

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE ADDITIONAL DIRECTOR OF EDUCATION
DIRECTORATE OF EDUCATION
ROOM NO. 13, OLD SECRETARIAT, DELHI-110054.

No:-Addl. DE/Misc./2022/ 129-134

Date: 07/06/2022

CIRCULAR

Sub: Orders of the Hon'ble Supreme Court in SMWP (C) No.4/2020 and SMWP (C) No.6/2021 dated 09.05.2022.

Please find attached herewith a letter No.32-362/2021/NCPCR/LC/SC/2489 dated 31.05.2022 of Chairman, National Commission for Protection of Child Right (NCPCR) alongwith the court order for ensuring continuation of Education of children who had dropped out of school due to the loss of both or single parent or any other reasons for submitting the ATR within 7 days.

Accordingly, the concerned DDEs of HQ and all the DDEs (District) are hereby directed to take necessary action in accordance with the above mentioned orders of Hon'ble Supreme Court. Also, HoS of a Govt. school may be designated as Nodal Officer for this purpose. Details of the Nodal Officer alongwith the action taken/compliance report on the following points may be sent to the RTE Branch by 09.06.2022 positively so that the information may be further sent to the NCPCR, in time.

i)	Status report of implementation of SOP of NCPCR for implementation of provisions of Section 12(1)(c) of RTE Act, 2009.	DDE (PSB)
ii)	Status report of appointment of district-wise Nodal Officer	DDEs (Districts)
iii)	Status report of nodal officer for steps taken for ensuring continuation of education of children in school at District level	DDEs (Districts)
iv)	Issue of orders to concerned district authorities and share the copy of the orders.	DDE (Schools) DDE (PSB) & DDE (ASB)
v)	Status report on the steps taken for wide publicity to the aforementioned suggestions made by the NCPCR for out of school children as well as aforementioned orders passed by the Hon'ble Supreme Court	DDE (Schools) DDE (PSB) & DDE (ASB)

This issues with the prior approval of Competent Authority.

Encl: As Above.

(Zareen Taj)
Addl. Director of Education (RTE)

No:-Addl. DE/Misc./2022/ 129-134

Date: 07/06/2022

Copy to the following for information & necessary action please (through website):-

1. The PA to Director (Education), Directorate of Education, GNCT Delhi.
2. The PA to Addl. Director Education (Schools), Directorate of Education, GNCT Delhi.
3. All RDE/DDE and DDEs of f Districts/Zones, Directorate of Education, GNCT.
4. All concerned Branches of HQ, Directorate of Education, GNCT of Delhi.
5. All HoSs of the Govt./Govt. Aided/Unaided Recognized Private Schools, Directorate of Education, GNCT Delhi.
6. OS (IT) with the request to upload the circular on the website Directorate.

Mohinder Pal
(Mohinder Pal)
Dy. Director of Education (RTE)



प्रियंक कानूनगो
Priyank Kanoongo
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F.No.32-362/2021/NCPCLC/SC/245908
Date-31.05.2022

To,

Chief Secretaries of all States/UTs

Subject- "Orders of the Hon'ble Supreme Court in SMWP (C) No.4/2020 and SMWP (C) No.6/2021 dated 09.05.2022"

The Hon'ble Supreme Court has taken up the issue with regard to the children who have lost both or single parent to COVID or otherwise post March 2020 in SMWP (C) No.4/2020 In Re Care and Protection of Children due to loss of parent during COVID-19. In its hearing dated 02.05.2022, the Hon'ble Supreme Court had expressed its concerns for the children who had dropped out of school due to various reasons and had thereafter, heard the matter on 09.05.2022 to discuss on this issue and to give directions to State Governments/Union Territories to ensure continuation of education of such children. In the order dated 09.05.2022, the following directions have been given by the Hon'ble Supreme Court-

- The State Governments/Union Territories are directed to comply with the suggestions made by the NCPCLC in its SOP dated 25.06.2021 and the recommendations made in the affidavit of NCPCLC dated 07.05.2022.
- The NCPCLC is directed to have a web portal on which the information relating to the action taken by the State Governments/Union Territories for continuance of the education of children is updated.
- The State Governments/Union Territories may approach the NCPCLC for any modification/clarification of the SOP.
- The State Governments/Union Territories are directed to instruct the concerned authorities to ensure that migration certificates are issued to those children who are moving away from the place of their education.
- The State Governments/Union Territories shall appoint district-wise nodal officers, either from the Education Department or from the Women and Child Welfare Department, who in turn shall instruct Anganwadi workers, Asha workers, health workers etc. to personally inform those parents whose children have discontinued education about the recommendations made by the NCPCLC and orders passed by the Court.
- The nodal officer shall also take appropriate action to place the children back in the schools from which they have dropped out, so long as continuing in the same school is in the best interests of the relevant child.
- The status report about the appointment of nodal officers and the action taken for ensuring the continuation of the education of children shall be filed by the State Governments/Union Territories within a period of 06 weeks from today. The said information shall also be furnished to the NCPCLC.
- Wide publicity shall be given by the State Governments/Union Territories to the suggestions made by the NCPCLC as well as orders passed by the Court. (Copy of SOP-I of NCPCLC for implementation of provisions of Section 12 (1)(c) of RTE Act, 2009 and order dated 09.05.2022 and enclosed)

