

**SCHOOL EDUCATION AND SPORTS DEPARTMENT**

Mantralaya, Mumbai 400 032, dated 11th October, 2011

**NOTIFICATION**

No. PRE-2010/C.R.-211(B)/PE-1.—Whereas the Government of India has brought into force the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as "the said Act") with effect from the 1st April 2010 ;

And whereas, it is expedient to make the rules under the said Act.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the said Act, the Government of Maharashtra hereby makes the following rules as follows :—

**APPENDIX-I****PART - I****PRELIMINARY**

1. *Short title, name, extent and implementation.*—(1) These rules may be called the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011.

(2) They extend to the whole State of Maharashtra.

(3) They shall come in to force with effect from the date of publication of these rules in the *Official Gazette*.

2. *Definitions.*—(i) 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) "Academic year" means a year consisting of two academic terms sanctioned and declared by the education officer or inspector of the concerned district or Municipal Corporation, taking in to account time period declared by the Government for school work and actual teaching;

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

(d) "Child" means any person of the age of 6 to 14 years.

*Explanation.*— In respect of children with disabilities or with learning disabilities, or with learning difficulties as defined by the notification, as defined in the Persons with Disabilities, [Equal Opportunities, Protection of Rights and Full Participation Act, 1995 ( 1 of 1996)] or by notification, the upper age limit shall be 18 years.

(e) "disadvantaged group" means such group as defined by the State Government by notification;

(f) "Elementary School" means a centre where education from Standards I to VIII or any of them is imparted;

(g) "Elementary School teacher" means a person duly appointed to teach students of Elementary school and shall include a Head Teacher or cluster coordinator ;

(h) "Evaluation" means, in the case of students, the determination of their level of attainment as per the quality norms prescribed by the academic authority, and, in the case of institutions and the persons appointed in various posts, the determination of their level of efficiency including the average attainment levels of children in the schools in their charge;

(i) "Form" means a form appended to these rules;

(j) "Government" means the Government of Maharashtra;

(k) "Migratory Children" means children shifting from the place of the school where they are enrolled, to new place, for a period less than an academic session, along with their parents or otherwise;

(l) "Out-of-school child" means a child of the age of 6 to 14 years who has either never been admitted to a school or who, having been admitted, has not completed elementary education, and it shall include a student of elementary school being absent for more than a month continuously;

(m) "Neighbourhood school" means a school in respect of children in classes I - V, a school shall be established as far as possible within a distance of one km of the neighbourhood and has a minimum of 20 children in the age group of 6 to 11 years available and willing for enrollment in that school and in classes VI - VIII, a school shall be established as far as possible within a distance of 3 kms of the neighbourhood and which has not less than 20 children in class 5th of the feeding primary schools, taken together, available and willing for enrollment in that school.

(n) "Period" means the minimum or shortest time period, shown in the school time-table, for teaching one subject in one class, in accordance with the Government's directions;

(o) "Pupil Cumulative Record" means record of the progress of the child based on comprehensive and continuous evaluation;

(p) "School mapping" means planning and deciding upon the location of a school in order to minimize geographical distance and linguistic, physical and social obstacles in accessing the school;

(q) "Syllabus" means the Government approved class-wise subject-scheme and elaborate content of every subject therein, and the expected learning outcome which include knowledge, skills, values and attitudes, in accordance with the educational policy determined by the Central and State Government, from time to time, in regard to the education of children of specific age-groups;

(r) "Uniform" means a dress decided by the concerned school committee with due consideration to the expected norms of behaviour and discipline, to be worn by students of the school;

(2) Words and terms used in these rules but not defined therein, but defined in the Act, shall have the same meanings assigned to them in the Act.

## PART II

### Right of Children to Free and Compulsory Education

3. *Special training for purposes of the provisions of section 4.*—(1) The local authority shall identify, every year, by means of a survey, to be conducted by an officer notified by the State Government in this behalf, such children who are out of school, and shall admit them to age-appropriate class. It shall, according to the need, organize the special training in the following manner, namely :—

(a) the special training shall be based on specially designed, age-appropriate learning tools and materials, approved by the academic authority, specified under section 29 of the Act ;

(b) such a training shall be provided in the classes held on the premises of the school, or through the classes organized as authorised bridge courses in safe residential facility, at time other than normal school hours ;

(c) such training shall be imparted preferably by teachers working in the school, or by teachers appointed specially for that purpose ;

(d) the State Council of Educational Research and Training shall lay down the time duration for such training programme.

(2) After admitting such a child to the age-appropriate class and during the special training and after she completes the special training, the teachers shall give her, the special attention required to help him integrate with the class, both academically and emotionally.

