

STUDENT FIRST!

ISSUE 1, SEPTEMBER 2010

RIGHT to EDUCATION

Is 2010 lost and 2011 crippled from the start?



RIGHT to EDUCATION

2

CENTRE STATE
Right to Education:
Affairs of the State



5

ON THE SPOT
What is the greatest
CHALLENGE facing
RTE Act 2009?



6

IN PERSON
Q & A with Vinod
Raina

8

OFFSHORE
New School
Policy in the UK



9

CLASS ACT
The Art of Re-Invention

STUDENT FIRST!

Editor-in-Chief: Parth J Shah

Managing Editor: Baishali Bomjan

Correspondent: Leah Verghese

Printed & Published by:
Centre for Civil Society

Place of Publication:
A-69, Hauz Khas
New Delhi - 110016, India
Tel: +91 11 26537456 / 26521882
Fax: +91 11 26512347

For subscription, information,
suggestion or feedback email at:
studentfirst@ccs.in

Dear Supporters,

The School Choice Campaign is delighted to bring to you our first issue of STUDENT FIRST! an online magazine focused on education policies in India and abroad.

As we plan to expand the magazine, we welcome your feedback, ideas and suggestions. We are also looking for freelance contributors and columnists. For details please contact us at studentfirst@ccs.in.

We hope the magazine will be a powerful medium of communication between stakeholders and the government to bring about the much needed reforms in the education sector. We request you to join us in this initiative to ensure quality schooling for every child in India.

To subscribe to **STUDENT FIRST!** visit www.schoolchoice.in

Happy Reading!
School Choice Team

Right to Education: Is 2010 lost and 2011 crippled from the start?

This first issue of Student First deals with the much discussed Right to Education Act. There is no other burning issue in Indian education 2010 that needs more attention than this legislation. However, the interpretation of the legislation is a matter of personal perspective. But as agreed by many there are some indisputable challenges ahead:

- ◆ Litigations filed by various schools and school associations challenging the Act's stipulation to regulate private schools.
- ◆ The Centre/State budget division of a proportion of 55:45 decided by parliament long before the Act came into force has been opposed by some States including West Bengal and Orissa.
- ◆ The slow process of drafting State Rules for the Act and the lack of a definite deadline has resulted in not even one State coming out with a final set of rules.
- ◆ Admissions process was complete in private schools when the Act came into force in April 2010, so the much debated 25 % reservation for economically weaker and socially disadvantaged 1st graders has not been implemented.

Even if these issues are resolved this year, proper implementation of this Act will take longer given government inertia and only limited public and civil society pressure. Schools, media, courts and of course the Ministry of Human Resource Development will all have to contribute substantially to overcome these challenges to ensure that proper implementing mechanisms and accountability measures are put in place. We hope that we will be able to overcome these teething problems by the next academic year and finally enjoy our universal fundamental right to education.



Parth J Shah
Editor-in-Chief

Right to Education:

Affairs of the STATE

BY LEAH VERGHESE

The right to education has had a long and chequered legal history in India. This right was discussed extensively during the drafting of the Constitution. The Constituent Subcommittee on Fundamental Rights included the right to primary education within fundamental rights. However the Advisory Committee of the Constituent Assembly rejected this proposal and placed the same in the category of non-justifiable fundamental rights (later known as Directive Principles of State Policy). Dr B R Ambedkar objected to the use of word 'primary education' and stated that:

"If my honourable friend, Mr Naziruddin Ahmad had referred to Article 18, which forms part of the fundamental rights, he would have noticed that a provision is made in Article 18 to forbid any child being employed below the age of 14. Obviously, if the child is not to be employed below the age of 14, the child must be kept occupied in some educational institution. That is the object of Article 36, and that is why I say the word 'primary' is quite inappropriate in that particular clause, and I therefore oppose this amendment."

Thus the word primary was removed and the Directive Principle of State Policy in Article 45 of the Constitution was re-worded, to read as the State shall endeavour to provide free and compulsory education to all children under the age of 14. Since this was a Directive Principle

and not a fundamental right, it was not justiciable. This continued to be the legal position for more than 40 years.

