

# Guide to Admissions in Elementary Schools

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Karnataka



## How can this guide help you?

This guide has been prepared by the Education Team at the Vidhi Centre for Legal Policy.

The objective of this guide is to provide actionable information on the admissions process in elementary schools in Karnataka under the Right of Children to Free and Compulsory Education Act, 2009. It aims to provide information on the admission cycle in elementary schools and help stakeholders navigate legal processes in case of any violation of their right to education, with specific focus on the rights of children with disabilities.

This guide serves the following purposes:

- Provide information on the rights of children for parents of children studying in elementary schools
- Provide information to NGOs and CSOs working in the field of education to enable them to conduct awareness activities
- Provide a template for creating such a guide for other states
- Provide information on the duties and responsibilities of school administrators and teachers

## What are the laws discussed in this guide?

- Right of Children to Free and Compulsory Education Act, 2009
- Right of Children to Free and Compulsory Education Rules, 2010
- Karnataka Right of Children to Free and Compulsory Education Rules, 2012
- Rights of Persons with Disabilities Act, 2016
- Rights of Persons with Disabilities Rules, 2017
- Karnataka State Rights of Persons with Disabilities Rules, 2019

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# Abbreviations

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

**RTE Rules** Right of Children to Free and Compulsory Education Rules, 2010

**Karnataka RTE Rules** Karnataka Right of Children to Free and Compulsory Education Rules, 2012

**RPwD Act** Rights of Persons with Disabilities Act, 2016

**RPwD Rules** Rights of Persons with Disabilities Rules, 2017

**Karnataka RPwD Rules** Karnataka State Rights of Persons with Disabilities Rules, 2019

**TC** Transfer Certificate

**SMC** School Management Committee

**BEO** Block Education Officer

**DDPI** Deputy Director of Public Instruction (Administration)

**DERA** District Level Education Regulatory Authority



# Section 1: Basic Information

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## 1 What is the RTE Act? What does the right to education mean?

The Right of Children to Free and Compulsory Education Act, 2009 is the primary law which governs elementary education, or education between classes 1-8, in India. Under the RTE Act, every child in India, between the ages of 6 and 14 years, has the right to free education, and the government is responsible for providing the facilities that would be necessary to enable each child to attend a school.<sup>1</sup>

## 2 What are the different kinds of schools covered under the RTE Act?

The RTE Act applies to the following categories of schools:<sup>2</sup>

1. **Government or public schools**, which are schools run and funded by the government
2. **Aided schools**, which are private schools which receive some funding by the government
3. **Specified category schools**, which are schools such as Kendriya Vidyalaya, Navodaya Vidyalaya and Sainik School. The state government is supposed to notify the categories of schools which are considered as specified category schools in that state.<sup>3</sup>
4. **Unaided schools**, which are private schools that do not receive any funds from the government

Under the RTE Act, all schools, except government schools, must possess a certificate of recognition from the government. Running a school without such a certificate is a punishable offence under the Act.

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<sup>1</sup> Sections 3, 6, 8 RTE Act

<sup>2</sup> Section 2(n), RTE Act

<sup>3</sup> Section 2(p), RTE Act

### 3. What facilities does the school need to provide to children studying in that school? What should I keep in mind before enrolling my child in a school?<sup>4</sup>

Under the RTE Act, schools must necessarily provide the following facilities:

<b>Minimum number of teachers</b>	<b>Class 1-5</b> <ul style="list-style-type: none"> <li>Up to 60 students: 2 teachers</li> <li>Between 61-90 students: 3 teachers</li> <li>Between 91-120 students: 4 teachers</li> <li>Between 121-200 students: 5 teachers</li> <li>More than 150 students: 5 teachers &amp; 1 head-teacher</li> <li>More than 200 students: 1 teacher per 40 students (excluding the head-teacher)</li> </ul>
	<b>Class 6-8</b> <ul style="list-style-type: none"> <li>1 teacher per 35 students</li> <li>1 teacher for the following subjects: (i) Science and Mathematics; (ii) Social Studies; (iii) Languages</li> <li>If more than 100 students are enrolled, the following teachers should be present: (a) a full time head-teacher; and (b) part-time instructors for art education, health and physical Education, and work education</li> </ul>
<b>Infrastructure and facilities</b>	1 classroom for every teacher and an office-cum-store-cum-head teacher's room
	Barrier-free access
	Separate toilets for boys and girls
	Safe and adequate drinking water facility to all children
	A kitchen where mid-day meal is cooked in the school;
	A playground, and play material, games and sports equipment which will be provided to each class as required
	Arrangements for securing the school building by boundary wall or fencing
	A library providing newspapers, magazines and books on all subjects, including story-books
The school building must be 'all-weather', which means it must be resistant to weather changes such as earthquakes, floods, etc., and safe for children	
<b>Minimum number of working days/instructional hours in an academic year</b>	<b>Class 1-5:</b> 200 working days & 800 instructional hours
	<b>Class 6-8:</b> 220 working days & 1000 instructional hours

<sup>4</sup> Section in progress.

