



Centre for Budget and Policy Studies, Bangalore

October 2013

Working Paper

Challenges in Implementing the Right to Education:

The Karnataka Case

The paper uses materials mainly from the following three CBPS studies:

1. Financial and governance Challenges of Implementing Right to Education in Karnataka (supported by Global development Network)
2. Financial and governance Challenges of Implementing Right to Education in Karnataka (supported by CARE India)
3. A study on Quality of Acceptance of Children admitted in Private Unaided Schools in Bangalore under section 12 (1) (c) of the RTE Act (Commissioned by SSA Karnataka)

The study teams included the following members:

Jyotsna Jha, Neha Ghatak, Sandhya Chandrashekar,
Shreekanth Mahendiran, Puja Minni, Shubhashansa Bakshi,
Manasa Gade and Thyagrajan R

1.0 Introduction

The need for a legal entitlement to free and compulsory elementary education and the associated discourses are not a new subject in India. A perusal of various documents including the petitions, resolutions and letters pertaining to the issue of 'education of the masses' during the 19th and the early 20th century' British India surprisingly reveals a debate very similar to what we have been witnessing in the past one to two decades around the issue of 'Right to Education'.¹ An examination of the debates that surrounded the making of the Indian Constitution shows that by then there was more or less an agreement on including the right to free and compulsory elementary education in the Constitution but the disagreement remained on whether it should be made part of Fundamental Rights or Directive Principles, which finally settled when it was made part of the latter. The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) 2009 brought through the 86th Constitutional Amendment introduced in Parliament in 2002 and passed in 2009 changed this by shifting the provision from Directive Principles to Fundamental Rights section of the Constitution. This shift converted the aspiration into a commitment making the right to education a justiciable right.

The new Act was received both with enthusiasm and skepticism. A casual search of newspaper articles on the issue clearly reflects this. On one hand, it was considered historic and path breaking while on the other hand critiques labeled it as superficial and non-serious, and also went to the extent of viewing this as a conspiracy to privatize the school education system. Those who did not doubt the intention questioned the capacity of the states to be able to bear the financial burden, and presence of the political courage to bring the desired institutional reforms.

The RTE implementation indeed faces enormous challenges. Considering that different Indian states are at different stages of development both in terms of economic and educational indicators, these challenges also manifest differently. There are wide differences in total and per capita expenditure in elementary education across states, and states with low expenditures would need to garner additional resources to meet the RTE requirements. But even those states that do not face major financial challenges need to put systems and processes in place to improve their delivery and meet the RTE expectations in true spirit. The federal nature of Indian polity and diversity of educational structures meant that though the Act is applicable for the entire country, the state governments needed to frame their own rules for its implementation,

¹ Please refer to Bhattacharya, S et al 2003, *Educating the Nation*, Jawaharlal Nehru University, New Delhi for a fascinating collection of documents during this period.

and how these rules are drafted also determined how the Act would be implemented in a particular state.

This paper analyses some of the major financial and governance challenges for attaining universal elementary education following RTE norms. The focus is on Karnataka. The analysis of financial challenges examines the question whether the state is able to bear the additional financial burden necessitated by the RTE mandated norms and processes. The Governance challenges discussed here is limited to two most important dimensions: teacher education and management, and the issues related more with private schools. Karnataka has one of the highest proportions of private schools and therefore has special significance for the state. We have used Odisha as a reference state in certain cases just in order to give a comparative picture. To some extent, the analyses pertaining to these two states provide signals for the issues that could be true for other resource rich and resource poor states as well. Karnataka has been a relatively richer state with greater investment towards education as compared to Odisha where the investment for education has been one of the lowest in the country. In the end, the paper reexamines some of the skepticism witnessed taking these evidences into account.

2.0 *Fundamentals of the Fundamental Right to Education*

The Act defines the schooling-related entitlements of a child: they include the norms for physical infrastructure and teachers, and the responsibilities of the school in terms of making the child free from fear, trauma and anxiety and helping the child to express her/his views comprehensively. All these norms, standards and provisions are applicable to each and every school providing education from grade I to VIII whether run by government or private entities. All private schools need recognition from the designated authority and all recognised schools must fulfill the norms for physical infrastructure, teacher-pupil ratio, and learning processes as specified. A large number of private schools in India screen children as young as four or five year olds for admission; RTE has made it illegal. RTE has also made the charging of capitation fee illegal. In addition, the Act has invoked the responsibility of private schools as well to serve as neighbourhood school for all social and economic classes. It has been made mandatory for all private schools to take one-fourth of their intake at entry stage from disadvantaged and weaker sections for which respective state governments would compensate them based on criteria as determined by the state rules. All this implies that the governments face the challenge not only of upgrading their own schools to fulfill the RTE norms but also of having an

appropriate governance structure to be able to regulate the private schools as envisaged by the Act.

3.0 *Is the state capable of bearing the financial burden?*

Using the situation as it existed in 2010-11 as base and revised SSA-RTE financial norms, we estimated the financial requirements for meeting RTE mandates for the two states: Karnataka and Odisha. Although the time limit provided by the Act for different interventions vary, we took the period of 2011-12 to 2013-14 as the three year period for fulfillment of the mandatory requirements. These are norm based estimations and we have tried to take all possible activities into account. Still, we are fully aware that all estimates are in the end only approximations and therefore have limitations yet we feel that they are a good indicator to gauge the size of the requirements and examine how they compare with current levels of expenditures.

Table 1: Total Financial requirements for RTE implementation Karnataka and Odisha (2011-14)

in Rs Crores		
Total Financial Requirements		
Head	Karnataka	Odisha
Physical Infrastructure	1,392	8,142
Teacher Salary	21,049	15,581
Inclusion and Quality	5,060	6,714
Research, Monitoring and Evaluation	141	296
Total	27,642	30,733

Note: These estimates are an aggregate of estimates for three financial years – 2011-12 to 2013-14. The estimates were undertaken to answer the question that what these states would require if they have to comply with all the RTE norms by march 2014. Annex 1 provides detailed tables for each of these heads and explains the assumptions.

Source: CBPS estimates

Our estimates revealed that Karnataka would require to invest about 27642 crore rupees as against Odisha where the requirements are higher at 30,733 crore rupees (Table 1). This is despite the fact that Karnataka has a higher child population in the 6-14 age-group (more than 72 lakhs) as compared to Odisha (nearly 60 lakhs). The estimates for the number of additional teachers in both the states are based on district-wise growth rate for the age-group population and the existing TPRs, and therefore avoid the errors that emerge in taking state averages. But the analysis can be made more accurate by taking school wise figures. Most districts in both the states have negative age-group population growth rates and TPRs within the limits set by RTE, and therefore the requirement for additional teachers is low. However, the school-wise and

subject-wise reality could be very different, especially in Odisha where inter-district disparity in teacher pupil ratio is high. Karnataka has been implementing a policy for placement and transfer that takes school-wise enrolments and vacancies into account for more than ten years now. The practice uses a computerised database and the process is transparent. Odisha does not have any such policy and therefore school wise requirements are likely to be much higher than what emerges from the district-wise estimations. According to the Government of Odisha's own estimates it needs nearly 30,000 more teachers. If we take this into account, it would further push up the total finances required.

Odisha needs to invest more than eight thousand crore rupees on physical infrastructure whereas Karnataka needs to invest only a little more than one thousand crore rupees. This is because Karnataka has already attained 100 per cent access ratio meaning all habitations have a primary school within a Kilometer. Odisha has an access index of 0.528 and ranks 19 out of the 35 states and UTs in India. Existing schools in Odisha also need much more investment in facilities as compared to Karnataka. Table 2 shows the position of physical infrastructure in schools in these two states and it is clear that the need for upgradation is much higher in Odisha.

Table 2: Proportion of schools covered by Basic Infrastructural Facilities in Karnataka and Odisha

(in %)			
S. No	Facility	Karnataka	Odisha
1	Common Toilets	91.35	47.23
2	Girl's Toilets	91.55	54.18
3	Electricity	91.81	20.40
4	Play Ground	61.59	29.32
5	Ramps	60.94	38.14
6	Library	76.57	28.18
7	Compound Wall	69.10	58.79
8	Drinking Water	98.56	88.92

Source: Education in Karnataka 2010-11, An Analytical Report, DISE Flash Statistics, 2010-11, DISE Analytical Tables (Provisional) 2010-11

The inclusion and quality head includes aspects of teacher training and support, and direct provision for meal, uniforms, textbooks and other related provisions for students. Almost all teachers in Karnataka are trained and regular; it does not hire untrained teachers and therefore the backlog is not there. Odisha has five categories of teachers²: Gana Sikshakas, Siksha

² The Gana Sikshakas, the Siksha Sahayaks and junior teachers are untrained and para teachers while, ZP Teachers, and the regular teachers are permanent trained teachers. There is hierarchy in terms of the

Sahayaks, Junior teachers, ZP teachers, and regular teachers. This classification is highly stratified in terms of the teacher's qualification, training and salary. Following RTE norms, the state needs to resolve this anomaly and this has implications for finances, both in terms of salary and investment on professional degree. This is also a major governance challenge that we are going to discuss in the next section.

