

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

STARRED QUESTION NO:231

ANSWERED ON:13.03.2013

FREE SEATS QUOTA IN MINORITY SCHOOLS

Dhotre Shri Sanjay Shamrao;Mahtab Shri Bhartruhari

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

- (a) whether the minority educational institutes do not come under the jurisdiction of the Right To Education (RTE) Act's 25% free seat quota;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the minority schools have questioned the applicability of the said quota to them and if so, the details thereof along with the reaction of the Government thereto;
- (d) whether the Government proposes to redefine the primary school sections in order to bring minority schools under the ambit of the said quota; and
- (e) if so, the details thereof?

Answer

MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI M.M. PALLAM RAJU)

(a) to (e):A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY PART (a) to (e) OF LOK SABHA STARRED QUESTION NO. 231 TO BE ANSWERED ON 13TH MARCH 2013 REGARDING FREE SEATS QUOTA IN MINORITY SCHOOLS ASKED BY SHRI SANJAY DHOTRE AND SHRI BHARTRUHARI MAHTAB M.Ps.

(a)to (c): The Right of Children to Free and Compulsory (Amendment) Act, 2012, which has come into effect from 1st August, 2012, inter alia provides that subject to the provisions of articles 29 and 30 of the Constitution, the provisions of the RTE Act shall apply to conferment of rights on children to free and compulsory education. Several unaided private schools, including unaided minority schools, filed Writ petitions before the Hon'ble Supreme Court challenging various provisions of the Right of Children to Free and Compulsory Education (RTE) Act, including section 12(1)(c) of the RTE Act which provides that private unaided schools and specified category schools shall admit to the extent of at least 25% of the strength in class I (or pre-primary as the case may be) children belonging to disadvantaged group and weaker section from the neighbourhood and provide them free and compulsory education till completion of elementary education. The Hon'ble Supreme Court in its judgement dated 12th April, 2012, in the case of WP (Civil) No. 95/2010 in the case of Society for Unaided Private Schools of Rajasthan vs UOI & Anr and several Writ Petitions tagged along with, held inter alia that section 12(1)(c) of the RTE Act would not apply to unaided minority schools since it infringes the fundamental freedom guaranteed to unaided minority schools under article 30 (1) of the Constitution.

(d) & (e): There is no such proposal with the Government.