

**Maharashtra
Right of Children to
Free and
Compulsory Education
Rules - 2010
(Draft)
Directorate of Primary
Education, Maharashtra
State, Pune.**

Maharashtra Right of Children to Free and Compulsory Education Rules 2010

Part I

Short title, name, extent and implementation –

- (1) (i) These rules shall be recognized as the Maharashtra Right of Children to Free and Compulsory Education Rules 2010.
- (ii) These Rules shall come into force from the date appointed by the Maharashtra State Government by notification in the official Gazette.
- (iii) These Rules shall apply to the entire area of the State of Maharashtra.

(2) Definitions –

- (i) Unless contrary to the subject or context the definitions of the terms used in these Rules are as given below:

- (a) **Act** : Right of Children to Free and Compulsory Education 2009.
- (b) **Child** : any boy or girl of age not less than 6 years and not more than 14 years.

Clarification : for a blind person as defined by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 the upper age limit shall be 18 years.

- (c) **Primary Teacher** : a person having the Government-prescribed qualifications appointed in accordance with prescribed procedure to teach in Stds I to VIII in any Primary or Secondary school. (Clarification : Head Teacher and Cluster Co-ordinator are included in this definition.)
- (d) **Primary School** : a centre where education of Stds I to VIII, or any classes in between these, is imparted.
- (e) **Neighbourhood School** : a school within a 1km distance for Stds I to V and within a 3 km distance for Stds VI to VIII and in either case designated by the State Government.
- (f) **Uniform** : a dress decided upon by the the concerned school committee with due consideration to the expected norms of behavior and discipline, to be worn by the students of the school.
- (g) **Evaluation** : in the case of students, the determination of their level of attainment, and, in the case of institutions and persons appointed in various posts, the determination of their level of efficiency.
- (h) **Parent-Teacher Association** : an association representing guardians, teachers and students and formed in accordance with the procedure and conditions laid down in these Rules.
- (i) **Minority** : a linguistic or religious sub-class determined on the basis of the demographic profile of the State in accordance with the provisions of the Constitution of India.
- (j) **Period** : the minimum/shortest time period, shown in the school time-table, for teaching one subject in one class in accordance with the Government's directions.
- (k) **Academic Year** : A year consisting of two academic terms, sanctioned and declared by the Education Officer / Inspector of the concerned District/Zilla or Municipal Corporation, taking into account the time period prescribed by the Government for school work and actual teaching.

- (l) **Syllabus** : the Government approved class-wise subject scheme and elaborated content of every subject therein in accordance with the educational policy determined by the Central and State Governments from time to time, regarding the education of children of specific age-groups.
- (m) **Anganwadi** : An anganwadi centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India.
- (n) **Appointed Date** : the date, 1st April 2010, notified in the Official Gazette as the date on which the Act comes into force.
- (o) **Chapter, Section and Schedule** : The relevant Chapter, Section of and Schedule to the Act.
- (p) **Student Cumulative Record** : the progress record of a child based on comprehensive and continuous evaluation.
- (q) **School Mapping** : planning and deciding upon the location of a school in order to minimize geographical distance and physical and social obstacles in accessing the school.
- (r) **Out-of-school Child** : a child of not less than 6 years and not more than 14 years who has either never been admitted to a school or who, having been admitted has not completed primary education due to absence from school / has left/stopped attending school and therefore not completed primary education.
- (ii) In these rules, all references to 'forms' are to the prescribed forms given in the annexures/appendices to these Rules.
- (iii) All those words, terms used in these Rules not defined herein but defined in the Act shall have the same meaning as defined in the Act.

