

**GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF EDUCATION  
ITANAGAR**

NO. ED.2/28/2010

Dated Itanagar the 3<sup>rd</sup> June, 2010

**Notification**

In exercise of the powers conferred by section 38 of the Right of Children to Free and compulsory Education Act, 2009 (35 of 2009) (RTE) the State Government hereby makes the following Rules, namely:

**1. Short Title and Commencement:**

- (1) These rules may be called the Arunachal Pradesh Right of children to Free and Compulsory Education Rules, 2010.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall extend to the whole of Arunachal Pradesh.

**PART – I - Preliminary**

**2. Definition:**

- (1) In this rules, unless the context otherwise requires :
  - (a) “Act” Means the Right of Children Free and compulsory Education Act, 2009 (35 of 2009).
  - (b) “Anganwadi” means an Anganwadi centre established under the Integrated Child Development Service Scheme of the Ministry of Women and Child Development of the Government of India.
  - (c) “Child” Means a Male or Female child of the age of 6-14 years.
  - (d) “Pupil Cumulative Record” means the record of the progress of the child based on comprehensive and continuous evaluation (CCE).
  - (e) “School Mapping” means planning school location (for the purpose of section 6 of the Act) to over come social barriers and geographical distance.
  - (f) “Capitation Fee” means any kind of donation or contribution or payment other than the fee notify by the school.
  - (g) “Elementary Education” means the education from class one to eight.
  - (h) “Child Belonging to Weaker Section” means a child belonging to such parents/ guardians whose annual income is lower than the minimum limit specified in BPL families by the State Government.
  - (i) “Local Authority” Means a Municipal corporation/Municipal council/Zilla Parishad/ Panchayat by whatever name called, in a city town or village.
  - (j) “Notification” means a notification published in the Official Gazette.

(k) "School" means any recognized school imparting elementary education and includes:

- (i) A school established, owned or controlled by the State Government or a local authority.
  - (ii) An aided school receiving grant or aid to meet whole or part of its expenses from the State Government, or local authority.
  - (iii) A school belonging to specified category means school known as Kendra Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having distinct character which may not be specified by State Govt.
  - (iv) An unaided school not receiving any kind of aid or grants to meet its expenses from state Govt. or local authority.
- (2) All references to "forms" In this rule shall be construed as reference to forms set out in appendix -I hereto.
- (3) All other words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.
- (4) Words imparting the singular number also include plural number and vice-versa.
- (5) Words imparting the masculine gender also include the feminine gender.

## **PART- II**

### **RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION**

#### **3. Special Training for admission to age appropriate class**

- (1) The school management committee/local authorities shall identify children requiring special training and Deputy Director of School Education shall arrange to organized 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.
  - (b) It shall be provided in classes held on premises of the school, or through classes organized in safe residential facilities.
  - (c) It shall be provided by the teachers working in the school, or by teacher specially appointed for the purpose.
  - (d) The duration shall be for a minimum period of three months which may be extended, based on periodical assessment of learning process, for a maximum period not exceeding two years.
- (2) The child shall, up on induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable to him/her to successfully integrate with the rest of the class, academically and emotionally.
- (3) State Council for Educational Research & Training/State Institute of Education shall be the academic authority to design the age appropriates syllabus, text book, Continuous and Comprehensive Evaluation etc. within six months.

**PART - III**  
**DUTIES AND RESPONSIBILITIES OF STATE GOVERNMENT AND  
LOCAL AUTHORITY**

**4. Areas or limits for the purposes of section 6**

- (1) The areas or limits of neighborhood within which a school has to be established within three years 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 1 km of the neighborhood.
  - (b) In respect of Children in classes VI-VIII, a school shall be established within a walking distance of 3 km of the neighborhood.
  - (c) In respect of children for preprimary classes these school shall add preprimary classes.
- (2) Wherever required, the State Government shall upgrade existing schools with classes I-V to include classes VI-VIII. In respect of schools which start from class VI onwards, the State Government shall endeavor to add classes I-V, wherever required.
- (3) In places with difficult terrain, risk of lands slide, floods, lack of roads and in general, danger for young children in the approach from the home to the school, 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 small hamlet, as identified by the State Government/ local authority, where no school exists within the area or limits of neighborhood specified under sub-rule (1) above, the State Government/local authority shall make adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school, in relaxation of the limit specified under sub-rule (1).
- (5) In places with high population density, the State Government/local authority may consider establishment of more than one neighborhood school, having regards to the number of children the age group of 6-14 years in such places.
- (6) The local authority shall identify the neighborhood schools where children can be admitted and make such information for each habitation within its jurisdiction.
- (7) In respect of children with disabilities which prevent them from accessing the school, the State Government/local authority will endeavor to make appropriate safe transportation arrangements to enable 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 social and cultural factors.

