

Assam Right Of Children To Free And Compulsory Education Rules, 2011

CONTENTS

PART 1 :- PRELIMINARY

1. Short title, extent and commencement
2. Definitions

PART 2 :- RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

3. Special Training for the purposes of first proviso to section 4

PART 3 :- DUTIES OF STATE GOVERNMENT, LOCAL AUTHORITY

4. Areas or limits for the purposes of section 6
5. Duties of Government, Autonomous Council and Local Authority for the purposes of Sections 8 and 9
6. Maintenance of records of children by local authority or such other Authority for the purposes of clause (d) of section 9

PART 4 :- RESPONSIBILITIES OF SCHOOLS AND TEACHERS

7. Admission of children belonging to weaker section and disadvantaged group for the purposes of clause (c) to section 12 (1)
8. Reimbursement of per-child expenditure by the Government, Autonomous Council or the local authority for the purposes of section 12(2)
9. Documents as age proof for the purpose of section 14
10. Extended period for admission for the purposes of section 15
11. Recognition of schools for the purposes of section 18
12. Withdrawal of recognition to schools for the purposes of section 18(2)

PART 5 :- SCHOOL MANAGEMENT COMMITTEE

13. Rule 13
14. Preparation of School Development Plan for the purpose of section 22

PART 6 :- TEACHERS

15. Minimum Qualification for the purposes of section 23 (1)
16. Relaxation of minimum qualification for the purposes of section

23 (2)

17. Acquiring minimum qualifications under proviso to section 23(2)

18. Salary and allowances and conditions of service of teachers for the purpose of section 23(3)

19. Duties to be performed by teachers for the purpose of clause (f) to section 24(1)

20. Grievance Redressal mechanism for teachers for the purposes of section 24(3)

21. Maintaining Pupil-Teacher Ratio in each school for the purposes of section 25

PART 7 :- CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

22. Academic authority for the purposes of section 29

23. Award of certificate for the purposes of section 30

PART 8 :- PROTECTION OF RIGHT OF CHILDREN

24. Performance of functions by the State Commission for Protection of Child Rights, for the purposes of section 31

25. Manner of furnishing complaints before the State Commission for Protection of Child Rights

26. Constitution and Functions of the State Advisory Council for the purpose of section 34

PART 9 :- MISCELLANEOUS

27. Educational Administration

28. Supervision and Inspection

29. Power of Governor to dispense with or relax the rules

30. Repeal and Savings

Assam Right Of Children To Free And Compulsory Education Rules, 2011

PART 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) These rules may be called the Assam Right of Children to Free and Compulsory Education Rules, 2011.

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

(3) It shall have application to the schools established within the State of Assam.

2. Definitions :-

In these rules, unless the context otherwise requires, -

- (1) "Constitution" means the Constitution of India;
- (2) "Central Government" means the Government of India;
- (3) "Government" means the Government of Assam;
- (4) "Governor" means the Governor of Assam;
- (5) "Autonomous Council" means the Autonomous Councils of the two Hill Districts or the Bodoland Territorial Council, as the case may be;
- (6) "local authority" means the Municipal Corporation, the Municipal Boards, the Town Committees, the Zila Parishad, the Anchalik Panchayats and the Gaon Panchayats constituted under the relevant Acts within the State of Assam;
- (7) "Act" means the Right of Children to Free and Compulsory Education Act, 2009;
- (8) "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;
- (9) "Chapter", "section" and "Schedule" means respectively Chapter, section of, and Schedule to, the Act;
- (10) "Child" means any child of the age of 6 to 14 years;
- (11) "Pupil Cumulative Record" means record of the progress of the child based on comprehensive and continuous evaluation;
- (12) "School mapping" means planning school location to overcome social barriers and geographical distance;
- (13) "Competent Authority" means the Authority as contained in Government notifications/orders;
- (14) "Appointed date" means the date on which the Act was brought into effect;
- (15) "Untrained teachers" mean in-service teachers who do not possess recognised professional degree/ diploma of duration prescribed under sub-section (1) of section 23;
- (16) "Under qualified teachers" mean in-service teachers who do not possess the required academic qualification laid down by the academic authority under sub-section (1) of section 23;
- (17) "Pre-service teacher Education" means pre-occupation professional qualification recognised by academic authority under sub-section (1) of section 23;
- (18) "In-service teacher Education" means teacher training programme of duration prescribed under sub-section (1) of section 23 either through face to face or distance mode of learning;
- (19) "DIET" means District Institute of Education and Training;
- (20) "Lower Primary School" means all schools imparting elementary education up to Class-V;