Table 3: Elementary education expenditure and CBPS Estimates: Karnataka and Odisha (In Rs. Crores)

Year	Karnataka		Odisha	
	Total expenditures in elementary education (Nominal)	CBPS Estimates for RTE implementation	Total expenditures in elementary education (Nominal)	CBPS Estimates for RTE implementation
	a	B	c	D
2010-11	5,371	-	2,902	-
2011-12*	6,403	7,057	3,171	11,561
2012-13**	8,155	7,840	4,264	11,227
2013-14	-	7,707	-	7,944

*Revised estimates; **Budget estimates (Education Department only)

Note: Column 'a' 2010-11 and 2011-12 figures include expenditure by education and other departments on elementary education. Column 'c' includes only education department expenditures. Both columns 'a' and 'c' do not include central government SSA transfers.

Source: CBPS Study on Public Expenditure Analysis on Education in Karnataka for column 'a'; CYSD study on Educational Finance in Odisha for column 'c'; CBPS estimated for columns 'b' and 'd'.

The main question in this context is whether the states are prepared to meet these expenditures. A comparison with current level of expenditure can be a good indicator of the state's preparedness. Table 3 shows that Karnataka's expenditure on elementary education is close to our estimates while Odisha's falls short by more than 14000 crore rupees. Karnataka's expenditure in Table 3 includes expenditure from all the departments while for Odisha it includes only education department's expenditure. However, this is going to make only marginal difference for the state, as the expenses from other departments are not very high. These figures include the states' share of SSA but do not include central government's SSA transfers. This implies that Karnataka should not have any major problem in meeting the financial requirements for meeting the RTE norms. This holds true even if one takes the wage component separately. Wages constitute about 70-80 per cent of the total recurrent expenditure

salary structure also, where a trained Gana Sikshaka gets a meager salary of 3,200 rupees per month, a regular teacher gets the salary of 20,000 per month depending on the seniority of post.

and a rough estimation for the future indicates that this component would remain either in the same range or would go down to about 68-70 per cent of total expenses (Annex Tables). Odisha, however, faces a major challenge of mobilising additional resources.

Sarva Shiksha Abhiyan (SSA) has been the main source of investments supporting expansion as well as quality improvement activities. The central SSA annual outlays for these two states have been in the range of 1000-2000 crore rupees per year but expenditure levels are generally lower in Odisha (PBA reports from the MHRD website). The SSA funding pattern has been such that both central and state governments share the responsibilities. The state share has gone up from 10 per cent to 35 per cent and was to go up further as per the initial SSA design and conception. However, in the wake of RTE, the Centre has decided to freeze the state component to 35 per cent, which means that the central government would continue to bear 65 per cent of total SSA annual expenditure. This means that the states have assured funding support to an extent, as the central budget is making increased allocations for RTE related expenditure. However, this is not going to be adequate for Odisha and the state will have to garner resources either by reprioritizing or looking for new sources of revenue.

What is true for Odisha is likely to be true for a number of resource-poor states that have not invested in elementary education and therefore have major gaps in physical infrastructure and teachers. Like Odisha, a few other states had also chosen the para-teacher route where contract teachers were hired for lower salaries to fulfill the huge requirements for additional teachers. These states will now have to rectify by investing on up-gradation of teachers' qualifications and bearing the enhanced costs of higher salaries. SSA can help in upgrading the physical infrastructure but the states will have to find ways to fund the additional burden of salaries on a sustained basis. Whether this should be entirely the state's responsibility or the central government should also have a role is a matter of opinion and resolve.

The need for money is only one aspect of implementing RTE. It also requires major institutional reforms to meet the challenges of quality and inclusion. These challenges pertain to both out-of-school and in-school children. The issues pertaining to out-of-school children (OoSC) are many and complex in nature. The definition itself is unclear as it includes both never-enrolled and drop-outs, and drop-outs include those who are on the rolls but never attend schools. It is also not clear who to count among drop-outs; the identification process is difficult as it includes children who are migrating seasonally and those who have moved to other schools. Dalits, adivasis and Muslims are over-represented as compared to their population percentages among

OoSC and to that extent the role of social structures and processes need to be understood. The issue of children being over-age for entry into grade one is also important and RTE has made a provision for 'special training for over-age children to prepare them for age appropriate classes. Important as they are, we are not examining these here directly just to retain our focus on issues that call for major institutional reforms and have significance for effective inclusion of children, including those coming through the special training route, in schools.

The states are better prepared when it comes to tasks that they have been performing for the last few years though there is still a lot of scope for improvements to make the delivery more efficient. This includes distributing free textbooks, serving hot midday meal and other tasks similar in nature. We are also not examining these issues although they are no less important. We, therefore, are confined to teacher education and management in this context.

4.0 Teacher Education, Recruitment and Management: Where does the state stand?

Teacher education is a major challenge in terms of both the number and quality. States such as Odisha require a supply pool of thousands of professionally trained teachers for which the seats in existing teacher training institutions are highly inadequate. In addition, these states usually also have a backlog of serving teachers without the required professional qualification. In the wake of RTE, the states now have the responsibility of assisting these teachers as well in getting the requisite professional qualifications within a stipulated time frame of five years since the law came into force. Odisha and a number of other states in eastern India provide primary teacher training diploma only through state-run institutions which have very limited seats and therefore they need to look for solutions to deal with this challenge. Although 96 per cent of regular teachers in Odisha are trained, regular teachers constitute only about 60 per cent of total serving teachers.

Table 4: Percentage of Professionally Trained Teachers among Regular Teachers across Schools under different Management

Management	Karnataka	Odisha
All Schools	97.49	82.82
Government Schools	98.36	96.48
Aided Schools	98.47	85.80
Unaided Schools	92.89	53.84
Unrecognised Schools	77.78	49.14

Source: DISE Flash Statistics 2010-11

Karnataka has a policy of hiring only regular teachers with stipulated minimum educational qualification and pre-service training. Hence, though the state has a backlog of about one-fourth teachers who do not fulfill the requisite educational and professional qualifications, majority of them are likely to retire in the next five years. The state should be able to fulfill the RTE requirement of having qualified and trained teachers by 2015. Karnataka also faced a paucity of trained teachers and found a solution in privatising the system. Till 2003, only state-run teacher training colleges were imparting the primary teacher diploma courses and the universities were imparting the B.Ed. courses in the state. But these were not able to meet the growing requirements for teachers. During 2003-04, a new policy gave permission for the opening of private D.Ed. / B.Ed. colleges leading to a surge in the number of private colleges imparting these courses. This meant an increase in the supply pool of teachers in the state. However, no mechanism exists for maintaining the quality of these courses, which is generally perceived as being widely uneven, and in some cases, questionable. This is not to undermine the fact that the teacher training courses even in state-controlled institutions are old fashioned and the quality suspect, but consultations with a cross section of stakeholders indicate that that the quality in private colleges, barring a few exceptions, could be worse.

Although the government regulates the fees charged by these private colleges, they are widely reported as charging higher fees and are perceived as being concerned only with making profits. The demand for such courses is high as the expansion of the system has led to creation of high number of positions for teachers in government schools. Public sector jobs in India continue to be more secure and stable, and therefore highly desirable. Fifty per cent of the weightage is given to marks secured in the D.Ed. / B.Ed. programme for selection of teachers. Most of the private colleges, especially in the North eastern Karnataka are believed to be inflating the marks of their students to ensure selection in government schools.³ The recruitment of teachers without credible pre-service training is one of the biggest and the most critical challenge for quality of teachers in the state. There is also a lesson to be learnt for other states that are thinking of allowing private colleges to enter. They should try to have regulatory mechanisms for quality in place before allowing the colleges to start the courses.

Distance education is widely seen by states as another viable option. The states find it attractive because of the low costs and potential for training large numbers in a short span of time.

³ Jyotsna Jha, *Background paper for the preparation of a concept note for supporting elementary education quality in Karnataka*, Prepared for World Bank, New Delhi; September 2012.

However, serious doubts have been expressed regarding its efficacy in preparing teachers. The concern about quality of training and teacher preparedness is not new and the RTE has only brought it to the surface. Justice Verma Commission (2012) has made it clear in its report that 'as a matter of policy the first professional diploma/degree in teacher education should be offered only in the face to face mode'.⁴ The issues relating to teacher training and teacher preparedness are important for private schools as well. Table 4 clearly reveals that a good proportion of regular teachers in unaided private schools are also not trained.

Children's learning depends to a large extent on the quality of teachers and the issue of quality encompasses issues of equity and inclusion. Although RTE has been critiqued for not mentioning critical pedagogy overtly, the clauses relating to child-centered learning, discrimination-free environment, no corporal punishment, children's all round development, continuous and comprehensive evaluation, and use of mother-tongue to the maximum extent possible in view of the diversity of home languages (especially in tribal areas and in urban locations that receive immigrants from various parts of the state / neighbouring states) coupled with emphasis on inclusion through various means including 25 per cent seats in private unaided schools and focus on getting all OoSC including those who are over-age through special training translate themselves into serious challenges for the teacher for effective inclusion and learning.

