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The
Kolkata Gazette
सत्यमेव जयते

Extraordinary
Published by Authority

FALGUNA 9]

MONDAY, FEBRUARY 28, 2011

[SAKA 1932

PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

Government of West Bengal
School Education Department,
Law Branch

NOTIFICATION

No. 86-SSE/11/ES/S/1A-01/2009. – 25th February, 2011. – WHEREAS the Right of Children to Free and Compulsory Education Act, 2009, hereinafter referred to as the said Act, has come into force with effect from 01.04.2010;

AND WHEREAS section 3 (1) of the said Act envisages that every child of the age of 6 to 14 years shall have Right to Free and Compulsory Education in a neighbourhood school till completion of Elementary Education;

AND WHEREAS section 13 of the said Act has further provided that no school or person shall, while admitting a child, collect any capitation fee and subject a child or his/her parents or guardian to any screening procedure and in the event of contravention of the said provision of law, such school or person collecting capitation fees shall be liable to be punished with imposition of fines which may extend to ten times the capitation fees charged and further that any school or person who subjects a child to screening procedure shall be liable to be punished with fine which may extend to Rupees Twenty Five thousand for the first contravention and Rupees fifty thousand for each subsequent contravention;

NOW, THEREFORE, in exercise of the powers conferred under section 35 (2) of the Act the Governor has been pleased to direct that no School authority including any recognized Government, Government Aided or Unaided Educational Institution or any person attached to any such school shall, while admitting a child, collect any capitation fees as defined under section 2(b) of the Act or subject the child or her / his parents to any screening procedure. If the number of applications for admission to a particular school exceeds the number of available seats, the school shall determine the students to be admitted by conducting open lottery.

The Governor is further pleased to direct that any violation of this direction shall be punishable under clause (a) of sub-section (2) of section 13 of the said Act. Any affected guardian of any child or any person affected coming under the purview of this Notification may lodge a written complaint before the District

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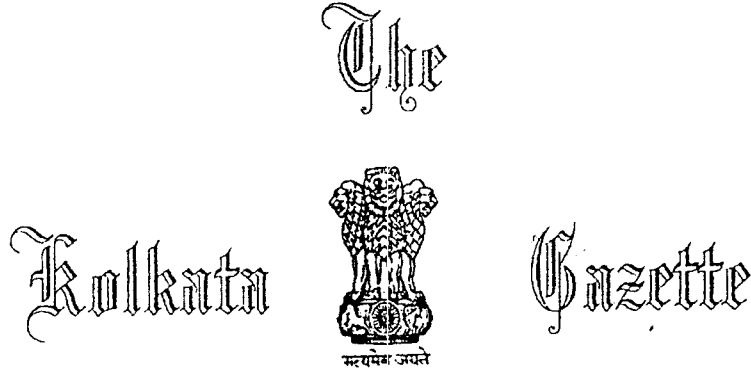
Magistrate of the concerned District (Commissioner, Kolkata Municipal Corporation for school located within the territorial jurisdiction of Kolkata Municipal Corporation) or the concerned District Inspector of Schools and any of these authorities having received any such complaint shall, within a period of 60 (sixty) days, shall cause an enquiry into the complaint and forward such enquiry report along with his recommendations to the Director School Education, West Bengal. The Director School Education West Bengal shall, within a period of 45 days from the date of receipt of such report, decide on imposition of fine or otherwise on the school authority or person after giving an opportunity of hearing to such school authority or person. In case the Director School Education decides to impose fine under the provisions of the said Act he shall also specify the amount, manner, the time limit and the head of account under which such fine is to be deposited by the school authority or person. Any school authority or any person affected by such order may submit an appeal in writing to the Secretary, School Education Department, Government of West Bengal within a period of 30 (thirty) days from the date of the order and the Secretary, School Education, Government of West Bengal shall dispose of such appeal within a further period of 30 (thirty) days.

