

RTE ACT (SECTION 27) AND 'TEACHING AS A PROFESSION'

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Abstract: Right To Education Act (2009) made India one of the 135 countries across the world where education is a fundamental right of every child. Envisaged under Article 21-A to ensure universalisation of elementary education, it provides for free and compulsory education of all children in the age group of 6 to 14 years. The focal point of this study comes under chapter IV-Roles and Responsibilities of school and the teachers which is, 'RTE 2009, Section 27: Prohibits deployment of teachers for non-educational purposes, other than decennial population Census, disaster relief duties or duties relating to elections to local authority, state legislatures and parliament. This provision will ensure that more time is available to teachers for school/classroom interaction, and that teachers are not deployed for work that takes them away from their classroom responsibilities.' The aim is to study whether these non-educational assignments act as impediments for teachers in fulfilling the classroom responsibilities and how these affect the status of teaching as a profession. The research question 'What perception do teachers, and headmasters/principals have regarding teaching as a profession?', 'What are the different kinds of non-educational duties given to teachers' are addressed. We see a discrepancy between teacher's work situations and their view of themselves as professionals. The immediacy of committing a conducive work environment that facilitates learning and not create anxiety is necessary and need of the hour. It is the kernel of RTE as a fundamental right, to educate without any inequity.

Keywords: Perception, Profession.

Introduction: The Right to Education Act had been thought of as the saviour of our education system since its conception. Passed by the Parliament on 4th August 2009 under Article 21A, RTE came into force on April 1, 2010 making India one of the 135 countries across the world where education is a fundamental right of every child. It was seen as a piece of law that would drive away the education problems of our country or at least mark the starting of it. Many saw it as dawn of the days of quality education that we have been waiting for. The focus of the RTE Act is on retention of children in schools as well as improvement of learning outcomes of all. Both the lay public and professional educationalists generally believe that the 'goodness' of an educational programme is determined to a large extent by the teaching done in the classroom.[1]

Universalisation of Elementary Education (UEE) has been accepted as a national goal. In keeping with the policy objectives, the target of the ninth Five-year Plan were fixed under three broad parameters: Universal Access, Universal Retention and Universal Achievement. India was one of the participants and signatories to the declaration of 'Education for All' at the 'The World conference on Education for All, 1990' at Jomtein. Thus, it was seen that over the last two decades the expansion of primary education in India has been phenomenal but, by all accounts, the expansion had led to deterioration in the quality of education. Recent studies show that even when students are retained in schools, they do not learn what they are supposed to learn. The Annual Status of Education Report (ASER 2012) for rural India shows how the country is falling into dangerous lows

both in terms of quality and the invasion of the private sector.[2]

Section 27 prohibits deployment of teachers for non-educational purposes but it proves to be of little value when the "decennial population Census, disaster relief duties or duties relating to elections to local authority, state legislatures and parliament" are exempted. This provision appears to forfeit the very aim of Universal Elementary Education. This clause, instead of assuring more time to teachers for classroom interaction, may take them away from it. This classroom interaction of teachers and learners may get severely affected due to this liability to fulfil non-educational assignments.

Teaching: Densmore and Trevor (2003) found that teaching is not simply a matter of imparting knowledge. As professionals, teachers are also required to make judgements about a range of issues related to student's development.[3] The Profession of teaching, a job that seems easy is a demanding profession which struggles to be at peace with the hindrances of non-educational duties. David Labaree[4] mentions that the observation of the teachers may show us *what they do* but nothing about *why they do it*. The thinking that precedes the lessons, organising and planning, the goals set, the evaluation of students, fulfilment of everyday objectives to meet the broader aims are also a part of teaching that a teacher does in non-working hours.

Teaching efficiency is not rated high by the community. Teacher recognition is a very nebulous concept which is dependent on several factors and agencies. Many teachers with 'stature' command status irrespective of pay and other factors. The

respect for and acceptance of the importance of teaching profession as a whole and its placement on a scale of prestige indicators is one dimension. However such a situation does not exist. The second dimension is the bargaining power of the teachers as a group, its capability to enforce action on demands and attainment of due rights. Here we have some aspects to consider. The first would be to access the level of professionalism of the teacher. To what extent are his/her duties irreplaceable? What will happen if teachers do not go to work for a period of time?

