

COMPILATION OF
THE RIGHT OF
CHILDREN TO FREE
AND COMPULSORY
EDUCATION ACT, 2009
AND ITS VARIOUS
AMENDMENTS
AND CIRCULARS

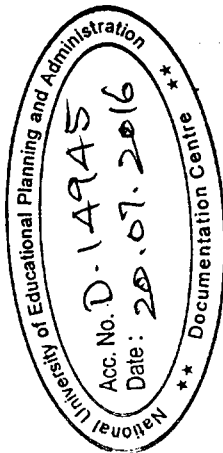
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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 39]

नई दिल्ली, बृहस्पतिवार, अगस्त 27, 2009/भाद्र 5, 1931

No. 39]

NEW DELHI, THURSDAY, AUGUST 27, 2009 / BHADRA 5, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 27th August, 2009/Bhadra 5, 1931(Saka)

The following Act of Parliament received the assent of the President on the 26th August, 2009, and is hereby published for general information:—

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

No. 35 OF 2009

[26th August, 2009.]

An Act to provide for free and compulsory education to all children of the age of six to fourteen years.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment

DEFINITIONS

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(b) "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school;

(c) "child" means a male or female child of the age of six to fourteen years;

(d) "child belonging to disadvantaged group" means a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

(e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

(f) "elementary education" means the education from first class to eighth class;

(g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;

(h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;

(i) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005;

4. of 2005

(j) "notification" means a notification published in the Official Gazette;

(k) "parent" means either the natural or step or adoptive father or mother of a child;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Schedule" means the Schedule annexed to this Act;

(n) "school" means any recognised school imparting elementary education and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

(o) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method.

(p) "specified category", in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate Government;

(q) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005.

4 of 2006.

CHAPTER II

RIGHT TO FREE AND COMPULSORY EDUCATION

3. (1) Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.

Right of child to free and compulsory education.

(2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education:

Provided that a child suffering from disability, as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

1 of 1996

4. Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:

Special provisions for children not admitted to, or who have not completed, elementary education

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

5. (1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

Right of transfer to other school

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

CHAPTER III

DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

6. For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

Duty of appropriate Government and local authority to establish school

Sharing of
financial and
other
responsibilities

7. (1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

(3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.

(4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

(5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) The Central Government shall—

(a) develop a framework of national curriculum with the help of academic authority specified under section 29;

(b) develop and enforce standards for training of teachers;

(c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

8. The appropriate Government shall—

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

Explanation.—The term "compulsory education" means obligation of the appropriate Government to—

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in section 4.

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

Duties of
appropriate
Government

(*) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers.

9. Every local authority shall—

Duties of local authority

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;

(e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;

(f) provide infrastructure including school building, teaching staff and learning material;

(g) provide special training facility specified in section 4;

(h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(i) ensure timely prescribing of curriculum and courses of study for elementary education;

(j) provide training facility for teachers;

(k) ensure admission of children of migrant families;

(l) monitor functioning of schools within its jurisdiction; and

(m) decide the academic calendar.

10. It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

Duty of parents and guardian

11. With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

Appropriate Government to provide for pre-school education

CHAPTER IV

RESPONSIBILITIES OF SCHOOLS AND TEACHERS

12. (1) For the purposes of this Act, a school,—

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 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.;

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the

Extent of school's responsibility for free and compulsory education

neighbourhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

No capitation fee and screening procedure for admission

13. (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

(2) Any school or person, if in contravention of the provisions of sub-section (1),—

(a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;

(b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.

Proof of age for admission

14. (1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis of such other document, as may be prescribed.

(2) No child shall be denied admission in a school for lack of age proof.

6 of 1886

No denial of admission

15. A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

Prohibition of holding back and expulsion.

16. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

Prohibition of physical punishment and mental harassment to child.

17. (1) No child shall be subjected to physical punishment or mental harassment.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

No School to be established without obtaining certificate of recognition

18. (1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.

(2) The authority prescribed under sub-section (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.

(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted:

Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as may be prescribed.

(4) With effect from the date of withdrawal of the recognition under sub-section (3), no such school shall continue to function.

(5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

19. (1) No school shall be established, or recognised, under section 18, unless it fulfils the norms and standards specified in the Schedule.

Norms and standards for school.

(2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement.

(3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof.

(4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function.

(5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

20. The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.

Power to amend Schedule.

21. (1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

School Management Committee

Provided that atleast three-fourth of members of such Committee shall be parents or guardians:

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

Provided also that fifty per cent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:—

- (a) monitor the working of the school;
- (b) prepare and recommend school development plan;
- (c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and
- (d) perform such other functions as may be prescribed.

22. (1) Every School Management Committee, constituted under sub-section (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.

School Development Plan.

(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.

Qualifications for appointment and terms and conditions of service of teachers.

23. (1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.

Duties of teachers and redressal of grievances

24. (1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely:—

(a) maintain regularity and punctuality in attending school;

(b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;

(c) complete entire curriculum within the specified time;

(d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;

(e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and

(f) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her.

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

Pupil-Teacher Ratio

25. (1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

Filling up vacancies of teachers

26. The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in a school under its control shall not exceed ten per cent. of the total sanctioned strength.

Prohibition of deployment of teachers for non-educational purposes

27. No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

Prohibition of private tuition by teacher

28. No teacher shall engage himself or herself in private tuition or private teaching activity.

CHAPTER V

CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

29. (1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.

Curriculum and evaluation procedure

(2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:—

(a) conformity with the values enshrined in the Constitution;

(b) all round development of the child;

(c) building up child's knowledge, potentiality and talent;

(d) development of physical and mental abilities to the fullest extent;

(e) learning through activities, discovery and exploration in a child friendly and child-centered manner;

(f) medium of instructions shall, as far as practicable, be in child's mother tongue;

(g) making the child free of fear, trauma and anxiety and helping the child to express views freely;

(h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

30. (1) No child shall be required to pass any Board examination till completion of elementary education.

Examination and completion certificate.

(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

CHAPTER VI

PROTECTION OF RIGHT OF CHILDREN

31. (1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:—

Monitoring of child's right to education.

(a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;

(b) inquire into complaints relating to child's right to free and compulsory education; and

(c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

32. (1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

Redressal of grievances.

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.

(4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

Constitution of National Advisory Council.

33. (1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed.

Constitution of State Advisory Council

34. (1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the State Advisory Council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.

CHAPTER VII

MISCELLANEOUS

Power to issue directions.

35. (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the School Management Committee regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the School Management Committee regarding implementation of the provisions of this Act.

Previous sanction for prosecution

36. No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be instituted except with the previous sanction of an officer authorised in this behalf, by the appropriate Government, by notification.

Protection of action taken in good faith

37. No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the School Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

Power of appropriate Government to make rules

38. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of giving special training and the time-limit thereof, under first proviso to section 4;

(b) the area or limits for establishment of a neighbourhood school, under section 6;

(c) the manner of maintenance of records of children up to the age of fourteen years, under clause (d) of section 9;

(d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;

(e) any other document for determining the age of child under sub-section (1) of section 14;

(f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;

(g) the authority, the form and manner of making application for certificate of recognition, under sub-section (1) of section 18;

(h) the form, the period, the manner and the conditions for issuing certificate of recognition, under sub-section (2) of section 18;

(i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;

(j) the other functions to be performed by School Management Committee under clause (d) of sub-section (2) of section 21;

(k) the manner of preparing School Development Plan under sub-section (1) of section 22;

(l) the salary and allowances payable to, and the terms and conditions of service of, teacher, under sub-section (3) of section 23;

(m) the duties to be performed by the teacher under clause (f) of sub-section (1) of section 24;

(n) the manner of redressing grievances of teachers under sub-section (3) of section 24;

(o) the form and manner of awarding certificate for completion of elementary education under sub-section (2) of section 30;

(p) the authority, the manner of its constitution and the terms and conditions therefor, under sub-section (3) of section 31;

(q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;

(r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34

(3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislatures.

THE SCHEDULE
(See sections 19 and 25)
NORMS AND STANDARDS FOR A SCHOOL.

Sl. No.	Item	Norms and Standards														
1.	Number of teachers:															
	(a) For first class to fifth class	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Admitted children</td> <td style="width: 40%;">Number of teachers</td> </tr> <tr> <td>Up to Sixty</td> <td>Two</td> </tr> <tr> <td>Between sixty-one to ninety</td> <td>Three</td> </tr> <tr> <td>Between Ninety-one to one hundred and twenty</td> <td>Four</td> </tr> <tr> <td>Between One hundred and twenty-one to two hundred</td> <td>Five</td> </tr> <tr> <td>Above One hundred and fifty children</td> <td>Five plus one Head-teacher</td> </tr> <tr> <td>Above Two hundred children</td> <td>Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty</td> </tr> </table>	Admitted children	Number of teachers	Up to Sixty	Two	Between sixty-one to ninety	Three	Between Ninety-one to one hundred and twenty	Four	Between One hundred and twenty-one to two hundred	Five	Above One hundred and fifty children	Five plus one Head-teacher	Above Two hundred children	Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty
Admitted children	Number of teachers															
Up to Sixty	Two															
Between sixty-one to ninety	Three															
Between Ninety-one to one hundred and twenty	Four															
Between One hundred and twenty-one to two hundred	Five															
Above One hundred and fifty children	Five plus one Head-teacher															
Above Two hundred children	Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty															
	(b) For sixth class to eighth class	<p>(1) At least one teacher per class so that there shall be at least one teacher each for—</p> <p>(i) Science and Mathematics;</p> <p>(ii) Social Studies;</p> <p>(iii) Languages.</p> <p>(2) At least one teacher for every thirty-five children.</p> <p>(3) Where admission of children is above one hundred—</p> <p>(i) a full time head-teacher;</p> <p>(ii) part time instructors for—</p> <p>(A) Art Education;</p> <p>(B) Health and Physical Education;</p> <p>(C) Work Education.</p>														
2.	Building	<p>All-weather building consisting of—</p> <p>(i) at least one class-room for every teacher and an office-cum-store-cum-Head teacher's room;</p> <p>(ii) barrier-free access;</p> <p>(iii) separate toilets for boys and girls;</p> <p>(iv) safe and adequate drinking water facility to all children;</p> <p>(v) a kitchen where mid-day meal is cooked in the school;</p> <p>(vi) Playground;</p>														

Sl. No.	Item	Norms and Standards
		(vii) arrangements for securing the school building by boundary wall or fencing.
3.	Minimum number of working days/instructional hours in an academic year	(i) two hundred working days for first class to fifth class; (ii) two hundred and twenty working days for sixth class to eighth class; (iii) eight hundred instructional hours per academic year for first class to fifth class; (iv) one thousand instructional hours per academic year for sixth class to eighth class.
4.	Minimum number of working hours per week for the teacher	forty-five teaching including preparation hours.
5.	Teaching learning equipment	Shall be provided to each class as required.
6.	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
7.	Play material, games and sports equipment	Shall be provided to each class as required.

T.K. VISWANATHAN,
Secretary to the Govt. of India



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

PART - II - Section 3 - Sub-section (i)

PUBLISHED BY AUTHORITY

No. 1801

NEW DELHI, FRIDAY, APRIL 9, 2010/CHITRA 19, 1993

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 8th April, 2010

G.S.R 301 (E) – In exercise of the powers conferred by section 38 of the Right of Children to Free and compulsory Education Act, 2009 (35 of 2009), the Central Government hereby makes the following rules, namely:-

1. Short title and Commencement:- (1) These Rules may be called the Right of Children to Free and Compulsory Education Rules, 2010.
- (2) They shall come into force on the date of their publication in the Official Gazette.

←PART I →PRELIMINARY ←

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) “Anganwadi” means an Anganwadi Centre established under the Integrated Child Development Services Scheme of the Ministry of Women and Child Development of the Government of India.
- c) “appointed date” means the date on which the Act comes into force, as notified in the Official Gazette.
- d) “Appropriate Government”, unless otherwise specified, means Government of a Union territory (without State Legislature):
- e) “District Education Officer” means an Officer of the appropriate Government in charge for elementary education in a district:
- 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 for the purpose of section 6 of the Act to overcome social barriers and geographical distance.
- (2) All references to "forms" in these rules shall be construed as references to forms set out in Appendix I 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 II – SCHOOL MANAGEMENT COMMITTEE

- 3. Composition and functions of the School Management Committee:** (1) A School Management Committee (hereinafter in this rule referred to as the said Committee) shall be constituted in every school, other than an unaided school, within six months of the appointed date, and reconstituted every two years.
- (2) Seventy five percent, of the strength of the said Committee shall be from amongst parents or guardians of children.
- (3) The remaining twenty five percent, of the strength of the said Committee shall be from amongst the following persons, namely:-
- one third members from amongst the elected members of the local authority, to be decided by the local authority;
 - one third members from amongst teachers from the schools, to be decided by the teachers of the school;
 - one third members from amongst local educationists or children in the school, to be decided by the parents in the said committee.
- (4) To manage its affairs, the said committee shall elect a chairperson and vice Chairperson from among the parent members; the head teacher of the school or where the school does not have a head teacher, the senior most teacher of the school, shall be the ex-officio member-convenor of the said committee.
- (5) The said 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 said Committee shall, in addition to the functions specified in clauses (a) to (d) of sub-section (2) of section 21, perform the following functions, namely:
- 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 appropriate Government, local authority, school, parent and guardian;
 - ensure the implementation of clauses (a) and (e) of section 24 and of section 28.
 - monitor that teachers are not burdened with non academic duties other than those specified in section 27.
 - ensure the enrolment and continued attendance of all the children from the neighbourhood in the school;
 - monitor the maintenance of the norms and standards specified in the schedule:
 - bring to the notice of the local authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission and timely provision of free entitlements as per sub-section (2) of section 3:
 - identify the needs, prepare a plan, and monitor the implementation of the provisions of Section 4:

- (h) monitor the identification and enrolment of, and facilities for education of children with disability, and ensure their participation in and completion of elementary education.
 - (i) monitor the implementation of the mid-day meal in the school.
 - (j) prepare an annual account of receipts and expenditure of the school.
- (7) Any money received by the said Committee for the discharge of its functions under this Act shall be kept in a separate account to be audited annually.
- (8) The accounts referred to in clause (i) to sub-rule (6) and in sub-rule (7) should be signed by the chairperson or vice-chairperson and convenor of the said Committee and made available to the local authority 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 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 Head Teachers, subject teachers and part time instructors, separately for Classes I to V and for 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 for providing special training facility specified in section 4. entitlements of children such as free text books and uniforms and any other additional requirement for fulfilling the responsibilities of the school under the Act.
- (4) The School Development Plan shall be signed by the chairperson or vicechairperson and convenor of the School Management Committee and submitted to the local authority before the end of the financial year in which it is prepared.

PART III - RIGHT TO FREE AND COMPULSORY EDUCATION

- 5. Special Training:-** (1) The School Management Committee of a school owned and managed by the appropriate Government or local authority shall identify children requiring special training and organize 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 subsection (1) of section 29.
 - b) the said training shall be provided in classes held on the premises of the school, or in classes organized 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 teachers to enable him to successfully integrate with the rest of the class, academically and emotionally

PART IV- DUTIES AND RESPONSIBILITIES OF CENTRAL GOVERNMENT, APPROPRIATE GOVERNMENT AND LOCAL AUTHORITY

6. Area or limits of neighbourhood:- (1) The area or limits of neighbourhood within which a school has to be established by the appropriate Government of the local authority shall be.

- (a) in respect of children in classes form I to V a school shall be established within a walking distance of one km of the neighbourhood:
- (b) in respect of children in classes form VI to VIII a school shall be established within a walking distance of three km of the neighbourhood:

(2) Wherever required, the appropriate Government or the local authority shall upgrade existing schools with classes form I to V to include classes form VI to VIII and in respect of schools which start form class VI onwards the appropriate Government or the local authority shall endeavour to add classes form I to V. wherever required.

(3) In places 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 appropriate Government or the local authority shall locate the school in such a manner as to avoid such dangers, by reducing the area or limits specified under sub-rule (1)

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

(5) In places with high population density, the appropriate 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.

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

(7) In respect of children with disability, which prevent them from accessing the school, the appropriate Government or the local authority shall endeavour to make appropriate and safe transportation arrangements to enable them to attend school and complete elementary education.

(8) The appropriate 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. Financial Responsibility of the Central Government:- (1) The Central Government shall prepare annual estimates of capital and recurring expenditure for carrying out the provisions of the Act, for a period of five years, within one month of the appointed date, which may be reviewed for every three years.

(2) In order to implement the provisions of the Act, the Central Government shall, within a period of six months of the appointed date, ensure that its programmes for elementary education are in conformity with the provisions of the Act.

(3) The Central Government shall, within a period of six months from the appointed date, hold consultation with the State Governments and determine the percentage of expenditure which it shall provide to the State Governments as grants-in-aid of revenues for implementation of the Act.

(4) Within one month of the appointed date, the Central Government shall cause a reference to be made to the Finance Commission, and cause similar references to be made every time the estimates are revised.

Provided that in case there is no Finance Commission in existence at the time of a particular reference, the Central Government may set up an alternative mechanism for the purpose of providing resources to the State Governments.

8. Academic responsibility of the Central Government:- (1) The Central Government shall notify an academic authority within one month of the appointed date for development of the framework of national curriculum.

(2) The Central Government shall, in consultation with the State Governments, and such other academic authorities it may consider necessary, prepare a Scheme(s) for enabling the State Governments and Union Territories to provide pre-service and in-service training of teachers in respect of schools specified in sub-clauses (i) to (iii) of clause (n) of section 2 of the Act, including a monitoring mechanism in accordance with the standards of training. 9. Responsibilities of the appropriate Government and local authority:- (1) A child attending a school of the appropriate Government or local authority referred to in sub-clause (i) of clause (n) of section 2, a child attending a school referred to in sub-clause (ii) of clause (n) of section 2 in accordance with clause (b) of sub-section (1) of section 12, and a child attending a school referred to in subclause (iii) and (iv) of clause (n) of section 2 in accordance with clause (c) of subsection (1) of section 12 shall be entitled to free education as provided for in subsection (2) of section 3 of the Act, and in particular to free text books, writing materials and uniforms:

Provided that a child with disability shall be entitled also for free special learning and support material.

Explanation: For the purposes of sub-rule (1), it may be stated that in respect of the child admitted in accordance with clause (b) of sub-section (1) of section 12 and a child admitted in accordance with 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 appropriate government or the local authority shall undertake school mapping, and identify all children, including children in remote areas, children with disability, children belonging to disadvantaged group, children belonging to weaker section and children referred to in section 4, within a period of one year from the appointed date, and every year thereafter.

(3) The appropriate Government or the 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, the appropriate 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 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.

10. 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 the said sub-rule, 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 the said sub-rule shall, in respect of every child, include

- (a) name, sex, date of birth, place of birth;
- (b) name, address, occupation of parent or guardian;
- (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 the age of 6 to 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;
- (h) whether the child belongs to a disadvantaged group;
- (i) whether the child requires special facilities or residential facilities on account of (i) migration and sparse population; (ii) age appropriate admission; and (iii) disability.

(5) The local authority shall ensure that the names of children enrolled in the schools are publicly displayed in each school.

PART V- RESPONSIBILITIES OF SCHOOLS AND TEACHERS

11. 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 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 shall ensure that children admitted in accordance with clause (c) of sub-section (1) of section 12 shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and Information, Communication and Technology (ICT) facilities, extra-curricular 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 sub-section (1) of section 12.

Provided that the school may, for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) of sub-section (1) of section 12, extend these area or limits with the prior approval of the appropriate Government.

12. Reimbursement of per-child-expenditure by the appropriate Government:- (1) The total annual recurring expenditure incurred by the appropriate Government, from its own funds, and funds provided by the Central Government and 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 appropriate Government.

Explanation:- For the purpose of determining the per-child-expenditure, the expenditure incurred by the appropriate Government 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 sub-section (2) of section 12.

13. Documents as age proof:- Wherever a birth certificate under the Births, Deaths and Marriage Certification Act, 1886 (6 of 1886) is not available, any one of the following documents shall be deemed to be proof of age of the child for the purposes of admission in schools-

- (a) hospital or Auxiliary Nurse and Midwife (ANM) register record;
- (b) anganwadi record;
- (c) declaration of the age of the child by the parent of guardian;

14. Extended period for admission:- (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 shall be eligible to complete studies with the help of special training, as determined by the head teacher of the school.

15. Recognition to school:- (1) Every school, other than a school established, owned or controlled by the Central Government, appropriate Government or the local authority, 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 specified in the Schedule and fulfillment 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 purposes of education and skill development;
- (e) the school is open to inspection by any officer authorized by the appropriate Government or the local authority;
- (f) the school furnishes such reports and such information as may be required from time to time and complies with such instructions of the appropriate Government or the local authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;

- (2) Every self declaration received in Form 1 shall be placed by the District Education Officer in public domain within fifteen days of its receipt.
- (3) The District Education Officer shall, within three months of the receipt of the self declaration, cause on-site inspection of such schools which claim in Form No 1 to fulfill the norms and standards and the conditions mentioned in sub-rule (1).
- (4) After the inspection referred to in sub-rule (3) is carried out, the inspection report shall be placed by the District Education Officer in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the District Education Officer in Form No. 2 within a period of fifteen days from the date of inspection.
- (5) Schools that do not conform the norms, standards and conditions mentioned in sub-rule (1) shall be listed by the District Education Officer through a public order to this effect; such schools may request the District Education Officer for an on-site inspection for grant of recognition at any time within the next two and a half years, so that such period does not exceed three years from the commencement of the Act;
- (6) 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.
- (7) Every school, other than a school established, owned or controlled by the Central Government, appropriate Government or local authority, established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-rule (1) in order to qualify for recognition under this rule.

16. Withdrawal of recognition to school:- (1) Where the District Education Officer (hereinafter in this rule referred to as the said 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 recognized under rule 15, has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards specified in the Schedule, the District Education 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 found to be satisfactory or no explanation is received within the stipulated time period, the said 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 said Officer.
- c. on receipt of the report and recommendations of the Committee, the said Officer may Pass order for withdrawal of recognition:

Provided that no order for withdrawal of recognition shall be passed by the said officer 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 appropriate Government.

- (2) The order of withdrawal of recognition passed by the said Officer 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 VI- TEACHERS

17. Minimum qualifications:- (1) The Central Government shall, within one month of the appointed date, notify an academic authority for laying down the minimum qualifications for a person to be eligible for appointment as a teacher.

(2) The academic authority notified under sub-rule (1), shall, within three months of such notification, lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.

(3) The minimum qualifications laid down by the academic authority referred to in sub-rule (1) shall be applicable for every school referred to in clause (n) of section 2.

18. Relaxation of minimum qualifications:- (1) The State Government and the Union territory shall, within six months from the commencement of the Act, estimate the teacher requirement as per the norms in the schedule for all schools referred to in clause (n) of section 2.

(2) Where a State Government or a Union territory does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as notified in sub-rule (2) of rule 17 are not available in sufficient numbers in relation to the requirement of teachers estimated under subrule (1) the State Government or the Union territory 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 State Government or the Union territory and may by notification, relax the minimum qualifications.

(4) The notification referred 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 specified by the academic authority notified under sub-section (1) of section 23.

(5) After six months from the commencement of Act, no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualifications notified in sub-rule (2) of rule 17, without the notification of relaxation referred to in sub-rule (3)

(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 certificate to equivalent.

19. Acquiring minimum qualifications:- (1) The State Government and the Union territory shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clause (i), and schools owned and managed by the Central Government or the State Government or Union territory or local authority under sub-clause (iii),of clause (n) of section 2, who do not possess the minimum qualifications laid down sub-rule (2) of rule 17 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 school referred to in sub-clauses(ii) and (iv) of clause (n) of section 2, and of a school referred to in sub-clause(iii) of clause (n) of section 2 not owned and managed by the Central Government, State Government or Union Territory or local, who does not possess the minimum qualifications laid down under sub-rule (2) of Rule 17 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.

20. Salary and allowances and conditions of service of teachers:- (1) The Central Government or the appropriate Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers of schools owned and managed by them in order to create a professional and permanent cadre of teachers..

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

- a) Accountability of teachers to the School Management Committee;
- 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 shall be at par for similar qualification, work and experience.

21. Duties performed by teachers:- (1) The teacher shall maintain a file containing the pupil cumulative record for every child shall be the basis for awarding the certificate for completion of elementary education.

(2) A teacher, in addition to the functions specified in clauses (a) to (e) of subsection (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:

22. Maintaining Pupil-teacher ratio:- (1) The sanctioned strength of teachers in a school shall be notified by the Central Government, appropriate Government or the local authority, as the case may be, within a period of three months of the appointed date.

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

(2) If any person of the Central Government, appropriate Government 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 VII—CURRICULAM AND COMPLETION OF ELEMENTARY EDUCATION

23. Academic authority:- (1) The Central Government shall notify an academic authority for the purposes of section 29 within one month of the appointed date.

(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.

- 24. 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 VIII – PROTECTION OF RIGHT OF CHILDREN

- 25. Performance of functions by the National Commission for Protection of Child Rights:-** The Central Government shall provide resource support to the National Commission for Protection of Child Rights in performance of its functions under the Act.

- 26. Manner of furnishing complaints before the National Commission for Protection of Child Rights:-** The National Commission for protection of Child Rights may set up a child help-line 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.

- 27. Performance of functions by the State Commission for Protection of Child Rights:-** (1) An appropriate Government which does not have a State Commission for Protection of Child Rights, may take immediate steps to set up such commission.

- (2) Till such time as the appropriate Government sets up the State Commission for Protection of Child Rights, it shall constitute an interim authority known as the Right to Education Protection Authority (hereinafter in this rule referred to as the REPA) for the purposes of performing the functions specified in sub-section (1) of section 31, within six months of the Commencement of Act or the constitution of the State Commission for Protection of Child Rights, whichever is earlier.

- (3) The Right to Education Protection Authority (REPA) shall consist of the following, namely

- a) A chairperson who is a person of high academic repute or has been a High Court Judge or has done outstanding work for promoting the rights of children; and
- b) Two members, of whom at least one shall be a woman, from 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;
 - iv) Elimination of child labour or working with children in distress;
 - 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 chairperson and other members of the REPA.

- (5) Immediately after the constitution of the State Commission for Protection of Child Rights, all records and assets of the REPA shall be transferred to it.

- (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.

(7) The appropriate Government shall provide resource support to the State Commission for Protection of Child Rights or the REPA, as the Case may be, in performance of its functions under the Act.

28. Manner of Furnishing complaints before the State Commission for Protection of Child Rights: 1) The State Commission for Protection of Child Rights, or the Right to Education Protection Authority (hereinafter in this rule referred to as REPA), as the case may be, may set up a child help line which would register complaints regarding violation of rights of the child under the Act, which may be monitored by it through a transparent on line mechanism.

29. Constitution of the National Advisory Council (1) The National Advisory Council (hereinafter in this rule referred to as the Council) shall consist of a Chairperson and fourteen Members.

(2) The Minister of Human Resource Development shall be the ex-officio chairperson of the Council.

(3) Members of the Council shall be appointed by the Central 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 the Scheduled Caste, the Scheduled Tribe and minorities:
 - b) At least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs:
 - c) One member should be from amongst persons having specialized 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, School Education and Literacy
 - ii) Director, National Council of Education Research and Training
 - iii) Vice Chancellor, National University of Educational Planning and Administration
 - iv) Chairperson, National Council of Teacher Education
 - v) Chairperson, National Commission of Protection of Child Rights
 - f) One third of all members shall be women.
 - g) Joint Secretary in charge of implementation of the Act will be ex-officio Member Secretary, and secretarial support will be provided by the Department of School Education and Literacy.
- (4) The Council may especially invite representatives of other related Ministries/Departments as required

30. Functions of the National Advisory Council:- (1) The National Advisory Council shall function in an advisory capacity.

(2) The National Advisory Council shall perform one or more of the following functions, namely:-

- a) review
 - i) norms and standards specified in the Schedule;
 - ii) compliance with teacher qualifications and trainings; and
 - iii) implementation of section 29;
- b) Commission studies and research for the effective implementation of the Act;

- c) Co-ordinate with the State Advisory Councils;
- d) Act as an interface between the public and the media and the Central Government in creating awareness, mobilization, and a positive environment for the implementation of the Act.

(3) The National Advisory Council shall prepare reports relating to the reviews, studies and research undertaken by it and furnish the same to the Central Government.

31. Constitution of the State Advisory Council:- (1) The State Advisory Council (hereinafter referred to in this rule as the Council) shall consist of a chairperson and fourteen members.

(2) The Minister in-charge of School Education in the appropriate Government shall be the ex-officio chairperson of the Council.

(3) Members of the Council shall be appointed by the appropriate 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 the Scheduled Caste, the Scheduled Tribe and minorities;
- b) At least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
- c) One member should be from amongst persons having specialized 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 in charge of Elementary Education
 - ii) Director State Council of Educational Research and Training/State Institute of Education
 - iii) Commissioner/Director of Elementary Education.
 - iv) Chairperson, State Commission for Protection of Child Rights/Right to Education Protection Authority
- f) One third of all members shall be women
- g) SPD, SSA shall be ex-officio Member Secretary of the Council

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

[F.No.1-8/2009-EE-4]
ANITA KAUL, Joint Secretary

APPENDIX

FORM 1

**SELF DECLARATION CUM APPLICATION
FOR GRANT OF RECOGNITION OF SCHOOL
(See sub-rule (1) of rule 15)**

To

The District Education Officer
(Name of District and Union territory)

Sir,

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

Yours faithfully,
Enclosure :
Place :
Date :

Chairman of Managing
Committee/Manager

A. School Details

1.	Name of School	
2.	Academic Session	
3.	District	
4.	Postal Address	
5.	Village/City	
6.	Tahsil	
7.	Pin Code	
8.	Phone No. with STD Code	
9.	Fax. No	
10.	E-mail address if any	
11.	Nearest Police Station	

B. GENERAL INFORMATION

1	Year of Foundation			
2	Date of First Opening of School			
3	Name of Trust/Society/Managing Committee			
4	Whether Trust/Society/Managing Committee/is registered			
5	Period upto which Registration of Trust/Society/Managing Committee is valid			
6	Whether there is a proof of non-proprietary character of the Trust/Society/Managing Committee supported by the list of members with their address on an affidavit in copy			
7	Name official address of the Manager/President/Chairman of the School			
	Name:			
	Designation			
	Address			
7	Phone	(O)..... (R).....		
8	Total Income and Expenditure during last 3 years surplus/deficit			
	Year	Income	Expenditure	Surplus/deficit

C. Nature and area of School		
1	Medium of Instruction	
2.	Type of School (Specify entry & exit classes)	
3.	If aided, the name of agency and percentage of aid	
4.	If School Recognized	
5.	If so, by which authority • Recognition Number	
6	Does the school has its own building or is it running in a rented building	
7.	Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development?	
8.	Total area of the School	
9	Built in area of the school	

D. Enrollment Status			
	Class	No. of Section	No. of Students
1.	Pre-Primary		
2.	I-V		
3.	VI-VIII		

C. Nature and area of School

1	Medium of Instruction	
2.	Type of School (Specify entry & exit classes)	
3.	If aided, the name of agency and percentage of aid	
4.	If School Recognized	
5.	If so, by which authority • Recognition Number	
6	Does the school has its own building or is it running in a rented building	
7.	Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development?	
8.	Total area of the School	
9	Built in area of the school	

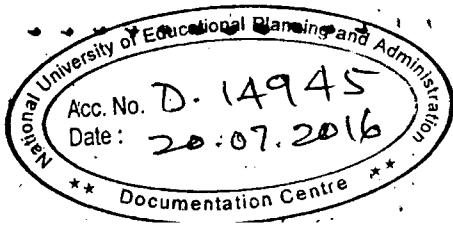
D. Enrollment Status

	Class	No. of Section	No. of Students
1.	Pre-Primary		
2.	I-V		
3.	VI-VIII		

G. Particulars of Teaching Staff			
1. Teaching in Primary/Upper Primary exclusively (details of each teacher separately)			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualification (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)
2. Teaching in Both Elementary and Secondary (details of each teacher separately)			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualification (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)
3. Head Teacher			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualification (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)

H. Curriculum and Syllabus		
1	Details of curriculum & syllabus followed in each class (upto VIII)	
2	System of pupil Assessment	
3	Whether pupils of the school are required to take any Board Exam upto class 8?	

