

**Uttar Pradesh Right of Children to Free and Compulsory Education
Rules, 2011**

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***The Uttar Pradesh Right of Children to Free and Compulsory Education
Rules, 2011***

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In exercise of the powers conferred by Section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009) and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules for the purpose of implementation of the provisions of the aforesaid Act.

Part I

Preliminary

1. **Short title, extent and commencement.**- (1) These rules may be called the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011.

(2) They shall extend to the whole of Uttar Pradesh.

(3) They shall come into force at once and shall remain in force subject to the condition that adequate funds will continually made available by the Central Government.

2. **Definition.**- (1) In these rules, unless the context otherwise requires,-

(a) "*Act*" means the Right of Children to Free and Compulsory Education Act, 2009;

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

(c) "*appointed date*" means the date of commencement of the Act i.e. April 1, 2010;

(d) "*Chapter*", "*Section*" and "*Schedule*" means respectively chapter, section of, and schedule to, the Act;

(e) "*Form*" means a form given in the Appendix to these rules;

- (f) "*neighbourhood*" means a population area specified in Rule 4;
- (g) "*pupil cumulative record*" means record of the progress of the child based on comprehensive and continuous evaluation;
- (h) "*school mapping*" means planning school location to overcome social barriers and geographical distance;
- (i) "*specified norms*" means the norms and standards specified in the Schedule to the Act;
- (j) "*Zila Shiksha Adhikari*" means a District Level Officer in Department of Basic Education or Department of Secondary Education, as the case may be.
- (2) Words and expressions used in these rules not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

Part II

Right of Children to Free and Compulsory Education

3. Special Training (Section 4).- (1) The School Management Committee/local authority shall within the area of jurisdiction thereof, identify never enrolled or school dropout children above the age of 6 years, get them admitted in a class appropriate to (heir age in their neighbourhood school, assess their learning level and accordingly organise special training for them as required in the following manner, namely-

- (a) the special training shall be based on specially designed, age appropriate learning material, approved by the State Council for Educational Research and Training;
- (b) it shall be provided in classes held on the premises of the school, or through classes organised in safe residential facilities;
- (c) it shall be provided by teachers working in the school, or by persons specially appointed for the purpose;

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

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

Part III

Duties of the State Government and Local Authority

4. **Areas or limits of neighbourhood (Section 6.-** (1) The area or limit of neighbourhood within which a school has to be established by the Committee authorised by the State Government, shall be as under-

(a) in respect of children in Classes I-V, a school shall be established in habitation which has no school within a distance of 1.0 km and has population of at least 300;

(b) in respect of children in Classes VI-VIII, a school shall be established in habitation which has no school within a distance of 3.0 km and has population of at least 800.

Explanation - For the purposes of this rule the expression "Committee authorised by the State Government" shall mean the Committee established under Section 10 or Section 10 A, as the case may be, of the Uttar Pradesh Basic Education Act, 1972.

(2) For children from such areas where it is not possible to provide school within the radius of neighbourhood specified under sub-rule (1), the State Government shall make adequate arrangements, such as free transportation, residential facilities etc. in relaxation of the provisions specified under sub-rule (1).

(3) The local authority i.e. Gram Panchayat/Nagar Nigam/ Nagar Palika/Nagar Panchayat as the case may be shall identify a neighbourhood school where children can be admitted and make such information public for each habitation within its jurisdiction.

(4) In respect of children with disability, which prevent them from accessing the school, the local authority with the prior approval of the Zila Shiksha Adhikari, shall endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education.

(5) The local authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

5. Duties of State Government and local authority (Sections 8 and 9).-

(1) A child attending a school of the State Government or local authority referred to in sub-clause (i) of Clause (n) of Section 2 of the Act a child attending a school referred to in sub-clause (ii) of Clause (n) of Section 2 of the Act in pursuance of Clause (b) of sub-section (1) of Section 12 of the Act and a child attending a school referred to in sub-clauses (iii) and (iv) of Clause (n) of Section 2 of the Act in pursuance of Clause (c) of sub-section (1) of Section 12 of the Act shall be entitled to free text books each year and uniform once in each year:

Provided that a child with disability shall also be provided free special learning, support material and equipments.

