

RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT 2009

REGI). A.'0 0.1 Che Gazette of ZJtidia EXTRAORDIN.IRV PART 3—Sub-section (ii) 19

30. NEW DELHI. FRIDAY. IO. 1931 (3ir ü7.3tT.427(N).— 0 3Zd MINISTRY OF HUMAN RESOURCE DEVELOPMENT (Department of School Education and Literacy) NOTIFICATION New Delhi. the 16th February. 2010 .— In exercise of the powers conferred by sub-section (2) of S.O. 427(E) 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. THE GAZETTE OF INDIA : EXTRAORDINARY 76 2010 371Z .3ifütäzrJi. 2009 (2009 35) 3ööi. 201 0 NOTIFICATION New Delhi. The 10th February. 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 day of April, 2010 as the date on which the provisions of the said Act shall come into force. and REGISTERED SO. The Gazette of India EXTRAORDINARY PART —Section 1 PUBLISHED BY 27, 2009/fit? 5. 1931 NEW DELHI, THURSDAY, AUGUST 1 BHADRA 5, N-a •t •<-ö--öR Separate paging is given this. Part in order that it may be filed as a MINISTRY OF LAW AND JUSTICE (Legislative Department) New, Delhi, the 27th 2009/Bhadra 5, 193) (.s•aku) 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. it enacted by the Sixtieth Year of the Republic of India as follows:— CHAPTER I 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, commencement and Definitions GAZETTE OF INDIA EXTRAORDINARY 2. In this Act, unless the context otherwise requires— Government, 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; in relation to a school, other than the school referred to in sub-clause (1), established within the territory of— (A) in the State Government; (B) Union territory having legislature, the Government of that Union territory; (b) "capitation fee" means any kind or donation or contribution or payment other than the fee notified by the school; (a) "child" means a male or female child of the age of six to fourteen years; (d) "child belonging to disadvantaged group" means child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward classes 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; (1) "elementary education" means the education from first class to eighth (8) "guardian", in relation to a child, means a person having care and custody of that child and includes a natural guardian or, guardian appointed or declared by a court or a trustee; (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: (1) "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: (i) "notification" means a notification published in the Official Gazette: (k) "parent" means either the natural or step or adoptive father or mother of (O "prescribed" means prescribed by rules made under this Act. "Schedule" means the Schedule annexed to this Act: "school" means any recognised school imparting elementary education and includes— (O a school established, owned or controlled by the appropriate Government, or a local authority. (fi) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority. (if!) a school belonging to specified category, and an unaided school not receiving any kind of aid or wants meet its expenses from the appropriate Government or the local authority: (o) "screening procedure" means the method of selection and admission of a child, in

2 / 7

3 / 7

cost Of a concessional rate: Such school shall 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. 13. (J) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his mother or guardian to any screening procedure. (2) Any school or person, if in contravention of the provisions of sub-section (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 (or each subsequent contraventions. 14. (1) For the purposes of admission to 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, 1969 or on such other documents as may be prescribed. (2) No child shall be denied admission in a school for lack of age. proof. 5, A child shall be admitted in a school at the commencement of the school 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

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

17. (i) 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. 18. (1) No school, other than a school established, owned or controlled by the appropriate Government at the local authority, shall, after the commencement of this Act, be established or run, 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 or refuse to issue in such form, within such period, in such manner, and 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 the direction as to which of the neighbourhood schools the children studying in the defunct school, shall be admitted: Provided further that: no recognition shall be so withdrawn without giving an opportunity of being heard such school, in such manner, as may be prescribed. (4) With effect from the date of withdrawal of the recognition under sub-section (3), 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 or twice the fine 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 this section unless it fulfils the norms and standards specified in the Schedule. (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 its 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 runs a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees or twice the fine in case of continuing contraventions, or 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, omitting, or modifying therefrom, any norms and standards. 21. (1) A school, other than a school specified in sub-clause (iv) of clause (n) or 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: Provided that at least three-fourth of members of such Committee shall be parents or guardians: Provided that (unrepresentative 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 or such Committee shall be women. (2) The School Management Committee shall perform the

