

(a) other than such fee or charges for such admission as declared by it in the prospectus for admission against any such seat; and

(b) without a proper receipt in writing issued for such payment to the concerned student so admitted in such institution.

(2) No institution shall charge any fee for an admission test other than an amount representing the reasonable cost incurred by it in conducting such test.
**IMPOSITION OF MONETARY PENALTIES**

- Any institution, which knowingly does anything contrary to the information published by it in its prospectus in violation of the provisions of section 5, shall, without prejudice to any proceedings for prosecution under the provisions of this Act or any other law for the time being in force, be liable to a penalty which may extend to fifty lakh rupees.

- Any institution, which demands or accepts capitation fee or donation, in any manner whatsoever, in violation of the provisions of section 6, shall, without prejudice to proceedings for prosecution under the provisions of this Act or any other law for the time being in force, be liable to a penalty which may extend to fifty lakh rupees.

- Any institution, which refuses to return any degree, certificate, award or any other document or withholds such degree, certificate, award or any other document without having sufficient cause to do so, or fails to refund the fees in violation of the provisions of section, shall, without prejudice to proceedings for prosecution under the provisions of this Act or any other law for the time being in force, be liable to a penalty which may extend to one lakh rupees.

- Any institution, which publishes any advertisement, which is false or misleading, and in violation of the provisions of section 8, shall, without prejudice to proceedings for prosecution under the provisions of this Act or any other law for the time being in force, be liable to a penalty which may extend to fifty lakh rupees.

- Where an advertisement issued, after commencement of this Act, in violation of the provisions of section 8, includes any untrue statement or falsely describes any fact or is misleading, every person who authorized the issue of such advertisement
shall, without Prohibition of capitation fee.

- Prohibition on refusal to, return, or, withholding degree, diploma, or, refund of fee, etc.

- Prohibition of advertisements not based on facts or misleading.

- Penalty for doing contrary to information in prospectus.

- Penalty for demanding or accepting capitation fee.

- Penalty for refusal to return or withholding documents.

- Penalty for false or misleading advertisement.

- Penalty for untrue advertisement.

- Prejudice to proceeding under the provisions of this Act or any other law for the time being in force, be liable to a penalty which may extend to fifty lakh rupees.

- Whoever, commits an offence under this Act for which no penalty has been specified elsewhere other than under this Chapter, shall, without prejudice to proceedings for prosecution under the provisions of this Act or any other law for the time being in force, be liable to a penalty which may extend to five lakh rupees and in the case of a society or trust, with a penalty which may extend to ten lakh rupees.

- Any capitation fee or donation or any other charges collected in contravention of the provisions of this Act, shall, without prejudice to the proceedings for prosecution or imposition of penalty under the provisions of this Act or any other law for the time being in force, be liable to be confiscated, by an order made by the concerned State Educational Tribunal or the National Educational Tribunal, as the case may be.

- The capitation fee or donation or any other charge confiscated shall be dealt in such manner as may be prescribed.

- Save as otherwise provided in this Act, all the matters (including the penalties leviable under this Chapter) shall be adjudicated by the concerned State
Educational Tribunal or the National Educational Tribunal, as the case may be.

- **7.8 NATIONAL ASSOCIATION OF REGIONAL COUNCILS (NARC)**

The National Association of Regional Councils (NARC), then called the National Service to Regional Councils (NSRC), was created in 1965 by the National League of Cities and the National Association of Countries to respond to the professional and legislative needs of America’s emerging, multi-purpose, multi-jurisdictional organizations of local governments. By 1967, the more than 350 Regional Councils in the country were at the forefront of forging regional alliances for the purpose of addressing common, multi-jurisdictional challenges. These organizations are known as regional planning agencies, development districts and councils of governments, among other names. It was in 1967 that NARC became an independent entity for regions.

Today, Regional Councils have retained their identity but their role has changed dramatically. Of the more than 500 Regional Councils throughout the country, some include Metropolitan Planning Organizations (MPO). At least 350 MPOs have been established to serve as urban regional transportation entities in areas with a population of 50,000 or more. Some MPOs are extensions of Regional Councils, and slightly more than half are stand-alone organizations responsible for fulfilling federal and state metropolitan transportation planning requirements. A board of elected officials and other community leaders typically governs each Regional Council and MPO.

