

# **THE PUDUCHERRY RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION RULES, 2010 (FINAL DRAFT)**

## **PART I - PRELIMINARY**

### **Short title, Commencement and Extent**

**1** (1) These Rules may be called “The Puducherry Right of Children to Free and Compulsory Education Rules, 2010”.

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

(3) They shall extend to the whole of the Union Territory of Puducherry.

### **2 Definition**

(1) In these rules, unless the context otherwise requires –

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

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

(c) “Pre-Primary Stage” means classes LKG/ Montessorie I & UKG/ Montessorie II

(d) “Inspecting Officer” means:

(i) the Joint Director (Secondary Education) in respect of Higher Secondary Schools in the Union Territory having elementary classes;

(ii) the Chief Educational Officer/Deputy Director(Women Education) in respect of high schools having elementary classes, middle schools (in Pondicherry, Karaikal and Mahe) and primary schools (in Mahe);

(iii) the Delegate to the Director of School Education in respect of high schools having elementary classes, middle and primary schools (in Yanam) and

(iv) the Deputy Inspector of Schools in respect of primary schools (in Pondicherry and Karaikal).

The Inspecting Officer is the officer responsible for implementing the programmes for elementary education in areas under their jurisdiction;

(e) “Local Authority” means Municipalities and Commune Panchayats and Village/Gram Panchayats;

(f) “Neighbourhood” means a habitation near or **within** a specified distance from school;

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

(h) “Children with Special Needs” means children with disabilities;

- (i) "Pupil Cumulative Record" means record of the progress of the child based on comprehensive and continuous evaluation;
  - (j) "Block Resource Centre" means block level resource centre for elementary level teachers;
  - (k) "Cluster Resource Centre" means cluster level resource centre for elementary level teachers;
  - (l) "School mapping" means planning school location to overcome social barriers and geographical distance.
  - (m) "Union Territory" means the Union Territory of Puducherry;
  - (n) "Union Territory Government" means the Government of the Union Territory of Puducherry .
  - (o) "per child expenditure on elementary education" means recurring expenditure incurred by the Union Territory Government on staff's salary, equipment and materials at elementary stage.
- (2) All other words and expressions used herein and not defined but defined in the Act shall have the same meaning assigned to them in the Act.

## **PART II – RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION**

### **Special Training For Out of School Children**

**3** (1) The Union Territory Government/ local authority shall identify children requiring special training and organise such training in the following manner:

- (a) The special training shall be based on specially designed, age appropriate learning material, approved by the Academic Authority specified in section 29(1) of the Act;
  - (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 a minimum period of three months which may be extended, based on periodical assessment of learning progress, to a maximum period not exceeding two years.
- (2) The child shall, upon induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.

## **PART III – DUTIES OF THE UNION TERRITORY GOVERNMENT AND LOCAL AUTHORITY**

### **Areas or limits for the purposes of access**

**4** (1) The areas or limits of neighbourhood within which a school has to be established by the UT 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.

(2) Wherever required, the Union Territory Government shall upgrade existing schools with classes I-V to include classes VI-VIII.

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

(4) In areas with high population density, the Union Territory Government/Local Authority may consider establishment of more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas.

(5) Directorate of School Education/Local Authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation.

(6) In respect of children with special needs which prevent them from accessing the school, the Union Territory Government/Local Authority shall make appropriate and safe transportation arrangements for them to attend school and complete elementary education.

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

### **Duties of Union Territory Government and Local Authority**

**5** (1) A child attending a school of the Union Territory Government referred to in sub-clause (i) of clause (n) of section 2 of the Act, a child attending a school referred to in sub-clause (ii) of clause (n) of section 2 of the Act in pursuance of clause (b) of sub section (1) of section 12 of the Act, and a child attending a school referred to in sub-clause (iii) and (iv) of clause (n) of section 2 of the Act in pursuance of clause (c) of sub section (1) of section 12 of the Act shall be entitled to all facilities provided by the Union territory Government - free text books, writing materials, uniform, scholarship, midday meal etc.

