

No PMA73/2021/47

Dated Dispur the 2nd September, 2021

OFFICE MEMORANDUM

Subject: Guideline for Implementation of Section 12.1.C under Right of Children to Free and Compulsory Education Act 2009 in the state of Assam

Part A- General Instructions:

1. In pursuance of the provisions of section 12.1.C , 2 , 3 of RTE Act 2009 and Rule 7 and 8 of State Rules of Assam Right of Children to Free and Compulsory Education Act 2011, all the unaided non-minority schools (Not receiving any kind of aid or grants from the appropriate Government or Local authority) and schools of specified category as defined under section 2 (n) (iii) and 2 (p) of the Act, 2009 of the State of Assam, shall admit at least 25% Students of the total strength of Class I , falling under the category of sub-clause-iv of clause (a) of Section 2 of RTE Act, 2009 i.e the children belonging to disadvantaged group and weaker sections in the neighbourhood and provide free and compulsory education till their completion of elementary education at that particular School. However, the Schools may, for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) to section 12(1), of the Act, extend these limits with the prior approval of the Appropriate Government or its authorised officer (s).
2. It is also notified that those private unaided schools or specified category schools where Pre-school Education is imparted, will also admit children belonging to disadvantaged groups and weaker sections in the neighbourhood, to the extent of at least 25% of the total strength of the pre-school class where admission is taken.
3. The appropriate Government will reimburse the expenditure incurred by the Schools referred to above, for providing free and compulsory education to the Children admitted against the aforesaid minimum 25% of seats referred under section 12(1)(c) of the Act, to the extent of per-child-expenditure incurred by the State, or the actual amount collected from the other student in general, whichever is less.
4. The schools referred to above, shall ensure that children admitted in pursuance of the provisions mentioned above, shall not be segregated from the other children in the classroom, nor shall their classes be held at places and timing different from the classes held for the other children, nor shall an exclusive section be opened for them. The said schools shall also ensure that such children are not discriminated from the rest of the children in any manner pertaining to entitlements and facilities. Textbooks, uniforms, library, ICT facilities, extra-curricular, sports etc will be arranged for these children by the schools.
5. With regard to admission 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, the schools shall follow a system (as mentioned later in this Notification), for filling up the pre- determined number of seats in that class, out of the total applications received from children belonging to disadvantaged groups and weaker section which should not be less than 25% of the total strength of the class. The admission procedure must be non-discriminating, rational and transparent, and there should be no screening test or interview of children or parents or profiling the child based on parental educational qualification.
6. There shall be a committee at the state level comprising of Secretary, Finance Deptt.; Secretary, Elementary Education Deptt. ; Mission Director, SSA, Assam; Director, Elementary Education, Assam, and Director, SCERT, Assam for the purpose of assessing per-child-expenditure incurred by the state and the local authority for reimbursement of expenditure to the schools under section 12(2).
7. It is further notified that the total annual recurring expenditure incurred by the Government, the Autonomous Council or the local authority, whether from its own funds, or funds provided by the Central Government or by any other authority, on elementary education in respect of all schools established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in all such schools, shall be the per-child expenditure incurred by the Government, Autonomous Council or the local authority.
8. The school-wise name of the students admitted in the private unaided schools as mentioned above, and the records of such Students shall be maintained at their School Registers, which can be verified by appropriate and authorised officers at any point of time.

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9. "Child belonging to Disadvantaged Group" includes children within the age group of 6-14 years belonging to,
- Scheduled Castes (SC)
 - Scheduled Tribes (ST)
 - Children with Special Needs
 - Orphan, (An orphan in Need of Care and Protection)
 - Migrants and Street Children
 - HIV affected /infected children
 - Transgender (to be notified for inclusion of this category)
 - OBC (Below Poverty Line)
10. In pursuance of section 2 (e) of RTE Act 2009 "Child belonging to Weaker Section" will include the children within the age group of 6-14 years of the families belonging to BPL category, whose annual income of Parents, from all sources is less than two lakhs rupees.

Validation of Certificates

For identification of orphan, CWSN, and HIV affected /infected children, Transgender, certificate of Social Welfare Deptt and Health Deptt will be relied upon.

For identification of Migrant and Street children, certificate of labour Deptt. or local police station will be relied upon.

For identification of Child belonging to Weaker Section, certificate issued by State Revenue department to the Parent or Guardian of the Child, will be relied upon.

