

**Right of Children to Free and Compulsory Education act 2009 and the rules for Right of Children to Free and Compulsory Education-2012 has a provision to admit 25% of the children from weaker and disadvantaged group.**

Government of Gujarat  
**Education Department**  
**Resolution No.KhPSh-102012-727646-Ch,**  
Sachivalaya, Gandhinagar.  
**Dt.23/05/2013**

**Read :**

- (1) Government of India, The Right of Children to Free and Compulsory Education Act-2009.
- (2) Resolution No: GH/SH/4/PRI/122010/GoI-10/K, Dated : 18/02/2013 of Education Department.
- (3) Resolution No: GH/SH/4/PRI/122010/GoI-10/K, Dated : 22/05/2013 of Education Department.

**Preface:**

Right of Children to Free and Compulsory Education Act-2009 and rules for Children to Free and Compulsory Education-2012 has a provision to admit 25% children from weaker and disadvantaged group in un-aided primary school is as follows:

Right of Children to Free and Compulsory Education Act-2009, section-12 has a provision :-

- (1) For the purposes of this Act, the school -:

(K) All admitted student will complete their free and compulsory education as per specified in section-2 , sub clause (1).

(KH) As per section-2, part (Th) sub part (2) specific to provide free and compulsory education to at least 25% of the children Subject to the annual recurrent costs from its annual recurring aid or as Grant.

(G) As per section-2, part (Th), sub-part (3) and (4) specific to the admission of at least 25% of the total strength of the standard 1 children belonging to weaker or disadvantaged group in the neighborhood school till the completion of their primary education. But the addition of section-2, part (Th) specific to those school and pre schools which are available for the admission in preschool as per the provision of part (k) and (G).

(2) As per sub- clause (1) part (G) specific to free and compulsory education to primary education specific in section-2 part (Th) school will fill it out their payments for cost which is done by the state and the actual amount charged from the child ; whichever is less.

Expense per child will not increase as Specified in the section-2 part (Th) sub part-1.

But in addition when school is getting land, building, equipment or other facilities at free of cost or at subsidized rate then it is a responsibility of a school to provide free and compulsory education to specific no. of children and for that school is not entitled to receive payments.

(3) Each school will provide the required information to government or local authority.

Specific school will admit at least 25% of the total students of the class belong to children from weaker and disadvantaged group in standard-1 and they will complete their free and compulsory primary education.

Specify school will able to receive the amount as per expense done per children and actual amount charged from the child whichever is less.

As per Right of Children to Free and Compulsory Education Act-2009 Government of Gujarat has pass the bill of Gujarat Educational Act (Amendment) Bill-2010 in Legislative Assembly and State has implemented Right to Education Act since Dt. 01/04/2010. In this regard 25% belonging to weaker and disadvantaged group should admitted in Standard-1.

For the sake of the children of Gujarat state rule-11 is showing the provision for weaker and disadvantaged group children to be admitted in the non granted school.

- (1) Children belongs to schedule caste, schedule tribe and other backward class should include in the weaker and disadvantaged group and for such special status by the state government through the certification by recognized authority will be enough.
- (2) Director will issue the guidelines for such admission and schools must have to follow such guidelines.
- (3) School Management needs to carry out special training for the coordination between special group children and other children. Through organizing professional training management has to integrate the teachers and school children management will have to sensitize it.
- (4) There should be the access of infrastructure facilities, co-curricular activities to the special group children or there should not be any discriminating behavior from teachers, management and / or children (towards special group children). Violation of this rule results in the withdrawal of recognition.
- (5) Rule-5, sub-rule (2) Specified in the nearby areas or city limits of, Section-12, sub- section-(1) part (G) in accordance with the applicable entry.

But as per section (12) sub-section-(1) part (G) with the aim to mentioned children essential percentage limits may be extended by prior approval of the state government

Right of Children to Free and Compulsory Education Act-2009 and Gujarat State Rules 2012 for Free and Compulsory Education to children for the implementation of above said provisions state government have mature considerations on it and at the end following is found.

**Resolution : -**

This scheme is being introduced in 8 municipal corporations on experimental basis. Under the experimental basis in 8 municipal corporations approximate 5300 children will be covered under this scheme and as shown below following no. of students will be allocated to the municipal corporations.