Provided that a child with special needs 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 of the Act and a child admitted in pursuance clause (c) of sub-section (1) of section 12 of the Act, the responsibility of providing the free entitlement (issued by the Government) shall be of the school referred to in sub-clause (ii) of clause (n) of section 2 of the Act and of sub-clauses (iii) and (iv) of clause (n) of section 2 of the Act respectively.

(2) For the purpose of determining and for establishing neighbourhood schools, Directorate of School Education/Local Authority shall undertake school mapping and identify all children, including children in remote areas, children with special needs, children belonging to disadvantaged groups, children belonging to weaker sections and children referred to in section 4 of the Act within a period of one year from the commencement of the Act and every year thereafter.

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

(4) For the purposes of clause (c) of section 8 and clause (c) of section 9 of the Act, the Union Territory Government and the Local Authority shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or discriminated against in the classroom, during midday meal, in the play ground, in the use of common drinking water and toilet facilities.

#### **Maintenance of records of children**

**6** (1) The Union Territory Government/Local Authority shall maintain a record of all children in the areas of its jurisdiction, through a household survey, from their birth till they attain 14 years. A unique number may be given to every child to monitor his/her enrolment attendance and learning achievement.

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

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

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

- (a) name, sex, date of birth, place of birth;
- (b) parent's / guardian's name, address, occupation;
- (c) pre-primary school/Anganwadi centre that the child attends;
- (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), 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 Union Territory Government / Local authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

(6) The Union Territory Government shall evolve a child tracking system for monitoring not only the academic progress of children in schools but also their retention and transition.

### **Quality of Education**

7 (1) The Union Territory Government shall ensure providing of high quality education uniformly in all schools and to this end specify norms and standards in respect of all activities involving quality. These norms and standards shall supplement the norms and standards prescribed in the schedule to the Act.

(2) At the school level, the Cluster Resource Person shall assist the Head of School to monitor quality and bring any lapses to the notice of the Inspecting officer and Block Resource Co-ordinator in respect of infrastructure and learning levels, who shall take steps to rectify the lapses.

(3) The Union Territory Government shall regularly monitor the levels of learning of children in all government, aided and unaided elementary schools through the Directorate of school education and bring out annual reports on the quality of education in the Union Territory.

(4) Based upon these reports, the Directorate of Education shall devise a mandatory remedial teaching programme in every class/subject for those children who have not been able to reach the expected learning levels.

(5) In order to ensure quality education in every school, the state shall devise a continuous system of measurement of achievement for all classes, maintenance of portfolios for each child, devise remedial programmes and devise a system.

(6) The Union Territory Government shall grade every elementary school in the Union Territory on a set of quality parameters. The schools falling in the last two grades shall be targeted for remedial measures with in a certain timeframe. They shall also be given opportunities to improve their grading periodically.

(7) The Union Territory Government shall strengthen the monitoring mechanism of elementary schools in the state and ensure quality based academic supervision of all schools periodically.

(8) The Union Territory Government shall fix norms and standards in respect of availability of books/news papers/magazines in the library, list of equipment in the laboratory, number of experiments to be conducted in science subjects in each class, number and types of educational visits that each school should undertake, maps, charts, sports and other equipment based upon the number of children studying in every school.

## **PART IV – RESPONSIBILITIES OF SCHOOLS AND TEACHERS**

### **Admission of children belonging to weaker section and disadvantaged group**

8 (1) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) to section 12 (1) of the Act shall not be segregated from the other children in the classrooms nor shall their classes be held at places and timings different from the classes held for the other children.

(2) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) to section 12 (1) of the Act shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniform, library, Information & Communication Technology facilities, extra-curricular and sports.

(3) The areas or limits of neighbourhood specified in Rule 5 (1) shall apply to admissions made in pursuance of clause (c) to Section 12 (1) of the Act;

Provided that if the requisite percentage of seats for children referred to in clause (c) to section 12 (1) of the Act is not filled up, the area or limits shall extend to 2 km for the purpose.

