

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 8th April, 2010

G.S.R 301 (E) – In exercise of the powers conferred by section 38 of the Right of Children to Free and compulsory Education Act, 2009 (35 of 2009), the Central Government hereby makes the following rules, namely:-

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

(2) They shall come into force on the date of their publication in the Official Gazette.

PART I – PRELIMINARY

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 (35 of 2009):
- b) “Anganwadi” means an Anganwadi Centre established under the Integrated Child Development Services Scheme of the Ministry of Women and Child Development of the Government of India.
- c) “appointed date” means the date on which the Act comes into force, as notified in the Official Gazette.
- d) “Appropriate Government”, unless otherwise specified, means Government of a Union territory (without State Legislature):
- e) “District Education Officer” means an Officer of the appropriate Government in charge for elementary education in a district:

f) “pupil cumulative record” means record of the progress of the child based on comprehensive and continuous evaluation:

g) “school mapping” means planning school location for the purpose of section 6 of the Act 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 hereto.

(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 – SCHOOL MANAGEMENT COMMITTEE

3. 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 six months of the appointed date, and reconstituted every two 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 authority, to be decided by the local authority;

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

(c) one third members from amongst local educationists or 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 one 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 appropriate Government, local 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 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.
- (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 convenor of the said Committee and made available to the local authority within one month of their preparation.

4. Preparation of School 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:
- 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.

(4) The School Development Plan shall be signed by the chairperson or vice-chairperson and convenor of the School Management Committee and submitted to the local authority before the end of the financial year in which it is prepared.

PART III – RIGHT TO FREE AND COMPULSORY EDUCATION

5. Special Training:- (1) The School Management Committee of a school owned and managed by the appropriate Government or local authority shall identify children requiring special training and organize such training in the following manner namely:

- a) the special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in sub-section(1) of section 29.
- b) the said training shall be provided in classes held on the premises of the school, or in 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 teachers to enable him to successfully integrate with the rest of the class, academically and emotionally

**PART IV- DUTIES AND RESPONSIBILITIES OF CENTRAL
GOVERNMENT, APPROPRIATE GOVERNMENT AND LOCAL AUTHORITY**

6. Area or limits of neighbourhood:- (1) The area or limits of neighbourhood within which a school has to be established by the appropriate Government of the local authority shall be.

(a) in respect of children in classes form 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 form VI to VIII a school shall be established within a walking distance of three km of the neighbourhood:

(2) Wherever required, the appropriate Government or the local authority shall upgrade existing schools with classes form I to V to include classes form VI to VIII and in respect of schools which start form class VI onwards the appropriate Government or the local authority shall endeavour to add classes form 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 appropriate Government or the local 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 appropriate Government or the local authority, where no school exists within the area or limits of neighbourhood specified under sub-rule (1), the appropriate Government or the local 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 in the said rule.

(5) In places with high population density, the appropriate Government or the local authority may consider establishment of more than one neighbourhood school having regard to the number of children in the age group of 6-14 years in such places.

(6) The local authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation.

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

(8) The appropriate Government or the local authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

7. Financial Responsibility of the Central Government:- (1) The Central Government shall prepare annual estimates of capital and recurring expenditure for carrying out the provisions of the Act, for a period of five years, within one month of the appointed date, which may be reviewed for every three years.

(2) In order to implement the provisions of the Act, the Central Government shall, within a period of six months of the appointed date, ensure that its programmes for elementary education are in conformity with the provisions of the Act.

(3) The Central Government shall, within a period of six months from the appointed date, hold consultation with the State Governments and determine the percentage of expenditure which it shall provide to the State Governments as grants-in-aid of revenues for implementation of the Act.

(4) Within one month of the appointed date, the Central Government shall cause a reference to be made to the Finance Commission, and cause similar references to be made every time the estimates are revised.

Provided that in case there is no Finance Commission in existence at the time of a particular reference, the Central Government may set up an alternative mechanism for the purpose of providing resources to the State Governments.

8. Academic responsibility of the Central Government:- (1) The Central Government shall notify an academic authority within one month of the appointed date for development of the framework of national curriculum.

