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(Authenticative English text of this Department Notification No. EDN-C-F(10)-8/2009-L, dated 16-03-2013 as required under clause (3) of Article 348 of the Constitution of India.)

Government of Himachal Pradesh
Elementary Education Department
(Education-C)

EDN-C-F(10)-8/2009-L, Dated, Shimla-171002

16th. March, 2013

NOTIFICATION

In exercise of the powers conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009 the Governor of Himachal Pradesh is pleased to make the following rules further to amend the "Right of Children to Free and Compulsory Education, Himachal Pradesh Rules, 2011" notified vide Notification number EDN-C-F(10)-8/2009-L, dated 5th March, 2011 and published in the Rajpatra Himachal Pradesh vide No. 252/GAZETTE/2011-08/03/2011; namely:-

Short title and Commencement

1 (1) These rules may be called the Right of Children to Free and Compulsory Education, Himachal Pradesh (First amendment) Rules, 2013.

(2) They shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

Amendment of rule-5.

2. After rule-5 of the Right of Children to Free and Compulsory Education Himachal Pradesh Rules, 2011, the following new rules 5 A and 5 B shall be inserted, namely:-

" 5-A. **Prohibition of segregation, discrimination of students and manners of admission thereof.**

(1) The school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) of sub section(1) of section 12 of the Act read with clauses (e) and (f) of sub rule(1) of rule(2) of the Right of Children to Free and Compulsory Education, Himachal Pradesh Rules, 2011 shall not be segregated in any manner whatsoever from other children in the classrooms nor shall their classes be held at places and timings different from the classes held for other children.

(2) The school referred to in sub-clauses (iii) and (iv) of

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clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause(c) of sub section (1) of section 12 read with clauses (e) and (f) of sub rule (1) of rule (2) of the Right of Children to free and Compulsory Education Himachal Pradesh Rules, 2011 shall not be discriminated from rest of the children in the concerned school in any manner pertaining to entitlements and facilities such as text books, uniforms, library and Information and Communication Technology facility, co-curricular activities, sports and other activities in the school.

(3) The areas or limits of neighborhood as specified in sub rule(1) of rule 4 shall apply to admission made in pursuance of clause (c) of sub section (1) of section 12:

Provided that any school referred to in sub-clause (iv) of clause(n) of section 2 of the Act shall also be required to admit 25% students belonging to weaker section and disadvantaged group even in pre-primary classes if such school is otherwise admitting students in such classes.

(4) All admissions of the children belonging to weaker section and disadvantaged group done by the school in pursuance to the provisions contained in the Act and Rules made there under shall be done by the school itself at the school level only. Parents, who opt for a school under 25% quotas, shall not be eligible to apply for open quota in the same school. In case, the number of applicants is more than the seats notified by a school, the selection of the students to be admitted shall be on the basis of randomization or lottery system which shall be held in the presence of parents of such students and a representative of Deputy Director of Elementary Education or Block Elementary Education officer of the district and/ or block concerned as the case may be.

Explanation: Admission to the remaining 75% students not belonging to weaker section and disadvantaged group shall also be made as per section 13 of the Act and the Guidelines issued there under by the Government of India or the State Government from time to time.

(5) Any aggrieved party with the decision of school authority regarding the admission etc. may file a complaint before a three member Committee for every District consisting of Deputy Director of Elementary Education, prominent educationist and a representative of the school referred in sub-clause (iv) of clause (n) of section 2 of the Act. The decision of such committee shall be binding on the school. Non-compliance of such decision by the management of such school shall be liable for action under sub-clauses (a) and (b) of clause (2) of section 13 of the Act.

(6) For the purpose of this rule, the first Appellate Authority shall be the Director of Elementary Education and the final Appellate Authority shall be the Right to Education Protection Authority notified under the Right to Education Act.

(7) The School referred in sub-clause (iv) of clause (n) of section 2 of the Act shall announce the number of seats reserved under the Act on their website and deployed on front gate notice board before one month of the admission process.

5-B. Reimbursement of per-child expenditure by the State Government for the purpose of sub section (2) of section 12 of the Act.

(1) The per-child expenditure by the State Government shall be calculated as per following formula:-

(a) For Primary classes (I-V) Average salary expenditure made by the State Government on the Primary School teachers of Government Primary Schools for the past five financial years divided by the average number of students in the Government Primary Schools in the State for the past five years.

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Average salary

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of TGTs, L.Ts, Shastries, PETs, D.Ms working in Government Middle, High and Senior Secondary schools for the past five years divided by average number of students in the Government schools (from class VI to X) for the past five years.

- (2) Every school referred in sub-clause (iv) of clause (n) of section 2 of the Act shall submit its claim with respect to 25% students belonging to weaker section and disadvantaged group by 31st July for the first installment and 31st January for the final installment of the academic year to the concerned Deputy Director of Elementary Education or Block Elementary Education officer. The concerned Deputy Director of Elementary Education officer or Block Elementary Education officer after verifying the details shall transfer the payment due to such schools through electronics transfer to a separate bank account maintained by the school in two installments during the academic year.
- (3) The first installment of 50% shall be reimbursed in the month of September and balance shall be reimbursed in the month of March every year after verification of the retention and attendance of such children subject to a minimum of 80% and the pupil cumulative record.
- (4) The State Government shall constitute a committee comprising of Director, Elementary Education, State Project Director (SSA) and Joint Controller (F&A), SSA to assess the per child expenditure after every two years for the next academic year in the month of September.
- (5) The State Government shall not reimburse any amount if any student seat remains vacant in the neighbourhood Government school ".

By order

**Secretary(Elementary Education)to the
Government of Himachal Pradesh**

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