

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

UNSTARRED QUESTION NO:1194
ANSWERED ON:21.03.2012
DISABLED CHILDREN UNDER RTE ACT
Mani Shri Jose K.

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

(a) whether there has been instances of children above 14 years and with disability not being granted admission in schools or being kept waiting due to confusion between Right to Education Act, 2009 which provides for compulsory education for children upto the age of 14 years and The Persons with Disabilities (Equal opportunities, protection of rights and full participation) Act, 1995 which says every child with a disability has the right to free education till the age of 18 years; and

(b) if so, the details thereof and the steps taken to correct the situation?

Answer

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

(a)&(b): Under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (PWD) Act, 1995, children with disabilities have the right to free education till the age of 18 years. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 also provides that a child with disability, as defined in clause

(i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the PWD Act, including the right to free education till the age of 18 years. Accordingly, a child with disability has the same right to free and compulsory elementary education under both the legislations.