- (I) Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.
- (j) Certified that the school is open to inspection by any officer authorized by the appropriate authority;
- (K) Certified that the school undertakes to furnish such reports and information as may be required by the District Education Officer from time to time and complies with such instructions of the appropriate authority or the District Education Officer as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
- (L) Certified that records of the school pertinent to the implementation of this Act shall be open to inspection by any officer authorized by the District Education Officer or appropriate authority at any time, and the school shall furnish all such information as may be necessary to enable the Central Government or the Local Body or the Administration to discharge its or his obligations to Parliament/Panchayat/Municipal Corporation as the case may be.



Sd/-

Chairman/Manager

Managing Committee

.....School

Place:

Form II

Gram:

Phone:

E-Mail :

Fax :

OFFICE OF DISTRICT EDUCATION OFFICER

(Name of District/Union Territory)

No.

Dated:

The Manager,

Sub:- Recognition Certificate for the school under sub-rule (4) of rule 15 of Right of Children to Free and Compulsory Education Rules, 2010 for the purpose of section 18 of Right of Children to Free and Compulsory Education Act, 2009.

Dear Sir/Madam,

With reference to your application dated.....and subsequent correspondence with the school/inspection in this regard, I convey the grant for provisional recognition to the(name of the school with address) for Class.....to Class.....for a period of three years w.e.f.....to.....

The above sanction is subject to fulfillment of following conditions:-

1. The grant for recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VIII.
2. The school shall abide by the provisions of Right of Children to Free and Compulsory Education Act 2009 (Annexure 1) and the Right of children to Free and Compulsory Education Rules,2010 (Annexure II).
3. The school shall admit in class I (or in pre-school class, as the case may be), to the extent of % of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.
4. For the children referred to in paragraph 3, the school shall be reimbursed in accordance with the provisions of sub-section (2) of section 12 of the Act. To receive such reimbursements school shall maintain a separate bank account.
5. The Society / School shall not collect any capitation fee and subject the child or his or her parent or guardian to any screening procedure.
6. The school shall not deny admission to any child for lack of age of proof shall adhere to the provisions of section 15 of the Act. The School shall ensure:
 - (i) No child admitted shall be held back in any class or expelled from school till the completion of elementary education in a school;
 - (ii) No child shall be subjected to physical punishment or mental harassment;
 - (iii) No child is required to pass any board examination till the completion of elementary education;
 - (iv) Every child completing elementary education shall be awarded a certificate as laid down under rule 25

- (v) Inclusion of students with disabilities /special needs as per provision of the Act.
- (vi) The teachers are recruited with minimum qualifications as laid under section 23(1) of the Act. Provided further that the current teachers who, at the commencement of this Act do not possess minimum qualifications shall acquire such minimum qualifications within a period of 5 years;
- (vii) The teacher performs its duties specified under section 24 (1) of the Act and
- (viii) The teachers shall not engage himself or herself for private teaching activities.
7. The school shall follow the syllabus on the basis of curriculum laid down by appropriate authority.
8. The school shall maintain the standards and norms of the school as specified in section 19 of the Act. The facilities reported at the time of last inspection are as given under:-
- Area of school campus
Total built up area
Area of play ground
No. of class rooms
Room for Headmaster-cum-Office-cum-Storeroom
Separate toilet for boys and girls
Drinking Water Facility
Kitchen for cooking Mid Day Meal
Barrier free Access
Availability of Teaching Learning Material/Play Sports Equipments/Library
9. No unrecognized classes shall run within the premises of the school or outside in the same name of school.
10. The school buildings or other structures or the grounds are used only for the purposes education and skill development.
11. 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;
12. The school is not run for profit to any individual, group or association of individuals or any other persons;
13. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per rules. A copy each of the Statement of Accounts should be sent to the District Educational Officer every year.
14. The recognition Code Number allotted to your school isThis may please be noted and quoted for any correspondence with this office.
15. The school furnishes such reports and information as may be required by the Director of Education / District Education Officer from time to time and complies with such instructions of the Appropriate Government/Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
16. Renewal of Registration of Society if any, be ensured.
17. Other conditions as per Annexure enclosed.

Yours faithfully,
District Education Officer



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 359]

नई दिल्ली, शुक्रवार, फरवरी 19, 2010/माघ 30, 1931

No. 359]

NEW DELHI, FRIDAY, FEBRUARY 19, 2010/MAGHA 30, 1931

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 16 फरवरी, 2010

का.अ.427(अ).— केन्द्रीय सरकार, संविधान (छियासीवां संशोधन) अधिनियम, 2002 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा सं 1-13/2009-ई ई-4]

अंशु वैश्य, सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 16th February, 2010

S.O. 427(E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Eighty-sixth Amendment) Act, 2002, the Central Government hereby appoints the 1st day of April, 2010 as the date on which the provisions of the said Act shall come into force.

[F. No. 1-13/2009-EE-4]

ANSHU VAISH, Secy.

अधिसूचना

नई दिल्ली, 16 फरवरी, 2010

वा.आ.428(ए)—केन्द्रीय सरकार, निःशुल्क और अनिवार्य बाल शिक्षा का अधिनियम अधिनियम, 2009 (2009 का 35) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबन्ध प्रवृत्त होंगे।

[फा. सं. 1-13/2009-ई. ई.-4]

अंशु वैश्य, सचिव

NOTIFICATION

New Delhi, the 16th February, 2010

S.O. 428(E)—In exercise of the powers conferred by sub-section (3) of section 1 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby appoints the 1st day of April, 2010 as the date on which the provisions of the said Act shall come into force.

[F. No. 1-13/2009-EE-4]

ANSHU VAISH, Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (II)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 622]

नई दिल्ली, सोमवार, अप्रैल 5, 2010/चैत्र 15, 1932

No. 622]

NEW DELHI, MONDAY, APRIL 5, 2010/CHAITRA 15, 1932

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा एवं साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 31 मार्च, 2010

का.आ. 749(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 29 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद् को प्रारंभिक शिक्षा के लिए पाठ्यचर्या तथा मूल्यांकन प्रविधि निर्धारित करने और इस अधिनियम की धारा 7 की उप-धारा (6) के खण्ड (क) के तहत राष्ट्रीय पाठ्यचर्या संरचना तैयार करने वाले शैक्षिक प्राधिकरण के रूप में प्राधिकृत करती है।

[फा. सं. 1-13/2009-ई. ई.-4]

अनिता कौल, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 31st March, 2010

S.O. 749(E).—In exercise of the powers conferred by sub-section (1) of Section 29 of the Right of Children to Free and Compulsory Education Act, 2009, the Central Government hereby authorises the National Council of Educational Research and Training as the academic authority to lay down the curriculum and evaluation

1235 GI/2010

procedure for elementary education, and to develop framework of national curriculum under clause (a) of sub-section (6) of Section 7 of the Act.

[F. No. 1-13/2009-EE

ANITA KAUL, Jt. Sec

अधिसूचना

नई दिल्ली, 31 मार्च, 2010

का.आ. 750(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा राष्ट्र अध्यापक शिक्षा परिषद् को शिक्षक क्रे रूप में नियुक्त किए जाने लिए पात्र व्यक्ति के लिए न्यूनतम अर्हताओं का निर्धारण करने व शैक्षिक प्राधिकरण के रूप में प्राधिकृत करती है।

[फा. सं. 1-13/2009-ई. ई.-

अनिता कौल, संयुक्त सचिव

NOTIFICATION

New Delhi, the 31st March, 2010

S.O. 750(E).—In exercise of the powers conferred by sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009, the Central Government hereby authorises the National Council of Teacher Education as the academic authority to lay down the minimum qualifications for a person to be eligible for appointment as a teacher.

[F. No. 1-13/2009-EE

ANITA KAUL, Jt. Sec



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1378]

नई दिल्ली, बृहस्पतिवार, जुलाई 8, 2010/आषाढ़ 17, 1932

No. 1378]

NEW DELHI, THURSDAY, JULY 8, 2010/ASADHA 17, 1932

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 8 जुलाई, 2010

का.आ. 1631(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार नियम, 2010 के नियम 29 के साथ पठित निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 33 की उप-धारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा निम्नलिखित गठन से राष्ट्रीय सलाहकार परिषद् का गठन करती है :—

अध्यक्ष

मानव संसाधन विकास मंत्री, भारत सरकार

पदेन सदस्य

1. सचिव, स्कूल शिक्षा और साक्षरता विभाग, मानव संसाधन विकास मंत्रालय, भारत सरकार
2. निदेशक, राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्, नई दिल्ली
3. कुलपति, राष्ट्रीय शैक्षिक आयोग और प्रशासन विश्वविद्यालय, नई दिल्ली
4. अध्यक्ष, राष्ट्रीय अध्यापक शिक्षा परिषद्, नई दिल्ली
5. अध्यक्ष, राष्ट्रीय बाल अधिकार सुरक्षा आयोग, नई दिल्ली

नामित सदस्य

1. श्री किरन कार्निंक, क्यू-2ए, हाँज खास एन्क्लेव, नई दिल्ली-110016

2. प्रो. योगेन्द्र यादव, विकासशील सोसायटी के अध्ययन केन्द्र, 29, राजपुर रोड, दिल्ली-110054

3. डॉ. विनोद रैना, भारत ज्ञान-विज्ञान समिति, नई दिल्ली

4. श्री के. के. अबूबकर, एमईएस, सांस्कृतिक काम्प्लेक्स, जज एवेन्यू, कलूर, कोची-682017

5. सुश्री ऐनी नामला, सामाजिक समानता और समेकन केन्द्र, 7/24, दूसरा तल, पश्चिमी पटेल नगर, नई दिल्ली-110008

6. प्रो. मृणाल मीरी, पूर्व कुलपति, पूर्वोत्तर पर्वतीय विश्वविद्यालय, ए-39, एनडीएसई, भाग-1, नई दिल्ली-110049

7. डॉ. अमिता ढांडा, कानून के प्रोफेसर, एनएएलएसएआर विश्वविद्यालय, हैदराबाद

8. सुश्री बेनिता कौल, शैक्षणिक और शिक्षा केन्द्र, अंबेडकर दिल्ली विश्वविद्यालय, प्लॉट नं. 13, सेक्टर-9, द्वारका, नई दिल्ली-110075

9. प्रो. कृष्ण कुमार, केन्द्रीय शिक्षा संस्थान, दिल्ली विश्वविद्यालय

राष्ट्रीय सलाहकार परिषद् का कार्य निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम के प्रावधानों के प्रभावी कार्यान्वयन पर केन्द्र सरकार को परामर्श देना होगा ।

परिषद् के नामित सदस्यों के कार्यकाल की अवधि अधिसूचना की तारीख से दो वर्ष की होगी ।

स्कूल शिक्षा और साक्षरता विभाग राष्ट्रीय सलाहकार परिषद् के सचिवालय के रूप में कार्य करेगा ।

[फा. सं. 1-11/2009-ईई-4]

अनिता कौल, अपर सचिव

**MINISTRY OF HUMAN RESOURCE
DEVELOPMENT**

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 8th July, 2010

S.O. 1631(E).—In exercise of the powers conferred by sub-section (1) of Section 33 of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), read with Rule 29 of the Right of Children to Free and Compulsory Education Rules, 2010, the Central Government hereby constitutes the National Advisory Council as per following composition :—

Chairperson

Minister of Human Resource Development,
Government of India

Ex-officio Members

1. Secretary, Department of School Education & Literacy, Ministry of Human Resource Development, Government of India
2. Director, National Council for Educational Research and Training, New Delhi
3. Vice Chancellor, National University of Educational Planning and Administration, New Delhi
4. Chairperson, National Council for Teacher Education, New Delhi
5. Chairperson, National Commission for Protection for Child Rights, New Delhi

Nominated Members

1. Shri Kiran Karnik, Q-2A, Hauz Khas Enclave, New Delhi-110016

2. Prof. Yogendra Yadav, Centre for the Study of Developing Societies, 29, Rajpur Road, Delhi-110054
3. Dr. Vinod Raina, Bharat Gyan Vigyan Samithi, New Delhi
4. Shri K. K. Aboobacker, M.E.S. Cultural Complex, Judges Avenue, Kaloor, Kochi-682017
5. Ms. Annie Namala, Centre for Social Equity and Inclusion, 7/24, 2nd Floor, West Patel Nagar, New Delhi-110008
6. Prof. Mrinal Miri, Former Vice-Chancellor, North East Hill University, A-39, NDSE, Part-I, New Delhi-110049
7. Dr. Amita Dhanda, Professor of Law, NALSAR University, Hyderabad
8. Ms. Venita Kaul, Head, Centre for Early Childhood Care & Education, Ambedkar University of Delhi, Plot No.13, Sector-9, Dwarka, New Delhi-110075
9. Prof. Krishna Kumar, Central Institute of Education, University of Delhi

The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the RTE Act in an effective manner.

The period of tenure of the nominated members of the Council would be 2 (two) years from the date of notification.

The Department of School Education & Literacy would serve as the Secretariat to the National Advisory Council.

[F.No. 1-11/2009-EE-4]

ANITA KAUL, Addl. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 215]

नई दिल्ली, बुधवार, अगस्त 25, 2010/भाद्र 3, 1932

No. 215]

NEW DELHI, WEDNESDAY, AUGUST 25, 2010/BHADRA 3, 1932

राष्ट्रीय अध्यापक शिक्षा परिषद्

अधिसूचना

नई दिल्ली, 23 अगस्त, 2010

फा. सं. 61-03/2010/एनसीटीई (एन एंड एस).—निःशुल्क एवं अनिवार्य बाल शिक्षा अधिनियम, 2009 (2009 का 35) के धारा 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और स्कूली शिक्षा और साक्षरता विभाग, मानव संसाधन विकास मंत्रालय, भारत सरकार द्वारा जारी दिनांक 31 मार्च, 2010 की अधिसूचना सं. का.आ. 750(अ) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद् एतद्वारा इस अधिसूचना की तिथि से निःशुल्क और अनिवार्य बाल शिक्षा अधिनियम, 2009 की धारा 2 के खण्ड (ढ) में संदर्भित स्कूलों में कक्षा I से VIII में अध्यापक के रूप में नियुक्ति की पात्रता हेतु निम्नलिखित न्यूनतम योग्यता निर्धारित करती है :—

1. न्यूनतम योग्यता —

(i) कक्षा I-V

(क) न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो)

या

न्यूनतम 45% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो), जो राष्ट्रीय अध्यापक शिक्षा परिषद् (गान्यता, मानक और क्रियाविधि) विनियम, 2002 के अनुसार प्राप्त किया गया हो।

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय प्रारंभिक शिक्षा शास्त्र स्नातक (बी.एल.एड.)

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (विशेष शिक्षा)

और

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा निरूपित मार्गदर्शी सिद्धान्तों के अधीन उपयुक्त सरकारों द्वारा आयोजित [अध्यापक पात्रता परीक्षा (टी.ई.टी) में उत्तीर्ण]।

(ii) कक्षा VI-VIII

(क) बी.ए./बी.एससी और प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो)

या

न्यूनतम 50% अंकों के साथ बी.ए. / बी.एस.सी. एवं शिक्षा शास्त्र में एकवर्षीय स्नातक (बी.एड.)

या

न्यूनतम 45% अंकों के साथ बी.ए./बी.एससी एवं शिक्षा शास्त्र में एकवर्षीय स्नातक (बी.एड.) जो इस संबंध में समय-समय पर जारी राष्ट्रीय अध्यापक शिक्षा परिषद् (मान्यता, मानक और क्रियाविधि) विनियम के अनुसार प्राप्त किया गया हो

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय प्रारंभिक शिक्षा शास्त्र स्नातक (बी.एल.एड.)

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय बी.ए./बी.एससी एड. या बी.ए.एड./बी.एससी.एड.

या

न्यूनतम 50% अंकों के साथ बी.ए./बी.एससी एवं एकवर्षीय बी.एड. (विशेष शिक्षा)

और

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा निरूपित मार्गदर्शी सिद्धान्तों के अधीन उपयुक्त सरकारों द्वारा आयोजित [अध्यापक पात्रता परीक्षा (टी.ई.टी) में उत्तीर्ण]।

2. अध्यापक शिक्षा शास्त्र में डिप्लोमा/डिग्री पाठ्यक्रम - इस अधिसूचना के संदर्भ में केवल राष्ट्रीय अध्यापक शिक्षा परिषद् (सअशिष) द्वारा मान्यता-प्राप्त अध्यापक शिक्षा शास्त्र में डिप्लोमा/डिग्री पाठ्यक्रम मान्य होगा। शिक्षा शास्त्र में डिप्लोमा (विशेष शिक्षा) और बी.एड. (विशेष शिक्षा) के लिए केवल भारतीय पुनर्वास परिषद् (आरसीआई) द्वारा मान्यता-प्राप्त पाठ्यक्रम मान्य होगा।

3. विशेष अनिवार्य प्रशिक्षण - वह व्यक्ति,

(क) जिसके पास न्यूनतम 50% अंकों के साथ बी.ए./बी.एससी और बी.एड. योग्यता है, कक्षा I से V में नियुक्ति के लिए 1 जनवरी, 2012 तक पात्र होगा, बशर्ते कि वह नियुक्ति के बाद

प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त कर ले ।

(ख) जिसके पास डी. एड. (विशेष शिक्षा) या बी.एड. (विशेष शिक्षा) की योग्यता है, उसे नियुक्ति के बाद प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा मान्यता प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना आवश्यक होगा ।

4. इस अधिसूचना की तिथि से पहले नियुक्त अध्यापक :- इस अधिसूचना की तिथि से पूर्व कक्षा I से VIII के लिए नियुक्त निम्नलिखित श्रेणी के अध्यापकों को उपर्युक्त पैरा (1) में निर्धारित न्यूनतम योग्यतां हासिल करने की आवश्यकता नहीं है :-

(क) राष्ट्रीय अध्यापक शिक्षा परिषद (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनियम, 2001 (समय-समय पर यथा संशोधित) के अनुसार 3 सितम्बर, 2001 अथवा उसके बाद नियुक्त अध्यापक ।

किन्तु बी.एड. की योग्यता रखने वाले कक्षा I से V के अध्यापकों या बी.एड. (विशेष शिक्षा) या डी.एड. (विशेष शिक्षा) की योग्यता रखने वाले अध्यापकों को प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना होगा ।

(ख) कक्षा I से V के शिक्षा स्नातक (बी.एड) योग्यताधारी अध्यापक जिसने पूर्व में राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा अनुमोदित 6-माह का विशेष आधारभूत अध्यापक पाठ्यक्रम (विशेष बी.टी.सी.) पूरा कर लिया है ।

(ग) भर्ती नियमों के अनुसार 3 सितम्बर, 2001 से पहले नियुक्त अध्यापक।

5. कुछ मामलों में इस अधिसूचना की तिथि के बाद नियुक्त अध्यापक — इस अधिसूचना की तिथि से पूर्व यदि सरकारों अथवा स्थानीय प्राधिकारियों अथवा विद्यालयों द्वारा विज्ञापन जारी कर अध्यापकों की नियुक्ति की प्रक्रिया आरम्भ कर दी गई है, ऐसी स्थिति में नियुक्तियों, राष्ट्रीय अध्यापक शिक्षा परिषद (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनियम, 2001 (समय-समय पर यथासंशोधित) के अनुसार की जा सकती हैं।

हसीब अहमद, सदस्य-सचिव
[विज्ञापन III/4/131/10-असा.]

**NATIONAL COUNCIL FOR TEACHER EDUCATION
NOTIFICATION**

New Delhi, the 23rd August, 2010

F. No. 61-03/20/2010/NCTE/(N&S).—In exercise of the powers conferred by Sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), and in pursuance of Notification No. S.O. 750 (E) dated 1st March, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, the National Council for Teacher Education (NCTE) hereby lays down the following minimum qualifications for a person to be eligible for appointment as a teacher in class I to VIII in a school referred to in clause (n) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009, with effect from the date of this Notification :—

I Minimum Qualifications.-

(i) Classes I-V

(a) Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Elementary Education (by whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2 - year Diploma in Elementary Education (by whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations 2002

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B. El. Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Education (Special Education)

AND

- (b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

(ii) **Classes VI-VIII**

- (a) B.A./B.Sc and 2 - year Diploma in Elementary Education (by whatever name known)

OR

B.A./B.Sc. with at least 50% marks and 1 - year Bachelor in Education (B. Ed)

OR

B.A./B.Sc. with at least 45% marks and 1 - year Bachelor in Education (B. Ed), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor in Elementary Education (B. El. Ed)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year BA/B.Sc. Ed or B.A. Ed./BSc. Ed.

OR

B.A./B.Sc. with at least 50% marks and 1 - year B.Ed. (Special Education)

AND

- (b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

2 Diploma/Degree Course in Teacher Education.- For the purposes of this Notification, a diploma/degree course in teacher education recognized by the National Council for Teacher Education (NCTE) only shall be considered. However, in case of Diploma in Education (Special Education) and B. Ed (Special Education), a course recognized by the Rehabilitation Council of India (RCI) only shall be considered.

3 Training to be undergone.- A person -

(a) with B/B.Sc. with at least 50% marks and B. Ed qualification shall also be eligible for appointment for class I to V upto 1st January, 2012, provided he undergoes, after appointment, an NCTE recognized 6-month special programme in Elementary Education.

(b) with D. Ed (Special Education) or B. Ed (Special Education) qualification shall undergo, after appointment, an NCTE recognized 6-month special programme in Elementary Education.

4 Teacher appointed before the date of this Notification.- The following categories of teachers appointed for classes I to VIII prior to date of this Notification need not acquire the minimum qualifications specified in Para (1) above.:

(a) A teacher appointed on or after the 3rd September, 2001 i.e. the date on which the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time) came into force, in accordance with that Regulation.

Provided that a teacher of class I to V possessing B. Ed qualification, or a teacher possessing B. Ed (Special Education) or D. Ed (Special Education) qualification shall undergo an NCTE recognized 6 – month special programme on elementary education.

(b) A teacher of class I to V with B. Ed qualification who has completed a 6-month Special Basic Teacher Course (Special BTC) approved by the NCTE;

(c) A teacher appointed before the 3rd September, 2001, in accordance with the prevalent Recruitment Rules.

5 Teacher appointed after the date of this Notification in certain cases.- Where an appropriate Government, or local authority or a school has issued an advertisement to initiate the process of appointment of teachers prior to the date of this Notification, such appointments may be made in accordance with the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time).

HASIB AHMAD, Member-Secy.
[ADVT III/4/131/10-Exty.]



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 158]

नई दिल्ली, मंगलवार, अगस्त 2, 2011/श्रावण 11, 1933

No. 158]

NEW DELHI, TUESDAY, AUGUST 2, 2011/SRAVANA 11, 1933

राष्ट्रीय अध्यापक शिक्षा परिषद्

अधिसूचना

नई दिल्ली, 29 जुलाई, 2011

फा. सं. 61-1/2011/राअशिप(मा. तथा मा.)—निःशुल्क एवं अनिवार्य बाल शिक्षा अधिनियम, 2009 (2009 का 35) के खण्ड 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और स्कूली शिक्षा और साक्षरता विभाग, मानव संसाधन विकास मंत्रालय, भारत सरकार द्वारा जारी दिनांक 31 मार्च, 2010 की अधिसूचना संख्या का.आ. 750(अ) के अनुसरण में, राष्ट्रीय अध्यापक शिक्षा परिषद् (राअशिप) एतद्वारा अध्यापक के रूप में नियुक्ति के लिए पात्र होने के वास्ते न्यूनतम अर्हताएं निर्धारित करने वाली दिनांक 23 अगस्त, 2010 की फा. संख्या 61-1/2010-राअशिप (मा. तथा मा.) के रूप में भारत के राजपत्र, असाधारण के भाग III, खण्ड 4 में प्रकाशित संख्या 215 दिनांक 25 अगस्त 2010 की अधिसूचना में एतद्वारा निम्न संशोधन करती है (जिसका उल्लेख मूल अधिसूचना के रूप में किया जाएगा)—

(1) मूल अधिसूचना के पैरा 1 के उप-पैरा (1) के स्थान पर निम्न प्रतिस्थापित किया जाएगा, नामतः :-

1. न्यूनतम अर्हताएं :

(i) कक्षा I से V

(क) न्यूनतम 50 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) तथा प्रारम्भिक शिक्षा में द्विवर्षीय डिप्लोमा (चाहे उसे कोई भी नाम दिया गया हो)

अथवा

न्यूनतम 45 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) एवं प्रारम्भिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा चाहे जिस किसी नाम से जाना जाता हो जो राष्ट्रीय अध्यापक शिक्षा परिषद् (मान्यता, मानदण्ड और क्रियाविधि) विनियम, 2002 के अनुसार प्राप्त किया गया हो।

अथवा

न्यूनतम 50 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) तथा 4 वर्षीय प्रारम्भिक शिक्षा शास्त्र में स्नातक (बी.एल.एड.)

अथवा

न्यूनतम 50 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) तथा शिक्षा शास्त्र (विशेष शिक्षा) में द्विवर्षीय डिप्लोमा

अथवा

स्नातक तथा प्रारम्भिक शिक्षा में द्विवर्षीय डिप्लोमा (चाहे जिस किसी नाम से जाना जाता हो)

तथा

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा इस प्रयोजन के लिए जारी किए गए मार्गदर्शी सिद्धान्तों के अनुसार उपयुक्त सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा (टी.ई.टी.) में पास होना।

(II) मूल अधिसूचना के पैरा 1 के उप-पैरा (ii) के स्थान पर निम्न प्रतिस्थापित किया जाएगा, नामतः :—

1. (ii) कक्षा VI—VIII

(क) स्नातक और प्रारम्भिक शिक्षा में द्विवर्षीय डिप्लोमा (चाहे जिस किसी नाम से जाना जाता हो)

अथवा

न्यूनतम 50 प्रतिशत अंकों के साथ स्नातक एवं शिक्षा शास्त्र में एक वर्षीय स्नातक (बी.एड.)

अथवा

न्यूनतम 45 प्रतिशत अंकों के साथ स्नातक एवं शिक्षा शास्त्र में एक वर्षीय स्नातक (बी.एड.) जो इस सम्बन्ध में समय-समय पर जारी किए गए राष्ट्रीय अध्यापक शिक्षा परिषद् मान्यता, मानदण्ड तथा क्रियाविधि विनियमों के अनुसार प्राप्त किया गया हो।

अथवा

न्यूनतम 50 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) एवं 4 वर्षीय प्रारम्भिक शिक्षा शास्त्र में स्नातक (बी.एल.एड.)

अथवा

न्यूनतम 50 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय बी.ए./बी.एस.सी.एड. वा बी.ए.एड./बी.एस.सी.एड.

अथवा

न्यूनतम 50 प्रतिशत अंकों से साथ स्नातक तथा एक वर्षीय बी.एड. (विशेष शिक्षा)

तथा

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा इस प्रयोजन के लिए जारी किए गए मार्गदर्शी सिद्धान्तों के अधीन उपयुक्त सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा (टी.ई.टी.) में उत्तीर्ण।

(III) मूल अधिसूचना के पैरा 3 के स्थान पर निम्न प्रतिस्थापित किया जाएगा, नामतः :—

(1) प्राप्त किया जाने वाला प्रशिक्षण—ऐसा व्यक्ति भी—

(क) जिसने न्यूनतम 50 प्रतिशत अंकों के साथ स्नातक और बी.एड. अर्हता अथवा इस सम्बन्ध में समय-समय पर जारी किए गए राष्ट्रीय अध्यापक शिक्षा परिषद् (मान्यता, मानदण्ड और क्रियाविधि) विनियमों के अनुसार न्यूनतम 45 प्रतिशत अंकों के साथ स्नातक तथा शिक्षा में एक वर्षीय स्नातक (बी.एड.) उत्तीर्ण किया हो, जनवरी, 2012 तक कक्षा I से V तक के लिए नियुक्त किए जाने का पात्र होगा बशर्ते कि नियुक्ति के बाद वह प्रारम्भिक शिक्षा में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यताप्रदत्त 6 महीने का विशेष कार्यक्रम पूरा कर ले।

(ख) वह व्यक्ति, जिसने डी.एड. (विशेष शिक्षा) अथवा बी.एड. (विशेष शिक्षा) उत्तीर्ण की हो, नियुक्ति के बाद प्रारम्भिक शिक्षा में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा प्रदत्त 6 महीने का विशेष कार्यक्रम पूरा करेगा।

(ग) आरक्षण नीति : आरक्षित श्रेणियों जैसे कि एस.सी./एस.टी./ओ.बी.सी./पी.एच. आदि के अभ्यर्थियों को अर्हक अंकों में 5 प्रतिशत अंक की छूट दी जाएगी।

(IV) मूल अधिसूचना के पैरा 5 के स्थान पर निम्न प्रतिस्थापित किया जाएगा, नामतः :—

5. (क) कुछ मामलों में इस अधिसूचना की तिथि के बाद नियुक्त अध्यापक : इस अधिसूचना की तिथि से पूर्व यदि सरकारों अथवा स्थानीय प्राधिकारियों अथवा विद्यालयों द्वारा विज्ञापन जारी कर अध्यापकों की नियुक्ति की प्रक्रिया आरम्भ कर दी गई है, ऐसी स्थिति में नियुक्तियां, राष्ट्रीय अध्यापक शिक्षा परिषद् (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनियम, 2001 (समय-समय पर यथासंशोधित) के अनुसार की जा सकती हैं।

(ख) इस अधिसूचना में उल्लिखित न्यूनतम योग्यता मानदण्ड भाषा, सामाजिक अध्ययन, विज्ञान आदि के अध्यापकों के मामले में लागू होते हैं। शारीरिक शिक्षा के अध्यापकों के मामले में शारीरिक शिक्षा अध्यापकों के लिए उल्लिखित न्यूनतम योग्यता मानदण्ड लागू होंगे। कला शिक्षा, शिल्प शिक्षा, गृह विज्ञान, कार्य शिक्षा आदि के अध्यापकों के मामले में राज्य सरकारों तथा अन्य स्कूल प्रबन्धक वर्गों द्वारा निर्धारित पात्रता मानदण्ड तब तक लागू रहेंगे जब तक कि ऐसे अध्यापकों के सम्बन्ध में राष्ट्रीय अध्यापक शिक्षा परिषद् न्यूनतम योग्यताएं निर्धारित नहीं कर देती।

विक्रम सहाय, संयोजक

[विज्ञापन III/4/131/2011/असा.]