Provided further that the school may, for the purpose of filling up the requisite percentage of seats for children referred to in clause (c) to section 12 (1) of the Act, extend the limit with the approval of the Director of School Education.

Provided further that before extending the limit of the neighbourhood, the Director of School Education shall ensure that all the seats in the Government school(s) in the neighbourhood have been filled up.

(4) The Directorate of School Education shall maintain the list of the children belonging to disadvantaged groups and weaker sections in the neighbourhood area of every aided or unaided private school and specified category schools within its jurisdiction.

#### **Reimbursement of per-child expenditure by the Union Territory Government**

9 (1) The total annual recurring expenditure incurred by the Union Territory Government, whether from its own funds, or funds provided by the Central Government, on elementary education in respect of all schools established, owned or controlled by it divided by the total number of children enrolled in all such schools, shall be the per-child expenditure incurred by the State Government.

*Explanation* - For the purpose of determining the per-child expenditure, the expenditure incurred by the Union Territory Government on schools referred to in sub-clause (ii) of clause (n) of section 2 of the Act and the children enrolled in such schools shall not be included.

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

(3) There shall be a Committee at the state level comprising Finance Secretary, Education Secretary, Director of School Education, Director of Local Administration, State Project Director (Sarva Shiksha Abhiyan), Deputy Director (Elementary Education) and a Deputy Inspector of schools for the purpose of assessing per child expenditure incurred by the Union Territory and the Local Authority for reimbursement of expenditure to the schools under section 12(2) of the Act.

The Finance Secretary shall be the Chairman of the Committee. The Deputy Director (Elementary Education) shall be the Member Secretary of the Committee.

(4) The Committee shall meet within three months after the notification of these Rules and thereafter every year in December to assess per child expenditure for the next academic session.

(5) The Member Secretary, on the basis of the decision of the Committee, shall communicate to the Inspecting Officers for the reimbursement of the fee against the reservation of children in the schools under section 12 of the Act;

(6) The reimbursement will be made directly through e-transfer into the separate bank account maintained by the school in two installments during the academic year. First installment of 50% will be released in the month of September and the balance in the month of January.

(7) The school shall, in the month of July, submit the list of students admitted in the school to the Inspecting Officer for reimbursement under section 12 of the Act. The Inspecting Officer shall verify the enrolment of the children before making the reimbursement of the first installment. The second installment will be made after verification of the retention of children.

### **Birth Certificate for admission**

**10** Wherever a birth certificate under the Births, Deaths and Marriages Certification Act, 1886 is not available, any one of the following documents shall be deemed to be proof of age of the child for the purpose of admission in schools:

(a) Hospital;

(b) Anganwadi record;

(c) Declaration of the age of the child by the parent or guardian through an affidavit which also contains a declaration that a birth certificate as mentioned in Rule 9 is not available for the child and that no change in the date of birth will be sought for in future.

### **Extended Period of Admission**

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

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

### **Recognition of Schools**

**12** (1) Every school, other than a school established, owned or controlled by the Central Government, the Union Territory Government or the Local Authority, established before the commencement of the Act for imparting elementary education shall make an application containing self declaration in Form-1 within a period of three months from the commencement of the Act to the respective Inspecting Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the following declaration in Form I:

(a) the school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;

