

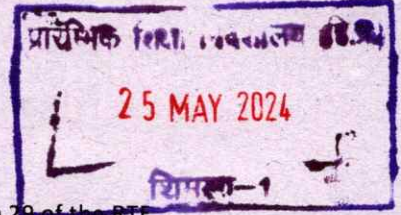
Through Email

No.EDN-H(Ele)(4)4-10/2016-(Misc)  
Directorate of Elementary Education  
Himachal Pradesh. Shimla-1

Dated Shimla-171001, the May, 2024

To

All Deputy Director,  
Elementary Education,  
Himachal Pradesh,



Sub:-

Recommendation on implementation of Section 29 of the RTE Act, 2009.

Memo,

I am directed to convey the communication vide secretary (Education) Government of Himachal Pradesh letter no-EDUC-A04/3/2023-EDU-C-(124794) dated 13<sup>th</sup> May 2024 which they in turn received from 'National Commission for Protection of Child Right's Govt. of India (copies enclosed).

In this regard, it is to say that to ensure the implementation of section 29 of the RTE Act, 2009, the following steps were recommended u/s 13(1)(a) of the Commission for Protection of Child Rights (CPCR) Act, 2005:-

1. It must be ensure that in private schools no children is discriminated/ harassed / neglected by the school for carrying books published/prescribed by the academic authority (NCERT/SCERT) causing any kind of 'mental of physical suffering'. This action of school attracts the provisions of Juvenile Justice Act, 2015.
2. Under RTE Act, 2009 it must be ensure that every school follows the text books prescribed by NCERT/SCERT at elementary classes and if any school forces the children to follow other than the prescribed textbooks by NCERT/SCERT, this is the violation of RTE Act, 2009.

In view of the above, you are hereby directed to convey all the field officers under your control for immediate compliance and to take necessary steps in this matter and ensure that all the institutions / Schools falling under your jurisdiction, these steps will facilities in extending the benefit of the Act letter and spirit.

Encl: As Above

Add. Director (Admin)  
Directorate of Elementary Education  
Himachal Pradesh, Shimla-1

Endst. No. Even

Dated: Shimla-1

the May, 2024

Copy:-

1. Chairperson Commission for Protection of Child Right's Govt. of India for information please.
2. The Secretary (Education) Govt. of Himachal Pradesh Shimla-1 for information please.
3. IT Cell
4. Guard File.

Add. Director (Admin)  
Directorate of Elementary Education  
Himachal Pradesh, Shimla-1

①

EDUC-A04/3/2023-EDU-C-(124794)  
Government of Himachal Pradesh  
Department of Elementary Education

From:

Secretary (Education) to the  
Government of Himachal Pradesh

43 GB8  
14-05-24

To

**The Director of Elementary Education,  
Himachal Pradesh, Shimla-1.**

Dated: Shimla-171002, the

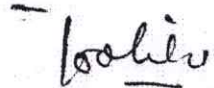
13<sup>th</sup> May, 2024

Subject: - **Recommendation on implementation of Section 29 of the  
RTE Act, 2009.**

Sir,

I am directed to send herewith photocopy of letter No. 25019/14/2019-20/NCPCR/RTE/DD20207 dated 09-04-2024 along with its enclosures received from Chairperson, National Commission for Protection of Child Rights(NCPCR), New Delhi on the subject cited above and to request you to issue necessary directions in the matter and send compliance report to the Commission within stipulated time period, under intimation to this office.

Yours faithfully,

  
(Toolika Sharma)

Deputy Secretary (Ele. Edu.) to the  
Government of Himachal Pradesh.

Smt. Harv Kato



प्रियंक कानूनगो  
Priyank Kanoongo  
अध्यक्ष  
Chairperson

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

75  
आजादी का  
अमृत महोत्सव



F. No. 25019/14/2019-20/NCPCR/RTE/DD20207

Date: 09.04.2024

To,

Principal Secretaries/Secretaries (School Education) of all States/UTs

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

Ma'am/Sir,

Your kind attention is drawn towards the letter dated 09.05.2019 and 13.04.2023 (copies enclosed) on the above mentioned subject wherein the following steps were recommended u/s 13 (1) (a) of the Commissions for Protection of Child Rights (CPCR) Act, 2005-

- i. To ensure that the State academic authority has laid down the curriculum (syllabus, textbooks) and evaluation procedure for elementary classes in the State.
- ii. Also ensure that 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.

