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NOTIFICATION

No.B.17011/14/2011-EDN, the 5th March, 2015. In exercise of the powers conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Governor of Mizoram is pleased to make the following Rules further to amend the Mizoram Right of Children to Free and Compulsory Education Rules, 2011 (hereinafter referred to as the Principal Rules) issued under Notification No.B.17011/14/2010-EDN/Loose dated 23.3.2011 and published in the Mizoram Gazette Vol-XL Issue No.141 dated 28.2.2011 to be in force from the date of its publication in the Mizoram Gazette.

This issues with the approval of the Council of Ministers conveyed under Memo No.J.11011/1/2015-POL dt.19.2.2015.

R.Lalvena,
Secretary to the Govt. of Mizoram,
School Education Department.

THE MIZORAM RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) RULES, 2015

PART 1 - PRELIMINARY

Short title, extent and commencement :-

1. (1) These Rules shall be called the Mizoram Right of Children to Free and Compulsory Education (Amendment) Rules, 2015.
- (2) It shall come into force from the date of its publication in the Official Gazette.
- (3) It shall extend to the whole of Mizoram.

Amendment of Rule 1	1.	After sub rule - 3 of Rule 1 of the Principal Rules, the following sub-rule shall be inserted, namely- <i>“(4) Subject to the provisions of articles 29 and 30 of the Constitution, rules framed under the provisions of this Rules shall apply to conferment of rights on children to free and compulsory education.”</i>
Amendment of Rule-2	2.	<p><i>(a) in clause (c) of sub-rule (1) of Rule-2 of the Principal Rules, after the word “means”, the words “a child with disability or” shall be inserted;</i></p> <p><i>(b) after clause (c) of sub-rule(1) of Rule 2 of the Principal Rules, the following clause shall be inserted, namely :-</i></p> <p><i>‘(cc) “child with disability” includes,-</i></p> <p><i>(A) a child with “disability” as defined in clause (i) of section 2 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995.</i></p> <p><i>(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.</i></p> <p><i>(C) a child with “severe disability” as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.</i></p>
Amendment of Rule-4	3.	<p>In sub-rule (6) of Rule-4 of the Principal Rules the following clauses shall be inserted namely-</p> <p><i>“(a). Every child of the age of 6 to 14 years, including a child referred to in clause (c) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.</i></p> <p><i>(b). A child with disability referred to in sub-clause (A) of clause (cc) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clause (b) and (c) of clause (cc) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.</i></p> <p><i>Provided that further that a child with ‘multiple disabilities’ referred to in clause (h), and a child with “severe disability” referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1995 may also have the right to opt for home based education.”</i></p>
Amendment of Rule-5	4.	<p>In sub-rule-(6) of Rule-5 of the Principal Rules The following sentences describing the disadvantage group shall be added :-</p> <p><i>“Within the meaning of clause (d) of Section 2 of the Act, child belonging to disadvantage group includes “HIV^{+VE} AIDS children and children of HIV^{+VE} parents or guardians or any of the family members.”</i></p>

Amendment of Rule-7	5.	<p>(1). In sub-rule (3) of Rule 7 of the Principal Rules, after the word ‘prior approval of the state Govt’ the following proviso shall be inserted, namely:</p> <p><i>“Provided further that 3% of seats shall be reserved for Person with Disabilities referred to in clause (i) of section 2 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995.”</i></p>
		<p>(2). After sub-rule (3) of Rule 7 of the Principal rules, the following new sub-rules shall be inserted, namely:</p> <p><i>“(4) under section 35(1) of the RTE Act, 2009 pertaining to children living with and affected by HIV^{+VE}/AIDS in schools, covering issues if right to education and discrimination and confidentiality of their HIV^{+VE} status to be implemented by the appropriate Government local authorities and School Management Committees respectively.</i></p> <p><i>(5). No child living with or affected by the HIV^{+VE}/AIDS shall be denied admission in any educational institutions whether public or private solely on the ground of his/her HIV^{+VE}/AIDS status (actual or perceived or HIV^{+VE}/AIDS status of his/her parent(s) guardians/any family members.</i></p> <p><i>(6) No child living with or affected by HIV^{+VE}/AIDS shall be suspended or expelled from any educational institution whether public/private solely on the ground of his/her Parents/Guardians any family members status/AIDS.”</i></p>