



**School Education Department
Government of Andhra Pradesh**

RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009



Right of Children to Free and Compulsory Education Act, 2009 & State Rules

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MINISTRY OF LAW AND JUSTICE
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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

Short title extent and commencement :

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.

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 belong to disadvantaged group” means a child belonging to the Schedule Caste, the Scheduled Tribe, the Socially and

educationally backward class or such other group having disadvantage owing to social, culture, 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 Zilla Parishad or Nagar Panchayat or Panchyat, 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 Protections of Child Rights Act, 2005; (4 of 2006)
- (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;
part of its expense 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 district 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.

CHAPTER - II

RIGHT TO FREE AND COMPULSORY EDUCATION

Right of Child 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.
- (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.

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

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;

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.

Right of transfer to other school :

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.
- (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 of disciplinary action under the service rules applicable to him or her.

CHAPTER - III

DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

Duty of appropriate Government and local authority to establish school :

6. For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such areas 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.

Sharing of financial and other responsibilities:

7. (1) The Central Government and the State Government 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 Government;
- (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 resource 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.

Duties of appropriate Government :

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;
- (h) 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.

Duty of parents and guardian :

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.

Appropriate Govt. to provide for pre-school education :

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.

CHAPTER - IV

RESPONSIBILITIES OF SCHOOLS AND TEACHERS

Extent of school's responsibility for free and compulsory education :

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 percent;
 - (c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to extent of at least twenty-five percent 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 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-clause (i) 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.

Norms and standards for school :

19. (1) No school shall be established, or recognised, under section 18, unless it fulfills the norms and standards specified in the Schedule.
- (2) Where a school established before the commencement of this Act does not fulfill the norms and standards specified in the Schedule, it shall take steps to fulfill 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 fulfill 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.

Power to amend Schedule.

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

School Management Committee

- 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:

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 percent 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 utilization 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.

School Development Plan:

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.
- (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 course 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 rule 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 subsection (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 school under its control shall not exceed ten percent, 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 in private tuition of private teaching activity.

CHAPTER - V

CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

Curriculum and evaluation procedure:

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

Examination and completion certificate:

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

CHAPTER - VI

PROTECTION OF RIGHT OF CHILDREN

Monitoring of child's right to education:

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 : –
- (a) examine and review the safeguards for rights provided by 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.

Redressal of grievances :

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

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 therefore, 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 maybe 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.

S. No.	Item	Norms and Standards	Item
2	Building	<p>(i) Science and Mathematics</p> <p>(ii) Social and Mathematics</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 & Physical Education Work Education</p> <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>	

S. No.	Item	Norms and Standards	Item
3	Minimum number of working days/ instructional hours in an academic year	<ul style="list-style-type: none"> (iii) separate toilets for boys and girls; (iv) safe and adequate drinking water facility to all children. (v) a kitchen where mid-day meal is cooked in the school; (vi) playground; (vii) arrangements for securing the school building by boundary wall or fencing. (i) two hundred working days 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 	

S. No.	Item	Norms and Standards	Item
		instructional hours per academic year for sixth class to eight 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

**Andhra Pradesh
Right of Children to
Free and Compulsory
Education Rules, 2010**

Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010

In exercise of the powers conferred by sub-section (i) of Section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No.35 of 2009), the Governor of Andhra Pradesh hereby makes the following Rules.

1. Short title

These Rules may be called “The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010”.

2. They shall be deemed to have come into force with effect from 1st April’2010.

3. Definitions

(I) In these rules, unless the context otherwise requires,

- 1) ‘Act’ means The Right of Children to Free and Compulsory Education Act 2009.
- 2) ‘Anganwadi’ means an Anganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India.
- 3) ‘Child’ means any child male or female in the age group of 6 to 14 years and includes a child who has completed five years of age as on 1st September of the year of admission.
- 4) ‘Child belonging to socially disadvantaged group’ means and includes a child belonging to the schedule caste, schedule tribe, orphans, Migrant and Street children, Children With Special Needs and HIV affected/infected children.

- 5) A 'child belonging to Weaker Sections' means a child belonging to BC, Minorities and includes OCs whose parents' income does not exceed Rs.60,000/- Per annum.
- 6) 'Collector' means the head of civil and revenue administration in the district
- 7) 'Corporator' means elected member of a ward of a Municipal Corporation within the limits of Andhra Pradesh or of the Greater Hyderabad Municipal Corporation.
- 8) 'Councilor' means elected member of a ward of an urban local body
- 9) 'District' means a revenue district of the State.
- 10) 'District Educational Officer (DEO)' means the officer responsible for implementing the programmes for elementary education at district level.
- 11) "ECE" means Early Childhood Care Centres established by Sarva Siksha Abhiyan in the premises of primary schools or elsewhere to provide pre-school education to the children in the age group of 3-5 years.
- 12) 'Elementary School' means a school that imparts education between class I and class VIII. It includes all existing schools in Andhra Pradesh, namely, Primary, Upper Primary & High Schools having these classes.
- 13) 'Free Education' means and includes providing elementary education to all children with no direct costs like fees/capitation fees, or indirect costs like kind/services / fees for stationery, etc. to be borne by the parents of child. The Government shall provide free textbooks, notebooks @ 1 notebook per subject and other writing material, midday meals with Nutritional values, uniforms in neighbourhood schools run by the Government.

