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F.No. 1-15/2010-EE-4  
Government of India  
Ministry of Human Resource Development  
Department of School Education and Literacy  
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New Delhi Dated: 25<sup>th</sup> July, 2011

**Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 regarding free and compulsory education in a neighbourhood school**


A copy of guidelines issued in exercise of powers conferred under section 35(1) of the RTE Act, 2009 regarding free and compulsory education in a neighbourhood school is enclosed herewith for information and compliance.

  
(Arun Kumar)

Under Secretary Govt. of India  
Tele: 23384589

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, Central Board of Secondary Education (CBSE)/ National Institute of Open Schooling (NIOS)

  
20/07/2011  
प्राचार्य / Principal  
के.वि. जांजगीर / KV Janjgir  
मनु. रोड, खोखरा / Munund Road, Khokhara  
जिला - जांजगीर - चम्पा / Distt. Janjgir-Champa  
- 495668 (छ.ग.) / Pin-495668 (C.G.)

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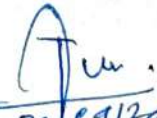
**Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 regarding free and compulsory education in a neighbourhood school**

Several provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, including sections 3(1), 6, 8(b), 9(b), 10, and 12(1)(c), refer to 'neighbourhood' school. These guidelines under section 35(1) of the RTE Act seek to clarify the context in which these provisions are made, and the interplay between the various provisions in the RTE Act with reference to *neighbourhood* school.

**CHAPTER 2: Right to Free and Compulsory Education**

**SECTION 3: Every child of the age of six to fourteen years shall have the right to free and compulsory education in a neighbourhood school till the completion of elementary education.**

The challenge in our country has been to design a system of education that addresses the social, cultural and linguistic differences in a manner that recognizes and respects diversity, and at the same time narrows the disparities arising out of caste, class and gender. This was exemplified in the Kothari Commission Report, 1968, through the concept of the *neighbourhood* school that would preserve linguistic and cultural diversity through education of equitable quality, and ensure that children from different social, economic and ethnic backgrounds would sit together in a common classroom, so that the classroom itself becomes a site for social integration. This idea is reiterated in the National Policy on Education (NPE) 1986/1992. The *neighbourhood* school, incorporated in the RTE Act, is therefore meant to be a site for inclusion, so that the school becomes a common space for education, and children's education and schooling does not get differentiated on caste, ethnic group and class lines.

  
20/09/2011  
प्रचार्य / Principal  
के.वि. जांजगीर / KV Janjgir  
मनुद रोड, खोखरा / Munund Road, Khokhara  
जिला-जांजगीर-बाघपा / Dist. Janjgir-Champa  
पिन-495668 (छ.ग.) / Pin-495668 (C.G.)



In providing for the right of every child to free and compulsory education in a *neighbourhood* school, the RTE Act does not restrict the choice of the child to seek admission in a school which may not be in the immediate vicinity, or the *neighbourhood* of the child's residence. In other words, there is no compulsion on the child to seek admission only in the school in his or her *neighbourhood*.

#### **CHAPTER 4: Duties of appropriate Government, local authorities and parents**

**SECTION 6:** *For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as many be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.*

The rationale of this provision is to provide all children access to elementary education. Universal access requires schooling facilities within reasonable reach of all children. If schools are not located in or near the habitations where children reside, children may not complete schooling, even if they are formally enrolled in schools, on account of distance factors. The RTE Act therefore mandates the appropriate governments and local authorities to provide for children's access to elementary schools within the defined area or limits of neighbourhood.

Therefore, a *neighbourhood* school is a school located within the defined limits or area of neighbourhood, as notified by the State Government under the State RTE Rules. The Central RTE Rules have notified the area or limits of neighbourhood to factor in distance norms one kilometre for children in classes I-V, and three kilometres for children in classes VI-VIII, with provision for relaxation of norms in places with difficult terrain where there may be risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school. In the case of children with disabilities, the Central RTE Rules provide for appropriate and safe transportation arrangements to enable them to attend school and complete elementary education. The Central RTE Rules contain the position of the Central Government in regard to *neighbourhood* school. The *neighbourhood* norms provided in the Central RTE Rules are applicable to Union Territories without Legislature for opening new schools. In the case of all other States and Union Territories the neighbourhood norms need to be notified in the State/UT RTE Rules.

The Central Government has also circulated Model RTE Rules to the States, which incorporate similar provisions as in the Central RTE Rules for the guidance of States.