(2) The Central Government shall, in consultation with the State Governments, and such other academic authorities it may consider necessary, prepare a Scheme(s) for enabling the State Governments and Union Territories to provide pre-service and in-service training of teachers in respect of schools specified in sub-clauses (i) to (iii) of clause (n) of section 2 of the Act, including a monitoring mechanism in accordance with the standards of training.

9. Responsibilities of the appropriate Government and local authority:-

(1) A child attending a school of the appropriate 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 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 education as provided for in sub-section (2) of section 3 of the Act, and in particular 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 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 neighbourhood schools, the appropriate government or the local 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 appropriate Government or the local 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 appropriate 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.

10. Maintenance of records of children by the local authority:- (1) The local 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 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 authority shall ensure that the names of children enrolled in the schools are publicly displayed in each school.

PART V- RESPONSIBILITIES OF SCHOOLS AND TEACHERS

11. 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 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 shall ensure that children admitted in accordance with clause (c) of sub-section (1) of section 12 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 Information, Communication and Technology (ICT) facilities, extra-curricular and sports.

(3) The area or limits of neighbourhood specified in sub-rule (1) of rule 6 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 appropriate Government.

12. Reimbursement of per-child-expenditure by the appropriate Government:-

(1) The total annual recurring expenditure incurred by the appropriate 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, divided by the total number of children enrolled in all such schools, shall be the per-child-expenditure incurred by the appropriate Government.

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

13. Documents as age proof:- Wherever a birth certificate under the Births, Deaths and Marriage Certification Act, 1886 (6 of 1886) is not available, any one of the following documents shall be deemed to be proof of age of the child for the 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;

14. 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.

15. Recognition to school:- (1) Every school, other than a school established, owned or controlled by the Central Government, appropriate Government or the local authority, established before the commencement of this Act shall make a self declaration within a period of three months of the commencement of the Act, in Form No. 1 to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards specified 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 (21 of 1860), or a public trust constituted under any law for the time being in force;
- (b) the school is not run for profit to any individual, group or association of individuals or any other persons;
- (c) the school conforms to the values enshrined in the Constitution;
- (d) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;

- (e) the school is open to inspection by any officer authorized by the appropriate Government or the local authority;
 - (f) the school furnishes such reports and such information as may be required from time to time and complies with such instructions of the appropriate Government or the local authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
- (2) Every self declaration received in Form 1 shall be placed by the District Education Officer in public domain within fifteen days of its receipt.
- (3) The District Education Officer shall, within three months of the receipt of the self declaration, cause on-site inspection of such schools which claim in Form No 1 to fulfill the norms and standards and the conditions mentioned in sub-rule (1).
- (4) After the inspection referred to in sub-rule (3) is carried out, the inspection report shall be placed by the District Education Officer in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the District Education Officer in Form No. 2 within a period of fifteen days from the date of inspection.
- (5) Schools that do not conform the norms, standards and conditions mentioned in sub-rule (1) shall be listed by the District Education Officer through a public order to this effect; such schools may request the District Education Officer for an on-site inspection for grant of recognition at any time within the 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) Every school, other than a school established, owned or controlled by the Central Government, appropriate Government or local authority, established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-rule (1) in order to qualify for recognition under this rule.

16. Withdrawal of recognition to school:- (1) Where the District Education Officer (hereinafter in this rule referred to as the said Officer) on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognized under rule 15, 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, the District Education Officer shall act in the following manner,-

- a. issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month.
- b. in case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the said Officer may cause an inspection of the school, to be conducted by a Committee of three to five members comprising of educationists, civil society representatives, media, and government representatives, which shall make due inquiry and submit its report, along with its recommendations for continuation of recognition or its withdrawal, to the said Officer.
- c. on receipt of the report and recommendations of the Committee, the said Officer may Pass order for withdrawal of recognition:
Provided that no order for withdrawal of recognition shall be passed by the said officer without giving the school adequate opportunity of being heard.

Provided further that no such order shall be passed by the said officer without prior approval of the appropriate Government.

