

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

CONTENTS

PART 1 :- PRELIMINARY

1. Short title, extent and commencement
2. Definitions

PART 2 :- SCHOOL MANAGEMENT COMMITTEE

3. Composition and functions of the School Management Committee
4. Preparation of School Development Plan

PART 3 :- RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

5. Special Training

PART 4 :- DUTIES AND RESPONSIBILITIES OF GOVERNMENT AND LOCAL AUTHORITY

6. Areas or limits of neighbourhood
7. Academic responsibility of the State Government
8. Responsibility of Government and Local Authority
9. Maintenance of records of children by the Local Authority

PART 5 :- RESPONSIBILITIES OF SCHOOLS AND TEACHERS

10. Admission of children belonging to weaker section and disadvantaged group
11. Reimbursement of per-child expenditure by the Government
12. Documents as age proof
13. Extended period for admission
14. Recognition of schools
15. Withdrawal of recognition to school

PART 6 :- TEACHERS

16. Minimum Qualifications
17. Salary and allowances and conditions of service of teachers
18. Duties performed by teachers
19. Maintaining pupil-teacher ratio
20. Grievance Redressal for Teachers

PART 7 :- CURRICULUM AND COMPLETION OF ELEMENTARY

EDUCATION

- 21. Academic Authority
- 22. Award of certificate

PART 8 :- PROTECTION OF RIGHT OF CHILDREN

- 23. Performance of functions by Delhi Commission for Protection of Child Rights
- 24. Manner of furnishing complaints before the Delhi Commission for Protection of Child Rights
- 25. Constitution of the State Advisory Council

PART 9 :- Miscellaneous

- 26. power to issue instructions
- 27. Delegation of powers

Delhi 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 Delhi Right of Children to Free and Compulsory Education Rules, 2011.
- (2) They shall come into force on the date of their publication in the Delhi Gazette.
- (3) They extend to the whole of the National Capital Territory of Delhi.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);
 - (b) "Appointed date" means the date on which the Act comes into force, as notified in the Official Gazette;
 - (c) "Chapter", "Section", and "Schedule" means respectively chapter, section and schedule to, the Act;
 - (d) "Director" means the Director of Education, Delhi and includes any other officer authorised by him to perform all or any of the functions of the Director under the Act;
 - (e) "District Education Officer" means Deputy Director of Education, Delhi who is the incharge of any District or any other officer authorised in this regard;

- (f) "Pupil Cumulative Record" means record of the progress of the child based on comprehensive and continuous evaluation;
- (g) "School Mapping" means planning school location to overcome social barriers and geographical distance;
- (h) "Government" means the Government of National Capital Territory of Delhi;
- (i) "Local authority" means - the authority notified as Local Authority.
- (j) "NCT of Delhi" means National Capital Territory of Delhi.
- (2) All references to "forms" in these rules shall be construed as references to forms set out in Appendix hereto.
- (3) All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART 2 SCHOOL MANAGEMENT COMMITTEE

3. Composition and functions of the School Management Committee :-

(1) A School Management Committee (hereafter in this rule referred to as the said committee) having not less than 16 members shall be constituted in every school, other than an unaided school, within six months of the coming into force of these rules and reconstituted every two years:

Provided that fifty percent of the members of this committee shall be women.

Provided further that there shall be a proportionate representation of parents/guardians of children belonging to disadvantaged group and weaker sections.

Provided also that the committees role would be limited to elementary education level.

(2) Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children.

(3) The remaining twenty five percent of the strength of the School Management Committee shall be from amongst the following persons, namely :-

(a) One member of the committee shall be an elected representative of the local authority;

(b) Head of the school shall be the member of the committee;

(c) One member of the committee shall be a teacher of the school to be decided by the teachers of school;

(d) One member shall be a social worker involved in the field of

education.

(4) The following teachers of school shall be included in the School Management Committee as special invitee.

(i) One social science teacher.

(ii) One science teacher.

(iii) One mathematics teacher.