Children coming from poorer households with less education, resources and exposure do not have the wherewithal to deal with the requirements of modern education and need much more support from the teacher and school. Teachers not only need to know about educational theories and approaches to learning but also require to understand the issues of exclusion, discrimination and socio-economic hierarchies, and the critical role that they have in shaping the child's experiences. In other words, these children do not have the social and cultural capital, apart from not having financial resources, to cope with their counterparts coming from middle and upper-class households, and therefore the school needs to realise that and create an enabling environment for learning that helps them overcome these gaps. Teachers need to have appropriate knowledge and skills, and the right attitude to be able to achieve the desired kind of learning and development among all children including those coming from poorer and marginalised sections. In some cases, teachers own beliefs and stereotypes regarding children

⁴ *Vision of Teacher Education in India: Quality and Regulatory Perspective*, Report of the High-Powered Commission on Teacher Education Constituted by the Honourable Supreme Court of India, Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, Volume I, August 2012, p23.

coming from poorer backgrounds need to be questioned. Most teacher training courses do not prepare teachers for these challenges and the training colleges, more often than not, are poorly equipped in terms of physical as well as human resources.

Poor quality of school and university education coupled with poor quality of teacher training generally result in poorly equipped teachers. This also leads to a mechanistic interpretation of clauses such as Continuous Comprehensive Evaluation (CCE). Our interactions in Karnataka and Odisha suggested that though the states are making big efforts, the understanding of the very concept requires a perspective of learning that most players lack. CCE is an integral part of the approach that allows for varying pace of learning taking individual student's needs and backgrounds into account, and one that also does not take only academic achievements as learning outcomes. In-service teacher training has become regular under SSA and a number of issues get covered. But in most cases, as evidenced by various evaluation and Review Missions' reports, they have had only limited impact on teaching and learning. Therefore, teacher education reform is one of the biggest institutional challenges for all states.

It is important to build on the good examples that the country has and also allow spaces for others who have potential. For instance, the University of Delhi is running a four-year graduation course with elementary education teaching degree, which is widely recognised as a major shift from the usual approach and offers a perspective of learning that integrates quality and equity issues. They are taking the lead in assisting some states but it is not enough. It is also important to recognise efforts outside the state sector and provide opportunities to credible non-government / private institutions that demonstrate that they can also develop and deliver. The present state of regulation through the national body is often questioned for allowing sub-standard institutions following archaic rules that pay little or no attention to academic considerations and disallowing innovative yet credible models. It would be important to reconsider these processes as well to enable the reforms in the states.

The situations relating to teacher education in these two states also represent the issues existing in other states in various forms, and therefore are not unique. The challenge of number and quality cannot be seen in isolation. Whatever route is chosen to address the issue of number, be it expansion through private system or distance education, the issue of quality needs to be superimposed to determine the choice. Merely fulfilling the requirement for a professional degree will not serve the real objective intended by the clause: to raise the quality of teachers and teaching / learning. A differentiated approach with regard to the time frame

allowing states to fulfill the teacher training clause may be necessary for states with huge backlogs.

5.0 Teacher Recruitment and Management

The overall TPR is 26 in both Karnataka and Odisha if one takes the state average into account. But the situation changes if one looks at the disaggregated data (Table 5). Almost 22 per cent of both primary and upper primary schools in Karnataka and 46 per cent of primary and 35 per cent of upper primary schools in Odisha respectively have TPRs above 1:30 and 1:35. Government are in much better position as compared to private schools in Karnataka, as only 8 per cent of primary and 14 per cent of upper primary schools have higher than 1:30 or 1:35 TPRs. The situation is much worse in Odisha where a large proportion of both government and private schools have TPRs higher than the RTE mandated norms. About 40 per cent of government schools fall under this category for both the stages and nearly 18 per cent of schools in the state are single teacher schools (DISE, 2009-10). One often thinks that private schools are better provisioned but the private school study in Bangalore showed that only one fourth of the 43 schools studied had PTR equal to or less than 1:30. This appears to be worse than the situation in government schools.

Teacher placement, transfer and redeployment become important issues in such situations. Karnataka State Civil Services (Regulation of transfer of Teachers) Rules, which was passed in 2007, provides for a software-based system of transfers. This is indeed a transparent system based on objective criteria that helped in streamlining a process that used to be opaque and often guided by political considerations. However, the state needs to implement the transfer policy more vigorously. The state also has a clear recruitment policy where the qualification requirements are the same as RTE norms. Karnataka already has a system of conducting examination for selecting teachers and placing them through a process of counseling. Odisha does not have these systems in place. The state governments also need to develop mechanisms to check the fulfillment of academic and professional qualification as well as TPR criteria in private schools.

Table 5: Proportion of Districts and Schools with Teacher Pupil Ratios (TPRs) above RTE mandated norms, Karnataka and Odisha

State	Districts where PTR > 30	% schools PTR > 30 (p)	% schools PTR > 35 (UP)	% Government schools PTR > 30 (P)	% Government schools PTR>35 (UP)
Karnataka	3	22.76	21.80	8.04	13.98
Odisha	3	46.00	34.62	39.87	41.11

P: Primary; UP: Upper Primary

Source: DISE flash statistics, 2010-11

Table 6: Distribution of teachers by appointment type at Elementary Stage, Odisha (2011-12)

Number of teachers									
Regular Teacher		Siksha Sahayak		Junior Teacher		ZP Teacher		Gana Sikshakas	
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
66,482	45,734	24,222	20,358	3,017	2,268	3,742	2,534	14,246	7,184

Source: State Level Report on Types of Teacher, OPEPA website (<http://www.opepa.in/EPIS/TypeOfTeachers.aspx>)**Table 7: Distribution of teachers by highest academic qualification in Different types of Schools in Karnataka (2008-9, 2010-11)**

Type of School	2008-09				2010-11			
	Below Secondary (No.)	Secondary (No.)	Below HS (No.)	% of teachers below HS	Below Secondary (No.)	Secondary (No.)	Below HS (No.)	% of teachers below HS
Primary (P)	840	14,791	15,631	25.85	867	13,775	14,642	24.17
P +UP	1,667	51,322	52,989	29.07	2,108	52,315	54,423	24.94
P+UP+HS	200	2,107	2,307	12.03	384	3,498	3,882	11.14
Total	2,707	68,220	70,927	27.08	3,359	69,588	72,947	25.13

P: Primary, S: Secondary, UP: Upper Primary, HS: Higher Secondary

Source: DISE 2010-11

The situation in Odisha becomes more serious if one considers the fact that about 40 per cent of teachers in Odisha government schools at elementary stage are not regular (Table 6). We have already discussed the financial implication of this fact but finance is only one side of the story. The state also needs to evolve a more institutionalised system for recruitment to get away

from its present system where five kinds of teachers with different salary structures are present. This also adversely affects teacher morale and motivation, something important for teacher performance. Karnataka does not face any such problem but a significant proportion (nearly one fourth) of teachers still does not fulfill the educational requirements (Table 7). Although the proportion is coming down due to retirements, it would be important for the state to have a clarity regarding the age and attrition profile of these teachers.

Teacher is central to teaching and learning, and therefore it is important to have mechanisms that address their grievances. Most states do not have any system of decentralised tribunals to address various teacher related issues including placement and transfer to ensure faster disposal of such cases. Teacher accountability is another side of teacher motivation. A number of studies from 2001-2005 show the rate of teacher absenteeism in Karnataka to be around 20-22 per cent, i.e., on a given day, nearly 20-22 percent of teachers are not present in the school.⁵ This could be a mix of authorised and unauthorised absence. Absenteeism is even higher in Odisha, especially in tribal concentrated districts. The RTE forum in Odisha claims that about 40 per cent of working days are lost on an average because of non-teaching responsibilities.⁶ This is despite the fact that RTE bars assigning non-teaching duties to teachers except for elections and national census. Odisha RTE rules state that teachers have to perform 'other such' duties as may be specified by government from time to time but do not define these 'other' duties. This clause can also be manipulated and used for making the teachers perform other duties than that stated and accepted in the RTE.

The issues that surfaced about teacher education, recruitment and management in these two states are fairly common for other states: again Odisha somewhat representing the resource-poor and Karnataka the resource-rich states. What is very clear is that while the issue of quality is near universal states such as Odisha face additional challenges of weaker institutional processes for recruitment, management and education. It is high time that states initiate a process of institutional reforms with long-term goals in view rather than looking for short-term solutions and short-cuts. We need to learn from past experiences that so called short-term solutions are no solutions: they neither provide relief nor succeed in transforming the quality of education delivery.

⁵ 'Teacher Absenteeism' in Karnataka State' a study sponsored by Sarva Shiksha Abhiyan, Karnataka and Chaudhury, N. and J. Hammer (2005) "Teacher Absence in India: A Snapshot." Journal of the European Economic Association as cited by Sharon Barnhardt, et al

⁶ Based on a presentation in a workshop on RTE held in Bhubaneswar on 26 and 27 April, 2012.

