

Government of Punjab
Department of School Education, Punjab

**RULES UNDER THE RIGHT OF CHILDREN TO FREE AND
COMPULSORY EDUCATION ACT, 2009
NOTIFICATION**

No.-----

In exercise of the powers conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009(No. 35 of 2009) the State Government do hereby make the following rules, namely:-

PART I PRELIMINARY

Short title, extent and commencement

1(1) These rules may be called the Right of Children to Free and Compulsory Education Rules, 2011.

(2) They shall come into force from **the date of publication in Punjab Government Gazette**

Definitions

2 (1) In these rules, unless the context otherwise requires:-

- (a) "Act" means the Right of Children to Free and Compulsory Education Act, 2009
- (b) 'Appropriate Age' means any child above the age of five as on 1 st of April of each academic year shall also be treated as of 6 years and shall be eligible to be admitted in class I. Rest of the children shall be admitted as per the Act.
- (c) "Anganwadi" means an Anganwadi Centre established under the Integrated Child Development Scheme of Ministry of Women and Child Development of the Government of India
- (d) " Appointed date" means the date on which these rules comes into force, as notified in the Official Gazette
- (e) "Chapter", "section" and 'Schedule" means respectively Chapter, section of, and Schedule to the Act
- (f) "Child" means any child of the age of 6 to 14 years
- (g) Department means the Department of School Education
- (h) Director Education means the Director (Elementary) Education, Punjab

- (i) **Disadvantageous Group means as notified by Government of Punjab under the Act.**
- (j) District Education Officers means District Education Officer (Elementary) in a district
- (k) **Government means Government of Punjab in the Department of school education.**
- (l) "Pupil Cumulative Record" means record of progress of the child based on comprehensive and continuous evaluation
- (m) "School mapping" means planning school location to overcome social barriers and geographical distance **on the basis of mapping of 6-14 age group children**
- (n) **Specified School means as notified by Government of India and the Government of Punjab under the Act.**
- (o) **Uniform means uniform for students of the school' as decided by SMC**
- (p) **Weaker Section means as notified by Punjab Government under the Act.**

(2) All references to 'Forms' in these Rules shall be construed as references to Forms set out in Appendix I here to.

(3) All other words and expressions used therein and not defined in the Act shall have the same meanings respectively assigned to them in the Act.

Part – II RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

Special Training for the purpose of first proviso to section 4 and for section 15

3 (1) The School Management Committee / local authority shall identify children requiring special training and organize such training in the following manner, namely;

- (a) The special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in section 29 (1);
- (b) It shall be provided in classes held on the premises of the school, or through classes organized in safe residential facilities;

- (c) It shall be provided by teachers working in the schools, or by teachers specially appointed by the **local authority**;
- (d) The duration shall be for a minimum period of three months which may be extended based on periodical assessment of learning progress for a maximum period not exceeding **three** years.
- (2) The child shall, upon induction into the age appropriate class, after special training, continue to receive, special attention by the teacher to enable him / her to successfully integrate with the rest of the class, academically and emotionally.

PART III - DUTIES OF STATE GOVERNMENT AND LOCAL AUTHORITY

Areas or limits for the purpose of section 6

- 4 (1) The areas or limits of neighborhood within which a school has to be established on the recommendation of a local authority by the State Government shall be as under-
- (a) In respect of children in classes I -V, a school shall be established within a walking distance of one km of the habitation;
- (b) In respect of children in classes VI -VIII, a school shall be established within a walking distance of 3 km of the habitation;
- (2) Wherever required, the State Government shall upgrade existing schools with classes I -V to include classes VI - VIII. **(----Deleted----)**
- (3) In areas with difficult terrain, **border , Bet, Kandi , Sub-mountaneous Area, perpetually flood affected**, lack of roads and in general, danger for young children in the approach from their homes to the schools, the State Government/Local Authority shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub- rule (1).

(4) For children from small hamlets, as identified by the State Government/Local Authority, where no such school exists within the area or limits of neighborhood specified under sub-Rule (1) above, the State Government/Local Authority shall make adequate arrangement, such as free transportation, residential facilities and other facilities, for providing elementary education in a school, in relaxation of the limits specified under sub-Rule (1).

(5) In areas with high population density, the State Government/local authority may consider establishment of more than one neighborhood school, having regard to the number of children in the age group 6-14 year in such areas.

(6) The Local Authority / State Government shall identify the neighborhood schools where children can be admitted and make such information public for each habitation within its jurisdiction .However from the appointed date no school as defined under sub - clause (ii) clause (n) of section 2 shall not charge any fee from students of class I to VIII.

Explanation :

The areas or limits of neighborhood for the purpose of admitting children belonging to weaker section / disadvantageous groups in the schools as defined in sub-clause (iii) and (iv) of clause (n) of section 2 shall be as under:-

(i) For the Municipal Committee /Corporation, neighborhood shall be the 1KM for class I to V or the ward of Municipal Committee or Corporation which ever is more and for class VI to VIII it shall be 3KM or the ward of Municipal Committee or Corporation which ever is more as defined by Department of Local Government;

(ii) For the rural areas, the neighbor limits shall be the Geographical limits of concerned Gram Panchayat as defined by the Department of Rural Development and Panchayats.

(7) In respect of children with disabilities which prevent them from accessing the school, the State Government/Local Authority will endeavor to make appropriate and safe transportation arrangements for them to attend school and complete elementary education.