ध्यापणी :—मूल अधिसूचना दिनांक 23 अगस्त, 2010 की फा. सं. 61-1/2011/राअशिप (मा. तथा मा.) के रूप में भारत के राजपत्र, असाधारण के भाग III के खण्ड 4 में प्रकाशित हुई थी।

NATIONAL COUNCIL FOR TEACHER EDUCATION

NOTIFICATION

New Delhi, the 29th July, 2011

F. No. 61-1/2011/NCTE(N&S).—In exercise of the powers conferred by sub-section (1) of the Section 23 of Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) and in pursuance of the Notification No. S.O. 7500 dated 31st March, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, the National Council for Teacher Education (NCTE) hereby makes the following amendments to the Notification No. 215 dated 25th August, 2010 published in the Gazette of India, Extraordinary, Part - I Section - 4, vide E.No. 61-1/2011-NCTE(N&S), dated the 23rd August, 2010, laying down the minimum qualifications for a person to be eligible for appointment as a teacher (hereby referred to as the Principal Notification), namely :—

(I) For sub-para (i) of para 1 of the Principal Notification, the following shall be substituted, namely :—

1. Minimum Qualifications :—

(i) Classes I—V

(a) Senior Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Elementary Education (whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2-year Diploma in Elementary Education (whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations, 2002.

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B.El.Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Education (Special Education)

OR

Graduation and two year Diploma in Elementary Education (by whatever name known)

AND

(b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

(II) For sub-para (ii) of para 1 of the Principal Notification, the following shall be substituted, namely :—

1 (ii) Classes VI—VIII

(a) Graduation and 2-year Diploma in Elementary Education (by whatever name known)

OR

Graduation with at least 50% marks and 1-year Bachelor in Education (B.Ed.)

OR

Graduation with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard.

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor in Elementary Education (B.El.Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year B.A. / B.Sc.Ed. or B.A. Ed./B.Sc.Ed.

OR

Graduation with at least 50% marks and 1-year B.Ed. (Special Education)

AND

(b) Pass in Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

(III) For para 3 of the Principal Notification the following shall be substituted, namely :—

(i) Training to be undergone.—A person—

(a) with Graduation with at least 50% marks and B.Ed. qualification or with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard shall also be eligible for appointment to Class I to V up to 1st January, 2012, provided he/she undergoes, after appointment, an NCTE recognized 6-month Special Programme in Elementary Education;

(b) with D.Ed. (Special Education) or B.Ed. (Special Education) qualification shall undergo, after appointment an NCTE recognized 6-month Special Programme in Elementary Education.

(ii) Reservation Policy :

Relaxation up to 5% in the qualifying marks shall be allowed to the candidates belonging to reserved categories, such as SC/ST/OBC/PH.

(IV) For para 5 of the Principal Notification, the following shall be substituted, namely:—

5. (a) Teacher appointed after the date of this notification in certain cases :—Where an appropriate Government or local authority or a school has issued an advertisement to initiate the process of appointment of teachers prior to the date of this Notification, such appointments may be made in accordance with the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time).

(b) The minimum qualification norms referred to in this Notification apply to teachers of Languages, Social Studies, Mathematics, Science, etc. In respect of teachers for Physical Education, the minimum qualification norms for Physical Education teachers referred to in NCTE Regulation dated 3rd November, 2001 (as amended from time to time) shall be applicable. For teachers of Art Education, Craft Education, Home Science, Work Education, etc. the existing eligibility norms prescribed by the State Governments and other school managements shall be applicable till such time the NCTE lays down the minimum qualifications in respect of such teachers.

VIKRAM SAHAY, Convener

[ADVT-III/4/131/2011/Exty.]

Note :—The Principal Notification was published in the Gazette of India, Extraordinary, Part III, Section 4, vide Number F. 61-3/2011-NCTE (N&S), dated the 23rd August, 2010.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1728]

नई दिल्ली, सोमवार, सितम्बर 12, 2011/भाद्र 21, 1933

No. 1728]

NEW DELHI, MONDAY, SEPTEMBER 12, 2011/BHADRA 21, 1933

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 26 अगस्त, 2011

का.आ. 2067(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसमें इसके पश्चात् उक्त अधिनियम के रूप में उल्लिखित) की धारा 23 की उप-धारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद् (इसमें इसके पश्चात् परिषद् के नाम से उल्लिखित) ने 25 अगस्त, 2010 को भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित अधिसूचना सं. एफ. सं. 61-03/20/2010/एनबीटीई/एन एंड एस में उक्त अधिनियम की धारा 2 में खंड (द) में उल्लिखित स्कूल में कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्ति हेतु न्यूनतम अर्हताएं निर्धारित की हैं;

जबकि अधिनियम की धारा 23 की उपधारा 2 में प्रावधान है कि जहां राज्य में अध्यापक शिक्षा के पाठ्यक्रम या प्रशिक्षण प्रदान करने वाली संस्थाएं पर्याप्त नहीं हैं या अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत निर्धारित न्यूनतम योग्यता वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं तो केन्द्र सरकार, यदि आवश्यक समझे तो अधिसूचना द्वारा अध्यापक के रूप में नियुक्ति हेतु अपेक्षित न्यूनतम योग्यताओं में अधिसूचना में विनिर्दिष्ट अवधि के लिए छूट दे सकती है, यह अवधि पांच वर्ष से अधिक नहीं हो सकती;

जबकि अराम राज्य सरकार द्वारा दिनांक 16 जून, 2011 के अपने पत्र द्वारा उक्त अधिनियम के खंड 23 के उप खंड (1) के अंतर्गत परिषद् द्वारा शिक्षकों की नियुक्ति हेतु रखी गई न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए केन्द्र सरकार को प्रस्ताव प्रस्तुत किया गया।

जबकि केन्द्र सरकार ने उक्त अधिनियम के खंड 23 के उपखंड (2) के अंतर्गत शिक्षकों की नियुक्ति हेतु न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए अराम राज्य सरकार के प्रस्ताव पर कार्रवाई की।

अतः निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा कक्षा I-VIII से संबंधित दिनांक 25 अगस्त, 2010 को भारत के

रजपत्र में प्रकाशित अधिसूचना संख्या 61-03/20/2010/एनसीटीई/एन एंड एस (उक्त अधिसूचना) में परिषद द्वारा अधिसूचित न्यूनतम अध्यापक योग्यता मानदंडों के लिए असम सरकार को छूट देती है, जो निम्नानुसार है:-

- (क) कक्षा I-VIII में अध्यापक की नियुक्ति हेतु प्रारंभिक शिक्षा में 2 वर्षीय डिप्लोमा (किसी भी नाम से जाना जाए); और
- (ख) कक्षा VI-VIII में अध्यापक की नियुक्ति हेतु 1 वर्षीय शिक्षा स्नातक (बी. एड.).

2. इस अधिसूचना के अंतर्गत दी गई छूट निम्नलिखित शर्तों को पूरा करते हुए 31 मार्च, 2014 तक के लिए मान्य होगी:

- i. परिषद की उपर्युक्त अधिसूचना में विनिर्दिष्ट अनुसार असम सरकार परिषद द्वारा दिनांक 11 फरवरी, 2011 को जारी दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करेगा तथा कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है।
- ii. राज्य सरकार और अन्य स्कूल प्रबंधक भर्ती नियमावली में संशोधन करेंगे ताकि वे परिषद की उपरोक्तलिखित अधिसूचना द्वारा निर्धारित न्यूनतम योग्यता मानदंडों के समकक्ष हों;
- iii. नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो दिनांक 25 अगस्त, 2010 की उक्त अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता रखते हैं तथा उसके पश्चात उन पात्र अभ्यर्थियों पर विचार करेंगे इस अधिसूचना में विनिर्दिष्ट प्रदान की गई छूट वाली योग्यता रखते हैं;
- iv. अध्यापकों की नियुक्ति हेतु विज्ञापन का राज्य से बाहर सहित व्यापक प्रचार किया जाना चाहिए।
- v. परिषद की उक्त अधिसूचना में शिक्षकों की नियुक्ति हेतु दी गई आवश्यक न्यूनतम अर्हताएं न रखने वाले ऐसे शिक्षक जिन्हें राज्य सरकार और अन्य स्कूल प्रबंधकों द्वारा नियुक्त किया गया है वे निःशुल्क और अनिवार्य यान शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उपधारा (2) के अंतर्गत विनिर्दिष्ट समय सीमा के भीतर न्यूनतम अर्हताएं प्राप्त करेंगे;
- vi. राज्य सरकार और अन्य स्कूल प्रबंधक समिति सुनिश्चित करेगा कि उन अध्यापकों को छूट दी गई योग्यता मानदंडों के अंतर्गत नियुक्त किया गया है वे नियुक्ति के वर्ष से दो वर्षों की अवधि के अंदर उक्त अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता प्राप्त कर लें;
- vii. इस अधिसूचना में विनिर्दिष्ट छूट एक बार दी जाएगी तथा असम राज्य की धारा 23 की उपधारा (2) के अंतर्गत आगे कोई छूट नहीं दी जाएगी;
- viii. राज्य सरकार को सुनिश्चित करना होगा कि असम राज्य में जिला शिक्षा और प्रशिक्षण संस्थानों में प्रारंभिक शिक्षा पाठ्यक्रम में दो वर्षों के डिप्लोमा के लिए पर्याप्त, दायित्व क्षमता का प्रयोग भावी प्रारंभिक स्कूल शिक्षकों को तैयार करने के लिए किया जाए न कि वर्तमान अप्रशिक्षित शिक्षकों को प्रारंभिक शिक्षा पाठ्यक्रम में फंस-द-फंस डिप्लोमा प्रदान करने के लिए;
- ix. विशिष्ट अर्हताओं वाले व्यक्तियों को तैयार करने के लिए राज्य सरकार को संस्थागत क्षमता में वृद्धि करने के लिए कदम उठाने होंगे ताकि यह सुनिश्चित किया जा सके कि कक्षा I-VIII में केवल अर्हता प्राप्त व्यक्तियों को ही 31 मार्च, 2014 के पश्चात शिक्षकों के रूप में नियुक्त किया जाए; और

- x. परिषद के दिनांक 11 फरवरी, 2011 के पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैराग्राफ 5 के उप पैराग्राफ (iii) के अनुसार निम्नलिखित योग्यता रखने वाले व्यक्ति 31 मार्च, 2014 तक राज्य में की जाने वाली अध्यापक की नियुक्ति के संबंध में असम राज्य सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में बैठने के लिए भी पात्र होंगे:-

(क) कक्षा I-V के लिए कम से कम 50 प्रतिशत अंकों के साथ सीनियर सेकेंडरी (या समकक्ष);

(ख) कक्षा VI-VIII के लिए कम से कम 50 प्रतिशत अंकों के साथ स्नातक।

[फा. सं. 1-17/2010-ई.ई. 4]

अनिता कौल, अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 26th August, 2011

S.O. 2067(E).—WHEREAS the National Council for Teacher Education (hereinafter referred to as the Council), in pursuance of sub-section (1) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (No. 35 of 2009), (hereinafter referred to as the said Act), has, vide notification number F.No.61-03/20/2010/NCTE/(N&S), published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 25th August, 2010, laid down the minimum qualifications for a person to be eligible for appointment as a teacher in classes I to VIII in a school referred to in clause (n) of section 2 of the said Act;

AND WHEREAS, sub-section (2) of section 23 of the said Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications laid down under sub-section (1) of section 23 of the said Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in that notification;

AND WHEREAS, the State Government of Assam vide its letter dated the 16th June, 2011 submitted a proposal to the Central Government for relaxation of the requirement of minimum qualifications for appointment of teachers laid down by the Council under sub-section (1) of section 23 of the said Act;

AND WHEREAS, the Central Government perused the proposal of the State Government of Assam for relaxation of the requirement of minimum qualifications for appointment as teachers under sub-section (2) of section 23 of the said Act;

NOW THEREFORE, in exercise of the powers conferred by sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby relaxes, in respect of the State of Assam, the minimum qualifications notified by the National Council for Teacher Education under sub-section (1) of section 23 of the said Act vide notification F. No. 61-03/20/2010/NCTE/(N&S), dated the 25th August, 2010 (the said notification), in so far as they relate to classes I to VIII, namely :-

- (a) 2-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I to VIII; and
- (b) 1-Year Bachelors in Education for appointment of a teacher in classes VI to VIII.

2 The relaxation granted under this notification shall be valid for a period upto the 31st March, 2015 subject to fulfilment of following conditions, namely:-

- (i) the State Government of Assam shall conduct the Teacher Eligibility Test as specified in the said notification of the Council in accordance with the Guidelines for conducting Teacher Eligibility Test, dated the 11th February, 2011 issued by the Council and those persons who pass the Teacher Eligibility Test be considered for appointment as a teacher in classes I to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules to provide for the minimum qualifications required for appointment of teachers laid down by the said notification of the Council;
- (iii) the State Government shall in the matter of appointment give priority to those eligible candidates who possess the minimum qualifications specified in the said notification, and thereafter consider other candidates eligible with the relaxed qualifications under this notification;
- (iv) advertisement for appointment of teachers shall be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers employed or engaged by them who do not possess the minimum qualifications required for appointment of teachers laid down in the said notification of the Council shall acquire the minimum qualifications within the time limit specified under sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009;
- (vi) the State Government and other school managements shall ensure that teachers who are appointed with the relaxed qualification, acquire the minimum qualification specified in the said notification within a period of two years from the year of their appointment;
- (vii) the relaxation specified in this notification shall be one-time and no further relaxation under sub-section (2) of section 23 shall be granted to the State of Assam.

- viii) State Government shall ensure that the annual intake capacity for the two-year Diploma in Elementary Education course in the District Institutes of Education and Training in the State of Assam is utilised for preparing prospective elementary school teachers and not for imparting face to face Diploma in Elementary Education course to existing untrained teachers;
- ix) the State Government shall take steps to increase the institutional capacity for preparing persons with specified qualifications so as to ensure that only qualified persons are appointed as teachers in classes I to VIII after the 31st March, 2015; and
- x) the persons possessing the following qualifications shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government of Assam in respect of teacher appointments made in the State upto the 31st March, 2015, in accordance with sub-paragraph (iii) of paragraph 5 of the Teacher Eligibility Test Guidelines issued by the Council vide its letter dated the 11th February, 2011 namely.
- (a) Senior Secondary (or equivalent) with at least fifty per cent marks, for classes I to V,
- (b) Graduation with at least fifty per cent marks, for classes VI to VIII.

(F. No. 1-17/2010-EE-4)
ANITA KAUL, Addl. Secy

अधिसूचना

नई दिल्ली, 26 अगस्त, 2011

का.आ. 2068(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसमें इसके पश्चात् उक्त अधिनियम के रूप में उल्लिखित) की धारा 23 की उप-धारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद् (इसमें इसके पश्चात् परिषद् के नाम से उल्लिखित) ने 25 अगस्त, 2010 को भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित अधिसूचना सं. एफ. सं. 61-03/20/2010/एनसीटीई/एन एण्ड एस में उक्त अधिनियम की धारा 2 में खंड (द) में उल्लिखित स्कूल में कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्ति हेतु न्यूनतम अर्हताएं निर्धारित की हैं;

जबकि अधिनियम की धारा 23 की उपधारा 2 में प्रावधान है कि जहां राज्य में अध्यापक शिक्षा के पाठ्यक्रम या प्रशिक्षण प्रदान करने वाली संस्थाएं पर्याप्त नहीं हैं या अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत निर्धारित न्यूनतम योग्यता वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं तो केन्द्र सरकार, यदि आवश्यक समझे तो अधिसूचना द्वारा अध्यापक के रूप में नियुक्ति हेतु अपेक्षित न्यूनतम योग्यताओं में अधिसूचना में विनिर्दिष्ट अवधि के लिए छूट दे सकती है, यह अवधि पांच वर्ष से अधिक नहीं हो सकती;

जबकि छत्तीसगढ़ राज्य सरकार द्वारा दिनांक 5 मई, 2011 के अपने पत्र द्वारा उक्त अधिनियम के खंड 23 के उप-खंड (1) के अंतर्गत परिषद् द्वारा शिक्षकों की नियुक्ति हेतु रखी गई न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए केन्द्र सरकार को प्रस्ताव प्रस्तुत किया गया।

जबकि केन्द्र सरकार ने उक्त अधिनियम के खंड 23 के उप-खंड (2) के अंतर्गत शिक्षकों की नियुक्ति हेतु न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए छत्तीसगढ़ राज्य सरकार के प्रस्ताव पर कार्रवाई की।

अतः निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा कक्षा I-VIII से संबंधित दिनांक 25 अगस्त, 2010 को भारत के राजपत्र में प्रकाशित अधिसूचना संख्या 61-03/20/2010/एनसीटीई/एन एंड एस (उक्त अधिसूचना) में परिषद द्वारा अधिसूचित न्यूनतम अध्यापक योग्यता मानदंडों के लिए छत्तीसगढ़ सरकार को छूट देती है, जो निम्नानुसार है:-

- (क) कक्षा I-VIII में अध्यापक की नियुक्ति हेतु प्रारंभिक शिक्षा में 2 वर्षीय डिप्लोमा (किसी भी नाम से जाना जाए); और
- (ख) कक्षा VI-VIII में अध्यापक की नियुक्ति हेतु 1 वर्षीय शिक्षा स्नातक (बी एड.)

2. इस अधिसूचना के अंतर्गत दी गई छूट निम्नलिखित शर्तों को पूरा करते हुए 31 मार्च, 2014 तक के लिए मान्य होगी:

- i. परिषद की उपर्युक्त अधिसूचना में विनिर्दिष्ट अनुसार छत्तीसगढ़ सरकार परिषद द्वारा दिनांक 11 फरवरी, 2011 को जारी दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करेगा तथा कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है।
- ii. राज्य सरकार और अन्य स्कूल प्रबंधक भर्ती नियमावली में संशोधन करेंगे ताकि वे परिषद की उपरोक्तलिखित अधिसूचना द्वारा निर्धारित न्यूनतम योग्यता मानदंडों के समकक्ष हों;
- iii. नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो दिनांक 25 अगस्त, 2010 की उक्त अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता रखते हैं तथा उसके पश्चात उन पात्र अभ्यर्थियों पर विचार करेंगे इस अधिसूचना में विनिर्दिष्ट प्रदान की गई छूट वाली योग्यता रखते हैं;
- iv. अध्यापकों की नियुक्ति हेतु विज्ञापन का राज्य से बाहर राहित व्यापक प्रचार किया जाना चाहिए।
- v. परिषद की उक्त अधिसूचना में शिक्षकों की नियुक्ति हेतु दी गई आवश्यक न्यूनतम अर्हताएं न रखने वाले ऐसे शिक्षक जिन्हें राज्य सरकार और अन्य स्कूल प्रबंधकों द्वारा नियुक्त किया गया है वे निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उपधारा (2) के अंतर्गत विनिर्दिष्ट राग्य सीमा के भीतर न्यूनतम अर्हताएं प्राप्त करेंगे;
- vi. राज्य सरकार और अन्य स्कूल प्रबंधक भर्ती नियमावली में संशोधन करेंगे ताकि अध्यापकों को, छूट दी गई योग्यता मानदंडों के अंतर्गत नियुक्त किया गया है वे नियुक्ति के वर्ष से दो वर्षों की अवधि के अंदर उक्त अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता प्राप्त कर लें;
- vii. इस अधिसूचना में विनिर्दिष्ट छूट एक बार दी जाएगी तथा छत्तीसगढ़ राज्य को धारा 23 की उपधारा (2) के अंतर्गत आगे कोई छूट नहीं दी जाएगी;
- viii. राज्य सरकार को सुनिश्चित करना होगा कि छत्तीसगढ़ राज्य में जिला शिक्षा और प्रशिक्षण संस्थानों में प्रारंभिक शिक्षा पाठ्यक्रम में दो वर्ष के डिप्लोमा के लिए वार्षिक दाखिला क्षमता का प्रयोग भावी प्रारंभिक स्कूल शिक्षकों को तैयार करने के लिए किया जाए न कि वर्तमान अप्रशिक्षित शिक्षकों को प्रारंभिक शिक्षा पाठ्यक्रम में फंस-दू-फेरा डिप्लोमा प्रदान करने के लिए;
- ix. विनिर्दिष्ट अर्हताओं वाले व्यक्तियों को तैयार करने के लिए राज्य सरकार को संस्थागत क्षमता में वृद्धि करने के लिए कदम उठाने होंगे ताकि यह सुनिश्चित किया जा सके कि कक्षा I-VIII में केवल अर्हता प्राप्त व्यक्तियों को ही 31 मार्च, 2014 के पश्चात शिक्षकों के रूप में नियुक्त किया जाए; और

- x. परिषद के दिनांक 11 फरवरी, 2011 के पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैराग्राफ 5 के उप पैराग्राफ (iii) के अनुसार निम्नलिखित योग्यता रखने वाले व्यक्ति 31 मार्च, 2014 तक राज्य में ली जाने वाली अध्यापक की नियुक्ति के संबंध में छत्तीसगढ़ राज्य सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में बैठने के लिए भी पात्र होंगे:-

(क) कक्षा I-V के लिए कम से कम 50 प्रतिशत अंकों के साथ सीनियर सेकेंडरी (या समकक्ष);

(ख) कक्षा VI-VIII के लिए कम से कम 50 प्रतिशत अंकों के साथ स्नातक।

[फा. मं. 1-17/2010-ई.ई. 4]

अनिता कौल, अपर सचिव

NOTIFICATION

New Delhi, the 26th August, 2011

S.O. 2068(E).—WHEREAS the National Council for Teacher Education (hereinafter referred to as the Council) in pursuance of sub-section (1) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (No. 35 of 2009). (hereinafter referred to as the said Act), has vide notification number F No.61-03/20/2010/NCTE/(N&S), published in the Gazette of India, Extraordinary Part III, Section 4, dated the 25th August, 2010, laid down the minimum qualifications for a person to be eligible for appointment as a teacher in classes I to VIII in a school referred to in clause (n) of section 2 of the said Act;

AND WHEREAS, sub-section (2) of section 23 of the said Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications laid down under sub-section (1) of section 23 of the said Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in that notification;

AND WHEREAS, the State Government of Chhattisgarh vide its letter dated the 5th May, 2011 submitted a proposal to the Central Government for relaxation of the requirement of minimum qualifications for appointment of teachers laid down by the Council under sub-section (1) of section 23 of the said Act.

AND WHEREAS, the Central Government perused the proposal of the State Government of Chhattisgarh for relaxation of the requirement of minimum qualifications for appointment as teachers under sub-section (2) of section 23 of the said Act.

NOW THEREFORE, in exercise of the powers conferred by sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby relaxes in respect of the State of Chhattisgarh the minimum qualifications notified by the National Council for Teacher Education under sub-section (1) of section 23 of the said Act vide notification F No

61-03/20/2010/NCTE/(N&S), dated the 25th August, 2010 (the said notification), in so far as they relate to classes I to VIII, namely :-

- (a) 2-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I to VIII; and
- (b) 1-Year Bachelors in Education for appointment of a teacher in classes VI to VIII.

2 The relaxation granted under this notification shall be valid for a period upto the 31st March, 2014 subject to fulfilment of following conditions, namely:-

- (i) the State Government of Chhattisgarh shall conduct the Teacher Eligibility Test as specified in the said Notification of the Council in accordance with the Guidelines for conducting Teacher Eligibility Test dated the 11th February, 2011 issued by the Council and those persons who pass the Teacher Eligibility Test be considered for appointment as a teacher in classes I to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules to provide for the minimum qualifications required for appointment of teachers laid down by the said notification of the Council;
- (iii) the State Government shall in the matter of appointment give priority to those eligible candidates who possess the minimum qualifications specified in the said notification dated the 25th August, 2010, and thereafter consider other candidates eligible with the relaxed qualifications under this notification;
- (iv) advertisement for appointment of teachers shall be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers employed or engaged by them who do not possess the minimum qualifications required for appointment of teachers laid down in the said notification of the Council shall acquire the minimum qualifications within the time limit specified under sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009;
- (vi) the State Government and other school managements shall ensure that teachers, who are appointed with the relaxed qualification, acquire the minimum qualification specified in the said notification within a period of two years from the year of appointment.
- (vii) the relaxation specified in this notification shall be one-time and no further relaxation under sub-section (2) of section 23 shall be granted to the State of Chhattisgarh.

- (viii) the State Government shall ensure that the annual intake capacity for the two-year Diploma in Elementary Education course in the District institutes of Education and Training in the State of Chhattisgarh is utilised for preparing prospective elementary school teachers and not for imparting face-to-face Diploma in Elementary Education course to existing untrained teachers;
- (ix) the State Government shall take steps to increase the institutional capacity for preparing persons with specified qualifications so as to ensure that only qualified persons are appointed as teachers in classes I to VIII after the 31st March, 2014; and
- (x) the persons possessing the following qualifications shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government of Chhattisgarh in respect of teacher appointments made in the State upto the 31st March, 2014, in accordance with sub-paragraph (iii) of paragraph 5 of the Teacher Eligibility Test Guidelines issued by the Council vide its letter dated the 11th February, 2011, namely :-
- (a) Senior Secondary (or equivalent) with at least fifty per cent marks, for classes I to V;
- (b) Graduation with at least fifty per cent marks, for classes VI to VIII.

[F. No. 1-17/2010-EE 4]

ANITA KAUL, Addl. Secy.



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii).
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1466]

नई दिल्ली, शुक्रवार, जुलाई 29, 2011/भावण 7, 1933

No. 1466]

NEW DELHI, FRIDAY, JULY 29, 2011/SRAVANA 7, 1933

मानव संसाधन विकास पत्रालय
(स्कूल शिक्षा और साक्षरता विभाग)
अधिसूचना

नई दिल्ली, 15 जुलाई, 2011

क्र.आ. 1757(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (जिसे यहां आगे यथा शिक्षा का अधिकार अधिनियम निर्दिष्ट किया गया है) की धारा 2 के उप-खंड (घ) के अनुसार 'अलापित समूह का बालक' से अनुसूचित जाति, अनुसूचित जनजाति, सामाजिक रूप से और शैक्षिक रूप से पिछड़े वर्ग या सामाजिक, सांस्कृतिक, आर्थिक, भौगोलिक, भाषाई, लिंग या ऐसी अन्य बात के कारण, जो समुचित सरकार द्वारा, अधिसूचना द्वारा, निर्दिष्ट की जाए, अलापित ऐसे अन्य समूह का कोई बालक अभिप्रेत है;

और जबकि, किसी ऐसे संघ राज्य क्षेत्र जिसका कोई विधानमंडल नहीं है, के प्रशासक द्वारा स्थापित उसके स्वामित्व अथवा नियंत्रणाधीन किसी स्कूल के संबंध में समुचित सरकार होने के नाते केन्द्र सरकार को अंद्मान एवं निकोबार प्रशासन से शिक्षा का अधिकार अधिनियम की धारा 2 के उप-खंड (घ) के अंतर्गत निम्नलिखित वर्गों के बच्चों को 'अलापित समूह का बालक' के रूप में अधिसूचित करने के लिए एक प्रस्ताव प्राप्त हुआ है :—

- अंद्मान एवं निकोबार प्रशासन द्वारा अंद्मान एवं निकोबार द्वीपसमूह के लिए यथाअधिसूचित अनुसूचित जनजाति से संबंध रखने वाले बच्चे;
- अंद्मान एवं निकोबार प्रशासन द्वारा अंद्मान एवं निकोबार द्वीपसमूह के लिए यथाअधिसूचित अन्य पिछड़े वर्गों से संबंध रखने वाले बच्चे;

(iii) 'अनाथ, मैला ढोने वाले परिवारों के बच्चे, विशेष ज़रूरतमंद बच्चे और एचआईवी प्रभावित अथवा संक्रमित बच्चे;

और जबकि, केन्द्र सरकार ने अंद्मान एवं निकोबार प्रशासन के प्रस्ताव की जांच की है और उसे स्वीकार कर लिया है;

इसलिए, अब शिक्षा का अधिकार अधिनियम की धारा 2 के उप-खंड (घ) के अनुपालन में केन्द्र सरकार एतद्वारा बच्चों के निम्नलिखित वर्गों को अंद्मान एवं निकोबार द्वीपसमूह के लिए 'अलापित समूह के बालकों' के रूप में अधिसूचित करती है :—

- अंद्मान एवं निकोबार प्रशासन द्वारा अंद्मान एवं निकोबार द्वीपसमूह के लिए यथाअधिसूचित अनुसूचित जनजाति से संबंध रखने वाले बच्चे;
- अंद्मान एवं निकोबार प्रशासन द्वारा अंद्मान एवं निकोबार द्वीपसमूह के लिए यथाअधिसूचित अन्य पिछड़े वर्गों से संबंध रखने वाले बच्चे; और
- अनाथ, मैला ढोने वाले परिवारों के बच्चे, विशेष ज़रूरतमंद बच्चे और एचआईवी प्रभावित अथवा संक्रमित बच्चे।

[एफ. सं. 1-7/2011-ईई-4]

अनिता कौल, अपर सचिव

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT
(Department of School Education and Literacy)
NOTIFICATION

New Delhi, the 15th July, 2011

S.O. 1757(E).—Whereas sub-clause (d) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the RTE

Act), defines 'child belonging to disadvantaged group' as a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class, or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification:

And whereas, the Central Government, being the appropriate Government in relation to a school established, owned or controlled by the administrator of the Union Territory, having no legislature has received a proposal from Andaman and Nicobar Administration for notifying under clause (d) of Section 2 of the RTE Act, the following categories of children as 'children belonging to disadvantaged group':

- (i) children belonging to the Scheduled Tribe, as notified for Andaman and Nicobar Islands by the Andaman and Nicobar Administration;
- (ii) children belonging to the Other Backward Classes, as notified for the Andaman and Nicobar Islands by the Andaman and Nicobar Administration; and
- (iii) the orphans, children of families of scavengers, children with special needs and HIV affected or infected children;

And whereas, the Central Government has examined and considered the proposal of the Andaman and Nicobar Administration;

Now, therefore, in pursuance of sub-clause (d) of Section 2 of the Right of Children to Free and Compulsory Education Act, the Central Government hereby notifies the following categories of children as children belonging to disadvantaged group for the Andaman and Nicobar Islands:

- (i) children belonging to the Scheduled Tribe, as notified for Andaman and Nicobar Islands by the Andaman and Nicobar Administration;
- (ii) children belonging to the Other Backward Classes, as notified for Andaman and Nicobar Islands by the Andaman and Nicobar Administration; and
- (iii) the orphans, children of scavenger families, children with special needs and HIV affected or infected children.

