

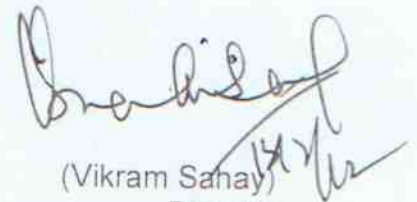
F.No. 1-3/2010- EE4
Government of India
Ministry of Human Resource Development
[Department of School Education & Literacy]

Room No. 429-A, "C" Wing, Shastri Bhavan,
New Delhi, dated , 13th July, 2012.

Subject: Guidelines under Section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 in respect of Residential Schools – reg.

The Hon'ble Supreme Court in para 13 of its judgement dated the 12th April, 2012 in WP (C) 95/2010 in the case of Society for Unaided Private Schools of Rajasthan Vs. Union of India and Anr., and similar writ petitions tagged along with directed that appropriate Guidelines under section 35 of the Right of Children to Free and Compulsory Education Act, 2009 be issued clarifying its applicability to boarding or residential schools.

2. The aforementioned issue has arisen in the context of applicability of the provisions of clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 on private unaided schools. In the said section it has been, inter alia, provided that children belonging to weaker section and disadvantaged group residing in the specified neighbourhood of the school have a right to be admitted therein to the extent indicated in the said clause and provided free and compulsory education till completion of elementary education. In respect of residential schools, however, the applicability of clause (c) of sub-section (1) of section 12 would be limited to day scholars, since only in respect of day scholars can the neighbourhood criterion apply.
3. The provisions of clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 shall not apply to the residential schools which start admitting children at classes higher than class I.
4. The aforementioned Guideline may be brought to the knowledge of all concerned for necessary compliance.



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