- 14) 'Gram Panchayat' means Gram Panchayat constituted under the Andhra Pradesh Panchayati Raj Act 1994.
- 15) 'Local authority' means, the mandal parishad / zilla parishad / municipalities as the case may be, in their respective jurisdictions for the purposes of the Act.
- 16) "Mandal Educational Officer (MEO)" means the officer responsible for implementing the programmes for elementary education at the mandal level.
- 17) 'Mandal Resource Person (MRP)' means a resource teacher who coordinates academic activities in a cluster of schools
- 18) 'Neighbourhood area of a school' means the habitations in a safe walking distance of 1 km for a Primary School, 3 kms for an Upper Primary / High School having classes VI to VIII.
- 19) 'Out of School Child' means a child in the age group of 6-14 who has not completed elementary education (who is either never enrolled in the school or dropped out without completing elementary education). A pupil of an elementary school absent for more than one month shall also be considered to be an out of school child.
- 20) 'Primary school' means a school that imparts education between class I and class V.
- 21) 'Sarpanch' means elected head of the Gram Panchayat.
- 22) "School mapping" means planning school location to overcome social barriers and geographical distance and includes assessing availability of schooling facilities for elementary education based on certain fixed norms and standards in terms of location, infrastructure, teachers, by using the method of distance matrix between one habitation and other habitations. It includes The Geographical Information System (GIS) mapping of all the schools

in Andhra Pradesh prepared by the Rajiv Vidya Mission (SSA), Andhra Pradesh.

- 23) 'State' means the state of Andhra Pradesh
- 24) 'State Government' means the Government of Andhra Pradesh.
- 25) 'Specified Category' in relation to a school means the residential schools including Kasturba Gandhi Baalika Vidyalayas (KGBVs) and Minority residential schools run by Andhra Pradesh Residential Educational Institutions Society (APREIS), Andhra Pradesh Social Welfare Residential Educational Institutions Society (APSWREIS), Andhra Pradesh Tribal Welfare Residential Educational Institutions Society (APTWREIS), Ashram Schools run by Integrated Tribal Development Agencies (ITDAs), Sports schools run by Sports Authority of Andhra Pradesh (SAAP) in addition to Kendriya Vidyalayas, Navodaya Vidyalayas, Sainik Schools for the purposes of sub- clause (III) of clause (n) of section (2) of the Act.
- 26) "The Academic Authority under the Act" means The State Council for Educational Research and Training, Hyderabad, Andhra Pradesh.
- 27) "The Implementing Authority of the Act" means the State Project Director, Sarva Shiksha Abhiyan, and it includes the Commissioner and Director of School Education, Andhra Pradesh.
- 28) 'Walking Distance' means the distance covered by a child from habitation to the school.
- 29) 'Ward Member' means elected member of a ward of Gram Panchayat.

All other words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.

4. Special Training For Out of School Children

- 1) The School Management Committee/ 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 section 29(1) of the Act.
 - b) It shall be provided in classes held on the premises of the school, or in classes organized in safe residential facilities.
 - c) It shall be provided by teachers working in the school, or by teachers specially engaged for the purpose.
 - d) The duration shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding two years.
- 2) The child shall, upon induction into the age appropriate class after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.
- 3) The School Management Committees may involve Civil Society Organizations (CSOs) and Self Help Groups (SHGs) in mobilization and identification of Out-of-School children.

5. Access to Educational Facilities under the Act

- (1) The areas or limits of neighbourhood within which a school has to be established by the State Government shall be as under:-
 - (a) In respect of children in classes I - V, a school shall be established within a walking distance of one km of the neighbourhood.
 - (b) In respect of children in classes VI - VIII, a school shall be established

within a walking distance of 3 km of the neighbourhood.

- (2) Wherever required, the State Government shall upgrade existing primary schools with classes I - V by adding classes VI-VIII and in case of existing Upper Primary schools having classes I -VII by adding class VIII.
- (3) In areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the Government/Local Authority shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub-rule (1).
- (4) For children from small hamlets or any other place as identified by the State Government/Local Authority, where no school exists within the area or limits of neighbourhood specified under sub-rule (1) above, the Govt./Local Authority shall make adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school, in relaxation of the limits specified under sub-rule (1).
- (5) In areas with high population density, the Government/Local Authority may consider opening of more sections in the neighbourhood school or to establish more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas.
- (6) The Local Authority shall identify the neighbourhood school (s) where children can be admitted and make such information public for each habitation within its jurisdiction.
- (7) In respect of children with disabilities which prevent them from accessing the school, the Government/Local Authority shall endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education. In case of severe disability the Government shall make arrangements for Home Based Education of such children who cannot be safely transported to neighbourhood schools.

- (8) The Government/Local Authority shall ensure that access of children to the school is not hindered on account of social and cultural factors and the state shall endeavour to discourage setting up of schools exclusively for socially disadvantaged groups in their respective habitations in future so that mainstreaming of all children in the neighbourhood school is achieved.
- (9) In areas affected by civil unrest and in respect of children in difficult circumstances, the Government shall notify schools as safe zones for children to enable them to continue their education uninterrupted. In case of disruption of schooling, all the children shall be accommodated in residential schools where their education can resume safely.

6. Duties of State Government and Local Authority

- (1) The Government /Local Authority shall ensure that 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-clause (iii) (to the extent of the residential schools run by A.P Residential Educational Institutions Society, A.P Social Welfare Residential Educational Institutions Society, Gurukulam and other schools run by Government Educational Societies) and run by other Government Departments and the children admitted in the schools as defined in by Sub-clause (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, uniforms, writing materials and other facilities as prescribed by the Government of India/Govt. of A.P.

Provided that a child with disabilities shall also be entitled to free education with barrier free environment and special material, uniforms and books supplied by the State.

Provided further that all the teachers in regular schools shall be trained

in appropriate teaching methods for Child with Special Need for the purpose of inclusive education.

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

- (2) For the purpose of determining and for establishing neighbourhood schools, the Government/Local authority shall undertake school mapping, and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged groups, children belonging to weaker sections and children referred to in section 4 of the Act within a period of one year from the appointed date, and every year thereafter updated as on 30th September of each year.
- (3) The Government/Local Authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school and that no child is denied admission into any school public or private on the basis of caste / class / religion and gender.
- (4) For the purposes of clause (c) of section 8 and clause (c) of section 9 of the Act the 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 ground, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.

7. Maintenance of records of children by 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. A unique number may be given to every child to monitor his/her enrolment attendance learning achievement and

transition to next higher classes. The household survey should also be conducted to identify the children in migrant locations, work places, unregistered habitations etc.

