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## PART IV-B

Rules and Orders (Other than those published in Part I, I-A and I-L) made  
by the Government of Gujarat under the Gujarat Acts.

### EDUCATION DEPARTMENT

#### Notification

Sachivalaya, Gandhinagar, 18<sup>th</sup> February, 2012.

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

No. : GH/SH/4/PRE/122010/GOI-10/K :- 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 of Gujarat hereby makes the following rules, namely:-

#### CHAPTER - I

#### PRELIMINARY

1. *Short title, commencement and extent.*- (1) These Rules may be called the **Right of Children to Free and Compulsory Education Rules, 2012.**

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

(3) They shall extend to whole of the State of Gujarat.

2. *Definitions.*- 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) "Appendix" means appendix appended to these rules;

c) "Anganwadi" means an Anganwadi Centre established under the Integrated Child Development Scheme, and shall also include Balwadi, Balmandir and similar establishments imparting pre primary education.

d) "appointed date" means the date on which the Act comes into force, as notified in the *Official*

"Chapter", means the Chapter of the Act;

"Competent Authority" shall mean-

(i) the District Primary Education Officer in case of schools situated within the area of concerned District Panchayat and the area comprised of the Municipal Corporation & Municipality where the District Panchayat is entrusted the duty to provide the Primary Education under the Gujarat Panchayats Act, 1993 (Guj. 18 to 1993); and

(ii) for the remaining/other areas, the concerned District Education Officer of the District;

"Director" means Director of Primary Education;

"GCERT" means Gujarat Council of Educational Research and Training;

"Government" means the Government of Gujarat.

"Pre-school" means any establishment that carries out activities preparatory to elementary education and includes groups such as Nursery, Kindergarten or known by any other name.

"Pupil Cumulative Record" means record of the progress of the child based on comprehensive and continuous evaluation.

"Schedule" means the Schedule appended to the Act;

"School mapping" means planning school location to overcome social barriers and geographical distance;

"Section" means section of the Act.

All references to "Forms" in these Rules shall be construed as references to forms set out in Appendix II appended hereto.

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

## CHAPTER - II

### RIGHT TO FREE AND COMPULSORY EDUCATION

**Admission of pupils:** No Elementary School shall normally admit a child who has not completed 6th year of age on the date of admission. However if a child is desirous to be admitted on completion of 5 years of age he shall be admitted, provided he has completed 5 years of age as on 1st June of that year.

**Documents as age proof:** Wherever a birth certificate under the Births, Deaths and Marriages Registration Act, 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 / Auxiliary Nurse and Midwife (ANM) register record

(b) Anganwadi record

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

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

Where a child is admitted in a school after the extended period, he or she shall be eligible to continue his studies with the help of special training, as determined by the head of the school.

**4. Special Training:** (1) The School Management Committee/ 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 section 29(1).
- (b) It shall be provided in classes held on the premises of the school, or through classes organised in safe residential facilities
- (c) It shall be provided by teachers working in the school, or by teachers specially appointed for the purpose.
- (d) The duration shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress.

(2) The child shall, upon induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.

**5. Opening of new Elementary Schools or take over a private school:** (1) A district primary education committee constituted under sub-section (1) of section 3 of the Bombay Primary Education Act, 1947 and the Gujarat Panchayats Act, 1993 and Municipal School Board Constituted under sub-section (2) of section 3 of the Bombay Primary Education Act, 1947, with the previous sanction of the Director or an officer authorized by him in this behalf, shall, wherever necessary, open a new elementary school or take over a private school or incur additional expenditure on Elementary School maintained by it.

(2) The areas or limits of neighbourhood within which a school has to be established by the State Government shall be as under -

- a) In respect of children in classes I - V, a school shall be established within a walking distance of one km of the neighbourhood.
- b) In respect of children in classes VI - VIII, a school shall be established within a walking distance of 3 km of the neighbourhood.

(3) The Elementary Education Schools in the State of Gujarat shall be either from class-I-V or VI to VIII or I-VIII and State Government shall modify the existing schools to conform to this structure.

(4) In areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the State Government/Local Authority shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub-rule (2).

(5) The limit specified in sub rule (2) can be relaxed in those case where the transport facility or residential facility for students is available.

(6) In areas with high population density, the State Government/local authority may consider establishment of more than one neighbourhood school, having regard to the number of children in admissible age groups in such areas.

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

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

### CHAPTER - III

#### DUTIES OF STATE GOVERNMENT AND LOCAL AUTHORITY

**Schools to Provide Free and Compulsory Education:** (1) The following categories of Children studying in schools as mentioned below shall be entitled for free education, free text books in pursuance of clause (a),(b) or (c) of sub section (1) of section 12 as the case may be, namely:-

All students in a school established, owned or controlled by the State Government or local authority.

Such proportion of children admitted therein as it's annual recurring aid or grant so received bears to it's annual recurring expenses, subject to minimum 25%, in an aided school receiving aid or grants to meet whole or part of its expenses from the State Government or the local authority.