In 1993 the Supreme Court stated in the case of J P Unnikrishnan vs. State of Andhra Pradesh, 1993 SCC (1) 645 that the right to education is implicit in and flows from right to life guaranteed under Article 21 of the Constitution and that every child of this country has a right to free and compulsory education until the age of 14. In 2002, the 86th amendment to the Constitution introduced Article 21-A making the right to education a fundamental right. However the manner in which this right was to be realised was to be prescribed by law. It is only in 2009, 62 years after Independence that this law was passed in the form of the Right of Children to Free and Compulsory Education Act ('the Act'). The Act came into force on April 1, 2010.

CENTRE-STATE INTERFACE

Education being a subject in the Concurrent List of the Constitution, both the Union government and State governments are empowered to legislate on the same. Therefore, the states have been given the flexibility to frame their own Rules to suit their local needs and conditions within the broad perimeter of the Act.

A question on many people's minds is to what extent the state Rules or a distinct state Act can be contradictory to the Central Act. Article 254 of

the Constitution, reproduced below provides for such a scenario:

254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States

(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament, which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State: Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

Article 254 makes it clear that in the event of a conflict between a legislation of the Centre and a State in List III, the Central legislation will prevail except where the State legislation has been accorded Presidential assent.

Such Presidential assent cannot be merely a mechanical assent. In *Kaiser-e-Hind vs. National Textile Corporation and others*, 2002(8) SCC 182, the Supreme Court specifically stated that, the words 'reserved for consideration' in Article 254(2) would indicate that there should be active application of mind by the President to the repugnancy pointed out between the proposed State law and the earlier law made by the Parliament and the necessity of having such a law, in facts and circumstances of the matter, which is repugnant to a law enacted by the Parliament prevailing in a State. The word 'consideration' would mean that after careful thinking over and due application of mind regarding the necessity of having State law which is repugnant to the law made by the Parliament, the President may grant assent. This aspect is further reaffirmed by use of word 'assent' in Clause (2) which implies knowledge of the President to the repugnancy between the State law and the earlier law made by the Parliament on the same subject matter and the reasons for grant of such assent. The word 'assent' would mean in the context an expressed agreement of mind to what is proposed by the State.

STATES

The litmus test of the Act will be the manner in which the States draft the Rules under it and how the same will be implemented. The Ministry of Human Resource Development has drafted a set of Model Rules which was given to the States for them to use as a boilerplate for drafting

their own Rules. Various State governments have held consultations with experts and come out with draft Rules, some of which (Andhra Pradesh, Madhya Pradesh, Karnataka and Delhi) have been placed in the public domain for comments. A perusal of the Rules reveals that although most States have more or less followed the broad contours of the Model Rules, some of them have been innovative and proposed some interesting Rules which are examined in this section.

Many experts have criticised the RTE Act's focus on children between the ages of 6 to 14, thus ignoring pre-school or early childhood education. It has been suggested that the Integrated Child Development Scheme (ICDS) be linked to and feed into the RTE Act, so that adequate early childhood education can be provided to prepare children to enter into school at the age of 6. The draft Karnataka Rules have attempted to correct this anomaly by stating that the government shall ensure that a pre-primary centre is attached to every primary school in the event there is no anganwadi centre in the area. This is a well-thought out provision since anganwadis set up under the ICDS do not have widespread geographical coverage as yet.

The RTE Act manifests a clear input-oriented bias and has overlooked the need to monitor learning outcomes in order to ensure quality learning. This is especially important given the no-detention provision of the RTE Act, under which no child can be detained in any class until the completion of elementary education. There is an opportunity for States to plug this gap through their Rules. Karnataka and Andhra Pradesh have attempted to do this in their draft Rules. The Andhra Rules state that the academic authority will also be responsible for developing

performance indicators for the individuals and institutions along with accountability criteria towards children's learning levels, undertaking periodic performance appraisal of individuals and institutions, commissioning and undertaking research/studies on policies, programs, curriculum, learning outcomes of children etc. The draft Karnataka Rules provide that the State shall regularly monitor the levels of learning of children in all government, aided and unaided elementary schools through the Karnataka State Quality Assessment Organisation (KSQAQO) and bring out annual reports on the quality of education. Apart from this it also provides that the State shall subject 5% of schools every year to a third party evaluation which will help to improve quality in these schools. This is a step in the right direction for assuring quality elementary education to children and can serve as a model for other states.