(3) (i) Special Training programme shall be planned by the Maharashtra State Council of Educational Research and Training, Pune (MSCERT), considering the following matters :—

- (a) development of learning materials ;
- (b) training of teachers ;
- (c) scientific methods regarding evaluation of children ;

(ii) So far as Special Training programme shall also be planned by the Director of Education (Primary), Maharashtra State, Pune considering following manner—

- (a) appointment of teachers, specially for this purpose;
- (b) survey of out-of-school children conducted by the local authority;
- (c) supervision arrangements to assist the progress of such child;
- (d) financial provision.

### PART III

#### Duties of State Government and Local Authority

4. *Areas or limits for purposes of section 6.*—(1) The State Government or the Local Authority, as the case may be, shall establish neighbourhood schools within the areas or limits to meet the following criteria, namely :—

- (a) In respect of children in classes I-V, a school shall be established as far as possible within a distance of one kilometer of the neighbourhood and has a minimum of 20 children in the age group of 6 to 11 years available and willing for enrollment in that school; and

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(b) In respect of children in classes VI-VIII, a school shall be established as far as possible within a distance of three kilometers of the neighbourhood and which has not less than 20 children in class 5th of the feeding primary schools, taken together, available and willing for enrollment in that school.

(2) The State Government may suitably alter the minimum distance specified in sub-rule (1) in cases of hilly areas or areas that are not easily accessible and make available the schools run by the Government or Local Authority for the children having no facility of further elementary education in their schools in such areas.

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

(4) In areas of greater population density (urban and semi-urban areas) the State Government or the Local Authority shall establish more than one neighbourhood school, having regard to the number of children in the age group of 6 to 14 years in the said area.

(5) The Local Authority shall designate a neighbourhood school for every settlement or area and shall make this information known to the public.

(6) In respect of children with disabilities (as defined in Equal opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), which prevent them from accessing the school the State Government or Local Authority having regard to their number shall make appropriate and safe transportation arrangements for them to attend the school and complete elementary education.

(7) (a) The Government or the Local Authority shall ensure that no child is barred from going to school for any reason and that there is no hindrance to his or her completing the elementary education on the ground of linguistic, social or cultural differences;

(b) the migratory children shall be enrolled in a school if the school having appropriate medium of instruction is available in that neighbourhood school;

(c) if the appropriate medium of instructions is not available in the neighbourhood school then, the transportation facilities for attending the school, or a seasonal residential hostel and other facilities shall be provided by the Local Authority.

**5. Duties of State Government and Local Authority for purposes of sections 8 and 9.—**(1) A child attending a school of the State Government or local authority referred to in sub-clause (I) of clause (n) of section 2, a child attending a school referred to in sub-clause (ii) of Clause (n) of section 2 in pursuance of clause (b) of sub-section (1) of section 12, and a child attending a school referred to in sub-clause (iii) and (iv) of clause (n) of section 2 in pursuance of clause (c) of sub-section (1) of section 12 shall be entitled to free text books, writing materials and uniforms :

Provided that a child with disabilities shall also be provided free special learning and support material.

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

Provided that, nothing in this rule shall be construed as restriction on the Government to declare these and any additional entitlements to any further specified group or all children, by issuing necessary Government Resolution.

(3) The Government and the Local Authority shall undertake school mapping to be carried out by the officers notified by the Government, in this behalf for the purpose of establishing a neighbourhood school and shall conduct a survey to identify and obtain statistical information about all children in the area, including children living in remote areas, children with disabilities, children belonging to disadvantaged groups, children of weaker sections of society, out-of-school children, as well as, children who have dropped out of school, within one year of the appointed date and every year and thereafter.

(4) The State Government or the Local Authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.

(5) For the purposes of clause (c) of section 8 and clause (c) of section 9, the State Government or the Local Authority, as the case may be, shall

take strict measures to ensure that no child from disadvantaged group or weaker section or a deprived section shall face discrimination or be segregated in class, during mid-day meals, on the playground, at common drinking facilities or while using common toilet facilities and in the cleaning of toilets or classrooms.

**6. Maintenance of records of children by Local Authority for purposes of clause (d) of section 9.—**(1) The Local Authority shall develop a record management system and shall maintain records of all children, in its jurisdiction, through a household survey to be carried out by an officer notified by the Government in that behalf or through other means like school register and/or focused group discussion, from their birth till they attain 14 years.

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

(3) The record referred to in sub-rule (1) shall be maintained transparently, shall be placed in the public domain, and used for the purposes specified in clause (e) of section 9 and for the purposes of special training under section 8.