NARC supports its membership by advocating and representing their interests on national issues, with the U.S. Congress and the Executive Branch. The function of the Regional Council and the MPO has been shaped by changing dynamics in federal, state and local government relations, and the recognition that the region is the arena in which local governments must work together to address challenges – social, economic, workforce, transportation, emergency preparedness, environmental and others. Additionally, Regional Councils and MPOs are often called upon to deliver various federal, state programs that require a regional approach, such as, transportation or comprehensive planning, services for the elderly and clearinghouse functions.
Regional Councils and MPOs have learned to be entrepreneurial due to shifts in priorities for federal funds. These organizations are experienced collaborators, adept at bringing people together and getting results. States are relying more on these organizations as vehicles for engaging local governments and delivery of programs.

Regional Councils and MPOs are a national network of experienced professionals dedicated to solving problems the regional way!

7.9 NATIONAL BOARD OF ACCREDITATION

The National Board of Accreditation (NBA), India was established by AICTE (All India Council of Technical Education) as an autonomous body under section 10 (u) of AICTE act, 1987 for periodic evaluations of technical institutions & programmes basis according to specified norms and standards as recommended by AICTE council. It has the full authority to recognize or derecognize institutions and programmes under them. It is the only authorized body in India entrusted with the task of undertaking accreditation of technical education programmes.

NBA in its present form came into existence as an autonomous body with effect from 7th January 2010, with the objective of Assurance of Quality and Relevance of Education, especially of the programmes in professional and technical disciplines, i.e., Engineering and Technology, Management, Architecture, Pharmacy and Hospitality, through the mechanism of accreditation of programs offered by technical institutions.

NBA has introduced a new process, parameters and criteria for accreditation. These are in line with the best international practices and oriented to assess the outcomes of the programme.

Following the decision to close down the AICTE in the wake of a corruption scandal, Former Union Education Minister Kapil Sibal announced that the National Board of Accreditation will be elevated as an independent body and become the nodal agency responsible for accreditation in India. The National Board of Accreditation has since become an Independent Society constituted under the Registrar of Cooperative Societies.
Accreditation Policy

The following general policies are the guiding principles for the accreditation of programmes:

a. Programmes, and not Educational Institutions, will be accredited.

b. Programmes will be considered for assessment and accreditation only at the written request of the educational institution and after agreeing to abide by the NBA’s accreditation manual, rules, regulations and notification issued from time to time.

c. The institution will have to pay accreditation fee as prescribed from time to time by NBA.

d. The institution will send Self-Assessment Report (SAR) in the prescribed format in respect of each programme to be accredited.

e. Programmes to be accredited should be offered by an educational Institution which has been formally approved as an educational Institution by the AICTE or the concerned regulatory authority. The programme to be accredited should also have the approval of AICTE, except those offered by universities/deemed universities.

f. The title of a programme to be accredited shall be the same as - shown on the graduating student’s certificate and transcript. All routes leading to the completion of the programme will have to satisfy the accreditation criteria.

g. The total credits to be earned for the award of the degree shall be uniformly distributed in the various academic years of the programme to the extent possible.

h. Programmes from which at least two batches of students have graduated will be considered for accreditation. However, new programmes could be considered as a special case on merits for provisional accreditation.
i. Programmes will be evaluated in accordance with the accreditation criteria given for various categories of the programmes. Accreditation will be based on satisfying the minimum standards.

j. A two/three days onsite visit shall be a part of the accreditation process. An evaluation team appointed by the NBA will carry out the evaluation of the programme. The evaluation team consists of one (or) two evaluators for each programme and is headed by a Chairperson. The institute shall propose such set of dates for the visit when the regular classes and all academic activities are on.

k. The final decision made by the NBA will be communicated to the educational institution, together with comments which portray strengths, weaknesses and scope for improvement. In the event that a programme is not accredited, reasons for the decision will also be given. If accreditation is denied and if the educational institution wishes, it may appeal against the decision to the Appellate Committee (AC).

l. Accreditation of a programme will normally be granted for a specific term based on the recommendations of the concerned Evaluation and Accreditation Committee. If there is uncertainty as to the status, nature or future of the programme, or some weaknesses exist which call for a review at a shorter interval, provisional accreditation may be granted for two academic years.

m. After accreditation, the institutions are expected to submit their annual self-assessment report to eNBA online. If any aspect of the programme is found to be sufficiently unsatisfactory and/or does not comply with norms, the NBA reserves the right to revoke the accreditation. If necessary, the NBA may appoint a maximum of two members to form an Evaluation Team to act as mentors at the request of institution. The mentor(s) may visit the educational institution at its request for mentoring purposes and provide report to the NBA on their findings for each visit. The educational institution will bear the expenses of the visit and pay honorarium to the mentors as prescribed by the NBA.