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

(2) For the purposes of determining and establishing neighbourhood schools, the local authority (Gram Panchayat/ Nagar Nigam/ Nagar Palika/Nagar Panchayat, as the case may be) 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, least by 31st March and every year.

(3) The local authority shall be responsible to ensure that no child is subjected to caste, class, religious or gender abuse or discrimination in the school.

(4) 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.

6. Maintenance of records of children by local authority [Section 9(d)].- (1) The local authority (Gram Panchayat/Nagar Nigam/Nagar Palika/Nagar Panchayat, as the case may be) shall maintain a record of all children, in its jurisdiction, through a survey, from their birth till they attain 14 years of age.

(2) A unique identity number shall be allotted to each child by the Zila Shiksha Adhikari to ensure and monitor enrolment, attendance, learning achievement and completion of elementary education of every child.

(3) The record, referred to in sub-rule (1), shall be-

(a) updated annually;

(b) maintained transparently, in the public domain, and used for the purposes of ensuring and monitoring admission, attendance and completion of elementary education by every child residing within its jurisdiction.

(4) The record, referred to in sub-rule (1) shall, in respect of every child, be maintained on the prescribed format including the following detail-

(a) name, sex, date of birth, place of birth;

(b) parents' or guardians' name, address, occupation;

(c) pre-primary school /Anganwadi centre where the child attends (up to the age of 6 years);

(d) elementary school where child is admitted;

(e) present address of the child;

(f) class in which the child is studying;

(g) for children between age of 6-14 years, if education is discontinued in the territorial jurisdiction of the local authority, the cause of such discontinuance;

(h) whether the child belongs to the weaker section within the meaning of Clause (e) of Section 2 of the Act;

(i) whether the child belongs to a disadvantaged group within the meaning of Clause (d) of Section 2 of the Act;

(j) details of children requiring special facilities or residential facilities on account of migration and sparse population, age appropriate admission and disability.

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

(6) The Zila Shiksha Adhikari shall ensure that the information referred to in sub-rule (4) is displayed and updated on the district website.

Part IV

Responsibilities of Schools and the Teachers

7. Admission of children belonging to weaker section and disadvantaged group (Section 12(1)(c)).- (1) The schools referred to in sub-clauses (iii) and (iv) of Clause (n) of Section 2 shall ensure that children admitted in pursuance of Clause (c) to Section 12(1) shall not be segregated from the other children in the classrooms nor shall their classes be held at places and timings different from the classes held for the other children.

(2) The schools referred to in sub-clauses (iii) and (iv) of Clause (n) of Section 2 shall ensure that children admitted in pursuance of Clause (c) to Section 12(1) shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as textbooks, library and Information, Communication and Technology (ICT) facilities, extra-curricular activities and sports.

(3) The areas or limits of neighbourhood specified in Rule 4(1) shall apply to admissions made in pursuance of Clause (c) to Section 12(1):

Provided that the school may, for the purposes of filling up the requisite percentage of seats for children referred to in Clause (c) to Section 12(1), extend these limits with the prior approval of the State Government.

(4) The local authority (Gram Panchayat/Nagar Nigam/Nagar Palika/Nagar Panchayat, as the case may be) shall maintain a namewise list and record of all children belonging to weaker section and disadvantaged group, studying in private and specified category schools under its jurisdiction.

8. Admission of children and reimbursement of per child expenditure by the State Government [Sections 12(l)(b) and (c) and 12(2)].- (1)

The process of admission of children referred to in Clauses (b) and (c) of Section 12(1) shall be totally transparent. The detail of such children applying for admission shall be maintained by the school regularly, which shall include the name, address, sex, caste, date of birth of the child and the name, address, occupation and monthly income of father/ mother/ guardian, detail of whether child belongs to weaker section or disadvantaged group. Such information shall be made public through website. Out of the total applicants, all the children who applied for admission, but not admitted for whatsoever reason, shall be informed in writing with the reason thereof. It shall also be binding for the school to follow the process of admission prescribed by the State Government from time to time.

(2) The total annual recurring expenditure incurred by the State 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 established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in all such schools as on 30th September, shall be the per child expenditure incurred by the State Government.

Explanation-For the purpose of determining the per child expenditure, the expenditure incurred by the State 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.

(3) Every school referred to in sub-clause (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.