**5. Duties of State Govt. and Local Authority for the purposes of section 8 and 9**

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

**Explanation –**

- (i) All aided schools shall provide free education to at least 25% children.
  - (ii) un added private schools shall admit in class I, to the extend of 25 % of the strength of that class, from the children belonging to the weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. Provided further that incase of preprimary classes also this norms shall be followed. These school shall be reimbursed as per section 12 (2) of the Act. To receive such reimbursement the school shall provide a separate bank account.
  - (iii) A child with disabilities shall also be provided free special learning and support material.
- (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 section and children referred to in section 4, within a period of one year from the appointed date, and every year thereafter.
- (3) The State Government/local authority shall ensure that no child is subjected to caste, class, religious or general abuse in the school.
- (4) For the purpose of the 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 the playgrounds, in the use of common drinking water and toilet facilities and in the cleaning of toilets of classrooms.

**6. Maintenance of records of children by DDSE/local authority for the purposes of clause (d) of section 9**

- (1) The DDSE/ local authority shall maintain a record, of all children, in its jurisdiction, through a household survey, from their birth till they attain 14 years.
- (2) The record, referred to in sub-rule (1), shall be updated each year.

- (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 records, referred to in sub-rule (1), shall, in respect of every child shall 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 the 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; disability.
- (5) The DDSE/ local authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

#### **PART - IV**

#### **RESPONSIBILITIES OF SCHOOL AND TEACHERS**

7. **Admission of children belonging to weaker section and disadvantaged group for the purpose of clause (c) to section 12 (1)**
- (1) The school referred to in 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 the other children in the classroom nor shall their classes be held at places and timings different from the classes held for the other children.
  - (2) The School referred to in clause (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 specified in 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.

**8. Reimbursement of per-child expenditure by the State Government for the purpose 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 elementary education in respect of all schools shall be the per-child expenditure incurred by the State Government.

**Explanation –**

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

- (2) Every school referred to in clause (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.

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

Wherever a birth certificate under the Births, Deaths and Marriages Certification Act, 1886 (6 of 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/Auxiliary Nurse and Midwife (ANM) register record
- (b) *Anganwadi* record
- (c) Declaration through an affidavit of the age of the child by the parent or guardian.

**10. Extended period for admission for the purposes of section 15**

- (1) Extended period of admission shall be six months from the date of commencement of the academic year of a school.
- (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.

**11. Recognition of schools for the purpose 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 commencement of the Act, in Form No.1 to the concerned Deputy Director of School Education regarding its compliance or otherwise with the norms and standards 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 individual or any other persons;
  - (c) The school conforms to the values enshrined in the Constitution;
  - (d) The school buildings or other structures or the ground \s 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 School Education/Deputy Director of School Education 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 Dy. Director of School Education in public domain within fifteen days of its receipt.
  - (3) The Deputy Director of School Education shall conduct on-site inspection of such schools which claim in Form No.1 to fulfill the norms and standards and the conditions 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 Dy. Director of School Education in Public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the Dy. Director of School Education 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 Dy. Director of School Education through a public order to this effect, and any time within the next two and a half year, such schools may request the Dy. Director of School Education 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) 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.

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

- (1) Where the Dy. Director of School Education 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 Dy. Director of School Education may cause an inspection of the school, to be conducted by a Committee of three to five members comprising of educationists, civil society representatives, media, and Government representatives, which shall make due inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the Dy. Director of School Education.
  - (c) The Dy. Director of School Education shall forward the Report of the Committee, along with his comments, to the State Commission for protection of Child or the Right to Education protection Authority, as the case may be, with a copy to the State Education Department.
- (2) The State Commission for protection of Child Rights or the right to Education protection Authority, as the case may be, shall , after seeking explanation from the concerned school and after due examination, prepare and send its recommendations to the State Education Department.
- (3) The State Education Department, shall, on the basis of the recommendations referred to in sub-rule (2) convey its decision to the Dy. Director of School Education.
- (4) The Dy. Director of School Education shall, on the basis of the decision of the State Education Department, pass an order canceling the recognition granted to the school. The order of derecognizing shall be operative from the immediately succeeding academic year and shall specify the neighborhood schools to which the children of the de-recognised schools shall be admitted.

