

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:3071
ANSWERED ON:15.03.2013
MONITORING OF RTE
Thakor Shri Jagdish

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the work of monitoring of the Right of Children to Free and Compulsory Education Act, 2009 (RTE) has been entrusted to National Commission for Protection of Child Rights (NCPCR) ;
- (b) if so, the details thereof;
- (c) whether NCPCR has judicial power to act in the case of violation of Rights to Education;
- (d) if so, the details thereof;
- (e) whether some States/UTs have not set up Commissions for Protection of Child Rights; and
- (f) if so, the details of the mechanism in place by which monitoring of RTE Act is likely to be done in such States/UTs.?

Answer

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH)

(a) & (b): Under Section 31 of the 'Right of Children to Free and Compulsory Education' (RTE) Act, 2009, National Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the Children's Right to Education.

(c) & (d): For the purpose of performing its functions under Section 13 (1) (j) of the Commissions for Protection of Child Rights Act, 2005, NCPCR enjoys all the powers of civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely:

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) discovery and production on affidavits;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any court or office; and
- (v) issuing commissions for the examination of witnesses or documents.

(e): The States and Union Territories (UTs) which have not set up the Commission for Protection of Child Rights are.

- (i) Andhra Pradesh
- (ii) Arunachal Pradesh
- (iii) Gujarat
- (iv) Himachal Pradesh
- (v) Jammu & Kashmir
- (vi) Kerala
- (vii) Manipur
- (viii) Meghalaya
- (ix) Mizoram

(x) Nagaland

(xi) Tripura

(xii) Uttar Pradesh

(xiii) Andaman & Nicobar

(xiv) Chandigarh

(xv) Dadra & Nagar Haveli

(xvi) Daman & Diu

(xvii) Lakshadweep

(xviii) Pondicherry.

Since the CPCR Act, 2005 does not extend to the State of Jammu & Kashmir, this State is not required to constitute the State Commission under the Act.

(f): Rule 27 (2) of the Right of Children to Free and Compulsory Education Rules, 2010, provides that till such time the appropriate Government sets up the State Commission for Protection of Child Rights, it shall constitute an interim authority known as the Right to Education Protection Authority for purposes of performing the functions specified in sub-section (1) of section 31 of the Right of Children to Free and Compulsory Education Act, 2009.