- (b) the school is not run for profit to any individual, group or association of individuals or any other persons;
- (c) the school conforms to the values enshrined in the Constitution;
- (d) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;
- (e) the school is open to inspection by the concerned Inspecting officer and any officer authorised by the Director of School Education / Local Authority;
- (f) the school furnishes such reports and information as may be required by the Director of School Education/ Inspecting Officers/ Sarva Shiksha Abhiyan from time to time and comply with such instructions of the Union Territory Government/ Directorate of School Education/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;
- (g) the school maintains the norms and standards specified under section 19 of the Act;
- (h) the school will provide reservation of minimum 25 % in class I for the children of disadvantaged groups and children of weaker sections from the neighbourhood area .In case the private school is an aided school, it shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent;
- (i) the school having pre-school education will provide reservation of at least 25 % of its enrolment at the initial stage of admission to the children of disadvantaged groups and the children of weaker sections of the neighbourhood area under section 12 of the Act;
- (j) the school does not collect any capitation fee from students on admission;
- (k) the school does not subject the child or his/her parents/ guardians to any screening procedure on admission.
- (l) the school does not subject a child to physical punishment or mental harassment;
- (m) the school does not hold back any child in any class or expel any child from the school till the completion of elementary education.
- (n) the school will submit , every year before the commencement of academic session , fee to be charged from the children of classes LKG/Class I to Class VIII, to the Inspecting Officer;
- (o) the school complies with the provisions of the Act.

(2) The Director of School Education and Chief Educational Officer/Deputy Director (Women's Education)/Delegate to Director of School Education shall be the designated authority to issue certificate of recognition and certificate of renewal of recognition respectively, to the school under section 18 of the Act. The application seeking recognition shall also mention the neighbourhood area of the school that shall be covered under the provision of clause (c) of sub- section2 of Section 12 of the Act. The school, at first, shall furnish information in the electronic form in the website maintained for the purpose so that the school information is, immediately, put on the public domain. The school shall get a



receipt and registration number after filing the data in the website. Thereafter, the school shall submit the application form along with the copy of the receipt to the respective Inspecting Officer, who shall acknowledge receipt of the application.

(3) The concerned Inspecting Officer shall verify the information submitted by the school in the application and also if the school seeking recognition fulfils the norms and standards prescribed in the Schedule of the Act and the conditions laid down under rule 11(1) through an inspection of the school and send the application form in original along with his / her report, within thirty days of receipt of the application, to the Director of School Education through the Deputy Director (Elementary Education) for consideration. .

(4) The Director of School Education, if necessary, may make or may cause to make inspection of the school to verify if the school seeking recognition fulfills the norms and standards prescribed under section 19 of the Act.

(5) The Director of School Education, on being satisfied that the school fulfills the norms and standards prescribed under section 19 and section 25 of the Act shall issue the recognition certificate in the Form-2. The certificate shall be for a period of three years and shall be issued within 45 days from the date of making application for recognition.

(6) If a school does not fulfill the norms of pupil-teacher ratio as specified in section 25 of the Act, the Director of School Education shall issue a provisional certificate granting permission to run the school for a period up to six months from the date of commencement of the Act. The provisional certificate shall be issued in the Form-3 as shown in the appendix.

(7) If a school fulfills norms mentioned in section 25 of the Act, but does not fulfill other norms and standards specified in the Schedule of the Act, the Director of School Education shall issue a provisional certificate granting permission to run the school for a period up to three years from the date of commencement of the Act .The provisional certificate shall be issued in Form-4 as shown in the appendix.

Provided that if the school fulfills the required norms and standards within the time frame specified in the provisional certificate, the certificate issuing authority, on receipt of the request from the school for recognition, satisfies himself/ herself and shall issue the certificate of recognition as laid down under sub-rule 4.

Provided further that if the school does not claim recognition within the period specified in the provisional certificate it shall cease to be a recognized school and running of such a school shall be punishable under section 19 of the Act. The authority granting recognition shall issue an order in writing detailing reasons of non grant of recognition to the school. The order shall be pasted at the prominent place in the school and will be put on the public domain. This order shall also contain the name /names of the neighbourhood school/ schools where the children of the unrecognized school will be admitted.

(8) For renewal of recognition for a school after three years, or for opening a new school the application shall be submitted in form I by 30<sup>th</sup> November of the preceding year. Subject to the fulfillment of the norms and standards, and conditions laid down under rule 11(1), the recognizing authority will renew or grant the recognition.