(4) Every school referred to in sub-rule (3) seeking reimbursement, shall provide the list of children, with their unique identity number and details of

item wise expenditure incurred by the school with all requisite details along with evidence on the form, prescribed by the Director of Education (Basic) by 31st October of every year:

Provided that where such schools are 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 schools shall not be entitled for reimbursement to the extent of such obligation.

(5) The Zila Shiksha Adhikari after necessary verification will transfer the amount of reimbursement due in the account referred to in sub-rule (3) and shall make the information public through website.

(6) If at any stage, the school is found having sought and received reimbursement on the basis of concealment of facts or wrong claim, it will have to deposit twice the amount so received, in the Government exchequer with action for withdrawal of recognition of the school and proceeding under the relevant sections of Indian Penal Code, and the amount shall be recoverable by the Collector as arrears of land revenue.

9. Documents as age proof (Section 14).- Wherever a birth certificate under the Births, Deaths and Marriages Certification Act, 1886 is not available, anyone 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) Village register of birth and death;

(d) Declaration through an affidavit of the age of the child by the parent or guardian.

10. Extended period for admission in school (Section 15).- (1) Extended period of admission shall be three months from the date of commencement of the academic year of a school i.e. 30th September after the commencement of the session.

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

11. Recognition to school (Section 18).- (1) Every school, other than a school established, owned or controlled by the Central Government, State Government or local authority, established before the commencement of the Act shall make a self-declaration in Form-1 to the concerned Zila Shiksha Adhikari, who shall be the authorised officer, regarding its compliance or otherwise with the norms and standards specified in the Schedule and fulfilment of the following conditions, namely-

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

(b) the school is not run for profit to any individual, group or association of individuals or any other persons;

(c) the school conforms to the values enshrined in the Constitution;

(d) the school building or 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 authorised by the State Government, or local authority;

(f) the school furnishes such reports and information as may be required by the Zila Shiksha Adhikari/Director of Education or any other authorised officer from time to time and complies with such instructions of the State Government/local authority as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in working of the school.

(2) Every self-declaration received in Form-I shall be placed by the Zila Shiksha Adhikari in public domain through website within fifteen days of its receipt.

(3) The Zila Shiksha Adhikari shall conduct on site inspection of such schools which claim in Form-I to fulfil the norms, standards and the conditions

mentioned in sub-rule (1) within three months of the receipt of the self-declaration.

(4) After the inspection referred to in sub-rule (3) is carried out, the inspection report shall be placed by the Zila Shiksha Adhikari in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the Zila Shiksha Adhikari in Form II, within a period of 60 days from the date of inspection.

(5) The list of schools which do not conform to the norms, standards and conditions mentioned in sub-rule (1) shall be prepared and made public by the Zila Shiksha Adhikari through a notification mentioning the deficiencies and shall be displayed on website. Such schools may request the Zila Shiksha Adhikari for an on site inspection for grant of recognition anytime within the next two years.

(6) Schools, which do not conform to the norms, standards and conditions mentioned in sub-rule (1) even after 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, State Government or local authority, established after the commencement of the Act shall conform to the norms, standards and conditions mentioned in sub-rule (1) in order to qualify for recognition.

(8) Every Zila Shiksha Adhikari shall maintain a register of recognised schools and allot a number to every such school.

12. Withdrawal of recognition to school [Section 18(3)].- (1) Where the Zila Shiksha Adhikari on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognised under Rule II, has violated one or more of the conditions for grant of recognition or has failed to fulfil the norms and standards specified in the Schedule, he shall act in the following manner-

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

(b) in case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the Zila Shiksha Adhikari shall cause

can an inspection of the school, to be conducted by a Committee of three members comprising of Government representatives and one educationist. The Committee shall make due inquiry and submit its report, along with its recommendations for continuation of recognition or its withdrawal, within a period of 20 days of such inspection to the Zila Shiksha Adhikari. The Committee referred to above shall be constituted by the District Magistrate and the District Magistrate shall have power to change the members of the Committee.

(2) The Zila Shiksha Adhikari, on the basis of the recommendations of the Committee shall send letter within 10 days seeking explanation from the concerned school and give 30 days time for submitting the explanation and after due examination of the explanation received or in case the explanation is not received then on the basis of records /documents, send his recommendations to the State Education Department within a period of one month thereafter:

Provided that the District Magistrate shall have the authority to get the recommendation of the Committee to be re-examined before its submission to the State Education Department.

