



National Institute of Open Schooling  
(An autonomous organization under the Deptt. of Edun. MHRD, Govt. of India)  
A-24-25, Institutional Area, Sector 62, NOIDA-201309, UP

F.No. NIOS/Admn/JD./2013

dated:27.09.2013

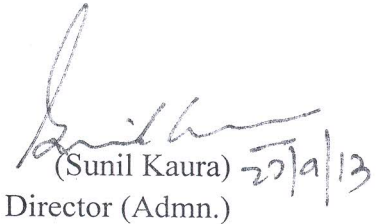
**CIRCULAR** - 783/13

**Subject: Recommendation of the Justice (Mrs.) Usha Mehra (Retd.) Commission for Inquiry constituted in the aftermath of Gang Rape incident of December, 16,2012.**

Please find enclosed herewith a copy of D.O. letter no. 14011/145/2012-UTP dated the 12<sup>th</sup> July, 2013 from Ministry of Home Affairs alongwith enclosures received through MHRD.

The recommendations of the Commission are valuable and will go a long way in promoting gender equality in the society and changing the stereotypes among the youth of the Country.

These may kindly be further circulated at your end please.

  
(Sunil Kaura) 27/9/13  
Joint Director (Admn.)

**Copy to:-**

1. All Heads' of the Department
2. All Regional Directors'
3. AD to CMO for kind perusal of the Chairman please.
4. All officers up to Section Officer level
5. SA/P for uploading on NIOS website.

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No.F.8-26/2013-EE.1  
 Government of India  
 Ministry of Human Resource Development  
 Department of School Education and Literacy  
 (EE.1 Section)  
 \*\*

New Delhi, the 22<sup>nd</sup> July, 2013.

Subject: Regarding recommendations of the Justice Usha Mehra (Retd.) Commission.

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Please find enclosed a copy of D.O. No. 14011/145/2012-UTP dated 12<sup>th</sup> July, 2013 alongwith enclosure received from Ministry of Home Affairs on the subject mentioned above.

2. All Bureau Heads of the D/o SE&L are requested to kindly initiate appropriate steps to implement the above cited recommendations of the Commission. It is also requested that an Action Taken in this regard may please be furnished to EE.1 Section at the earliest for onward transmission to Ministry of Home Affairs.

Encl: As above.

*Ramesh Chander*  
 (Ramesh Chander)  
 Section Officer (EE.1)

AS(SE)  
 AS(EE.1)  
 JS(AE)  
 JS(SE.I)  
 JS(SE.II)

*1*  
*Pl examine & py.*  
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*24/7/13*

Dr/ISS - 87927

DS/UT - 87927 (1)

DS(sch.4) - 87927 (2)

DEA - 87927 (3)

*Pl. obtain comments  
 of CBSE and NIOS  
 and put up.*

*24/7/13*  
*24/7/13*  
*24/7/13*

K. K. Pathak, I.A.S

संयुक्त सचिव

JOINT SECRETARY

Tel.: 23092630

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FILE No. 83686 / Secy (HE)  
Date: 15.07.2013



भारत सरकार  
GOVERNMENT OF INDIA  
गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
NEW DELHI - 110001

D.O.No. 14011/115/2012-011

Date : 12.7.2013

Dear Sir,

Sub : Regarding recommendations of the Justice Usha Mehra (Retd.) Commission.

This Ministry had, in the aftermath of Gang Rape incident of December 16, 2012, constituted a Commission of Inquiry under the Chairmanship of Justice (Mrs.) Usha Mehra. The Commission submitted its Report in February this year.

2. The Government is keen to implement the recommendations of the Commission. Some of the recommendations made by the Commission concern your Department. The relevant portions of the Commission's Report (pages 123-131) are enclosed with this letter. The Commission feels that education has a vital role to play in the society's attitude towards girls and women in general.

3. The Commission has recommended many initiatives in the field of education. The Commission feels that more educational institutions for girls' education be opened. Education curriculum needs to be revisited with the objective of removing all kinds of stereotypes relating to gender. Courses/Modules in gender equality should be made compulsory in all the educational institutions. Educational programmes, workshops and seminars for parents and youth should be organized by educational institutions where they could be taught to be free with each other.

4. This Ministry feels that the recommendations of the Commission are valuable and will go a long way in promoting gender equality in the society and changing the stereotypes among the youth of the country.

5. You are requested to kindly initiate appropriate steps to implement the recommendations of the Commission as enclosed with this letter. I shall be grateful if action taken in this regard is intimated to this Ministry at the earliest.

With regards,

Yours sincerely,

(K.K. Pathak)

S(A)-on Training  
JS (CC) - L.O  
D.A. (EDN)

We may retain a copy and send to Secy of SEAL pt.

Shri Ashok Thakur,  
Secretary,  
Department of Higher Education,  
Shastri Bhawan  
New-Delhi.

S.D. (EDN)   
17.7.13  
FOR US (HE) 1) H. 12

Justice Usha Mehra  
Former Judge Delhi High Court

Chairperson  
Justice Usha Mehra Commission of Inquiry



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p. Education to play vital role

- i. Education per se is not only learning a particular subject and pass an exam and getting promoted to the next class. It has a much larger role than that. It gives us a clear understanding to differentiate between right and wrong. Alas our present education system has failed in this respect. What we are more interested in the child's percentage in exams and whether the child has got admission in a particular school or college. It is more of a status symbol rather than a way to a better development of the child's overall personality.
- ii. It would not be out of place to mention that crime like rape started after we lost spiritual and cultural heritage. Supreme Court in the case of *Dalip Singh Vs. State of U.P.* (2010) 2 SCC 14 observed that " for many centuries Indian Society cherished two basic values of life i.e. "Satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha & Mahatama Gandhi guided the people to ingrain these value... However, the post independence period has seen drastic changes in our value-system. The

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*materialism has overshadowed the old ethos...*

The net result is present day materialistic and individualistic culture with no moral values, causing tension in Society and decline in state of health, morality and fitness of people.