States /UTs need to arrive at a clear picture of current availability of schools within defined area or limits of neighbourhoods. In order to do this, State/UTs need to (i) define the neighbourhood norms keeping in view that all primary and upper primary schools and composite schools (with primary and upper primary sections), established by the State Government and local bodies would be *neighbourhood* schools for the purpose of section 3(1), and (ii) map the neighbourhoods or habitations and link them to specific schools. It is possible that a neighbourhood may be linked to more than one school. Similarly, a school may be linked to more than one neighbourhood. The mapping exercise will help identify gaps and areas where new schools need to be opened to ensure universal access.

While undertaking mapping to determine the need, and planning for establishment of *neighbourhood* schools, the appropriate Government should factor in the intake capacity in all schools within the area or limits of neighbourhood as prescribed under section 6, i.e. Government or local body schools, aided schools and unaided and specified category schools. Such planning will ensure that the Government uses its resources optimally in relation to the actual requirement of providing universal access to elementary education.

**SECTION 8(b) AND SECTION 9(b):** *The appropriate Government (local authority) shall ensure availability of a neighbourhood school as specified in section 6*

Based on the mapping exercise to identify gaps the appropriate Government or local authority shall take steps to open new schools to ensure universal access as per the time frames mandated under section 6.

**SECTION 10:** *It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward as the case may be to elementary education in the neighbourhood school*

  
20/09/2022  
प्राचार्य / Principal  
के.वि. जांजगीर / KV Janjgir  
मुनुंद रोड, खोखरा / Munund Road, Khokhra  
जिला-जांजगीर-चम्पा / Distt. Janjgir-Champa  
पिन-495668 (छ.ग.) / Pin-495668 (C.G.)



This provision casts a moral responsibility on every parent/guardian to admit their children/wards to school, and ensure that children are not deprived of their right to elementary education. This includes, for example, child labour, children in ecologically deprived areas where they are required to fetch fuel, water, fodder and do other household chores, children in very poor slum communities and uprooted urban habitations, children of families of scavengers and other such stigmatised professions, children of itinerant or seasonal labour who have mobile and transient lifestyle like construction workers, road workers and workers on large construction sites, children of landless agriculture labour who are required to augment family incomes. This provision should be read together with the responsibility of the appropriate Government and local authority to provide free and compulsory elementary education in a *neighbourhood* school. It is not the intention of this provision to compel parents/guardians and children/wards, who do not wish to avail of free and compulsory education, to necessarily admit their children/wards in *neighbourhood* school.

#### **CHAPTER 4: Responsibilities of Schools and Teachers**

**SECTION 12 (1):** *For the purposes of this Act, a school,*

- (a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;*
- (b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty five per cent.*
- (c) specified in sub clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty five, of the strength of that class, children belonging to weaker sections and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.*

Section 12(1) of the RTE Act spells out the extent of the school's responsibility for free and compulsory education. It mandates that:

- (a) all Government and local body schools shall provide free and compulsory education to all children enrolled therein. Thus, every government or local body school shall function as a *neighbourhood* school for all those children who wish to go to a government school or local body for free education.


(b) all aided schools receiving aid or grants to meet whole or part of its expenses shall provide free and compulsory education to such proportion of children as its annual recurring aid or grants, subject to a minimum of 25%.

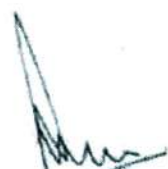
(c) all unaided and 'specified category' schools, namely Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik schools or any other school having a distinct character as specified by notification by the State Government/UT, shall admit and provide free and compulsory education to at least 25% of the annual class I intake (or pre-primary section as the case may be) children belonging to weaker sections and disadvantaged groups in the neighbourhood. Such schools will be the neighbourhood school only to the extent of admission of 25% of the class I intake (or pre-primary section as the case may be) annually in respect of children from disadvantaged groups and weaker sections in the neighbourhood of the school. For the remaining children in aided, unaided and specified category schools the neighbourhood criterion does not apply. Such schools shall be reimbursed expenditure in accordance with section 12(2).

It is further clarified that residential private unaided schools, which start at a class higher than Class I, would not be required to admit 25% children from disadvantaged groups and weaker sections in their schools under section 12(1)(c), and thus such seats in residential schools not starting at class I need not be factored into the availability and requirement of neighbourhood schools for universal access.

These guidelines should be brought to the knowledge of all concerned for necessary compliance.

This issues with the approval of the competent authority.

  
20/07/2022  
प्राचार्य / Principal  
के.वि. जांजीर / KV Janjgir  
मुनुद रोड, खोखरा / Munund Road, Khokhara  
जिला-जांजीर-सम्भल / Distt. Janjgir-Champa  
पिन-498668 (छ.प.) / Pin-495668 (C.G.)

  
(Arun Kumar)  
Under Secretary Govt. of India  
Tele: 23384589