The Act prescribes that all government schools and private aided schools must have School Management Committees (SMCs) which will be responsible for monitoring the functioning of the schools and preparing school development plans. The Act also prescribes that 75% of the Committee will comprise of parents but has not given any guidelines on how these parents will be selected. The Madhya Pradesh draft Rules state that the parents of the children who got the highest marks in the annual exam will be members of this Committee. Andhra Pradesh has sought to be even more innovative and stated that the parents of children with the highest and lowest marks in the annual examination will be members of this Committee. It is not clear why the parents of children with the highest and lowest marks deserve a place in the SMCs while the others do not. A more equitable manner of selection would

be to allow the entire body of parents to vote for their representatives on the SMCs. These Rules also provide that representatives from local authorities on the Committee will not have any voting rights. This will prevent undue political interference in the running of the school, especially in the appointment of teachers and admission of children. In practice the SMCs lack teeth since they do not have any disciplinary authority over teachers, who are key to delivering quality education. However, none of these draft State Rules have provided for this.

The RTE Act has not provided a framework for tackling educational needs of migratory children. The Andhra Pradesh Rules have sought to redress this by providing that the State shall make appropriate arrangements for tracking the children migrating from one district to another within the State or children of the families migrating from Andhra Pradesh to other States or children of the families migrating from other States into Andhra Pradesh along with their parents. It also provides that the Government shall provide seasonal hostels in the villages known for migration of labour, either on a seasonal basis or for a longer time cycle so that the children will stay back when their parents migrate to other places to ensure that these children are provided education and suitable residential facility. It has also been prescribed that the Government shall make arrangements for the education of the migrant children coming from other States, by setting up on-site schools at the work places where the migrant labour from other States are engaged in any economic activity in groups, in consultation with the State concerned from where the labour have migrated.

The Model Rules have prescribed uniform terms of service for government and private teachers. It may be difficult for private schools especially the budget ones to afford salaries at

par with government teachers. The AP and Karnataka Rules provide that private schools have the liberty to decide their own terms and conditions.

Monitoring will be the cornerstone of a successful plan of implementation of the RTE Act. In this regard, Karnataka draft Rules have proposed that the State government present an annual implementation report of the Act to the legislature. This would be along the lines of the reports required to be submitted in respect of flagship programs like NREGA, SSA etc. and would cover physical progress (creation of infrastructure), allocation and utilisation of funds during the year.

THE WAY FORWARD

Although much ground has been covered there is still room for improvement in so far as the State Rules are concerned. The Act provides for a 25% quota for economically weaker sections and disadvantaged groups in private unaided schools. However the Rules are silent about the method of selection of the children under the 25% quota in the event demand for the same exceeds supply. The selection of such students can be carried by one of two methods, lottery or first-come-first serve. Section 12 of the Act provides that all aided school have to provide free education to such proportion of their students, as the aid received by them from the government bears to their total recurring expenditure. The Act is silent about what criteria the aided schools will use to determine which students they will provide free education to under this section. The Rules can provide that the children given free education under this section shall belong to weaker sections and disadvantaged groups as defined for the purpose of the 25% quota.

The Act states that all schools have three years to obtain recognition in accordance with the norms pre-

scribed thereunder. In the event a school is not accorded recognition within this period it will be shut down. Many budget private schools would not have the resources to meet standards like playground, kitchen for mid-day meals, land norms and hence would be shut down. Consequently all the children studying in such schools will be deprived of an education.

It is therefore advisable for States to make the norms for recognition flexible and adopt a graded recognition and rating system rather than prescribe only one set of norms. Recognition norms should be tailored to suit local conditions at the ground-level in every State. For example in urban areas the land norms should be different depending on the location of the school. In a city like Delhi the land norms could be different according to the property tax category of the ward in which the school is located. Under such a system there will be a basic minimum threshold below which schools will be de-recognised. Above this threshold there should be various tiers at which schools will be rated according to learning outcomes, teachers' training, physical infrastructure, pupil-teacher ratio and the like.

