

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

**LOK SABHA
UNSTARRED QUESTION NO. 3549
TO BE ANSWERED ON 15TH JULY 2019**

Education to All Children

†3549. SHRI GOPAL CHINNAYA SHETTY:

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

- (a) whether providing education to all the children of the country is a constitutional/legal responsibility of the Government;
- (b) if so, the details thereof;
- (c) whether the private educational institutions have also been included/proposed to be included in this provision; and
- (d) if so, the details thereof ?

**ANSWER
MINISTER OF HUMAN RESOURCE DEVELOPMENT
(SHRI RAMESH POKHRIYAL 'NISHANK')**

(a) and (b): Yes, Sir. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 represents the consequential legislation to Article 21A inserted in the Constitution of India through the Constitution (86th Amendment) Act 2002. Section 3 of the Right of Children to Free and Compulsory Education (RTE), Act, 2009 provides that every child of the age of six to fourteen years shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education (upto class VIII). The RTE Act, 2009 is applicable in all States and Union Territories except the State of Jammu and Kashmir. Section 6 of the RTE Act, 2009, inter alia, mandates the appropriate Government and the local authority to provide for children's access to elementary schools within the defined area or limits of neighbourhood. The Central Government is the appropriate Government only in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union Territory, having no legislature. In other cases, State Governments and UT Governments are the appropriate Governments, in relation to a school established

within the territory of a State or a UT having legislature, respectively. The RTE Act, 2009 inter-alia provides for:

- i. enrolment of a non-admitted child to an age appropriate class.
- ii. the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- iii. the norms and standards for Pupil Teacher Ratio (PTR) in every school, buildings and infrastructure, school-working days, teacher-working hours.
- iv. prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- v. appointment of qualified and trained teachers with minimum qualifications as laid down by the academic authority.
- vi. prohibition of (a) physical punishment and mental harassment/corporal punishment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition,
- vii. development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potential and talent through a system of child friendly and child centred learning.

(c) and (d): Section 12 (1) (c) of the RTE Act, 2009 provides that a school, belonging to specified category and private unaided school, shall admit in class 1 (or lower), to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.

Section 12 (2) of the RTE Act, 2009 inter alia provides that the private unaided school providing free and compulsory elementary education as per section 12 (1) (c) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, as per the State RTE rules.

The Department of School Education and Literacy has launched an Integrated Scheme for School Education – Samagra Shiksha effective from 2018-19, which subsumes the three erstwhile Centrally Sponsored Schemes of Sarva Shiksha Abhiyan, Rashtriya Madhyamik Shiksha Abhiyan and Teacher Education. The scheme provides inter alia support to the States and UTs for implementation of RTE Act, 2009 including reimbursement of expenditure incurred by the States and UTs under Section 12 (1) (c) of the RTE Act, 2009.