Part II

Right of Children to Free and Compulsory Education

Special training for the purposes of the provisions of Section 4

- (3) 3(i) The School Management Committee / Local Authority shall identify, every year, by means of a survey, such children, who are entitled to/ need special training and shall, according to need, organize the training in the following manner :
 - (a) The special training shall be based on specially designed age-appropriate learning materials approved by the academic authority specified in section 29(1), in the case of Maharashtra, the State Council of Educational Research and Training, SCERT.
 - (b) It shall be provided in classes held on the school premises or in a safe residential place.
 - (c) It will be provided by teachers working in the school or by teachers appointed specially for this purpose.
 - (d) The minimum period of this training shall be 3 months which may be extended to a maximum of 2 years on the basis of the academic progress made by the child.
- 3(ii) After admitting such a child to the age-appropriate class and also after he/she completes special training, teachers shall give him/her the special attention required to help him/her integrate with the class both academically and emotionally.

- 3(iii) This special training programme shall be planned in its entirety by the SCERT.
- (a) Development of learning materials
 - (b) Appointment of teachers
 - (c) Survey of out-of-school children
 - (d) Training of teachers
 - (e) Evaluation of children
 - (f) Supervision arrangements
 - (g) Financial provision

The above matters shall be considered while planning the programme.

Part III

Duties of the State Government, Local Authority

Areas and limits for the purposes of Section 6

- (4) 4(i) The State Government shall establish neighbourhood schools within area limits to meet the following criteria
- (a) Where there is no provision for schooling in Std V within a 1km distance, Std V to Std VIII classes shall be attached to the school of the Local Authority.
 - (b) To accommodate students of Std VI to Std VIII in a school within an area limit of 3km, rules for granting recognition to Secondary Schools shall be modified.
- 4(ii) For the past many years a certain pattern namely, Std I to IV, Std I to VII, Std VIII to X and Std V to X, has been in existence in school education in Maharashtra, for the purpose of administrative convenience. No change shall be made in this pattern.
- 4(iii) In areas of difficult terrain, risk of landslides, lack of roads or any other danger in the approach from the homes 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 (i).
- 4(iv) If, for children living in small settlements/hamlets (*wadi's*, *wasti's*), no school exists within the limits set by the State Government/Local Authority under sub-rule (i) then the State Government/Local Authority shall by providing free transport, residential facility, etc. make primary education available in school to these children, in relaxation of the limits set under sub-rule (i).
- 4(v) In areas of greater population density (urban and semi-urban areas) the State Government/Local Authority may consider establishing more than one neighbourhood school having regard to the number of children in the 6 to 14 year age group in the area.
- 4(vi) The Local Authority shall designate a neighbourhood school for every settlement/area and will make this information known to the public .
- 4(vii) For children with a disability which prevents them from going to school, the State Government/Local Authority shall endeavour to make appropriate and safe transport arrangements for them to attend school and complete primary education.
- 4(viii) The State Government/Local Authority shall ensure that no child is barred from going to school and that there is no hindrance to his/her completing primary education for social or cultural reasons.

Duties of the State Government/Local Authority for the purposes of Clause 8 and 9

5(i) Any child attending a school

- established by, owned by, or controlled by the State Government/Local Authority in pursuance of part 1 section 2 clause(n)(i) of this Act;
- receiving full or partial aid for meeting expenses of the school or receiving grants in accordance with clause (n)(ii) of the Act from an appropriate Government or Local Authority
- designated under section 12(1) clause b(ii) of the Act to admit at least 25% of its strength or in proportion to the amount of the aid or grants received spent in meeting minimum recurring expenditure, whichever is more, to give free and compulsory education;
- established under section 2 (n) clause (iii) and (iv) i.e. schools of a specific sub-class or a school which does not receive any grant or aid to meet the expenditure of the school from any Government or Local Authority

shall be entitled to receive free textbooks, writing materials and uniforms.

Provided that a child with disabilities shall also be provided free special learning materials and aids and appliances.

Clarification : the responsibility of providing materials free of charge to children admitted under section 12 clause (i)(b) and section 12 clause(i)(c) will lie with the school referred to in section 2(n) clause (ii) and section 2(n) clause (ii) and (iv).