- (2) The record, referred to in sub-rule (1) above, shall be updated each year.
- (3) The record, referred to in sub-rule (1) above shall be maintained transparently, in the public domain, and used for the purposes of clause (e) of section 9.
- (4) The record, referred to in sub-rule (1) shall, in respect of every child, include:-
 - (a) Name, sex, date of birth, (Birth Certificate Number), place of birth;
 - (b) Parents' / guardians' names, address, occupation;
 - (c) Pre-primary School/ Anganwadi centre that the child has attended (up to age six) or attending.
 - (d) School where the child is admitted;
 - (e) Present address of the child;
 - (f) Class in which the child is studying (for children between age 6-14), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;
 - (g) Whether the child belongs to the weaker sections;
 - (h) Whether the child belongs to a disadvantaged group;
 - (i) Details of children requiring special facilities / residential facilities on account of migration and sparse population; age appropriate admission; disability.
- (5) The Local Authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

- (6) The Government may in consultation with the Commissioner and Director of School Education and State Project Director, Rajiv Vidya Mission (Sarva Shiksha Abhiyan) evolve a child tracking system so as to monitor not only the academic progress of children in the schools, but also their retention, transition and migration.
- (7) The Government shall make appropriate arrangements for tracking the children migrating from one district to another within the state or children of the families migrating from Andhra Pradesh to other states or children of the families migrating from other states into Andhra Pradesh along with their parents, so as to ensure continuity of elementary education.
- (8) The Government shall provide seasonal hostels in the villages known for migration of labour, either on a seasonal basis or for a longer time cycle so that the children will stay back when their parents migrate to other places and so that these children are provided education and suitable residential facility in spite of their parents migration.
- (9) The Government shall make arrangements for the education of the migrant children coming from other states, by setting up on-site schools at the work places where the migrant labour from other states are engaged in any economic activity in groups, in consultation with the state concerned where from the labour have migrated with families and children and as far as may be practicable, the teaching material and the textbooks shall be in their respective mother tongue.

8. Admission of children belonging to weaker sections and disadvantaged groups

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

9. Proof of Residence:

- (1) Any of the following documents may be taken for proof of Residence to decide whether the child belongs to the neighbourhood or not:
- (a) Ration Card,
 - (b) Pattadar Pass Book,
 - (c) Electricity Bill,
 - (d) House-Tax Receipt or extract of the House-Tax register maintained by the Gram Panchayat / Municipality / Corporation.
 - (e) Telephone Bill if any or any other document as specified by the Government from time to time
- (2) The areas or limits of neighbourhood specified in sub-rule (1) of rule shall apply to admissions made in pursuance of clause (c) of sub-section (1) of section 12 of the Act;

Provided that if the requisite percentage of seats for children referred to in clause (c) of sub-section (1) of section 12 of the Act is not filled up, the area or limits shall extend to 3 kms for the purpose. Provided further 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 the limit with prior permission of the District Educational Officer.

Provided further that before extending the limits of the local area, the Mandal Educational Officer shall ensure that all the seats in the

Government School have been filled up.

- (3) The Chairperson of the School Management Committee shall maintain a list of the children belonging to disadvantaged groups and weaker sections in the neighbourhood area of every private school and specified category schools within his/her jurisdiction.
- (4) The following order of preference shall be followed by the schools covered by sub. Clauses II, III, IV of Clause (n) of Section 2 of the Act in admitting the children referred to in clauses (b) and (c) of sub section (1) of section 12 of the said Act.

(a) Disadvantaged groups:

Orphans, HIV affected and disabled = 5%

SC = 10%

ST = 4%

(b) Weaker sections which includes others viz., BC, Minorities, OCs (whose annual income does not exceed Rs. 60,000/- per annum)

= 6%

Total = 25%

Note: 1) The above arrangement of reservation in sequential order is applicable to private schools in plain areas. Where orphans, HIV affected and disabled are not available or available only to a certain extent such vacancies will be filled by STs and SCs. After exhausting all applications for admission of Orphans, HIV affected and disabled, SC and ST if any seats remain unfilled such seats will be added to the percentage of weaker sections.

2) In Tribal areas, all ST children should be admitted first. After exhausting applications of ST children, SC children may be

admitted. After exhausting the SC, the remaining seats will be filled by others.

- 3) In Minority institutions, all candidates belonging to minority concerned should be considered for filling first. After exhausting applications of Minorities the left over seats may be filled in the order of ST, SC and BC.

10. Reimbursement of per-child expenditure by the State Government

- (1) The total annual recurring expenditure incurred by the State Government, whether from its own funds, or funds provided by the Central Government, on elementary education in respect of all schools established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in all such schools, shall be the per-child expenditure incurred by the 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 of the Act and the children enrolled in such schools shall not be included.

- (2) 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.
- (3) There shall be a committee at the state level comprising Secretary Finance, Principal Secretary Primary Education, Principal Secretary/ Secretary School Education, Commissioner and Director of School Education, State Project Director Rajiv Vidya Mission (Sarva Shiksha Abhiyan) and a representative of private school managements as nominated by their association, and representatives of two prominent NGOs, nominated by the Government for the purpose of assessing per child expenditure incurred by the state and the local authority for reimbursement of expenditure to the schools under sub-section (2) of section 12 of the Act.