(8) The State Government/Local Authority shall ensure that access of children to the school is not hindered on account of **economic**, social and cultural factors.

Duties of State Government and Local Authority for the purpose of Section 6

1. Government shall do the mapping of schools and compile data within six months from the notification of the rules.

2. Shall carry out mapping of all children of 6-14 age group and compare it with census data of 2011 within a year

3. Government shall work out an action plan to ensure neighbourhood school for each child within three years as per provisions of section 6 and the schedule under sections 18 and 25 of the Act.

Duties of State Government and Local Authority for the purpose of Section 8 and 9

5 (1) A Child attending a school of the State Government or local authority referred to in sub- clause (i) & (ii) of clause (n) of section 2, in pursuance of clause (a) & (b) of sub section (1) of section 12, and a child attending a school referred to in sub- clause (iii) and (iv) of clause (n) of section 2 in pursuance of clause (c) of sub section (1) of section **12** shall be entitled to free text books, writing materials and uniforms.

Provided that a child with disabilities shall also be provided free special learning and support material.

Explanation: In respect of the child admitted in pursuance of clause (b) of sub-section (1) of section 12 and a child admitted in pursuance clause (c) sub section (1) of section 12, the responsibility of providing the free entitlement shall be of the

school referred to in sub-clause (ii) of clause (n) of section 2 and sub-clause (iii) and (iv) of clause (n) of section 2 respectively.

(2) For the purpose of determining and for establishing neighborhood schools, the State government/local authority shall undertake school mapping, and identify all children including children in remote areas, children with disabilities, children belonging to disadvantaged groups, children belonging to weaker sections and children referred to in section 4, within a period of one year from the appointed date, and every year thereafter;

(3) The state shall ensure admission of all children of appropriate age in the neighbourhood school established and run by it or in the schools already running under sub-clause (ii) of clause (n) of section 2 of the Act. However wherever the state school is not available the state shall make reimbursement to the neighbourhood school under sub-clause (iv) of clause (n) of section 2 of the Act.

(4) The State Government/Local Authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school;

(5) For the purpose of clause (c) of section 8 and clause (c) of section 9, the State Government and the local authority shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or discriminated against in the classroom, during mid day meals, in play grounds, in the use of common drinking water and toilets facilities and in the cleaning of toilets or classrooms

(6) For the purpose of clause (d) of section 8 and clause (f) of section 9, the State Government and the local authority shall ensure that , infra structure, building, teaching staff and the equipments are made available as envisaged in the Act in compliance of section 19, 25 and 26 of the Act.

Maintenance of records of children by local authority for the purpose of clause (d) of section 9

6 (1) The Local Authority shall maintain a record of all children in its jurisdiction, through a household survey, from their birth till they attain 14 years of age;

(2) The record, referred to in sub rule (1) shall be updated each year during January to March;

(3) The record, referred to in sub-Rule (1), shall be maintained transparently, in the public domain, and used for the purposes of clause (e) of section 9;

(4) The record, referred to in sub-Rule (1) shall, in respect of every child, include

(a) Name, sex, date of birth, (Birth Certificate Number), place of birth;

(b) Parents'/guardians' names, address, occupation;

(c) Pre-primary school/Anganwadi centre that the child attends (up to age 6);

(d) Elementary school where the child is admitted;

(e) Present address of the child;

(f) Class in which the child is studying (for children between age 6-14), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;

(g) whether the child belongs to the weaker section within the meaning of clause (e) of section 2 of the Act;

(h) whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2 of the Act;

(i) details of children requiring special facilities/residential facilities on account of migration and sparse population, age appropriate admission; and disability.

(5) The local authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

(6) **The local authority shall ensure that the names of all children of migratory population including locally mobile population are enrolled in the schools under its jurisdiction.**

PART IV - RESPONSIBILITIES OF SCHOOLS AND TEACHERS

7. Admission of children belonging to weaker section and disadvantaged group for the purposes of clause (c) to section 12 (1)

(1) The school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in pursuance of clause (c) to section 12 (1) shall not be segregated from other children in the classrooms nor shall their classes be held at places and timings different from the classes held for other children.

(2) The school referred to in sub- clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in pursuance of clause (c) to section 12(1) shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and ICT facilities, extra-curricular and sports.

(3) The areas or limits of neighborhood as specified in the explanation given under Rule 4(1) **shall apply to admissions made in pursuance of clause (c) to section 12(1)**

Provided that the school may, for the purposes of filling up the requisite percentage of seats for children referred to in **clause (c)** to section 12(1), extend these limits with the prior approval of the State Government subject to the condition that the requisite number of children belonging to categories under **clause (c)** to section 12(1), are not available in the neighbourhood as defined under sub – rule(3) of rule 7 above.