Unlike other fundamental rights, the right to education has been realized after a long and tortuous process. The passing of the Act represents a good first step towards guaranteeing elementary education to all children in India. However we have miles to go before we see a situation where every child between the ages of 6 and 14 can demand this right. The success of the Act depends on a combination of political will, cooperation from the States and a vibrant engagement of civil society to hold the government responsible for enforcing this right.

What is the greatest Challenge facing RTE Act 2009?

AMIT KAUSHIK

Chief Operating Officer,
Pratham Education Foundation

In my view, given the fact that the RTE Act emphasises only on inputs and overlooks assessment and learning achievements, the biggest challenge in implementing it will lie in ensuring that at the end of eight years of schooling, children actually learn what they need to.



SRIDHAR RAJAGOPALAN

Managing Director,
Educational Initiatives

I think there are two big challenges with the RTE. The first is that it does not even make an attempt to define quality in terms of outcomes, i.e. what children are able to do and demonstrate. The second is the 25% rule. In 1996, I was part of a group that started a school which voluntarily took about 20-25% students from very poor backgrounds. However, to enforce this as a compulsion, even in the name of social justice, is not fair.



S Giridhar

Head - Advocacy and Programs,
Azim Premji Foundation

The challenges are many. First is to guarantee learning, to put in place specific measures and systems that assess the learning outcomes being achieved, second is to draft State rules that stipulate accountability, third is to have quick legal recourse for non-implementation of the Act and fourth is to clear issues of finances. Even after six months of the Act, the additional funds required for the implementation have been revised upwards by 30%.



Q&A with Vinod Raina



Theoretical physicist, Vinod Raina resigned from his job from Delhi University in 1982 to work full time at grass roots in the areas of education and rural development through organisations like Eklavya and Bharat Gyan Vigyan Samiti. As a member of the Central Advisory Board for Education, he was part of the drafting process of the RTE Act, and very active in ensuring the introduction and passage of the Act in the Parliament, particularly after the Central Act was shelved in 2006. He has been a fellow of Homi Bhabha, Nehru Memorial Museum and Library, Asia Leadership, and an honorary fellow of the Indian Science Writers Association.

BY JAN SJ RAO

Q. RTE has had two amendments shortly after its proclamation. Is it likely to happen again and why?

A. There will obviously be amendments, and clamour for amendments, in such an important and contested legislation. The April 2010 amendment, now in Parliament, of adding disabled children to the definition of disadvantaged groups was expected, as also the reference to the Trust Act in addition to the Children with Disabilities Act 1996, since the latter does not include mental disabilities.

The second amendment of April 2010 making the School Management Committees of minority institutions as advisory bodies was also expected (one accepts it reluctantly) since Article 30 of the Constitutions grants them autonomy in schooling issues so there is little one can do about it.

Q. Education has been a State subject before, but is now since 1976 concurrent. Will the State Rules of

RTE change power balance in favour of more State power?

A. This is the first Central Act in education since 1950. RTE is an Act that all States have to follow; like having the same set of principles for curriculum, for instance. In that sense, some may think of the Act as more of centralization. The major centre-state question is about finances. As a Central Act, the States are demanding adequate financing from the Centre; to change the present sharing ratio of 55:45 to even 90:10. I believe the centre-state balance can be met at a 75:25 sharing ratio. The Rules are only meant to facilitate implementation in the States, the Act lays down all the principles every State must follow.

Q. What changes would you like the States to make in the Model Rules?

A. As little as possible, except for proper adaptation. Otherwise the Rules are likely to be diluted. The Act and Rules lay down minimal norms and standards for schools that States should implement. There is little to be

gained if a State lowers its standards to what exists in the Act.

Q. Are you aware of any State that has made significant changes (in either good or bad direction) in their Rules?

A. No. I know of some drafts but not of Rules that have been placed in State Assemblies.

Q. Is there a role to play for popular movements/ civil society/ NGO in framing State Rules?

A. Yes of course, there is an important role for NGOs in this respect. They have been involved in the Rule making process in UP, Orissa, AP for instance. There is a critical role for them in monitoring schools, especially for grassroots movements. They can also assist School Management Committees (SMCs) and train them, particularly in developing School Development Plans. They may also work with *Panchayati Raj* Institutions (PRIs) and other 'local authorities' as per the Act, in the task of mapping schools and children and thereby

identifying proper sites for neighbourhood schools. Bringing to notice violations of the Act is another important area for NGOs to take on.