n. All correspondence between the educational Institution and NBA as well as information as to whether a programme from an educational Institution is being
considered for accreditation, are to be classified as confidential and may not be released to any unauthorized person except with the written permission from the educational Institution.
CHAPTER -8
LEGAL REFORMS
LEGAL REFORMS

THE PRIVATE EDUCATIONAL INSTITUTIONS (REGULATION OF MANAGEMENT AND ADMINISTRATION BILL, 2005) –

AN ACT TO PROVIDE FOR THE REGULATION OF MANAGEMENT AND ADMINISTRATION OF PRIVATE PROFESSIONAL EDUCATIONAL INSTITUTIONS TO PREVENT COMMERCIALIZATION OF EDUCATION AND PROHIBIT CAPITATION FEE AND TO ENSURE EQUITY AND SOCIAL JUSTICE TO SOCIALLY AND EDUCATIONALLY BACKWARD SECTIONS OF THE SOCIETY.

8.1 A SUMMARY OF THE MAIN POINTS FROM THE FULL TEXT OF THE YASHPAL COMMITTEE REPORT

All universities must be teaching cum research universities. All research bodies must connect with universities in their vicinity and create teaching opportunities for their researchers.

1. We must prevent isolation of study of engineering or management. We should look forward to the day when IITs and IIMs also produce scholars in areas like literature, linguistics and politics. Institutions must be given the freedom to expand and diversify as they see fit rather than thrusting a uniform diktat on all institutions. (p15)

2. All syllabi should require teachers and students to apply what they have learnt in their courses, on studying a local situation, issue or problem. There should be sufficient room for the use of local data and resources to make the knowledge covered in the syllabus come alive as experience. (p18)

3. Minimum set of occupational exposure to be made compulsory for all students, irrespective of discipline, in the form of summer jobs or internships, with evaluation of the students on this front. (p19)
4. Need to expose students at the undergraduate level to various disciplines like humanities, social sciences, aesthetics, irrespective of the discipline they would like to specialize in subsequently. (p21)

5. Teacher training for all levels of school education (from primary to higher secondary) must be carried out by institutions of higher educations. The absence of university-level interest in teacher training has resulted in poor academic quality. (p21-22)

6. We need to build strong bridges between different fields of professional education and the disciplines of science, social sciences and humanities. All professional institutions must be part of a comprehensive university in a complete administrative and academic sense. We must abolish intermediary bodies that have been set up solely to issue licenses to professional colleges alone and inspect them. This will also help new interdisciplinary courses and research to evolve in the comprehensive universities. (p23)

7. All vocational institutions must also be part of universities. (p24)

8. It should be mandatory for all universities to have undergraduate programmes. All teachers in universities must teach at the undergraduate level. (p26)

9. Universities must take steps to reduce gender, class and caste asymmetries. (p27)

10. Universities must study areas that are relevant in their immediate social and natural milieu and create knowledge bases in those areas. (p28)

11. Universities must be motivated to identify and prioritise areas for reform and initiate and implement the reform themselves from within rather than having the reform thrust on them top-down by a national or state-level body. This will be true autonomy. (p28)
12. There should be no discrimination between Central and State funded universities. All benefits extended to Central Universities must also be extended by State Governments to the state universities and the Centre must incentivise the States to do so. (p30)

13. There is an optimum size for a University in terms of the number of affiliated colleges, which must be maintained. (p31-32)

14. The inability of the state to drastically increase capacity in higher education has led to growth of the private sector in higher education. To double higher education capacity, we need all three kinds of universities: state-funded and run universities, private universities and those funded and run by public-private partnerships. All of them should work efficiently overseen by a transparent regulatory mechanism. (p32-34)

15. All private universities must submit to a national accreditation system. Private degree-granting universities must not be confined to select areas like technology, medicine, management, finance etc. They must be required to be comprehensive universities covering the arts and social and natural sciences too. (p35)

16. There must be tight regulation of private universities in terms of auditing of accounts, payment of minimum salaries to teachers, certain percentage of seats reserved for meritorious students who are to be provided scholarships etc. (p35)

17. Granting of Deemed University status to be put on hold. All existing Deemed Universities to be given three years to shape up (to have strong research programmes, and become a comprehensive university as defined in this report) failing which their Deemed University status is to be withdrawn. (p37)
18. Education must be made affordable for all through scholarships or loans provided by the State. Every student who gains admission must get an assured loan or a scholarship (for the needy) from the State. (p39)