- (4) The committee shall meet within three months from its constitution and thereafter every year in December to assess per child expenditure for the next academic session.
- (5) The State Project Director Rajiv Vidya Mission (Sarva Shiksha Abhiyan), on the basis of the decision of the committee, shall communicate to the District Educational Officer the per child expenditure for the reimbursement of the fee against the reservation of children in the schools under section 12 of the Act, read with section 8 and 9 of the Act; Provided 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.
- (6) The reimbursement will be made directly, by way of Real time Gross Settlement (RTGS) / National Electronic Fund Transfer (NEFT) in the separate bank account maintained by the school in two installments during the academic year. First installment of 50% will be reimbursed in the month of September and the balance will be reimbursed in the month of January.
- (7) The school, shall in the month of July, submit the list of the students admitted in the school under section 12 of the Act, to the District Educational Officer for reimbursement. The District Educational Officer shall verify or cause to be verified the enrolment of the children before making the reimbursement of the first installment. He/she shall reimburse the final installment in the coming January again after verification of the enrolment of children, attendance of every child subject to a minimum of 80% attendance every month and student learning outcomes.
- (8) The school wise names of the students admitted in the private schools and the specified schools under section 12 of the Act shall also be maintained in the electronic form and will be displayed in a manner as

determined by the Committee constituted under sub-rule (3) of rule 9 above.

11. Birth Certificate for Admission

Wherever a birth certificate under the Registration of Births and Deaths Act 1969 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/ Auxiliary Nurse and Midwife (ANM) register record
- (b) *Anganwadi* record
- (c) Self declaration by the parent or guardian

12. Normal period of Admission.

The normal period of admission into any school, for the purposes of this Act, shall be from 12th June to 31st August of the academic year, it includes any admissions made prior to this period for the academic year commencing from the 12th of June or any other date notified by the Government for that year.

13. Extended Period of Admission

- (1) Extended period of admission shall be three months from the date of closure of the normal period of admission.
- (2) Where a child is admitted in a school after the extended period, he or she shall be eligible to complete studies with the help of special training, as determined by the head of the school.

14. School Recognition

- (1) Every school, other than a school established ,owned or controlled by the Central Government, the State Government or the local authority, established before or after the commencement of the Act for imparting elementary education shall make an application cum self-declaration in Form-I as shown in the appendix, within a period of three months

from the commencement of the Act, to the District Educational Officer, who shall be the designated authority to issue certificate of recognition to the school under section 18 of the Act. The application shall also mention the neighbourhood area of the school that shall be covered under the provisions of clause (c) of sub-section-2 of Section 12 of the Act. The application addressed to the District Educational Officer shall be submitted to him/her through the Mandal Educational Officer. The school, at first, shall furnish information in the electronic form on the website maintained for the purpose so that the school information is immediately put on the public domain. The school shall get a receipt and registration number after filing the data in the website. Thereafter, the school shall submit the application form along with the copy of the receipt to the Mandal Education Officer who shall acknowledge receipt of the application.

- (2) The District Educational Officer may inspect or may cause to be inspected the school to verify if the school seeking recognition fulfills the norms and standards prescribed under section 19 of the Act. The District Educational Officer and the inspecting authority, if it is other than the District Educational Officer, shall have power to seek information relevant for the grant of the recognition and to make inspection of the records to verify the information submitted in the application form seeking recognition.
- (3) The Mandal Educational Officer or a team of such officers as may be prescribed by the District Educational Officer shall verify the information submitted by the school in the application form and send the application form in original along with his / their report to the District Educational Officer for consideration within a week of receipt of the application.
- (4) The District Educational Officer, on being satisfied that the school fulfills the norms and standards prescribed under section 19 and section 25 of the Act, shall issue the recognition certificate in Form-2 as shown in the appendix. The certificate shall be for a period of three years and shall be issued within 30 days from the date of making application for

recognition. The certificate of recognition shall be issued subject to following conditions:

- (a) The school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;
- (b) The school 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 is open to inspection by any officer authorized by the State Government/ Local Authority;
- (e) The school buildings or other structures or the grounds are used only for the purposes of education and skill development;
- (f) The school shall furnish such reports and information as may be required by the State Government, Commissioner and Director School Education and District Educational Officer from time to time and comply with such instructions of the State Government/ Local Authority as may be issued to secure the continued fulfillment of the conditions of recognition or the removal of deficiencies in working of the school;
- (g) The school shall maintain norms and standards specified under section 19 of the Act.
- (h) The school shall give reservation of minimum of 25% in class I for the children of disadvantaged groups and children of weaker sections from the neighbourhood area .In case the private school is an aided school it 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 25%.

- (i) The school having pre-school education shall also give reservation of at least 25 % of its enrolment at the initial stage of admission to the children of disadvantaged groups and the children of weaker sections of the neighbourhood area under section 12 of the Act;
- (j) The school shall submit, every year, before commencement of the academic session, fee to be charged from the children to the District Educational Officer.
- (k) The school shall comply with the provisions of the Act;
- (l) The recognition shall be withdrawn in case of violation of the conditions of recognition.

15. Provisional Certification

Should a school fail to fulfill the following norms:

- (1) Pupil - teacher ratio as specified in section 25 of the Act, the District Educational Officer shall issue a provisional certificate granting permission to run the school for a period up to six months from the date of commencement of the Act. The provisional certificate -shall be issued in the Form-3 as shown in the appendix. On expiry of the period of six months the school shall maintain the Pupil- Teacher Ratio as specified by the Act.
- (2) if a school fulfills norms mentioned in section 25 of the Act, but does not fulfill other norms and standards specified in the schedule of the Act the District Educational Officer shall issue a provisional certificate granting permission to run the school for a period up to three years from the date of commencement of the Act .The provisional certificate shall be issued in the Form-4 as shown in the appendix. Provided that if the school fulfills the required norms and standards within the time frame specified in the provisional certificate, the certificate issuing authority, on receipt of application for recognition, satisfy himself/ herself and shall issue the certificate of recognition as laid down under sub -rule 4.

Provided further that if the school does not claim recognition within the period specified in the provisional certificate it shall be deemed to be an unrecognised school and running of such a school shall be punishable under section 19 of the Act.

- (3) No new school shall be opened after the commencement of the Act without obtaining recognition certificate issued under section 18 of the Act.
- (4) The recognition certificate issuing authority shall inspect or cause the school to be inspected every year to verify fulfillment of conditions of recognition.