## 4. How do I find out which facilities are being offered by schools?

Schools are required by law to display pertinent information on their notice boards at least 30 days before the commencement of the admission cycle. The following information must be displayed:<sup>5</sup>

- Facilities available in schools
- Fee, including its purpose, breakup, periodicity, categorisation as refundable, and payment deadlines
- Number of seats available in each class and category, including at the entry level and for children belonging to weaker section and disadvantaged group
- Criteria for determining the class in which a student would be enrolled in case his or her education is interrupted
- Step-wise admission process and timelines

## 5. What if the school in which my child is enrolled does not provide the facilities mentioned here?

Schools are required by law to provide the facilities as provided under the RTE Act. In case of any deviation from this, you can file a complaint with the relevant authority. For more information on this, please refer to Section 6.

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<sup>5</sup> Guidelines for Curbing Malpractices in Schools as per the Provisions of the RTE Act 2009 (MHRD, 2016 - available [here](#))



## Section 2: Admissions - Procedure and Rights

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### 6. How can I enrol my child in a government school under the RTE Act? What documents do I need?

Notifications<sup>6</sup> for admission cycle 2022-23:

- ♦ Notification 1: Admission process detailed for admission cycle of 2022-23 as per RTE 12(1)(b) and 12(1)(c)

Documents:

- ♦ Age proof: Birth certificate or Hospital/Auxiliary Nurse and Midwife (ANM) register record/Anganwadi record/Self declaration for the age of the child by parent or guardian<sup>7</sup>

### 7. What are neighbourhood schools?<sup>8</sup>

Under the RTE Act, every child is entitled to study at a school which is close to their house. Typically, this means that in Karnataka, a school should exist within the following distances.<sup>9</sup> However, this does not apply to City Corporations in Karnataka, where the distance will be notified by the local authorities.

- Class I-V: Within walking distance of 1 KM of the neighbourhood
- Class VI-VIII: Within walking distance of 3 KM of the neighbourhood

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<sup>6</sup> This section is under review, and will be regularly updated to reflect the latest notifications released by the relevant authorities

<sup>7</sup> Rule 9, Karnataka RTE Rules 2012

<sup>8</sup> Section in progress.

<sup>9</sup> Rule 4(1), Karnataka RTE Rules 2012

These distances may be further reduced in case of areas with difficult terrain (for example, where there is risk of landslides, floods or lack of roads).<sup>10</sup>

The government is required to publish a list of neighbourhood schools for the knowledge of the parents. The most recent list available for Karnataka is for the year 2015, and can be accessed [here](#).

## 8. Can I enrol my child in a school free of cost?

Yes, you can. Under the RTE Act, the following provisions for free education have been provided:

- **Government schools:** Government schools are required to provide free education to all enrolled children until the completion of education till Class 8.<sup>11</sup>
- **Aided schools:** Aided schools are required to provide free education to at least 25% of the enrolled children.<sup>12</sup>
- **Specified category schools and private schools:** Specified category schools and private schools are required to provide free education to a percentage of enrolled children, which belong to the category 'children belonging to disadvantaged groups and weaker sections'. For more information on this, please refer to Section 5.<sup>13</sup>

## 9. Will I or my child have to take a test or give interviews for the purpose of admissions?

No, it is prohibited to subject any child or their parent to any kind of screening procedure, such as interviews or tests, in order to grant admission to a school.<sup>14</sup> Further, the schools must abide by the following rules:<sup>15</sup>

- In respect of children belonging to disadvantaged groups and weaker sections, for whom 25% of seats are reserved in Class 1 in unaided schools, the selection process must be on a random basis. This means that the selection of students eligible for reservation cannot be on the basis of any predetermined criteria.
- In respect of other children in unaided schools and specified category schools, and all children in aided schools, an admissions policy must be formulated by the school. Such a policy must include criteria for grant of admission to children, which must be objective and impartial, without any use of tests or interviews.

