



ABSTRACT

School Education – Admission of Children in the unaided private schools as per the provision of 12 (1) (c) of Right of Children to Free and Compulsory Education Act, 2009 – Reimbursement of fees – Orders issued.

School Education (SSA) Department

G.O.(Ms).No.102

Dated 16.5.2015

திருவள்ளூர் ஆண்டு 2046

வைகாசி 2

Read:-

1. Notification of Right of children to Free and Compulsory Education Act, 2009, dated 27.8.2009.
2. G.O.(Ms)No.173, School Education (C2) Department, dated 8.11.2011.
3. G.O.(Ms) No.174, School Education (C2) Department dated 8.11.2011.
4. G.O.(Ms)No.72, School Education (C2) Department, dated 19.3.2012.
5. G.O.(Ms) No.60. School Education (X) Department, dated 1.4.2013.
6. From the Director of Matriculation Schools Letter No. 6338/A1/2012, dated 13.5.2014 and 3.2.2015
7. From the Director of Matriculation Schools, Letter No. 1557/A1/2014, dated 7.1.2015.

ORDER:-

In the Notification 1st read above The Right of Children to Free and Compulsory Education Act, 2009 was enacted in the year 2009 and came into effect from 01.04.2010. Section 38 of the Act provides that the appropriate Government may by notification make rules for carrying out the provisions of the said Act. Accordingly, the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 was framed and published in the Government Gazette in the Government order 2nd read above.

2. The Right of Children to Free and Compulsory Education Act, 2009 under Section 12(1)(c) and 12(2) states as follows:

- 12 (1) (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 percent** of the strength of that class, children belonging to **weaker section and disadvantaged group** in the neighbourhood and provide free and compulsory elementary education till its completion: Provided further that where a school specified in clause (n) of section 2 imparts **pre-school education**, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.”
- 25% reservation

- 12 (2) The School specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (i) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State or the actual amount charged from the child whichever is less, in such manner as may be prescribed: Reimbursement

3. Further, Part IV, section 9(1) of Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 defines reimbursement of per-child expenditure by the State Government for the purpose of sub-section (2) of section 12 as follows:

“The per-child expenditure shall be the expenditure incurred by the State Government for a child in the Government School or the fee fixed by the Committee constituted under the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (Tamil Nadu Act 22 of 2009) in respect of the School where the child is admitted whichever is less”

4. In the G.O 3rd and 4th read above, the Government have notified the children belonging to Weaker Section and Disadvantaged Group.

5. In the G.O. fifth read above, Government have issued detailed guidelines with steps for effective implementation of 25% reservation for children belonging to Disadvantaged Group / Weaker Section in all Private Non-Minority unaided schools.

6. Consequent to the issue of detailed guidelines, the process of admitting the children belonging to weaker section and disadvantaged group started from the academic year 2013-2014. 49,864 students were admitted in the year 2013-14 and 86,729 students were admitted in the year 2014-2015 as per the provisions of the Right of Children to Free and Compulsory Education Act.

7. The Government of India has issued a revision of norms of Sarva Shiksha Abhiyan frame work for implementation with effect from 1st April 2014. In the said norms, it has been stated that “to assist the States and Union Territories under Sarva Shiksha Abhiyan towards reimbursement cost incurred with respect to admission under Section 12 (1) (c) of the Right to Education Act, the reimbursement would be based on per child norms notified by the State / Union Territories concerned for classes I to VIII subject to a maximum ceiling of 20% of the total Annual Work Plan and Budget (AWP&B) approved by the Government of India for a State under Sarva Shiksha Abhiyan”.

8. The Director of Matriculation Schools has sent proposal for reimbursement of claims for the admissions made in the years 2013-14 and 2014-15 as per the provision of 12 (1) (c) of Right of Children to Free and Compulsory Education Act, 2009 as follows:

Sl. No.	Year	Claim by private schools (Rs. in crores)
1	2013-14	25.14
2	2014-15	71.91
	Total	97.05

9. The Government after careful consideration sanction an amount of Rs.97.05 crore (Rupees Ninety seven crore five lakh only) as Ways and Means Advance to Sarva Shiksha Abhiyan for the reimbursement of fee claimed by the unaided private schools for the children admitted as per the provision of section 12(1)(c) of Right of children to Free and Compulsory Education Act, 2009 during the years 2013-2014 and 2014-2015.

10. The expenditure sanctioned in para 9 above shall be debited under the following New head of account read under Demand No.43.02 Directorate of Elementary Education

“6202- Loans for Education, Sports, Art and Culture – 01. General Education – 201 Elementary Education – AB Ways and Means Advance to Sarva Shiksha Abhiyan”
(DPC 6202-01-201-AB-000F)

11. The Director of Elementary Education is the Estimating Reconciling and Controlling authority for the above new head of account.