- (21) "Upper Primary School" means all schools imparting elementary education up to Class VIII;
- (22) "School Management Committee (SMC)" means the School Managing Committee constituted under the Right of Children to Free and Compulsory Education Act, 2009;
- (23) "Academic year" means the year beginning on such date as the State Government may, by notification, specify in respect of any specified area or with respect to any educational institution or class of educational institution;
- (24) "Academic session" means the year beginning on such date as the state Government may, by notification, specify in respect of any specified area or with respect to any educational institution or class of educational institution or as notified by Government from time to time;
- (25) "Autonomous Council" means the Autonomous Council constituted under sub-paragraph (i) of paragraph (ii) of the Sixth Schedule to the Constitution of India;
- (26) "Parents" means father, mother and lawful guardian of the students studying in the schools;
- (27) "Parent Teacher Association" means a Committee of parents and teachers;
- (28) "Recognised school" means a school recognised by the appropriate authority;
- (29) "Non-Government Educational Institution" means educational institutions as specified in the Assam Non-Government Educational Institutions (Regulation & Management) Act, 2006 and the Assam Non-Government Educational Institutions (Regulation & Management) Rules, 2007;
- (30) "Director" means the Director of Elementary Education, Assam or Director of State Council of Educational Research and Training, or Director of Secondary Education, Assam or Director of Madrasa Education, Assam, as the case may be, in relation to an institution imparting specified Elementary Education for the children of the age group of 6-14 years;
- (31) "prescribed" means prescribed by rules made under the Act;
- (32) "rules" means these rules that are framed by the State Government under Section 38 of the Act;
- (33) All references to "forms" in these rules shall be construed as references to forms set out in Appendix I hereto;
- (34) All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act;

- (35) "SDP" means School Development Plan;
- (36) "Appellate Authority" on the matters of recognition of schools means the senior most Secretary of the Education (Elementary) Department, Government of Assam;
- (37) "District Level Board" means the Board notified by the Government under Rule 11 (4);
- (38) "State Advisory Council" means the Council notified by the Government under Section 34 (I) of the Act.
- (39) "The Implementing Authority of the Act" means the Mission Director, Sarva Siksha Abhiyan; Director, Elementary Education; Director, SCERT and Commissioner & Secretary, Education (Elementary) Department, Assam.

PART 2 RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

3. Special Training for the purposes of first proviso to section 4 :-

- (1) The School Management Committee or the local authority, as the case may be, 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 in the premises of the school, or through classes organised in safe residential/non-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, for a maximum period not exceeding two years.
- (2) The child shall, upon induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.

PART 3 DUTIES OF STATE GOVERNMENT, LOCAL AUTHORITY

4. Areas or limits for the purposes of section 6 :-

- (1) The areas or limits of neighbourhood within which a school has to be established by the Government, the Autonomous Council or

the local authority, as the case may be, 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 Government, the Autonomous Council or the local authority, as the case may be, shall upgrade existing schools with classes I-V to include classes VI-VIII. In respect of schools which start from class VI onwards, the Government, the Autonomous Council or the local authority, as the case may be, shall also endeavour to add classes I-V, wherever required.

(3) 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 Government, Autonomous Council or the local authority, as the case may be, by notification shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub-rule (1).

(4) For children from small hamlets, as identified by the Government, Autonomous Council or the local authority, as the case may be, where no school exist within the area or limits of neighbourhood specified under sub-rule (1) above, the Government, Autonomous Council or the local authority, as the case may be, 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).

(5) In areas with high population density, the Government, Autonomous Council or the local authority, as the case may be, 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.

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

(7) In respect of children with disabilities which prevent them from accessing the school the Government, Autonomous Council or the local authority, as the case may be, shall endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education.

(8) The Government, Autonomous Council or the local authority, as

the case may be, shall ensure that access of children to the school is not hindered on account of social and cultural factors.

5. Duties of Government, Autonomous Council and Local Authority for the purposes of Sections 8 and 9 :-

(1) A child attending a school of the Government, Autonomous Council or the local authority, referred to in sub-clause (i) of clause (n) of section 2, a child attending a school referred to in sub-clause (ii) of clause (n) of section 2 in pursuance of clause (b) of sub section (1) of section 12, and a child attending a school referred to in sub-clause (iii) and (iv) of clause (n) of section 2 in pursuance of clause (c) of sub section (1) of section 12 shall be entitled to free text books, learning materials and uniforms: Provided that a child with disabilities shall also be provided free special learning and support material.

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

(2) For the purpose of determining and for establishing neighbourhood schools, the Government or Autonomous Council in collaboration with 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.