16. Withdrawal of Recognition

Where a school contravenes the conditions of recognition or any provisions of the Act the authority issuing the certificate of recognition shall issue show cause notice of withdrawal of recognition. The school shall be given at least one month time to file the reply. If the authority is not satisfied with the reply, the school shall be given opportunity of hearing before taking a decision on withdrawal of recognition. The order of withdrawal shall be in writing. The order of de-recognition shall be operative from the immediately succeeding academic year. The order will be a speaking order and it shall contain the name/names of the neighbourhood school / schools where the children of the de-recognised school will be admitted.

17. Appeal

Appeal against the order issued under sub rule (5) or sub rule (8) may be filed before the Collector of the district within 15 days from the date of receipt of the order. The Collector shall, at first, decide admissibility of the appeal and once the appeal has been admitted for hearing, the order under appeal shall remain suspended till the final decision of the appeal. The Collector, after giving opportunity of hearing to both the parties, will pass the order within two months from the date of filing of appeal. The order of the Collector shall be final.

18. Revision

- (a) A revision shall lie to the Commissioner and Director of School Education, against the orders passed by the Collector withdrawing recognition of any school.
- (b) It shall be filed within (30) days of the date of receipt of the orders passed by the appellate authority.
- (c) Information of recognition of any school will be sent to the local authority i.e. to the urban local body in case the school is situated in the urban area and to the Gram Panchayat in case the school is situated in the rural area, so that local public representatives have knowledge of establishment of recognised private school.

19. School Management Committee

A School Management Committee (SCHOOL MANAGEMENT COMMITTEE) shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the commencement of the Act and reconstituted every two years.

- (2) The composition of the committee will be as follows-
 - (a) The committee in case of a primary school shall be a 27 member committee. Of them 24 members shall be from the mother / father or guardian of the children enrolled in the school. One member shall be the elected representative one member may be the nominee of the mahila samakhyas of the village concerned. The head teacher or the in charge head teacher of the school shall be ex-officio member/ convenor of the committee.
 - (b) In the primary school, members will be selected as follows-
 - (i) mother / father or guardian of each of such child who has secured highest percentage of marks in the annual examination of the preceding academic session in class I, II, III, and IV;

- (ii) mother / father or guardian of each of such child who has secured lowest percentage of marks in the annual examination of the preceding academic session in class I, II, III, and IV;
 - (iii) mother / father or guardian of children one each belonging to scheduled castes, scheduled tribes and other backward classes and muslim minority categories who have secured highest percentage of marks in their respective category in the annual examination of the preceding academic session in classes I to IV thus taking four parents of the categories noted above from each class.
 - (iv) Corporator / Councillor of the ward in urban areas and one member of the ward of the Gram Panchayat in rural areas incharge of education, where the school is situated;
 - (v) Head teacher or the in charge head teacher of the school shall be the member convenor.
 - (vi) An eminent educationist or a philanthropist or a person who supports the school in the neighbourhood or an eminent NGO representative as co-opted by the School Management Committee.
 - (vii) There shall be at least two children in the committee one of them may be a girl child in case of a school running in co-educational mode, who shall be special invitees. Provided that 50% of the members of the School Management Committee shall be women.
- (c) In an upper primary school, having primary section also, in addition to the categories noted above, additional members will be selected as follows-
- (i) Mother / father or guardian of each of such child who has secured highest marks in the annual examination of the preceding academic session in classes V and VI.

- (ii) Mother / father or guardian of each of such child who has secured lowest marks in the annual examination of the preceding academic session in classes V and VI.
 - (iii) Mother / father or guardian of children one each belonging to scheduled castes, scheduled tribes, other backward classes and muslim minority categories who have secured highest percentage of marks in their respective category in the annual examination of the preceding academic session in classes V and VI.
 - (iv) Corporator/Councilor of the ward in urban areas and one member of the ward of the Gram Panchayat in rural areas, where the school is situated;
 - (v) Head teacher or the in charge head teacher of the school shall be the member convenor.
 - (vi) There shall be at least two children in the committee one of them may be a girl child in case of a school running in co-educational mode, who shall be invitees.
- (3) The Sarpanch shall be the chairperson of the School Management Committee in rural areas and in Municipal areas the concerned Councilor / Corporator shall be the Chairperson of the School Management Committee, of the schools falling in their respective jurisdictions.
- (i) There shall be a vice- chairperson of the committee elected from amongst the members.
- Provided further that if the chairperson is not from the scheduled castes, or scheduled tribes or other back ward classes, the vice chair person shall be from any of these classes.
- (4) The Vice Chairperson shall be elected from amongst the members of the committee representing the parent community.

Provided that the members representing the local bodies and the head teacher or the incharge head teacher shall not be eligible for participating in election or they will have any voting right.

- (5) The School Management 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 School Management Committee shall, in addition to the functions specified in clauses (a) to (d) of sub-section (2) of section 21, perform the following functions:
 - (a) Arrange to demonstrate learning outcomes of the children in the areas of reading, writing, simple arithmetic and comprehension, picking the children at random from each class and shall also pay attention to student absenteeism and teacher absenteeism and take steps to reduce the absenteeism of children in particular.
 - (b) Arrange to maintain a list of all children in the neighbourhood who are in the age group of 6-14 years and shall take effective steps to enroll the out of school children.
 - (c) Ensure the implementation of clauses (a) and (e) of section 24 and section 28.
 - (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 prescribed in the Schedule;
 - (f) Bring to the notice of the local authority any deviation from the norms and standards relating to 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.

- (g) Identify the needs, prepare a Plan, and monitor the implementation of the provisions of Section 4.
 - (h) Monitor the identification, enrolment and facilities for learning by disabled children, and ensure their participation 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 shall be credited to the bank account of the School Management committee. The account shall be the joint account of the chairman and the convenor of the committee. The account will be made available for audit when ever required. At the end of each year utilization certificate shall be submitted to the authority releasing the grants.
- (8) The committee shall also get the accounts audited by either a chartered accountant or a local fund auditor or an auditor from the cooperative department.