Provided that for opening a next higher class the school shall submit the application in the prescribed format by 30<sup>th</sup> November of the preceding year.

(9) No new school shall be opened after the commencement of the Act without obtaining recognition certificate issued under section 18 of the Act.

(10) The recognition certificate issuing authority shall inspect or cause to inspect the school every year to verify fulfillment of conditions of recognition.

(11) Information of recognition of any school will be sent to the Local Authority so that local public representatives have knowledge of establishment of a recognised private school .

### **Withdrawal of recognition to schools**

**13** (1) Where the Director of School Education, on written information from the Inspecting Officer or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognized under rule 11, has violated one or more conditions for grant of recognition or has failed to fulfill the norms and the standards prescribed in the Schedule appended to the Act, he/she shall act in the following manner:

(a) Issue a notice to the school specifying the violation of the norms, standards and conditions of grant of recognition and seek its explanation within two weeks;

(b) In case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the Director of School Education may cause an inspection of the school, to be conducted by a Committee of three members comprising of educationists 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 Director of School Education;

(c) The Director of School Education shall, on the basis of the recommendations pass an order withdrawing the recognition granted to the school. The order of de-recognition shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of the de-recognized schools shall be admitted.

## **PART V – SCHOOL MANAGEMENT COMMITTEE**

### **Composition and functions of the School management Committee**

**14** (1) A School Management Committee shall be constituted in every school, other than an unaided school within six months of the commencement of the Act and reconstituted every two years.

(2) (a) The Committee shall have 12 members in addition to an ex-officio member;

Provided that 6 members of the Committee shall be women;

(b) Of them, 9 members shall be from amongst parents or guardians of children of the school.

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

(c) 3 members shall be from amongst the following persons:

- (i) 1 member shall be from amongst the elected members of the Local Authority, to be decided by the Local Authority;
  - (ii) 1 member shall be from amongst teachers of the school, to be decided by the teachers of the school;
  - (iii) 1 member shall be from amongst local retired school headmasters and teachers, to be decided by the parents in the Committee.
  - (d) The Head of school / Teacher-in-charge of the school shall be the ex-officio Member-Convener of the Committee.
  - (e) To manage its affairs, the School Management Committee shall elect a Chairperson and Vice Chairperson from among the parent members.
- .
- (5) 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.
  - (6) The School Management Committee shall, in addition to the functions specified in clauses (a) to (d) of section 21 (2) of the Act, perform the following functions, for which it may constitute smaller 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 Union Territory 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 of the Act;
    - (d) Ensure the enrolment and continued attendance of all the children from the neighbourhood in the school;
    - (e) Monitor the maintenance of the norms and standards prescribed in the Schedule;
    - (f) Bring to the notice of the Union Territory Government/ 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 section 3(2) of the Act.
    - (g) Identify the needs, prepare a Plan, and monitor the implementation of the provisions of Section 4 of the Act;
    - .
    - (h) Monitor the identification and enrolment of and facilities for learning by children with special needs and ensure their participation in and completion of elementary education;
    - (i) Monitor the implementation of the Midday Meal Programme in the school;
    - (j) Prepare an annual account of receipts and expenditure of the school.
  - (7) Any money received by the School Management Committee, shall be kept in a separate joint account of the Chairperson and the Member-Convener and be made available for audit every year.

(8) The accounts referred to in clause (j) of sub-Rule (6) should be signed by the Chairperson/Vice Chairperson and Convener of the School Management Committee and made available to the Inspecting Officer/Local Authority within one month after the end of the financial year.

### **Preparation of School Development Plan**

**15** (1) The School Management Committee shall prepare a School Development Plan by the end of February of the financial year in which it is first constituted under the Act and afterwards once in three years.

(2) The School Development Plan shall be a three year plan comprising three annual sub plans.

