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भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F. No. 25019/14/2019-20/NCPCR/RTE
Dated 9th May, 2019

To,

**Principal Secretaries/Secretaries
Department of School Education of all States/UTs (as per list attached)**

Subject: Recommendation on implementation of section 29 of the RTE Act, 2009.

Sir/Madam,

As you may be aware, the National Commission for Protection of Child Rights (NCPCR) is a statutory body formed under CPCRA Act, 2005 to ensure that children enjoy their rights and look into matters related to children from child rights perspective. Specifically, NCPCR is monitoring authority for implementation of the Right to Education Act, 2009 and other education related provisions for children provided under the Constitution of India.

While extensively working for making the educational rights available to all children, the Commission came across numerous incidents, news reports highlighting a commonly overlooked, yet an important provision under the Act that plays a pivotal role in releasing the right to education of all children. To put it explicitly, though inclusion and uniformity remain the core principles of the RTE Act, 2009, the debate around quality education has been restricted to providing accessible infrastructure and affordable education to all. It is important to highlight that besides 'where', quality education also includes 'what' and 'how' a child learns. This has been addressed in section 29 of the RTE Act, 2009 which talks about curriculum and evaluation procedure at elementary level. As per section 29 (1) - *The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.* The Central Government notified National Council of Educational Research and Training (NCERT) as academic authority vide notification dated 31.03.2010. Similarly, States notified State Council of Educational Research and Training (SCERTs) as their respective academic authorities under RTE Rules, 2010. Thereafter, the National Curriculum Framework (NCF) 2005, formulated by NCERT, was adopted by MHRD as the curriculum framework for the purpose of RTE Act, 2009 vide circular dated 31.05.2010.

The NCF, 2005 is a detailed framework based on five guiding principles for curriculum development: (i) connecting knowledge to life outside the school; (ii) ensuring that learning shifts away from rote methods; (iii) enriching the curriculum so that it goes beyond textbooks; (iv) making examinations more flexible and integrating them with classroom life; and (v) nurturing an overriding identity informed by caring concerns within the democratic polity of the country. It defines learning processes, assessment, school and classroom environment, systemic reforms in education. As a follow up of the NCF 2005, the NCERT brought out syllabus during the period 2006-2009 keeping in view the NCF for all the classes and all the subject areas.

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It was also noticed by the Commission that certain Boards are violating the RTE Act, 2009 by laying down their own curriculum and evaluation procedure. Upon reviewing the system laid down by C.B.S.E., it was observed that while endorsing the idea of continuous and comprehensive evaluation (CCE) at elementary level, C.B.S.E. has not only stepped into the domain of NCERT, the notified academic authority under RTE Act, 2009 but also misinterpreted the entire objective of CCE. Hence, in September 2017, the Commission ordered C.B.S.E. to get its new uniform system of assessment either approved and validated by NCERT or revoke it by immediate effect. As a result, C.B.S.E. repealed the system for classes VI-VIII vide notification dated 22.01.2018. With this, the curriculum as prescribed by NCERT will be followed in all schools affiliated to C.B.S.E. including private schools and schools under Central Government such as KVs, JNVs etc.

The syllabus and books are the means to transmit the curriculum framework to the students in the classrooms. As per NCF, 2005, NCERT and SCERT are the nodal organisations for textbook writing. This has been reiterated as right of a child vide section 29 (1) of RTE Act, 2009. Hence, if any State/ Central Board follow curriculum, syllabus, textbooks and evaluation procedure for elementary classes other than that prescribed by NCERT or respective SCERT, it shall amount to violation of RTE Act, 2009. Additionally, the SCERT in the States need to ascertain that the curriculum and evaluation procedure prescribed is as per section 29 (2) of the RTE Act, 2009.

Hence, implementation of section 29 of the RTE Act, 2009 shall have following implications in extending children's right to equal quality education;

- Uniformity in curriculum in all schools under RTE Act, 2009 and quality education for all children.
- Reduction in cost of education in private schools to an extent that only prescribed books by NCERT/SCERT will be followed at elementary level.
- Reducing the weight of school bags.

In light of above, NCPCR u/s 13 (1) (a) recommends to ensure that;

1. The State academic authority has laid down the curriculum (syllabus, textbooks) and evaluation procedure for elementary classes in the State.
2. All schools defined under section 2 (n) of the RTE Act, 2009 including Central schools/ schools affiliated to Central Board follow the curriculum (syllabus, textbooks) and evaluation procedure given by NCERT/SCERT, as the case may be.

For this, it is also **recommended to issue necessary direction to the concerned schools** in your State to ensure that –

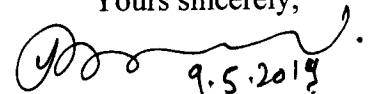
- a) If a State/Board/School is found to follow/prescribe curriculum (syllabus, textbooks) and evaluation procedure in elementary classes other than the one prescribed by the academic authority, *prima facie* it shall be treated as violation of RTE Act, 2009.

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- b) No child shall be discriminated and/or harassed and/or neglected by the school for carrying books published/prescribed by the academic authority (NCERT/SCERT) causing 'mental or physical suffering'. Any action taken against the child and hence, may attract the provisions of Juvenile Justice Act, 2015.
- c) Such directions issued by the State shall be displayed on their department website.
- d) Also, the schools be directed to display the directions on schools' website and notice board. A copy of directions be circulated and disseminated by the schools among parents for information.

The compliance of the above recommendations may be send to the Commission within 30 days of issue of the letter. Hope these steps will facilitate in extending the benefit of the Act true to its letter and spirit.

Yours sincerely,


9.5.2019
(Priyank Kanoongo)

Copy to: The Chairpersons, State Commission for Protection of Child Rights (SCPCR) of all States/UTs (as per the list attached) - for follow-up with the State Education Department