(3) The Government, Autonomous Council or the local authority, as the case may be, shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.

(4) For the purposes of clause (c) of section 8 and clause (c) of section 9, the Government, the Autonomous Council or the local authority, as the case may be, shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or discriminated against in the classroom, during mid day meals, in the play grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms

6. Maintenance of records of children by local authority or

such other Authority for the purposes of clause (d) of section 9 :-

(1) The local authority or such other Authority as notified by the Government shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth till they attain 14 years.

(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

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

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

(b) parents / guardians names, address, occupation;

(c) pre-primary school/Anganwadi centre that the child attends (upto age 6);

(d) elementary school where the child is admitted;

(e) present address of the child;

(f) class in which the child is studying (for children between 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 local authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

PART 4 RESPONSIBILITIES OF SCHOOLS AND TEACHERS

7. Admission of children belonging to weaker section and disadvantaged group for the purposes of clause (c) to section 12 (1) :-

(1) The school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in pursuance of

clause (c) to section 12(1) 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, nor shall an exclusive section be opened for them.

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

(3) The areas or limits of neighbourhood specified in Rule 4 (1) shall apply to admissions made in pursuance of clause (c) of section 12 (1). Provided that the school may, for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) to section 12(1), extend these limits with the prior approval of the Appropriate Government or its authorised officer (s).

8. Reimbursement of per-child expenditure by the Government, Autonomous Council or the local authority for the purposes of section 12(2) :-

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

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

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

(3) There shall be a committee at the state level comprising of Secretary (Finance), Secretary (Elementary), Mission Director SSA, Director (Elementary), and Director (SCERT) Assam for the purpose of assessing per child expenditure incurred by the state and the

local authority for reimbursement of expenditure to the schools under section 12(2).

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

(5) The reimbursement shall be made directly in the separate bank account maintained by the school in two installments during the academic year. First installment of 50% shall be reimbursed in the month of September and balance shall be reimbursed in the month of January.

(6) The school shall in the month of July submit the list of the students admitted in the school to the District Educational Officer of the District for reimbursement to the school under section 12.

(7) The school wise names of the students admitted in the private schools and the specified schools under section 12 shall also be maintained in the electronic form and shall be displayed in a manner as determined by the committee constituted under sub rule 9(3).

9. Documents as age proof for the purpose of section 14 :-

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 purposes of admission in schools :-

- (a) Birth Certificate issued by competent authority of the Government;
- (b) Anganwadi record register;
- (c) Horoscope;
- (d) Certificate issued by official village Headman (Gaon-Burha) of the village record register;
- (e) Affidavit by the Parent/Guardian declaring the age of the child.

10. Extended period for admission for the purposes of section 15 :-

(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.

11. Recognition of schools for the purposes of section 18 :-

(1) Every school, other than a school established, owned or controlled by the Government, Autonomous Council or the local authority, as the case may be, established before the commencement of this Act shall make a self declaration within a period of three months of the commencement of the Act, in Form No. 1 to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the following conditions:-

(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 conforms to the values enshrined in the Constitution;

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

(d) the school is open to inspection by any officer authorized by the Government, Autonomous Council or the local authority, as the case may be;

(e) the school furnishes such reports and information as may be required by the Director of Elementary Education/District Elementary Education Officer from time to time and complies with such instructions of the Government, Autonomous Council or the local authority, as the case may be, as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;

(2) Every self declaration received in Form 1 shall be placed by the District Elementary Education Officer in public domain within fifteen days of its receipt.

(3) The District Elementary Education Officer shall conduct inspection of such schools which apply in Form No. 1 to fulfill the norms and standards and the conditions mentioned in subrule (1) within three months of the receipt of the self declaration.

(4) After the inspection referred to in sub-rule (3) is carried out, the inspection report alongwith recommendations shall be placed before the District Level Board notified by the Government in that behalf. Recognition shall be accorded by the District Level Board and record of all such recognitions shall be maintained by the District Elementary Education Officer.

(5) Schools that do not conform to the norms, standards and conditions mentioned in sub rule (1) shall be listed by the District Elementary Education Officer through a public order to this effect, and any time within the next two and a half years, such schools

may request the District Elementary Education Officer for an on-site inspection for grant of recognition.

(6) The District Elementary Education Officer shall place the inspection report of the schools as stated in sub-rule (5) above before the District Level Board for consideration and recommendation in the manner as stated in sub-rule (4) above.

(7) The District Elementary Education Officer shall place the list of schools which do not conform to the norms, standards and conditions mentioned in sub rule (1) before the District Level Board for stoppage of their functioning and on its approval shall issue order of stoppage of its functioning.