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

(a) name, sex, date of birth, (Birth Certificate Number), if any, place of birth;

(b) parent's or guardian's name, address, occupation, relation to child;

(c) pre-primary school or Anganwadi centre that the child attends upto the age of six years (with details of location);

(d) details of the elementary school where the child is admitted with details of name, address, etc;

(e) permanent address and present address of residence of the child;

(f) class in which the child is studying (for children between age 6-14), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;

(g) whether the child belongs to the weaker section within the meaning of clause (e) of section 2 of the Act (if so, details to be given);

(h) whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2 of the Act (if so, details to be given);

(i) details of special facilities or residential facilities required by children on account of migration, sparse population, age-appropriate admission, disability, transport facility, home visit-based education, etc.

(5) (a) Appropriate Child Tracking System shall be developed as a tool to track the children dropping out or absenting for more than one month;

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

*Explanation.*—It shall be necessary to obtain information about children with disabilities every year till they attain the age of 18 years for the purposes of sub-sections (26) and (27) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996).

#### PART IV

##### Responsibilities of Schools And Teachers

7. *Admission of children belonging to weaker section and disadvantaged group for purposes of clause (c) of sub-section (1) of section 12.*—(1) The school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2, i.e. schools of specified category or non-aided schools not receiving aid or grant of any kind shall ensure that children admitted in pursuance of clause (c) of sub-section (1) of section 12 shall not be given discriminatory treatment, segregated from the other children in the classrooms, nor shall their classes be held at places and timings different from the classes held for the other children, nor shall any programmes be conducted separately, other than extra classes, for them and for other children.

(2) The school referred to in clauses (iii) and (iv) of sub-section (n) of section 2, i.e. schools of specified category or non-aided schools not receiving aid or grant of any kind shall ensure that children admitted in pursuance of clause (c) to 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 textbooks, uniforms, library, Information and Communication Technology facilities, extra-curricular activities and sports, etc.

(3) The areas or limits of neighbourhood schools specified in sub-rule (1) of rule 4 shall apply to admissions made in pursuance of clause (c) of sub-section (1) of section 12:

Provided that, the school shall, if necessary 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 limits with the prior approval of the Government.

**8. Reimbursement of per-child expenditure by the State Government for purposes of sub-section (2) of section 12.—**(1) The total annual recurring expenditure incurred by the Government, whether from its own funds, or from funds provided by the Central Government or by any other authority, for elementary education in respect of all schools established, owned or controlled by it or by the Local Authority, divided by the total number of children enrolled in all such schools, shall be the per child expenditure incurred by the Government.

*Explanation.*—For the purpose of determining the per child expenditure, the expenditure incurred by the Government or Local Authority on schools referred to in clause (ii) of sub-section (n) of section 2 i.e. schools of specified category or non-aided schools not receiving aid or grant of any kind and the children enrolled in such schools, shall not be included.

(2) Every school referred to in clauses (iii) and (iv) of sub-section (n) of section 2 i.e. schools of specified category or non-aided schools not receiving aid or grant of any kind shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of section 12. The amount of reimbursement shall be equal to the actual amount of expenditure incurred per child by the school or the amount of expenditure per child provided for under sub-rule (1), whichever is less.

**9. Documents acceptable as age proof for purpose of section 14.—**(1) Wherever a birth certificate under the Registration of Births and Deaths Act, 1969 (18 of 1969) is not available, any one of the following documents shall be deemed to be the proof of age of the child for the purposes of admission in schools, namely:—

- (a) register or record maintained by the Hospital or Auxiliary Nurse and Midwife (ANM) in respect of the birth place of the child;
- (b) Anganwadi record;
- (c) in case the record is not available a declaration by either father or mother of the child stating the date of birth in case of a child belonging to disadvantage group or weaker section, declaration of the age of the

child by the parent or guardian, certified by the Sarpanch of the village or Head Master of the local school, or in case of urban or semi-urban area, by an officer notified by the Government in that behalf.

*Explanation:—*In such cases, an officer of a rank senior to that of the officer admitting the child to the school shall confirm of the child that the other documents acceptable in place of the birth certificate are in fact, not available or cannot, in fact, be obtained.

**10. Extended period for admission for the purposes of section 15.—**(1) The extended period of admission from the date of commencement of the academic year of a school shall be till the last date, before the end of the first term.

(2) A child may be admitted in a school even after the expiry of the extended period. However, he or she shall be entitled to complete the studies with the help of special training under Special Training Programme as formulated by Maharashtra State Council for Educational Research and Training under rule 3, for a period to be determined by the head of the school.