Education has a 'handicap' in the sense that anyone who has gone through the education process thinks he is knowledgeable about the discipline of education. Teachers have not been able to erase this erroneous idea. Reports of the Commission on Teachers I and II (1983-85) have pointed out the pivotal role of teacher in social change, "we believe teachers are as much instruments of educational change as education could be of social change." The National Policy on Education (1986) refers to the status of teacher and makes it incumbent on the Government and society to maintain it.

Teaching as a Profession: At one level, connections can be made between 'profession' and 'teacher', given their origins in words such as 'profess' (from the Latin; to declare) and 'professor' (a teacher and/or one who claims to know). Professionals draw upon specialised knowledge in an environment that is free from interference, especially by non-professionals and in ways that are in the best interests of those in their care: 'the classic combination of expert knowledge, autonomous judgements and ethical practice'. The nature of this profession is different. This realisation is missing among ourselves and also the society. Teacher's role as a professional is still not recognised as such. The unceasing existence of Para-teachers is the confirmation of such attitude. According to The Economic Times, August 13, 2013, over 7,000 posts remain vacant in MCD schools. Mullappally Ramachandran, Union Minister of State for Home Affairs said that no guest teachers have been appointed in MCD schools; however, 4,279 teachers have been engaged on contractual basis against the vacant posts. The comparison of teaching profession with other professions may shed some light into the unique nature of this profession.

The NCTE draft: 'Code of professional ethics for school teachers' differentiates the teaching profession from other professions. It says that, "In others professions, for instance, medicine, law, etc. after completion of professional course, the pass-out is registered as a bonafide practitioner of the profession and is bound by a code of professional ethics relevant to his/her profession. In case of any reported violation of the code, the authorised professional

body initiates disciplinary action which may even lead to cancellation of the license to practice the profession. No such provision exists in the case of the teaching profession." The nature of clientele is also very broad for teachers, ranging from students to the society as a whole. Engaging a class does not only mean teachers' physical presence. However, primary teaching is not seen as awe inspiring but a common transaction of knowledge.

The Education Commission (1964-66) recommended professionalisation of teacher education and development of integrated programs. The National Commission on Teachers (1983-85) recommended five year integrated courses and internship. Continuing the concern for issues related with teachers and teacher education, National Policy of Education (1986) recommended overhaul of teacher education to impart it a professional orientation.

Teachers and their profession: There can be no significant innovation in education that does not have at its centre the attitude of teachers towards their profession. Every profession is prescriptive in nature, autonomy is given to the professional but at this point teaching profession differs. Everything is fixed- the curriculum, duties, the prescribed time. In the true sense, teacher does not have the autonomy. A primary teacher's place inside the educational system appears to be at the bottom if we look at the organisational chart of MCD (Education Department) at the zonal level.[5]

According to the International Labour Organisation 1982, "Teaching should be regarded as a profession. It is the form of public service which requires teacher expert knowledge and specialised skills acquired and maintained through rigorous and continuing study. It also calls for a sense of personal and corporate responsibility for the education and welfare of the pupils in their large."

In the light of the non-educational assignments given to teachers, how do they interpret these duties emerging from the status of teaching as a profession? The non-teaching duties of an MCD teacher involve cash distribution for incentives like scholarships, uniforms, shoes by the government; the paper work such as making bills, replying to RTI's, maintenance of records. The biggest reason common among the masses is that even if you replace a teacher, there will hardly be a difference in the teaching learning process. As David Labaree said, "It is not elite education: it is mass education"[4]. The client (students) is not one but many. School teachers are seen as masters of what most adults already know, it just consists of teaching of common knowledge.