Provided further that any school referred to in clause (iv) of section 2 **clause (n)** shall also be required to admit 25% students belonging to weaker sections and disadvantageous groups even in pre-primary classes if such a school is otherwise admitting students for such classes;

(4) A school referred in sub-clause (iv) of clause (n) section 2 run by a minority institution under appropriate law shall also be required to admit students belonging

to weaker sections and disadvantaged groups as provided in clause (c) to Section 12 (1);

Provided further that such a minority institution shall, however, be at liberty to admit same percentage of students of weaker section and disadvantaged groups belonging to that particular minority to which such an institution pertains to;

(5) All admissions in the schools for the children belonging to weaker sections and disadvantaged groups shall be done by the school itself at the school level only. **The parents / guardians of such students if they are otherwise not able to get admission in the neighbourhood schools as defined under sub-clause (i) and (ii) of clause (n) of section 2, may apply directly to the school under 25% quota specifically and admission shall be by draw of lots . Parents who opt for a school under 25% quota shall not be eligible to apply for open quota as those who at their own want admission in these schools otherwise also, shall not be covered under the 25% category.** In case the number of applicants is more than the seats notified by a school, the selection of such students will be on the basis of randomization or lottery system held in the presence of parents of such students and a representative of the District Education Officer and local community;

Explanation : Admission to the remaining 75% students not belonging to weaker and disadvantaged students shall also be made **as per policy notified by Government of India from time to time**, as on the basis of randomization / lottery system and under no circumstances a screening test / interview shall be conducted:

(6) Provided further that the state shall make reimbursement only if there is no vacancy in the schools covered under sub- clause (i) and (ii) **clause (n)** of section 2

(7). Any aggrieved party with the decision of the school authority regarding the admission etc may file a complaint before a Three Member Committee notified by the State Government for every district including the District

Education Officer or his representative, a prominent educationist and a representative of the school referred in clause (iv) **sub-section (n)** Section 2. The decision of such a committee shall be binding on the school. Non-compliance with this decision shall invite necessary action against such a school management as provided in the Act.

(8) **The second appellate authority shall be the Government and the final shall be the state child commission for protection of child rights / the right to education protection authority as constituted under rule 24 of these rules.**

8. Reimbursement of per-child expenditure by the State Government for the purposes of section 12 (2).

(1) The total annual recurring expenditure incurred by the State Government, whether from its own funds, or funds provided by the Central Government or by any other authority, on the teaching learning in the schools for elementary education in respect of all schools established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in all such schools, shall be the per-child expenditure incurred by the State Government. **The per child expenditure shall be calculated and notified by the State Government every year by 30th June. However for the purpose of reimbursement, the proportion to the salaries of teachers and other staff being paid by the school as compared to that paid by the Government to their staff, shall also be calculated, and reimbursement shall be least of the two in view of the fact that the institution can get the reimbursement by providing quality education under the Act and teachers qualification and salaries are the important components for the same**

Explanation : For the purpose of determining the per-child expenditure, the expenditure incurred by the State Government or local authority on schools referred to in sub- clause (ii) of **clause** (n) of section 2 and the children enrolled in such **schools shall also be included.**

(2) Every school referred to in sub-clauses (iii) and (iv) of **clause** (n) of section 2 shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of section 12.

Every school referred in sub-clauses (iv) of **clause** (n) of Section 2 shall submit its claims in Form III to the Rules with respect to the 25% children belonging to weaker sections and disadvantage groups by 31st March and 30th September of a respective year to the District Education Officer.

The District Education Officer after verifying the details will transfer the payment due to such a school **in the manner to be decided and notified by the Government from time to time.**

9. Documents as age proof for the purpose of section 14

Wherever a birth certificate under the Births, Deaths and Marriages Certification Act, 1886 is not available, any one of the following documents shall be deemed to be proof of age of the child for the purpose of admission in schools -

- (a) Hospital/ **Nursing Home** /Auxiliary Nurse and Midwife (ANM) /**Village Chowkidar** register record.
- (b) *Anganwadi* record.
- (c) Declaration either **through an undertaking of the age of the child by the parent or guardian** of a child;

10. Extended period for admission for the purpose of section 15

- (1) Extended period of admission shall generally be **four** months from the date of commencement of the academic year of a school; However, no child

shall be denied any admission to a school at any point of time during an academic year

Provided further only due procedure shall be followed as prescribed in the Rules while admitting a student.

(2) Where a child is admitted in a school after the extended period, he or she shall be eligible to complete studies with the help of special training, as determined by the head of the school and the SMC/ local authority or all of them jointly as the case may be.

11. Recognition of schools for the purposes of section 18:

(1) Every school, other than a school established, owned or controlled by the State Government or Local Authority, established before the commencement of this Act shall make a self declaration within a period of three months of the promulgation of the Rules in Form No. 1 to the District Education Officer regarding its compliance or otherwise with the norms and standards as prescribed in the Schedule and the following conditions:

- (a) the school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;
- (b) the school is not run for profit to any individual, group or association of individuals or any other persons;
- (c) the school conforms to the values enshrined in the Constitution;
- (d) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;
- (e) the school is open to inspection by any officer authorized by the State Government/ Local Authority;
- (f) the school furnishes such reports and information as may be required by the Director of Education/ District Education Officer from time to time and complies with such instructions of the State Government/

Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;

(2) Every self declaration received in Form 1 shall be placed by the District Education Officer in public domain within fifteen days of its receipt.

(3) The District Education Officer shall conduct on-site inspection of such schools which claim to have fulfilled the norms and standards in Form No 1 and the condition mentioned in sub- Rule (1) within three months of the receipt of the self declaration.

(4) After the inspection referred to in sub- Rule (3) is carried out, the inspection report shall be placed by the District Education Officer in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the District Education Officer in Form No. 2 within a period of 15 days from the date of inspection.