**11. Recognition of schools for purposes of section 18.—**(1) Every school, other than a school established by the Government or the Local Authority, established before the commencement of this Act (or any school which has received permission from, or been recognized by the Government), shall make a self declaration within a period of three months from the date of commencement of this Act in Form No. 1 to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule, and that the school fulfills the following conditions. In case, a school is being run without recognition from the Government without permission before or even after the commencement of this Act, the school shall be punishable under section 18(5) of the Act, by a fine and shall also face legal action,—

(a) Conditions that the school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or under the Bombay Public Trusts Act, 1950 (Bom. XXIV of 1950) ;

(b) that the school is not run for profit of any individual, group or association of individuals or any other persons ;

(c) that the school confirms to the values enshrined in the Constitution of India;

(d) that the school buildings and other structures as well as the grounds are used only for the purposes of education and skill development ;

(e) that the school is open to inspection by any officer authorized by the State Government or the Local Authority ;

(f) that the school furnishes such reports and information as may be required by the Director of Education or District Education Officer from time to time and complies with such instructions of the State Government or the Local Authority, as may be issued to secure the continued fulfillment of the conditions 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 displaying it on a notice board, website etc, within fifteen days of its receipt.

(3) The District Education Officer shall conduct on-site inspection of such schools which claim in Form-1 to fulfill the norms and standards prescribed in the Schedule and the conditions mentioned in sub-rule (1) within three months of the receipt of the self declaration. The said Officer shall personally verified either by himself or through an officer sub-ordinate to him about such fulfillment and prepare a report in the prescribed form.

(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, web-site and schools found to be conforming to the norms, standards prescribed in the schedule and the conditions shall be granted recognition by the District Education Officer in Form-2 within a period of 15 days from the date of inspection.

(5) Schools that do not conform to the norms, prescribed in the Schedule and conditions mentioned in sub-rule (1) shall be listed by the District-Education Officer through a public order to this effect, and any time within the next two and a half years, after the report under sub-rule (3) is submitted to the authorities such schools may apply to the District Education Officer for an on-site inspection for grant of recognition.

(6) The Schools which fail to confirm to the norms and standards prescribed in the Schedule and conditions mentioned in sub rule (1) after three years from the commencement of the Act, shall cease to function.

(7) Every school, other than a school established by the Government or the Local Authority, established before the commencement of the Act (or any school which has received permission from, or been recognized by the Government), shall conform to the norms and standards prescribed in the Schedule and conditions mentioned in sub-rule (1) in order to qualify for recognition. It is the responsibility of the state government to ensure that the schools established, owned or controlled by state government or local authority shall comply with the norms and standards prescribed in the Schedule and conditions mentioned in sub-rule (1) within a period of 3 years from the commencement of the act.

(8) All prevalent rules of the Government regarding grant or refusal of recognition of schools shall continue to be in force. Also, the schools shall be recognized or granted permission if they conform to the required norms standards prescribed in the Schedule and conditions mentioned in sub-rule(1) only in those places where it is found to be an actual need, on the basis of school mapping.

(9) Non-Government Organisations and other institutions shall be encouraged to participate in improving the quality of infrastructure and quality of education in schools run by Local Authorities.

(10) Comprehensive system of evaluation for teachers and schools shall be implemented. The evaluation may be done by various ways like self evaluation, peer evaluation, etc. External evaluation shall also be conducted periodically after such time and time elapsed between two such evaluation shall not exceed more than three years.

**12. Withdrawal of recognition to schools for the purposes of sections 12(3) and 18(3).—**(1) Where the District Education Officer on his own motion, or on any representation received from any person, has reason to believe, that a school recognised under rule 11, has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule, he shall record the reasons for his belief and then,—

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

(b) in case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the District Education Officer may cause an inspection of the school, to be conducted

by a Committee of three to five members comprising of educationists, civil society representatives, media, and government representatives, which shall make due inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the District Education Officer.

(c) the District Education Officer shall forward the Report to the Director of School Education (Primary), along with his comments, a copy of the report may be forwarded for information to the State Commission for Protection of Child Rights.

(2) The School Education and Sports Department, shall, convey its decision to the District Education Officer through the Directorate of Education.

(3) The District Education Officer shall, on the basis of the decision of the School Education and Sports Department, pass an order canceling the recognition granted to the school. The order of de-recognition shall be operative from the immediately succeeding academic year and shall specify the neighborhood schools in which the children of the de-recognised schools shall be admitted. The District Education Officer shall also give the concerned neighborhood schools, in advance, a list of the children to be admitted, with detailed information about the children.

#### PART V

#### School Management Committee

**13. Composition and functions of School Management Committee for purposes of section 21.—**(1) In every school, other than permanently unaided school, a School Management Committee shall be constituted in the area limit of the school **within three months from the date of commencement of the new academic year** and reconstituted every two

(2) This school management committee will perform the functions mentioned in these Rules, for the classes of standards 1 to 8. (in whichever administrative pattern the school is functioning).

(3) Two students of which at least one is girl shall be co-opted as members. Such co-opted members shall have no voting rights.

(4) 50 per cent. of members of such committee shall be women.

(5) Seventy five per cent. of the strength of the School Management Committee shall be from amongst parents or guardians of children. They shall be selected or elected in a meeting of parents of the school.

