

## **Subject: Gaps In The New SMC Election Circular Dated 01/07/20**

In democratic societies, we have to operate with the belief that the best way to preserve our democracy is to take part in it. We have to be in the pursuit of strengthening existing structures which promote **public participation**. School Management Committees (SMCs), mandated under Section 21 of the Right to Education Act, is one such structure.

Democratic governance needs the citizen to be legally empowered to ask questions, file complaints and be a part of the corrective process. SMC as a structure allows for that representation and participation.

### **About SMC Elections:**

The latest Delhi Government [circular](#) dated 1st July 2020 details out the process of composition of new SMCs. The current circular has a lot of gaps which if not timely addressed can stifle the democratic essence and intent behind the constitution and functioning of SMCs. Listed below are reasons we think this circular should be vigorously opposed and denounced:

#### **Part A: Exclusion**

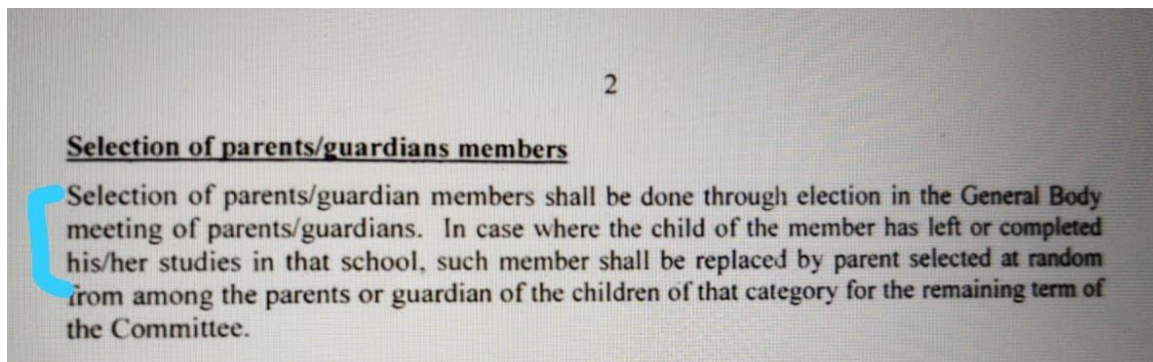
1. **7 Day Time Window:** The new circular released on 1st July 2020 states that the new nominations have to be filed by 8th July 2020. The small time window to apply leads to very little time to spread awareness about the nomination date, process, roles of an SMC member leaving many parent members excluded from the nomination process.
2. **Timing of SMC Constitution:** SMCs are the core provision of community participation in school management and monitoring under RTE Act, 2009. Constituting new SMCs in the middle of a pandemic robs a lot of people of the opportunity of participating in their neighborhood school's SMC constitution process. Most of the children are first generation learners and their parents are daily wage workers who have lost their jobs. Participating in an election process might not be their priority right now. They should be given more time to ensure proper representation, participation and making the process of SMC constitution democratic.

3. **Only Online Acceptance of Nominations:** As per notification, only online nomination is allowed which excludes all those parents who have no access to smartphones and internet facilities. It will have a greater impact on the participation of daily wage workers and women from marginalised and poor families.
4. **Change in School Enrollment:** With the loss of livelihoods due to the lock down, a surge in enrollment in government schools is expected as a lot of migration of students from budget private schools to government schools is expected when the schools reopen. The parents of such children will get excluded and lose the opportunity to become a SMC member.
5. **Exclusion of The Most Vulnerable Groups:** The pandemic has disproportionately impacted vulnerable groups such as children of migrant workers, girls and specially abled children. The current election timing and process threatens the exclusion of parents from such deeply impacted groups.

## **Part B: Stifling Democratic Essence**

1. **Selection by Lottery, Instead of Election:** RTE mandates that SMCs should be constituted democratically by the election within the parents which consists of 75% of total members. If we allow any other method of constituting SMCs like the lottery system or nomination of parent's representatives would be unconstitutional and a violation of RTE Act, 2009. The current notification is allowing the lottery system as an option to select parents representative which is undemocratic and a violation of the law.

This circular refers the [last circular](#) under the Delhi State Rules which clearly mandated that the parent members of the SMC be elected by the general body, the screenshot can be seen below:



[The new circular](#) suggests the lottery system as can be seen in the screenshot below:

7. In case the number of eligible applicants, as per norms, is more than 12 for any school(s), the RTE Branch shall conduct an online draw of lots within 3 days of the closure of application date. The list of shortlisted parents/guardians compiled, as above, by the RTE Branch of Directorate of Education Delhi will be shared by the aforesaid Branch with the Heads of Schools for inclusion of such parents in SMCs of their respective schools.

## **2. Why Constitute New SMCs in the Middle of the Pandemic:**

There is no fathomable reason for constituting new SMCs in the middle of the chaos that comes with a pandemic. COVID-19 cases are increasing in Delhi and all schools are closed for students. It is difficult to understand why the Delhi government is in a rush to hold SMC elections at this juncture.

### **What threat do forming SMCs by the said circular pose to child rights?**

Forming SMCs which are not made by a participative and transparent process will not truly represent the rest of the parent body as the rest of the parent body was not given an opportunity to have a say in deciding who represents them and who will represent their interests when it comes to key matters such as spending school grants or safeguarding right of all children. This can lead to unchecked gross violation of child rights and sidelining of interests of children.

### **Key Suggestions:**

The current notification should be withdrawn and the new notification should have the following changes:

**Postponing SMC Elections:** SMC elections should be postponed by immediate effect at least for 6 months till the schools reopen and normalcy is restored. Meanwhile there should be a provision to extend the tenure of the existing SMC members and changing members by nomination whose children are no longer enrolled in the school. The old SMC can straight away get into action in these trying times while the new SMC will require training and more support. Conducting SMC elections in the middle of the pandemic when lakhs of migrant workers whose children study in these government schools have moved out of Delhi with no signs of when they will come back.

**Elections, Not Selection:** Whenever SMCs are reconstituted, it should be ensured that elections are conducted democratically. Elections allow for parents to elect their representatives, which sets the base for the elected members to work on concerns of the general parent body.

**Increased Time Period for Filing:** Whenever elections are conducted the period of filing of nominations should be significantly more than 1 week. The department should give adequate time for awareness about the role and responsibilities of SMC members as well as proper information of the election process.

**Measures To Spread Awareness About SMC Elections:** Whenever SMC elections are conducted, the department of education, in its plan, should include measures for reaching out to parents and sharing information regarding roles, responsibilities and nomination filing process of the SMC. The department can consider engaging civil society organizations in doing this.

**Offline Mediums of Filing Nominations:** Whenever elections are conducted, there needs to be an offline method as well to apply to make the filing process as inclusive as possible. Teachers need to support parents in filing for the nomination in school. Having only an online medium as a medium of filing nominations excludes parents without smartphones and/ or internet access. There is sufficient data to show that such measures affect vulnerable groups disproportionately.

We sincerely hope that the Delhi Government withdraws this undemocratic and unjust notification at the earliest.