

CR39  
Kerala Gazette No. 14. dated 6th April 2010.

PART I

Section i



GOVERNMENT OF KERALA

Law (Legislation Publication) Department

NOTIFICATION

No. 4435/Lcg. Pbn.4/2010/Law. Dated, Thiruvananthapuram, 11th March 2010.

The following Act of Parliament, Published in the Gazette of India, Extraordinary, Part II, Section I, dated the 27th August, 2009 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 26th August, 2009.

By order of the Governor,

K. SASIDHARAN NAIR,  
Law Secretary.

# THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

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#### THE SCHEDULE

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY  
EDUCATION ACT, 2009

(Act No. 35 OF 2009)

AN  
ACT

*to provide for free and compulsory education to all children of the age of six to fourteen years.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(b) “capitation fee” means any kind of donation or contribution or payment other than the fee notified by the school;

(c) “child” means a male or female child of the age of six to fourteen years;

(d) “child belonging to disadvantaged group” means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social,

cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

(c) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

(f) "elementary education" means the education from first class to eighth class;

(g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;

(h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;

(i) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under Section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006);

(j) "notification" means a notification published in the Official Gazette;

(k) "parent" means either the natural or step or adoptive father or mother of a child;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Schedule" means the Schedule annexed to this Act;

(n) "school" means any recognised school imparting elementary education and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

(o) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method;

(p) "specified category", in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate Government;

(q) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under Section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

## CHAPTER II

### RIGHT TO FREE AND COMPULSORY EDUCATION

3. *Right of child to free and compulsory education.*—(1) Every child, of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.

(2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education.

Provided that a child suffering from disability, as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996 (1 of 1996), shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

4. *Special provisions for children not admitted to or who have not completed, elementary education.*—Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

• Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

5. *Right of transfer to other school.*—(1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

### CHAPTER III

#### DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

6. *Duty of appropriate Government and local authority to establish school.*—For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

7. *Sharing of financial and other responsibilities.*—(1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

(3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.

(4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources, to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

(5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) The Central Government shall—

(a) develop a framework of national curriculum with the help of academic authority specified under section 29;

(b) develop and enforce standards for training of teachers;

(c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

8. *Duties of appropriate Government.*—The appropriate Government shall—

(a) provide free and compulsory elementary education to every child :

Provided that where a child is admitted by his or her parents or guardian, as the case may be; in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

*Explanation.*—The term “compulsory education” means obligation of the appropriate Government to—

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighbourhood school as specified in section 6;



(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in section 4;

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(h) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers.

9. *Duties of local authority.*—Every local authority shall—

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;

(e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;

(f) provide infrastructure including school building, teaching staff and learning material;

- (g) provide special training facility specified in section 4;
- (h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
- (i) ensure timely prescribing of curriculum and courses of study for elementary education;
- (j) provide training facility for teachers;
- (k) ensure admission of children of migrant families;
- (l) monitor functioning of schools within its jurisdiction; and
- (m) decide the academic calendar.

10. *Duty of parents and guardian.*— It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

11. *Appropriate Government to provide for pre-school education.*— With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

#### CHAPTER IV

#### RESPONSIBILITIES OF SCHOOLS AND TEACHERS

12. *Extent of School's responsibility for free and compulsory education.*—  
(1) For the purposes of this Act, a school,—

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent;

(c) specified in sub-clause (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent, 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;

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further 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.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

13. *No capitation fee and screening procedure for admission.*—(1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

(2) Any school or person, if in contravention of the provisions of sub-section (1),—

(a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;

(b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.

14. *Proof of age for admission.*—(1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886) or on the basis of such other document, as may be prescribed.

(2) No child shall be denied admission in a school for lack of age proof.

15. *No denial of admission.*—A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

16. *Prohibition of holding back and expulsion.*—No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

17. *Prohibition of physical punishment and mental harassment to child.*—

(1) No child shall be subjected to physical punishment or mental harassment.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

18. *No School to be established without obtaining certificate of recognition.*—(1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.

(2) The authority prescribed under sub-section (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.

(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted:

Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as may be prescribed.

(4) With effect from the date of withdrawal of the recognition under sub-section (3), no such school shall continue to function.

(5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

19. *Norms and standards for school.*—(1) No school shall be established, or recognised, under section 18, unless it fulfils the norms and standards specified in the Schedule.

(2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement.

(3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof.

(4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function.

(5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

20. *Power to amend Schedule.*—The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.

21. *School Management Committee.*—(1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

Provided that atleast three-fourth of members of such Committee shall be parents or guardians :

Provided, further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section :

Provided also that fifty per cent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:—

- (a) monitor the working of the school;
- (b) prepare and recommend school development plan;
- (c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and
- (d) perform such other functions as may be prescribed.

22. *School Development Plan.*—(1) Every School Management Committee, constituted under sub-section (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.

(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.

23. *Qualifications for appointment and terms and conditions of service of teachers.*—(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification :

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.

24. *Duties of teachers and redressal of grievances.*—(1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely:—

- (a) maintain regularity and punctuality in attending school;
- (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;
- (c) complete entire curriculum within the specified time;
- (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;
- (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and
- (f) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her :

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

25. *Pupil-Teacher Ratio.*—(1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

26. *Filling up Vacancies of Teachers.*—The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in a school under its control shall not exceed ten percent, of the total sanctioned strength.

27. *Prohibition of deployment of teachers for non-educational purposes.*—No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

28. *Prohibition of private tuition by teacher.*—No teacher shall engage himself or herself in private tuition or private teaching activity.

## CHAPTER V

### CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

29. *Curriculum and evaluation procedure.*—(1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.

(2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:—

- (a) conformity with the values enshrined in the Constitution;
- (b) all round development of the child;
- (c) building up child's knowledge, potentiality and talent;
- (d) development of physical and mental abilities to the fullest extent;
- (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
- (f) medium of instructions shall, as far as practicable, be in child's mother tongue;
- (g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
- (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

30. *Examination and completion certificate.*—(1) No child shall be required to pass any Board examination till completion of elementary education.

(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.



## CHAPTER VI

## PROTECTION OF RIGHT OF CHILDREN

31. *Monitoring of child's right to education.*—(1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely :—

(a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation ;

(b) inquire into complaints relating to child's right to free and compulsory education; and

(c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

32. *Redressal of grievances.*—(1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.

(4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

33. *Constitution of National Advisory Council.*—(1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed.

34. *Constitution of State Advisory Council.*—(1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the State Advisory Council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.

## CHAPTER VII

### MISCELLANEOUS.

35. *Power to issue directions.*—(1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the School Management Committee regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the School Management Committee regarding implementation of the provisions of this Act.

36. *Previous sanction for prosecution.*—No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be instituted except with the previous sanction of an officer authorised in this behalf, by the appropriate Government, by notification.

37. *Protection of action taken in good faith.*—No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the School Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

38. *Power of appropriate Government to make rules.*—(1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) the manner of giving special training and the time-limit thereof, under first proviso to section 4;

(b) the area or limits for establishment of a neighbourhood school, under section 6;

(c) the manner of maintenance of records of children upto the age of fourteen years, under clause (d) of section 9;

(d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;

(e) any other document for determining the age of child under sub-section (1) of section 14;

(f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;

(g) the authority, the form and manner of making application for certificate of recognition, under sub-section (1) of section 18;

(h) the form, the period, the manner and the conditions for issuing certificate of recognition, under sub-section (2) of section 18;

(i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;

(j) the other functions to be performed by School Management Committee under clause (d) of sub-section (2) of section 21;

(k) the manner of preparing School Development Plan under sub-section (1) of section 22;

(l) the salary and allowances payable to, and the terms and conditions of service of, teacher, under sub-section (3) of section 23;

(m) the duties to be performed by the teacher under clause (f) of sub-section (1) of section 24;

(n) the manner of redressing grievances of teachers under sub-section (3) of section 24;

(o) the form and manner of awarding certificate for completion of elementary education under sub-section (2) of section 30;

(p) the authority, the manner of its constitution and the terms and conditions therefore, under sub-section (3) of section 31;

(q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;

(r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34.

(3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislatures.

## THE SCHEDULE

(See Sections 19 and 25)

## NORMS AND STANDARDS FOR A SCHOOL

Sl. No.	Item	Norms and Standards
1	Number of teachers:	
(a)	For first class to fifth class	Admitted children      Number of teachers
		Up to Sixty      Two
		Between sixty-one to ninety      Three
		Between Ninety-one to one hundred and twenty      Four
		Between One hundred and twenty-one to two hundred      Five
		Above One hundred and fifty children      Five plus one Head-teacher
		Above Two hundred children      Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty.
(b)	For sixth class to eighth class	(1) At least one teacher per class so that there shall be at least one teacher each for—
		(i) Science and Mathematics;
		(ii) Social Studies;
		(iii) Languages.
		(2) At least one teacher for every thirty-five children.

Sl. No.	Item	Norms and Standards
		<p>(3) Where admission of children is above one hundred—</p> <p>(i) a full time head-teacher ;</p> <p>(ii) part time instructors for—</p> <p>(A) Art Education;</p> <p>(B) Health and Physical Education;</p> <p>(C) Work Education.</p>
2	Building	<p>All-weather building consisting of—</p> <p>(i) at least one class-room for every teacher and an office-cum-store-cum-Head teacher's room;</p> <p>(ii) barrier-free access;</p> <p>(iii) separate toilets for boys and girls;</p> <p>(iv) safe and adequate drinking water facility to all children;</p> <p>(v) a kitchen where mid-day meal is cooked in the school;</p> <p>(vi) Playground;</p> <p>(vii) arrangements for securing the school building by boundary wall or fencing.</p>
3	Minimum number of working days/instructional hours in an academic year	<p>(i) two hundred working days for first class to fifth class;</p> <p>(ii) two hundred and twenty working days for sixth class to eighth class;</p> <p>(iii) eight hundred instructional hours per academic year for first class to fifth class;</p> <p>(iv) one thousand instructional hours per academic year for sixth class to eighth class.</p>

Sl. No.	Item	Norms and Standards
4	Minimum number of working hours per week for the teacher	forty-five teaching including preparation hours.
5	Teaching learning equipment	Shall be provided to each class as required.
6	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
7	Play material, games and sports equipment	Shall be provided to each class as required.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 215]

नई दिल्ली, बुधवार, अगस्त 25, 2010/भाद्र 3, 1932

No. 215]

NEW DELHI, WEDNESDAY, AUGUST 25, 2010/BHADRA 3, 1932

राष्ट्रीय अध्यापक शिक्षा परिषद्

अधिसूचना

नई दिल्ली, 23 अगस्त, 2010

फा. सं. 61-03/2010/एनसीटीई (एन एंड एस).—निःशुल्क एवं अनिवार्य बाल शिक्षा अधिनियम, 2009 (2009 का 35) की धारा 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और स्कूली शिक्षा और साक्षरता विभाग, मानव संसाधन विकास मंत्रालय, भारत सरकार द्वारा जारी दिनांक 31 मार्च, 2010 की अधिसूचना सं. का.आ. 750(अ) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद् एतद्वारा इस अधिसूचना की तिथि से निःशुल्क और अनिवार्य बाल शिक्षा अधिनियम, 2009 की धारा 2 के खण्ड (ठ) में संदर्भित स्कूलों में कक्षा I से VIII में अध्यापक के रूप में नियुक्ति की पात्रता हेतु निम्नलिखित न्यूनतम योग्यता निर्धारित करती है :—

1. न्यूनतम योग्यता —

(1) कक्षा I-V

(क) न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो)

या

न्यूनतम 45% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो), जो राष्ट्रीय अध्यापक शिक्षा परिषद् (मान्यता, मानक और क्रियाविधि) विनियम, 2002 के अनुसार प्राप्त किया गया हो।



या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय प्रारंभिक शिक्षा शास्त्र स्नातक (बी.एल.एड.)

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (विशेष शिक्षा)

और

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा निरूपित मार्गदर्शी सिद्धान्तों के अधीन उपयुक्त सरकारों द्वारा आयोजित [अध्यापक पात्रता परीक्षा (टी.ई.टी) में उत्तीर्ण]।

(ii) कक्षा VI-VIII

(क) बी.ए./बी.एससी और प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो)

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय प्रारंभिक शिक्षा शास्त्र स्नातक (बी.एल.एड.)

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय बी.ए./बी.एससी एड. या बी.ए.एड./बी.एससी.एड.

या

न्यूनतम 50% अंकों के साथ बी.ए./बी.एससी एवं एकवर्षीय बी.एड. (विशेष शिक्षा)

और

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा निरूपित मार्गदर्शी सिद्धान्तों के अधीन उपयुक्त-सरकारों द्वारा आयोजित [अध्यापक पात्रता परीक्षा (टी.ई.टी) में उत्तीर्ण]।

2. अध्यापक शिक्षा शास्त्र में डिप्लोमा/डिग्री पाठ्यक्रम - इस अधिसूचना के संदर्भ में केवल राष्ट्रीय अध्यापक शिक्षा परिषद (राअशिप) द्वारा मान्यता-प्राप्त अध्यापक शिक्षा शास्त्र में डिप्लोमा/डिग्री पाठ्यक्रम मान्य होगा। शिक्षा शास्त्र में डिप्लोमा (विशेष शिक्षा) और बी.एड. (विशेष शिक्षा) के लिए केवल भारतीय पुनर्वास परिषद (आरसीआई) द्वारा मान्यता-प्राप्त पाठ्यक्रम मान्य होगा।

3. विशेष अनिवार्य प्रशिक्षण - वह व्यक्ति,

(क) जिसके पास न्यूनतम 50% अंकों के साथ बी.ए./बी.एससी और बी.एड. योग्यता है, कक्षा I

से V में नियुक्ति के लिए 1 जनवरी, 2012 तक पात्र होगा, बशर्ते कि वह नियुक्ति के बाद

प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त कर ले ।

(ख) जिसके पास डी. एड. (विशेष शिक्षा) या बी.एड. (विशेष शिक्षा) की योग्यता है, उसे नियुक्ति के बाद प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना आवश्यक होगा ।

4. इस अधिसूचना की तिथि से पहले नियुक्त अध्यापक :- इस अधिसूचना की तिथि से पूर्व कक्षा I से VIII के लिए नियुक्त निम्नलिखित श्रेणी के अध्यापकों को उपर्युक्त पैरा (1) में निर्धारित न्यूनतम योग्यतां हासिल करने की आवश्यकता नहीं है :-

(क) राष्ट्रीय अध्यापक शिक्षा परिषद् (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनियम, 2001 (समय-समय पर यथा संशोधित) के अनुसार 3 सितम्बर, 2001 अथवा उसके बाद नियुक्त अध्यापक ।

किन्तु बी.एड. की योग्यता रखने वाले कक्षा I से V के अध्यापकों या बी.एड. (विशेष शिक्षा) या डी.एड. (विशेष शिक्षा) की योग्यता रखने वाले अध्यापकों को प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना होगा ।

(ख) कक्षा I से V के शिक्षा स्नातक (बी.एड.) योग्यताधारी अध्यापक जिसने पूर्व में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा अनुमोदित 6-माह का विशेष आधारभूत अध्यापक पाठ्यक्रम (विशेष बी.टी.सी.) पूरा कर लिया है ।

(ग) भर्ती नियमों के अनुसार 3 सितम्बर, 2001 से पहले नियुक्त अध्यापक।

5. कुछ मामलों में इस अधिसूचना की तिथि के बाद नियुक्त अध्यापक — इस अधिसूचना की तिथि से पूर्व यदि सरकारों अथवा स्थानीय प्राधिकारियों अथवा विद्यालयों द्वारा विज्ञापन जारी कर अध्यापकों की नियुक्ति की प्रक्रिया आरम्भ कर दी गई है, ऐसी स्थिति में नियुक्तियों, राष्ट्रीय अध्यापक शिक्षा परिषद (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनियम, 2001 (समय-समय पर यथासंशोधित) के अनुसार की जा सकती हैं।

हसीब अहमद, सदस्य-सचिव  
[विज्ञापन III/4/131/10-असा.]

# NATIONAL COUNCIL FOR TEACHER EDUCATION

## NOTIFICATION

New Delhi, the 23rd August, 2010

F. No. 61-03/20/2010/NCTE/(N&S).—In exercise of the powers conferred by Sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), and in pursuance of Notification No. S.O. 750 (E) dated 31st March, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, the National Council for Teacher Education (NCTE) hereby lays down the following minimum qualifications for a person to be eligible for appointment as a teacher in class I to VIII in a school referred to in clause (n) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009, with effect from the date of this Notification :—

### 1 Minimum Qualifications.-

#### (i) Classes I-V

- (a) Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Elementary Education (by whatever name known)

OR

- Senior Secondary (or its equivalent) with at least 45% marks and 2 - year Diploma in Elementary Education (by whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations 2002

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B. El. Ed.)

OR

3344 GI/10-2

Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Education (Special Education)

AND

- (b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

(ii) Classes VI-VIII

- (a) B.A/B.Sc and 2 - year Diploma in Elementary Education (by whatever name known)

OR

B.A/B.Sc. with at least 50% marks and 1 - year Bachelor in Education (B. Ed)

OR

B.A/B.Sc. with at least 45% marks and 1 - year Bachelor in Education (B. Ed), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor in Elementary Education (B. El. Ed)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year BA/B.Sc. Ed or B.A. Ed./BSc. Ed.

OR

B.A/B.Sc. with at least 50% marks and 1 - year B.Ed. (Special Education)

AND

- (b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

2 **Diploma/Degree Course in Teacher Education.**- For the purposes of this Notification, a diploma/degree course in teacher education recognized by the National Council for Teacher Education (NCTE) only shall be considered. However, in case of Diploma in Education (Special Education) and B. Ed (Special Education), a course recognized by the Rehabilitation Council of India (RCI) only shall be considered.

**3 Training to be undergone.- A person -**

(a) with BA/B.Sc. with at least 50% marks and B. Ed qualification shall also be eligible for appointment for class I to V upto 1st January, 2012, provided he undergoes, after appointment, an NCTE recognized 6-month special programme in Elementary Education.

(b) with D. Ed (Special Education) or B. Ed (Special Education) qualification shall undergo, after appointment, an NCTE recognized 6-month special programme in Elementary Education.

**4 Teacher appointed before the date of this Notification.-** The following categories of teachers appointed for classes I to VIII prior to date of this Notification need not acquire the minimum qualifications specified in Para (1) above,:

(a) A teacher appointed on or after the 3<sup>rd</sup> September, 2001 i.e. the date on which the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time) came into force, in accordance with that Regulation.

Provided that a teacher of class I to V possessing B. Ed qualification, or a teacher possessing B. Ed (Special Education) or D. Ed (Special Education) qualification shall undergo an NCTE recognized 6 - month special programme on elementary education.

(b) A teacher of class I to V with B. Ed qualification who has completed a 6-month Special Basic Teacher Course (Special BTC) approved by the NCTE;

(c) A teacher appointed before the 3<sup>rd</sup> September, 2001, in accordance with the prevalent Recruitment Rules.

**5 Teacher appointed after the date of this Notification in certain cases.-** Where an appropriate Government, or local authority or a school has issued an advertisement to initiate the process of appointment of teachers prior to the date of this Notification, such appointments may be made in accordance with the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time).

HASIB AHMAD, Member-Secy.  
[ADVT III/4/131/10-Exty.]

CR 39

रजिस्ट्री सं० डी० एल०-33004/99

Children to Free. a Campaign  
Education, Ar

REGD. NO. D. L.-33004/99



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 180]

नई दिल्ली, शुक्रवार, अप्रैल 9, 2010/चैत्र 19, 1932

No. 180]

NEW DELHI, FRIDAY, APRIL 9, 2010/CHAITRA 19, 1932

मानव संसाधन विकास मंत्रालय

( विद्यालय शिक्षा और साक्षरता विभाग )

अधिसूचना

नई दिल्ली, 8 अप्रैल, 2010

सा.का.नि. 301(अ).—केन्द्रीय सरकार, निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 38 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. सक्षिप्त नाम और प्रारंभ—(1) इन नियमों का सक्षिप्त नाम निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार नियम, 2010 है।  
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

भाग 1—प्रारंभिक

2. परिभाषाएं—(1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम" से निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) अभिप्रेत है;
  - (ख) "आंगनवाड़ी" से भारत सरकार के महिला और बाल विकास मंत्रालय की एकीकृत बाल विकास सेवा स्कीम के अधीन स्थापित आंगनवाड़ी केन्द्र अभिप्रेत है;
  - (ग) "नियत तारीख" से राजपत्र में यथा अधिसूचित वह तारीख अभिप्रेत है, जिसको अधिनियम प्रवृत्त होता है;
  - (घ) "समुचित सरकार" से, जब तक कि अन्यथा विनिर्दिष्ट न किया गया हो, किसी संघ राज्यक्षेत्र (राज्य विधान-मंडल रहित) की सरकार अभिप्रेत है;
  - (ङ) "जिला शिक्षा अधिकारी" से किसी जिले में प्राथमिक शिक्षा के लिए भारसाधक समुचित सरकार का कोई अधिकारी अभिप्रेत है;
  - (च) "छात्र-शिक्षक संचित अभिलेख" से विस्तृत और सतत मूल्यांकन पर आधारित बालक की प्रगति का अभिलेख अभिप्रेत है;
  - (छ) "विद्यालय योजना निर्माण" से सामाजिक अवरोधों और भौगोलिक अंतर को कम करने के लिए अधिनियम की धारा 6 के प्रयोजन के लिए विद्यालय स्थान की योजना बनाना अभिप्रेत है।
- (2) इन नियमों में "प्ररूपों" के प्रति सभी निर्देशों का यह अर्थ लगाया जाएगा कि वे इसके परिशिष्ट 1 में उपवर्णित प्ररूपों के प्रति निर्देश हैं।
  - (3) उन सभी शब्दों और पदों के, जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं, किंतु अधिनियम में परिभाषित हैं, वही अर्थ होंगे, जो अधिनियम में क्रमशः उनके हैं।

### भाग 2-विद्यालय प्रबंध समिति

3. विद्यालय प्रबंध समिति की संरचना और कृत्य--(1) गैर-सहायता प्राप्त विद्यालय से भिन्न प्रत्येक विद्यालय में नियत तारीख के छह मास के भीतर एक विद्यालय प्रबंध समिति (जिसे इस नियम में इसके पश्चात् उक्त समिति कहा गया है) का गठन किया जाएगा और प्रत्येक दो वर्ष में उसका पुनर्गठन किया जाएगा ।

(2) उक्त समिति की सदस्य संख्या का पचहत्तर प्रतिशत बालकों के माता-पिताओं या संरक्षकों में से होगा ।

(3) उक्त समिति की सदस्य संख्या का शेष पच्चीस प्रतिशत निम्नलिखित व्यक्तियों में से होगा, अर्थात् :—

(क) स्थानीय प्राधिकारी के निर्वाचित सदस्यों में से एक-तिहाई सदस्य, जिनका विनिश्चय स्थानीय प्राधिकारी द्वारा किया जाएगा ;

(ख) विद्यालय के अध्यापकों में से एक-तिहाई सदस्य, जिनका विनिश्चय विद्यालय के अध्यापकों द्वारा किया जाएगा ;

(ग) स्थानीय शिक्षाविदों या विद्यालय के बालका में से एक-तिहाई सदस्य, जिनका विनिश्चय उक्त समिति में माता-पिताओं द्वारा किया जाएगा ।

(4) उक्त समिति अपने क्रियाकलापों का प्रबंध करने के लिए माता-पिता सदस्यों में से एक अध्यक्ष और उपाध्यक्ष को निर्वाचित करेगी ; विद्यालय का प्रधान अध्यापक, या जहां विद्यालय में प्रधान अध्यापक नहीं है, वहां विद्यालय का वरिष्ठतम अध्यापक, उक्त समिति का पदेन सदस्य-संयोजक होगा ।

(5) उक्त समिति मास में कम से कम एक बार अपनी बैठक करेगी और बैठकों के कार्यवृत्त तथा विनिश्चय समुचित रूप से अभिलिखित किए जाएंगे और जनता के लिए उपलब्ध कराए जाएंगे ।

(6) उक्त समिति, धारा 21 की उपधारा (2) के खंड (क) से खंड (घ) में विनिर्दिष्ट कृत्यों के अतिरिक्त, निम्नलिखित कृत्यों का पालन करेगी, अर्थात् :—

(क) अधिनियम में यथा प्रतिपादित बालक के अधिकारों के साथ ही समुचित सरकार, स्थानीय प्राधिकारी, विद्यालय, माता-पिता और संरक्षक के कर्तव्यों को भी विद्यालय के आसपास की जनसाधारण को सरल और सृजनात्मक रूप में संसूचित करना ;

(ख) धारा 24 के खंड (क) और खंड (ङ) तथा धारा 28 का कार्यान्वयन सुनिश्चित करना ;

(ग) इस बात को मानिटर करना कि अध्यापकों पर धारा 27 में विनिर्दिष्ट कर्तव्यों से भिन्न गैर-शैक्षिक कर्तव्यों का भार न डाला जाए ;

(घ) विद्यालय में आसपास के सभी बालकों के नामांकन और निरंतर उपस्थिति को सुनिश्चित करना ;

(ङ) अनुसूची में विनिर्दिष्ट सन्धियों और मानकों के बनाए रखने को मानिटर करना ;

(च) बालक के अधिकारों से किसी विचलन को, विशेष रूप से बालकों के मानसिक और शारीरिक उत्पीड़न, प्रवेश से इंकार किए जाने और धारा 3 की उपधारा (2) के अनुसार निःशुल्क हकदारियों के समयबद्ध उपबंध को स्थानीय प्राधिकारी की जानकारी में लाना ;

(छ) आवश्यकताओं का पता लगाना, योजना तैयार करना और धारा 4 के उपबंधों के कार्यान्वयन को मानिटर करना ;

(ज) निःशक्तताग्रस्त बालकों की पहचान और नामांकन तथा उनकी शिक्षा की सुविधाओं को मानिटर करना और प्राथमिक शिक्षा में उनके भाग लेने और उसे पूरा करने को सुनिश्चित करना ;



(झ) विद्यालयों में दोपहर के भोजन के कार्यान्वयन को मानिटर करना ;

(ञ) विद्यालय की प्राप्तियों और व्यय का वार्षिक लेखा तैयार करना ।

(7) इस अधिनियम के अधीन अपने कृत्यों का निर्वहन करने के लिए उक्त समिति द्वारा प्राप्त किसी धनराशि को एक पृथक् खाते में रखा जाएगा, जिसकी वार्षिक रूप से संपरीक्षा की जाएगी ।

(8) उपनियम (6) के खंड (ज) में और उपनियम (7) में निर्दिष्ट लेखाओं को उक्त समिति के अध्यक्ष या उपाध्यक्ष और संयोजक द्वारा हस्ताक्षरित किया जाना चाहिए और उनके तैयार किए जाने के एक मास के भीतर स्थानीय प्राधिकारी को उपलब्ध कराया जाना चाहिए ।

4. विद्यालय विकास योजना तैयार करना—(1) विद्यालय प्रबंध समिति उस वित्तीय वर्ष के, जिसमें अधिनियम के अधीन उसका पहली बार गठन किया गया है, अंत से कम से कम तीन मास पूर्व एक विद्यालय विकास योजना तैयार करेगी ।

(2) विद्यालय विकास योजना तीन वर्षीय योजना होगी, जिसमें तीन वार्षिक उपयोजनाएं होगी ।

(3) विद्यालय विकास योजना में निम्नलिखित ब्यौरे होंगे, अर्थात् :—

(क) प्रत्येक वर्ष के लिए कक्षा-वार नामांकन के प्राक्कलन ;

(ख) अनुसूची में विनिर्दिष्ट सन्नियमों के प्रति निर्देश से परिकलित, कक्षा 1 से कक्षा 5 और कक्षा 6 से कक्षा 8 के लिए पृथक् रूप से, अतिरिक्त अध्यापकों, जिसके अंतर्गत प्रधान अध्यापक, विषय अध्यापक और अंशकालिक अनुदेशक भी हैं, की संख्या की अपेक्षा ;

(ग) अनुसूची में विनिर्दिष्ट सन्नियमों और मानकों के प्रति निर्देश से परिकलित, अतिरिक्त अवसंरचना और उपस्करों की भौतिक अपेक्षा ;

(घ) ऊपर (ख) और (ग) के संबंध में वित्तीय आवश्यकता, जिसके अंतर्गत धारा 4 में विनिर्दिष्ट विशेष प्रशिक्षण सुविधा, निःशुल्क पाठ्यपुस्तकों और वर्दियों जैसी बालकों की हकदारी, तथा अधिनियम के अधीन विद्यालय के उत्तरदायित्वों को पूरा करने के लिए कोई अन्य अतिरिक्त अपेक्षा भी है ।

(4) विद्यालय विकास योजना पर विद्यालय प्रबंध समिति के अध्यक्ष या उपाध्यक्ष और संयोजक द्वारा हस्ताक्षर किए जाएंगे और उसे उस वित्तीय वर्ष के, जिसमें उसे तैयार किया जाता है, अंत से पूर्व स्थानीय प्राधिकारी को प्रस्तुत किया जाएगा ।

### भाग 3—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार

5. विशेष प्रशिक्षण—(1) समुचित सरकार या स्थानीय प्राधिकारी के स्वामित्वाधीन और प्रबंधनाधीन किसी विद्यालय की विद्यालय प्रबंध समिति विशेष प्रशिक्षण की अपेक्षा करने वाले बालकों की पहचान करेगी और निम्नलिखित रीति में ऐसा प्रशिक्षण आयोजित करेगी, अर्थात् :—

(क) विशेष प्रशिक्षण धारा 29 की उपधारा (1) में विनिर्दिष्ट शैक्षिक प्राधिकारी द्वारा अनुमोदित विशेष रूप से तैयार की गई, आयु अनुसार शिक्षा सामग्री पर आधारित होगा ;

(ख) उक्त प्रशिक्षण विद्यालय के परिसरों पर लगाई गई कक्षाओं में या सुरक्षित आवासीय सुविधाओं में आयोजित कक्षाओं में दिया जाएगा ;

(ग) उक्त प्रशिक्षण विद्यालय में कार्य कर रहे अध्यापकों द्वारा या इस प्रयोजन के लिए विशेष रूप से नियुक्त अध्यापकों द्वारा दिया जाएगा ;

(घ) उक्त प्रशिक्षण की कालावधि तीन मास की न्यूनतम अवधि के लिए होगी, जिसे विद्या की प्रगति के आवधिक निर्धारण के आधार पर दो वर्ष से अनधिक की अधिकतम अवधि के लिए विस्तारित किया जा सकेगा ।

(2) बालक, आयु अनुरूप समुचित कक्षा में प्रवेश करने पर, विशेष प्रशिक्षण के पश्चात्, अध्यापक द्वारा विशेष ध्यान प्राप्त करता रहेगा, जिससे कि उसे शेष कक्षा के साथ सफलतापूर्वक जुड़ने में शैक्षणिक रूप से और भावनात्मक रूप से समर्थ बनाया जा सके।

#### भाग 4--केंद्रीय सरकार, समुचित सरकार और स्थानीय प्राधिकारी के कर्तव्य और उत्तरदायित्व

**6. आसपास का क्षेत्र या सीमाएं--**(1) आसपास के क्षेत्र या सीमाएं, जिनके भीतर समुचित सरकार या स्थानीय प्राधिकारी द्वारा कोई विद्यालय स्थापित किया जाना है, निम्नलिखित होंगी,—

(क) कक्षा 1 से कक्षा 5 के बालकों के संबंध में, विद्यालय आसपास की एक किलोमीटर की पैदल दूरी के भीतर स्थापित किया जाएगा ;

(ख) कक्षा 6 से कक्षा 8 के बालकों के संबंध में, विद्यालय आसपास की तीन किलोमीटर की पैदल दूरी के भीतर स्थापित किया जाएगा।

(2) जहां कहीं अपेक्षित हो, समुचित सरकार या स्थानीय प्राधिकारी कक्षा 1 से कक्षा 5 वाले विद्यमान विद्यालयों को कक्षा 6 से कक्षा 8 को सम्मिलित करने के लिए प्रोन्नत कर सकेगी और ऐसे विद्यालयों के संबंध में, जो कक्षा 6 से आरंभ होते हैं, समुचित सरकार या स्थानीय प्राधिकारी, जहां कहीं आवश्यक हो, कक्षा 1 से कक्षा 5 जोड़ने का प्रयास करेगा।

(3) कठिन भू-भाग, भूस्खलनों, बाढ़ के जोखिम, कम सड़कों वाले स्थानों में और साधारणतया, युवा बालकों के लिए अपने घरों से विद्यालय तक पहुंचने में खतरे वाले स्थानों में समुचित सरकार या स्थानीय प्राधिकारी ऐसी शीति में विद्यालय अवस्थित करेगा, जिससे कि उपनियम (1) के अधीन विनिर्दिष्ट क्षेत्र या सीमाओं को कम करके ऐसे खतरों से बचा जा सके।

(4) समुचित सरकार या स्थानीय प्राधिकारी द्वारा पता लगाए गए ऐसे लघु पुरवों के बालकों के लिए, जहां उपनियम (1) के अधीन विनिर्दिष्ट आसपास के क्षेत्र या सीमाओं के भीतर कोई विद्यालय विद्यमान नहीं है, समुचित सरकार या स्थानीय प्राधिकारी उक्त नियम में विनिर्दिष्ट क्षेत्र या सीमाओं के शिथिलीकरण में, विद्यालय में प्राथमिक शिक्षा प्रदान करने के लिए निःशुल्क परिवहन और आवासीय सुविधाओं जैसी पर्याप्त व्यवस्थाएं करेगा।

(5) सघन जनसंख्या वाले स्थानों में, समुचित सरकार या स्थानीय प्राधिकारी, ऐसे स्थानों में 6-14 वर्ष की आयु समूह के बालकों की संख्या को ध्यान में रखते हुए, आसपास के एक से अधिक विद्यालयों की स्थापना के बारे में विचार कर सकेगा।

(6) स्थानीय प्राधिकारी आसपास के ऐसे विद्यालय (विद्यालयों) का पता लगाएगा, जहां बालकों को प्रवेश दिया जा सकता है, और प्रत्येक आवास के लिए ऐसी सूचना को सार्वजनिक करेगा।

(7) ऐसी निःशक्तता से ग्रस्त बालकों के संबंध में, जो उन्हें विद्यालय में पहुंचने से रोकती है, समुचित सरकार या स्थानीय प्राधिकारी उन्हें विद्यालय में उपस्थित होने और प्रारंभिक शिक्षा पूरा करने में समर्थ बनाने के लिए समुचित और सुरक्षित परिवहन व्यवस्थाएं करने का प्रयास करेगा।

(8) समुचित सरकार या स्थानीय प्राधिकारी यह सुनिश्चित करेगा कि बालकों की विद्यालय तक पहुंच सामाजिक और सांस्कृतिक कारकों से प्रतिबाधित न हो।

**7. केंद्रीय सरकार का वित्तीय उत्तरदायित्व--**(1) केंद्रीय सरकार, अधिनियम के उपबंधों को क्रियान्वित करने के लिए, नियत तारीख से एक मास के भीतर पांच वर्ष की अवधि के लिए पूंजी और आवर्ती व्यय के वार्षिक प्राक्कलन तैयार करेगी, जिन्हें प्रत्येक तीन वर्ष के लिए पुनरीक्षित किया जा सकेगा।

(2) केन्द्रीय सरकार, अधिनियम के उपबंधों को कार्यान्वित करने के लिए, नियत तारीख से छह मास की अवधि के भीतर यह सुनिश्चित करेगी कि प्राथमिक शिक्षा के लिए उसके कार्यक्रम अधिनियम के उपबंधों के अनुरूप हैं।

(3) केन्द्रीय सरकार नियत तारीख से छह मास की अवधि के भीतर राज्य सरकारों से परामर्श करेगी और और उस व्यय की, जो अधिनियम के कार्यान्वयन के लिए राजस्व के सहायता अनुदान के रूप में वह राज्य सरकारों को उपलब्ध कराएगी, प्रतिशतता का अवधारण करेगी।

(4) केन्द्रीय सरकार नियत तारीख से एक मास के भीतर वित्त आयोग को निर्देश कराएगी और प्रकल्पनों को पुनरीक्षित किए जाने के प्रत्येक समय पर इसी प्रकार निर्देश कराएगी:

परन्तु यदि किसी विशिष्ट निर्देश के समय कोई वित्त आयोग विद्यमान नहीं है तो केन्द्रीय सरकार राज्य सरकारों को संसाधन उपलब्ध कराने के प्रयोजन के लिए एक अनुकल्पी तंत्र का गठन कर सकेगी।

**8. केन्द्रीय सरकार का शैक्षिक उत्तरदायित्व—**(1) केन्द्रीय सरकार राष्ट्रीय पाठ्यचर्या के ढांचे के विकास के लिए नियत तारीख से एक मास के भीतर किसी शैक्षिक प्राधिकारी को अधिसूचित करेगी।

(2) केन्द्रीय सरकार, राज्य सरकारों और ऐसे अन्य प्राधिकारियों से परामर्श करके, जो वह आवश्यक समझे, अधिनियम की धारा 2 के खंड (द) के उपखंड (i) से उपखंड (iii) में निर्दिष्ट विद्यालयों के संबंध में अध्यापकों के सेवा पूर्व और सेवास्त प्रशिक्षण का उपबंध करने हेतु राज्य सरकारों और संघ राज्यक्षेत्रों को समर्थ बनाने के लिए कोई स्कीम (स्कीमें) तैयार कर सकेगी, जिसके अन्तर्गत प्रशिक्षण के मानकों के अनुसार कोई मानिटरि तंत्र भी है।

**9. समुचित सरकार और स्थानीय प्राधिकारी के उत्तरदायित्व—**(1) धारा 2 के खंड (द) के उपखंड (i) में निर्दिष्ट समुचित सरकार या स्थानीय प्राधिकारी के विद्यालय में उपस्थित होने वाला कोई बालक, धारा 12 की उपधारा (1) के खंड (ख) के अनुसार धारा 2 के खंड (द) के उपखंड (ii) में निर्दिष्ट विद्यालय में उपस्थित होने वाला कोई बालक और धारा 12 की उपधारा (1) की खंड (ग) के अनुसार धारा 2 के खंड (द) के उपखंड (iii) और उपखंड (iv) में निर्दिष्ट विद्यालय में उपस्थित होने वाला कोई बालक अधिनियम की धारा 3 की उपधारा (2) में उपबंधित किए गए अनुसार निःशुल्क शिक्षा और विशेष रूप से, निःशुल्क पाठ्यपुस्तकों, लेखन-सामग्रियों और वर्दियों के लिए हकदार होगा :

परन्तु निःशक्तता से ग्रस्त कोई बालक निःशुल्क विशेष विद्या और सहायक सामग्री के लिए भी हकदार होगा।

**स्पष्टीकरण—**उपनियम (1) के प्रयोजनों के लिए, यह उल्लेखनीय है कि धारा 12 की उपधारा (1) के खंड (ख) के अनुसार प्रवेश दिए गए बालक और धारा 12 की उपधारा (1) के खंड (ग) के अनुसार प्रवेश दिए गए बालक के संबंध में निःशुल्क हकदारी प्रदान करने का उत्तरदायित्व क्रमशः धारा 2 के खंड (द) के उपखंड (ii) और धारा 2 के खंड (द) के उपखंड (iii) और (iv) में निर्दिष्ट विद्यालय का होगा।

(2) आस-पास के विद्यालयों का अवधारण करने और उनकी स्थापना करने के प्रयोजनों के लिए समुचित सरकार या स्थानीय प्राधिकारी विद्यालय की योजना तैयार करेगा और दूरस्थ क्षेत्रों के बालकों, निःशक्तताग्रस्त बालकों, अलामप्रद समूह के बालकों, कमजोर वर्ग के बालकों और धारा 4 में निर्दिष्ट बालकों सहित सभी बालकों की, नियत तारीख से एक वर्ष की अवधि के भीतर और उसके पश्चात् प्रत्येक वर्ष, पहचान करेगा।

(3) समुचित सरकार या स्थानीय प्राधिकारी यह सुनिश्चित करेगा कि विद्यालय में कोई भी बालक जाति, वर्ग, धार्मिक या लिंग संबंधी दुर्यवहार के अध्वधीन नहीं हो।

(4) धारा 8 के खंड (ग) और धारा 9 के खंड (ग) के प्रयोजनों के लिए, समुचित सरकार और स्थानीय प्राधिकारी यह सुनिश्चित करेंगे कि किसी कमजोर वर्ग के किसी बालक और अलामप्रद समूह के किसी बालक को कक्षा में, दोपहर के भोजन के दौरान, खेल के मौदानों में, सामान्य पेयजल और प्रसाधन सुविधाओं के उपयोग में तथा शौचालय या कक्षाओं की सफाई में अलग न रखा जाए या उसके विरुद्ध विभेद न किया जाए।

**10. स्थानीय प्राधिकारी द्वारा बालकों के अभिलेखों का रखा जाना—**(1) स्थानीय प्राधिकारी अपनी अधिकारिता के अधीन सभी बालकों का घरेलू सर्वेक्षण द्वारा, उनके जन्म से 14 वर्ष की आयु प्राप्त करने तक का एक अभिलेख रखेगा।

(2) उपनियम (1) में निर्दिष्ट अभिलेख को वार्षिक रूप से अद्यतन किया जाएगा ।

(3) उक्त उपनियम में निर्दिष्ट अभिलेख को सार्वजनिक क्षेत्र में पारदर्शी रूप से रखा जाएगा और उसका उपयोग धारा 9 के खंड (ड) के प्रयोजनों के लिए किया जाएगा ।

(4) उक्त उपनियम में निर्दिष्ट अभिलेख में, प्रत्येक बालक के संबंध में निम्नलिखित सम्मिलित होगा :—

- (क) नाम, लिंग, जन्म की तारीख, जन्म का स्थान ;
- (ख) माता-पिता या संरक्षक का नाम, पता, व्यवसाय ;
- (ग) वह पूर्व प्राथमिक विद्यालय/ आंगनबाड़ी केन्द्र, जहां बालक (छह वर्ष की आयु तक) उपस्थित रहा है ;
- (घ) प्राथमिक विद्यालय, जहां बालक को प्रवेश दिया जाता है ;
- (ङ) बालक का वर्तमान पता ;
- (च) कक्षा, जिसमें बालक पढ़ रहा है (6 वर्ष से 14 वर्ष की आयु के बीच के बालकों के लिए) और यदि स्थानीय प्राधिकारी की क्षेत्रीय अधिकारिता में शिक्षा जारी नहीं रहती है तो ऐसे जारी न रहने का कारण ;
- (छ) क्या बालक कमजोर वर्ग का है ;
- (ज) क्या बालक किसी अलाभप्रद समूह का है ;
- (झ) क्या बालक (i) अप्रवास और अपर्याप्त जनसंख्या; (ii) आयु अनुसार समुचित प्रवेश ; और (iii) निःशक्तता के कारण विशेष सुविधाओं या निवास सुविधाओं की अपेक्षा करता है ।