6.0 Provisions pertaining to private schools: whether infringement of rights of private providers?

The provision of reserving one fourth seats at entry stage for children from weaker section⁷ and disadvantaged groups⁸ in private schools for 'free' education faced opposition from several corners including private providers, educationists and analysts. Some opposition to the clause of reserving 25 per cent seats by private providers rests on economic grounds. It is seen as an infringement of their rights to do business. This was one of the main arguments that they used in a legal case against this provision of the Act that they eventually lost in Supreme Court. This argument fell through as the Indian legal system does not allow any educational institution at any level to run on a profit basis.

All fee-charging private schools operate under the Acts that guide non-profit Trusts or Societies, and therefore cannot have any declared profit. In reality, a number of loopholes in the legal system allow them to pay any dividend or make profit without declaring them as profit. Based on their non-profit status, they also access a number of subsidies and concessions such as prime urban land owned by state at less than market rate for lease and often do not fulfil the necessary requirements that make them eligible for such concessions. For instance, even before the RTE was enacted, the Delhi state law required all private schools and hospitals that had received land from the state at concessional rates to admit certain proportion of students or patients from disadvantaged sections without charging any fee. Most institutions were not practicing this till a Public Interest Litigation (PIL) brought this to light leading to a High Court judgment making it compulsory and legally binding.

While encouraging corrupt practices on one hand, the non-profit clause acts as a deterrent for genuine investors. The requirement for compulsory affiliation / accreditation to/by national bodies also acts as a deterrent for genuine players because of lack of clarity regarding what is allowed and what is not. Running private educational institutions at all levels has become a profitable business in India for those who can circumvent the laws; it is cumbersome and unattractive for others because of absence of any comprehensive regulation and lack of clarity

⁷ "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification (Right to Education Act, Section 2 (e))

⁸ "child belonging to disadvantaged group" means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as maybe specified by the appropriate Government, by notification (e.g. in Karnataka, it includes orphans, HIV positive children etc) (Right to Education Act, Section 2 (d))

regarding tax liabilities. Informal enquiries have also shown that local politicians own majority of these institutions and therefore vested interests play a major role even in state assembly/parliamentary debates on this issue. Any educational reform involving private institutions needs to look into this aspect of legal reform but the problem is that the law makers themselves are often guided by vested interests. A number of these issues apply to all levels of education, and therefore are outside the remit of RTE. However, these are wider issues with significance for attaining the goal of free and compulsory education for all, which we are now also talking of extending to secondary level, and therefore critical to any serious discourse.

The government is expected to compensate private schools for each child that they admit using the provision of the Act. The size of the compensation is determined by the respective state governments based on the per capita expenditure that they usually incur in running the state system of schools. A number of private school management covered through a recent study of 43 private schools in Bangalore Urban district in Karnataka reported that the state compensation for children from marginalised groups does not adequately cover the costs and in many cases and they are forced to push up the fees for the rest of the students. This, however, was rarely backed by providing detailed evidences on income and expenditure. A number of schools, in order to avoid one or two more years of schooling to these children and therefore reducing their 'losses', considered only grade one as entry level despite the school having pre-school grades and the Karnataka RTE rules very clearly mentioning the entry year being the grade at which the school starts. What makes it more interesting is that the respective BEOs were very much aware of this fact.

In absence of comprehensive information on fee charged by private schools, we have to depend on informal estimates and consultations. Going by that, it appears that small private schools would have no problem, as the compensation would be sufficient to cover the costs and elite schools charging very high fee would also not face much problem though the provision may cut some of their profits. There could be a small percentage of schools where the margin is not very high, and they may find it difficult to sustain, and therefore may be either forced to increase the fee or exit that market.⁹ In absence of any reliable data, it is not possible to surmise how significant or insignificant this number could be. Nevertheless, as long as the students have

⁹ The absence of data on private schools and their fee structures makes it difficult to have any position with certainty. However, our position here is based on consultations with a cross section of stakeholders, and also with some officials who presented the Government of India's case in the Supreme Court.

access to schooling within neighbourhood, this should not be a major issue in a macroeconomic frame.

The acceptance of reimbursements is also viewed as 'compromise with independence of unaided schools' and therefore unacceptable. Direct cash transfers to parents is often suggested as an alternative to this where parents could pay full fee and admit their children to whichever school they want. What this argument ignores is that education is not necessarily a highly valued choice, especially when it comes to girls or cash-starved, very poor families. In such cases, the risk of diverting the cash for other purposes would be high. If the cash transfer were conditional, the costs as well as institutional challenges of monitoring would be very difficult. Also, if the right to education has to be a fundamental right, providing direct access to schooling and not cash is the answer.

7.0 Children entering private schools using RTE provision: issues of inclusion, exclusion and accountability

There has also been apprehension regarding the use and misuse of the RTE provision of reserving 25 percent seats in private schools: whether those who are really needy are using the provision or this is being cornered by those with patronage? An analysis of profile of nearly 400 children entering private schools using the RTE provision in 43 private schools in Bangalore Urban district in Karnataka revealed that they mostly represented the poorer, socially and educationally disadvantaged groups. Seventy five percent of households had an annual income of less than one lakh, two third fathers and mothers had studied till class 10th or less, and more than 78 percent children belonged to either dalit, tribal, Other Backward Caste or Muslim communities. The fact that only 58 percent of these reported Kannada while the rest mentioned Telugu, Tamil, Urdu, Hindi, Marathi, Tulu, Malayalam and Odiya as their home language also shows that immigrant workers have also been able to access this provision for their children.¹⁰

While the socio-economic profile of these children show that they are indeed from disadvantaged groups and weaker sections, this cannot be taken as indicative of a fair process of identification or selection of these children. The study reported absence of clarity in some cases and presence of unscrupulous practices in others. There was ambiguity in the process followed, as the list of documents demanded from parents as also the eligibility criteria varied

¹⁰ *A Study on Quality of Acceptance of Children admitted in Private Unaided Schools in Bangalore under section 12 (1) (c) of the RTE Act*, Centre for Budget and Policy Studies (CBPS), Bangalore, August 2013 (Commissioned by Sarva Shiksha Abhiyan, Karnataka)

from one ward to the other. While some wards allowed children from more than 5 kilometer radius, other did not. The Block Education Officers (BEOs) used a lottery method for final section of students for each school after verifying the eligibility in some cases while in others it was not clear how they arrived at the final list. Some schools filled most positions by moving the existing students fulfilling the criteria to the RTE list. While this is not against the law, this disallows those who lack information and awareness. At least three parents from three schools located in three different blocks mentioned that their child wrote an admission test, in violation of the concerned clause in the Act.

Table 8: Out-of-Pocket Expenditure reported by parents using RTE provision for admitting their children in private schools

Description of item	Range of amount spent in (Rs)
Uniforms	Rs 500 – Rs 4500 (for 2 sets)
Books	Rs 600 – Rs 4,500
Van	Rs 500 to Rs 6,500
Sports	Rs 500 to Rs 2,000
Activities	Rs 500 to 20,000
Shoes	Rs 200 to Rs 2,500
Private Tutions	Rs 100 to Rs 400
RTE Application Form	Rs 100 to Rs 150
Maintenance Fees	Rs 10,000 to Rs 13,000
Examination Fee	Rs 500
Computer Fees/Smart Class	Rs 1,200 to Rs 10,000
Admission	Rs 600 to Rs 38,000
Capitation Fee/Donation	Rs 4,000 to Rs 25,000

Source: A Study on Quality of Acceptance of Children admitted in Private Unaided Schools in Bangalore under section 12 (1) (c) of the RTE Act, Centre for Budget and Policy Studies (CBPS), Bangalore, August 2013 (Commissioned by Sarva Shiksha Abhiyan, Karnataka)

What is even worse that in many cases ‘free’ education is being interpreted just as non-charging of tuition fee. Schools are charging different kinds of fee under different garbs, sometimes with full knowledge to the local educational administrator. One particular school management reported charging Rs 10,000 towards the capital cost for Smart Class classrooms, and that the concerned BEO was aware of this. The Act mentions that it is the responsibility of the school to provide free entitlements and the school shall not levy any fees, charges or expenses on the parents of children admitted under this clause but the majority of the sample schools were found to have interpreted the provision as “no tuition fees” alone, and subjected the concerned RTE parents to various kinds of out-of-pocket expenditure. This included expenditure on uniforms and books specially bound and printed with the school emblem, fee for extracurricular ‘optional’

activities such as karate, yoga, abacus, and charges for leasing/ procuring special facilities like Educomp/Smart Classes or upgrading their buildings (Table 8). One school had opted a practice of having a smaller teacher classroom (1:20) ratio for fee-paying children and a much higher one (1:40) for those not paying their fee. What emerges from this study is that though the basic provisions are adhered to the processes adopted are not necessarily just and unbiased. Both the education department and school management either acting independently of each other or in collusion is playing a role in violating the spirit of the Act in this regard.