(6) Parents of children of the weaker and deprived sections so also the parents of children with three different levels (high, medium and low) of achievements shall be represented adequately.

(7) The remaining twenty-five per cent. of the strength of the School Management Committee shall be formed amongst elected members of Local Authorities, members of management, head teachers or senior teachers, teachers, educationists or child development experts.

(8) The chairperson of school management committee shall be elected from among the parents in case of schools managed by Government or Local Authority. In case of aided schools representative of the management shall be the chairperson.

(9) The Head Teacher of the school or where the school does not have a Head Teacher, the senior most teacher of the school, shall be the *ex-officio* Member-secretary of the School Management Committee and will carry out all election-related work. He or She shall also be responsible for conducting the monthly meetings of the School Management Committee.

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

(11) The School Management Committee shall either itself or through its sub-committees, in addition to the functions specified in clauses (a) to (d) of sub-section (2) of section 21, namely :—

(a) communicate in simple and creative ways to the population in the neighbourhood of the school, the rights of the child as enunciated in the Act; as also the duties of the State Government, local authority, school, parent and guardian;

(b) ensure the implementation of clauses (a) and (e) of sub-section (1) of section 24 and section 28;

(c) monitor that teachers are not burdened with non academic duties other than those specified in section 27;

(d) ensure the enrollment and continued attendance of all the children from the neighbourhood school;

(e) monitor the maintenance of the norms and standards prescribed in the Schedule;

(f) bring to the notice of the Local Authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per sub-section (2) of section 3;

(g) for the provisions of section 4, identify the needs, prepare a Plan, and monitor the implementation ;

(h) monitor the identification and enrollment of disabled children, and the availability of learning materials and other facilities and ensure their participation in, and completion of elementary education;

(i) monitor the implementation of the Mid-Day Meal and other Government schemes in the school;

(j) cause to prepare an annual account of receipts and expenditure of the school;

(k) take children's opinion through the report of Bal Panchayats formed in the school.

(12) Any money received by the School Management Committee in the discharge of its functions under the Act, shall be kept in a separate account, to be made available for audit every year.

(13) The accounts referred to in clause (j) to sub-rule (11) and sub-rule (12) shall be signed by the Chairperson, Vice-Chairperson and Member-secretary of the School Management Committee and be made available to the Local Authority within one month of their preparation.

**14. Preparation of School Development Plan for the purpose of section 22.—**(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 of three annual sub-plans.

(3) The School Development Plan shall contain the following details,—

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

(b) requirement, over the three-year period, of the number of additional teachers, including Head Teachers, subject teachers and part time teachers besides other appointments, separately for Standards I to V and standards VI to VIII, calculated, with reference to the norms specified in the Schedule to the said Act;

(c) requirement of additional infrastructure and equipments over the three-year period, calculated and updated, with reference to the norms and standards specified in the Schedule;

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

(e) requirement of additional teachers for the reason of special training arrangement for out-of-school children, periods of teachers' extended long leave, maternity leave, special leave, concessions, etc;

(f) educational rehabilitation arrangements for children from the weaker sections, disadvantaged sections and children with disabilities.

(4) The School Development Plan shall be signed by the Chairperson or Vice-Chairperson and Member-Secretary of the School Management Committee and submitted to the Local Authority before the end of the financial year in which it is to be prepared.

## PART VI

### Teachers

15. *Minimum qualification for purposes of section 23(1).*—(1) The academic authority notified in pursuance of sub-section (1) of section 23, 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.

(2) 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.

**16. Relaxation of minimum qualification for purposes of section 23 (2).—**  
The Government shall estimate the teacher requirement as per the norms mentioned in the Schedule for all schools referred to in clause (n) of section 2 within the State, within six months from the commencement of the Act, and the number of institutions required for offering courses or training in teacher education. If the number of such institutions are found to be inadequate to train estimated requirement of teachers or the number of teachers available is less than the estimated number of teachers, the Government shall make representation to the Central Government for relaxation of minimum qualifications required for appointment as a teacher.

**17. Acquiring minimum qualifications under proviso to section 23(2).—**  
(1) The Government, with the help of government-aided and unaided teacher training institutions, shall provide adequate teacher education facilities to ensure that all teachers in all types of schools referred to in sub-clauses (i) and (iii) of clause (n) of section 2, who do not possess the minimum qualifications laid down under sub-rule (2) of rule 15 at the time of commencement of the Act, acquire such minimum qualifications within a period of five years from the commencement of the Act or the date of their appointments as per sub-section (2) of section 23, as the case may be .