(5) Schools that do not conform to the norms, standards and conditions mentioned in sub rule (1) shall be listed by the District Education Officer through a public order to this effect, **and shall be required to remove 40% of the deficiencies annually, shall send information about the same to the District Education Officer along with a request for interim appraisal of compliance and shall remove the total deficiencies** any time before 31.03.2013, such schools may request the District Education Officer for an on-site inspection for grant of recognition.

(6) Schools which do not conform to the norms, standards and conditions mentioned in sub rule (1) **even** after three years from the commencement of the Act, shall cease to function.

(7) Every school, other than a school established, owned or controlled by the State Government or local authority established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-rule (1) in order to qualify for recognition however the schools as defined under sub-

clause (I) **clause** (n) of section 2, shall be automatically liable for fulfillment of norms as laid down in the Act

(8) The school to be established under sub rule 7, shall apply for permission and recognition and each such application shall be examined and decided by the District Education Officer (EE) as per the terms and conditions and the criteria notified by government of Punjab.

(9) Provided that any school management aggrieved by the decision of the District Education Officer (EE) under sub –rule 5 , 6 , 7 and 8 above may prefer an appeal with the Director of Public Instructions (Elementary) with in 30 days of the receipt of the copy of the decision .

(10) Provided further that a second appellate authority in this matter shall be the State Government in the Department of Education schools.

(11) The schools shall employ only the qualified teachers in accordance with the provisions of notification issued by the Central Government under Subsection (1) of Section 23 of the Act. But the already existing unqualified ones shall have to be got trained at the rate of at least 25% each year so that at the end of five years all teachers are qualified ones as per provisions of the Act.

12. Withdrawal of recognition to schools for the purpose of sections 18 (3) and 12 (3)

(1) Where the District Education Officer on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognized under rule 12, has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule, he shall act in the following manner:

- (a) Issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month;
- (b) In case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the District Education Officer

may cause an inspection of the school, to be conducted by a Committee of three members comprising of educationists, civil society representatives, media and government representatives notified by State Government, which shall make due inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the District Education Officer.

- (c) The District Education Officer shall examine the report and after giving due opportunity of hearing to the concerned management of the school shall pass appropriate opinion to the Director Elementary Education ,who in turn if comes to the conclusion that derecognition is warranted in the facts and circumstances of the case, after independent application of mind shall issue the orders of derecognition to the school with a copy to the State Government. The order of de-recognition, if so passed shall be operative immediately succeeding academic year and shall specify the neighborhood schools to which the children of the de-recognized schools shall be admitted.
- (d) Aggrieved with any such orders passed by Director Elementary Education, the school Management may file an appeal before the State Commission for Protection of Child Rights or Right to Education Protection Authority, as the case may be ,within a period of one month of passing such order who shall decide the case after giving due opportunity to the parties within three months from the date of filing such an appeal:

PART V- SCHOOL MANAGEMENT COMMITTEE

13. Composition and functions of the School Management Committee for the purposes of Section 21

(1) A School Management Committee shall be constituted in every school other than an unaided school, within its jurisdiction, within six months of the appointed date, and reconstituted every two years.

(2) For the Senior Secondary and High Schools the SMC shall be merged with the other committees in such a manner that there shall be only SMC which shall perform all other functions assigned to the other committees.

(3) **There shall be a general house and an executive committee of the SMC**

(4) **one parent of each student, all the teachers, and staff, all the elected representatives of the concerned PRI, all students of class IV and above shall be the members of general house.**

(5) **Out of them minimum of 12, 24 and a maximum of 32 members of the executive committee, shall be elected by the General House respectively for the schools having student strength of up to 100, 101 to 250 and above 250 which shall be constituted as under**

(1) Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children out of whom at least 50% shall be women.

(2) The remaining twenty five percent of the strength of the SMC shall be from amongst the following persons:-

(a) one third members from amongst the elected members of the local authority, to be decided by the local authority;

(b) one third members from amongst teachers from the school, to be decided by the **teachers** of the school;

(c) remaining one third from amongst local educationists/children in the school to be **decided by the children**

(d) **Head teacher of the school or where the school does not have a head teacher, the senior most teacher of the school, shall be the ex-officio Member**

(4) To manage its affairs, the School Management Committee shall elect a Chairperson and Vice Chairperson from among the non official members. The Head teacher of the school or where the school does not have a head teacher, the senior most teacher of the school, shall be the ex-officio Member Secretary and Convener of the School Management Committee.

(5) **The Executive of the School Management Committee shall meet at least once a month** and the minutes and decisions taken during the meetings shall be properly recorded and made available to the public.

(6) The School Management Committee shall, in addition to the functions specified in clauses (a) to (d) of section 21 **sub-section** (2), perform the following functions, for which it may constitute smaller working groups from amongst its Members:

- (a) communicate in simple and creative ways to the population in the neighborhood of the school, the rights of the child as enunciated in the Act; as also the duties of the State Government, local authority, school, parent and guardian;
- (b) ensure the implementation of clauses (a) to (e) of section 24 **sub-section 1** and section 28;
- (c) monitor that teachers are not burdened with non academic duties other than those specified **under** section 27;
- (d) ensure the enrolment and continued attendance of all the children from the neighborhood in the school;
- (e) monitor the maintenance of the norms and standards prescribed in the Schedule;
- (f) bring to the notice of the local authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per section 3 **sub-section** (2).