(8) Every school, other than a school established, owned or controlled by the Government, Autonomous Council or the local authority, as the case may be, established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-rule (1) and in the Act in order to qualify for recognition.

(9) Any person aggrieved by a decision of the District Level Board may file an appeal to the Appellate Authority as defined under Rule 2 (36) within thirty days of the receipt of the order.

(10) For establishing new schools a similar procedure shall be followed.

12. Withdrawal of recognition to schools for the purposes of section 18(2) :-

(1) Where the District Elementary Education Officer on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognised under rule 11, has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule, he shall act in the following manner:-

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

(b) In case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the District Elementary Education Officer may cause an inspection of the school, to be conducted by a Committee of three to five members comprising of educationists, civil society representatives, media, and government representatives, which shall make due

inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the District Level Board.

(c) The District Level Board shall consider and give recommendations on the report of the District Elementary Education Officers report.

(d) The District Elementary Education Officer shall forward the recommendations of the District Level Board to the Director, Elementary Education which shall be examined by him and orders shall be issued after giving due opportunity to the school liable to withdrawal of recognition.

(2) Any School aggrieved by the decision of the Director, Elementary Education may appeal to the senior most Secretary, Education (Elementary) Department within thirty days of the date of receipt of order.

PART 5 SCHOOL MANAGEMENT COMMITTEE

13. Rule 13 :-

(1) Composition and functions of the School Management Committee for the purposes of section 21 :-

(i) A School Management Committee shall be formed for each school. This would be a permanent Body of which, the President and Members shall have a term of three years. However, they shall continue to function beyond three years till the new President and Members take over. Efforts should be made to form the new Committee one month before the expiry of the term of the outgoing Committee.

(ii) Nine members shall be from parents/or Guardians of the students of the School in the following manner : -

(a) Among parent/guardian members, three shall be from disadvantaged groups or weaker section and one of them shall be from parents/guardians of disabled child (if any) in the school ;

(b) President and Vice President shall be selected/elected from the parents/guardians member only and one of them must be a woman;

(c) No parent/guardian can be the President or Vice-President of more than one School Management Committee irrespective of the fact that his/her children study in more than one school.

(iii) One member shall be from among concerned local authority of the area, where the school is situated.

(iv) One member shall be from among teachers of the school

concerned/local health workers/ anganwadi workers.

(v) One member shall be from among Gaonburah/village Headman/Community Nominee (where there is no Gaonburah/Village Headman) in the village where the school is situated.

(vi) Head Teacher/Head Master shall be Member-Secretary.

(vii) Minimum fifty percent of the above committee members shall be women.

(2) Function of the Managing Committee:-

(i) Monitor the working of the schools.

(ii) Prepare and make recommendations for School Development Plan on the basis of which, grants will be made by the Government or other sources.

(iii) Monitor the utilization of the grants received from the Government, Autonomous Council or local authority or any other source.

(iv) Perform such other function as may be notified by the Government.

(3) Selection/election of the President and Member of SMC:-

(i) The Head Master/Head Teacher of the concerned school shall convene a general meeting of parents, the adult members of the Village/Tea Garden area/Ward/NC area concerned, ward members/councilor, Gaonburah/Village Headman, Local Health Worker/Anganwadi Workers within fifteen (15) days from the date of receiving the intimation from the competent authority to constitute the SMC. He /She has to give 7 (seven) days advance intimation to the concerned invitee regarding the date, time, objectives and venue of the meeting and also fix it on the notice board of the school and at least 4-5 prominent places in the villages/ward concerned.

(ii) The meeting shall be organized on a convenient date so that at least seventy percent (70%) of parent of the students of schools, adult members of the respective villages/ward of the school and the ex-officio members to be inducted in the committee remain present and take part in the proceeding. Any of the senior persons present in the meeting may preside over the meeting.

(iii) Selection of the President, Vice-President and members of SMC shall be made by the parents/guardians of the students of the school among themselves in a meeting specially convened for the purpose by the Head master of the concerned school as far as possible in a unanimous manner. In case of failure to select the President, Vice-President and the members unanimously the

procedure of election by casting votes of parents/guardians may be adopted subject to the approval of the observer. The Deputy Inspector of Schools/District Elementary Education Officer/Sub Inspector of Schools shall be present in the meeting as observer and ensure holding of such election in a free and fair manner with participation of maximum member of parents/guardians.

