

GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY

LOK SABHA
UNSTARRED QUESTION NO. 3169
TO BE ANSWERED ON 31.12.2018

Implementation of Right to Education

3169. SHRI JYOTIRADITYA M. SCINDIA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) whether the Government tracks implementation of the Section 12(1)(c) of Right to Education (RTE) Act [quota for children from Economically Weaker Sections of society] and if so, the details thereof;
- (b) if not, the reasons therefor;
- (c) Whether any online grievance redressal mechanism under the said Act is in place and if so, the details thereof, State-wise and if not, the reasons therefor;
- (d) Whether any Notification for admission under the said Act has been issued by the State Governments and whether some States still haven't issued the Notification and if so, the reasons therefor, State/UT-wise;
- (e) the details of per-child cost as notified under the Act and whether some States still haven't notified the per-child cost and if so, the reasons therefor, State/ UT-wise;
- (f) whether the Government ensuring that every eligible child is able to take advantage of this provisions and if so, the steps taken/ being taken by the Government in this regard; and
- (g) the role of the State Commission for Protection of Child Rights (SCPCR) in the States/UTs to resolve complaints registered in online grievance redressal portal?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DR. SATYA PAL SINGH)

(a) & (b) The Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides for access to elementary schools for children within the defined area or limits of neighbourhood. Section 12(1) of the RTE Act 2009 mandates all private aided, Special Category schools and private unaided schools to admit in class I, to the extent of at least 25% of the strength, children belonging to weaker section and disadvantaged group. Ministry of Human Resource Development (MHRD) tracks implementation of the Section 12(1) (C) of RTE Act 2009. All States and UTs are required to submit their Annual Work Plan and Budget (AWP&B) for each year. This document contains information regarding progress and proposal about various provisions for school education including implementation of Section 12(1) (C) of RTE Act 2009. The information provided by the States/ UTs indicate a consistent increase in the number of children admitted/ studying under Section 12 (1)(C).

(c) States and UTs are using different methodologies for grievance redressal mechanism. While Rajasthan and Maharashtra have developed Online Mechanism for addressing grievances, Gujarat, Assam and Uttarakhand are using Toll Free Number for addressing grievances under Section 12(1) (C). There is offline mechanism in place in other States.

(d) to (f) Education is a subject in the concurrent list of the Constitution and majority of the schools in the country are under the administrative control of the State Governments and

UT Administrations. Section 12 (1)(c) of RTE Act 2009 is applicable in 34 States and UTs only. The RTE Act 2009 is not applicable in the State of Jammu & Kashmir and Section 12 (1) (c) is not applicable in UT of Lakshadweep as it does not have any private unaided school. In order to establish the eligibility, States and UTs are required to notify the disadvantaged groups and weaker sections for admission in private unaided schools under Section 12(1)(c). Accordingly, 32 States/ UT have notified disadvantaged groups and weaker sections which are eligible for admission in Private unaided Schools under Section 12 (1)(c). Sikkim and Telangana are two States which have not yet notified Disadvantaged groups and Weaker Sections.

15 States/ UTs have notified per-child cost for reimbursement to private unaided schools against admission of children belonging to disadvantaged groups and weaker sections under section 12 (1) (c). UTs of Andaman & Nicobar Islands and Assam have started admission but have not notified per-child cost. State of Tripura has notified per-child cost but admission has not started. The per-child cost notified by the States and UTs is at Annexure.

Ministry of Human Resource Development (MHRD) vide letter no 12-5/2016-EE.11 dated 25.05.2016 requested States/UTs to carry out a ground assessment of private schools across the country to ensure compliance with the Section 12 (1)(c) of RTE Act, 2009. Further, MHRD, in various meetings like State Education Secretaries conference, Joint Review Missions (JRM) of SSA, PAB (Project Approval Board) Meetings, has been advising/guiding State/ UT Governments on implementation of the Section 12(1)(c) of the RTE Act 2009.

(g) RTE Act envisages the role of NCPCR at national level and SCPCR at State level to monitor and address the grievances of children and parents regarding provisions of RTE Act. Section 31 of the RTE Act provides the following :-

1) The National Commission for Protection of Child Rights constituted under Section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that act, also perform the following functions, namely:-

- a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- b) Inquire into complaints relating to child's right to free and compulsory education; and
- c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (I), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (I), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

ANNEXURE REFERRED TO IN REPLY TO PARTS (d) TO (f) OF LOK SABHA UNSTARRED QUESTION NO. 3169 FOR 31.12.2018 ASKED BY SHRI JYOTIRADITYA M. SCINDIA REGARDING “IMPLEMENTATION OF RIGHT TO EDUCATION”

Status of Per Child Cost notified by States UTs for the year 2017-18

Sl No.	States/UTs	Notified (Yes / No)	Per Child Cost (Rs per child per annum)
1	A&N Islands	No	--
2	Andhra Pradesh	No	--
3	Arunachal Pradesh	No	--
4	Assam	No	--
5	Bihar	Yes	Rs. 6,569
6	Chandigarh	Yes	Rs. 16440 (Rs. 1370/- PCPM)
7	Chhattisgarh	Yes	Rs. 7,650/- for Primary Rs 12,050/- for Upper Primary
8	Dadra & Nagar Haveli	No	--
9	Daman & Diu	No	--
10	Delhi	Yes	Rs. 19176/-
11	Goa	No	--
12	Gujarat	Yes	Rs. 13,000/-
13	Haryana	No	--
14	Himachal Pradesh	No	--
15	Jammu & Kashmir	RTE Act 2009 Not Applicable	
16	Jharkhand	Yes	Rs. 5100/- (Rs. 425/- PCPM)
17	Karnataka	Yes	Rs. 8,000/- for Pre-primary and Rs. 16,000/- for primary and above classes
18	Kerala	No	--
19	Lakshadweep	Section 12 (1) (C) of RTE Act Not Applicable as there are no Private Unaided School in the UT.	
20	Madhya Pradesh	Yes	Rs. 4,419/-
21	Maharashtra	Yes	Rs. 17670/-
22	Manipur	No	--
23	Meghalaya	No	--
24	Mizoram	No	--
25	Nagaland	No	--
26	Odisha	Yes	Rs. 12,602/-
27	Puducherry	No	--
28	Punjab	No	--
29	Rajasthan	Yes	Rs. 13,945/-
30	Sikkim	No	--
31	Tamil Nadu	Yes	State has notified class wise per child cost which is as follows:- Rs. 25155.21 (Class I), Rs. 25184.34 (Class II), Rs.25383.05 (Class III), Rs.25392.64 (Class IV) Rs.25425.10 (Class V), Rs. 32897.26 (Class VI) Rs. 33066 .00 (Class VII), Rs. 33146.03 (Class VIII)
32	Telangana	No	--
33	Tripura	Yes	Rs. 21,138/ -
34	Uttar Pradesh	Yes	Rs. 5,400/ -
35	Uttarakhand	Yes	Rs. 16596/- (Rs. 1383/- PCPM)
36	West Bengal	No	--

(PCPM – Per Child Per Month)