19. Do we need foreign universities? Can the best learning experiences not be provided to our students by opening our doors to foreign scholars? p(40)

20. If the best of foreign universities (amongst the top 200 in the world) want to come to India, they should be welcomed. Such institutions should award an Indian degree and be subject to all the rules and regulations that would apply to any Indian university. (p40)

21. **State funding, though increasing, will not be enough to expand supply and progress towards excellence.** Complementary sources of funding will have to be found even for state funded universities. Philanthropy from society and alumni as a source of funding needs to be encouraged, with appropriate changes in regulation. Universities must be able to hire professional fundraisers and professional investors to attract funding from non-government sources. (p41)

22. Universities must be freed from the constraints imposed by funding agencies to obtain approvals for every single post. Funding agencies must provide block grants against a plan and universities must be allowed to spend them according to their priorities, subject to the plan. (p42)

23. There are a large number of students who can afford to pay for their education. Absence of differential fees has led to subsidizing students who can actually afford to pay. Those who can afford to pay must pay higher fees for which they will be offered guaranteed student loans. Free education will be provided only to those who cannot afford it. (p42)

24. National tests like the GRE must be organized round the year. Students from all over India must be allowed to take the tests as many times as they like and their best score can be sent to the universities for admission. Currently the CBSE and
the State Board exams are a means of normalizing school level competencies - this can be done by the National tests. We must seriously think of reviving our faith in each school and its teachers to credibly evaluate their own students. (p42-43)

25. India can provide affordable higher education to foreign students, if we remove systemic impediments. It will also enrich the ethos of our universities. (p43)

26. Urgent measures are needed to attract good people who enjoy teaching and research back to the university and offer them a positive and motivating environment. Resources in terms of libraries, laboratories and research assistance as well as competitive remuneration will need to be provided to retain good people. (p43-44)

27. Student assessment of teachers needs to be instituted. Students can provide an experiential assessment of the quality of teaching. Parameters of student feedback can be drawn up to avoid distorted assessments by students. Teachers whose feedback record remains poor in successive years should be required to face formal procedures which might allow a university or college to shed them.

28. We need to improve governance of universities by developing expertise in educational management, and avoid burdening good academics with administrative chores. We must have a separation between academic administration and overall management (including fund raising). State governments must abandon the trend of appointing civil servants as university administrators. (p45)

29. Teachers and students must have autonomy. In academic matters, the teacher should have the autonomy to frame his/her course and the way he/she would like to assess his/her students. Students should be allowed to take courses of their choice from different universities and then be awarded a degree on the basis of credits earned. (p46)
30. **We should not blame private initiative, political interference, and other forces for the loss of autonomy of universities.** There was no rigorous resistance, indeed there was willing abdication, from the academic community to the subversion in matters of policy implementation, appointments and day-to-day functioning of the universities. Education was made subservient to ideological compulsions, which led to its loss of respect. (p49)

31. We need a De Novo regulatory body - the National Commission for Higher Education and Research (NCHER) under which the various functions of the existing regulatory agencies would be subsumed. The new body would also take over the powers vested in the existing regulatory bodies in terms of creation of new institutions as well as their content/syllabi. (p52)

32. The 13 existing professional councils created under various acts of Parliament may after divesting their existing regulatory functions to NCHER look at conducting tests for practicing professionals affiliated to the councils, prescribing syllabi for such tests and leave it to the universities to design their curriculum based on such syllabi. (p55).

33. Given the federal nature of our country and the role of states in education, there must be Higher Education Councils (HECs) in the states which will co-ordinate with the NCHER, to allow different institutions created and funded by the Centre and States to grow on equal footing. These HECs would also insulate the State universities from outside interference. (p57).

34. Any agency whose intention is to protect students from sub-par education is better off by providing information on the programmes and universities to the student rather than walk the slippery path of establishing minimum standards of quality (for education is about academic over-reach rather than reaching the minimum). (p63)

35. Curricular reform to be the topmost priority of the newly created NCHER which would create a curricular framework based on the principles of mobility within
a full range of curricular areas and integration of skills with academic depth. (p64)

36. The NCHER should galvanize research in the university system through the creation of a National Research Foundation. (p64)

37. The NCHER should identify the best 1,500 colleges across India to upgrade them as universities, and create clusters of other potentially good colleges to evolve as universities. (p66)

38. The NCHER too should be subject to external review once in five years. (p66)

39. The NCHER should prepare and present a Report on the State of Higher Education in India annually to Parliament. (p68)

40. The NCHER shall establish transparent norms and process for entry and exit of institutions. The need is to make the process easy for good and serious proposals for setting up new institutions. (p68)

41. The NCHER may initially consist of five divisions: (p70)

- **Future Directions**: Developing global benchmarks on student performance; university performance; salaries, potential programmers; new research directions; and articulation of needs of the government in terms of manpower etc.