The clause of reserving 25 per cent seats for children from weaker section and disadvantaged groups was also opposed on grounds other than economic. It was feared that mixing of children from poor neighbourhoods and low-income, low-educated families with those coming from highly educated, high-income families would create problems for both kinds of children. While on one hand it is argued that children from poorer families would not be able to cope and would develop an inferiority complex, parents of children from richer families have been openly expressing their fear regarding their wards being subjected to 'bad influences'¹¹.

A perusal of research across the globe suggests that though it poses a challenge for the school to effectively deal with the situations where children from diverse backgrounds are attending together, the diversity in reality acts as major learning opportunity.¹² The US and UK experiences of common state schooling, despite their limitations and challenges, have indeed helped in changing the inter-racial relations for ever. It is important to view this measure as a desirable one not only for poorer children but also for those coming from relatively richer backgrounds, as the presence of children from diverse backgrounds is going to widen their understanding of the socio-religious-linguistic-economic realities of India. We have one successful example from Loreto Convent located in Sealdah, West Bengal that has been successful in integrating students from different socio-economic groups for more than 20 years. Going by usual indicators of success, students from all groups have been successful in completing their school education well and find the experience enriching in other ways as well.¹³

¹¹ Based on newspaper clippings, talks being organised on RTE and consultations.

¹² See Karla Hoff and Priyana Pandey (2004), *Belief systems and Durable Inequalities, An Experimental investigation of Indian Caste*, <http://sticerd.lse.ac.uk/dps/bpde2004/hoff.pdf>; Rupa Subramanya, *Will India's Right to Education Act Upset Stereotypes?* Economics Journal (http://blogs.wsj.com/indiarealtime/2012/05/02/economics-journal-will-indias-right-to-education-act-upset-stereotypes/?mod=wsj_share_twitter; Karla Hoff, *Equilibrium fictions, societal rigidity, and affirmative action*, <http://www.voxeu.org/article/why-economists-should-not-ignore-affirmative-action>

¹³ Please refer to Nalini Juneja, *Exclusive Schools in Delhi and Their Law*, Economic and Political Weekly, Vol - XL No. 33, August 13, 2005

The role of teachers is critical in ensuring the ‘inclusion’ of every child in the classroom. Teachers are expected to be aware of this responsibility and equipped to make every child feel accepted and comfortable. RTE has made minimum professional qualifications compulsory for teachers at elementary stages, this being Diploma in Education at primary and Bachelor’s in Education for upper primary stage. The Bangalore Urban study found that while majority of teachers and almost all of those who are newly recruited in these 43 schools fulfilled the requirement, this did not find reflections in their own behavior and attitude towards children coming through the RTE route. In other words, the teachers are trained but not aware of many provisions, responsibilities and implications. Nearly 21 per cent of more than 200 teachers interviewed knew nothing about the Act, and only 40 per cent of the 171 who had heard of RTE could mention at least one provision of the act. The most common response to what they knew about the Act was that a poor child could be admitted to a private school under this act. Notably, most teachers did not know that the RTE makes it the fundamental right of every child between 6 and 14 years of age to attend a neighbourhood school and enjoy schooling with certain quality parameters, including a 1:30 teacher-pupil-ratio, no corporal punishment and continuous and comprehensive evaluation of his/her scholastic progress.

Table 9: Common challenges teachers said they faced in the classroom

Challenges	Number of times cited as a problem
Slow learners	31
Illiterate parents/lack of parental support at home	20
Indiscipline	20
Language problem (not all children understand English)	16
Special children/ having to be an inclusive school	11
Lack of resources at home	10
Diverse background of students	5
Unsatisfactory quality of or no previous schooling	5
Hyper active children	5

Source: A Study on Quality of Acceptance of Children admitted in Private Unaided Schools in Bangalore under section 12 (1) (c) of the RTE Act, Centre for Budget and Policy Studies (CBPS), Bangalore, August 2013 (Commissioned by Sarva Shiksha Abhiyan, Karnataka)

Further interactions with teachers made it clear that the majority were neither aware nor committed to their role as facilitators for every child’s learning. It was common for teachers to label children as ‘slow learners’ when asked to list out the challenges/difficulties that teachers face in the classroom (Table 9). While the difficulty/challenge of having children with no pre-school exposure and a home environment which is not as conducive because of illiterate or less educated parents and /or lack of resources is a fact, what was revealing is that most teachers

did not know how to address that. Majority of teachers said they would talk to the parents to make sure they helped their child, and if that was not possible, that they arrange tuitions.

Box 1: Two examples of good practices

Example 1: *One teacher with many years of experience behind her indicated how increased classroom diversity was a challenge and how she tried to address it. A homework assignment on colouring the objects in a colouring book page that began with the letter 'A' came back with all the objects (including many not beginning with A) coloured. Apparently, the parent had insisted that the child do this, in spite of the child explaining to the parent that Apple, Arm, Axe and other such words were the only ones to be coloured. The teacher spoke to the parents about listening to and trusting the child more, when he was trying to communicate something regarding school work. She regularly meets with this parent when she comes to pick up her child to explain the days homework assignment in the local language.*

Example 2: *Another teacher in another school spoke with conviction against promoting tuitions as the 'solution' for children who were lagging behind in school work, owing to a home-environment where parents could not support them in their learning. She stated that it involved more out-of-pocket expenditure for poor parents and just offered the child a place to finish their homework in a mechanical fashion, seldom checking for the child's understanding, very often with distractions like a television or conversations going on in the background, and did not add value for the child. Homework assistance after class was something that she offered children, although it was not required of her as part of school policy.*

The Bangalore private school study presents a number of cases where poor acceptance of the child is conveyed to her / him in multiple ways by teachers and the management making it difficult for them to learn. Also, the study presents cases of poor quality teaching in general. More than half the teachers in the sample were of the opinion that providing the requisite support to a child who was lagging behind, for whatever reason, was not their job. This shows that most teachers in private schools take the presence of "educated parents" and their involvement in the child's schooling as a norm, and therefore, are not equipped to respond creatively to the needs of children coming from poorer families. It is important to add here that in the course of the study we also met a few teachers who shared their challenges and their approach to these challenges in a more sensitive manner (Box 1) but the number of such teachers was small.

Continuous and Comprehensive Evaluation (CCE), endorsed by the National Curriculum Framework, 2005 (NCF 2005), and included in Section 29 of the RTE Act, is one of the

practices to promote child-friendly schooling. The 'continuous' dimension of CCE requires that assessment is ongoing (rather than one-time). It implies a feedback mechanism both for the student and the teacher entailing suitable changes in instructional methodology and technique of teaching so as to facilitate the child learning the topic or concept better i.e. remediation (Karnataka Elementary Teacher Education Curriculum 2012, p. 31). Unlike conventional assessment through examinations, the focus of this dimension is to assess the child in a non-threatening and non-stressful manner, through systematic observation of the child's performance in carefully planned classroom/extra-curricular activities. As against 'testing' the child, the focus is on facilitating learning through remediation if required. The 'comprehensive' dimension emphasises the 360 degree nature of this evaluation. It seeks to, gauge student's progress in attainment of the desirable cognitive, affective and behavioural attributes associated with the learning of conventional age and stage-appropriate subjects. It also seeks to do the same with regard to psycho-motor and inter-personal skills and capacities developed through activities like art, performing arts and sports and games (ibid). Evaluation emphasising Formative Assessment (FA) as against exclusively Summative Assessment (SA) is the defining characteristic of CCE. CCE thus presumes a high degree of professionalisation of teachers. The reality is that majority of the teachers do not necessarily understand the concept well, leave alone practicing those.

More than two-third of 217 teachers belonging from private schools in Bangalore interviewed expressed ignorance about the concept while some felt that it is a practice that only those schools that follow the CBSC Board need to follow. Among the one third teachers who said they knew what CCE was, only about ten percent described it correctly through activities such as 'maintaining records of children's improvement' and 'establishing progress of the child against subject/age appropriate benchmarks' while the majority though it referred to periodic tests and examinations. It is noteworthy that none of the responses (while they may have been implicit in 4-5 cases) referred to the teacher's role in remediation, or approaches by which they would help a child achieve the bench-marks. One teacher also pointed out the CCE meant "heavy administrative and clerical work for us; observation records have to be maintained and updated".

In a nutshell, this private school study revealed that inclusion and quality are as big issues in private schools as they are in government schools. While evidence about quality as well as exclusion and inclusion issues in government schools have been available through a large number of studies on these aspects during the last decade, private school processes have been

a less researched area. Nevertheless, the focus on private school in this paper does not imply that we are in any manner refers to absence of these issues in state schools; rather, the aim is to say that both private and state schools are fighting the same battles when it comes to inclusion and quality, albeit the manifestations may be different.

