

IN THE HIGH COURT OF DELHI AT NEW DELHI

WP(C) No. 3043 of 2023

IN THE MATTER OF:

SOCIAL JURIST & ANR

... PETITIONERS

VERSUS

BAR COUNCIL OF INDIA & ORS

... RESPONDENTS

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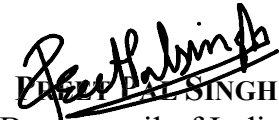
Next Date of Hearing: 26th April 2024

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BAR COUNCIL OF INDIA

PLACE: NEW DELHI Through

DATED: 11.03.2024


PRAVEEN SINGH

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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110002

BCID:1010:2024 (CIR)

Date: 05.032024

To:

The Vice Chancellors
 All Centers of Legal Education

The Chairman/Director/Concerned
 All School Boards

Implementation of Right to Education Act 2009 as part of imparting basic Legal Education

The Bar Council of India, established by The Advocates Act, 1961 as a statutory body, holds paramount importance in regulating legal education and the legal profession nationwide.

In emphasizing the significance of the Right to Education Act-2009, which gained legal force on April 1, 2010, subsequent to receiving the President's assent on August 26, 2009, the Council underscores a fundamental principle, that every child aged between six and fourteen years now possesses an inalienable right to obtain free and compulsory education. This monumental legislation ensures equitable access to education, laying the foundation for a more inclusive and enlightened society.

In accordance with the significant strides taken by the Indian Government to enhance literacy rates across the nation, we would like to draw your attention to the effective implementation and spreading of awareness with respect to the Right to Education Act (RTE) 2009, the pivotal legislative measure aimed at ensuring free and compulsory education for children aged 6-14 years.

Enacted under Article 21a, the Right to Education Act mandates that every child, irrespective of family income, gender, caste, or creed, should have access to quality education. This act plays a crucial role in fostering financial security, narrowing social gaps, and promoting the holistic development of children.

Roles and Responsibilities of School Boards:

1. Free and Compulsory Education:

- Provide compulsory elementary education up to Class 8 for free.
- Ensure students receive essential elements such as uniforms, textbooks, and stationery items without any financial burden.

2. **Minimum Standards:**
 - Maintain standards outlined by the Right to Education Act, including teacher-student ratios, availability of amenities, proper classrooms, and separate toilets for boys and girls.
3. **Special Cases:**
 - Admit students who have dropped out of school for any reason, ensuring appropriate support for their academic catch-up.
4. **Teachers:**
 - Maintain a proper teacher-pupil ratio.
 - Ensure deployed teachers possess the necessary academic qualifications.
5. **All-Round Development:**
 - Develop a curriculum that fosters the knowledge, talent, and human potential of students, aiming for their all-round development.
6. **Minimize Detention:**
 - Implement Continuous Comprehensive Evaluation to enhance student performance and reduce detentions.
7. **Monitoring Compliance:**
 - Establish a School Management Committee comprising various stakeholders to monitor proper school functioning and plan for future development.
8. **Justiciable:**
 - Adhere to the Grievance Redressal system, making sure that any non-compliance with regulations is promptly addressed.
9. **Boosting Social Inclusion:**
 - Reserve 25% of seats for backward or economically weaker students, fostering social inclusion and breaking barriers between privileged and underprivileged students.

Prohibitions Under the Right to Education Act:

1. **Physical Punishment and Mental Harassment:**
 - Strictly adhere to a zero-tolerance policy against physical punishment and mental harassment.
2. **Screening Procedures:**
 - Prohibit different screening procedures for students; all students should be treated equally.
3. **Capitation Fees:**
 - Ensure exemption of students from school fees, including any form of capitation fees.

In upholding the principles of the Right to Education Act, it is imperative that each School Board actively complies with these regulations and both school boards and Centers of Legal Education either include it their curriculum and/or conduct workshops, seminars to spread awareness of the Right to Education Act-2009. The

commitment to providing accessible and quality education to all, without discrimination, is fundamental to the collective progress of our society.