(5) स्थानीय प्राधिकारी यह सुनिश्चित करेगा कि विद्यालयों में नामांकित बालकों के नाम प्रत्येक विद्यालय में सार्वजनिक रूप से संप्रदर्शित किए गए हैं ।

### भाग 5-विद्यालयों और अध्यापकों के उत्तरदायित्व

11. कमजोर वर्ग और अलाभप्रद समूह के बालकों का प्रवेश—(1) धारा 2 के खंड (ढ) के उपखंड (iii) और उपखंड (iv) में निर्दिष्ट विद्यालय यह सुनिश्चित करेगा कि धारा 12 की उपधारा (1) के खंड (ग) के अनुसार प्रवेश दिए गए बालकों को न तो कक्षाओं में अन्य बालकों से पृथक् किया जाएगा न ही उनकी कक्षाएं अन्य बालकों के लिए आयोजित कक्षाओं से भिन्न स्थानों और समयों पर आयोजित की जाएंगी ।

(2) धारा 2 के खंड (ढ) के उपखंड (iii) और उपखंड (iv) में निर्दिष्ट विद्यालय यह सुनिश्चित करेगा कि धारा 12 की उपधारा (1) के खंड (ग) के अनुसार प्रवेश दिए गए बालकों के साथ पाठ्यपुस्तकों, वर्दियों, पुस्तकालय और सूचना, संसूचना और प्रौद्योगिकी सुविधाओं, अतिरिक्त पाठ्यचर्या और खेल-कूदों जैसी हकदारियों और सुविधाओं के संबंध में, किसी भी रीति में, शेष बालकों से विभेद नहीं किया जाएगा ।

(3) नियम 6 के उपनियम (1) में विनिर्दिष्ट आस-पास का क्षेत्र या सीमाएं धारा 12 की उपधारा (1) के खंड (ग) के अनुसार दिए गए प्रवेशों को लागू होंगी :

परन्तु विद्यालय धारा 12 की उपधारा (1) के खंड (ग) में निर्दिष्ट बालकों के लिए स्थानों की अपेक्षित प्रतिशतता को भरने के प्रयोजनों के लिए समुचित सरकार के पूर्व अनुमोदन से इन क्षेत्रों या सीमाओं का विस्तार कर सकेगा ।

12. समुचित सरकार द्वारा प्रति-बालक-व्यय की प्रतिपूर्ति—(1) समुचित सरकार द्वारा, सभी ऐसे विद्यालयों में नामांकित बालकों की कुल संख्या से विभाजित, धारा 2 के खंड (ढ) के उपखंड (i) में निर्दिष्ट सभी विद्यालयों

की बाबत प्रारंभिक शिक्षा पर अपनी स्वयं की निधियों और केन्द्रीय सरकार तथा किसी अन्य प्राधिकारी द्वारा उपलब्ध कराई गई निधियों से उपगत कुल वार्षिक आवर्ती व्यय, समुचित सरकार द्वारा उपगत किया गया प्रति-बालक-व्यय होगा।

**स्पष्टीकरण—**प्रति-बालक-व्यय का अवधारण करने के लिए, धारा 2 के खंड (द) के उपखंड (ii) में निर्दिष्ट विद्यालयों पर समुचित सरकार या स्थानीय प्राधिकारी द्वारा और ऐसे विद्यालयों में नामांकित बालकों द्वारा उपगत व्यय सम्मिलित नहीं किया जाएगा।

(2) धारा 2 के खंड (द) के उपखंड (iii) और उपखंड (iv) में निर्दिष्ट प्रत्येक विद्यालय धारा 12 की उपधारा (2) के अधीन प्रतिपूर्ति के रूप में उसके द्वारा प्राप्त रकम की बाबत एक पृथक् बैंक खाता रखेगा।

**13. आयु के सबूत के रूप में दस्तावेज—**जहां कहीं जन्म, मृत्यु और विवाह प्रामाणीकरण अधिनियम, 1886 (1886 का 6) के अधीन जन्म प्रमाणपत्र उपलब्ध नहीं है वहां निम्नलिखित दस्तावेजों में से किसी एक को विद्यालयों में प्रवेश के प्रयोजनों के लिए बालक की आयु का सबूत समझा जाएगा—

(क) अस्पताल या सहायक नर्स और दाईं रजिस्टर अभिलेख;

(ख) आगनबाड़ी अभिलेख;

(ग) माता-पिता या संरक्षक द्वारा बालक की आयु की घोषणा।

**14. प्रवेश के लिए विस्तारित अवधि —**(1) प्रवेश के लिए विस्तारित अवधि विद्यालय के शैक्षिक वर्ष के प्रारंभ की तारीख से छह मास की होगी।

(2) जहां किसी बालक को विस्तारित अवधि के पश्चात् किसी विद्यालय में प्रवेश दिया जाता है, वहां वह विद्यालय के प्रधान अध्यापक द्वारा यथा अवधारित विशेष प्रशिक्षण की सहायता से अध्ययन पूरा करने के लिए पात्र होगा।

**15. विद्यालय को मान्यता—**(1) इस अधिनियम के प्रारंभ से पूर्व स्थापित किया गया, केन्द्रीय सरकार, समुचित सरकार या स्थानीय प्राधिकारी द्वारा स्थापित, उनके स्वामित्वधीन या नियंत्राधीन किसी विद्यालय से भिन्न प्रत्येक विद्यालय अधिनियम के प्रारंभ के तीन मास की अवधि के भीतर संबंधित जिला शिक्षा अधिकारी को अनुसूची में विनिर्दिष्ट संनियमों और मानकों के उसके द्वारा अनुपालन किए जाने या अन्यथा और निम्नलिखित शर्तों को पूरा करने के संबंध में प्ररूप सं० 1 में एक स्वघोषणा करेगा, अर्थात् :—

(क) विद्यालय सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) के अधीन रजिस्ट्रीकृत किसी सोसाइटी या तत्समय प्रवृत्त किसी विधि के अधीन गठित किसी लोक न्यास द्वारा चलाया जा रहा है ;

(ख) विद्यालय किसी व्यक्ति, व्यक्ति-समूह या व्यक्ति संगम या किन्हीं अन्य व्यक्तियों के लाभ के लिए नहीं चलाया जा रहा है ;

(ग) विद्यालय संविधान में प्रतिस्थापित आदर्शों के अनुरूप है।

(घ) विद्यालय भवन या अन्य संरचनाएं या मैदान केवल शिक्षा और कौशल विकास के प्रयोजनों के लिए उपयोग में लाए जाते हैं।

(ङ) विद्यालय समुचित सरकार या स्थानीय प्राधिकारी द्वारा प्राधिकृत किसी अधिकारी द्वारा निरीक्षण करने के लिए उपलब्ध है ;

(च) विद्यालय समय-समय पर ऐसी रिपोर्ट और जानकारी प्रस्तुत करता है, जिनकी अपेक्षा की जाए, और समुचित सरकार या स्थानीय प्राधिकारी के ऐसे अनुदेशों का अनुपालन करते हैं जो विद्यालय की मान्यता की शर्तों के सतत अनुपालन को सुनिश्चित करने या विद्यालय के कार्यकरण में कमियों को दूर करने के लिए जारी किए जाए ;

(2) प्ररूप 1 में प्राप्त प्रत्येक स्वतः घोषणा उसके प्राप्त होने के पन्द्रह दिन के भीतर जिला शिक्षा अधिकारी द्वारा सर्वसाधारण की जानकारी के लिए प्रस्तुत की जाएगी ।

(3) जिला शिक्षा अधिकारी उपनियम (1) में वर्णित मानदंडों, मानकों तथा शर्तों को पूरा करने के लिए स्वतः घोषणा प्राप्त होने के तीन मास के भीतर उन विद्यालयों का स्थल पर निरीक्षण कराएगा जो प्ररूप सं० 1 में दावा करते हैं ।

(4) उपनियम (3) में निर्दिष्ट निरीक्षण किए जाने के पश्चात् निरीक्षण रिपोर्ट जिला शिक्षा अधिकारी द्वारा सर्वसाधारण के लिए प्रस्तुत की जाएगी और विद्यालयों को मानदंडों, मानकों और शर्तों के अनुरूप पाए जाने पर निरीक्षण की तारीख से पन्द्रह दिन के भीतर जिला शिक्षा अधिकारी द्वारा प्ररूप 2 में मान्यता प्रदान की जाएगी ।

(5) वे विद्यालय जो उपनियम (1) में वर्णित मानदंडों, मानकों और शर्तों के अनुरूप नहीं हैं जिला शिक्षा अधिकारी द्वारा इस आशय के लोक आदेश के माध्यम से सूचीबद्ध किए जाएंगे ; ऐसे विद्यालय जिला शिक्षा अधिकारी से इस प्रकार अगले ढाई वर्ष के भीतर किसी भी समय मान्यता प्रदान करने के लिए स्थल निरीक्षण हेतु अनुरोध कर सकेंगे ताकि ऐसी अवधि इस अधिनियम के प्रारंभ से तीन वर्ष की अवधि से अधिक न हो ।

(6) वे विद्यालय जो इस अधिनियम के प्रारंभ होने की तारीख से तीन वर्ष के भीतर उपनियम (1) में वर्णित मानदंडों, मानकों और शर्तों के अनुरूप नहीं हैं कार्य करना बंद कर देंगे ।

(7) केंद्रीय सरकार, समुचित सरकार या स्थानीय प्राधिकारी द्वारा स्थापित, स्वामित्वाधीन या नियंत्रणाधीन विद्यालय से भिन्न प्रत्येक विद्यालय जिसकी स्थापना इस अधिनियम के प्रारंभ के पश्चात् की गई है वे इस नियम के अधीन मान्यता के लिए अर्हता प्राप्त करने के क्रम में उपनियम (1) में उल्लिखित मानदंडों, मानकों और शर्तों के अनुरूप होंगे ।

**16. विद्यालय की मान्यता वापस लेना-** (1) जहां जिला शिक्षा अधिकारी (जिसे इसमें इसके पश्चात् उक्त अधिकारी कहा गया है) स्वःप्रेरणा से या किसी व्यक्ति से प्राप्त किसी अभ्यावेदन पर लेखबद्ध किए जाने वाले कारणों से यह विश्वास करने का कारण रखता है कि नियम 15 के अधीन मान्यताप्राप्त किसी विद्यालय ने मान्यता प्रदान किए जाने के लिए शर्तों में से एक या अधिक का उल्लंघन किया है या अनुसूची में विनिर्दिष्ट मानदंडों और मानकों को पूरा करने में असफल रहा है तो जिला शिक्षा अधिकारी निम्नलिखित रीति में कार्य करेगा :—

(क) विद्यालय को मान्यता प्रदान करने की शर्तों के उल्लंघन को विनिर्दिष्ट करते हुए सूचना जारी करना और उससे एक मास के भीतर स्पष्टीकरण मांगना ;

(ख) स्पष्टीकरण को समाधानप्रद न पाए जाने या नियत समयावधि के भीतर स्पष्टीकरण प्राप्त न होने की दशा में उक्त अधिकारी विद्यालय का निरीक्षण कराएगा जाएगा जो तीन या पांच सदस्यों की एक समिति द्वारा किया जाएगा जिसमें शिक्षाविद्, सिविल समाज के प्रतिनिधि, मीडिया और सरकारी प्रतिनिधि सम्मिलित होंगे, जो सम्यक् जांच करेगी और अपनी रिपोर्ट मान्यता के जारी रहने या उसे वापस लेने के लिए अपनी सिफारिशों सहित उक्त अधिकारी को प्रस्तुत करे ;

(ग) उक्त अधिकारी समिति की रिपोर्ट और सिफारिशें प्राप्त होने पर मान्यता वापस लेने के लिए आदेश पारित कर सकेगा :

परंतु उक्त अधिकारी द्वारा मान्यता वापस लेने का ऐसा कोई आदेश विद्यालय को सुनवाई के लिए पर्याप्त अवसर दिए बिना पारित नहीं किया जाएगा :

परंतु यह और कि उक्त अधिकारी द्वारा ऐसा कोई आदेश समुचित सरकार के अनुमोदन के बिना पारित नहीं किया जाएगा ।

(2) उक्त अधिकारी द्वारा पारित मान्यता वापस लेने का आदेश तुरंत अनुवर्ती शैक्षणिक वर्ष से प्रभावी होगा और वह निकट के ऐसे विद्यालयों को विनिर्दिष्ट करेगा जिसमें उस विद्यालय के बच्चों को प्रवेश दिया जाएगा ।

#### भाग 6- अध्यापक

17. न्यूनतम अर्हताएं- (1) केंद्रीय सरकार, नियत तारीख के एक मास के भीतर अध्यापक के रूप में नियुक्ति के लिए पात्र होने वाले व्यक्ति के लिए न्यूनतम अर्हताएं अधिकथित करने हेतु एक शैक्षणिक प्राधिकारी को अधिसूचित करेगी ।

(2) उपनियम (1) के अधीन अधिसूचित शैक्षणिक प्राधिकारी ऐसी अधिसूचना के तीन मास के भीतर किसी प्राथमिक विद्यालय में अध्यापक के रूप में नियुक्ति के लिए पात्र होने वाले व्यक्ति के लिए न्यूनतम अर्हताएं अधिकथित करेगा ।

(3) उपनियम (1) में निर्दिष्ट शैक्षणिक प्राधिकारी द्वारा अधिकथित न्यूनतम अर्हताएं धारा 2 के खंड (ढ) में निर्दिष्ट प्रत्येक विद्यालय के लिए लागू होंगी ।

18. न्यूनतम अर्हताओं का शिथिलीकरण- (1) राज्य सरकार और संघ राज्य क्षेत्र इस अधिनियम के प्रारंभ से छह मास के भीतर धारा 2 के खंड (ढ) में निर्दिष्ट सभी विद्यालयों के लिए अनुसूची में मानदंडों के अनुसार अध्यापकों की आवश्यकता का प्राक्कलन करेंगे ।

(2) जहां किसी राज्य सरकार या संघ राज्यक्षेत्र के पास अध्यापक शिक्षण में पाठ्यक्रम या प्रशिक्षण प्रदान करने के लिए पर्याप्त संस्थाएं नहीं हैं या नियम 17 के उपनियम (2) में यथाअधिसूचित न्यूनतम अर्हताएं रखने वाले व्यक्ति उपनियम (1) के अधीन प्राक्कलित अध्यापकों की आवश्यकता के अनुपात में पर्याप्त संख्या में उपलब्ध नहीं हैं, वहां राज्य सरकार या संघ राज्यक्षेत्र इस अधिनियम के प्रारंभ के एक वर्ष के भीतर केंद्रीय सरकार से विहित न्यूनतम अर्हताओं को शिथिल करने के लिए अनुरोध करेगा ।

(3) केंद्रीय सरकार, उपनियम (2) में निर्दिष्ट अनुरोध प्राप्त होने पर राज्य सरकार या संघ राज्यक्षेत्र के अनुरोध की परीक्षा करेगी और अधिसूचना द्वारा, न्यूनतम अर्हताओं को शिथिल कर सकेगी ।

(4) उपनियम (3) में निर्दिष्ट अधिसूचना में शिथिलीकरण की प्रकृति और तीन वर्ष से अनधिक की समयावधि किन्तु जो अधिनियम के प्रारंभ से पांच वर्ष के परे नहीं होगी, विनिर्दिष्ट की जाएगी, जिसके भीतर शिथिल की गई शर्तों के अधीन नियुक्त किए गए अध्यापक धारा 23 की उपधारा (1) के अधीन अधिसूचित शैक्षणिक प्राधिकारी द्वारा विनिर्दिष्ट न्यूनतम अर्हताओं को अर्जित करेंगे ।

(5) इस अधिनियम के प्रारंभ से छह मास के पश्चात् किसी विद्यालय के लिए अध्यापक की कोई नियुक्ति ऐसे किसी व्यक्ति की बाबत जिसके पास नियम 17 के उपनियम (2) में अधिसूचित न्यूनतम अर्हताएं नहीं हैं, उपनियम (3) में निर्दिष्ट शिथिलीकरण की अधिसूचना के बिना नहीं की जाएगी ।

(6) अधिनियम के प्रारंभ के छह मास के भीतर अध्यापक के रूप में नियुक्त किसी व्यक्ति को कम से कम उच्चतर माध्यमिक विद्यालय प्रमाणपत्र या उसके समतुल्य से अन्यून शैक्षणिक अर्हता धारण करनी चाहिए ।

19. न्यूनतम अर्हताओं का अर्जित किया जाना- (1) राज्य सरकार और संघ राज्यक्षेत्र यह सुनिश्चित करने के लिए कि इस अधिनियम के प्रारंभ के समय, उपखंड (i) में निर्दिष्ट विद्यालयों में सभी अध्यापकों और धारा 2 के खंड (ढ) के उपखंड (iii) के अधीन केंद्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र या स्थानीय प्राधिकारी के स्वामित्वाधीन और उनके द्वारा प्रबंधित विद्यालयों में सभी अध्यापकों द्वारा, जिनके पास धारा 17 की उपधारा (2) में अधिकथित न्यूनतम अर्हताएं नहीं हैं, अधिनियम के प्रारंभ से पांच वर्ष की अवधि के भीतर ऐसी न्यूनतम अर्हताएं अर्जित करने के लिए पर्याप्त अध्यापक शिक्षण सुविधाएं उपलब्ध कराएंगे ।

(2) धारा 2 के खंड (ढ) के उपखंड (ii) और (iv) में निर्दिष्ट विद्यालय या धारा 2 के खंड (ढ) के उपखंड (ii) में निर्दिष्ट विद्यालय, जो केंद्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र या स्थानीय प्राधिकारी के स्वामित्वाधीन नहीं है और उनके द्वारा प्रबंधित नहीं है, में किसी ऐसे अध्यापक के लिए, जिनके पास अधिनियम के



प्रारंभ के समय धारा 17 की उपधारा (2) में अधिकथित न्यूनतम अर्हताएं नहीं हैं, ऐसे विद्यालय का प्रबंधन अधिनियम के प्रारंभ से पांच वर्ष की अवधि के भीतर ऐसी न्यूनतम अर्हताएं अर्जित करने में समर्थ बनाने के लिए पर्याप्त अध्यापक शिक्षण सुविधाएं उपलब्ध कराएंगे।

**20. अध्यापकों के वेतन और भत्ते तथा सेवा की शर्तें -** (1) यथास्थिति, केंद्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र या स्थानीय प्राधिकारी अध्यापकों का वृत्तिक और स्थायी संवर्ग सृजित करने के क्रम में उनके स्वामित्वाधीन और उनके द्वारा प्रबंधित विद्यालयों के अध्यापकों की सेवा के निबंधन और शर्तें तथा वेतन और भत्ते अधिसूचित करेगा।

(2) विशिष्टतया और उपनियम (1) पर प्रतिकूल प्रभाव डाले बिना सेवा के निबंधनों और शर्तों में निम्नलिखित को ध्यान में रखा जाएगा, अर्थात् :-

(क) अध्यापकों की विद्यालय प्रबंध समिति को जवाबदेही ;

(ख) शैक्षणिक वृत्ति में अध्यापकों के दीर्घावधि तक बने रहने के समर्थकारी उपबंध।

(3) सभी अध्यापकों के वेतनमान और भत्ते, चिकित्सीय सुविधाएं, पेंशन, उपदान, भविष्य निधि और अन्य विहित फायदे, वैसी ही अर्हता, कार्य और अनुभव के लिए बराबर होंगे।

**21. अध्यापकों द्वारा अनुपालन किए जाने वाले कर्तव्य-** (1) अध्यापक एक फाइल रखेंगे जिसमें प्रत्येक बच्चे के लिए शिष्य संचयी अभिलेख होगा जो प्राथमिक शिक्षा के पूरा होने के लिए प्रमाणपत्र देने हेतु आधार होगा।

(2) अध्यापक, धारा 24 की उपधारा (1) के खंड (क) से खंड (ड) तक में विनिर्दिष्ट कृत्यों के अतिरिक्त निम्नलिखित कर्तव्यों का अनुपालन करेगा :

(क) प्रशिक्षण कार्यक्रमों में भाग लेना ;

(ख) पाठ्यचर्या निर्माण और पाठ्यक्रम विकास, प्रशिक्षण माड्युल तथा पाठ्य पुस्तक विकास में भाग लेना।

**22. शिष्य-अध्यापक अनुपात बनाए रखना-** (1) किसी विद्यालय में अध्यापकों की स्वीकृत संख्या, यथास्थिति, केंद्रीय सरकार, समुचित सरकार या स्थानीय प्राधिकारी द्वारा, नियत तारीख के तीन मास की अवधि के भीतर अधिसूचित की जाएगी :

परंतु यथास्थिति, केंद्रीय सरकार, समुचित सरकार या स्थानीय प्राधिकारी द्वारा ऐसी अधिसूचना के तीन मास के भीतर उपनियम (1) में निर्दिष्ट अधिसूचना से पूर्व स्वीकृत संख्या से अधिक संख्या वाले विद्यालयों के अध्यापकों की पुनः तैनाती की जाएगी।

(2) यदि केंद्रीय सरकार, समुचित सरकार या स्थानीय प्राधिकारी का कोई व्यक्ति धारा 25 की उपधारा (2) का उल्लंघन करता है तो वह व्यक्तिगत रूप से अनुशासनिक कार्रवाई के लिए दायी होगा/होगी।

#### भाग 7- पाठ्यचर्या और प्राथमिक शिक्षा का पूरा होना

**23. शैक्षणिक प्राधिकारी-** (1) केंद्रीय सरकार, नियत तारीख के एक मास के भीतर धारा 29 के प्रयोजनों के लिए एक शैक्षणिक प्राधिकारी को अधिसूचित करेगी।

(2) पाठ्यचर्या और मूल्यांकन प्रक्रिया अधिकथित करते समय उपनियम (1) के अधीन अधिसूचित शैक्षणिक प्राधिकारी,-

(क) सुसंगत और आयु समुचित पाठ्यक्रम तथा पाठ्य-पुस्तकें और अन्य शिक्षण सामग्री तैयार करेगा ;

(ख) सेवा में अध्यापक प्रशिक्षण डिजाइन विकसित करेगा ; और

(ग) निरन्तर तथा व्यापक मूल्यांकन को अभ्यास में रखने के लिए मार्गदर्शक सिद्धांत तैयार करेगा।

(3) उपनियम (1) में निर्दिष्ट शैक्षणिक प्राधिकारी नियमित आधार पर संपूर्ण विद्यालय क्वालिटी निर्धारण की प्रक्रिया डिजाइन और कार्यान्वित करेगा।

**24. प्रमाणपत्र प्रदान करना -** (1) प्राथमिक शिक्षा के पूरा होने का प्रमाणपत्र विद्यालय स्तर पर प्राथमिक शिक्षा पूरा करने के एक मास के भीतर जारी किया जाएगा।

(2) उपनियम (1) में निर्दिष्ट प्रमाणपत्र में बालक का शिष्य संचयी अभिलेख अंतर्विष्ट होगा।

#### भाग- 8 बाल अधिकारों का संरक्षण

**25. राष्ट्रीय बाल अधिकार संरक्षण आयोग द्वारा कृत्यों का निर्वहन-** केंद्रीय सरकार राष्ट्रीय बाल अधिकार संरक्षण आयोग को इस अधिनियम के अधीन उसके कृत्यों के निर्वहन में संसाधन सहायता उपलब्ध कराएगी।

**26. राष्ट्रीय बाल अधिकार संरक्षण आयोग के समक्ष परिवादों को प्रस्तुत करने की रीति-** राष्ट्रीय बाल अधिकार संरक्षण आयोग, अधिनियम के अधीन बाल अधिकारों के उल्लंघन के संबंध में परिवादों को रजिस्टर करने के लिए एक चाइल्ड हेल्पलाइन की स्थापना करेगा जो उसके द्वारा पारदर्शी ऑनलाइन तंत्र के माध्यम से मानीटर की जा सकेगी।

**27. राज्य बाल अधिकार संरक्षण आयोग द्वारा कृत्यों का निर्वहन-** (1) वह समुचित सरकार जिसका कोई राज्य बाल अधिकार संरक्षण आयोग नहीं है, तुरंत ऐसे आयोग की स्थापना के लिए कदम उठाएगी।

(2) जब तक समुचित सरकार राज्य बाल अधिकार संरक्षण आयोग की स्थापना करे तब तक वह अधिनियम के प्रारंभ के छह मास के भीतर धारा 31 की उपधारा (1) में विनिर्दिष्ट कृत्यों के निर्वहन के प्रयोजनों के लिए शिक्षा संरक्षण अधिकार प्राधिकरण के रूप में ज्ञात एक अंतरिम प्राधिकरण (जिसे इसमें इसके पश्चात् आरईपीए कहा गया है) का गठन करेगी या राज्य बाल अधिकार संरक्षण आयोग का गठन करेगी, जो भी पूर्वतर हो।

(3) शिक्षा संरक्षण अधिकार प्राधिकरण (आरईपीए) निम्नलिखित से मिलकर बनेगा, अर्थात् :—

(क) अध्यक्ष, जो उच्च शैक्षणिक ख्याति का व्यक्ति है या उच्च न्यायालय का न्यायाधीश रहा है या जिसने बाल अधिकारों को बढ़ावा देने के लिए उत्कृष्ट कार्य किया है ; और

(ख) दो सदस्य, जिनमें से निम्नलिखित क्षेत्रों में से एक महिला होगी और वे सदस्य ऐसे व्यक्तियों में से होंगे जो प्रख्यात, योग्य, विश्वसनीय, गणमान्य हैं और जिनको निम्नलिखित में अनुभव है,—

(i) शिक्षा ;

(ii) बाल स्वास्थ्य देखभाल और बाल विकास ;

(iii) किशोर न्याय या उपेक्षित या निम्नवर्गीय या निःशक्त बाल देखभाल ;

(iv) बाल श्रमिक उन्मूलन या व्यथित बच्चों के साथ कार्य करना ;

(v) बाल मनोविज्ञान या सामाजिक शास्त्र ;

(vi) विधिक वृत्ति ।

(4) राष्ट्रीय बाल अधिकार संरक्षण आयोग नियम, 2006 जहां तक उनका संबंध निबंधनों और शर्तों से है यथावश्यक परिवर्तन सहित आरईपीए के अध्यक्ष और अन्य सदस्यों को लागू होंगे ।

(5) राज्य बाल अधिकार संरक्षण आयोग के गठन के तुरंत पश्चात् आरईपीए के सभी अभिलेख और आस्तियां उसे अंतरित हो जाएंगी ।

(6) यथास्थिति, राज्य बाल अधिकार संरक्षण आयोग या आरईपीए अपने कृत्यों का निर्वहन करने में राज्य सलाहकार परिषद् द्वारा उसे निर्दिष्ट विषयों पर भी कार्यवाई कर सकेगा ।

(7) समुचित सरकार, यथास्थिति, राज्य बाल अधिकार संरक्षण आयोग या आरईपीए को इस अधिनियम के अधीन उनके कृत्यों के निर्वहन में संसाधन सहायता उपलब्ध कराएगी ।

28. राज्य बाल अधिकार संरक्षण आयोग के समक्ष परिवादों को प्रस्तुत करने की रीति- यथास्थिति, राज्य बाल अधिकार संरक्षण आयोग या शिक्षा अधिकार संरक्षण प्राधिकरण (जिसे इसमें इसके पश्चात् आरईपीए कहा गया

है) एक चाइल्ड हेल्थलाइन की स्थापना करेगा जो अधिनियम के अधीन बाल अधिकारों के उल्लंघन के संबंध में परिवादों को रजिस्टर करेगी जिसे उसके द्वारा पारदर्शी ऑनलाइन तंत्र के माध्यम से मानीटर किया जा सकेगा।

**29. राष्ट्रीय सलाहकार परिषद् का गठन-** (1) राष्ट्रीय सलाहकार परिषद् (जिसे इस नियम में इसके पश्चात् परिषद् कहा गया है) एक अध्यक्ष और चौदह सदस्यों से मिलकर बनेगी।

(2) मानव संसाधन विकास मंत्री परिषद् का पदेन अध्यक्ष होगा।

(3) परिषद् के सदस्यों की नियुक्ति केंद्रीय सरकार द्वारा प्राथमिक शिक्षा और बाल विकास के क्षेत्र में ज्ञान और व्यावहारिक अनुभव रखने वाले व्यक्तियों में से की जाएगी, जो निम्नानुसार हैं-

(क) कम से कम तीन सदस्य ऐसे व्यक्तियों में से होंगे जो अनुसूचित जाति, अनुसूचित जनजाति और अल्पसंख्यक हैं ;

(ख) कम से कम एक सदस्य ऐसे व्यक्तियों में से होगा जिनके पास विशेष आवश्यकताओं वाले बच्चों की शिक्षा का विशिष्ट ज्ञान और व्यावहारिक अनुभव हो;

(ग) एक सदस्य पूर्व प्राथमिक शिक्षा के क्षेत्र में विशेषज्ञता प्राप्त ज्ञान रखने वाले व्यक्तियों में से होगा ;

(घ) कम से कम एक सदस्य ऐसे व्यक्तियों में से होंगे जिनके पास अध्यापक शिक्षा के क्षेत्र में विशेषज्ञताप्राप्त ज्ञान और व्यावहारिक अनुभव है ;

(ङ) परिषद् के निम्नलिखित पदेन सदस्य होंगे:-

- i. सचिव, स्कूल शिक्षा और साक्षरता विभाग
- ii. निदेशक, राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
- iii. कुलपति, राष्ट्रीय शैक्षिक आयोजना और प्रशासन विश्वविद्यालय
- iv. अध्यक्ष, राष्ट्रीय अध्यापक शिक्षा परिषद्
- v. अध्यक्ष, राष्ट्रीय बाल अधिकार संरक्षण आयोग

(च) सभी सदस्यों में एक तिहाई महिलाएँ होंगी।

(छ) अधिनियम के कार्यान्वयन के प्रभारी संयुक्त सचिव पदेन सदस्य सचिव होंगे और सचिवालयी सहायता स्कूल शिक्षा और साक्षरता विभाग द्वारा प्रदान की जाएगी।

(4) परिषद अन्य संबद्ध मंत्रालयों/विभागों के प्रतिनिधियों को भी आवश्यकता के अनुसार विशेष रूप से आमंत्रित कर सकती है।

**30. राष्ट्रीय सलाहकार समिति के कृत्य-** (1) राष्ट्रीय सलाहकार समिति सलाहकार हैसियत में कृत्य करेगी।

(2) राष्ट्रीय सलाहकार समिति निम्नलिखित कृत्यों में से एक या अधिक का निर्वहन करेगी, अर्थात् :—

(क) पुनर्विलोकन,

(i) अनुसूची में विनिर्दिष्ट मानदंड और मानक ;

(ii) अध्यापक निर्हरताओं और प्रशिक्षणों का अनुपालन ; और

(iii) धारा 29 का कार्यान्वयन ;

(ख) अधिनियम के प्रभावी कार्यान्वयन के लिए अध्ययन और अनुसंधान आरंभ करना।

(ग) राज्य सलाहकार परिषदों के साथ समन्वयन करना।

(घ) अधिनियम के कार्यान्वयन के लिए जागरूकता उत्पन्न करने, अभियान चलाने, और सकारात्मक वातावरण तैयार करने में जनता और मीडिया तथा केंद्रीय सरकार के बीच मध्यस्थ के रूप में कार्य करना।

(3) राष्ट्रीय सलाहकार परिषद् उसके द्वारा किए गए पुनर्विलोकनों, अध्ययनों और अनुसंधान के संबंध में रिपोर्ट तैयार करेगी और उसे केंद्रीय सरकार को प्रस्तुत करेगी।

**31. राज्य सलाहकार परिषद् का गठन -** (1) राज्य सलाहकार परिषद् (जिसे इस नियम में इसके पश्चात् परिषद् कहा गया है) एक अध्यक्ष और चौदह सदस्यों से मिलकर बनेगी।

(2) समुचित सरकार में विद्यालय शिक्षा का प्रभारी मंत्री परिषद् का पदेन अध्यक्ष होगा।

(3) परिषद् के सदस्यों की नियुक्ति समुचित सरकार द्वारा प्राथमिक शिक्षा और बाल विकास के क्षेत्र में ज्ञान और व्यावहारिक अनुभव रखने वाले व्यक्तियों में से की जाएगी, जो निम्नानुसार हैं—

(क) कम से कम तीन सदस्य ऐसे व्यक्तियों में से होंगे जो अनुसूचित जाति, अनुसूचित जनजाति और अल्पसंख्यक हैं ;

(ख) कम से कम एक सदस्य ऐसे व्यक्तियों में से होगा जिनके पास विशेष आवश्यकताओं वाले बच्चों की शिक्षा का विशिष्ट ज्ञान और व्यावहारिक अनुभव हो;

(ग) एक सदस्य पूर्व प्राथमिक शिक्षा के क्षेत्र में विशेषज्ञता प्राप्त ज्ञान रखने वाले व्यक्तियों में से होगा ;

(घ) कम से कम एक सदस्य ऐसे व्यक्तियों में से होंगे जिनके पास अध्यापक शिक्षा के क्षेत्र में विशेषज्ञताप्राप्त ज्ञान और व्यावहारिक अनुभव है ;

(ङ) परिषद के निम्नलिखित पदेन सदस्य होंगे:—

- i. प्रारंभिक शिक्षा के प्रभारी सचिव
- ii राज्य शैक्षिक अनुसंधान और प्रशिक्षण परिषद/राज्य शिक्षा संस्थान के निदेशक
- iii. प्रारंभिक शिक्षा के आयुक्त/निदेशक
- iv. अध्यक्ष, राज्य बाल अधिकार संरक्षण आयोग/शिक्षा का अधिकार संरक्षण प्राधिकरण

(च) सभी सदस्यों में एक तिहाई महिलाएँ होंगी।

(छ) राज्य परियोजना निदेशक, सर्व शिक्षा अभियान इस परिषद के पदेन सदस्य सचिव होंगे।

(4) परिषद अन्य संबद्ध मंत्रालयों/विभागों के प्रतिनिधियों को भी आवश्यकता के अनुसार विशेष रूप से आमंत्रित कर सकती है।

[फा. सं. 1-8/2009-ईई 4]

अनिता कौल, संयुक्त सचिव

### परिशिष्ट

#### प्रारूप 1

विद्यालय को मान्यता प्रदान करने के लिए स्वःघोषणा-सह-आवेदन  
[नियम 15 का उपनियम (1) देखिए]

सेवा में,

जिला शिक्षा अधिकारी,  
(जिला और संघ राज्यक्षेत्र का नाम)

महोदय,

मैं एतद्वारा निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की अनुसूची में विनिर्दिष्ट सनियमों और मानकों के अनुपालन के संबंध में एक स्वःघोषणा और .....  
(विद्यालय का नाम) को ..... वर्ष 20..... विद्यालय के प्रारंभ से मान्यता प्रदान करने के लिए विहित प्रारूप में एक आवेदन अग्रेषित करता हूँ।

अनुलग्नक :

भवदीय,

स्थान :

तारीख :

क. विद्यालय के ब्यौरे		
1.	विद्यालय का नाम	
2.	शैक्षिक सत्र	
3.	ज़िला	
4.	डाक का पता	
5.	ग्राम/नगर	
6.	तहसील	
7.	पिन कोड	
8.	फोन नं. एसटीडी कोड सहित	
9.	फैक्स नं.	
10.	ई-मेल पता, यदि कोई हो	
11.	निकटतम पुलिस थाना	

ख. साधारण सूचना				
1.	स्थापना का वर्ष			
2.	पहली बार विद्यालय खोलने की तारीख			
3.	न्यास/सोसाइटी/प्रबंध समिति का नाम			
4.	क्या न्यास/सोसाइटी/प्रबंध समिति रजिस्ट्रीकृत है			
5.	वह अवधि, जिस तक न्यास/सोसाइटी/प्रबंध समिति का रजिस्ट्रीकरण विधिमान्य है			
6.	क्या न्यास/सोसाइटी/प्रबंध समिति के गैर-स्वामित्व प्रकृति का कोई सबूत है, जो शपथ-पत्र पर सदस्यों के पतों सहित उनकी सूची द्वारा समर्थित हो			
7.	विद्यालय के प्रबंधक/अध्यक्ष/चेयरमैन का नाम और शासकीय पता			
	नाम			
	पदनाम			
	पता			
	फोन		(कार्या0) ..... (नि0) .....	
8.	पिछले तीन वर्षों के दौरान कुल आय और व्यय आधिक्य/कमी			
	वर्ष	आय	व्यय	आधिक्य/कमी

ग. विद्यालय का स्वरूप और क्षेत्र		
1.	शिक्षा का माध्यम	
2.	विद्यालय की किस्म (प्रवेश और अंतिम कक्षाएं विनिर्दिष्ट करें)	
3.	यदि सहायता प्राप्त है तो अभिकरण का नाम और सहायता का प्रतिशत	
4.	यदि विद्यालय मान्यताप्राप्त है	
5.	यदि हां, तो किस प्राधिकारी द्वारा • मान्यता संख्यांक	
6.	क्या विद्यालय का अपना स्वयं का भवन है या वह किसी के भवन में कार्य कर रहा है	

7.	क्या विद्यालय के भवन या अन्य संरचनाओं या क्रीड़ा स्थलों का उपयोग केवल शिक्षा और कौशल विकास के प्रयोजन के लिए किया जा रहा है	
8.	विद्यालय का कुल क्षेत्रफल	
9.	विद्यालय का निर्मित क्षेत्र	

घ. नामांकन प्रारथिति			
	कक्षा	सेक्शनों की संख्या	विद्यार्थियों की संख्या
1.	पूर्व-प्राथमिक		
2.	1 से 5		
3.	6 से 8		

ड. अवसंरचना के ब्यौरे और स्वच्छता संबंधी दशाएं			
	कक्षा	संख्या	औसत आकार
1.	कक्षा		
2.	कार्यालय कक्षा-सह-भंडार कक्षा-सह-प्राध्यापक कक्षा		
3.	रसोई-सह-भंडार		

च. अन्य प्रसुविधायें		
1.	क्या सभी प्रसुविधाओं तक बाधा रहित पहुंच प्राप्त है	
2.	अध्यापन पठन सामग्री (सूची संलग्न करें)	
3.	खेलकूद और क्रीड़ा उपकरण (सूची संलग्न करें)	
4.	पुस्तकालय में पुस्तकों की सुविधा <ul style="list-style-type: none"> <li>पुस्तकें (पुस्तकों की संख्या)</li> <li>पत्रिकाएं/समाचार-पत्र</li> </ul>	
5.	पेयजल सुविधाओं की किस्म और संख्या	
6.	स्वच्छता संबंधी दशाएं	
	(i) डब्ल्यू सी और मूत्रालयों की किस्म	
	(ii) बालकों के लिए पृथक् मूत्रालयों/शौच गृहों की संख्या	
	(ii) बालिकाओं के लिए पृथक् मूत्रालयों/शौच गृहों की संख्या	

छ. अध्यापन कर्मचारिवृंद की विशेषितियां			
1.			
	अध्यापक का नाम (1)	पिता/पति या पत्नी का नाम (2)	जन्म की तारीख (3)
	शैक्षिक अर्हता (4)	वृत्तिक अर्हताएं (5)	अध्यापन संबंधी अनुभव (6)
	सौंपी गई कक्षा (7)	नियुक्ति की तारीख (8)	प्रशिक्षित या अप्रशिक्षित (9)
2. प्राथमिक और माध्यमिक दोनों में अध्यापन (प्रत्येक अध्यापक के ब्यौरे पृथक् रूप से)			



	अध्यापक का नाम (1)	पिता/पति या पत्नी का नाम (2)	जन्म की तारीख (3)
	शैक्षिक अर्हता (4)	वृत्तिक अर्हताएं (5)	अध्यापन संबंधी अनुभव (6)
	सौंपी गई कक्षा (7)	नियुक्ति की तारीख (8)	प्रशिक्षित या अप्रशिक्षित (9)
3. प्रधान अध्यापक			
	अध्यापक का नाम (1)	पिता/पत्नी का नाम (2)	जन्म की तारीख (3)
	शैक्षिक अर्हता (4)	वृत्तिक अर्हताएं (5)	अध्यापन संबंधी अनुभव (6)
	सौंपी गई कक्षा (7)	नियुक्ति की तारीख (8)	प्रशिक्षित या अप्रशिक्षित (9)

ज. पाठ्यचर्या और पाठ्यक्रम		
1.	प्रत्येक कक्षा में अपनाई गई पाठ्यचर्या और पाठ्यक्रम के ब्यौरे (कक्षा VIII तक)	
2.	विद्यार्थियों के निर्धारण की पद्धति	
3.	क्या विद्यालय के विद्यार्थियों से कक्षा 8 तक कोई बोर्ड परीक्षा देने की अपेक्षा की जाती है ?	