## 10. Can schools ask me for donations in order to grant admission to my child?

No, it is prohibited for schools to ask for donations from any parent in order to grant admission to a child. If a school asks for such a donation, known as 'capitation fee', the school may be punished under the provisions of the RTE Act.<sup>16</sup>

<sup>10</sup> Rule 4(4), Karnataka RTE Rules 2012

<sup>11</sup> Section 12(1)(a), RTE Act

<sup>12</sup> Section 12(1)(b), RTE Act

<sup>13</sup> Section 12(1)(c), RTE Act

<sup>14</sup> Section 13, RTE Act

<sup>15</sup> Guidelines under Section 35(1) of the RTE Act 2009 regarding Procedure for Admission under Sections 13 and 12(1)(c) of the RTE Act (MHRD, 2010, available [here](#))

<sup>16</sup> Section 13, RTE Act

## 11. What can I do if a school asks for a donation to admit my child?

Asking for a donation from a parent in order to enrol a child is prohibited under the RTE Act. In case a school asks you for a donation, you can file a complaint against the school. For more information on this, please refer to Section 6.

## 12. Will I get any entitlements on enrolling my child in a government school?<sup>17</sup>

On enrolling in a government school, your child is entitled to the following benefits:

- Children who reside in smaller villages where no neighbourhood schools exist are to be provided with free transportation or residential facilities.<sup>18</sup>
- Free textbooks, uniforms and writing materials are to be provided to all children enrolled in government schools as well as aided/specified/unaided schools when the child is enrolled under the reservation policy.<sup>19</sup>
- Children with disabilities are to be provided with free special learning and support material.<sup>20</sup>
- Children with disabilities who might not be able to attend a school due to their disability are to be provided with free transportation.<sup>21</sup>

On enrolling in an aided/specified/unaided schools when the child is enrolled under the reservation policy,<sup>22</sup> your child is entitled to the following benefits:

- ♦ Free textbooks, uniforms and writing materials are to be provided

## 13. I was not able to enrol my child to a school when the admissions cycle began. Can I enrol my child to a school later in the admissions cycle?

Yes. If your child has not been enrolled at the beginning of the school year, they can be enrolled within the extended period of admission.<sup>23</sup> In Karnataka, this is 3 months from the commencement of the academic year.<sup>24</sup>

Further, even if a child has not been enrolled within the extended period of admission, they can be enrolled after the extended period as well. When a child is enrolled after the extended period of admission is over, the child is eligible to receive special training to help him or her catch up with the classroom syllabus. The need for such special training will be determined by the head of the school.<sup>25</sup>

<sup>17</sup> Rule 4(4), Karnataka RTE Rules 2012

<sup>18</sup> Section 12(1)(a), RTE Act

<sup>19</sup> Section 12(1)(b), RTE Act

<sup>20</sup> Section 12(1)(c), RTE Act

<sup>21</sup> Section 13, RTE Act

<sup>22</sup> Rule 5(1), Karnataka RTE Rules 2012

<sup>23</sup> Section 15, RTE Act; Rule 10, Karnataka RTE Rules

<sup>24</sup> Rule 10, Karnataka RTE Rules

<sup>25</sup> Rule 10, Karnataka RTE Rules

## **14. What is a transfer certificate, and does my child need it to be enrolled in a new school?**

A transfer certificate is an official document that students are provided with when they leave their current school to enrol in another school. To enrol your child in a new school, your child will need a TC, which the school must provide to you.<sup>26</sup> For further information on this, see Section 4.

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<sup>26</sup> Section 5, RTE Act



## Section 3: Reservations under the RTE Act

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### 15. What is the reservation policy under the RTE Act?

The reservation policy under the RTE Act is guaranteed by way of Section 12(1)(c) of the Act. Under this policy, private schools and specified category schools (namely Kendriya Vidyalayas, Navodayas, Sainik School or such schools) must offer free education to children belonging to disadvantaged groups and weaker sections. This means that such schools are required to admit, in class I or another entry level class, at least 25% of the strength of that class, children falling under this category, and provide them with free education until class 8.<sup>27</sup>

### 16. Which schools offer the reservation policy?

The schools listed below are required to offer the reservation policy:<sup>28</sup>

- Schools belonging to the specified category (namely Kendriya Vidyalayas, Navodayas, Sainik School or such schools)
- Private unaided schools

Please refer to Question 2 for further information on the different kinds of schools covered under the RTE Act.

