

the Right of Children to Free and Compulsory Education Act, 2009. The Right of Children to Free and Compulsory Education (Amendment) Bill 2010 was introduced in the Rajya Sabha on 16th April, 2010 incorporating the provision that School Management Committee (SMC) of an aided minority school constituted under section 21 of the RTE Act shall function in an advisory capacity and further that the SMC of an aided minority school constituted under section 21 will not be required to prepare the School Development Plan under section 22 of the Act.

Commercialisation of education

†* 196. SHRI RAM JETHMALANI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) whether it is a fact that there is rapid commercialization of education sector in the country;
- (b) if so, Government's reaction thereto;
- (c) whether it is also a fact that the Supreme Court of India has also expressed its deep concern over commercialization of certain areas of education sector; and
- (d) if so, Government's reaction in this regard and whether Government is committed to check commercialization of education in the country?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): (a) to (d) The Government has consistently held the view that education in India is not regarded as a commercial activity and all educational institutions have to be set up in the "not for profit" mode. The National Policy on Education, 1986 (as modified in 1992) encourages non-governmental and voluntary efforts in Education, while preventing the establishment of institutions which intend to commercialize Education. The Policy envisages that in the interest of maintaining standards and for several other valid reasons, the commercialization of technical and professional education will be curbed. An alternative system will be devised to involve private and voluntary efforts in Education, in conformity with accepted norms and goals.

At present, private sector participation exists in the funding and management of educational institutions as long as surplus earned is reasonable and the same is ploughed back for development

†Original notice of the question was received in Hindi.

of institution. Several pronouncements of the Supreme Court of India have also cautioned against commercialization of education, even though reasonable surplus for institutional development is permissible. The 11th Plan document as approved by the National Development Council, also mentions the need to further explore private sector initiatives and various forms of Public Private Partnerships (PPPs) in the education sector.

The Government has taken several initiatives to curb commercialization of education. Section 13 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 clearly prohibits collection of any capitation fee. As regards higher educational institutions, a legislative proposal namely "The Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010" has already been introduced in the Parliament.

Implementation of reservation in educational institutions

†*197. SHRI ALI ANWAR ANSARI: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether all private and Government educational institutions of the country are bound to follow the official provisions for granting reservation under Article 15(5) of the Constitution of India; and

(b) the steps taken by Government so far for implementation of reservation in private educational institutions of the country under the 93rd Constitution Amendment Act?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): (a) and (b) Under Article 15(5) of the Constitution, Parliament as well as State Legislatures are competent to make laws with special provisions for the advancement of the weaker sections of society - the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes - in matters of access to educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30. A Central Act, namely, the Central Educational Institutions (Reservation in Admission) Act, 2006 has already come into force in respect of publicly funded institutions coming under the purview of the Central Government.

Wider consultations are required to evolve consensus or a workable mechanism for drafting an appropriate legislation for other institutions coming under the purview of the Central Government.

†Original notice of the question was received in Hindi.