(5) To manage its affairs, the School Principal shall be the ex-officio Chairperson of the School Management Committee. Vice Chairperson shall be from among the parent members. The member teacher of the committee shall act as the convenor.

(6) The said Committee shall meet at least once in two months and the minutes and decisions of the meetings shall be properly recorded and made available to the public.

(7) The said Committee shall, in addition to the functions specified in clauses (a) to (d) of sub section (2) of section 21 of the Act, perform the following functions, namely:-

(a) Communicate in simple and creative ways to the population in the neighbourhood of the school, the right of the child as enunciated in the Act; as also the duties of the Government , Local Authority, school, parents 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 specified in the Schedule;

(f) Bring to the notice of the Government or local authority as the case may be 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 education of children with disabilities and ensure their participation in, and completion of elementary education;

(i) Monitor the implementation of the mid-day meal in the school.

(8) Money if received by the said committee for the discharge of functions under the Act, shall be kept in a separate account, to be audited annually.

(9) The accounts referred to in sub-rule (8) should be signed by the Chairperson/Vice Chairperson and Convenor of the School Management Committee and made available to the authority releasing the fund within one month of their preparation.

4. Preparation of School Development Plan :-

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

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

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

(a) estimates of class wise enrolment for each year.

(b) requirement of the number of additional teachers, including subject teachers and part time teachers etc., 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, calculated with reference to the norms and standards specified in the Schedule.

(d) financial requirement 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 shall be signed by the Chairperson and Vice Chairperson of the School Management Committee and submitted to the Appropriate Authority before the end of the financial year in which it is prepared.

PART 3 RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

5. Special Training :-

(1) The School Management Committee of a school owned or managed by the Government or the local authority shall identify children requiring special training and organise such training in the following manner, namely:-

(a) the special training shall be based on specially designed, age

appropriate learning material, approved by the academic authority specified in sub-section (1) of section 29 of the Act;

(b) the said training shall be provided in classes held in the premises of the school or in classes organised in safe residential facilities;

(c) the said training shall be provided by teachers working in the school, or by teachers specially appointed for the purpose;

(d) the duration of the said training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding two years.

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

PART 4 DUTIES AND RESPONSIBILITIES OF GOVERNMENT AND LOCAL AUTHORITY

6. Areas or limits of neighbourhood :-

(1) The areas or limits of neighbourhood within which a school has to be established in NCT of Delhi shall be as under :-

(a) in respect of children in classes I to V, a school shall be established as far as possible within a radial distance of one km. from the residence of the child;

(b) in respect of children in classes VI to VIII, a school shall be established, as far as possible, within a radial distance of three km. from the residence of the child.

(2) Wherever required, the Government may upgrade existing schools with classes I-V to include classes VI-VIII. In respect of schools which start from class VI onwards the Government may endeavour to add classes I to V, wherever required. The Government may issue directions from time to time to the local authority for up gradation of schools.

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

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

(5) In respect of children with disabilities which prevent them from

accessing the school, the Government or the Local Authority as the case may be shall make appropriate and free transportation arrangements to enable them to attend school and complete elementary education.

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

7. Academic responsibility of the State Government :-

The Government shall notify an academic authority for developing the curriculum and evaluation procedure for elementary education.

8. Responsibility of Government and Local Authority :-

(1) A child attending a school of the Government or local authority referred to in subclause (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 subsection (1) of section 12 and a child attending a school referred to in subclauses (iii) and (iv) of clause (n) of section 2 in pursuance of clause (c) of sub section (1) of section 12 shall be entitled to free text books, writing material and uniform:

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 sub-clause (ii) of clause (n) of section 2 and of sub-clauses (iii) and (iv) of clause (n) of section 2, respectively.

(2) For the purpose of determining and for establishing neighbourhood schools, the Local authority shall undertake school mapping and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged group, children belonging to economically weaker sections and children referred to in section 4, within a period of one year from the date of notification, and every year thereafter.

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

(4) For the purpose of clause (c) of section 8 and clause (c) of section 9, the Government/Local Authority shall ensure that a child belonging to a weaker section, a child belonging to disadvantaged

group and child with special needs 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.