11. The unaided private schools shall admit children u/s 12.1.C under RTE Act 2009 as per neighbourhood norms,
- (a) Children residing within a distance of one kilometre for getting admission into classes from Class I to Class V (Primary)
 - (b) Children residing within a distance of three kilometres for getting admission into classes from Class VI to Class VIII (Upper Primary)
 - (c) A proof of certificate regarding the neighbourhood may be obtained from the concerned Village Head Man (Gao Burha)/Secretary of the GP in rural areas and from the Ward Commissioners/Executive Officers of the Municipal Committee/Town Committees.
12. Free education benefit shall continue to be extended to each student admitted under the free Quota, till he/she completes elementary education in that particular school.
13. No registration fee, including charges of prospectus, forms shall be charged from the parents /children applying against free seat.
14. The Head/Principal of school shall be responsible for compliance of the orders/guidelines for admission and will verify the documents submitted by parents/guardian.
- No fees in any form shall be charged from the children admitted in pursuance of these guidelines at the time of admission or during his/her studies till he/she completes the elementary education.
15. Implementation and Monitoring Committee at different level: There will be two committees for implementation of Section 12.1.C under Right of Children to Free and Compulsory Education Act 2009 in the state of Assam, The Deputy Commissioner/ Principal Secretary will notify the Block and district level Cell.

Block level Implementation and Monitoring Committee:

Circle Officer- Chairman
 DI/BEE/BPEO- Member Secretary
 DIET Lecturer Block I/C -Member
 SIS-Member
 MIS Coordinator-Member
 SA -- Member

District level Implementation and Monitoring Committee:

Deputy Commissioner –Chairman
 Addl Deputy Commissioner (Edn)- Vice Chairman
 DMC- Member Secretary
 DEEO/DPEO-- Member
 Joint Director Health Services--Member
 Inspector of School --Member

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16. Implementation Cell for Implementation of Section 12.1.C at State and District level

State level Implementation Cell-

Mission Director—Chairman

Executive Director—Vice Chairman

Director, SCERT—Member

Director, Elementary Edn—Member

OSD, Samagra Shiksha---Member

CAO, Samagra Shiksha ---Member

SPO/In-Charge (Access), Samagra Shiksha --- Member Convenor

SPOs, Samagra Shiksha -- Member

State Consultant SSA(Secondary)-- Member

System Analyst, Samagra Shiksha ----Member

Roles and Responsibilities

The State cell shall supervise and guide the district committee and cell for implementation of the whole process in the district as per procedure as referred in the guideline.

Any communication related to re-imbursement and claim shall be done.

If any technical error occurs, State MIS cell may take necessary follow up action.

State cell will take over all monitoring and supervision if any discrepancy occurs that cannot be meted out by the district cell/committee

District level Implementation Cell-

DMC, SS—Chairman

Inspector of Schools- Member

DPO (AS) & Planning Coordinator: Member Convenor

Inspecting Auditor: Member

Programmer: Member

DPOs-Member

FAO- Member

Programme Associate (Planning)- Member

Roles and Responsibilities

The District cell will be responsible for monitoring the unaided private schools in the process of implementation of section 12.1(c) of RTE, Act, 2009 in the private schools where admission of children under Disadvantaged Group and Weaker Section category are notified.

The violation of right of education of such categorised children in any form as referred in the Act shall be taken seriously if seen during visit by the cell in private schools and immediate report shall be communicated to the appellate authority.

The cell will be accountable for overall implementation of the process in the school level.

Part B – Admission Procedures under u/s 12.1.c

- 1) **Admission against Free Seats** – The Unaided non-minority private schools shall display the total number free seats available at entry level, the date of issuance of admission forms, submission of filled in admission form for admission against free seats, the date of lottery, date of display of eligible applicants, last date of admission on the notice board in the school by the 10th of March every year.
- 2) **No screening procedure i.e. interview** , written or oral test etc. shall be conducted for the admission process in violation of section 13(1) of RTE Act – 2009 , or otherwise the school shall be penalized as per section 13(2) (b) of RTE Act -2009 .
- 3) The State Education department shall officially announce about issuance of admission forms u/s 12.1.C under RTE Act 2009 through websites, regional News Papers and reliable media. The application forms can be received free of cost from the respective school and the filled in applications to be submitted to the respective school along with requisite testimonials. School will design the application form as per their rules incorporating the following information specifically.

Name of the Child:

Parental Details including Profession of Parents/Guardian:

DOB of child:

Aadhaar Number of Child:

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Contact Number:

Caste

Permanent Address

Present Residence

Distance from School to residence

Annual Income of family

Details of disability, in case of CWSN

Information of Orphan, HIV affected/infected, Migrated and Street child, if any.

Bank account number of Child with IFSC

Bank name and Branch of account referred above

4). Documents to be submitted along with application:

Address proof documents e.g. Domicile certificate/EPIC/Aadhaar Card/ Passport/ Electricity Bill/ Water Bill/ Driving Licence/ Ration Card of parent/guardian

Income certificate issued by Revenue department.