- **Accreditation Management**: Creating norms for accreditation and certifying multiple accreditation agencies which would be independent of the government. Institutions and universities may like to get accreditation from one or more than one agencies depending on their reputation. They would be also providing annual feedback to universities, and organizing workshops etc.

- **Funding & Development**: Developing funding needs of universities, developing mechanisms for funding institutions, helping universities with development of
corpus and good endowment management, managing the guaranteed student loan/scholarship programme, and funding the requirements of universities etc.

- **New Institutions & Incubation**: Including training workshops for first-time VCs as well as on themes like accounting, investing the corpus, communication within & outside the university, negotiations & managing vendors, good office practices, human resource management etc.

- **Information & Governance**: This division will focus on managing the data needs of the commission, display of information on universities, develop performance parameters on the governance of universities, support other divisions with information as well as provide students with information on each university. This division will also inform the Accreditation and Funding & Development divisions of the performance or lack thereof, for each university, each year.

### 8.2 REGULATORY BODIES FOR SCHOOLS

- **7.2 (a) NATIONAL COUNCIL FOR TEACHER EDUCATION**

**INTRODUCTION**

The National Council for Teacher Education, in its previous status since 1973, was an advisory body for the Central and State Governments on all matters pertaining to teacher education, with its Secretariat in the Department of Teacher Education of the National Council of Educational Research and Training (NCERT). Despite its commendable work in the academic fields, it could not perform essential regulatory functions, to ensure maintenance of standards in teacher education and preventing proliferation of substandard teacher education institutions. The National Policy on Education (NPE), 1986 and the Programme of Action thereunder, envisaged a National Council for Teacher Education with statutory status and necessary resources as a first step for overhauling the system of teacher education. The National Council for Teacher Education as a statutory body came into existence in

**OBJECTIVE**

The main objective of the NCTE is to achieve planned and coordinated development of the teacher education system throughout the country, the regulation and proper maintenance of Norms and Standards in the teacher education system and for matters connected therewith. The mandate given to the NCTE is very broad and covers the whole gamut of teacher education programmes including research and training of persons for equipping them to teach at pre-primary, primary, secondary and senior secondary stages in schools, and non-formal education, part-time education, adult education and distance (correspondence) education courses.

**ORGANISATIONAL STRUCTURE**

NCTE has its headquarter at New Delhi and four Regional Committees at Bangalore, Bhopal, Bhubaneswar and Jaipur to look after its statutory responsibilities. In order to enable the NCTE to perform the assigned functions including planned and coordinated development and initiating innovations in teacher education, the NCTE in Delhi as well as its four Regional Committees have administrative and academic wings to deal respectively with finance, establishment and legal matters and with research, policy planning, monitoring, curriculum, innovations, co-ordination, library and documentation, in-service programmes. The NCTE Headquarters is headed by the Chairperson, while each Regional Committee is headed by a Regional Director.

**FUNCTIONS OF THE COUNCIL**

It shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and coordinated development of teacher education and for the determination and maintenance of standards for teacher education and for the purposes of performing its functions under this Act, the Council may -
(a) undertake surveys and studies relating to various aspects of teacher education and publish the result thereof;

(b) make recommendations to the Central and State Government, Universities, University Grants Commission and recognized institutions in the matter of preparation of suitable plans and programmes in the field of teacher education;

(c) co-ordinate and monitor teacher education and its development in the country;

(d) lay down guidelines in respect of minimum qualifications for a person to be employed as a teacher in schools or in recognized institutions;

(e) lay down norms for any specified category of courses or trainings in teacher education, including the minimum eligibility criteria for admission thereof, and the method of selection of candidates, duration of the course, course contents and mode of curriculum;

(f) lay down guidelines for compliance by recognized institutions, for starting new courses or training, and for providing physical and instructional facilities, staffing pattern and staff qualification;

(g) lay down standards in respect of examinations leading to teacher education qualifications, criteria for admission to such examinations and schemes of courses or training;

(h) lay down guidelines regarding tuition fees and other fees chargeable by recognized institutions;

(i) promote and conduct innovation and research in various areas of teacher education and disseminate the results thereof;

(j) examine and review periodically the implementation of the norms, guidelines and standards laid down by the Council, and to suitably advise the recognized institution;
(k) evolve suitable performance appraisal system, norms and mechanism for enforcing accountability on recognized institutions;

(l) formulate schemes for various levels of teacher education and identify recognized institutions and set up new institutions for teacher development programmes;

(m) take all necessary steps to prevent commercialization of teacher education; and

(n) perform such other functions as may be entrusted to it by the Central Government.