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<sup>27</sup> Section 12(1)(c), RTE Act

<sup>28</sup> Section 12(1)(c), RTE Act

## 17. Who is eligible to avail the benefits of the reservation policy?

### Age

For admission in LKG and class 1, a child must be 3 years 10 months to 4 years 10 months, and 5 years 10 months to 6 years 10 months, respectively as on 1st June of the Academic Year.<sup>29</sup>

### Category

Once the age criteria is fulfilled, a child seeking admission must belong to the category of 'children belonging to disadvantaged groups and weaker sections', which means either of the categories listed below:

- Children whose parent/guardian earns an annual income less than Rs. 3.5 lakh and who do not belong to the categories mentioned above.
- Children with disabilities
- Children belonging to Scheduled Castes or Scheduled Tribes
- Orphans
- Children who are HIV positive
- Migrant children
- Transgender children
- Categories specified by the Social Welfare Department from time to time.

For more information on the rights of children belonging to disadvantaged groups and weaker sections, and specifically, the rights of children with disabilities, please refer to Section 5.

### Can you apply under this reservation policy if a neighbourhood government school is available to you?

- A private unaided school need not admit you under the reservation policy of Section 12(1)(c), in the case that there is a government school "in the neighbourhood".<sup>30</sup>
- A private unaided school cannot deny admission under this reservation policy if no government school in the neighbourhood is available, or if the available government schools have no seats left.
- What is a government schools in the neighbourhood:
  - In urban areas: A government school will be considered to be "in the neighbourhood" if it is located within the same municipal ward as a child's residence.
  - In rural areas: A government school will be considered to be "in the neighbourhood" based on distance. For LKG to Class 4, a school will be considered to be in the neighbourhood if the school is within 1 km from the residence of the child. For Class 5 and above, a school will be considered to be in the neighbourhood if the school is within a 3 km distance from the residence of the child.

## 18. How can I get my child enrolled in a school under the reservation policy? Which documents are required for this?

The linked guide provides key information on the process of applying to private schools under the 25%

<sup>29</sup> Government order vide dated 08.02.2016

<sup>30</sup> Amendment to Karnataka RTE Rules, 2011 vide notification No. ED 36 PGC 2018 as per which unaided schools are not required to provide admission to EWS and disadvantaged groups children where there are Government schools and aided schools in the neighbourhood. The Karnataka HC upheld the validity of the said amendment in the case of Education Rights Trust v. Govt of Karnataka 2019 SCC OnLine Kar 567.

reservation quota. The guide includes pertinent information on the documents required for application and the issuing authority for each. Available here - <https://www.karnataka.com/govt/how-to-apply-for-the-right-to-education-in-karnataka/>

Notifications for admission cycle 2022-23:<sup>31</sup>

- **Notification 1:** Admission process detailed for admission cycle of 2022-23 as per RTE 12(1)(b) and 12(1)(c).
- **Notification 2:** provides information on what parents are required to do if seats are allotted.
- **Notification 3:** provides information on date of enrollment for students selected through lottery in the first round of allotments, and extensions on enrollment date.
- **Notification 4:** provides for - schools and government officials - a timeline from making a call for applications, till second round of allotments and enrollment of students under this provision.

## **19. My child has been admitted under the reservation policy, but is being seated separately and not being allowed to interact with other children. Is this allowed?**

No, any form of discrimination against children belonging to disadvantaged groups and weaker sections, including segregating children, is prohibited under the RTE Act. For more information on this, please refer to Section 5.

## **20. What happens if a school denies admission to my child or asks for payment of fee?**

Under the RTE Act, a school is prohibited from denying admission to a child under the reservation policy once the allotment list has been issued. Similarly, schools are prohibited from demanding any fee from children admitted under the reservation policy. In case of any violation of this, the school can be punished. For more information on filing a complaint against a school in this relation, please refer to Section 6.

## **21. Can a school ask my child to leave the school after s/he completes Class 1?**

No, under the RTE Act, a school is mandated to provide free education to all children admitted in Class 1, or another entry level class, till they complete elementary education (i.e., complete schooling till Class 8). If a school violates this, it can be punished. For more information on filing a complaint against a school in this relation, please refer to Section 6.

<sup>31</sup> This section is under review, and will be regularly updated to reflect the latest notifications released by the relevant authorities



## Section 4: Transfer Certificate

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### 22. What is a Transfer Certificate?

A TC is an official document that students are provided with when they leave their current school to enrol in another school. A TC is proof that a student has left the previous school after clearing all dues and examinations in that school, and is enrolled in only one school at a time.