8.0 *Violation of the Right: Who is responsible for hearing and redressal?*

The Act has made provisions for the National Council for Protection of Child Rights (NCPCR) and the State Council of Protection of Child Rights (SCPCR) to exercise quasi-judicial powers as national and state bodies for compliance. It designates 'local authority' for compliance at local levels, and leaves it to state rules to decide who these would be at various levels. While Karnataka has designated SDMC (School Development Management Committee – same as SMC), Gram Panchayat and Block Education Officer as local authorities, Odisha rules are unclear about defining local authorities. Although RTE does not demand it, Karnataka has made the SDMC a part of the local elected bodies, which makes it possible for the SDMCs to play a more important role in leveraging the resources for school development as they have more reach in terms of funds and legitimacy. This is not true for Odisha and most other states.

The SMC has been given important roles: developing the School Development Plan and overseeing its implementation as well as acting as the first-level compliance institution in states such as Karnataka. Three-fourths of the members are parents, half of them being mothers. Places are also reserved for disadvantaged social groups. This obviously is aimed at allowing women and other members coming from disadvantaged groups to be able to participate in school monitoring and related decisions. Past experiences clearly reveal that it is important to give representation but representation alone does not help in breaking the power relations and traditional roles. Therefore, it would be important to treat the SMC training as a process of empowerment through information, skill and attitude building; something that most training modules do not necessarily aim at. It would help if perspective building on the SDMC's role and rationale for that role is part of teacher training processes as well. The teacher has to accept her/his accountability towards SDMC to make it a more meaningful body.

NCPCR and SCPCR are important but have a limited role and reach in their present capacities. They have small secretariats and RTE is only one of their mandates. They have to be dependent on the bureaucracy for support. Also, the respective jurisdictions of the SCPCRs and NCPCR are not very clearly defined leading to confusion. When it comes to private institutions, the respective state governments are the responsible institutions for compliance except when

one chooses to go to a Court of Justice. District and Block / Taluka education authorities have been given powers relating to recognition and fulfillment of other clauses in private schools on most states including Karnataka and Odisha.¹⁴ This raises some issues regarding the possibility of bureaucratic control and corrupt practices.

Lack of transparency in the admission process coupled with the presence of various forms of unscrupulous practices pertaining to charging of fees in various forms from students admitted to private schools through the RTE route, often in full knowledge of the respective official, namely the Block Education Officer, reveals a nexus that violates the spirit of the Right to Education. These studies did not go into the issue of recognition but that is an area where private schools fear harassment leading to corruption, often drawing the parallel being to the license raj days. While it is important to make private schools more accountable, it would also be important to make the process of monitoring by local authorities more transparent. One way could be to make the process of recognition more broad-based with representation from civil society and elected local governments so that all powers are not vested in the hands of the educational bureaucracy. This would ensure transparency from the side of the government and mean a shift from the 'fear of government' to the 'fear of governance'. The admission process also needs to be streamlined and made transparent with uniform systems of voluntary disclosure by every block or some other such provision.

9.0 Road to greater accountability or opening ways for increased commercialization of education?

The country has witnessed an increased demand for private schools by all sections including the poor in the last decade due to two reasons: (i) the low quality – either real or perceived – of education in state schools, and (ii) the desire for English medium school which is the language of power and an agent for class mobility. Available evidences are not conclusive about the difference in quality between public and private schools, but private schools are indeed more responsive to parents' aspirations for their wards. Therefore, one argument is if the public funds are diverted to pay for private schools in a situation where public schools are failing people's aspirations, in the long run it would mean closing down of the public schools rather than improvement in the public service delivery. Parents from weaker /disadvantaged sections will send their children to private schools even if they fail to get a seat under 25 per cent category in

¹⁴ Gujarat has made this process more broad based by making a body with representation from civil society responsible for the recognition of private schools.

order to ensure 'better quality education'. Once the public schools are very few in number and private schools are the main providers they would be guided by the objective of maximising the profit and start charging very high fee. This would lead to commercialisation of education where a section of children would neither be covered by the provisions such as 25 per cent seats paid by government in private schools nor can afford to pay for private school education. State schools will no longer exist to cater to this group.

At present, one fifth of the school-going children go to private schools at elementary level in India. Considering that nearly 80 per cent of children are still going to public schools, this argument may seem a little far-fetched. The RTE applies to all schools and if state governments seriously follow all the norms leading to an improvement in the quality, this situation may not arise. However, if the states do not succeed in making their delivery more responsive and if the quality does not improve significantly, privatisation may take place more rapidly than imagined with a number of undesirable consequences in the long run, and the argument may not turn out to be so far-fetched. Hence, it deserves attention.

In view of widespread belief among parents and private education providers regarding the ill effects of having diverse group of children together, it is important to give wider publicity to such information and knowledge, emanating from research studies as well as the experiences of the other countries. A number of private schools are advocating for running evening classes for this group in order to save the costs and safeguard the homogenous nature of students. They go to the extent of claiming that that would be able to teach much larger number of children by running evening / separate classes for weaker / disadvantaged section as against they have to be integrated in the regular school. It is ironical that low costs 'alternatives' and informal arrangements are considered adequate for children from weaker sections, while high investments are tried-and-tested formal arrangements are considered necessary for children who are already privileged. This is not to undermine the challenge that the school faces in getting children from mixed background in terms of choosing pedagogic practices, providing psycho-social support and judging learning achievements. This is a challenge not only for private but also for the public schools. Given the current orientation of teachers and ethos in a large number of schools both in private and public schools, this is a major trial for both the systems.

What finally emerges is that while states like Karnataka are fairly well-placed in meeting the RTE norms in terms of financial requirements, states like Odisha face huge challenge of

bridging the gaps that exist in its current expenditure pattern and the estimated financial requirements for meeting the RTE norms and goals. Both states face major governance challenges: some are similar in nature but many are different in nature. In some cases, it is possible for one to learn from the experiences of others. While Odisha is struggling with the major challenge of training, recruitment and placement of a large number of teachers, Karnataka found a solution for this issue a few years ago in allowing private colleges to run these courses. However, Karnataka is now facing newer challenges in this respect pertaining to the quality of such professional degrees, and states going for similar model may be forewarned. Given the high demand for private school education, Karnataka also faces major governance challenges in that respect. The issues related to inclusion are a challenge for both public and private systems, and related is the aspect of quality. The implementation of RTE in its true spirit calls for a shift in governance and delivery processes of both private and public school systems and at present the signs are not very encouraging.

References

Centre for Budget and Policy Studies (CBPS), A Study on Quality of Acceptance of Children admitted in Private Unaided Schools in Bangalore under section 12 (1) (c) of the RTE Act, Bangalore, August 2013 (Commissioned by Sarva Shiksha Abhiyan, Karnataka)

Chaudhury, N. and J. Hammer (2005) "Teacher Absence in India: A Snapshot." Journal of the European Economic Association as cited by Sharon Barnhardt, et al

CYSD, (2008-2009, 2009-2010, 2010-2011, 2011-2012). Elementary Education Expenditure, Odisha.

CYSD, Bhubaneswar. (2010-2011). School Report.

CYSD, Bhubaneswar. (2012-2013). State Budget a Response. Odisha

DISE. (2009-10). Flash Statistics DISE.

DISE. (2009-10,2010-11). Analytical Tables.

DISE. (2009-10,2010-11). District Report Card.

DISE. (2009-10.2010-11). State Report Cards.

Government of India, *Vision of Teacher Education in India: Quality and Regulatory Perspective*, Report of the High-Powered Commission on Teacher Education Constituted by the Honourable Supreme Court of India, Department of School Education and Literacy, Ministry of Human Resource Development, , Volume I, August 2012, p23.

Government of India. (2001). Census 2001, Child Population.

- Government of India. (2009). Model Rules under the Right of children to free and compulsory Education Act
- Government of India. (2009). Right of children to free and compulsory Education Act.
- Government of Karnataka. (2008). Child Census 2008. Child Census 2008.Karnataka.
- Government of Karnataka. (2008-09). Annual Work Plan and Budget.
- Government of Karnataka. (2010-11). Annual Budget.
- Government of Karnataka. (2012). RTE Karnataka Rules.
- Government of Karnataka. . (2009-10). Mid Day Meal, Annual Plan.Karnataka.
- Government of Odisha. (2010). RTE Odisha Rules.
- Hoff, Karla and Priyana Pandey (2004), Belief systems and Durable Inequalities, An Experimental investigation of Indian Caste, <http://sticerd.lse.ac.uk/dps/bpde2004/hoff.pdf>;
- Hoff, Karla, Equilibrium fictions, societal rigidity, and affirmative action, <http://www.voxeu.org/article/why-economists-should-not-ignore-affirmative-action> SSA Karnataka. (2009-10).
- Jha, J., Saxena, K., & Baxi, C. (2001). *Management Processes in Elementary Education, A study of the existing practices in selected states in India*. The European Commission.
- Jha, Jyotsna, *Background paper for the preparation of a concept note for supporting elementary education quality in Karnataka*, Prepared for World Bank, New Delhi; September 2012.
- Juneja, Nalini. Exclusive Schools in Delhi and Their Law, Economic and Political Weekly, Vol - XL No. 33, August 13, 2005
- Karnataka State Planning Board. (2008). Karnataka A Vision for Development. Government of Karnataka.
- Karnataka, G. o. (2010-11). Education in Karnataka 2010-11, An Analytical Report. Bangalore.
- Karnataka, G. o. (2012, May 08). Notification no. ED 27 MAHITI. Bangalore.
- Ministry of Human Resource Development, Department of Education. 2009. Expert Group Report on Financial Requirements for making Elementary Education a fundamental right.
- Ministry of Human Resource Development. (2010). Report of the Committee on Implementation of the Right to Children to Free and Compulsory Education Act 2009 and the resultant revamp of Sarva Shiksha Abhiyaan.

