

Right of Children to Free and Compulsory Education Act 2009

The draft rules for the Right of Children to Free and Compulsory Education Act 2009 are put up for perusal by the educational institutions, teachers, parents and the general public. They are requested to give their views and valuable suggestions, before 20.12.2010, for incorporation in the draft rules. They may send their views to Thiru M. Palanisamy, Joint Director (Higher Secondary), Directorate of School Education, Chennai – 600 006. The E.mail I.D. is given below:

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Member Secretary
Advisory Committee on
Right of Children to Free and
Compulsory Education Act 2009

DRAFT RULES

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), the Governor of Tamil Nadu hereby makes the following Rules:-

PART I – PRELIMINARY

1. **Short title and commencement** :- (1) These Rules may be called the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2010.

(2) They shall come into force with effect from

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

(a) “Act” means the Right of Children to Free and Compulsory Education Act, 2009;

(b) “Anganwadi” means an Anganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India

(c) “appointed date” means the 1st day of April 2010,

(d) “Chapter”, “section” and “Schedule” means respectively Chapter, section of. and Schedule to, the Act,

(e) “Child” means any child of the age of 6 to 14 years;

(f) “Local Education Authority” shall mean and include Assistant Elementary Educational Officer, District Elementary Educational Officer, District Educational Officer, the Inspector of Matriculation Schools, the Inspector of Anglo Indian Schools, the Educational Officer of the Corporation or the Chief Educational Officer in the revenue District exercising powers in their respective jurisdiction;

(g) “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation:

(h) “School mapping” means planning school location to overcome social barriers and geographical distance.

(2) All references to “forms’ in these rules shall be construed as references to forms set out in Appendix I herein.

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

PART II – RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

3. Special Training :- (1) The School Management Committee of a school owned and managed by the State Government or Local Education Authority shall identify the children requiring special training and organize such training in the following manner, namely:-

- (a) the special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in sub-section (1) of section 29;
- (b) the said training shall be provided in classes held on the premises of the school or through classes organized in safe residential facilities.
- (c) the said training shall be provided by teachers working in the school, or by teachers specially appointed for the purpose.
- (d) the duration of the said training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding 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 to successfully integrate with the rest of the class, academically and emotionally.

PART III – DUTIES OF STATE GOVERNMENT AND LOCAL EDUCATION AUTHORITY

4. Area or limits of neighbourhood :- (1) The area or limits of neighbourhood within which a school has to be established by the State Government shall be, -

(a) in respect of children in classes I to V, a school shall be established within a walking distance of one km of the neighbourhood.

(b) in respect of children in classes VI to VIII, a school shall be established within a walking distance of 3 km of the neighbourhood.

(2) Wherever required, the State Government or the Local Education Authority shall upgrade existing schools with classes I to V to include classes from VI to VIII and in respect of schools which start from class VI onwards, the

State Government or the Local Education Authority shall endeavour to add classes from I to V wherever required.

(3) In places with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the State Government or the Local Education Authority shall locate the school in such a manner as to avoid such dangers, by reducing the area or limits specified under sub-rule (1).

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

(5) In places with high population density, the State Government or the Local Education Authority may consider establishment of more than one neighbourhood school or opening of more sections in the neighbourhood school having regard to the number of children in the age group 6-14 years in such places and that no child is denied admission in to any school public or private on the basis of caste, class, religion or gender.

(6) The Local Education Authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation within its jurisdiction.

(7) In respect of children with disability which prevent them from accessing the school, the State Government or the Local Education Authority shall endeavour to make appropriate and safe transportation arrangements to enable them to attend school and complete elementary education.

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

5. Responsibilities of the State Government and the Local Education Authority:-

(1) A child attending a school of the State Government or the Local Education 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 accordance with 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

accordance with clause (c) of sub section (1) of section 12 shall be entitled to free text books, writing materials and uniforms.

Provided that a child with disability shall be entitled also for free special learning and support material.