Your cooperation in this matter is greatly appreciated. By advocating for this legislation, we can demonstrate our dedication to nurturing an inclusive society wherein every individual, regardless of socio-economic background, is provided with the opportunity to access quality education. Such commitment not only resonates with the principles of equity and social justice but also establishes a strong foundation for the nation's intellectual and moral development. The Right to Education Act-2009 can stand as a testament to our steadfast commitment to advancing education as a fundamental right and a cornerstone of societal progress.

The circular and the resolution should also be sent to the petitioner in the above referred matter before the High Court of Delhi.

Yours sincerely,


(Srimanto Sen)
Secretary
Bar Council of India

CHAIRMAN'S ORDER DATED 05.03.2024

The Bar Council of India, recognizing the paramount importance of the Right of Children to Free and Compulsory Education Act, 2009, as enshrined in Article 21-A of the Constitution of India, which came into effect on 1st April, 2010, under the Presidency of Mr. Pratibha Patil on 26th August, 2009, hereby emphasizes the need for its comprehensive understanding and dissemination.

In light of the General Council meeting dated 20.01.2024, vide Item No.15/2024, where representations filed by the Social Jurist Group to the Bar Council of India were discussed, in accordance with the Orders dated 14.03.2023 and 08.12.2023 in WP (PIL) No.3043/2023, before the Hon'ble High Court of Delhi, the Bar Council of India is mandated to consider the petitioner's representations for inclusion of the RTE Act as a compulsory subject in the LLB Course curriculum.

The Council, acknowledges that the Right of Children to Free and Compulsory Education Act, 2009, is already taught as part of constitutional law and Fundamental Rights in the legal education curriculum. However, recognizing the significance of this Act, the Bar Council of India had referred the issue to the Advisory Board for Development of Legal Education and Legal Profession, chaired by the Hon'ble Chief Justice of India and comprising various Hon'ble Supreme Court Judges and High Court Judges, for thorough review and consideration.

However, until the meeting of Advisory Board is held, the Bar Council of India thinks it fit and proper to direct centers of legal education to either consider including the Right to Education Act 2009 in their curriculum or to conduct workshops and seminars aimed at spreading awareness. Additionally, all school boards **can be** urged to comply with the directives of providing free education until class 8 for children aged 6 to 14, in alignment with the Right to Education Act 2009, which the BCI feels shall also serve the purpose as the ultimate idea is effective implementation in/by schools and spreading awareness in Centers of Legal Education.

The following circular is ordered be issued,

To:

Vice Chancellors All Centers of Legal Education



To

All School Boards inclusive of the following

1. Central Board of Secondary Education (CBSE)
2. Council for the Indian School Certificate Examinations (CISCE)
3. National Institute of Open Schooling (NIOS)
4. International Baccalaureate (IB) Board
5. Cambridge Assessment International Education (CAIE) Board
6. Maharashtra State Board of Secondary and Higher Secondary Education (MSBSHSE)
7. Uttar Pradesh Madhyamik Shiksha Parishad (UPMSP)
8. Gujarat Secondary and Higher Secondary Education Board (GSEB)
9. Board of Secondary Education, Rajasthan (RBSE)
10. Karnataka Secondary Education Examination Board (KSEEB)
11. Board of Secondary Education, Telangana (BSE Telangana)
12. Board of Secondary Education, Assam (SEBA)
13. Tamil Nadu State Board of Secondary Education (TNBSE)
14. West Bengal Board of Secondary Education (WBBSE)
15. Bihar School Examination Board (BSEB)
16. Punjab School Education Board (PSEB)
17. Haryana Board of School Education (HBSE)
18. Madhya Pradesh Board of Secondary Education (MPBSE)
19. Board of School Education, Uttarakhand (UBSE)
20. Kerala State Education Board (KSEB)

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S/d
Chairman
Bar Council of India

Certified to be a true copy



Srimanto Sen
(Srimanto Sen)
Secretary
Bar Council of India