**18. Salary and allowances and conditions of service of teachers for purpose of section 23(3).—**(1) The Government or the Local Authority, as the case may be, shall specify terms and conditions of service and salary and allowances of teachers employ only if 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 norms, namely:—

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

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

**19. Duties to be performed by teachers for purpose of clause (f) to section 24(1).—**(1) For proper performance of the functions specified in sub-section

(1) of section 24 and in order to fulfill the requirements of clause (h) of sub-section (2) of section 29 , the teacher shall maintain a file containing the Pupil Cumulative Record for every child which shall form the basis for awarding the completion certificate specified in sub-section (2) of section 30.

(2) In addition to the functions specified in clauses (a) to (e) of sub-section (1) of section 24, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching, namely:—

(a) participation in training programmes;

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

(c) identification of out of school children within the locality and ensuring their enrollment in the neighbourhood school.

(d) ensuring attendance of children enrolled in the school.

**20. Grievance Redressal mechanism for teachers for purposes of section 24(3).—**(1) A teacher or employee of a school other than a school run by Government or Local Authority, who is aggrieved by any of the decisions of the management regarding his or her service conditions or a teacher or an employee,—

(a) who is dismissed or removed or whose services are otherwise terminated or who is reduced in rank, by the order passed by the management; or

(b) who is superseded by the management while making an appointment to any post by promotion and shall have a right of appeal and may appeal against such order or supersession to the tribunal constituted under section 8 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (Mah.III of 1978) .

(2) The appeals so preferred shall be governed by the provisions of sections 8, 9, 10, 11, 12, 13 and 14 of the the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (Mah. III of 1978) and the Rules 39 and 43 of the Maharashtra Employees of Private School (Conditions of Service) Rules, 1981.

**21. Maintaining Pupil-Teacher Ratio in each school for purposes of section 25.—**(1) The Government or the Local Authority, as the case may be, may redeploy teachers of schools having a strength in excess of the sanctioned strength on 31st of July every year.

(2) If any officer or employee of the Government or the Local Authority violating the provisions of sub-section (2) of section 25, he or she shall be personally liable for a disciplinary action.

## PART VII

### Curriculum And Completion Of Elementary Education

**22. Academic Authority for purposes of section 29.—**(1) For the purposes of section 29 the Government shall notify the academic authority.

(2) For promoting quality at the district and block level the Academic District and block Resource Group shall be formed by inviting or selecting through a defined process, members from amongst educationists, educators, academicians, experts, researchers, Non-Government Organisations, experimental schools, secondary and elementary teachers and others.

(3) The Academic Authority shall lay down the curriculum and evaluation procedure. It shall lay down the learning outcomes for each class which will include knowledge, skills, values and attitudes. The curriculum shall also include the conduction of activities like Balbhavan, science clubs, arts clubs, music clubs, sports teams, etc conducive for all round development of the students.

(4) The Academic Authority shall also prepare the textbooks with the help of the Maharashtra State Bureau of Text Books Production and Curriculum Research, Balbharti, Pune (M.S.B.T.P.C.R.) and other Teaching Learning Methodologies. with the help of State Institute of Educational Technology, Balchitrawani, Pune (S.I.E.T.)

(5) The Academic Authority shall develop teacher-training design of different natures and shall also develop such capacity in District Institute of Educational Training (D.I.E.T.) and Block Resource Centre (B.R.C.); and Urban Resource Center (U.R.C.) Academic District Resource Group and Academic Block Resource Group, etc. Maharashtra State Educational Research and Training Council shall periodically evaluate the teacher training programmes and make necessary improvements.

(6) The Academic Authority shall prepare guidelines for meaningful and innovative schools for granting permission to such schools.

(7) The Academic Authority with the help of the Maharashtra Institute of Educational Planning and Administration, (M.I.E.P.A.) Aurangabad, shall design process of holistic school quality assessment on a regular basis. The implementation of these assessments at the block level will be performed by the block education officers, extension officers and Block Resource Group and others as may be defined by the Academic Authority.

(8) All State, district and block level institutions, including Academic Authority, shall be evaluated periodically. Such evaluation may be done through internal or external agencies as may be decided. The reports of such evaluations should be in public domain. The time elapsed between two such evaluations shall not exceed more than five years.

**23. Award of certificate for the purpose of section 30.**—(1) The Certificate of completion of elementary education shall be issued at the school or block or district level within one month of the completion of elementary education.

(2) The Certificate referred to in sub-rule (1) shall,—

(a) certify that the child has completed and acquired all courses of study as per section 29 with laid down learning levels.

(b) contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the specified course of study and may mention attainment in music, dance, literature, sports, etc. The Maharashtra State Council of Educational Research and Training, shall design the format of this record.

## PART-VIII

### Protection of Rights of Children

**24. Performance of functions by the State commission for Protection of Child Rights, for purposes of section 31.**— (1) The State Commission for Protection of Child Rights, shall set up a child help-line, accessible by S.M.S., telephone and letter, or any other such facilities, which would act as the forum for aggrieved child or guardian to register complaint regarding violation of rights under the Act, in a manner that records his or her identity but shall not disclose it.