(iv) The meeting shall select/elect the required number of members in the manner as indicated under serial nos (ii) to (vii) of sub-rule (1) of rule 13. The resolution adopted in the meeting shall clearly indicate the names of the members of the SMC so selected/elected and also indicate the name of two persons selected/elected for the posts of President/Vice-President respectively. The resolution shall contain the signature of each and every parents/guardians present in the meeting and shall be submitted to the District Elementary Education Officer concerned within two days from the date of adoption of such resolution.

(v) The District Elementary Education Officer, after examining the resolution, shall approve the name of one person as President and the other person as the Vice-President out of the names of two persons selected/elected by the parents/guardians for the purpose, considering the comparative educational qualification, aptitude and willingness to work for the betterment of the school of these two persons, alongwith the name of members as per resolution adopted in the meeting within three days from the date of receipt of the resolution and provide a copy of the approval order in Form No. IV to the concerned SMC.

(vi) The concerned District Elementary Education Officer will ensure receiving of the proposals from SMC and get it approved within a month from the date of intimation given to the SMC concerned for its constitution.

(vii) The community nominee should have sound knowledge and solid background of educational development activities.

(viii) The SMC, by a resolution may co-opt two educationists/ senior citizens as advisor of the SMC. However, the advisors will neither be treated as members of the SMC nor will have any right of voting in decisions taking matter of the SMC concerned.

(ix) The teacher of any school can be parent members of SMC other than the school in which they are teaching but in no case he/she may be the President/ Vice President of that SMC.

(x) The Constitution of new SMC shall come into effect from the date of the issue of the approval order by the Deputy Inspector of Schools/. Block Elementary Education Officer.

(4) Rules of Business:

(i) The SMC must hold its first meeting within 15 (fifteen) days from the date of the approval of the committee. The member Secretary of the SMC should inform all the members of newly constituted as well as the out going SMC about the date, time and venues of its meeting with prior approval of the President of the newly constituted SMC

(ii) All the records and documents, financial and non financial, shall be handed over to the newly constituted SMC in this meeting and the minutes on this meeting should be signed by the Presidents and Members of both the outgoing and newly constituted SMC.

(iii) The SMC should meet at least once every month thereafter. Fifty percent (50%) of total members of SMC shall form the quorum. Since the SMC has the responsibility of approving the absentee statement of the teaching and the non teaching staff of the school, the meeting must be held before the last working day of the month

(iv) The meeting shall be presided over by the President or in his absence, by the Vice President or in absence of the president and the Vice President, by any one of the senior members of SMC to be selected by the members present.

(v) The President shall call a special meeting of the SMC if more than fifty (50) percent of Members of the SMC make a requisition for it.

(vi) The District Elementary Education Officer or as authorized by him, the Deputy Inspector of Schools/ Block Elementary Education Officer concerned shall have the authority to issue direction for holding the meeting of SMC as and when required for.

(vii) The officials of Education/ Other department (s) may attend the meeting of the SMC, but will not have the right to vote for any decisions making matter.

(viii) The proceeding of each and every meeting of the SMC shall be recorded by the Member Secretary in the register specially kept for this purpose.

(5) Removal of President/Members of SMC and filling up of vacancies:

(i) If any vacancy is caused due to resignation, removal or death of the President; Vice President or a member, the same shall be filled up in accordance with the procedure laid down in these rules for the selection/ election of President; Vice President and Members.

(ii) A person shall not be qualified to be President, Vice President or Member of the SMC and can be removed by the SMC through a

resolution signed by atleast two-third Members present in the meeting of the committee which should not be less than or equal to fifty percent (50%) of the total members of the committee or by the District Elementary Education Officer after satisfying himself/herself of the facts through an enquiry if -

(a) he/she is convicted by the court of law for offences involving moral turpitude or any offence under section 302/363/366/376/395/409/465/468/477(A)/493/494 of the I.P.C;

(b) he/she ceases to be a citizen of India;

(c) he/she ceases to be a resident of the village/ward in which the school falls or ceases to have his/her child in the school (for the parent members only);

(d) he/she declared insolvent or unsound mind

(e) he/she is found guilty of misconduct or negligence of duty.

(f) he/she fails to attend three consecutive meetings of the committee

(iii) The removal of the President; Vice President or Members of the SMC shall come into effect from the date of the approval of resolution of SMC in this regard by the District Elementary Education Officer concerned.

(iv) If the Member Secretary of the SMC is found to be negligent in performing his/her duties, particularly with regard to calling of meeting of the committee as mandated in these rules, books and records keeping, communicating SMCs resolutions to the competent authorities, submitting report to the competent authority as sought for etc., the SMC may by a resolution signed by more than fifty percent (50%) of its members can recommend disciplinary action against the Member Secretary concerned and the Deputy Inspector of Schools/ Block Elementary Education Officer shall be duty bound to conduct an enquiry over this and to submit report to the District Elementary Education Officer for necessary action within fifteen (15) days from the date of the receipt of the resolution.