### 23. Are there any restrictions on transferring my child to a new school?

No. Under the RTE Act, a child has the right to seek a transfer from a government or aided to another government or aided school for any reason, such as lack of facilities for elementary education in that school.<sup>32</sup>

### 24. How can I obtain a Transfer Certificate from the school?

You can obtain a TC from the school administration by registering a request for it. The school administration is required to provide the TC within 15 days of receiving the request.<sup>33</sup>

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<sup>32</sup> Section 5, RTE Act

<sup>33</sup> Circular Regarding Timely Distribution of Student Transfer Certificate in Schools (Education Department, Karnataka Government, 2021, available [here](#))

## **25. Can a school refuse to give my child a Transfer Certificate?**

No. Under the RTE Act, schools are prohibited from denying a TC to any child who wishes to join another school. Similarly, the school can also not force a child to transfer to another school by issuing a TC to him or her. The only ground on which the school can deny the request for a TC is if there is any pending fee that must be paid by the parent.

## **26. Does my child need a Transfer Certificate for admission to a new school?**

Yes, your child will need a TC to be admitted to a new school, either in the state of Karnataka or outside the state.

## **27. Can a school deny admission because my child does not have a Transfer Certificate?**

Yes, a TC is necessary for taking admission in a new school. However, a school cannot deny or delay admission of a student only because of a delay in producing the TC.<sup>34</sup>

## **28. What can I do if a school refuses to issue a Transfer Certificate?**

Schools are required by law to issue a TC in a timely manner under the RTE Act. In case of any deviation from this, you can file a complaint with the relevant authority. For more information on this, please refer to Section 6.<sup>35</sup>

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<sup>34</sup> Section 5, RTE Act

<sup>35</sup> This section is under review and will be regularly updated to reflect the latest notifications released by the relevant authorities.



## Section 5: Children belonging to Disadvantaged Groups and Weaker Sections

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### 29. What are children belonging to disadvantaged groups and weaker sections?

The RTE Act provides additional benefits for and prohibits discrimination specifically against children belonging to disadvantaged groups and weaker sections. In Karnataka, the following groups of children are covered under this:<sup>36</sup>

- Children with disabilities
- Children belonging to Scheduled Castes or Scheduled Tribes or other socially/educationally backward classes/groups
- Orphans
- Children who are HIV positive
- Migrant children
- Transgender children
- Children whose parent/guardian earns an annual income less than Rs. 3.5 lakh and who do not belong to the categories mentioned above.

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<sup>36</sup> Admission of Children belonging to Disadvantaged Group or Weaker Section under Section 12(1)(c) of the RTE Act in Unaided Non-Minority Schools (Education Department, Karnataka Government, 2016, available [here](#))

## 30. Which disabilities are covered under the RTE Act? Does a child with any kind of disability have the right to education?

When it comes to children with disabilities, both the RTE Act and the Rights of Persons with Disabilities Act, 2016 are relevant, and cover the following disabilities:<sup>37</sup>

### 1. Physical Disability

#### a. Locomotor Disability

- Leprosy Cured Person
- Cerebral Palsy
- Dwarfism
- Muscular Dystrophy
- Acid Attack Victims

#### b. Visual Impairment

- Blindness
- Low Vision

#### c. Speech and Language Disability

- Blindness
- Low Vision

### 2. Intellectual Disability

- a. Specific Learning Disabilities
- b. Autism Spectrum Disorder

### 3. Mental Behaviour (Mental Illness)

### 4. Disability caused due to-

- a. Chronic Neurological Conditions such as-
  - Multiple Sclerosis
  - Parkinson's Disease
- b. Blood Disorder-
  - Haemophilia
  - Thalassemia
  - Sickle Cell Disease

### 5. Multiple Disabilities

## 31. Do children with disabilities have the right to education?

Yes, the RTE Act provides that every child in the age-group of 6-14 years, including children with disabilities, have the right to free and compulsory education in a neighbourhood school till the completion of their elementary education.<sup>38</sup> Further, the RPwD Act also provides that every child with a benchmark disability in the age group of 6-18 years has the right to education in a neighbourhood or special school of their choice.<sup>39</sup>

<sup>37</sup> Schedule, RTE Act

<sup>38</sup> Section 3(3), RTE Act

<sup>39</sup> Section 31, RPwD Act

## 32. What do benchmark disabilities mean?

Under the RPwD Act, a person with a benchmark disability refers to a person who has 40% of any of the disabilities listed in Question 32. To be considered a person with a benchmark disability, a certification to this effect is necessary.<sup>40</sup>

## 33. Can children with disabilities take admissions in general schools?

Yes, children with disabilities are entitled to be enrolled in general schools without discrimination and with equal opportunity.<sup>41</sup>

## 34. Does my child need a disability certificate to be enrolled in a school?

Under the RTE Act, a disability certificate is not mandatory to be enrolled in a school, except for free admission under the reservation policy to private schools. However, possessing a certification of disability is highly encouraged.