(2) The order of withdrawal of recognition passed by the said Officer 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 VI- TEACHERS

17. Minimum qualifications:- (1) The Central Government shall, within one month of the appointed date, notify an academic authority for laying down the minimum qualifications for a person to be eligible for appointment as a teacher.

(2) The academic authority notified under sub-rule (1), shall, within three months of such notification, lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.

(3) The minimum qualifications laid down by the academic authority referred to in sub-rule (1) shall be applicable for every school referred to in clause (n) of section 2.

18. Relaxation of minimum qualifications:- (1) The State Government and the Union territory 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 a State Government or a Union territory does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as notified in sub-rule (2) of rule 17 are not available in sufficient numbers in relation to the requirement of teachers estimated under sub-rule (1) the State Government or the Union territory shall request, within one year of the Commencement of the Act. The central Government for relaxation of the prescribed minimum qualification.

(3) On receipt of the request referred to in sub-rule (2), the Central Government shall examine the request of the State Government or the Union territory and may by notification, relax the minimum qualifications.

(4) The notification referred in sub-rule(3) shall specify the nature of relaxation and the time period not exceeding three years, but not beyond five years from the commencement of the Act , within which the Teachers appointed under the relaxed conditions acquire the minimum qualifications specified by the academic authority notified under sub-section (1) of section 23.

(5) After six months from the commencement of Act, no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualifications notified in sub-rule (2) of rule 17, without the notification of relaxation referred to in sub-rule (3)

(6) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic qualifications not lower than Higher Secondary School certificate to equivalent.

19. Acquiring minimum qualifications:- (1) The State Government and the Union territory shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clause (i), and schools owned and managed by the Central Government or the State Government or Union territory or local authority under sub-clause (iii),of clause (n) of section 2, who do not possess the minimum qualifications laid down sub-rule (2) of rule 17 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 school referred to in sub-clauses(ii) and (iv) of clause (n) of section 2, and of a school referred to in sub-clause(iii) of clause (n) of section 2 not owned and managed by the Central Government, State Government or Union Territory or local, who does not possess the minimum qualifications laid down under sub-rule (2) of Rule 17 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.

20. Salary and allowances and conditions of service of teachers:-

(1). The Central Government or the appropriate Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers of schools owned and managed by them 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;
- 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 shall be at par for similar qualification, work and experience.

21. 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:

22. Maintaining Pupil-teacher ratio:- (1) The sanctioned strength of teachers in a school shall be notified by the Central Government, appropriate Government or the local authority, as the case may be, within a period of three months of the appointed date.

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

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

PART VII—CURRICULAM AND COMPLETION OF ELEMENTARY EDUCATION

23. Academic authority:-

(1) The Central Government shall notify an academic authority for the purposes of section 29 within one month of the appointed date.

(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.

24. 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.

(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

25. Performance of functions by the National Commission for Protection of

Child Rights:- The Central Government shall provide resource support to the National Commission for Protection of Child Rights in performance of its functions under the Act.

26. Manner of furnishing complaints before the National Commission for Protection of Child Rights:-

The National Commission for protection of Child Rights may set up a child helpline to register complaints regarding violation of rights of the child under the Act, which may be monitored by it through a transparent on –line mechanism.

27. Performance of functions by the State Commission for Protection of Child Rights:-

(1) An appropriate Government which does not have a State Commission for Protection of Child Rights, may take immediate steps to set up such commission.

(2) Till such time as the appropriate 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 Right to Education Protection Authority (REPA) shall consist of the following, namely-

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

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

- i) Education;
- ii) Child health care and child development;
- iii) Juvenile justice or care of neglected or marginalized children or children with disabilities;
- iv) Elimination of child labour or working with children in distress;
- v) Child psychology or sociology; or
- vi) Legal profession.

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

(5) 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.

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

(7) The appropriate 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 functions under the Act.

28. Manner of Furnishing complaints before the State Commission for Protection of Child Rights:

1) The State Commission for Protection of Child Rights, or the Right to Education Protection Authority (hereinafter in this rule referred to as 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 on line mechanism.

29. Constitution of the National Advisory Council

(1) The National Advisory Council (hereinafter in this rule referred to as the Council) shall consist of a Chairperson and fourteen Members.