[F. No. 1-7/2011-EE-4]

ANITA KAUL, Addl. Secy.

अधिसूचना

नई दिल्ली, 15 जुलाई, 2011

का.आ. 1758(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसके पश्चात आरटीआई अधिनियम के रूप में संदर्भित) की धारा 2 की उप-धारा (ड) में "दुर्बल वर्ग का बालक" से ऐसे माता पिता या संरक्षक का बालक अभिप्रेत है जिसकी वार्षिक आय समुचित सरकार द्वारा, अधिसूचना द्वारा, विनिर्दिष्ट न्यूनतम सीमा से कम है:

जबकि ऐसे किसी संघ शासित प्रदेश, जहाँ कोई विधान मंडल नहीं है, के प्रशासक द्वारा स्थापित, उसके स्वामित्व में अथवा उसके द्वारा नियंत्रित किसी स्कूल के संबंध में केन्द्र सरकार को समुचित सरकार होने के कारण अंडमान एवं निकोबार प्रशासन से आरटीआई अधिनियम की धारा 20 के खंड (ड) के अंतर्गत अंडमान एवं निकोबार प्रशासन द्वारा यथाअधिसूचित अंडमान और निकोबार द्वीपसमूह में गरीबी रेखा से नीचे के परिवार के बच्चों को 'दुर्बल वर्ग का बालक' के रूप में अधिसूचित करने का प्रस्ताव प्राप्त हुआ है;

जयकि केन्द्र सरकार ने अंडमान एवं निकोबार प्रशासन के प्रस्ताव को जांच की है और उस पर विचार किया है;

अतः निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम के अनुपालन में केन्द्र सरकार अंडमान एवं निकोबार प्रशासन द्वारा अंडमान और निकोबार द्वीपसमूह में यथाअधिसूचित गरीबी रेखा से नीचे के परिवार के बच्चों को 'दुर्बल वर्ग का बालक' के रूप में अधिसूचित करती है।

[एफ. सं. 1-7/2011-ईई-4]

अनिता कौल, अपर सचिव

NOTIFICATION

New Delhi, the 15th July, 2011

S.O. 1758(E).—Whereas sub-clause (e) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the RTE Act), defines a 'child belonging to weaker section' as a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification:

Whereas the Central Government being the appropriate Government in relation to a school established, owned or controlled by the administrator of the Union territory having no legislature has received a proposal from Andaman and Nicobar Administration for notifying under clause (e) of Section 2 of the RTE Act, a child belonging to a Below Poverty Line (BPL) family in Andaman and Nicobar Islands as notified by the Andaman and Nicobar Administration, as a 'child belonging to weaker section':

Whereas the Central Government has examined and considered the proposal of the Andaman and Nicobar Administration:

Now, therefore, in pursuance of sub-clause (e) of Section 2 of the Right of Children to Free and Compulsory Education Act, the Central Government hereby notifies a child belonging to a Below Poverty Line (BPL) family in Andaman and Nicobar Islands as notified by the Andaman and Nicobar Administration as a child belonging to weaker section.

[F. No. 1-7/2011-EE-4]

ANITA KAUL, Addl. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 135]

नई दिल्ली, मंगलवार, जनवरी 25, 2011/भाग 5, 1932

No. 135]

NEW DELHI, TUESDAY, JANUARY 25, 2011/MAGHA 5, 1932

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 19 जनवरी, 2011

का.अ. 165(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 2 के खण्ड (न) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा केंद्रीय तिब्बती विद्यालय प्रशासन, भारत सरकार द्वारा स्थापित, संचालित और प्रशासित विद्यालयों को उक्त अधिनियम के प्रयोजनों के लिए विनिर्दिष्ट श्रेणी के विद्यालयों के रूप में विनिर्दिष्ट करती है।

[फा. सं. 1-3/2010-ईई-4]

अनिता कौल, अपर सचिव

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 19th January, 2011

S.O. 165(E). In exercise of the powers conferred by clause (p) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby specifies the schools established, managed and administered by the Central Tibetan Schools Administration, Government of India as specified category schools for the purposes of the said Act.

[F. No. 1-3/2010-41-4]

ANITA KUL, Addl. Secy



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1465]

नई दिल्ली, शुक्रवार, जुलाई 29, 2011/श्रावण 7, 1933

No. 1465]

NEW DELHI, FRIDAY, JULY 29, 2011/SRAVANA 7, 1933

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 15 जुलाई, 2011

का.आ. 1756(अ).—जबकि निशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (जिसके इसमें इसके बाद आरटीई अधिनियम कहा गया) की धारा 23 की उप-धारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद (जिसके इसमें इसके बाद एनसीटीई कहा गया है) ने भारत के राजपत्र, असाधारण, भाग III, खंड 4 में दिनांक 25 अगस्त, 2010 को प्रकाशित अधिसूचना संख्या 215 के द्वारा कक्षा I से VIII में अध्यापक के रूप में नियुक्ति को पात्रता हेतु व्यक्ति के लिए न्यूनतम अर्हताएं निर्धारित की थी।

2. और जबकि, आरटीई अधिनियम की धारा 23 की उप-धारा (2) में यह प्रावधान है कि जिस मामले में किसी राज्य में अध्यापक शिक्षा के पाठ्यक्रम अथवा प्रशिक्षण प्रदान करने वाले पर्याप्त संस्थान नहीं हैं अथवा आरटीई अधिनियम की धारा 23 की उप-धारा (1) के तहत निर्धारित न्यूनतम अर्हताएं रखने वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं, उसमें केन्द्र सरकार, यदि आवश्यक समझती है तो, अधिसूचना के द्वारा ऐसी अवधि के लिए, जो पांच वर्ष से अधिक नहीं होगी, जो उक्त अधिसूचना में विनिर्दिष्ट की जाएगी, अध्यापक के रूप में नियुक्ति के लिए अपेक्षित अर्हताओं में छूट प्रदान कर सकती है।

3. और जबकि, आरटीई अधिनियम की धारा 35 की उप-धारा (1) के तहत शक्तियों का प्रयोग करते हुए, केन्द्र सरकार

ने आरटीई अधिनियम की धारा 23 की उप-धारा (2) के अंतर्गत छूट प्रदान करने के लिए केन्द्र सरकार को प्रस्ताव प्रस्तुत करने हेतु उच्च सरकारों के लिए 8 नवम्बर, 2010 को दिशानिर्देश निर्धारित किए थे।

4. और जबकि, मणिपुर राज्य सरकार ने दिनांक 16 जून, 2011 के अपने पत्र द्वारा एनसीटीई द्वारा भारत के राजपत्र में दिनांक 25 अगस्त, 2010 को प्रकाशित इसकी अधिसूचना में निर्धारित न्यूनतम अर्हता मानदंडों में छूट प्रदान करने के लिए केन्द्र सरकार को एक प्रस्ताव प्रस्तुत किया है।

5. और जबकि, केन्द्र सरकार ने आरटीई अधिनियम की धारा 23 की उप-धारा (2) के तहत छूट प्रदान करने के लिए मणिपुर सरकार के प्रस्ताव की जांच की है और उस पर विचार किया है।

6. अतः, अब, आरटीई अधिनियम की धारा 23 की उप-धारा (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार 25 अगस्त, 2010 को प्रकाशित, एनसीटीई द्वारा अधिसूचित अध्यापक की न्यूनतम अर्हता के मानदंडों में, जहां तक इनका संबंध कक्षा I से VIII तक है, एतद्वारा मणिपुर राज्य सरकार को नीचे दिए अनुसार छूट प्रदान करती है :—

(क) कक्षा I से VIII के लिए शिक्षक की नियुक्ति हेतु प्रारंभिक शिक्षा में दो वर्षीय डिप्लोमा (जिस नाम से भी जाना जाए); और

(ख) कक्षा VI से VIII के लिए शिक्षक की नियुक्ति हेतु 1 वर्षीय शिक्षा स्नातक (बी.एड.)।

टिप्पणी 1 : उपर्युक्त छूट 31 मार्च, 2013 तक वैध होगी और निम्नलिखित शर्तों के अध्वधीन होगी, अर्थात् :—

(i) जैसा कि एनसीटीई की उपर्युक्त अधिसूचना में विनिर्दिष्ट

किया गया है, मणिपुर राज्य सरकार एनसीटीई द्वारा 11 फरवरी, 2011 को दिए गए दिशानिर्देशों के अनुसार शिक्षक पात्रता परीक्षा (जिसे इसमें इसके बाद टीईटी कहा गया है) आयोजित करेगी और प्रारंभिक कक्षाओं में शिक्षक के रूप में नियुक्ति के लिए केवल उन्हीं व्यक्तियों के नामों पर विचार किया जाएगा जो टीईटी उत्तीर्ण करेंगे;

- (ii) राज्य सरकार और अन्य स्कूल प्रबंध एनसीटीई की उपर्युक्त अधिसूचना द्वारा निर्धारित न्यूनतम अर्हताओं के अनुरूप पदों नियुक्ति में संशोधन करेंगे;
- (iii) नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो दिनांक 25 अगस्त, 2010 की एनसीटीई की अधिसूचना में विनिर्दिष्ट न्यूनतम अर्हताएं रखते हैं और उसके बाद ही इस अधिसूचना में विनिर्दिष्ट छूट प्राप्त अर्हताओं के साथ पात्र अभ्यर्थियों पर विचार किया जाएगा;
- (iv) शिक्षकों की नियुक्ति के विज्ञापन का राज्य से बाहर प्रचार के साथ-साथ व्यापक प्रचार किया जाएगा;
- (v) राज्य सरकार और अन्य स्कूल प्रबंध यह सुनिश्चित करेंगे कि एनसीटीई की उक्त अधिसूचना में निर्धारित न्यूनतम शैक्षिक और व्यावसायिक योग्यताएं न रखने वाले शिक्षक शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उप-धारा (2) के तहत विनिर्दिष्ट समय सीमा में उन योग्यताओं को प्राप्त करेंगे;
- (vi) राज्य सरकार और अन्य स्कूल प्रबंध यह सुनिश्चित करेंगे कि छूट प्राप्त मानदंडों के अंतर्गत नियुक्त शिक्षक नियुक्ति के वर्ष से दो वर्ष की अवधि के भीतर एनसीटीई अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता प्राप्त करेंगे;
- (vii) इस अधिसूचना में विनिर्दिष्ट छूट एक बार के लिए है और धारा 23 की उप-धारा (2) के अंतर्गत राज्य सरकार को जाने-कोई छूट प्रदान नहीं की जाएगी;
- (viii) राज्य सरकार यह सुनिश्चित करेगी कि मणिपुर में बिल्कुल शिक्षा एवं प्रशिक्षण संस्थानों में प्रारंभिक शिक्षा पाठ्यक्रम में दो वर्षीय डिप्लोमा के लिए वार्षिक पाठ्यक्रम क्षमता का उपयोग केवल प्राथमिक स्कूल शिक्षकों की तैयार करने के लिए किया जाएगा, न कि मौजूदा अप्रशिक्षित शिक्षकों के लिए प्रारंभिक शिक्षा पाठ्यक्रम में फेस-टू-फेस डिप्लोमा प्रदान करने के लिए।

टिप्पणी 2 : दिनांक 11 फरवरी, 2011 के पत्र के जरिए एनसीटीई द्वारा जारी टीईटी दिशानिर्देशों के पैर 5 के उप-पैर (iii) के अनुसार 31 मार्च, 2013 तक राज्य में की जाने वाली शिक्षक नियुक्तियों के मामले में मणिपुर राज्य सरकार द्वारा आयोजित टीईटी में शामिल होने के लिए निम्नलिखित व्यक्ति भी पात्र होंगे :—

- (क) कक्षा I से V के लिए — कम-से-कम 50 प्रतिशत अंकों के साथ वरिष्ठ माध्यमिक (अथवा समकक्ष),
- (ख) कक्षा VI से VIII के लिए — कम-से-कम 50 प्रतिशत अंकों के साथ स्नातक।

[फा. सं. 1-17/2010-ईई-4]

अनिता कौल, अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 15th July, 2011

S. O. 1756(E).—Whereas the National Council for Teacher Education (hereinafter referred to as NCTE), in pursuance of sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the RTE Act), laid down the minimum qualifications for a person to be eligible for appointment as a teacher in classes I to VIII vide notification No. 215 published in the Gazette of India, Extraordinary, Part III, Section 4 on the 25th August, 2010;

2. And whereas, sub-section (2) of Section 23 of the RTE Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications laid down under sub-section (1) of Section 23 of the RTE Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in that notification;

3. And whereas, in exercise of the powers under sub-section (1) of Section 35 of the RTE Act, the Central Government laid down the Guidelines on the 8th November, 2010 for the State Governments for submitting proposal to the Central Government for grant of relaxation under sub-section (2) of Section 23 of the RTE Act;

4. And whereas, the State Government of Manipur vide its letter dated the 16th June, 2011 submitted a proposal to the Central Government for grant of relaxation of the minimum qualification norms laid down by the NCTE in its notification published in the Gazette of India on the 25th August, 2010;

5. And whereas, the Central Government examined and considered the proposal of the Government of Manipur for grant of relaxation under sub-section (2) of Section 23 of the RTE Act;

6. Now therefore, in exercise of the powers conferred by sub-section (2) of Section 23 of the RTE Act, the Central Government hereby grants relaxation to the State

Government of Manipur in respect of the minimum teacher qualification norms notified by the NCTE, published on the 25th August, 2010, in so far as they relate to classes I-VIII, as under :—

- (a) 2-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I-VIII; and
- (b) 1-year Bachelor in Education (B. Ed.) for appointment of a teacher in classes VI to VIII.

Note 1: The aforementioned relaxation shall be valid upto the 31st March, 2013 and shall be subject to the following conditions, namely :—

- (i) as specified in the aforementioned notification of the NCTE, the State Government of Manipur shall conduct the Teacher Eligibility Test, (hereinafter referred to as TET) in accordance with the Guidelines dated the 11th February, 2011 issued by the NCTE and only those persons who pass the TET can be considered for appointment as a teacher in elementary classes;
- (ii) the State Government and other school managements shall amend the recruitment rules to correspond with the minimum qualification norms laid down by the aforementioned notification of the NCTE;
- (iii) in the matter of appointment, the State Government shall give priority to those eligible candidates who possess the minimum qualifications specified in the NCTE notification dated the 25th August, 2010, and only thereafter consider the eligible candidates with the relaxed qualifications specified in this notification;
- (iv) advertisement for appointment of teachers should be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers not possessing the minimum academic and

professional qualifications laid down in the aforementioned notification of the NCTE shall acquire the same within the time limit specified under sub-section (2) of Section 23 of the RTE Act, 2009;

- (vi) the State Government and other school managements shall ensure that teachers who are appointed under the relaxed qualification norms acquire the minimum qualification specified in the NCTE notification within a period of two years from the year of appointment;
- (vii) the relaxation specified in this notification shall be one-time and no further relaxation under sub-section (2) of Section 23 shall be granted to the State Government;
- (viii) the State Government shall ensure that the annual intake capacity for the two-year Diploma in Elementary Education course in the District Institutes of Education and Training in Manipur is utilised only for preparing prospective elementary school teachers and not for imparting face-to-face Diploma in Elementary Education course to existing untrained teachers.

Note 2: In accordance with sub-para (iii) of para 5 of the TET Guidelines issued by the NCTE vide its letter dated the 11th February, 2011, the following persons shall also be eligible for appearing in the TET conducted by the State Government of Manipur in respect of teacher appointments made in the State upto the 31st March, 2013 :—

- (a) For classes I to V—Senior Secondary (or equivalent) with at least 50 per cent marks;
- (b) For classes VI to VIII—Graduation with at least 50 per cent marks.

[F.No. 1-17/2010-EE-4]

ANITA KAUL, Addl. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (II)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 508]

नई दिल्ली, बुधस्वतिवार, मार्च 24 2011/चैत्र 3, 1933

No. 508]

NEW DELHI, THURSDAY, MARCH 24, 2011/CHAITRA 3, 1933

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 23 मार्च, 2011

का.आ. 623(अ).—निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उपधारा (2) और निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार नियम, 2010 के नियम 18 में प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा भारत के असाधारण राजपत्र के भाग III-खंड 4 में दिनांक 25 अगस्त, 2010 को राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा अधिसूचित न्यूनतम शिक्षक अहंता मानकों के संबंध में उड़ीसा राज्य को कक्षा I-V और कक्षा VI-VIII के संबंध में निम्नलिखित छूट प्रदान करती है:-

- (क) कक्षा I-V में अध्यापक की नियुक्ति के लिए प्रारंभिक शिक्षा (जिस नाम से भी जानी जाती हो) में 2 वर्ष का डिप्लोमा; और
- (ख) कक्षा VI-VIII में अध्यापक की नियुक्ति के लिए शिक्षा में एक वर्ष स्नातक (बी.एड.)।

2. ऊपर उल्लिखित छूट अधिसूचना की तारीख से एक वर्ष की अवधि के लिए मान्य होगी और इस पर निम्नलिखित शर्तें लागू होंगी:-

- (i) राष्ट्रीय अध्यापक शिक्षा परिषद की ऊपर उल्लिखित अधिसूचना में विनोदप्ट किए गए अनुसार उड़ीसा सरकार को राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा जारी दिनांक 11 फरवरी, 2011 के दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करनी चाहिए। केवल वही व्यक्ति जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है उन पर ही प्रारंभिक कक्षाओं में शिक्षक के रूप में नियुक्ति हेतु विचार किया जा सकता

है। यह केवल सरकारी और स्थानीय निकाय के स्कूलों पर ही लागू नहीं होगा बल्कि राशी सहायता प्राप्त और गैर-सहायता प्राप्त स्कूलों पर भी लागू होगा;

- (ii) राष्ट्रीय अध्यापक शिक्षा परिषद की ऊपर उल्लिखित अधिसूचना द्वारा निर्धारित न्यूनतम अर्हता के मानकों के अनुसार राज्य सरकार और अन्य स्कूल प्रबंधनों की भर्ती नियम संशोधित करने चाहिए;
- (iii) नियुक्ति के मामले में राष्ट्रीय अध्यापक शिक्षा परिषद की दिनांक 25 अगस्त, 2010 की अधिसूचना में विनिर्दिष्ट न्यूनतम अर्हताओं वाले, पात्र अभ्यर्थियों को ही राज्य सरकार द्वारा प्राथमिकता दी जाएगी और उसके बाद ही इस अधिसूचना में विनिर्दिष्ट अर्हताओं में छूट वाले पात्र अभ्यर्थियों पर विचार किया जाएगा;
- (iv) शिक्षकों की नियुक्ति हेतु विज्ञापन का प्रचार किया जाना चाहिए (राज्य से बाहर सहित);
- (v) राष्ट्रीय अध्यापक शिक्षा परिषद की ऊपर उल्लिखित अधिसूचना में निर्धारित की गई न्यूनतम अकादमिक और व्यावसायिक अर्हता न रखने वाले शिक्षकों के लिए राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि वे इसे निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उपधारा (2) के अंतर्गत विनिर्दिष्ट समय-सीमा में प्राप्त कर लें;
- (vi) इस अधिसूचना में विनिर्दिष्ट छूट एक बार दी जाएगी और धारा 23 की उपधारा (2) के अंतर्गत राज्य सरकार को कोई और छूट नहीं दी जाएगी।

3. राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा दिनांक 11 फरवरी, 2011 के अपने पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैरा 5 के उप पैरा (iii) के अनुसार इस अधिसूचना के जारी होने के एक वर्ष के अंदर उड़ोसा सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में भाग लेने के लिए निम्नलिखित व्यक्ति भी पात्र होंगे:-

- (क) कक्षा V के लिए - कम-से-कम 50 प्रतिशत अंकों के साथ उच्चतर माध्यमिक (अथवा समकक्ष);
- (ख) कक्षा VI से VIII के लिए - कम-से-कम 50 प्रतिशत अंकों के साथ बी.ए./बी.एससी.

4. इस अधिसूचना को राज्य सरकार के अनुरोध पर जारी किया जा रहा है क्योंकि राज्य सरकार के पास अध्यापक शिक्षा में पाठ्यक्रम प्रदान करने अथवा पशिक्षण देने के लिए पर्याप्त संस्थाएँ नहीं हैं, अथवा राष्ट्रीय अध्यापक शिक्षा परिषद की दिनांक 25 अगस्त, 2010 की अधिसूचना में निर्धारित न्यूनतम अर्हताओं वाले व्यक्ति पर्याप्त संख्या में उपलब्ध नहीं हैं।

[फा. सं. 1-17/2010-ई-4]

अनिता कौल, अपर सचिव

दिनांक: 23 मार्च, 2011

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of School Education and Literacy)****NOTIFICATION**

New Delhi, the 23rd March, 2011

S.O. 623(E).—In exercise of the powers conferred by sub-section (2) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), and Rule 18 of the Right of Children to Free and Compulsory Education-Rules, 2010, the Central Government hereby grants relaxation to the State of Orissa in respect of the minimum teacher qualification norms notified by the National Council for Teacher Education (NCTE) on 25th August, 2010 in the Gazette of India, Extraordinary, Part III, Section 4, insofar as they relate to classes I-V and VI-VIII, as under :—

- (a) 2-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I-V; and
- (b) 1-Year Bachelors in Education (B. Ed) for appointment of a teacher in classes VI to VIII.

2 The aforementioned relaxation would be valid for a period of one year from the date of the Notification and shall be subject to the following conditions, namely:-

- (i) As specified in the aforementioned Notification of the National Council for Teacher Education, the Government of Orissa should conduct the Teacher Eligibility Test (TET) in accordance with the Guidelines dated 11th February, 2011 issued by the National Council for Teacher Education. Only those persons who pass the TET can be considered for appointment as a teacher in elementary classes. This would apply not only to Government and local body schools, but also to all aided and unaided schools;
- (ii) The State Government and other school managements should amend the ~~Recruitment Rules to correspond with the minimum qualification norms laid down~~ by the aforementioned Notification of the National Council for Teacher Education;
- (iii) In the matter of appointment, the State Government shall give priority to those eligible candidates who possess the minimum qualifications specified in the National Council for Teacher Education Notification dated 25th August, 2010, and only thereafter consider the eligible candidates with the relaxed qualifications specified in this Notification;
- (iv) Advertisement for appointment of teachers should be given wide publicity (including outside the State);
- (v) The State Government and other school managements shall ensure that teachers not possessing the minimum academic and professional qualifications laid down in the aforementioned Notification of the National Council for Teacher Education shall acquire the same within the time limit

specified under sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009:

- (vi) The relaxation specified in this Notification will be one-time and no further relaxation under sub-section (2) of section 23 shall be given to the State Government.

3 In accordance with sub-para (iii) of para 5 of the Teacher Eligibility Test (TET) Guidelines issued by the National Council for Teacher Education vide its letter dated 11th February, 2011, the following persons shall also be eligible for appearing in the Teacher Eligibility Test conducted by the Government of Orissa within one year of the issue of this Notification :

- (a) For classes I to V – Senior Secondary (or equivalent) with at least 50% marks.
(b) For classes VI to VIII - BA/B. Sc with at least 50% marks

4 This Notification is issued upon request by the State Government, since the State Government does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications laid down in the Notification dated 25th August, 2010 of the National Council for Teacher Education are not available in sufficient numbers.

[F. No. 1-17/2010-EE-4]

Dated : 23 March, 2011

ANITA KAUL, Addl. Secy.



भारत का राजपत्र

The Gazette of India

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ji)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2373]

नई दिल्ली, सोमवार, दिसम्बर 19, 2011/अग्रहायण 28, 1933

No. 2373]

NEW DELHI, MONDAY, DECEMBER 19, 2011/AGRAHAYANA 28, 1933

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 21 नवम्बर, 2011

क्र.अ. 2830(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसमें इसके पश्चात् उक्त अधिनियम के रूप में उल्लिखित) की धारा 23 की उप-धारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद् (इसमें इसके पश्चात् परिषद् के नाम से उल्लिखित) ने 25 अगस्त, 2010 को भारत के राजपत्र, असाधारण, भाग III खंड 4 में प्रकाशित अधिसूचना सं. एफ सं. 61-03/20/2010/एनसीटीई(एन एंड एस) दिनांक 23-8-2010 में उक्त अधिनियम की धारा 2 में खंड (ठ) में उल्लिखित स्कूल में कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्ति हेतु न्यूनतम अर्हताएँ निर्धारित की हैं;

जबकि अधिनियम की धारा 23 की उप-धारा (2) में प्रावधान है कि जहां किसी राज्य में अध्यापक शिक्षा के पाठ्यक्रम या प्रशिक्षण प्रदान करने वाली संस्थाएँ पर्याप्त नहीं हैं या अधिनियम की धारा 23 की उप-धारा (1) के अंतर्गत निर्धारित न्यूनतम योग्यता वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं तो केन्द्र सरकार, यदि आवश्यक समझे तो अधिसूचना द्वारा अध्यापक के रूप में नियुक्ति हेतु अपेक्षित न्यूनतम योग्यताओं में अधिसूचना में विनिर्दिष्ट अबाधि के लिए छूट दे सकती है, जो पांच वर्ष से अधिक नहीं हो सकती;

जबकि मध्य प्रदेश राज्य सरकार द्वारा दिनांक 3 मई, 2011 के अपने पत्र द्वारा उक्त अधिनियम के खंड 23 के उप-खंड (1) के अंतर्गत परिषद् द्वारा शिक्षकों की नियुक्ति हेतु रखी गई न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए केन्द्र सरकार को प्रस्ताव प्रस्तुत किया गया;

जबकि केन्द्र सरकार ने उक्त अधिनियम के खंड 23 के उप-खंड (2) के अंतर्गत शिक्षकों की नियुक्ति हेतु न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए मध्य प्रदेश राज्य सरकार के प्रस्ताव पर विचार किया;

अतः निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा दिनांक 25 अगस्त, 2010 को भारत के राजपत्र में प्रकाशित अधिसूचना संख्या 215 (उक्त अधिसूचना), दिनांक 2 अगस्त, 2011 की अधिसूचना संख्या 158 (संशोधित अधिसूचना) द्वारा यथासंशोधित, द्वारा उक्त अधिनियम की धारा 23 की उप-धारा (1) के अंतर्गत राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा कक्षा I-VIII के संबंध में अधिसूचित न्यूनतम अध्यापक योग्यता मानदंडों के लिए मध्य प्रदेश सरकार को छूट देती है, जो किम्बानुसार है -

(क) कक्षा I-VIII में अध्यापक की नियुक्ति हेतु प्रारंभिक शिक्षा में 2 वर्षीय डिप्लोमा (किसी भी नाम से जाना जाए); और

(ख) कक्षा VI-VIII में अध्यापक की नियुक्ति हेतु 1 वर्षीय शिक्षा स्नातक (बी. एड.) ।

2. इस अधिसूचना के अंतर्गत दी गई छूट निम्नलिखित शर्तों को पूरा करने हुए 31 मार्च, 2013 तक के लिए मान्य होगी :

i. परिषद् को उपर्युक्त अधिसूचना में विनिर्दिष्ट अनुसार मध्य प्रदेश सरकार परिषद् द्वारा दिनांक 11 फरवरी, 2011 को जारी दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करेगी तथा कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है ।

- ii. राज्य सरकार और अन्य स्कूल प्रबंधन भर्ती नियमावली में संशोधन करेंगे ताकि उक्त अधिसूचना तथा परिषद् की संशोधित अधिसूचना द्वारा शिक्षकों की नियुक्ति हेतु अपेक्षित निर्धारित न्यूनतम योग्यताओं का प्रावधान किया जा सके;
- iii. नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो दिनांक 25 अगस्त, 2010 की उक्त अधिसूचना समय-समय पर यद्यत्संशोधित में विनिर्दिष्ट न्यूनतम योग्यता रखते हैं तथा उसके पश्चात् उन पात्र अभ्यर्थियों पर विचार करेंगे जो इस अधिसूचना में विनिर्दिष्ट प्रदान की गई छूट वाली योग्यता रखते हैं;
- iv. अध्यापकों की नियुक्ति हेतु विज्ञापन का राज्य से बाहर सहित व्यापक प्रचार किया जाना चाहिए;
- v. राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि परिषद् की समय-समय पर संशोधित उक्त अधिसूचना में शिक्षकों की नियुक्ति हेतु दो गई आवश्यक न्यूनतम अर्हताएं न रखने वाले ऐसे शिक्षक, जिन्हें उनके द्वारा नियुक्त किया गया है, निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उप-धारा (2) के अंतर्गत विनिर्दिष्ट समय सीमा के भीतर न्यूनतम अर्हताएं प्राप्त करेंगे;
- vi. राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि जिन अध्यापकों को, छूट दी गई योग्यता मानदंडों के अंतर्गत नियुक्त किया गया है वे नियुक्ति के वर्ष से दो वर्षों की अवधि के अंदर उक्त अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता प्राप्त कर लें;
- vii. इस अधिसूचना में विनिर्दिष्ट छूट एक बार दी जाएगी तथा मध्य प्रदेश राज्य को धारा 23 की उप-धारा (2) के अंतर्गत आगे कोई छूट नहीं दी जाएगी; और
- viii. विशिष्ट अर्हताओं वाले व्यक्तियों को तैयार करने के लिए राज्य सरकार को संस्थागत क्षमता में वृद्धि करने के लिए कदम उठाने होंगे ताकि यह सुनिश्चित किया जा सके कि 31 मार्च, 2013 के पश्चात् कक्षा I-VIII में केवल अर्हता प्राप्त व्यक्तियों को ही शिक्षकों के रूप में नियुक्त किया जाए।

3. परिषद् के दिनांक 11 फरवरी, 2011 के पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिश-निर्देशों के पैराग्राफ 5 के उप-पैराग्राफ (iii) के अनुसार निम्नलिखित योग्यता रखने वाले व्यक्ति 31 मार्च, 2013 तक राज्य में की जाने वाली अध्यापक की नियुक्ति के संबंध में मध्य प्रदेश राज्य सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में बैठने के लिए भी पात्र होंगे :—

- (क) कक्षा I-V के लिए कम से कम 50 प्रतिशत अंकों के साथ सीनियर सेकेंडरी (या समकक्ष);
- (ख) कक्षा I-VIII के लिए स्नातक।

[फा. सं. 1-17/2010-इ.इ. 4]
अनिता कौल अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 21st November, 2011

S.O. 2830(E).—Whereas the National Council for Teacher Education (hereinafter referred to as the Council), in pursuance of sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the said Act), has, *vide* notification number F. No. 61-03/20/2010/NCTE/(N & S), dated the 23rd August, 2010, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25th August, 2010, laid down the minimum qualifications for a person to be eligible for appointment as a teacher in classes I to VIII in a school referred to in clause (n) of Section 2 of the said Act. This notification was amended *vide* notification No. 158 published in the Gazette of India, Extraordinary, Part III, Section 4 dated 2nd August, 2011.