The formal assessment of disability can be only done by a medical specialist but parents and local authorities often play an active role in the preliminary screening stage at home or outside (Anganwadi centres, medical camps, local health centres etc.). After assessment by a medical specialist, an application for a disability identity card can be made before the District Welfare Officer under Department for Empowerment of Differently Abled and Senior Citizens. The disability certificate and disability identity card can also be obtained [online](#). In case of Karnataka, a disability certificate issued from a Taluk Level Medical Officer must be obtained to admit a child with disability, under 12(1) (c ) admissions.

## 35. Can a child with disabilities be educated at home?

Yes, under the RPwD Act, a child with multiple disabilities or severe disabilities can opt for home-based education.<sup>42</sup>

## 36. Is there provision for free admission for children with disabilities in private schools?

Yes, children with disabilities are covered in the broader category of “children belonging to disadvantaged groups and weaker sections” under the RTE Act.<sup>43</sup> Thus, children with disabilities are also entitled to get free admission from Class I until the completion of their elementary education. For further information on this, please refer to Section 3. To avail the benefits of this policy, a child with disabilities will need a valid disability certificate.

Further, under the RPwD Act, every child with a benchmark disability in the age group of 6-18 years has the right to education in a neighbourhood or special school of their choice.

<sup>40</sup> Section 2(r), RPwD Act

<sup>41</sup> Section 16(1)(a), RPwD Act

<sup>42</sup> Section 3(2), RTE Act

<sup>43</sup> Section 2(d)(e), RTE Act

### 37. What rights do children with disabilities have in relation to schools?<sup>44</sup>

- A child with disabilities is entitled to admission without discrimination and equal opportunity in all educational institutions. All educational institutions are required to admit children with disabilities without discrimination.<sup>45</sup>
- It is mandatory that schools provide reasonable accommodations to children with disabilities based on their individual requirements and use appropriate teaching methods so that they can access the school and learn effectively.<sup>46</sup>
- The government is required to provide scholarships to children with benchmark disabilities in appropriate cases.<sup>47</sup>
- The government is required to provide books, learning materials, and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of 18 years.<sup>48</sup>
- Discrimination or segregation of children in educational institutions, on the basis of disability is prohibited.<sup>49</sup>

### 38. What kind of measures are schools required to undertake to ensure non-discrimination against vulnerable children?

Schools are required to safeguard the interests of such children and ensure that they are not discriminated against at school. They must undertake the following measures for this:<sup>50</sup>

- During the admission process, schools must not:
  - a. Deny or limit access of such children to any benefits that they are entitled to due to their enrollment in the school
  - b. Violate the policy of reservations for such children (for example, by refusing to provide free education to a child whose parents earn less than Rs. 3.5 lakh per annum)
  - c. Process the admission application of such children unfavourably or treating them unfavourably in any other manner.
- Schools must not label such children as belonging to a disadvantaged group or announcing verbally their caste, tribe, community or disability or passing derogatory remarks that attributes any under-performance of the child to his or her social or economic background.
- Schools must not limit access of such children to their teachers or the facilities offered by the schools, such as sporting facilities, toilets, ICT facilities, or discriminate in providing any entitlements like textbooks and uniforms.
- Schools must not segregate such children from other children in the classroom (For example, by assigning different timings or places for their classes to take place), in playgrounds, canteens and midday meals, in the use of toilets and drinking water, etc.
- Schools must ensure that such children do not face financial extortion or forceful expenditure
- Schools must ensure that such children are allowed to participate in cultural activities, sporting events, and other such activities.

<sup>44</sup> Section in progress.

<sup>45</sup> Section 16, RPwD Act

<sup>46</sup> Section 16, RPwD Act

<sup>47</sup> Section 17 (h), RPwD Act

<sup>48</sup> Section 17 (g), RPwD Act

<sup>49</sup> Rule 7(1), Karnataka RTE Rules

<sup>50</sup> Rule 7, Karnataka RTE Rules; Guidelines for Curbing Malpractices in Schools as per the Provisions of the RTE Act 2009 (MHRD, 2016 - available [here](#)); Guidelines under Section 35(1) of the RTE Act 2009 for Implementation of Clause (c) of Sections 8 and 9 of the RTE Act (MHRD, 2012, available [here](#))

### **39. What can I do if a school discriminates against my child?**

Schools are prohibited from taking discriminatory actions against children, including children belonging to disadvantaged groups and weaker sections. In case your child faces any discrimination at school, you can file a complaint with the relevant authority. For more information on this, please refer to Section 6.