The National Knowledge Commission (NKC) has observed that teachers are the single most important element of the school system and the country is already facing a severe shortage of qualified and

motivated school teachers at different levels. It is urgent to restore the dignity of school teaching as a profession and provide more incentives for qualified and committed teachers. Non-teaching official duties such as election-related responsibilities should not be allowed to interfere with the teaching process.

Tanmay (2012) identified the following non-educational duties: [6] Census duty, election duty, record keeping, cash distribution (for incentives like scholarships and uniforms), lots of paper work such as making bills, replying to RTI, maintaining all records.

There have been initiatives from teachers groups against the imposition of the non-educational duties such as election duty and population census. Judgment of the Supreme Court Regarding Requisitioning of Teachers in Non-teaching Duties: (published on march 2010). In the writ petition it was pointed out that the absence of teachers occur due to their deployment for non-educational purposes; and as the teaching and administrative staff of these schools have been used by the State agencies as well as the appellant herein for various other duties outside school during school hours including:

- Polling duties to general election to Lok Sabha
- Polling duties to general election to Delhi Legislative Assembly
- Polling duties to MCD elections
- Gurudwara election
- Revision of polling lists
- Pulse polio drive
- Preparation of census lists
- Surveys on malaria, pollution etc.

The New Delhi Municipal Committee (NDMC) in its additional affidavit filed before the High Court, stated that the total number of sanctioned posts of teachers in NDMC Schools are about 1200. For polling duty, almost 90% of the teaching staff is deployed on duty. For census work in the year 2000 and enumeration work in the year 2001, 90% of the staff were assigned duty. For Revision of electoral rolls, almost 50% of the teaching staff is put on duty.

The continued deployment of teachers for election duty has been exuded time and again due to Article 324 which is: In terms of the provisions of clauses (1) and (6) of Article 324 of the Constitution of India, it is mandated that whenever the Election Commission asks for deployment of staff for the purpose of conducting elections, it is obligatory on the part of the President of India or the Governor of the State to make such number of staff made available to it, and with a view to fulfil the said constitutional object, the Parliament amended Section 159 of the 1951 Act so as to provide Staff of certain authorities to be made available for election work. The authorities that have

to make available staff for the performance of any duties in connection with an election include:

- (i) every local authority;
- (ii) every university established or incorporated by or under a Central, Provincial or State Act;
- (iii) any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government." and others.

It was suggested that the provisions of the 1950 and 1951 Acts which were although enacted in terms of Article 324 of the Constitution of India, must be given restricted meaning. Holding of an election is no doubt of paramount importance. But for the said purpose the education of the children cannot be neglected. Therefore, it is necessary to maintain the balance between the two. It was accepted before the High Court that the services of the teachers should be utilised for non-teaching purposes only on a day which is not a working day for the students. In the larger interest of the country, the dilemma stills persists that compromises the right to quality education. It is possible that the non-educational duties such as disaster relief duty, election duty, population census, which have been pardoned, those duties which are considered to be non-interfering with regular classroom responsibilities have dented the status of the teaching profession. It may also be the case that highly enthusiastic individuals who entered the teaching profession may loose motivation to work in schools when they are tangled in the duties that do not concern the learning process at all. This could also be thought of the cause of non-achievement of the goal of UEE, even past its deadline of 2013.

Research Questions: The focus of the study was on the perception that teachers and headmaster/principals have regarding teaching as a profession. It is because perception of society and their own perception towards their profession affect teacher's performance and work motivation. Also, to figure out the different kinds of non-educational duties given to teachers and how much time they does it leave them with, for the curriculum concerns.

Population and sample: The population for the present study comprised of functionaries i.e. head-teacher, and teaches of all MCD schools in Delhi. The sample, selected on convenient basis, is eight MCD schools in Delhi of the Civil Lines Zone; five teachers from each of the school (5x8= 40); eight Head-teachers (8).

Tools: Two questionnaire cum perception scales (a three point likert scale and a five point likert scale) were developed, one for the teachers and the other for the Head-teachers/Principals.

