



# PASCHIM BANGA SARVA SHIKSHA MISSION

## NOTICE ON PUBLIC INTEREST

**The Right of Children to Free and Compulsory Education Act 2009 came into effect from 1st April 2010.** The Act contains various provisions to ensure an environment conducive to providing free and compulsory elementary education to all children of the age of 6 to 14 years in our country. The School Education Department, Government of West Bengal, in exercise of the powers conferred under Section 35(2) of the Act, has issued various notifications in this regard which may be accessed from the Department website [www.wbsed.gov.in](http://www.wbsed.gov.in). The salient provisions of these notifications are the following:

**A Prohibition of collection of capitation fees or holding of screening process during admissions by school authorities - Notification No 86-SSE/11/ES/S/1A-01/2009 dated 25th February 2011 of the School Education Department.**

Section 13 of the Act provides that no school authority can collect any capitation fees during its admission process and any contravention of this provision may lead to the imposition of fines to the tune of ten times the amount collected up to a maximum of ` 25,000 the first time and upto `50,000 for subsequent violation. Section 13 of the RTE Act also prohibits school authorities from screening children during the admission process. Accordingly, if there are more applicants than seats available, the selection of the children to be admitted to the school would be done only on the basis of lottery. In case of any violation, affected persons can lodge complaints before the District Inspector of Schools or concerned District Magistrate and in the case of schools situated in Kolkata, the Commissioner of the Kolkata Municipal Corporation. The authority will conduct an inquiry within 60 days and forward the findings of the inquiry along with recommendations to the Director of School Education, who, after giving the school authorities an opportunity of hearing, will decide on the quantum of fines, if any to be imposed on the school. Appeals against the Director of School Education's order can be made within 30 days to the Secretary of the Department who will dispose of the appeal within 30 days.

**B Prohibition of Private Tuitions or Private Teaching Activity by Teachers – Notification No. 189-SE (Law)/S/1A-01/09.– 14th February, 2011**

Section 28 of the RTE Act prohibits teachers from engaging themselves in private tuition or private teaching activity. It is the duty of every school authority to ensure that no teacher of the school shall engage in private tuition or private teaching activity in any manner whatsoever. The concerned school authorities shall take appropriate disciplinary action against any teacher who indulges in such activity.

**C Prohibition from imposing any kind of fees or charges or expenses which may prevent a child from pursuing and completing elementary education: Notification No. 187-SE (Law)/S/1A-01/09 dated 14th February, 2011**

As provided under Section 3(2) of the RTE Act, no Government school shall collect any fees, charges or expenses from any child at the elementary stage. Recognized aided school / school receiving aid or grants from the State Government or any local authority can only collect a development charge of up to a maximum amount of ` 240/- per annum from a child studying at the elementary level. Should any guardian approach the school for exemption from payment of the charges on the ground that his/her child may be prevented from pursuing and completing elementary education, due to poor financial condition, the school authority within 30 days, has to consider the application after appropriate enquiry. Appeal may be filed within 15 days of the school's order before the District Inspector of Schools or his/her authorized officer, who, after hearing both parties, would decide the case within 30 days. The decision of the District Inspector of Schools will be final and binding.

**D Unaided schools shall admit children from the Weaker Sections and Disadvantaged Groups in up to 25% of available seats in Class I: Notification No. 190-SE (Law)/S/1A-01/09 - 14th February, 2011**

As provided in Section 12(1)(c) of the RTE Act, 2009 unaided schools shall provide free and compulsory elementary education to students belonging to weaker sections (BPL) and disadvantaged (S.C/S.T/O.B.C) groups in the neighbourhood to the extent of at least twenty-five per cent of the total strength of class I of the school out of which 50% of seats in coeducational schools shall be reserved for girls. In West Bengal, a child shall belong to the 'weaker sections' should either parent belong to the Below Poverty Line (BPL) category as per list provided by the appropriate authority. Every unaided school will notify the number of such seats in their admission notice for Class I every year and a detailed report of such admissions shall be sent annually to the District Inspector of schools. While seeking such admission, parents/guardians have to provide certificates issued by the competent authorities regarding the relevant status of the family.

Distribution of these seats shall be done amongst children belonging to weaker sections and disadvantaged groups in the following manner:

Sl No	Category	Ratio
(a)	Children belonging to the Scheduled Castes	22
(b)	Children belonging to the Scheduled Tribes	06
(c)	Children belonging to Other Backward Classes-A	10
(d)	Children belonging to Other Backward Classes-B	07
(e)	Children belonging to the weaker sections of the society	55

Should more applications be received than the ratio-wise breakup of the seats available, preference shall be given to BPL SC/ST/OBC children. In case fewer applications than seats available are received in any category, those shall be filled up from among the applicants in other categories. Once admitted, it shall be the duty of the school authorities to ensure that no discrimination or segregation of children admitted from the weaker sections and disadvantaged groups takes place in any way. The Government shall reimburse all the expenses made by the school authorities on account of study materials and uniforms for these children in accordance with the rules prescribed under the RTE Act.

Sd/-  
State Project Director  
PBSSM