(3) The State Education Department, shall, on the basis of the recommendations referred to in sub-rule (2), take decision within 30 days of the receipt of the recommendations and convey it to the Zila Shiksha Adhikari,

(4) The Zila Shiksha Adhikari shall, on the basis of the decision of the State Education Department, pass a speaking order canceling the recognition granted to the school within 7 days from the receipt of the decision. The order of derecognition shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of the derecognised schools shall be admitted.

(5) The order made under sub-rule (4) shall be conveyed to the respective local authority and shall be placed in the public domain through display on website.

Part V

School Management Committee

13. Composition and functions of the School Management Committee

(Section 21.- (1) A School Management Committee shall be constituted in every school, other than an unaided school, within its jurisdiction and reconstituted within every two years.

(2) The School Management Committee shall consist of 15 members out of which 11 shall be from amongst parents or guardians of children:

Provided that 50 per cent of members of such Committee shall be women.

(3) The remaining 4 members of the School Management Committee shall be from amongst the following persons, namely-

(a) one member from amongst the elected members of the local authority, to be decided by the local authority;

(b) one member from amongst Auxiliary Nurse and Midwife (ANM), to be decided by the teachers of the school;

(c) one Lekhpal, to be nominated by the District Magistrate;

(d) one member shall be the head teacher or in the absence of head teacher the senior most teacher of the school, who shall be the *ex-officio* member-secretary.

(4) The guardian members of the School Management Committee shall include the parent/guardian of one child each belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and weaker section.

(5) The selection of guardian members of the School Management Committee shall be made through general consensus in the open meeting:

Provided that the Committee shall include parent/guardian of minimum one child from each class of the school.

(6) To manage its affairs, the School Management Committee shall elect a Chairperson and Vice-Chairperson from amongst the parent members.

(7) The School Management Committee shall meet at least once a month and the minutes and decision of the meetings shall be properly recorded and made available to the public.

(8) The School Management Committee shall, monitor the working of the school, prepare and recommend School Development Plan, monitor the utilisation of the grants received from the State Government or local authority or other source, and in addition, perform the following functions, for which it may constitute smaller working groups from amongst its members-

(a) communicate in simple and creative ways to the population in the neighbourhood of the school, the right of the child as enunciated in the Act, as also the duties of the State Government, local authority, school, parent and guardian;

(b) ensure for proper implementation of Clauses (a) and (e) of Section 24 and Section 28 that teachers of the school maintain regularity and punctuality in attending school, hold regular meetings with parents and guardians and apprise them about the continued attendance, ability to learn, progress made in learning and any other relevant information about the child and no teacher is engaged in private tuition or private teaching;

(c) monitor for the implementation of Section 27 that teachers are not burdened with non-academic duties 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;

(d) ensure the enrolment and continued attendance of all the children from the neighbourhood in the school;

(e) monitor the maintenance of the norms and standards specified in the Schedule;

(f) bring to the notice of the local authorities any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per Section 3(2);

(g) where a child above six years of age has not been admitted in any school, for his/her age appropriate learning level, identify the needs, prepare a plan, and monitor the implementation of the special training;

(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 programme in the school and ensure its enrichment;

(j) monitor the receipts and expenditure of the school.

(9) Any money received by the School Management Committee for the discharge of its functions under the Act, shall be kept in a separate account, to be made available for audit every year.

(10) The accounts referred to in sub-rule (9) shall be signed by the Chairperson/Vice-Chairperson and member-secretary of the School Management Committee and made available to the authorities concerned within one month of their preparation.

14.Preparation of School. Development Plan (Section 22).- (1) The School Management Committee shall prepare a School Development Plan at least three months before the end of the financial year.

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

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

(a) estimates of classwise enrolment for each year;

(b) requirement, over the three years period, of the number of additional teachers, including head teachers, subject teachers and part time instructors, separately for Classes I to V and Classes VI to VIII, calculated, as per specified norms;

(c) physical requirement of additional infrastructure and equipments etc. over the three years period, as per specified norms;

(d) additional financial requirement over the three years period, yearwise, in respect of Clauses (b) and (c), including additional requirement of free

textbooks for children and for providing special training facility to children admitted in age appropriate class and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.