(झ) प्रमाणित किया जाता है कि विद्यालय ने इस आवेदन के साथ जिला शिक्षा सूचना प्रणाली के इस डाटा कंपचर प्ररूप में भी सूचना प्रस्तुत की है।

(ज) प्रमाणित किया जाता है कि समुचित प्राधिकारी द्वारा प्राधिकृत किसी अधिकारी द्वारा विद्यालय का कभी भी निरीक्षण किया जा सकता है।

(ट) प्रमाणित किया जाता है कि विद्यालय यह वचनबंध करता है कि वह ऐसी रिपोर्टें और सूचनाएं प्रस्तुत करेगा जो समय-समय पर जिला शिक्षा अधिकारी द्वारा अपेक्षित हों और समुचित प्राधिकारी या जिला शिक्षा अधिकारी के ऐसे अनुदेशों का अनुपालन करेगा, जो मान्यता की शर्तों के सतत अनुपालन को सुनिश्चित करने के लिए या विद्यालय के कार्यकरण में कमियों को दूर करने के लिए जारी किए जाएं।

(ठ) प्रमाणित किया जाता है कि इस अधिनियम के कार्यान्वयन से संगत विद्यालय के अभिलेख किसी भी समय जिला शिक्षा अधिकारी या समुचित प्राधिकारी द्वारा प्राधिकृत किसी अधिकारी द्वारा निरीक्षण के लिए उपलब्ध होंगे और विद्यालय ऐसी सभी सूचना प्रस्तुत करेगा, जो केंद्रीय सरकार या स्थानीय निकाय या प्रशासन को यथास्थिति, संसद/पंचायत/नगरपालिका के प्रति उसकी बाध्यताओं का निर्वहन करने में समर्थ बनाने के लिए आवश्यक हो।

ह./-

अध्यक्ष/प्रबंधक,  
प्रबंध समिति  
..... विद्यालय

स्थान :

## प्ररु प 2

ग्राम :  
ई-मेल :

फोन :  
फैक्स :

जिला शिक्षा अधिकारी का कार्यालय  
(जिला/संघ राज्यक्षेत्र का नाम)

संख्यांक

तारीख :

प्रबंधक,

विषय : निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 18 के प्रयोजन के लिए निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार नियम, 2010 के नियम 15 के उपनियम (4) के अधीन विद्यालय के लिए मान्यता प्रमाण-पत्र ।

महोदय/महोदया,

आपके तारीख ..... के आवेदन और इस संबंध में विद्यालय के साथ पश्चात्पूर्ती पत्राचार/निरीक्षण के प्रतिनिर्देश से, मैं ..... (विद्यालय का नाम, पते सहित) को तारीख ..... से तारीख ..... तक तीन वर्ष की अवधि के लिए कक्षा ..... से कक्षा ..... तक के लिए अनंतिम मान्यता प्रदान करने की संसूचना देता हूँ ।

उपरोक्त मंजूरी निम्नलिखित शर्तों के पूरा किए जाने के अध्वधीन है :—

1. मान्यता की मंजूरी विस्तारणीय नहीं है और उसमें किसी भी रूप में कक्षा 8 के पश्चात् मान्यता/संबंधन करने के लिए कोई बाध्यता विवक्षित नहीं है ।
2. विद्यालय निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (उपाबंध 1) और निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार नियम, 2010 (उपाबंध 2) के उपबंधों का पालन करेगा ।
3. विद्यालय कक्षा 1 में (या यथास्थिति, नर्सरी कक्षा में), उस कक्षा में बालकों की संख्या के ..... प्रतिशत तक आस-पड़ोस के कमजोर वर्गों और सुविधा-विहीन समूह के बालकों को प्रवेश प्रदान करेगा और उन्हें निःशुल्क और अनिवार्य प्राथमिक शिक्षा, उसके पूरा हो जाने तक उपलब्ध कराएगा ।
4. पैरा 3 में निर्दिष्ट बालकों के लिए, विद्यालय को अधिनियम की धारा 12 की उपधारा (2) के उपबंधों के अनुसार प्रतिपूरित किया जाएगा । ऐसी प्रतिपूर्तियां प्राप्त करने के लिए विद्यालय एक पृथक् बैंक खाता रखेगा ।
5. सोसाइटी/विद्यालय किसी कैपिटेशन शुल्क का संग्रहण नहीं करेगा और किसी बालक या उसके माता-पिता या संरक्षक को किसी स्क्रीनिंग प्रक्रिया के अध्वधीन नहीं करेगा ।
6. विद्यालय किसी बालक को, उसकी आयु का सबूत न होने के कारण प्रवेश देने से इंकार नहीं करेगा और वह अधिनियम की धारा 15 के उपबंधों का पालन करेगा । विद्यालय निम्नलिखित सुनिश्चित करेगा :
  - (i) प्रवेश दिए गए किसी भी बालक को, विद्यालय में उसकी प्राथमिक शिक्षा पूरी होने तक, किसी कक्षा में फेल नहीं किया जाएगा या उसे विद्यालय से निष्कासित नहीं किया जाएगा ;
  - (ii) किसी भी बालक को शारीरिक दंड या मानसिक उत्पीड़न के अध्वधीन नहीं किया जाएगा ;

- (iii) प्राथमिक शिक्षा पूरी होने तक किसी भी बालक से कोई बोर्ड परीक्षा उत्तीर्ण करने की अपेक्षा नहीं की जाएगी ;
  - (iv) प्राथमिक शिक्षा पूरी करने वाले प्रत्येक बालक को नियम 25 के अधीन अधिकथित किए गए अनुसार एक प्रमाण-पत्र प्रदान किया जाएगा ;
  - (v) अधिनियम के उपबंध के अनुसार निःशक्तता ग्रस्त/विशेष आवश्यकताओं वाले विद्यार्थियों को प्रवेश दिया जाना ;
  - (vi) अध्यापकों की भर्ती अधिनियम की धारा 23(1) के अधीन यथा अधिकथित न्यूनतम अर्हताओं के साथ की जाती है । परंतु यह और कि विद्यमान अध्यापक, जिनके पास इस अधिनियम के प्रारंभ पर न्यूनतम अर्हताएं नहीं हैं, पांच वर्ष की अवधि के भीतर ऐसी न्यूनतम अर्हताएं अर्जित करेंगे ;
  - (vii) अध्यापक अधिनियम की धारा 24(1) के अधीन विनिर्दिष्ट अपने कर्तव्यों का पालन करता है ; और
  - (viii) अध्यापक स्वयं को किसी निजी अध्यापन क्रियाकलापों में नियोजित नहीं करेंगे ।
7. विद्यालय समुचित प्राधिकारी द्वारा अधिकथित पाठ्यचर्या के आधार पर पाठ्यक्रम का पालन करेगा ।
  8. विद्यालय अधिनियम की धारा 19 में यथाविनिर्दिष्ट विद्यालय के मानकों और संनियमों को बनाए रखेगा । अंतिम निरीक्षण के समय रिपोर्ट की गई प्रसुविधाएं निम्नानुसार हैं :—
    - विद्यालय परिसर का क्षेत्रफल
    - कुल निर्मित क्षेत्र
    - क्रीड़ा-स्थल का क्षेत्रफल
    - कक्षाओं की संख्या
    - प्राध्यापक-सह-कार्यालय-सह-भांडागार के लिए कक्ष
    - बालक और बालिकाओं के लिए पृथक् शौचालय
    - पेयजल सुविधा
    - मिड-डे मील पकाने के लिए रसोई
    - बाधारहित पहुंच
    - अध्यापन पठन सामग्री/क्रीड़ा खेलकूद उपकरणों/पुस्तकालय की उपलब्धता
  9. विद्यालय के परिसरों के भीतर या उसके बाहर विद्यालय के नाम से कोई गैर-मान्यताप्राप्त कक्षाएं नहीं चलाई जाएंगी ।
  10. विद्यालय भवनों या अन्य संरचनाओं या क्रीड़ा-स्थल का प्रयोग केवल शिक्षा और कौशल विकास के प्रयोजनों के लिए किया जाता है ।
  11. विद्यालय को सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) के अधीन रजिस्ट्रीकृत किसी सोसाइटी द्वारा या तत्समय प्रवृत्त किसी विधि के अधीन गठित किसी लोक न्यास द्वारा चलाया जा रहा है ।
  12. स्कूल को किसी व्यक्ति, व्यक्तियों के समूह या संगम या किन्हीं अन्य व्यक्तियों के लाभ के लिए नहीं चलाया जा रहा है ।
  13. विद्यालय के लेखाओं की किसी चार्टर्ड अकाउंटेंट द्वारा संपरीक्षा की जानी चाहिए और उसके द्वारा प्रमाणित किया जाना चाहिए तथा उचित लेखा विवरण नियमों के अनुसार तैयार किए जाने चाहिए । प्रत्येक लेखा विवरण की एक प्रति प्रत्येक वर्ष जिला शिक्षा अधिकारी को भेजी जानी चाहिए ।

14. आपके विद्यालय को आबंटित मान्यता कोड संख्यांक ..... है। कृपया इसे नोट कर लें और इस कार्यालय के साथ किसी पत्राचार के लिए इस संख्यांक का उल्लेख करें।
15. विद्यालय ऐसी रिपोर्टें और सूचना प्रस्तुत करता है, जो समय-समय पर शिक्षा निदेशक/जिला शिक्षा अधिकारी द्वारा अपेक्षित हो और समुचित सरकार/स्थानीय प्राधिकारी के ऐसे अनुदेशों का पालन करता है, जो मान्यता संबंधी शर्तों के सतत् अनुपालन को सुनिश्चित करने या विद्यालय के कार्यकरण की कमियों को दूर करने के लिए जारी किए जाएं।
16. सोसाइटी के रजिस्ट्रीकरण के नवीकरण, यदि कोई हो, को सुनिश्चित किया जाए।
17. सलग्न उपाबंध के अनुसार अन्य कोई शर्त।

भवदीय,

जिला शिक्षा अधिकारी

## 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 school, 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 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 appropriate Government, local authority, school, parent and guardian;
- (b) ensure the implementation of clauses (a) and (c) 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 (j) 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 organise 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 organised 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 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 or the local authority shall be,

- (a) in respect of children in classes from 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 from 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 from I to V to include classes from VI to VIII and in respect of schools which start from class VI onwards, the appropriate Government or the local 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 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 Marriages Certification Act, 1886 (6 of 1886) is not available, any one of the following documents shall be deemed to be proof of age of the child for the 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 authorised 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 to 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 recognised 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 to in sub-rule (3) shall specify the nature of relaxation and the time period, not exceeding three years, but not beyond five years from the commencement of the Act, within which the 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 the 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 or 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 under 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 a school referred to in sub-clause (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 – CURRICULUM 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 specialised 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) coordinate with the State Advisory Councils;

(d) act as an interface between the public and the media and the Central Government in creating awareness, mobilisation, 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 specialised 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 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, Jt. Secy.

## APPENDIX

### FORM I

#### 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			
	Phone			(O) ..... (R) .....
8.	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	
	• Recognition number	
6.	Does the school has its own building or is it	

	running in a rented building.	
7.	Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development?	
8.	Total area of the school	
9.	Built in area of the school	

**D. Enrollment Status**

	Class	No. of Section	No. of Students
1.	Pre-primary		
2.	I – V		
3.	VI – VIII		

**E. Infrastructure Details & Sanitary Conditions**

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

**F. Other Facilities**

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

<b>G. Particulars of Teaching Staff</b>			
<b>1. Teaching in Primary/Upper Primary exclusively (details of each teacher separately)</b>			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualifications (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)
<b>2. Teaching in Both Elementary and Secondary (details of each teacher separately)</b>			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualifications (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)
<b>3. Head Teacher</b>			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualifications (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)

<b>H. Curriculum and Syllabus</b>		
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 :  
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 a period of three years w.e.f. \_\_\_\_\_ to \_\_\_\_\_.

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

1. The grant for recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VIII.
2. The School shall abide by the provisions of Right of Children to Free and Compulsory Education Act, 2009 (Annexure I) and the Right of Children to Free and Compulsory Education Rules, 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 within 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 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 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



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 508]

नई दिल्ली, बृहस्पतिवार, मार्च 24 2011/चैत्र 3, 1933

No. 508]

NEW DELHI, THURSDAY, MARCH 24, 2011/CHAITRA 3, 1933

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 23 मार्च, 2011

का.आ. 623(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उपधारा (2) और निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार नियम, 2010 के नियम 18 में प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा भारत के असाधारण राजपत्र के भाग III-खंड 4 में दिनांक 25 अगस्त, 2010 को राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा अधिसूचित न्यूनतम शिक्षक अर्हता मानकों के संबंध में उड़ीसा राज्य को कक्षा I-V और कक्षा VI-VIII के संबंध में निम्नलिखित छूट प्रदान करती है:-

- (क) कक्षा I-V में अध्यापक की नियुक्ति के लिए प्रारंभिक शिक्षा (जिस नाम से भी जानी जाती हो) में 2 वर्ष का डिप्लोमा; और
- (ख) कक्षा VI-VIII में अध्यापक की नियुक्ति के लिए शिक्षा में एक वर्ष स्नातक (बी.एड.)।

2. ऊपर उल्लिखित छूट अधिसूचना की तारीख से एक वर्ष की अवधि के लिए मान्य होगी और इस पर निम्नलिखित शर्तें लागू होंगी:-

- (i) राष्ट्रीय अध्यापक शिक्षा परिषद की ऊपर उल्लिखित अधिसूचना में विनिर्दिष्ट किए गए अनुसार उड़ीसा सरकार को राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा जारी दिनांक 11 फरवरी, 2011 के दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करनी चाहिए। केवल वही व्यक्ति जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है उन पर ही प्रारंभिक कक्षाओं में शिक्षक के रूप में नियुक्ति हेतु विचार किया जा सकता

है। यह केवल सरकारी और स्थानीय निकाय के स्कूलों पर ही लागू नहीं होगा बल्कि सभी सहायता प्राप्त और गैर-सहायता प्राप्त स्कूलों पर भी लागू होगा;

- (ii) राष्ट्रीय अध्यापक शिक्षा परिषद की ऊपर उल्लिखित अधिसूचना द्वारा निर्धारित न्यूनतम अर्हता के मानकों के अनुसार राज्य सरकार और अन्य स्कूल प्रबंधनों को भर्ती नियम संशोधित करने चाहिए;
- (iii) नियुक्ति के मामले में राष्ट्रीय अध्यापक शिक्षा परिषद की दिनांक 25 अगस्त, 2010 की अधिसूचना में विनिर्दिष्ट न्यूनतम अर्हताओं वाले पात्र अभ्यर्थियों को ही राज्य सरकार द्वारा प्राथमिकता दी जाएगी और उसके बाद ही इस अधिसूचना में विनिर्दिष्ट अर्हताओं में छूट वाले पात्र अभ्यर्थियों पर विचार किया जाएगा;
- (iv) शिक्षकों की नियुक्ति हेतु विज्ञापन का प्रचार किया जाना चाहिए (राज्य से बाहर सहित);
- (v) राष्ट्रीय अध्यापक शिक्षा परिषद की ऊपर उल्लिखित अधिसूचना में निर्धारित की गई न्यूनतम अकादमिक और व्यावसायिक अर्हता न रखने वाले शिक्षकों के लिए राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि वे इसे निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उपधारा (2) के अंतर्गत विनिर्दिष्ट समय-सीमा में प्राप्त कर लें;
- (vi) इस अधिसूचना में विनिर्दिष्ट छूट एक बार दी जाएगी और धारा 23 की उपधारा (2) के अंतर्गत राज्य सरकार को कोई और छूट नहीं दी जाएगी।

3. राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा दिनांक 11 फरवरी, 2011 के अपने पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैरा 5 के उप पैरा (iii) के अनुसार इस अधिसूचना के जारी होने के एक वर्ष के अंदर उड़ीसा सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में भाग लेने के लिए निम्नलिखित व्यक्ति भी पात्र होंगे:-

- (क) कक्षा I से V के लिए - कम-से-कम 50 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (अथवा समकक्ष);
- (ख) कक्षा VI से VIII के लिए - कम-से-कम 50 प्रतिशत अंकों के साथ बी.ए./बी.एससी.

4. इस अधिसूचना को राज्य सरकार के अनुरोध पर जारी किया जा रहा है क्योंकि राज्य सरकार के पास अध्यापक शिक्षा में पाठ्यक्रम प्रदान करने अथवा प्रशिक्षण देने के लिए पर्याप्त संस्थाएं नहीं हैं, अथवा राष्ट्रीय अध्यापक शिक्षा परिषद की दिनांक 25 अगस्त, 2010 की अधिसूचना में निर्धारित न्यूनतम अर्हताओं वाले व्यक्ति पर्याप्त संख्या में उपलब्ध नहीं हैं।

[फा. सं. 1-17/2010-ईई-4]

अनिता कौल, अपर सचिव

दिनांक: 23 मार्च, 2011

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT****(Department of School Education and Literacy)****NOTIFICATION**

New Delhi, the 23rd March, 2011

**S.O. 623(E).**—In exercise of the powers conferred by sub-section (2) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), and Rule 18 of the Right of Children to Free and Compulsory Education Rules, 2010, the Central Government hereby grants relaxation to the State of Orissa in respect of the minimum teacher qualification norms notified by the National Council for Teacher Education (NCTE) on 25th August, 2010 in the Gazette of India, Extraordinary, Part III, Section 4, insofar as they relate to classes I-V and VI-VIII, as under :—

- (a) 2-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I-V; and
- (b) 1-Year Bachelors in Education (B. Ed) for appointment of a teacher in classes VI to VIII.

2 The aforementioned relaxation would be valid for a period of **one year** from the date of the Notification and shall be subject to the following conditions, namely, -

- (i) As specified in the aforementioned Notification of the National Council for Teacher Education, the Government of Orissa should conduct the Teacher Eligibility Test (TET) in accordance with the Guidelines dated 11<sup>th</sup> February, 2011 issued by the National Council for Teacher Education. Only those persons who pass the TET can be considered for appointment as a teacher in elementary classes. This would apply not only to Government and local body schools, but also to all aided and unaided schools;
- (ii) The State Government and other school managements should amend the Recruitment Rules to correspond with the minimum qualification norms laid down by the aforementioned Notification of the National Council for Teacher Education;
- (iii) In the matter of appointment, the State Government shall give priority to those eligible candidates who possess the minimum qualifications specified in the National Council for Teacher Education Notification dated 25<sup>th</sup> August, 2010, and only thereafter consider the eligible candidates with the relaxed qualifications specified in this Notification;
- (iv) Advertisement for appointment of teachers should be given wide publicity (including outside the State);
- (v) The State Government and other school managements shall ensure that teachers not possessing the minimum academic and professional qualifications laid down in the aforementioned Notification of the National Council for Teacher Education shall acquire the same within the time limit

specified under sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009;

- (vi) The relaxation specified in this Notification will be one-time and no further relaxation under sub-section (2) of section 23 shall be given to the State Government.

3 In accordance with sub-para (iii) of para 5 of the Teacher Eligibility Test (TET) Guidelines issued by the National Council for Teacher Education vide its letter dated 11<sup>th</sup> February, 2011, the following persons shall also be eligible for appearing in the Teacher Eligibility Test conducted by the Government of Orissa within one year of the issue of this Notification :

- (a) For classes I to V – Senior Secondary (or equivalent) with at least 50% marks;  
(b) For classes VI to VIII - BA/B. Sc with at least 50% marks

4 This Notification is issued upon request by the State Government, since the State Government does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications laid down in the Notification dated 25<sup>th</sup> August, 2010 of the National Council for Teacher Education are not available in sufficient numbers.

[F. No. 1-17/2010-EE-4]

ANITA KAUL, Addl. Secy.

Dated : 23 March, 2011

No. 15745 B.M.

R. 31066

23-4-2010

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 622]

नई दिल्ली, सोमवार, अप्रैल 5, 2010/चैत्र 15, 1932

No. 622]

NEW DELHI, MONDAY, APRIL 5, 2010/CHAITRA 15, 1932

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा एवं साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 31 मार्च, 2010

का.आ. 749(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 29 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद् को प्रारम्भिक शिक्षा के लिए पाठ्यचर्या तथा मूल्यांकन प्रविधि निर्धारित करने और इस अधिनियम की धारा 7 की उप-धारा (4) के खण्ड (क) के तहत राष्ट्रीय पाठ्यचर्या संरचना तैयार करने वाले शैक्षिक प्राधिकरण के रूप में प्राधिकृत करती है।

[फा. सं. 1-13/2009-ई. ई.-4]

अनिता कौल, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 31st March, 2010

S.O. 749(E).—In exercise of the powers conferred by sub-section (1) of Section 29 of the Right of Children to Free and Compulsory Education Act, 2009, the Central Government hereby authorises the National Council of Educational Research and Training as the academic authority to lay down the curriculum and evaluation

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procedure for elementary education, and to develop a framework of national curriculum under clause (a) of sub-section (6) of Section 7 of the Act.

[F.No. 1-13/2009-EE-4]

ANITA KAUL, Jt. Secy.

अधिसूचना

नई दिल्ली, 31 मार्च, 2010

का.आ. 750(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा राष्ट्रीय अध्यापक शिक्षा परिषद् को शिक्षक के रूप में नियुक्त किए जाने के लिए पात्र व्यक्ति के लिए न्यूनतम अर्हताओं का निर्धारण करने वाले शैक्षिक प्राधिकरण के रूप में प्राधिकृत करती है।

[फा. सं. 1-13/2009-ई. ई.-4]

अनिता कौल, संयुक्त सचिव

NOTIFICATION

New Delhi, the 31st March, 2010

S.O. 750(E).—In exercise of the powers conferred by sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009, the Central Government hereby authorises the National Council for Teacher Education as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher.

[F.No. 1-13/2009-EE-4]

ANITA KAUL, Jt. Secy.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1388]

नई दिल्ली, बुधवार, जुलाई 25, 2012/श्रावण 3, 1934

No. 1388]

NEW DELHI, WEDNESDAY, JULY 25, 2012/SHRAVANA 3, 1934

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 25 जुलाई, 2012

का.आ. 1686(अ).—केन्द्रीय सरकार, निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार (संशोधन) अधिनियम, 2012 (2012 का 30) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 01 अगस्त, 2012 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. 1-28/2011-ईई.-4]

वृन्दा सरूप, अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 25th July, 2012

S.O. 1686(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012 (30 of 2012), the Central Government hereby appoints the 1st day of August, 2012 as the date on which the provisions of the said Act shall come into force.

[F. No. 1-28/2011-EE-4]

VRINDA SARUP, Addl. Secy.





# भारत का राजपत्र The Gazette of India

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1809]

नई दिल्ली, बृहस्पतिवार, सितम्बर 11, 2014/भाद्र 20, 1936

No. 1809]

NEW DELHI, THURSDAY, SEPTEMBER 11, 2014/BHADRA 20, 1936

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 12 अगस्त, 2014

**का.आ. 2301(अ).**—जबकि, केंद्र सरकार ने निःशुल्क एवं अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इस अधिसूचना में इसके पश्चात् आर टी ई अधिनियम के रूप में उल्लिखित) के तहत प्राप्त अधिकारों का प्रयोग करते हुए, दिनांक 17 अक्टूबर, 2012 भारत के राजपत्र, असाधारण के भाग-II, खण्ड-3, उप-खण्ड (ii) में प्रकाशित अधिसूचना सं. का.आ. 2512(अ), दिनांक 17 अक्टूबर, 2012 के तहत उत्तराखंड राज्य सरकार को 31 मार्च, 2014 की अवधि तक छूट प्रदान की है।

और जबकि, उत्तराखण्ड राज्य सरकार ने दिनांक 25 मार्च, 2014 के अपने पत्र के जरिए केन्द्र सरकार को शिक्षा का अधिकार अधिनियम की धारा 23 की उप-धारा (2) के तहत 31 मार्च, 2014 के पश्चात् दो वर्ष के लिए छूट बढ़ाए जाने का प्रस्ताव प्रस्तुत किया है।

और जबकि केन्द्र सरकार ने प्रदत्त छूट बढ़ाने के संबंध में उत्तराखंड राज्य सरकार के प्रस्ताव की जांच की है और इस पर विचार किया है।

इसलिए, अब केंद्र सरकार, शिक्षा का अधिकार अधिनियम की धारा 23 की उप-धारा (2) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा, राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा शिक्षा का अधिकार अधिनियम की धारा 23 की उप-धारा (1) के तहत (इस अधिसूचना में इसमें इसके पश्चात् एनसीटीई के रूप में उल्लिखित, जहां तक कि कक्षा I से V का संबंध है, अधिसूचित की गई न्यूनतम अर्हताओं के संबंध में उत्तराखंड राज्य सरकार को प्रदान की गई छूट को बढ़ाती है और समय-समय पर यथा संशोधित, भारत के राजपत्र असाधारण के भाग-III,

खण्ड 4, दिनांक 25 अगस्त, 2010 (इसमें इसके पश्चात् उक्त अधिसूचना के रूप में उल्लिखित) प्रकाशित दिनांक 23 अगस्त, 2010 की अधिसूचना सं. एफ सं. 61-03/20/2010/एनसीटीई/(एनएंडएस) के खण्ड (i) की उप-धारा (क) में उल्लिखित पात्र व्यक्तियों को, उक्त उप-धारा के तहत विनिर्दिष्ट शर्तों को पूरा करने के अध्यक्षीन कक्षा I से V तक के लिए अध्यापक के रूप में नियुक्ति के लिए 31 मार्च, 2014 से आगे अनुमति प्रदान करती है।

2. इस अधिसूचना के तहत प्रदान की गई छूट निम्नलिखित शर्तें पूरी करने के अध्यक्षीन 31 मार्च, 2016 की अवधि तक वैध रहेगी नामतः :—

- (i) अध्यापक पात्रता परीक्षा आयोजित करने के लिए एनसीटीई द्वारा जारी दिनांक 11 फरवरी, 2011 के दिशा-निर्देशों के अनुसार उत्तराखंड राज्य सरकार समय-समय पर यथा संशोधित एनसीटीई की उक्त अधिसूचना में यथा निर्दिष्ट अध्यापक पात्रता परीक्षा आयोजित कराएंगी और उन व्यक्तियों पर, जो अध्यापक पात्रता परीक्षा उत्तीर्ण करते हैं कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्त करने पर विचार किया जाएगा।
- (ii) राज्य सरकार और अन्य स्कूल प्रबंधन अध्यापकों की नियुक्ति से संबंधित भर्ती नियमों को संशोधित करेंगे ताकि, उक्त अधिसूचना के तहत अध्यापकों की नियुक्ति हेतु निर्धारित न्यूनतम अर्हताओं को उपलब्ध कराया जा सके;
- (iii) राज्य सरकार अध्यापकों की नियुक्ति के मामले में उन पात्र अभ्यर्थियों को प्राथमिकता देगी जिनके पास उक्त अधिसूचना में समय-समय पर यथा संशोधित न्यूनतम अर्हताएं हैं और इसके पश्चात् यह उक्त अधिसूचना के पैराग्राफ 3 की (i) की उप-धारा (क) में उल्लिखित अर्हताओं वाले अन्य पात्र अभ्यर्थियों पर विचार करेगी;
- (iv) अध्यापकों की नियुक्ति के लिए राज्य से बाहर सहित विज्ञापनों का व्यापक प्रचार किया जाएगा;
- (v) राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि उनके द्वारा नियोजित या नियुक्त अध्यापक, जिनके पास उक्त अधिसूचना के पैराग्राफ 3 के खण्ड (i) के उप-खण्ड (क) में उल्लिखित न्यूनतम अर्हताएं हैं, नियुक्ति के पश्चात् राष्ट्रीय अध्यापक शिक्षा परिषद् (एनसीटीई) मान्यता प्राप्त प्रारंभिक शिक्षा में छह माह का विशेष स्वीकृत कार्यक्रम करेगी।
- (vi) राज्य सरकार; विनिर्दिष्ट अर्हताओं सहित व्यक्तियों को तैयार करते हुए संस्थागत क्षमता में वृद्धि करने के उपाय करेगी ताकि यह सुनिश्चित किया जा सके कि 31 मार्च, 2016 के पश्चात् कक्षा I से V के लिए केवल उक्त अधिसूचना के तहत निर्धारित अर्हताएं धारण करने वाले व्यक्ति ही अध्यापक के रूप में नियुक्त किए जाते हैं।

3. उक्त अधिसूचना के पैराग्राफ 3 के खण्ड (i) के उप-खण्ड (क) में उल्लिखित व्यक्ति भी एनसीटीई के दिनांक 11 फरवरी, 2011 के पत्र के जरिए जारी शिक्षा का अधिकार अधिनियम के तहत अध्यापक पात्रता परीक्षा आयोजन के दिशानिर्देशों के पैरा 5 के उप-पैरा (iii) के अनुसार राज्य में 31 मार्च, 2016 तक अध्यापकों की नियुक्तियों के संबंध में राज्य सरकार द्वारा आयोजित परीक्षा में सम्मिलित होने के पात्र होंगे।

[फा. सं. 1-17/2010-ईई 4]

वृंदा सरूप, अवर सचिव

# MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

## NOTIFICATION

New Delhi, the 12th August, 2014

**S.O. 2301(E).**—Whereas the Central Government in exercise of powers under sub-section (2) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter in this notification referred to as the RTE Act) granted relaxation to the State Government of Uttarakhand for a period up to 31st March, 2014 *vide* notification number S.O. 2512(E), dated the 17th October, 2012 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 17th October, 2012.

And whereas the State Government of Uttarakhand *vide* its letter dated the 25th March, 2014 submitted a proposal to the Central Government for extension of relaxation under Sub-section (2) of Section 23 of the RTE Act for a period of two years beyond 31st March, 2014;

And whereas the Central Government examined and considered the proposal of the State Government of Uttarakhand for extension of relaxation granted.

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 23 of the RTE Act, the Central Government hereby extends the relaxation to the State Government of Uttarakhand, in respect of the minimum qualifications notified by the National Council for Teacher Education (hereinafter in this notification referred to as the NCTE) under sub-section (1) of Section 23 of the RTE Act in so far as they relate to classes I to V, and allows persons referred to in sub-clause (a) of clause (i) of paragraph 3 of the notification number F. No. 61-03/20/2010/NCTE/(N&S), dated the 23rd August, 2010, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25th August, 2010, (hereinafter referred to as the said notification) as amended from time to time, eligible for appointment as teacher for classes I to V beyond the 31st March, 2014, subject to fulfilment of the conditions specified under the said sub-clause.

2. The relaxation granted under this notification shall be valid for a period upto the 31st March, 2016, subject to fulfilment of the following conditions, namely:—

- (i) the State Government of Uttarakhand shall conduct the Teacher Eligibility Test as specified in the said notification of the NCTE as amended from time to time, in accordance with the guidelines for conducting Teacher Eligibility Test, dated the 11th February, 2011 issued by the NCTE and those persons who pass the Teacher Eligibility Test be considered for appointment as a teacher in classes I to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules relating to appointment of teachers so as to provide for the minimum qualifications required for appointment of teachers laid down under the said notification;
- (iii) the State Government shall in the matter of appointment of teachers give priority to those eligible candidates who possess the minimum qualifications specified in the said notification as amended from time to time and thereafter consider other candidates eligible with the qualifications referred to in sub-clause (a) of clause (i) of paragraph 3 of the said notification;
- (iv) advertisement for appointment of teachers shall be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers employed or engaged by them who possess the minimum qualifications referred to in sub-clause (a) of clause (i) of paragraph 3 of the said notification undergo after appointment, a National Council for Teacher Education (NCTE) recognised six month Special Programme in Elementary Education;
- (vi) the State Government shall take steps to increase the institutional capacity for preparing persons with specified qualifications so as to ensure that only persons possessing qualifications laid down under the said notification are appointed as teachers for classes I to V after the 31st March, 2016.

3. The persons referred to in sub-clause (a) of clause (i) of paragraph 3 of the said notification, shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government in respect of teacher appointments to be made in the State up to 31st March, 2016, in accordance with sub-paragraph (iii) of paragraph 5 of the guidelines for conducting Teacher Eligibility Test under the RTE Act issued by the NCTE *vide* its letter dated 11th February, 2011.

[F. No. 1-17/2010-EE 4]

VRINDA SARUP, Addl. Secy.

CR-39



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2081]

नई दिल्ली, बुधवार, अक्टूबर 17, 2012/आश्विन 25, 1934

No. 2081]

NEW DELHI, WEDNESDAY, OCTOBER 17, 2012/ASVINA 25, 1934

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 17 अक्टूबर, 2012

का.आ. 2512(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसमें इसके पश्चात उक्त अधिनियम के रूप में उल्लिखित) की धारा 23 की उपधारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद (इसमें इसके पश्चात परिषद के नाम से उल्लिखित) ने 25 अगस्त, 2010 को भारत के राजपत्र, असाधारण, भाग III खंड 4 में प्रकाशित अधिसूचना सं. एफ.सं. 61-03/20/2010/एनसीटीई/(एनएंडएस) दिनांक 23.08.2010 में उक्त अधिनियम की धारा 2 में खंड (द) में उल्लिखित स्कूल में कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्ति हेतु न्यूनतम अर्हताएं निर्धारित की हैं;

और जबकि समय-समय पर यथासंशोधित उक्त अधिसूचना के पैरा 3 की धारा (1) की उपधारा (क) में यह प्रावधान है कि न्यूनतम पचास प्रतिशत अंक तथा शिक्षा स्नातक (बी.एड.) अर्हता अथवा न्यूनतम पैंतालीस प्रतिशत अंक तथा एक वर्षीय शिक्षा स्नातक जो कि समय समय पर यथा संशोधित राष्ट्रीय अध्यापक शिक्षा परिषद (एनसीटीई) (मान्यता मानदंड तथा प्रक्रिया) विनियम के अनुसार हो, वाला व्यक्ति 1 जनवरी, 2012 तक कक्षा I से V में नियुक्ति के लिए भी पात्र होगा बशर्ते कि नियुक्ति के पश्चात वह प्रारंभिक शिक्षा में राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा मान्यता प्राप्त छह मास का विशेष कार्यक्रम पूरा कर ले।

और जबकि अधिनियम की धारा 23 की उपधारा 2 में प्रावधान है कि जहां किसी राज्य में अध्यापक शिक्षा के पाठ्यक्रम या प्रशिक्षण प्रदान करने वाली संस्थाएं पर्याप्त नहीं हैं या अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत निर्धारित न्यूनतम योग्यता वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं तो केन्द्र सरकार, यदि आवश्यक समझे तो अधिसूचना द्वारा अध्यापक के रूप में नियुक्ति हेतु अपेक्षित न्यूनतम योग्यताओं में अधिसूचना में विनिर्दिष्ट अवधि के लिए छूट दे सकती है, जो पांच वर्ष से अधिक नहीं हो सकती;

और जबकि उत्तराखंड राज्य सरकार द्वारा दिनांक 3 अगस्त, 2012 के अपने पत्र द्वारा उक्त अधिनियम के खंड 23 के उप खंड (1) के अंतर्गत परिषद द्वारा शिक्षकों की नियुक्ति हेतु रखी गई न्यूनतम अर्हताओं की आवश्यकता में समय-समय पर यथासंशोधित उक्त अधिसूचना के पैरा 3 की धारा (1) की उपधारा (क) में उल्लिखित व्यक्तियों को उक्त उपधारा में निहित शर्तों को पूरा करने के अधीन दिनांक 1 जनवरी, 2012 के बाद कक्षा I से V हेतु अध्यापक के रूप में

नियुक्ति के लिए पात्र व्यक्तियों को अनुमति प्रदान करते हुए छूट के लिए केन्द्र सरकार को प्रस्ताव प्रस्तुत किया गया;

और जबकि केन्द्र सरकार उत्तराखंड की राज्य सरकार के इस प्रस्ताव से संतुष्ट होते हुए कि उक्त अधिनियम की धारा 23 की उपधारा (1) के तहत निर्धारित न्यूनतम अर्हता वाले अध्यापक नहीं हैं और यह आवश्यक समझे कि उत्तर प्रदेश राज्य के संबंध में अध्यापकों की नियुक्ति के लिए न्यूनतम आवश्यक योग्यताओं में उक्त अधिनियम की धारा 23 की उप-धारा (2) के तहत छूट प्रदान की जाएगी;

अतः उक्त अधिनियम की धारा 23 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत परिषद द्वारा कक्षा I-V से संबंधित अधिसूचित न्यूनतम अध्यापक योग्यता मानदंडों के संबंध में समय-समय पर यथासंशोधित उक्त अधिसूचना के पैरा 3 की धारा (1) की उपधारा (क) में उल्लिखित व्यक्तियों को उक्त उपधारा में निहित शर्तों को पूरा करने के अधीन दिनांक 1 जनवरी, 2012 के बाद कक्षा I से V हेतु अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्तियों को अनुमति प्रदान करते हुए छूट प्रदान करती है।

2. इस अधिसूचना के अंतर्गत दी गई छूट निम्नलिखित शर्तों को पूरा करते हुए 31 मार्च, 2014 तक के लिए मान्य होगी:

- (i) परिषद की उपर्युक्त अधिसूचना में विनिर्दिष्ट अनुसार उत्तराखंड सरकार परिषद द्वारा दिनांक 11 फरवरी, 2011 को समय-समय पर यथासंशोधित जारी दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करेगी तथा कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है।
- (ii) राज्य सरकार और अन्य स्कूल प्रबंधन भर्ती नियमावली में संशोधन करेंगे ताकि समय-समय पर संशोधित उक्त अधिसूचना तथा परिषद की संशोधित अधिसूचना द्वारा शिक्षकों की नियुक्ति हेतु अपेक्षित निर्धारित न्यूनतम योग्यताओं का प्रावधान किया जा सके;
- (iii) नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो उक्त अधिसूचना, समय-समय पर यथासंशोधित, में विनिर्दिष्ट न्यूनतम योग्यता रखते हैं तथा उसके पश्चात उन पात्र अभ्यर्थियों पर विचार करेंगे जो इस अधिसूचना के पैरा 3 की धारा (1) की उपधारा (क) में उल्लिखित योग्यता रखते हैं;
- (iv) अध्यापकों की नियुक्ति हेतु विज्ञापन का राज्य से बाहर सहित व्यापक प्रचार किया जाना चाहिए।
- (v) राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि परिषद की समय-समय पर संशोधित उक्त अधिसूचना के पैरा 3 की धारा (1) की उपधारा (क) में उल्लिखित नियुक्ति के पश्चात प्रारंभिक शिक्षा में राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा मान्यता प्राप्त छः माह का विशेष कार्यक्रम पूरा हो।
- (vi) इस अधिसूचना में विनिर्दिष्ट छूट एक बार के लिए होगी तथा उत्तराखंड राज्य को धारा 23 की उपधारा (2) के अंतर्गत आगे कोई छूट नहीं दी जाएगी।
- (vii) विशिष्ट अर्हताओं वाले व्यक्तियों को तैयार करने के लिए राज्य सरकार को संस्थागत क्षमता में वृद्धि करने के लिए कदम उठाने होंगे ताकि यह सुनिश्चित किया जा सके कि 31 मार्च, 2014 के पश्चात कक्षा I-VIII में केवल अर्हता प्राप्त व्यक्तियों को ही शिक्षकों के रूप में नियुक्त किया जाए।

3. परिषद के दिनांक 11 फरवरी, 2011 के पत्र द्वारा उक्त अधिनियम के अंतर्गत जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैराग्राफ 5 के उप पैराग्राफ (iii) के अनुसार समय-समय पर यथासंशोधित उक्त अधिसूचना के पैरा 3 की धारा (1) की उपधारा (क) में उल्लिखित व्यक्ति 31 मार्च, 2014 तक राज्य में की जाने वाली अध्यापक की नियुक्ति के संबंध में राज्य सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में बैठने के लिए भी पात्र होंगे।

[फा. सं. 1-17/2010-ई.ई. 4]

वृंदा सरूप, अपर सचिव

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

## NOTIFICATION

New Delhi, the 17th October, 2012

**S.O. 2512(E).**—WHEREAS the National Council for Teacher Education (hereinafter referred to as the Council), in pursuance of sub-section (1) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), (hereinafter referred to as the said Act), has, vide its notification number F.No.61/03/20/2010/NCTE/(N&S), dated the 23<sup>rd</sup> August, 2010, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25<sup>th</sup> August, 2010, (hereinafter referred to as the said notification), laid down the minimum qualifications for a person to be eligible for appointment as a teacher for classes I to VIII in a school referred to in clause (n) of section 2 of the said Act.

AND WHEREAS sub-clause (a) of clause (i) of paragraph 3 of the said notification as amended from time to time, provides that a person with graduation with atleast fifty per cent marks and Bachelor of Education (B.Ed) qualification or with at least forty-five per cent marks and one year Bachelor in Education in accordance with the National Council for Teacher Education (NCTE) (Recognition Norms and Procedure) Regulations, referred to in the said Notification as amended from time to time, shall also be eligible for appointment to Class I to V up to 1<sup>st</sup> January, 2012, provided he/she undergoes, after appointment, a National Council for Teacher Education (NCTE) recognised six month Special Programme in Elementary Education.

AND WHEREAS sub-section (2) of section 23 of the said Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) of section 23 of the said Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in that notification;

AND WHEREAS the State Government of Uttarakhand vide its letter dated the 3<sup>rd</sup> August, 2012 submitted a proposal to the Central Government for relaxation of the requirement of minimum qualifications for appointment of teachers laid down by the Council under sub-section (1) of section 23 of the said Act, by allowing persons referred to in sub-clause (a) of clause (i) of paragraph 3 of the said notification, as amended from time to time, eligible for appointment as a teacher for classes I to V beyond 1<sup>st</sup> January, 2012, subject to the fulfilment of conditions laid down in the said sub-clause.

AND WHEREAS the Central Government on being satisfied with the proposal of the State Government of Uttarakhand that the teachers possessing minimum qualification as laid down under sub-section (1) of section 23 of the said Act are not available in that State in sufficient numbers, and it deems necessary that the requirement of minimum qualifications for appointment as teachers in respect of State of Uttarakhand be relaxed under sub-section (2) of section 23 of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 23 of the said Act, the Central Government hereby relaxes in respect of the State of Uttarakhand, the minimum qualifications laid down by the Council under sub-section (1) of section 23 of the said Act in so far as they relate to classes I to V, and allows persons referred to in sub-clause (a) of clause (i) of paragraph 3 of the said notification as amended from time to time, eligible for appointment as teacher for classes I to V beyond the 1<sup>st</sup> January, 2012, subject to fulfilment of the conditions specified under the said sub-clause.

2. The relaxation granted under this notification shall be valid for a period upto the 31<sup>st</sup> March, 2014, subject to fulfilment of following conditions, namely:-

- (i) the State Government shall conduct the Teacher Eligibility Test as specified in the said notification as amended from time to time, in accordance with the Guidelines for conducting Teacher Eligibility Test, under the said Act, issued by the Council vide its letter dated the 11<sup>th</sup> February, 2011 and those persons who pass the Teacher Eligibility Test be considered for appointment as teacher in classes I to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules relating to appointment of teachers so as to provide for the minimum qualifications required for appointment of teachers, laid down under the said notification as amended from time to time;
- (iii) the State Government shall in the matter of appointment of teachers give priority to those eligible candidates who possess the minimum qualifications specified in the said notification as amended from time to time and thereafter consider other candidates eligible with the qualifications referred to in sub-clause (a) of clause (i) of paragraph 3 thereof;
- (iv) advertisement for appointment of teachers shall be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers employed or engaged by them who possess the minimum qualifications referred to in sub-clause (a) of clause (i) of paragraph 3 of the said notification as amended from time to time, under go, after appointment, a National Council for Teacher Education (NCTE) recognised six month Special Programme in Elementary Education;

(vi) the relaxation specified in this notification shall be one-time and no further relaxation under sub-section (2) of section 23 of the said Act shall be granted to the State of Uttarakhand; and

(vii) the State Government shall take steps to increase the institutional capacity for preparing persons with specified qualifications so as to ensure that only persons possessing qualifications laid down under the said notification are appointed as teachers for classes I to V after the 31<sup>st</sup> March, 2014.

3. The persons referred to in sub-clause (a) of clause (i) of paragraph 3 of the said notification as amended from time to time, shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government in respect of teacher appointments made in the State up to 31<sup>st</sup> March, 2014, in accordance with sub-paragraph (iii) of paragraph 5 of the guidelines for conducting Teacher Eligibility Test under the said Act issued by the Council vide its letter dated the 11<sup>th</sup> February, 2011.

[F.No. I-17/2010-EE.4]

VRINDA SARUP, Addl. Secy.

