

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

**LOK SABHA  
STARRED QUESTION NO. \*128  
TO BE ANSWERED ON 01.07. 2019**

**Right to Education**

\*128. SHRI M.K. RAGHAVAN:

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

(a) whether the Right of Children to Free and Compulsory Education (RTE) Act, 2009 mandates all private schools to allocate 25 percent of the seats to Economically Weaker Section (EWS) and if so, the details thereof;

(b) whether the Government is aware that majority of CBSE based schools especially in cities do not follow this mandate and if so, the details thereof;

(c) whether it is also a fact that financial problems under the Act continue to attack the provisions of the Act and if so, the details thereof;

(d) whether the Government is also aware that schools continue to collect money on various pretexts and if so, the measures taken to stop the menace;

(e) whether the Government proposes to introduce terrain limitations instead of the 1 km provision and if so, the details thereof; and

(f) whether the Government proposes for a single window system for admissions under the Act and if so, the action taken by the Government in this regard?

**ANSWER**

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

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

**STATEMENT REFERRED TO IN PART (A) TO (F) OF THE REPLY TO LOK SABHA STARRED QUESTION NO.128 TO BE ANSWERED ON 01.07.2019 ASKED BY SHRI M.K. RAGHAVAN REGARDING RIGHT TO EDUCATION.**

(a) : The Right of Children to Free and Compulsory Education Act came into effect from 1<sup>st</sup> April 2010. The Act makes elementary education a fundamental right of all children in the age group of 6-14 years.

Section 12 of the Act mandates all private aided, Special Category schools and private unaided schools to admit in class I (or below) to the extent of at least 25% of the strength of that class, children belonging to weaker sections and disadvantaged groups and provide free and compulsory education till its completion.

The RTE Act under section 12 (2) also makes provision **of reimbursement of expenditure** to schools providing free and compulsory elementary education as specified in Section 12(1)(c). The school 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, in such manner as may be prescribed. Provided that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(b): Central Board of Secondary Education (CBSE) is an examination conducting body which affiliates schools for the purpose of certification of students at the end of Class X and Class XII courses on fulfilment of norms prescribed in the Examination and Affiliation Bye-Laws of the Board. The schools affiliated with CBSE are recognised by the respective State Governments under RTE Act, 2009. However, the Board has issued a circular No 07/2018 dated 31.05.2018 regarding Adherence to provisions of Right to Education Act, 2009 and Affiliation Bye-Laws of the Board. The main points of the circular are as under :

- The schools are required to have valid copy of Recognition certificate from the concerned State/ UT government as stipulated in Section 18(1) of Right to Education Act, 2009.
- The school shall ensure that provisions of the RTE act, 2009 and State Education Acts are being complied with meticulously.

The implementation of Right to Education (RTE) Act in all schools including those which are affiliated with CBSE comes under the purview of the concerned State/UT Government.

(c): Ministry of Human Resource Development, provides support to the States and UTs for reimbursement of expenditure incurred for 25% admissions in private unaided schools under Section 12(1) (c) of the RTE Act as per norms of erstwhile Sarva Shiksha Abhiyan, which is continued under the new integrated scheme Samagra Shiksha. This provision is effective from 2014-15. As per Section 7(1) of the RTE Act, 2009, the Central Government and the State Governments have concurrent responsibility for providing funds for carrying out the provisions of this Act. Further, Section 7(5) of this Act states that, the State Government shall, taking into consideration the sums provided by the Central Government to a State Government, be responsible to provide funds for the implementation of the provisions of the Act.

(d) to (f): Education is in the Concurrent List and majority of the schools are under the administrative control of the States and UT, therefore, it is for the concerned State and UT government to ensure proper implementation of the RTE Act, prescribe neighbourhood norms and mechanism for admissions in schools including per child costs eligible for re-imburement.

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