Explanation: For the purposes of sub-rule(1), it may be stated that in respect of the child admitted in accordance with clause (b) of sub-section (1) of section 12 and a child admitted in accordance with clause (c) of sub-section (1) of section 12, the responsibilities 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 neighbourhood schools, the State Government or the Local Education Authority shall undertake school mapping, and identify all children, including children in remote areas, children with disability, children belonging to disadvantaged group, children belonging to weaker section and children referred to in section 4, within a period of one year from the appointed date, and every year thereafter.

(3) The State Government or the Local Education Authority shall ensure that no child is subjected to caste, class, religious 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 Education 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 ground, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.

6. Maintenance of records of children by Local Education Authority :-

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

(2) The record, referred to in sub-rule (1), shall be updated annually.

(3) The record, referred to in the said sub-rule, 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 the said sub-rule shall, in respect of every child, include, -

(a) name, sex, date of birth, place of birth;

- (b) name, address, occupation of parent or guardian;
- (c) pre-primary school/anganwadi centre that the child attends (upto 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 the age of 6 to 14), and if education is discontinued in the territorial jurisdiction of the Local Education Authority, the cause of such discontinuance;
- (g) whether the child belongs to the weaker section;
- (h) whether the child belongs to a disadvantaged group;
- (i) whether the child requires special facilities or residential facilities on account of (i) migration and sparse population; (ii) age appropriate admission; and (iii) disability.

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

(6) The Local Education Authority shall co-ordinate with Local Authority in the matter of collection of data of children, convening of periodical meetings involving NGOs and people participation to ensure proper implementation of the scheme of the Act.

(7) The Local Education Authority shall also display the list of names of all children not enrolled in the schools within its jurisdiction and conduct special drive for admission of such children involving NGOs / Peoples' participation wherever required.

PART IV – RESPONSIBILITIES OF SCHOOLS AND TEACHERS

7. Admission of children belonging to weaker section and disadvantaged group :- (1) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in accordance with clause (c) of sub-section (1) of section 12 are not segregated from the other children in the classrooms nor 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 shall ensure that children admitted in accordance with clause (c) of sub-section (1) of section 12 are not discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and Information, Communication and Technology facilities, extra-curricular and sports.

(3) The area or limits of neighbourhood specified in sub – rule(1) of rule 4 shall apply to admissions made in accordance with clause (c) of sub – section (1) of section 12:

Provided that the school may, for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) of sub- section (1) of section 12, extend these area or limits with the prior approval of the State Government.

8.Reimbursement of per-child expenditure by the State Government :-

(1) The total annual recurring expenditure incurred by the State Government, from its own funds, and funds provided by the Central Government and by any other authority, on elementary education in respect of all schools referred to in sub-clause (i) of clause (n) of section 2 owned or controlled 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 the Local Education Authority on schools referred to in sub-clause (ii) of clause (n) of section 2 and the children enrolled in such schools shall not be included.

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

(3) There shall be committee at state level comprising Secretary, School Education, Secretary (Finance), Director of School Education, Director of Elementary Education, Director of Matriculation Schools and the State Project Director, Sarva Shiksha Abhiyan for taking appropriate decisions on the modalities of reimbursement of per-child expenditure to schools.

(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) The State Project Director, Sarva Shiksha Abhiyan, on the basis of the decision of the committee, shall communicate to the District Educational Officer for the reimbursement of the fee against the reservation of children in the schools under section 12 of the Act; read with section 8 and 9 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, by way of RTGS/ NEFT transfer, in the separate bank account maintained by the school in two installments during the academic year. First installment of 50% will be reimbursed in the month of September and balance will be reimbursed in the month of January.

(7) The school, shall in the month of July, submit the list of the students admitted in the school to the Local Education Authority for reimbursement to the school under section 12 of the Act. The Local Education Authority shall verify or cause to be verified the enrolment of the children before making the reimbursement of the first installment. He/she shall reimburse the final installment in the coming January again after verification of the enrolment of children and attendance of every child subject to a minimum of 80% attendance every month.

(8) The school wise names of the students admitted in the private schools and the specified schools under section 12 of the Act shall also be maintained in the electronic form and will be displayed in a manner as determined by the committee constituted under rule 9 (3) above.