(4) The School Development Plan shall be signed by the Chairperson or the Vice-Chairperson and member-secretary of the School Management Committee and submitted to the authorities concerned before the end of the financial year in which it is to be prepared.

Part VI

Teachers

15. Minimum qualification of teachers [Section 23(1)].- The minimum educational qualifications for teachers, laid down by an authority, authorised by the Central Government, by notification, shall be applicable for every school referred to in Clause (n), Section 2.

16. Relaxation of minimum qualification [Section 23(2)].- (1) The State Government shall estimate the teacher requirement as per the norms in the Schedule for all schools referred to in Clause (n) of Section 2 within the State.

(2) If teachers possessing prescribed minimum qualifications are not available as estimated under sub-rule (1), then the State Government shall request the Central Government by 31st March, for relaxation of the prescribed minimum qualification.

(3) The State Government shall take necessary action after the notification issued by the Central Government, for relaxation in the minimum qualification on the request under sub-rule (2).

(4) The relaxation from minimum qualifications shall be for maximum period of five years from the commencement of the Act, *i.e.* till 31st March, 2015, within such period the teachers appointed under the relaxed condition shall acquire the minimum educational qualifications prescribed under Rule 15.

(5) No appointment of teacher for any school can be made in respect of any person not possessing the minimum educational qualifications prescribed under Rule 15, without the notification referred to in sub-rule (3).

17.Acquiring of minimum qualifications (proviso to Section 23(2)).- (1)

The State Government shall make a request to the academic authority notified by the Central Government for enhancement of capacity of teacher education and for providing required facilities for distant mode teacher training to ensure that fill teachers in schools established, owned or controlled by the State Government or a local authority or specified schools, who do not possess the minimum qualifications laid down under Rule 15 at the time of commencement of the Act, acquire such minimum qualifications within a period of five years from the commencement of the Act. The State Government shall after obtaining the approval as per requirement provide for training of all such teachers.

(2) The management of aided or unaided schools shall enable such teachers, who do not possess the minimum qualifications laid down under Rule 15 at the time of commencement of the Act, to acquire the same within a period of five years from the commencement of the Act.

18.Salary and allowances and conditions of service of teachers [Section 23(3)].- The salary, allowances and service conditions of teachers of every type of school shall be governed by such service rules as are applicable to the teachers of that school.

19.Duties to be performed by teachers [Section 24(l)(f)].- A teacher shall-

(a) be accountable to respective local authority and School Management Committee in regard to maintain regularity and punctuality in attending school, regular teaching, regular correction of the written work of the students and completion of entire curriculum within the specified time;

(b) monitor the regular attendance, learning ability and progress of every child in school thereof, share students' performance with parents on a regular basis;

(c) cooperate " in managing the affairs of School Management Committee, when required;

(d) help the local authority for admission of all children in school, as required, within the jurisdiction of local authority;

(e) shall maintain a file containing the pupil cumulative record for every child to check child's understanding of knowledge and his or her ability to apply the same and for continuous evaluation, and on the basis of which shall award the completion certificate.

(2) In addition to the duties mentioned in sub-rule (1) and the functions specified in Clauses (a) to (e) of sub-section (1) of Section 24, a teacher shall perform the following duties assigned to him or her-

(a) participation in training programmes;

(b) participation in curriculum formulation, and development of syllabi, training modules and textbook development;

(c) cooperate in internal and external school assessment initiatives.

(3) The appointing authority of teachers shall incorporate duties mentioned in Section 24(1) of the Act and responsibility as laid down in Rules 19(1) and (2) above, in the service rules of the teachers as conditions of service. The service rules shall also provide for consideration of outcomes of internal and external school assessments as conducted under Rules 22(3-a) and (3-b) in deciding rewards and punishments as well as career growth of teachers.

20. Grievance Redressal mechanism for teachers [Section 24(3)].- The first grievance redressal of teachers shall be at the School Management Committee level constituted under Section 21 and thereafter at the local authority level.