All students admitted by a totally unaided school in compliance of clause (c) of sub-section (1) of section 12, by a school specified in sub-clause (iii) and (iv) of clause (n) of section 2 of the Act.

**Explanation:** In respect of the child admitted in pursuance of clause (b) or (c) of sub-section (1) of section 12, the responsibility of providing the free entitlement shall be of the schools as mentioned in clause (i)(ii) or (iii) of this sub-rule, respectively.

For the purpose of determining and for establishing neighbourhood schools, the State government or, as the case may be, the local authority shall undertake school mapping, and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged groups, children belonging to weaker sections and children referred to in section 4, within a period of one year from the appointed date, and every year thereafter.

The State government or, as the case may be, the local authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.

For the purposes of clause (c) of section 8 the State Government and for the purposes of clause (c) of section 9, the Local Authority shall ensure that a child belonging to a weaker section and a child belonging to a disadvantaged group is not segregated or discriminated against in the classroom, during mid day meals, in school grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or urinals.

**Maintenance of records of children by local authority:** (1) The Local Authority shall maintain a record of children in its jurisdiction, in such form as prescribed by the Director through a household survey, from birth till they attain 14 years of age.

The record, referred to in sub-Rule (1), shall be updated each year.

The record, referred to in sub-Rule (1), shall be maintained transparently, and preferably in electronic form and put in the public domain, and used for the purposes of clause (e) of section-9

The record, referred to in sub-Rule (1) shall, in respect of every child, include, namely:-

(a) Name, sex, date of birth, (Birth Certificate Number), place of birth;

- b) parents' / guardians' names, address, occupation;
- c) pre-primary school/Anganwadi centre that the child attends (upto age 6 years);
- d) elementary school where the child is admitted;
- e) present address of the child;
- f) class in which the child is studying (for children between age 6-14 years), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;
- g) whether the child belongs to the weaker section within the meaning of clause (e) of section 2 of the Act;
- h) whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2 of the Act;
- i) details of children requiring special facilities / residential facilities on account of migration and sparse population; age appropriate admission; disability.

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

**8. Admission Procedure:** (1) No pre-school shall admit a child who has not completed 3 years of age as on 1st June of the year. The extended period of admission shall be six months from the date of commencement of the academic year of the school.

(2) No school shall take donations for admission, or shall take interview of parents and / or take test of the children.

**9. Curriculum and Evaluation Procedure:** (1) The state government shall identify an appropriate authority with experience in pre-school education and research for preparing the curriculum, evaluation procedure, and qualification for pre-school teachers.

(2) The appropriate authority shall be responsible to prescribe the curriculum and assessment procedure for preschool children in consultation with experts in the field of early childhood development.

(3) The appropriate authority shall also prepare or get prepared prototype of learning materials for preschool education in consultation with experts.

(4) While laying down the Curriculum and Assessment guidelines for Preschool children, the appropriate authority may take into consideration the following:

- a) Assessment of all areas of Development i.e. Physical-Motor, Social-Emotional, Language, Cognitive, Moral as well as Creative and specific school readiness skills.
- b) Evaluation should be developmentally appropriate, child friendly and non- threatening, comprehensive and cumulative in nature.
- c) The method of conducting the assessment shall include daily observations, informal talk, and observation of specified skills.
- d) The outcome of the assessment shall be able to help children develop their abilities to the fullest, shall have bearing on the quality of preschool and shall help teachers in reviewing and improving their program.

**Training and Assessment of Pre-school Teachers:** (1) The appropriate authority shall set up a mechanism for periodic training and regular assessment of performance of pre-school centers.

The appropriate authority should prescribe a curriculum for pre-service as well as in-service training of pre-school training institutions.

#### CHAPTER - IV

#### RESPONSIBILITIES OF SCHOOLS AND TEACHERS

**Admission of children belonging to weaker section and disadvantaged group in unaided schools:**

The children from weaker sections and disadvantaged groups shall be children of those families who belong to Scheduled Castes, Scheduled tribes and the other backward castes for which the recognition of their special status by the state government by means of a certificate of any Appropriate Authority shall be sufficient. Children belonging to economically weaker sections shall be those whose families are listed in the Below Poverty Line (BPL) lists at that particular time.

The Director shall issue guidelines for such admission which shall be mandatory followed by the schools. Special training for the special category children shall be undertaken by the school management to integrate them with other children. Teachers and the school management should be sensitized for the proper integration of these children through professionally conducted trainings.

Under no circumstances should the special category children be discriminated against regarding their access to infrastructure, co-curricular activities or in the behavior of teachers, management and/or students. Serious contravention of this rule may lead to the withdrawal of recognition.

The areas or limits of neighborhood specified in sub-rule (2) of rule 5 shall apply to admissions made in accordance of clause (c) to 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) to sub-section (1) of section-12, extend these limit with the prior approval of the State Government.

**Penal Action:** Any complaint received in contravention of sub-section (1) of section 13 of the Act, the Director or such officers as authorized by him shall make necessary inquiry and if there is substance in the complaint, he shall issue a notice to the concerned school management. After giving an opportunity to the school management to make written and oral representation, he shall pass an appropriate order within 60 days in accordance with the provisions of sub section (2) of section 13 of the Act.