- Mukhopadhyay, R., Ramkumar, N., & Vasavi, A. R. (2009). Management of Elementary Education, Structures and Strategies. New Delhi: NUEPA.
- Nordic Recognition Information Centres. (2006). Report on The System of Education in India.
- NUEPA. (2009-2010). Elementary Education in Rural India.
- NUEPA. (2009-2010). Elementary Education in Urban India.
- Odisha RTE Forum, state level RTE stocktaking, Elementary Education in Odisha in View of Right to Education Act. (26th and 27th April 2012). Bhubaneswar.
- OPEPA. (2010-11). Report on Out of school children. Odisha.
- Project Approval Board, SSA. 146th Meeting.
- Rishiksha T. Krishnan. (n.d.). Karnataka Vision 2025. Bangalore: IIM Bangalore.
- SCPCR, Odisha. Resource Material on Child Protection and Child Rights .
- Sikshasandhan. (2012). How are the School Management Committees in Odisha? A Mid-term participatory evaluation report.
- Social and Rural Research Institute (A Specialist Unit of IMRB International). (2010). All India Survey of Out-of-School Children of 5 and 6-13 years Age.
- SSA Karnataka Annual Report 2009-10. Bangalore: SSA.
- SSA Karnataka, Teacher Absenteeism' in Karnataka State
- SSA Odisha. (2010-2011). SSA Annual Report.
- SSA. (2010-2011). 14th JRM Report.
- SSA. (2012-2013). Odisha Annual Appraisal Report.
- Subramanya, Rupa, Will India's Right to Education Act Upset Stereotypes? Economics Journal (http://blogs.wsj.com/indiarealtime/2012/05/02/economics-journal-will-indias-right-to-education-act-upset-stereotypes/?mod=wsj_share_twitter;
- Technical Support group, SSA (2011-12). Appraisal Report, Karnataka.
- Technical Support group, SSA (2012-13). Appraisal Report, Odisha.
- The Hindu. (2013, February 27). RTE: Priority for children from weaker sections.
- Newspaper clippings were used widely to understand the issues and positions.

Financial Estimates

Annex Table 1: Total financial requirement - Karnataka and Odisha (Rs Crores) (2011-14)

Head	Karnataka				Odisha			
	Financial (Rs Crores)				Financial (in Crores)			
	2011-14	2011-12	2012-13	2013-14	2011-14	2011-12	2012-13	2013-14
Physical Infrastructure	1,392	373	414	606	8,142	4,464	3,391	287
Teacher Salary	21,049	5,180	5,335	5,495	15,581	4,935	5,083	5,562
Inclusion and Quality	5,060	1,461	2,040	1,559	6,714	2,068	2,650	1,996
Research, Monitoring and Evaluation	141	43	51	48	296	95	102	99
Total	27,642	7,057	7,840	7,707	30,733	11,562	11,226	7,944

Note:**Karnataka:**

1. Physical Infrastructure = Civil Works + Maintenance and Repair
2. A 10 % increment per annum is allocated to BRC/CRC/MDM Salaries
3. A 3 % increment per annum is allocated to teacher's salaries (Based on consultations with SSA Karnataka).
4. School to be converted = School with (Partially Pucca + Multiple Type)
5. School to be constructed = School with (No building + Kuchcha+Tent)

Odisha:

1. Regular Teacher's salary is assumed to be Rs 16000 per month at 2010-11 (CYSD). A 3 % increment is included, beginning from 2010-11, for all teachers (based on consultations with the Department of Education, Odisha).
2. And all teachers are assumed to be regular teachers
3. School to be converted = School with (Partially Pucca + Multiple Type)
4. School to be constructed = School with (No building + Kuchcha+Tent)
5. The cost of converting a school is assumed to be same as cost of constructing a school
6. Majority of civil work activity is assumed to be completed by the end of 2012-13 given the RTE norm which clearly states that states must ensure the physical infrastructure requirements are met by the end of 2012-13

Annex Table 2: Physical Infrastructure: Requirements for Karnataka and Odisha (Rs Crores) (2011-14)

	Karnataka		Odisha	
	Total physical gaps	Total financial requirements (Rs Crores)	Total physical gaps	Total financial requirements (Rs Crores)
1. School				
Toilet	5,242	13	10,129	71
Electricity	1,893	1	13,105	7
Play Ground	20,822	208	41,092	274
Ramps	12,356	17	28,584	28
Library	3,718	2	1,617	0
Compound Wall	15,252	38	4,018	40
Drinking Water	2,926	4	6,088	62
Major Repairs	0	0	45,651	368
New School Buildings	5,566	501	9,049	1,034
Schools Renovation	6,511	452	35,124	5,257
Additional Classrooms	571	21	13,521	556
Furniture	3,050	0	2,260,418	113
Fire Extinguisher	31	0	-	-
HM Room	0	0	4,503	184
2. Other Institutions				
BRC Furniture	0	0	316	3
CRC Furniture	483	0	4,806	5
Total	-	1,259	-	8,002

Notes:

1. Major repair includes classrooms and other rooms. And the gap and financial requirement is calculated for all primary and upper primary schools
2. RTE specifies that each school should have a fire extinguisher. And the cost is calculated assuming that the existing schools do not have fire extinguisher in place.
3. A onetime grant for furniture is provided per child in every upper primary government school
4. ACR (2011-12) = 121 LPS are to be upgraded based on the Appraisal Report of Karnataka - 2010-11, which in turn is supposed to cater to 3050 children. Now, with the one class per teacher and the 1:35 TPR. The number of classrooms required is rounded to 88. And out of 571, 483 classrooms need to be built for the CRC purposes
5. New school Buildings Primary/Upper Primary = For the year 2012-13, the figure consists of existing schools of type - No building; Kuchcha; tent for which new building has to be constructed. And it is calculated for primary and upper primary schools
6. School renovation includes primary and upper primary schools
7. HM rooms includes primary and upper primary schools
8. The unit cost for a Playground has been assumed at the rate of Rs one lakh

Annex Table 3: District wise - Requirement of Teachers (Karnataka)

Karnataka (Rs Crores)							
District	Estimated Total population of Children (2010-11)	Teachers Required in the system (PTR) (2010-11)	Present number of teachers in the system (2010-11)	Additional Number of Teachers Required (2010-11)	Estimated Salary (Rs Crores) (2010-11)	Estimated Teachers in the system (2013-14)	Estimated Salary (Rs Crores) (2013-14)
Bagalkot	252,265	8,682	9,408	0	158	9,408	173
Bangalore Rural	352,644	12,148	15,115	0	254	15,115	277
Bangalore North	106,078	3,466	5,589	0	94	5,589	103
Bangalore South	570,372	17,513	20,972	0	352	20,972	385
Belgaum	231,808	8,312	9,863	0	166	9,863	181
Chikkodi	316,489	10,756	11,485	0	193	11,485	211
Bellary	323,479	10,075	10,549	0	177	10,549	194
Bidar	372,751	12,158	12,265	0	206	12,265	225
Bijapur	95,591	3,323	4,227	0	71	4,227	78
Chamarajanagara	133,897	4,590	7,036	0	118	7,036	129
Chikkaballapura	96,701	3,587	6,974	0	117	6,974	128
Chikkamangalore	388,405	11,828	12,027	0	202	12,027	221
Chitradurga	199,393	6,464	8,781	0	148	8,781	161
Dakshina Kannada	235,936	7,791	8,014	0	135	8,014	147
Davanagere	228,416	7,807	9,923	0	167	9,923	182
Dharwad	228,615	7,719	8,402	0	141	8,402	154
Gadag	140,701	4,688	5,208	0	87	5,208	96
Gulbarga	498,013	13,840	13,829	11	232	13,840	254
Hassan	174,780	5,910	10,017	0	168	10,017	184
Haveri	192,550	6,567	7,838	0	132	7,838	144
Kodagu	59,175	2,058	2,913	0	49	2,913	53
Kolar	165,360	5,735	8,671	0	146	8,671	159
Koppal	202,724	6,663	7,136	0	120	7,136	131
Mandya	95,697	3,440	5,242	0	88	5,242	96
Mysore	181,872	5,930	8,231	0	138	8,231	151
Raichur	315,709	10,561	13,085	0	220	13,085	240
Ramanagara	215,084	7,879	11,281	0	190	11,281	207
Shimoga	107,993	3,559	5,730	0	96	5,730	105
Tumkur	210,373	6,714	8,909	0	150	8,909	164
Tumkur Madhugiri	168,766	5,707	8,972	0	151	8,972	165
Udupi	113,163	3,793	4,683	0	79	4,683	86
Uttara Kannada	144,315	5,111	8,236	0	138	8,236	151
Yadagiri	101,981	4,703	5,526	0	93	5,526	101
Total	7,221,094	296,148	296,137	11	4,975	296,148	5,436

