

राज्य शिक्षा केन्द्र

पुस्तक भवन, बी-विंग, अरेरा हिल्स, भोपाल—462 011 (म. प्र.)

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क्रमांक/राशिके/ 22 / 2011

भोपाल, दिनांक 22.11.2011

प्रति

1. जिला शिक्षा अधिकारी
मध्यप्रदेश।
2. सहायक आयुक्त
आदिवासी विकास विभाग
मध्यप्रदेश।
3. जिला परियोजना समन्वयक
जिला शिक्षा केन्द्र
मध्यप्रदेश।

विषय:—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम 2009 की धारा 35(1) के तहत भारत सरकार द्वारा जारी दिशा निर्देश।

अ. शिक्षा का अधिकार अधिनियम 2009 की धारा 13(1) एवं 12(1)(c) के अन्तर्गत स्कूलों में प्रवेश।

ब. अधिनियम के प्रावधानों को अल्पसंख्यक संस्थाओं में लागू किया जाना।

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निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम 2009 (जिसे शिक्षा का अधिकार अधिनियम के नाम से जाना जाता है) की धारा 13(1) में स्कूलों में बच्चों के प्रवेश के संबंध उसके या उसके पालक या अभिभावक की स्कीनिंग पर रोक लगायी गयी है। अधिनियम की धारा 12(1)(c) के अन्तर्गत प्रायवेट स्कूलों/विनिर्दिष्ट स्कूलों में वंचित समूह एवं कमजोर वर्ग के बच्चों को कक्षा 01 में या प्री प्रायमरी कक्षाओं में न्यूनतम 25 प्रतिशत प्रवेश दिये जाने की व्यवस्था है।

अधिनियम के उपरोक्त दोनो प्रावधानों के संबंध में भारत सरकार के मानव संसाधन विकास मंत्रालय द्वारा अधिनियम की धारा 35(1) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए दिशा निर्देश जारी किये गये हैं। भारत सरकार से प्राप्त दिशा निर्देश संबंधित पत्र क्रमांक F No 1-15/2010/EE-4 दिनांक 23.11.2010 संलग्न है।

भारत सरकार द्वारा अधिनियम के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए अल्पसंख्यक संस्थाओं पर शिक्षा का अधिकार अधिनियम के प्रावधानों को लागू किये जाने के संबंध में भी स्थिति स्पष्ट की गई है। भारत सरकार द्वारा जारी दिशा निर्देश संबंधित की प्रति क्रमांक F No 1-15/2010/EE-4 दिनांक 23.11.2010 संलग्न है।

कृपया उपरोक्त बिन्दुओं से संबंधित भारत सरकार द्वारा जारी दिशा निर्देश जिले के प्रारम्भिक शिक्षा देने वाले सभी विद्यालयों को सूचित कराना सुनिश्चित करें।


संलग्न:—उपरोक्तानुसार

आयुक्त
राज्य शिक्षा केन्द्र

पृष्ठा.क./राशिके/ 23 / 2011
प्रतिलिपि

भोपाल, दिनांक 22.11.11

1. आयुक्त, लोक शिक्षण संचालनालय, भोपाल की ओर सूचनार्थ।
2. आयुक्त, आदिवासी विकास विभाग सतपुड़ा भवन भोपाल की ओर सूचनार्थ।
3. समस्त संभागीय आयुक्त मध्यप्रदेश की ओर सूचनार्थ।
4. समस्त कलेक्टर, मध्यप्रदेश की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
5. समस्त मुख्य कार्यपालन अधिकारी जिला पंचायत मध्यप्रदेश की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
6. समस्त संयुक्त संचालक लोक शिक्षण संभागीय कार्यालय मध्यप्रदेश की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।


आयुक्त
राज्य शिक्षा केन्द्र
भोपाल

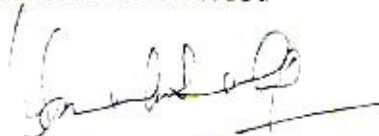
F. No 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

Room No. 429-A, 'C' Wing Shastri Bhavan,
New Delhi, dated 23rd November, 2010

Subject: Issue of Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education Act, 2009 regarding:

- (a) procedure for admission in schools under section 13(1) and section 12(1)(c) of the RTE Act – regarding.**
- (b) applicability of RTE to Minority Institutions**

A copy of the Guidelines issued in exercise of powers conferred under Section 35(1) of the RTE Act, 2009 regarding procedure for admission in schools under Section 13(1) and section 12(1)(c) of the RTE Act and applicability of RTE to Minority Institutions is enclosed herewith for information and appropriate action.