**Recognition of schools:** (1) Every existing school, other than a school established, owned or controlled by the State Government or Local Authority, established before the commencement of this Act shall make a declaration within a period of three months from the commencement of these Rules and every new school shall make an application before the 1<sup>st</sup> January of the year in which next academic session commences in Form No.1 to the Competent Authority regarding its compliance or otherwise with the norms and standards prescribed in the Schedule, and other conditions as follows:

(a) the school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust established, or under any law for the time being in force or any Company registered under Section 25 of the Companies Act, 1956 (1 of 1956).

- b) the school conforms to the values enshrined in the Constitution of India.
- c) Every room used or proposed to be used as classroom shall have minimum carpet area equivalent to 8 sq. feet for every student of the class plus 60 sq. feet additional area for teaching.
- d) Subjected to condition prescribed in clause ( c ), the carpet area of classrooms should not be less than 300 sq. feet provided that if one or more classrooms have carpet area less than three hundred sq. feet, the student-teacher ratio of the school shall not exceed the ratio formulated on the following formulae:-  
Student-teacher ratio = (Area of smallest classroom in sq. feet – sixty) / eight
- e) the school buildings or other structures or the grounds are used only for the purposes of education and skill development.
- f) the school is open to inspection by any officer authorized by the State Government/Local Authority.
- g) the school furnishes such reports and information as may be required, by a general or specific order, within such time and in such format as may be specified in the order by the Director or the Competent Authority from time to time and complies with such instructions of the State Government or 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.
- h) Without prejudice to generalities of clause (g), the school shall create and maintain a website of the school if required to do so by the Director and keep it updated. The website shall be in such format and provide such information as may be specified by the Director. The school shall also fill up DISE (District Information System for Education) data on DISE website correctly and truthfully every year within specified time-limit.

(2) Every declaration made under sub-rule (1) by existing schools and application for new school received in Form 1 shall be placed by the Competent Authority in public domain within fifteen days of its receipt.

(3) Every declaration made under sub-rule (1) by existing schools and application for new school shall be filed in physical form along with such document and such fees as may be specified by the State Government, and also be filed online in electronic form if required by the Director.

(4) A Committee consisting of officers or an independent body appointed by the Competent Authority consisting of three members shall conduct on-site inspection of such schools within three months of receipt of the self declaration form and submit its report to the Competent Authority indicating whether the school fulfils the norms for recognition. For every 30-40 schools, one such committee shall be constituted.

(5) After the inspection referred to in sub-Rule (4) is carried out, the inspection report shall be placed by the Competent Authority in public domain (website of the education department) and schools found to be conforming to the norms, standards shall be granted recognition by the Competent Authority in Form No.2 within a period of 30 days from the date of inspection.

(6) The schools that does not conform to the norms and standards specified in sub rule (1) shall be listed by an order of the Competent Authority. In such cases such school may within a period of 15 days, make an application to the Competent Authority by paying a fee Rs. Five Thousands for second on-site inspection for the purposes of granting recognition.

(c) the existing schools which does not conform to the norms and standards specified in sub rule (1), may file an application to the Competent Authority to issue a Provisional Certificate of Recognition along with affidavit listing out the inadequate norms and standards and the time limit, not later than three years of commencement of the Act, within which each such norm and standard shall be complied with by it.

(d) the new school which has not been granted the recognition may either file an appeal to the Director or may take such steps as to comply with the norms and standards specified in sub-rule (1), and apply afresh for recognition in subsequent academic years.

(e) the existing school which fail to conform to the norms and standards specified in sub-rule (1), after three years from the commencement of the Act or violates any conditions of the Provisional Certificate of Recognition, shall cease to function. Every school, other than a school established, owned or controlled by the State Government or local authority established after the commencement of this Act shall conform to the norms and standards specified in sub rule (1).

**Explanation:** For the purpose of this Rule, "Existing Schools" means the school which has been issued recognition under The Gujarat Primary Education Act, 1947 (Bom. LXI of 1947) and such recognition is continuing.

**Withdrawal of recognition :** (1) Where the Competent Authority on his own motion or on any information received from any person, has reason to believe, to be recorded in writing. That a school recognized under rule 13, has violated any of the conditions for grant of recognition or has failed to fulfill the minimum standards prescribed in the Schedule of the Act, he shall,-

(a) issue a notice to the school specifying the conditions of grant of recognition which have been violated and seeks its explanation within one month;

(b) considers the explanation submitted by the school and if it is not found to be satisfactory or no explanation is received within the stipulated time period, he may cause an inspection of the school, to be conducted by a Committee consisting of not exceeding five members comprising educationists, representatives of civil society, media, and government representatives, which shall make inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the Competent Authority.

(c) on receipt of the report referred to in clause (b), the Competent Authority shall forward the same, along with his comments, to the Director, who shall in turn send the same to the State Government with his recommendations.