#### अधिसूचना

नई दिल्ली, 17 अक्टूबर, 2012

का.आ. 2513(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसमें इसके पश्चात उक्त अधिनियम के रूप में उल्लिखित) की धारा 23 की उपधारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद (इसमें इसके पश्चात परिषद के नाम से उल्लिखित) ने 25 अगस्त, 2010 को भारत के राजपत्र, असाधारण, भाग III खंड 4 में प्रकाशित अधिसूचना सं. एफ.सं. 61-03/20/2010/एनसीटीई/(एनएंडएस) दिनांक 23.08.2010 (दिनांक 2 अगस्त, 2011 को भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित अधिसूचना सं. 61-1/2011-एनसीटीई (एनएंडएस) द्वारा यथासंशोधित) में उक्त अधिनियम की धारा 2 में खंड (ढ) में उल्लिखित स्कूल में कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्ति हेतु न्यूनतम अर्हताएं निर्धारित की हैं;

और जबकि अधिनियम की धारा 23 की उपधारा 2 में प्रावधान है कि जहां किसी राज्य में अध्यापक शिक्षा के पाठ्यक्रम या प्रशिक्षण प्रदान करने वाली संस्थाएं पर्याप्त नहीं हैं या अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत निर्धारित न्यूनतम योग्यता वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं तो केन्द्र सरकार, यदि आवश्यक समझे तो अधिसूचना द्वारा अध्यापक के रूप में नियुक्ति हेतु अपेक्षित न्यूनतम योग्यताओं में अधिसूचना में विनिर्दिष्ट अवधि के लिए छूट दे सकती है, जो पांच वर्ष से अधिक नहीं हो सकती;

और जबकि हिमाचल प्रदेश राज्य सरकार ने केन्द्र सरकार को दिनांक 21 जुलाई, 2012 के अपने पत्र द्वारा उक्त अधिनियम के खंड 23 के उप खंड (1) के अंतर्गत परिषद द्वारा कक्षा VI से VIII हेतु शिक्षकों के रूप में नियुक्ति हेतु भाषा अध्यापक (हिन्दी) तथा शास्त्री (संस्कृत) के संबंध में शिक्षा स्नातक (बी.एड.) की न्यूनतम अर्हता की आवश्यकता में छूट हेतु प्रस्ताव प्रस्तुत किया;

और जबकि केन्द्र सरकार हिमाचल प्रदेश की राज्य सरकार के इस प्रस्ताव से संतुष्ट होते हुए कि उक्त अधिनियम की धारा 23 की उपधारा (1) के तहत निर्धारित न्यूनतम अर्हता वाले अध्यापक नहीं हैं और यह आवश्यक समझे कि हिमाचल प्रदेश राज्य के संबंध में भाषा अध्यापकों (हिन्दी) तथा शास्त्री (संस्कृत) के रूप में अध्यापकों की नियुक्ति के लिए न्यूनतम आवश्यक योग्यताओं में उक्त अधिनियम की धारा 23 की उप-धारा (2) के तहत छूट प्रदान की जाएगी;

अतः निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा हिमाचल प्रदेश राज्य के संबंध में उक्त अधिनियम की धारा 23 की उपधारा (1) के

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अंतर्गत राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा निर्धारित न्यूनतम योग्यताओं के संबंध में दिनांक 23 अगस्त, 2010 की अधिसूचना सं. एफ.61-3/2010/एनसीटीई/(एनएंडएस) दिनांक 2 अगस्त, 2011 की अधिसूचना सं. 158 द्वारा यथासंशोधित, जहां तक वे कक्षा VI से VIII से संबंधित हैं, में कक्षा VI से VIII के लिए भाषा अध्यापक (हिन्दी) तथा शास्त्री (संस्कृत) की नियुक्ति हेतु एक वर्षीय शिक्षा स्नातक में छूट प्रदान करती है।

2. इस अधिसूचना के अंतर्गत दी गई छूट निम्नलिखित शर्तों को पूरा करते हुए 31 मार्च, 2014 तक के लिए मान्य होगी:

- (i) परिषद की उपर्युक्त अधिसूचना में विनिर्दिष्ट अनुसार राज्य सरकार परिषद द्वारा दिनांक 11 फरवरी, 2011 को समय-समय पर यथासंशोधित जारी दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करेगी तथा कक्षा VI-VIII के लिए भाषा अध्यापक (हिन्दी) तथा शास्त्री (संस्कृत) के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है।
- (ii) राज्य सरकार और अन्य स्कूल प्रबंधन भर्ती नियमावली में संशोधन करेंगे ताकि समय-समय पर संशोधित उक्त अधिसूचना तथा परिषद की संशोधित अधिसूचना द्वारा शिक्षकों की नियुक्ति हेतु अपेक्षित निर्धारित न्यूनतम योग्यताओं का प्रावधान किया जा सके;
- (iii) नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो उक्त अधिसूचना, समय-समय पर यथासंशोधित, में विनिर्दिष्ट न्यूनतम योग्यता रखते हैं तथा उसके पश्चात उन पात्र अभ्यर्थियों पर विचार करेंगे जो इस अधिसूचना के तहत छूट प्राप्त योग्यता सहित पात्र हैं;
- (iv) राज्य सरकार तथा अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि छूट प्राप्त योग्यता मानदंडों के तहत नियुक्त अध्यापक नियुक्ति के वर्ष से दो वर्ष की अवधि के भीतर उक्त अधिसूचना में निर्दिष्ट न्यूनतम योग्यता प्राप्त कर लेंगे;
- (v) इस अधिसूचना में निर्दिष्ट छूट भाषा अध्यापक (हिन्दी) तथा शास्त्री (संस्कृत) के संबंध में एक बारगी होगी और उक्त अधिनियम के खंड 23 के उपखंड (2) के अंतर्गत हिमाचल प्रदेश राज्य को आगे कोई छूट प्रदान नहीं की जाएगी।

3. संगत विषय में पचास प्रतिशत अंकों के साथ स्नातक योग्यता वाले व्यक्ति भी परिषद के दिनांक 11 फरवरी, 2011 द्वारा जारी उक्त अधिनियम के तहत अध्यापक पात्रता परीक्षा के संचालन हेतु दिशा-निर्देशों के अनुच्छेद 5 के उप पैरा (iii) के अनुसार 31 मार्च, 2014 तक राज्य में की जाने वाली भाषा अध्यापक (हिन्दी) तथा शास्त्री (संस्कृत) की नियुक्ति के संबंध में राज्य सरकार द्वारा संचालित अध्यापक पात्रता परीक्षा में भाग लेने के पात्र होंगे

[फा. सं. 1-17/2010-ई.ई. 4]

वृंदा सरूप, अपर सचिव

#### NOTIFICATION

New Delhi, the 17th October, 2012

**S.O. 2513(E).**—WHEREAS the National Council for Teacher Education (hereinafter referred to as the Council), in pursuance of sub-section (1) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), (hereinafter referred to as the said Act), has, vide notification number F.No.61-03/20/2010/NCTE/(N&S), dated the 23<sup>rd</sup> August, 2010, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25<sup>th</sup> August, 2010, as amended vide notification no. 61-1/2011-NCTE (N&S) published in the Gazette of India Extraordinary, Part-III, Section 4 dated 2<sup>nd</sup> August, 2011 laid down the minimum qualifications for a person to be eligible for appointment as a teacher for classes I to VIII in a school referred to in clause (n) of section 2 of the said Act.

AND WHEREAS sub-section (2) of section 23 of the said Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) of section 23 of the said Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification;

AND WHEREAS the State Government of Himachal Pradesh vide its letter dated the 21<sup>st</sup> July, 2012 submitted a proposal to the Central Government for relaxation of the requirement of minimum qualification of Bachelor in Education (B.Ed) in respect of Language Teachers (Hindi) and Shastri (Sanskrit) for appointment as teachers for class VI to class VIII as laid down by the Council under sub-section (1) of section 23 of the said Act;

AND WHEREAS the Central Government on being satisfied with the proposal of the State Government of Himachal Pradesh that the possessing minimum qualification as laid down under sub-section (1) of section 23 of the said Act in respect of Language Teachers (Hindi) and Shastri (Sanskrit) are not available in that State and it deems necessary that relaxation of the requirement of minimum qualifications for appointment of Language Teachers (Hindi) and Shastri (Sanskrit) as teachers in respect of State of Himachal Pradesh may be relaxed under sub-section (2) of section 23 of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby relaxes in respect of the State of Himachal Pradesh, the requirement of the minimum qualifications laid down by the National Council for Teacher Education under sub-section (1) of section 23 of the said Act vide notification number F. No. 61-03/2010/NCTE/(N&S), dated the 23<sup>rd</sup> August, 2010 (hereinafter referred to as the said notification), as amended by notification number 158, dated the 2<sup>nd</sup> August, 2011, in so far as they relate to classes VI to VIII, namely one-year Bachelor in Education for appointment of a Language teacher (Hindi) and Shastri for classes VI to VIII.

2. The relaxation granted under this notification shall be valid for a period upto the 31<sup>st</sup> March, 2014, subject to fulfilment of following conditions, namely:-

- (i) the State Government shall conduct the Teacher Eligibility Test as specified in the said notification, as amended from time to time, of the Council in accordance with the Guidelines for conducting Teacher Eligibility Test under the said Act issued by the Council vide its letter dated the 11<sup>th</sup> February, 2011 and those persons who pass the Teacher Eligibility Test be considered for appointment as a Language teacher (Hindi) and Shastri (Sanskrit) for classes VI to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules relating to appointment of teachers so as to provide for the minimum

- qualifications required for appointment of teachers as laid down under the said notification as amended from time to time;
- (iii) the State Government shall in the matter of appointment of teachers give priority to those eligible candidates who possess the minimum qualifications specified in the said notification, as amended from time to time, and thereafter, consider other candidates eligible with the relaxed qualifications under this notification;
- (iv) the State Government and other school managements shall ensure that the teachers who are appointed under the relaxed qualification norms acquire the minimum qualification specified in the said notification within a period of two years from the year of appointment;
- (v) the relaxation specified in this notification will be one-time in respect of the Language Teachers (Hindi) and Shastri (Sanskrit) and no further relaxation under sub-section (2) of section 23 of the said Act shall be granted to the State of Himachal Pradesh;
3. The persons possessing Graduation with fifty per cent marks in the relevant subject shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government in respect of teacher appointments for Language Teachers (Hindi) and Shastri (Sanskrit) made in the State upto the 31<sup>st</sup> March, 2014, in accordance with sub-paragraph (iii) of paragraph 5 of the Guidelines for conducting Teacher Eligibility Test under the said Act, issued by the Council vide its letter dated the 11<sup>th</sup> February, 2011.

[F.No. 1-17/2010-EE. 4]

VRINDA SARUP, Addl. Secy.

CR-39

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Government of Kerala  
2015



Regn. No. KERBIL/2012/45073  
dated 5-9-2012 with RNI  
Reg. No. KL/TV(NY)634/2015-17

**കേരള ഗസറ്റ്**  
**KERALA GAZETTE**

**അസാധാരണ**  
**EXTRAORDINARY**

**ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്**  
**PUBLISHED BY AUTHORITY**

വാല്യം 4 Vol. IV	തിരുവനന്തപുരം, ബുധൻ Thiruvananthapuram, Wednesday	2015 മാർച്ച് 18 18th March 2015 1190 മീനം 4 4th Meenam 1190 1936 ഫാൽഗുനം 27 27th Phalguna 1936	നമ്പർ } No. } 611
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**GOVERNMENT OF KERALA**  
**General Education (J) Department**

**NOTIFICATION**

G. O. (P) No. 60/2015/G.Edn. Dated, Thiruvananthapuram, 26th February, 2015  
14th Kumbham, 1190.

**S. R. O. No. 137/2015.**—In exercise of the powers conferred by sub-section (1) of section 34 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009) read with Rule 25 of the Kerala Right of Children to Free and Compulsory Education Rules, 2011, and in suppresion of the notification No. G. O. (P) No. 50/2014/G.Edn. dated 4th March, 2014 published as S.R.O. No. 200/2014, the Government of Kerala hereby reconstitute the State Advisory Council with the following Members, namely:—

1. Hon'ble Minister,  
General Education

.. Ex-officio Chairperson

2. Smt. U. K. Shyamala, .. Member  
ADPI, DPI Office,  
Thiruvananthapuram,  
Udiyatt House,  
Padinjarekkara P. O.,  
Vaikom, Kottayam District
3. Smt. Thankamony, N. I., .. Member  
(DDE, Wayanad)  
Sreekrishna Nilayam,  
Near KSRTC,  
Sulthan Bathery, Wayanad
4. Sri Abdul Razak, K., .. Member  
Principal,  
DIET, Tirur,  
Malappuram
5. Sr. Victoria, .. Member  
Karuna School for Speech and  
Hearing, Eranjipalam,  
Poul Nagar, Calicut-6.
6. Smt. S. Sreelatha, .. Member  
'Anangya',  
Panamvila, Soolamkudi,  
Poovar P. O.,  
Thiruvananthapuram
7. Prof. A. Faziluddin, .. Member  
Principal,  
Farook Training College,  
P. O. Farook College,  
Kozhikode District
8. Dr. Vaheeda, K. I., ... Member  
Senior Consultant,  
Paediatrics and Adolescent Specialist,  
Taluk Hospital,  
Ponnani
9. Secretary, General Education .. Ex-officio Member

- |   |                                    |
|---|------------------------------------|
| 10. Director of Public Instruction  | .. Ex-officio Member               |
| 11. Head of Department of Education,<br>University of Kerala                  | .. Ex-officio Member               |
| 12. Chairperson, Kerala State<br>Commission for Protection of<br>Child Rights | .. Ex-officio Member               |
| 13. Director, State Council of Education<br>Research and Training             | .. Ex-officio Member               |
| 14. State Project Director,<br>Sarva Shiksha Abhiyan                          | .. Ex-officio Member-<br>Secretary |

Secretarial support to the Member Secretary shall be provided by the Sarva Shiksha Abhiyan.

By order of the Governor,

DR. VISHWAS MEHTA,  
*Principal Secretary to Government.*

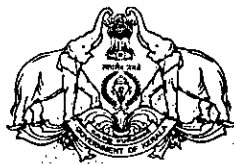
### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

As per sub-section (1) of section 34 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), the State Government had constituted a State Advisory Council by notification in the Gazette to advice the State Government on implementation of the provisions of the Act in an effective manner. But the name of Chairperson, Kerala State Commission for Protection of Child Rights was omitted in the notification. Government have now decided to reconstitute the State Advisory Council by including the Chairperson, Kerala State Commission for Protection of Child Rights also as an Ex-officio Member.

The notification is intended to achieve the above object.

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Government of Kerala  
2014



Regn. No. KERBIL/2012/45073  
dated 5-9-2012 with RNI  
Reg. No. KL/TV(N)/634/2012-14

കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണ  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

വാല്യം 3 Vol. III	തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2014 മാർച്ച് 18 18th March 2014	നമ്പർ } No. } 895
		1189 മീനം 4 4th Meeanam 1189	
		1935 ഫാൽഗുനം 27 27th Phalguna 1935	

GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G. O. (P) No. 50/2014/GEdn.

*Dated, Thiruvananthapuram, 4th March, 2014  
20th Kumbham, 1189.*

**S. R. O. No. 200/2014.**—In exercise of the powers conferred by sub-section (1) of section 34 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009) read with Rule 25 of the Kerala Right of Children to Free and Compulsory Education Rules, 2011, the Government of Kerala hereby constitute the State Advisory Council with the following members, namely:—

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GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2014.

1. Hon'ble Minister, General Education .. Ex officio Chairperson
2. Smt. U. K. Shyamala, .. Member  
ADPI, DPI Office,  
Thiruvananthapuram  
Udiyatt House,  
Padinjarekkara P. O., Vaikom,  
Kottayam District
3. Smt. Thankamony, N. I., .. Member  
(DDE, Wayanad) Sreekrishna Nilayam  
Near KSRTC, Sulthan Bathery, Wayanad
4. Sri Abdul Razak., K., .. Member  
Principal, DIET, Tirur, Malappuram
5. Sr. Victoria, .. Member  
Karuna School for Speech and Hearing,  
Eranjipalam,  
Poul Nagar, Calicut-6
6. Smt. S. Sreelatha, .. Member  
'Anangya', Panamvila,  
Soolamkudi, Poovar P. O.,  
Thiruvananthapuram
7. Prof. A. Faziluddin, .. Member  
Principal, Farook Training College P. O.,  
Farook College, Kozhikkode District
8. Dr. Vaheeda, K. I., .. Member  
Senior Consultant, Paediatrics and Adolescent  
Specialist, Taluk Hospital, Ponnani
9. Secretary, General Education .. Ex officio Member
10. Director of Public Instruction .. Ex officio Member
11. Head of Department of Education, .. Ex officio Member  
University of Kerala



12. Director, State Council of Education, .. Ex officio Member  
Research and Training
13. State Project Director, .. Ex officio Member Secretary  
Sarva Shiksha Abhiyan.

Secretarial support to the Member Secretary shall be provided by the Sarva Shiksha Abhiyan.

By order of the Governor,

A. SHAJAHAN,  
*Special Secretary to Government.*

#### **Explanatory Note**

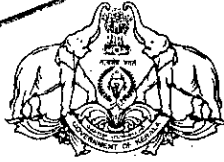
(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-section (1) of section 34 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009) empowers the State Government to constitute a State Advisory Council by notification in the Gazette to advise the State Government on implementation of the provisions of the Act in an effective manner. Government have now decided to constitute the State Advisory Council.

The notification is intended to achieve the above object.

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2012



Reg. No. രജി. നമ്പർ  
KL/TV(N)/12/12-14

**KERALA GAZETTE**

കേരള ഗസറ്റ്

**EXTRAORDINARY**

അസാധാരണം

**PUBLISHED BY AUTHORITY**

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LVII	Thiruvananthapuram,	28th March 2012	No. } 629 നമ്പർ }
വാല്യം 57	Wednesday	2012 മാർച്ച് 28	
	തിരുവനന്തപുരം,	8th Chaithra 1934	
	ബുധൻ	1934 ചൈത്രം 8	

GOVERNMENT OF KERALA

**General Education (J) Department**

**NOTIFICATION**

G. O. (P) No. 94/2011/G Edn. Dated, Thiruvananthapuram, 27th March, 2012.

**S. R. O. No. 205/2012.**—Under clause (e) of section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), the Government of Kerala hereby specifies a child belonging to a parent or guardian whose annual income is less than Sixty thousand rupees as a child belonging to weaker section.

By order of the Governor,

M. SIVASANKAR,  
Secretary to Government.

### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Clause (e) of section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), empowers the State Government to specify the Minimum limit of annual income of a parent or guardian of a child for the purpose of identifying a child belonging to weaker section. Government now decided to specify that a child belonging to a parent or guardian whose annual income is less than Sixty thousand rupees, as a child belonging to weaker section for the purpose of this Act.

This notification is intended to achieve the above object.

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2011



Reg. No. രജി. നമ്പർ  
KL/TV(N)/12/2009-2011

# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Thiruvananthapuram,		6th May 2011	No. } 970
Friday		2011 മേയ് 6	
തിരുവനന്തപുരം,		16th Vaisakh 1933	
വാല്യം 56 }	വെള്ളി	1933 വൈശാഖം 16	

GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G. O. (P) No. 100/2011/GEdn.

Dated, Thiruvananthapuram, 30th April, 2011.

**S.R.O. No. 291/2011.**—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 Government hereby makes the following rules, namely:—

1. *Short title and Commencement.*—(1) These Rules may be called the Kerala Right of Children to Free and Compulsory Education Rules, 2011.

(2) They shall come into force on the date of this notification at once.

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 (Central Act 35 of 2009);

(b) “Academic Authority” means the State Council for Educational Research and Training, Thiruvananthapuram (SCERT).

(c) "Annexure" means annexure to the rules;

(d) "Anganwadi" means an Anganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development, Government of India;

(e) "Appointed date" means the date on which the Rules shall come into force;

(f) "Assistant Educational Officer" means an Officer in charge of elementary education in all schools having classes up to 8th standard;

(g) "Block Resource Centre" means the academic support centre at the Block level;

(h) "Deputy Director of Education" means the officer in charge of general education in a revenue district;

(i) "Director of Public Instruction" means the head of the Directorate of general education in the State;

(j) "District Educational Officer" means the officer in charge of the schools in an Educational District having Secondary level classes;

(k) "District Institute of Education and Training" means the district institution which imparts training and academic support to elementary school teachers in the district;

(l) "Head Teacher" includes the Headmaster and Headmistress of the school;

(m) "Form" means form appended to these rules.

(n) "National Council for Teacher Education" means the academic authority notified by the Central Government under section 23 of the Act;

(o) "Neighbourhood" means the area near or within a walkable distance of an elementary school referred to in sub-clauses (i) and (ii) of clause (n) of section 2 of the Act and shall include areas of such schools in adjacent local bodies;

(p) "Pupil cumulative record" means record of the progress of the child based on comprehensive and continuous evaluation;

(q) "School mapping" means assessment of the availability of schooling facilities for elementary education based on norms and standards specified in the Schedule to the Act in terms of location, infrastructure, teachers and distance

matrix between schools and habitations and includes planning school location for the purpose of section 6 of the Act to overcome social, developmental and geographical barriers and geographical distance and maps of all the schools in the State using new and emerging technologies including Geographic Information System, prepared by authorized agencies;

(r) "Section" means section of the Act;

(s) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commission for Protection of Child Rights Act, 2005;

(t) "Walking distance" means the maximum distance of one kilometre in respect of a child studying in standard 1 to 5 and three kilometres in respect of a child studying in standard 6 to 8, covered by a child from his residence to the school on the shortest, generally accepted path.

(2) Words and expressions used in these rules and not defined but defined in the Act or in the Kerala Education Act, 1958 and Kerala Education Rules issued thereunder as amended from time to time shall have the same meanings, respectively, assigned to them in these Act and rules.

3. *Composition and function of the School Management Committee.*—(1) A School Management Committee (hereinafter referred to as the Committee) consisting of elected representatives of the local authority, parents or guardians of children admitted in such school and teachers as provided in sub-section (1) of section 21 shall be constituted in every school, referred to in sub-clause (i) of clause (n) of section 2 within six months from the appointed date and reconstituted every two years:

Provided that where the child of a member has left or completed his studies in that school, such member shall be replaced by a parent selected at random from among the parents or guardians of the children of that category, for the remaining term of the Committee:

Provided further that, no member other than an ex-officio member-convenor/joint-convenor and the ward member of the local authority, shall serve as a member of the Committee for more than two terms.

(2) The total membership of the Committee in a school having student strength below seven hundred and fifty, shall not exceed sixteen excluding the member-convenor and the joint-convenor if any.

(3) The quorum of the Committee shall be nine.

(4) Where the student strength exceeds seven hundred and fifty, the membership shall be raised to twenty excluding the convenor and the joint convenor if any and the quorum in such cases shall be eleven.

(5) Seventy-five per cent of the strength of the Committee shall be from amongst parents or guardians of children.

(6) Representatives of the Mother-Parent-Teacher Association, parents of SC/ST students, and weaker section and parents of children with special needs, shall be included in the Committee:

Provided that proportionate representation shall be given to parents representing disadvantaged and weaker section.

(7) The remaining twenty-five per cent of the strength of the Committee shall be from amongst the following persons, namely:—

(a) the ward/ division member of the local authority of the locality in which the school is situated;

(b) one teacher from the school to be decided by the teachers of the school;

(c) one member from amongst local educationists to be decided by the parents;

(d) the school leader:

Provided that fifty per cent of the members shall be women.

(8) To manage its affairs, the Committee shall elect a Chairperson and Vice Chairperson from among the members who are representatives of parents.

(9) The Head Teacher or where the school does not have a Head Teacher, the Teacher-in-charge shall be the ex-officio member-convenor of the Committee. In schools having classes up to standard twelve, the Principal shall be the ex-officio member-convenor and the Head Teacher shall be the joint-convenor.

(10) The Convenor of the Committee shall be competent to invite up to three persons at a time as Special Invitees to offer advice on specific issues like child protection, health and nutrition, child psychology and on matters relating to construction activities undertaken by the Committee:

Provided that no such person shall constitute the quorum or be eligible to vote.

(11) The members of the Committee shall participate in the capacity building training courses conducted by the Government to facilitate the effective functioning of the Committee.

(12) The Committee shall meet at least once in two months in the school premises and the decisions shall be taken by majority votes.

(13) The minutes of the meetings shall be properly recorded and made available to the public through the school notice board and the school's website.

(14) The Assistant Educational Officer shall ensure the timely constitution of the Committee, organize training of the members and shall facilitate its proper functioning.

(15) The Committee shall, in addition to the functions under clauses (a) to (d) of sub-section (2) of section 21, namely:—

- (i) monitor the working of the school;
- (ii) prepare and recommend school development plan;
- (iii) monitor the utilisation of the grants received from the State Government or local authority or any other source; and
- (iv) perform such other functions as may be prescribed.

It shall also 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, the duties of the Government, local authority, school, parent and guardian under the Act;

(b) ensure that a teacher maintains regularity and punctuality in attending school; holds regular meetings with parents and guardians and appraise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child;

(c) ensure that no teacher is deployed for non-educational purposes other than those specified in section 27 of the Act;

(d) ensure that no teacher is engaging in private tuition or private teaching activity;

(e) arrange to monitor the achievement of the expected learning outcome of the children as specified by the academic authority, with the help of experts and shall also pay attention to student absenteeism and teacher



absenteeism, and take necessary steps to provide teachers against short leave vacancies having duration of below one academic year from the panel of teachers maintained by the local authority, at the rate of remuneration fixed by the Director of Public Instruction;

(f) ensure that teachers are not burdened with non-academic duties other than those specified in section 27;

(g) ensure the enrollment and continued attendance of all the children from the neighbourhood in the school so as to ensure zero-dropout rate in the school. Children not attending school continuously for more than fifteen working days shall be placed under the category of dropouts and the Committee shall make efforts to bring them back through remedial measures.

(h) monitor the maintenance of the norms and standards specified in the Schedule and that in the Kerala Education Act and Rules issued thereunder and ensure effective utilization of the school resources;

(i) bring to the notice of the local authority and education authorities, 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 under sub-section (2) of section 3;

(j) identify the needs, prepare a plan and monitor the implementation of the provisions of section 4;

(k) ensure provision for remedial and enrichment coaching for children with special needs, late enrollments and slow learners and conduct of meetings of Class Parent-Teacher Association and Mother-Parent-Teacher Association regularly by the teachers;

(l) monitor the identification and enrollment of, and facilities for education of children with disability, and ensure their participation in and completion of elementary education;

(m) monitor the implementation of the mid-day meal in the school;

(n) mobilize support and resources from the local authority, the public and other agencies for providing better facilities for both academic and co-curricular activities;

(o) prepare an annual account of receipts and expenditure of the school for the amounts received by the Committee.

(16) Any money received by the Committee for the discharge of its functions under the Act, shall be kept in a joint account of the chairman and the convenor of the Committee and shall be audited annually by a chartered accountant engaged by the Committee and presented before its annual meeting along with audited report.

(17) The accounts referred to in clause (o) of sub-rule (16) shall be signed by the chairperson or vice-chairperson and convener of the said committee and made available to the Assistant Educational Officer within one month of their preparation.

(18) Utilization certificate in respect of funds received by the School Management Committee shall be submitted to the authority granting such funds, within two months of incurring the expenditure or within two months of the next financial year, whichever, is earlier.

4. *Preparation of School Development Plan.*—(1) The School Management Committee shall prepare a School Development Plan within two months of its constitution.

(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 enrollment for each year;

(b) existing infrastructure facilities such as buildings, laboratory, library, toilets, drinking water, furniture, equipment, play ground;

(c) prepare a master plan for the school using services of experts, keeping in view the future requirements of the school under each item and incorporating the concept of learner-friendly and eco-friendly construction;

(d) physical requirement of additional infrastructure and equipment, especially for laboratory, Information and Communication Technology, library, sports and games calculated with reference to the norms specified in the Schedule and in the Kerala Education Rules;

(e) financial requirement in respect of (d) above, including for providing special training facility for late enrollments specified in section 4 and assess the requirements separately for each category by age, and entitlements of children such as free text books and uniforms, free transportation and residential facilities required under sub-rules (4) and (7) of Rule 6 and any other additional requirement for fulfilling the responsibilities of the school under the Act;

(f) requirement of the number of additional teachers including Head Teacher, subject teachers and part-time instructors, separately for classes 1 to 5 and for classes 6 to 8, calculated with reference to the norms specified in the Schedule.

(4) The School Development Plan shall be signed by the chairperson or vice-chairperson and convener of the School Management Committee and submitted to the Assistant Educational Officer and the local authority within one month of its approval by the Committee.

5. *Special Training.*—(1) The School Management Committee of a school owned and managed by the Government, local authority and aided schools, shall identify children requiring special training and organize such training as follows:—

(a) The special training shall be based on specially designed, age-appropriate learning material for children with special needs and late enrollments, developed by the academic authority.

(b) The training shall be provided in classes held on the premises of the school, as far as is practicable or in classes organized in places identified by the local authority or the head teacher.

(c) The training shall be provided by teachers working in the school, or by Instructors of Multi-Grade Learning Centres appointed for the purpose by the local authority for which the local authority shall maintain a panel of retired teachers, instructors of Multi-Grade Learning Centres or other qualified service-minded persons of the locality.

(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 by the teacher concerned, 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.

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

(a) in respect of children in classes from 1 to 5, a school shall be established within a walking distance of one kilometre of the neighbourhood;

(b) in respect of children in classes from 6 to 8, a school shall be established within a walking distance of three kilometres of the neighbourhood.

(2) The Government shall endeavor to upgrade in a phased manner, existing Government and aided schools with classes from 1 to 4, to include classes from 5 to 8 and in respect of schools which start from class 5 onwards, to add classes from 1 to 4 wherever required, taking into account the availability of such classes in the existing schools in the neighbourhood and the specific recommendation of the Assistant Educational Officer and the local authority.

(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 Government 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 Government or the local authority, where no school exists within the area or limits of neighbourhood specified under sub-rule (1), the 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 sub-rule (1).

(5) In places with high population density, the Government may consider establishment of more than one neighbourhood school having regard to the number of children in the age group of 6 to 14 years in such places based on the child census conducted by Sarva Siksha Abhiyan or the local authority.

(6) The local authority, concerned, in consultation with the Assistant Educational Officer, shall identify the neighbourhood school where children can be admitted and make such information public through the notice board of the local authority and office of the Assistant Educational Officer. The basis of the identification of the neighbourhood schools shall be the school mapping carried out by the Government.

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

(8) Additional assistance in the form of home-based teaching shall also be arranged for children with severe disabilities by the Government and the local authority.

(9) The Government and the local authority shall impress upon the parents and guardians of their duty to admit or cause to be admitted, their child or ward as the case may be, to a neighbourhood school, for completion of elementary education.

(10) The Government or local authority shall ensure that access of children to the school is not hindered on account of social and cultural factors, on account of closure of a Government or aided school and that no school is closed down without the recommendation of the Assistant Educational Officer and the local authority and prior sanction of the Government.

(11) The Government and the local authority shall provide free and appropriate pre-school education based on a Pre-primary Education policy formulated by the Government, to all children above the age of three years till they complete six years so as to prepare them for elementary education. For the purpose, Pre-primary Centres shall be established in all Government and aided schools in a phased manner within three years from the appointed date. A unified child-friendly curriculum shall be developed by the academic authority for these centres which shall have linkages with the Anganwadies for providing Integrated Child Development Scheme services to all the children. The minimum academic and professional qualification of pre-primary teachers shall be as laid down by the National Council for Teacher Education.

*7. Academic responsibility of the Government to ensure quality education.*—(1) The Government shall provide free and compulsory education to every child of the age six to fourteen years and to this end,—

(a) ensure provision of high quality education uniformly in all schools and for this, specify norms and standards in respect of all activities involving quality which supplement the norms and standards specified in the Schedule;

(b) notify the academic authority within two months of the date of notification of appointed date of these rules for development of the framework of State curriculum based on that of the National curriculum and for adopting the text books prepared under National Council for Educational Research and Training as far as practicable;

(c) ensure the effective implementation of the syllabus, teaching/ learning process and development of evaluation procedures;

(d) ensure that a teacher appointed possesses the minimum qualifications for teachers and is provided with support staff and infrastructure facilities in respect of pre-primary schools based on national norms;

(e) ensure quality in pre-primary teacher and elementary teacher training courses by revising the pre-service pre-primary and elementary teacher training syllabus in consonance with the national curriculum frame work;

(f) impart quality education to children with disabilities as provided in sub-section (2) of section 3 by providing facilities for pre-service and in-service training for teachers through a specially designed training course in consultation with the national institutes in this field;

(g) design a transparent monitoring mechanism so as to ensure that a teacher performs all the duties specified in clauses (a) to (e) of sub-section (1) of section 24 of the Act and in these rules;

(h) use the outcomes of such monitoring for improving the performance of the teachers on a continuous basis;

(i) monitor the levels of learning of children in all Government, aided and un-aided elementary schools in the State regularly, and conduct evaluation on learning outcomes in 5 % of the schools through an external agency such as a University Department, and bring out annual reports on the quality of elementary education in the State;

(j) conduct half yearly and annual review of the performance of the academic authority regarding its compliance with the implementation of the provisions of section 29 of the Act.

(2) The Deputy Director of Education, the Assistant Educational Officer, academic personnel of District Institutes of Education and Training and Block Resource Centres, shall visit and monitor the academic performance of the teachers and students in the schools at least once in a year and communicate report thereof to the teachers concerned for taking corrective measures. Reports thereon with copy shall also furnish to the Director of Public Instruction, and the Director, State Council of Educational Research and Training for taking remedial action at the State level.

(3) The Government shall,—

(a) ensure that children with disabilities have access to free education till they attain the age of 18 years and shall promote their integration in the regular schools;

(b) equip and upgrade the existing Special Schools for children with severe disabilities and provide them with residential facilities in appropriate locations;

- (c) provide vocational training to all children with disabilities;
- (d) provide special teaching/learning material and improved assistive devices and all such items that are necessary to give a child with disability equal opportunities in education;
- (e) provide health care for the child with disabilities at school level;
- (f) formulate a restructured and relevant curriculum for children with various categories of disabilities;
- (g) develop appropriate systems for their continuous and comprehensive evaluation.

(4) The Government shall in consultation with other academic authorities it may consider necessary, prepare a Scheme to provide pre-service and in-service training to pre-primary and elementary school teachers in Government, aided and un-aided schools as also to Anganwadi functionaries. It shall design a monitoring mechanism in accordance with the standards of training. Expenditure on training of teachers in pre-primary schools and schools referred to in sub-clause (iv) of clause (n) of section 2 of the Act, shall be borne by the school management.

8. *Responsibilities of the Government and local authority.*— (1) A child attending a school referred to in sub-clause (i) and (ii) of clause (n) of section 2, and a child attending a school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2 shall be entitled to free education and in particular to free text books, writing materials, uniforms, free transportation and residential facilities.

*Explanation:*—For the purposes of these rules, child includes a child enrolled in a school under the Juvenile Justice Care and Protection Act, 2000 and a child attending a Mahila Shikshan Kendra/Learning Centre under the Kerala Mahila Samakhyas Society:

Provided that a child with disability attending a school that is recognized by the Government shall also be entitled for free special learning material and assistive devices along with the other entitlements.

*Explanation:*—For the purposes of sub-rule (1), in respect of a child admitted as provided in clause (c) of sub-section (1) of section 12, the responsibility of providing free entitlements shall be of the school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2, respectively.

(2) For the purpose of determining and for establishing neighbourhood schools, the Government shall undertake school mapping, and the local authority shall identify all children, including children in remote areas, children

with disability, children belonging to disadvantaged group, children of migrant labourers, 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 Government and the local authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.

(4) The Government and the local authority shall,—

(a) provide emotional and psychological counseling for all children by professionals in co-ordination with Government Departments like health and social welfare;

(b) ensure the minimum number of working days and instructional hours in an academic year as specified in the Schedule by arranging the school vacations in such a manner that their duration does not exceed forty five days at a time;

(c) ensure that the medium of instruction is as far as practicable, in Malayalam or in the mother tongue;

Provided that English as a subject shall be introduced from Class 1 onwards;

(d) text books prepared under NCERT curriculum shall be used in the English medium class divisions from Class 1 to 4 in schools where such divisions have been permitted;

(e) ensure optimum school timings to all children, for which curtailment of school hours on account of following shift or sessional system shall be discontinued within a time limit of three years from the commencement of the Act;

(f) adopt flexibility in school timings wherever feasible so as to facilitate adequate time to children for co-curricular activities and to mitigate difficulties owing to unsafe traffic conditions.

(5) The Government and the local authority shall ensure that the conduct of classes in thatched buildings is discontinued within one year from the appointed date.

(6) The Government and the local authority shall provide adequate funds as grants for the implementation of the School Development Plan, submitted by the School Management Committee as provided under sub-clause (2) of Section 22.



(7) The Government and the local authority shall enhance the manpower and infrastructure facilities in the office of the Assistant Educational Officer so as to enable such officer to effectively discharge his duties under the Act.

(8) For the purposes of clause (c) of section 8 and clause (c) of section 9, the Government and local authority shall ensure that a child belonging to 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.

(9) The Government and local authorities shall ensure that,—

(i) no child shall be harassed physically or mentally while transporting the children to and from school by conveyance arranged by the school authorities;

(ii) the vehicle shall not be overcrowded by pupils or unfit for transport;

(iii) No vehicle shall be used or driven in violation of the provisions of Motor Vehicles Act and Rules thereunder.

(10) No child shall be subjected to physical punishment or mental harassment in schools or hostels run by or on behalf of school authorities.

(11) The Government and the local authority shall make arrangements including transportation, for the education of the migrant children coming from other States, in the neighbourhood school, or where this is not practicable, by setting up on-site schools at the work places where the migrant labour from other States are engaged in any economic activity in groups. As far as may be practicable, the learning material and the text books shall be in their respective mothertongue. Appropriate learning materials shall be developed by the academic authority in consultation with the academic authority in their State of origin.

*9. 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 or by a child census conducted by the authorised agency till they attain the age of 14 years and of children with disabilities till they attain the age of 18 years and shall maintain the Unique Identification Number (UIN) in respect of every child, as and when issued by the competent authority, so as to monitor his enrollment, attendance, learning achievement and transition to next higher classes.

(2) Registration of births shall be ensured by the local authority in respect of all births within its jurisdiction.

(3) The record, referred to in sub-rule (1) shall be updated annually; and maintained transparently, in the public domain, and used for the purposes of clause (c) of section 9.

(4) The record, referred to in the sub-rule (1) shall, in respect of every child, include,—

(a) name, sex, date of birth, place of birth and birth certificate number and if birth certificate is not available, the source of information on date of birth;

(b) name, address, occupation of parent or guardian;

(c) pre-primary school/anganwadi centre that the child attends (up to age 6);

(d) elementary school where the child is admitted;

(e) present address of the child;

(f) class in which the child is studying (for children between the age of 6 to 14 years and up to 18 years in the case of children with disability), 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; and

(i) whether the child requires special facilities, transportation or residential facilities on account of migration and sparse population; age appropriate admission and disability.

(5) A comprehensive Health Card shall be maintained in respect of every child by conducting health check-up in association with the public health centre and anganwadi/pre-primary school. Medical assistance and management shall be provided to the children as required. The Health Card shall be updated yearly till the child completes elementary education.

(6) The local authority shall ensure that the names of children enrolled in the schools are maintained in an appropriate register.

(7) The local authority shall comply with the provisions specified in sub-section (1) and (2) of section 32 of the Act for redressal of grievances relating to violation of child rights.

10. *Admission of children belonging to weaker section and disadvantaged group.*—(1) The Head Teacher of a school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2, shall ensure that children from the neighbourhood who are admitted against the seats available as provided in 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 Head Teacher of a school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2, shall also ensure that children admitted as required under 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, laboratory, library and Information and Communication Technology facilities, extra-curricular activities and sports.

(3) The provisions in sub-rule (1) of rule 6 shall apply to admissions made under clause (c) of sub-section (1) of section 12. A list of recognized schools conforming to the norms and standards as specified in the Schedule shall be notified by the Deputy Director of Education at least three months before the commencement of the next academic year.

(4) While filling up the seats in Class I as required under clause (c) of sub-section (1) of section 12, the admission of children from disadvantaged groups and from weaker sections of the neighbourhood shall be in the ratio of 1:1.

Provided that in the absence of students in any one category, such shortage shall be filled up from children from the other category.

(5) For the selection of such children, the school shall publish the list of applicants and selection shall be by drawing of lots for each category. The list of selected children shall be displayed on the notice board on the same day;

Provided that where such school imparts pre-primary education, the above provisions shall apply for admission to such pre-primary classes:

Provided further that a school referred to under sub-clause (iv) of clause (n) of section 2, which allows admission to a child who has not enrolled in a Government or aided school, shall not be eligible for reimbursement under sub-section (2) of section 12.

(6) Every School shall maintain a Unique Identification Number and the biometric identification details in respect of every child admitted into the school.

(7) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school or, where a child is required to move from one school to another, either within or outside the State, such child shall have a right to seek transfer to any other school for completing his or her elementary education and the head teacher shall immediately issue transfer certificate as required under sub-clause (3) of section 5.

(8) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure and any person who contravenes the above shall be liable to fine as provided in clause (a) and (b) of sub-section 2 of section 13.

(9) The Director of Public Instruction shall be the authority to impose fine under clause (a) and (b) of sub-section 2 of section 13.

(10) The head teacher shall ensure that no child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education or subjected to physical punishment or mental harassment.

11. *Reimbursement of per-child-expenditure by the Government.*—(1) The ratio between total annual recurring expenditure incurred by the Government, from the Consolidated Fund and fund provided by the Central Government or any other authority, on elementary education in respect of all Government and local authority schools referred to in sub-clause (i) of clause (n) of section 2, and total number of children enrolled in all such schools, shall be the per-child-expenditure incurred by the Government.

*Explanation:*—1. For the purpose of determining the per-child-expenditure, the expenditure incurred by the 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) (a) The Government shall constitute a committee comprising of Secretary (Finance), Secretary (General Education), Secretary (Local Self Government), Director of Public Instruction and Director (Sarva Siksha Abhiyan) to assess the per-child-expenditure for the next academic year.

(3) The committee shall meet three months after the appointed date and thereafter every year during the month of September.

(4) The reimbursement of expenditure incurred by a school under specified category and an un-aided school on the children admitted under clause (c) of sub-section (1) of section 12 shall be made directly through electronic

transfer to a separate bank account maintained by the school in two instalments during the academic year. The first instalment of 50% shall be reimbursed during the month of September and balance during the month of January. The second instalment shall be made after verification of the retention and attendance of such children subject to a minimum of 80% and the pupil cumulative record.

(5) Every school referred to in sub-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.

(6) Every school shall provide such information as may be called for by the Government or the local authority under this rule.

12. *Documents as age proof*.—Wherever a birth certificate under the Births, Deaths and Marriage Registration Act, 1886 (Central Act 6 of 1886) is not available, with respect to a child belonging to disadvantaged group or weaker section, any one of the following documents shall be deemed to be proof of age of the child for the purpose of admission to schools, namely:—

- (a) Hospital or Auxiliary Nurse and Midwife (ANM) register record;
- (b) Anganwadi record;
- (c) Declaration by the parent or guardian in Form No. IV.