And whereas sub-section (2) of Section 23 of the said Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications laid down under sub-section (1) of Section 23 of the said Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in that notification.

And whereas the State Government of Madhya Pradesh *vide* its letter dated the 3rd May, 2011 submitted a proposal to the Central Government for relaxation of the requirement of minimum qualifications for appointment of teachers laid down by the Council under sub-section (1) of Section 23 of the said Act.

And whereas the Central Government perused the proposal of the State Government of Madhya Pradesh for relaxation of the requirement of minimum qualifications for appointment as teachers under sub-section (2) of Section 23 of the said Act.

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby relaxes in respect of the State of Madhya Pradesh, the minimum qualifications notified by the National Council for Teacher Education under sub-section (1) of Section 23 of the said Act *vide* notification number 215, dated the 25th August, 2010 (the said notification), as amended by notification number 158, dated the 2nd August, 2011 (the amended notification) in so far as they relate to classes I to VIII, namely :—

- (a) two-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I to VIII, and

(b) one-year Bachelors in Education for appointment of a teacher in classes VI to VIII

2. The relaxation granted under this notification shall be valid for a period up to the 31st March, 2013, subject to fulfilment of following conditions, namely :—

- (i) the State Government of Madhya Pradesh shall conduct the Teacher Eligibility Test as specified in the said Notification as amended from time to time, of the Council in accordance with the Guidelines for conducting Teacher Eligibility Test, dated the 11th February, 2011 issued by the Council and those persons who pass the Teacher Eligibility Test be considered for appointment as a teacher in classes I to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules to provide for the minimum qualifications required for appointment of teachers laid down by the said notification and the amended notification of the Council;
- (iii) the State Government shall in the matter of appointment give priority to those eligible candidates who passes the minimum qualifications specified in the said notification dated the 25th August, 2010, as amended from time to time and thereafter, consider other candidates eligible with the relaxed qualifications under this notification;
- (iv) advertisement for appointment of teachers shall be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers employed or engaged by them who do not possess the minimum qualifications required

for appointment of teachers laid down in the said notification as amended from time to time of the Council shall acquire the minimum qualifications with the time limit specified under sub-section (2) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009;

- (vi) the State Government and other school managements shall ensure that teachers who are appointed under the relaxed qualification norms acquire the minimum qualification specified in the said notification within a period of two years from the year of appointment.
- (vii) the relaxation specified in this notification will be one-time and no further relaxation under sub-section (2) of Section 23 shall be granted to the State of Madhya Pradesh; and
- (viii) the State Government shall take steps to increase the institutional capacity for preparing persons with specified qualifications so as to ensure that only qualified persons are appointed as teachers in classes I to VIII after the 31st March, 2013.

3. The persons possessing the following qualifications shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government of Madhya Pradesh in respect of teacher appointments made in the State up to the 31st March, 2013, in accordance with sub-paragraph (iii) of paragraph 5 of the Teacher Eligibility Test Guidelines, issued by the Council *vide* its letter dated the 11th February, 2011, namely :—

- (a) Senior Secondary (or equivalent) with at least fifty per cent marks, for classes I to V;
- (b) Graduation, for classes I to VIII

[F No 1-17/2010-EE.4]

ANITA KAUL, Addl. Secy



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 32]

नई दिल्ली, बुधवार, जून 20, 2012/ ज्यैष्ठ 30, 1934 (सक)

No. 32] NEW DELHI, WEDNESDAY, JUNE 20, 2012/ JYAISTHA 30, 1934 (SAKA)

इस भाग में पिन् न्यूम्बर दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th June, 2012/Jyaistha 30, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2012

[No. 30 OF 2012]

[19th June, 2012]

An Act to amend the Right of Children to Free and Compulsory Education Act, 2009

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

Short title and commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 2009.

2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 1, after sub-section (3), the following sub-sections shall be inserted, namely:—

Amendment of section 1.

“(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instruction.”

Amendment
of section 2

3. In the principal Act, in section 2,—

(a) in clause (d), after the word "means", the words "a child with disability or" shall be inserted;

(b) after clause (e), the following clause shall be inserted, namely:—

(ee) "child with disability" includes,—

(A) a child with "disability" as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1996.

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

44 of 1999.

(C) a child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

44 of 1999.

Amendment
of section 3.

4. In section 3 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(b) in sub-section (2), the proviso shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995:

1 of 1996.

Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (b) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education.

44 of 1999.

Amendment
of section 21.

5. In section 21 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that the School Management Committee constituted under sub-section (1) in respect of,—

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

shall perform advisory function only."

Amendment
of section 22.

6. In section 22 of the principal Act, in sub-section (1), for the words "School Management Committee, constituted", the words "School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted" shall be substituted.

7. In section 25 of the principal Act, in sub-section (1), for the words "Within six months", the words "Within three years" shall be substituted. Amendment of section 25

8. After section 38 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 39.

"39. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty: Power of Central Government to remove difficulties.

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament."

V. K. BHASIN,
Secretary to the Govt. of India.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1162]

नई दिल्ली, बुधवार, जून 20, 2012/ज्येष्ठ 30, 1934

No. 1162]

NEW DELHI, WEDNESDAY, JUNE 20, 2012/JYAISTHA 30, 1934

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 18 जून, 2012

का.आ. 1390(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसमें इसके पश्चात्, उक्त अधिनियम के रूप में उल्लिखित) की धारा 23 की उप-धारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद (इसमें इसके पश्चात् परिषद के नाम से उल्लिखित) ने 25 अगस्त, 2010 को भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित अधिसूचना सं. एफ. सं. 61-03/20/2010/एनसीटीई/(एनएंडएस), दिनांक 23-08-2010 [दिनांक 2 अगस्त, 2011 को भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित अधिसूचना सं. 61-1/2011-एनसीटीई (एनएंडएस) द्वारा यथासंशोधित] में उक्त अधिनियम की धारा 2 में खंड (ढ) में उल्लिखित स्कूल में कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्ति हेतु न्यूनतम अर्हताएं निर्धारित की हैं:

और जबकि अधिनियम की धारा 23 की उपधारा 2 में प्रावधान है कि जहां किसी राज्य में अध्यापक शिक्षा के पाठ्यक्रम या प्रशिक्षण प्रदान करने वाली संस्थाएं पर्याप्त नहीं हैं या अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत निर्धारित न्यूनतम योग्यता वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं तो केन्द्र सरकार, यदि आवश्यक समझे तो अधिसूचना द्वारा अध्यापक के रूप में नियुक्ति हेतु अपेक्षित न्यूनतम योग्यताओं में अधिसूचना में विनिर्दिष्ट अवधि के लिए छूट दे सकती है, जो पांच वर्ष से अधिक नहीं हो सकती;

और जबकि गेघालय राज्य सरकार द्वारा दिनांक 21 फरवरी, 2012 के अपने पत्र द्वारा उक्त अधिनियम के खंड 23 के उप-खंड (1) के अंतर्गत परिषद द्वारा शिक्षकों की नियुक्ति हेतु रखी गई न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए केन्द्र सरकार को प्रस्ताव प्रस्तुत किया गया;

और जबकि केन्द्र सरकार ने उक्त अधिनियम के खंड 23 के उपखंड (2) के अंतर्गत शिक्षकों की नियुक्ति हेतु न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए गेघालय राज्य सरकार के प्रस्ताव पर विचार किया;

- (vi) the State Government and other school managements shall ensure that teachers who are appointed under the relaxed qualification norms acquire the minimum qualification specified in the said notification within a period of two years from the year of appointment;
- (vii) the State Government shall take steps to increase the institutional capacity for preparing persons with specified qualifications so as to ensure that only qualified persons are appointed as teachers in classes I to VIII after the 31st March, 2015 and for this purpose the State Government shall prepare a strategy for increasing the institutional capacity for teacher preparation in the State and submit the same to the Central Government within a period of two months, and thereafter, submit a Report to the Central Government in every six months with regard to the steps taken, including increasing capacity in existing teacher education institutions, establishment of new teacher education institutions, and other steps, to implement the strategy for increasing teacher preparation capacity in the State, and
- (viii) the relaxation specified in this notification shall be one-time and no further relaxation under sub-section (2) of section 23 shall be granted to the State of Tripura.

3 The persons possessing the following qualifications shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government of Tripura in respect of teacher appointments made in the State upto the 31st March, 2015, in accordance with sub-paragraph (iii) of paragraph 5 of the Teacher Eligibility Test Guidelines, issued by the Council vide its letter dated the 11th February, 2011, namely -

- (a) Senior Secondary (or equivalent) with at least fifty per cent marks, for classes I to V;
- (b) Graduation, for classes I to VIII.

[F. No. 1-17/2010-EE-4(Pl.I)]

VRINDA SARUP, Addl. Secy

अतः निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा दिनांक 23 अगस्त, 2010 की अधिसूचना सं. एफ.सं. 61-03/20/2010/एनसीटीई/(एनएडएस) (उक्त अधिसूचना), दिनांक 29 जुलाई, 2011 की अधिसूचना सं. एफ.सं. 61-11/2011-एनसीटीई/(एनएडएस) (संशोधित अधिसूचना) के तहत उक्त अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा कक्षा I-VIII के समय में अधिसूचित न्यूनतम अध्यापक योग्यता मानदंडों के संबंध में मेघालय राज्य को सूट देती है, जो निम्नानुसार है:-

- (क) कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु प्रारंभिक शिक्षा में 2 वर्षीय शिक्षा किसी भी नाम से जाना जाए; और
- (ख) कक्षा VI-VIII में अध्यापक के रूप में नियुक्ति हेतु 1 वर्षीय शिक्षा स्नातक।

2. इस अधिसूचना के अंतर्गत दी गई सूट निम्नलिखित शर्तों को पूरा करते हुए 31 मार्च, 2014 तक के लिए मान्य होगी:

- (i) परिषद की उपर्युक्त अधिसूचना में विनिर्दिष्ट अनुसार मेघालय सरकार परिषद द्वारा दिनांक 11 फरवरी, 2011 को समय-समय पर यथासंशोधित जारी दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करेगी तथा कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है।
- (ii) राज्य सरकार और अन्य स्कूल प्रबंधन भर्ती नियमावली में संशोधन करेंगे ताकि समय-समय पर संशोधित उक्त अधिसूचना तथा परिषद की संशोधित अधिसूचना द्वारा शिक्षकों की नियुक्ति हेतु अपेक्षित निर्धारित न्यूनतम योग्यताओं का प्रावधान किया जा सके;
- (iii) नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो दिनांक 23 अगस्त, 2010 की उक्त अधिसूचना, समय-समय पर यथासंशोधित, में विनिर्दिष्ट न्यूनतम योग्यता रखते हैं तथा उसके पश्चात उन पात्र अभ्यर्थियों पर विचार करेंगे जो इस अधिसूचना में विनिर्दिष्ट प्रदान की गई सूट वाली योग्यता रखते हैं;
- (iv) अध्यापकों की नियुक्ति हेतु विज्ञापन का राज्य से बाहर सहित व्यापक प्रचार किया जाना चाहिए।
- (v) राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि परिषद की समय-समय पर संशोधित उक्त अधिसूचना में शिक्षकों की नियुक्ति हेतु दी गई आवश्यक न्यूनतम अर्हताएं न रखने वाले ऐसे शिक्षक, जिन्हें उनके द्वारा नियुक्त किया गया है, निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उपधारा (2) के अंतर्गत विनिर्दिष्ट समय सीमा के भीतर न्यूनतम अर्हताएं प्राप्त करेंगे;
- (vi) राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि जिन अध्यापकों को, सूट दी गई योग्यता मानदंडों के अंतर्गत नियुक्त किया गया है वे नियुक्ति के वर्ष से दो वर्षों की अवधि के अंदर उक्त अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता प्राप्त कर लें;
- (vii) विशिष्ट अर्हताओं वाले व्यक्तियों को तैयार करने के लिए राज्य सरकार को संस्थागत क्षमता में वृद्धि करने के लिए कदम उठाने होंगे ताकि यह सुनिश्चित किया जा सके कि 31 मार्च, 2014 के पश्चात कक्षा I-VIII में केवल अर्हता प्राप्त व्यक्तियों को ही शिक्षकों के रूप में नियुक्त किया जाए और इस प्रयोजन

से राज्य सरकार राज्य में शिक्षक तैयार करने के लिए संस्थागत क्षमता में वृद्धि हेतु एक कार्यनीति तैयार करेगी तथा उसे दो माह की अवधि के भीतर केंद्र सरकार को प्रस्तुत करेगी और उपरोक्त उक्त गए कदमों, जिनमें मौजूदा अध्यापक शिक्षा संस्थाओं की क्षमता में वृद्धि, ए अध्यापक शिक्षा संस्थाओं की स्थापना तथा राज्य में अध्यापक तैयार करने की क्षमता में वृद्धि के लिए कार्यनीति के कार्यान्वयन हेतु उक्त गए अन्य कदम शामिल हैं, के संबंध में प्रत्येक छह माह में केंद्र सरकार को रिपोर्ट प्रस्तुत करेगी, और

(viii) इस अधिसूचना में विनिर्दिष्ट छूट एक बार के लिए होगी तथा मेघालय राज्य को धारा 23 की उपधारा (2) के अंतर्गत आगे कोई छूट नहीं दी जाएगी।

3. परिषद के दिनांक 11 फरवरी, 2011 के पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैराग्राफ 5 के उप पैराग्राफ (iii) के अनुसार निम्नलिखित योग्यता रखने वाले व्यक्ति 31 मार्च, 2014 तक राज्य में की जाने वाली अध्यापक की नियुक्ति के संबंध में मेघालय राज्य सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में बैठने के लिए भी पात्र होंगे:-

(क) कक्षा I-V के लिए कम से कम 50 प्रतिशत अंकों के साथ सीनियर सेकेंडरी (या समकक्ष);

(ख) कक्षा I-VIII के लिए स्नातक।

[फा. सं. 1-17/2010-ई.ई.-4(पार्ट-1)]

वृंदा सरूप, अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION-

New Delhi, the 18th June, 2012

S.O. 1390(E).—WHEREAS the National Council for Teacher Education (hereinafter referred to as the Council), in pursuance of sub-section (1) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), (hereinafter referred to as the said Act), has, vide its notification number F.No.61-03/20/2010/NCTE/(N&S), dated the 23rd August, 2010, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25th August, 2010, (as amended vide notification No. 61-1/2011-NCTE(N&S) published in the Gazette of India Extraordinary, Part III, Section 4 dated 2nd August, 2011), laid down the minimum qualifications for a person to be eligible for appointment as a teacher in classes I to VIII in a school referred to in clause (n) of section 2 of the said Act,

AND WHEREAS sub-section (2) of section 23 of the said Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications laid down under sub-section (1) of section 23 of the said Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in that notification;

AND WHEREAS the State Government of Meghalaya vide its letter dated the 21st February, 2012 submitted a proposal to the Central Government for relaxation of the requirement of minimum qualifications for appointment of teachers laid down by the Council under sub-section (1) of section 23 of the said Act;

AND WHEREAS the Central Government perused the proposal of the State Government of Meghalaya for relaxation of the requirement of minimum qualifications for appointment as teachers under sub-section (2) of section 23 of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby relaxes in respect of the State of Meghalaya, the minimum qualifications notified by the National Council for Teacher Education under sub-section (1) of section 23 of the said Act vide notification number F No 61-03/20/2010/NCTE/(N&S), dated the 23rd August, 2010 (the said notification), as amended by notification number 61-1/2011-NCTE(N&S), dated the 29th July, 2011 (the amended notification) in so far as they relate to classes I to VIII, namely :-

- (a) two-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I to VIII; and
- (b) one-Year Bachelors in Education for appointment of a teacher in classes VI to VIII.

2. The relaxation granted under this notification shall be valid for a period upto the 31st March, 2014, subject to fulfilment of following conditions, namely:-

- (i) the State Government of Meghalaya shall conduct the Teacher Eligibility Test as specified in the said Notification as amended from time to time, of the Council in accordance with the Guidelines for conducting Teacher Eligibility Test, dated the 11th February, 2011 issued by the Council and those persons who pass the Teacher Eligibility Test be considered for appointment as a teacher in classes I to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules to provide for the minimum qualifications required for appointment of teachers laid down by the said notification as amended from time to time;
- (iii) the State Government shall in the matter of appointment give priority to those eligible candidates who possess the minimum qualifications specified in the said notification dated the 23rd August, 2010, as amended from time to time and thereafter, consider other candidates eligible with the relaxed qualifications under this notification;

- (iv) advertisement for appointment of teachers shall be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers employed or engaged by them who do not possess the minimum qualifications required for appointment of teachers laid down in the said notification, as amended from time to time, of the Council shall acquire the minimum qualifications within the time limit specified under sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009;
- (vi) the State Government and other school managements shall ensure that teachers who are appointed under the relaxed qualification norms acquire the minimum qualification specified in the said notification within a period of two years from the year of appointment;
- (vii) the State Government shall take steps to increase the institutional capacity for preparing persons with specified qualifications so as to ensure that only qualified persons are appointed as teachers in classes I to VIII after the 31st March, 2014 and for this purpose the State Government shall prepare a strategy for increasing the institutional capacity for teacher preparation in the State and submit the same to the Central Government within a period of two months, and thereafter, submit a Report to the Central Government in every six months with regard to the steps taken, including increasing capacity in existing teacher education institutions, establishment of new teacher education institutions, and other steps, to implement the strategy for increasing teacher preparation capacity in the State; and
- (viii) the relaxation specified in this notification shall be one-time and no further relaxation under sub-section (2) of section 23 shall be granted to the State of Meghalaya

3. The persons possessing the following qualifications shall also be eligible for appearing in the Teacher Eligibility Test conducted by the State Government of Meghalaya in respect of teacher appointments made in the State upto the 31st March, 2014, in accordance with sub-paragraph (iii) of paragraph 5 of the Teacher Eligibility Test Guidelines, issued by the Council vide its letter dated the 11th February, 2011, namely:-

- (a) Senior Secondary (or equivalent) with at least fifty per cent marks, for classes I to V;
- (b) Graduation, for classes I to VIII.

[F. No. 1-17/2010-EE-4(P.L.)]

VRINDA SARUP, Addl. Secy.

अधिसूचना

नई दिल्ली, 18 जून, 2012

का.आ. 1391(अ).—जबकि निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) (इसमें इसके पश्चात् उक्त अधिनियम के रूप में उल्लिखित) की धारा 23 की उप-धारा (1) के अनुसरण में राष्ट्रीय अध्यापक शिक्षा परिषद (इसमें इसके पश्चात् परिषद के नाम से उल्लिखित) ने 25 अगस्त, 2010 को भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित अधिसूचना सं. एफ. सं. 61-03/20/2010/एनसीटीई/(एनएंडएस), दिनांक 23-08-2010 [दिनांक 2 अगस्त, 2011 को भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित अधिसूचना सं. 61-1/2011-एनसीटीई (एनएंडएस) द्वारा यथासंशोधित] में उक्त अधिनियम की धारा 2 में खंड (द) में उल्लिखित स्कूल में कक्षा I से VIII के लिए अध्यापक के रूप में नियुक्ति के लिए पात्र व्यक्ति हेतु न्यूनतम अर्हताएं निर्धारित की हैं;

और जबकि अधिनियम की धारा 23 की उपधारा 2 में प्रावधान है कि जहां किसी राज्य में अध्यापक शिक्षा के पाठ्यक्रम या प्रशिक्षण प्रदान करने वाली संस्थाएं पर्याप्त नहीं हैं या अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत निर्धारित न्यूनतम योग्यता वाले अध्यापक पर्याप्त संख्या में उपलब्ध नहीं हैं तो केन्द्र सरकार, यदि आवश्यक समझे तो अधिसूचना द्वारा अध्यापक के रूप में नियुक्ति हेतु अपेक्षित न्यूनतम योग्यताओं में अधिसूचना में विनिर्दिष्ट अवधि के लिए छूट दे सकती है, जो पांच वर्ष से अधिक नहीं हो सकती;

और जबकि त्रिपुरा राज्य सरकार द्वारा दिनांक 27 फरवरी, 2012 के अपने पत्र द्वारा उक्त अधिनियम के खंड 23 के उप खंड (1) के अंतर्गत परिषद द्वारा शिक्षकों की नियुक्ति हेतु रखी गई न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए केन्द्र सरकार को प्रस्ताव प्रस्तुत किया गया;

और जबकि केन्द्र सरकार ने उक्त अधिनियम के खंड 23 के उपखंड (2) के अंतर्गत शिक्षकों की नियुक्ति हेतु न्यूनतम अर्हताओं की आवश्यकता में छूट के लिए त्रिपुरा राज्य सरकार के प्रस्ताव पर विचार किया:

अतः निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (2009 का 35) की धारा 23 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा दिनांक 28 अगस्त, 2011 की अधिसूचना सं. एफ. सं. 61-03/20/2010/एनसीटीई/(एनएंडएस) (उक्त अधिसूचना), दिनांक 29 जुलाई, 2011 की अधिसूचना सं. एफ. सं. 61-1/2011-एनसीटीई/(एनएंडएस) (संशोधित अधिसूचना) के जरिये उक्त अधिनियम की धारा 23 की उपधारा (1) के अंतर्गत 'राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा कक्षा I-VIII के संबंध में अधिसूचित न्यूनतम अध्यापक योग्यता मानदंडों के संबंध में त्रिपुरा राज्य को छूट देती है, जो निम्नानुसार है:-

- (क) कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु प्रारंभिक शिक्षा में 2 वर्षीय डिप्लोमा (किसी भी नाम से जाना जाए); और
- (ख) कक्षा VI-VIII में अध्यापक के रूप में नियुक्ति हेतु 1 वर्षीय शिक्षा स्नातक।

2. इस अधिसूचना के अंतर्गत दी गई छूट निम्नलिखित शर्तों को पूरा करते हुए 31 मार्च, 2015 तक के लिए मान्य होगी:

- (i) परिषद की उपर्युक्त अधिसूचना में विनिर्दिष्ट अनुसार त्रिपुरा सरकार परिषद द्वारा दिनांक 11 फरवरी, 2011 को समय-समय पर यथासंशोधित जारी दिशा-निर्देशों के अनुसार अध्यापक पात्रता परीक्षा आयोजित करेगी तथा कक्षा I-VIII में अध्यापक के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की है।
- (ii) राज्य सरकार और अन्य स्कूल प्रबंधन भर्ती नियमावली में संशोधन करेंगे ताकि समय-समय पर संशोधित उक्त अधिसूचना तथा परिषद की संशोधित अधिसूचना द्वारा शिक्षकों की नियुक्ति हेतु अपेक्षित निर्धारित न्यूनतम योग्यताओं का प्रावधान किया जा सके।
- (iii) नियुक्ति के मामले में राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो दिनांक 23 अगस्त, 2010 की उक्त अधिसूचना, समय-समय पर यथासंशोधित, में विनिर्दिष्ट न्यूनतम योग्यता रखते हैं तथा उसके पश्चात उन पात्र अभ्यर्थियों पर विचार करेंगे जो इस अधिसूचना में विनिर्दिष्ट प्रदान की गई छूट वाली योग्यता रखते हैं।
- (iv) अध्यापकों की नियुक्ति हेतु विज्ञापन का राज्य से बाहर सहित व्यापक प्रचार किया जाना चाहिए।
- (v) राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि परिषद की समय-समय पर संशोधित उक्त अधिसूचना में शिक्षकों की नियुक्ति हेतु दी गई आवश्यक न्यूनतम अर्हताएं न रखने वाले ऐसे शिक्षक, जिन्हें उनके द्वारा नियुक्त किया गया है, निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उपधारा (2) के अंतर्गत विनिर्दिष्ट समय सीमा के भीतर न्यूनतम अर्हताएं प्राप्त करेंगे।
- (vi) राज्य सरकार और अन्य स्कूल प्रबंधन यह सुनिश्चित करेंगे कि जिन अध्यापकों को, छूट दी गई योग्यता मानदंडों के अंतर्गत नियुक्त किया गया है वे नियुक्ति के वर्ष से दो वर्षों की अवधि के अंदर उक्त अधिसूचना में विनिर्दिष्ट न्यूनतम योग्यता प्राप्त कर लें।
- (vii) विशिष्ट अर्हताओं वाले व्यक्तियों को तैयार करने के लिए राज्य सरकार को संस्थागत क्षमता में वृद्धि करने के लिए कदम उठाने होंगे ताकि यह सुनिश्चित किया जा सके कि 31 मार्च, 2015 के पश्चात कक्षा I-VIII में केवल अर्हता प्राप्त व्यक्तियों को ही शिक्षकों के रूप में नियुक्त किया जाए और इस प्रयोजन से राज्य सरकार राज्य में शिक्षक तैयार करने के लिए संस्थागत क्षमता में वृद्धि हेतु एक कार्यनीति तैयार करेगी तथा उसे दो माह की अवधि के भीतर केंद्र सरकार को प्रस्तुत करेगी और तत्पश्चात उठाए गए कदमों, जिनमें मौजूदा अध्यापक शिक्षा संस्थाओं की क्षमता में वृद्धि, नए अध्यापक शिक्षा संस्थाओं की स्थापना तथा राज्य में अध्यापक तैयार करने की क्षमता में वृद्धि के लिए कार्यनीति के कार्यान्वयन हेतु उठाए गए अन्य कदम शामिल हैं, के संबंध में प्रत्येक छह माह में केंद्र सरकार को रिपोर्ट प्रस्तुत करेगी; और
- (viii) इस अधिसूचना में विनिर्दिष्ट छूट एक बार के लिए होगी तथा त्रिपुरा राज्य को धारा 23 की उपधारा (2) के अंतर्गत आगे कोई छूट नहीं दी जाएगी।

3. परिषद के दिनांक 11.1 फरवरी, 2011 के पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैराग्राफ 5 के उप पैराग्राफ (iii) के अनुसार निम्नलिखित योग्यता रखने वाले व्यक्ति 31 मार्च, 2015 तक राज्य में की जाने वाली अध्यापक की नियुक्ति के संबंध में त्रिपुरा राज्य सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में बैठने के लिए भी पात्र होंगे:-

(क) कक्षा I-V के लिए कम से कम 50 प्रतिशत अंकों के साथ सीनियर सेकेंडरी (या समकक्ष);

(ख) कक्षा I-VIII के लिए स्नातक।

[फा. सं. 1-17/2010-ई.ई.-4(पार्ट-1)]

बुदा गोरूप, अपर सचिव

NOTIFICATION

New Delhi, the 18th June, 2012

S.O. 1391(F).—WHEREAS the National Council for Teacher Education (hereinafter referred to as the Council), in pursuance of sub-section (1) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), (hereinafter referred to as the said Act), has, vide its notification number F.No.61-03/20/2010/NCTE/(N&S), dated the 23rd August, 2010, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25th August, 2010, (as amended vide notification No. 61-1/2011-NCTE(N&S) published in the Gazette of India Extraordinary, Part III, Section 4 dated 2nd August, 2011), laid down the minimum qualifications for a person to be eligible for appointment as a teacher in classes I to VIII in a school referred to in clause (n) of section 2 of the said Act;

AND WHEREAS sub-section (2) of section 23 of the said Act provides that where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications laid down under sub-section (1) of section 23 of the said Act are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in that notification;

AND WHEREAS the State Government of Tripura vide its letter dated the 27th February, 2012 submitted a proposal to the Central Government for relaxation of the requirement of minimum qualifications for appointment of teachers laid down by the Council under sub-section (1) of section 23 of the said Act;

AND WHEREAS the Central Government perused the proposal of the State Government of Tripura for relaxation of the requirement of minimum qualifications for appointment as teachers under sub-section (2) of section 23 of the said Act;

NOW, THEREFORE, In exercise of the powers conferred by sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Central Government hereby relaxes in respect of the State of Tripura, the minimum qualifications notified by the National Council for Teacher Education under sub-section (1) of section 23 of the said Act vide notification number F.No.61-03/20/2010/NCTE/(N&S), dated the 23rd August, 2010 (the said notification), as amended by notification number 61-1/2011-NCTE(N&S), dated the 29th July, 2011 (the amended notification) in so far as they relate to classes I to VIII, namely :-

- (a) two-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I to VIII; and
- (b) one-Year Bachelors in Education for appointment of a teacher in classes VI to VIII.

2. The relaxation granted under this notification shall be valid for a period upto the 31st March, 2015, subject to fulfilment of following conditions, namely:-

- (i) the State Government of Tripura shall conduct the Teacher Eligibility Test as specified in the said Notification as amended from time to time, of the Council in accordance with the Guidelines for conducting Teacher Eligibility Test, dated the 11th February, 2011 issued by the Council and those persons who pass the Teacher Eligibility Test be considered for appointment as a teacher in classes I to VIII;
- (ii) the State Government and other school managements shall amend the recruitment rules to provide for the minimum qualifications required for appointment of teachers laid down by the said notification as amended from time to time;
- (iii) the State Government shall in the matter of appointment give priority to those eligible candidates who possess the minimum qualifications specified in the said notification dated the 23rd August, 2010, as amended from time to time and thereafter, consider other candidates eligible with the relaxed qualifications under this notification;
- (iv) advertisement for appointment of teachers shall be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers employed or engaged by them who do not possess the minimum qualifications required for appointment of teachers laid down in the said notification, as amended from time to time, of the Council shall acquire the minimum qualifications within the time limit specified under sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009;



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1048]

नई दिल्ली, शुक्रवार, जून 1, 2012/ज्येष्ठ 11, 1934

No. 1048]

NEW DELHI, FRIDAY, JUNE 1, 2012/JYAISTHA 11, 1934

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 18 मई, 2012

का.आ. 1264(अ).—जबकि केन्द्र सरकार ने निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 (इसमें इसके पश्चात शिक्षा का अधिकार अधिनियम के रूप में उल्लिखित) की धारा 23 की उपधारा (2) के तहत शक्तियों का प्रयोग करते हुए 24 मार्च, 2011 को भारत के राजपत्र, असाधारण, भाग II खंड 3 उपखंड (ii) में प्रकाशित अधिसूचना सं. एसओ 623(ई) दिनांक 23 मार्च, 2011 द्वारा ओडिशा राज्य को एक वर्ष की अवधि के लिए छूट प्रदान की गई थी।

2. और जबकि, ओडिशा राज्य सरकार द्वारा दिनांक 4 अप्रैल, 2012 के अपने पत्र द्वारा शिक्षा का अधिकार अधिनियम के खंड 23 के उपखंड (2) के अंतर्गत आगे तीन वर्ष की अवधि हेतु छूट के लिए केन्द्र सरकार को एक प्रस्ताव प्रस्तुत किया गया।

3. और जबकि, केन्द्र सरकार ने ओडिशा राज्य सरकार के छूट प्रदान करने के प्रस्ताव की जांच की और उस पर विचार किया।

4. अतः शिक्षा का अधिकार अधिनियम की धारा 23 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा दिनांक 25 अगस्त, 2010 के भारत के राजपत्र में राष्ट्रीय अध्यापक शिक्षा परिषद (जिसे आगे इस अधिसूचना में एनसीटीई कहा गया है) द्वारा कक्षा I-VIII के संबंध में अधिसूचित न्यूनतम अध्यापक योग्यता मानदंडों के लिए ओडिशा राज्य सरकार को छूट देती है, जो निम्नानुसार है:-

- (क) कक्षा I-VIII में अध्यापक की नियुक्ति हेतु प्रारंभिक शिक्षा में 2 वर्षीय डिप्लोमा (किसी भी नाम से जाना जाए); और
- (ख) कक्षा VI-VIII में अध्यापक की नियुक्ति हेतु 1 वर्षीय शिक्षा स्नातक (बी. एड.)

