

**GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:5742
ANSWERED ON:07.09.2011
LEGAL DEFICIENCIES IN RTE ACT
Naik Dr. Sanjeev Ganesh

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

- (a) whether the Government is considering to do away with the discrepancies it witnesses in the context of age brackets defining 'children' with Juvenile Justice Act, UN Convention on Child Rights defining any individual as a child upto the age of 18 years, whereas the RTE Act, 2009 restricts it to 14 years of age;
- (b) if so, the details in this regard; and
- (c) if not, the manner in which the Government proposes to tackle such legal deficiencies?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (Dr. D. PURANDESWARI)

(a) to (c): The Juvenile Justice Act, 2000 which was enacted after India ratified the UN Convention on the Rights of the Child, defines 'child' as a person who has not completed eighteenth year of age. It was enacted to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children for their ultimate rehabilitation through various institutions established under that enactment. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, however, represents the consequential legislation to the Constitution (Eighty-sixth Amendment) Act, 2002, which inserted Article 21-A in the Constitution to provide free and compulsory education to all children in the age group of six to fourteen years.