**PERMISSION FOR A NEW COURSE OR TRAINING BY A RECOGNISED INSTITUTION**

(1) Where any recognized institution intends to start any new course or training in teacher education, it may make an application to seek permission to the Regional Committee concerned in such form and in such manner as may be determined by regulations.

(2) The fees to be paid along with the application under sub-section (1) shall be such as may prescribed.

(3) On receipt of an application from an institution under sub-section (1), and after obtaining from the recognized institution such other particulars as may be considered necessary, the Regional Committee shall, -

(a) if it is satisfied that such recognized institution has adequate financial resources, accommodation, library, qualified staff, laboratory, and that it fulfils such other conditions required for proper conduct of the new course or training in teacher education, as may be determined by regulations, pass an order granting permission, subject to such conditions as may be determined by regulations; or
(b) if it is of the opinion that such institution does not fulfill the requirements laid down in sub-clause (a), pass an order refusing permission to such institution for reasons to be recorded in writing:

Provided that before passing an order refusing permission under sub-class (b), the Regional Committee shall provide a reasonable opportunity to the institution concerned for making a written representation.

(4) Every order granting or refusing permission to a recognized institution for a new course or training in teacher education under sub-section (3), shall be published in the Official Gazette and communicated in writing for appropriate action to such recognized institution and to the concerned examining body, the local authority, the State Government and the Central Government.

• 8.2 (b) ADMISSION AND FEE REGULATORY COMMISSION

INTRODUCTION

The Honorable Supreme Court of India in Islamic Academy of Education v. State of Karnataka (2003(6) SCC page 697) directed the respective State Governments to set up a committee for determination of fee fixation headed by a retired High Court Judge who shall be nominated by the Chief Justice of that State. The other member who shall be nominated by the Judge should be a Chartered Accountant of repute. A representative of the MCI (Medical College of India) /AICTE depending on the type of institution, the Secretary of the State Government in charge of the Medical Education, Technical Education as the case may be shall be Member Secretary of the Committee and the Committee shall nominate or co-opt another member so that the total number of the Committee members shall not exceed five.

The Supreme Court further directed the State Governments to appoint a Permanent Committee which will ensure that the tests conducted by the association of colleges is fair and transparent, The Committee should be headed by a retired judge of the High Court nominated by the Chief Justice of that State. The other member to be
nominated by the judge would be a doctor or an engineer of eminence depending upon the institution Medical or Engineering and the Secretary in charge of the Medical or Technical Education as the case may be, shall also be a member and act as Secretary of the Committee. The Committee is also free to nominate or co-opt an independent person of repute in the field of education as well as one of the Vice Chancellors of University of that State and the total number of persons of the Committee do not exceed five.

Uttar Pradesh Technical University

LUCKNOW: Students taking admission to technical institutions affiliated to the Uttar Pradesh Technical University (UPTU) across the state are likely to see a change in fee structure as fee in all technical courses running in private engineering and management colleges in the state is being fixed.

The fee fixation for technical courses every three years is according to the UP Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2006. UPTU officials explained that according to the Act, all private technical institutions recognized by the All-India Council of Technical Education (AICTE) are permitted to fix fees for a period of three years.

8.2 (c) NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING
National Council of Educational Research and Training (NCERT, Hindi: राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद) is an organization set up by the Government of India, with headquarters located at Sri Aurobindo Marg in New Delhi, to assist and advise the central and state governments on academic matters related to school education. It was established in 1961.

OBJECTIVES

National Council for Indian Education (NCIE) and National Council for Education Research and Training (NCERT) are two different concerns. Among the top priorities of NCERT are:

1. Implementation of National Curriculum Framework

2. Universalisation of Elementary Education (UEE)

3. Vocational education

4. Education of groups with special needs

5. Early childhood education

6. Evaluation and examination to reform IT education

7. Competitive Value education

8. Education of girl child
9. Production of teaching-learning experience

10. Improvement in teacher education

11. Improvement of thought of student

**ACTIONS**

NCERT has comprehensive extension programme in which departments of the National Institute of Education (NIE), Regional Institute of Education (RIE), Central Institute of Vocational Education (CIVE) and offices of the Field Advisers in the states are engaged in activities. Several programmes are organized in rural and backward areas to reach out to functionaries in these areas. It acts as the Secretariat of the National Development Group (NDG) for Educational Innovations. The NCERT has been offering training facilities, usually through attachment programmes and participation in workshops, to education workers of other countries. The NCERT publishes textbooks for school subjects from Classes I to XII. NCERT publishes books that are used in government and private schools across India that follow the CBSE curriculum.