9. Maintenance of records of children by the Local Authority
:-

(1) The Local Authority shall maintain a record of all children, in its jurisdiction through a household survey, from their birth till they attain the age of 14 years.

(2) The record, referred to in sub-rule (1) shall be updated annually

(3) The record referred to in 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, place of birth

(b) parents/guardian names, 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 child is studying (for children between 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 weaker section.

(h) whether the child requires special facilities or residential facilities on account of (a) migration and sparse population; (b) age appropriate admission; and (c) disability.

(5) The Local Authority shall ensure that the records of all children enrolled in the schools under its jurisdiction are maintained in each school.

PART 5 RESPONSIBILITIES OF SCHOOLS AND TEACHERS

10. Admission of children belonging to weaker section and disadvantaged group :-

(1) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in accordance with clause (c) of sub-section (1) of section 12 shall not be segregated from other children in the classrooms nor shall their classes be held

at places and timings different from the classes held for the other children.

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

(3) The area or limits of neighbourhood specified in sub-rule (1) of rule 6 shall apply to admissions made in accordance with clause (c) of subsection (1) of section 12.

Provided that the Government may, for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) of sub-section (1) of section 12 extend these limits of neighbourhood from time to time.

(4) The Government may prescribe the procedure for admission of children under clause (c) of sub-section (1) of section 12 by official notification issued from time to time.

11. Reimbursement of per-child expenditure by the Government :-

(1) The total annual recurring expenditure incurred by the Government, 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 referred to in sub clause (i) of clause (n) of section 2 divided by the total number of children enrolled in all such schools, shall be the per child expenditure incurred by the Government.

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

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

(3) The schools mentioned in second proviso of sub-section (2) of section 12 shall continue to fulfil their obligation for providing free education beyond elementary education and till completion of

secondary/senior secondary education, as the case may be, and shall not be entitled for reimbursement to the extent of their obligation.

12. Documents as age proof :-

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/Auxiliary Nurse and Midwife (ANM) register record,
- (b) anganwadi record,
- (c) declaration of the age of the child by the parent or guardian.

13. Extended period for admission :-

- (1) Extended period of admission shall be five 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.

14. Recognition of schools :-

(1) Every recognised school, other than a school established, owned or controlled by the Government or Local Authority, established and functioning before the commencement of the Act shall be deemed to be recognised under section 18 of the Act. However, each such school shall make a self declaration within a period of two months of the Notification of these rules in Form 1 (A) to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards specified in the Schedule and fulfilment of the following conditions namely:-

- (a) The school is run by a society registered under the Societies Registration Act 1860 (21 of 1860) or a Public Trust 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 purpose of education and skill development.
- (e) The school is open to inspection by any authorised officer of Directorate of Education or Local Authority.

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

(2) Every self declaration received in Form 1(A) shall be reviewed by the concerned District Education officer.

(3) During the course of annual inspection or otherwise if the concerned officer observes that school does not conform to the norms and standards and conditions mentioned in sub-rule(1) but has submitted self declaration Form 1(A) stating conformation with norms, a suitable action shall be initiated by the District Education Officer.

(4) Schools which do not conform to the norms, standards and conditions mentioned in sub rule (1) within three years from the commencement of the Act shall cease to function.

(5) Every school, other than a school established, owned or controlled by the Government or local authority, established after the commencement of the Act and existing unrecognised schools shall conform to the norms and standards and conditions mentioned in sub-rule (1) in order to qualify for recognition. Such school shall apply for recognition in Form 1(B) to the Director of Education or any person authorised by him. Schools found to be conforming to the norms, standard and the condition shall be granted recognition by Appropriate Authority in Form 2. In case the application is rejected the reasons thereof shall be intimated to the applicant.

