

**Office of the Commissioner for Public Instruction  
New Public Offices Building, NrupaTunga Road, Bangalore -560001.**

No: RTE/01/2012-13

Date: 10-05-2012

**CIRCULAR**

**Sub : Collection of fees in the aided institutions under The Right of Children to Free and Compulsory Education Act, 2009, No. 35 of 2009.**

Read : 1) Section 12 (1) (b) of the said Act.

- 2) The Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula, etc.,) Rules, 1995 as amended in the notification : ED:71:ViVida:97 dated : 08.10.99 and ED:4:ViVida:2001, dated : 5.7.2011.
- 3) Government Notification No. ED:77:YOYOKA:2010, Bangalore, dated : 28th April 2012.

After the commencement of the Right of Children to Free and Compulsory Education Act, 2009 No. 35 of 2009 and the subsequent notification of the rules in the Gazette dated : 28.04.2012 the aided institutions have to provide free and compulsory elementary education to such proportion of children admitted therein, as its annual recurring aid or grants so received towards its annual recurring expenses from the Government/Local body, subject to a minimum of twenty-five per cent (as per section 12 (1) (b) of the Act.).

Section 12(1)(b) of the Act reads as "specified in clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted there in as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five percent." The percentage so determined is termed as free seat quota and the rest as payment seat quota.

Hence, those students admitted under this free seat quota do not pay any Fees. As class VIII is under the cycle of elementary education, fees shall not be collected from the students of free seat quota from class I to class VIII in the aided institutions.

**Section I :**

**Calculation of Free Seat Quota :**

In order to arrive at this proportion or percentage of Free Seats Quota, the Block Education Officer has to look into the total aid given to the school in an year divided by the total recurring expenditure of the institution multiplied by 100. The

recurring expenditure of each school will be different. However, aided institutions should not keep on including items under this category without any limit.

Hence, it is clarified that the recurring expenditure to be considered, should be the actual recurring expenditure to be ascertained from the management through evidence such as annual statement of accounts certified by a chartered accountant. The salaries of teaching and non-teaching staff should be ascertained through bank account details. It is emphasised that the teaching and non-teaching staff salary in an aided institutions with unaided sections/students will include the expenditure on aided and unaided teachers and aided and unaided Non-Teaching staff. Hence, the free seat quota in terms of percentage is as under:

$$\text{Free seat Quota} = \frac{\text{Total Annual Aid given by the Government}}{\text{Total Annual Recurring Expenditure}} \times 100$$

( In percentage)

It is again clarified that Government from time to time has allowed aided institutions to open un-aided sections, besides the aided ones. In such cases, aided institutions with unaided sections are treated as aided institutions as per Rule 8 (3) and for the purpose of quota, the total number of students in the school would be considered from class I to VIII. (Including un aided sections)

## **Section II:**

### **Method of filling up of Free seat Quota:**

1. The school should give the details of recurring expenditure and the aid being received every year.
2. The school should self declare the percentage of the free seats quota based on the total admissions in the school from I to VIII standards. It is possible that the total aid received by a school from the government works out to be less than 25 percent of the total recurring expenditure of the school. Even then, the school has to earmark 25 percent of its total admissions from I to VIII standards under free seat quota. The BEO will verify the details in due course and determine the exact quota. The variations if any towards quota, should then be rectified immediately, including the return of fees if need be
3. The school should not collect any fees from students of the free quota from each standard from I to VIII. The contribution of student towards Student Welfare Fund and Students Sports Fund, which are operated by the government

will not qualify as fees and the same may be collected as per the rules of the respective Funds.

4. The selection to seats for the free quota should be done as under for class I to class VIII

(I) percentage seats for SC=  $15 \times$  free seat quota in percentage (Refer Section I)

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50

(II) percentage seats for ST=  $3 \times$  free seat quota in percentage (Refer Section I)

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(III) Percentage seats for =  $32 \times$  free seat quota in percentage (Refer Section I)

other categories

of disadvantage groups

and weaker sections

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50

(IV) If SC seats are not filled then they may be filled by ST and vice versa, if SC & ST seats together remain unfilled they may be filled with children of other categories of disadvantaged groups and weaker sections and vice-versa.

(V) For each of the selection above, draw of lots have to be done, if the applications are more than the seats.( first cum first served principle is not to be applied in any case)

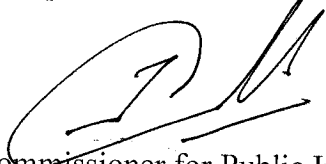
(VI) If seats for children of all categories under 2 (e) and 2 (f) of the Rules remain unfilled, they can then be filled from children not belonging to disadvantaged and weaker sections through draw of lots.

5. The concept of filling the quota through fresh admissions will arise only at standard I, whereas from standard II standard to VIII standard all the admissions being already over, the formula of allotting the seats as per Para "4" should be applied to the existing students studying in the school. The list of selected candidates under various categories with details and documents be sent

to the BEO by the aided school for keeping the record and verification if required.

6. The BEO will cause to issue notification for filling of the seats under free quota of the aided institution with calendar of events and duration during which the selection should be done.

7. For the year 2012-13 the admission cycle as specified by the Government be followed. The BEOs can take steps to fill the seats by issuing the notification for filling the seats under free quota for standard I of the aided institutions.

  
Commissioner for Public Instruction  
Bangalore

**To,**

1. All the DDPIs of the State for necessary action.
2. All the BEOs of the State for necessary action.

**Copy to**

1. With Due respect to Secretary, Primary and Secondary Education, Government of Karnataka, M.S Building, Bangalore-560001.
2. Additional commissioners for public instruction, Gulbarga and Dharwad
3. Director Primary, Secondary, Minority, KSEEB, DSERT, SSA, RMSA, Gulbarga and Dharwad.
4. All Joint Director of Public Instruction of the State.