9. Documents as age proof :- Wherever a birth certificate under the Births, Deaths and Marriages Certification Act, 1886 (Central Act 6 of 1886) is not available, any one of the following documents shall be deemed to be proof of age of the child for the purposes of admission in schools:-

- (a) hospital or Auxiliary Nurse and Midwife (ANM) register record;
- (b) anganwadi record;
- (c) declaration of the age of the child by the parent or guardian.

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

(2) Where a child is admitted in a school after the extended period, he shall be eligible to complete studies with the help of special training, as determined by the head teacher of the school.

11. Recognition to school :- (1) Every school, other than a school established, owned or controlled by the State Government or Local Education Authority, established before the commencement of the Act shall make a self declaration within a period of three months of the commencement of the Act, in Form 1 shown in the Appendix to the concerned authority regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and fulfillment of the following conditions, namely:-

- (a) the school is run by a society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or a public trust constituted under any law for the time being in force;
- (b) the school is not run for profit to any individual, group or association of individuals or any other persons;
- (c) the school conforms to the values enshrined in the Constitution;
- (d) the school buildings or other structures or the grounds are used only for the purposes of educational and skill development.
- (e) the school is open to inspection by any officer authorized by the State Government or the Local Education Authority:

(f) the school furnishes such reports and such information as may be required by the Director of Elementary Education, Director of Matriculation Schools, Director of School Education, Inspector of Anglo Indian Schools, as the case may be, from time to time and complies with such instructions of the State Government or the Local Education Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school.

(2) Every self declaration received in Form I shall be placed by the concerned District Elementary Educational Officer, or District Educational Officer or Inspector of Matriculation of Schools or Inspector of Anglo Indian Schools, as the case may be, in public domain within fifteen days of its receipt.

(3) The District Elementary Educational Officer or District Educational Officer or Inspector of Matriculation of Schools or Inspector of Anglo Indian Schools, as the case may be, shall within three months of the receipt of such self declaration cause on-site inspection of such schools which claim in Form I to fulfill the norms and standards and the conditions mentioned in sub rule (1).

(4) After the inspection referred to in sub-rule (3) is carried out, the inspection report shall be placed by the District Elementary Educational Officer or District Educational Officer, or Inspector of Matriculation Schools, or Inspector of Anglo Indian Schools as the case may be in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the authority empowered to grant recognition in Form II shown in the Appendix within a period of 30 days from the date of inspection.

(5) Schools that do not conform to the norms, standards and conditions mentioned in sub rule (1) shall be listed by the District Elementary Educational Officer or District Educational Officer, or Inspector of Matriculation Schools or Inspector of Anglo Indian Schools, through a public order to this effect; such schools may request the District Elementary Educational Officer or District Educational Officer, or Inspector of Matriculation Schools or Inspector of Anglo Indian Schools, as the case may be for an on-site inspection for grant of recognition at any time within next two and a half years, so that such period does not exceed three years from the commencement of the Act.

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

(7) A person who intends to establish a school shall apply to the concerned authority in Form I for obtaining a certificate of recognition. He shall, in addition to the norms and standards specified in the Schedule, fulfill the following conditions before making an application for such recognition.

- a) **Fee Structure:** The School so recognized shall collect the fee including special fee, registration and application fees in accordance with the fee recommended by the committee constituted under the Tamil Nadu Private Schools (Regulation of Fees) Act.
- b) **Minimum Infrastructure Facilities:** The following minimum facilities shall be provided by the school seeking recognition as a condition of recognition.

Land Area

Locality	Minimum Land Area
Corporation	6 grounds
District Head quarters	8 grounds
Municipality	10 grounds
Township	1 acre
Rural	3 acres

- c) **School Buildings:** School buildings should be planned suitably and adequately. They should be owned or secured on a rent free basis or taken on a long lease of atleast 30 years. The school seeking recognition should produce a license permitting the use of the school building as a public building under the Tamil Nadu Public Buildings Licensing Act, 1963.

Number of teachers to be employed in the school, nature of building and the facilities to be provided in the building teaching learning equipment, Library, Play material, games and sports equipments that should be made available in the school shall be in accordance with the norms and standards specified in the Schedule to the Act.

The school shall ensure the supply of protected drinking water and also ensure that lavatory and urinal facilities are provided in the schools as per the criteria prescribed in the grant-in-code.