following functions, namely:— (B) 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 other source; and (a) perform such other functions as may be prescribed. 22. (1) 'Every School Management Committee, constituted under sub-section (1) of section 23 shall prepare a School Development Plan:—' such manner as may be prescribed. (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. 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 courses or training in teacher education, persons 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 (a) notification: Provided that 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 teachers shall be such as may be prescribed. 24. (1) A teacher appointed under sub-section 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) or 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 educational progress made in learning and any other relevant information about the child; and (d) perform such other duties as may be prescribed. (2) A teacher committing dereliction 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 an opportunity shall be afforded to such teacher. (3) The grievances, if any, of the teacher shall be redressed in such manner as be prescribed. 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 is maintained in each school, (2) For the purpose of maintaining the 'Pupil-Teacher Ratio under sub-section no teacher posted in a school shall be made to serve in any other school or office or be deployed for any non-educational purpose, other than those specified in section 27. 26. appointing authority in relation to a school established, wholly 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 sanctioned strength. 27. No teacher shall be employed for any non-educational purpose: except where the population consists of scheduled castes or tribes or Scheduled Tribes to the local authority the State Legislatures or Parliament, as the case may be. 28. No teacher shall engage himself or herself in private teaching activity. 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. (2) The academic authority, while laying down the curriculum and evaluation procedure under sub-section (1) shall take into consideration the following:— conformity with the values enshrined in Constitution; all round development of the child: building up child's knowledge, potentiality and talent; (d) development of physical mental abilities to the best of its capacity; (e) learning through activities, discovery and experiential learning in child-centred manner; (f) medium of instruction shall, as far as practicable, be in child's mother tongue; (g) making the child free of fear, and anxiety and help the child to express freely; (h) and evaluation of understanding or knowledge and his ability to apply the same. 30. (1) No child shall be required to pass any Board examination on completion of elementary education, (2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner as may be prescribed.

expenditures under sub-section of section 12: any other document for determining the age of Child under sub-sections (i) of section 14; (f) the extended period for admission and the manner of completing study if after the extended period; under section 15: the form and manner making application certificate (X) the sub-section of section 15: the form, the period, the income; and the condition: for i.e. student certificate of recognition, under sub-section (2) of section 15: the manner of giving opportunity or hearing under second proviso sub-section (3) of section 18: (f) the other facilities 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 (i) of section 22. (i) the salary and allowances payable to, and the terms and conditions of service of, teacher, under sub-section (j) of section (m) the duties to be performed by the teacher under clause (g) of sub-section (l) of section 24; (n) the of redressing grievances of teachers under sub-section (3) of section 24 : (o) the manner of awarding certificate for completion of education under sub-section of section 30; the authority, the manner of its constitution and the conditions thereof under sub-section (3) of section 31 : (q) and other terms and of appointment of (Members of the National Advisory, Council under sub-section of section (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 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 that the rule or notification should be made, the rule or notification shall have effect in such modified form or to the extent so provided, notwithstanding that it may have been so modified or annulled. (4) Every rule or notification made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament. 11 12 2 THE GAZETTE OF EXTRAORDINARY THE SCHEDULE, (See sections 19 and 25) NORMS STANDARDS FOR A Norms and Standards for Teachers: (a) For first class to-fifth class (b) For sixth class to eighth class Building Admitted children -Up to Sixty Between sixty-one to ninety Between Ninety-one to one hundred and twenty Between One hundred and twenty-one to hundred Above One hundred and fifty children Above Two hundred children Number of Teachers Three Four Five Five plus one teacher per class (excluding head teacher) shall exceed (1) At least one teacher per class so that there shall be least one teacher for— (i) Science and Mathematics (ii) Social Studies; (iii) Languages. (2) At least one teacher for every thirty-five children. (3) Where admission of children above one hundred— (i) in full time head-teacher: (ii) part time for— (A) Art Education; (13) Health and Physical Education; (C) Work Education. (iv) the building consisting of— (z) at least one class-room for every teacher and an teacher's room access: (iii) separate toilets for boys and girls: (fy) safe and adequate drinking water: (v) a kitchen where mid-day meal is cooked in the school: (vi) Playground; GAZETTE OF INDIA EXTRAORDINARY 5. Minimum number of working hours/ instructional hours in an academic year Minimum number of working hours per week for the teacher Teaching learning equipment Play material, games and sports equipment Norms and Standards (vii) arrangements for securing the school building by boundary wall or fencing. (viii) two hundred working days for first class fifth (ix) two hundred and twenty working days for sixth class eighth class; (iii) eight hundred instructional hours per academic year for first five class: one thousand instructional hours per academic year for sixth class 10 eighth forty-five teaching including preparation hours. Shall be provided each class as required. There shall be a library in each school providing newspapers, magazines and books on all subjects, including story-books, shall be provided to each class as required. Secrecy to Govt. India BY GOVT OF INDIA ROAD, NEW DELHI.