(6) Dissolution of SMC:

(i) The SMC may be dissolved, if found negligent of its duties and responsibility as assigned in these rules, non-compliant to Government Orders or and non co-operative towards the implementation of the Government funded schemes for the improvement of the schools and the academic environment in the school, by an order of the Deputy Inspector of Schools/ Block Elementary Education Officer on the basis of -

(a) a resolution adopted in a meeting of the parent at least hundred (100) numbers or seventy percent (70%) of total parents

of students of the schools and the adult members of the respective village/ ward to the effect that the School Managing Committee has failed to discharge its duties and responsibility effectively or has been inactive or indifferent in the matter of implementation of Government funded schemes for the improvement of schools and the academic environment in the schools;

(b) an enquiry into the complaints of negligence of duties and responsibility, noncompliance with Government Order and Instructions or and non co-operative attitude towards the implementation of the Government funded schemes for the improvement of the school and the academic enrolment of the schools.

(ii) The District Elementary Education Officer on receiving a resolution recommending the dissolution of the SMC shall verify the facts that the meeting was held in fact and signatures put on the resolution are of genuine persons. Once the resolution is found to have been passed in a genuine manner, no further inquiry into the grounds shown for recommendation of dissolution shall be required and the order for dissolution of the SMC shall be passed thereof.

(iii) While receiving complaint against a SMC from community/ organization/ Govt. officials regarding non-compliance of Govt. order/instruction, negligence of duties and responsibilities, non-cooperative to implement Govt. funded schemes for the improvement of school, the District Elementary Education Officer will institute an inquiry into the matter and subject to the authenticity of the complaint shall pass a reasoned order for dissolution of the SMC concerned.

(iv) The SMC concerned shall stand dissolved with effect from the day of the order of dissolution.

(v) The District Elementary Education Officer shall provide one copy of the SMC dissolution order to the Member Secretary of the SMC concerned, and one shall be retained at Deputy Inspector of Schools/Block Elementary Education Officers office.

(vi) The District Elementary Education Officer shall take steps for constitution of the new SMC within a month of dissolution of the SMC concerned.

(7) Accounts and audit:

(i) The SMC shall have a Bank Account to be operated jointly by the President and Member Secretary for transaction of all sort of funds/grants received for the development of the school.

(ii) For specific reasons, or as per order of the competent authority, separate bank account(s) may be opened in the name of the

School, which is to be operated jointly by the President/Vice-President and Member Secretary of the SMC concerned.

(iii) The Member-Secretary shall be responsible for the maintenance of the fund/grant receipt register, cash book, stock/assets book and payment register and safe custody of these records.

(iv) The Member-Secretary shall be duty bound to place details of financial transactions of each month in the monthly meeting of the SMC concerned.

(v) The SMC shall be duty bound to submit the utilization certificate of funds/grants in time as per the prescribed proforma to the concerned authority from where the funds/grants have been received.

(vi) Audit of the SMC accounts shall be done annually at the end of each financial year, or as and when required by the Government or the competent authority.

(vii) The SMC may receive fund through subscription, donation or grant etc. from any department/ organization/ individual for the cause of development of the school. In such cases, the SMC is to maintain separate accounts and proper record of the fund received and spent, assets created and liabilities incurred.

(8) Powers and functions of the SMC:

Monitor the working of the school:

(i) For conducive school environment: The SMC shall take all the necessary steps for the growth and development of the school leading to an educational environment conducive for attainment of academic excellence by the children.

(ii) Attendance monitoring of children: The SMC shall take effective steps to ensure cent percent attendance, retention and completion of elementary level of each children in and around the vicinity of the school.

(iii) Academic development: The SMC shall try to improve the learning achievement level of the children by (i) taking up micro-planning, school mapping and optimum utilization of locally available resources, (ii) ensuring that the school functions as per the approved academic calendar and (iii) paying special attention to the children of disadvantaged group and weaker section of the society.

(iv) Attendance monitoring of teaching and non teaching staff:

(a) Absentee Statement: The SMC shall monitor the attendance of the teaching and the non teaching staff of the school and approve their monthly absentee statement. Since salary of the teachers and non- teaching staff of the school shall be disbursed on the strength

of the absentee statement approved by the SMC, the SMC must meet one day before the last working day of the month to consider and approve the absentee statement of the teachers and the non teaching staff of the school. A resolution to this effect shall be adopted in the prescribed proforma indicating the dates on which the teacher/non teaching staff was absent, come late or left early.

