

Providing 25% admissions to the children belonging to disadvantaged groups and weaker sections in private unaided schools in the state as per RTE Act

Government have constituted a Committee to finalize the modalities for admission of 25% children belonging to weaker sections and disadvantaged groups in private unaided schools as per RTE Act and in pursuant to the judgment of Hon'ble Supreme Court of India. As part of finalization of modalities, the Committee would like to obtain opinions / suggestions from stake holders and general public on the following issues.

1. While the R.T.E Act puts the onus on all private un-aided schools to admit in Class-I to the extent of at least 25% of the strength of the class children belonging to the weaker sections and disadvantaged groups in the neighborhood, whether, having regard to the reimbursement provision, there should be any identification of private un-aided schools for this purpose keeping in view the norms and standards as per the R.T.E Act.
2. In relation to the above, whether there should be regulation of the admissions under this category by the Government.
3. How to decided neighbourhood in urban areas/cities.
4. Suggestions on the admission procedure.
5. Whether to give any specific instructions to the schools? If yes, give details.
6. Procedure for deciding the residency of children.
7. Monitoring mechanism required
8. Other suggestions if any

Suggestions may be sent to the Commissioner and Director of School Education through E-mail (25percentadmissions.ssaap@gmail.com) by 20th May 2012.

(Contd...)

Background Note on Admission of 25% of children in private schools

The Right of Children to Free and Compulsory Education Act 2009 has come into force from 1st April 2010. As per clause (c) of sub section (1) of section 12 of the Act, all private un-aided schools shall fillup atleast 25% of the seats in 1st class with the children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. The State Government shall reimburse the expenditure to private schools to the extent of per child expenditure incurred by the state or the actual amount charged from the child whichever is less.

The Supreme Court of India has given verdict on 12.04.2012 that all the private schools shall provide Free and Compulsory Education to atleast 25% of children belonging to backward and weaker sections in the case filed by some private institutions of Rajasthan state. As per the said judgment of the Hon'ble Supreme Court the Right of Children to Free and Compulsory Education Act, 2009 constitutionally valid and apply to the following institutions.

- i) A school established, owned or controlled by the appropriate Government or a local authority;
- ii) An aided school including aided minority school (s) receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;
- iii) A school belonging to specified category; and
- iv) An unaided non-minority school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority.

Further, the state Government have issued rules vide G.O.Ms.No.20 School Education (PE-Prog.I) Department, Dt:03.03.2011.

The following are the extracts from RTE Rules on admission of children belonging to weaker sections and disadvantaged groups

8. Admission of children belonging to weaker sections and disadvantaged groups

(1) The school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) of sub-section (1) of section 12 of the Act shall not be segregated from the other children in the classrooms nor shall their classes be held at places and timings different from the classes held for the other children.

(2) The school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) of section 12 (1) of the Act shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and Information and Communication Technology (ICT) facilities, extra-curricular activity and sports.

9. Proof of Residence:

(1) Any of the following documents may be taken for proof of Residence to decide whether the child belongs to the neighbourhood or not:

- (a) Ration Card,
- (b) Pattadar Pass Book,
- (c) Electricity Bill,

(d) House-Tax Receipt or extract of the House-Tax register maintained by the Gram Panchayat / Municipality / Corporation. (e) Telephone Bill if any or any other document as specified by the Government from time to time

(2) The areas or limits of neighbourhood specified in sub-rule (1) of rule 5 shall

apply to admissions made in pursuance of clause (c) of sub-section (1) of section 12 of the Act;

Provided that if the requisite percentage of seats for children referred to in clause (c) of sub-section (1) of section 12 of the Act is not filled up, the area or limits shall extend to 3 kms for the purpose; Provided further that the school may, for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) of sub-section (1) of section 12, extend the limit with prior permission of the District Educational Officer.

Provided further that before extending the limits of the local area, the Mandal Educational Officer shall ensure that all the seats in the Government School have been filled up.

(3) The Chairperson of the School Management Committee shall maintain a list of the children belonging to disadvantaged groups and weaker sections in the neighbourhood area of every private school and specified category schools within his/her jurisdiction.

(4) The following order of preference shall be followed by the schools covered by sub. Clauses II, III, IV of Clause (n) of Section 2 of the Act in admitting the children referred to in clauses (b) and (c) of sub section (1) of section 12 of the said Act.

(a) Disadvantaged groups:	
Orphans, HIV affected and disabled	= 5%
SC	= 10%
ST	= 4% (b)
Weaker sections which includes others viz., BC, Minorities, OCs (whose annual income does not exceed Rs. 60,000/- per annum)	= 6%
Total	= <u>25%</u>

Note: 1) The above arrangement of reservation in sequential order is applicable to private schools in plain areas. Where orphans, HIV affected and disabled

are not available or available only to a certain extent such vacancies will be filled by STs and SCs.

After exhausting all applications for admission of Orphans, HIV affected and disabled, SC and ST if any seats remain unfilled such seats will be added to the percentage of weaker sections.

2) In Tribal areas, all ST children should be admitted first. After exhausting applications of ST children, SC children may be admitted. After exhausting the SC, the remaining seats will be filled by others.

3) In Minority institutions, all candidates belonging to minority concerned should be considered for filling first. After exhausting applications of Minorities the left over seats may be filled in the order of ST, SC and BC.