



सत्यमेव जयते

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अधिकार

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मानव संसाधन विकास मंत्रालय
उच्चतर शिक्षा विभाग
शास्त्री भवन
नई दिल्ली - 110 115
GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION
SHASTRI BHAVAN
NEW DELHI-110 115

D.O. No. 1-2/2016-EE-4

8th, June, 2016

Dear, *Sir / Madam* .

Several representations from parents and media have been received regarding malpractices in schools under the garb of autonomy in management. The provisions of the Right of Children to Free and Compulsory Education Act (RTE) Act, 2009 mandates ensuring an enabling and positive learning environment for all children in schools.

2. While State Governments have undertaken a number of initiatives to facilitate this, the relevant provisions of the Act and related guidelines are reiterated for information and necessary action.

3. A copy of this Department's Guidelines dated 23rd November, 2010, is also enclosed for your compliance.

4. An early report on the action taken by you in this regard will be appreciated.

This issues with the approval of the competent authority.

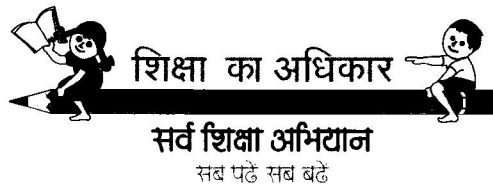
Encl: as above.

Yours sincerely,

Surbhi Jain
(Surbhi Jain)

All Education Secretaries of all States and UTs

Surbhi Jain
(34)
8/6/16



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**Guidelines for curbing malpractices in schools as per provisions of the
RTE Act, 2009**

1. BACKGROUND:

1.1 The occurrence of malpractices in education at any level of educational stratum pose the greatest threat to the reliability of the Education system. Representations are received from time to time from parents regarding malpractices in schools. The schools need to take a holistic view to ensure compliance of the guidelines to curb malpractices, as enumerated in the succeeding paragraphs.

1.2 In order to enable State Governments and school managements to fulfill their responsibilities for creating a non-discriminatory school environment, the following provisions of Right of children to Free and Compulsory Education Act, 2009 and related guidelines are reiterated.

2. Pre-admission and Admission Procedures

(i) For fair and transparent admission procedure in schools, this Department has issued guidelines dated 23rd November, 2010 regarding procedure for admission in schools under section 13(1) and section 12(1)(c) of the RTE Act. These may be noted for necessary compliance.

(ii) Schools shall adopt an admission procedure which is non-discriminatory, rational and transparent, and schools should not subject children and their parents to admission tests and interviews in the elementary stage in order to decide whether they will admit a child or not.

(iii) Schools shall display information pertaining to their admission process on their notice boards at least 30 days before the commencement of the admission process. This information may include, inter alia;

(a) Details of fees, including its purpose, break-up, periodicity, categorization as refundable, non-refundable and payment deadlines;

(b) Number of seats available in each class and category, including total number of seats available at entry level and total number of free seats for children belonging to weaker section and disadvantaged group available at entry level (as mandated under Section 12(1)(c) of the RTE Act, 2009);

- (c) Admission criteria for determining which class a student would belong to if the child's studies are interrupted (in accordance with Section 4 of the RTE Act, 2009);
 - (d) Step-wise process of admission and deadlines, including the date of issue of application forms, the date of display of list of eligible candidates, the dates of draw of lots, the date of display of list of successful candidates, the date of display of waiting list, the last date of admission, the date of opening of school for the next academic year and other relevant deadlines;
 - (e) Facilities available in schools (in accordance with the Schedule to the RTE Act, 2009).
- (iv) The process of charging capitation fees or donations by schools is prohibited under Section 13 of the RTE Act, 2009 and punishable with fine. Section 13 (2) of the RTE Act, 2009 provides that any contravention of the provision of sub-section (1) by any school or a person, shall be punishable with fine which may extend to ten times the capitation fee charged. It is clarified that schools are not allowed to charge any fees other than the fees notified before the commencement of application process at any time during or after the admission process.

3. Issue of Certificates

- (i) Section 30 of the RTE Act prescribes that every child completing his elementary education shall be awarded a certificate of completion of elementary education. Schools shall issue the certificate of completion of elementary education within thirty days from the last working day of the academic year.
- (ii) Schools shall return original documents and/or certificates of children in their possession after completion of elementary education. Such documents and/or certificates must be returned to children within thirty days from the last working day of the academic year.
- (iii) Schools shall endeavour to process any requests for transfer certificates of any child at the earliest and in any event, within thirty days from the date of such request to facilitate implementation of Section 5 of RTE Act, 2009.

4. Prohibition of punishment and discrimination

- (i) This Department has already issued guidclines dated 26th March, 2014 for eliminating corporal punishment in schools. RTE Act, 2009, which has come into force with effect from 1 April 2010, prohibits 'physical punishment' and 'mental harassment' under Section 17(1) and makes it a punishable offence under Section 17(2). Sections 8 and 9 of the RTE Act place a duty on the appropriate Government and the local authority to "ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds".

[Note: 'Children belonging to disadvantaged groups' means a child belonging to the Scheduled Caste, Scheduled Tribe, Backward Class as specified by the Government. It also includes orphans, migrants, street children, children in foster care, children with special need and HIV affected/infected children.]

- (ii) Schools shall safeguard the interests of children belonging to disadvantaged groups. In particular, schools shall ensure that children belonging to disadvantaged groups are not discriminated by any constituent of the school:
- (a) during the admission process or by denying or limiting access to any benefit arising from enrolment provided by the school;
 - (b) by labeling such children as belonging to a disadvantaged group or announcing verbally or otherwise their caste, tribe, community or ailment;
 - (c) by giving such children limited or differential access to teachers, sports facilities, toilets and other facilities provided by the school;
 - (d) segregating such children from other children in even organized within or by the schools.
- (iii) The State Governments and UT Administrations including educational administrators, teachers, headmasters have to play an important role in ensuring an enabling and positive learning environment. Schools, parents, SMC members and Local Authority are important Stakeholders in ensuring that children do not face punitive measures and appropriate redressal of any complaints, are framed, disseminated, acted upon and monitored.

5. Prohibition of private tuitions by teachers

- (i) Section 28 of the RTE Act prohibits teachers from engaging in private tuitions. Any teacher found to be engaging in such practice shall be subject to disciplinary action.

These guidelines may be brought to the knowledge of all concerned for necessary compliance. The State Government and local authorities are requested to take appropriate steps for ensuring that all schools adhere to the aforementioned Guidelines for curbing malpractices in schools.

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 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.

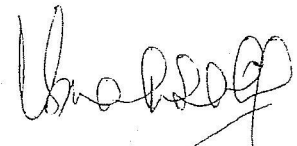
4. Keeping these objectives in view, the following guidelines are issued under section 35(1) of the RTE Act, 2009.

(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.



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