(b) Checking attendance register: The SMC shall have the power to check the attendance register of the teachers, non-teaching staff as well as the students and put remarks in the registers concerned.

(c) Application of Casual leave: Application for casual leave of the teachers or nonteaching staff of the school should not be accepted by Deputy Inspector of Schools/Block Elementary Education Officer unless it has been endorsed by the President of the SMC concerned.

(d) Reporting to the higher authority: The SMC shall have the power to report to the competent authority by a resolution adopted by minimum of fifty percent (50%) members of the committee, if a teacher is found not to be following the child centric and activity based teaching learning processes and the Government instruction (s) regarding various academic activities. The Authority concerned shall be duty bound to take cognizance of the report and take necessary action against the teacher concerned with intimation to the SMC.

14. Preparation of School Development Plan for the purpose of section 22 :-

(1) The School Management Committee shall prepare a School Development Plan atleast three months before the end of the financial year in which it is first constituted under the Act.

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

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

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

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

(c) Physical requirement of additional infrastructure and equipments over the three year period, calculated, with reference

to the norms and standards specified in the Schedule;

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

(4) The School Development Plan should be signed by the President/Vice-President and Member-Secretary of the School Management Committee and submitted to the local authority before the end of the financial year in which it is to be prepared.

PART 6 TEACHERS

15. Minimum Qualification for the purposes of section 23 (1) :-

The minimum qualifications for a person to be eligible for appointment as a teacher in elementary schools shall be as notified by the National Council for Teacher Education vide no. F. No. 61-03/20/2010/NCTE (N&S) dated 23/8/2010. The provisions of all Rules/Notifications/Orders of the Government, prescribing qualifications for teachers, which are repugnant to the stipulations laid down by the National Council for Teacher Education stand superseded.

16. Relaxation of minimum qualification for the purposes of section 23 (2) :-

(1) The Government shall estimate the teacher requirement as per the norms in the Schedule for all schools referred to in clause (n) of section 2 within the State, within three months from the date of notification of these rules.

(2) Till the State does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as laid down under sub-rule (2) of rule 15 are not available in sufficient numbers in relation to the requirement of teachers estimated under sub-rule (1), the Government shall request, within one year of the commencement of the Act, the Central Government for relaxation of the prescribed minimum qualification.

(3) On receipt of the request referred to in sub-rule (2), the Central Government shall examine the request of the Government and may

relax the minimum qualifications by way of a Notification.

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

(5) After six months after the commencement of the Act, no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualifications prescribed by the National Council for Teacher Education.

(6) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic qualifications not lower than higher secondary school final or equivalent for primary School and graduate degree for Upper Primary School.

17. Acquiring minimum qualifications under proviso to section 23(2) :-

(1) The 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 laid down under rule 15 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 laid down under rule 15 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.

18. Salary and allowances and conditions of service of teachers for the purpose of section 23(3) :-

(1) The Government, Autonomous Council or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.

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

- (a) accountability of teachers to the School Management Committee constituted under section 21;
- (b) provisions enabling long term stake of teachers in the teaching profession.
- (3) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training as specified in section 4, shall be that of regular teachers, and at par for similar work and experience.

19. Duties to be performed by teachers for the purpose of clause (f) to section 24(1) :-

(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 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, 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.

20. Grievance Redressal mechanism for teachers for the purposes of section 24(3) :-

(1) The School Management Committee constituted under section 21 shall be the first level of grievance redressal of teachers of schools specified therein.

(2) The District Level Board shall be the next level for redressal of such grievances.

21. Maintaining Pupil-Teacher Ratio in each school for the purposes of section 25 :-

(1) Sanctioned strength of teachers in a school shall be notified by the Government, Autonomous Council or the local authority, as the case may be, within a period of three months of the appointed date:

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

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

PART 7 CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

22. Academic authority for the purposes of section 29 :-

(1) The State Council of Educational Research and Training shall be the academic authority for the purposes of section 29.

(2) While laying down the curriculum and evaluation procedure, the academic authority 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.

23. Award of certificate for the purposes of section 30 :-

(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 -

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

(b) 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.

PART 8 PROTECTION OF RIGHT OF CHILDREN

24. Performance of functions by the State Commission for Protection of Child Rights, for the purposes of section 31 :-

(1) In performance of its functions, the State Commission for Protection of Child Rights, may also act upon matters referred to it by the State Advisory Council.

