

**Personal  
Attention**

**Right To  
Education**

GOVERNMENT OF RAJASTHAN  
School Education Department

No. F.21(19)Edu.-1/E.E./2009

Dated: April 04, 2011

To,

All Collectors  
All Chief Executive Officers of Zila Parishads  
All District Elementary Education Officers

**SUBJECT:** Implementation of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) regarding admission of children.

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6/4/11  
Dear Madam / Sir,

The RTE Act has become effective from April 01, 2010. In exercise of the powers conferred by section 38 of the RTE Act the State Government has framed, and notified on March 29, 2011, the "Rajasthan Right of Children to Free and Compulsory Education Rules, 2011". Copies of the RTE Act and the Rules of 2011 notified by the State Government on 29/03/2011 can be downloaded from the website of Rajasthan Council for Elementary Education ([rajssa.nic.in](http://rajssa.nic.in)).

The provisions of the RTE Act are applicable to all schools in the State, including the non-government schools, whether or not receiving aid from the State Government, which are imparting Elementary Education i.e. all Primary and Upper Primary Schools and those Secondary / Senior Secondary schools which have any of the classes from Class I to VIII.

As per the provisions of section 12 of the RTE Act all Non-Government educational institutions in the State are under obligation to admit in Class I to the extent of at least twenty-five per cent of the strength of that class, children belonging to "weaker section" and "disadvantaged



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group" and provide free elementary education to such children till its completion. Where a school also imparts pre-school education i.e. pre-primary education and the admissions are made at the pre-primary stage and not in Class I, the provisions of admitting children belonging to "weaker section" and "disadvantaged group" are applicable for admission to such pre-school education.

The State Government has issued two separate notifications on March 29, 2011 specifying the categories of children who are covered under these two categories i.e. "weaker section" and "disadvantaged group". Copies of these two notifications are enclosed for your ready reference.

Now all the schools to which the provision of the RTE Act are applicable are under obligation to give admissions to the children belonging to "weaker section" and "disadvantaged group" to the extent of at least 25% of the strength of Class I or at the pre-primary stage, as may be the case.

Your attention is invited to section 13(1) of the RTE Act which provides, inter alia, that while admitting a child, no school or person shall subject the child or his or her parents or guardian to any **screening procedure**. Section 2(o) of the 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". A copy of the guidelines issued by the Ministry of Human Resource Development on 23/11/2010 regarding the procedure for admission in schools is enclosed herewith for your ready reference. In respect of the seats other than those which are reserved for the children belonging to the "weaker section" and the "disadvantaged group" each school is required to formulate a policy under which the admissions are to take place in that school. This policy shall include the criteria for categorization of the applicants in terms of the objectives of the school **on a rational, reasonable and just basis**. Within each category the selection of the children will have to be done on a random basis. The admission policy should be explicitly stated in the school prospectus. Where the schools have a website, the admission policy shall also be prominently displayed on the school website.



The provisions relating to admission of children belonging to the "weaker section" and "disadvantaged group" have been made in Rule 10 of the above mentioned Rules of 2011. Sub-rule (5) of rule 10 provides that the admission of children in accordance with clause (c) of section 12 shall be done by draw of lots.

Attention is invited to Clause (b) of sub-section (2) of section 13 of the RTE Act which provides that any school or person who subjects a child to screening procedure shall be punishable with fine which may extend to Rs. 25000 for the first contravention and Rs. 50000 for each subsequent contravention.

Attention is further invited to sub-section (1) of section 13 of the RTE Act which provides that no school or person shall collect any **capitation fee** while admitting children to the school. Clause (a) of sub-section (2) of section 13 provides that any school or persons who receives capitation fee shall be punishable with fine which may extend to ten times the capitation fee charged.

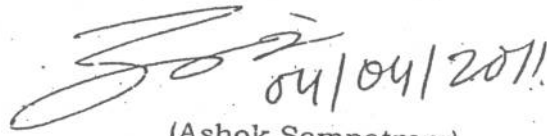
For ensuring that all the schools in the State comply with the provisions of the RTE Act in the matter of giving admissions in Class I or at the pre-primary stage, as the case may be, the State Government have decided to constitute district-level committees under the chairmanship of the Collectors. The Chief Executive Officer, Zila Parishad shall be a member of the committee and the District Elementary Education Officer shall be the Member-Secretary of the committee. Collectors will be free to include other officers as members of this committee.

All the Collectors are requested to give wide publicity to the above mentioned provisions of the RTE Act and the GOI guidelines. All Collectors are also requested to immediately convene a meeting of the representatives of the Non-Government Educational Institutions, aided as well as non-aided, so as to bring the above mentioned provisions of the RTE Act and the GOI guidelines to their knowledge and to impress upon them to ensure full compliance of these provisions/guidelines. The Collectors shall take all necessary action to ensure that:



1. All schools admit the children belonging to "weaker section" and "disadvantaged group" in accordance with the provisions of the RTE Act and the Rules of 2011.
2. Each school formulates a policy under which the admissions are to take place in that school in respect of the seats other than those which are reserved for the children belonging to the "weaker section" and the "disadvantaged group".
3. No school or person subjects any child or his or her parents or guardian to any screening procedure and that the admission of children is done by draw of lots.
4. No school or person collects any capitation fee while admitting children to the school.

Yours faithfully,

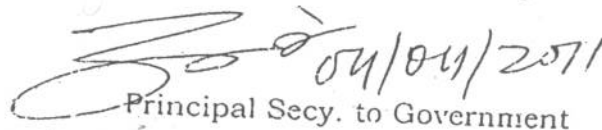


(Ashok Sampatram)  
Principal Secy. to Government

**Enclosed:** (1) Copies of the two notifications dated March 29, 2011 specifying the categories of children who will be covered under "weaker section" and "disadvantaged group".

(2) Copy of the guidelines issued by the Ministry of Human Resource Development on 23/11/2010 regarding the procedure for admission in schools

Copy for information and necessary action to the Commissioner Elementary Education Bikaner/Commissioner Sarva Shiksha Abhiya.



Principal Secy. to Government