District	No. of Children	District	No. of Children
Ahmedabad	2000	Bhavnagar	250
Surat	1000	Jamnagar	250
Vadoara	800	Junagadh	250
Rajkot	500	Gandhinagar	250

1. Brief Title and get Started : - This order is known as orders for free education to Gujarat State weaker and disadvantaged group children.

(K) The order will come into force with immediate effect.

2. Definitions- In this ordinance, unless other references,

(K) Act means Right of Children to Free and Compulsory Education Act, 2009

(Kh) Enrolment in class means admission in standard-1

(G) Weaker group children are those whose parents/ guardians belongs to BPL family or whose annual income is less than government declaration/ resolution.

By Right of Children to Free and Compulsory Education Act-2009, Department Notification No.HG/SH4/PRI/122010/GOI-10/K, rule-11 Dt. 18/2/2012 rule-11 but K (1) is for non granted schools have provision for weaker and disadvantaged group children.

Children belongs to schedule caste, schedule tribe and other backward class families are included in the weaker and disadvantaged group children and for which certificates of the warrant authority through state government is enough to recognized such a special status. During the special time those families under the poverty line has been entered in economically weak classes.

(Gh) To admit the children under the scheme definition of the children belongs to weaker and disadvantaged group :-

- (1) Orphan child
- (2) Children needs care and protection
- (3) Children belongs to child care institute
- (4) Child labor/ children of migrating labor
- (5) Mentally retardation/ Cerebral Palsy
- (6) Children with special needs physically disabled
- (7) Children affected with HIV
- (8) Schedule caste, Schedule tribe
- (9) Socially and educationally backward class/ Other backward class

(Ch) District Enrollment Control Committee is formed under the command paragraph-7 in each district.

(Chh) School is defined under the Right of Children Act-2009, section-2 (N) (iv)

- (J)
- (1) Neighboring area of school: In the regard to children, neighboring area means it could be walking distance of 1 km.
  - (2) When sufficient students are not available in 1 km then 3 km. school within 3 km.
  - (3) If students are not enough in 3 km then school within 6 km.

3. Free sitting for poor and disadvantaged group children:

- (K) All schools will admit the neighboring children belongs to weaker and disadvantaged group in standard-1 at least 25% of its total strength of standard-1 (one) and they will complete their education up to standard-8 and school will assure to provide them free and compulsory education till completion of their primary education .
- (Kh) Sub paragraph (K) indicated that there should not be any different or separate arrangements of the class for the students who are admitted on free seats.
- (G) Any tuition fee or any other charge may not be recover from the students admitted on free seats.
- (Gh) There should not be any discrimination among students admitted on free seats and other paid seats in attaining facility, behavior, attitudes and Schools services.
- (Ch) Special class (CWSN- Children With Special Needs)

School management needs to carry out special training for the coordination between special group children and other children. Through organizing professional training management has to integrate the teachers and school children management will have to sensitize it.

- (Chh) There should be the access of infrastructure facilities, co-curricular activities to the special group (CSWN) children or there should not be any discriminating behavior from teachers, management and/ or children (towards special group children). Violation of this rule results in the withdrawal of recognition.

4. Admission procedure for free seats:.

- (K) School will keep the information in the prescribed format of form (enclosed here with according to Annexure-1) total seats mentioned in the notice board, no. of seats available at free of cost at the time of enrollment, last date for the submission of application for the seats available at free of cost at the time of enrollment, eligible candidate for the draw, display date for notice board, Draw date, declaration date of to be enrolled children, declaration date of waiting list, date to pay fees, last date for admission etc. will be

appear on the notice board and information related to it will be represent to the district primary education officer/district education officer before starting the enrollment program.

(Kh) The total number of seats at entry level or any of the other classes must be not less than the total number of seats in school.

(G) Under the scheme children belongs to weaker and disadvantaged group admitted on the basis following priority list:

(1) Orphan child

(2) Children needs care and protection

(3) Children belongs to child care institute

(4) Child labor/ children of migrating labor

(5) Mentally retardation/ Cerebral palsy

(6) Children with special needs physically disabled

(7) Children affected with HIV

(8) Schedule caste, Schedule tribe

8.1 Parents of the children/guardian belongs to poverty line (not included in BPL list)

In that case urban area Rs.36,000/ (Rupees Thirty Six Thousand only) and rural area Rs.27,000/ (Rupees Twenty Seven Thousand only) for rural area annual income limit have to consider while giving priority to admit children belongs to lower income group person.

