

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

UNSTARRED QUESTION NO:2778  
ANSWERED ON:12.12.2006  
RIGHT TO EDUCATION BILL  
Kurup Adv. Suresh

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

- (a) whether the Government is aware of the criticism that the Government has abdicated its Constitutional responsibility by asking the State Governments to adopt the Model Right to Education Bill, 2006 rather than passing a Central legislation to guarantee free and compulsory primary education to all children;
- (b) if so, the details of the reasons in this regard along with the measures taken or proposed to be taken by the Government to implement the 86th Constitutional Amendment;
- (c) whether the Model Bill does not provide for a 25 per cent reservation of seats in private schools for children from poor families;
- (d) if so, the reasons therefor; and
- (e) the steps proposed to provide a common school system for all children in the country?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRI M. A. A. FATMI)

- (a) There has been criticism in certain quarters regarding the Central Government's role regarding the Model Right to Education Bill, 2006.
- (b) The Central Advisory Board of Education (CABE) in its meeting on 10-11 August, 2004, had constituted a Committee under the chairmanship of Shri Kapil Sibal, the then Minister of State for Science & Technology and Ocean Development, to suggest a draft of the legislation envisaged under Article 21A of the Constitution. The Report of the Committee, containing "essential provisions" of the draft legislation, was submitted on 2-7-2005, and considered by CABE in its meeting on 14-15 July, 2005. Based on the suggestions and comments received during the CABE meeting, a complete version of the draft legislation was prepared and circulated to the States/UTs. Based on further consultations, a draft Model Right to Education Bill, spelling out broad parameters and features for achieving the Constitutional mandate of free and compulsory education was drafted and circulated as framework to the States/ UTs to seek their comments thereon.
- (c) & (d) The draft Model Bill does not contain any specific provision regarding reservation of 25% of total seats available in the private un-aided schools for children from poor families. However, Section 13 of the draft Model Bill provides that if a school is already under obligation, at the commencement of this Act, to either the Central Government or an appropriate government or any authority/agency representing or acting on their behalf to provide free education to a specified number of children as a consequence of having received land/building/ equipment/other facilities either free of cost or at subsidized rates, such school shall continue to discharge such obligation notwithstanding the provisions of this Act.
- (e) The recommendations of the committee, constituted by the CABE to examine in detail the issue concerning Common School System have been sent to the State Governments.