21. Maintaining of Pupil Teacher Ratio in each school (Section 25).- (1) The sanctioned strength of teachers in every school shall be notified by the District Magistrate of the respective district. Such notification shall be displayed on the district website, the sanctioned strength of teachers in a school shall be informed to the respective school and local authority:

Provided that the District Magistrate, shall, within two 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) In order to maintain the specified pupil-teacher ratio, the District Magistrate shall review the sanctioned strength of teacher in every school every year before the month of July and redeploy the teachers as per requirement.

(3) For the purpose of maintaining the pupil-teacher ratio, 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 the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament.

(4) If any teacher found to be engaged in private tuition or private teaching, disciplinary action will be taken under the service rules applicable to him or her.

Part VII

Curriculum and Completion of Elementary Education

22.Academic Authority (Section 29).- (1) For the purpose of Section 29 the State Council of Educational Research and Training shall lay down the curriculum and evaluation procedure for elementary education.

(2) The State Council of Educational Research and Training while laying down the curriculum and evaluation procedure, shall perform following functions-

(a) formulate the relevant and age appropriate syllabus and textbooks 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 State Council of Educational Research and Training through internal and external organisations shall design and implement a process of holistic school quality assessment on a regular basis-

(a) Performance of schools shall be assessed independently at least once a year through a departmental assessment and mandatorily every two years through an assessment conducted by an external agency. For the annual independent assessment the State Council of Educational Research and Training shall constitute an appropriate question bank on the basis of which the District Institute of Education and Training shall conduct an assessment on a random sample basis for each blockwise to the District Magistrate and Zila Basic Shiksha Adhikari by last week of December every year.

(b) External agency for the purpose could be, *inter alia*, drawn from amongst Faculty of Education Department of various Universities and Colleges, various Research Institutes, reputed National Level Organisations/Non-Government Organisation involved in Basic Education. Detailed terms of references be

drawn and results be furnished within six months from the assignment of the assessment by the external agency. The report shall be published as a State Level School and Learning Assessment Report.

Parametres for the external biennial assessment will, *inter alia* be as follows-

- Students' learning achievement levels;
- Availability and use of textbooks, teacher guides and teaching learning materials in classroom teaching;
- Opportunity to students for individual and group work;
- Regular correction of the written work by the teachers;
- Teachers' punctuality in attending schools and regularity in conduct of teaching learning;
- Sharing of students' performance with parents on a regular basis;
- Observation of teachers ability to teach and conduct classroom;
- Percentage coverage of annual curriculum.

The report shall, *inter alia*, furnish the outcomes of the school assessment districtwise in descending order to the State Government State Council of Educational Research and Training and Sarva Shiksha Abhiyan Programme, for relevant action thereafter and will furnish blockwise outcomes of the assessment to the District Magistrate and Zila Basic Shiksha Adhikari for remedial action.

23.Award of certificate for the completion of elementary education (Section 30).- (1) The certificate of completion of elementary education shall be issued at the school level within one month of the completion of elementary education in the form prescribed by Director of Education (Basic):

Provided that the private institutions shall clearly mention the allotted recognition registration number on the certificate issued by them.

(2) The certificate referred to in sub-rule (1) shall certify that the child has completed all course of study prescribed under Section 29.

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

Part VIII

Protection of Right of Children

24. Performance of functions by the State Commission for Protection of Child Rights (Section 31).- (1) Till such time as the State 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 (REPA).

(2) 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, or 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 marginalised children or children with disability;

(iv) elimination of child labour or working with children in distress;

(v) child psychology or sociology; or

(vi) educational or administrative management.

(3) The National Commission for Protection of Child Rights Rules, 2006 shall, so far as pertains to the terms and conditions, *mutatis mutandis* apply to the Right to Education Protection Authority (REPA).

(4) All records and assets of the Right to Education Protection Authority (REPA) shall be transferred to the State Commission for Protection of Child Rights immediately after its Constitution.'

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

(6) The State Government shall consist a Cell in the State Commission for Protection of Child Rights or the Right to Education Protection Authority (REPA) as the case may be, which may assist the Commission or the Right to Education Protection Authority (REPA) in performance of its functions under the Act.

25.Manner of furnishing complaints before the State Commission for Protection of Child Rights (Section 31).- (1) The State Commission for Protection of Child Rights or the Right to Education Protection Authority (REPA) as the case may be, shall set up a child help line, accessible by letter/telephone/SMS and which would act as the forum for aggrieved child or guardian to register complaint regarding violation of rights under the Act, in a manner that records his/her identity but does not disclose it.