The salary and allowances payable to the teachers and the terms and conditions of service of teachers shall be as prescribed under sub-section (3) of section 23.

12. Withdrawal of recognition to schools :- (1) Where the District Elementary Educational Officer or District Educational Officer, or Inspector of Matriculation Schools or the Inspector of Anglo Indian Schools, as the case may be, on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognized under rule 11 has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards specified in the Schedule, shall act in the following manner:-

- (a) issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month;
- (b) in case the explanation is not found to be satisfactory or no explanation is received within the stipulated time, the DEEO or DEO or IMS or IAIS, as the case may be, cause an inspection of the school, make due inquiry and submit its report, along with its recommendations for its withdrawal, to the Director of Elementary Education or Joint Director (Personnel) of School Education or Director of Matriculation Schools as the case may be;
- (c) on receipt of the report, the Director of Elementary Education or Joint Director (Personnel) of School Education or Director of Matriculation Schools, as the case may be, may pass an order cancelling the recognition granted to the school:

Provided that no order for withdrawal of recognition shall be passed by the authority concerned without giving the school an opportunity being heard.

The order of withdrawal of recognition so passed shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of that school shall be admitted.

PART V – SCHOOL MANAGEMENT COMMITTEE

13. Composition and functions of the School Management Committee:- (1) A School Management Committee (hereinafter in this rule referred to as the said Committee) shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the appointed date, and reconstituted every three years.

(2) Seventy five percent of the strength of the said Committee shall be from amongst parents or guardians of children.

(3) The remaining twenty five percent of the strength of the said Committee shall be from amongst the following persons, namely:-

- a) one third members from amongst the elected members of the Local Education Authority, to be decided by the Local Education Authority.
- b) one third members from amongst teachers from the school, to be decided by the teachers of the school,
- c) one third members from amongst local educationists are children in the school, to be decided by the parents in the said Committee.

(4) To manage its affairs, the said Committee shall elect a chairperson and vice chairperson from among the parent members; the head teacher of the school or where the school does not have a head teacher, the senior most teacher of the school, shall be the ex-officio member-convener of the said Committee.

(5) The said Committee shall meet at least once a month and the minutes and decisions of the meetings shall be properly recorded and made available to the public.

(6) The said Committee shall, in addition to the functions specified in clauses (a) to (d) of sub-section (2) of section 21, perform the following functions, namely:-

- 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 Education Authority, school, parent and guardian;
- b) ensure the implementation of clauses (a) and (e) of section 24, and of 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 specified in the Schedule;
- f) bring to the notice of the Local Education Authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission and timely provision of free entitlements as per sub-section (2) of section 3.

- g) identify the needs, prepare a plan and monitor the implementation of the provisions of section 4;
- h) monitor the identification and enrolment of, and facilities for education of children with disability and ensure their participation in, and completion of elementary education;
- i) monitor the implementation of the mid-day meal in the school;
- j) prepare an annual account of receipts and expenditure of the school.
- k) form a task force from its own members to investigate in the matter of draft out of children from the school in the middle of academic year, if informed, and explore all possibilities to restore those children back to school keeping their best interest in the mind.

(7) Any money received by the said Committee for the discharge of its functions under this Act, shall be kept in a separate account, to be audited annually.

(8) The accounts referred to in clause (i) to sub-rule (6) and in sub-rule (7) should be signed by the Chairperson or vice chairperson and convener of the said Committee and made available to the Local Education Authority within one month of their preparation.

(9) At the end of each year utilization certificate shall be submitted to the authority releasing the grant.

(10) The said Committee shall also get the accounts audited by either a chartered accountant or a local fund auditor or an auditor from the co-operative department.

14. Preparation of Schools Development Plan:- (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, namely:-

(a) estimates of class-wise enrolment for each year;

(b) requirement of the number of additional teachers, including Head Teachers, subject teachers and part time instructors, separately for Classes I to V and for classes VI to VIII, calculated with reference to the norms specified in the Schedule;

(c) physical requirement of additional infrastructure and equipments calculated with reference to the norms and standards specified in the Schedule; and

(d) financial requirement in respect of (b) and (c) above, including for providing special training facility specified in section 4 , entitlements of children such as free text books and uniforms, and any other additional requirement for fulfilling the responsibilities of the school under the Act.