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

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

(b) Requirement, over the three year period, of the number of additional teachers, including Head Teacher, separately for Classes I to V and classes VI to VIII, calculated with reference to the norms specified in the Schedule appended to the Act;

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

(d) Additional financial requirement over the three year period, year-wise, in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4 of the Act, 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.

(4) The School Development Plan should be signed by the Chairperson/Vice-Chairperson and Convener of the School Management Committee and submitted to the Inspecting Officer /Local Authority by the end of February of the financial year in which it is to be prepared.

## **PART VI - TEACHERS**

### **Salary and allowances and terms and conditions of service of teachers**

**16** Salary and allowances payable to teachers and their terms and conditions of service shall be as follows:

(1) In case of government teachers, their salary and allowances shall be the salary and allowances of government employees including teachers decided from time to time. Terms and conditions of service of the teachers shall be those of government employees.

(2) In case of teachers of unaided private schools, salary and allowances and their terms and conditions of service shall be decided by the school management subject to legislations and regulations, if any, in force.

## **Duties of Teachers**

**17** (1) In performance of the functions specified in sub-section (1) of section 24 of the Act and in order to fulfill the requirements of clause (h) of sub-section (2) of section 29, the teacher shall maintain the 'Pupil Cumulative Record' for every child which will be 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 of the Act, a teacher shall 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 syllabus, training module and text book.

## **Grievance redressal of teachers**

**18** (1) ) The School Management Committee constituted under section 21 of the Act shall be the first level of grievance redressal of teachers.

(2) There shall be a District Level Grievance Redressal Committee to redress the grievances of the teachers.

(3) The Committee shall consist of Collector/ Regional Executive Officer, Superintendent of Police, Resident Medical Officer, Director, Department of Adi Dravidar Welfare and Chief Education Officer / Delegate to DSE. The Collector/Regional Executive Officer will be the Chairman of the Committee. The Chief Education Officer/Delegate to DSE will be the Convener of the Committee.

(4) The Committee shall meet whenever required.

(5) Any teacher of the school established, owned or controlled by the State Government may submit his/her grievance in writing to the Convener of the Committee. The Committee after enquiry, as it deems fit, will redress the grievance. The Convener of the Committee will communicate the decision to the teacher.

(6) At the third level, there shall be a State Level Grievances Redressal Committee, which will be the appellate authority.

(7) The State Level Grievance Redressal Committee shall consist of Secretary (Education), Director of School Education, Joint Director (Secondary Education), Chief Educational Officer and Deputy Director (Administration). The Joint Director (Secondary Education) shall be the Convener of the Committee.

(8) Every private school shall develop its own mechanism for redressal of grievances of teachers.

## **Maintaining Pupil-Teacher Ratio in each school**

**19** (1) Sanctioned strength of teachers in every school established, owned or controlled by the Union Territory Government shall be specified by order in writing by the Directorate of

School Education within a period of six months from the date of notification of the Rules maintaining the Pupil-Teacher Ratio prescribed by the Act.

Provided that the Directorate of School Education shall, within three months of such order, redeploy teachers of schools having strength in excess of the sanctioned strength prior to the order referred to in sub-Rule (1) of section 25 of the Act.

(3) The maximum pupil strength in a class shall not exceed 45 in Government and Private schools.

## **PART VII – CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION**

### **Academic authority laying down the curriculum and evaluation procedure**

**20** (1) The Union Territory Government, within a month of the Notification of the Rules shall notify the academic authority/ authorities for the purposes of Section 29 of the Act.

(2) While laying down the curriculum and evaluation procedure, the academic authority notified under sub-rule (1) shall

(a) Formulate the relevant and age appropriate syllabus and text books and other learning material;

(b) Develop in-service teacher training design, and

(c) Prepare guidelines for putting into practice continuous and comprehensive evaluation.

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

### **Award of certificate of completion of elementary education**

**21** (1) The head teacher or the teacher-in-charge of the school shall issue the Certificate of completion of elementary education along with Pupil Cumulative Record within one month of the completion of elementary education in the Form-5 as shown in the appendix.