- (g) identify the needs, prepare a Plan and monitor the implementation of the provisions of section 4;
 - (h) monitor the identification and enrolment of and facilities for learning by disabled children, and ensure their participation in, and completion of elementary education ;
 - (i) Plan , monitor the implementation of the Mid-Day Meal in the school;
 - (j) prepare an annual account of receipts and expenditure of the school.
 - (k) Monitor that the teachers take all measures to improve the quality of education of the students in the school.
- (7) Any money received by the School Management Committee for the discharge of its functions under this Act, shall be kept in a separate account, to be made available for audit every year.
- (8) The accounts referred to in clause (j) to sub-Rule (6) and sub Rule (7) should be signed by the Chairperson/ Vice-Chairperson and Convener of the School Management Committee and made available to the Government / local authority **and the General body of the committee**, within one month of their preparation.

14. Preparation of School Development Plan for the purpose of section 22

- (1) The School Management Committee shall prepare a School Development Plan at least three months before the end of the financial year;
- (2) The School Development Plan shall be a two year plan comprising two annual sub plans;
- (3) The School Development Plan, shall contain the following details:-
- (a) Estimates of class-wise enrolment for each year;
 - (b) Requirement over for the next **two year** period, of the number of additional teachers, including Head Teachers, subject teachers and part time teachers, separately for Classes I to V and Classes VI to VII, calculated, with reference to the norms specified in the Schedule;

- (c) Physical requirement of additional infrastructure and equipments over the **two** year period, calculated with reference to the norms and standards specified in the Schedule
 - (d) Additional financial requirement over the next **two** year period, year-wise in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4, entitlements of children such as free text books and uniforms, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.
- (4) The School Development Plan should be signed by the Chairperson/Vice-Chairperson and Convener of the School Management Committee and submitted to the Government / local authority **and the General body of the committee**, before the end of the financial year in which it is to be prepared.
- (5) **The SMC shall hold three meetings of the general house in a year but the interval between any two meetings cannot be more than 6 months**

PART VI-TEACHERS

15. Minimum Qualifications for the purpose of section 23(1)

The minimum qualifications laid down by the academic authority as per **provisions of the notification issued by the Central Government under Subsection (1) of Section 23 of the Act**, shall be applicable for every school referred to in clause (n) of section 2.

16. Requirement of Teachers for the purposes of section 23 (2)

(1) The State Government shall estimate the requirement of teacher as per the norms in the Schedule for all schools referred to in clauses to **clause (n)** of section 2 within the State, within six months from the promulgation of Rules.

17. Acquiring minimum qualification under provision to section 23(2)

(1) For a teacher, of any school referred to in sub-clause (ii) and (iv) of **clause (n)** of section 2, who does not possess the minimum qualifications laid down under Rule 15 at the time of commencement of the Act, the management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from **the commencement of the Act and the Government shall provide training institute for the same . However after the notification issued by Government of India under Subsection (1) of Section 23 of the Act, no new teacher can be appointed without the requisite qualifications as per the notification ibid.**

18. Salary and Allowances and Conditions of service of teachers for the purpose of section 23(3)

(1) The State Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional cadre of teachers **to be generally followed by the schools under clause (n) of Section 2.**

(2) In particular and without prejudice to sub rule (1), the terms and conditions of service shall take into account the following, namely:-

- (a) Accountability of teachers to the School Management Committee constituted under section 21.
- (b) provisions enabling long term stake of teachers in the teaching profession

(3) Any non-compliance of the sub rule 2(a) will invite necessary disciplinary action as per provisions of the Departmental Rules.

19. Duties to be performed by teachers for the purpose of clause (f) to section 24 sub-section (1)

(1) In performance of the functions specified in sub-section (1) and in order to fulfill the requirements of clause (h) of sub-section (2) of section 29, the teacher shall maintain a file containing the Pupil Cumulative Record (PCR) for every child

which will be basis for the awarding the completion certificate specified in sub-section (2) of section 30.

(2) In addition to the functions specified in clauses (a) to (e) of sub-section (1) of section 24, a teacher shall perform the following duties assigned to him or her,

- (a) Participation in all teacher training programmes;
- (b) Participation in curriculum formulation, and development of syllabi, training modules and text book development or any other work relating to improve the quality of education by the Department;

20. Grievance Redressal mechanism for teacher for the purposes of section 24(3).

(1) The School Management Committee constituted under section 21 shall be the first level of grievance redressal of teachers of schools specified therein.

(2) The District Education Officer (EE) shall be the Ist appellate authority for redressal of grievances of teachers.

(2) The State Government may constitute School tribunals at the State level which would act as the grievance redressal mechanism for the teachers.

21. Maintaining Pupil-Teacher Ratio in each school for the purposes of section 25.

(1) Sanctioned strength of teachers in a school shall be notified by the State Government or the local authority, as the case may be, within a period of three months of the appointed date.

Provided that the State Government or the local authority, as the case may be, shall, within six months of the appointed date, redeploy teachers of schools having strength in excess of the sanctioned strength prior to the notification referred to in sub-Rule (1).

Provided further that such an exercise on re-deployment of teachers shall be held by the Department from time to time as and when such a need arises during the course of the academic year;

Provided further that the state Government shall ensure availability of teachers taken together in all the schools under clause (n) of section 2 of the Act , for all the children in the age group of 6to 14 taken together in the state as a whole and in each PRI Area individually also under the Act.

(2) If any person of the State Government or the local authority violates the provisions of sub-section (2) of section 25, he or she shall be personally liable for disciplinary action under appropriate rules.