Note

1. Teachers include regular teachers as provided by DISE – 2010-11(P)
2. Salary of regular teachers is fixed at Rs 14000 per month (2010-11) as per the consultation with Government officials. A 3% annual increment is included to the teacher's salary
3. Uttara Kannada = Uttara Kannada + Uttarakannada Sirsi - was used for the purpose of calculating additional requirement of teachers

Annex Table 4: District wise - Requirement of Teachers (Odisha)

District	Odisha (Rs Crores)						
	Estimated Total population of Children (2010-11)	Teachers Required in the system (PTR) (2010-11)	Present number of teachers in the system (2010-11)	Additional Number of Teachers Required (2010-11)	Estimated Salary (Rs Crores) (2010-11)	Estimated Teachers in the system (2013-14)	Estimated Salary (Rs Crores) (2013-14)
Angul	155,963	4,943	8,434	-	153	8,434	167
Balasore	354,267	11,249	14,305	-	166	14,305	182
Baragarh	137,887	4,334	7,964	-	253	7,964	277
Bhadrak	240,606	7,534	9,066	-	142	9,066	155
Bolangir	231,259	7,261	9,419	-	48	9,419	53
Boudh	43,259	1,378	2,862	-	162	2,862	177
Cuttack	190,926	5,979	13,984	-	256	13,984	280
Deogarh	61,717	1,928	2,709	-	43	2,709	47
Dhenkanal	162,519	5,168	7,554	-	135	7,554	148
Gajapati	198,643	6,285	4,280	2,005	70	6,285	114
Ganjam	619,109	19,273	15,416	3,857	285	19,273	385
Jagatsinghpur	182,112	5,685	8,054	-	149	8,054	163
Jajpur	279,229	8,738	11,543	-	212	11,543	232
Jharsuguda	64,699	2,035	3,643	-	65	3,643	72
Kalahandi	178,916	5,605	9,056	-	151	9,056	165
Kandhamal	164,963	5,286	6,292	-	112	6,292	123
Kendrapara	195,876	6,161	9,170	-	166	9,170	181
Keonjhar	252,301	8,034	11,465	-	209	11,465	229
Khurdha	327,107	10,269	10,075	194	188	10,269	209
Koraput	208,412	6,539	7,878	-	138	7,878	150
Malkangiri	101,314	3,188	3,849	-	67	3,849	73
Mayurbhanj	622,890	19,550	15,820	3,730	275	19,550	372
Nawarangpur	160,099	5,106	6,217	-	103	6,217	112
Nayagarh	105,751	3,352	6,297	-	113	6,297	123
Nuapada	114,562	3,598	4,452	-	72	4,452	79
Puri	166,499	5,218	10,351	-	190	10,351	207
Rayagada	162,087	5,159	6,936	-	118	6,936	129
Sambalpur	67,732	2,121	6,596	-	112	6,596	123
Sonepur	35,419	1,147	3,456	-	63	3,456	69
Sundergarh	153,578	4,876	12,420	-	209	12,420	228
Total	5,939,701	186,999	249,563	9,786	4,428	259,349	5,023

Note:

1. The teachers include regular and para-teachers
2. The state requires 9786 teachers to satisfy the PTR guideline laid down in the RTE Act. The state has decided to hire 17000 teachers by the end of 2012 as per the appraisal report 2012-13.
3. The number of children is estimated using the compound growth rate method. The district-wise child population is collected from 2006-2009 from the OPEPA website. While the district-wise teachers (regular and para) is sourced from the DISE – DRC raw data (2010-11(P))

Annex Table 5: Requirement for inclusion & quality related intervention - Karnataka & Odisha (Rs Crores) (2011-14)

Head	Karnataka		Odisha	
	Total physical gaps	Total financial requirement (Rs Crores)	Total physical gaps	Total financial requirements (Rs Crores)
Residential in-service training for all teachers each year at BRC level & above for 10 days	898,059	179.61	765,689	153.14
1 day monthly cluster level meetings & peer group training for all teachers for 10 months	898,059	89.81	765,689	76.57
Refresher Training for all RPs, Master Trainers, BRC & CRC faculty & Coordinators for 10 days	19,536	3.91	18,261	3.65
Residential in-service training of 10 days for all HM at BRC level	11,713	0.26	169,005	33.80
Training for untrained teachers	1,293	7.03	11,920	7.15
30 day induction training for newly recruited teachers	-	0.00	17,000	10.20
Salaries –BRC	9,627	168.25	10,650	87.51
Provision for furniture – BRC		0.00	316	3.16
Contingency Grant – BRC	606	3.03	948	4.74
Meeting/Travel Allowance – BRC	606	1.82	948	2.84
TLM Grant – BRC	606	0.61	948	0.95
Maintenance Grant – BRC	606	0.61	948	0.95
Augmentation of training infrastructure (one time grant)	-	0.00	316	15.80
Salaries –CRC	9,909	173.18	8,625	207.00
Provision for furniture – CRC	483	0.48	4,806	4.81
Contingency Grant – CRC	9,909	9.91	14,418	14.42
Meeting/Travel Allowance – CRC	9,909	11.89	14,418	17.3
TLM Grant – CRC	9,909	2.97	14,418	4.33
Maintenance Grant – CRC	9,909	1.98	14,418	2.88
LEP	99	90.59	90	205.54
Community Mobilization	99	17.21	90	51.35
Training of VEC/SMC - 3 days residential	820,584	49.24	1,014,030	60.84
Training of VEC/SMC - 3 days non-residential	820,584	24.62	1,014,030	30.42
SMC- Training of Local Authority - 3 days residential	75,264	4.52	37,404	2.24
Training of Local Authority - 3 days non-residential	75,264	2.26	37,404	1.12
Teacher Grant – Regular	898,059	44.90	765,689	38.28
School Grant - PS and UPS	178,377	159.01	196,604	140.52
TLE - New PS & UPS	152	0.67	1,617	4.62
MDM (PS & UPS)	23,991,490	1,613.81	17,280,150	1546.23
MDM Salary	178,377	48.71	-	-
Free Text book	23,991,490	203.93	17,280,150	327.02
Uniform	23,991,490	479.83	17,280,150	345.60
Transportation	94,152	28.25	-	-
Escorts	94,152	28.25	0	0.00
Sports Equipment & Maintenance	118,918	713.51	131,712	790.27
OoSC -Residential - 1 year	147,445	88.47	62,806	260.72
OoSC - Non-Residential - 2 year	297,591	595.18	146,307	1,866.81
Provision for Differently Abled Children	294,890	88.47	367,794	110.34
Residential schools for CWSN Recurring	15	1.05	-	-
CAL - Innovation Fund	99	49.50	90	45.00
Equity -Innovation Fund	99	49.50	90	45.00
NPEGEL	2,763	17.64	27	66.05
KGBV	213	5.79	1,001	124.43
Total		5,060.20	-	6,713.61

Annex Table 6: Financial Requirements for Research, Monitoring and Evaluation (Rs Crores) (2011-14)

Head	Sub-Head	Karnataka		Odisha	
		Total Physical Gaps	Total financial requirements (Rs Crores)	Total Physical Gaps	Total financial requirements (Rs Crores)
Research, Evaluation, Supervision and Monitoring and Management and MIS	State	178,377	35.68	196,604	39.32
	District	66	6.60	60	6.00
	Management & MIS	99	92.59	90	244.71
External Evaluation	Third-Party Evaluation	2	2.00	2	2.00
Media Campaign	Media Campaign	2	1.32	60	1.20
SIEMAT	One time grant	1	3.00	1	3.00
Total			141.19	Total	296.23

Annex Table 7: Elementary education expenditure & CBPS Estimates: Karnataka & Odisha (Rs Crores)

Year	Karnataka						Odisha					
	Elementary Education			CBPS Estimation			Elementary Education			CBPS Estimation		
	Wage	Non Wage	Total	Wage	Non Wage	Total	Wage	Non-wage	Total	Wage	Non-wage	Total
2010-11	5,015	357	5,371	-	-	-	2,348	553	2,902	-	-	-
2011-12	5,843	559	6,403	5,298	1,759	7,057	2,365	806	3,171	5,026	6,535	11,561
2012-13	6,624	1,531	8,155	5,465	2,375	7,840	2,719	1,545	4,264	5,182	6,045	11,227
2013-14	-	-	-	5,638	2,069	7,707	-	-	-	5,667	2,277	7,944

Note:

1. All financial values are nominal
2. For Karnataka: 2011-12 – Revised Estimate ; 2012-13 – Budget Estimates (Education Dept only)
3. For Odisha: 2011-12 and 2012-13 are allocations