(d) the State Government shall, after taking into consideration the report and the recommendations referred to in clause (c) of sub-rule (1), convey its decision to the Competent Authority.

(e) the Competent Authority shall, on the basis of the decision of the State Government, pass an order of de-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 to which the children of the de-recognized schools shall be admitted.

**Norms and Standards for School:** (1) In case, where existing recognized schools are not able to fulfill the norms and standards specified in the Schedule of the Act due to physical limitations, relaxation may have to be given to such schools to



protect the education rights of children. Such relaxation may be given only to those schools who achieve a certain level of learning out-comes, as specified in **Appendix-I**. The Director shall have the powers to allow relaxation of the norms and standards of Primary Education. In a situation where a school is not able to meet the minimum norms specified in the Act and the rules in the time limit given for the purpose, the Government may take over the school or handover the running of the school to another management.

(2) The Self Declaration-cum-application for grant of recognition of schools shall be as specified in **Appendix-II**.

**16. Composition and functions of the School Management Committee:** (1) Every School other than an unaided school shall constitute a School Management Committee (hereinafter called "the Committee"), within a period of six months from the appointed date, and the Committee shall be required to be reconstituted every two years. The Committee shall consist of twelve members, of which 50% shall be women.

(2) Seventy five per cent of the member of the Committee shall be from amongst parents or guardians of children. The School shall give proportionate representation in the said Committee to the parents or guardians of children belonging to disadvantaged group and weaker section.

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

- a) one third members shall be from amongst the elected members of the local authority, as may be nominated by the local authority or in case of grant in aid schools, from the management or the trust;
- b) one third members shall be from amongst teachers of the school, to be decided by the teachers of such school;
- c) remaining one third from amongst local educationists / children in the school, as may be decided by the parents or guardians in the Committee;
- d) Local Mason (If there is no mason in a village, mason from near by village) (To be nominated by the chairperson of the Committee).

(4) To manage its affairs, the Committee shall elect the Chairperson and the Vice Chairperson from amongst 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 Committee.

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

(6) The Committee shall, in addition to the functions specified in clauses (a) to (d) of sub-section (2) of section 21 of the Act, perform the following functions, for which it may constitute working groups from amongst its Members:

- 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 section 24 and section 28 of the Act;
- c) monitor that teachers are not burdened with non academic duties other than those specified in section 27;

ensure the enrolment and continued attendance of all the children from the neighborhood in the school;

monitor the maintenance of the norms and standards prescribed in the Schedule;

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 due provisions of free entitlements as specified sub-section (2) of section 3 of the Act;

identify the needs, prepare a Plan, and monitor the implementation of the provisions of Section 4 of the Act;

monitor the identification and enrolment of, and facilities for learning by disabled children, and ensure their participation in, and completion of elementary education;

monitor the implementation of the Mid-Day Meal in the school.

Prepare an annual account of receipts and expenditure of the School.

Any money received by the Committee in discharge of its functions under the Act, shall be deposited and kept in a separate account, and the same cause to be audited every year.

The accounts referred to in sub-rule (7) shall be signed by the Chairperson or Vice-Chairperson and the Convener of the Committee and made available to the local authority within one month of their preparation.

The Committee shall prepare an annual report at the end of every academic year giving its assessment of the implementation of school development plan prepared under rule-17. The report shall contain brief details of activities undertaken by the Committee during the year. A copy of the report shall be sent to the District Resource Coordinator of the Cluster Resource Center, and also place before the Gram Sabha.

**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 for a three year plan comprising three annual sub plans

The School Development Plan, shall contain the following details –

Estimates of class-wise enrolment for each year;

Requirement, over the three year period, of the number of additional teachers, including Head Teachers, subject teachers and part time teachers, separately for Classes I to V and classes VI to VIII, calculated, with reference to the norms specified in the Schedule;

Physical requirement of additional infrastructure and equipments over the three year period, calculated, with reference to the norms and standards specified in the Schedule;

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 3 of the Act, free 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.

The School Development Plan shall be signed by the Chairperson or Vice-Chairperson and Convener of the School Management Committee which shall be submitted to the local authority before the end of the financial year in which it is prepared.

**18. Teachers Acquiring minimum qualifications:** (1) The State Government shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clauses (i) and (iii) of clause (n) of section 2, who do not possess the minimum qualifications at the time of commencement of the Act, to acquire such minimum qualifications within a period of five years from the commencement of the Act.

(2) For a teacher, of any school referred to in sub-clause (ii) and (iv) of clause (n) of section 2, who does not possess the minimum qualifications 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.

**19. Salary and allowances and conditions of service of Vidhyasahayaks or teachers:**(1) The State Government shall notify terms and conditions of service and salary and allowances of teachers and Vidyasahayaks of schools established owned or controlled by the State Government or local authority in order to create a professional and permanent cadre of teachers.

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

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

(b) Provisions enabling long term stake of teachers and Vidyasahayaks in the teaching profession.