(2) The Minister of Human Resource Development shall be the ex-officio chairperson of the Council.

(3) Members of the Council shall be appointed by the Central 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 the Scheduled Caste, the Scheduled Tribe 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) Secretary, School Education and Literacy
 - ii) Director, National Council of Education Research and Training
 - iii) Vice Chancellor, National University of Educational Planning and Administration
 - iv) Chairperson, National Council of Teacher Education
 - v) Chairperson, National Commission of Protection of Child Rights
- f) One third of all members shall be women.
- g) Joint Secretary in charge of implementation of the Act will be ex-officio Member Secretary, and secretarial support will be provided by the Department of School Education and Literacy.

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

30. Functions of the National Advisory Council:-

(1) The National Advisory Council shall function in an advisory capacity.

(2) The National 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) Co-ordinate with the State Advisory Councils;

d) Act as an interface between the public and the media and the Central

Government in creating awareness, mobilization, and a positive environment for the implementation of the Act.

(3) The National Advisory Council shall prepare reports relating to the reviews, studies and research undertaken by it and furnish the same to the Central Government.

31. Constitution of the State Advisory Council:-

(1) The State Advisory Council (hereinafter referred to in this rule as the Council) shall consist of a chairperson and fourteen members.

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

(3) Members of the Council shall be appointed by the appropriate 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 the Scheduled Caste, the Scheduled Tribe 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 filed of pre-primary education.
 - d) At least one member should be from amongst persons having specialized knowledge and practical experience in the filed of teacher education;
 - e) The following shall be ex-officio members of the Council
 - ,i) Secretary in charge of Elementary Education
 - ii) Director State Council of Educational Research and Training/State Institute of Education
 - iii) Commissioner/Director of Elementary Education.
 - iv) Chairperson, State Commission for Protection of Child Rights/Right to Education Protection Authority
 - f) One third of all members shall be women
 - g) SPD,SSA shall be ex-officio Member Secretary of the Council
- (4) The Council may especially invite representatives of other related Ministries/Departments as required.

[F.No.1-8/2009-EE-4]

ANITA KAUL, Joint Secretary

APPENDIX

FORM 1

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

(See sub-rule (1) of rule 15)

To

The District Education Officer
(Name of District and Union territory)

Sir,

I forward herewith with a self declaration regarding compliance with the norms and standards specified 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.	Tahsil	
7.	Pin Code	
8.	Phone No. with STD Code	
9.	Fax. No	
10.	E-mail address if any	
11.	Nearest Police Station	

B. GENERAL INFORMATION				
1	Year of Foundation			
2	Date of First Opening of School			
3	Name of Trust/Society/Managing Committee			
4	Whether Trust/Society/Managing Committee/is registered			
5	Period 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			
8	Phone	(O)..... (R).....		
	Total Income and 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 Recognized	
5.	If so, by which authority <ul style="list-style-type: none"> • 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 <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 and 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)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)
2. Teaching in Both Elementary and Secondary (details of each teacher separately)			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualification (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)
3. Head Teacher			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualification (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)

H. Curriculum and Syllabus		
1	Details of curriculum & syllabus followed in each class (upto VIII)	
2	System of pupil Assessment	
3	Whether pupils of the school are required to take any Board Exam upto class 8?	

- (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 Government or the Local Body or the Administration to discharge its or his obligations to Parliament/Panchayat/Municipal Corporation as the case may be.

Sd/-

Chairman/Manager

Managing Committee

.....School

Place:

Form II

Gram:

Phone:

E-Mail :

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 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 1) and the Right of children to Free and Compulsory Education Rules,2010 (Annexure II).
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 for lack of age of proof shall adhere to the provisions of section 15 of the Act. 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. 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
 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 education and skill development.
 11. The school is run by a society registered under the Societies Registration Act 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;
 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 Statement of Accounts should be sent to the District Educational Officer every year.

14. The recognition Code Number allotted to your school isThis 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 Appropriate 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;
16. Renewal of Registration of Society if any, be ensured.
17. Other conditions as per Annexure enclosed.

Yours faithfully,

District Education Officer