12. The Pay and Accounts Officer/Treasury Officer is requested to open the above head of accounts in their accounts

13. Necessary funds will be provided in Revised Estimate /Final Modified Appropriation 2015-2016. However, this shall be brought to the notice of the Legislature by a specific inclusion in the Supplementary Estimates 2015-2016. Pending provision of funds in Revised Estimate /Final Modified Appropriation 2015-16, the Director of Elementary Education is authorized to draw and disburse the amount to the State Project Director, Sarva Shiksha Abhiyan. The Director of Elementary Education is requested to include the same in the proposal for Revised Estimate /Final Modified Appropriation 2015-2016 and also submit necessary Supplementary note to the Government in Finance (Education-II) Department at appropriate time without fail.

14. The Government direct that the amount sanctioned in para 9 above shall be deposited into the Personal Deposit Account maintained by the Member Secretary, Tamil Nadu State Mission of Education for All, Chennai -6. The Director of Elementary Education shall present necessary bills in this regard in Pay and Accounts Office (South), Chennai-35 for credit of the amount

in Personal Deposit Account of Member Secretary, Tamil Nadu State Mission of Education for All, Chennai -6 in Account No. 11443284157, maintained at Pay and Accounts Office.

15. The Government direct the State Project Director, Sarva Shiksha Abhiyan to utilize the grant sanctioned for the purpose for which it is sanctioned. The Government also direct the State Project Director, Sarva Shiksha Abhiyan to furnish the proper Utilisation Certificate for the grant sanctioned above.

16. This Ways and Means advance may be readjusted with budget provision to be made in Supplementary Estimates. Hence, the Director of Elementary Education shall send necessary proposal for Ways and Means Advance as well as for the sanction of grants at the appropriate time.

17. This order issues with the concurrence of Finance Department vide its U.O. No.28409/Edn.II/2015, dated 16.5.2015. and by assigning ASL No.278 (Two hundred and seventy eight) and Loan sanction Ledger No.4/2015-2016.

(By Order of the Governor)

D. SABITHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The State Project Director,
Sarva Shiksha Abhiyan, Chennai-6.
The Director of School Education, Chennai-6.
The Director of Matriculation Schools, Chennai-6.
The Director of Elementary Education, Chennai-6.
The Pay and Accounts Officer (South), Chennai-35.
The Accountant General, Chennai-18/35.
The Accountant General (By name), Chennai-18.

Copy to :-

The Finance (Edn-II/BG-I &II/BPE/W&M/L&A), Chennai - 9.
The Personal Assistant to Hon'ble Minister for School Education,
Chennai-9.
The Chief Minister office, Chennai-9
The School Education (PL) Department, Chennai-9.
Clean copy/Stock file

//Forwarded By Order//

M.P. Vijayalakshmi
Section Officer 16/5/15

(G.O.Ms.No.102, School Education (SSA) Department, dated 16.5.2015)
ANNEXURE

LOANS SANCTIONED BY GOVERNMENT OF TAMIL NADU
LOANS SANCTIONED LEDGER No.4/2015-16

1)	Name of the Borrower	State Project Director, Sarva Shiksha Abhiyan, Chennai-6.
2)	H.O.D. controlling the Borrower	Principal Secretary to Government, School Education Department, Secretariat, Chennai-9.
3)	Amount Sanctioned	Rs.97,05,00,000/- (Rupees Ninety seven crore five lakh only)
4)	Sanctioned Valid upto	31.03.2016
5)	Purpose of Loan	For the reimbursement of fee claimed by the unaided private schools for the children admitted as per the provision of section 12(1)(c) of Right of children to Free and Compulsory Education Act, 2009 during the years 2013-2014 and 2014-2015
6)	Payable in cash or adjustment	Adjustment in Personal Deposit Account
7)	Demand No. Sub-Head, Detailed Head under which loan is sanctioned (Both Outgo and Receipt)	43 School Education Department – 02 Directorate of Elementary Education 6202- Loans for Education, Sports, Art and Culture – 01- General Education – 201 Elementary Education – AB Ways and Means Advance to Sarva Shiksha Abhiyan” (DPC 6202-01-201-AB-0005) (Outgo) (DPC 6202-01-201-AB-000F) (Receipt)
8)	Repayment period	Within the financial year (2015-2016)
9)	Moratorium towards repayment if any	NIL
10)	Date on which Repayment is to commence	Immediate
11)	Mode of Re-payment	Readjusted with budgetary provisions to be provided in the Supplementary Estimates
12)	Interest	-

a)	Normal Rate (Subject to orders of Government on fixing of Rate on Interest for the financial year)	Interest free
b)	Penal Rate of Interest	Not applicable
c)	Mode of Recovery of Interest	Not applicable
13)	The Head of Account to which Interest has to be credited	Not applicable
14)	G.O.Ms.No. and date	G.O.Ms.No.102, School Education (SSA) Department, dated 16.5.2015

D. SABITHA
PRINCIPAL SECRETARY TO GOVERNMENT

//True Copy//

H. Vijayale
Section Officer 16/5/15