**25. Constitution and Functions of the State Advisory Council for the purpose of section 34.—**(1) The State Advisory Council shall consist of a Chairperson and fourteen Members.

(2) The Minister and Minister for State for School Education, of the Government shall be the *ex-officio* Chairperson and Vice-chairperson, respectively, of the Council.

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

(a) At least four members should be from amongst persons belonging to Scheduled Castes, Scheduled Tribes 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 primary education

(d) At least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education.

(e) Fifty percent of such members shall be from amongst women

(2) The Department of School Education and Sports shall provide logistic support for meetings of the Council and its other functions.

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

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

(ii) the meeting of the Council shall be presided over by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he may nominate the Vice-chairperson of the

Council to preside over such meeting on his behalf. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.

(4) The terms and conditions for appointment of Members of the Council shall be as under, namely :-

(a) every non-official member shall hold office for a term of two years from the date on which he assumes office:

Provided that, no member shall hold office more than two terms:

(b) the member may be removed from his office by an order of the Government on the ground of proved misbehavior or incapacity, or on the happening of any one or more of the following event, namely :-

(i) is adjudged an insolvent; or

(ii) refuses to act or become incapable of acting; or

(iii) is or has become of unsound mind and stands so declared by a competent Court; or

(iv) has so abused his office as to render his continuance in office detrimental to the public interest; or

(v) is convicted for an offence involving moral turpitude by a competent Court; or

(vi) is, without obtaining leave of absence from the Council, absents himself for two consecutive meetings of the Council,

(c) no Member shall be removed from his office without being given an adequate opportunity of being heard.,

(5) Members of the Council shall be entitled to reimbursement of traveling and daily allowances for official tours and journeys in accordance with the orders issued by the Government in relation to non-official members of the Committees and Commissions and such like categories of persons.

## APPENDIX II

## FORM I

SELF DECLARATION CUM APPLICATION FOR GRANT OF  
RECOGNITION OF SCHOOL

(See sub-rule (1) of Rule 11)

To

The District Education Officer

(Name of District and the State)

Sir/Madam,

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

Enclosure :

Place :

Yours faithfully,

Date :

Chairman/Manager  
School Managing Committee**A. School Details**

1. Name of the School
2. Postal Address
3. Village / City
4. Taluka
5. District
6. Pin Code
7. Phone No. with S.T.D. Code
8. E-mail address, if any

9. Fax No.
10. Name of the nearest Police Station

**B. General Information**

1. Year of Foundation of School
2. Date of First Opening of School
3. Academic session of the School
4. School Timings : Full time
5. School Timings : Part time
5. Timings for academic instruction in each class
6. Timings for mid-day meal in each class -
7. Timings for sports and physical education in each class -
8. Name of Trust/Society/Managing Committee
9. Registration Number
  - (a) Under the Societies Registration Act, 1860:
  - (b) Under the Bombay Public Trusts Act, 1950
10. Period upto which Registration of Trust/Society/Managing Committee is valid
11. 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
12. Name and Official address of the Manager, Chairman and Secretary of the School.

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

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

Year (1)	Income (2)	Expenditure (3)	Surplus/deficit (4)
-------------	---------------	--------------------	------------------------

**C. Nature and area of School**

1. Medium of Instruction
2. Type of School
3. Specify entry & exit classes
4. If aided, the name of agency and percentage of aid
5. If School Recognized
6. If so, by which authority Recognition number
7. Does the school has 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 (In square meters)
10. Built in area of the school (in square meters)
11. Total Number of classrooms
12. Number of rooms used for purposes other than teaching
13. Area of playground (in square metres)

**D. Enrollment**

Particulars	Std I	Std II	Std III	Std IV	Std V
No. of Students					
No. of Division					
No. of sanctioned teacher					

Particulars	Std VI	Std VII	Std VIII
No. of Students			
No. of Division			
No. of sanctioned teacher			

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

**E. Infrastructure Details and Salary Conditions**

Sr. No.	Rooms	Number	Average Size
1.	Classroom		
2.	Office room/Store Room/ Headmaster Room		
3.	Kitchen/Store		
4.	Separate toilets for boys and girls		
5.	Adequate water facility for using and maintaining toilets in a clean and hygienic conditions		
6.	Drinking water facility		

**Availability of these facilities should be certified by the School Management Committee.**

**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

### G. Particulars of Teaching Staff :

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

Sr. No.	Teacher's Full Name	Father's SpouseName	Date of Birth	Academic Quali- fication	Professio- nal Quali- fication	Trained or Untrained	Teaching Experi- ence	Appoint- ment Date	Class Assig- ment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

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

Sr. No.	Teacher's Full Name	Father's SpouseName	Date of Birth	Academic Quali- fication	Professio- nal Quali- fication	Trained or Untrained	Teaching Experi- ence	Appoint- ment Date	Class Assig- ment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

3. Head Teacher (give details of each teacher separately)

Sr. No.	Head Teacher's Full Name	Father's SpouseName	Date of Birth	Academic Quali- fication	Professio- nal Quali- fication	Trained or Untrained	Teaching Experi- ence	Appoint- ment Date	Class Assig- ment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

### H. Curriculum and Syllabus

- 1 Details of curriculum & syllabus followed in each class (upto VIII).
- 2 System of Pupil Assessment.
- 3 Whether pupils of the school are required to take any Board exam up to class 8?
  - Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.

