

Statement-II

State-wise rented out storage capacity for the month of August, 2010

Sl. No.	State	Surplus capacity (in Tonnes)	Capacity rented out (in Tonnes)
1.	Maharashtra	11123	11123
2.	Madhya Pradesh	11890	11890
3.	Uttarakhand	833	833
4.	Rajasthan	13974	13974
5.	Uttar Pradesh	7310	7310
TOTAL		45130	45130

Commercialization of education

*356. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) whether it is a fact that several judicial pronouncements have declared that education is a not-for-profit activity and commercialization thereof is unwarranted;
- (b) if so, the details thereof;
- (c) whether it is also a fact that despite the judicial decision, unaided public schools are opposing the Right to Education Act solely on profitability ground;
- (d) if so, the details thereof; and
- (e) the action Government proposes to take in this regard?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): (a) and (b) It has been stressed in National Policy on Education as well as in several judicial pronouncements that education is a not-for-profit activity and commercialization of education is to be avoided. The National Policy on Education 1986 (as modified in 1992) encourages non-governmental and voluntary efforts in education, while preventing establishment of institutions which intend to commercialize education. Several pronouncements of the Supreme Court of India have also cautioned against commercialization education while reasonable surplus for institutional development is permissible.

In its judgement dated 31st October, 2002 in the matter of T.M.A. Pai Foundation and Ors. Versus State of Karnataka, the Supreme Court of India had held that “in setting up reasonable fee structure by private un-aided non-minority education institutions, the element of profiteering is not as yet accepted in Indian conditions. The fee structure must

take into consideration the need to generate funds to be utilized for the betterment and growth of the educational institutions, the betterment of education in that institution and to provide facilities necessary for the benefit of students”.

In the matter of Islamic Academy and Ors. Versus the State of Karnataka and Ors., the Supreme Court had directed that in order to give effect to the judgement in TMA Pai's case, “...the respective State Governments/concerned authority shall set up, in each State, a Committee headed by a retired High Court Judge who shall be nominated by the Chief Justice of that State... The Committee will be at liberty to approve the free structure or to propose some other fee which can be charged by the institute....”

In the matter of P.A. Inamdar and Ors. Versus State of Maharashtra and Ors., the Supreme Court of India had held that capitation fee cannot be permitted to be charged and no seat can be permitted to be appropriated by payment of capitation fee.

(c) to (e) Some unaided Public Schools have filed Writ Petitions in the Supreme Court of India to challenge various provisions of the RTE Act including section 12(1) (c) of the RTE Act regarding admission of children belonging to weaker sections in Class-I in the school as specified in sub-clause (iii) and (iv) of clause (n) of section 2, to the extent of at least of twenty per cent of the strength of that class. The Writ Petitions have been referred to the Constitution Bench of the Supreme Court.

Enrolment rate

†*357. SHRI JAI PRAKASH: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) whether Government has collected data regarding enrolment rate at secondary level, State-wise;
- (b) if so, the names of such States where enrolment rate at secondary level is lower than the national average;
- (c) whether Government is taking any steps in view of these figures, to achieve the enrolment rate of 70 per cent at secondary level by 2011-12; and
- (d) if so, the details thereof?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): (a) and (b) Yes, Sir. Thirteen States namely, Bihar (28.08%), Nagaland (28.57%), Jharkhand (29.75%), J&K (44.06%), Assam (44.14%), Sikkim (44.75%), Chhattisgarh (45.71%), Punjab (46.95%), West Bengal (47.91%), Meghalaya (51.39%), Orissa (53.77%), Rajasthan (54.04%), Gujarat (57.64%), and UT of Lakshadweep

†Original notice of the question was received in Hindi.