Q. Some expected the State Rules to include greater details and provide greater clarity on how 25% reservations in private schools will be implemented. What are your views on this subject?

A. There are sufficient details in the Model Rules. The 25% quota is for children from economically weaker and disadvantaged sections from the neighbourhood. If more children seek admission than the seats, a lottery done in front of parents will have to be invoked. This random selection is true for all admissions, not just the 25%. No more interviews with parents. All children have an equal chance to learn. The important admission procedures must be public and transparent. Some people have demanded that the 25% quota should be further subdivided so that girls, *adivasis* and minority children are not overlooked; well that is open for States to consider for their Rules.

Q. The State Rules talk about how school buildings cannot be used for any other purpose other than regular teaching. Do you agree with this Rule or should there be some leeway?

A. I feel school buildings should not be used for commercial purposes, like renting out to weddings, coaching shops etc.; but if there are sports, arts classes in the evening or bridge courses for mainstreaming underprivileged children, the usage of space could be allowed.

Q. With minority institutions run schools only required to form SMCs with an advisory capacity as in the proposed April 2010 Amendment, do you think these structures will have any real power over the management and running of these schools?

A. No, they will not have much influence. Personally I am not happy with this state of affairs, but it is a Constitutional problem that is unlikely to be

changed given the kind of political climate the country is in.

Q. Will government have the capacity to take in the students in govt. schools that will have to leave unrecognized schools which are shut in 2013?

A. If these schools face closure, the Act provides that before taking action, the other schools in the neighbourhood must be alerted, and if necessary, new neighbourhood schools opened. The financial estimates for RTE cover all the children in the 6-14 age group. The percentage of children in this age group in private unaided schools is around 8%, so the problem is not that large. The real problem is the imminent closure of government schools not meeting standards prescribed in the Act.

That is a much larger problem that can only be dealt with by upgrading existing schools, or build new one which takes a longer time. In Kerala, Orissa and other States such a planning process has started.

Q. Do you think that monitoring structures as defined by the Act and Rules with regards to student outcomes and teacher accountability are adequate?

A. There is little in the Act on this. The Act is based on the premise that good and adequate inputs will result in good outcomes. The Act does not prescribe children testing outcomes such as a certain passing mark percentage for graduation in 5th or 8th standards. The Act only ensures 8 years of schooling of equitable quality. But the Model Rules specify "systemic evaluation of outcomes", which not only pertains to students' academic achievements, but also about the quality of teachers, school functioning and other systemic issues affecting quality.

It is not a good idea to have specific sanctions for teacher absenteeism for instance in the Act, stating how many days unsanctioned leave equals certain penal implications. The Act leaves that to the Teachers' Conduct Rules and Teachers' Service Rules in

various States. The SMCs also have a role to play in monitoring teachers, so I do not agree with the view that the Act and Rules are silent on this.

Q. Do you think the financial allocation for the implementation of the Act is adequate?

A. Not by far, but it is something; especially after the additional 60 000 crores adding to a total five year RTE budget of 2.3 lakh crores. The figure is perhaps a conservative estimate considering that 80 - 90 million children out of school need to be mainstreamed into regular schools. No one has a reliable figure of these children, at least not the DISE data. A child enrolled does not imply she is regularly attending.

One must live with this five year demand, but when States start to implement the Act, the real figures will emerge from the ground. There is a great deal of under expenditure in eight States (BIMARU + Jharkhand, WB, Assam, Orissa), meaning that more money alone will not solve the problem – States must have functional systems to expend increased allocations as per requirements.

Q. What do you see as key roadblocks in the implementation of the RTE Act and Rules?

A. Lack of awareness of the Act among States, MLAs, civil society, parents, SMCs, teacher unions, PRIs etc. There is a terrible lack of understanding at all levels as of now. There must be proper implementation processes at State level, but the minimal awareness of the Act may lead to problems at the formative stage.