- iii. Lord Macaulay in his speech which he made in British Parliament on 02.02.1835 said " *I have traveled across the length and breadth of India and have not seen one person who is a beggar, who is a thief. Such wealth I have seen in this country, such high moral values, people of such caliber, that I do not think we would ever conquer this country, unless we break the very backbone of this nation, which is her spiritual and cultural heritage. Therefore, I propose that we replace her old and ancient education system, her culture , for if the Indians think all that is foreign and English is good and greater than their own, they will lose their self-esteem, their native culture and they will become what we want them, a truly dominated nation*".
- iv. What is immediately required to be provided is proper and qualitative education including moral values to students. The Constitutional Bench of Supreme Court in the case of *Uni*

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*Krishna vs. State of U.P. reported in 1993 (1) SCC 645* declared that education is fundamental right of children. Long thereafter the Parliament by 86<sup>th</sup> Constitution Amendment Act 2002 added Article 21A in the Constitution formalizing education as a fundamental right of citizens. Article 21A reads as under :-

1. 21A Right to Education :- The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
2. Long thereafter Parliament passed the Law called "The Right of Children to Free and Compulsory Education Act 2009"(called the "Act"). The object and reasons of the Act is quoted as under:
  - a. that every child has a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards,

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- b. The proposed legislation is anchored in the belief that the values of equality, social justice and democracy and the creation of a just and humane society can be achieved only through provision of inclusive elementary education to all.
3. As early as 1986 the Parliament approved the 'National Education Policy-1986'. Para 8.21 of the policy reads " Yoga as a system which promotes an integrated development of body and mind, 'Yoga' will receive special attention. Efforts will be made to introduce Yoga in all Schools". Para 8.4 of the Education Policy, stressed the need to make readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and moral values. Para 5.33 of the Policy says "Efforts will be made to delve into India's ancient fund of knowledge and to relate it to contemporary reality.
4. Pursuant to the Act 2009, the Govt. issued Notification on 31.04.2010 wherein it

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decided that "NCF 2005" shall be the 'National Curriculum Frame Work of Education' under the Act. The 'NCF 2005' which specifically provides that health and physical education shall be a compulsory subject, which includes Yoga and physical education as they contribute to the physical, social, emotional and mental development of children. The NCF 2005 says " as a core part of the curriculum, time allocated for games and yoga must not be reduced or taken away under any circumstances....". It must continue to be compulsory subject and needs to be given equal status with other subjects.

5. Therefore, in view of Article 21A and the 2009 Act, Yoga has become compulsory subject and is also now a Fundamental Right of all students. But fact is that there is no implementation of the same in many Govt. and Private schools. No marks are awarded for yoga in the final progress report which is clear from the Publication



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Department of NCERT. NCERT has not printed any syllabus as well as Text book on Yoga. Yoga practice inculcates values of life automatically. Proper guidance to perform Yoga to students are extremely useful for their physical and mental and emotional health.

- v. Education has contributed a lot in making Indian women aware of some of her rights and her position in the society but due to attitude of the men, this important section has remained deprived of their freedom in full. The fight of women for their rights is not a fight "against men". It is a fight against unjustified traditions and the male created LAXMAN REKHA which women are not supposed to cross.
- vi. Educational Institute is a place where students develop their thinking and learn how to behave besides studying. Therefore, educational institute is the first place after home where teaching can be given to the student which help them to respect the

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opposite sex. In private as well as Govt. schools there should be moral science classes.

- vii. It is pertinent for young children to learn that rape is an act of violence. This is important for boys to know that rape is violation of someone's right and for girls to believe and internalise that there is no shame attached to the act of rape.
- viii. Many girls and boys are not aware of the beneficial laws made for women and punishment for committing crime against them. Therefore, awareness campaigns should be conducted especially at school and college levels so that boys become aware of the fact that crime against women is visited with deterrent punishment.
- ix. There is need to give proper counseling to girls, so that they can freely report the crime against them.
- x. Social awareness among students to come to the rescue of victim instantly as they know about such incident rather than remaining unconcerned about it. We need to introduce

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some lessons on moral values in 1st and 2<sup>nd</sup> Class syllabi in the Physical Education.

- xi. To eradicate this evil it is necessary to reorient the entire thinking and educational process in the society to make women equal partner. For this educational system has to be revisited and curriculum should have moral and cultural values.
- xii. More educational institutions for girls education with moral education have to be opened. Quality education to be imparted in the rural areas. Educational curriculum needs to be revisited with the objective of removing all kinds of stereotypes related to gender value and moral education to be made compulsory in all schools. Educational programme/seminars for parents along with children to be organized by schools where they could be taught to be free with each other. It will be easier for the children to reach out to their parent regarding whatever they face in the society.

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- xiii. Gender education to be made mandatory in all schools be that private, public or Govt. Special classes and after school hour classes if take place particularly if girl students, then it should be the responsibility of the schools to ensure that teachers and girl students reach home safely.
- xiv. Primary School teacher should teach kids to understand, recognize and alarm the teacher and parents of any kind of physical or mental abuse.
- xv. Responsibility should be fixed on the administration operating in rural areas to ensure that parent of girls students must send their daughters to school. Therefore, Compulsory Education Act which has been passed must be implemented in the spirit in which it was passed.
- xvi. The role of educational institution and imparting of education to women help to a great extent, making them bold and aware of their rights and help in overcoming prejudice and practice based on traditional notions.