

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
ACT BRANCH, DIRECTORATE OF EDUCATION
OLD SECRETARIAT, DELHI-110 054.

No. F.DE/ACT/2010/ 7211 - 7222

Dated: 15/12/10

ORDER

Invoking the provisions u/s 35(1) of The Right of Children to Free and Compulsory Education (RTE) Act, 2009, the Ministry of Human Resource Development has issued guidelines regarding procedure for admission in schools u/s 13(1) and 12(1)(c) of RTE Act under letter No. F. No. 1-15/2010-EE-4 dated 23.11.2010. The guidelines state:

1) With regard to admissions in class 1 (or pre-primary class as the case may be) under section 12(1) (c) of the RTE Act in aided and unaided 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.

2) 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.

The Ministry of Human Resource Development has further clarified point (2) above through its letter no. F.No.1-15/2010-EE-4 dated 10-12-2010 as follows:-

"The guideline does not specify any category nor does it lay down any cap on any category identified by a school. Schools are free to identify any category based on policy/principles that are fair, just and reasonable within the ambit of the RTE Act and the guidelines referred to above and placed in public domain for implementing the admissions in schools".

Keeping in view the unique background, ethos and objectives of the schools in Delhi, covered under point (2), the categorization of the applicants should be on the basis of a criteria, developed in terms of the objectives of the school and can include Sibling, Transfer Case, Single Parent and Alumni.



-:2:-

With regard to applicability of RTE Act to Minority Institutions, the Ministry of Human Resource Development has issued guidelines through letter no. F.No.1-15/2010-EE-4 dated 23-11-2010. These are placed at the annexure.

Each school shall submit its admission policy to the Directorate of Education.

The above order on admission guidelines supercedes any other orders on the subject issued by the Directorate of Education.


(RAJESH SOMAAL)
DIRECTOR (EDUCATION)

Management of all recognized Government Aided/Unaided Schools

No. F.DE/ACT/2010/ 7211 - 7222

Dated: 15/12/10

Copy to:

1. P.S. to Hon'ble CM, Govt. of NCT of Delhi.
2. P.S. to Hon'ble MOE, Govt. of NCT of Delhi.
3. P.S. to Principal Secretary (Education), Govt. of NCT of Delhi.
4. P.A. to Director (Education), Govt. of NCT of Delhi.
5. Director, Ministry of Human Resource Development, Department of School Education & Literacy, Govt. of India.
6. Addl. Director of Education (Act), Directorate of Education, Govt. of NCT of Delhi.
7. All Regional Directors of Education, Directorate of Education, Govt. of NCT of Delhi.
8. All Deputy Directors of Districts (with request to serve this order on Management of the recognized Aided/Unaided schools of their respective districts under proper acknowledgement).
9. Education Officers/Deputy Education Officers of the respective zones, Directorate of Education, Govt. of NCT of Delhi.
10. All office Superintendents of Act Branch, Directorate of Education, Govt. of NCT of Delhi.
11. O.S. (IT), Directorate of Education with request to upload the order on the Department's website in public domain.
12. Guard File.


(MARCEL EKKA)
ASSISTANT DIRECTOR OF EDUCATION (ACT)

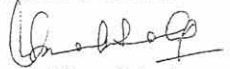
F. No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

Room No. 429-A, 'C' Wing, Shastri Bhavan,
New Delhi, dated 23rd November, 2010

Subject: Issue of Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education Act, 2009 regarding:

- (a) procedure for admission in schools under section 13(1) and section 12(1)(c) of the RTE Act - regarding.
(b) applicability of RTE to Minority Institutions

A copy of the Guidelines issued in exercise of powers conferred under Section 35(1) of the RTE Act, 2009 regarding procedure for admission in schools under Section 13(1) and section 12(1)(c) of the RTE Act and applicability of RTE to Minority Institutions is enclosed herewith for information and appropriate action.



(Vikram Sahay)
Director
Telefax: 2338 1470

Encl: as above.

1. Education Secretaries of all States/UTs
2. Director SCERTs
3. Commissioner, Navodhaya Vidyalaya Samiti, (NVS), Kendriya Vidyalaya Samiti (KVS)
4. Vice Chancellor, NUEPA,
5. Director NCERT/CTSA
6. Chairman, NCTE/Central Board of Secondary Education (CBSE)/National Institute of Open Schooling (NIOS)

Copy to:

1. PS to HRM
2. PS to MOS
3. Secretary (HE/SE&L)
4. AS(SE)
5. JS(SE)
6. JS(EE-I)
7. All Deputy Secretaries/Directors in EE-II Bureau
8. Director UT Division

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.



(Vikram Sahay)
Director,

Telefax: 2338 1470

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 its applicability to Minority Institutions - reg.

The Ministry has received representations from several minority organizations seeking clarification on the applicability of the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 on minority institutions in light of the provisions of Article 29 and 30 of the Constitution.

2. The matter has been examined in the Ministry. Wide ranging consultations have also been held to obtain views and opinion of various stakeholders on the subject, and the following guidelines are accordingly issued under section 35(1) of the RTE Act, 2009.
3. Institutions, including Madrasa and Vedic Pathshalas especially serving religious and linguistic minorities are protected under Article 29 and 30 of the Constitution. The RTE Act does not come in the way of continuance of such institutions, or the rights of children in such institutions.
4. Schools are defined in section 2(n) of the RTE Act. Schools of minority organizations covered within the meaning of section 2(n) of the Act, will be governed by the provisions of the RTE Act, 2009.
5. Appropriate Governments and local authorities shall ensure that the rights of Minority Institutions, guaranteed under Articles 29 and 30 of the Constitution, are protected while implementing the provisions of the RTE Act.

This issues with the approval of the competent authority.



(Vikram Sahay)
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