13. *Extended period for admission*.—(1) Extended period of admission shall not exceed three 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 provided with such special training for such period, as may be determined by the head teacher of the school.

14. *Recognition/Upgradation to school*.—(1) Every school, other than a school established, owned or controlled by the Central Government or the State Government or the local authority, established before the commencement of this Act, and referred to under sub-clause (iv) of clause (n) of section 2 as an un aided school and which has obtained recognition under the Kerala Education Act and Rules issued thereunder or has obtained No Objection Certificate from the Government for affiliation to other Boards of Education, shall make a self-declaration within a period of three months from the appointed date, in Form No. I to the Assistant Educational Officer concerned, regarding its compliance or otherwise with the norms and standards stipulated in the Kerala Education Rules in addition to the norms in the Schedule and fulfilment 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 or an educational agency 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 complies with the provisions in the Kerala Education Act and Rules issued thereunder relating to area, location and accommodation;

(e) Malayalam is taught as a compulsory language in all classes;

(f) the Pupil-Teacher Ratio as specified in section 25 is maintained;

(g) the school complies with the provisions under sections 13, 16, and 17 of the Act;

(h) the school provides barrier-free access and adapted toilets for children with disabilities;

(i) the bio-metric identification details along with the Unique Identification Number of each child is maintained in the school;

(j) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;

(k) the school does not run any unrecognized classes within the premises of the school or outside, in the same name of the school;

(l) the school is open to inspection by any officer authorized by the Government;

(m) the school furnishes such reports and such information as may be required from time to time and complies with such instructions of the Government as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in the working of the school.

(2) The school shall submit the declaration-cum application for recognition in Form No: I in electronic form in the web site maintained for the purpose by the Assistant Educational Officer and shall also submit the same in hard copy in his office and obtain acknowledgement thereof.

(3) Every self declaration received in Form No. I shall be placed by the Assistant Educational Officer in the public domain within fifteen days of its receipt.

(4) A District Level School Recognition Committee consisting of the Deputy Director of Education as the Chairman and District Educational Officers and Assistant Educational Officers of the revenue district as members shall be constituted by the Government.

(5) The District Educational Officer and the Assistant Educational Officer concerned shall, within three months of the receipt of the self declaration, inspect such schools to ensure that the schools fulfill the norms and standards and the conditions mentioned in sub-rule (1).

(6) After the inspection is carried out, the inspection report shall be placed before the District Level School Recognition Committee and also in the public domain and the schools conforming to the norms, standards and the conditions in rule 14 alone shall be granted recognition by the Deputy Director of Education Officer in Form No. II within a period of thirty days from the date of inspection:

Provided that recognized unaided schools that have been established before the date of commencement of the Act, and presenting their students for the respective Class 10 Board examinations continuously from 1st January, 2000, shall be issued a Certificate of Recognition under sub-section (1) of section 18 of the Act based on the self declaration of the Educational Agency that it conforms to the norms and standards as specified in the Schedule and these rules.

(7) Schools that do not conform to the norms, standards and conditions mentioned in sub-rule (1) shall be listed by the Deputy Director of Education by notification and such schools may request the Deputy Director of Education for an on-site inspection for grant of recognition at any time so that such period does not exceed three years from the date of commencement of the Act;

(8) Any School which does not conform to the norms, standards specified in the Schedule and conditions mentioned in sub-rule (1) within three years from the date of commencement of the Act shall stop its functioning and running of any such school shall be punishable as provided in section 19 of the Act.

(9) No school, other than a school established, owned or controlled by the Central Government, State Government or local authority be established or function after the commencement of this Act and no school which does not conform to the norms and standards specified in the Schedule and those conditions mentioned in sub-rule (1) shall be given recognition.

(10) The existing unrecognized schools seeking recognition under this Act shall furnish the application in (Form No. III) and shall conform to the norms and standards specified in the Schedule and those specified in these rules. It shall also fulfill the educational need of the locality as revealed in the school mapping carried out by the authorized agency and the educational need shall be certified by the local authority and the Assistant Educational Officer concerned.

(11) A Committee, constituted by the Government, comprising of the Director of Public Instruction or his nominee, the District Collector and a representative of the local authority, shall verify the facts in the application with reference to the school mapping and the educational need of the locality.

(12) The report of the Committee shall be forwarded to the Director of Public Instruction immediately thereafter.

(13) The Director of Public Instruction shall after examination of the report, forward the eligible cases to the Government for grant of recognition under the Act.

(14) An educational agency or society proposing to start a new school or upgrade an existing school shall furnish an application in the prescribed format Form No. III and shall conform to the norms and standards specified in the Schedule and those mentioned in these rules, and the locality in which the school is proposed to be started has a proven educational need as revealed in the school mapping carried out by the authorized agency and such educational need shall be certified by the local authority and the Assistant Educational Officer concerned.

15. *Withdrawal of recognition to school.*— (1) Where the Deputy Director of Education (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 14, 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 said Officer shall,—



(a) issue a notice to the school specifying the violations of the conditions of grant of recognition and seek its explanation within one month.

(b) In case the explanation is not found to be satisfactory or no explanation is received within the stipulated period, the said Officer may cause an inspection of the school, to be conducted by a Committee consisting of five members of which three are from the Education Department of the Government, the Ward Member of the local authority and an educationist. The Committee shall conduct due enquiry and submit its report along with its recommendations for continuation of recognition or withdrawal of recognition, to the said Officer.

(c) On receipt of the report of the committee, the Deputy Director of Education, after furnishing a copy of the enquiry report and giving the school adequate opportunity of being heard, shall within one month forward a report with his recommendation regarding withdrawal of recognition to Government through the Director of Public Instruction. In cases where violation of conditions of recognition have been rectified or have not been proved, the said Officer shall issue an order for continuance of recognition within one month.

(2) The order of withdrawal of recognition passed by the Director of Public Instruction shall be operative from the academic year immediately succeeding and the Deputy Director of Education shall make arrangements for the continuance of elementary education of the children in a neighbourhood school or schools.

(3) Any person aggrieved by an order under rule 15 may file a review petition before the Government within thirty days from the date of receipt of such order and the Government shall dispose of the same within three months.

16. *Acquiring minimum qualifications.*— (1) The Government shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clause (i), (ii) and (iv) of clause (n) of section 2, who do not possess the minimum qualifications as laid down by the Academic Authority at the time of commencement of the Act, acquire such minimum qualifications within a period of five years from the date of commencement of the Act.

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

17. *Salary and allowances and conditions of service of teachers.*— (1) The salary and allowances and terms and conditions of service of teachers of

schools referred to in sub-clause (i) and (ii) of clause (n) of section 2 shall be as fixed by Government from time to time. In the case of teachers in unaided schools referred to in sub-clause (iv) of clause (n) of section 2, the salary and allowances and terms of conditions of service shall be in accordance with the regulations and guidelines regarding service conditions and salary and allowances issued by the Government from time to time.

(2) In particular and without prejudice to sub-rule (1), while laying down the terms and conditions of service the following matters shall be taken into account, namely:—

- (a) adherence to the conduct rules and code of professional ethics for school teachers in force;
- (b) accountability of teachers to the School Management Committee;
- (c) provisions enabling long term stake of teachers in the teaching profession.

18. *Duties to be performed by Head Teacher and Teachers.*— (1) The Head Teacher shall be a person having a minimum of twelve years of teaching experience and possessing pass in such departmental tests and test on Kerala Education Act and Rules as may be specified in that regard:

Provided that teachers in service shall be given time up to three years to pass the above tests.

(2) The Head Teacher shall undergo training in school management and administration conducted by the education department; and

- (i) prepare a school academic calendar covering all curricular and co-curricular activities, based on the calendar of the education department;
- (ii) observe and assess the performance of the teachers based on the academic calendar including conduct of regular meetings of Class Parent-Teacher Association and Mother Parent-Teacher Association at least once in a term and provide the teachers with necessary guidance;
- (iii) regulate the absence of teachers from their instructional duties in the school on account of their participation on other-duty in co-curricular activities outside the school;

(iv) assess the learning ability of every child and shall ensure that he attains the learning outcomes specified by the academic authority for each subject throughout the academic year;

(v) act as a mentor to the children and shall adopt the tutorial system so as to ensure individual attention for the all-round development of the child;

(vi) ensure parent involvement by conducting meetings of Class Parent-Teacher Association and Mother Parent-Teacher Association at least once in two months;

(vii) maintain a file containing the pupil cumulative record for every child which may form part of the certificate issued at the completion of elementary education;

(viii) review the teacher performance on their duties under Rule 18(3) at the monthly Staff Council Meeting and forward a review report to the Assistant Educational Officer periodically;

(3) A teacher, in addition to the functions specified in clauses (a) to (e) of sub-section (1) of section 24, shall perform the following duties, namely:—

(a) ensure full utilization of school facilities like library, laboratory and Information and Communication Technology, sports and games, work education etc.

(b) induction/participation in in-service training programmes.

(c) participation in curriculum formulation, and development of syllabi, training modules and text book development under the academic authority.

19. *Grievance Redressal of Teachers.*—(1) The Head Teacher shall examine and redress the grievances of teachers at the school level in the first instance.

(2) Where a grievance remains unresolved, the School Management Committee shall constitute a sub-committee with the Head Teacher as Chairperson and four other members of the School Management Committee to redress the grievance:

Provided that no service matters, orders of suspension from service, and all penalties under disciplinary proceedings initiated by the education department or the school management, shall be taken up before the sub-committee.

(3) Priority shall be accorded to complaints relating to harassment of women teachers and staff members and these shall be redressed without delay in compliance with the guidelines issued by the Supreme Court on prevention of sexual harassment in the work place.

(4) An appeal shall lie before a committee constituted under the Chairmanship of Assistant Educational Officer or District Educational Officer as the case may be and consisting such members as may be nominated by Director of Public Instruction/Deputy Director of Education and subject to such terms and conditions as may be specified in the order constituting the Committee.

(5) A second appeal shall lie before the Deputy Director of Education of the District on an order passed by the Committee referred to in sub-rule (3).

(6) Grievance Redressal Committees at levels of Assistant Educational Officer/District Educational Officer and Deputy Director of Education shall be constituted by the Director of Public Instruction.

(7) Managements of schools referred to under sub-clause (iv) of clause (n) of section 2 shall provide adequate mechanism for redressal of grievances of teachers.

20. *Academic authority.*—(1) The SCERT shall be the academic authority for the purpose of section 29.

(2) While laying down the curriculum and evaluation procedure, by the academic authority notified under sub-rule (1) shall, without prejudice to the provisions in sub-clauses (a) to (h) of sub-section (2) of section 29 of the Act—

- (a) formulate the relevant and age-appropriate syllabus and text books and other learning materials including learning material for imparting basic life skills;
- (b) define and prescribe minimum learning outcomes for each subject from class 1 to 8 and develop performance indicators for children along with accountability criteria of teachers for children's learning levels;
- (c) develop in-service teacher training material, based on the learning outcomes;
- (d) design training course for pre-service and in-service training of teachers for imparting education to children with disabilities in accordance with the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

- (e) prepare guidelines for putting into practice continuous and comprehensive evaluation; and
- (f) commission and undertake research and studies on policies, programmes, curriculum and learning outcomes of children.

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

(4) A continuous school rating system based on a five point scale shall be developed on parameters like student achievement, physical infrastructure, teacher training, assessment and evaluation and co-curricular activities, to improve overall quality.

(5) The schools falling in the last two categories on the five point scale shall be targeted for remedial measures within a definite timeframe and given support to improve their rating.

21. *Award of certificate.*— (1) The certificate of completion of elementary education along with the Student Health Card 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 and his achievements in sports and in co-curricular activities.

22. *Performance of functions by the State Commission for Protection of Child Rights.*—The Government shall provide resources to the State Commission for Protection of Child Rights if any constituted in the State in performance of its functions under the Act.

23. *Performance of functions by the State Commission for Protection of Child Rights.*—(1) Where the Government have not yet constituted a State Commission for Protection of Child Rights, it shall take immediate steps to set up such a Commission under section 17 of the Commission for Protection of Child Rights Act, 2005 in order to enable it to perform the functions under clauses (a) to (c) of section 31 and sub-section (3) of section 32 of the Act.

(2) The Commission shall have the same powers as assigned to it under sections 14 and 15 of the National Commission for Protection of Child Rights Act, 2005 while inquiring into any matters relating to a child's right to free and compulsory education under clause (c) of sub-section (1) of section 31 of the Act:

Provided that till such time as the Government may constitute the State Commission for Protection of Child Rights there shall be constituted an authority known as the Right to Education Protection Authority (hereinafter referred to as the REPA) for the purpose of performing the functions specified in sub-section (1) of section 31 and sub-section (3) of section 32, within six months from the appointed date.

(3) The Right to Education Protection Authority (REPA) shall consist of the members; 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) six members, of whom at least three shall be women, from the following areas, from amongst persons of eminence, ability, integrity, standing and experience in the field of,—
  - (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 provisions of the National Commission for Protection of Child Rights Rules, 2006 shall, in so far as it relates to the terms and conditions of appointment of Chairperson and other members shall mutatis mutandis apply to the 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 or 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 Government shall provide resources 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.

24. *Manner of furnishing complaints before the State Commission for Protection of Child Rights or the Right to Education Protection Authority.*—

(1) The State Commission for Protection of Child Rights, or the Right to Education Protection Authority, as the case may be, shall set up a Child Helpline to register complaints regarding violation of child rights and incidental thereto, which shall be monitored by it through a transparent on-line mechanism.

(2) The local body shall ordinarily be the first level of redressal on complaints regarding violation of child rights and it shall provide suitable facilities for hearing and enquiring in to such complaints.

25. *Constitution of the State Advisory Council.*—(1) The State Advisory Council (hereinafter in this rule referred to as the Council) shall consist of a Chairperson and fourteen Members.

(2) The Minister in-charge of General Education shall be the ex-officio Chairperson of the Council.

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

- (a) at least three members shall be appointed from amongst persons belonging to Scheduled Castes, Scheduled Tribes and minorities;
- (b) at least one member shall be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
- (c) one member shall be from amongst persons having specialized knowledge in the field of pre-primary education;
- (d) at least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education, child health and nutrition;
- (e) the ex-officio members of the Council shall be,—
  - (i) Secretary, General Education and Literacy;
  - (ii) Director of Public Instruction;

- (iii) Head, Department of Education, from any University in Kerala (nominated);
- (iv) Chairperson, Right to Education Protection Authority or Chairperson, State Commission for Protection of Child Rights;
- (v) Director, State Council of Education Research and Training;
- (vi) State Project Director who shall be ex-officio Member-Secretary and secretarial support to the Member Secretary shall be provided by the Sarva Shiksha Abhiyan or an officer designated by the Government:

Provided that one third of the members of the Council shall be women.

(4) The Council may invite representatives of other related departments/organizations as and when required:

Provided that no such invitee shall have a right to vote or constitute quorum for the meetings of the Council.

26. *Functions of the State Advisory Council.*—(1) The State Advisory Council shall advise the Government in the implementation of the provisions of the Act.

(2) The State Advisory Council shall without prejudice to the above, perform the following functions, namely:—

- (a) assess the levels of school education and analyse survey reports on student attainments;
- (b) review compliance with:—
  - (i) norms and standards specified in the Schedule and in the Kerala Education Rules;
  - (ii) provision of effective system of pre-service and in-service teacher training from pre-primary level upwards;
  - (iii) delivery of quality education to children with special needs;
  - (iv) implementation of section 29;
- (c) commission studies and research for the effective implementation of the Act;
- (d) co-ordinate with the National Advisory Council in performing its functions;



- (e) act as an interface between the public and the media and the Government in creating awareness, mobilization, and a positive environment for the implementation of the Act;
- (f) prepare reports relating to the reviews, studies and research undertaken by it and furnish the same to the Government;
- (h) provisions relating to allowances and condition of appointment of the Members of the Advisory Council.

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**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

The Right of Children to Free and Compulsory Education (RTE) Act, 2009 passed by the Indian Parliament gives every child the right to receive free and compulsory education from Class 1 to 8 in a formal school within a walkable distance from his or her home. The RTE Act, 2009 requires the State Governments to offer free and child-friendly education based on the ideals and values of the Constitution of India, to all children between 6 years to 14 years so as to develop their potential in full.

The said Act empowers the State Government to make rules for its effective implementation within the State.

This notification is intended to achieve the above object.

## APPENDIX

FORM No. I

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

*(See sub-rule (1) of rule 14)*

To

The Assistant Educational Officer,  
(Name of District and Sub District)

Sir,

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

Yours faithfully,

*Chairman of Managing  
Committee/ Manager.*

Enclosures: .....Nos.

Place:

Date:

## A: SCHOOL DETAILS

1. Name of School with School Code
2. Academic Session Classes from .....to.....
3. School Timing
4. District
5. Postal Address
6. Grama Panchayath /Municipality/ Corporation
7. Taluk
8. Block
9. Name of Educational Sub District (AEO)
10. Name of Educational District (DEO)
11. Pin Code
12. Phone No. with STD Code
13. Fax. No.
14. E-mail address
15. Nearest Police Station

## B. GENERAL INFORMATION

1. Year of foundation
2. Date of First Opening of School
3. Name of Trust/Society/Managing Committee/  
Educational Agency
4. Whether Trust/Society/Managing Committee/  
Educational Agency/is registered
5. Period until which registration of Trust/  
Society/ Managing Committee /Educational  
Agency is valid
6. Whether there is a proof of non-proprietary  
character of the Trust/Society/ Managing  
Committee/ Educational Agency /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).....

Total Income and Expenditure during last 3 years surplus/deficit

8.	Year	Income	Expenditure	Surplus	Deficit

## C. NATURE AND AREA OF SCHOOL

1. Medium of Instruction
2. Whether Malayalam is taught as a language for all students?
3. Type of School (Specify entry & exit classes)
4. If aided, the name of agency and percentage of aid
5. Is the School Recognized
6. If so, by which authority
- Recognition Number
7. Does the school have its own building or is it running in a rented building
8. Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development?
9. Total area of the School property (in sq. meters) with Survey No./Village / Taluk / District
10. Built in area of the school (in sq. meters)
11. Specify whether shift or sessional system is followed

## D. ENROLLMENT STATUS

Class	No. of Sections	No. of Students	
		Boys	Girls
1. Pre-Primary			
2. I—V			
3. VI—VIII			
4. No. of students from weaker and disadvantaged section admitted under section 12 (1) (c) in pre-primary and Class 1			
5. Whether the Unique Identification Number and biometric details of each student is maintained in the school?			

## E. INFRASTRUCTURE DETAILS AND SANITARY CONDITIONS

Room	Number	Average Size (in m <sup>2</sup> )
1. Classroom		
2. Office room—cum—Store Room—cum—Headmaster Room		
3. Whether any classes are conducted in thatched buildings		
4. No. of rooms used for purposes other than teaching (different clubs and co-curricular activities)		
5. Resource Room		
6. Kitchen-cum-Store		
7. Area of playground (in m <sup>2</sup> )		

## F. OTHER FACILITIES

1. Whether all facilities have barrier free access
2. Teaching Learning Material (attach list)
3. Sports and Play equipments (attach list)
4. Books in Library
  - Books (No. books)
  - Periodicals/Newspapers
5. Laboratory Facilities
  1. Science
  2. Information and Communication Technology (computers, LCD etc.)
  3. Language Laboratory
6. Type and number of drinking water facility
7. Sanitary Conditions
  - (i) Lavatories and Urinals
  - (ii) Number of Urinals/Lavatories separately for boys with water supply
  - (iii) Urinals/Lavatories separately for girls with water supply
8. Specify facilities provided for disposal of waste (compost pit, biogas plant etc.)



## G. PARTICULARS OF TEACHING STAFF

1. Teachers in Primary/Upper Primary exclusively  
(details of each teacher separately)

Teacher Name (and UIN when available)	Father/Spouse Name	Date of Birth
Academic Qualification	Professional Qualification	Teaching Experience
Class/Subject Assigned	Appointment Date	Trained or Untrained
Basic knowledge/in computer applications	Salary as signed	Whether the stipulations in Rule 18 are observed

2. Teachers in Both Elementary and Secondary  
(details of each teacher separately)

Teacher Name (and UIN when available)	Father/Spouse Name	Date of Birth
Academic Qualification	Professional Qualification	Teaching Experience
Class/Subject Assigned	Appointment Date	Trained or Untrained
Basic knowledge/ experience in computer applications	Salary as signed	Whether the stipulations in Rule 18 (3) are observed

## 3. Head Teacher

Teacher Name (and UIN when available)	Father/Spouse Name	Date of Birth
Academic Qualification	Professional Qualification	Teaching Experience
Class/Subject Assigned	Appointment Date	Trained or Untrained
Basic knowledge/ experience in computer applications	Salary assigned	Whether the stipulations in Rule 18 are observed

## H. CURRICULUM AND SYLLABUS

1. Details of curriculum and syllabus followed in each class (upto VIII)
2. System of Pupil Assessment
3. Details of arrangements for remedial coaching and special training
4. Number of academic inspections by Assistant Educational Officer, District Educational Officer/other Educational Authority during the last academic year

(i) Certified that the school has also submitted information in electronic form to the Assistant Educational Officer and in the data capture format of District Information System of Education (DISE) of SSA along with this application.

(j) Certified that the school is open to inspection by any officer authorized by the Government.

(k) Certified that the school undertakes to furnish such reports and information as may be required by the Assistant Educational Officer from time to time and complies with such instructions of the Government and the Assistant Educational Officer to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in the 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 Assistant Educational Officer and the school shall furnish all such information as may be necessary to enable the State Government or the Local Body to discharge its obligations to State Legislature / Grama Panchayath / Municipal Corporation as the case may be,

### Declaration

I solemnly declare that all the information furnished above are true.

I further declare that this school which commenced functioning in the year.....has presented.....number of batches of students of Class 10 for the Board Examination conducted by the Kerala State Education Department/Central Board of Secondary Education/Indian Certificate of Secondary Education from .....(here enter year) onwards.

*Chairman/Manager*

*Managing Committee*

.....School

Place :

Date :

FORM NO. II

**OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION**

(Name of Sub-District/District)

Gram:

Phone:

E-Mail:

Fax:

To

The Manager,

(Name and address of school)

**Sub:-** Certificate of Recognition for the School under section 18 of Right of Children to Free and Compulsory Education Act 2009 read with rule 14 of Right of Children to Free and Compulsory Education Rules, 2011.

Dear Sir/Madam,

With reference to your application dated.....and subsequent correspondence with the school/inspection in this regard, I convey the grant for recognition to the .....  
 .....  
 (name of the school with address) for Class.....to  
 Class.....w.e.f.....

The above sanction is subject to fulfilment of following conditions, namely:—

1. 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, 2011.

2. The School shall admit in class 1 (or in pre-primary class, as the case may be), to the extent of at least 25% 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.

3. For the children referred to in paragraph 2, the school shall be reimbursed in accordance with the provisions of sub-section (2) of section 12 of the Act and for the purpose of receipt of such reimbursements the school shall maintain a separate bank account.

4. The Society/School Management shall not collect any capitation fee and subject the child or his or her parent or guardian to any screening procedure.

5. The school shall not deny admission to any child for lack of proof of age and shall adhere to the provisions of section 15 of the Act. The School shall ensure that,—

- (i) No child admitted shall be held back in any class or expelled from school till the completion of elementary education in a school;
- (ii) No child shall be subjected to physical punishment or mental harassment;
- (iii) No child is required to pass any Board Examination till the completion of elementary education;
- (iv) Every child completing elementary education shall be awarded a certificate as laid down in rule 21.
- (v) Inclusion of students with disabilities/special needs as per provisions of the Act.
- (vi) The teachers are recruited with the minimum qualifications as laid down under sub-section (1) of section 23 of the Act.
- (vii) The existing teachers who, at the commencement of this Act do not possess minimum qualifications shall acquire such minimum qualifications within a period of 5 years from the date of commencement of the Act.
- (viii) The teachers perform their duties specified under sub-section (1) of section 24 of the Act and those under the rules issued thereunder.
- (ix) The teachers shall not engage himself or herself in non-educational and private teaching activities otherwise than permitted under the Act.

6. The school shall follow the syllabus on the basis of curriculum laid down by State Government/Educational Authority.

7. The school shall maintain the standards and norms of the school as specified in section 19 of the Act and the Rules issued thereunder and 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 with water supply
- Drinking water facility
- Kitchen for cooking mid day meal
- Barrier free Access.

Availability of Teaching Learning Material/Games and Sports Equipments/ Library/Laboratory, Information and Communication Technology, Language Laboratory.

8. No unrecognized classes shall run within the premises of the school or outside in the same name of the school.

9. The school buildings or other structures or the grounds are used only for the purpose of education and skill development.

10. The school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust or an educational agency constituted under any law for the time being in force.

11. The school is not run for profit to any individual, group or association of individuals or any other persons.

12. The accounts shall be audited and certified by a Chartered Accountant and proper accounts statements shall be prepared as per rules. A copy each of the statement of Accounts shall be sent to the Assistant Educational Officer every year.

13. The school furnishes such reports and information as may be required by the Assistant Educational Officer from time to time and complies with such instructions of the Government to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in working of the school.

14. The recognition Code Number allotted to your school is ..... This may please be noted and quoted for any correspondence with this office.

15. Renewal of Registration of school is to, be ensured as applicable.

16. This certificate of recognition granted under the provisions of Right of Children to Free and Compulsory Education Act, 2009 relates to classes 1 to 8. The recognition granted under the provisions of Kerala Education Act and Rules issued thereunder or other orders in force will continue in respect of standards above class 8.

17. Other conditions as per Annexure attached shall also be complied with.

Yours faithfully,

*Deputy Director of Education.*

FORM No. III

**APPLICATION FOR RECOGNITION OF EXISTING UN RECOGNISED  
SCHOOL/FOR PERMISSION TO OPEN NEW SCHOOL/UPGRADATION  
OF EXISTING RECOGNISED SCHOOL**

[See Rule 14 Sub rule (10), (14)]

To

The Assistant Educational Officer,  
(Name of District and Sub District)

Sir,

I forward herewith an application in Form No.3, in compliance with the norms and standards specified in the Schedule of the Right of Children to Free and Compulsory Education Act, 2009 for obtaining permission to open a new school/for up-gradation of existing recognized school known as ..... school having classes from ..... to ..... run by ..... educational agency since ..... (year of starting the school).

Yours faithfully,

*Chairman of Mahaging Committee/Manager.*

Enclosures:.....Nos.

Place :

Date :



[Under rule 14 sub rules (10) and (14)]

## PERMISSION TO OPEN NEW SCHOOL

### A. GENERAL INFORMATION

A. GENERAL INFORMATION	
<p>1 Name of applicant</p> <p>(a) Designation (if any)</p> <p>(b) Address</p> <p>(c) Phone No. (Off.)</p> <p>(Resi.)</p>	
<p>2 Whether the application is for</p> <p>(a) recognition of existing unrecognized school — Yes/No</p> <p>(b) up-gradation of existing recognized school—Yes/No</p> <p>(c) Permission to open new school—Yes/No</p>	
<p>3 Whether Individual/Corporate Management/Educational Agency/Society/Trust</p>	
<p>4 Name and address of the agency seeking recognition/up-gradation</p>	
<p>5 (a) Whether it is recognised or not (if recognised state Recognition No. &amp; Year)</p> <p>(b) Standards already recognized</p> <p>(c) Standards for which recognition is now sought</p>	

6 Period until which registration of the Agency is valid	
7 Whether there is a proof of non proprietary character of the Trust/Society/Managing Committee/Educational Agency/Committee supported by list of members with their address on an affidavit in copy	
8 Number of schools under the Agency.	
9 Name-official address of the Manager/ President/Chairman of the school	
(a) Designation (b) Address (c) Phone No. (Off.)  (Res.)	
10. Location of the school  (i) District  (ii) Taluk  (iii) Block  (iv) Village	
11. Location with respect to neighbouring schools as per enclosed sketch plan of the locality with names of all the schools with in a radius of 3 kms of the proposed site and the distance from it. The distance from the nearest cemetery or cremation ground or slaughter house.	<i>Taluk Distance from Village</i> <i>the proposed</i> <i>site of school</i>  LP  UP  HS

<p>12. Class and grade of school with highest standard of instruction intended</p> <p>(a) whether new or in continuation of the existing school</p> <p>(b) Date on which it is proposed to open the school</p>	
<p>13. Reason for opening the school</p> <ul style="list-style-type: none"> <li>• Here furnish details of child census conducted by the local authority/SSA</li> <li>• Justify educational need of the area concerned</li> <li>• Whether such educational need is certified by the AEO and the local authority</li> </ul>	
<p>14. Whether the school will be open to all the classes of the community</p>	
<p>15. (a) Nature of tenure of ownership of the property</p> <p>(b) Whether the applicant proposes to acquire the land for the school and if so when</p> <p>(c) Extent of land of the existing school which is proposed to be upgraded.</p> <p>(d) Does this school have its own building or is it running in a rented building</p>	

<p>(e) Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development</p> <p>(f) Total area of the school property (in sq. meters) with Survey No./Village/Taluk</p> <p>(g) Built in area of the school (in sq. meters)</p> <p>(h) Specify whether shift or sessional system is followed</p>	
<p>16. Details of the guarantees, the applicant can give in support of his ability to conduct the school successfully from the financial point of view</p> <p>(a) Land</p> <p>(b) Landed property for school</p> <p>(c) Nature of accommodation</p> <p>(d) Cash-deposits</p> <p>(e) Other guarantees</p>	
<p>17. Whether the applicant is already the educational agency of any other recognized institution under the Education Department and if so the name of that institution</p>	

18. Whether the applicant is prepared to furnish cash security required by the department	
19. Whether the applicant intends to run school as an aided or as a recognized school	
20. Whether the applicant or if corporate, any member has been convicted of an offence involving moral turpitude by a court of law, if so give details	
21. Whether the applicant is prepared to absorb qualified teachers/non-teaching staff who are eligible for protection and who have been retrenched from any of the Govt./Aided HSS/HS/UP/LP schools in the revenue district in which the applicant proposes to open/upgrade the school and if so whether an agreement to that effect has been furnished.	

## PART II

**B. SCHOOL DETAILS**

1.	Name of the proposed school with school code (if any)	
2.	Year and date of opening the school/proposed date	
3.	Academic session classes from.....to.....	
4.	School Timings	
5.	District	
6.	Postal Address	
7.	Grama Panchayat/ Municipality/Corporation	
8.	Taluk	
9.	Block	
10.	Name of Education Sub District (AEO)	
11.	Name of Education District (DEO)	
12.	Pin code	
13.	Phone No. with STD code	
14.	Fax No.	
15.	E-mail address	
16.	Nearest Police Station	
17.	Medium of Instruction	

18. Whether Malayalam is taught as a language for all students	
19. Type of school (specify entry and exit classes)	
20. If aided, the name of agency and percentage of aid	
21. Fees charged in each standard	

## PART III

C. ENROLLMENT STATUS		
Class	No. of Sections	No of Students
		Boys      Girls
1. Pre-Primary		
2. I—V		
3. VI—VIII		
4. No. of students from weaker and disadvantaged section admitted under section 12 (1) (c) in pre-primary and class 1		
5. Whether the Unique Identification Number and biometric details of each student is maintained in the school ?		

## PART IV

<b>D. INFRASTRUCTURE DETAILS AND SANITARY FACILITIES</b>			
	<i>Room</i>	<i>Number</i>	<i>Average Size (in m<sup>2</sup>)</i>
1.	Classroom		
2.	Office room-cum-Store Room-Cum-Headmaster Room		
3.	Whether any classes are conducted in thatched buildings		
4.	No. of rooms used for purposes other than teaching (different clubs and co-curricular activities)		
5.	Resource Room		
6.	Kitchen-cum-Store		
7.	Area of playground (in m <sup>2</sup> )		
8.	Type and number of drinking water facility		
9.	Sanitary Conditions:		
	(i) Lavatories and Urinals		
	(ii) Number of Urinals/Lavatories separately for boys with water supply		
	(iii) Urinals/Lavatories separately for girls with water supply		
10.	Specify facilities provided for disposal of waste (compost pit, biogas plant etc.).		



## PART V

**E. OTHER FACILITIES**

1.	Whether all facilities have barrier free access
2.	Teaching Learning Material (attach list)
3.	Sports and Play equipments (attach list)
4.	Books in Library <ul style="list-style-type: none"> <li>• Books (No. books)</li> <li>• Periodicals/Newspapers</li> </ul>
5.	Laboratory Facilities: <ul style="list-style-type: none"> <li>(1) Science (list of equipments)</li> <li>(2) Information and Communication Technology (computers; LCD etc.)</li> <li>(3) Language Laboratory (equipments)</li> <li>(4) Social Science (equipments, collections)</li> <li>(5) Mathematics (equipments, collections)</li> </ul>

## PART VI

**E. INCOME AND EXPENDITURE**

*Total Income and Expenditure during last 3 years Surplus/Deficit*

Year	Income	Expenditure	Surplus	Deficit

## PART VII

**G. PARTICULARS OF TEACHING STAFF****1. Teachers in Primary/Upper Primary exclusively (details of each teacher separately)**

Teacher Name (and UIN when available)	Father/Spouse Name	Date of Birth
Academic Qualification	Professional Qualification	Teaching Experience
Class/ Subject Assigned	Appointment Date	Trained or Untrained
Basic knowledge/ in computer applications	Salary as signed	Whether the stipulations in Rule 18 are observed

**2. Teachers in Both Elementary and Secondary (details of each teacher separately)**

Teacher Name (and UIN when available)	Father/Spouse Name	Date of Birth
Academic Qualification	Professional Qualification	Teaching Experience
Class/Subject Assigned	Appointment Date	Trained or Untrained
Basic knowledge/ experience in computer applications	Salary as signed	Whether the stipulations in Rule 18 are observed

**3. Head Teacher**

Teacher Name (and UIN when available)	Father/Spouse Name	Date of Birth
Academic Qualification	Professional Qualification	Teaching Experience
Class/Subject Assigned	Appointment Date	Trained or Untrained
Basic knowledge/ experience in computer application	Salary assigned	Whether the stipulations in Rule 18 are observed

**PART VIII****H. CURRICULUM AND SYLLABUS**

1	Details of curriculam & syllabus followed in each class (upto VIII)	:
2	System of Pupil Assessment	:
3	Details of arrangements for remedial coaching and special training	:
4	Number of academic inspections by Assistant Educational Officer, District Educational Officer/other educational authority during the last academic year	:

## PART IX

## I. CLASSWISE DETAILS OF STUDENTS

<i>Sl. No.</i>	<i>Name of the student</i>	<i>Unique Identification No.</i>	<i>Standard</i>	<i>Name of address of the parent</i>
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(j) Certified that the school has also submitted information in electronic form to the Assistant Educational Officer and in the data capture format of District Information System of Education (DISE) of SSA along with this application.

(k) Certified that the school is open to inspection by any officer authorized by the State Government

(l) Certified that the school undertakes to furnish such reports and information as may be required by the Assistant Educational Officer from time to time and complies with such instructions of the State Government and the Assistant Educational Officer to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;

(m) Certified that records of the school pertinent to the implementation of this Act shall be open to inspection by any officer authorized by the Assistant Educational Officer and the school shall furnish all such information as may be necessary to enable the State Government or the Local Body to discharge its obligations to State Legislature/Grama Panchayath/Municipal Corporation as the case may be.

(n) Certified that no unrecognized classes are being run within the premises of the school or out side in the same name of school.

(o) Certified that the school buildings or other structures or the grounds are used only for the purpose of education and skill development.

(p) Certified that 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.

(q) Certified that the school is not run for profit to any individual, group or association of individuals or any other persons.

(r) Certified that the accounts shall be audited and certified by a Chartered Accountant and proper accounts statements prepared as per rules. A copy of each of the statements of Accounts shall be sent to the Assistant Educational Officer, every year.

**Declaration**

I, solemnly declare that all the information furnished above are true.

On behalf of the management of the school, I hereby declare that the school fulfills all the conditions specified in the Right to Education Act, 2009 and the Rules thereunder and I promise to comply with all the conditions relating to the recognition of schools affording public instruction and other matters which are laid down in the RTE Act and the Rules under it.

Place:

Date :

*Educational Agency or Manager*

FORM No. III A

## OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION

(Name of Sub-District/District)

Gram:

Phone :

E-Mail:

Fax :

To

The Manager,

(Name and address of school)

*Sub:—*Certificate of Recognition for the School under sub-rule (10)/sub-rule (14) of rule 14 of Right of Children to Free and Compulsory Education Rules, 2011 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 recognition to the.....

(name of the school with address) for Class.....to Class.....w.e.f.....

Yours faithfully,

Deputy Director of Education.

## FORM No. IV

## DECLARATION

## DATE OF BIRTH

(To be sworn by the Parent/Guardian of the Pupil)

*[See rule 12]*

I, ..... son/daughter of .....  
..... aged ..... years and now residing  
at .....  
..... (give  
full address) hereby solemnly affirm and declare that the date of birth of my  
ward ..... is ..... and the place  
of birth is .....

Place:

Signature

Date:

Name of parent/guardian.

FORM No. V

## CERTIFICATE OF ELEMENTARY SCHOOL EDUCATION

(Rule 21 The Right of Children to Free and  
Compulsory Education Kerala Rules, 2011)

This is to certify that.....  
 having Unique Identification Number.....  
 S/o/D/o Ward of Sri/Smt.....

.....(H.E. Name and  
 full address of parent or Guardian) with date of birth on.....has been  
 evaluated in the school and has completed the elementary education course  
 on..... (specify year &  
 month).

The Pupil Cumulative Record and Health Card is attached. He/She has  
 proven ability in.....

He/She is eligible to continue his/her studies in the next higher class.

Place:

Date:

*Headmaster.*

Office Seal



CR-39



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 32] नई दिल्ली, बुधवार, जून 20, 2012/ ज्यैष्ठ 30, 1934 (शक)  
No. 32] NEW DELHI, WEDNESDAY, JUNE 20, 2012/ JYAISTHA 30, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th June, 2012/Jyaistha 30, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

### THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2012

[No. 30 OF 2012]

[19th June, 2012]

### An Act to amend the Right of Children to Free and Compulsory Education Act, 2009

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 2009.

2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 1, after sub-section (3), the following sub-sections shall be inserted, namely:— Amendment of section 1.

“(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instruction.”

Amendment  
of section 2.

3. In the principal Act, in section 2,—

(a) in clause (d), after the word "means", the words "a child with disability or" shall be inserted;

(b) after clause (e), the following clause shall be inserted, namely:—

'(ee) "child with disability" includes,—

(A) a child with "disability" as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1996.

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

44 of 1999.

(C) a child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

44 of 1999.

Amendment  
of section 3.

4. In section 3 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(b) in sub-section (2), the proviso shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

'(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 :

1 of 1996.

Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education.'

44 of 1999.

Amendment  
of section 21.

5. In section 21 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that the School Management Committee constituted under sub-section (1) in respect of,—

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

shall perform advisory function only."

Amendment  
of section 22.

6. In section 22 of the principal Act, in sub-section (1), for the words "School Management Committee, constituted", the words "School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted" shall be substituted.

7. In section 25 of the principal Act, in sub-section (1), for the words "Within six months", the words "Within three years" shall be substituted.

Amendment  
of section 25.

8. After section 38 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
39.

"39. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Power of  
Central  
Government  
to remove  
difficulties:

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament."

V. K. BHASIN,  
*Secretary to the Govt. of India.*

ഭാരത സർക്കാർ

നിയമ മന്ത്രാലയം



सत्यमेव जयते

സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള  
കുട്ടികളുടെ അവകാശം ആക്ട്, 2009

(2009-ലെ 35-ാം നമ്പർ ആക്ട്)

(2013 ഏപ്രിൽ 20-ാം തീയതി നിലവിലിരുന്ന പ്രകാരം)

**THE RIGHT OF CHILDREN TO FREE AND  
COMPULSORY EDUCATION ACT, 2009**

(Act No. 35 of 2009)

(As on 20th April, 2013)

വില: 30 രൂപ



യൂണിയൻ സർക്കാരിനുവേണ്ടി കേരള സർക്കാർ പ്രസ്സുകളുടെ-സുപ്രണ്ട്, തിരുവനന്തപുരം  
സർക്കാർ പ്രസ്സിൽ അച്ചടിച്ച് പ്രസിദ്ധീകരിക്കുന്നത്, 2013.

## ആമുഖം

2013 ഏപ്രിൽ മാസം 20-ാം തീയതി നിലവിലിരുന്ന പ്രകാരമുള്ള സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം ആക്ട്, 2009 (2009-ലെ 35-ാം നമ്പർ ആക്ട്)-ന്റെ മലയാളത്തിലുള്ള ആധികാരിക പാഠം ഈ പതിപ്പിൽ അടങ്ങിയിരിക്കുന്നു. 2013 മേയ് 21-ാം തീയതിയിലെ ഭാരതത്തിന്റെ അസാധാരണ ഗസറ്റ് XI-ാം ഭാഗം, I-ാം വകുപ്പ്, 1-ാം വാല്യം, 13-ാം നമ്പരായി 1 മുതൽ 22 വരെയുള്ള പുറങ്ങളിൽ ഇത് പ്രസിദ്ധീകരിച്ചിരുന്നു.

ഈ ആധികാരിക പരിഭാഷ, ആധികാരിക പാഠങ്ങൾ (കേന്ദ്ര നിയമങ്ങൾ) ആക്ട്, 1973 (1973-ലെ 50-ാം നമ്പർ ആക്ട്)-ന്റെ 2-ാം വകുപ്പ് (ക) ഖണ്ഡം അനുസരിച്ച് ഭാരതത്തിന്റെ രാഷ്ട്രപതി അധികാരപ്പെടുത്തിയപ്രകാരം പ്രസിദ്ധീകരിക്കുകയും അപ്രകാരം പ്രസിദ്ധീകരിച്ചതിന്മേൽ അത് ആ ആക്റ്റിന്റെ മലയാളത്തിലുള്ള ആധികാരിക പാഠമായിത്തീരുകയും ചെയ്തു.

പി. കെ. മൽഹോത്ര,

ഭാരത സർക്കാരിന്റെ സെക്രട്ടറി.

## PREFACE

This edition of the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009) as on 20th April, 2013 contains the authoritative text of that Act in Malayalam which was published in the Gazette of India Extraordinary Part XI, Section I, Vol. 1, No. 13 dated 21st May, 2013 on pages 1 to 22.

This authorised translation was published under the authority of the President of India under clause (a) section 2 of the Authoritative Texts (Central Laws) Act, 1973 (Act No. 50 of 1973) and on such publication it became the authoritative text of that Act in Malayalam.

P. K. MALHOTRA,

Secretary to the Government of India.

**സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള  
കുട്ടികളുടെ അവകാശം ആക്ട്, 2009  
(2009-ലെ 35-ാം നമ്പർ ആക്ട്)**

ഉള്ളടക്കം

അദ്ധ്യായം I

പ്രാരംഭികം

വകുപ്പുകൾ	പേജ്
1. ചുരുക്കപ്പേരും വ്യാപ്തിയും പ്രാരംഭവും	1
2. നിർവ്വചനങ്ങൾ	1

അദ്ധ്യായം II

**സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള  
കുട്ടികളുടെ അവകാശം**

3. സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം	4
4. പ്രാഥമിക വിദ്യാഭ്യാസത്തിന് ചേർത്തിട്ടില്ലാത്ത അല്ലെങ്കിൽ പൂർത്തീകരിക്കാത്ത കുട്ടികൾക്കുവേണ്ടിയുള്ള പ്രത്യേക വ്യവസ്ഥകൾ	4
5. മറ്റൊരു സ്കൂളിലേക്ക് മാറ്റത്തിനുള്ള അവകാശം	5

അദ്ധ്യായം III

**സമൂഹിത സർക്കാരിന്റെയും തദ്ദേശാധികാര സ്ഥാനത്തിന്റെയും  
മാതാപിതാക്കളുടെയും കർത്തവ്യങ്ങൾ**

6. സമൂഹിത സർക്കാരിന്റെയും തദ്ദേശാധികാര സ്ഥാനത്തിന്റെയും സ്കൂൾ സ്ഥാപിക്കുന്നതിനുള്ള കർത്തവ്യം	5
7. സാമ്പത്തികമായതും അല്ലാത്തതുമായ ഉത്തരവാദിത്വങ്ങളുടെ പങ്കിടൽ	5
8. സമൂഹിത സർക്കാരിന്റെ കർത്തവ്യങ്ങൾ	6
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11. സമൂഹിത സർക്കാർ പ്രീ-സ്കൂൾ വിദ്യാഭ്യാസത്തിനുള്ള ഏർപ്പാട് ചെയ്യണമെന്ന്	8

അദ്ധ്യായം IV

**സ്കൂളുകളുടെയും അദ്ധ്യാപകരുടെയും ഉത്തരവാദിത്തങ്ങൾ**

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**സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ  
അവകാശം ആക്ട്, 2009  
(2009-ലെ 35-ാം നമ്പർ ആക്ട്)**

[2009 ആഗസ്റ്റ്, 26]

ആറ് മുതൽ പതിനാല് വയസ്സുവരെ പ്രായമുള്ള എല്ലാ കുട്ടികൾക്കും സൗജന്യവും  
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ചെയ്യുന്നതിനുവേണ്ടിയുള്ള

ഒരു

ആക്ട്

ഭാരത റിപ്പബ്ലിക്കിന്റെ അറുപതാം സംവത്സരത്തിൽ പാർലമെന്റ് താഴെപ്പറയും പ്രകാരം  
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അദ്ധ്യായം-I

പ്രാരംഭികം

1. (1) ഈ ആക്റ്റിന് സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം ആക്ട്, 2009 എന്ന് പേര് പര്യാവുന്നതാണ്. ചുരുക്കപ്പേരും  
വ്യാപ്തിയും പ്രാരംഭവും

(2) ഇതിന് ജമ്മു-കാശ്മീർ സംസ്ഥാനം ഒഴികെ ഭാരതം മുഴുവൻ വ്യാപ്തി ഉണ്ടായിരിക്കുന്നതാണ്.

(3) ഇത്, കേന്ദ്ര സർക്കാർ ഔദ്യോഗിക ഗസറ്റിൽ വിജ്ഞാപനം വഴി നിശ്ചയിക്കാവുന്ന അങ്ങനെയുള്ള തീയതിയിൽ പ്രാബല്യത്തിൽ വരുന്നതാണ്.

[(4) ഭരണഘടനയിലെ 29-ഉം 30-ഉം അനുച്ഛേദങ്ങളിലെ വ്യവസ്ഥകൾക്കു വിധേയമായി, സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിന് കുട്ടികൾക്ക് അവകാശങ്ങൾ നൽകുന്നതിന് ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ ബാധകമാകുന്നതാണ്.

(5) ഈ ആക്റ്റിൽ അടങ്ങിയിരിക്കുന്ന യാതൊന്നും മന്ദസകൾ, വേദിക് പാഠശാലകൾ, പ്രാഥമികമായി മതബോധനം നടത്തുന്ന വിദ്യാഭ്യാസ സ്ഥാപനങ്ങൾ എന്നിവയ്ക്ക് ബാധകമാകുന്നതല്ല.]

2. ഈ ആക്റ്റിൽ സന്ദർഭം മറ്റുവിധത്തിൽ ആവശ്യപ്പെടാത്തപക്ഷം, നിർവ്വചനങ്ങൾ.

(ക) “സമുചിത സർക്കാർ” എന്നാൽ,—

(i) കേന്ദ്രസർക്കാരിനാലോ ഒരു നിയമനിർമ്മാണ മണ്ഡലമില്ലാത്ത യൂണിയൻ പ്രദേശത്തെ അഡ്മിനിസ്ട്രേറ്ററാലോ സ്ഥാപിച്ചതോ അവയുടെ ഉടമസ്ഥതയിലുള്ളതോ നിയന്ത്രണത്തിലുള്ളതോ ആയ ഒരു സ്കൂളിനെ സംബന്ധിച്ച്, കേന്ദ്രസർക്കാർ എന്നും;

(ii) (i) -ാം ഉപഖണ്ഡത്തിൽ പരാമർശിച്ചിരിക്കുന്ന സ്കൂൾ അല്ലാത്ത ഒരു സ്കൂളിനെ സംബന്ധിച്ച് അത് സ്ഥാപിക്കപ്പെട്ട ഭൂപ്രദേശം—

(ക) ഒരു സംസ്ഥാനത്തിനുള്ളിലാണെങ്കിൽ, സംസ്ഥാന സർക്കാർ എന്നും;

(ഖ) നിയമനിർമ്മാണമണ്ഡലമുള്ള ഒരു യൂണിയൻ പ്രദേശത്തിനുള്ളിലാണെങ്കിൽ ആ യൂണിയൻ പ്രദേശത്തെ സർക്കാർ എന്നും,

അർത്ഥമാകുന്നു;

<sup>1</sup> സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം (ഭേദഗതി) ആക്ട്, 2012 (2012-ലെ 30)-ന്റെ 2-ാം വകുപ്പ് പ്രകാരം ചേർത്തത്.



(ഖ) “ക്യാപ്പിറ്റേഷൻ ഫീസ്” എന്നാൽ സ്കൂൾ വിജ്ഞാപനം ചെയ്ത ഫീസല്ലാതെയുള്ള ഏതെങ്കിലും തരത്തിലുള്ള ദാനമോ സംഭാവനയോ പണം കൊടുക്കലോ എന്നർത്ഥമാകുന്നു;

(ഗ) “കുട്ടി” എന്നാൽ ആറ് മുതൽ പതിനാല് വയസ്സുവരെ പ്രായമുള്ള ഒരു ആൺകുട്ടി അല്ലെങ്കിൽ പെൺകുട്ടി എന്നർത്ഥമാകുന്നു;

(ഘ) “പ്രതികൂലാവസ്ഥയിലുള്ള ഗണത്തിൽപ്പെട്ട കുട്ടി” എന്നാൽ [വൈകല്യത്തോടുകൂടിയ ഒരു കുട്ടി അല്ലെങ്കിൽ] പട്ടികജാതിയിലോ പട്ടിക ഗോത്രവർഗ്ഗത്തിലോ സാമൂഹ്യമായും വിദ്യാഭ്യാസപരമായും പിന്നോക്കം നിൽക്കുന്ന വിഭാഗത്തിലോ പെട്ടതോ അല്ലെങ്കിൽ സാമൂഹികമായോ സാംസ്കാരികമായോ സാമ്പത്തികമായോ ഭൂമിശാസ്ത്രപരമായോ ഭാഷാ ശാസ്ത്രപരമായോ ലിംഗപരമായോ അല്ലെങ്കിൽ സമൂഹിതസർക്കാരിനാൽ വിജ്ഞാപനം വഴി വിനിർദ്ദേശിച്ചേക്കാവുന്ന അങ്ങനെയുള്ള മറ്റ് ഘടകത്താലോ പ്രതികൂലാവസ്ഥയിലുള്ള അങ്ങനെയുള്ള മറ്റ് ഗണത്തിൽപ്പെട്ടതോ ആയ ഒരു കുട്ടി എന്നർത്ഥമാകുന്നു;

<sup>2</sup>(ങ) “ദുർബ്ബലവിഭാഗത്തിൽപ്പെട്ട കുട്ടി” എന്നാൽ സമൂഹിത സർക്കാരിനാൽ വിജ്ഞാപനം വഴി വിനിർദ്ദേശിക്കപ്പെട്ട ഏറ്റവും കുറഞ്ഞ പരിധിയിൽ താഴെ വാർഷിക വരുമാനമുള്ള അങ്ങനെയുള്ള മാതാപിതാക്കളുടെ അല്ലെങ്കിൽ രക്ഷിതാവിന്റെ ഒരു കുട്ടി എന്നർത്ഥമാകുന്നു;

<sup>1</sup>(ങങ) “വൈകല്യത്തോടുകൂടിയ കുട്ടി” എന്നതിൽ,—

(ക) വൈകല്യങ്ങളുള്ള ആളുകൾ (തുല്യ അവസരങ്ങളും അവകാശ സംരക്ഷണവും പൂർണ്ണപങ്കാളിത്തവും) ആക്ട്, 1995 (1996-ലെ 1)-ന്റെ 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡത്തിൽ നിർവ്വചിച്ച പ്രകാരമുള്ള വൈകല്യത്തോടുകൂടിയ ഒരു കുട്ടിയും;

(ഖ) ദിവാസ്വപ്നപ്രകൃതിയും മസ്തിഷ്ക തളർവാതവും ബുദ്ധിമാന്ദ്യവും ബഹുവിധ വൈകല്യങ്ങളുമുള്ള ആളുകളുടെ ക്ഷേമത്തിനുവേണ്ടിയുള്ള ദേശീയ ട്രസ്റ്റ് ആക്ട്, 1999 (1999-ലെ 44)-ന്റെ 2-ാം വകുപ്പ് (ണ) ഖണ്ഡത്തിൽ നിർവ്വചിച്ച പ്രകാരമുള്ള വൈകല്യത്തോടുകൂടിയ ഒരു ആൾ ആയിട്ടുള്ള ഒരു കുട്ടിയും;

(ഗ) ദിവാസ്വപ്നപ്രകൃതിയും മസ്തിഷ്ക തളർവാതവും ബുദ്ധിമാന്ദ്യവും ബഹുവിധ വൈകല്യങ്ങളുമുള്ള ആളുകളുടെ ക്ഷേമത്തിനുവേണ്ടിയുള്ള ദേശീയ ട്രസ്റ്റ് ആക്ട്, 1999 (1999-ലെ 44)-ന്റെ 2-ാം വകുപ്പ് (ണ) ഖണ്ഡത്തിൽ നിർവ്വചിച്ച പ്രകാരമുള്ള “ഗുരുതരമായ വൈകല്യത്തോടു” കൂടിയ ഒരു കുട്ടിയും,

ഉൾപ്പെടുന്നു.];

(ച) “പ്രാഥമിക വിദ്യാഭ്യാസം” എന്നാൽ ഒന്നാം ക്ലാസ്സ് മുതൽ എട്ടാം ക്ലാസ്സ് വരെയുള്ള വിദ്യാഭ്യാസം എന്നർത്ഥമാകുന്നു;

(ചര) ഒരു കുട്ടിയെ സംബന്ധിച്ചിടത്തോളം “രക്ഷാകർത്താവ്” എന്നാൽ ആ കുട്ടിയുടെ പരിരക്ഷണവും സൂക്ഷിപ്പും ഉള്ള ഒരാൾ എന്നർത്ഥമാകുന്നതും അതിൽ ഒരു സ്വാഭാവിക രക്ഷാകർത്താവ് അല്ലെങ്കിൽ ഒരു കോടതിയാലോ ഒരു ലിഖിത നിയമത്താലോ നിയമിച്ച അല്ലെങ്കിൽ പ്രഖ്യാപിച്ച രക്ഷാകർത്താവ് ഉൾപ്പെടുന്നതുകൊണ്ടാകുന്നു;

(ജ) “തദ്ദേശാധികാരസ്ഥാനം” എന്നാൽ ഒരു മുനിസിപ്പൽ കോർപ്പറേഷനോ മുനിസിപ്പൽ കൗൺസിലോ ജില്ലാ പരിഷത്തോ നഗര പഞ്ചായത്തോ, പഞ്ചായത്തോ, എന്തു പേരിനാൽ വിളിക്കപ്പെട്ടാലും, എന്നർത്ഥമാകുന്നതും അതിൽ സ്കൂളിനു മേൽ ഭരണപരമായ

<sup>1</sup> സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം (ദേശീയ) ആക്ട്, 2012 (2012-ലെ 30)-ന്റെ 3-ാം വകുപ്പ് (ക) ഖണ്ഡപ്രകാരം ചേർത്തത്.

<sup>2</sup> മേൽപ്പറഞ്ഞ ആക്റ്റിന്റെ 3-ാം വകുപ്പ് (ഖ) ഖണ്ഡപ്രകാരം ചേർത്തത്.

നിയന്ത്രണമുള്ളതും അല്ലെങ്കിൽ ഏതെങ്കിലും നഗരത്തിലോ ടൗണിലോ ഗ്രാമത്തിലോ തദ്ദേശാധികാരസ്ഥാനമായി പ്രവർത്തിക്കുവാൻ തത്സമയം പ്രാബല്യത്തിലുള്ള ഏതെങ്കിലും നിയമത്താലോ അതിൻകീഴിലോ അധികാരപ്പെടുത്തിയിട്ടുള്ള അങ്ങനെയുള്ള മറ്റ് അധികാരസ്ഥാനം അല്ലെങ്കിൽ നികായം ഉൾപ്പെടുന്നതുകൊണ്ടു;

(ഡ) “ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള ദേശീയ കമ്മീഷൻ” എന്നാൽ, ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റ്, 2005 (2006-ലെ 4)-ന്റെ 3-ാം വകുപ്പിൻ കീഴിൽ രൂപീകരിച്ചിട്ടുള്ള ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള ദേശീയ കമ്മീഷൻ എന്നർത്ഥമാകുന്നു;

(ഇ) “വിജ്ഞാപനം” എന്നാൽ ഔദ്യോഗിക ഗസറ്റിൽ പ്രസിദ്ധീകരിച്ച ഒരു വിജ്ഞാപനം എന്നർത്ഥമാകുന്നു;

(ഒ) “മാതാപിതാക്കളിൽ ഒരാൾ” എന്നാൽ ഒരു കുട്ടിയുടെ പ്രകൃത്യാ ഉള്ള അല്ലെങ്കിൽ വളർത്ത് അല്ലെങ്കിൽ ദത്ത് പിതാവോ മാതാവോ എന്നർത്ഥമാകുന്നു;

(ഓ) “നിർണ്ണയിക്കപ്പെട്ട” എന്നാൽ ഈ ആക്റ്റിൻകീഴിൽ ഉണ്ടാക്കിയിട്ടുള്ള ചട്ടങ്ങളാൽ നിർണ്ണയിക്കപ്പെട്ട എന്നർത്ഥമാകുന്നു;

(ഡ) “പട്ടിക” എന്നാൽ ഈ ആക്റ്റിന് അനുബന്ധമായിട്ടുള്ള പട്ടിക എന്നർത്ഥമാകുന്നു;

(ഡബ്) “സ്കൂൾ” എന്നാൽ പ്രാഥമിക വിദ്യാഭ്യാസം നൽകുന്ന ഏതെങ്കിലും അംഗീകൃത സ്കൂൾ എന്നർത്ഥമാകുന്നതും അതിൽ—

(i) സമുചിത സർക്കാരിനാലോ ഒരു തദ്ദേശാധികാര സ്ഥാനത്താലോ സ്ഥാപിച്ചതോ അവയുടെ ഉടമസ്ഥതയിലുള്ളതോ നിയന്ത്രണത്തിലുള്ളതോ ആയ ഒരു സ്കൂൾ;

(ii) സമുചിത സർക്കാരിൽനിന്നോ തദ്ദേശാധികാര സ്ഥാനത്തിൽ നിന്നോ അതിന്റെ ചെലവുകൾ മുഴുവനായോ, ഭാഗികമായോ വഹിക്കുന്നതിന് സഹായമോ ഗ്രാന്റുകളോ സ്വീകരിക്കുന്ന ഒരു എയ്ഡഡ് സ്കൂൾ;

(iii) വിനിർദ്ദേശിക്കപ്പെട്ട വിഭാഗത്തിലുള്ള ഒരു സ്കൂൾ;

(iv) സമുചിത സർക്കാരിൽ നിന്നോ തദ്ദേശ അധികാരസ്ഥാനത്തിൽ നിന്നോ അതിന്റെ ചെലവുകൾ മുഴുവനായോ, ഭാഗികമായോ വഹിക്കുന്നതിന് യാതൊരു വിധത്തിലുള്ള സഹായമോ ഗ്രാന്റുകളോ സ്വീകരിക്കാത്ത ഒരു അൺ-എയ്ഡഡ് സ്കൂൾ,

എന്നിവ ഉൾപ്പെടുന്നതുകൊണ്ടു.

(ണ) “സ്ക്രീനിംഗ് നടപടിക്രമം” എന്നാൽ ചിട്ടയില്ലാത്ത രീതിയിലല്ലാതെ മറ്റൊരാളുടെ മുകളിൽ മുൻഗണന നൽകിക്കൊണ്ട് ഒരു കുട്ടിയുടെ പ്രവേശനത്തിന് വേണ്ടിയുള്ള തെരഞ്ഞെടുപ്പ് രീതി എന്നർത്ഥമാകുന്നു;

(ത) ഒരു സ്കൂളിനെ സംബന്ധിച്ച്, “വിനിർദ്ദേശിക്കപ്പെട്ട വിഭാഗം” എന്നാൽ കേന്ദ്രീയ വിദ്യാലയ, നവോദയ വിദ്യാലയ, സൈനിക സ്കൂൾ എന്നറിയപ്പെടുന്ന ഒരു സ്കൂൾ അല്ലെങ്കിൽ സമുചിത സർക്കാരിനാൽ വിജ്ഞാപനംവഴി വിനിർദ്ദേശിക്കപ്പെടാവുന്ന ഒരു സവിശേഷ സ്വഭാവമുള്ള മറ്റേതെങ്കിലും സ്കൂൾ എന്നർത്ഥമാകുന്നു;

(ഥ) “ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷൻ” എന്നാൽ, ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റ്, 2005 (2006-ലെ 4)-ന്റെ 3-ാം വകുപ്പിൻ കീഴിൽ രൂപീകരിച്ചിട്ടുള്ള ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷൻ എന്നർത്ഥമാകുന്നു.

## അദ്ധ്യായം II

**സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള അവകാശം**

സൗജന്യവും  
നിർബന്ധിതവുമായ  
വിദ്യാഭ്യാസത്തിനുള്ള  
കുട്ടിയുടെ അവകാശം.

3. [(1) 2-ാം വകുപ്പ് (ഘ) ഖണ്ഡത്തിൽ അല്ലെങ്കിൽ (ങ) ഖണ്ഡത്തിൽ പരാമർശിച്ചിട്ടുള്ള ഒരു കുട്ടിയുടെ പേരിൽ ആറ് മുതൽ പതിനാല് വയസ്സുവരെ പ്രായമുള്ള ഓരോ കുട്ടിക്കും അവന്റെ അല്ലെങ്കിൽ അവളുടെ പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തിയാക്കുന്നതുവരെ സമീപപ്രദേശത്തെ ഒരു സ്കൂളിൽ സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിന് അവകാശം ഉണ്ടായിരിക്കുന്നതാണ്.]

(2) (1)-ാം ഉപവകുപ്പിന്റെ ആവശ്യത്തിലേക്കായി യാതൊരു കുട്ടിയും അവന്റെയോ അവളുടെയോ പ്രാഥമിക വിദ്യാഭ്യാസം തുടരുന്നതിനും പൂർത്തീകരിക്കുന്നതിനും തടസ്സം നിൽക്കുന്ന ഏതെങ്കിലും തരത്തിലുള്ള ഫീസോ ചാർജ്ജുകളോ ചെലവുകളോ നൽകുന്നതിന് ബാധ്യസ്ഥനായിരിക്കുന്നതല്ല.

[\*\*\*\*\*]

[(3) വൈകല്യങ്ങളുള്ള ആളുകൾ (തൃപ്ത അവസരങ്ങളും അവകാശ സംരക്ഷണവും പൂർണ്ണ പങ്കാളിത്തവും) ആക്ട്, 1995-ന്റെ വ്യവസ്ഥകൾക്ക് ഭംഗം വരാതെ, 2-ാം വകുപ്പ് (ഞ) ഖണ്ഡത്തിന്റെ (ക) ഉപഖണ്ഡത്തിൽ പരാമർശിച്ചിട്ടുള്ള വൈകല്യത്തോടുകൂടിയ ഒരു കുട്ടിക്കും, 2-ാം വകുപ്പ് (ഞ) ഖണ്ഡത്തിലെ (ഈ)-യും (ഗ)-യും ഉപഖണ്ഡങ്ങളിൽ പരാമർശിച്ചിട്ടുള്ള ഒരു കുട്ടിക്കും സൗജന്യവും നിർബന്ധിതവുമായ പ്രാഥമിക വിദ്യാഭ്യാസം തുടരുന്നതിന്, വൈകല്യങ്ങളുള്ള ആളുകൾ (തൃപ്ത അവസരങ്ങളും അവകാശ സംരക്ഷണവും പൂർണ്ണ പങ്കാളിത്തവും) ആക്ട്, 1995-ന്റെ V-ാം അദ്ധ്യായത്തിലെ വ്യവസ്ഥകൾക്കുകീഴിൽ വരുന്ന വൈകല്യങ്ങളുള്ള കുട്ടികൾക്കുള്ള അതേ അവകാശങ്ങൾ ഉണ്ടായിരിക്കുന്നതാണ്:

എന്നാൽ, ദിവാസ്വപ്നപ്രകൃതിയും മസ്തിഷ്ക തളർവാതവും ബുദ്ധിമാന്ദ്യവും ബഹുവിധ വൈകല്യങ്ങളുമുള്ള ആളുകളുടെ ക്ഷേമത്തിനുവേണ്ടിയുള്ള ദേശീയ ട്രസ്റ്റ് ആക്ട്, 1999-ന്റെ 2-ാം വകുപ്പിലെ (ജ) ഖണ്ഡത്തിൽ പരാമർശിച്ചിട്ടുള്ള “ബഹുവിധ വൈകല്യങ്ങൾ ഉള്ള” ഒരു കുട്ടിക്കും (ണ) ഖണ്ഡത്തിൽ പരാമർശിച്ചിട്ടുള്ള “ഗുരുതരമായ വൈകല്യം” ഉള്ള ഒരു കുട്ടിക്കും ഗുഹാധിഷ്ഠിത വിദ്യാഭ്യാസം തെരഞ്ഞെടുക്കുന്നതിനുള്ള അവകാശം കൂടി ഉണ്ടായിരിക്കാവുന്നതാണ്.]

പ്രാഥമിക വിദ്യാഭ്യാസത്തിന് ചേർത്തിട്ടില്ലാത്ത അല്ലെങ്കിൽ പൂർത്തീകരിക്കാത്ത കുട്ടികൾക്കു വേണ്ടിയുള്ള പ്രത്യേക വ്യവസ്ഥകൾ.

4. ആറ് വയസ്സിന് മുകളിൽ പ്രായമുള്ള ഒരു കുട്ടിയെ ഏതെങ്കിലും സ്കൂളിൽ ചേർത്തിട്ടില്ലാത്തതിടത്ത് അഥവാ ചേർത്തിട്ടുണ്ടെങ്കിലും, അവനോ അവൾക്കോ പ്രാഥമികവിദ്യാഭ്യാസം പൂർത്തീകരിക്കാൻ സാധിച്ചിട്ടില്ലാത്തതിടത്ത്, അവനെ അല്ലെങ്കിൽ അവളെ, അവന്റെ അല്ലെങ്കിൽ അവളുടെ പ്രായത്തിന് യോജിച്ച ഒരു ക്ലാസ്സിൽ ചേർക്കേണ്ടതാണ്:

എന്നാൽ, ഒരു കുട്ടിയെ അവന്റെയോ അവളുടെയോ പ്രായത്തിനു യോജിച്ച ക്ലാസിൽ നേരിട്ട് ചേർത്തിട്ടുള്ളതിടത്ത് അവന് അല്ലെങ്കിൽ അവൾക്ക് മറ്റുള്ളവരുമായി സമാനതയുണ്ടാകുന്നതിലേക്ക് വിനിർദ്ദേശിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള രീതിയിലും അങ്ങനെയുള്ള സമയപരിധികൾക്കുള്ളിലും പ്രത്യേകം പരിശീലനം ലഭിക്കുന്നതിനുള്ള ഒരു അവകാശം ഉണ്ടായിരിക്കുന്നതാണ്:

<sup>1</sup> സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം (മേദഗതി) ആക്ട്, 2012 (2012-ലെ 30)-ന്റെ 4-ാം വകുപ്പ് (ക) ഖണ്ഡപ്രകാരം പകരം ചേർത്തത്.

<sup>2</sup> മേൽപ്പറഞ്ഞ ആക്റ്റിന്റെ 4-ാം വകുപ്പ് (ഈ) ഖണ്ഡപ്രകാരം വിട്ടുകളഞ്ഞു.

<sup>3</sup> മേൽപ്പറഞ്ഞ ആക്റ്റിന്റെ 4-ാം വകുപ്പ് (ഗ) ഖണ്ഡപ്രകാരം ചേർത്തത്.

എന്നുമാത്രമല്ല, പ്രാഥമിക വിദ്യാഭ്യാസത്തിന് അപ്രകാരം ചേർത്തിട്ടുള്ള ഒരു കുട്ടിക്ക് പതിനാല് വയസ്സിനുശേഷവും പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തിയാകുന്നതുവരെ സൗജന്യ വിദ്യാഭ്യാസത്തിന് അർഹത ഉണ്ടായിരിക്കുന്നതാണ്.

5. (1) ഒരു സ്കൂളിൽ പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തീകരിക്കുവാൻ യാതൊരു വ്യവസ്ഥയുമില്ലാത്തതിടത്ത്, ഒരു കുട്ടിക്ക് അവന്റെയോ അവളുടെയോ പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തീകരിക്കുന്നതിനുവേണ്ടി 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡത്തിന്റെ (iii)-ഉം (iv)-ഉം ഉപഖണ്ഡങ്ങളിൽ വിനിർദ്ദേശിക്കപ്പെട്ട സ്കൂൾ ഒഴികെ, മറ്റേതൊരു സ്കൂളിലേക്കും മാറ്റം തേടുന്നതിനുള്ള അവകാശം ഉണ്ടായിരിക്കുന്നതാണ്.

മറ്റൊരു സ്കൂളിലേക്ക് മാറ്റത്തിനുള്ള അവകാശം.

(2) ഒരു കുട്ടിയോട് ഒരു സ്കൂളിൽ നിന്നും ഒരു സംസ്ഥാനത്തിനുള്ളിലോ പുറത്തോ ഉള്ള മറ്റൊരു സ്കൂളിലേക്ക് പിരിഞ്ഞുപോകാൻ ആവശ്യപ്പെട്ടിട്ടുള്ളതിടത്ത്, അത് എന്തു കാരണത്താൽ തന്നെയായിരുന്നാലും, അങ്ങനെയുള്ള കുട്ടിക്ക് അവന്റെയോ അവളുടെയോ പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തീകരിക്കുന്നതിനുവേണ്ടി 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡത്തിന്റെ (iii)-ഉം (iv)-ഉം ഉപഖണ്ഡങ്ങളിൽ വിനിർദ്ദേശിക്കപ്പെട്ട സ്കൂൾ ഒഴികെ, മറ്റേതൊരു സ്കൂളിലേക്കും മാറ്റം തേടുന്നതിനുള്ള അവകാശം ഉണ്ടായിരിക്കുന്നതാണ്.

(3) അങ്ങനെയുള്ള മറ്റ് സ്കൂളിലേക്ക് പ്രവേശനം തേടുന്നതിനുവേണ്ടി, അത്തരത്തിലുള്ള കുട്ടി അവസാനം പ്രവേശനം നേടിയിട്ടുള്ള സ്കൂളിന്റെ പ്രധാന അധ്യാപകനോ അഥവാ ചാർജ്ജുള്ള ആളോ ഉടൻ തന്നെ വിടുതൽ സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതാണ് :

എന്നാൽ, വിടുതൽ സർട്ടിഫിക്കറ്റ് ഹാജരാക്കുന്നതിനുള്ള കാലതാമസം അങ്ങനെയുള്ള മറ്റ് സ്കൂളിലേക്ക് പ്രവേശനം വൈകിക്കുന്നതിനോ നിഷേധിക്കുന്നതിനോ ഉള്ള ഒരു കാരണം ആകാൻ പാടുള്ളതല്ല :

എന്നുമാത്രമല്ല, വിടുതൽ സർട്ടിഫിക്കറ്റ് നൽകുന്നതിന് കാലതാമസം ഉണ്ടാക്കുന്ന സ്കൂളിന്റെ പ്രധാന അധ്യാപകനോ ചാർജ്ജുള്ള ആളോ അയാൾക്ക് അല്ലെങ്കിൽ അവൾക്ക് ബാധകമായ സർവ്വീസ് ചട്ടങ്ങളിൻകീഴിൽ അച്ചടക്കനടപടിക്ക് ബാധ്യസ്ഥൻ ആയിരിക്കുന്നതാണ്.

### അദ്ധ്യായം III

#### സമൂഹിത സർക്കാരിന്റെയും തദ്ദേശാധികാരസ്ഥാനത്തിന്റെയും മാതാപിതാക്കളുടെയും കർത്തവ്യങ്ങൾ

6. ഈ ആക്റ്റിന്റെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിനുവേണ്ടി, സമൂഹിത സർക്കാരും തദ്ദേശാധികാരസ്ഥാനവും, നിർണ്ണയിച്ചേക്കാവുന്ന അങ്ങനെയുള്ള പ്രദേശത്തിനുള്ളിലോ സമീപപ്രദേശങ്ങളുടെ പരിധികൾക്കുള്ളിലോ ഒരു സ്കൂൾ, അത് അങ്ങനെ സ്ഥാപിക്കപ്പെടാത്തതിടത്ത്, ഈ ആക്റ്റിന്റെ പ്രാരംഭം മുതൽ മൂന്ന് വർഷക്കാലയളവിനുള്ളിൽ സ്ഥാപിക്കേണ്ടതാണ്.

സമൂഹിത സർക്കാരിന്റെയും തദ്ദേശാധികാരസ്ഥാനത്തിന്റെയും സ്കൂൾ സ്ഥാപിക്കുന്നതിനുള്ള കർത്തവ്യം.

7. (1) ഈ ആക്റ്റിന്റെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിന് വേണ്ടിയുള്ള ഫണ്ടുകൾ ലഭ്യമാക്കുന്നതിൽ കേന്ദ്രസർക്കാരും സംസ്ഥാന സർക്കാരുകൾക്കും സമവർത്തിയായ ഉത്തരവാദിത്വം ഉണ്ടായിരിക്കുന്നതാണ്.

സാമ്പത്തികമായതും അല്ലാത്തതുമായ ഉത്തരവാദിത്വങ്ങളുടെ പങ്കിടൽ.

(2) ഈ ആക്റ്റിന്റെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിനുള്ള മൂലധനത്തിന്റേയും ആവർത്തന ചെലവുകളുടെയും അടങ്കലുകൾ കേന്ദ്രസർക്കാർ തയ്യാറാക്കേണ്ടതാണ്.

(3) കേന്ദ്രസർക്കാർ കാലാകാലങ്ങളിൽ സംസ്ഥാന സർക്കാരുകളുമായി ആലോചിച്ചശേഷം അത് നിശ്ചയിച്ചേക്കാവുന്ന (2)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള ചെലവിന്റെ അങ്ങനെയുള്ള ശതമാനം, സംസ്ഥാന സർക്കാരുകൾക്ക് റവന്യൂവിന്റെ സഹായക ഗ്രാന്റുകളായി ലഭ്യമാക്കേണ്ടതാണ്.

(4) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിനായി ഏതെങ്കിലും സംസ്ഥാനസർക്കാരിന് അതിന്റെ ഫണ്ടുകളുടെ വിഹിതം നൽകാനാവാംവിധം പ്രസ്തുത സംസ്ഥാനസർക്കാരിന് അധികവിഭവങ്ങൾ നൽകുന്നതിന്റെ ആവശ്യകത പരിശോധിക്കുന്നതിലേക്ക് 280-ാം അനുച്ഛേദം (3)-ാം ഖണ്ഡത്തിന്റെ (എ) ഉപഖണ്ഡപ്രകാരം ധനകാര്യ കമ്മീഷൻ ഒരു റഫറൻസ് നൽകുവാൻ കേന്ദ്രസർക്കാരിന് രാഷ്ട്രപതിയോട് അഭ്യർത്ഥിക്കാവുന്നതാണ്.

(5) (4)-ാം ഉപവകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും, സംസ്ഥാന സർക്കാർ, (3)-ാം ഉപവകുപ്പ് പ്രകാരം കേന്ദ്ര സർക്കാർ ഒരു സംസ്ഥാന സർക്കാരിന് ലഭ്യമാക്കിയ തുകകളും അതിന്റെ മറ്റ് വിഭവങ്ങളും പരിഗണനയിൽ എടുത്തുകൊണ്ട്, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിനുള്ള ഫണ്ടുകൾ ലഭ്യമാക്കുന്നതിന് ഉത്തരവാദിയായിരിക്കുന്നതാണ്.

(6) കേന്ദ്രസർക്കാർ—

(ക) 29-ാം വകുപ്പ് പ്രകാരം വിനിർദ്ദേശിച്ച അക്കാഡമിക് അതോറിറ്റിയുടെ സഹായത്തോടെ ദേശീയ പാഠ്യപദ്ധതിയുടെ ഒരു ചട്ടക്കൂട് വികസിപ്പിക്കേണ്ടതും;

(ഖ) അദ്ധ്യാപകരുടെ പരിശീലനത്തിന്റെ നിലവാരം മെച്ചപ്പെടുത്തുകയും നടപ്പിലാക്കുകയും ചെയ്യേണ്ടതും;

(ഗ) നൂതനരീതികളും ഗവേഷണങ്ങളും ആസൂത്രണവും ശേഷി ആർജ്ജിക്കലും പ്രോത്സാഹിപ്പിക്കുന്നതിന് സംസ്ഥാന സർക്കാരുകൾക്ക് സാങ്കേതിക സഹായവും വിഭവങ്ങളും നൽകേണ്ടതുമാണ്.

സമുചിത സർക്കാരിന്റെ  
കർത്തവ്യങ്ങൾ.

8. സമുചിത സർക്കാർ—

(ക) ഓരോ കുട്ടിക്കും സൗജന്യവും നിർബന്ധിതവുമായ പ്രാഥമിക വിദ്യാഭ്യാസം നൽകേണ്ടതും:

എന്നാൽ, ഒരു കുട്ടിയെ അവന്റെ അല്ലെങ്കിൽ അവളുടെ മാതാപിതാക്കളോ രക്ഷാകർത്താവാോ, അതത് സംഗതിപോലെ, പ്രവേശിപ്പിച്ചിരിക്കുന്നത് സമുചിത സർക്കാരോ ഒരു തദ്ദേശാധികാര സ്ഥാനമോ സ്ഥാപിച്ചതോ അതിന്റെ ഉടമസ്ഥതയിലോ നിയന്ത്രണത്തിലോ ഉള്ളതോ അല്ലെങ്കിൽ നേരിട്ടോ നേരിട്ടല്ലാതെയോ ഗണ്യമായി ഫണ്ടുകൾ വഴി ധനസഹായം നൽകിയതോ അല്ലാതെയുള്ള ഒരു സ്കൂളിലായിരിക്കുന്നിടത്ത്, അങ്ങനെയുള്ള കുട്ടിക്ക് അല്ലെങ്കിൽ അവന്റെ അഥവാ അവളുടെ മാതാപിതാക്കൾക്കോ രക്ഷാകർത്താവിനോ, അതത് സംഗതിപോലെ, കുട്ടിയുടെ പ്രാഥമിക വിദ്യാഭ്യാസത്തിന് അങ്ങനെയുള്ള മറ്റ് സ്കൂളിലുണ്ടായ ചെലവ് തിരികെ കിട്ടുന്നതിനായി അവകാശമുന്നയിക്കുന്നതിന് അർഹത ഉണ്ടായിരിക്കുന്നതല്ല.

വിശദീകരണം:—“നിർബന്ധിത വിദ്യാഭ്യാസം” എന്ന പദത്തിന്—

- (i) ആറ് മുതൽ പതിനാല് വയസ്സുവരെയുള്ള ഓരോ കുട്ടിക്കും സൗജന്യ പ്രാഥമിക വിദ്യാഭ്യാസം നൽകുന്നതിനും;
- (ii) ആറ് മുതൽ പതിനാല് വയസ്സുവരെയുള്ള ഓരോ കുട്ടിയുടെയും നിർബന്ധിത പ്രവേശനവും ഹാജരും പ്രാഥമിക വിദ്യാഭ്യാസത്തിന്റെ പൂർത്തീകരണവും ഉറപ്പാക്കുന്നതിനും,

ഉള്ള സമുചിത സർക്കാരിന്റെ ചുമതല എന്നർത്ഥമാകുന്നു;

(ഖ) 6-ാം വകുപ്പിൽ വിനിർദ്ദേശിച്ച പ്രകാരമുള്ള ഒരു സമീപ പ്രദേശ സ്കൂളിന്റെ ലഭ്യത ഉറപ്പുവരുത്തേണ്ടതും;

(ഗ) ദുർബല വിഭാഗത്തിൽപ്പെടുന്ന കുട്ടിക്കും പ്രതികൂലാവസ്ഥയിലുള്ള ഗണത്തിൽപ്പെടുന്ന കുട്ടിക്കും എതിരെ വിവേചനം കാണിക്കുന്നില്ലെന്നും ഏതെങ്കിലും കാരണങ്ങളിൻമേൽ പ്രാഥമിക വിദ്യാഭ്യാസം തുടരുന്നതിൽ നിന്നും പൂർത്തിയാക്കുന്നതിൽ നിന്നും അവരെ തടസ്സപ്പെടുത്തുന്നില്ലെന്നും ഉറപ്പാക്കേണ്ടതും;

(ഘ) സ്കൂൾ കെട്ടിടവും അധ്യാപകരും പഠനോപകരണങ്ങളും ഉൾപ്പെടെയുള്ള അടിസ്ഥാന സൗകര്യങ്ങൾ നൽകേണ്ടതും;

(ങ) 4-ാം വകുപ്പിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള പ്രത്യേക പരിശീലന സൗകര്യം നൽകേണ്ടതും;

(ച) ഓരോ കുട്ടിയുടേയും പ്രവേശനവും ഹാജരും പ്രാഥമിക വിദ്യാഭ്യാസത്തിന്റെ പൂർത്തീകരണവും ഉറപ്പുവരുത്തേണ്ടതും നിരീക്ഷിക്കേണ്ടതും;

(ഛ) പട്ടികയിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള നിലവാരങ്ങൾക്കും മാനദണ്ഡങ്ങൾക്കും അനുരൂപമായ നല്ല ഗുണനിലവാരമുള്ള പ്രാഥമിക വിദ്യാഭ്യാസം ഉറപ്പുവരുത്തേണ്ടതും;

(ജ) പ്രാഥമിക വിദ്യാഭ്യാസത്തിനുള്ള പാഠ്യപദ്ധതിയുടെയും പഠനകോഴ്സുകളുടേയും സമയോചിതമായ നിർണ്ണയിക്കൽ ഉറപ്പാക്കേണ്ടതും;

(ധ) അധ്യാപകർക്ക് പരിശീലന സൗകര്യം നൽകേണ്ടതുമാണ്.

9. ഓരോ തദ്ദേശാധികാരസ്ഥാനവും,—

(ക) ഓരോ കുട്ടിക്കും സൗജന്യവും നിർബന്ധിതവുമായ പ്രാഥമിക വിദ്യാഭ്യാസം നൽകേണ്ടതും;

എന്നാൽ, ഒരു കുട്ടിയെ അവന്റെ അല്ലെങ്കിൽ അവളുടെ മാതാപിതാക്കളോ രക്ഷാകർത്താവാോ, അതത് സംഗതിപോലെ, പ്രവേശിപ്പിച്ചിരിക്കുന്നത് സമുചിത സർക്കാറോ ഒരു തദ്ദേശാധികാരസ്ഥാനമോ സ്ഥാപിച്ചതോ അതിന്റെ ഉടമസ്ഥതയിലോ നിയന്ത്രണത്തിലോ ഉള്ളതോ അല്ലെങ്കിൽ നേരിട്ടോ നേരിട്ടല്ലാതെയോ ഗണ്യമായി ഫണ്ടുകൾ വഴി ധനസഹായം നൽകിയതോ അല്ലാതെയുള്ള ഒരു സ്കൂളിലായിരിക്കുന്നിടത്ത്, അങ്ങനെയുള്ള കുട്ടിക്ക് അല്ലെങ്കിൽ അവന്റെ അഥവാ അവളുടെ മാതാപിതാക്കൾക്കോ രക്ഷാകർത്താവിനോ, അതതു സംഗതിപോലെ, കുട്ടിയുടെ പ്രാഥമിക വിദ്യാഭ്യാസത്തിന് അങ്ങനെയുള്ള മറ്റ് സ്കൂളിലുണ്ടായ ചെലവ് തിരികെ കിട്ടുന്നതിനായി അവകാശം ഉന്നയിക്കുന്നതിന് അർഹത ഉണ്ടായിരിക്കുന്നതല്ല.

തദ്ദേശാധികാര സ്ഥാനത്തിന്റെ കർത്തവ്യങ്ങൾ.