टिप्पणी: 1 उपर्युक्त छूट 31 मार्च, 2013 तक वैध होगी और निम्नलिखित शर्तों के अधीन होगी, नामतः—

- (i) जैसाकि उपर्युक्त एनसीटीई अधिसूचना में निर्दिष्ट है, ओडिशा राज्य सरकार राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा दिनांक 11 फरवरी, 2011 को जारी दिशा-निर्देशों के अनुसार विज्ञापन की प्रक्रिया के माध्यम से पात्र अभ्यर्थियों से आवेदनपत्र आमंत्रित करके अध्यापक पात्रता परीक्षा (जिसे आगे इस अधिसूचना में टीईटी कहा गया है) आयोजित करेगी तथा प्रारंभिक कक्षाओं में अध्यापक के रूप में नियुक्ति हेतु केवल उन्हीं व्यक्तियों पर विचार किया जा सकता है जिन्होंने अध्यापक पात्रता परीक्षा उत्तीर्ण की हो;
- (ii) राज्य सरकार और अन्य स्कूल प्रबंध भर्ती नियमावली में संशोधन करेंगे ताकि उसे एनसीटीई की उपर्युक्त अधिसूचना द्वारा शिक्षकों की नियुक्ति हेतु निर्धारित न्यूनतम अर्हताओं के अनुरूप बनाया जा सके;
- (iii) नियुक्ति के मामले में, राज्य सरकार उन पात्र अभ्यर्थियों को प्राथमिकता देगी जो दिनांक 25 अगस्त, 2010 की अधिसूचना में विनिर्दिष्ट न्यूनतम अर्हताएं रखते हैं तथा उसके पश्चात ही उन पात्र अभ्यर्थियों पर विचार करेगी जो इस अधिसूचना में प्रदत्त छूट के आधार पर विनिर्दिष्ट अर्हताएं रखते हैं;
- (iv) अध्यापकों की नियुक्ति हेतु विज्ञापन का व्यापक प्रचार, राज्य से बाहर भी, किया जाना चाहिए;
- (v) राज्य सरकार और अन्य स्कूल प्रबंध यह सुनिश्चित करेंगे कि एनसीटीई की उपर्युक्त अधिसूचना से निर्धारित न्यूनतम शैक्षिक और व्यावसायिक अर्हताएं न रखने वाले शिक्षक, निःशुल्क और अनिवार्य काल शिक्षा का अधिकार अधिनियम, 2009 की धारा 23 की उपधारा (2) के अंतर्गत विनिर्दिष्ट समय-सीमा के भीतर न्यूनतम अर्हताएं प्राप्त करेंगे;
- (vi) राज्य सरकार और अन्य स्कूल प्रबंध यह सुनिश्चित करेंगे कि जिन अध्यापकों को, छूट दी गई अर्हताओं के मानदंडों के अंतर्गत नियुक्त किया गया है, वे नियुक्ति के वर्ष से दो वर्षों की अवधि के भीतर एनसीटीई अधिसूचना से विनिर्दिष्ट न्यूनतम अर्हता प्राप्त कर लें;
- (vii) इस अधिसूचना में विनिर्दिष्ट छूट के अतिरिक्त, राज्य सरकार को धारा 23 की उपधारा (2) के अंतर्गत आगे कोई छूट नहीं दी जाएगी;
- (viii) विशिष्ट अर्हताओं वाले व्यक्तियों को तैयार करने के लिए राज्य सरकार को संस्थागत क्षमता में वृद्धि करने के लिए कदम उठाने होंगे ताकि यह सुनिश्चित किया जा सके कि 31 मार्च, 2013 के पश्चात कक्षा I-VIII में केवल अर्हता प्राप्त व्यक्तियों को ही शिक्षकों के रूप में नियुक्त किया जाए।

टिप्पणी: 2 एनसीटीई के दिनांक 11 फरवरी, 2011 के पत्र द्वारा जारी अध्यापक पात्रता परीक्षा दिशा-निर्देशों के पैरा 5 के उप पैरा (iii) के अनुसार निम्नलिखित व्यक्ति भी 31 मार्च, 2013 तक राज्य में की जाने वाली अध्यापक की नियुक्ति के संबंध में ओडिशा राज्य सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा में बैठने के लिए भी पात्र होंगे:—

(क) कक्षा I-V के लिए कम से कम 50 प्रतिशत अंकों के साथ सीनियर सैकंडरी (या समकक्ष);

(ख) कक्षा VI-VIII के लिए स्नातक।

[फा. सं. 1-17/2010-ई.ई. 4]

अनिता कौल, अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of School Education and Literacy)****NOTIFICATION**

New Delhi, the 18th May, 2012

S.O. 1264(E).—WHEREAS the Central Government had in exercise of powers under sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter in this notification referred to as the RTE Act) granted relaxation to the State of Odisha for a period of one year vide notification No. S.O. 623, (E), dated the 23rd March, 2011 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 24th March, 2011.

2. And whereas, the State Government of Odisha vide its letter dated the 4th April, 2012 submitted a proposal to the Central Government for grant of relaxation under sub-section (2) of section 23 of the RTE Act for a further period of three years.

3. And whereas, the Central Government examined and considered the proposal of the State Government of Odisha for grant of relaxation.

4. Now, therefore, in exercise of the powers conferred by sub-section (2) of section 23 of the RTE Act, the Central Government hereby grants further relaxation to the State Government of Odisha in respect of the minimum teacher qualification norms notified by the National Council for Teacher Education (hereinafter in this notification referred to as the NCTE), published on the 25th August, 2010, in so far as they relate to classes I-VIII, as under,-

(a) two-year Diploma in Elementary Education (by whatever name known) for appointment of a teacher in classes I-VIII and

(b) one-year Bachelors in Education (B.Ed) for appointment of a teacher in classes VI to VIII.

Note: 1 The aforementioned relaxation shall be valid upto the 31st March, 2013 and shall be subject to the following conditions, namely:-

- (i) as specified in the aforementioned notification of the NCTE, the State Government of Odisha shall conduct the Teacher Eligibility Test (hereinafter in this notification referred to as TET) in accordance with the Guidelines dated the 11th February, 2011 issued by the National Council for Teacher Education inviting applications from eligible candidates through a process of advertisement and only those persons who pass the

TET can be considered for appointment as a teacher in elementary classes:

- (ii) the State Government and other school managements shall amend the recruitment rules to correspond with the minimum qualification norms laid down by the aforementioned notification of the NCTE;
- (iii) in the matter of appointment, the State Government shall give priority to those eligible candidates who possess the minimum qualifications specified in the NCTE notification dated the 25th August, 2010, and only thereafter consider the eligible candidates with the relaxed qualifications specified in this notification,
- (iv) advertisement for the appointment of teachers should be given wide publicity, including outside the State;
- (v) the State Government and other school managements shall ensure that teachers not possessing the minimum academic and professional qualifications laid down in the aforementioned notification of the NCTE shall acquire the same within the time limit specified under sub-section(2) of section 23 of the RTE Act, 2009;
- (vi) the State Government and other school managements shall ensure that teachers who are appointed under the relaxed qualifications acquire the minimum qualification specified in the NCTE notification within a period of two years from the year of appointment;
- (vii) in addition to the relaxation specified in this notification, no further relaxation under sub-section (2) of section 23 shall be granted to the State Government;
- (viii) the State Government shall take steps to increase the institutional capacity for preparing persons with the required qualifications so as to ensure that only qualified persons are appointed as teachers in classes I to VIII after the 31st March, 2013.

Note: 2 In accordance with sub-para (iii) of para 5 of the TET Guidelines issued by the NCTE vide its letter dated the 11th February, 2011, the following persons shall also be eligible for appearing in the TET conducted by the State Government of Odisha in respect of teacher appointments made in the State upto the 31st March, 2013:

- (a) For classes I to V – Senior Secondary (or equivalent) with at least 50 per cent marks;
- (b) For classes VI to VIII – Graduation

[F. No. 1-17/2010-EE 4]

ANITA KAUL, Addl., Secy

F. No. 1-4/2010 - EE 4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

Room No. 429-A, C Wing, Shastri Bhawan
New Delhi. 22nd June, 2010

To

All Education Secretaries of States/UTs

Subject : Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 regarding implementation of the provisions of section 25(1) - reg.

Sir/Madam,

The Ministry has received representations from State Governments regarding implementation of the provisions of Section 25 (1) of the RTE Act. States have represented that in view of the large number of teacher posts required to be filled up in pursuance of the Pupil Teacher Ratio (PTR) specified in the Schedule to the Act, it may not be possible to complete the recruitment process within the time limit specified in Section 25(1).

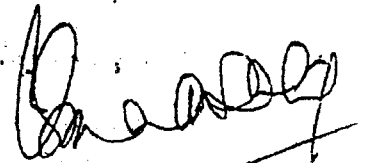
2. The matter has been considered in the Ministry. For the purposes of maintaining the PTR under that Section, States may undertake two processes within a period of six months from the commencement of the Act, namely -

i. rationalise the deployment of existing teachers to address the problems of urban-rural and other spatial imbalances in teacher placements; and

ii. initiate the process of recruitment of new teachers to fill vacant posts as per the PTR stipulated in the Schedule.

3. The above Guidelines are issued in exercise of the powers conferred under section 35(1) of the RTE Act. These may be brought to the knowledge of all concerned.

4. This issues with the approval of the competent authority.



(Vikram Sahay)
Director
Telefax : 2338 1470

F.No. 1-3/2010-EE 4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

Room-No. 429-A, C Wing, Shaṣtri Bhawan
New Delhi, September 13, 2010

To

All Education Secretaries of States / UTs

Subject: **Guidelines under section 35 (1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 regarding implementation of the provisions of section 27-reg.**

The Ministry has received various representations seeking clarification on the nature of duties of teachers relating to elections to the local authority or the State legislatures or Parliament under section 27 of the RTE Act.

2. The matter has been considered in the Ministry. At the outset, it may be mentioned that the purpose of section 27 is not to enumerate the non-educational duties of a school teacher, but to emphasize that teachers should not be deployed for non-educational duties other than those which are considered to be essential in national interest. This section has to be read in consonance with the provisions of section 24 of the Act, specifying the duties of teachers (specifically to conduct and complete the prescribed curriculum within the specified time) and norms and standards specified in the Schedule of the Act (specifically minimum number of working days / instructional hours and minimum number of working hours per week for teachers), both of which underlie the crucial role of teachers in providing quality elementary education to children and the need to ensure that teachers are engaged in their academic duties.

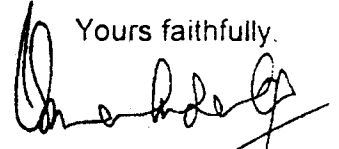
3. The objective of Section 27 is to free teachers from deployment to non-educational assignments and enable them to spend more time on school and classroom related activities. In this connection, the department has also examined the judgement dated 6.12.2007 of the Hon'ble Supreme Court in the case of Election Commission of India Vs St. Mary's School & Others, and accordingly the following guidelines are issued under section 35(1) of the RTE Act, 2009.

"Duties relating to election to the local authority or the State Legislatures or Parliament relate to conduct of elections and the consequent deployment of teachers on the days of poll and counting, the time spent on training imparted to them and collection of election material for such deployment. All other duties relating to electoral roll revisions will be undertaken on holidays and during non-teaching hours and non-teaching days"

4. The appropriate Government and local authority may utilize the services of school teachers for elections to the local authority or the State legislatures or Parliament, as the case may be, in accordance with the aforementioned guidelines.

5. This issues with the approval of the competent authority.

Yours faithfully,



(Vikram Sahay)
Director

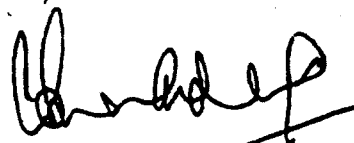
Telefax: 23381470

F.No. 1-18/2010-EE-4(pt.1)
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

New Delhi, November 9 2010

Subject : Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 for implementation of the provisions of Section 23(2) of the Act.

A copy of Guidelines Issued in exercise of powers conferred under section 35(1) of the RTE Act 2009 for Implementation of the provisions of Section 23(2) of the said Act is enclosed herewith for information and appropriate action.



(Vikram Sahay)
Director

Telefax: 23381470

Encl: as above

1. All Education Secretaries of the States/UTs
2. Directors of SCERTs
3. Chairman National Council of Teacher Education (NCTE)/Central Board of Secondary Education (CBSE)/National Institute of Open Schooling (NIOS)
4. The Commissioner of Navodhya Samiti (NVS)/Kendriya Vidhayala Samiti (KVS)
5. Vice Chancellor NUEPA
6. Director NCERT/CTSA

Copy to:

1. PS to HRM
2. PS to MOS
3. Secretary (HS/SE&L)
4. AS(SE)
5. JS(SE)
6. All Deputy Secretary/Director in EE-II Bureau

F. No. 1-15/2010 EE 4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

Room No. 429-A, C Wing, Shastri Bhawan
New Delhi, 8th November, 2010

Subject : Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 for implementation of the provisions of section 23(2) – reg.

The National Council for Teacher Education (NCTE) has, in exercise of powers conferred by section 23(1) of the RTE Act, laid down the minimum qualifications for a person to be eligible for appointment as a teacher in schools, vide its Notification dated 23rd August, 2010 (published in the Gazette of India on 25th August, 2010). This Notification has already been circulated to the State Governments and other authorities. The Notification can also be downloaded from the website www.education.nic.in. Accordingly, all appointments of teachers in classes I to VIII in respect of all schools referred to in clause (n) of section 2 of the RTE Act have to be made in accordance with the said Notification.

2 Sub-section (2) of section 23 of the RTE Act provides that where a State does not have adequate teacher education institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) of section 23 are not available in sufficient numbers, the Central Government may, by Notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in the Notification. Attention in this regard is also invited to Rules 17, 18 and 19 of the Right of Children to Free and Compulsory Education Rules, 2010 issued by the Central Government vide Notification published in the Gazette of India on 9th April, 2010.

3 In order to enable the Central Government to provide relaxation under sub-section (2) of section 23 to a State, it is considered necessary to obtain relevant information from the State Government relating to demand of teachers and availability/supply of qualified persons who are eligible for appointment as a teacher. Accordingly, a State Government, which intends to seek relaxation under the said sub-section would be required to make a request to the Central Government by providing the following information :

- (a) Quantitative information as per the format prescribed in the Annexure to this Guideline.
- (b) Nature of relaxation sought, separately for classes I to V and VI to VIII, along with justification;

- (c) The time period for which relaxation is sought;
- (d) The manner in which and the time period within which the State Government would enable teachers, appointed with relaxed qualification, to acquire the prescribed qualification;
- (e) The manner in which and the time period within which the State Government would enable existing teachers, not possessing the prescribed qualification, to acquire the prescribed qualification. Reference in this regard is invited to para 4 of the aforementioned Notification of the NCTE.;
- (f) Any other information the State Government may like to furnish in support of its request for seeking relaxation under section 23(2).

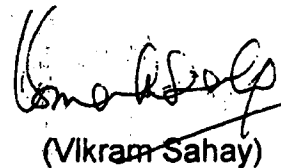
4 The condition of passing TET will not be relaxed by the Central Government.

5 The Central Government will examine the request of the State Government and based on the proposal submitted by the State Government and additional information which the Central Government may request the State Government to furnish, take a decision to issue Notification under section 23 (2) of the Act. Only after the Notification is issued would the State Government or a local authority or any aided/unaided school in the State appoint teachers with the relaxed qualification in accordance with the terms and conditions mentioned in the said Notification.

5 In respect of schools established and controlled by the Central Government, such as KVS, NVS, teachers with relaxed qualification may be considered for appointment for such schools situated in the States in respect of which relaxation u/s 23(2) has been notified.

6 The aforementioned guideline should be brought to the knowledge of all concerned for necessary compliance.

This issues with the approval of the competent authority.



(Vikram Sahay)

Director, Govt. of India

Telefax : 2338 1470

email : vikramsahay7@gmail.com

Format for seeking relaxation u/s 23(2) of the RTE Act

(I) Teacher Demand

(I) Teacher Demand					
A	Teacher Demand for classes I to V (figures as on 30.09.2010)	Government/local body schools	Aided schools	Unaided schools	Total
(i)	Sanctioned strength				
(ii)	Actual Strength				
(iii)	Vacancy [A(i)- A(ii)]				
(iv)	Additional teacher requirement due to PTR norms under RTE Act				
(v)	Total teacher requirement for classes I to V [A (iii) + A(v)]				
B	Teacher Demand for classes VI to VIII (figures as on 30.09.2010)	Government/local body schools	Aided schools	Unaided schools	Total
(i)	Sanctioned strength				
(ii)	Actual Strength				
(iii)	Vacancy [B(i) – B(ii)]				
(iv)	Additional teacher requirement due to PTR norms under RTE Act				
(v)	Total teacher requirement for classes VI to VIII [B(iii) + B(v)]				

(II) Supply/availability of qualified persons

C	Teacher supply/availability	Government/ Government aided	Private/Self Financing Institutions	Total
(i)	No of institutions imparting 2-year course of Diploma in Elementary Education (D. Ed.)			
(ii)	Total no. of trainees passed out in 2010 in respect of C(i) above			
	(a) With Senior secondary qualification			
	(b) With BA/B.Sc degree			
(iii)	Total no. of persons with D.Ed qualification not appointed as teachers			
	(a) With Senior secondary qualification			
	(b) With BA/B.Sc degree			
(iv)	No. of institutions imparting 4-year B.El.Ed course			
(v)	Total no. of trainees passed out in 2010 in respect of C(iv) above			
(vi)	Total no. of persons with B.El.Ed qualification not appointed as teachers			
(vii)	No. of institutions imparting 2-year D.Ed (Special Education)			
(viii)	Total no. of trainees passed out in 2010 in respect of C(vii) above			
(ix)	Total no. of persons with D. - Ed. (Special Education) qualification not appointed as teachers			
(x)	No. of institutions imparting 1-year B.Ed			
(xi)	Total no. of trainees passed out in academic			

	session 2009-10 in respect of C(x) above			
(xii)	Total no. of persons with 1-year B. Ed qualification not appointed as teacher			
(xiii)	No. of institutions imparting 4-year B.A./B.Sc. Ed or B.A. Ed./B.Sc. Ed			
(xiv)	Total no. of trainees passed out in 2010 in respect of C(xiii) above			
(xv)	Total no. of persons with 4-year B.A./B.Sc. Ed or B.A. Ed./B.Sc. Ed qualification not appointed as a teacher			
(xvi)	No. of institutions imparting 1-year B. Ed (Special Education)			
(xvii)	Total no. of trainees passed out in 2010 in respect of C(xvi) above			
(xviii)	Total no. of persons with 1-year B. Ed (Special Education) qualification not appointed as a teacher			

F. No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

...

Room No. 429-A, 'C' Wing, Shastri Bhavan,
New Delhi dated 23rd November, 2010

Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education Act, 2009 regarding its applicability to Minority institutions – reg.

The Ministry has received representations from several minority organizations seeking clarification on the applicability of the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 on minority Institutions in light of the provisions of Article 29 and 30 of the Constitution.

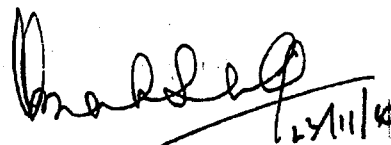
2. The matter has been examined in the Ministry. Wide ranging consultations have also been held to obtain views and opinion of various stakeholders on the subject, and the following guidelines are accordingly issued under section 35(1) of the RTE Act, 2009.

3. Institutions, including Madrasa and Vedic Pathshalas especially serving religious and linguistic minorities are protected under Article 29 and 30 of the Constitution. The RTE Act does not come in the way of continuance of such institutions, or the rights of children in such institutions.

4. Schools are defined in section 2(n) of the RTE Act. Schools of minority organizations covered within the meaning of section 2(n) of the Act, will be governed by the provisions of the RTE Act, 2009.

5. Appropriate Governments and local authorities shall ensure that the rights of Minority Institutions, guaranteed under Articles 29 and 30 of the Constitution, are protected while implementing the provisions of the RTE Act.

This issues with the approval of the competent authority.



(Vikram Sahay)
Director,

Telefax: 2338 1470

F. No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

...
Room No. 429-A, 'C' Wing, Shastri Bhavan,
New Delhi, dated 23rd November, 2010

***Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education Act, 2009 regarding procedure for admission in schools under section 13(1) and section 12(1)(c) of the RTE Act – regarding.**

Section 13(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides, inter-alia, that while admitting a child, no school or person shall subject the child or his/her parents to any 'screening procedure'. Section 2(o) of the RTE Act defines the term 'screening procedure' to mean the 'method of selection for admission of a child, in preference over another, other than a random method'. Further, section 12(1)(c) of the Act provides that unaided schools and specified category schools shall admit at least 25% of the strength of class I, children belonging to weaker section and children belonging to disadvantaged group from the neighbourhood and provide them free and compulsory education till completion of elementary education. Further, where the school admits children at pre-primary level, such admissions shall be made at that level.

2. The Ministry has received representations from several unaided and aided schools seeking clarification on the procedure to be followed for admission. The Ministry held a meeting with various stakeholders on the 14th August, 2010 to elicit their views for formulating a guideline for admissions, which would be consistent with the spirit of the RTE Act, specifically with section 13(1) read with section 2(o) of the Act.

3. The objective of the provisions of section 13(1) read with section 2(o) is to ensure that schools adopt an admission procedure which is non-discriminatory, rational and transparent, and that schools do not subject children and their parents to admission tests and interviews in order to decide whether they will admit a child or not. Admission tests and interviews are generally a tool for profiling and eliminating children, and therefore screening to assess a child's 'intelligence' should be prohibited. The RTE Act is anchored in the belief that availability of equal educational opportunities to children belonging to different social and economic background will reinforce the idea of equality enshrined in our Constitution, and ensure that children are not discriminated on the basis of social or economic background or any such criteria. There is need for moving towards composite classrooms with children from diverse backgrounds, rather than

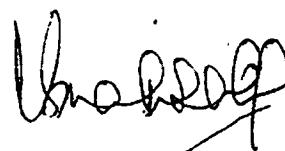
homogenous and exclusivist schools. It is an academically established point that heterogeneity in the classroom leads to greater creativity.

4. Keeping these objectives in view, the following guidelines are issued under section 35(1) of the RTE Act, 2009.

- (i) With regard to admissions in class I (or pre-primary class as the case may be) under section 12(1)(c) of the RTE Act in unaided and 'specified category' schools, schools shall follow a system of random selection out of the applications received from children belonging to disadvantaged groups and weaker sections for filling the pre-determined number of seats in that class, which should be not less than 25% of the strength of the class.
- (ii) For admission to the remaining 75% of the seats (or a lesser percentage depending upon the number of seats fixed by the school for admission under section 12(1)(c), in respect of unaided schools and specified category schools, and for all the seats in the aided schools, each school should formulate a policy under which admissions are to take place. This policy should include criteria for categorization of applicants in terms of the objectives of the school on a rational, reasonable and just basis. There shall be no profiling of the child based on parental educational qualifications. The policy should be placed by the school in the public domain, given wide publicity and explicitly stated in the school prospectus. There shall be no testing and interviews for any child/parent falling within or outside the categories, and selection would be on a random basis. Admission should be made strictly on this basis.

5. The aforementioned guideline should be brought to the knowledge of all concerned for necessary compliance.

This issues with the approval of the competent authority.



(Vikram Sahay)

Director,

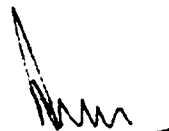
Telefax: 2338 1470

F.No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

New Delhi Dated: 25th July, 2011

Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 regarding free and compulsory education in a *neighbourhood* school

A copy of guidelines issued in exercise of powers conferred under section 35(1) of the RTE Act, 2009 regarding free and compulsory education in a *neighbourhood* school is enclosed herewith for information and compliance.



(Arun Kumar)
Under Secretary Govt. of India
Tele: 23384589

Encl as above

1. Education Secretaries of all States/UTs
2. Director SCERTs
3. Commissioner, Navodhaya Vidyalaya Samiti. (NVS), Kendriya Vidyalaya Samiti (KVS)
4. Vice Chancellor, NUEPA
5. Director NCERT/CTSA
6. Chairman, Central Board of Secondary Education (CBSE)/ National Institute of Open Schooling (NIOS)

Copy to:

1. PS to HRM
2. PS to MOS
3. Secretary (HE/SE&L)
4. AS(SE)
5. JS(SE)
6. JS(EE-I)-I/SE-II
7. Director UT Division
8. All Deputy Secretaries/Directors in EE-II Bureau

F.No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

New Delhi Dated: 25th July, 2011

Subject: Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 regarding free and compulsory education in a *neighbourhood* school

Several provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, including sections 3(1), 6, 8(b), 9(b), 10, and 12(1)(c), refer to '*neighbourhood*' school. These guidelines under section 35(1) of the RTE Act seek to clarify the context in which these provisions are made, and the interplay between the various provisions in the RTE Act with reference to *neighbourhood* school.

CHAPTER 2: Right to Free and Compulsory Education

SECTION 3: *Every child of the age of six to fourteen years shall have the right to free and compulsory education in a neighbourhood school till the completion of elementary education.*

The challenge in our country has been to design a system of education that addresses the social, cultural and linguistic differences in a manner that recognizes and respects diversity, and at the same time narrows the disparities arising out of caste, class and gender. This was exemplified in the Kothari Commission Report, 1968, through the concept of the *neighbourhood* school that would preserve linguistic and cultural diversity through education of equitable quality, and ensure that children from different social, economic and ethnic backgrounds would sit together in a common classroom, so that the classroom itself becomes a site for social integration. This idea is reiterated in the National Policy on Education (NPE) 1986/1992. The *neighbourhood* school, incorporated in the RTE Act, is therefore meant to be a site for inclusion, so that the school becomes a common space for education, and children's education and schooling does not get differentiated on caste, ethnic group and class lines.

In providing for the right of every child to free and compulsory education in a *neighbourhood* school, the RTE Act does not restrict the choice of the child to seek admission in a school which may not be in the immediate vicinity, or the *neighbourhood* of the child's residence. In other words, there is no compulsion on the child to seek admission only in the school in his or her *neighbourhood*.

CHAPTER 4: Duties of appropriate Government, local authorities and parents

SECTION 6: *For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as many be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.*

The rationale of this provision is to provide all children access to elementary education. Universal access requires schooling facilities within reasonable reach of all children. If schools are not located in or near the habitations where children reside, children may not complete schooling, even if they are formally enrolled in schools, on account of distance factors. The RTE Act therefore mandates the appropriate governments and local authorities to provide for children's access to elementary schools within the defined area or limits of neighbourhood.

Therefore, a *neighbourhood* school is a school located within the defined limits or area of neighbourhood, as notified by the State Government under the State RTE Rules. The Central RTE Rules have notified the area or limits of neighbourhood to factor in distance norms one kilometre for children in classes I-V, and three kilometres for children in classes VI-VIII, with provision for relaxation of norms in places with difficult terrain where there may be risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school. In the case of children with disabilities, the Central RTE Rules provide for appropriate and safe transportation arrangements to enable them to attend school and complete elementary education. The Central RTE Rules contain the position of the Central Government in regard to *neighbourhood* school. The *neighbourhood* norms provided in the Central RTE Rules are applicable to Union Territories without Legislature for opening new schools. In the case of all other States and Union Territories the neighbourhood norms need to be notified in the State/UT RTE Rules.

The Central Government has also circulated Model RTE Rules to the States, which incorporate similar provisions as in the Central RTE Rules for the guidance of States.

States /UTs need to arrive at a clear picture of current availability of schools within defined area or limits of neighbourhoods. In order to do this, State/UTs need to (i) define the neighbourhood norms keeping in view that all primary and upper primary schools and composite schools (with primary and upper primary sections), established by the State Government and local bodies would be *neighbourhood* schools for the purpose of section 3(1), and (ii) map the neighbourhoods or habitations and link them to specific schools. It is possible that a neighbourhood may be linked to more than one school. Similarly, a school may be linked to more than one neighbourhood. The mapping exercise will help identify gaps and areas where new schools need to be opened to ensure universal access.

While undertaking mapping to determine the need, and planning for establishment of *neighbourhood* schools, the appropriate Government should factor in the intake capacity in all schools within the area or limits of neighbourhood as prescribed under section 6, i.e. Government or local body schools, aided schools and unaided and specified category schools. Such planning will ensure that the Government uses its resources optimally in relation to the actual requirement of providing universal access to elementary education.

SECTION 8(b) AND SECTION 9(b): *The appropriate Government (local authority) shall ensure availability of a neighbourhood school as specified in section 6*

Based on the mapping exercise to identify gaps the appropriate Government or local authority shall take steps to open new schools to ensure universal access as per the time frames mandated under section 6.

SECTION 10: *It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward as the case may be to elementary education in the neighbourhood school*

This provision casts a moral responsibility on every parent/guardian to admit their children/wards to school, and ensure that children are not deprived of their right to elementary education. This includes, for example, child labour, children in ecologically deprived areas where they are required to fetch fuel, water, fodder and do other household chores, children in very poor slum communities and uprooted urban habitations, children of families of scavengers and other such stigmatised professions, children of itinerant or seasonal labour who have mobile and transient lifestyle like construction workers, road workers and workers on large construction sites, children of landless agriculture labour who are required to augment family incomes. This provision should be read together with the responsibility of the appropriate Government and local authority to provide free and compulsory elementary education in a *neighbourhood* school. It is not the intention of this provision to compel parents/guardians and children/wards, who do not wish to avail of free and compulsory education, to necessarily admit their children/wards in *neighbourhood* school.

CHAPTER 4: Responsibilities of Schools and Teachers

SECTION 12 (1): *For the purposes of this Act, a school,*

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 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.

(c) specified in sub clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty five, of the strength of that class, children belonging to weaker sections and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.

Section 12(1) of the RTE Act spells out the extent of the school's responsibility for free and compulsory education. It mandates that:

(a) all Government and local body schools shall provide free and compulsory education to all children enrolled therein. Thus, every government or local body school shall function as a *neighbourhood* school for all those children who wish to go to a government school or local body for free education

(b) all aided schools receiving aid or grants to meet whole or part of its expenses shall provide free and compulsory education to such proportion of children as its annual recurring aid or grants, subject to a minimum of 25%.

