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Government of India

Ministry of Human Resource Development
Department of School Education and Literacy

Shastri Bhawan, New Delhi

Dated: 26th October 2012

Subject : Guidelines under section 35 (1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 for implementation of clause (c) of sections 8 & 9 of the RTE Act.

Clause (c) of sections 8 & 9 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 casts a duty on the appropriate Government and local authority to ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any ground. In order to enable State Governments and school managements to fulfill their responsibilities for creating a non-discriminatory school environment, following guidelines are issued for implementation of clause (c) of section 8 & 9 of the RTE Act:

*1 Every school referred to in clause (n) of section 2 of the RTE Act shall take appropriate measures to:

- a) Safeguard the interests of the child belonging to weaker section and disadvantaged group.
- b) Eliminate discrimination or harassment of a child belonging to disadvantaged group or weaker section in schools by prohibiting it and by providing for preventive and protective measures to facilitate its eradication.
- c) promote equality for children belonging to weaker section and disadvantaged group.

2 A school shall not discriminate a child belonging to the weaker section or disadvantaged group, allow or condone any constituent of the school to discriminate such a child or a group of such children, and take the following measures, namely:-

- (a) The school shall not discriminate against a child belonging to weaker section and disadvantaged group in admission or-

- (i) by breach of the policy of reservation in admissions as may be applicable;
- (ii) in the way in which an application is processed;
- (iii) by denying or limiting access to any benefit arising from such enrolment provided by the school;
- (iv) by treating unfavorably in any way in connection with the child's enrolment to a specific standard of class or area of study, training or instruction.

(b) The school shall prohibit all persons and authorities of the school from harassing or victimizing any child belong to weaker section and disadvantaged group

- (i) by announcing, verbally or otherwise, in the class, the names of the community or castes or tribes of the students;
- (ii) by labeling such students as reserved category in the class;
- (iii) by passing derogatory remarks indicating social, economic or other background as reason of under-performance in the class;
- (iv) by allotting differential time to such students to meet teacher as compared to other students;
- (v) by treating them separately in utilizing the sports and other facilities.

(c) The school shall ensure that no child belonging to weaker section or disadvantaged group is discriminated against by segregating such children from others in playground or canteen or any provision of Mid Day Meal, or any other amenities provided by the school including toilets and drinking water facilities, and ensure that -

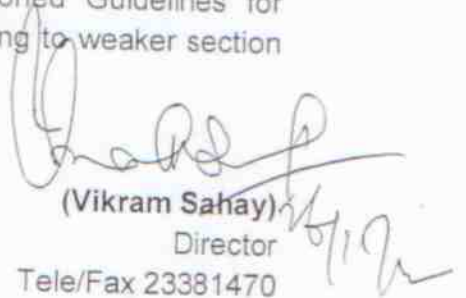
- (i) regular activities of such children are not disrupted or disturbed by any of its decision;
- (ii) such children do not experience financial extortion or forceful expenditure;
- (iii) all such children are allowed to participate in cultural programmes, sports events, and other activities organized by the school;

3 The school shall prescribe the procedures and mechanism to deal with and decide any complaint or discrimination made or submitted by any child belonging to the weaker section or the disadvantaged group, and it shall be obligatory on the

part of the school to decide such complaints within a maximum period of 60 days from the date of receipt or submission of such complaint.

4 The schools shall take steps to engage with the educational fraternity, the community and the public at large, and raise public awareness on the importance of equality and overcoming discrimination and harassment against children belonging to weaker section and disadvantaged group in schools. The school shall make public all measures taken by it for elimination of discrimination against and harassment of children belonging to weaker section and disadvantaged group."

3 The State Government and local authorities are requested to take appropriate steps for ensuring that all schools adhere to the aforementioned Guidelines for preventing discrimination in schools in respect of children belonging to weaker section and disadvantaged groups.



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