20. Preparation of School Development Plan

- (1) The School Management Committee shall prepare a school development plan in the month of November each year by calling a Gram Sabha involving all the parents of the children enrolled in the school, the local peoples' representative of the Panchyat Raj institutions, the Mahila Samakhyas and also inviting a representative of a prominent NGO working in the field of education in the neighbourhood area of the school, if any.
- (2) The school development plan, shall contain the following components:
 - (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 teachers, separately for

Classes I to V and classes VI to VIII, calculated with reference to the norms specified in the Schedule;

- (c) Physical requirement of additional infrastructure and equipments calculated with reference to the norms and standards specified in the Schedule;
 - (d) Special focus on school sanitation, School safety, Health & Hygiene, Early detection of disability and intervention plan;
 - (e) Additional financial requirement, year-wise, in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4, entitlements of children such as free text books and uniforms, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.
- (3) The school development plan should be signed by the Chairperson/ Vice- Chairperson and Convener of the School Management Committee and submitted to the State Government or the Local Authority, as the case may be, before the end of the financial year in which it is to be prepared.

21. Salary and allowances and terms and conditions of service of teachers of private unaided schools :

In case of teachers of private schools salary and allowances and their terms and conditions of service shall be decided by the school management subject to legislations and regulations, if any, in force.

22. Duties of Teachers

- (1) In pursuance of the functions specified in sub-section (1) of section 24 of the Act and in order to fulfill the requirements of clause (h) of sub section (2) of section 29.
- (2) The teacher shall maintain a file containing the pupil cumulative record

for every child including the record maintained while implementing the Learning Enhancement Programme or any other programmes that may be in force, which will be the basis for awarding the completion certificate specified in sub-section (2) of section 30 of the Act.

- (3) In addition to 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, without interfering with regular teaching:
 - (a) Participation in training programmes;
 - (b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;

23. Grievance redressal of teachers

- (1) The School Management Committee constituted under section 21 shall be the first level of grievance redressal of teachers of schools specified therein. If the School Management Committee fails to redress the grievance of the teacher/s a committee constituted at Mandal Parishad level with Mandal Parishad Development Officer (MPDO) as the chairman and the Mandal Executive Officer as convener shall sit in appeal to redress the grievance of the teacher/s as the case may be.
- (2) There shall be a District Level Grievance Redressal Committee to redress the grievances of the teachers.
- (3) The committee shall consist of the District Collector as Chairman, Superintendent of Police, Chief Executive Officer, Zilla Parishad, District Medical and Health Officer, Commissioner or Chief Municipal Officers of local urban body at the district headquarters, Assistant Commissioner Tribal Welfare and District Educational Officer. The District Educational Officer shall be the convener of the committee.
- (4) The committee shall meet once in three months.
- (5) Any teacher of the school established, owned or controlled by the State

Government or the local authority may submit his grievance in writing to the convener of the committee. The grievance may also be submitted through education portal as maintained by the Rajiv Vidya mission .The committee may after such enquiry, as it deems fit, will redress the grievance. The convener of the committee will communicate its decision to the teacher.

- (6) The committee, besides attending to the grievances received from the teachers, may, on its own, review the status of the various claims and service related matters of the teachers.
- (7) Every private school shall develop its own mechanism for redressal of grievances of its Teachers.

24. Maintaining Pupil-Teacher Ratio in each school

- (1) Sanctioned strength of teachers in every school established, owned or controlled by the State Government or the local authority shall be specified by order in written by the Commissioner & Director of School Education in consultation with the Rajiv Vidya Mission, within a period of three months from the date of commencement of the Act Provided that the Rajiv Vidya Mission and the Commissioner & Director of School Education, shall, within six months of such order redeploy teachers of schools having a strength in excess of the sanctioned strength prior to the order referred to in sub-rule (1).
- (2) The Rajiv Vidya Mission and the Commissioner& Director of School Education shall review the teacher position every year before commencement of the academic session.
- (3) The State Government shall take effective steps to fill up vacancies of teachers on a regular basis. If there is a delay in the recruitment, the School Management Committee concerned shall be permitted to engage qualified and trained personnel, temporarily, on consolidated remuneration as decided by the School Management Committee to fill the time gap between arisal of vacancy and actual placement of the teachers.

- (4) The State Government shall cancel all such deputations of teachers where salaries are paid by the schools but services are taken by some other offices or institutions.
- (5) If any person of the State 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.

25. Academic Authority laying down the Curriculum and Evaluation Procedure

- (1) The State Council of Educational Research and Training (SCERT) shall be the Academic Authority for the purposes of Section 29 of the Act.
- (2) The Academic Authority notified under sub-rule (1) shall hold consultations with the Rajiv Vidya Mission, in designing the State curriculum framework, the school evaluation mechanism and the Continuous Comprehensive Evaluation for all children in the schools and it 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
 - (d) Develop performance indicators for the individuals and institutions along with accountability criteria towards children's learning levels.
 - (e) Undertake periodic performance appraisal of individuals and institutions.
 - (f) Commission and undertake researches / studies on policies, programmes, curriculum, learning outcomes of children etc.
- (3) The Academic Authority referred to in sub-rule (1) shall design and

implement a process of holistic quality assessment of all schools including the schools referred to in clause (iv) of Sub-section (n) of section-2 of the Act, on a regular basis.

26. Award of Certificate on completion of Elementary Education

- (1) The head teacher or the in charge head teacher of the school shall issue the certificate of completion of elementary education within one month of the completion of elementary education in the Form-5 as shown in the appendix. Provided that the private school shall stamp prominently on the certificate the number of recognition certificate issued by the competent authority.
- (2) The document referred to in sub-rule (1) shall-
 - (a) Certify that the child has completed all courses of study prescribed under section 29 of the Act.
 - (b) Contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and may include music, dance, literature, sports, etc.