(c) all unaided and 'specified category' schools, namely Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik schools or any other school having a distinct character as specified by notification by the State Government/UT, shall admit and provide free and compulsory education to at least 25% of the annual class I intake (or pre-primary section as the case may be) children belonging to weaker sections and disadvantaged groups in the *neighbourhood*. Such schools will be the *neighbourhood* school only to the extent of admission of 25% of the class I intake (or pre-primary section as the case may be) annually in respect of children from disadvantaged groups and weaker sections in the neighbourhood of the school. For the remaining children in aided, unaided and specified category schools the neighbourhood criterion does not apply. Such schools shall be reimbursed expenditure in accordance with section 12(2).

It is further clarified that residential private unaided schools, which start at a class higher than Class I, would not be required to admit 25% children from disadvantaged groups and weaker sections in their schools under section 12(1)(c), and thus such seats in residential schools not starting at class I need not be factored into the availability and requirement of neighbourhood schools for universal access.

These guidelines should be brought to the knowledge of all concerned for necessary compliance.

This issues with the approval of the competent authority.



(Arun Kumar)
Under Secretary Govt. of India
Tele: 23384589

F. No. 1-9/2011 - EE 4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

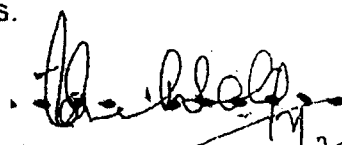
Room No. 429-A, C Wing
Shastri Bhawan, New Delhi
dated: 2nd February, 2011

Subject : Implementation of section 12(1)(c) of the Right of children to Free and Compulsory Education (RTE) Act, 2009 by schools under the Kendriya Vidyalaya Sangathan (KVS)- reg.

The undersigned is directed to refer to communication vide F. No. 11011-01/2010-KVSHQ/RTE (Acad) dated 14.01.2011 and further letter dated 24.01.2011 of the Kendriya Vidyalaya Sangathan (KVS) on the above subject and to state as under.

2 In accordance with the provisions contained in proviso to sub-rule (3) of Rule 11 of the Right of Children to Free and Compulsory Education Rules, 2010, notified by the Central Government on 8th April, 2010, read with sub-clause (i) of clause (a) of section 2 of the RTE Act, the Central Government hereby grants permission to the KVS to define neighbourhood for implementing the provisions of clause (c) of sub-section (1) of section 12 of the RTE Act as under

- (i) For Kendriya Vidyalaya schools in metropolitan towns and district headquarters : 5 km radius;
- (ii) For all other Kendriya Vidyalaya schools : 8 km radius.


(Vikram Sahay)
Director
Telefax : 2338 1470

Commissioner
Kendriya Vidyalaya Sangathan
New Delhi

Copy to : JS (SE), Department of SE&L, Ministry of HRD



No. 76-4/2010/NCTE/Acad

Dated: 11th February 2011

To
All Secretaries/Commissioners of Education of State Governments/UTs

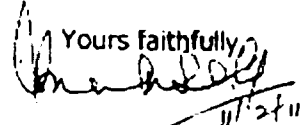
Subject: Guidelines for conducting Teacher Eligibility Test (TET) under the Right of Children to Free and Compulsory Education Act (RTE), 2009

Sir/Madam,

In accordance with the provisions of sub-section (1) of Section 23 of the RTE Act, the National Council for Teacher Education (NCTE) had vide Notification dated 23rd August, 2010 laid down the minimum qualifications for a person to be eligible for appointment as a teacher in classes I to VIII. It had been inter alia provided that one of the essential qualifications for a person to be eligible for appointment as a teacher in any of the schools referred to in clause (n) of section 2 of the RTE Act is that he/she should pass the Teacher Eligibility Test (TET) which will be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE

In this regard, please find enclosed the Guidelines for conducting the Teacher Eligibility Test (TET) for necessary action at your end.

This may be brought to the knowledge of all concerned.

Yours faithfully,

(Vikram Sahay)
Member Secretary

Inclosed: afa
Copy to:-

- (i) PS to HRM/MOS(HRD)
- (ii) PPS to Secretary (SE&L)
- (iii) Commissioner, Kendriya Vidyalaya Sangathan
- (iv) Commissioner, Navodaya Vidyalaya Samiti
- (v) Chairman, Central Board of Secondary Education
- (vi) Chairman, Council for the Indian School Certificate Examination

Wing - II, Hans Bhawan, 1, Bahadur Shah Zafar Marg, New Delhi - 110002

Tel: 011-23379161, Fax: 23370128

E-mail: mail@ncte-india.org Website: http://www.ncte-india.org

Guidelines for conducting Teacher Eligibility Test (TET)

Background and Rationale

The implementation of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 requires the recruitment of a large number of teachers across the country in a time bound manner. In spite of the enormity of the task, it is desirable to ensure that quality requirements for recruitment of teachers are not diluted at any cost. It is therefore necessary to ensure that persons recruited as teachers possess the essential aptitude and ability to meet the challenges of teaching at the primary and upper primary level.

2 In accordance with the provisions of sub-section (1) of section 23 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, the National Council for Teacher Education (NCTE) has laid down the minimum qualifications for a person to be eligible for appointment as a teacher in class I to VIII, vide its Notification dated August 23, 2010. A copy of the Notification is attached at Annexure 1. One of the essential qualifications for a person to be eligible for appointment as a teacher in any of the schools referred to in clause (n) of section 2 of the RTE Act is that he/she should pass the Teacher Eligibility Test (TET) which will be conducted by the appropriate Government.

3 The rationale for including the TET as a minimum qualification for a person to be eligible for appointment as a teacher is as under:

- i. It would bring national standards and benchmark of teacher quality in the recruitment process;
- ii. It would induce teacher education institutions and students from these institutions to further improve their performance standards;
- iii. It would send a positive signal to all stakeholders that the Government lays special emphasis on teacher quality

4 The TET examination may be conducted by a suitable professional body designated by the appropriate Government for the purpose. ~~It will be conducted in~~ accordance with the Guidelines hereunder.

Eligibility

5 The following persons shall be eligible for appearing in the TET:

- i. A person who has acquired the academic and professional qualifications specified in the NCTE Notification dated 23rd August 2010.
- ii. A person who is pursuing any of the teacher education courses (recognized by the NCTE or the RCI, as the case may be) specified in the NCTE Notification dated 23rd August 2010.
- iii. The eligibility condition for appearing in TET may be relaxed in respect of a

State/UT which has been granted relaxation under sub-section (2) of section 23 of the RTE Act. The relaxation will be specified in the Notification issued by the Central Government under that sub-section.

Structure and Content of TET

6 The structure and content of the TET is given in the following paragraphs. All questions will be Multiple Choice Questions (MCQs), each carrying one mark, with four alternatives out of which one answer will be correct. There will be no negative marking. The examining body should strictly adhere to the structure and content of the TET specified below.

7 There will be two papers of the TET. **Paper I** will be for a person who intends to be a teacher for classes I to V. **Paper II** will be for a person who intends to be a teacher for classes VI to VIII. A person who intends to be a teacher either for classes I to V or for classes VI to VIII will have to appear in both papers (**Paper I and Paper II**).

Paper I (for classes I to V); No. of MCQs – 150;

Duration of examination: one-and-a-half hours

Structure and Content (All Compulsory)

(i)	Child Development and Pedagogy	30 MCQs	30 Marks
(ii)	Language I	30 "	30 "
(iii)	Language II	30 "	30 "
(iv)	Mathematics	30 "	30 "
(v)	Environmental Studies	30 "	30 "

Nature and standard of questions

While designing and preparing the questions for Paper I, the examining body shall take the following factors into consideration:

- The test items on Child Development and Pedagogy will focus on educational psychology of teaching and learning relevant to the age group of 6-11 years. They will focus on understanding the characteristics and needs of diverse learners, interaction with learners and the attributes and qualities of a good facilitator of learning.
- The Test items for Language I will focus on the proficiencies related to the medium of instruction, (as chosen from list of prescribed language options in the application form).
- The Language II will be from among the prescribed options other than Language I. A candidate may choose any one language from the available language options and will be required to specify the same in the application form. The test items in Language II will also focus on the elements of language, communication and comprehension abilities.

- The test items in Mathematics and Environmental Studies will focus on the concepts, problem solving abilities and pedagogical understanding of the subjects. In all these subject areas, the test items shall be evenly distributed over different divisions of the syllabus of that subject prescribed for classes I–V by the appropriate Government.
- The questions in the tests for Paper I will be based on the topics of the prescribed syllabus of the State for classes I–V, but their difficulty standard, as well as linkages, could be upto the secondary stage.

**Paper II (for classes VI to VIII); No. of MCQs – 150;
Duration of examination : one-and-a-half hours**

Structure and Content

(i)	Child Development & Pedagogy (compulsory)	30 MCQs	30 Marks
(ii)	Language I (compulsory)	30 “	30 “
(iii)	Language II (compulsory)	30 “	30 “
(iv)	(a) For Mathematics and Science teacher : Mathematics and Science – 60 MCQs of 1 mark each		
	(b) For Social studies teacher : Social Studies - 60 MCQs of 1 mark each		
	(c) for any other teacher – either 4(a) or 4(b)		

While designing and preparing the questions for Paper II, the examining body shall take the following factors into consideration:

- The test items on Child Development and Pedagogy will focus on educational psychology of teaching and learning, relevant to the age group 11-14 years. They will focus on understanding the characteristics, needs and psychology of diverse learners, interaction with learners and the attributes and qualities of a good facilitator of learning.
- The test items for Language I will focus on the proficiency related to the medium of instruction, as chosen from list of prescribed options in the application form.
- The Language II will be a language other than Language I. The person may choose any one language from among the available options and as in the specified list in the application form and attempt questions in the one indicated by the candidate in the application form by him. The Test items in Language II will also focus on the elements of language, communication and comprehension abilities.
- The test items in Mathematics and Science, and Social Studies will focus on the concepts, problem solving abilities and pedagogical understanding of these subjects. The test items of Mathematics and Science will be of

30 marks each. The test items shall be evenly distributed over different divisions of the syllabus of that subject as prescribed for classes VI-VIII by the appropriate government.

The questions in the tests for Paper II will be based on the topics of the prescribed syllabus of the State for classes VI-VIII but their difficulty standard as well as linkages could be upto the senior secondary stage.

8 The question paper shall be bilingual – (i) in language(s) as decided by the appropriate Government; and (ii) English language.

Qualifying marks

9 A person who scores 60% or more in the TET exam will be considered as TET pass. School managements (Government, local bodies, government aided and unaided)

- (a) may consider giving concessions to persons belonging to SC/ST, OBC, differently abled persons, etc., in accordance with their extant reservation policy;
- (b) should give weightage to the TET scores in the recruitment process; however, qualifying the TET would not confer a right on any person for recruitment/employment as it is only one of the eligibility criteria for appointment.

Applicability

10

(a) TET conducted by the Central Government shall apply to all schools referred to in sub-clause (i) of clause (a) of section 2 of the RTE Act.

(b) TET conducted by a State Government/UT with legislature shall apply to :

(i) a school of the State Government/UT with legislature and local authority referred to in sub-clause (i) of clause (n) of section 2 of the RTE Act; and

(ii) a school referred to in sub-clause (ii) of clause (n) of section 2 of the RTE Act in that State/UT.

A school at (i) and (ii) may also consider eligibility of a candidate who has obtained TET Certificate awarded by another State/UT with legislature. In case a State Government/UT with legislature decides not to conduct a TET, a school at (i) and (ii) in that State/UT would consider the TET conducted by the Central Government.

(c) A school referred to in sub-clause (iv) of clause (n) of section 2 of the RTE Act may exercise the option of considering either the TET conducted by the Central Government or the TET conducted by the State Government/UT with legislature.

Frequency of conduct of TET and validity period of TET certificate

11 The appropriate Government should conduct a TET at least once every year. The Validity Period of TET qualifying certificate for appointment will be decided by the appropriate Government subject to a maximum of seven years for all categories. But there will be no restriction on the number of attempts a person can take for acquiring a TET Certificate. A person who has qualified TET may also appear again for improving his/her score.

Procedure for conduct of the Test

12 The examining body shall formulate a detailed procedure and lay down instructions for conduct of the TET. Candidates should be informed that a very serious view will be taken of any malpractice or impersonation.

Legal Disputes

13 All legal disputes with regard to conduct of TET shall be subject to the jurisdiction of the appropriate Government.

Award of TET Certificate

14 The appropriate Government conducting the Test shall award a TET Certificate to all successful candidates. The certificate should contain the name and address of the candidate, date of birth, Registration No. year/month of award of Certificate, marks obtained in each Paper, class level of its validity (Class I to V, class VI to VIII or both), and, in case of classes VI to VIII, the subject area (Science and Mathematics, Social Studies, etc.). The certificate may be electronically generated with adequate security features. Appropriate may consider utilizing the services of specialized agencies for issuing de-materialized (demat) TET certificates as a security feature to avoid any kind of malpractice.

Monitoring

15 Following measures would be taken for monitoring the quality and administration of the TET:

- (a) The appropriate Government shall appoint a Nodal Officer for the purpose of TET.
- (b) The NCTE would organize meetings of the Nodal Officers at least once every year.
- (c) Every appropriate will forward a report of each TET to the NCTE in a format to be prescribed by the NCTE.
- (d) The NCTE shall maintain data base and be the repository of experts and resources, including the technological tools for conduct of the TET, and shall share it with the appropriate Government.

F.No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

New Delhi Dated: 31st January, 2012

Subject: Advisory on Implementation of the provisions of section 29 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 issued under section 35(1) of the RTE Act.

A copy of Advisory on Implementation of the provisions of section. 29 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 issued under section 35(1) of the RTE Act is enclosed herewith for information and compliance.



(Arun Kumar)
Under Secretary Govt. of India
Tele: 23384589

Encl as above

1. Education Secretaries of all States/UTs
2. Director SCERTs
3. Commissioner, Navodhaya Vidyalaya Samiti. (NVS), Kendriya Vidyalaya Samiti (KVS)
4. Vice Chancellor, NUEPA
5. Director NCERT/CTSA
6. Chairman, Central Board of Secondary Education (CBSE)/ National Institute of Open Schooling (NIOS)
7. All SPDs, SSA

Copy to:

1. PS to HRM
2. PS to MOS
3. Secretary (HE/SE&L)
4. AS(SE)
5. JS(SE)
6. JS(EE-I)-I/SE-II
7. Director UT Division
8. All Deputy Secretaries/Directors in EE-II Bureau

F. No. 1-15/2010 EE 4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

Shastri Bhawan, New Delhi, 31st January, 2012

Subject: **Advisory on Implementation of the provisions of section 29 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 – reg.**

1. Section 29(1) of the RTE Act provides that the curriculum and evaluation procedure for elementary education shall be laid down by an academic authority specified by the appropriate Government. Section 29(2) lays down the factors which need to be taken into consideration by the academic authority notified by the States for preparing the curriculum and evaluation procedure, namely:

- (a) Conformity with Constitutional values;
- (b) All round development of the child;
- (c) Building up the child's knowledge, potentiality and talent;
- (d) Development of physical and mental abilities to the fullest extent;
- (e) Learning through activities, discovery and exploration in a child friendly and child-centred manner;
- (f) The child's mother tongue serving 'as far as practicable' as the medium of instruction;
- (g) Making the child free of fear, trauma and anxiety and helping the child to express views freely and
- (h) Comprehensive and continuous evaluation of the child's understanding and knowledge and the ability to apply it.

2. The Central Government has also notified the National Council for Education Research and Training (NCERT) as the academic authority for preparing the framework of national curriculum under section 7(6) of the RTE Act. The National Curriculum Framework (NCF) 2005 prepared by NCERT has been accepted as the curriculum framework till further directions in the matter. Therefore, in implementing the provisions of section 29, the academic authority notified by the appropriate Governments shall ensure adherence to child centred principles of NCF 2005.

3. The following guidelines are issued for the academic authority to implement the provisions of section 29.

(a) Formulate age-appropriate curricula and syllabi In keeping with NCF-2005: The curriculum and syllabus document should be an explicit document indicating the goals and aims of education. This should address questions, such as, what is worth teaching, how much should be taught in a particular class, and in what sequence, with what methods and materials, the linkages across different aspects of knowledge, how teachers should be prepared and children's learning assessed, and how schools should be monitored.

There is a tendency to burden the curricula and syllabi with concepts which are not age appropriate. This often happens on account of a top-down approach to curriculum and syllabus formulation. Curricula and syllabi should be prepared from class I upwards, based on what is age-appropriate for children, rather than by first fixing the curricula/syllabi for higher classes and working downwards. Educational research regarding the inter-relationship about age and concept needs to be kept in mind while formulating the curriculum.

(b) Maintain subject balance: While developing the curriculum and syllabus it will be important to rationalise the number of subjects and textbooks at the primary and upper primary levels such that there is no additional curriculum load on children. States that follow the seven - rather than the eight-year elementary education cycle, tend to introduce subjects of history, geography, science and social studies in Class V instead of Class VI. This adds to the curricular load on children. In transiting to an eight-year elementary education cycle these states should initiate a review of the subjects and textbooks currently taught in class V and VIII, and rationalise them according to the respective needs of the primary and upper primary stages.

There is also need to integrate and align various learning materials like textbooks, workbooks, worksheets, supplementary materials etc. in order to reduce unnecessary burden on the teacher and child, bring in cohesiveness and reduce overlaps.

(c) Initiate Textbook Contents Reform: The academic authority notified by the appropriate Government under section 29(1) for developing curriculum and evaluation procedure is also responsible for textbook development. Textbooks must reflect the principles of child centred pedagogy as enunciated in: (i) section 29(2) (e) *learning through activities, discovery and exploration in a child friendly and child centred manner*, and (ii) section 29(2) (g) *making the child free of fear, trauma and anxiety and helping the child to express views freely*. Textbooks developers should design books such that they provide interactive opportunities for group activities with continuous self and peer assessment. The textbooks should keep the principle of equity and inclusion at the forefront,

proactively break extant stereotypes to reflect sensitivity to gender and caste, peace, health and the needs of differently-abled children.

(d) Textbook language: Extensive research points to the fact that in a multilingual country like India, the child's 'home' language is often different from the 'standard' language in textbooks. This imposes enormous learning burden on the child, and is perhaps one of the chief reasons of low achievement in school subjects. The difference between the 'home' language and 'textbook' language not only affects the language learning in school, but also subjects like Mathematics, Environment Studies, etc. because these subjects also need a language for transaction. This is why the RTE Act stipulates that the mother tongue should be used as far as practicable. Thus, efforts to incorporate well known methods of bridging between the child's 'home' language with the 'standard' classroom language need to be given utmost attention.

(e) Undertake Textbook Production Reform: Textbook production, encompassing the layout and design, text and cover, paper size and specifications, ink, printing and binding, etc., have significant implications for quality. There should be adequate focus on good quality printing and visual design of books alongside improvement in content.

SSA provides support for textbooks to all children in government, local body and government aided schools, including Madrasas desirous of introducing the State curriculum. SSA provides support within an upper ceiling of Rs 150 per child at the primary stage, and Rs 250 per child at the upper primary stage.

States that have been providing textbooks to children under State sector schemes and budgets since 2007-08 will continue to fund textbooks being provided from the State Plans. Wherever States have undertaken curricular reform in consonance with NCF-2005 and have taken steps to improve the development, production and printing quality of textbooks, support under SSA will be available as 'top up' grants for children supported under the State sector schemes and budgets within the prescribed per child ceilings, subject however to evidence of such contents and production reform

(f) Ensure continuous and comprehensive assessment for Learning: There have been some misgivings on the provision of 'no detention', which is wrongly interpreted to mean that children will not be assessed, but will be automatically promoted to the next class. RTE provides for Comprehensive and Continuous Evaluation (CCE). CCE implies continuous assessment, rather than no assessment. This means that assessment should be treated as an integral part of teaching and learning, as exemplified by the Activity Based Learning (ABL) methodology practiced in schools in Tamil Nadu, and piloted in several States, including Madhya Pradesh, Rajasthan, etc. Central to ABL is the "learning ladder" with a series of activity cards. Assessment is built into the "learning ladder" in the form of activity cards. When a child finishes with a set of activity cards, including the assessment cards, she completes a 'milestone' on the ladder, and can move to the next level. Every milestone involves completing several activities including

games, rhymes, drawings and songs. There are no exams, but a student can move to the next level only after attaining proficiency in the previous one. Thus assessment is inbuilt into the teaching learning process, and is recorded for each child at his/her own pace of learning, on an assessment chart.

Apart from the ABL methodology, there are other CCE techniques which provide for an appropriate assessment profile for each child, including five tools, namely (a) Engagement pattern of the child, (b) Observations in general, (c) Observation in classroom during group-work and individual activity (d) Understanding child's written work on work assigned by the teacher, and (e) an Anecdotal record. If CCE is implemented in this manner *from the child's perspective*, it will bring out the best in every child, rather than pressurizing the child to compete and out-perform in every aspect of learning, and show what progress the child has made with respect to her own performance over time.

This advisory issues with the approval of the competent authority and should be brought to the knowledge of all concerned.

(P.K. Tiwari)
Director, Govt. of India.

F.No. 1-15/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

New Delhi Dated: 31st January, 2012

Subject: Section-wise Rational/Clarification of the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009

A copy of the Section-wise rationale/clarification on the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 is enclosed herewith for information.

This issues with the approval of the competent authority.



(Arun Kumar)
Under Secretary Govt. of India
Tele: 23384589

Encl as above

7. Education Secretaries of all States/UTs
2. All SPDs, SSA

Copy to:

1. PS to HRM
2. PS to MOS
3. Secretary (HE/SE&L)
4. AS(SE)
5. JS(SE)
6. JS(EE-I)-I/SE-II
7. Director UT Division
8. All Deputy Secretaries/Directors in EE-II Bureau

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

Clarification on Provisions

Chapter 1: Preliminary

Section 2 defines words and expressions used in the Act.

Chapter 2: Right to Free and Compulsory Education

Section 3 provides to every child of the age of six to fourteen years the right to free and compulsory education in a neighbourhood school till the completion of elementary education. The idea of neighbourhood schools can be traced to the National System of Education as elaborated in the Kothari Commission report, whereby the neighbourhood school is meant to be a common space, where all children cutting across caste, class, gender lines learn together in the best inclusive manner. It is therefore meant to be a site for inclusion, so that the school becomes a common space for education. This concept has been incorporated in the RTE Act.

In providing for the right of every child to free and compulsory education in a *neighbourhood* school, the RTE Act does not restrict the choice of the child to seek admission in a school which may not be in the *neighbourhood* of the child's residence. In other words, there is no compulsion on the child to seek admission only in the school in his or her *neighbourhood*.

The term 'free education' is explained to mean that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. The term 'free education' must be read in consonance with the provisions of section 12(1)(a)-(c) which specify the extent of the school's responsibility for free and compulsory education.

It further provides that the provisions of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996 will apply in the case of children suffering from disability as defined under that Act.

Section 4 provides children above six years, who have either not been admitted to any school or, having been admitted have not completed elementary education and have dropped out, the right to be admitted to a school in a class appropriate to his or her age for completing elementary education.

A majority of out-of-school children belong to disadvantaged communities: scheduled castes, scheduled tribes, Muslim minorities, migrants, children with special needs, urban deprived children, working children, children in difficult circumstances, for example, those living in difficult terrain, children from displaced families, and areas affected by civil strife, etc. This provision in the RTE Act enables these out-of-school children to be admitted to an age-appropriate class and complete elementary education. The overall objective of age appropriate admission for these children is to save them from the humiliation and embarrassment of sitting with younger children. When older children are forced to sit in a class younger than their age, they tend to be teased, taunted, suffer lower self esteem, and consequently drop out. The Act facilitates a child admitted to an age appropriate class to be given Special Training to enable him or her to be at par with other children. Given the varied life experiences of these children, it is recognised in the field of education that their mental capabilities are higher than that of entry level 6-year old children, and that they are indeed capable of accelerated learning. At the end of the Special Training, the child will be assessed and his/her suitability for being placed in a particular class will be reviewed. For example, if a 10-year old child was admitted to class IV, and received two years of Special Training till age 12, an assessment may be made as to whether the child could cope better in class V or VI in the formal school, and the child appropriately placed. If such child is found suitable for class V, she/he will be placed in class V, rather than mechanically being placed in class VI – because if she/he is mechanically placed in class VI, she/he might again drop out, and that would defeat the whole purpose of this provision. That is the rationale for the provision that allows the child to be provided free and compulsory education even beyond age 14. Even after a child is appropriately placed in the formal school she may continue to receive special attention by the teacher to enable her to successfully integrate with the rest of the class, academically and emotionally.

The SSA Framework of Implementation has been revised to provide support for Special Training as envisaged under the RTE Act to ensure that out-of-school children are integrated into the school system. Such support will be in the form of residential or non-residential courses, as needed and such children will continue even beyond 14 years of age to complete elementary education. The country is committed to creating an educated citizenry and environment, and therefore it would not be appropriate to impose an age ceiling for these children to complete elementary education.

The obligation under section 4 is on the schools established by the State Government and local authority. Private aided and unaided institutions have no obligations under section 4.

Section 5 provides children the right to seek transfer from a Government or Government aided school to another such school in order to complete elementary

Education and for immediate issue of Transfer Certificate to a child seeking admission to another school. It provides that delay in producing Transfer Certificate shall not be a reason for denying or delaying admission in another school. This provision should lead to States instituting reform to remove procedural barriers to obtaining Transfer Certificates.

Chapter-III: Duties of Appropriate Government, Local Authority and Parents.

Section 6: The rationale of this provision is to provide all children access to elementary education. Universal access requires schooling facilities within reasonable reach of all children. If schools are not located in or near the habitations where children reside, children may not complete schooling, even if they are formally enrolled in schools, on account of distance factors. The RTE Act therefore mandates the appropriate Governments and local authorities to provide for children's access to elementary schools within the defined area or limits of *neighbourhood*.

The RTE Act deliberately does not define the limits or area of *neighbourhood* as a centralised norm, but requires the appropriate Government to notify such limits or area in the RTE Rules. This is on account of the very diverse geographical, climatic terrain and the varied development requirements of the different States, and the conscious decision that States would be better placed to define the '*neighbourhood*', keeping the best interests of different children in mind.

However, the Central Government has attempted to exemplify this in the Model RTE Rules circulated to States, which provide for distance norms of one kilometre for children in classes I-V, and three kilometres for children in classes VI-VIII, as also provision for relaxation of norms in places with difficult terrain where there may be risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school. The Model Rules also provide that access of children to school should not be hindered on account of social and cultural factors. Such norms should be laid down keeping in view local contexts and requirements, rather than centrally prescribed through a law. These have also been incorporated in the Central RTE Rules applicable to all UTs without Legislature.

States /UTs need to arrive at a clear picture of current availability of schools within defined area or limits of neighbourhoods. In order to do this, State/UTs need to (i) define the neighbourhood norms keeping in view that all primary and upper primary schools and any composite schools (with primary and upper primary sections), established by the State Government and local bodies would be *neighbourhood* schools for the purpose of section 3(1), and (ii) map the neighbourhoods or habitations and link them to specific schools. It is possible that a neighbourhood may be linked to more than one school.

Similarly, a school may be linked to more than one neighbourhood. The map exercise will help identify gaps and areas where new schools need to be opened to ensure universal access.

Section 7(1) – (5) provides for financial and other responsibilities of the Central Government and the State Governments for carrying out the provisions of the proposed Act. The Central Government has estimated a total requirement of Rs 2.31 lakh crore over a five year period from 2010-11 to 2014-15 to implement the RTE Act. Separately, the 13th Finance Commission has also provided a grant of Rs 24,068 crore specifically for elementary education. The grant of the 13th Finance Commission is released directly on an annual basis to the State Governments from the Finance Ministry. This amount is deducted from the overall estimate of Rs 2.31 lakh crore, and the balance amount of Rs 2.07 lakh crore will be shared between the Central and State Governments in the 65:35 ratio for the implementation of RTE through the SSA programme. In the case of States in the North East Region, the fund sharing pattern will be in the 90:10 ratio.

Section 7(6) provides for the formulation of a National Curriculum Framework. The Central Government has notified the NCERT, as the designated authority for this purpose. The National Curriculum Framework, 2005, formulated by the NCERT has been hailed nationally and internationally as trendsetting in defining learning processes, assessment, quality and integration of various aspects of education geared towards producing a creative citizen of the country, and has been accepted as the Curriculum Framework under the RTE Act.

Section 8 assigns duties to the appropriate Government to ensure that it provides free and compulsory elementary education to every child, in a neighbourhood school. The term 'compulsory education' is explained to mean obligation of the appropriate Government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education. It further provides that where a child is not admitted to a school which is established, owned, controlled or substantially funded by the appropriate Government or local authority, such child or his or her parents will not be entitled to claim reimbursement of the cost of elementary education. It lays down the duties of the appropriate Government to ensure *inter alia* that children belonging to weaker sections and disadvantaged groups are not discriminated against and prevented from pursuing and completing elementary education, that admission, attendance and completion of elementary education by every child is monitored, that school building, teaching staff and learning equipment are provided, good quality elementary education conforming to norms and standards is provided, curriculum and courses of study are prescribed in a timely manner, and teachers are trained.

Section 9 assigns duties to the local authority to ensure that it provides free and compulsory elementary education to every child, in a neighbourhood school. It lays down the duties of the local authority to ensure *inter alia* that children belonging to weaker sections and disadvantaged groups are not discriminated against and prevented from pursuing and completing elementary education, maintain records of children residing within its jurisdiction, ensure and monitor admission, attendance and completion of elementary education by every child, including migrant children, ensure that school building, teaching staff and learning equipment and good quality elementary education conforming to norms and standards is provided, decide on the academic calendar.

Section 10: This provision casts a moral responsibility on every parent/guardian to admit their children/wards to school, and ensure that children are not deprived of their right to elementary education. This includes, for example, child labour, children in ecologically deprived areas where they are required to fetch fuel, water, fodder and do other household chores, children in very poor slum communities and uprooted urban habitations, children of families of scavengers and other such stigmatised professions, children of itinerant or seasonal labour who have mobile and transient lifestyle like construction workers, road workers and workers on large construction sites, children of landless agriculture labour who are required to augment family incomes. This provision should be read together with the responsibility of the appropriate Government and local authority to provide free and compulsory elementary education in a *neighbourhood* school. It is not the intention of this provision to compel parents/guardians and children/wards, who do not wish to avail of free and compulsory education, to necessarily admit their children/wards in *neighbourhood* school.

Suggestions were made to incorporate penal provisions against parents/ guardians who do not send their children to school, but the fact remains that the maximum number of children who do not attend school are children from weaker sections and disadvantaged groups. Penalising their parents would be tantamount to penalizing poverty and deprivation. Further, there are many first generation learners, who are deprived of a learning environment at home, and drop out on account of difficulties in coping with the curriculum. Inflicting penalties on parents because their children have dropped out or have been pushed out of the education system would be discriminatory. Therefore, it is a conscious decision to abstain from imposing penal provisions against parents and guardian.