PART VII - CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

22. Academic Authority for the purposes of section 29

The State Council of Education Research and Training shall be the academic authority for the purposes of developing in-service teacher training design, to implement the process of holistic school and quality assessment on regular basis ; to formulate the relevant and age appropriate syllabus and textbooks and other learning material and to prepare guidelines for putting Continuous and Comprehensive Evaluation (CCE) into practice.

23. Award of certificate for the purposes of section 30

(1) The Certificate of completion of elementary education to a child shall be issued at the school level within one month of the completion of elementary education.

The Certificate referred to in sub-rule (1) shall -

(a) Certify that the child has completed all courses of study prescribed under section 29.

(b) Contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and many include music, dance, literature, sports, etc.

PART VIII – PROTECTION OF RIGHTS OF CHILDREN

24. Performance of functions by the State Commission for Protection of Child Rights, for the purposes of section 31

(1) The State Government may take steps to set up a State Commission for Protection of Child rights as defined in Right to Education Act, 2009.

(2) Till such time as the State Government sets up the Commission, it shall constitute an interim authority known as the right to Education Protection Authority (REPA) for the purposes of performing the functions specified in sub-section (1) of section 31, within six months of the commencement of Act or the constitution of the State Commission for Protection of Child Rights, whichever is earlier.

(3) The Right to Education Protection Authority (REPA) shall consist of the following, namely-

(a) A chairperson who is a person of high academic repute or has experience of public administration and has done outstanding work for promoting the rights of children

(b) Two Members, of whom at least one shall be a woman, from the following areas, from amongst persons of eminence, ability, integrity, standing and experience in -

i.) Education

ii) Child health care and child development

iii) Juvenile justice or care of neglected or marginalized children or children with disabilities

- iv) Elimination of child labour or working with children in distress
- v) Child psychology or sociology
- vi) Legal profession.

(4) All records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.

(5) In performance of its functions, the State Commission for Protection of Child Rights or the REPA, as the case may be, may also act upon matters referred to it by the State Advisory Council.

25. Manner of furnishing complaints before the State Commission for Protection of Child Rights

(1) The State Commission for Protection of Child Rights, or the REPA, as the case may be, shall set up a child help line, accessible by SMS, telephone and letter, which would act as the forum for aggrieved child/guardian to register complaint regarding violation of rights under the Act, in a manner that records his/her identity but does not disclose it.

(2) All complaints to the helpline should be monitored through a transparent 'alert and action' on-line mechanism by the State Commission for Protection of Child Rights, or the REPA, as the case may be.

26. Constitution and Functions of the State Advisory Council for the purpose of section 34

(1) The State Advisory council shall consist of a Chairperson and fourteen other Members.

(2) The Minister in-charge of the Ministry/Department of School Education in the State Government shall be the ex-officio Chairperson of the Council.

(3) Members of the Council, shall be appointed by the State Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, as under:

- (a) At least four members should be from amongst persons belonging to SCs, and Minorities.
- (b) At least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs.
- (c) One member should be from amongst persons having specialized knowledge and practical experience in the field of teacher education.
- (d) At least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher **and school** education.
- (e) One member having legal expertise shall be nominated.
- (f) Fifty percent of such members shall be from amongst women.

(4) The Department of School Education shall provide logistic support for meetings of the Council and its other functions.

(5) The procedure for transaction of Business of the Council shall be as under.

(i) The Council shall meet regularly at such times as the Chairperson thinks fit but three months shall not intervene between its last and the next meeting.

(ii) The meeting of the Council shall be presided by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he may nominate a member of the Council to preside over such meeting. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.

(6) The terms and conditions for appointment of Members of the Council shall be as under

(a) Every member shall hold office as such for a term of two years from the date on which he assumes office.

Provided that no member shall hold office more than two terms:

(b) A member may be removed from his office by an order of the State Government on the ground of proved misbehavior or incapacity, or on the happening of any one or more of the following events.

(i) Is adjudged an insolvent; or

(ii) Refuses to act or become incapable of acting; or

(iii) Is of unsound mind and stands so declared by a competent Court; or

(iv) Has so abused his office as to render his continuance in office detrimental to the public interest; or

(v) Is convicted for an offence by a competent Court; or

(vi) Is, without obtaining leave of absence from the Council, absent from two consecutive meeting of the Council

(c) No Member shall be removed from his office without being given an adequate opportunity of being heard.

(d) If vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of 120 days by making a fresh appointment in accordance with the provisions of sub-Rule (2).

(e) Members of the Council shall be entitled to reimbursement of traveling and daily allowances for official tours and journeys in accordance with the orders issued by the State Government in relation to non-official members of Right

to Education Protection Authority or State Commission for Protection of Child Rights.

25. For the purpose of these rules unless provided otherwise , the first appellate Authority shall be the Director of Public Instructions (Elementary) with in 30 days of the receipt of the copy of the decision . Whereas the second appellate authority shall be the State Government in the Department of Education schools.

APPENDIX

FORM 1

**SELF DECLARATION CUM APPLICATION
FOR GRANT OF RECONGNITION OF SCHOOL**

**See sub-Rule (1) of Rule 11 of the Right of Children of Free and
Compulsory Education Rule, 2009**

To

The District Education Officer
(Name of District)

Sir,

I forward herewith a self declaration regarding compliance with the norms and standards prescribed in the Schedule of the Right of Children to Free and Compulsory Education Act, 2009 and an application in the prescribed Performa for the grant of recognition to (Name of the school)..... with effect from the commencement of the school year 20.....

Yours faithfully,

Enclosure:

Place:

Date:

**Chairman of Managing
Committee/ Manager**

. School Details

1. Name of School
2. Academic Session
3. District
4. Postal Address
5. Village/City
6. Tehsil
7. Pin Code:
8. Phone No. with STD Code
9. Fax No.
10. E-Mail address if any
11. Nearest Police Station

B. General Information

1. Year of Foundation
2. Date of first Opening of School
3. Name of Trust/Society/Managing Committee
4. Whether Trust/Society/Managing Committee/is registered
5. Period up to which Registration of Trust/Society/Managing Committee is valid
6. Whether there is a proof of non-proprietary character of the Trust/Society/Managing Committee supported by the list of members with their address on an affidavit in copy
7. Name official address of the Manager/President/C/Chairman of the School

Name

Designation

Address (O).....

Phone (R).....

8. Total Income & Expenditure during last 3 years surplus/deficit

Year Income Expenditure Surplus/Deficit

1 2 3 4

C. Nature and area of School

1. Medium of instruction
2. Type of School (Specify entry & exit classes)
3. If aided, the name of agency and percentage of aid
4. If School Recognized
5. If so, by which authority
 - Recognition number
6. Does the school has its own building or is it running in rented building, please specify.
7. Whether the school building or other structures or the grounds are used only for the purpose of education and skill development?
8. Total area of the School
9. Built in area of the school

D. Enrollment Status

Class No. of Section No. of Students

1. Pre-primary
2. I-V
3. VI-VIII

E. Infrastructure Details & Sanitary Conditions Room Numbers Average Size

1. Classroom
2. Office room-cum-Store Room-cum-Headmaster Room
3. Kitchen -cum-Store

F. Other Facilities

1. Whether all facilities have barrier free access
2. Teaching Learning Material (attach list)
3. Sports & Play equipments (attach list)
4. Facility books in Library

- Books (No. of Books)
 - Periodical/ Newspapers
5. Type and number of drinking water facility
 6. Sanitary Conditions
 - (i) Type of W.C. & Urinals
 - (ii) Number of Urinals/Lavatories Separately for Boys
 - (iii) Number of Urinals/Lavatories Separately for girls

G. Particulars of Teaching Staff

1. Teaching in Primary/Upper Primary exclusively (details of each teacher separately)

Teacher Name(1)	Father/Spouse Name(2)	Date of Birth(3)
Academic Qualification(4)	Professional Qualifications(5)	Teaching Experience (6)
Class Assigned(7)	Appointment Date(8)	Trained or Untrained (9)

2. Teaching in Both Elementary and Secondary (details of each teacher separately)

Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
Academic Qualification (4)	Professional Qualifications(5)	Teaching Experience (6)
Class Assigned (7)	Appointment Date (8)	Trained or Untrained(9)

3. Head Teacher

Teacher Name (1)	Father/Spouse Name(2)	Date of Birth(3)
Academic Qualification (4)	Professional Qualifications (5)	Teaching Experience(6)
Class Assigned (7)	Appointment Date (8)	Trained or Untrained(9)

H. Curriculum and Syllabus

1. Details of curriculum & syllabus followed in each class (up to VIII)
 2. System of Pupil Assessment.
 3. Whether pupils of the school are required to take any board exam up to class 8 ?
- I.** Certified that the school has also submitted information in this date capture format of District Information System of education with this application
- J.** Certified that the school is open to inspection by any officer authorized by the appropriate authority.
- K.** Certified that the school undertakes to furnish such reports and information as may be required by the District Education Officer from time to time and complies with such instructions of the appropriate authority or the District Education Officer as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school.
- L.** Certified that records of the school pertinent to the implementation of this Act shall be open to inspection. by any officer authorized by the District Education Officer or appropriate authority at any time, and the school shall furnish all such information as may be necessary to enable the Central and / or State Government/ Local Body or the Administration to discharge its or his obligations to parliament/ Legislative Assembly of the State/Panchayat/ Municipal Corporation as the case may be.

Sd/
Chairman/Manager,
.....School

Place

Form II

Gram :

Phone :

E-Mail :

OFFICE OF DISTRICT EDUCATION OFFICER

(Name of District/State)

No.

Dated :

The Manger,

Sub: Recognition Certificate for the School under sub-rule (4) of rule 11 of Right of Children to free and Compulsory Education Rules, 2009 for the purpose of Section 18 of Right of Children to free and Compulsory Education Act, 2009.

Dear Sir/Madam,

With reference to your application dated _____ and subsequent correspondence with the school/inspection in this regard, I convey the grant for provisional are cognition to the _____ (name of the school with address) for Class _____ to Class _____ for a period of three years w.e.f _____ to ____ .

The above sanction is subject to fulfillment of following conditions:-

1. The grant for recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VIII.
2. The School shall abide by the provisions of Right of Children to free and Compulsory Education Act, 2009 (Annexure I) and the Right of Children to free and Compulsory Education Rules, 2009 (Annexure II)

3. The School shall admit in class I, to the extent of -----% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory elementary education till its completion. Provided, further that in case of pre primary classes also , this norm shall be followed.
4. For the Children referred to in paragraph 3, the School shall be reimbursed as per section 12(2) of the Act. To receive such reimbursement, school shall provide a separate bank account.
5. The Society/School shall not collect any capitation fee and subject the child or his or her parents or guardians to any Screening procedure.
6. The School shall not deny admission
To any child for lack of age proof.
If such admission is sought subsequent to the extended provided prescribed for admission.
On the ground of religion, caste or race, place of birth or any of the m.
7. The School shall ensure:
 - I. No child Admitted shall be held back in any class or expelled from school till the completion of elementary education in a school.
 - II. No child shall be subjected to physical punishment or mental harassment.
 - III. No child is required to pass any board examination till the completion of elementary education.
 - IV. Every child completing elementary education shall be awarded a certificate as laid down under Rule 23.
 - V. Inclusion of Students with disabilities/special needs as per provision of the Act.
 - VI. The teachers are recruited with minimum qualification as laid under section 23(1) of the Act. Provided further that the current teachers who, at the commencement of this Act do not possess

minimum qualification shall acquire such minimum qualifications within a period of 5 years.

- VII. The teacher performs its duties specified under section 24(1) of the Act and
- VIII. The teachers shall not engage himself or herself for private teaching activities.
8. The School shall follow the syllabus on the basis of curriculum laid down by appropriate authority.
9. The School shall enroll students proportionate to the facilities available in the school as prescribed in the section 19 of the Act.
10. The School shall maintain the standards and norms of the school as specified in section 19 of the Act. The Facilities reported at the time of last inspection are as given under:-
- Area of School campus
 - Total built up area
 - Area. of play ground
 - No. of classrooms
 - Room for Headmaster-cum-Officer-cum-Storeroom
 - Separate toilet for boys and girls
 - Drinking Water Facility
 - Kitchen for cooking Mid Day Meal
 - Barrier free Access
 - Availability of Teaching Learning Material/Play Sports Equipments/Library
11. No unrecognized classes shall run within the premises of the school or outside in the same name of school.
12. The school buildings or other structures or the grounds are used only for the purpose education and skill development.

13. The School is run by a society registered under the Societies Registration Act, 1860 (21 of 1960), or a public trust constituted under any law for the time being in force.
14. The School is not run for profit to any individual, group or association of individuals or any other persons.
15. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per ruled. A copy each of the Statements of Accounts should be sent to the DEO every year.
16. The recognition Code Number allotted to your school is -----.
This may please be noted and quoted for any correspondence with this office.
17. The school furnishes such reports and information as may be required by the Director of Education/District Education Officer from time to time and complies with such instruction of the State Government/ Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school:
18. Renewal of Registration of Society if any, be ensured.
19. Other conditions as per Annexure 'III' enclosed.

Date

District Education Officer
District:

Form III
Format for Claming Reimbursement of Grant for the Children Belonging to Weaker Section and Disadvantage Group Studying in Schools under Clouse IV of Section (n) of Section 2 under RTE Act 2009.

❖ **General Information of the School:**

1. Name of the School
2. Year of Establishment
3. Location
4. Postal Address with Pin code
5. Telephone No.
6. Type of School (Primary / Middle/Secondary/Senior Secondary)
7. Type of Management (Society/Trust/ Religious Origination/ Minority / any other specify).

❖ **Grant Received by the School:**

(i) Did you receive any concession / preference for the allotment of the Grant from the State Govt. / Central Govt. / Municipal Committee/ Corporation? If Yes (Please specify)

(ii) Did you receive any grant for the construction of the School from the State Govt. / Central Govt. / Municipal Committee/ Corporation? If Yes (Please specify)

(iii) Did you receive any grant for the running the School from State Govt. / Central Govt. / Municipal Committee/ Corporation? If Yes (Please specify)

(iv) In case any grant concession has been provided to the school, did the school have any liability attached with the grant. If Yes (Please specify)

❖ **Class Wise No. of Student and Students Belonging to Weaker Section of the Society:**

Class	Total Strength	25% of the Existing Strength	No. of Students Admitted in the Class as Defined	Remarks if any
I				
II				
III				
IV				
V				
VI				
VII				
VIII				

❖ **Class wise Information of the Students Admitted in the School:**

Name of the Student	Father Name	Date of the Admission	Date of Leaving the School (if any)	Remarks

(Please give information for each class functional in the school)

❖ **Fees Structure of the School:-**

(1) **Fee charged from Students other than the Disadvantage and Weaker Section of the Society of the School.**

Name of the Class

Period	Fee	Building Fund	Computer Fee	Science Fund	Transport fund	Any other fund	Total
Monthly							
Annually							

(Please supply class wise the similar information for all the classes being run in the school)

❖ **Month Wise and Class Wise Claim for the Students Belonging to Weaker Section of the Society Studying in the School:**

Month	Amount	No. of Students	Total	Remarks

(Please supply class wise the similar information for each class being run by the school)

❖ **Total Claim Admissible under RTE Act, 2009 for the Private School:**

❖ **Name of the Bank with Address along with type of Account, Account No. Where the Claim is to be Electronically Transfer**

Verification :-

It is certified that the above said particulars provided by the school for obtaining the reimbursement of claim for 25% of students belonging to the Weaker Section to the Society are correct with further understanding that all provision as contained in RTE Act, 2009 and the rules formed by Govt. there under are being complied with.

Signature of the Authorized Person
(Managing Director/Principal/Trusty etc.)

Date :

Place :