**SARVA SHIKSHA ABHIYAN**

Sarva Shiksha Abhiyan (SSA), is an Indian Government programme aimed at the universalization of elementary education "in a time bound manner", as mandated by the 86th amendment to the Constitution of India making free and compulsory education to children of ages 6–14 (estimated to be 205 million in number in 2001) a fundamental right. The programme was pioneered by Sri Atal Bihari Vajpayee.

The Right to Education Act (RTE) came into force on 1 April 2010. Some educationists and policy makers believe that, with the passing of this act, SSA has acquired the necessary legal force for its implementation.

**PRESENT GOALS**

Its goals of 2011 were to:
• Open new schools in areas which do not have them and to expand existing school infrastructures and maintenance.

• Address inadequate teacher numbers, and provide training and development for existing teachers

• Provide quality elementary education including life skills with a special focus on the education of girls and children with special needs as well as computer education.

**MID DAY MEAL SCHEME**

The Mid Day Meal Scheme is a multi-faceted programme of the Government of India that, among other things, seeks to address issues of food security, lack of nutrition and access to education on a pan nation scale. It involves provision for free lunch on working days for children in Primary and Upper Primary Classes in Government, Government Aided, Local Body, Education Guarantee Scheme (EGS) and Alternate Innovative Education (AIE) Centres, Madarsa and Maqtabs supported under Sarva Shiksha Abhiyan and National Child Labour Project (NCLP) Schools run by Ministry of Labour. The primary objective of the scheme is to provide hot cooked meal to children of primary and upper primary classes, with other objectives of improving nutritional status of children, encouraging poor children, belonging to disadvantaged sections, to attend school more regularly and help them concentrate on classroom activities, thereby increasing the enrollment, retention and attendance rates.

**BOARD EXAMINATION.**

In India, board examinations refer to the public examinations that occur at the end of the 9th to 10th grade education (SSC), or at the end of the 11th to 12th grade education (HSC). The scores achieved in these exams are considered very important for getting into university, getting into professional courses or training programmes, and even possibly in finding employment.

**STATE BOARD EXAMINATIONS**
State board examinations are variously referred to as Madhayamik, Secondary State Certificate and Higher Secondary Certificate examinations. They are conducted and managed by each education board of the different states in the country. They do not take place simultaneously due to the differences between syllabi and the examination itself. The examinations are generally held in the months of February and March, and the results are out in May and June.

Examinations are offered for various fields which include Science, Maths, Social Studies, regional and foreign languages for SSC; Physics, Chemistry, Maths, Social Studies, basic Computer Science and basic Electronics, IT, Western Classical music and Indian classical music, Economics for HSC. Students follow a fixed pattern in choosing the subjects.

The exam is conducted only in pen and paper format.

**HIGHER SECONDARY EXAMINATION**

Higher Secondary Examination (also known as HSC) is a centralized examination that students in India and Nepal and it is an exam of class 12 (12th Grade). All the State School Education Boards, CBSE, CISCE and NIOS conducts exams during the period of March–April every year. The number of subjects, type of examination (*theoretical, practical or both*) and grading methods differ among the boards and states. Clearing HSC is mandatory for pursuing Higher education or under graduate studies in India.

CBSE calls it All India Senior School Certificate Examination (AISSCE).

CISCE calls it Indian School Certificate Examination (ISC). ISDE call it ""Institution Of Secondary Distance Education"" Private Non-Governmental Board of School Education

NIOS calls it Senior Secondary Examination.
Not all states have separate State Education Boards. CBSE, CISCE and NIOS have schools which follow their scheme of education all over the country.