(2) Initially a complaint shall be made to Village Education Committee/Ward Education Committee through its member-secretary. After decision of Village Education Committee/Ward Education Committee, appeal may be made to block level Assistant Basic Shiksha Adhikari/Nagar Shiksha Adhikari, as the case may be. Second appeal may be made to Zila Panchayat under Section 10 for matters related to rural area and to Municipality under Section 10-A for matters related to urban area of the Uttar Pradesh Basic Education Act, 1972.

All complaints shall be monitored by Uttar Pradesh Basic Shiksha Parishad through transparent and prompt action online mechanism.

26.Constitution and functions of the State Advisory Council (Section 34.- (1) The State Advisory Council (hereinafter in this rule referred to as the Council) shall consist of a Chairperson and 14 members.

(2) The Minister of Basic Education Department in the State Government shall be the *ex-officio* Chairperson of the Council.

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

(a) at least four members, shall be from amongst persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and Minorities, one from each category;

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

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

(d) one member shall be from amongst persons having specialised knowledge and practical experience in the field of teacher education;

(e) one member shall be from the representative of reputed Non-Governmental organisations exclusively working in the field of elementary education;

(f) Secretary, Basic Education shall be the convener member of the Council and the Director of Education (Basic), the Director of Education (Secondary), the

Director, State Council of Educational Research and Training, the Director of Mid Day Meal Authority and the State Project Director, Uttar Pradesh Education for All Project Board shall be *ex-officio* members of the Council:

Provided that fifty per cent of members, other than *ex-officio* members, shall be from amongst women.

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

(5) The Department of Basic Education shall provide logistic support for meetings of the Council and its other functions.

(6) The State Advisory Council shall advise the State Government for effective compliance of the provisions of the Act.

Appendix

Form I

[See sub-rule (1) of Rule 11]

Self-Declaration-Cum-Application for Grant of Recognition of School

The Uttar Pradesh Right of Children to Free and Compulsory Education Rules,
2011

To,

The Zila Shiksha Adhikari
(Name of District & State)

Sir,

I forward herewith 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 address) with effect from the commencement of the school Year 20.....

Enclosure:

Place:

Date:

Yours
Chairman of Managing Committee /Manager

faithfully,

1. School Details
2. Name of School
3. Academic Session
4. District
5. Postal Address
6. Village/City
7. Block and Tehsil
8. Pin Code:
9. Phone No. with STD Code
10. Fax No.

- 11.E-mail address, if any
- 12.Nearest Police Station
- 13.General Information
- 14.Year of Foundation
- 15.Date of First Opening of School
- 16.Name of Trust./Society/Managing Committee
- 17.Whether Trust/Society/Managing Committee/is registered
- 18.Period up to which Registration of Trust/ Society/Managing Committee is valid.

(Relevant documents for evidence of proof to be enclosed)

6. 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

Phone

(O).....

(R).....

(Mobile No.)

8. Total Income and Expenditure during last 3 years surplus/deficit (The accounts should be audited and certified by a Chartered Accountant and proper account statements should be enclosed) Year Income
Expenditure

Surplus/deficit

1. Nature and area of School
2. Medium of Instruction
3. Type of School (Specify entry & exit classes)

(a) Boys/Girls/Co-education

(b) Aided/Unaided

(c) Primary/Upper primary

3. If aided, the name of agency and percentage of aid
4. If School Recognised
5. If so, by which authority Recognition number
6. Does the school has its own building or is it running in a rented building.

(Relevant documents for evidence of proof to be enclosed)

7. Whether the school buildings or other structures or the grounds are used only for the purposes of education and skill development?
8. Total area of the school
9. Built in area of the school (with building plan)
10. Enrolment Status

Class	No. of Sections	No. of Students
1. Pre-primary		
2. I-V		
3. VI-VIII		
E. Infrastructure Details & Sanitary Conditions		
Room	Numbers	Average Size
1. Classroom		
2. Office room-cum-store room-cum-Headmaster room		
3. Kitchen-cum-store		

1. Other Facilities
2. Whether all facilities have barrier free access
3. Teaching Learning Material (Attach list)
4. Sports & Play equipments (Attach list)
5. Facility of books in Library