The bureaucracy in State education departments is a major roadblock and the only thing that may make them move forward is when courts intervene. The case of the girl (Suman) expelled from a prominent private school in Delhi shows this, as the school had to act (take her and 22 others back) after the Delhi High Court's verdict based on the RTE Act.

New School Policy in the UK

The United Kingdom is on the cusp of a major transformation in its educational landscape. As promised by the Conservatives in their election manifesto, the government is planning to introduce the concept of 'free schools' along the lines of those in Sweden and the United States. The schools will be funded by the State but will be run by parents, teachers or non-profit organisations.

The big push for this policy is coming from the Education Secretary Michael Gove. He said "Hundreds of groups, from teachers themselves to charities such as the Sutton Trust, have expressed an interest in starting great new schools. Just like the successful charter schools in the US, supported across the political spectrum, these schools will have the freedom to innovate and respond directly to parents' needs. The new 'free schools' will also be incentivised to concentrate on the poorest children by the introduction of the government's Pupil Premium which will see schools receiving extra funds for educating children from disadvantaged backgrounds."

Groups interested in setting up free schools will have to show evidence of demand in the

local area for a new school, for example by getting parents to sign a petition, locate a suitable site, and set out the school's aims, curriculum, and teaching methods. Individual members of such groups will be vetted to ensure that they are not members of outlawed organisations, do not have criminal convictions and are not a risk to children. Gove, who has set aside £50 million to cover start-up costs for free schools, said they will be monitored by education regulator Ofsted (Office for Standards in Education, Children's Services and Skills) and face closure if they do not meet expected standards. Gove has promised that planning laws will also be eased to facilitate the setting up of free schools.

Convincing people of the merits of this policy has not been easy for Gove. Some Swedish educationalists have criticised it by pointing out that in their country academic standards may actually have slipped overall in the free schools. A paper by Rebecca Allen for the Institute of Education is sceptical of the merits of such a system. Free schools, first launched in the mid-90s, now educate 10% of 11 to 16-year-old Swedes and have had "moderately positive impact" on pupils' achievements, but better-

educated parents in affluent areas and highly-motivated second generation immigrants are most likely to use them, she concludes in her paper.

Others ask how the programme will be financed. Supporters of the programme say that the hue and cry over cost is unnecessary. They say that costs will be significantly cut down since the policy encourages the conversion of derelict shops and disused houses into schools. They also argue that free schools will give parents more choice, reduce the educational achievement gap between rich and poor students and will lead to an overall improvement in standards as a result of competition.

Despite the criticism Gove is brimming with optimism. "So I'm not anticipating failure, I'm anticipating success. But we will be rigorous in ensuring that those who do go down this road are equipped to make it a success. And if they falter, if things goes wrong, if there's any jiggery-pokery, schools will close," he said.

The first free schools are expected to open in UK in September 2011.

The Art of Re-invention

The concept of “retirement” perhaps might have made sense a generation ago. Today, however, there is a new trend emerging as yesterday’s seniors yearn to fully live well beyond their 60’s, 70’s and 80s and make their post career lives truly “golden”. With no Monday morning meetings to attend and strict regimen to follow, retirees today are considering viable options to uncover new endeavors that can make them happy.

Relaxing and slowing down is OUT, exploring and contributing is IN.

BY BAISHALI BOMJAN

Meet D Jagannatha Rao, former officer of the Karnataka Education division. With 40 illustrious years in the education field and a lifetime of priceless experience, Rao retired from formal service in 2006 at the age of 58. But there has been no stopping him. He has post retirement written three books, headed various committees to draft the Karnataka Rules under the RTE Act and in the process started the Forum of Karnataka Retired Education Officers, (F-KARE) in Bengaluru.

What is F-KARE? It is a forum constituted in 2008 in the State of Karnataka with the aim of providing an expert body of retired officers of the Department of Public Instruction (Karnataka Education Department pertain-

ing to primary & secondary education sector) which would advise and provide technical expertise to the State government and other organizations working in the field of elementary and secondary education and associate with them in projects which require rich field level experience.