By the order of the Governor,

Vikram Sen

Secy. to the Govt. of West Bengal

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MONDAY, FEBRUARY 21, 2011

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Government of West Bengal
School Education Department,
Law Branch

NOTIFICATION

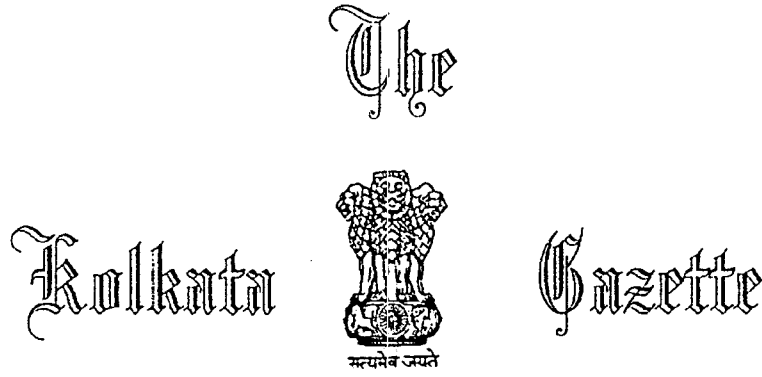
No. 187-SE (Law)/S/1A-01/09. – 14th February, 2011. – WHEREAS sub-section (2) of section 3 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the said Act), provides that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing his or her elementary education;

AND WHEREAS the Governor has considered it necessary and expedient to do so;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 35 of the said Act, the Governor is pleased hereby to direct that –

- (a) no Government school established, owned or controlled by the State Government or a local authority shall collect any fees, charges or expenses from any child till completion of elementary education;
- (b) no recognized aided school or a school receiving aid or grants to meet whole or part of its expenses from the State Government or any local authority shall not collect any fee or charges or expenses from a child till completion of elementary education other than a development charge of up to a maximum amount of Rs. 240/- (Rupees two hundred and forty) only per year;

Provided that if any guardian of a child expresses his or her inability to pay such development charges due to poor financial conditions and applies to the concerned school authority for exemption of such development charge on the ground that such charges may prevent his/her child from pursuing and completing elementary education, the concerned school authority shall, within thirty days from the date of application, exempt said guardian from paying such development charges or any part thereof after making such enquiry as it deems fit and proper.



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Government of West Bengal
School Education Department,
Law Branch

NOTIFICATION

No. 190-SE (Law)/S/1A-01/09. – 14th February, 2011. – WHEREAS clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the said Act) *inter alia* envisages that an unaided school not receiving any kind of aid or grants to meet its expenses from the State Government or the local authority (hereinafter referred to as the unaided school) shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education to such students till its completion;

AND WHEREAS as per clause (e) of section 2 of the said Act a child belonging to weaker section means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

AND WHEREAS the Governor has considered it necessary and expedient to do so;

NOW, THEREFORE, in exercise of the power conferred under clause (e) of section 2 of the said Act, the Governor is pleased hereby to specify that a child shall be deemed to belong to a weaker section, if either parent of the child has been duly recorded as a person belonging to Below Poverty Line (BPL) family as per the list prepared by the appropriate local authority owing to his or her lower income;

The Governor is, in exercise of the power conferred under sub-section (2) of section 35 of the said Act, further pleased to direct that all the unaided school shall admit in class I, to the extent of at least twenty five per

ent of the strength of that class, children belonging to the weaker sections and disadvantage groups in the neighbourhood in the following manner:-

- (1) The twenty five per cent of the total strength of class I of the unaided school may, as far as possible, be distributed in the proportionate ratio as mentioned in the table below: -

Table

Sl. No.	Category	Ratio
(a)	for children belonging to the Scheduled Caste	22
(b)	for the children belonging to the Scheduled Tribe	06
(c)	for the children belonging to Other Backward Classes-A	10
(d)	for the children belonging to Other Backward Classes-B	07
(e)	for the children belonging to the weaker sections of the society	55

- (2) Every unaided school shall notify the number of seats reserved for weaker sections and disadvantaged groups in their admission notice for Class I every year.
- (3) The parent or guardian of a child applying for admission under the appropriate category mentioned hereinabove shall be required to produce a certificate issued by any of the appropriate authorities as specified under Memorandum No. 837-TW/EC dated 12 September, 1990 by the office of the then Scheduled Castes and Tribes Welfare Department, (presently Backward Classes Welfare Department) Government of West Bengal, as reproduced below:-