Research Findings: Teachers perceive teaching as a profession but pointed out that non-educational duties somehow degrade the profession. A total of 60% teachers responded that they are able to spend only half of their working hours for educational duties and this automatically leads to demotivation of teachers and disinterest among students. Hence, this leads to the popular perception that primary government school teachers do not teach. Teachers strongly believe that teaching is a profession that leads to the all round development of the major 'client' (the student). Principals also had positive perception towards teaching as a profession and emphasised the need for quality teachers. Issues such as corruption and contract-based recruitment that lead to low education achievement and low professional status of teaching were raised too.

58% teachers responded that one has to comply and perform the non-educational duties whenever there is a notice. A few teachers suggested employment of volunteering youth for these non-educational duties instead of teachers who are already busy and involved with their curricular concerns.

Findings from field notes:

- For the non-educational duties such as population census or election duty, there are financial incentives provided to teachers. However, the financial incentives are meagre, negligible and minimal. A teacher receives these incentives months or years later. The incentives are also in the form of holidays which are known as 'earn day leave'. For ten days duty, a teacher gets 3 days paid leave but it is only once in five years.
- A teacher is excused from non-educational duties such as population census or election duty only if there exist a genuine reason on medical grounds. Many a times a teacher has to perform these duties even in case of emergency.
- As per professionalisation of teacher education, inservice teacher education is emerging as an essential aspect too. However, Six out of eight principals consider in-service teacher education or continuous professional development of teachers as wastage of time as well as funds. The reason given was that there programmes are not need based and are not properly planned, thus teachers think of them as a waste of time.
- Teachers and Police officers form the majority of workforce whenever elections or population census require candidates to perform the duties. This makes it even difficult to get excused from such imposed duties. Two principals suggested creation of a separate department for such duties.

Teachers should not be called upon for such non-educational duties as it disturbs the schedule, their teaching duties and development of students. Already

the teachers of MCD schools has to do all the clerical work and administrative tasks of the school that keeps them away from fulfilling they academic duties. When the burden of election duty or population census is added it leads to disinterest of teachers as well as students in learning sphere and quality of education then suffers. Principals as well as teachers strongly suggested for administrative staff in MCD schools.

Conclusion: It has been found that non-educational duties hinder the teaching learning process. RTE Act stipulates 45 hours of work for teachers every week, i.e. at the least teachers need to function as facilitators for learning to students for 7 hours, six days a week.

From the data it has been found that 88% principals and 60% teachers say that only half of time time or nearly 2 hours are spent by teachers fulfilling educational duties everyday. The cause of this has been the absence of administrative staff in MCD schools. Moreover, teachers are absent for as much as ten days regarding the election duty. Teaching seems to be an emerging profession in india. The uniqueness of the teaching profession has been perceived by some as its inability to develop as a full-fledged profession and maintain it. The benchmark of the conditions for any educational institution is to enable teachers to function at their highest level of efficiency. The efficiency of the teaching profession largely depend on teacher's morale and social status. It seems that even though majority of teacher held high regard for teaching as a profession, in the long run, the clerical work and non-educational duties that are imposed on teachers whenever there is need corrode the enthusiasm that any individual has in galore while entering any profession. The purpose of today's education system and its important institute, that is, School is to provide a conducive environment that facilitates learning, not create anxiety and a sense of helplessness. The national curricular framework, 2005 has set high expectation from schools and teachers regarding the teaching learning process. Primary education has been in focus since independence but till now India has not been able to achieve the goal of UEE. We need to probe into the reasons and rectify the gaps or mistakes.

It is at the level of public acknowledgement that many teachers have failed to grasp the privileges of professionalism. We saw a discrepancy between teachers' work situations and their views of themselves as professionals. Our concern should be that teachers should be provided work that allows them to continually develop and exercise their skills, judgement and creative potential.

The RTE Act is an intervention to meet the goals of UEE but persisting and excused non-educational

duties such a election duty, population census or disaster relief duty shows the indifferent attitude of the state towards the teaching profession well as quality education. There have been legal interventions but no change has been done that could bring solace to teachers.

