

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI  
DIRECTORATE OF EDUCATION (ACT BRANCH)  
OLD SECTT: DELHI-54

NO.15 (184)/DE/ACT/2010 | 354-364

Dated: 24/01/11

CIRCULAR


**Sub: Guidelines dated 23/11/10 issued by Ministry of HRD, Govt. of India, under Section 35(1) of the Right of children to Free and Compulsory Education Act, 2009 regarding its applicability to Minority Institutions/School and order dated 15.12.2010 issued by the Director of Education, Govt. of NCT of Delhi.**

With reference to various representation-received by this Directorate from Minority Educational Institutions and Schools on the above cited subject, I am directed to inform that the guidelines dated 23.11.2010 were issued by Ministry of Human Resource Development Govt. of India, Shastri Bhawan , New Delhi. Invoking the power u/s 35(1) of RTE Act, 2009. The Para 4 of these guidelines clearly indicate: that the unaided minority schools/institutions are also covered under the provisions of RTE Act, 2009. The claim that RTE Act, 2009 is not applicable to unaided minority schools is not acceptable as these schools are covered under the definition of school given in section 2(n) of RTE Act, 2009. Therefore, minority unaided schools also fall in the ambit of the RTE Act, 2009.

Further, these schools have objected to the implementation of RTE Act, 2009 on minority institutions, taking the plea of Article 15(5), 21(A) and 30 of the Constitution of India. In this regard , it is informed that the Directorate of Education, GNCTD, does not encroach/dilute the protections of fundamental rights guaranteed to minority institutions under the Constitution of India. However, the spirit of the RTE Act, 2009 is to impart free and compulsory education to children, which is to be fulfilled by every educational institution whether minority or general.

In view of above, all Minority schools & educational institution are hereby directed to abide by the provisions of Right of Children to free & compulsory Education Act 2009.

The Management of all the recognized,  
Minority Schools /Educational Institution.


  
(MARCEL EKKA)  
ASSTT. DIR. OF EDN.(ACT)

NO.15 (184)/DE/ACT/2010 / 354-364

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**Copy to:**

1. Secretary to Hon'ble Minister of Education, GNCT of Delhi.
2. Addl. Director (Act/Admn./Coord.), Dte. of Edn., GNCT of Delhi
3. P.S. to the Principal Secy. (Education) , GNCTD, Old Sectt., GNCT of Delhi .
- 4 P.A. to the Director ( Education ) , Old Sectt. GNCT of Delhi.
5. All Regional Director of Education, Directorate of Education, GNCT of Delhi .
6. All Deputy Directors of Districts , Directorate of Education, GNCT of Delhi .
7. Education Officers/ Deputy Education Officers of respective zones through MIS.
8. The ADE (Act)/ O.S.(Act), Old Sectt., GNCT of Delhi..
9. O.S. (I.T.) with the direction to upload this circular on the official web-site.
10. Guard File.

  
(MARCEL EKKA)  
ASSTT. DIR. OF EDN. (ACT)