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5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
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दूरभाष /Ph. :011-23478212, 23731583 फैक्स /Fax: 011-23731584
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2. Further, the Hon'ble Supreme Court in its order dated 09.05.2022 provided with suggestions and measures for ensuring the continuance of education of such children, which are as follows:

- i. That the District Education Officers (DEOs) of the district should do the mapping of such children who have been absent from his/her school for 30 consecutive working days and that those children should be treated as drop out children.
- ii. That a child of 6-14 years of age should be considered out of school if he/she has never been enrolled in an elementary school or if after enrolment has been absent from school without prior intimation for a period of 30 days or more.
- iii. That child who has never been enrolled in school [as defined in Section 2(n)(i) of RTE Act, 2009] for formal education should also fall under the category of out of school.
- iv. That child once enrolled into formal system of education/school, if does not complete 8 years of compulsory elementary education, should be treated as an out of school child.
- v. That all children above the age of 14 years, who do not fall under the purview of RTE Act, 2009 but have had to drop out of school due to financial constraints during the COVID pandemic shall be treated as an out of school child.
- vi. That the District Education Officers and District Child Protection Officers should identify various reasons responsible for children being out of school.
- vii. That in case of death of one or both parents of child and/or the earning member of the family and/or the parents/guardians have lost their livelihood and the child is studying in private school, the expenditure on elementary education of such children in the same school may be borne by the appropriate Government under Section 12(1) (c) of the RTE Act, 2009.
- viii. That for this purpose, the child along with guardian/any member of the family where the child is studying shall approach the District Magistrate and the Child Welfare Committee (CWC) of the district.
- ix. That the children who have lost both or single parent or parents/guardians who have lost their livelihood can get their income certificate made through the district authorities. The District Child Protection Officers shall provide assistance to such children in procuring the income certificate. Based on the income certificate and the child's eligibility, the child shall be then admitted into a school under Section 12(1)(c) of the RTE Act, 2009.
- x. That all categories of schools entrusted with the responsibility under Section 12(1) of the RTE Act, 2009 whether aided, unaided or private schools shall implement the provision of Section 12(1)(c) of RTE Act, 2009 and try to include children who have lost their both or either of the parent after April 2020 under the provision so as to ensure that their education is not disrupted.
- xi. That every school, including schools having minority institution status and all residential schools shall also follow the procedure and ensure that no such child is forced to leave the school in any manner against the child's choice and due to nonpayment of fees.
- xii. That for the classes above VIII (which is generally beyond RTE application), where children have lost one or both parents of the child and/or the earning member of the family and the child is studying in private school, the State Government shall devise guidelines for the schools and/or issue necessary directions and/or devise a policy for reimbursing the expenditure on education of these children.

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xiii. That the District Child Protection Officers through the Individual Child Care Plan of the child can assess and examine the educational needs of the child. The data of children who need financial assistance for education can be forwarded to the District Education Officers. The District Education Officers can then provide these children with scholarships (as per their eligibility) and/or provide financial aid through donors, NGOs/CSOs etc.

3. In compliance to the above-mentioned orders of the Hon'ble Supreme Court, the NCPCR requests your good offices to provide an action taken report to NCPCR for the following-

- i. Status report of implementation of SOP of NCPCR for implementation of provisions of Section 12 (1)(c) of RTE Act, 2009.
- ii. Status report of appointment of district-wise nodal officers. List of officers to be shared with NCPCR.
- iii. Status report of nodal officer for steps taken for ensuring continuation of education of children in school at district level.
- iv. Issue orders to concerned district authorities and share the copy of the orders with the Commission.
- v. Status report on the steps taken for wide publicity to the aforementioned suggestions made by the NCPCR for out of school children as well as aforementioned orders passed by the Hon'ble Supreme Court.

An interim report may be shared with NCPCR within 07 days.

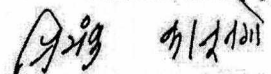
4. It is further informed that the Hon'ble Court vide Para 4 of the order dated 09.05.2022 has directed NCPCR to have a web portal on which the information relating to the action taken by the State Governments/Union Territories for continuance of the education of children is updated. The relevant is reproduced as below for your kind information-

"The State Governments/Union Territories are directed to comply with the suggestions made by the NCPCR in its SOP dated 25.06.2021 and the recommendations reproduced above. The NCPCR is directed to have a web portal on which the information relating to the action taken by the State Governments/Union Territories for continuance of the education of children is updated..."

To comply with the directions of the Hon'ble Supreme Court, NCPCR is in the process of developing a new portal for seeking information of out of school children upon which the State Governments through their district officials will be uploading the said data of out of school children. The details of the portal and the login ids and passwords of the portal shall be shared with your good offices in the coming weeks.

Encls. As above.

Yours sincerely,


(Priyank Kanoongo)

Copy to:-

1. Principal Secretaries of all States/UTs, Department of Women and Child/Social Welfare Department- for necessary action on the above-mentioned Para 3 (ii) and (iii)
2. Principal Secretaries of all States/UTs, Department of Education- for necessary action on the above-mentioned Para 3(i)(ii) and (iii)