

902  
102

**NOTIFICATION**  
**Education Department**  
**Sachivalaya Gandhinagar**  
**Dated:-22/5/2013**

**Right of  
Children to  
Free and  
Compulsory  
Education  
Act, 2009**

No.GH/SH/4/Pre/122010/GOI-10/K :-In exercise of the powers conferred by Section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Right of Children to Free and Compulsory Education Rules, 2012,namely:-

1. These rules may be called the Gujarat Right of children to free and compulsory Education (Amendment) Rules,2013
2. In the Gujarat Right of Children to Free and Compulsory Education Rules,2012,(hereinafter referred to as "the said rules") in rule 1,-
  - (1) in the marginal note, for the words "commencement and extent", the words "commencement, extent and application" shall be substituted;
  - (2) after sub-rule (3), the following sub rules shall be added, namely:-
    - (4) Subject to the provision of articles 29 and 30 of the Constitution of India, the provision of these rules shall apply to conferment of right on children to free and compulsory education.
    - (5) Nothing contained in these rules shall apply to *Madrasas, Vedic Pathshalas* and educational institution imparting primarily religious instruction."
3. In the said rules, in rule 11,-
  - (1) for sub-rule(1), the following sub-rule shall be substituted, namely:-
    - "(1) The Children from weaker sections and disadvantages groups shall be children with disability or children of those families who belong to Schedule caste, Schedule tribes and the other backward classes for which the recognition of such special status by the state Government by means of a certificate of any appropriate authority shall be sufficient.The Children belonging to economically weaker sections shall be those whose families are listed in the Below Poverty Line(BPL) lists at that particular time.";
    - (2) after sub-rule (1), The following sub rules shall be inserted, namely:-
      - "(1A) The admission of the children belonging to weaker sections and disadvantages groups referred to in sub-rule (1) shall be given in the following preference, namely:-
        - (1) Orphan Child

- (2) Child in Need or Care and Protection
- (3) Children of Child care Institution.
- (4) Child Labour/Children of migrating Labourers
- (5) Mentally Challenged Child & Cerebral Palsy
- (6) CWSN (Children With Special Needs (Physically Handicapped )
- (7) HIV affected Children,
- (8) In case of Children belonging to Scheduled Caste, Scheduled Tribes preference shall be given in the following order-

- (i) to the Children of the BPL Card holder,
- (ii) to the parents of the Children of the who are not covered under BPL category and whose income do not exceed-
  - (a) in rural areas Rs.27,000/-and
  - (b) in urban areas Rs.36,000/- per annumshall be given the preference,

- (9) In case Children belonging to OBC and Socially & Educational Backward Classes preference shall be given in the following order-

- (i) First Priority to be given to Nomadic and De-notified Tribes (NDNT)
- (ii) to the children of the BPL Card Holder
- (iii) to the parents of the children who are not covered under BPL category and whose income do not exceed-
  - (a) in rural areas Rs.27,000/-and
  - (b) in urban areas Rs.36,000/- per annumshall be given the preference

- (10) In the eventuality that children enumerated in the categories listed at Serial number ( 1) to (9) above are not available for admission and the situation arises where the reserved seats may remain vacant admission may be given to the children evaluated in the following categories -

- (i) SC/ST Children with family income of up to Rs.2/- lakhs per annum.
- (ii) OBC/SEBC Children with family income of up to Rs.1/- lakhs annum."

4. In the said rules, in rule 15 after sub-rule(2), the following sub rule shall be added , namely:-

"(3) Schools applying for fresh recognition which do not conform to the norms and standard as specified in these rules shall be granted provisional certificate of recognition for a period of three years so as to fulfill the norms and standards as specified in these rules. In case of any violation of any of condition of the provisional certificate of recognition by the school, it shall cease to function after three years."

5. In the said rules, in rule 16,-

- (1) in sub-rule 3, clause (d) shall be deleted;

- (2) To sub-rule (6), the following proviso shall be inserted, namely:-

"Provided that the school Management Committee constituted under sub-rule (1) in respect of-

- (a) a school established and administered by minority whether based on religion or language, and
- (b) all other aided schools as defined in sub-clause (ii) of clause (n) of section 2, of the Act, which are receiving the aid or grants to meet with the whole or part of its expenses from the State Government or local authority shall perform advisory function only".

6. In the said rules, in sub-rule 17 in sub rule(1), for the words "School Management Committee" the words, letter, brackets and figure "School Management Committee except the School Management Committee in respect of a School established and administered by minority, whether based on religion or language and an aided school as defined by sub-clause (ii) of clause (n) of section 2 of the Act", shall be substituted

By order and in the name of Governor of Gujarat

  
(Anant Patel)

Deputy Secretary to Govt of Gujarat.  
Education Department

**Copy forwarded with compliments to:-**

- The Secretary to the Governor (By letter)
- The Secretary to Hon.'ble Chief Minister, Sachivalaya, Gandhinagar
- The Personal Secretary to Hon.'ble Education Minister
- The Personal Secretary to Hon.'ble Education Minister for State.
- The Leader of Opposition, Gujarat Vidhansabha, Gandhinagar.
- The Registrar, Gujarat High Court, Ahmedabad.(By letter).
- The Addition Chief Secretary, General Administration Department, New Sachivalaya, Gandhinagar.
- The P.S. to Principal Secretary, Education department, Sachivalaya, Gandhinagar.
- The P.S. to Principal Secretary (P.E), , Education department, Sachivalaya, Gandhinagar.
- The Secretary, Gujarat Public Service Commission, Lal Darwaja, Ahmedabad. (By letter)
- The State Project Director, S.S.A., Gandhinagar.
- The Director of Primary Education, Gujarat State, Dr. Jivraj Mehta Bhavan, Gandhinagar.
- All the remaining Head of the Departments of Education Department.
- The Accountant General, Ahmedabad/Rajkot.
- The Commissioner of Information, Gujarat State, Gandhinagar.
- The Director of Printing & Stationary, Gandhinagar- with a request to print in the Government Gazette.
- All the Officers and all branches of Education Department.
- Select File, K-Branch, Education Department.