5(ii) the State Government and Local Authority shall undertake school mapping for the purpose of establishing a neighbourhood school and shall conduct a survey to identify and obtain statistical information about all children in the area including children living in remote areas, children with disabilities, children of weaker sections, out-of-school children as well as children who have dropped out of school as defined in section 4, within one year of the appointed date and every year thenceforth.

5(iii) the State Government and Local Authority shall take care to ensure that no child is subjected to caste, religious, class or gender abuse.

5(iv) for the purposes of section 8(c) and section 9(c) the State Government and Local Authority shall take strict measures to ensure that no child from any weaker section or deprived section will face discrimination or be segregated in class, during mid-day meals, on the playground, at common drinking facilities or while using common toilet facilities.

Maintenance of records of children by the Local Authority in accordance with section 9 clause (d)

- 6** (i) The Local Authority shall maintain records of all children till they attain 14 years of age by actually carrying out a household survey.
- (ii) Records under section 6 sub-rule (i) shall be updated every year.
- (iii) Records under section 6 sub-rule (i) shall be maintained in a transparent manner, in the public domain and used for the purposes of special training under section 8 clause (e).
- (iv) the record, referred to in sub-rule (i) shall , in respect of each child, include :
- (a) name, sex, date of birth, (Birth Certificate number), place of birth.
 - (b) parents'/guardians' name, address, occupation, (relation to child)
 - (c) pre-primary school/anganwadi centre the child attends up to the age of 6years (with details of location).

- (d) details of the Primary school where the child is admitted with details of name, address, etc.
- (e) permanent address and present address of residence of the child.
- (f) class in which the child is studying (for children between 6-14 years of age), 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; (if so, details to be given).
- (h) whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2 of the Act; (if so, details to be given).
- (i) details of special facilities / residential facilities required by children on account of migration, sparse population, age appropriate admission, disability, transport facility, home visit based education, etc.

The Local authority shall ensure that the names of all children in the age-group of 6 to 14 years in the area under its jurisdiction are publicly displayed in each school before the beginning of the first and the second term.

Clarification : It shall be mandatory to obtain information about children with disabilities every year till they attain the age of 18 years for the purposes of section 2 clause 26, 27 of chapter 2 of the Persons with Disabilities (Equal opportunities, Protection of rights and Full Participation Act, 1995.)

PART IV

RESPONSIBILITIES OF SCHOOLS AND TEACHERS

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

- (7) (i) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 i.e. schools of or non-aided schools not receiving aid or grant of any kind shall ensure that children admitted in pursuance of clause (c) to section 12 (i) shall not be given discriminatory treatment, segregated from the other children in the classrooms nor shall their classes be held at places and timings different from the classes held for the other children nor shall any programmes be conducted separately for them and for other children.
- (ii) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 i.e. schools of or non-aided schools not receiving aid or grant of any kind shall ensure that children admitted in pursuance of clause (c) to section 12 (i) shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as textbooks, uniforms, library and ICT facilities, extra-curricular activities and sports, etc.
- (iii) 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.

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

- (8) (i) 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 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.

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 i.e. school of or non-aided schools not receiving aid or grant of any kind and the children enrolled in such schools shall not be included.

- (ii) Every school referred to in clauses (iii) and (iv) of clause (n) of section 2 i.e. schools of or non-aided schools not receiving aid or grant of any kind shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of section 12. The amount of reimbursement shall be equal to the actual amount of expenditure incurred per child by the school or the amount of expenditure per child provided for under Rule 8 (i), whichever is less.

Documents acceptable as age proof for the purpose of section 14

9 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 purposes 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.

(However, in such cases, an officer of a rank senior to that of the officer admitting the child to the school shall confirm prior to admission of the child that other documents acceptable in place of the birth certificate are in fact, not available/cannot in fact be obtained.)

Extended period for admission for the purposes of section 15

10 (i) The extended period of admission from the date of commencement of the academic year of a school shall be till the last date before the end of the first term.

- (ii) A child may be admitted in a school even after the expiry of the extended period. However, he or she shall be eligible to complete studies with the help of special training, for a period to be determined by the head of the school.

Recognition of schools for the purposes of section 18

11 (i) Every school, other than a school established, by the State Government or Local Authority, established (or any school which has received permission from or been recognised by the State Government) 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 District Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the following conditions:

In case a school is being run without recognition from the Government without permission before or even after the commencement of this Act the school shall be punishable under Section 18(5) of this Act by a fine and shall also face legal action.

- (a) the school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), and after 1950 under the Maharashtra Public Trust Act 1950.
- (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 and other structures as well as 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 conditions of recognition or the removal of deficiencies in the working of the school.
- (ii) Every self declaration received in Form 1 shall be placed by the District Education Officer in public domain by displaying it on a notice board.
 - (iii) The District Education Officer 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 (i) within three months of the receipt of the self declaration.
 - (iv) After the inspection referred to in sub-Rule (iii) 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 and 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.
 - (v) Schools that do not conform to the norms, standards and conditions mentioned in sub rule (i) shall be listed by the District Education Officer through a public order to this effect, and any time within the next two and a half years, such schools may request the District Education Officer for an on-site inspection for grant of recognition.
 - (vi) Schools which cannot conform to the norms, standards and conditions mentioned in sub rule (i) after three years from the commencement of the Act, shall cease to function.
 - (vii) Every school, besides schools 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.
 - (viii) All prevalent rules of the Government of Maharashtra regarding grant or refusal of recognition of schools will continue to be in force. Also, schools will be recognised/ granted permission if they conform to the required norms standards and conditions only in those places where there is found to be an actual need on the basis of school mapping.

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

12 (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 recognised 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 conditions 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 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 District Education Officer.

- (c) The District Education Officer shall forward the Report of the Committee, along with his comments and opinions, to the State Commission for Protection of Child Rights or the Right to Education Protection Authority, as the case may be, with a copy to the Director of Education and the State Education Department.
- (ii) 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.
- (iii) The State Education Department, shall, on the basis of the recommendations referred to in sub-Rule (ii) convey its decision to the District Education Officer through the Directorate of Education.
- (iv) The District Education Officer shall, on the basis of the decision of the State Education Department, pass an order cancelling the recognition granted to the school. The order of de-recognition shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of the de-recognised schools shall be admitted. The District Education Officer shall also give the concerned neighbourhood schools, in advance, a list of the children to be admitted with detailed information about the children.

PART V

SCHOOL MANAGEMENT COMMITTEE

Composition and functions of the School Management Committee for the purposes of section 21

- 13** (i) In every school other an unaided school a School Management Committee shall be constituted in the area limit of the school within six months of the appointed date i.e. 1st April 2010 and reconstituted every two years.
- (ii) Seventy-five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children. They shall be elected in a meeting of the Parent-Teacher Association of the school.
 - (iii) The remaining twenty-five percent of the strength of the School Management Committee shall be from amongst the following persons
 - a) one third members from amongst the elected members of the local authority, (which as far as possible is in the school's area limit) to be decided by the local authority.
 - b) one third members from amongst teachers of the school, to be decided by the teachers of the school during the Parent-Teacher Association meeting.
 - c) remaining one third from amongst local educationists / child development experts, to be decided by the parents in a meeting of Parent-Teacher Association.

- (iv) 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-secretary of the School Management Committee and will carry out all election related work. He/She will also be responsible for conducting the monthly meetings of the School Management Committee.
- (v) 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.
- (vi) The School Management Committee shall, in addition to the functions specified in clauses (a) to (d) of section 21 (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 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 clauses (a) and (d) of section 24 and section 28.
 - (c) Monitor that teachers 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, or 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 disabled children and the availability of learning materials and other facilities for the disabled children.
 - (i) Monitor the implementation of the Mid-Day Meal in the school.
 - (j) Prepare an annual account of receipts and expenditure of the school.
- (vii) 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.
- (viii) The accounts referred to in sub-Rule (6) and in sub-Rule (7) should be signed by the Chairperson, Vice-Chairperson and Member-Secretary of the School Management Committee and made available to the local authority within one month of their preparation.

Preparation of School Development Plan for the purpose of section 22

- 14** (i) 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.
- (ii) The School Development Plan shall be a three-year plan comprising three annual sub-plans.
- (iii) The School Development Plan shall contain the following details –
 - (a) Estimates of class-wise enrolment for each year;

- (b) Requirement, over the three year period, of the number of additional teachers, including Head Teachers, subject teachers and part time teachers besides other appointments, separately for Classes I to V and classes VI to VIII, calculated, with reference to the norms specified in the Schedule.
 - (c) Physical requirement of additional infrastructure and equipments over the three year period, calculated and updated, 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 textbooks and uniforms, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.
 - (e) Requirement of additional teachers for reasons of special training arrangement for out-of-school children, periods of teachers extended long leave, maternity leave, special leave, concessions, etc.
 - (f) Educational rehabilitation arrangements for children from weaker sections, disadvantaged sections and children with disabilities.
- (iii) The School Development Plan should be signed by the Chairperson/Vice-Chairperson and Member-Secretary 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

Minimum Qualification for the purposes of section 23 (1)

- 15** (i) The academic authority notified in pursuance of sub-section (1) of section 23 i.e. Maharashtra State Council of Educational Research and Training, shall within three months of such notification, lay down the minimum qualifications for persons to be eligible for appointment as teacher in an elementary school.
- (ii) The minimum qualifications laid down by the academic authority referred to in sub-Rule (1) i.e. Maharashtra State Council of Educational Research and Training shall be applicable for every school referred to in clause (n) of section 2.

Relaxation of minimum qualification for the purposes of section 23 (2)

- 16** (i) 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.
- (ii) Where a State does not have adequate institutions offering courses or training in teacher education, or, persons possessing minimum qualifications 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 (i), the State Government shall request the Central Government within one year of the commencement of the Act, for relaxation of the prescribed minimum qualification.

- (iii) On receipt of the request referred to in sub-Rule (ii), the Central Government shall examine the request of the State Government and may relax the minimum qualifications by way of a Notification.
- (iv) The Notification referred to in sub-Rule (iii) 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 teachers appointed under the relaxed conditions must acquire the minimum qualifications prescribed by the academic authority notified under sub-section (1) of Section 23 at their own expense.
- (v) After six months after 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-rule (i) of Section 23 i.e. Maharashtra State Council of Educational Research and Training, without the notification referred to in sub-Rule (iii) above.
- (vi) 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.

Acquiring minimum qualifications under proviso to section 23(2)

- 17**
- (i) The State Government shall provide adequate teacher education facilities through Maharashtra State Council of Educational Research and Training to ensure that all teachers in schools referred to in sub-clauses (i) and (iii) of clause (n) of section 2, who do not possess the minimum qualifications laid down under sub-Rule (ii) of Rule 15 at the time of commencement of the Act, acquire such minimum qualifications within a period of five years from the commencement of the Act.
 - (ii) 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 sub-Rule (ii) of 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.

Salary and allowances and conditions of service of teachers for the purpose of section 23(3)

- 18**
- (i) 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.
 - (ii) In particular and without prejudice to sub rule (i), 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.
 - (iii) The scales of pay and allowances, 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.

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

- 19 (i) In performance of the functions specified in sub-section (1) of section 24(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 for every child, which will form the basis for awarding the completion certificate specified in sub-section (2) of section 30.
- (ii) In addition to the functions specified in clauses (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 textbook development;

Grievance Redressal mechanism for teachers for the purposes of section 24(3)

- 20 (i) The School Management Committee constituted under section 21 shall be the first-level arrangement for grievance redressal for teachers of schools specified therein.
- (ii) 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.

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

- 21 (i) 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 a strength in excess of the sanctioned strength prior to the Notification referred to in sub-Rule (1).
- (ii) 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

Academic Authority for the purposes of section 29

- 22 (i) The State Government shall notify the following bodies namely : (1) Maharashtra State Council of Educational Research and Training, Pune, (2) Maharashtra State Institute of Educational Technology, Pune (3) Maharashtra State Bureau of Textbook Production and Curriculum Research, Pune (4) Maharashtra State Institute of Educational Planning and Administration, Aurangabad (or their equivalent) as the academic authorities for the purposes of section 29.
- (ii) The academic authority notified under sub-Rule (1) shall lay down the curriculum and evaluation procedure.

- (a) The Maharashtra State Bureau of Textbook Production and Curriculum Research, Pune, shall design and prepare the relevant and age appropriate textbooks. For production of other learning materials the Maharashtra State Bureau of Textbook Production and Curriculum Research, Pune, shall as and when necessary take the aid/help/assistance of the Maharashtra State Institute of Education Technology, Pune.
 - (b) The District Institutes of Education and Training shall develop in-service teacher training design.
 - (c) Maharashtra State Council of Educational Research and Training, Pune and Maharashtra State Bureau of Textbook Production and Curriculum Research, Pune shall prepare guidelines for putting into practice continuous and comprehensive evaluation.
- (iii) The academic authority referred to in sub-rule (1) Maharashtra State Council of Educational Research and Training, Pune and Maharashtra State Institute of Educational Planning and Administration, Aurangabad shall design a plan, draft and process of holistic school quality assessment on a regular basis.

Award of certificate for the purposes of section 30

- 23**
- (i) The Certificate of completion of elementary education shall be issued at the school/block/district level within one month of the completion of elementary education.
 - (ii) 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 may mention attainment in music, dance, literature, sports, etc. Maharashtra State Council of Educational Research and Training, Pune, shall design the format of this record.

PART VIII

PROTECTION OF RIGHT OF CHILDREN

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

- 24**
- (i) 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.
 - (ii) 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 the Act or shall constitute the State Commission for Protection of Child Rights, whichever is earlier..
 - (iii) 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, dedication 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.
 - (iv) The National Commission for Protection of Child Rights Rules, 2006 shall, so far as pertains to the terms and conditions, apply mutatis mutandis to Chairperson and other Members of the REPA.
 - (v) All records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.
 - (vi) 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.
 - (vii) The State Government shall enable the State Commission for Protection of Child Rights or the REPA, as the case may be, to constitute an internal Cell, which may assist the Commission or the REPA in performance of its functions under the Act.

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

- 25
- (i) 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;
 - (ii) 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.

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

- 26
- (i) The State Advisory Council shall consist of a Chairperson and fourteen Members.
 - (ii) The Minister and Minister of State, School Education, Government of Maharashtra shall be the ex-officio Chairperson and Vice-chairperson respectively of the Council.
 - (iii) 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, STs or 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 specialised knowledge in the field of pre-primary education.
 - (d) At least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education.
 - (e) Fifty percent of the members shall be women.
- (iv) The Department of School Education shall provide logistic support for meetings of the 14 Council members and its other functions.
- (v) 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 not more than three months shall intervene between its last and the next meeting.
 - (b) The meeting of the Council shall be presided over by the ex-officio Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he/she may nominate the Vice-chairman of the Council to preside over such a meeting on his/her behalf. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.
- (vi) The terms and conditions for appointment of Members of the Council shall be as under
- (a) Every member shall hold office for a term of two years from the date on which he assumes office.
 - (b) The member may be removed from office by an order of the State Government on the grounds of proved misbehaviour 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 becomes 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 public interest or
 - v. is convicted for an offence by a competent Court; or
 - vi. is absent from two consecutive meetings of the Council without obtaining leave of absence from the Council.
 - (c) No Member shall be removed from office without being given an adequate opportunity of being heard.
 - (d) If vacancy occurs in the office of Members, whether by reason of 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 travelling 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 Committees and Commissions and such like categories of persons.

APPENDIX

FORM I

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

**See sub-Rule (1) of Rule 11 of the
Right of Children to Free and Compulsory Education Rules, 2010**

To,

The District Education Officer
(Name of District & State)

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 proforma for the grant of recognition to (Name of the school) with effect from the commencement of the school year 20.....

Yours faithfully,

Chairman/Manager
School Managing Committee

Enclosure :

Place :

Date :

16 A. School Details

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

B. General Information

1. Year of Foundation of School
2. Date of First Opening of School
3. Academic Session of the School
4. School timings - Full time.
School timings - Part time.
5. Name of Trust/Society/Managing Committee
6. Whether Trust/Society/Managing Committee/ is registered
7. Registration Number
 - a) Under 1860
 - b) Under 1950
8. Period upto which Registration of Trust/Society/Managing Committee is valid
9. Is the Trust/Society/Managing Committee approved/sanctioned ?
10. Whether there is a proof of non-proprietary character of the Trust/Society/Managing Committee supported by the list of members with their addresses on an affidavit in copy
11. Name and official address of the Manager, Chairman, Secretary of the school.

Name	Designation	Address	Phone (O)/(R)
1	2	3	4

12. Total Income and Expenditure during last 3 years surplus/deficit.

Year	Income	Expenditure	Surplus/Deficit
1	2	3	4

C. Nature and Area of School

1. Is the School recognized?
2. If so, by which authority

- Give recognition number :
3. Medium of Instruction
 4. Type of School
 5. Specify entry and exit classes
 6. If aided, the name of agency and percentage of aid
 7. Does the school have its own building or is it running in a rented building.
 8. Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development of the children?
 9. Total area of the school (in sq m)
 10. Built-up area of the school (in sq m)
 11. Total number of Classrooms
 12. Number of rooms used for purposes other than teaching.
 13. Area of Playground (in sq m)

D. Enrolment

Sr. No.	Std I	Std II	Std. III	Std IV	Std V
No. of Students					
No. of Divisions					
No. of sanctioned teachers					

Sr. No.	Std VI	Std VII	Std VIII
No. of Students			
No. of Divisions			
No. of sanctioned teachers			

If the Head Teacher is additional to the above give name and educational qualifications.

E. Infrastructure Details and Sanitary Conditions

No.	Rooms	Numbers	Average Size
1.	Classroom		
2.	Office room / Store Room / Headmaster Room		
3.	Kitchen / Store		
4.			
5.			
6.			

F. Other Facilities

1. Whether all facilities have barrier free access? If so, facilities available for the purpose.
2. Teaching Learning Material (attach list)
3. Sports & Play equipments (attach list)

4. Library – Number of books
Number of Periodicals
Newspapers – attach list

G. Particulars of Teaching Staff

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

Sr. No.	Teacher's Full Name	Father's/Spouse Name	Date of Birth	Academic Qualification	Professional Qualification	Trained or Untrained	Teaching Experience	Appointment Date	Class Assigned
1	2	3	4	5	6	7	8	9	10

2. Teaching at both Elementary and Secondary level (details of each teacher separately)

Sr. No.	Teacher's Full Name	Father's/Spouse Name	Date of Birth	Academic Qualification	Professional Qualification	Trained or Untrained	Teaching Experience	Appointment Date	Class Assigned
1	2	3	4	5	6	7	8	9	10

3. Head Teacher

Sr. No.	Head teacher's Full name	Father's/Spouse Name	Date of Birth	Academic Qualification	Professional Qualification	Trained or Untrained	Teaching Experience	Appointment Date	Class Assigned
1	2	3	4	5	6	7	8	9	10

H. Curriculum and Syllabus

1. Details of curriculum and syllabus followed in each class (upto VII)
 2. System of Student Evaluation.
 3. Whether Students of the school are required to take any external public examination upto class VII.
- Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.
 - 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 to comply with such instructions of the appropriate authority and the District Education Officer as may be issued to secure the continued fulfillment of the conditions of recognition or the removal of deficiencies in the working of the school;
 - Certified that the school is open to inspection by any officer authorized by the appropriate authority;
 - 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 their obligations to Parliament / Legislative Assembly of the State Zilla Parishad/Panchayat Committee/Municipal Corporation/Municipality as the case may be.

Sd./-
Chairman/Manager,
Managing Committee
.....School

Place

Appendix

Form II

Gram :

Phone:

E-Mail:

Fax:

Outward No.

Dated:

To,

The Manager,

Sub: Recognition Certificate for the School under sub-rule (4) of rule 11 and under section 18 of Right of Children to Free and Compulsory Education Rules, 2010.

Dear Sir/Madam,

With reference to your application dated _____ and subsequent inspection of the school in this regard, I

.....

.....

.....

convey the grant of provisional recognition to the _____ (name of the school with address) for Class ____ to Class ____ for a period of three years w.e.f. ____ .

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

1. The grant for recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VII.
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, 2010 (Annexure II).
3. The School shall admit in class I, to the extent of 25% of the sanctioned strength of that class, children belonging to weaker sections and disadvantaged groups in the neighbourhood and provide to them 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). To receive such reimbursements the school shall provide a separate bank account.
5. The Society/School shall not collect any capitation fee or 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 or on the grounds of gender, religion, caste or place of birth.

7. The School shall ensure that :
 - (i) no child admitted shall be declared failed/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 external public examination on completion of elementary education;
 - (iv) every child completing elementary education shall be awarded a certificate as laid down under Rule 23
 - (v) students with disabilities/special needs are included as per provision of the Act.
 - (vi) the teachers are recruited with minimum qualifications 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 qualifications shall acquire such minimum qualifications within a period of 5 years;
 - (vii) the teacher performs his/her duties specified under section 24(1) of the Act and
 - (viii) the teacher shall not engage himself or herself for private teaching activities.
8. The School shall follow the syllabus prescribed by the appropriate authority.
9. The School shall enrol 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 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 playground
 - No. of classrooms
 - Room for Headmaster-cum-Office-cum-Storeroom
 - Separate toilets for boys and girls
 - Drinking Water Facility
 - Kitchen for cooking Mid-Day Meal
 - Barrier-free Access
 - Teaching learning materials Play and Sports Equipments/Reading materials.
11. No unrecognized classes or divisions shall run on the premises of the school or outside in the name of school.
12. The school buildings or other structures are used only for the purposes of education and skill development of the children.
13. The School is run in accordance with the Societies Registration Act, 1860 (21 of 1860), or the Mumbai/Bombay Public Trust Act, 1950.
14. The School is not run for profit to any individual, group or association of individuals or for any other profit.
15. The accounts should be audited and certified by a Chartered Accountant and proper

accounts statements should be prepared as per rules. A copy of the Statements of Accounts should be sent to the District Education Officer every year.

16. The recognition Code Number allotted to your school is _____. This may please be noted and mentioned without fail in all further 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 instructions of the State Government/ Local Authority as may be issued to secure the continued fulfillment of the conditions of recognition of the school and in fulfilment of the responsibilities enjoined under this Act.
18. Renewal of Registration of Society if any under the Societies Registration Act 1860 and Mumbai/Bombay Public Trusts Act 1950 be ensured.
19. Other conditions as per Annexure 'III' enclosed.

Yours faithfully,
District Education Officer