27. Constitution and Functions of Right to Education Protection Authority

- (1) The State Government shall constitute an Authority viz., the Right to Education Protection Authority (REPA) within 6 months of the commencement of the Act.
- (2) The Right to Education Protection Authority shall consist of -
 - (i) A chairperson who is -
 - (a) A person of high academic repute or
 - (b) Has been a judge of the High court or
 - (c) Has done outstanding work for promotion of rights of the children, and

- (i) A chairperson who is –
- (ii) Four members of whom two shall be women from the following Areas.
 - (a) Education
 - (b) Child healthcare and Child development
 - (c) Juvenile justice or care of neglected or marginalized children or children with disabilities
 - (d) Elimination of child labour or working with children in distress.
 - (e) Child psychology or sociology
 - (f) Legal profession
- (iii) The National Commission for Protection of Child Rights (NCPCR) Rules, 2006 shall, in so far as it pertains to the terms and conditions of office of the Chairman and the members of National Commission for Protection of Child Rights, mutatis mutandis, apply to Chairperson and other members of the Right to Education Protection Authority.
- (iv) All records and assets of the Right to Education Protection Authority shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.
- (v) In performance of its functions, the State Commission for Protection of Child Rights or the Right to Education Protection Authority, as the case may be, may also act upon matters referred to it by the State Advisory Council.
- (vi) The State Government shall enable constituting a Cell in the State Commission for Protection of Child Rights or the Right to Education Protection Authority, as the case may be, which may assist the Commission or the Right to Education Protection

Authority in performance of its functions under the Act.

28. Constitution and Functions of the State Advisory Council.

- (1) The State Advisory Council shall consist of Chairperson and Co-Chair person and thirteen members.
- (2) The Minister in-charge of the Department of Primary Education shall be the ex-officio Chairperson of the Council. The Minister in-charge of the Department of School Education in the State Government shall be the exofficio Co-chairperson.
- (3) Members of the Council, shall be appointed by the State Government from amongst the persons having knowledge and practical experience in the field of elementary education and child development, as under:
 - (a) At least four members shall be from amongst persons belonging to SCs, STs, OBCs and minorities taking one from each of these categories;
 - (b) At least one member shall be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
 - (c) At least one member should be from amongst persons having specialized knowledge in the field of pre-primary education.
 - (d) At least one member shall be from amongst persons having specialized knowledge and practical experience in the field of teacher education.
- (4) Fifty percent of the members i.e. six members shall be women.
- (5) Principal Secretary to Government Primary Education and SSA shall be the convener of the council. The Secretary, School Education shall be the co-convener and the Secretary, Tribal Welfare, the Secretary, Social Welfare, the Secretary, BC Welfare, the Secretary, Minority Welfare, the Secretary, Women & Child Welfare, the Secretary, HM&FW, the

Secretary, Panchayat Raj shall be special invitees to the meetings of the Council. One member each of the recognized teachers unions who are members of Joint Staff Council shall be the special invitees.

(6) The procedure for transaction of Business of the Council shall be as under:

(i) The Council shall meet once in three months

(ii) Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present.

(7) The terms and conditions for appointment of members of the Council shall be as under:

(a) Every member shall hold office as such for a term of two years from the date on which he/she assumes office.

Provided that no member shall hold office for more than two terms.

(b) The member may be removed from his office by an order of the State Government on the ground of proved misbehavior or incapacity, or on the happening of anyone or more of the following events: if the member:-

(i) Is adjudged insolvent; or

(ii) Refuses to act or becomes incapable of acting; or

(iii) Is of unsound mind and stands so declared by a competent Court; or

(iv) Has so abused his office as to render his continuance in office detrimental to the public interest or

(v) Is convicted for an offence by a competent Court; or

(vi) Is without obtaining leave of absence from the Council, absent in two consecutive meetings of the Council.

- (c) If a vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of (120) days by making a fresh appointment in accordance with the provisions of sub-rule (3).

29. Repeal and Savings

- (1) The existing Acts, Rules, Regulations, Executive instructions etc., issued by the Government of Andhra Pradesh, the Commissioner and Director of School Education, inconsistent with these Rules shall be deemed to be void to the extent of the inconsistency.
- (2) Any act of any authority, Officer or body under any Act, Rule, Executive instruction after promulgation of the Act but before notification of these Rules shall be saved and he/she shall be deemed to have acted under these Rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHANDANA KHAN
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The Commissioner, Printing & Stationery, Chanchalguda, Hyderabad (with a request to publish the above notifications in the A.P.Gazette (Extraordinary) dated 05.03.2010 and to supply 1000 copies to the Government in School Education Department

The Commissioner & Director of School Education, AP, Hyderabad

The State Project Director, Rajiv Vidya Mission (SSA), AP, Hyderabad

The Director, State Council of Educational Resource and Training (SCERT), AP, Hyderabad
Copy to :

The Secretary, Ministry of Human Resource Development, Department of School Education Literacy, New Delhi.

The PS to Spl.Secretary to Chief Minister

PS to Hon'ble Minister (PE/SE)

PS to Prl.Secretary (PE/SE)

PS to Prl.Secretary, Women Development Child Welfare and Disabled Welfare Department,
Law (A) Department

Finance Department

All remaining HODs under the control of School Education Department SC/SF

//FORWARDED BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

School Education - The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 - Amendment - Orders - Issued.

SCHOOL EDUCATION (PE-PROGS.I) DEPARTMENT

G.O.Ms.No.130

Dated: 09.09.2011
Read the following:-

1. G.O.Ms.No.20, School Education (PE-Progs.I) Dept, dated 03.03.2011.
2. From the State Project Director, Rajiv Vidya Mission, (SSA), Hyderabad Lr.No.165 - 1/RVM(SSA)/B12/2009, dated.17.05.2011.