(ഖ) 6-ാം വകുപ്പിൽ വിനിർദ്ദേശിച്ച പ്രകാരമുള്ള ഒരു സമീപ പ്രദേശ സ്കൂളിന്റെ ലഭ്യത ഉറപ്പുവരുത്തേണ്ടതും;

(ഗ) ദുർബല വിഭാഗത്തിൽപ്പെടുന്ന കുട്ടികളും പ്രതികൂലാവസ്ഥയിലുള്ള ഗണത്തിൽപ്പെടുന്ന കുട്ടികളും എതിരെ വിവേചനം കാണിക്കുന്നില്ലെന്നും ഏതെങ്കിലും കാരണങ്ങളിന്മേൽ പ്രാഥമിക വിദ്യാഭ്യാസം തുടരുന്നതിൽ നിന്നും പൂർത്തിയാക്കുന്നതിൽ നിന്നും അവരെ തടസ്സപ്പെടുത്തുന്നില്ലെന്നും ഉറപ്പാക്കേണ്ടതും;

(ഘ) നിർണ്ണയിച്ചേക്കാവുന്ന അങ്ങനെയുള്ള രീതിയിൽ അതിന്റെ അധികാരിതയ്ക്കുള്ളിൽ താമസിക്കുന്ന പതിനാല് വയസ്സുവരെ പ്രായമുള്ള കുട്ടികളുടെ റിക്കാർഡുകൾ സൂക്ഷിക്കേണ്ടതും;

(ങ) അതിന്റെ അധികാരിതയ്ക്കുള്ളിൽ താമസിക്കുന്ന ഓരോ കുട്ടിയുടെയും പ്രവേശനവും ഹാജരും പ്രാഥമിക വിദ്യാഭ്യാസത്തിന്റെ പൂർത്തീകരണവും ഉറപ്പുവരുത്തേണ്ടതും നിരീക്ഷിക്കേണ്ടതും;

(ച) സ്കൂൾ കെട്ടിടവും അധ്യാപകരും പഠനോപകരണങ്ങളും ഉൾപ്പെടെയുള്ള അടിസ്ഥാന സൗകര്യങ്ങൾ നൽകേണ്ടതും;

(ഛ) 4-ാം വകുപ്പിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള പ്രത്യേക പരിശീലന സൗകര്യം നൽകേണ്ടതും;

(ജ) പട്ടികയിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള നിലവാരങ്ങൾക്കും മാനദണ്ഡങ്ങൾക്കും അനുരൂപമായ നല്ല ഗുണനിലവാരമുള്ള പ്രാഥമിക വിദ്യാഭ്യാസം ഉറപ്പുവരുത്തേണ്ടതും;

(ട) പ്രാഥമിക വിദ്യാഭ്യാസത്തിനുള്ള പാഠ്യപദ്ധതിയുടെയും പഠനകോഴ്സുകളുടെയും സമയോചിതമായ നിർണ്ണയിക്കൽ ഉറപ്പാക്കേണ്ടതും;

(ഠ) അധ്യാപകർക്ക് പരിശീലന സൗകര്യം നൽകേണ്ടതും;

(ട) കുടിയേറ്റ കുടുംബങ്ങളിലെ കുട്ടികളുടെ പ്രവേശനം ഉറപ്പാക്കേണ്ടതും;

(ഠ) അതിന്റെ അധികാരിതയ്ക്കുള്ളിലുള്ള സ്കൂളുകളുടെ പ്രവർത്തനം നിരീക്ഷിക്കേണ്ടതും;

(ഡ) അധ്യയന കലണ്ടർ നിശ്ചയിക്കേണ്ടതുമാണ്.

മാതാപിതാക്കളുടെയും രക്ഷാകർത്താവിന്റെയും കർത്തവ്യം.

10. അവന്റെ അല്ലെങ്കിൽ അവളുടെ കുട്ടിയെ അല്ലെങ്കിൽ രക്ഷാധീനനെ, അതത് സംഗതിപോലെ, സമീപപ്രദേശത്തുള്ള ഒരു സ്കൂളിൽ പ്രാഥമിക വിദ്യാഭ്യാസത്തിനായി പ്രവേശിപ്പിക്കുക അല്ലെങ്കിൽ പ്രവേശിപ്പിക്കുവാൻ ഇടയാക്കുക എന്നത് ഓരോ മാതാവിന്റെയും പിതാവിന്റെയും അല്ലെങ്കിൽ രക്ഷാകർത്താവിന്റെയും കർത്തവ്യമായിരിക്കുന്നതാണ്.

സമൂഹിത സർക്കാർ പ്രീ-സ്കൂൾ വിദ്യാഭ്യാസത്തിനുള്ള ഏർപ്പാട് ചെയ്യണമെന്ന്.

11. മൂന്ന് വയസ്സിന് മുകളിലുള്ള കുട്ടികളെ പ്രാഥമിക വിദ്യാഭ്യാസത്തിന് തയ്യാറാക്കുക എന്ന വീക്ഷണത്തോടും ആറ് വയസ്സ് പ്രായം പൂർത്തിയാകുന്നതുവരെ എല്ലാ കുട്ടികൾക്കും ആദ്യകാല ബാല്യസംരക്ഷണവും വിദ്യാഭ്യാസവും നൽകുന്നതിനുവേണ്ടിയും അങ്ങനെയുള്ള കുട്ടികൾക്ക് സൗജന്യ പ്രീ-സ്കൂൾ വിദ്യാഭ്യാസം നൽകുന്നതിനാവശ്യമായ ഏർപ്പാട് സമൂഹിത സർക്കാരിന് ഉണ്ടാക്കാവുന്നതാണ്.

അദ്ധ്യായം IV

**സ്കൂളുകളുടെയും അദ്ധ്യാപകരുടെയും ഉത്തരവാദിത്വങ്ങൾ**

12. (1) ഈ ആക്ടിന്റെ ആവശ്യങ്ങൾക്കായി,—

(ക) 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (i)-ാം ഉപഖണ്ഡത്തിൽ വിനിർദ്ദേശിച്ച ഒരു സ്കൂൾ അതിൽ പ്രവേശിപ്പിച്ച എല്ലാ കുട്ടികൾക്കും സൗജന്യവും നിർബന്ധിതവുമായ പ്രാഥമിക വിദ്യാഭ്യാസം നൽകേണ്ടതും ;

(ഖ) 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (ii)-ാം ഉപഖണ്ഡത്തിൽ വിനിർദ്ദേശിച്ച ഒരു സ്കൂൾ, അതിന് അങ്ങനെ ലഭിച്ച വാർഷിക ആവർത്തന സഹായത്തിന് അല്ലെങ്കിൽ ഗ്രാന്റുകൾക്ക് അതിന്റെ വാർഷിക ആവർത്തന ചെലവുകളുമായുള്ള അങ്ങനെയുള്ള അനുപാതത്തിൽ, ഏറ്റവും കുറഞ്ഞത് ഇരുപത്തിയഞ്ച് ശതമാനത്തിന് വിധേയമായി അതിൽ പ്രവേശിപ്പിച്ചിട്ടുള്ള കുട്ടികൾക്ക്, സൗജന്യവും നിർബന്ധിതവുമായ പ്രാഥമിക വിദ്യാഭ്യാസം നൽകേണ്ടതും ;

(ഗ) 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (iii)-ഉം (iv)-ഉം ഉപഖണ്ഡങ്ങളിൽ വിനിർദ്ദേശിച്ച ഒരു സ്കൂൾ 1-ാം ക്ലാസ്സിൽ, ആ ക്ലാസ്സിലെ സംഖ്യാബലത്തിന്റെ ഏറ്റവും കുറഞ്ഞത് ഇരുപത്തിയഞ്ച് ശതമാനം വരെയെങ്കിലും സമീപപ്രദേശങ്ങളിലെ ദുർബല വിഭാഗത്തിലും പ്രതികൂലാവസ്ഥയിലുള്ള ഗണത്തിലും പെടുന്നതായ കുട്ടികളെ പ്രവേശിപ്പിക്കേണ്ടതും സൗജന്യവും നിർബന്ധിതവുമായ പ്രാഥമിക വിദ്യാഭ്യാസം അതിന്റെ പൂർത്തീകരണംവരെ നൽകേണ്ടതുമാണ് :

എന്നുമാത്രമല്ല, 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡത്തിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള ഒരു സ്കൂൾ പ്രീ-സ്കൂൾ വിദ്യാഭ്യാസം നൽകുന്നിടത്ത്, അങ്ങനെയുള്ള പ്രീ-സ്കൂൾ വിദ്യാഭ്യാസത്തിനുള്ള പ്രവേശനത്തിന് (ക) മുതൽ (ഗ) വരെയുള്ള ഖണ്ഡങ്ങളിലെ വ്യവസ്ഥകൾ ബാധകമാകുന്നതാണ്.

(2) (1)-ാം ഉപവകുപ്പ് (ഗ) ഖണ്ഡത്തിൽ വിനിർദ്ദേശിച്ച പ്രകാരമുള്ള സൗജന്യവും നിർബന്ധിതവുമായ പ്രാഥമിക വിദ്യാഭ്യാസം നൽകുന്ന 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (iv)-ാം ഉപഖണ്ഡത്തിൽ വിനിർദ്ദേശിച്ച സ്കൂളിന്, അങ്ങനെ അത് നേരിട്ട ചെലവ്, ഒരു കുട്ടിക്കുവേണ്ടി സംസ്ഥാനം നേരിട്ട ചെലവിന്റെ അത്രയുമോ, അല്ലെങ്കിൽ ആ കുട്ടിയിൽ നിന്നും ഈടാക്കിയ യഥാർത്ഥ തുകയോ, ഇതിൽ ഏതാണോ കുറവ് അത്, നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള രീതിയിൽ, തിരികെ നൽകേണ്ടതാണ്:

എന്നാൽ, അങ്ങനെയുള്ള തിരിച്ചു നൽകൽ 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (i)-ാം ഉപഖണ്ഡത്തിൽ വിനിർദ്ദേശിച്ച ഒരു സ്കൂളിന് ഒരു കുട്ടിക്കുവേണ്ടി നേരിട്ട ചെലവിൽ കൂടുവാൻ പാടുള്ളതല്ല:

എന്നുമാത്രമല്ല, അങ്ങനെയുള്ള സ്കൂൾ സൗജന്യമായോ സൗജന്യ നിരക്കിലോ ഏതെങ്കിലും ഭൂമിയോ കെട്ടിടമോ ഉപകരണമോ അല്ലെങ്കിൽ മറ്റ് സൗകര്യങ്ങളോ സ്വീകരിച്ചിരിക്കുന്ന കാരണത്താൽ വിനിർദ്ദേശിച്ച എണ്ണം കുട്ടികൾക്ക് സൗജന്യ വിദ്യാഭ്യാസം നൽകുന്നതിനുള്ള ബാധ്യത അതിന് നേരത്തെ തന്നെ ഉണ്ടായിരിക്കുന്നിടത്ത്, അങ്ങനെയുള്ള ബാധ്യതയോളമാകുന്ന ചെലവ് തിരികെ ലഭിക്കുന്നതിന് അങ്ങനെയുള്ള സ്കൂളിന് അവകാശമുണ്ടായിരിക്കുന്നതല്ല.

(3) സമുചിത സർക്കാരോ തദ്ദേശാധികാരസ്ഥാനമോ, അതത് സംഗതിപോലെ; ആവശ്യപ്പെടാവുന്ന അങ്ങനെയുള്ള വിവരങ്ങൾ ഓരോ സ്കൂളും നൽകേണ്ടതാണ്.

സൗജന്യവും  
നിർബന്ധിതവുമായ  
വിദ്യാഭ്യാസത്തി  
നുള്ള സ്കൂളിന്റെ  
ഉത്തരവാദിത്വ  
ത്തിന്റെ വ്യാപ്തി.



പ്രവേശനത്തിനായി  
ക്യാപ്പിറ്റേഷൻ  
ഫീസോ  
സ്ക്രീനിംഗ്  
നടപടിക്രമമോ  
പാടില്ലായെന്ന്.

13. (1) ഒരു സ്കൂളോ അല്ലെങ്കിൽ ആളോ, ഒരു കുട്ടിയെ പ്രവേശിപ്പിക്കുമ്പോൾ ഏതെങ്കിലും ക്യാപ്പിറ്റേഷൻ ഫീസ് സമാഹരിക്കുവാൻ പാടില്ലാത്തതും കുട്ടിയെയോ അവന്റെയോ അവളുടെയോ മാതാപിതാക്കളെയോ രക്ഷാകർത്താവിനെയോ ഏതെങ്കിലും സ്ക്രീനിംഗ് നടപടിക്രമത്തിന് വിധേയരാക്കുവാൻ പാടില്ലാത്തതുമാണ്.

(2) (1)-ാം ഉപവകുപ്പിന്റെ വ്യവസ്ഥകൾ ലംഘിച്ചുകൊണ്ട് ഏതെങ്കിലും സ്കൂളോ ആളോ,—

(ക) ക്യാപ്പിറ്റേഷൻ ഫീസ് സ്വീകരിക്കുകയാണെങ്കിൽ ചുമത്തിയ ക്യാപ്പിറ്റേഷൻ ഫീസിന്റെ പത്തിരട്ടി വരെയാകാവുന്ന പിഴയോടുകൂടി ശിക്ഷിക്കപ്പെടേണ്ടതും ;

(ഖ) ഒരു കുട്ടിയെ സ്ക്രീനിംഗ് നടപടിക്രമത്തിന് വിധേയനാക്കുന്നുവെങ്കിൽ, ആദ്യലംഘനത്തിന് ഇരുപത്തയ്യായിരം രൂപവരെയാകാവുന്നതും തുടർന്നുള്ള ഓരോ ലംഘനത്തിനും അൻപതിനായിരം രൂപവരെയാകാവുന്നതുമായ പിഴയോടുകൂടി ശിക്ഷിക്കപ്പെടേണ്ടതുമാണ്.

പ്രവേശനത്തിനുള്ള  
പ്രായത്തിന്റെ  
തെളിവ്.

14. (1) പ്രാഥമിക വിദ്യാഭ്യാസത്തിനായുള്ള പ്രവേശനത്തിന്റെ ആവശ്യങ്ങൾക്കായി, ഒരു കുട്ടിയുടെ പ്രായം, ജനന, മരണ, വിവാഹ രജിസ്ട്രേഷൻ ആക്ട്, 1886 (1886-ലെ 6)-ന്റെ വ്യവസ്ഥകളനുസരിച്ച് നൽകിയിട്ടുള്ള ജനനസർട്ടിഫിക്കറ്റിന്റെ അടിസ്ഥാനത്തിലോ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള മറ്റു പ്രമാണത്തിന്റെ അടിസ്ഥാനത്തിലോ നിശ്ചയിക്കേണ്ടതാണ്.

(2) പ്രായത്തിനുള്ള തെളിവിന്റെ അഭാവത്തിൽ യാതൊരു കുട്ടിക്കും ഒരു സ്കൂളിൽ പ്രവേശനം നിഷേധിക്കാൻ പാടുള്ളതല്ല.

പ്രവേശനം  
നിഷേധിക്കാൻ  
പാടില്ലായെന്ന്.

15. ഒരു കുട്ടിയെ അധ്യയനവർഷത്തിന്റെ ആരംഭത്തിലോ അല്ലെങ്കിൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള ദീർഘിപ്പിച്ച സമയത്തിനുള്ളിലോ ഒരു സ്കൂളിൽ പ്രവേശിപ്പിക്കേണ്ടതാണ് :

എന്നാൽ, ദീർഘിപ്പിച്ച അങ്ങനെയുള്ള കാലയളവിന് ശേഷം പ്രവേശനം തേടുന്ന യാതൊരു കുട്ടിക്കും പ്രവേശനം നിഷേധിക്കുവാൻ പാടുള്ളതല്ല.

എന്നുമാത്രമല്ല, ദീർഘിപ്പിച്ച കാലയളവിന് ശേഷം സ്കൂളിൽ പ്രവേശിപ്പിച്ച ഏത് കുട്ടിയും സമുചിത സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള രീതിയിൽ തന്റെ പഠനം പൂർത്തിയാക്കേണ്ടതാണ്.

നിലനിർത്തുന്നതിനും  
പുറത്താക്കുന്നതിനും  
നിരോധനം.

16. സ്കൂളിൽ പ്രവേശിപ്പിച്ച യാതൊരു കുട്ടിയെയും പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തിയാക്കുന്നതുവരെ ഏതെങ്കിലും ഒരു ക്ലാസ്സിൽ തന്നെ നിലനിർത്തുവാനോ സ്കൂളിൽ നിന്നു പുറത്താക്കുവാനോ പാടുള്ളതല്ല.

കുട്ടിയെ  
ശാരീരികമായി  
ശിക്ഷിക്കുന്നതിനും  
മാനസികമായി  
പീഡിപ്പിക്കുന്നതിനു  
മുള്ള നിരോധനം.

17. (1) യാതൊരു കുട്ടിയെയും ശാരീരികമായ ശിക്ഷയ്ക്കോ മാനസികമായ പീഡനത്തിനോ വിധേയനാക്കുവാൻ പാടുള്ളതല്ല.

(2) (1)-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകൾ ലംഘിക്കുന്ന ഏതൊരാളും അങ്ങനെയുള്ള ആൾക്ക് ബാധകമായിട്ടുള്ള സർവ്വീസ് ചട്ടങ്ങൾ പ്രകാരം അച്ചടക്കനടപടിക്ക് ബാധ്യസ്ഥനായിരിക്കുന്നതാണ്.

അംഗീകാര  
സർട്ടിഫിക്കറ്റ്  
ലഭിക്കാതെ  
യാതൊരു സ്കൂളും  
സ്ഥാപിക്കുവാൻ  
പാടില്ലായെന്ന്.

18. (1) സമുചിത സർക്കാരിനാലോ തദ്ദേശാധികാരസ്ഥാനത്താലോ സ്ഥാപിക്കപ്പെട്ടതോ അവയുടെ ഉടമസ്ഥതയിലോ നിയന്ത്രണത്തിലോ ഉള്ളതോ അല്ലാതെയുള്ള യാതൊരു സ്കൂളും ഈ ആക്റ്റിന്റെ പ്രാരംഭത്തിനുശേഷം നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള ഫാറത്തിലും

രീതിയിലും അപേക്ഷ നൽകി, അങ്ങനെയുള്ള അധികാരസ്ഥാനത്തിൽ നിന്നും ലഭിച്ച ഒരു അംഗീകാര സർട്ടിഫിക്കറ്റ് കൂടാതെ സ്ഥാപിക്കുവാനോ പ്രവർത്തിക്കുവാനോ പാടുള്ളതല്ല.

(2) (1)-ാം ഉപവകുപ്പിൻകീഴിൽ നിർണ്ണയിക്കപ്പെട്ടിട്ടുള്ള അധികാരസ്ഥാനം അങ്ങനെയുള്ള ഫാറത്തിലും അങ്ങനെയുള്ള കാലാവധിക്കുള്ളിലും അങ്ങനെയുള്ള രീതിയിലും നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള വ്യവസ്ഥകൾക്ക് വിധേയമായും അംഗീകാര സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതാണ്.

എന്നാൽ, 19-ാം വകുപ്പിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും പാലിക്കാതെ ഒരു സ്കൂളിനും അങ്ങനെയുള്ള യാതൊരു അംഗീകാരവും നൽകുവാൻ പാടുള്ളതല്ല.

(3) അംഗീകാരത്തിന്റെ വ്യവസ്ഥകളുടെ ലംഘനത്തിന്മേൽ, നിർണ്ണയിക്കപ്പെട്ട അധികാരസ്ഥാനം, ലിഖിതമായ ഒരു ഉത്തരവുവഴി, അംഗീകാരം പിൻവലിക്കേണ്ടതാണ്.

എന്നാൽ, അങ്ങനെയുള്ള ഉത്തരവ് അംഗീകാരം നഷ്ടപ്പെട്ട സ്കൂളിൽ പഠിക്കുന്ന കുട്ടികളെ അടുത്തുള്ള ഏത് സ്കൂളിൽ പ്രവേശിപ്പിക്കേണ്ടതാണെന്നുള്ള ഒരു നിർദ്ദേശം അടങ്ങിയതായിരിക്കേണ്ടതാണ്.

എന്നുമാത്രമല്ല, അങ്ങനെയുള്ള സ്കൂളിന്, നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള രീതിയിൽ കേൾക്കപ്പെടുവാനുള്ള ഒരു അവസരം നൽകാതെ യാതൊരു അംഗീകാരവും അപ്രകാരം പിൻവലിക്കാൻ പാടുള്ളതല്ല.

(4) (3)-ാം ഉപവകുപ്പു പ്രകാരം അംഗീകാരം പിൻവലിച്ച തീയതി മുതൽ അങ്ങനെയുള്ള യാതൊരു സ്കൂളും പ്രവർത്തനം തുടരാൻ പാടുള്ളതല്ല.

(5) അംഗീകാര സർട്ടിഫിക്കറ്റ് ലഭിക്കാതെ ഒരു സ്കൂൾ സ്ഥാപിക്കുകയോ നടത്തുകയോ അല്ലെങ്കിൽ അംഗീകാരം പിൻവലിച്ചതിനുശേഷം ഒരു സ്കൂൾ തുടർന്ന് നടത്തുകയോ ചെയ്യുന്ന ഏതൊരാളും ഒരു ലക്ഷം രൂപ വരെയൊകാവുന്ന പിഴയ്ക്കും ഉല്പംഘനങ്ങൾ തുടരുന്ന സംഗതിയിൽ, അപ്രകാരം ലംഘനം തുടരുന്ന ഓരോ ദിവസത്തിനും പതിനായിരം രൂപ പിഴയ്ക്കും ബാധ്യസ്ഥനായിരിക്കുന്നതാണ്.

19. (1) പട്ടികയിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും പാലിക്കാതെ 18-ാം വകുപ്പ് പ്രകാരം യാതൊരു സ്കൂളും സ്ഥാപിക്കുവാനോ അംഗീകരിക്കുവാനോ പാടുള്ളതല്ല.

സ്കൂളിനുള്ള  
മാനദണ്ഡങ്ങളും  
നിലവാരങ്ങളും

(2) ഈ ആക്റ്റിന്റെ പ്രാരംഭത്തിന് മുമ്പായി സ്ഥാപിച്ചിട്ടുള്ള ഒരു സ്കൂൾ, പട്ടികയിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും പാലിക്കാത്തതിടത്ത്, അത് സ്വന്തം ചെലവിൽ, അങ്ങനെയുള്ള മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും പാലിക്കുന്നതിന് അങ്ങനെയുള്ള പ്രാരംഭ തീയതി മുതൽ മൂന്ന് വർഷ കാലാവധിക്കുള്ളിൽ നടപടികൾ എടുക്കേണ്ടതാണ്.

(3) ഒരു സ്കൂൾ (2)-ാം ഉപവകുപ്പിൽ വിനിർദ്ദേശിച്ച പ്രകാരമുള്ള കാലാവധിക്കുള്ളിൽ മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും പാലിക്കുന്നതിന് വീഴ്ചവരുത്തുന്നിടത്ത്, 18-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരം നിർണ്ണയിക്കപ്പെട്ടിട്ടുള്ള അധികാരസ്ഥാനം, അതിലെ (3)-ാം ഉപവകുപ്പിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള രീതിയിൽ അങ്ങനെയുള്ള സ്കൂളിന് നൽകിയിട്ടുള്ള അംഗീകാരം പിൻവലിക്കേണ്ടതാണ്.

(4) (3)-ാം ഉപവകുപ്പു പ്രകാരം അംഗീകാരം പിൻവലിച്ച തീയതി മുതൽ അങ്ങനെയുള്ള യാതൊരു സ്കൂളും പ്രവർത്തനം തുടരുവാനുപാദൃതമല്ല.

(5) അംഗീകാരം പിൻവലിച്ചതിനുശേഷം ഒരു സ്കൂൾ തുടർന്ന് നടത്തുന്ന ഏതൊരാളും ഒരു ലക്ഷം രൂപ വരെയാകാവുന്ന പിഴയ്ക്കും ലംഘനങ്ങൾ തുടരുന്ന സംഗതിയിൽ, അപ്രകാരം ലംഘനം തുടരുന്ന ഓരോ ദിവസത്തിനും പതിനായിരം രൂപ പിഴയ്ക്കും ബാധ്യസ്ഥനായിരിക്കുന്നതാണ്.

20. കേന്ദ്രസർക്കാരിന്, വിജ്ഞാപനംവഴി, അതിലേക്ക് ഏതെങ്കിലും മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും കൂട്ടിച്ചേർത്തുകൊണ്ടോ അതിൽനിന്ന് വിട്ടുകളഞ്ഞുകൊണ്ടോ പട്ടിക ഭേദഗതി ചെയ്യാവുന്നതാണ്.

21. (1) 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (iv)-ാം ഉപഖണ്ഡത്തിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ളതല്ലാത്ത ഒരു സ്കൂൾ, തദ്ദേശാധികാരസ്ഥാനത്തിന്റെ തെരഞ്ഞെടുക്കപ്പെട്ട പ്രതിനിധികളും അങ്ങനെയുള്ള സ്കൂളിൽ പ്രവേശിപ്പിച്ചിട്ടുള്ള കുട്ടികളുടെ മാതാപിതാക്കളും അഥവാ രക്ഷാകർത്താക്കളും അധ്യാപകരും ഉൾക്കൊള്ളുന്ന ഒരു സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റി രൂപീകരിക്കേണ്ടതാണ്:

എന്നാൽ, അങ്ങനെയുള്ള കമ്മിറ്റിയുടെ ഏറ്റവും കുറഞ്ഞത്, നാലിൽ മൂന്ന് അംഗങ്ങൾ മാതാപിതാക്കൾ അല്ലെങ്കിൽ രക്ഷാകർത്താക്കൾ ആയിരിക്കേണ്ടതാണ്:

എന്നുമാത്രമല്ല, പ്രതികൂലാവസ്ഥയിലുള്ള ഗണത്തിലും ദുർബല വിഭാഗത്തിലുംപെടുന്ന കുട്ടികളുടെ മാതാപിതാക്കൾക്ക് അല്ലെങ്കിൽ രക്ഷാകർത്താക്കൾക്ക് ആനുപാതിക പ്രാതിനിധ്യം നൽകേണ്ടതാണ്:

കൂടാതെ, അങ്ങനെയുള്ള കമ്മിറ്റിയിലെ അംഗങ്ങളുടെ അൻപത് ശതമാനം സ്ത്രീകൾ ആയിരിക്കേണ്ടതാണ്.

(2) സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റി താഴെപ്പറയുന്ന ചുമതലകൾ നിർവ്വഹിക്കേണ്ടതാണ്, അതായത്:—

- (ക) സ്കൂളിന്റെ പ്രവർത്തനം നിരീക്ഷിക്കുകയും;
- (ഖ) സ്കൂൾ വികസന പദ്ധതി തയ്യാറാക്കുകയും ശുപാർശ ചെയ്യുകയും;
- (ഗ) സമുചിത സർക്കാരിൽ നിന്നോ തദ്ദേശാധികാര സ്ഥാനത്തുനിന്നോ മറ്റേതെങ്കിലും സ്രോതസ്സുകളിൽ നിന്നോ സ്വീകരിക്കുന്ന ഗ്രാന്റുകളുടെ വിനിയോഗം നിരീക്ഷിക്കുകയും;
- (ഘ) നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള മറ്റ് ചുമതലകൾ നിർവ്വഹിക്കുകയും ചെയ്യുക:

<sup>1</sup> [എന്നാൽ, (1)-ാം ഉപവകുപ്പിൻകീഴിൽ രൂപീകരിച്ചിട്ടുള്ള സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റി,—

(ക) മതത്തിന്റെയോ ഭാഷയുടെയോ അടിസ്ഥാനത്തിൽ ന്യൂനപക്ഷമെന്ന നിലയിൽ സ്ഥാപിക്കപ്പെടുകയും ഭരണം നടത്തപ്പെടുകയും ചെയ്യുന്ന ഒരു സ്കൂളും;

(ഖ) 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (ii)-ാം ഉപവകുപ്പിൽ നിർവ്വചിച്ചിട്ടുള്ള മറ്റേല്ലാ എയ്ഡഡ് സ്കൂളുകളും,

സംബന്ധിച്ച് ഉപദേശകചുമതല മാത്രം നിർവ്വഹിക്കേണ്ടതാണ്.]

പട്ടിക ഭേദഗതി  
ചെയ്യുന്നതിനുള്ള  
അധികാരം.

സ്കൂൾ മാനേജ്മെന്റ്  
കമ്മിറ്റി.

22. (1) [മതത്തിന്റേയോ ഭാഷയുടേയോ അടിസ്ഥാനത്തിലുള്ള ന്യൂനപക്ഷത്താൽ സ്ഥാപിക്കപ്പെടുകയും ഭരണം നടത്തപ്പെടുകയും ചെയ്യുന്ന ഒരു സ്കൂളും 2-ാം വകുപ്പ് (ഡ) ഖണ്ഡം (ii)-ാം ഉപഖണ്ഡത്തിൽ നിർവ്വചിച്ചിട്ടുള്ള ഒരു എയ്ഡഡ് സ്കൂളും സംബന്ധിച്ചുള്ള സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റി ഒഴികെ] 21-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം [രൂപീകരിച്ചിട്ടുള്ള ഓരോ സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റിയും] നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള രീതിയിൽ ഒരു സ്കൂൾ വികസന പദ്ധതി തയ്യാറാക്കേണ്ടതാണ്.

സ്കൂൾ വികസന പദ്ധതി.

(2) (1)-ാം ഉപവകുപ്പുപ്രകാരം അങ്ങനെ തയ്യാറാക്കുന്ന സ്കൂൾ വികസനപദ്ധതി, അതതു സംഗതിപോലെ, സമൂഹിത സർക്കാരും തദ്ദേശാധികാരസ്ഥാനവും ഉണ്ടാക്കേണ്ട പദ്ധതികളുടെയും ഗ്രാന്റുകളുടെയും അടിസ്ഥാനമായിരിക്കേണ്ടതാണ്.

23. (1) കേന്ദ്രസർക്കാർ, വിജ്ഞാപനം വഴി, പ്രാധികാരപ്പെടുത്തുന്ന ഒരു അക്കാഡമിക് അധികാരസ്ഥാനം പ്രതിപാദിച്ചിട്ടുള്ള ഏറ്റവും കുറഞ്ഞ യോഗ്യതകളുള്ള ഏതൊരു വ്യക്തിയും ഒരു അദ്ധ്യാപകനായുള്ള നിയമനത്തിന് അർഹനായിരിക്കുന്നതാണ്.

അദ്ധ്യാപകരുടെ നിയമനത്തിനുള്ള യോഗ്യതകളും സേവന നിബന്ധനകളും ഉപാധികളും.

(2) ഒരു സംസ്ഥാനത്ത് അദ്ധ്യാപക ശിക്ഷണത്തിനുള്ള കോഴ്സുകളോ പരിശീലനമോ നൽകുന്നതിന് പര്യാപ്തമായ സ്ഥാപനങ്ങൾ ഇല്ലാതിരിക്കുകയോ (1)-ാം ഉപവകുപ്പിൽ പ്രതിപാദിച്ചിട്ടുള്ള ഏറ്റവും കുറഞ്ഞ യോഗ്യതകളുള്ള അദ്ധ്യാപകർ ആവശ്യമായ അത്രയും എണ്ണം ലഭ്യമല്ലാതിരിക്കുകയോ ചെയ്യുന്നിടത്ത്, കേന്ദ്ര സർക്കാരിന്, ആവശ്യമാണെന്ന് അത് കരുതുന്നപക്ഷം, വിജ്ഞാപനം വഴി, ആ വിജ്ഞാപനത്തിൽ വിനിർദ്ദേശിച്ചേക്കാവുന്ന അഞ്ച് വർഷത്തിൽ കവിയാതെയുള്ള അങ്ങനെയുള്ള കാലാവധിയിലേക്ക് ഒരു അദ്ധ്യാപകനായി നിയമിക്കപ്പെടുവാൻ ആവശ്യമുള്ള ഏറ്റവും കുറഞ്ഞ യോഗ്യതകളിൽ ഇളവ് വരുത്താവുന്നതാണ്.

എന്നാൽ, ഈ ആക്റ്റിന്റെ പ്രാരംഭത്തിൽ (1)-ാം ഉപവകുപ്പിൽ പ്രതിപാദിച്ചിട്ടുള്ള ഏറ്റവും കുറഞ്ഞ യോഗ്യതകൾ ഇല്ലാതിരിക്കുന്ന ഒരു അദ്ധ്യാപകൻ അഞ്ചുവർഷക്കാലയളവിനുള്ളിൽ അങ്ങനെയുള്ള ഏറ്റവും കുറഞ്ഞ യോഗ്യതകൾ ആർജ്ജിക്കേണ്ടതാണ്.

(3) അദ്ധ്യാപകർക്ക് നൽകേണ്ട ശമ്പളവും ബത്തകളും, സേവന നിബന്ധനകളും ഉപാധികളും നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള പ്രകാരമായിരിക്കേണ്ടതാണ്.

24. (1) 23-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരം നിയമിക്കപ്പെടുന്ന ഒരു അദ്ധ്യാപകൻ താഴെപ്പറയുന്ന കർത്തവ്യങ്ങൾ നിർവ്വഹിക്കേണ്ടതാണ്, അതായത്:—

അദ്ധ്യാപകരുടെ കർത്തവ്യങ്ങളും പരാതികൾ പരിഹരിക്കലും.

(ക) സ്കൂളിൽ ഹാജരാകുന്നതിന് കൃത്യനിഷ്ഠയും സമയനിഷ്ഠയും പാലിക്കുക;

(ഖ) 29-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകൾ അനുസരിച്ച് പാഠ്യപദ്ധതി നടത്തുകയും പൂർത്തീകരിക്കുകയും ചെയ്യുക;

(ഗ) മുഴുവൻ പാഠ്യപദ്ധതിയും വിനിർദ്ദേശിച്ച സമയത്തിനുള്ളിൽ പൂർത്തീകരിക്കുക;

(ഘ) ഓരോ കുട്ടിയുടെയും പഠിക്കുവാനുള്ള കഴിവ് വിലയിരുത്തുകയും അതനുസരിച്ച് കുറവ് നികത്തുന്നതിനായി കൂടുതൽ നിർദ്ദേശങ്ങൾ എന്തെങ്കിലുമുണ്ടെങ്കിൽ, ആവശ്യാനുസരണം നൽകുകയും ചെയ്യുക;

1. സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം (ഭേദഗതി) ആക്ട്, 2012 (2012-ലെ 30) 6-ാം വകുപ്പ് പ്രകാരം പകരം ചേർത്തത്.

(ബ) മാതാപിതാക്കളുടെയും രക്ഷാകർത്താക്കളുടെയും യോഗം പതിവായി വിളിച്ചുകൂട്ടുകയും ഹാജരിലെ കൃത്യനിഷ്ഠ, പഠിക്കുവാനുള്ള കഴിവ്, പഠനത്തിലുണ്ടായ പുരോഗതി, കുട്ടിയെപ്പറ്റിയുള്ള മറ്റ് പ്രസക്തമായ വിവരം എന്നിവയെക്കുറിച്ച് അവരെ അറിയിക്കുകയും ചെയ്യുക; കൂടാതെ,

(ച) നിർണ്ണയിക്കാവുന്ന അങ്ങനെയുള്ള മറ്റ് കർത്തവ്യങ്ങൾ നിർവ്വഹിക്കുക.

(2) (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിട്ടുള്ള കർത്തവ്യങ്ങൾ നിർവ്വഹിക്കുന്നതിൽ വീഴ്ച വരുത്തുന്ന ഒരു അധ്യാപകൻ അവൻ അഥവാ അവൾക്ക് ബാധകമായ സർവ്വീസ് ചട്ടങ്ങൾ പ്രകാരമുള്ള ശിക്ഷാനടപടികൾക്ക് വിധേയനാകുന്നതാണ്.

എന്നാൽ, അങ്ങനെയുള്ള ശിക്ഷാനടപടികൾ എടുക്കുന്നതിനുമുമ്പ് അങ്ങനെയുള്ള അധ്യാപകന് കേൾക്കപ്പെടുവാൻ ന്യായമായ ഒരു അവസരം നൽകേണ്ടതാണ്.

(3) അധ്യാപകൻ പരാതികൾ എന്തെങ്കിലുമുണ്ടെങ്കിൽ, നിർണ്ണയിക്കാവുന്ന അങ്ങനെയുള്ള രീതിയിൽ പരിഹരിക്കേണ്ടതാണ്.

വിദ്യാർത്ഥി-അധ്യാപക അനുപാതം.

25. (1) ഈ ആക്ട് പ്രാബല്യത്തിൽ വന്ന തീയതി മുതൽ '[മുന്ന് വർഷത്തിനകം] സമുചിത സർക്കാരും തദ്ദേശാധികാരസ്ഥാനവും, ഓരോ സ്കൂളിലും പട്ടികയിൽ വിനിർദ്ദേശിച്ചിട്ടുള്ള പ്രകാരം വിദ്യാർത്ഥി-അധ്യാപക അനുപാതം പാലിക്കുന്നുണ്ടെന്ന് ഉറപ്പുവരുത്തേണ്ടതാണ്.

(2) (1)-ാം ഉപവകുപ്പുപ്രകാരം വിദ്യാർത്ഥി-അധ്യാപക അനുപാതം പാലിക്കുന്ന ആവശ്യത്തിലേക്കായി, ഒരു സ്കൂളിൽ പോസ്റ്റിംഗ് നൽകിയ യാതൊരു അധ്യാപകനെയും മറ്റൊരു സ്കൂളിലോ ആഫീസിലോ സേവനം ചെയ്യിപ്പിക്കുവാനോ 27-ാം വകുപ്പിൽ വിനിർദ്ദേശിച്ചവയല്ലാത്ത ഏതെങ്കിലും വിദ്യാഭ്യാസേതര ആവശ്യത്തിനായി വിന്യസിക്കുവാനോ പാടുള്ളതല്ല.

അധ്യാപകരുടെ ഒഴിവുകൾ നികത്തുന്നത്.

26. സമുചിത സർക്കാരിനാലോ തദ്ദേശാധികാരസ്ഥാനത്താലോ സ്ഥാപിക്കപ്പെട്ടതോ അവയുടെ ഉടമസ്ഥതയിലുള്ളതോ നിയന്ത്രണത്തിലുള്ളതോ അല്ലെങ്കിൽ നേരിട്ടോ നേരിട്ടല്ലാതെയോ ഫണ്ടുകൾ മുഖേന ഗണ്യമായി ധനസഹായം നൽകിയിട്ടുള്ളതോ ആയ ഒരു സ്കൂളിനെ സംബന്ധിച്ച് നിയമനാധികാരസ്ഥാനം അതിന്റെ നിയന്ത്രണത്തിൻകീഴിലുള്ള ഒരു സ്കൂളിലെ അധ്യാപക ഒഴിവ് ആകെ അനുവദിച്ച സംഖ്യാബലത്തിന്റെ പത്ത് ശതമാനത്തിൽ അധികരിക്കുന്നില്ലെന്ന് ഉറപ്പുവരുത്തേണ്ടതാണ്.

വിദ്യാഭ്യാസേതര ആവശ്യങ്ങൾക്കായി അധ്യാപകരെ വിന്യസിക്കുന്നതിനുള്ള നിരോധനം.

27. ദശകത്തിലൊരിക്കലുള്ള ജനസംഖ്യാ കാനേഷുമാരിക്കോ, അത്യാഹിത ദുരിതാശ്വാസ കർത്തവ്യങ്ങൾക്കോ, അതത് സംഗതിപോലെ, തദ്ദേശാധികാരസ്ഥാനത്തേക്കോ സംസ്ഥാന നിയമനിർമ്മാണ മണ്ഡലങ്ങളിലേക്കോ പാർലമെന്റിലേക്കോ ഉള്ള തെരഞ്ഞെടുപ്പ് സംബന്ധമായ കർത്തവ്യങ്ങൾക്കോ അല്ലാതെ യാതൊരു അധ്യാപകനെയും ഏതെങ്കിലും വിദ്യാഭ്യാസേതര ആവശ്യങ്ങൾക്കായി വിന്യസിക്കുവാൻ പാടുള്ളതല്ല.

അധ്യാപകരുടെ സ്വകാര്യ ട്യൂഷൻ നിരോധനം.

28. യാതൊരു അധ്യാപകനും അവൻ അഥവാ അവൾ സ്വയമായി സ്വകാര്യ ട്യൂഷനിലോ സ്വകാര്യ അധ്യാപന പ്രവൃത്തിയിലോ ഏർപ്പെടുവാൻ പാടുള്ളതല്ല.

അദ്ധ്യായം V

**പാഠ്യപദ്ധതിയും പ്രാഥമിക വിദ്യാഭ്യാസത്തിന്റെ പൂർത്തീകരണവും**

29. (1) പ്രാഥമിക വിദ്യാഭ്യാസത്തിനുവേണ്ടിയുള്ള പാഠ്യപദ്ധതിയും വിലയിരുത്തൽ നടപടിക്രമവും സമുചിത സർക്കാരിനാൽ വിജ്ഞാപനം വഴി വിനിർദ്ദേശിക്കപ്പെടുന്ന ഒരു അക്കാഡമിക് അധികാരസ്ഥാനത്താൽ പ്രതിപാദിക്കപ്പെടേണ്ടതാണ്.

പാഠ്യപദ്ധതിയും വിലയിരുത്തൽ നടപടിക്രമവും.

(2) അക്കാഡമിക് അധികാരസ്ഥാനം (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള പാഠ്യപദ്ധതിയും വിലയിരുത്തൽ നടപടിക്രമവും പ്രതിപാദിക്കുമ്പോൾ താഴെ പറയുന്നവ പരിഗണിക്കേണ്ടതാണ്, അതായത്:-

(ക) ഭരണഘടനയിൽ പ്രതിഷ്ഠാപിതമായ മൂല്യങ്ങളോടുള്ള അനുയോജ്യത;

(ഖ) കുട്ടിയുടെ സർവ്വതോമുഖമായ വളർച്ച;

(ഗ) കുട്ടിയുടെ അറിവും കഴിവും വൈദഗ്ദ്ധ്യവും ക്രമേണ വർദ്ധിപ്പിക്കൽ;

(ഘ) ശാരീരികവും മാനസികവുമായ കഴിവുകളുടെ സമ്പൂർണ്ണ വികസനം;

(ങ) കുട്ടിക്ക് സൗഹൃദപരമായതും കുട്ടിയെ കേന്ദ്രീകരിച്ചിട്ടുള്ളതുമായ ഒരു രീതിയിൽ പ്രവർത്തനങ്ങളും കണ്ടുപിടിത്തവും പര്യവേക്ഷണവും മുഖേനയുള്ള പഠനം ;

(ച) ബോധനമാധ്യമം, പ്രായോഗികമായിട്ടുള്ളിടത്തോളം കുട്ടിയുടെ മാതൃഭാഷയിലായിരിക്കേണ്ടതാണെന്നത് ;

(ഛ) ഭയം, മാനസികപിരിമുറക്കം ഉണ്ടാക്കുന്ന സാഹചര്യം, ആകാംക്ഷ എന്നിവയിൽ നിന്ന് കുട്ടിയെ വിമുക്തമാക്കലും സ്വതന്ത്രമായി അഭിപ്രായം പ്രകടിപ്പിക്കുന്നതിന് കുട്ടിയെ സഹായിക്കലും ;

(ജ) കുട്ടിയുടെ അറിവ് ഗ്രഹിക്കുന്നതിന്റെയും, അത് പ്രയോഗിക്കുന്നതിനുള്ള അവന്റെ അല്ലെങ്കിൽ അവളുടെ കഴിവിന്റെയും സമഗ്രവും തുടർച്ചയായുമുള്ള വിലയിരുത്തൽ.

