

F.No.1-28/2011-EE-4
Ministry of Human Resource Development
Department of School Education & Literacy
EE-4 Section

New Delhi, dated the 27th August, 2014

To
Shri Arnab Roy,
Secretary,
Department of School Education,
Govt of west Bengal, Bikash Bhavan, Salt Lake,
Kolkata-700091

Subject: Applicability of the provisions of the RTE Act, 2009 to the minority educational institutions - detention of students between Classes I to VIII.

The undersigned is directed to refer to your letter No.236-SSE/14 dated 22nd April, 2014 on the subject and to say that the issue relating to the applicability of the child rights conferred on children by the RTE Act, 2009 including no detention clause in elementary schools run by Minority Institutions has been considered in consultation with the Department of Legal Affairs, Ministry of Law & Justice.

2. The Department of Legal Affairs has opined that-

"The RTE Act was amended in 2012 and provisions of the Act were made applicable subject to provisions of articles 29 and 30 of the Constitution, which means that the provisions of RTE Act so far as these do not infringe rights conferred on minorities to the extent of 'establish and administer' shall apply to these institutions. The regulatory provisions like 'prohibition of holding back' and 'corporal punishment' which do not affect the substance of the guaranteed rights to administer educational institutions as provided under Article 30(1) appear to be applicable to the minority institutions also. In view of the above, the regulatory provisions as provided in the RTE Act appear to be applicable to minority institutions in terms of Articles 29 and 30 of the Constitution of India".

3. You are accordingly requested to take appropriate action for the protection of the child rights conferred on children by the RTE Act, 2009 in elementary schools.

Yours faithfully,



(Manjeet Kumar)

Under Secretary to the Govt. of India,
Tele: 01123385293.

Copy to:

1. All Education Secretaries of All States Governments (except Jammu & Kashmir), Union Territories
2. Member Secretary, NCPCR