(3) The School Development Plan should be signed by the chairperson or vice-chairperson and convener of the said Committee and submitted to the State Government or the Local Education Authority, as the case may be, before the end of the financial year in which it is to be prepared.

PART VI – TEACHERS

15. Minimum Qualifications:- (1) The academic authority notified under sub-section (1) of section 23, shall, within three months of such notification, lay down the minimum qualifications for a person to be eligible for appointment as a teacher.

(2) The minimum qualifications laid down by the academic authority shall be applicable for every school referred to in clause (n) of section 2.

16. Relaxation of minimum qualifications:- (1) The State Government shall within six months from the commencement of the Act, estimate the teacher requirement as per the norms in the Schedule for all schools referred to in clause (n) of section 2.

(2) Where persons possessing minimum qualifications as laid down under sub-rule (1) of rule 15 are not available in sufficient numbers in relation to the requirement of teachers estimated under sub-rule (1), the State Government shall request, within one year of the commencement of the Act, the Central Government for relaxation of the prescribed minimum qualification.

(3) On expiry of six months after the commencement of the Act, no appointment of teachers for any school can be made in respect of any person not possessing the minimum qualifications prescribed by the academic authority notified under sub-section(1) of section 23.

(4) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic qualifications not lower than higher secondary school certificate or equivalent.

17.Acquiring minimum qualifications:- (1) The State Government shall provide adequate teacher 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 sub-rule of rule 15 at the time of commencement of the Act, to acquire such minimum qualifications within a period of five years from the commencement of the Act.

(2) For a teacher, of any school referred to in sub-clauses (ii) and (iv) of clause (n) of section 2, who does not possess the minimum qualifications laid down under sub-rule (2) of rule 15 at the time of commencement of the Act, the management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from the commencement of the Act.

18.Salary and allowances and conditions of service of teachers:- (1) The State Government shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.

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

(a) accountability of teachers to the School Management Committee constituted under section 21

(b) provisions enabling long term stake of teachers in the teaching profession.

(3) The scales of pay and 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.

19.Duties performed by teachers:- (1) The teacher shall maintain a file containing the pupil cumulative record for every child shall be the basis for awarding the certificate for completion of elementary education.

(2) A teacher, in addition to the functions specified in clauses (a) to (e) of sub-section (1) of section 24, may perform the following duties,-

(a) participation in training programmes:

(b) participation in curriculum formulation, and development of syllabi, training modules and text book development.

20. Maintaining pupil-teacher ratio:- (1) The sanctioned strength of teachers in a school shall be notified by the State Government or the Local Education Authority, as the case may be, within a period of six months of the appointed date:

Provided that the State Government or the Local Education Authority, as the case may be, shall within three months of such notification, redeploy teachers of schools having strength in excess of the sanctioned strength prior to the notification referred to in sub-rule (1).

(2) If any person of the State Government or the Local Education Authority violates the provisions of sub-section (2) of section 25, he shall be personally liable for disciplinary action.

PART VII – CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

21. Academic authority:- (1) The Directorate of Teacher Education Research and Training shall be the Academic authority for the purpose of section 29 of the Act.

(2) While laying down the curricular and evaluation procedure, the academic authority.

- (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.
- (d) develop performances indicators for the individuals and institutions along with accountability criteria towards children’s learning levels:
- (e) undertake periodic performance appraised of individuals and institutions:
- (f) commission and undertake researches / studies on policies, programmes, curriculum, learning outcomes of children etc.

(3) The Academic authority referred in sub-rule (1) shall design and implement a process of holistic school quality assessment on a regular basis.

22. Award of certificate:- (1) The certificate of completion of elementary education shall be issued at the school level within one month of the completion of elementary education in Form III shown in the Appendix.

(2) The certificate referred to in sub-rule (1) shall contain the pupil cumulative record of the child.

PART VIII – PROTECTION OF RIGHT OF CHILDREN

23. Performance of functions by the State Commission for Protection of Child Rights:- (1) The State Government may take immediate steps to set up the State Commission for Protection of Child Rights as required under sub-section (3) of section 31.

