



VINOD KUMAR TIKOO  
MEMBER

भारत सरकार  
GOVERNMENT OF INDIA

राष्ट्रीय बालक अधिकार संरक्षण आयोग  
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
नई दिल्ली-110 001  
NEW DELHI - 110 001

File No. M(VKT)/NCPCR/2011/20789-95

Dated: 27.10.2011

Dear *Samar*

National Commission for Protection of Child Rights (NCPCR) has been constituted by Government of India, as a Statutory Body under Section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No. 4 of 2006) for dealing with protection of child rights and related matters.

2. Of the various functions assigned to the Commission under Section 13 of the CPCR Act, 2005, is to inquire into complaints on matters relating to deprivations and violations of child rights; non-implementation of laws providing for protection and development of children { Sec 13 (1) (j) } as well as examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation ( Sec 13 (1) (a) }

3. The spate of complaints on violations on children's right to free & compulsory education forced NCPCR to hold a Public Hearing held by NCPCR on 20<sup>th</sup> October, 2011 at Town Hall, Kolkata, attended by the children, their parents, teachers, officials from the school education and the district administration. In the public hearing among other violations, many cases referred to the charging of fee by schools under the garb of many nomenclatures e.g. PTA fee, examination fee, Puja fee, etc. including the development fee, which is any way violative of the Right to Free and Compulsory Education Act, 2009.

4. During the public hearing it was pointed out that the schools in West Bengal continue to charge fees despite The Right of Children to Free and Compulsory Education Act, 2009 prohibiting the same under Section 3 of the Act. The schools in West Bengal, it was pointed out, continued to do so on the basis of **Notification No.187-SE(Law)/S/1A-01/09 dated 14th February, 2011 (copy enclosed) issued by School Education Department, Law Branch, Govt. of West Bengal, permitting charging of "development charge of up to a maximum amount of Rs.240/-...."** which is in any case violative of Section 3 of the RTE Act, 2009.

5. The issue was discussed by the Commission members and the chairperson with the Director Education, Govt. of West Bengal and CDP SSA on 20<sup>th</sup> October, 2011 and it was impressed upon them that the Notification No.187-SE(Law)/S/1A-01/09 dated 14th February, 2011 issued by School Education Department, Govt. of West Bengal, be repealed at the earliest to bring relief to all the school going children of West Bengal in conformity with the provisions of The Right of Children to Free and Compulsory Education Act, 2009.

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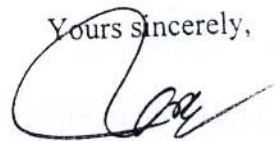
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(2)

I am quite hopeful that a timely action will be taken by the State Government of West Bengal as mentioned above so as to ensure that more and more children in state will have unhindered access to school education.

With regards,

Yours sincerely,




(Vinod Kumar Tikoo)

**Shri Samar Ghosh**  
Chief Secretary  
Govt. of West Bengal  
Secretariat  
Kolkata.

(3)

- CC : Principal Secretary, Dept. of Women & Child and Social Welfare  
Govt. of West Bengal, Writer's Building ( IInd Floor )  
Kolkata – 700001 : Email- [secwcdsw@wb.gov.in](mailto:secwcdsw@wb.gov.in) , Fax 033-22144328
- : Secretary School Education Department  
Bikash Bhawan, Salt Lake, Kolkata – 700091  
Email. : [ssci@rediffmail.com](mailto:ssci@rediffmail.com) , Fax 033-22141565/23376561
- : Director of School Education (SE )  
West Bengal Government, Bikash Bhawan  
Salt Lake, Kolkata – 700091 : Fax : 033-23378036
- : State Project Director, Paschim Banga Education Programme  
Rajya Prathmiki Shiksha Unnayan Sansthan, DPEP  
Govt. of West Bengal, Bikash Bhawan, IInd Floor  
Salt Lake City, Kolkata-700091, email : [pbssm.spo@gmail.com](mailto:pbssm.spo@gmail.com)
- : Chairperson, Kolkatta Primary School Council  
27A, Bosepukur Road, Shiksha Bhawan, Kolkata- 700042  
Email – [ssmkol\\_dpo@sify.com](mailto:ssmkol_dpo@sify.com), Fax :033-24417138
- : Sh. Partha Roy, State Representative( RTE )-NCPCR  
Director, Kolkatta Konsultants, ED130, Rajdanga Main Road  
Opp SIEMENS, Kolkata – 700107, Email : [partharoykolkata@gmail.com](mailto:partharoykolkata@gmail.com)





*Extraordinary*  
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[SAKA 1932

**PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.**

Government of West Bengal  
School Education Department,  
Law Branch

**NOTIFICATION**

No. 187-SE (Law)/S/1A-01/09. – 14<sup>th</sup> February, 2011. – WHEREAS sub-section (2) of section 3 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the said Act), provides that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing his or her elementary education;

AND WHEREAS the Governor has considered it necessary and expedient to do so;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 35 of the said Act, the Governor is pleased hereby to direct that –

- (a) no Government school established, owned or controlled by the State Government or a local authority shall collect any fees, charges or expenses from any child till completion of elementary education;
- (b) no recognized aided school or a school receiving aid or grants to meet whole or part of its expenses from the State Government or any local authority shall not collect any fee or charges or expenses from a child till completion of elementary education other than a development charge of up to a maximum amount of Rs. 240/- (Rupees two hundred and forty) only per year;

Provided that if any guardian of a child expresses his or her inability to pay such development charges due to poor financial conditions and applies to the concerned school authority for exemption of such development charge on the ground that such charges may prevent his/her child from pursuing and completing elementary education, the concerned school authority shall, within thirty days from the date of application, exempt said guardian from paying such development charges or any part thereof after making such enquiry as it deems fit and proper.

2. Any parent or guardian of the child affected by the order mentioned hereinabove of the school authority may file an appeal to the concerned District Inspector of Schools within a period of fifteen days from the date of receipt of such order, and the concerned District Inspector of School or his authorised officers shall finally decide the matter within thirty days from the date of receipt of such appeal after giving an opportunity of being heard to the parties. The decision of the District Inspector of Schools thereon shall be final and binding on the parties.

By order of the Governor

VIKRAM SEN  
*Secy. to the Govt. of West Bengal*