What started with only 10 people today boasts of some 121 members on its rolls. “Membership is automatic on retirement but only 10 percent of the officers actually have the zeal to work and contribute, but that too is a lot for us. Today our members are actively engaged in advisory roles or as consultants in major projects of Sarva Shiksha Abhiyan (SSA), UNICEF, Azim Premzi Foundation and Manipal Academy of

Health & Education to name a few,” says Rao. He further adds, “When we collaborate with various agencies in programmes and projects, the members get TA/DA and sitting fees. The forum takes 10% of this fee as service charge. We manage the Forum from the funds thus generated.”

But amongst all the activities undertaken by the Forum, the most significant contribution has been in drafting of Karnataka State Rules for the Right to Education Act 2009. They conducted several meetings, workshops and extensive discussions with stakeholders to incorporate key suggestions to enhance the Model Rules provided by the Centre.

We asked Rao some pertinent questions on the topic. Here are excerpts from the interview:

Q. What are the changes your Committee suggested in the Model Rules provided by the Union Government while drafting the State Rules?

A. The drafting committee of the Forum has introduced the following innovative provisions:

- We have elaborated on the section regarding 'Rights of Children to Free and Compulsory Education' which would enable the government to take up appropriate measures in areas like – monitoring of schools and children, provision of infrastructure, ensuring timely prescription of curriculum, availability of textbooks, availability of teachers, etc. (Rule 3)
- The State government has to compulsorily bring out an annual report on the status of implementation of the Act. (Rule 4 (19))
- There is a whole new chapter on 'Responsibility of Government to Ensure Quality Education'. (Rule 5)
- Detailed procedures for recognition of schools. (Rule 12), Similarly withdrawal of Recognition (Rule 13)
- The School Development Plan to contain an 'Academic Part' as well. (Rule 15(3))
- Efforts have been made to bring in accountability in to the system
- Prescribed authorities and procedure for taking action for 'Violations of the Provisions of the Act' (Rule 25)

Q. Has the Karnataka government formulated an implementation model for the 25% reservations in private schools? Is the government working with an external party to implement this?

A. The Karnataka draft rules are still under discussion. We have provided alternative models for implementing the 25% reservation in the Rules: (Rule 4(10) and Rule 4(11))

Q. Will the government have the capacity to take in the students in government schools who will have to leave closed down unrecognized schools in 2013?



D. Jagannatha Rao

A. We do not think there will be that many schools (which may be derecognized) which will be closed down in 2013 as there is ample time for these schools to come up to requisite norms and standards.

Q. With private unaided schools required to form SMCs (School Management Committees) with an advisory capacity, do you think these structures will have any real power over the management and running of these schools?

A. There is a provision for the un-

aided school to constitute a parent teacher committee which will function as SMC. However, we cannot ensure that these committees will take over running of these schools. Several judgments of the Supreme Court have clearly stated that the government cannot interfere in the management of the unaided schools. We still do not know whether certain provisions of the Act will stand judicial scrutiny.

Q. What do you see as key roadblocks in the implementation of the RTE Act and Rules?

A. The key roadblocks in the implementation of the RTE Act and Rules as we see it are – lack of proper ownership of the Central initiatives by the State governments, provision of in-adequate resources both by the Centre and the States, lethargic bureaucratic monitoring mechanisms, inadequate involvement of private sector and NGOs, lack of ownerships of schools by local communities, poor functioning of grievance mechanisms at various levels.

Q. What role do you see F-KARE playing during the implementation of the RTE Act?

A. The SSA is arranging meetings in each of the 34 education districts to bring awareness among the departmental implementing personnel and also stakeholders. We will be training the master resource persons from the districts at the State level. Members of the Forum will also be participating in the district and sub-district level workshops.

RTE
India

Right to Education

LEARN

SHARE

NETWORK

www.righttoeducation.in

www.righttoeducation.in

Your one stop information portal to track RTE legislation and implementation related news, analysis and commentary.

Let's ensure that every child gets his fundamental right to education.

Join the RTE Coalition!

Email to info@righttoeducation.in



School Choice Campaign

Centre for Civil Society

A-69, Hauz Khas, New Delhi - 110 016.

Phone: +91 11 2653-7456 / 2652-1882, **Fax:** +91 11 2651-2347

Email: schoolchoice@ccs.in

www.schoolchoice.in