Implications:

- Avoid cash distribution: Goods in physical should reach schools through department's conveyance and that too in time. Scholarships should be transferred to bank accounts of either the parents or students' (it'll be more feasible with the recent scheme of Prime minister Jan DhanYojana)

- A clerk should be appointed: There is no administrative staff in MCD schools to lower the clerical responsibilities of teachers.
- There have been legal interventions that have tried to limit the days and timings of the duration the teachers regarding deployment for election duties or population census. Still the days and timings are loose and several times extended (for instance, during election duty ballot boxes keep teachers occupied till late hours). So, any deviation from the set timings should be decided and preplanned in black and white.

References:

1. Ryans, D.C. (1960) 'Characteristics of teacher'. American Council of Education, Washington, D.C.
2. ASER, 2012.
3. Densmore, Kathlene., Gale, Trevor. (2003) Engaging Teachers: Towards A radical democratic agenda for schooling. Open University Press, Maidenhead, Philadelphia.
4. Labaree, David (2000) On the Nature of Teaching and Teacher Education: Difficult Practices that look easy . Michigan State University. Journal of Teacher Education.
5. MCD, Education Department. http://mcdonline.gov.in/tri/edmc_mcdportal/deptdetail.php?id=11
6. Raj, Tanmay. (2012): A meeting with the MCD school teachers in New Delhi: Problems in meeting the aims of UEE. Gandhi Peace Foundation, New Delhi.
7. Anju (2007-2009). A comparative study of attitude of government and private school teachers towards teaching profession. JamiaMilliaIslamia. New Delhi.
8. Arora, G. L., Sharma, A. K. & Siddiqui, M. A. (2010). Teacher Education: Reflections towards Policy Formulation. Introduction, Chapter 12. NCTE, New Delhi.
9. Dr.S.A.Khader, Paradigm Shift in institutions of Higher Education ; Arts & Education International Research Journal ISSN 2349-1353 Vol 1 Issue 1 (2014), Pg 98-100
10. D. Hall and B. Langton, (2006) Perceptions of the Status of Teachers; Research Solutions. NewZealand Teachers council, Ministry of Education. <http://www.educationcounts.govt.nz/publication/s/ECE/2535/5971>
11. Ingersoll, R.M. and Merrill, E. (2011). The status of teaching as a Profession. In J. Ballantine and J. Spade (Eds.), Schools and society :A Sociological Approach to Education. (p.185-189) 4th Ed. CA: Pine Forge Press/Sage Publications.
12. Jain, Bimla (1980) A study of classroom behaviour patterns of teacher relation to their attitude towards profession, morale and values. New Delhi. JamiaMilliaIslamia.
13. Jayakumar, Nandini. (2011): 'Contractual Engagement of School Teachers: A critique'. Working Paper No. 249 Summer Research Internship Programme 2011 Centre for Civil Society. www.ccs.in
14. Kumar, Krishna. (1991, 2005): Meek Dictator: The Paradox of Teacher's Personality. Sage publications (2nd edition)
15. Kane, Prof. R., Mallon, Prof. M. (2006): Perception of Teachers and Teaching. College of Education, Massey University and Professor M. Mallon, Department of Human Resources Management, Massey University. <http://www.educationcounts.govt.nz/publication/s/ECE/2535/5967>
16. MHRD. (1992) National Policy on Education, 1986.
17. MHRD. Right to education Act, 2009. <http://mhrd.gov.in/rte>
18. Mehta, Jal (2013). From Bureaucracy to Profession: Remaking the Education Sector for the Twenty-first Century. Harvard Educational Review, Vol- 83, No. 3.
19. NCTE (2010) Code of Professional Ethics for School Teachers. Draft. New Delhi.
20. Shuchi, Grover. And Shuchi, Harpreet, Nishu. (2002) The Quality of Primary Education: A Case study of Madurai and Villupuram districts in Tamil Nadu, India.
21. National Curricular Framework, 2005. NCERT. <http://www.ncert.nic.in/rightside/links/pdf/framework/english/nf2005.pdf>

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