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

Sd/-

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

Place :

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महाराष्ट्र शासन राजपत्र भाग चार-ब, गुरुवार ते बुधवार  
एप्रिल १२-१८, २०१२/चैत्र २३-२९, शके १९३४

Form II

Gram :

Phone:

E-Mail:

Fax:

Outward No :

Dated :

OFFICE OF DISTRICT EDUCATION OFFICER

(Name of District / State)

No. Dated:

The Manager,

Sub: Recognition Certificate for the School under sub-rule (4) of rule 11 of Right of Children to Free and Compulsory Education Rules, 2011 for the purpose of section 18 of the 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 or 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 Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 (Annexure II).
3. The School shall admit in class I, to the extent of 25% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide to them free and compulsory elementary education till its completion. Provided, further that in case of pre-primary classes also, this norm shall be followed.

4. For the children referred to in paragraph 3, the School shall be reimbursed as per Section 12(2) of the Act. To receive such reimbursements school shall provide a separate bank account.
5. The Society/School shall not collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure.
6. The School shall not deny admission
  - To any child for lack of age proof.
  - On the ground of religion, caste or race, place of birth or any of them.
7. 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 the school;
  - (ii) No child shall be subjected to physical punishment or mental harassment;
  - (iii) No child is required to pass any board examination till the completion of elementary education;
  - (iv) Every child completing elementary education shall be awarded a certificate as laid down under Rule 23
  - (v) Students with disabilities/special needs are included as per provision of the Act.
  - (vi) The teachers are recruited with minimum qualification as laid under section 23(1) of the Act. Provided further that the current teachers who, at the commencement of this Act do not possess minimum qualifications shall acquire such minimum qualifications within a period of 5 years;
  - (vii) The teacher performs his or her duties specified under section 24(1) of the Act and
  - (viii) The teachers shall not engage himself or herself for private teaching activities.
8. The School shall follow the syllabus on the basis of curriculum laid down by appropriate authority.
9. The School shall enroll students proportionate to the facilities available in the school as prescribed in the section 19 of the Act.

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

Area of school campus

Total built up area

Area of play ground

No. of class rooms

Room for Headmaster-cum-Office-cum-Storeroom

Separate toilet for boys and girls with adequate water facility for using and keeping toilets in clean and hygienic conditions.

Drinking Water Facility

Kitchen for cooking Mid Day Meal

Availability of Teaching Learning Material /Play Sports Equipments/ Library Barrier free Access to teaching- learning materials, play and sports equipments, reading materials.

11. No unrecognized classes or divisions shall run within the premises of the school or outside in the same name of school.
12. The school buildings or other structures or the grounds are used only for the purposes education and skill development.
13. The School is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or the Bombay Public Trusts Act 1950.
14. The School is not run for profit to any individual, group or association of individuals or any other person or for any other profit;
15. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per rules. A copy each of the Statements of Accounts should be sent to the DEO every year.
16. The recognition Code Number allotted to your school is ----- . This may please be noted and quoted for any correspondence with this office.

महाराष्ट्र शासन राजपत्र भाग चार-ब, गुरुवार ते बुधवार  
एप्रिल १२-१८, २०१२/चेत्र २३-२९, शके १९३४

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17. The school furnishes such reports and information as may be required by the Director of Education/District Education Officer from time to time and complies with such instructions of the Government or Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
18. Renewal of Registration of Society if any, be ensured.
19. Other conditions as per Annexure 'III' enclosed.

Yours faithfully,

District Education Officer.

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महाराष्ट्र शासन राजपत्र भाग चार-ब, गुरुवार ते बुधवार  
एप्रिल १२-१८, २०१२/चैत्र २३-२९, शके १९३४

FORM III

(see rule 23)

This is to certify that Shri/Miss/ .....,  
has completed his/her elementary education up to 8th Standard, as per the  
requirements under section 29 of Right to Free and Compulsory Education  
Act, 2009. He/She acquired the qualification and academic skills upto 8th  
Standard.

Headmaster.

Seal of school

By order and in the name of the Governor of Maharashtra,

SANJAY KUMAR,

Principal Secretary to Government.