## Section 6: Complaints and Grievance Redressal

### 40. How can a parent complain against a violation of the rights of the child?<sup>51</sup>

Karnataka has multiple authorities with whom grievances can be lodged in relation to any violations of the child's right to education, including complaints related to denial of admission and discrimination. The details of the authorities are provided below. Please note that details on the precise process of resolution or the documents or other information required at the time of lodging a grievance are not available. Please consult with the local authorities on the exact details of this.

Authority	Nature of Complaint	Powers and Resolution Procedure	Period of resolution
School Management Committee (SMC) <sup>52</sup>  Level: School(government schools or specified category schools excluding minority schools)	Any violation of the rights of children as provided under the RTE Act.	The SMC is required to notify the authorities in case any rights of the child are violated. Thus, a parent can bring any complaint to the attention of the SMC.	N/A

<sup>51</sup> Section in progress.

<sup>52</sup> Rule 13(5)(f), Karnataka RTE Rules

<p>Block Education Officer (BEO) <sup>53</sup> <a href="#">[Here]</a></p> <p>Level: Block</p>	<p>Any violation of the RTE Act, including any violations of the rights of children. Specifically, complaints on the following may also be filed with the BEO:-</p> <ul style="list-style-type: none"> <li>• Demands for capitation fee</li> <li>• Screening procedure-</li> <li>• School being run without a valid certificate of registration</li> </ul>	<p>On receiving a complaint, the BEO must seek an explanation from the school. In response to BEO, if the school does not respond to the BEO's notice within 15 days or its explanation is unsatisfactory, the BEO must bring the issue to the DDPI's attention.</p>	<p>The explanation must be furnished within 15 days.</p>
<p>Deputy Director of Public Instruction (Administration) (DDPI) <sup>54</sup> <a href="#">[Here]</a> and CEO, Zilla Panchayat <sup>55</sup> <a href="#">[Here]</a></p> <p>Level: District</p>	<p>Any violation of the RTE Act, including any violations of the rights of children. Specifically, complaints on the following may also be filed with the DDPI:-</p> <ul style="list-style-type: none"> <li>• Demands for capitation fee-</li> <li>• Screening procedure- School being run without a valid certificate of registration</li> </ul>	<p>Once the BEO brings a complaint to the DDPI's attention, the DDPI must inquire into the complaint and submit a report to the CEO of the Zilla Panchayat. The decision of the CEO-ZP will be binding on the BEO and the DDPI.</p>	<p>The CEO-ZP must pass an order on the complaint within 1 month.</p>
<p>District Level Education Regulatory Authority (DERA) <sup>56</sup></p> <p>Level: District</p>	<p>Any violation of the rights of children as provided under the RTE Act</p>	<p>On receiving a complaint, the DERA must inquire into the complaint, and give all the involved parties an opportunity of being heard. The orders of the DERA are binding on the DDPI, BEO, and the CEO-ZP.</p>	<p>The DERA must pass orders within 3 months of receiving the complaint.</p>
<p>Zilla Panchayat Standing Committee of Health and Education <sup>57</sup></p> <p>Level: District (except City Corporations)</p>	<p>Any complaints on:-</p> <ul style="list-style-type: none"> <li>• Admission, attendance, and completion of education till Class 8</li> <li>• Availability of neighbourhood schools and/or free transportation</li> <li>• Discrimination against children</li> <li>• Infrastructure of the school and facilities being provided</li> </ul>	<p>On receiving a complaint, the Zilla Panchayat Standing Committee of Health and Education must inquire into the complaint, and give all the involved parties an opportunity of being heard. Based on this, it must pass orders addressing the complaint.</p>	<p>Denial of admission: 7 days</p> <p>Other complaints: 3 months</p>
<p>Public Health, Education and Social Justice Committee <sup>58</sup></p>	<p>Any complaints on:-</p> <ul style="list-style-type: none"> <li>• Admission, attendance, and completion of education till Class 8</li> <li>• Availability of neighbourhood schools and/or free transportation</li> </ul>	<p>On receiving a complaint, the Public Health, Education and Social Justice Committee must inquire</p>	<p>Denial of admission: 7 days</p>

<sup>53</sup> Rule 23, Karnataka RTE Rules

<sup>54</sup> Rule 23, Karnataka RTE Rules

<sup>55</sup> Rule 23, Karnataka RTE Rules

<sup>56</sup> Notification No. ED 27 MAHITI 2012 (Education Department, Karnataka Government, 2012, available [here](#))

<sup>57</sup> Identification of Local Authorities for Redressal of Complaints under Section 32 of the RTE Act 2009 (Education Department, Karnataka Government, 2013, available [here](#))