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

(3) The REPA shall consist of the following, namely

(a) a chairperson who is a person of high academic repute or has been a High Court Judge or has done outstanding work for promoting the rights of children; and

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

(i) education;

(ii) child health care and child development;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities;

(iv) elimination of child labour or working with children in distress;

(v) child psychology or sociology; or

(vi) legal profession.

(4) Immediately after the constitution of the State Commission for Protection of Child Rights, all records and assets of the REPA shall be transferred to it.

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

(6) The State Government shall provide resource support to the State Commission for Protection of Child Rights or the REPA, as the case may be, in performance of its function under the Act.

(7) The National Commission for Protection of Child Rights Rules, 2006 shall, so far as pertains to the terms and conditions mutatis mutandis apply to chairperson and other members of the Commission.

24.Manner of furnishing complaints before the State Commission for Protection of Child Rights:- The State Commission for Protection of Child Rights, or the REPA, as the case may be, may set up a child help line which would register complaints regarding violation of rights of the child under the Act which may be monitored by it through a transparent online mechanism

25.Constitution and functions of the State Advisory Council:- (1)The State Advisory Council shall consist of a chairperson and fourteen members.

(2) The Minister in-charge of the Department of School Education shall be the ex-officio chairperson of the Council.

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

- (a) at least three members should be from amongst persons belonging to SCs, STs and Minorities;
- (b) at least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
- (c) one member should be from amongst persons having specialized knowledge in the field of pre-primary education;
- (d) at least one member should be from amongst persons having specialized knowledge and practical experience in the field of teacher education;
- (e) The following shall be ex-officio members of the council:-
 - i. The Secretary to Government, School Education Department.
 - ii. The Chairperson, State Commission for Protection of Child Rights;
 - iii. The Director of School Education;
 - iv. The Director of Teacher Education, Research and Training;
 - v. The Director of Elementary Education;
 - vi. The Director of Matriculation Schools;
 - vii. The State Project Director, Sarva Shiksha Abhiyan shall be the ex-officio Member Secretary of the Council.

(f) one third of all members shall be women.

(4) The Council may especially invite representatives of other related departments as required.

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

(6) The State Advisory Council shall perform one or more of the following functions, namely:-

(a) review

(i) norms and standards specified in the Schedule;

(ii) compliance with teacher qualifications and trainings; and

(iii) implementation of section 29;

(b) commission studies and research for the effective implementation of the Act;

(c) act as an interface between the public, the media and the State Government in creating awareness, mobilization and a positive environment for the implementation of the Act.

(5) The procedure for transaction of business of the Council shall be as under:-

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

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

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

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

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

(b) 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, namely:-

- (i) is adjudged as 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 of being heard.
- (d) If vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise. such vacancy shall be filled within a period of 120 days by making a fresh appointment in accordance with the provisions of sub-rule (3)
- (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 the Committees and Commissions and such like categories of persons.

26. Publicity of the Act/Rules through print and media:- The State shall give wide publicity through print and electronic media with reference to the provisions of the Act and the rules framed there under.

APPENDIX

FORM I

**SELF DECLARATION CUM APPLICATION
FOR GRANT OF RECOGNITION OF SCHOOL
(See sub-rule (1) of rule 11)**

To

The District Educational Officer
(Name of District & State)

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 proforma 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	Tashil	
7	Pincode	
8	Phone No with STD Code	
9	Fax No.	
10	E-mail address if any	
11	Nearest Police Station	

B.General Information

1	Year of Foundation			
2	Date of First Opening of School			
3	Name of Trust/Society/Managing Committee			
4	Whether Trust/Society/Managing Committee is registered			
5	Period upto 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/Chairman of the school			
	Name			
	Designation			
	Address			
	Phone	(O) (R)		
8	Total Income & Expenditure during last 3 years surplus/deficit			
	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 Recognised	
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		
			Boys	Girls	Total
1	Pre-Primary				
2	I				
3	II				
4	III				
5	IV				
6	V				
7	VI				
8	VII				
9	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 <ul style="list-style-type: none"> • 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 Qualification (5)	Date of Appointment (6)
	Class Assigned (7)	Teaching experience (8)	Trained or Unmarried (9)
	Scale of pay (10)	Gross Salary per month (11)	

