

(Authoritative English text of the Government Notification No. EDN-C-F(10)-8/09 dated 05.03.2011 as required under article 348(3) of the Constitution of India)

Government of Himachal Pradesh
Department of Elementary Education

Notification No. EDN-C-F(10)-8/09

Dated Shimla-2 the 5th March, 2011

In exercise of the powers conferred under section 38 of the Right of Children to Free and Compulsory Education Act, 2009, (35 of 2009) the Governor of Himachal Pradesh is pleased to make the following rules to carry out the provisions of the Act *ibid*, namely:-

1. Short title: These rules shall be called the Right of Children to Free and Compulsory Education, Himachal Pradesh Rules, 2011.

PART I - PRELIMINARY

2. Definitions: (1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);
- (b) "Anganwadi" means an Anganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India;
- (c) "Chapter", "Section" and "Schedule" means respectively Chapter, Section of, and Schedule to, the Act;
- (d) "Child" means any child of the age of 6 to 14 years;
- (e) "Child belonging to disadvantaged group" means the child belonging to Scheduled Caste or Scheduled Tribe or Other Backward Classes, who belongs to a family that is below the poverty line or is a disabled child as per the provisions contained in Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- (f) "Child belonging to weaker section" means the child belonging to such guardian or parent who belongs to Below Poverty Line family;
- (g) "Form" means a form appended to these rules;
- (h) 'Neighbourhood' for the purposes of these rules means a minimum contiguous population of 500 or more in one or more than one village; and Municipal area ;

- (i) "Primary school" means a school imparting education to students for the classes 1 to 5 and also includes its branch;
- (j) "Pupil cumulative record" means record of the progress of the child based on comprehensive and continuous evaluation;
- (k) "School mapping" means planning school location to overcome social barriers and geographical distance;
- (l) The "State Government" means, the Government of Himachal Pradesh;
- (m) the term "SMC" wherever used in these rules shall be construed to mean 'School Management Committee';
- (n) Upper primary school, means a school imparting education to the students for the classes 6th to 8th; are

(2) All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART II – RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

3. Special Training for the purposes of first proviso to section 4 (Non-residential / Residential bridge course) : (1) The School Management Committee/ local authority/ teachers, shall identify children requiring special training and organize such training in the following manner, namely:

- (a) it shall be based on specially designed, age appropriate learning material, approved by the academic authority constituted under section 29(1);
- (b) it may be provided in classes held in the premises of the school, or through classes organised in safe residential facilities;
- (c) it may be provided by teachers working in the school, or by teachers specially appointed for the purpose; and
- (d) the duration of training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress of the child, for a maximum period not exceeding two years.

(2) The child shall, upon induction into the age appropriate class, after special training under sub-rule(1), continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the children in the class, academically and emotionally.

PART III – DUTIES OF STATE GOVERNMENT AND LOCAL AUTHORITY

4. Areas or limits of Neighbourhood Schools : (1) Neighbourhood school means and include-

- (i) a primary school which is located within a walking distance of 1.5 kms (one and half a kilometres) of a neighbourhood and has a minimum of 25 children in the age group of 6 to 11 years available and willing for enrolment in that school ; and
- (ii) an upper-primary school which is located within a walking distance of 3kms(three, kilometres) from a neighbourhood and which has not less than 25 children in class 5th of the feeding primary schools, taken together, available and willing for enrolment in that school.

(2) In areas with difficult terrain, having risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the State Government or local authority may locate the school in the manner so as to avoid such dangers, by reducing the limits specified under sub-rule (1).

(3) For children from small villages, as identified by the State Government or local authority, where no school exists within the area or limits of neighbourhood specified under sub-rule (1), the State Government or local authority may consider making provision of free bus passes or payment of distance allowance at such rates as it may fix from time to time.

(4) In areas with dispersed population, the State Government, instead of opening a School, may establish a hostel in some suitable school where, students of such areas may be admitted.

(5) In areas with high population density, the State Government or local authority may consider establishment of more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas.

(6) In respect of children with disabilities which prevent them from accessing the school, the State Government or local authority shall endeavour to make arrangements to provide them the distance or transportation allowance at such rates as may be fixed by the State Government from time to time, for enabling them to attend the school and complete elementary education.

(7) The State Government or local authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

(8) The State Government may from time to time rationalize the existing primary and upper primary schools and may take appropriate decisions including those relating to their merger or closure as may emerge from the rationalization exercise.

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14th Jan 2023

CIRCULAR REGARDING 25% RESERVATION FOR WEAKER SECTION/DISADVANTAGE GROUP

This is to inform you all that 25% reservation is ensured for weaker section or disadvantage group in all “specified categories”. Admission procedure be made in accordance with the Right of children to Free and Compulsory Education(RTE) Act, 2009.

Pat I
14 Jan 2023