<sup>58</sup> Identification of Local Authorities for Redressal of Complaints under Section 32 of the RTE Act 2009 (Education Department, Karnataka Government, 2013, available [here](#))

Level: City Corporations	<ul style="list-style-type: none"> <li>• Discrimination against children</li> <li>• Infrastructure of the school and facilities being provided</li> </ul>	into the complaint, and give all the involved parties an opportunity of being heard. Based on this, it must pass orders addressing the complaint.	Other complaints: 3 months
Zilla Panchayat Standing Committee of Health and Education <sup>59</sup> Level: District and City Corporations	Any complaints relating to provision of special training for children who have joined a class at a later date than is common for their age group	On receiving a complaint, the Zilla Panchayat Standing Committee of Health and Education must inquire into the complaint, and give all the involved parties an opportunity of being heard. Based on this, it must pass orders addressing the complaint.	7 months
Nodal officer in the District Education Office Level: District	Any complaint relating to admission of children with disabilities <sup>60</sup>	No information on the procedure to be followed at this level is available.	N/A
Chief Commissioner for PwDs <sup>61</sup> or the State Commissioner for PwDs <sup>62</sup>	Any complaints concerning children with disabilities	On receiving a complaint, the Chief Commissioner for PwDs is required to give the opposite party an opportunity to present their version of the case. <sup>63</sup>	3 months <sup>64</sup>
Taluk Panchayat Social Justice Committee <sup>65</sup> Level: Taluk	Any complaints on:- <ul style="list-style-type: none"> <li>• Admission, attendance, and completion of education till Class 8 Availability of neighbourhood schools and/or free transportation-</li> <li>• Discrimination against children-</li> <li>• Infrastructure of the school and facilities being provided</li> </ul>	On receiving a complaint, the Taluk Panchayat Social Justice Committee must inquire into the complaint, and give all the involved parties an opportunity of being heard. Based on this, it must pass orders addressing the complaint.	Denial of admission: 7 days Other complaints: 3 months

<sup>59</sup> Identification of Local Authorities for Redressal of Complaints under Section 32 of the RTE Act 2009 (Education Department, Karnataka Government, 2013, available [here](#))

<sup>60</sup> Rule 7 of RPwD rules; Rule 8 of Karnataka RPwD Rules

<sup>61</sup> Rule 38, RPwD Rules

<sup>62</sup> Rule 37, Karnataka RPwD Rules

<sup>63</sup> Rule 38 (2), RPwD Rules; Rule 34 (2), Karnataka RPwD Rules

<sup>64</sup> Rule 38 (8), RPwD Rules; Rule 34 (8), Karnataka RPwD Rules

<sup>65</sup> Identification of Local Authorities for Redressal of Complaints under Section 32 of the RTE Act 2009 (Education Department, Karnataka Government, 2013, available [here](#))

### **Online Portal**

You can also lodge a complaint on an online portal, launched by the Karnataka Government in 2022. A public user manual with steps to access the portal can be accessed [here](#).

To lodge a complaint, click on [this](#) link, add the relevant details as well as any documents with information pertaining to the complaint. To check the status of a registered complaint, click on [this](#) link and enter the details as mentioned on the portal.

### **Appeals**

In case a parent or a school is aggrieved by the decision of any of the authorities listed above, the Karnataka State Commission for Protection of Child Rights can be approached. The contact details of the KSCPCR are:

- Email: E-mail:kscpcr@gmail.com
- Address: 4th Floor, Krishi Bhavan, Nripatunga Road, Rani Chennamma Circle, Bangalore, Karnataka - 560002
- Contact Number: 080-22115290/92

## **41. How can I expedite my grievance through the courts?**

Parents hold the right to file a writ petition against the concerned school authorities for violation of their ward's fundamental right to education guaranteed under Article 21A of the Constitution of India directly in the High Court. Further, in case of any complaint regarding violation of rights of children with disabilities under the RPwD Act, parents may file a complaint with the Executive Magistrate of the area.<sup>66</sup> For more information on this, please consult with a lawyer.

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<sup>66</sup> Section 7(3), RPwD Act

# Annexures

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This section is under review and will be updated soon with sample forms, draft emails, and other templates which can be used by the target audience of this guide.

# Further Resources

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This section is under review and will be updated soon with the names of NGOs, parents' associations, and other resources which might be helpful for the target audience of this guide.

[www.vidhilegalpolicy.in](http://www.vidhilegalpolicy.in)

**Vidhi Centre for Legal Policy**

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