**20. Duties to be performed by teacher or Vidhyasahayaks :** (1) In 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 be the basis for the 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,-

a) Participation in training programmes;

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

**21. Duties to be performed by schools: (1) Attendance-** Every school shall maintain an attendance register for every class, in which daily attendance of student shall be marked. If a student remains absent for more than 10 days in a month, without prior permission, the school shall send a letter to the parents and the school management committee, who shall make all efforts to ascertain the reasons for such absence, and make all efforts for such student to attend the school regularly. School shall also be encouraged to introduce a system of student marking their own attendance. The Director shall encourage use of information technology for marking the attendance of the students.

**2. Time Table:-** Every school will maintain a Time Table indicating periods to be taken for each subject. It shall provide adequate periods for excursion, sports and aesthetic art and other co curricular activities.

**3. Register, records and correspondence:** (a) The following registers and records shall be kept for each school,-

(1) General Register.

- (2) Register of pupils' daily attendance.
- (3) Register of teachers' daily attendance.
- (4) Dead Stock Register.
- (5) Library Register.
- (6) Monthly Reports / Returns.
- (7) Inward and Outward register and a postage book.
- (8) Time Table.
- (9) Service Books of the employees.
- (10) File of Age Certificates
- (11) File of Leaving Certificate.
- (12) Visitors' Book.
- (13) Records of examinations and promotions of pupils etc.
- (14) Accounts of income and expenditure.

All records shall gradually be kept in electronics mode (Computerized).

The Director may from time to time specify the forms in which the registers and records prescribed in sub-rule (1) shall be maintained;

The registers and records kept under sub-rule (1) are the property of the school. The General Register prescribed in sub-clause (1) of clause (a) shall on no account be destroyed. The Director shall specify from time to time the period of which each of the other registers are to be preserved.

When a school is permanently closed the General Register and other Register/ Records shall be handed over to the Pay Centre School. The Competent Authority shall maintain a list of General Register of all schools which have been permanently closed.

The head teacher of school shall be responsible for the timely submission of all reports and returns, for the neatness and regularity of the registers and for the safe custody of school records.

***Grievance Redressal mechanism for teachers or Vidhyasahayaks:*** (1) The School Management Committee constituted under section 21 shall be the first level of grievance redressal of teachers of schools specified therein.

The State Government shall constitute Tribunals,-

(a) at the State Level to settle and decide the disputes between the school management of the schools referred to in sub-clause (iv) of clause (n) of section 2 and the Government, and

(b) at District or regional level to settle and decide the disputes between school managements and the staff of schools referred to in sub-clause (iv) of clause (n) of Section 2.

## CHAPTER - V

### CURRICULLAM AND COMPLETION OF ELEMENTARY EDUCATION

***Academic Authority to lay down the curriculum and evaluation procedure:*** (1) The Gujarat Council of Educational Research and Training (hereinafter referred to as "GCERT") shall be the academic

authority to prescribe the curriculum and evaluation procedures. The Government may also set up and authorize other specialist agencies to undertake children assessment and school ranking.

(2) The GCERT shall define the learning outcomes to be achieved by the children at the end of each grade and for every subject and approve State textbooks or learning materials and teacher training materials based on these outcomes.

(3) The GCERT shall also arrange to approve the text book or learning material prepared by private publishers or PPP partners, if those are found to conform to the curriculum and learning outcome norms finalized by GCERT.

(4) The guidelines for the continuous and comprehensive assessment shall be issued by GCERT, from time to time. Every school shall carryout comprehensive and continuous evaluation in accordance with the guidelines.

(5) The GCERT shall design or get designed, developmentally appropriate evaluations, which shall be administered by school teachers in all elementary schools to provide, once in a year, reliable feedback about children's performance.

(6) The GCERT shall, devise special training-education programmes for those children, based upon test reports, who have not been able to reach the expected learning levels. These programmes shall be implemented by teachers through inputs provided in in-service teacher training.

**24. *The curriculum and the evaluation procedure:*** The GCERT, while laying down the curriculum and the evaluation procedure under sub-section (1) of section 29, shall take into consideration the following :-

- (a) Assessment of the values mentioned in the Constitution.
- (b) Assessment of
  - (i) Language skill, Numeral skill, Self confidence.
  - (ii) Social and moral values.
  - (iii) Good Habits.
- (c) To assess the knowledge, competences and mental abilities of the student.
- (d) To assess the development of physical and mental abilities to the fullest extent.
- (e) Evaluation shall be free from fear, trauma and anxiety
- (f) Comprehensive and continuous evaluation understanding of knowledge and ability to apply the same, curricular and extra-curricular activities.
- (g) The result of various evaluations, shall be used to know the progress and development of the students and performance of teacher.

**25. *Set up of Mechanisms for periodic training and regular assessment-*** The GCERT shall set up mechanisms for periodic training and regular assessment of the performance of CRCs and BRCs.

**26. *Periodic external evaluation of the in-service teacher training programmes-*** The GCERT shall arrange for periodic external evaluation of the in-service teacher training programmes, and shall use input from such evaluation studies to update these programmes.