— oOo —

ORDER:-

1. In the reference 1st read above orders have been issued relating to the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010.
2. In the reference 2nd read above, the State Project Director, Rajiv Vidya Mission, (SSA), A.P. Hyderabad has submitted proposals for substitution/addition of certain provisions to A.P. Right of Children to Free and Compulsory Education Rules, 2010.
3. Government after careful examination of the proposal of the State Project Director, Rajiv Vidya Mission, (SSA), A.P. Hyderabad have decided to amend the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued in G.O.Ms.No.20 School Education (PE-Progs.I) Department dated 03.03.2011 suitably.
4. The following notification will be published in an Extra Ordinary issue of the Andhra Pradesh Gazette dated 09.09.2011.

N O T I F I C A T I O N

In exercise of the powers conferred by sub-section (1) of section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No.35 of 2009), the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued in G.O. Ms. No. 20, School Education (PE.Progs.I) Department dated.03.03.2011.

A M E N D M E N T S

In the said Rules:-

1. For sub rule (2) of rule 19, the following shall be substituted, namely:-

“(a) All Parents/Guardians of all the children studying in the school shall elect the School Management Committee (SMC). They will elect six parent members by majority from each class by show of hand/voice vote/secret ballot method as shown below:-

i) Two parents from general category.

ii) One parent from each of SC, ST, BC, and Minority categories.

(b) The Number of parent members is 30 in case of Primary, 42 in case of Upper Primary, 48 in case of Upper Primary with VIII Class and 30 in case of High School with classes VI to X in case the strength is less than 30, then parents of all children shall be in the School Management

Committee. The Head Teacher or the Incharge Head Teacher of the school shall be the Member Convener. The Ward Member/Gram Panchayat where the school is situated shall also be a member. In case of urban areas, Corporater/Counselor of the ward concerned shall be a member. 50% of the members shall be women. The Head Master of the school will organize a meeting of parents/ guardians to facilitate the election process by giving written communication to

all the parents. At least 50% of the parents/ guardians should be present for conducting the elections.

- (c) An eminent educationist or a philanthropist or a person who supports the school in the neighbourhood or an eminent NGO representative as co-opted by the parents will be a special invitee. The Anganwadi worker ANM of the Health sub centre of the area of the school, Head of the local federation of the Mahila Samatha Society and 2 children who actively involve in school activities shall also be the special invitees, out of whom at least one shall be a girl child in case of co educational school”.

2. In rule 22,

(i) After clause (b) of sub rule (3) the following shall be added namely:-

- “(c) Every teacher is accountable for the performance of all the children in his/her subjects/class as per the standards prescribed by the State Academic Authority from time to time.
- (d) At the end of the academic year, wherever the performance of children in a subject/class falls below 60% of the standards prescribed by the State Academic Authority from time to time, the class teacher/ subject teacher who has worked for the full academic year or for a major part of the academic year shall be recommended by the local authority concerned for imposing penalty by the appointing authority concerned, treating this as a serious misconduct attracting anyone of the major penalties under Rule (9) of CCA Rules.
- (e) At the end of the academic year, wherever the performance of children in a subject/class, is above 90% of the standards prescribed by the State Academic Authority from time to time, the class teacher/ subject teacher who has worked for the full academic year or for a major part of the academic year, and in case where there are no complaints of’ misconduct as defined under rule 22 (4) shall be

recommended by the local authority concerned for the best teacher award at the district/state level to the concerned authority."

(ii) After sub rule (3) the following shall be added namely:-

(4) Any violation of Section 17 (1) of the Act shall be treated as a serious misconduct attracting anyone of the major penalties under Rule 9 of the Andhra Pradesh Civil Services (CCA) Rules 1991 as well as action as per section 323 of the Indian Penal Code 1860.

3. In rule 25 in sub rule (2),

"(a) In clause (d) after the words "Individuals" the word "Teachers" shall be inserted.

(b) In clause (e) after the word "Individuals" the word "Teachers" shall be inserted".

4. After rule 28, the following shall be added namely:

"28 A Grievance and redressal of children

- (1) The Gram Panchayat shall be the first level of grievance redressal of children, parents and the public.
- (2) A committee shall be constituted at Mandal Parishad Level with MPP as a Chairman, MPDO as member and Mandal Education Officer as convener and shall act as appellate authority on the orders of the Gram Panchayat.
- (3) There shall be a District Level Grievance Redressal Committee to redress the grievance of the children, parents and public as second appellate forum.
- (4) The District Level Grievance Redressal Committee shall consist of the Zilla Parishad Chairperson as Chairman, District Collector, Chief Executive Officer of Zilla Parishad, Project Officer of Rajiv Vidya

Mission, Project Director of Integrated Child Development Scheme; Commissioner of Local Urban Body, Deputy Commissioner of Labour, Project Director of District Rural Development Authority, Deputy Director of Social Welfare, District Medical and Health Officer, Deputy Director of Tribal Welfare, B.C. Welfare Officer as members and District Educational Officer as the member convener. The District Level Grievance Redressal Committee shall meet at least once in a month. It may meet as and when required based on the Grievances received.

- (5) There shall be a State Level Committee comprising of Principal Secretary (Primary Education) and Principal Secretary (Secondary Education), State Project Director, Rajiv Vidya Mission, (SSA) and Commissioner and Director of School Education.
- (6) The list of entitlements along with the details of grievance redressal authority and appellate authority is at Annexure-I. The procedure of grievance redressal mechanism is at Annexure-II”.
5. The Commissioner & Director of School Education, AP, Hyderabad and the State Project Director, Rajiv Vidya Mission (SSA), AP, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHANDANA KHAN
PRINCIPAL SECRETARY TO GOVT. (PE)

To

The Commissioner, Printing & Stationery, Chanchalguda, Hyderabad
(with a request to publish the G.O. in the A.P.Gazette (Extraordinary)
Dt: 09.09.2011 and supply 1000 copies to the Government in School
Educational Department.)

The Commissioner & Director of School Education, A.P, Hyderabad.

The State Project Director, Rajiv Vidya Mission (SSA), AP, Hyderabad.

The Director, State Council of Education Resource and Training (SCERT),
AP, Hyd.

Copy to:

The Secretary, