

DRAFT RULES

THE RAJASTHAN
RIGHT OF
CHILDREN TO FREE
AND COMPULSORY
EDUCATION RULES,
2010

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THE RAJASTHAN RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION RULES, 2010

In exercise of the powers conferred by the section 38 of the Right of Children to Free and Compulsory Education Act 2009, the State Government hereby makes the following rules to carry out the provisions of the Act.

PART I - PRELIMINARY

Short title, extent and commencement

1. These Rules may be called the Rajasthan Right of Children to Free and Compulsory Education Rules 2010
 - I. They shall come into force at once
 - II. They shall extend to the whole of Rajasthan

2. In these rules, unless the context otherwise requires, -
 - I. 'Act' means the Right of Children to Free and Compulsory Education Act, 2009;
 - II. 'Aanganwadi' means an Aanganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India;
 - III. 'Appointed Date' means the date on which the Act comes into force, as notified in The Official Gazette;
 - IV. 'Chapter', "section" and Schedule" means respectively Chapter, section of, and Schedule to, the Rules;
 - V. 'Child' means any child of the age of 6 to 14 years;

- VI. 'Pupil Cumulative Record' means record of the progress of the child based on comprehensive and continuous evaluation;
- VII. 'School Mapping' means planning school location to overcome social barriers and geographical distance;
- VIII. 'State' means the state of Rajasthan;
- IX. 'State Government' means the Government of Rajasthan;
'District' means revenue district of the State
- X. 'Director Elementary Education ' means the head of the department of Elementary Education, Rajasthan;
- XI. 'Director Sanskrit Education ' means the head of the department of Sanskrit Education and who also imparting the educational programme for Elementary Education in Sanskrit in Rajasthan;
- XII. 'Director Secondary Education ' means the head of the department of Secondary Education .
- XIII. 'Commissioner' / Director Sarva Shiksha Abhiyan ' means the head of the department of Rajasthan Council Of Elementary Education and who is also implementing the educational programmes for Elementary Education under Sarva Shiksha Abhiyan.
- XIV. 'The Rajasthan Non Government Educational Institutions Tribunal' means a tribunal which is established by State Government under The Rajasthan Non Government Educational Institutions Act 1989;
- XV. 'District Education Officer (Elementary Education)' means an Administrative officer who controls and is responsible for implementing the programme for elementary education at district level;
- XVI. 'Block Elementary Education Officer' means an Administrative officer who controls and is responsible for implementing the programme for elementary education at the block level;
- XVII. 'Local authority' means the local body constituted under the Rajasthan Municipal Corporation Act / Rajasthan Panchayati Raj Act, 1994 and

Panchayati Raj Rules 1996 including Gram Panchayat, Panchayat Samiti and Zilla Parishad constituted under the Rajasthan Panchayati Raj Act 1994;

- XVIII. 'Neighborhood' means a habitation near or at specified distance from school;
- XIX. 'Primary school' means the school that imparts education between class I to class V
- XX. 'Upper Primary School' means the school that imparts education class I to VIII;
- XXI. 'Gram Sabha and Gram Panchayat' means the Gram Sabha/ Gram Panchayat constituted under the Rajasthan Panchayati Rules 1996;
- XXII. 'Sarpanch' means the elected head of the Gram Panchayat;
- XXIII. 'Panch' means the elected member of a ward of Gram Panchayat;
- XXIV. 'Paarshad' means the elected member of ward of a urban local body;
- XXV. 'Disadvantaged Group' means all the girl children and children belonging to/SC/ST/physically handicapped up to 40% or specified by the state Government by notification ;
- XXVI. 'Weaker Section' means the children belonging to BPL family.
- XXVII. "Reimbursable Expenditure" means the expenditure incurred by the school on each child including Salary, Books and Games, excluding capital expenditure.
- XXVIII. 'School Management Committee' means the decentralized unit of School Management for the purpose of Planning, Monitoring and other decision making matters
- XXIX. 'Executive Committee' means the smaller functional unit of School Management Committee for day-to-day Management of School
- XXX. All other words and expressions used here in and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART II
DUTIES OF STATE GOVERNMENT AND LOCAL AUTHORITY

Areas or limits for the purposes of section 6

- 3 (1)** The areas or limits of neighborhood within which a school has to be established by the State Government shall be as under –
- (a) In respect of children in classes I - V, a school shall be established within a walking distance of one km of the neighborhood.
 - (b) In respect of children in classes VI - VIII, a school shall be established within a walking distance of 2 km of the neighborhood.
- (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 endeavour to add classes I – V, wherever required.
- (3) In difficult and remote areas like desert area, hilly Area, and areas with scattered population (Mazara, Dhanis), the State Government / Local Authority shall establish a school for classes I-V, in a habitation whose minimum population is 150 persons having minimum 20 children; and for classes VI -VIII in a habitation with minimum 30 children in class V from at least two feeder primary schools.
- (4) For children from very small habitations (Dhanis) as identified by the State Government/Local Authority, where no school exists within the area or limits of neighborhood specified under Sub-Rule (1) & (3) above, the State Government/Local Authority shall make adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education, in relaxation of the limits specified under sub-Rule(1) & sub-rule (3);

- (5) In areas with high population density, the State Government/local authority may consider establishment of more than one neighborhood school, having regard to the number of Children in the age group of 6-14 years in such areas;
- (6) The Local Authority shall identify the neighborhood school(s) where children can be admitted and make such information public 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 endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education.
- (8) The State Government/Local Authority shall ensure that access of children to the School is not hindered by social and cultural factors.

For the purposes of Sections 8 , 9 and 12

4. (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 sub section (1) of section 12 shall be entitled to free textbooks, writing materials. The child with disabilities shall also be provided free special teaching learning and support material.

Explanation: In respect of the child admitted in pursuance of clause (b) of sub-section (1) of Section 12 and a child admitted in pursuance clause (c) of sub-section (1) of section 12, the responsibility of providing the free entitlement shall be of the school referred to in sub-clause (ii) of clause (n) of section 2 and of sub-clauses (iii) and (IV) of clause (n) of section 2, respectively.

- (2) For the purpose of determining and for establishing neighborhood schools, the State Government/local authority shall undertake school mapping, and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged groups, children belonging to weaker sections and children referred to in Section 4, within a period of one year from the appointed date, and every year thereafter.
- (3) The State government/local authority shall ensure that no child is subjected to caste, class, religion or gender abuse in the school.
- (4) For the purposes of clause (c) of section 8 and clause (c) of section 9, the State Government and the Local Authority shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or discriminated against in the Classroom, during mid-day meals, in the play grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.
- (5) For the purposes of clause (g) of section 8, the state government shall develop an appropriate administrative structure to ensure delivering quality elementary education.

Maintenance of records of children by local authority

- 5 (1) The Local Authority shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth until they attain 14 years.
- (2) The record, referred to in sub-Rule (1), shall be updated every 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 record, referred to in sub-Rule (1) shall, in respect of every child, include
 - (a) name, sex, date of birth, (Birth Certificate Number), place of birth;
 - (b) Parents' / guardians' names, address, occupation;
 - (c) Pre-primary school/Aanganwadi centre that the child attends (up to age 6);
 - (d) Elementary school where the child is admitted;

- (e) Present address of the child;
 - (f) Class in which the child is studying (for children between age 6-14), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;
 - (g) Whether the child belongs to the weaker section within the meaning of clause (e) of section 2 of the Act;
 - (h) Whether the child belongs to a disadvantaged group within the meaning of clause(d) of section 2 of the Act;
 - (i) Details of children requiring special facilities / residential facilities on account of migration and sparse population; age appropriate admission; disability.
- (5) The Local authority shall ensure that the names of all children enrolled in the schools under its jurisdiction must be displayed at notice board in each school.

Maintaining Pupil - Teacher Ratio in each school

- 6 (1) Sanctioned strength of teachers in every school, (owned or controlled by the State Government or the local authority) shall be assessed on the basis of number of students appearing in the final exam in the preceding session in the following manner,
- (a) At the school level, the Head Master of the school shall prepare a report on the prescribed proforma prescribed by the education department. This report shall be prepared in consonance with the norms of the Act. Regarding pupil teacher ratio and shall be sent by 10th April, every year to Block Elementary Education officer.
 - (b) The Block Elementary Education Officer shall prepare a consolidated report of all the Primary and Upper Primary schools in a format prescribed by the department. After analysing the report, the Block Elementary Education Officer shall rationalize the posts of the teachers as per directions given by

the department. The Block Elementary Education shall also issue the orders of shifting of teachers within block, if required. The Block Elementary Education Officer shall send the report of surplus / shortfall of teachers as per RTE norms by 10th May every year to District Elementary Education Officer.

- (c) The District Elementary Education Officer shall compile and analyse the report received from Block Elementary Education Officer. The District Education Officer shall issue orders for shifting of teachers if necessary from one block to another block within district as per guide lines issued by the department and shall send the final report of surplus/ shortfall of teachers to Director Elementary Education by 20th May every year.
- (d) The Director Elementary Education shall prepare that consolidated report of the state and shall take appropriate action regarding shortfall / surplus of the teachers, if any, and shall sent the report to state Government by 15th June every year.
- (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.

PROTECTION OF RIGHTS OF CHILDREN

Functions of the State Commission for Protection of Child Rights, for the purposes of section 31

7. For monitoring of child's rights to elementary education for the purposes of section 31 of this Act, the grievances may be forwarded directly or through department to the Rajasthan State Commission for Protection of Child Rights;

PART III
RESPONSIBILITIES OF SCHOOLS AND TEACHERS

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

- 8 (1) The school referred to in sub clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) to section 12 (1) of the Act shall not be 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.
- (2) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) to section 12 (1) of the Act 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, co-curricular activities and sports.
- (3) The areas or limits of neighborhood specified in Rule 3 (1) shall apply to admissions made in pursuance of clause (c) to Section 12 (1) of the Act; Provided that if the requisite percentage of seats for children referred to in clause (c) to section 12 (1) is not filled up the area or limits shall extend to 3 km for the purpose; provided further 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 the limit with prior intimation to the District Education Officer Elementary Education.
- (4) If the number of applicants for admission in a particular class and a school is more than the number of required seats, then admission in respective class of the school should be determined by lottery system or directions issued by the state government from time to time.

- (5) The 'Block Elementary Education Officer' shall maintain the record of children belonging to disadvantaged groups and weaker sections in the neighborhood area of every private school and specified category schools within his/her jurisdiction.

**Reimbursement of per-child expenditure by the State
Government for the purpose of section 12(2)**

9. (1) The total annual recurring expenditure incurred by the State Government, whether from its own funds, or funds provided by the Central Government, 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. The per child expenditure in respect of private schools shall be determined in the same manner including the same heads of expenditure.

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 of the Act and the children enrolled in such schools shall not be included.

- (2) Every school referred to in sub 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.

- (3) There shall be a committee at the state level comprising Principal Secretary School and Sanskrit Education, Principal Secretary Social Justice and Empowerment, Principal Secretary Rural Development and Panchayati Raj, Secretary Tribal Area Development, Secretary Finance Department, Director Elementary Education and Commissioner/ Director Sarva Shiksha

Abhiyan for the purpose of assessing per child expenditure incurred by the state and the local authority for reimbursement of expenditure to the schools under section 12(2) of the Act. The Principal Secretary Education shall be the Chairperson of the Committee. The Director Elementary Education shall be Member Secretary of the Committee.

- (4) The committee shall meet within three months after the commencement of the Act and thereafter every year in December to assess per child expenditure for the next academic session.
- (5) Director Elementary Education shall communicate the decision of the committee to the District Education Officer Elementary Education for reimbursement of fee in respect of children admitted in the schools under section 12 of the Act; provided that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.
- (6) The reimbursement will be made directly to the school two installments in a separate bank account maintained by the school. First installment of 50 % will be reimbursed in the month of August and balance will be reimbursed in the month of January.
- (7) The school will submit the list of the name(s) of the students admitted in the school to the District Education Officer Elementary Education / Block Education Officer Elementary Education for reimbursement under section 12 of the Act, in the month of April. District Education Officer (Elementary Education) may verify or cause to verify the enrolment of the children before

reimbursement of the first installment. He/she shall reimburse the final installment in the month of January after verification of the enrolment and attendance of every child subject to a minimum 80 % attendance every month.

(8) Class wise names of the students admitted in the private schools and the specified schools under section 12 of the Act shall be displayed at a prominent place /notice board in the school. In addition, if the school has its own website, it will display the names on the website as well.

(9) The per child reimbursable expenditure to the school shall be,

1. Per child expenditure incurred by the state

or

2. Per child expenditure incurred by the school

or

3. Actual amount charged from the child by the school; whichever is less

Documents as age proof for the purpose of section 14 (Birth Certificate for Admission)

10. 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 proof of age of the child for the purposes of admission in schools —

(a) Hospital / Auxiliary Nurse and Midwife (ANM) register record,

(b) Aanganwadi record,

(c) Declaration through an affidavit of the age of the child by the parent or guardian ,

Extended period of admission for the purpose of section 15

- 11 (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, admit 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.

Recognition of school for the purpose of section 18 & 19

12. Every school, other than a school established owned or controlled by the Central Government , the State Government or the local authority , established before or after the commencement of the Act for imparting elementary education shall make an application in the form of self-declaration -cum- application prescribed as per the Section 18 of this Act in accordance with the provisions of Rajasthan Non-Government Educational Institution Act 1989 and Rajasthan Non- Government Educational Institution Rules 1993. All the provisions of the Rajasthan Non-Government Educational Institution Act 1989 and Rajasthan Non-Government Educational Institution Rules 1993 with respect to recognition and related matters shall be applicable.

Part IV

SCHOOL MANAGEMENT COMMITTEE

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

- 13** (1) A School Management Committee shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the commencement of the Act and reconstituted after every two years, as per the directions issued by the State Government/Local Authority from time to time.
- (2) SMC shall work as decentralized unit of school management for the purpose of planning, monitoring and other related decision making matters.
- (3) SMC shall have an Executive Committee as a functional unit for day-to-day management of school
- (4) SMC shall have the following members -
- (a) Every Parent / Guardian of the child studying in the school
 - (b) Every teacher/probhodhak working in the school.
 - (c) Every PRI member residing in catchment area of the school
- (5) SMC shall has its meeting in every six months with a quorum of 25 % of its total member
- (6) SMC shall have its chairperson / vice-chairperson from amongst the parents and the headmaster of the school shall be the member secretary.
- (7) There shall be an executive committee having 15 members out of which 75 % i.e. at least 11 shall be amongst parents/guardians including representation of SC/ST.
- (8) Atleast 50 % of Executive Committee members will be female including representation of SC/ST
- (9) Chairperson / vice chairperson and member secretary of executive committee shall be the same as of the SMC
- (10) Meeting of executive committee shall be held once in a month with a quorum of minimum 1/3rd of its membership.

Preparation of School Development Plan for the purpose section 22

14. (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 year period, of the number of additional teachers, including head teachers, subject teachers and part time teachers, separately for Classes I to V and classes VI to 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, 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 District Education Officer Elementary Education before the end of the financial year in which it is to be prepared.

Special Training for the purposes of first proviso to section 4

- 15 (1) The School Management Committee/ local authority shall identify children requiring special Training and organize such training in the following manner, namely:
- I. The special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in section 29 (1 & 2)
 - II. It shall be provided by the school, in which classes held on the premises of the school, or through classes organized in safe residential facilities;
 - III. It shall be provided by teachers working in the school, or by teachers specially appointed for the purpose;
 - IV. The duration shall be for a minimum period of three months, which may be extended by based on periodical assessment of learning progress, for a maximum period not exceeding two years.
- (2) The child shall, upon induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.

PART V
TEACHERS/PRABODHAK

Minimum Qualification for the purposes of section 23 (1)

- 16** The minimum qualifications for persons eligible for appointment as a teacher / prabodhak in an elementary school as prescribed by the academic authority notified in pursuance of sub-section (1) of section 23, shall be applicable for each and every school referred;

Acquiring minimum qualifications under proviso to section 23(2)

17. (1) The State Government shall provide adequate teacher / Prabodhak education facilities 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 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/prabodhak, of any school referred to in sub-clause (ii) and (IV) of clause (n) of section 2, who does not possess the minimum qualifications laid down under Rule 15 at the time of commencement of the Act, the management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from the commencement of the act.

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

18. (1) Salary and allowance payable to teachers / prabodhaks and their terms and conditions of service shall be as per the relevant rules enforced viz Rajasthan Educational Subordinate Service Rules 1971, Rajasthan Panchayat Raj Rules 1996 and Rajasthan Prabodhak Panchayati Raj Service Rules 2008, as the case may be
- (2) In case of teachers of private schools salary and allowances and their terms and conditions of service shall be decided by the school management subject to legislations and regulations, if any, in force.

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

19. (1) 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 be the basis for the awarding the completion certificate specified in sub-section (2) of section 30.
- (2) (a) 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:
- (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. (1) The School Management Committee constituted under section 21 of the Act shall be the first level of grievance redressal of teachers of schools specified therein.
- (2) There shall be a district level grievance committee to redress grievances of teacher. If the teacher is not satisfied with the decision of SMC, he/she may appeal to the district level grievance committee.
- (3) The District level committee shall consist of Chief Executive Officer of Zila Parishad, District Education Officer Elementary Education and Additional District Education Officer Elementary Education. The Chief Executive Officer will be the chairperson of the committee. The District Education Officer Elementary Education shall be the member-secretary of the committee. The decision of district level committee shall be final and binding on all concerned teacher/officers.
- (4) The committee shall meet once in every six months;
- (5) Any teacher of the school established, owned or controlled by the State Government or the local authority may submit its grievance in writing to the convener of the, committee. The convener of the committee will communicate the decision to the teacher.
- (6) Every private school will develop its own mechanism for redressal of grievances of teachers.

PART VI

CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

Academic Authority for the purposes of section 29

21. (1) *The State Institute of Educational Research and Training, Udaipur will be the academic authority for the purpose 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 continuous 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.

Award of certificate for the purposes of section 30

22. (1) 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.
- (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 areas of activities beyond the prescribed course of study and may include music, dance, literature, sports, etc.

PART VII

Constitution and Functions of the State Advisory Council

- 23** (1) There shall be a state advisory council of 15 members constituted by the government to advise effective implementation of provisions of the act in an effective manner.
- (2) The Department of School and Sanskrit Education shall provide logistic support for meetings of the Council and its other functions.
- (3) The procedure for transaction of Business of the Council shall be as under-
- (i) The Council shall meet regularly at such times as the Chairperson thinks fit but three months shall not intervene between its last and the next meeting.
 - (ii) The meeting of the Council shall be presided by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he may nominate a member of the Council to preside over such meeting. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.
- (4) 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 a competent Court; or
 - iv. Has so abused his office as to render his continuance in office detrimental to the public interest or
 - v. Is convicted for an offence by a competent Court; or
 - vi. Is without obtaining leave of absence from the Council, absent from two Consecutive meetings of the Council
- (c) No Member shall be removed from his office without being given an adequate opportunity for hearing;
- (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.

PART VIII
MISCELLANEOUS

- 24. Power to exempt from rule** – The State Government may, by general or special order exempt any institution or any class of institutions from any of the provisions of the rules or may direct that such provisions shall apply to such institution or class of institutions with such modifications and, or conditions as may be specified in the orders.
- 25. Removal of Doubts** – Where a doubt arises as to the interpretation of any of the provisions of these rules or their applicability, the matter shall be referred to the Government in the Education Department, whose decision thereon shall be final.

PART IX – 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 Rule, 2009**

To
The District Education Officer
(Elementary Education)-----

RAJASTHAN

Sir,

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

Enclosure:

Place:

Date:

Chairman of Managing

Committee/Manager

A. School Details

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

B. General Information

1. Year of Foundation
2. Date of First Opening of School
3. Name of Trust/Society/Managing Committee
4. Registration number of Trust/Society/Managing Committee/ -----

5. Period up to which Registration of Trust/Society/Managing Committee is valid-----
6. Whether there is a proof of non-proprietary character of the Trust/Society/Managing Committee supported by the list of members with their address on an affidavit in copy
7. Name official address of the Manager/President/Co- Chairman /Chairman of the School
Name
Designation
Address
Phone (O)
(R)
8. Total Income & Expenditure during last 3 years surplus/deficit(Attach C.A/report) Year Income
Expenditure Surplus/deficit

C. Nature and area of School

1. Medium of Instruction
2. Type of School (Specify entry & exit classes)
3. If aided, the name of agency and percentage of aid
4. If School Recognized (yes/ no)-----
5. If so, by which authority-----
- Recognition number-----
6. Does the school has its own building or is it running in a rented building.
7. Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development?
8. Total area of the school
9. Built in area of the school

D. Enrollment Status

Class No. of Section No. of Students

1. Pre-primary
2. I – V
3. VI – VIII

E. Infrastructure Details & Sanitary Conditions Room Numbers Average Size

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

F. Other Facilities

1. Whether all facilities have barrier free access
2. Teaching Learning Material (attach list)
3. Sports & Play equipments (attach list)
4. Facility books in Library
 - Books (No. of books)
 - Periodical/Newspapers
5. Type and number of drinking water facility
6. Sanitary Conditions
 - (i) Type of W.C. & Urinals
 - (ii) Number of Urinals/Lavatories separately for Boys
 - (iii) Number of Urinals/Lavatories separately for Girls

G. Particulars of Teaching Staff

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

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

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

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

3. Head Teacher

Teacher Name

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

I. Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.

J. Certified that the school is open to inspection by any officer authorized by the appropriate authority;

K. Certified that the school undertakes to furnish such reports and information as may be required by the District Education Officer from time to time and complies with such Instructions of the appropriate authority or the District Education Officer as may be Issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;

L. Certified that records of the school pertinent to the implementation of this Act shall be .open to inspection. by any officer authorized by the District Education Officer or appropriate authority at any time, and the school shall furnish all such information as may be necessary to enable the Central and / or State Government/ Local Body or the Administration to discharge its or his obligations to Parliament / Legislative Assembly of the state/Panchayat/Municipal Corporation as the case may be.

Sd./-

Chairman/Manager,

Managing Committee

.....School

Place

H. Curriculum and Syllabus

1. Details of curriculum & syllabus followed in each class (up to VIII)
2. System of Pupil Assessment.
3. Whether pupils of the school are required to take any Board exam up to class 8?

Form II

Gram: Phone:

E-Mail: Fax:

OFFICE OF DISTRICT EDUCATION OFFICER

(Elementary Education)----- Rajasthan

No.

Dated:

The Manager,

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

Dear Sir/Madam,

With reference to your application dated _____ and subsequent correspondence with the school/inspection in this regard, I convey the grant for provisional recognition to the _____ (name of the school with address) for Class ____ to Class ____ for a period of three years w.e.f. ____ to _____. The above sanction is subject to fulfillment of following conditions:-

1. The grant for recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VIII.
2. The School shall abide by the provisions of Right of Children to Free and Compulsory Education Act, 2009 (Annexure I) and the Right of Children to Free and Compulsory Education Rules, 2009 (Annexure II).
3. The School shall admit in class I, to the extent of -----% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory elementary education till its completion. Provided, further that in case of pre primary classes also, this norm shall be followed.
4. For the children referred to in paragraph 3, the School shall be reimbursed as per Section 12(2) of the Act. To receive such reimbursements school shall provide a separate bank account.
5. The Society/School shall not collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure.

6. The School shall not deny admission to any child for lack of age proof. If such admission is sought subsequent to the extent provided/prescribed for admission on the ground of religion, caste or race, place of birth or any of them.

7. The School shall ensure that :

- (i) No child admitted shall be held back in any class or expelled from school till the completion of elementary education in a school;
- (ii) No child shall be subjected to physical punishment or mental harassment;
- (iii) No child is required to pass any board examination till the completion of elementary education;
- (iv) Every child completing elementary education shall be awarded a certificate as laid down under Rule 23
- (v) Inclusion of Students with disabilities/special needs as per provision of the Act
- (vi) The teachers are recruited with minimum qualifications s 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 with in a period of 5 years;
- (vii) The teacher performs its duties specified under section 24(1) of the Act and
- (viii) The teachers shall not engage him or her for private teaching activities.

8. The School shall follow the syllabus on the basis of curriculum laid down by appropriate authority.

9. The School shall enroll students proportionate to the facilities available in the school as prescribed in the section 19 of the Act.

10. The School shall maintain the standards and norms of the school as specified in section 19 of the Act. The facilities reported at the time of last inspection are as given under:-

Area of school campus

Total built up area

Area of play ground

No. of class rooms

Room for Headmaster-cum-Office-cum-Storeroom

Separate toilet for boys and girls

Drinking Water Facility

Kitchen for cooking Mid Day Meal

Barrier free Access

Availability of Teaching Learning Material/Play Sports Equipments/Library

11. No unrecognized classes shall run within the premises of the school or outside n the same name of school.
12. The school buildings or other structures or the grounds are used only for the purposes education and skill development.
13. The School is run by a society registered under the Rajasthan Societies Registration Act1958, or a public trust constituted under the Rajasthan Public Trust Act 1959.
14. The School is not run for profit to any individual, group or association of individuals or any other persons;
15. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per rules. A copy each of the statements of Accounts should be sent to the DEO (E.E) -----every year.
16. The recognition Code Number allotted to your school is ----- . This may please be noted and quoted for any correspondence with this office.
17. The school furnishes such reports and information as may be required by the Director Elementary Education Rajasthan, Bikaner/District Education Officer Elementary 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;
18. Renewal of Registration of Society if any be ensured.
19. Other conditions as per Annexure 'III' enclosed.

Yours faithfully

,
District Education Officer
Elementary Education-----