**Periodic assessments of the quality of education and produce a report:** (1) The Government shall set up an independent organization or wing, to undertake periodic assessments of the quality of education and produce a report about the "School Education Quality Status" in School of Gujarat State.

(2) The Government shall make arrangement to periodically grade every elementary school in the state on a scale on a set of quality parameters, including co- and extra-curricular activities, and improvements over years.

**Mechanism to regularly monitor-** The Government shall set up a mechanism to regularly monitor the quality of pre-service teacher training, and ensure closing down of such teacher training institutions which do not conform to norms and standards prescribed by NCTE.

**To introduce a common test for teacher eligibility-** The Government shall evolve mechanism to ensure minimum standards of pre-service teacher education, and may introduce a common eligibility test for teacher recruitment.

**Award of certificate of completion of elementary education:** (1) The Certificate of completion of elementary education shall be issued at the school/block/district level within one month of the completion of elementary education.

(2) The Certificate referred to in sub-rule (1) shall certify that the child has completed all courses of study prescribed under section 29 and contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and may include music, literature, sports, etc.

## CHAPTER - VI

### PROTECTION OF RIGHT OF CHILDREN

**Performance of functions by the State Commission for Protection of Child Rights :** (1) There shall be a Right to Education Protection Authority (hereinafter referred to as "REPA") in the State, which shall perform the same functions as the State Commission for Protection of Child Rights (hereinafter referred to as "SCPCR"), till such commission is formed.

(2) REPA shall consist of the following persons, 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 amongst persons of eminence, ability, integrity, standing, and experience in the following 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.

(3) Funds and assets of the REPA shall be transferred to the SCPCR immediately after its constitution.

(4) In performance of its functions, the SCPCR or the REPA, as the case may be, may also act upon matters referred to it by the State Advisory Council.

(5) The State Government shall enable constituting a Cell in the SCPCER or the REPA, as the case may be, which may assist the SCPCR or the REPA in performance of its functions under the Act.

**32. Manner of furnishing complaints before the SCPCR:** (1) The SCPCR, or the REPA, as the case may be, shall set up a child help line, accessible by SMS, telephone and letter, which shall act as the forum for aggrieved child/guardian to register complaint regarding violation of rights under the Act, in a manner that records her identity but does not disclose it;

(2) All complaints to the helpline shall be monitored through a transparent 'alert and action' online mechanism by the SCPCR, or the REPA, as the case may be.

**33. Constitution and Functions of the State Advisory Council:** (1) The State Advisory Council (hereinafter referred to as "the Council") shall consist of a Chairperson and not more than fourteen Members.

(2) The Minister in-charge of the Department of Primary Education in the State Government shall be the ex-officio Chairperson of the Council.

(3) The Secretary in charge of Primary Education, Secretary Finance, Secretary Tribal Development, Secretary Social Justice and Empowerment, State Project Director and Director of GCERT shall be ex-officio members.

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

(a) At least four members shall be from amongst persons belonging to SCs, STs 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 shall 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; and

(f) The Director of the Primary Education shall be the Member Secretary.

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

(6) The procedure for transaction of Business of the Council shall be as under,-

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

(b) The meeting of the Council shall be presided by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he may nominate a member of the Council to preside over such meeting.

(c) Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.

the terms and conditions for appointment of Members of the Council shall be as under,-

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

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

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

- (i) is adjudged an insolvent; or
- (ii) refuses to act or become incapable of acting; or
- (iii) is of unsound mind and stands so declared by a competent Court; or
- (iv) has so abused his office as to render his continuance in office detrimental to the public interest; or
- (v) is convicted for an offence by a competent Court; or
- (vi) is without obtaining leave of absence from the Council, absent from two consecutive meetings of the Council

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

(d) If vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of 120 days by making a fresh appointment in accordance with the provisions of sub-Rule (4).

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

#### **Appendix-I**

**(See rule 15)**

**Key for Learning Outcomes:** The vision of the RTE is ensure quality to education to all children. If we have the minimum infrastructural and teacher resources but students are not learning well (a problem seen today in many parts of the system as reflected by Gunotsav, NCERT, ASER, EI and other studies), the vision of the RTE shall not be achieved.

It is therefore important that Learning Outcome norms also be met by schools. For existing schools the focus of learning outcomes shall be seen as the key goal, with infrastructure as a necessary but not sufficient condition. In situations where infrastructure norms cannot be met for any reason (eg. in a very remote area or due to where trained teachers are not available), focus on learning outcomes shall help ensure that student learning does not suffer.