- A (i) District Magistrate, Collector, Addl. District Magistrate, Deputy Collector, Sub-Divisional Officer, Sub-Divisional Magistrate, Executive Magistrate, 1st Class Stipendiary Magistrate, Chief Metropolitan Magistrate, Calcutta, Addl. Chief Metropolitan Magistrate, Calcutta and Collector of Stamp Revenue and Deputy Collector of Land Revenue, Calcutta within their respective jurisdictions in case of candidates claiming to be Scheduled Caste or Scheduled Tribe and ordinarily residing within such jurisdictions;
- A(ii) Director, Scheduled Castes & Tribes Welfare, West Bengal and Deputy Director, Scheduled Castes & Tribes Welfare, West Bengal in case of candidates claiming to be scheduled Caste or Scheduled Tribe residing in any part of West Bengal;
- A(iii) A Member of Parliament, A Member of State Legislature, A Member of Zilla Parishad, A Councillor of Municipal Corporation, A Commissioner of Municipality and Any Group 'A' Officer of the State Govt., Mayors of Corporations; and
- A(iv) A Councilor of Darjeeling Gorkha Hill Council for candidates claiming to be Scheduled Caste or Scheduled Tribe and ordinarily residing within the jurisdiction of the Darjeeling Gorkha Hill council.

Explanation. - For the purpose of this paragraph, -

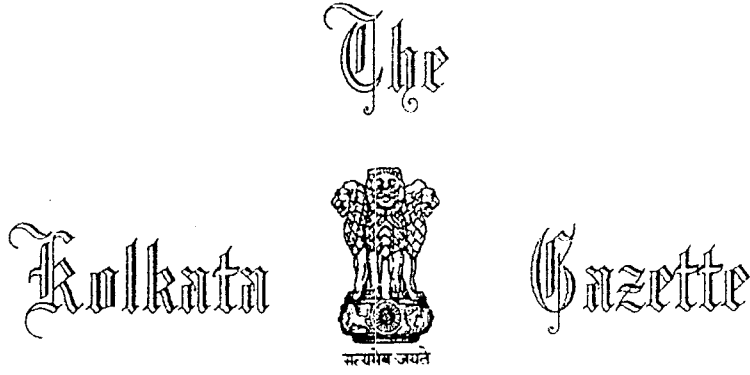
- (a) "appropriate authority" means an authority duly authorised to issue a certificate of Scheduled Caste or Scheduled Tribe or Other Backward Classes or Below Poverty Line, as the case may be, under any Act or order for the time being in force;
- (b) in case of an orphan or a child, whose parentage is not known, the concerned local authority may determine whether he or she belongs to the weaker section and certify accordingly.

- (4) (a) In case the numbers of applications received is more than the ratio-wise breakup of the twenty-five per cent of the total strength in class I, as arrived as per table above, first preference shall be given to the children coming under the Below Poverty Line category from amongst the Schedule Castes or Schedule Tribes or Other Backward Classes.
- (b) In case the number of applicants from any of the above category is less than the proportionate ratio provided hereinabove, the same shall be filled up from among the applicants in other categories on *pro rata* basis.
- (c) Among the category wise proportionate ration provided hereinabove in the table, at least 50% seats may be reserved for girl students in case of co-educational unaided schools.
- (5) Every unaided school shall submit to the concerned District Inspector of Schools every year a detail account of admission made by it pursuant to clause (c) of sub-section (1) of section 12 of the said Act.
- (6) Every authority of unaided school shall ensure that children from the weaker sections and disadvantaged groups admitted in the school are not discriminated against or segregated in any way and are dealt with in the same manner as in case of other children in the school.
- (7) All the expenses on account of study materials and uniform of the children belonging the weaker sections and disadvantaged groups admitted in an unaided school shall initially be borne by such school, which shall be reimbursed by the State Government in the School Education Department in accordance with the rules prescribed under sub-section (2) of section 12 of the said Act.

By order of the Governor

VIKRAM SEN
Secy. to the Govt. of West Bengal

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School Education Department,
Law Branch

NOTIFICATION

No. 189-SE (Law)/S/1A-01/09.- 14th February, 2011. - WHEREAS section 28 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the said Act) provides that no teacher shall engage himself or herself in private tuition or private teaching activity;

AND WHEREAS the Governor has considered it necessary and expedient to do so;

NOW, THEREFORE, in exercise of the powers conferred under sub-section (2) of section 35 of the said Act the Governor is pleased hereby to direct that--

- (a) every school authority or management committee shall ensure that no teacher working in the school shall engage himself or herself in private tuition or private teaching activity in any manner whatsoever in violation of section 28 of the said Act; and
- (b) if any teacher is found to have engaged himself or herself in private tuition or private teaching activity, the concerned school authorities or management committee shall compulsorily take appropriate disciplinary action against such teacher.

By order of the Governor

VIKRAM SEN

Secy. to the Govt. of West Bengal

Published by the Controller of Printing and Stationery, West Bengal and Printed by the Superintendent, W.B.G.P.,
Kadapara, Kolkata - 700 054.