

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 370**

ANSWERED ON 23/07/2025

Reservation provided under the RTE Act, 2009

370 # Dr. Bhim Singh:

Will the Minister of *Education* be pleased to state:

- (a) whether Government is aware of the fact that many private schools affiliated to Council for the Indian School Certificate Examinations (CISCE) are not following the 25 per cent reservation provided under the RTE Act, 2009, if so, the details of complaints received and action taken in this regard;
- (b) whether indirect fee collection or denial of admission to children from weaker section is against the spirit of the Act, if so, the action taken against the erring institutions; and
- (c) whether the Centre has issued any guidelines to the States to ensure monitoring of private schools including CISCE, if so, the details of the guidelines thereof?

ANSWER

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

(a) : Education is a subject in the Concurrent List of the Constitution. Schools, other than those owned/funded by the Central Government, are under the jurisdiction of the respective State Governments. Therefore, the matters relating to implementation of the provision of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 in all schools, including the schools affiliated to Council for the Indian School Certificate Examinations (CISCE), are under the jurisdiction of the respective State/UT Education Department.

As informed by the CISCE, all the affiliated schools of CISCE are expected to adhere with the guidelines and conditions mentioned in the No Objection Certificate issued to the school by the State Education Department concerned. However, CISCE has also informed that they have not received any such complaint for the schools affiliated to it.

(b) and (c) : Section 12(1)(c) of the RTE Act, 2009 provides for admission of children belonging to weaker sections and disadvantaged groups in the schools specified in sub-clauses (iii) and (iv) of clause (n) of section 2 in Class I (or below) to the extent of at least 25 percent of the strength of that class. Section 12(2) of The Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides for reimbursement to the Private Unaided Schools for admitting children under Section 12(1)(c).

As per section 13 of the Act, no school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure. Any school or person, if in contravention of this provisions, receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged.

For implementation of the provision of the Act the respective State/ UT Government is required to notify the disadvantaged groups and weaker sections, per child cost and start admissions as per the laid down procedure and have a grievance redressal mechanism in place.

Ministry of Education has requested States/UTs to carry out a ground assessment of private unaided schools across the country to ensure compliance with the provisions of Section 12 of the RTE Act, 2009. Further, Ministry of Education, in various meetings like State Education Secretaries Conference, Regional/State workshops, Project Approval Board Meetings etc. has been advising/ guiding State/UT Governments on implementation of Section 12 of the RTE Act, 2009.