Sr. No.	Requirement in schools	Description	Weightage
1.	Student learning outcomes (absolute levels)	Using standardized tests, student learning levels focussing on learning (not just rote) shall be measured through an independent assessment.	30%
2.	Student learning outcomes (improvement compared to the school's past performance)	This component is introduced to ensure that schools do not show a better result in (1) simply by not admitting weak students. The effect of school performance looking good simply because of students coming from well-to-do backgrounds is also automatically addressed by this measure. Only in the first year, this measure shall not be available and the weightage shall be distributed among the other parameters.	40%
3.	Inputs (including facilities, teacher qualifications)	Norms and Standards of Schools as specified in the Schedule of the Act.	15%
4.	Student non-academic outcomes (co-curricular and sports, personality and values) and parent feedback	Student outcomes in non-academic areas as well as feedback from a random sample of parents shall be used to determine this parameter. Standardised survey tools giving weightage to cultural activities, sports, art shall be developed. The parent feedback shall cover a random sample of at least 20 parents across classes and be compiled.	15%
			<b>100%</b>

**Please note:**

- These norms apply to all schools including those run by the state government, local bodies, private aided schools as well as unaided schools.
- The average performance of the school (possibly the percentile score) shall be converted into a scale in which minimum grade shall be defined
- Existing schools must meet the minimum grade to achieve the recognition criteria. For schools that do not meet the minimum grade, instead of the regular once in 4 year assessments, they shall be assessed the next year also. They shall also be required to come out with an action plan (based on guidelines published by the state, for example having a greater training requirement for their teachers) and if they fail to meet minimum outcomes for 3 years in a row, such schools shall be closed.
- However, it shall be noted that these learning outcomes provide actionable improvement points to schools (unlike the infrastructure norms – that any school that really focuses on improving, shall be able to make the improvement)
- In order to obtain these details, the State may undertake an independent assessment by one or more professional third-party agencies having expertise and experience in this area. It is expected that more agencies shall develop expertise in this important areas based on this requirement.
- Each agency must be assigned to assess schools of different types (there shall not be a separate agency for government schools, separate for private schools, etc.) as this shall be necessary for the assessments to be standardised properly.

Each school shall normally be assessed every 4<sup>th</sup> year. However, schools performing very poorly may be assessed by the competent authority to be assessed more frequently.

The assessments must focus not only on rote learning but 'learning with understanding' or 'usable learning'. Questions must require children to think and not simply have to recall. Some of them shall be of a type or format which is not typically from the textbook though the content level shall be corresponding to what shall have been learnt by that stage.

**Appendix-II**  
(See sub rule - (1) of rule- 13)

**FORM 1**

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

The District Education Officer/The District Primary Education Officer  
(Name of District & State)

I forward herewith with a self declaration for existing school regarding compliance with the norms and standards prescribed in the Schedule of the Right of Children to Free and Compulsory Education Act, 2009 an application in the prescribed proforma for the grant of recognition to ..... (Name of the school) ..... in effect from the commencement of the school year 201.....

Sincerely,  
Signature:  
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.	Taluko
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/C/Chairman of the School			
	Name			
	Designation			
	Address			
	Phone			(O)..... (R).....
8.	Total Income & Expenditure during last 3 years surplus/deficit			
	Year	Income	Expenditure	Surplus/deficit

<b>C. Nature and area of School</b>	
1.	Medium of Instruction
2.	Type of School (Specify entry & exit classes)
3.	If aided, the name of agency and percentage of aid
4.	If School Recognized
5.	If so, by which authority <ul style="list-style-type: none"> <li>• Recognition number</li> </ul>
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 during the day or night for commercial or residential purposes (except for the purpose of residence of any employee of the school) or for political or non-educational activity of any kind whatsoever?
8.	Total area of the school
9.	Built in area of the school

<b>D. Enrollment Status</b>			
	Class	No. of Section	No. of Students
1.	Pre-primary		
2.	I - V		
3.	VI - VIII		

<b>E. Infrastructure Details &amp; Sanitary Conditions</b>			
	Room	Numbers	Average Size
1.	Classroom		
2.	Office room - cum - Store Room - cum - Headmaster Room		
3.	Kitchen - Cum - Store		

F. Other Facilities	
1	Whether all facilities have barrier free access
2	Teaching Learning Material (attach list)
3	Sports & Play equipments (attach list)
4	Facility books in Library <ul style="list-style-type: none"> <li>• Books (No. of books)</li> <li>• Periodical/Newspapers</li> </ul>
5	Type and number of drinking water facility
6	Sanitary Conditions
	(i) Type of W.C. & Urinals
	(ii) Number of Urinals/Lavatories Separately for Boys
	(iii) Number of Urinals/Lavatories Separately for Girls

### G. Particulars of Teaching Staff

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

Teacher Name	Father/Spouse Name	Date of Birth
(1)	(2)	(3)
Academic Qualification	Professional Qualifications	Teaching Experience
(4)	(5)	(6)
Class Assigned	Appointment Date	Trained or Untrained
(7)	(8)	(9)

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

Teacher Name	Father/Spouse Name	Date of Birth
(1)	(2)	(3)
Academic Qualification	Professional Qualifications	Teaching Experience
(4)	(5)	(6)
Class Assigned	Appointment Date	Trained or Untrained
(7)	(8)	(9)

#### Head Teacher

Teacher Name	Father/Spouse Name	Date of Birth
(1)	(2)	(3)
Academic Qualification	Professional Qualifications	Teaching Experience

	(4)	(5)	(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 Competent Authority from time to time and complies with such instructions of the Competent 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;

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 Competent Authority at any time, and the school shall furnish all such information as may be necessary to enable the Central and/or State Government/Local Body or the Administration to discharge its or his obligations to Parliament / Legislative Assembly of the state/ Panchayat/ Municipal Corporation as the case may be.