Provided that the private school shall stamp prominently on the certificate the number of recognition certificate issued by the recognition certificate issuing authority.

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

(a) Certify that the child has completed all courses of study prescribed under section 29 of the Act;

(b) The certificate shall also specify achievements of the child in areas of activities beyond the prescribed course of study and may include music, dance, literature, sports, etc.

## **PART VIII – PROTECTION OF RIGHT OF CHILDREN**

**22** (1) Till such time as the Union Territory Government sets up the Commission, it shall constitute an interim authority known as the Right to Education Protection Authority (REPA) for the purposes of performing the functions specified in sub-section (1) of section 31 of the Act, within three months from the notification of the Rules.

(2) The Right to Education Protection Authority (REPA) shall consist of the following members:

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

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

(i) education;

(ii) child health care and child development;

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

(v) child psychology or sociology; or

(vi) legal profession.

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

(5) All the records and assets of REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.

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

(7) The Union Territory Government shall enable constituting a Cell in the State Commission for Protection of Child Rights or the REPA, as the case may be, which may assist the Commission or the REPA in performing its functions under the Act.

### **Manner of furnishing complaints before the State Commission for Protection of Child Rights**

**23** (1) The State Commission for Protection of Child Rights, or the REPA, as the case may be, shall set up a child help line, accessible through SMS, telephone and letter, which would act as the forum for aggrieved child/parent/guardian/member of public to register complaint regarding violation of rights under the Act, in a manner that records his/her identity but does not disclose it;

(2) All complaints to the helpline should be monitored through a transparent 'alert and action' on-line mechanism by the State Commission for Protection of Child Rights, or the REPA, as the case may be.

### **Constitution and Functions of the State Advisory Council on Elementary Education**

**24** (1) The State Advisory Council on Elementary Education shall consist of Chairperson and Co- Chair person and fourteen Members:

(2) The Minister in-charge of School Education in the Union Territory Government shall be the ex-officio Chairperson of the Council.

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

(a) four members should be from amongst persons belonging to SCs, BCs and Minorities;

(b) one member should be from amongst persons having specialised knowledge and practical experience of education of children with special needs;

(c) One member should be from amongst persons having specialized knowledge in the field of pre-primary education;

(d) one member should be from amongst persons having specialized knowledge and practical experience in the field of teacher education.

(e) The following shall be ex-officio members of the Council:

(i) Chief Secretary

(ii) Secretary ( Education)

(iii) Director of School Education

(iv) Chairperson, State Commission for Protection of Child Rights / Right to Education Protection Authority

(v) Deputy Director (Elementary Education)

(vi) Officer on Special Duty , State Training Centre

(vii) State Project Director, Sarva Shiksha Abhiyan

(f) State Project Director, Sarva Shiksha Abhiyan shall be ex – officio Member Secretary of the Council.

(g) One third of all members shall be women.

(4) The Council may invite representative of other Departments as required.

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

(i) The Council shall meet once in three months;

(ii) The meeting of the Council shall be presided over by the Chairperson. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.

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

(a) Every non official member shall hold office for a term of three years from the date on which he/she assumes office.

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



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

(i) is adjudged an insolvent;

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

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

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

(v) is convicted for an offence by a competent Court;

(vi) is absent from two consecutive meetings of the Council without obtaining leave of absence from 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 (2);

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

#### (7) Functions of the State Advisory Council

a) The State Advisory Council shall function in an advisory capacity.

b) State Advisory Council shall perform the following functions:

i. Review

- Norms and Standards specified in the Schedule of the Act
- Compliance with teacher qualifications and training
- Implementation of the section 29 of the Act;

ii. Commission studies and research for the effective implementation of the Act;

iii. Act as interface between the Public and the media and UT Government in creating awareness, mobilization, and a positive environment for the implementation of the Act.

c) The State Advisory Council shall prepare reports relating to the reviews, studies and research undertaken by it and furnish the same to the UT Government.