15. Withdrawal of recognition to school :-

(1) Where the concerned District 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 14, has violated one or more of the conditions for grant of recognition or has failed to fulfil the norms and standards specified in the Schedule, the said officer shall act in the following manner:--

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

(b) In case the explanation is not in conformity with the norms and standards as specified in the Schedule or no explanation is received within the stipulated time period, the concerned District Education

Officer may cause an inspection of the school, to be conducted by a Committee of three to five members which shall make due inquiry and submit its report, along with its recommendations for continuation of recognition or its withdrawal, to the Director of Education who may pass an order for continuation of recognition or withdrawal, as the case may be : Provided that no order for withdrawal of recognition shall be passed without giving the school adequate opportunity of being heard; Provided further that no such order shall be passed by the said officer without prior approval of the Government.

(2) The order of withdrawal of recognition passed shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of that school shall be admitted.

PART 6 TEACHERS

16. Minimum Qualifications :-

The minimum qualifications for persons to be eligible for appointment as a teacher as laid down by the academic authority notified by the Central Government in pursuance of sub section (1) of section 23 shall be applicable for every school referred to in clause (n) of section 2 whereas Government may prescribe higher qualifications for appointment of teachers under section 23 to ensure better quality of education.

17. Salary and allowances and conditions of service of teachers :-

The Government 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.

18. Duties performed by teachers :-

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

- (a) Participation in training programmes;
- (b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;
- (c) Any other duty as may be prescribed by the Government from

time to time.

(2) The teacher shall maintain a file containing the pupil cumulative record for every child which shall be the basis for awarding the certificate for completion of elementary education.

19. Maintaining pupil-teacher ratio :-

The sanctioned strength of teachers in a school shall be notified by the Government or the local authority, as the case may be, by the 31st December every year taking in view the enrolment of the children as on 31st August of that year:

Provided that the Government or the local authority, as the case may be, shall, within three months of such notification, re-deploy teachers of schools having a strength in excess of the sanctioned strength prior to such notification.

20. Grievance Redressal for Teachers :-

The Government may prescribe the grievance redressal mechanism for teachers by notification issued from time to time.

PART 7 CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

21. Academic Authority :-

(1) The Government shall notify an academic authority for the purpose of sub-section (1) 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 inservice 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.

22. Award of certificate :-

(1) The certificate of completion of elementary education shall be issued at the school level within one month of the completion of elementary education.

(2) The certificate referred to in sub- rule (1) shall contain the pupil cumulative record of the child.

PART 8 PROTECTION OF RIGHT OF CHILDREN

23. Performance of functions by Delhi Commission for Protection of Child Rights :-

The Government shall provide resource support to the Delhi Commission for Protection of Child Rights in performance of its functions under the Act.

24. Manner of furnishing complaints before the Delhi Commission for Protection of Child Rights :-

The Delhi Commission for Protection of Child Rights may set up a child helpline to register complaints regarding violation of rights of the child under the Act, which may be monitored by it through a transparent on-line mechanism.

25. Constitution of the State Advisory Council :-

(1) The State Advisory Council (here in after referred to as the Council) shall consist of a Chairperson and fourteen Members.

(2) The Minister of Education, Government of National Capital Territory of Delhi shall be the ex-officio Chairperson of the Council.

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

(a) at least three members should be from amongst persons belonging to SC, ST and Minorities respectively;

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

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

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

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

(i) Secretary (Education), Government of NCT of Delhi

(ii) Director (Education), Government of NCT of Delhi

(iii) Director, State Council for Educational Research and Training,

Delhi.

(iv) Chairperson, State Commission of Protection of Child Rights.

(f) State Project Director, Sarv Shiksha Abhiyan shall be a Member of the Council;

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

(h) Additional Director of Education (Schools), Government of NCT of Delhi shall be ex-officio member Secretary of the Council.

(4) The Council may especially invite representatives of other related Departments as required.

(5) The terms and conditions of appointment of members of the state advisory council shall be such as notified by government from time to time.

PART 9 Miscellaneous

26. power to issue instructions :-

The director may, if he is of opinion that in order to implement the provisions of the act in delhi it is necessary to do so, issue such instructions in relation to any matter, not covered by there rules, as he may deem fit.

27. Delegation of powers :-

The government may delegate all or any of its powers under the rules to the director or any others officers authorised by notification.