Books (No. of books) (Attach list)

Periodical/Newspapers

5. Type and number of drinking water facility
6. Sanitary Conditions

(i) Type of W.C. & Urinals

(ii) Number of Urinals/Lavatories separately for boys

(iii) Number of Urinals/Lavatories separately for girls

1. Particulars of Teaching Staff

2. Teacher in Primary/Upper Primary exclusively (Details of each teacher separately)

Teaching Name	Father name	Date of Birth
(1)	(2)	(3)
Academic Qualification (With subjects)	Professional Qualifications	Teaching Experience
(4)	(5)	(6)
Class Assigned	Appointment Date	Trained or Untrained
(7)	(8)	(9)
2. Teaching in both Elementary and Secondary (Details of each teacher separately)		
Teacher Name	Father Name	Date of Birth
(1)	(2)	(3)
Academic Qualification (With subjects)	Professional Qualifications	Teaching Experience
(4)	(5)	(6)
Class Assigned	Appointment Date	Trained or Untrained
(7)	(8)	(9)
3. Head Teacher		
Teacher Name	Father Name	Date of Birth
(1)	(2)	(3)
Academic Qualification (With subjects)	Professional Qualifications	Teaching Experience
(4)	(5)	(6)

Class Assigned	Appointment Date	Trained or Untrained
(7)	(8)	(9)

1. Curriculum and Syllabus
2. Details of curriculum and syllabus followed in each class (up to VIII)
3. System of Pupil Assessment
4. Whether pupils of the school are required to take any Board Exam up to Class VIII ?
5. Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.
6. Certified that the school is open to inspection by any officer authorised by the appropriate authority.
7. Certified that the school undertakes to furnish such reports and information as may be required by the Zila Shiksha Adhikari from time to time and complies 'with such instructions of the Zila Shiksha Adhikari as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in working of the school.
8. Certified that records of the school pertinent to the implementation of this Act shall be open to inspection by any officer authorised by the Zila Shiksha Adhikari or the Director of Education or the State Government at any time, and the school shall furnish all such information as may be necessary to enable the State Government or the local authority or the administration to fulfil the obligations thereof to Parliament/Legislative Assembly of the State/Panchayat/ Municipal Corporation as the case may be.

Place:

Sd./.....
 Chairman/
 Managing
School

Manager,
 Committee

Form II

[See sub-rule (4) of Rule 11]

Gram
E-mail :

Phone :
Fax :

Office of the Zila Shiksha Adhikari (Name of District/State)

No.

Dated :

The Manager,

Sub.-Recognition Certificates for the school under sub-rule (4) of Rule 11 of the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 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 fulfilment of following conditions-

1. The grant for recognition is not expendable 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 I) and the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 (Annexure II).
3. The school shall admit in Class I, 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. Provided, further that in case of pre-primary classes also, this norm shall be followed.

4. For the children referred to in Paragraph 3, the school, if covered under Section 12(2) of the Act, shall be reimbursed accordingly. To receive such reimbursements school shall provide a separate bank account.
5. The society/school shall not collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure.
6. The school shall not deny admission-

(a) to any child for lack of age proof;

(b) on the ground of religion, caste or race, place of birth or any of them.

7. The school shall ensure that,-

(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 23;

(v) inclusion of students with disabilities/special needs as per provision of the Act;

(vi) the teacher performs its duties specified under Section 24(1) of the Act; and

(vii) the teachers shall not engage himself or herself for private teaching activities.

8. The school shall follow the syllabus on the basis of curriculum laid down by the appropriate authority.

9. The school shall enroll students proportionate to the facilities available in the school as prescribed in the Section 19 of the Act.

10. No unrecognised classes shall run within the premises of the school or outside in the same name of school.

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 Statements of Accounts should be sent to the Zila Shiksha Adhikari every year.
14. The recognition Code Number allotted to your school is..... This 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/Zila Shiksha Adhikari from time to time and complies with such instructions of the State Government/local authority as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in working of the school.
16. Renewal of Registration of Society, if any, be ensured.
17. The School Management/Trust and staff shall abide by the directions of the State Government issued from time to time.
18. Other conditions as per Annexure 'III' enclosed.

Yours
Zila Shiksha Adhikari

faithfully,