8.2 Similarly, the second order priority in admission belongs to the families who have receiving Rs. 2 lacs per annum on the standards of Social Justice and Empowerment Department.

(9) Social and Educationally Backward Classes / Other Backward Classes.

9.1 The priority will be given to nomadic and de notified genders.

9.2 The first priority will be given to the children belongs to below poverty line (BPL list)

9.3 Those children whose parents/guardians who are not in poverty line (list of BPL) in that case for urban area Rs.36,000/-(Rupees Thirty Six Thousand only)and in rural area Rs. 27,000/- (Rupees Twenty Seven Thousand only) per annum limit should be consider and those children will get priority in the enrollment who are the most lower income person

(10) When the specified class in no.1 to 9 is not available and there is a coincidence of vacant place arise due to reservation in that case 10.1 and 10.2 class children will be admitted.

10.1 Enrollment priority is given as per the standards of Social Justice Department and Tribal Department to those families who have Rs.2 lac per annum income of the schedule caste and schedule tribe family among the children belongs to lowest income earning family in the above said category.

10.2 As per current policy of the social justice department priority have been given to those families who are receiving Rs.1 lac per annum per family of castes and the socially and educationally backward families among the children belongs to lowest income earning family in the above said category.

(Gh) There should not be any charge including prospectus charge taken from the parents/children who are applying for the free seat. School has to provide general admission form (Annexure-2) free of cost as education director has notified. This admission form is also available at District Education Officer or downloads from the website of education department. Parents have to get the form and with all bases it should be submitted to concern District Education Officer.

(Ch) Centralized admission to any poor children in any municipal corporation is done by the admission controlled committee. Members of the admission controlled committee are as follows:

- (1) District Education Officer/ District Primary Education Officer
- (2) Administrative officer/ Deputy District Education Officer
- (3) Respective School Administrator / Representative
- (4) School Principal
- (5) Parent from the school of admission (of applicants)

- In this committee no.3 to 5 candidates are changed for every school.
- District Primary Education Officer has to give an advertisement for the 25% admission in prescribed school; application will be asked with the basis; it should be note in the register and receipt has to given for the application received. (Annexure-3)
- Received application arranged in the order of priority and where there seems to be random (draw) technique.

(Chh) Any application rejected due to insufficient grounds, the reasons for cancellation will be note down and it will be informed through the district primary education officer to the parents of the applicant.

(J) Admission in 25% free seats first waiting list of the children certified by the designated officer and will be display on the notice board on prescribed date.

(Z) In the list of the children admitted on general class and free ship class is to be mentioned (F) against the free ship students and (G) against the general students and it will be displayed on the school notice board in alphabetical order.

(T) Application for the admission on free seats is less in compare to the no. of seats then admission will be given from the received application and procedure will be start for inviting more applications for the vacant seats and it will be informed to district admission control committee.

(Th) Regardless of free seats respective district primary education officer and district education officer display all the information on the para (K), (GH), (Z), (T) and (Th) on the website/ notice board.

5. General terms and conditions

(K) Violation of right of children to free and compulsory education act section 13(1) for the objective of admission interview of children or their parents

(Kh) Each school will received an application from neighboring area and extended neighboring area and according to note admission will be given but first priority in admission is given to the children belongs to the neighboring area then after extended neighboring area.

(G) In order to provide the provisions of Right to Education Act-2009 and rules are formed under the regulation are complied by the head of the school and fully responsible for the Regulation of the admission on free seats.

(Gh) School head is responsible for the compliance of the units for admission process and they will prepare the list of the children who had been enrolled, register and verify the other documents.

(Ch) District Primary Education / District Education Officer of any authorized officer may verify the enrollment details and able to ask for such enrollment records and head of the school is responsible to provide it.

(Chh) According to suggested above school will keep the details of the admitted students on their official website and give the entry order to each child who are admitted.

(J) In the school where children is admitted that school will prepare a record card of children and note down all the details time to time as long as study in the school.

(Z) Children those who are enrolled on free seat each of them will have a benefit of free education as long as they will study in that particular school.

6. Required documents for the enrollment on free seat

(K) For the admission of the weaker group children BPL card from the competent authority, Ration card will be valid as a income proof.

(Kh) For the disadvantaged group certificate of caste and income by competent official on the name of child or his parents' are valid. The caste certificate is valid given by welfare Officer or an authorized officer of the disadvantaged group.