Sd./-

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

Place

## Form 2

(See rule 13(5))

Phone:

Fax:

Date:

To: Head:

**CERTIFICATE OF RECOGNITION**

Certificate No.

Date:

The Manager,

..... School,

..... Village/Town/City,

..... Taluka,

..... District

Subject to the provisions of, the Gujarat Right of Children to Free and Compulsory Education Rules, 2011 made under the Right of Children to Free and Compulsory Education Act, 2009 **the certificate of recognition** is hereby grant to the manager ..... School, situated at ..... Taluka, ..... Village/Town/City (hereinafter called "**the certificate**") for Class..... to Class..... for a period of three years from ..... to ..... on the following conditions, namely:-

**CONDITIONS**

The grant for recognition is not extendable and does not in any way imply any obligation to recognize / affiliate beyond Class VIII.

The School shall be abide by the provisions of Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Gujarat Right of Children to Free and Compulsory Education Rules, 2011, the guidelines issued by the Government of India and the State Government and any instructions, directions or Government Resolutions.

The School shall admit in class I, including pre-primary classes, to the extent of 25% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory elementary education till its completion.

Taking capitation fee is prohibited and therefore the trust Society or School shall not collect any capitation fee or in any way other donations or articles in lieu of such fees.

The school shall not adopt in any way any screening test or procedure of the child or his or her parents or guardians for the purposes of admission.

The School shall not deny admission to any child for lack of age proof or on the ground of religion, caste, creed or race, place of birth or any of them.

The School shall ensure that:

- (a) no child admitted shall be held back in any class or expelled from school till the completion of elementary education in a school;
- (b) 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 30
  - (v) the Students with disabilities or special needs are admitted/included as per provision of the Act
  - (vi) (a) the teachers are recruited having and fulfilling the minimum qualifications as laid by National Council of Teachers Education and State Government or the such authority authorized under sub-section (1) of section 23 of the Act.  
(b) also see that the qualifications prescribed by the Government Resolution, Education Department No. PRE-1110-223-K dated 27<sup>th</sup> April, 2011 is complied with;  
(c) The existing teachers who, at the commencement of this Act do not possess minimum qualifications shall acquire such minimum qualifications with in a period of 5 years from the commencement of the Act.  
(d) any new teacher who is recruited after the publication of the Government Resolution, Education Department No. PRE-1110-223-K dated the 27th April, 2011 shall be required to pass the prescribed Teachers Eligibility Test (TET) of respective group.
  - (vii) the school shall adhere to student-teacher ratio prescribed in the schedule to the Act or, as the case may be, the ratio prescribed by clause (d) of sub-rule (1) of rule-13 if school has classrooms of lesser size than 300 sq.feet, whichever is less. The recruitment of the teachers shall be in accordance with the requirement specified in the schedule.
  - (viii) the rules governing the salary and allowances payable to and the terms and conditions of service of teachers, made by the State Government shall apply:
  - (ix) the teacher performs its duties as specified under sub-section (1) of section-24 of the Act
  - (x) the teachers shall not engage himself or herself for private teaching activities.
  - (xi) a transparent and fair admission process is followed adhering to guidelines and direction issued by the Central or State Government or the Director.
  - (xii) any regulation, direction, instruction or guidelines issued from time to time by the State Government or the Director of Primary Education with regard to the fee to be charged from the students shall be strictly followed.
8. The School shall impart education as per the syllabus prepared 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 and comply with all the conditions of Rule 13, particularly those pertaining to furnishing of any information, maintenance of website of the school and filling the DISE data correctly and truthfully every year within stipulated time.

No unrecognized classes shall be run within the premises of the school or outside in the same name of school.

The school buildings or other structures or the grounds are used only for the purposes education and skill development.

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;

The School is not run for profit to any individual, group or association of individuals or any other persons;

The accounts shall be audited and certified by a Chartered Accountant and proper accounts statements shall be prepared as per rules. A copy of the audited report with all Statements of Accounts shall be sent to the Competent Authority every year.

The recognition Code Number allotted to your school is ----- . This may please be noted and quoted for any correspondence with this office.

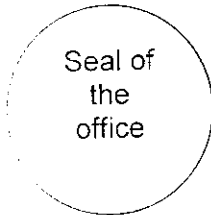
The school shall furnishes such reports and information as may be required by the Director and the Competent Authority from time to time and complies with such instructions of the State Government

Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;

Renewal of Registration of Society if any, be ensured.

**Fee of Rs. ....-/- (Rupees ..... only) received.**

This Certificate is granted on .....\*(Date).....\*(Month).....\*(Year).



Signature  
Name and Designation of the Competent  
Authority

Place:

By order and in the name of the Governor of Gujarat

**R. P. GUPTA**  
Secretary to Government