Instead the RTE Act casts a duty or compulsion on the appropriate government to ensure admission, attendance and completion of elementary education. This would lead to significant systemic reform in universalising elementary education. In many instances however, the Government would have to collaborate with the civil society in persuading

parents who experience genuine problems in sending their wards to school for them to fulfil their duty to ensure that their children do attend schools regularly, particularly in the case of older girls.

Section 11 provides that the appropriate government may make necessary arrangements for pre-school education.

Chapter –IV: Responsibilities of Schools and Teachers.

Section 12 explains the responsibility of schools for providing free and compulsory education to children, namely:

(a) All Government schools shall provide free and compulsory education to all children

(b) Government aided institutions shall provide free and compulsory education to such percentage of students in elementary classes which equals the percentage of recurring aid received by it from the Government to the annual recurring expenditure incurred by the school, subject to a minimum of 25%

(c) Private unaided institutions and special category schools shall provide free and compulsory education to at least 25% children belonging to disadvantaged groups and weaker sections admitted to class I or pre-primary classes. Such schools would be entitled to reimbursement at the per-child cost incurred by the Government. It has also since been clarified that residential private unaided schools, which do not start at class I, would not be required to admit 25% children from disadvantaged groups and weaker sections in their schools.

There have been misgivings among certain groups about the admission of children from disadvantaged groups and weaker sections in class I in private unaided schools. In this context it is important to refer to the Statement of Objects and Reasons (SOR) attached to the Right of Children to Free and Compulsory Education Bill, 2008, which states:

The Right of Children to Free and Compulsory Education Bill, 2008, is anchored in the belief that the values of equality, social justice and democracy and the creation of a just and humane society can be achieved only through provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections is, therefore, not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools which are not dependent on Government funds.

The idea that schooling should act as a means of social cohesion and inclusion is not new; it has been oft repeated. Inequitable and disparate schooling reinforces existing social and economic hierarchies, and promotes in the educated sections of society an indifference towards the plight of the poor.

The currently used term 'inclusive' education implies, as did earlier terms like 'common' and 'neighbourhood' schools, that children from different backgrounds and with varying interests and ability will achieve their highest potential if they study in a shared classroom environment. The idea of inclusive schooling is also consistent with Constitutional values and ideals, especially with the ideals of fraternity, social justice and equality of opportunity.

For children of socio-economically weaker backgrounds to feel at home in private schools, it is necessary that they form a substantial proportion or critical mass in the class they join. The relevant universe in which the proportion needs to be considered is the class/section. It is for this reason that the RTE Act provides for admission of 25% children from disadvantaged groups and weaker sections in class I only. This implies that these children cannot be pooled together in a separate section or afternoon shift. Any arrangement which segregates, or treats these children in a differentiated manner vis-à-vis the fee-paying children will be counter-productive.

The rationale for 25% lies in the fact that the composition of caste/class indicated in the Census is fairly representative of the composition of children who are seeking admission under this provision. As per Census 2001, SCs constitute 16.2%, and STs constitute 8.2% (total 24.4%) of the population. Further, the Tendulkar Committee, set up by the Planning Commission to measure poverty, has estimated the below poverty line (BPL) population to be 37.2%. It is a fact that much of the population that suffers economic deprivation also suffers from social disadvantage. Thus, taken together, the figure of 25% for admission of children from disadvantaged groups and weaker sections is considered reasonable. Any lower proportion would jeopardize the long-term goal of the policy which is to strengthen social cohesion and bring out the best human resource potential inherent in our society as a whole. A smaller proportion would serve only a token purpose, and it will run the serious risk of creating the feeling of alienation among the children belonging to disadvantaged groups and weaker sections. Their participation in classroom interaction will be neither strong nor sufficiently manifest to enrich the overall experiential learning taking place in any given subject area. Only a critical mass can play such a role.

The RTE Act provides for admission of 25% children from disadvantaged groups and weaker sections in Class I, not across the whole school. As children admitted to class I

move to class II, new children will be admitted to class I, and so on till completion of 8 years of elementary education. The rationale for admission in class I only must be appreciated in human terms. Teachers who are used to a selective, homogeneous classroom environment cannot be expected to develop the required positive attitude and professional skills to deal with a diversified class overnight. The same applies to children. Children who have grown up to an age of nine or ten in a homogeneous or segregated environment have been socialized into a structure of norms and behaviour. They cannot be transformed on demand. Also, the overall school ethos cannot be expected to respond to a new policy in a positive manner all of a sudden. Education is indeed an act of faith and social engineering – but not quick-fix social engineering. In view of the fact that children take time to socialize and teachers take time to develop new attitudes and pedagogic skills, the RTE Act provides for admission of disadvantaged and poor children at the entry level, covering pre-school and Class I. With these children moving up, and a new cohort of children entering pre-school and Class I in each successive year, the school will gradually have a more diverse population spread across all classes. Progression at this pace will allow children the opportunity to grow up together and create bonds: bonds that can survive social walls. Progression at this pace can allow the school to develop the professional capacity to respond to the intellectual and emotional needs of children from diverse backgrounds. Children who are younger than eight years of age are yet to develop a stable social identity. Their values are still forming, and their motivation to derive meaning from experience, both concrete and social is very strong. Therefore, it is a valid argument that the policy of mixing children from different socio-economic strata has the best chance of succeeding if it starts from the formative years of nursery/kindergarten and Class I. Diversity enhances learning and development, while segregation impoverishes the classroom environment of all schools, private or government.

Admission of 25% children from disadvantaged groups and weaker sections in the neighbourhood is not merely to provide avenues of quality education to poor and disadvantaged children. The larger objective is to provide a common place where children sit, eat and live together for at least eight years of their lives across caste, class and gender divides in order that it narrows down such divisions in our society. The other objective is that the 75% children who have been lucky to come from better endowed families, learn through their interaction with the children from families who haven't had similar opportunities, but are rich in knowledge systems allied to trade, craft, farming and other services, and that the pedagogic enrichment of the 75% children is provided by such intermingling. This will of course require classroom practices, teacher training, etc. to constantly bring out these pedagogic practices, rather than merely make children from these two sections sit together. The often voiced concern about how the 25% children from disadvantaged groups and weaker sections can cope in an environment where rich children exist can be resolved when the teaching learning process and

teachers use these children as sources of knowledge so that their esteem and recognition goes up and they begin to be treated as equals.

Section 13 provides that no school or person shall collect capitation fee or subject a child to any screening procedure, and prescribes a penalty for contravention of these provisions. On the issue of screening procedure for admission, Government had consultation with several private school Principals, and has since issued guidelines under section 35(1). The Guidelines explain that the objective of the provisions of section 13(1) read with section 2(o) is to ensure that schools adopt an admission procedure that is non-discriminatory, rational and transparent, and that schools do not subject children and their parents to admission tests and interviews in order to decide whether they will admit a child or not.

Extensive educational research the world over recognises that children are born with equal potential to learn and become creative adults. The colonial beliefs that men have better brains than women, or whites have better brains than blacks, implying thereby that there were intrinsic differences in the potential to learn and in intelligence, have long been discarded and debunked. The most obvious proof of that is the acquisition of language, without which no learning can take place. All children acquire language without the agency of a school at around the same age of two years. This is held as an intrinsic stage of child brain development, which has nothing to do with caste, class, gender, high/low IQ and such other differentiation. What is well recognized, however, is that from infancy, it is the processes of nurturing at home and later during pre-school and school, that determines the depth and extent of learning. Therefore, tests and other screening procedures can only reveal differences in nurturing, rather than any intrinsic differences of the potential to learn. In such a situation it would be particularly necessary, and indeed the obligation of the State and society to provide for better nurturing through good schools to children from poor and disadvantaged sections of society.

The Guidelines issued under section 35(1), therefore, explicitly state that tests and interviews are generally a tool for profiling and eliminating children, and therefore screening to assess a child's 'intelligence should be prohibited. Availability of equal opportunities for children belonging to different social and economic backgrounds will reinforce the idea of equality enshrined in our Constitution, and ensure that children are not discriminated on the basis of their social and economic background. The Guidelines also refer to the importance of moving towards composite classrooms with children from diverse backgrounds, rather than homogenous and exclusivist schools: heterogeneity and diversity in classrooms lead to greater inter-learning, respect for differences, tolerance and creativity.

Thus in respect of 25% children representing disadvantaged groups and weaker sections for admission in class I, the Guidelines provide for random selection out of applications received. For admission to the remaining 75%, the Guidelines give schools the freedom to formulate their own admissions policy. Such policy should include the criteria for categorisation of applicants in terms of the objectives of the school on a rationale, reasonable and just basis. There should be no profiling of the child based on parental educational qualifications. This policy should be in the public domain, explicitly stated in the school prospectus and given wide publicity. There shall be no testing or interviews for any child/parent, and selection should be on random basis.

Section 14 seeks to provide for proof of age certificate of a child and that admission cannot be denied in its absence. The rationale for this provision is that birth certificates under the Births, Deaths and Marriages Certification Act, 1886 are often not available, and in their absence, children and their parent often have to run from pillar to post to obtain age proof. Thus, other documents can be deemed to be proof of age of the child for the purposes of admission in schools. Examples of other documents are (i) ANM register record, (ii) Anganwadi record, (iii) declaration of age of the child by the parent or the guardian. State Governments will identify documents, which may be in the form of affidavits or certificates that can be used for determining the age of the child for admission and suitably provide for them in the delegated legislation. Clause 14 (2) however, makes it explicit that since the child has a *right* to education, that *right* cannot be denied for lack of age proof. Therefore, admission would be given even in the absence of age proof, while an appropriate document of age proof would simultaneously be acquired.

Section 15 prohibits schools from denial of admission to a child, irrespective of the time in the academic year in which admission is sought. Admission of a child in school is a fundamental right and it cannot be denied at any point of time. Ideally, all children should be enrolled in school at the beginning of the academic session. However, in the case of children in difficult circumstances, including children affected by migration, displacement or ill health, etc schools may need to be flexible to allow admission at any time during the session. The Central RTE Rules provide that children admitted after six months of the beginning of the academic session may be provided Special Training as determined by the Head Teacher of the school to enable him/her to complete studies. Private unaided schools need not be concerned about this provision, especially with respect to the 75% admission, because if they have filled all seats at the beginning of the academic year the question of any-time admission would not arise.

Section 16 prohibits holding back and expulsion of a child from school till the attainment of elementary education. There have been some misgivings on the provisions relating to 'no detention' and 'no expulsion'. The 'no detention' provision is made because

examinations are often used for eliminating children who obtain poor marks. Once declared 'fail', children either repeat grade or leave the school altogether. Compelling a child to repeat a class is demotivating and discouraging. Repeating a class does not give the child any special resources to deal with the same syllabus requirements for yet another year. Parents and friends of such children also tend to view them as being 'fit for failure', thereby reinforcing the perception which the school has already used for declaring a child 'fail'. The 'no detention' provision in the RTE Act does not imply abandoning procedures that assess children's learning. The RTE Act provides for putting in place a continuous and comprehensive evaluation procedure – a procedure that will be non-threatening, releases the child from fear and trauma of failure and enables the teacher to pay individual attention to the child's learning and performance. Such a system has the best potential to improve quality, rather than punishment, fear of failure and detention. Consistent with the arguments provided under section 13 that each child has the same potential for learning, a 'slow', 'weak' learner or a 'failed' child is not because of any inherent drawback in the child, but most often the inadequacy of the learning environment and the delivery system to help the child, realise his/her potential, meaning thereby that the failure is of the system, rather than of the child. This requires addressing the improvement of the quality of the system rather than punishing the child through detention. There is no study of research that suggests that the quality of the learning of the child improves if the child is failed. In fact, more often than not the child abandons school/ learning altogether.

As regards expulsion, there are many who give examples of deviant and aberrant behaviour of some children, adversely influencing other children, and that such deviant children should be 'expelled' in order that the others may be protected. But the implications of expulsion are that the education system has *refused* to serve the child. The notion of 'expulsion' is not compatible with the concept of 'right'. No civilized country in the world expels children from elementary school for any reasons: there are no valid grounds for doing so. If the child – and remember we are talking about 6-14 year olds, not older children – does not respond to the existing system and resorts to 'deviant' activities, then the education system must address the child differently – through counselling or by providing different curricular and co-curricular activities, which enable the child to develop self awareness, address deep rooted fears and problems and consequently change patterns of behaviour.

Section 17 prohibits any child being subjected to physical punishment or mental harassment.

There is a mistaken notion that 'discipline' of children comes from punishment and fear. Educationists the world-over are clear that what matters for creating a mature citizen is the provision of a 'learning environment' in the formative years, which is what the school must become, and not a 'correctional' centre, which has the connotations of a jail.

Physical punishment and mental trauma are counter-productive, and may cause a child to become even more defiant and rebellious than before.

The concept of childhood implies a period of impressionability and vulnerability. Both these attributes of childhood enjoin upon the adult society to treat childhood as a part of life, which requires protection and nurturance. Children's bodies are tender and vulnerable. A minor punishment can result in injury: even a slap may result in a child going deaf. There are many examples of grievous injury to children on account of physical punishment. Physical punishment is invariably accompanied by mental trauma. All physical punishment and mental trauma is potentially unsafe and injurious to health.

Article 39 (f) of the Constitution of India states:

Art 39 (f): 'The state shall ensure that children are given opportunities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment'. There is explicit use of the word 'dignity' in Article 39(f). It is not conceivable for dignity and punishment to co-exist.

Further, the National Policy on Education (NPE) 1986/1992 also prohibits corporal punishment. It states: *Corporal punishment will be firmly excluded from the education system.*

India is a signatory to the United Nations -Convention on Child Rights (UNCRC). Article 19 of the UNCRC states: State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child. Thus the provisions in the RTE Act banning corporal punishment and mental harassment are in consonance with the spirit of Article 39 ((f) of the Constitution, the National Policy on Education, and the UNCRC.

Section 18 stipulates that no private school should be established or can function without obtaining a Certificate of Recognition, and that such Certificate of Recognition would be issued to schools that fulfil the prescribed norms and standards. The Act does not have a provision for recognition of Government schools, since that would amount to Government giving recognition to its own schools, however section 19 clearly states that Government schools must meet the requirements of the schedule.

Section 19 lays down the norms and standards for schools. Any school, whether Government or private that does not fulfil the prescribed norms and standards shall do so within a period of three years from the date of commencement of the proposed Act. There appears to be a misconception that Government schools do not require to meet the norms and standards prescribed under the Act on account of a wrong insertion of a comma in the RTE Bill when it was introduced in Parliament. This has since been corrected and the provision for meeting norms and standards is applicable to all schools, ensuring that these schools also meet the norms prescribed will be monitored by the NCPDR.

Section 20 provides power to Central Government to amend the schedule on norms and standards.

Section 21 provides for constitution and functions of a School Management Committee in certain categories of schools. The setting up of such Committees has been a recommendation of nearly all previous education commissions and policies. The reason is that if the community has to be involved in the vast school system of the country, and if the parents are to be recognized as primary stakeholders in the education of their children, they must be involved in a meaningful manner in the monitoring and management of schools. The RTE Act therefore envisages that parents would form a majority in the School Management Committees, which would also include elected members of the Panchayat and school teachers. There is reason to believe that like the mother's committees that have functioned exceptionally well in some parts of the country, the parent-dominated SMC's will lead to overall improvement of the schooling system.

Private unaided institutions are exempted from the constitution of School Management Committees. Government has also introduced an Amendment Bill in the Parliament, which provides that the School Management Committee in respect of private unaided and minority institutions will only have an advisory role.

Section 22 provides for preparation of a School Development Plan (SDP) by the School Management Committee. The SDP is visualised as a comprehensive plan focusing on all aspects of school e.g. protection of children's rights, infrastructure, teacher availability, classroom transaction and child assessments, inclusiveness, etc. Private unaided institutions are not expected to prepare SDPs envisaged under the RTE Act. Further, the Amendment Bill referred to in previous paragraph provides that private unaided and minority institutions will also not be required to prepare SDPs.

Section 23 provides for qualifications and terms and conditions of service of school teachers. The Central Government has notified NCTE as the academic authority for

prescribing teacher qualifications. NCTE has laid down the requisite teacher qualifications as per its notification dated 23rd August 2010.

Section 24 provides for duties of teachers. This includes *inter alia* -that teachers attend school regularly and transact the syllabus in a timely manner, that they provide supplementary support to children who need such support, that they make an assessment of children's learning, and interact with parents.

Section 25 seeks to provide for maintenance of pupil teacher ratio, by the appropriate government and local authority. An apparent contradiction between this provision, which requires that the pupil teacher ratio shall be maintained within a period of six months, vis-à-vis the provision under section 19 mandating that the norms and standards prescribed in the Schedule should be met within three years, is proposed to be corrected through the Amendment Bill introduced in the Parliament:

The proviso to this section also provides that teachers shall not be deployed for non-academic work, barring those specified in section 27, viz., (i) decennial population census, (ii) disaster relief and (iii) elections to Parliament, State Legislatures and Local Bodies.

Section 26 provides that vacancies in schools should not exceed 10% of the teacher strength for that school. This provision will ensure that States take steps to fill up existing teacher vacancies as also rationalise deployment of teachers in schools to remove urban-rural imbalances in teacher deployment.

Section 27 prohibits deployment of teachers for non-educational purposes, other than decennial population census, disaster relief duties or duties relating to elections to local authority, state legislatures and parliament. This provision will ensure that more time is available to teachers for school/ classroom transaction, and that teachers are not deployed for work that takes them away from their classroom responsibilities.

Section 28 prohibits private tuition by teachers. Private tuition is one of the ills affecting Indian education, which needs to be addressed. This provision will ensure that teachers do not use their position for commercial gain through private tuition, which is a source of harassment to children and parents.

Chapter-V: Curriculum and Completion of Elementary Education.

Section 29 provides for curriculum and evaluation procedure in elementary schools. State Governments are required to prescribe the academic authority to lay down the

curriculum and evaluation procedure. In doing so the academic authority, must ensure adherence to eight factors stated in the RTE Act These eight factors are:

1. Conformity with Constitutional values;
2. All round development of the child;
3. Building the child's knowledge, potentiality and talent;
4. Development of physical and mental abilities to the fullest extent;
5. Learning through activities, discovery and exploration in a child friendly and child-centred manner;
6. The child's mother tongue serving 'as far as practicable' as the medium of instruction;
7. Making the child free of fear, trauma and anxiety and helping the child to express views freely and
8. Comprehensive and continuous evaluation of the child's understanding and knowledge and the ability to apply it.

These factors, which have become part of educational legislation, provide comprehensive coverage of the indicators of child-centred curricular policy for the elementary stage of education spelt out in the National Policy on Education (NPE), 1986/92 and elaborated in the NCF – 2005.

Section 30 provides that no child shall be required to pass Board examinations till completion of elementary education. Board examinations induce tremendous stress and anxiety among children – especially young children. The National Curriculum Framework, 2005, while emphasising the need for flexibility in assessment, states: *"Under no circumstances should board- or state level examinations be conducted at other stages of schools, such as class V, VIII or XI." Indeed, Boards should consider, as a long- term measure, making the Class X examination optional, thus permitting students continuing in the same school (and who do not need a board certificate) to take an internal school exam instead"*.

Chapter-VI: Protection of Right of Children

Section 31 provides an institutional mechanism for protection of rights of the child through the National/ State Commissions for Protection of Child Rights. For children in-school, monitoring will involve the following issues:

- (i) Provision of neighbourhood school
 - 1. Requisite number of classrooms and infrastructure facilities
 - 2. Appropriate PTR
 - 3. School hours
- (ii) Access to school: physical and social
- (iii) Admission process
 - 1. Denial of admission
 - 2. Capitation Fee
 - 3. Screening procedure
 - 4. Demand for Affidavits
 - 5. Any time Admission
- (iv) Entitlements
 - 1. Textbooks
 - 2. Uniforms
 - 3. Library with books, newspapers, magazines
 - 4. Sports equipment
 - 5. Play material
 - 6. Mid-day Meal
 - 7. Special Training for age-appropriate education
 - 8. Transfer Certificates
 - 9. Completion Certificates
 - 10. Other expenses
- (v) Classroom Transaction
 - 1. No discrimination
 - 2. No corporal punishment
 - 3. Appropriate Teaching methods
 - 4. Appropriate Evaluation Systems
- (vi) School Management Committee
 - 1. Appointments as per rules
 - 2. Regular meetings
 - 3. Teacher Accountability
 - Preparation of School Development Plan
 - 4. Other Responsibilities

For Children in Private Aided and Unaided Schools

1: Admission of children from Weaker Sections and Disadvantaged Groups

In addition NCPDR/SCPCR would monitor out-of-school children to facilitate their access and participation in the schooling system. This would include children who have never enrolled or have dropped out, children who are temporarily absent, children who are permanent migrants, who migrate seasonally with their parents.

Section 32 provides a mechanism for redressal of grievance relating to rights of the child under the proposed Act.

Section 33 provides for constitution of a National Advisory Council to give expert advice to the Central Government on implementation of provisions of the proposed Act. This Council has since been constituted and has commenced its work.

Section 34 provides for the constitution of State Advisory Councils to advise the State Governments on the implementation of the Act.

Chapter-VII: Miscellaneous

Section 35 provides for the Central Government to issue guidelines and directions to the appropriate government or local authority for effective implementation of the proposed Act. It also provides for the appropriate Government to issue guidelines and directions to Local Authorities, and for Local Authorities to give guidelines to School Management Committees.

Section 36 provides for previous sanction of an authorised officer for prosecution of offences.

Section 37 provides protection, against any legal suit or proceedings, to appropriate government, local authority, etc for any action taken in good faith.

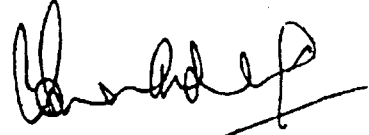
Section 38 provides powers to the appropriate Government to make rules, and for laying of Rules and notifications made, before each House of Parliament.

F.No. 1-18/2010-EE-4(pt.I)
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

New Delhi, 14th February, 2012

Subject : Advisory on implementation of Sections 31 and 32 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

A copy of the Advisory on implementation of the provisions of Section 31 and 32 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 is enclosed herewith for information and compliance.



(Vikram Sahay)
Director

Telefax: 23381470

Encl: as above

1. Education Secretaries of all States/UTs
2. Chairperson/Member Secretary, NCPCR
3. SCPCRs/REPA of all States/UTs
4. All Members of NAC-RTE
5. Chairman- CBSE/NIOS
6. Commissioner-NVS/KVS

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Director (UT Division)
All Directors/DS in EE-II Bureau

F.No. 1-18/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

.....
Shastri Bhavan, New Delhi, dated, 14th February, 2012.

Subject: Advisory on implementation of Sections 31 and 32 of the Right of Children to Free and Compulsory Education (RE) Act, 2009.

The Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides for monitoring and protection of child rights under the Act. Under Section 31, the National/State Commission(s) for the Protection of Child Rights (NCPCR/SCPCR), or Right to Education Protection Authority (REPA) in respect of a State which has not constituted the SCPCR have been empowered to (a) examine and review the safeguards for rights provided under the RTE Act; (b) inquire into complaints relating to child's rights to free and compulsory education; and (c) take necessary steps as provided under sections 15 and 24 of the Commissions for Protection of Child Rights Act, 2005. Section 32 provides for redressal of grievances relating to rights of a child under the RTE Act by the local authority within a period of three months, and appeal against the decision of the local authority before the SCPCR/REPA.

2. The following guidelines are issued for the implementation of the provisions of section 31 and 32 of the RTE Act.

Responsibilities of State Government

3. The responsibility of identifying and notifying the local authority which shall perform the function of grievance redressal under section 32 of the RTE Act vests with the State Government. In this regard, the State Government may undertake the following measures:

- (i) Identifying the local authority(ies) within the meaning of section 2(h) of the RTE Act, for performing the functions envisaged in section 32 (1) and (2) of the Act.
- (ii) Notify the local authority at the village, block/mandal and district level having jurisdiction in respect of the responsibilities specified for local authorities under section 9, who would perform the functions envisaged in section 32(1) and (2) of the RTE Act. The Notification should be placed in public domain and given wide publicity.
- (iii) Prepare a list of legal entitlements of a child guaranteed under the RTE Act and State RTE Rules and make this information widely available.
- (iv) Prescribe the manner in which grievance would be filed u/s 32(1) of the RTE Act and the manner in which the decision is to be taken by the notified local authority under section 32(2) of the Act.

Processing Grievances/Complaints

4. Grievances may relate to violation of any of the provisions under the RTE Act and may be against any public office, public servant, private institution, private person or any other agency responsible directly or indirectly for the effective implementation of provisions of the RTE Act. The notified local authority shall take

into consideration the following factors while developing a procedure for filing and processing of such grievances:

- (i) The local authority can accept written complaint made by any person on behalf of the child. Complaints could be sent by post, fax, e-mail, or in person. The authority prescribed to address grievances at various levels will prescribe relevant formats which are simple and easy to understand, comprehend and furnish.
- (ii) The notified local authority will develop a system of registration of grievances, and a receipt of registration of the grievance should be provided to the complainant instantly.
- (iii) For the purpose of deciding a matter arising out of a grievance/complaint, the notified local authority may cause such verification and call for such information as it considers necessary.
- (iv) The grievance should be decided by the notified local authority within three months of its filing, after affording adequate opportunity to both parties. The decision of the notified authority under section 32(2) shall be a reasoned order, and should contain the details of the Appellate Authority (SCPCR/REPA) before whom an appeal can be preferred under section 32(3) of the RTE Act.
- (v) In respect of grievances relating to matters of urgency, such as denial of admission, etc. the notified local authority shall endeavour to decide the matter in a shorter time. Further, in respect of grievances relating to violation of Indian Penal Code, such as violence, child abuse, corporal punishment, etc. the notified local authority may facilitate filing of FIR before the police authorities.
- (vi) In respect of grievance registered before the notified local authority which requires to be decided by an authority other than the notified authority, such grievances be sent to that authority which is competent and empowered to decide the matter, and on receipt of such grievance, the other authority shall take steps to decide the matter expeditiously.
- (vii) Every notified local authority shall maintain a record of grievances filed and decisions taken by it and submit a periodic report to the State Government.
- (viii) The notified local authority shall keep aside fixed days/timings for hearing grievances and for personal meetings with aggrieved parties.

Role of SCPCR/REPA and Process of Appeal

5. Section 32(3) of the RTE Act provides for appeals against the decision of the notified local authority. In order to develop a transparent procedure for furnishing

and disposal of appeals by the SCPCRs/REPA, the following measures should be taken by the State Government and the SCPCR/REPA:

- (i) The State Government shall provide adequate resource support to the SCPCR/REPA to enable it to perform its functions under the RTE Act.
- (ii) The SCPCR would follow the procedures of an appellate body to hear grievances. For this purpose, the SCPCR shall prepare a Memorandum of Appeal in which appeals can be furnished before it. This Memorandum may be placed on the website of the SCPCR, the State Education Department and made available to the public by the notified local authorities.
- (iii) Any person aggrieved by a decision or direction of the notified local authority may file an appeal to the State Commission for Protection of Child Rights. The SCPCR/REPA may prescribe the time limit within which an appeal can be furnished, which can also be extended by it if it is satisfied that the appellant was prevented by sufficient cause from the filing the appeal within the prescribed period. The Memorandum can be filed by post or in person.
- (iv) Upon consideration of the appeal, and after affording adequate opportunity to both parties, the SCPCR may pass on order upholding the decision of the local authority, or modify or set aside the decision of the local authority, or make such recommendations as it deems fit in accordance with the provisions of section 15 of Commission for Protection of Child Rights Act, 2005. A copy of the order shall be sent to the applicant, the State Government and the local authority against whose decision the appeal was filed.
- (v) Every order of the SCPCR/REPA shall be taken into account by the State Government or the local authority, as the case may be, for expeditious action, under intimation to the SCPCR/REPA.
- (vi) The SCPCR/REPA shall maintain a record of all appeals filed and decided by it.

6. The State Government and the SCPCR/REPA may take steps to put in place the grievance redressal and appellate mechanism taking into account the aforementioned Guidelines. A compliance report may be sent to this Department within one month.



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Director

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To

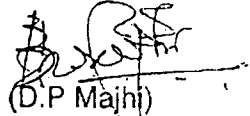
Education Secretaries of all States/UTs

F.No. 1-3/2010-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

New Delhi, 16th July, 2012

Subject: Guidelines under Section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 in respect of Residential Schools - reg.

A copy of the Guidelines under Section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 in respect of Residential Schools is enclosed herewith for information and compliance.


(D.P. Majhi)

Under Secretary to the Govt. of India
Tele: 23384589

Encl: as above

1. Education Secretaries of all States/UTs
2. Chairperson/Member Secretary, NCPCR
3. All Members of NAC-RTE
4. Chairman- CBSE/NIOS
5. Commissioner-NVS/KVS

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All Directors/DS in EE-II Bureau

F.No. 1-3/2010- EE4
Government of India
Ministry of Human Resource Development
[Department of School Education & Literacy]

Room No. 429-A, "C" Wing, Shastri Bhavan,
New Delhi, dated , 13th July, 2012

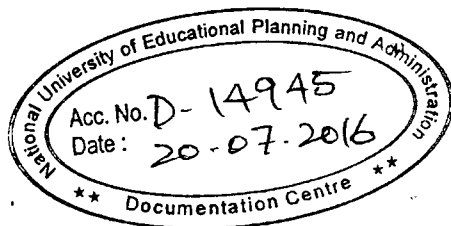
Subject: Guidelines under Section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 in respect of Residential Schools – reg.

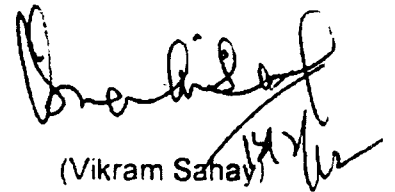
The Hon'ble Supreme Court in para 13 of its judgement dated the 12th April, 2012 in WP (C) 95/2010 in the case of Society for Unaided Private Schools of Rajasthan Vs. Union of India and Anr. and similar writ petitions tagged along with directed that appropriate Guidelines under section 35 of the Right of Children to Free and Compulsory Education Act, 2009 be issued clarifying its applicability to boarding or residential schools

2. The aforementioned issue has arisen in the context of applicability of the provisions of clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 on private unaided schools. In the said section it has been inter alia provided that children belonging to weaker section and disadvantaged group residing in the specified neighbourhood of the school have a right to be admitted therein to the extent indicated in the said clause and provided free and compulsory education till completion of elementary education. In respect of residential schools, however, the applicability of clause (c) of sub-section (1) of section 12 would be limited to day scholars, since only in respect of day scholars can the neighbourhood criterion apply

3. The provisions of clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 shall not apply to the residential schools which start admitting children at classes higher than class I.

4. The aforementioned Guideline may be brought to the knowledge of all concerned for necessary compliance




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