(G) The following documents as proof of the child's residence shall be recognized as a base.

(1) The ration card issued in the name of parents in which children name is mentioned

(2) One of the Parents voter identification

(3) Electricity bill/ water bill/ one of the passport of parents or children

(4) Aadhar card

(5) Official basis provided by the Government in which child's parents residence address is given

(Gh) The certificate for the distance between child's residence and school by local authority (Gram panchayat/Nagarpalika/Municipality)

7. The practical standards: -\

(K) This scheme is implemented in 8 municipal corporations as no. of students shown in front of it. To include this limited numbers there should be a committee of high-level officials at the district level. The committee has to consider the standards for their own area to include the prescribed numbers in the scheduled schools.

(1) Municipal Commissioner                      Chairman

(2) District Education Officer

(3) Administrative Officer

(4) Chairman Nagar Shikshan Samiti

In the practical scheme which schools will be included in it will be decided by the committee. The following criteria will be considered.

- Schools will be decided from the entire area of municipal corporation
  - Taken care of the representation of all areas of entire municipal corporation
  - Taken care of the representation of all schools
- (Kh) Offended Parents may complain to district level admission control committee for the actions taken by school
- (G) District level admission control committee will maintain complain register/maintenance of data base and will take appropriate steps for disposal
- (Gh) For complying the vigilance of the command/notification district level admission control committee will ask for the information from any school under their purview of work.
- (Ch) The district level admission control committee will start help desk at district office for the free of cost admission procedure and any other work. Any two knowledgeable officers of district/zone will control during the office time. The help desk will work until the completion of the admission process.
- (Chh) After the completion of the admission process school will send a annual letter to the concern district admission control committee in the prescribed format (Annexure-4) within ten days.
8. According to RTE act-2009, section-12 per head expense done by government schools which are providing free and compulsory primary education as per act or per head actual expense done per child in related school whichever is less that expense will be reimburse by the government. At present for the expense of the year 2011-12 except mid day meal will be decided by the government. For deciding it under the Chairmanship of Director, Primary Education and the members of the sub-committee are Account officer of the Primary Education, Account Officer of the Sarva Shiksha Abhiyan, Commissioner MDM, Account officer MDM and financial advisor will decide every year. To find out the per head expense of the child in a school annual recurring (avartit) expense will be

divided by the no. of students in the school which will consider as a result in the per head expense of child will be allowed as a per head expense of child.

With the condition that the school which is giving free education to children in certain numbers and in return not getting anything such as land, building, equipments or any other facility at free of cost or at subsidies rate. Any facility a recipient school is getting at free of cost or subsidies rate is not eligible for reimbursement.

This expense will be decided by the sub-committee under the Chairmanship of Director, Primary Education and the members of the sub- committee are Account Officer of the Primary Education, Account Officer of the Sarva Shiksha Abhiyan, Commissioner MDM, Account Officer MDM and Financial Advisor will decide every year.

- (k) Recurring expenses in the previous academic year is the cost of the audit have been recognized and educational inspection shall be authorized to be approved by the official authority.
- (Kh) A student who taken an admission on free seats are not liable to pay any type of fees in granted schools.
- (G) Student taking admission on free seats are getting school uniform as per the receivable government standards from other department rate for per school uniform assistance is paid, as per the rate assistance will be given for two uniforms. There is any gap in it then it should be borne by the school.
- (Gh) By the government through mid day meal whatsoever expense is decided per child that amount for 200 days or as per the number of working days of the school payment on to the school for the implementation of the mid day meal.

Every school has different expense structure and that has to be define per school. Per student expense has to be define by school and that expense need to be verifying by Education office / District Education Officer sent to be by that name. The expenses like monthly wages of academic staff which has been deposited in the bank account has to be

verify by chartered accountant and need to be submit that report to District Primary Education Officer / District Education Officer.

10. For any kind of reimbursements, school has to open an account in nationalized bank.
11. Government of Gujarat will release from time to time if necessary the guidance outlines / instructions / specifications in favor of school education, generally and specially with the objective of order to implement the provisions.
12. Without paying any fees to get the admission in schools has to be socially audited by district collector / district development officer.

By order and in the name of the Governor of Gujarat.

**Sd/-**  
**(M. T. Shah)**  
Deputy Secretary  
Education Department