

CENTRE FOR CIVIL SOCIETY'S COMMENTS ON THE KARNATAKA RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION RULES

1. Rule 4(19) can be re-worded as the follows to make it more comprehensive:

The state government shall place before the State legislature a report on the status of the implementation of the Act within one month from the presentation of the state's annual budget, containing the following information –

- (a) A report on the programmes of work including creation of infrastructure, recruitment of personnel and creation of implementation and monitoring structures, carried on under the Act.
- (b) The annual Central and state budgetary allocation for the implementation of the Act.
- (c) The amount required to be allocated for implementation of the Act in that financial year.
- (d) Reasons for shortfall or excess in allocation
- (e) Additional infrastructure and other resources required for the implementation of the Act
- (f) Number of drop outs/out of school children
- (g) Number of reported violations of the Act and the number of cases in which action was taken or penalties levied with regard to any such violations.

2. Rule 5(6) prescribes that the state shall subject 5% of schools every year to third party evaluation. The results of such evaluation should be used by the state government to assess learning levels of students and improve the curriculum, pedagogy and teaching training.

3. Rule 6(6) states that while causing admission under the 25% quota preference shall be given to children from disadvantaged groups. It is not clear which disadvantaged groups are being referred to in this Rule. The RTE Act already states that 25% quota is for disadvantaged groups and economically weaker sections. It is therefore necessary to define exactly which categories are entitled to the benefits under this quota. Apart from SC, ST and OBC as mentioned in the Act disadvantaged groups can also include other groups who are disadvantaged as a result of factors of geography, culture, language and gender. Economically weaker sections can be defined

in terms of income. Therefore people with income below a certain level can be eligible for this quota. Another way of defining economically weaker sections is to exclude certain categories such as persons paying income tax, persons with a business turnover above a certain limit and the like.

4. Section 12 of the RTE Act provides that all aided school have to provide free education to such proportion of their students, as the aid received by them by 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 and the Rules should fill this lacuna. 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.
5. Rule 7(2) provides that the per-child expenditure for the purpose of section 12 quota will be calculated as the total annual recurring expenditure of the government on its own schools divided by the number of students enrolled in such schools. This amount may not be enough to cover the cost that the private schools actually incur on such students and does not reflect the actual per-child expenditure of the government. Apart from this, a higher reimbursement amount would engender less resistance to the 25% quota on the part of the private unaided schools. It would also reduce the possibility of an inequitable burden being imposed on the parents of the non-quota students. The per-child expenditure for the purpose of reimbursement in respect of the 25% quota can be taken as the total annual recurring and capital expenditure of the government on its own schools divided by the number of students enrolled in such schools.
6. Rule 8(2) states that no child shall be denied admission during the period prescribed. This rule is not workable as the number of seats in every school is limited. Even though screening and testing of children has been prohibited under the RTE Act schools cannot be forced to admit children beyond their capacity.
7. Rule 8(5) states that the state government shall grade every private school and prescribe a formula and fix the scale of fess that can be collected by a private unaided institution. This is an unnecessary restriction on the autonomy

of such schools and a restriction on the right of the management of such schools to run the school in the manner they deem proper, within the four corners of the law.

8. Rule 11(1) is already covered in the Act.
9. Rule 12(1)(d) provides that the school premises shall not be used on school working days
10. Rule 16(1) states that the state government will lay down minimum qualifications for all teachers. This is a restriction on the activities of private schools especially budget ones. Private schools should be given the autonomy to decide their own salary structures.
11. Rule 17(6) is already covered in the Act.