(Vikram Sahay)
Director
Telera-2338 1477

Encl. as above

1. Education Secretaries of all States/UTs
2. Director SCERTs
3. Commissioner Navodaya /Joyalaya Samiti (NVS), Kendriya Vidyalaya Samiti (KVS)
4. Vice Chancellor, NUEFA,
5. Director NCERT/CTSA
6. Chairman, NCTE/Central Board of Secondary Education (CBSE)/National Institute of Open Schooling (NIOS)

Copy to:

1. PS to HRM
2. PS to MOS
3. Secretary (HE/SE&L)
4. AS(SE)
5. JS(SE)
6. JS(EE-I)
7. All Deputy Secretaries/Directors in EE-II Bureau
8. Director UT Division

F. No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

Room No. 429-A, 'C' Wing, Shastri Bhavan,
New Delhi dated 23rd November, 2010

Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education Act, 2009 regarding its applicability to Minority Institutions – reg.

The Ministry has received representations from several minority organizations seeking clarification on the applicability of the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 on minority institutions in light of the provisions of Article 29 and 30 of the Constitution.

2. The matter has been examined in the Ministry. Wide ranging consultations have also been held to obtain views and opinion of various stakeholders on the subject, and the following guidelines are accordingly issued under section 35(1) of the RTE Act, 2009
3. Institutions including Madrasas and Vedic Pathshalas especially serving religious and linguistic minorities are protected under Article 29 and 30 of the Constitution. The RTE Act does not come in the way of continuance of such institutions, or the rights of children in such institutions.
4. Schools are defined in section 2(n) of the RTE Act. Schools of minority organizations covered within the meaning of section 2(n) of the Act, will be governed by the provisions of the RTE Act, 2009.
5. Appropriate Governments and local authorities shall ensure that the rights of Minority Institutions, guaranteed under Articles 29 and 30 of the Constitution, are protected while implementing the provisions of the RTE Act.

This issues with the approval of the competent authority.



(Vikram Sahay)
Director,
Telefax: 2338 1470

F No. 115/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

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Room No. 429-A, 'C' Wing, Shastri Bhavan,
New Delhi, dated 23rd November, 2010

Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education Act, 2009 regarding procedure for admission in schools under section 13(1) and section 12(1)(c) of the RTE Act – regarding.

Section 13(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides, inter-alia that while admitting a child, no school or person shall subject the child or his/her parents to any 'screening procedure'. Section 2(o) of the RTE Act defines the term 'screening procedure' to mean the 'method of selection for admission of a child, in preference over another, other than a random method'. Further, section 12(1)(c) of the Act provides that unaided schools and specified category schools shall admit at least 25% of the strength of class I, children belonging to weaker section and children belonging to disadvantaged group from the neighbourhood and provide them free and compulsory education till completion of elementary education. Further, where the school admits children at pre-primary level, such admissions shall be made at that level.

2. The Ministry has received representations from several unaided and aided schools seeking clarification on the procedure to be followed for admission. The Ministry held a meeting with various stakeholders on the 14th August, 2010 to elicit their views for formulating a guideline for admissions, which would be consistent with the spirit of the RTE Act, specifically with section 13(1) read with section 2(o) of the Act.

3. The objective of the provisions of section 13(1) read with section 2(o) is to ensure that schools adopt an admission procedure which is non-discriminatory, rational and transparent, and that schools do not subject children and their parents to admission tests and interviews in order to decide whether they will admit a child or not. Admission tests and interviews are generally a tool for profiling and eliminating children, and therefore screening to assess a child's 'intelligence' should be prohibited. The RTE Act is anchored in the belief that availability of equal educational opportunities to children belonging to different social and economic background will reinforce the idea of equality enshrined in our Constitution, and ensure that children are not discriminated on the basis of social or economic background or any such criteria. There is need for moving towards composite classrooms with children from diverse backgrounds, rather than

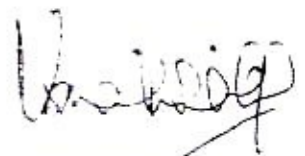
homogenous and exclusivist schools. It is an academically established point that heterogeneity in the classroom leads to greater creativity.

4 Keeping these objectives in view, the following guidelines are issued under section 35(1) of the RTE Act, 2009.

- (i) With regard to admissions in class I (or pre-primary class as the case may be) under section 12(1)(c) of the RTE Act in unaided and 'specified category' schools, schools shall follow a system of random selection out of the applications received from children belonging to disadvantaged groups and weaker sections for filling the pre-determined number of seats in that class, which should be not less than 25% of the strength of the class.
- (ii) For admission to the remaining 75% of the seats (or a lesser percentage depending upon the number of seats fixed by the school for admission under section 12(1)(c), in respect of unaided schools and specified category schools, and for all the seats in the aided schools each school should formulate a policy under which admissions are to take place. This policy should include criteria for categorization of applicants in terms of the objectives of the school on a rational, reasonable and just basis. There shall be no profiling of the child based on parental educational qualifications. The policy should be placed by the school in the public domain, given wide publicity and explicitly stated in the school prospectus. There shall be no testing and interviews for any child/parent falling within or outside the categories, and selection would be on a random basis. Admission should be made strictly on this basis.

5. The aforementioned guideline should be brought to the knowledge of all concerned for necessary compliance.

This issues with the approval of the competent authority.



(Vikram Sahay)

Director,

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