30. (1) പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തിയാക്കുന്നതുവരെ യാതൊരു കുട്ടിയും ഏതെങ്കിലും ബോർഡ് പരീക്ഷ പാസ്സാകാൻ ആവശ്യപ്പെടുവാൻ പാടുള്ളതല്ല.

പരീക്ഷയും പൂർത്തിയാക്കൽ സർട്ടിഫിക്കറ്റും.

(2) പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തിയാക്കുന്ന ഓരോ കുട്ടിക്കും നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള മാതൃകയിലും അങ്ങനെയുള്ള രീതിയിലും ഒരു സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതാണ്.

## അദ്ധ്യായം VI

## കുട്ടികളുടെ അവകാശ സംരക്ഷണം

കുട്ടിയുടെ വിദ്യാഭ്യാസത്തിനുള്ള അവകാശം നിരീക്ഷിക്കൽ.

31. (1) ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിന് വേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റ്, 2005 (2005-ലെ 4)-ന്റെ 3-ാം വകുപ്പ് പ്രകാരം രൂപീകരിക്കപ്പെട്ട കുട്ടികളുടെ അവകാശ സംരക്ഷണത്തിനായുള്ള ദേശീയ കമ്മീഷൻ, അഥവാ, അതത് സംഗതിപോലെ, 17-ാം വകുപ്പുപ്രകാരം രൂപീകരിക്കപ്പെട്ട കുട്ടികളുടെ അവകാശ സംരക്ഷണത്തിനായുള്ള സംസ്ഥാന കമ്മീഷൻ, ആ ആക്റ്റ് പ്രകാരം അവയ്ക്ക് ഏൽപ്പിച്ചിരിക്കുന്ന ചുമതലകൾക്കു പുറമേ താഴെപ്പറയുന്ന ചുമതലകൾ കൂടി നിർവ്വഹിക്കേണ്ടതാണ്, അതായത്:--

(ക) ഈ ആക്റ്റിനാലോ അതിൻകീഴിലോ വ്യവസ്ഥ ചെയ്ത അവകാശങ്ങൾക്കുവേണ്ടിയുള്ള സുരക്ഷാ വ്യവസ്ഥകൾ പരിശോധിക്കുകയും പുനഃപരിശോധിക്കുകയും അവയുടെ ഫലപ്രദമായ നടപ്പാക്കലിനുവേണ്ടിയുള്ള നടപടികൾ ശിപാർശ ചെയ്യുകയും;

(ഖ) കുട്ടിയുടെ സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തെ സംബന്ധിച്ച പരാതികളിൻമേൽ അന്വേഷണം നടത്തുകയും;

(ഗ) പ്രസ്തുത ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനു വേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റിലെ 15-ഉം 24-ഉം വകുപ്പുകളിൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളപ്രകാരം ആവശ്യമായ നടപടികൾ സ്വീകരിക്കുകയും ചെയ്യുക.

(2) (1)-ാം ഉപവകുപ്പ് (ഗ) ഖണ്ഡപ്രകാരം സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശങ്ങളെ സംബന്ധിച്ചുള്ള ഏതു സംഗതികളെക്കുറിച്ചും അന്വേഷിക്കുമ്പോൾ പ്രസ്തുത കമ്മീഷനുകൾക്ക്, പ്രസ്തുത ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റിലെ യഥാക്രമം 14-ഉം 24-ഉം വകുപ്പുകൾ പ്രകാരം അവയ്ക്ക് നൽകിയിട്ടുള്ള അതേ അധികാരങ്ങൾ ഉണ്ടായിരിക്കുന്നതാണ്.

(3) ഒരു സംസ്ഥാനത്ത് കുട്ടികളുടെ അവകാശ സംരക്ഷണത്തിനു വേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷൻ രൂപീകരിക്കപ്പെട്ടിട്ടില്ലാത്തത്, സമുചിതസർക്കാരിന്, (1)-ാം ഉപവകുപ്പിലെ (ക) മുതൽ (ഗ) വരെയുള്ള ഖണ്ഡങ്ങളിൽ വിനിർദ്ദേശിച്ചിരിക്കുന്ന ചുമതലകൾ നിർവ്വഹിക്കുന്നതിലേക്കായി നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള രീതിയിലും അങ്ങനെയുള്ള നിബന്ധനകൾക്കും ഉപാധികൾക്കും വിധേയമായി അങ്ങനെയുള്ള അധികാരസ്ഥാനം രൂപീകരിക്കാവുന്നതാണ്.

പരാതികൾ പരിഹരിക്കൽ.

32. (1) 31-ാം വകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും, ഈ ആക്റ്റിൻകീഴിലുള്ള ഒരു കുട്ടിയുടെ അവകാശം സംബന്ധിച്ച് എന്തെങ്കിലും പരാതിയുള്ള ഏതൊരാൾക്കും അധികാരിതയുള്ള ഒരു തദ്ദേശാധികാര സ്ഥാനത്തിന് ലിഖിതമായ ഒരു പരാതി നൽകാവുന്നതാണ്.

(2) (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള പരാതി കൈപ്പറ്റിയശേഷം തദ്ദേശാധികാരസ്ഥാനം മൂന്ന് മാസത്തെ കാലാവധിക്കുള്ളിൽ ബന്ധപ്പെട്ട കക്ഷികൾക്ക് കേൾക്കപ്പെടുവാൻ ന്യായമായ ഒരു വസരം നൽകിയശേഷം അക്കാര്യം തീരുമാനിക്കേണ്ടതാണ്.

(3) തദ്ദേശാധികാരസ്ഥാനത്തിന്റെ തീരുമാനത്തിൽ പരാതിയുള്ള ഏതൊരാൾക്കും ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിന് വേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷനിലോ അഥവാ, അതത് സംഗതിപോലെ, 31-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പുപ്രകാരം നിർണ്ണയിക്കപ്പെട്ട അധികാരസ്ഥാനത്തിലോ അപ്പീൽ ബോധിപ്പിക്കാവുന്നതാണ്.

(4) (3)-ാം ഉപവകുപ്പുപ്രകാരം ബോധിപ്പിക്കപ്പെട്ട അപ്പീൽ, ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിന് വേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷൻ അഥവാ, അതതു സംഗതിപോലെ, 31-ാം വകുപ്പ് (3)-ാം ഉപ വകുപ്പുപ്രകാരം നിർണ്ണയിക്കപ്പെട്ടിട്ടുള്ള അധികാരസ്ഥാനം, 31-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് (ഗ) ഖണ്ഡത്തിലെ വ്യവസ്ഥകളനുസരിച്ച് തീരുമാനിക്കേണ്ടതാണ്.

33. (1) കേന്ദ്രസർക്കാർ, വിജ്ഞാപനം വഴി, പ്രാഥമിക വിദ്യാഭ്യാസ മേഖലയിലും കുട്ടികളുടെ വികസനത്തിനും അറിവും പ്രായോഗികപരിജ്ഞാനവുമുള്ള ആളുകൾക്കിടയിൽ നിന്നും നിയമിക്കേണ്ട, കേന്ദ്രസർക്കാരിന് ആവശ്യമെന്ന് കരുതുന്നവിധം, പതിനഞ്ചിൽ കവിയാത്ത അത്രയും എണ്ണം, അംഗങ്ങൾ ഉൾക്കൊള്ളുന്ന ഒരു ദേശീയ ഉപദേശകസമിതി രൂപീകരിക്കേണ്ടതാണ്.

ദേശീയ ഉപദേശക സമിതിയുടെ രൂപീകരണം.

(2) ദേശീയ ഉപദേശകസമിതിയുടെ ചുമതലകൾ ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ ഫലപ്രദമായി നടപ്പിലാക്കുന്നതിന്മേൽ കേന്ദ്ര സർക്കാരിന് ഉപദേശം നൽകുക എന്നതായിരിക്കുന്നതാണ്.

(3) ദേശീയ ഉപദേശകസമിതിയിലെ അംഗങ്ങളുടെ ബത്തകളും നിയമനത്തിന്റെ മറ്റ് നിബന്ധനകളും ഉപാധികളും നിർണ്ണയിക്കാവുന്ന അങ്ങനെയുള്ള പ്രകാരമായിരിക്കേണ്ടതാണ്.

34. (1) സംസ്ഥാന സർക്കാർ, വിജ്ഞാപനം വഴി, പ്രാഥമിക വിദ്യാഭ്യാസ മേഖലയിലും കുട്ടികളുടെ വികസനത്തിനും അറിവും പ്രായോഗിക പരിജ്ഞാനവുമുള്ള ആളുകൾക്കിടയിൽ നിന്നും നിയമിക്കേണ്ട, സംസ്ഥാന സർക്കാരിന് ആവശ്യമെന്ന് കരുതുന്നവിധം, പതിനഞ്ചിൽ കവിയാത്ത അത്രയും എണ്ണം, അംഗങ്ങൾ ഉൾക്കൊള്ളുന്ന ഒരു സംസ്ഥാന ഉപദേശകസമിതി രൂപീകരിക്കേണ്ടതാണ്.

സംസ്ഥാന ഉപദേശക സമിതിയുടെ രൂപീകരണം.

(2) സംസ്ഥാന ഉപദേശകസമിതിയുടെ ചുമതലകൾ ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ ഫലപ്രദമായി നടപ്പിലാക്കുന്നതിന്മേൽ സംസ്ഥാന സർക്കാരിന് ഉപദേശം നൽകുക എന്നതായിരിക്കുന്നതാണ്.

(3) സംസ്ഥാന ഉപദേശകസമിതിയിലെ അംഗങ്ങളുടെ ബത്തകളും നിയമനത്തിന്റെ മറ്റ് നിബന്ധനകളും ഉപാധികളും നിർണ്ണയിക്കാവുന്ന അങ്ങനെയുള്ള പ്രകാരമായിരിക്കേണ്ടതാണ്.

#### അദ്ധ്യായം VII

##### പലവക

35. (1) കേന്ദ്രസർക്കാരിന്, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിന്റെ ആവശ്യങ്ങൾക്കായി അതിന് ഉചിതമെന്ന് തോന്നുന്ന അങ്ങനെയുള്ള മാർഗ്ഗനിർദ്ദേശങ്ങൾ, അതതു സംഗതിപോലെ, സമുചിത സർക്കാരിനോ തദ്ദേശാധികാരസ്ഥാനത്തിനോ നൽകാവുന്നതാണ്.

നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുവാനുള്ള അധികാരം.

(2) സമുചിത സർക്കാരിന്, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നത് സംബന്ധിച്ച് മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കാവുന്നതും അതിന് ഉചിതമെന്ന് തോന്നുന്ന അങ്ങനെയുള്ള നിർദ്ദേശങ്ങൾ തദ്ദേശാധികാര സ്ഥാനത്തിനോ സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റിക്കോ നൽകാവുന്നതുമാണ്.

(3) തദ്ദേശാധികാരസ്ഥാനത്തിന്, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നത് സംബന്ധിച്ച് മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കാവുന്നതും അതിന് ഉചിതമെന്ന് തോന്നുന്ന അങ്ങനെയുള്ള നിർദ്ദേശങ്ങൾ സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റിക്ക് നൽകാവുന്നതുമാണ്.



പ്രോസിക്യൂഷൻ  
മുൻകൂർ അനുമതി  
വേണമെന്ന്.

ഉത്തമവിശ്വാസത്തിൽ  
എടുത്ത നടപടിക്ക്  
സംരക്ഷണം.

ചട്ടങ്ങൾ ഉണ്ടാക്കുന്ന  
തിന് സമുചിത  
സർക്കാരിനുള്ള  
അധികാരം.

36. സമുചിത സർക്കാർ, വിജ്ഞാപനം വഴി, ഇതിലേയ്ക്കായി അധികാരപ്പെടുത്തിയ ഒരു ഉദ്യോഗസ്ഥന്റെ മുൻകൂർ അനുമതി കൂടാതെ, 13-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പും 18-ാം വകുപ്പ് (5)-ാം ഉപവകുപ്പും 19-ാം വകുപ്പ് (5)-ാം ഉപവകുപ്പും പ്രകാരം ശിക്ഷാർഹമായ കുറ്റകൃത്യങ്ങൾക്ക് യാതൊരു പ്രോസിക്യൂഷനും ആരംഭിക്കുവാൻ പാടുള്ളതല്ല.

37. ഈ ആക്റ്റിനോ, അതിൻകീഴിൽ ഉണ്ടാക്കിയ ഏതെങ്കിലും ചട്ടങ്ങൾക്കോ ഉത്തരവിനോ അനുസൃതമായി ഉത്തമവിശ്വാസത്തിൽ ചെയ്തതോ ചെയ്യുവാൻ ഉദ്ദേശിച്ചതോ ആയ എന്തിനെയെങ്കിലും സംബന്ധിച്ച് കേന്ദ്രസർക്കാരിനോ സംസ്ഥാന സർക്കാരിനോ ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള ദേശീയ കമ്മീഷനോ ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷനോ തദ്ദേശാധികാര സ്ഥാനത്തിനോ സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റിക്കോ ഏതെങ്കിലും ആളിനോ എതിരെ യാതൊരു വ്യവഹാരമോ മറ്റ് നിയമ നടപടികളോ നിലനിൽക്കുന്നതല്ല.

38. (1) സമുചിതമായ സർക്കാരിന്, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിനുവേണ്ടി, വിജ്ഞാപനം വഴി, ചട്ടങ്ങൾ ഉണ്ടാക്കാവുന്നതാണ്.

(2) പ്രത്യേകിച്ച്, മുൻപറഞ്ഞ അധികാരങ്ങളുടെ സാമാന്യതയ്ക്ക് ഭംഗം വരാത്തവിധത്തിൽ അങ്ങനെയുള്ള ചട്ടങ്ങൾ താഴെ പറയുന്ന എല്ലാമോ ഏതെങ്കിലുമോ കാര്യങ്ങൾക്കുവേണ്ടി വ്യവസ്ഥ ചെയ്യാവുന്നതാണ്, അതായത്:—

(ക) 4-ാം വകുപ്പിന്റെ ഒന്നാം പരിമിതി വ്യവസ്ഥ പ്രകാരം പ്രത്യേകം പരിശീലനം നൽകുന്നതിന്റെ രീതിയും ആയതിന്റെ സമയ പരിധിയും;

(ഖ) 6-ാം വകുപ്പിൻകീഴിൽ ഒരു സമീപപ്രദേശ സ്കൂൾ സ്ഥാപിക്കുന്നതിനുള്ള പ്രദേശം അല്ലെങ്കിൽ പരിധികൾ;

(ഗ) 9-ാം വകുപ്പ് (ഘ) ഖണ്ഡത്തിൻകീഴിൽ പതിനാല് വയസ്സുവരെ പ്രായമുള്ള കുട്ടികളുടെ റിക്കാർഡുകൾ വച്ചുപോരേണ്ട രീതി;

(ഘ) 12-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പിൻകീഴിൽ ചെലവ് തിരികെ നൽകുന്നതിന്റെ രീതിയും വ്യാപ്തിയും;

(ങ) 14-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൻകീഴിൽ കുട്ടിയുടെ വയസ്സ് നിർണ്ണയിക്കുന്നതിനുള്ള മറ്റേതെങ്കിലും പ്രമാണം;

(ച) 15-ാം വകുപ്പിൻകീഴിൽ, പ്രവേശനത്തിനുവേണ്ടി നീട്ടിക്കൊടുത്ത കാലാവധിയും, നീട്ടിക്കൊടുത്ത കാലാവധിക്കുശേഷം പ്രവേശിപ്പിച്ചതാണെങ്കിലും പഠനം പൂർത്തീകരിക്കുന്നതിന്റെ രീതിയും;

(ഛ) 18-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൻകീഴിൽ, അംഗീകാര സർട്ടിഫിക്കറ്റിനുള്ള അപേക്ഷ നൽകേണ്ട മാതൃകയും രീതിയും അധികാര സ്ഥാനവും;

(ജ) 18-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പിൻകീഴിൽ അംഗീകാര സർട്ടിഫിക്കറ്റ് നൽകുന്നതിനുള്ള രീതിയും വ്യവസ്ഥകളും അതിന്റെ മാതൃകയും കാലാവധിയും;

(ധ) 18-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പിന്റെ രണ്ടാം പരിമിതി വ്യവസ്ഥ പ്രകാരം കേൾക്കപ്പെടാൻ ഉള്ള അവസരം നൽകേണ്ട രീതി;

(ത) 21-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പ് (ഘ) ഖണ്ഡത്തിൻ കീഴിൽ സ്കൂൾ മാനേജ്മെന്റ് കമ്മിറ്റി നിർവ്വഹിക്കേണ്ട മറ്റ് ചുമതലകൾ;

(ട) 22-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം സ്കൂൾ വികസനപദ്ധതി തയ്യാറാക്കേണ്ട രീതി;

(ഠ) 23-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പുപ്രകാരം അദ്ധ്യാപകന് നൽകേണ്ടതായ ശമ്പളവും ബത്തകളും സേവന നിബന്ധനകളും ഉപാധികളും;

(ഡ) 24-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിന്റെ (ച) ഖണ്ഡത്തിൽ കീഴിൽ അദ്ധ്യാപകൻ നിർവ്വഹിക്കേണ്ടതായുള്ള കർത്തവ്യങ്ങൾ;

(ഡബ്) 24-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പിൻകീഴിൽ അദ്ധ്യാപകരുടെ പരാതികൾ പരിഹരിക്കേണ്ട രീതി;

(ണ) 30-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പിൻകീഴിൽ പ്രാഥമിക വിദ്യാഭ്യാസം പൂർത്തിയാക്കൽ സർട്ടിഫിക്കറ്റിന്റെ മാതൃകയും നൽകേണ്ട രീതിയും;

(ത) 31-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പിൻകീഴിലെ അധികാര സ്ഥാനവും അതിന്റെ രൂപീകരണരീതിയും അതിനായുള്ള നിബന്ധനകളും ഉപാധികളും;

(ഥ) 33-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പിൻകീഴിലെ ദേശീയ ഉപദേശകസമിതി അംഗങ്ങളുടെ ബത്തകളും അവരുടെ നിയമനത്തിന്റെ മറ്റ് നിബന്ധനകളും ഉപാധികളും;

(ദ) 34-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പിൻകീഴിലെ സംസ്ഥാന ഉപദേശകസമിതി അംഗങ്ങളുടെ ബത്തകളും അവരുടെ നിയമനത്തിന്റെ മറ്റ് നിബന്ധനകളും ഉപാധികളും;

(3) ഈ ആക്റ്റിൻകീഴിൽ ഉണ്ടാക്കിയ ഓരോ ചട്ടവും 20-ഉം 23-ഉം വകുപ്പുകൾക്ക് കീഴിൽ കേന്ദ്രസർക്കാർ പുറപ്പെടുവിക്കുന്ന ഓരോ വിജ്ഞാപനവും അത് ഉണ്ടാക്കിയതിന് ശേഷം കഴിയുന്നത്ര വേഗത്തിൽ പാർലമെന്റ് സമ്മേളനത്തിലായിരിക്കുമ്പോൾ, അതിന്റെ ഓരോ സഭയുടെയും മുമ്പാകെ ഒരു സമ്മേളനത്തിലോ അല്ലെങ്കിൽ തുടർച്ചയായുള്ള രണ്ടോ അതിലധികമോ സമ്മേളനങ്ങളിലോ ആയി ആകെ മുപ്പത് ദിവസക്കാലത്തേക്ക് വയ്ക്കേണ്ടതും ആ സമ്മേളനത്തിന് തൊട്ടടുത്തുവരുന്ന സമ്മേളനമോ മുൻപറഞ്ഞ തുടർച്ചയായ സമ്മേളനങ്ങളോ അവസാനിക്കുന്നതിന് മുമ്പ്, ഇരുസഭകളും, ആ ചട്ടത്തിലോ വിജ്ഞാപനത്തിലോ ഏതെങ്കിലും രൂപഭേദം വരുത്തുന്നതിൽ യോജിക്കുകയോ അല്ലെങ്കിൽ ഇരുസഭകളും ആ ചട്ടമോ വിജ്ഞാപനമോ ഉണ്ടാക്കരുതെന്നതിൽ യോജിക്കുകയോ ചെയ്യുന്നുവെങ്കിൽ അതിനുശേഷം ആ ചട്ടത്തിനോ വിജ്ഞാപനത്തിനോ, അതതു സംഗതി പോലെ, അപ്രകാരം രൂപഭേദപ്പെടുത്തിയ രൂപത്തിൽ മാത്രം പ്രഭാവം ഉണ്ടായിരിക്കുകയോ അല്ലെങ്കിൽ പ്രഭാവം ഇല്ലാതിരിക്കുകയോ ചെയ്യുന്നതും ആകുന്നു. എന്നിരുന്നാലും, അങ്ങനെയുള്ള ഏതെങ്കിലും രൂപഭേദപ്പെടുത്തലോ പ്രഭാവശൂന്യമാക്കലോ ആ ചട്ടത്തിനോ വിജ്ഞാപനത്തിനോ കീഴിൽ മുമ്പ് ചെയ്തിട്ടുള്ള എന്തിന്റെയെങ്കിലും സാധ്യതയ്ക്ക് ഭംഗം വരാത്ത വിധത്തിലായിരിക്കേണ്ടതാണ്.

(4) ഈ ആക്റ്റിൻകീഴിൽ സംസ്ഥാന സർക്കാർ ഉണ്ടാക്കുന്ന ഓരോ ചട്ടവും വിജ്ഞാപനവും അത് ഉണ്ടാക്കിയതിനുശേഷം കഴിയുന്നത്ര വേഗത്തിൽ സംസ്ഥാന നിയമനിർമ്മാണ മണ്ഡലങ്ങൾ മുമ്പാകെ വയ്ക്കേണ്ടതാണ്.

[39. (1) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്ക് പ്രഭാവം നൽകുന്നതിൽ ഏതെങ്കിലും വിഷമത ഉണ്ടാവുകയാണെങ്കിൽ, കേന്ദ്രസർക്കാരിന് ഔദ്യോഗിക ഗസറ്റിൽ പ്രസിദ്ധീകരിച്ച ഉത്തരവ് വഴി, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്ക് വിരുദ്ധമല്ലാത്ത, വിഷമത നീക്കം ചെയ്യുവാൻ ആവശ്യമാണെന്ന് അതിന് തോന്നാവുന്ന പ്രകാരമുള്ള, അങ്ങനെയുള്ള വ്യവസ്ഥകൾ ഉണ്ടാക്കാവുന്നതാണ്.

വിഷമതകൾ  
നീക്കംചെയ്യുന്നതി  
നുള്ള അധികാരം.

എന്നാൽ, 2012-ലെ സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം (ഭേദഗതി) ആക്റ്റിന്റെ പ്രാരംഭം മുതൽ മൂന്ന് വർഷം കഴിഞ്ഞതിനുശേഷം ഈ വകുപ്പിൻകീഴിൽ യാതൊരു ഉത്തരവും ഉണ്ടാക്കുവാൻ പാടുള്ളതല്ല.

(2) ഈ വകുപ്പിൻകീഴിൽ ഉണ്ടാക്കിയ ഓരോ ഉത്തരവും, അത് ഉണ്ടാക്കിയതിനുശേഷം ആകുന്നത്ര വേഗത്തിൽ പാർലമെന്റിന്റെ ഓരോ സഭയുടെയും മുമ്പാകെ വയ്ക്കേണ്ടതാണ്.]

1. സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള കുട്ടികളുടെ അവകാശം (ഭേദഗതി) ആക്റ്റ്, 2012 (2012-ലെ 30) 3-ാം വകുപ്പ് പ്രകാരം ചേർത്തത്.

പട്ടിക

(19-ഉം 25-ഉം വകുപ്പുകൾ കാണുക)

**ഒരു സ്കൂളിനുവേണ്ട മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും**

ക്രമ നമ്പർ

ഇനം

മാനദണ്ഡങ്ങളും നിലവാരങ്ങളും

1. അധ്യാപകരുടെ എണ്ണം

	പ്രവേശിപ്പിച്ച കുട്ടികൾ	അധ്യാപകരുടെ എണ്ണം
(ക) ഒന്നാം ക്ലാസ്സുമുതൽ അഞ്ചാം ക്ലാസ്സു വരെയുള്ളതിന്	അറുപതുവരെ അറുപത്തി ഒന്നിനും തൊണ്ണൂരിനും ഇടയ്ക്ക് തൊണ്ണൂറ്റി ഒന്നിനും നൂറ്റി ഇരുപതിനും ഇടയ്ക്ക് നൂറ്റി ഇരുപത്തൊന്നിനും ഇരുനൂറ്റിനും ഇടയ്ക്ക് നൂറ്റി അൻപതിൽ കൂടുതൽ കുട്ടികൾ ഇരുനൂറ്റിൽ കൂടുതൽ കുട്ടികൾ	രണ്ട് മൂന്ന് നാല് അഞ്ച് അഞ്ച്, അധികം ഒരു പ്രധാന അധ്യാപകൻ വിദ്യാർത്ഥി-അധ്യാപക അനുപാതം (പ്രധാന അധ്യാപകനൊഴികെ) നാല്പതിൽ കൂടാൻ പാടില്ല.
(ഖ) ആറാം ക്ലാസ്സുമുതൽ എട്ടാംക്ലാസ്സു വരെയുള്ളതിന്	(1) ഓരോ ക്ലാസിനും കുറഞ്ഞത് ഒരു അധ്യാപകൻ— (i) ശാസ്ത്രവും ഗണിതവും; (ii) സാമൂഹ്യശാസ്ത്രം; (iii) ഭാഷകൾ എന്നിവയ്ക്ക് ഓരോന്നിനും കുറഞ്ഞത് ഒരു അധ്യാപകൻ വരത്തക്കവിധം (2) ഓരോ മൂപ്പത്തിയഞ്ച് കുട്ടികൾക്കും കുറഞ്ഞത് ഒരു അധ്യാപകൻ. (3) കുട്ടികളുടെ പ്രവേശനം നൂറിൽ കൂടുതലായിരിക്കുന്നിടത്— (i) ഒരു ഫുൾടൈം പ്രധാനാധ്യാപകൻ; (ii) (ക) കലാശിക്ഷണം; (ഖ) ആരോഗ്യ-കായിക ശിക്ഷണം; (ഗ) തൊഴിൽ ശിക്ഷണം; എന്നിവയ്ക്കുവേണ്ടി പാർട്ട് ടൈം ഇൻസ്ട്രക്ടർമാർ.	

2. കെട്ടിടം

- (i) ഒരു അധ്യാപകൻ കുറഞ്ഞത് ഒരു ക്ലാസ് മുറിയും ഒരു ആഫീസും സ്റ്റോറും കൂടിയാകാവുന്ന പ്രധാനാധ്യാപകന്റെ മുറിയും;
  - (ii) തടസ്സരഹിത പ്രവേശനം;
  - (iii) ആൺകുട്ടികൾക്കും പെൺകുട്ടികൾക്കും പ്രത്യേകം ശൗചാലയം;
  - (iv) എല്ലാ കുട്ടികൾക്കും സുരക്ഷിതവും പര്യാപ്തവുമായ കുടിവെള്ള സൗകര്യം;
  - (v) സ്കൂളിൽ ഉച്ചഭക്ഷണം പാചകം ചെയ്യുന്ന ഒരു അടുക്കള;
  - (vi) കളിസ്ഥലം;
  - (vii) സ്കൂൾ കെട്ടിടം അതിർത്തി മതിലോ വേലിയോകൊണ്ട് സുരക്ഷിതമാക്കുന്നതിനുള്ള ക്രമീകരണങ്ങൾ;
- എന്നിവ ഉൾപ്പെടുന്ന എല്ലാ കാലാവസ്ഥയ്ക്കും യോജിച്ച കെട്ടിടം.

3. ഒരു അധ്യയന വർഷത്തെ (i) പ്രവൃത്തി ദിനങ്ങൾ/ബോധന മണിക്കൂറുകളുടെ ഏറ്റവും കുറഞ്ഞ എണ്ണം

- (i) ഒന്നാം ക്ലാസ്സു മുതൽ അഞ്ചാം ക്ലാസ്സ് വരെ ഇരുനൂറ് പ്രവൃത്തി ദിനങ്ങൾ;
- (ii) ആറാം ക്ലാസ്സു മുതൽ എട്ടാം ക്ലാസ്സ് വരെ ഇരുനൂറ്റി ഇരുപത് പ്രവൃത്തി ദിനങ്ങൾ;
- (iii) ഒന്നാം ക്ലാസ്സു മുതൽ അഞ്ചാം ക്ലാസ്സ് വരെ ഒരു അധ്യയന വർഷം എണ്ണൂറ് ബോധന മണിക്കൂറുകൾ;
- (iv) ആറാം ക്ലാസ്സു മുതൽ എട്ടാം ക്ലാസ്സ് വരെ ഒരു അധ്യയന വർഷം ആയിരം ബോധന മണിക്കൂറുകൾ.

4. അധ്യാപകൻ ഒരാഴ്ചത്തെ ഏറ്റവും കുറഞ്ഞ പ്രവൃത്തി മണിക്കൂറുകൾ

തയ്യാറെടുപ്പ് ഉൾപ്പെടെ നാല്പത്തിയഞ്ച് അധ്യാപന മണിക്കൂറുകൾ.

5. അധ്യാപന-പഠന ഉപകരണം

ഓരോ ക്ലാസ്സിനും വേണ്ടത്ര ലഭ്യമാക്കേണ്ടതാണ്.

6. ഗ്രന്ഥശാല

ഓരോ സ്കൂളിലും വർത്തമാനപത്രം, മാഗസിനുകൾ, കഥാപുസ്തകങ്ങൾ ഉൾപ്പെടെ എല്ലാ വിഷയങ്ങളിലുമുള്ള പുസ്തകങ്ങളും ലഭ്യമാക്കുന്ന ഒരു ഗ്രന്ഥശാല ഉണ്ടായിരിക്കേണ്ടതാണ്.

7. കളിക്കോപ്പ്, ഗെയിംസിനും സ്പോർട്ട്സിനുമുള്ള ഉപകരണം

ഓരോ ക്ലാസ്സിനും വേണ്ടത്ര ലഭ്യമാക്കേണ്ടതാണ്.

# THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

(ACT No. 35 of 2009)

സൗജന്യവും നിർബന്ധിതവുമായ വിദ്യാഭ്യാസത്തിനുള്ള  
കുട്ടികളുടെ അവകാശം ആക്റ്റ്, 2009

(2009-ലെ 35-ാം നമ്പർ ആക്റ്റ്)

## GLOSSARY

1. Apprise	അറിയിക്കുക	Sn. 24 (1) (e)
2. At par	സമാനത	Sn. 4 (1st. Proviso)
3. Building up	ക്രമേണ വർദ്ധിപ്പിക്കൽ	Sn. 29 (2) (c)
4. Capacity building	ശേഷി ആർജ്ജിക്കൽ	Sn. 7 (6) (c)
5. Concurrent	സമവർത്തിയായ	Sn. 7 (1)
6. Enshrined	പ്രതിഷ്ഠാപിതമായ	Sn. 29 (2) (a)
7. Hold back	നിലനിർത്തുക	Sn. 16
8. Instructional hours	ബോധന മണിക്കൂറുകൾ	Schedule
9. Teacher Education	അദ്ധ്യാപക ശിക്ഷണം	Sn. 23 (2)
10. Ward	രക്ഷാധീനൻ	Sn. 10



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 39]

नई दिल्ली, बृहस्पतिवार, अगस्त 27, 2009/भाद्र 5, 1931

No. 39]

NEW DELHI, THURSDAY, AUGUST 27, 2009 / BHADRA 5, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 27th August, 2009/Bhadra 5, 1931 (Saka)*

The following Act of Parliament received the assent of the President on the 26th August, 2009, and is hereby published for general information:—

### THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

No. 35 OF 2009

[26th August, 2009.]

An Act to provide for free and compulsory education to all children of the age of six to fourteen years.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

## Definitions

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(b) "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school;

(c) "child" means a male or female child of the age of six to fourteen years;

(d) "child belonging to disadvantaged group" means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

(e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

(f) "elementary education" means the education from first class to eighth class;

(g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;

(h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;

(i) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005;

4 of 2006.

(j) "notification" means a notification published in the Official Gazette;

(k) "parent" means either the natural or step or adoptive father or mother of a child;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Schedule" means the Schedule annexed to this Act;

(n) "school" means any recognised school imparting elementary education and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

(o) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method;

(p) "specified category", in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate Government;

(q) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005.

4 of 2006.

## CHAPTER II

## RIGHT TO FREE AND COMPULSORY EDUCATION

3. (1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.

Right of child to free and compulsory education.

(2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education:

Provided that a child suffering from disability, as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

1 of 1996.

4. Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:

Special provisions for children not admitted to, or who have not completed, elementary education.

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

5. (1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

Right of transfer to other school.

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

## CHAPTER III

## DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

6. For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

Duty of appropriate Government and local authority to establish school.



Sharing of  
financial and  
other  
responsibilities.

7. (1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

(3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.

(4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

(5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) The Central Government shall—

(a) develop a framework of national curriculum with the help of academic authority specified under section 29;

(b) develop and enforce standards for training of teachers;

(c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

8. The appropriate Government shall—

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

*Explanation.*—The term "compulsory education" means obligation of the appropriate Government to—

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in section 4;

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

Duties of  
appropriate  
Government.

(h) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers.

9. Every local authority shall—

Duties of local authority.

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;

(e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;

(f) provide infrastructure including school building, teaching staff and learning material;

(g) provide special training facility specified in section 4;

(h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(i) ensure timely prescribing of curriculum and courses of study for elementary education;

(j) provide training facility for teachers;

(k) ensure admission of children of migrant families;

(l) monitor functioning of schools within its jurisdiction; and

(m) decide the academic calendar.

10. It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

Duty of parents and guardian.

11. With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

Appropriate Government to provide for pre-school education.

#### CHAPTER IV

##### RESPONSIBILITIES OF SCHOOLS AND TEACHERS

12. (1) For the purposes of this Act, a school,—

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.;

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the

Extent of school's responsibility for free and compulsory education.

neighbourhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further 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.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

No capitation fee and screening procedure for admission.

13. (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

(2) Any school or person, if in contravention of the provisions of sub-section (1),—

(a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;

(b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.

Proof of age for admission.

14. (1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis of such other document, as may be prescribed.

(2) No child shall be denied admission in a school for lack of age proof.

6 of 1886.

No denial of admission.

15. A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

Prohibition of holding back and expulsion.

16. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

Prohibition of physical punishment and mental harassment to child.

17. (1) No child shall be subjected to physical punishment or mental harassment.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

No School to be established without obtaining certificate of recognition.

18. (1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.

(2) The authority prescribed under sub-section (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.

(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted:

Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as may be prescribed.

(4) With effect from the date of withdrawal of the recognition under sub-section (3), no such school shall continue to function.

(5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

19. (1) No school shall be established, or recognised, under section 18, unless it fulfils the norms and standards specified in the Schedule.

Norms and standards for school.

(2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement.

(3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof.

(4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function.

(5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

20. The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.

Power to amend Schedule.

21. (1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

School Management Committee.

Provided that atleast three-fourth of members of such Committee shall be parents or guardians:

Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

Provided also that fifty per cent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:—

(a) monitor the working of the school;

(b) prepare and recommend school development plan;

(c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and

(d) perform such other functions as may be prescribed.

22. (1) Every School Management Committee, constituted under sub-section (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.

School Development Plan.

(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.

Qualifications for appointment and terms and conditions of service of teachers.

23. (1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.

Duties of teachers and redressal of grievances.

24. (1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely:—

- (a) maintain regularity and punctuality in attending school;
- (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;
- (c) complete entire curriculum within the specified time;
- (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;
- (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and
- (f) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her:

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

Pupil-Teacher Ratio.

25. (1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

Filling up vacancies of teachers.

26. The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in a school under its control shall not exceed ten per cent. of the total sanctioned strength.

Prohibition of deployment of teachers for non-educational purposes.

27. No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

Prohibition of private tuition by teacher.

28. No teacher shall engage himself or herself in private tuition or private teaching activity.

CHAPTER V

CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

29. (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.

Curriculum and evaluation procedure.

(2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:—

- (a) conformity with the values enshrined in the Constitution;
- (b) all round development of the child;
- (c) building up child's knowledge, potentiality and talent;
- (d) development of physical and mental abilities to the fullest extent;
- (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
- (f) medium of instructions shall, as far as practicable, be in child's mother tongue;
- (g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
- (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

30. (1) No child shall be required to pass any Board examination till completion of elementary education.

Examination and completion certificate.

(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

CHAPTER VI

PROTECTION OF RIGHT OF CHILDREN

31. (1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:—

Monitoring of child's right to education.

(a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;

(b) inquire into complaints relating to child's right to free and compulsory education; and

(c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

32. (1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

Redressal of grievances.

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.

(4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

Constitution  
of National  
Advisory  
Council.

33. (1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed.

Constitution of  
State Advisory  
Council.

34. (1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the State Advisory council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.

## CHAPTER VII

### MISCELLANEOUS

Power to issue  
directions.

35. (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the School Management Committee regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the School Management Committee regarding implementation of the provisions of this Act.

Previous  
sanction for  
prosecution.

36. No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be instituted except with the previous sanction of an officer authorised in this behalf, by the appropriate Government, by notification.

Protection of  
action taken in  
good faith.

37. No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the School Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

Power of  
appropriate  
Government  
to make rules.

38. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of giving special training and the time-limit thereof, under first proviso to section 4;

(b) the area or limits for establishment of a neighbourhood school, under section 6;

(c) the manner of maintenance of records of children up to the age of fourteen years, under clause (d) of section 9;

(d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;

(e) any other document for determining the age of child under sub-section (1) of section 14;

(f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;

(g) the authority, the form and manner of making application for certificate of recognition, under sub-section (1) of section 18;

(h) the form, the period, the manner and the conditions for issuing certificate of recognition, under sub-section (2) of section 18;

(i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;

(j) the other functions to be performed by School Management Committee under clause (d) of sub-section (2) of section 21;

(k) the manner of preparing School Development Plan under sub-section (1) of section 22;

(l) the salary and allowances payable to, and the terms and conditions of service of, teacher, under sub-section (3) of section 23;

(m) the duties to be performed by the teacher under clause (f) of sub-section (1) of section 24;

(n) the manner of redressing grievances of teachers under sub-section (3) of section 24;

(o) the form and manner of awarding certificate for completion of elementary education under sub-section (2) of section 30;

(p) the authority, the manner of its constitution and the terms and conditions therefor, under sub-section (3) of section 31;

(q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;

(r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34.

(3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislatures.



**THE SCHEDULE**  
(See sections 19 and 25)  
**NORMS AND STANDARDS FOR A SCHOOL**

Sl. No.	Item	Norms and Standards	
1.	Number of teachers:		
	(a) For first class to fifth class	Admitted children	Number of teachers
		Up to Sixty	Two
		Between sixty-one to ninety	Three
		Between Ninety-one to one hundred and twenty	Four
		Between One hundred and twenty-one to two hundred	Five
		Above One hundred and fifty children	Five plus one Head-teacher
		Above Two hundred children	Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty.
	(b) For sixth class to eighth class	(1) At least one teacher per class so that there shall be at least one teacher each for—	
		(i) Science and Mathematics;	
		(ii) Social Studies;	
		(iii) Languages.	
		(2) At least one teacher for every thirty-five children.	
		(3) Where admission of children is above one hundred—	
		(i) a full time head-teacher;	
		(ii) part time instructors for—	
		(A) Art Education;	
		(B) Health and Physical Education;	
		(C) Work Education.	
2.	Building	All-weather building consisting of—	
		(i) at least one class-room for every teacher and an office-cum-store-cum-Head teacher's room;	
		(ii) barrier-free access;	
		(iii) separate toilets for boys and girls;	
		(iv) safe and adequate drinking water facility to all children;	
		(v) a kitchen where mid-day meal is cooked in the school;	
		(vi) Playground;	

Sl. No.	Item	Norms and Standards
		(vii) arrangements for securing the school building by boundary wall or fencing.
3.	Minimum number of working days/instructional hours in an academic year	(i) two hundred working days for first class to fifth class; (ii) two hundred and twenty working days for sixth class to eighth class; (iii) eight hundred instructional hours per academic year for first class to fifth class; (iv) one thousand instructional hours per academic year for sixth class to eighth class.
4.	Minimum number of working hours per week for the teacher	forty-five teaching including preparation hours.
5.	Teaching learning equipment	Shall be provided to each class as required.
6.	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
7.	Play material, games and sports equipment	Shall be provided to each class as required.

T.K. VISWANATHAN,  
*Secretary to the Govt. of India.*

Kerala Gazette No. 8 dated 25th February 2014.

**PART I**

**Section i**



**GOVERNMENT OF KERALA**

**Law (Leg.-Publication) Department**

**NOTIFICATION**

No. 14775/L.cg.Pbn.4/2013/Law.

*Dated, Thiruvananthapuram, 29th November 2013.*

The following Act of Parliament published in the Gazette of India Extraordinary, Part II, Section I dated the 19th day of June, 2012 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 19th day of June, 2012.

By order of the Governor,

**C. P. RAMARAJA PREMA PRASAD,**  
*Law Secretary.*

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY  
EDUCATION (AMENDMENT) ACT, 2012

(Act No. 30 of 2012)

AN

ACT

to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of Section 1.*— In the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), (hereinafter referred to as the principal Act), in section 1, after sub-section (3), the following sub sections shall be inserted, namely:—

“(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instruction.”

3. *Amendment of Section 2.*— In the principal Act, in section 2,—

(a) in clause (d), after the word “means”, the words “a child with disability or” shall be inserted;

(b) after clause (e), the following clause shall be inserted, namely:

(ee) “child with disability” includes,—

(A) a child with “disability” as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);

(C) a child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999).

4. *Amendment of Section 3.*—In section 3 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(b) in sub-section (2), the proviso shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 :

Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999 (44 of 1999), may also have the right to opt for home-based education.

5. *Amendment of Section 21.*—In section 21 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the School Management Committee constituted under sub-section (1) in respect of,—

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

shall perform advisory function only.”.

6. *Amendment of Section 22.*—In section 22 of the principal Act, in sub-section (i), for the words “School Management Committee, constituted”, the words “School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted” shall be substituted.

7. *Amendment of Section 25.*—In section 25 of the principal Act, in sub-section (1), for the words “Within six months”, the words “Within three years” shall be substituted.

8. *Insertion of new Section 39.*—After section 38 of the principal Act, the following section shall be inserted, namely:—

“39. *Power of central Government to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.