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However, the repeated recurrence of the issue surrounding schools prescribing books published by private publishers suggests a clear disregard for children's right to quality education and the RTE Act, 2009. It is important to highlight that as per section 29 (1) of the RTE Act, 2009 *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 have notified their respective academic authorities under RTE Rules, 2010.

3. The 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.

①

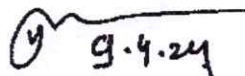
4. Hence, if any school follows and/or forces the children to study textbooks for elementary classes other than that prescribed by NCERT or respective SCERT, it shall amount to violation of RTE Act, 2009. For this, it is once again recommended to issue necessary direction to the concerned schools in your State to ensure that –

- a) 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.
- b) Such directions issued by the State shall be displayed on their department website. 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.

Encl. As above

Yours sincerely,

  
9.4.24  
(Priyank Kanoongo)

K. U. T. P. 2011

1

**List of Principal Secretaries/Secretaries, Department of Education of all States/UTs**

1. **Secretary (Education)**  
Govt. of Andaman & Nicobar Island  
Department of Education  
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2. **Pr. Secretary**  
Govt. of Andhra Pradesh  
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Room No. 267, 1st Floor, 4th Block  
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3. **Secretary (Education)**  
Government of Arunachal Pradesh  
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4. **Pr. Secretary**  
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5. **Addl. Chief Secretary**  
Government of Bihar, Department of Education,  
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6. **Secretary (Education)**  
Govt. of Chandigarh, Department of Education  
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7. **Pr. Secretary (School Education)**  
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8. **Secretary Education**  
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- 5
9. **Pr. Secretary**  
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  10. **Secretary (School Education)**  
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  11. **Secretary**  
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  12. **Addl. Chief Secretary**  
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28. **Secretary, School Education**  
Govt. of Punjab, Department of School Education,  
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29. **Pr. Secretary,**  
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31. **Principal Secretary**  
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32. **Principal Secretary**  
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33. **Secretary (School Education)**  
Government of Tripura,  
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**34. Secretary (School Education)**

Govt. of Uttarakhand, Department of Education

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Email: [secy-edu-ua@nic.in](mailto:secy-edu-ua@nic.in), [rtdep123@gmail.com](mailto:rtdep123@gmail.com), [ua.elementary@yahoo.in](mailto:ua.elementary@yahoo.in)

**35. Pr. Secretary**

Govt. of Uttar Pradesh, Department of Basic Education,

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Email: [ps.basic.education.up@gmail.com](mailto:ps.basic.education.up@gmail.com),

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**36. Pr. Secretary (School Education)**

Government of West Bengal

Department of School Education

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Email: [wbssed@gmail.com](mailto:wbssed@gmail.com)



प्रियंक कानूनगो  
Priyank Kanoongo  
अध्यक्ष  
Chairperson

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 9<sup>th</sup> 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 CPCR 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.

Contd...

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, NCPDR 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.

Contd...

- 11
- 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

12



प्रियंक कानूनगो  
Priyank Kanoongo  
अध्यक्ष  
Chairperson

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. 25019/14/2023-24/NCPCR/RTE/DD 4964

Dated 13 April 2023

To,

The 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 CPCR 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.

2. 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, now Ministry of Education (MoE) as the curriculum framework for the purpose of RTE Act, 2009 vide circular dated 31.05.2010.

3. 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 recently brought out NCF 2023 for all the classes and all the subject areas.

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4. 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.

5. 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.

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

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

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

- (a) The State academic authority has laid down the curriculum (syllabus, textbooks) and evaluation procedure for elementary classes in the State.
- (b) 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.

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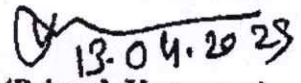
8. For this, it is also recommended to issue necessary direction to the concerned schools in your State to ensure that-

- (i) 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.
- (ii) 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.
- (iii) Such directions issued by the State shall be displayed on their department website.
- (iv) 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.

9. 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.

Encl: Copy of Commission's letter in the similar matter vide dated 09May 2019 as Annexure-A.

Yours sincerely,

  
13.04.2023

(Priyank Kanoongo)

Chairperson-NCPCR

Copy to:

1. 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.
2. Secretary, Department of School Education and Literacy, Ministry of Education, Government of India, 124-C, Shastri Bhawan, New Delhi, Email: [secy.sel@nic.in](mailto:secy.sel@nic.in)
3. Director, NCERT, National Council of Educational Research and Training (NCERT), Sri Aurobindo Marg., New Delhi-110016, Email: [director.ncert@nic.in](mailto:director.ncert@nic.in),