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 Qualification (5)	Date of Appointment (6)
	Class Assigned (7)	Teaching experience (8)	Trained or Unmarried (9)
	Scale of Pay (10)	Gross salary per month (11)	

3. Teachers in High School

	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualification (5)	Date of Appointment (6)
	Class Assigned (7)	Teaching Experience (8)	Trained or Untrained (9)
	Scale of pay (10)	Gross Salary per month (11)	

4. Headmaster / Principal

	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualification (5)	Date of Appointment (6)
	Class Assigned (7)	Teaching Experience (8)	Trained or Untrained (9)
	Scale of pay (10)	Gross Salary per month (11)	

H. Curriculum and Syllabus

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

I.School fee

Sl.No	Class	Fee
1	Pre-primary	
2	Class-I	
3	Class-II	
4	Class-III	
5	Class-IV	
6	Class-V	
7	Class-VI	
8	Class-VII	
9	Class-VIII	

J. Neighbourhood area for purpose of section 12 (C)

K. Certified that the school complies with the Fire Safety Rules, Municipal by laws and traffic regulations.

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

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

N. Certified that the school undertakes to furnish such reports and information it may be required by the District Educational 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.

O. 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

Form II

Gram :
E-Mail:

Phone;
Fax :

OFFICE OF DISTRICT EDUCATION OFFICER
(Name of District – Union Territory)

No.

Dated :

The Manager,

Sub: Recognition Certificate for the School under sub-rule (4) OF
RULE 15 OF Right of children to Free and Compulsory
Education Rules. 2010 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 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 and the Right of Children to Free and Compulsory Education Rules, 2010.
3. The School shall admit in class I (or in pre-school class, as the case may be) to the extent of % of the strength of that class. children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.

4. For the children referred to in paragraph 3, the school shall be reimbursed in accordance with the provisions of sub-section (2) of section 12 of the Act. To receive such reimbursements school shall maintain a separate bank account.
5. The Society school shall not collect any capitation fee and subject the child or his or her parent or guardian to any screening procedure.
6. The School shall not deny admission to any child
 - a. for lack of age proof if such admission is sought subsequent to the extended period prescribed for admission.
 - b. on the ground of religion, caste or race, place of birth or any of them.

The School shall ensure:

 - i. No child admitted shall be held back in any class or expelled from school till the completion of elementary education in a school;
 - ii. No child shall be subjected to physical punishment or mental harassment.
 - iii. No child is required to pass any board examination till the completion of elementary education;
 - iv. Every child completing elementary education shall be awarded a certificate as laid down under rule 25
 - v. Inclusion of students with disabilities/special needs 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 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 himself or herself for private teaching activities.
7. The School shall follow the syllabus on the basis of curriculum laid down by appropriate authority.
8. The School shall maintain the standards and norms of the school as specified in section 19 of the Act.

9. No unrecognized classes shall run within the premises of the school or outside in the same name of school.
10. The school buildings or other structures or the grounds are used only for the purposes of education and skill development
11. The school is run by a society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860), or a public trust constituted under any law for the time being in force;
12. The School is not run for profit to any individual, group or association of individuals or any other persons;
13. 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 District Education Officer every year.
14. The recognition Code Number allotted to your school is _____
This may please be noted and quoted for any correspondence with this office.
15. 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 Education 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;
16. Renewal of Registration of Society if any, be ensured.
17. Other conditions as per Annexure enclosed.
18. The recognition shall be withdrawn if the contravention of the provisions of the Act, the Rules and conditions of recognition is found and proved.

Yours faithfully,

District Educational Officer

FORM - III
CERTIFICATE

It is hereby certified that _____ (Name of the Student)
S/o Thiru. _____ residing at _____ Door No. _____
Village, has successfully completed VIII Standard through Panchayat Union
Middle School / Government Boys/Girls High/Higher Secondary School
at _____ (place) during the year 2010 - 2011.

Head Master

Place :

Date :

----- (name of the school)