25. Manner of furnishing complaints before the State Commission for Protection of Child Rights :-

(1) The State Commission for Protection of Child Rights, shall set up a child help line, accessible by SMS, telephone and letter, which would 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 should be monitored through a transparent alert and action online mechanism by the State Commission for Protection of Child Rights.

26. Constitution and Functions of the State Advisory Council for the purpose of section 34 :-

(1) The State Advisory Council shall consist of a Chairperson and fourteen Members.

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

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

(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 specialised 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

(f) ex-officio members are Commissioner & Secretary, EE; Director, EE; Director, SCERT; Chairperson, SCPCR and Mission Director, SSA, Assam.

- (4) The Department of Secondary Education and Elementary Education shall provide logistic support for meetings of the Council and its other functions.
- (5) 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 over 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. Quorum of the meeting of the Council shall be presence of at least 50% of its members.
- (6) 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 more than two terms.
- (i). any member may be removed from his office by an order of the Government on the ground of proved misbehavior or incapacity, or on the happening of any one or more of the following events:
- (ii). is adjudged an insolvent; or
- (iii). refuses to act or become incapable of acting; or
- (iv). is of unsound mind and stands so declared by a competent Court; or
- (v). has so abused his office as to render his continuance in office detrimental to the public interest; or
- (vi). is convicted for an offence by a competent Court; or
- (vii). 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 any 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 traveling and daily allowances for official tours and journeys in accordance with the orders issued by the Government in relation to non-official members of the Committees and Commissions and such like categories of persons.

PART 9 MISCELLANEOUS

27. Educational Administration :-

(1). In order to foster a better coordination, linkage and control in the matter of academic, planning and administrative aspects in relation to achieve the goal of Right of Children to Free and Compulsory Education, the State Government shall make a thorough review on the existing management, planning and administrative mechanism right from grass root level to State level and initiate steps for its re-organisation and strengthening.

(2) The Director, Secondary Education or the Director Elementary Education, as the case may be, shall be controlling authority in respect of education of children of six to fourteen years of age within their respective jurisdiction for achieving the goal of Right of Children to Free and Compulsory Education.

28. Supervision and Inspection :-

(1) The Government shall make a thorough review of existing supervision and inspection mechanism and initiate steps for its strengthening so that a vibrant mechanism can be instituted for visiting the schools quarterly in a regular manner as per Government circular. The Government shall determine the ratio for the purpose.

(2) The Director shall be the apex authority for coordinating the supervision and inspection of all schools under his control.

(3) To ensure efficient functioning of schools, the Government, by a general order, shall authorize all the officers of education department to supervise and inspect schools, when they are on way to any duty. The Officer shall submit their reports to the district authority concerned for action with suggestion with a copy to the head of the institutions for follow up action.

(4) Advance information shall be given to a school/office in case of a thorough supervision and inspection by the authority. However, no such information shall be required in case of surprise visits.

(5) Every officer as prescribed, shall, subject to such conditions as may be prescribed, be competent to enter at any time during the normal working hours of an educational institution, any premises of any such institutions within his jurisdiction and to inspect any record, register or other documents of any movable or immovable property relating to such institutions.

(6) Any person who obstructs an officers of the Government in the

exercise of any power conferred on him or in the performance of such functions entrusted to him under these rules or any other person lawfully assisting such officers in the exercise or in the performance of such functions or who fails to comply with any lawful direction made by such officer, or person, shall be liable for action.

29. Power of Governor to dispense with or relax the rules :-

(1) Where the Governor is satisfied that the operation of any of the provisions of these rules causes undue hardship, it may, in any particular case, dispense with or relax the requirement of the rules to such extent and subject to such condition as it may consider necessary for dealing with the case in a just and equitable manner : Provided that the case of any person shall not be dealt with in any manner less favorable to him / her than that is provided under these rules.

(2) If any question arises relating to the interpretation of these rules the decision of the Government in Education Department shall be final.

(3) All rules, order or notifications corresponding to any of the provisions of these rules in force immediately before commencement of these rules are hereby repealed, provided that all orders made or action taken under the rules, orders or notifications so repealed or any action taken pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

(4) The Government may relax the provisions of these rules or exempt from application of the provisions of these rules in respect of any person if the Government is satisfied that operation of such rules causes undue and unavoidable hardship to such person.

30. Repeal and Savings :-

(1) The existing Acts, Rules, Regulations, Executive Instructions etc. issued by the State Government of Assam inconsistent with these Rules shall be deemed to be void to the extent of the inconsistency.

(2) Any act of any authority, officer or body under any Act, Rule, Executive instruction after promulgation of the Act but before notification of these Rules shall be saved and he/she shall be deemed to have acted under these Rules.