#### **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) Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children.
- (3) 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 teacher from the school, to be decided by he teachers of the school;
  - (c) Remaining one third from amongst local educationists/ children in the school, to be decided by the parents in the Committee
- (4) To manage its affairs, the School Management Committee shall elect a Chairperson and Vice Chairperson from among the parent 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-Convener of the School Management Committee.
- (5) The School Management Committee shall meet at least once a month and the minutes and decisions of 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 the clauses (a) to (d) of section 21 (2), perform the following functions, for which it may constitute smaller workings groups from amongst its Members:
  - (a) Communicate in simple and creative ways to the population in the neighbourhood 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 clause (a) and (e) of section 24 and section 28.
  - (c) Monitor that teacher are not burdened with non academic duties other than those specified in section 27;
  - (d) Ensure the enrolment and continued attendance of all the children from the neighbourhood 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(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) Monitor the implementation of the Mid-Day Meal in the school.
  - (j) Prepare an annual account of receipts and expenditure of 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 Convenor of the School Management Committee and made available to the local authority 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 in which it is first constituted under the Act.
- (2) The School Development plan shall be a three year plan comprising three 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 the three 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 VIII, calculate, with reference to the norms specified in the Schedule.
  - (c) Physical requirement of additional infrastructure and equipments over the three year calculated with reference to the norms and standards specified in the Schedule.
  - (d) Additional financial requirement over the three 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 local authority before the end of the financial year in which it is to be prepared.

## **PART VI – TEACHERS**

### **15. Minimum Qualification for the purposes of section 23(1)**

- (1) The academic authority notified in pursuance of sub-section (1) of section 23, shall within three months of such notification, lay down the minimum qualification for persons to be eligible for appointment as a teacher in an elementary school.
- (2) The minimum qualification laid down by the academic authority referred to in sub-rule (1) shall be applicable for every school referred to in clause (n) of section 2.

### **16. Relaxation of minimum qualification for the purpose of section 23(2)**

- (1) The State Government shall estimate the teacher requirement as per the norms in the Schedule for all schools referred to in clause (n) of section 2 within the State, within six months from the commencement of the Act.
- (2) Where a State does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualification as laid down under sub-rule (2) of Rule 15 are not available in sufficient numbers in relation to the requirement of teachers estimated under sub-rule (1), the State Government shall request, within one year of the commencement of the Act, the Central Government for relaxation of the prescribed minimum qualification.
- (3) On receipt of the request referred to in sub-rule (2), the Central Government shall examine the request of the State Government and may relax the minimum qualification by the way of a Notification.
- (4) The Notification referred to in sub-rule (3) shall specify the nature of relaxation and the time period, not exceeding three years, but not beyond five years from the commencement of the Act, within which the teacher appointed under the relaxed conditions acquire the minimum qualifications prescribed by the academic authority notified under sub-section (1) of section 23.
- (5) After six months of the commencement of the Act, no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualifications prescribed by the academic authority notified under sub-section (1) of Section 23 without the notification referred to in sub-rule (3).
- (6) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic qualifications not lower than higher secondary school certificate or equivalent.

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

- (1) The State Government shall provide adequate teacher education facilities to ensure that all teacher in schools referred to in sub-clauses (i) and (iii) of clause (n) of section 2, who do not possess the minimum qualification laid down under sub-rule (2) of Rule 15 at the time of commencement of the Act, to acquire such minimum qualifications within a period of five years from the commencement of the Act.
- (2) 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 qualification laid down under sub-rule (2) of Rule 15 at the time of commencement of the Act, the management of such school shall enable such teachers to acquire such minimum qualifications within a period of five years from the commencement of the Act.

**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 and permanent cadre of teachers.
- (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) The scales of pay and allowance, medical facilities, pension, gratuity , provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training as specified in section 4, shall be that of regular teachers, and at par for similar work and experience.