**ALL INDIA SECONDARY SCHOOL EXAMINATION**

All India Secondary School Examination (also known as AISSE) is a centralized public examination that students (belonging to CBSE-Affiliated schools) in India take up after class 10. The Central Board of Secondary Education conducts the AISSE during the period of March–April every year even after implementing the ambitious project of CCE (Continuous and Comprehensive Evaluation). Generally students are tested on English, Languages (Native or Foreign), Mathematics, Sciences, Social Sciences (History, Democratic Politics, Geography and Economics), Arts, Dances and other optional subjects. Successful candidates are awarded with the AISSE Secondary School Completion Certificate, a Statement of Marks and a Migration Certificate stating that the candidate can pursue higher education and has completed Secondary Schooling.

**RESULTS**

Since year of 2009, marks for each candidate out of 500 i.e. out of 100 for each subject were published. However with the new syllabus, only appropriate grades i.e (A1, A2, B1, B2, C1, C2, D, E1, E2) etc, are given. Later respective grade points for the corresponding grades are awarded in each subject and are averaged out. The resultant number will be the score of the student.

Continuous and comprehensive evaluation is an education system newly introduced by Central Board of Secondary Education in India, for students of sixth to tenth grades. The main aim of CCE is to evaluate every aspect of the child during their presence at the school. This is believed to help reduce the pressure on the child during/before examinations as the student will have to sit for multiple tests throughout the year, of which no test or the syllabus covered will be repeated at the end of the year, whatsoever.
The CCE method is claimed to bring enormous changes from the traditional *chalk and talk* method of teaching, provided it is implemented accurately.

**NEW SCHEME OF EVALUATION**

As a part of this new system, student's marks will be replaced by grades which will be evaluated through a series of curricular and extra-curricular evaluations along with academics. The aim is to reduce the workload on students and to improve the overall skill and ability of the student by means of evaluation of other activities. Grades are awarded to students based on work experience skills, dexterity, innovation, steadiness, teamwork, public speaking, behavior, etc. to evaluate and present an overall measure of the student's ability. This helps the students who are not good in academics to show their talent in other fields such as arts, humanities, sports, music, athletics, etc.

**Pattern of Education**

Unlike CBSE's old pattern of only one test at the end of the academic year, the CCE conducts several. There are two different types of tests. Namely, the *formative* and the *summative*. Formative tests will comprise the student's work at class and home, the student's performance in oral tests and quizzes and the quality of the projects or assignments submitted by the child. Formative tests will be conducted four times in an academic session, and they will carry a 40% weightage for the aggregate. In some schools, an additional written test is conducted instead of multiple oral tests. However, at-least one oral test is conducted.

The summative assessment is a three-hour long written test conducted twice a year. The first summative or *Summative Assessment 1* (SA-1) will be conducted after the first two formatives are completed. The second (SA-2) will be conducted after the next two formatives. Each summative will carry a 30% weightage and both together will carry a 60% weightage for the aggregate. The summative assessment will be conducted by the schools itself. However, the question papers will be partially prepared by the CBSE and evaluation of the answer sheets is also strictly monitored by the CBSE. Once completed,
the syllabus of one summative will not be repeated in the next. A student will have to concentrate on totally new topics for the next summative.

At the end of the year, the CBSE processes the result by adding the formative score to the summative score, i.e. 40% + 60% = 100%. Depending upon the percentage obtained, the board will deduce the CGPA and thereby deduce the grade obtained. In addition to the summative assessment, the board will offer an optional online aptitude test that may also be used as a tool along with the grades obtained in the CCE to help students to decide the choice of subjects in further studies. The board has also instructed the schools to prepare the report card and it will be duly signed by the principal, the student and the Board official.

Often during the evaluation of Social Science papers, the following concepts are observed.

- Investigation of the situation - What is the question and what is to be explained.
- Deductive Method - What does the student know and how can he use it to explain a situation.
- Co-relation with a real life situation - Whether the situation given matches any real life situation, like tsunamis, floods, tropical cyclones, etc.
- Usage of Information Technology - Can the problem be solved with the use of IT? If yes, how?

In addition to that, various assignments can be given such as projects, models and charts, group work, worksheet, survey, seminar, etc. The teacher will also play a major role. For example, they give remedial help, maintain a term-wise record and checklists, etc.

8.2 (d) **RIGHT TO EDUCATION** The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of
Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards. Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words ‘free and compulsory’. ‘Free education’ means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. ‘Compulsory education’ casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

The RTE Act provides for the:

(i) Right of children to free and compulsory education till completion of elementary education in a neighbourhood school.

(ii) It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. ‘Free’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
(iii) It makes provisions for a non-admitted child to be admitted to an age appropriate class.

(iv) It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.

(v) It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours.

(vi) It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.

(vii) It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.

(viii) It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition.

(ix) It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child’s knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centered learning.