Age proof Certificate issued by competent authority of the government , Anganwadi record register.

Horoscope , certificate issued by official Village Headman(Gaon-Burha) of the village record register .

affidavit by the parent / guardian declaring the age of the child.

Photograph of child

Disability Certificate, in case of CWSN, issued by Social Welfare Dept. or Health Dept.

Caste Certificate, issued by competent authority

Certificate issued to Orphan, HIV affected/infected, Migrated and Street Child

Neighbourhood certificate issued by the concerned Village Head Man (Gao Burha)/Secretary of the GP in rural areas and by the Ward Commissioners/Executive Officers of the Municipal Committee/Town Committees.

Bank Passbook of Child.

5). Reservation: The distribution of seats among the disadvantaged group and Weaker Section in every school will be as follows

Children belonging to Weaker Section- 50 % of total strength of that class

Children belonging to Disadvantaged group- 50 % of total strength of that class

6). Preference in Admission.

6.a In case the number of applications for admission against the free seats is below the number of seats available , admission shall be made from the available applications and the vacant seats shall be re-notified for the inviting further applications .

6.b In case of number of applications for admission against free seats is above the number of seats available, admission shall be made in preferential manner.

a) First priority will be given to Orphan child, HIV affected/infected child, CWSN, and migrated or street child. If the applicants from the categories for the first priority only exceed the number of the free seats in the school, then the policy of first come first policy will be adopted for giving the admission under this category.

b) Second Priority will be given to the child whose family Annual Income is less than 2 lacs. (Applicable to the applicants who applied under DG category also). In case of being more candidates against this category against the available free seats, then the policy of first come first policy will be adopted for giving the admission under this category.

c) For the remaining seats the schools will allocate the seats to the applicants following a lottery system. The lottery will be arranged by the school in a very transparent manner. The school will record the procedures followed during lottery, both in hard and digital form. The school will call at least the following members at the time of lottery.

Ward Commissioner of Municipal Corporation/Board/Town Committee/Ward Member of PRI/VCDC Member in case of 6th Schedule area.

A representative to be deputed by Block Elementary Education Officer

At least five parents of applicants

Two citizens having good repute of that locality

Two members of School Committee

Principal of the School

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- 7) The school shall upload the details of admitted children in specific software by using their user ID and password and an unique ID shall be generated for every admitted child, which shall remain the same during the stay of the child in the School. At the time of submission of school database, the school will submit the following school information:
 School recognition number and certificate
 Affiliation Number and certificate
 Income Tax Return document of previous year
 PAN number and card of school
 Bank Account Number with IFSC of school exclusively operated for 12.1.c
 Bank name and Branch of account referred above (e)
 GPS point of the school
- 8) In case the application of any child is found not eligible to be admitted under the u/s 12.1.c, his /her petition will be rejected. The school concern will specify the reasons for the rejection against each child and shall record and display in the school notice board and the same will be uploaded in software referred.
- 9) List of children eligible to be admitted and waiting list to the extent of 25% of seats under Disadvantaged Group and Weaker Section quota shall be displayed in the notice board of the school.
- 10) The District level committee will verify the admitted children on the basis of the documents uploaded by schools and accord approval online. On special ground, the committee may also undertake physical verification if felt necessary. If any child is identified as ineligible by District level committee as per provisions, the school will be solely responsible to provide education to those children in their school till completion of elementary education at free of cost. At any cost, the schools can't claim any amount to the appropriate govt.

11) Activity Calendar

Sl.	Events	Tentative Date
1	Unaided non-minority private schools shall prepare the details of Entry level class and intake capacity	By 15th March of every year
2	Seats under 25% of capacity shall be displayed at the school notice board	By 15th March of every year
3	Issue of Notice by State Education Department and Schools announcing admission u/s 12.1.c	17th March of every year
4	Issue of Application Form for admission of children under 25% reservation by unaided non-minority private schools	Up to 25 th March of every year
5	Submission of filled in forms and issue of Application Receipt Number	Up to 28 th March of every year
6	Admission of Eligible children	1 st April of every year
7	Uploading information of children in software by school (Children admitted u/s 12.1.c)	By 30 th April of every year
8	Approval of children admitted by District Committee	15th May of every year
9	Name of Admitted Children shall be uploaded in Departmental website	20 th May of every year

Part C- Claim and Scrutiny

- 1) Claim by School: The school in the month of July shall submit the proposal claiming the amount to be reimbursed in specific software designed by the department. Along with claim proposal the school will submit a declaration which will be obtained from parent /guardian against the child admitted. The declaration will mention that their child is admitted in accordance with the Section 12.1.c and quality education is imparted properly. The declaration format will be made available at website of www.ssaassam.gov.in (declaration form to be developed). The second document, the schools require to submit at the time of claim is attendance of students of first quarter (April-June of every year)
- 2) Scrutiny and Verification: The claim submitted by the schools, students database admitted u/s 12.1.c, admission procedures will be verified by a team specifically constituted by Deputy Commissioner/Principal Secretary. It is clarified that, if any school selects any ineligible candidate by mistake or whatever and gives admission to the same, then it shall be the responsibility of the school authority to bear the entire expenses of the child's education. The school concern will be liable to ensure that the schooling facility to the child is provided in the respective school till completion of elementary education.

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- 3) In case, any claim is rejected there will be provision for the schools for reclaim within 15 days from the date of rejection. The reclaim procedure will be same as claim procedure.

Part D- Monitoring and Grievance Redressal

- 1) The District level Implementation and Monitoring Committee will monitor the schools where the children are admitted u/s 12.1.c under Right of Children to Free and Compulsory Education Act 2009. The committee may also constitute specific Inspecting Team for verification and monitoring.

The committees /Cell /Team will monitor all the schools at-least once in a quarter and as per proviso laid in The Assam Non-Government Education (Regulation and Management) Act 2006 and the Notification/ Guidelines issued in regards to implementation of 12.1.c under Right of Children to Free and Compulsory Education Act 2009

The Inspecting team will verify the students admitted in pursuance of clause C of sub section (1) of section 12 of the act, are not discriminated from the rest of the children in any manner pertaining to entitlement and facilities.

The Inspecting team will verify to ensure that whether these children are not segregated from other children in the classroom or shall their classes be held at places and timings different from the classes held for other children.

The Inspecting Team shall assess the Learning Outcome of children admitted under 12.1.c of Right of Children to Free and Compulsory Education Act 2009, as specified by NCTE.

- 2) Grievances Redressal: The existing Grievances Redressal mechanism notified by the Addl. Chief Secretary to the Govt of Assam, vide No. PMA.627/2010/289 dated Dispur, the 18th September 2014 will be followed. In particular, if any irregularities are noticed during the process of admission and imparting education, the parent may intimate the respective Block Elementary Education Officer in writing.

Part E- Reimbursement process

Reimbursement of fees:

The appropriate Government will reimburse the expenditure incurred by the Schools referred to above for providing free and compulsory education to the Children admitted against the minimum 25% of seats referred under section 12(1)(c) of the Act, to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less.

If such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate or if the School already has certain decision of giving free education to the children of their teachers or other school employees, then such children shall not be entitled for re-imbursement to the extent of such obligation.

The re-imbursement will be made directly through e-transfer into a separate bank account maintained by the school, in single/two instalment, for the academic year.

B. Kalyan

(Dr. B. Kalyan Chakrvarthy, IAS)
Principal Secretary to the Government of Assam
Education Department

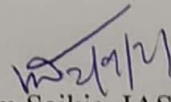
Memo No PMA73/2021/47-A

Dated Dispur the 2nd September, 2021

Copy to:

1. The Secretary to the Govt. of India, Ministry of Education, Department of School Education and Literacy, Shastri Bhawan, New Delhi.
2. The Accountant General (A & E), Assam, Guwahati-29.
3. The Mission Director, Samagra Siksha, Assam, Kahilipara, Guwahati-19. He/she is requested to circulate the OM to all relevant Officials under Samagra Siksha, Assam.
4. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu/ Dima Hassao, Haflong/ BTR, Kokrajhar.
5. The Secretary, Assam State Commission for Protection of Child Rights, Guwahati.
6. SO to Chief Secretary, Assam, Dispur, Guwahati- 6
7. The Deputy Commissioner (All)
8. Finance (Budget)/ Finance (EC-III) Department, Dispur
9. The Director of Secondary Education, Assam, Kahilipara, Guwahati-19. He/she is requested to circulate the OM to all District Level Offices under DSE.
10. The Director of Elementary Education, Assam, Kahilipara, Guwahati-19. He/she is requested to circulate the OM to all DEEOs/ BEEOs.
11. The Director of SCERT, Assam, Kahilipara, Guwahati-19. He/she is requested to circulate the OM to all relevant Offices/ Officials under SCERT, Assam.
12. The Director, Assam Govt. Press, Bamunimaidam, Guwahati 21 for publication of the OM in the next Gazette.
13. PS to Hon'ble Minister of Education, Assam, Dispur, Guwahati- 6 for kind appraisal of Hon'ble Minister.
14. Sr. Standing Counsel, Education Department, Gauhati High Court Guwahati- 6

By order etc,



(Preetom Saikia, IAS)
Special Commissioner

Education (Elementary & Secondary) Department