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

- (1) In performance of the functions specified in sub-section (1) of section 24 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 for every child which will be the basis for the awarding the completion certificate specified in sub-section (2) of section 30.
- (2) In addition to the function specified in clause (a) to (e) of sub-section (1) of section 24, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching:

(a) Participation in training programmes;

(b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;

**20. Grievances Redressal mechanism for teachers for the purposes of section 24(3)**

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

(2) The State Government shall constitute School Tribunals at the State, District and Block levels which would act as the grievance redressal mechanism for the teachers.

**21. Maintaining Pupil-Teacher Ration 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 three months of such notification, redeploy teachers of schools having strength in excess of the sanctioned strength prior to the Notification referred to in sub-rule (1).

(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.

**PART – VII**

**CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION**

**22. Academic Authority for the purposes of section 29**

(1) The State Government shall notify the State Council of Educational Research and Training (or its equivalent), as the academic authority for the purposes of section 29.

(2) While laying down the curriculum and evaluation procedure, the academic authority notified under sub-rule (1) shall

(a) Formulate the relevant and age appropriate syllabus and text books and other learning material.

- (b) Develop in-service teacher training design, and
  - (c) Prepare guidelines for putting into practice continues and comprehensive evaluation.
  - (3) The academic authority referred to in sub-rule (1) shall design and implement a process of holistic school quality assessment on a regular basis
- 23. Award of certificate for the purposes of section 30**
- (1) The certificate of completion of elementary education shall be issued at the school/block/district level which within one month of the completion of elementary education.
  - (2) 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 area of activities beyond the prescribed courses of study and may include music, dance, literature, sports, etc.

## **PART VII**

### **PROTECTION OF RIGHT OF CHILDREN**

- 24. Performance of function by the State Commission for Protection of Child Rights, for the purpose of section 31**
- (1) In respect of a State which does not have a State Commission for Protection of Child Rights, the State Government may take immediate steps to set up the commission.
  - (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 purpose of performing the functions specified in sub-section (1) of section 31, within six months of the commencement of the Act or constitute the State Commission for Protection of Child Rights, whichever in 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 been a High Court Judge or has done outstanding work for promoting the rights of children; and
    - (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; or
  - (vi) Legal profession;
- (4) The National Commission for Protection of Child Rights Rules, 2006 shall, so far as pertains to the terms and conditions, mutatis mutandis apply to chairperson and other Members of the REPA.
- (5) All records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.
- (6) 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.
- (7) The State Government shall enable constituting a Cell in the State Commission for Protection of Child Rights or the REPA, as the case may be, which may assist the Commission or the REPA in performance of its functions under the Act.
- 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, accessibly by SMS, telephone and letter, which would as the forum for aggrieved child/guardian to register complaint regarding violation of rights under the Act, in a manner that records her identity but does not disclose it;
  - (2) All complaints to the helpline should be monitored through a transparent 'alert and action' online mechanism by the State Commission for Protection of Child Right, 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 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 one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;

(b) One member should be from amongst persons having specialized knowledge in the field of pre-primary education.

(c) At least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education.

(d) Fifty percent of such members shall be from amongst women.

(e) The following shall be ex-officio members of the Council:

(i) Commissioner(E)/Secretary of Elementary Education

(ii) Director of School Education/Director of Elementary Education

(iii) Chairperson of State Commission for Protection of Child Right/ Right to Education Protection Authority.

(iv) Director State Institute of Education/ Director State Council of Educational Research and Training.

(v) State Project Director SSA Rajya Mission

(4) The Council may especially invite representatives of other related Ministries/Departments as required

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

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

(a) 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.

(b) 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.



(7) 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) The 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 competent Court; or

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

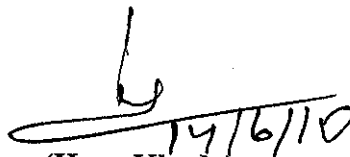
(v) Is convicted for an offence by a competent Court; or

(vi) Is without obtaining leave of absence from the Council, absent from two consecutive meetings 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 the Committees and Commissions and such like categories of persons.

  
(Hage Khoda)

Commissioner (Education)

Govt. of Arunachal Pradesh

Itanagar