

**GOVERNMENT OF INDIA
MINISTRY OF EDUCATION
DEPARTMENT OF SCHOOL EDUCATION & LITERACY**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1791
ANSWERED ON 11th DECEMBER, 2024**

Amendments to the RTE Act

1791 Smt. Ranjeet Ranjan:

Will the Minister of EDUCATION be pleased to state:

- (a) the details of the amendments made so far to the "Right of Children to Free and Compulsory Education Act, 2009 and Rules, 2010," including the regulations notified under it;
- (b) the details of the average expenditure per child for primary and secondary education in CBSE-affiliated schools such as Kendriya Vidyalayas, Jawahar Navodaya Vidyalayas, Sainik Schools and PM Shri Schools;
- (c) the details of the regulations or bye-laws set by CBSE and ICSE/ISC for private schools regarding maximum fees and expenses for stationery and uniforms; and
- (d) the classes that are eligible for central assistance under the National Education Policy, 2020 and the corresponding admissions for children ?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF EDUCATION
(SHRI JAYANT CHAUDHARY)**

(a) The details of amendments made to the Right of Children to Free and Compulsory Education (RTE) Act, 2009 and RTE Rules, 2010 are as under:

(i) The RTE Act, 2009 has been amended in 2012, 2017 and 2019. The details of the amendments are as under :

- RTE (Amendment) Act, 2012: RTE Act was amended vide notification published on 20-06-2012 in Gazette of India. The amendment inter-alia states that provisions of the Act shall not apply to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instructions, in pursuance to Article 29 and 30 of the Constitution.

- RTE (Amendment) Act, 2017: RTE Act was amended vide notification published on 10-08-2017 in Gazette of India. RTE was amended inter-alia to extend the period of acquisition of minimum professional qualifications for all in-service teachers till 31st March, 2019.
- RTE (Amendment) Act, 2019: RTE Act was amended vide notification published on 11-01-2019 in Gazette of India. RTE was amended inter-alia in order to empower the appropriate Government to take a decision as to whether to hold back a child in the fifth class or in the eighth class or in both classes after providing additional instruction and granting opportunity for re-examination, or not to hold back a child in any class, till the completion of elementary education.

(ii) RTE Rules, 2010 has also been amended thrice i.e. once in 2015 and twice in 2017. The details of amendments are as under :

- RTE (Amendment) Rules, 2015: RTE (Amendment) Rules, 2015 were formulated in respect of Section 38(2)(n) of the RTE Act, 2009 which reads as “the manner of redressing grievances of teachers under sub-section (3) of section 24. These rules were published vide notification G.S.R.755 (E) dated 05-10-2015.
- RTE (Amendment) Rules, 2017: These rules were published vide notification G.S.R.155 (E) dated 22-02-2017. In exercise of the power conferred by section 38 of the RTE Act, 2009 the RTE Rules, 2010, were amended. The RTE (Amendment) Rules, 2017 was notified on 20th February, 2017 substituting the following clauses in Rule 23(2):
“(c) prepare class-wise, subject-wise learning outcomes for all elementary classes;
(d) prepare guidelines for putting into practice continuous and comprehensive evaluation, to achieve the defined learning outcomes.”
- RTE (Second Amendment) Rules, 2017: RTE (Second Amendment) Rules, 2017 were consequent to RTE (Amendment) Act, 2017. These rules were published vide notification G.S.R.1302 (E) dated 17-10-2017.

(b) The Ministry of Education releases funds for KVS and NVS. The average expenditure per student per annum in NVS is Rs. 1.43 lakh in 2022-23. In KVS, the average expenditure per child per annum in 2023-24 is Rs. 61,903.

A central share of Rs. 1,216.71 crore has been released to 6,207 PM SHRI schools selected in the first phase during FY 2023-24 for implementation of the scheme. Further, a total of Rs. 7,107.56 crore has been approved for 12,084 PM SHRI schools

selected up to 4th phase of selection in 32 States/UTs and KVS & NVS by the Project Approval Board (PAB). Further, State Governments also release their share of fund for the PM SHRI schools which varies from state to state.

(c) The Central Board of Secondary Education (CBSE) has laid down specific provisions for determination of fees charged by schools. Chapter 7 of Affiliation Bye Laws of the Board stipulates that Societies /Trust /Companies are required to run schools in accordance with the provisions contained in these Bye Laws, “the School shall endeavour to charge fees to the extent the expenses for running the School are met. Schools shall follow the following norms in respect of the fees charged from pupils:”

- The acts and regulations of the Central and State/UT Governments enacted/framed in connection with regulation of fee in respect of the various categories of the schools situated in the state will be applicable to the school affiliated with CBSE also.
- Admission Fee and Fee charged under any other head are to be charged only as per the regulations of the Appropriate Government.
- Fee revision of schools shall be subject to laws, regulation and directions of the Appropriate Government.
- Fee shall not be revised without the express approval of the School Management Committee or the process prescribed by the Appropriate Government under any circumstances.

Central Board of Secondary Education (CBSE) has issued a circular vide no 08/2018 dated 21.06.2018 issuing directions to all schools affiliated with CBSE regarding sale of books, stationary items and uniform in schools. As per the circular, if a school makes available books, both NCERT and non NCERT, Stationery and uniform items for sale in the school premises through tuckshops, then the sale of these items must be done without any coercion on the students/parents to buy the same from these shops.

ICSE (Indian Certificate of Secondary Education) and ISC (Indian School Certificate) are examinations conducted by Council for the Indian School Certificate Examinations (CISCE). As per CISCE’s rules for affiliation, the following condition is mandated for provisional affiliation of schools :

- The fees charged by the School should be commensurate with the facilities provided. The tuition fees may be charged on a monthly, quarterly or annual basis.

Other charges / fees may be levied by the School in accordance with the amenities/facilities provided to the students.

- No Society / Trust / Company / School will charge capitation fees in any form or accept donations for the purpose of admission of pupils.

(d) Financial assistance is provided to States and UTs under Samagra Shiksha scheme, which was launched in 2018 by subsuming the three erstwhile Schemes of Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) and Teacher Education (TE). The scheme has now been aligned with the recommendations of NEP 2020. Under Samagra Shiksha, States submit proposals for funding duly formulating the Annual Work Plan & Budget (AWP&B) which is then appraised as per the programmatic and financial norms and approved in consultation with the States and UTs concerned as per the provisions available. The new integrated scheme envisages school education as a continuum from pre-school to senior secondary level and aims to ensure inclusive and equitable quality education at all levels. The main objectives of the scheme are provision of quality education and enhancing learning outcomes of students, bridging social and gender gaps in school education, ensuring minimum standards in schooling provision, support to states in the implementation of RTE Act, 2009 and strengthening of teacher education institutions. This scheme focuses on providing support to all States/ UTs for different interventions like; in-service training of teachers and schools heads, conduct of achievement surveys at National and State level, composite school grant to every school for providing a conducive learning environment, library grants, provision of textbooks and school uniforms as per eligibility, Rashtriya Avishkar Abhiyan (RAA), remedial teaching for academically weaker students, ICT and digital initiatives, grants for sports and physical education, School Evaluation, Padhe Bharat Badhe Bharat (PBBB), Performance Indicators for Teachers (PINDICS), Kala Utsav, Excursion trips for students, Twinning of Schools and Student and Teacher Exchange Programme.
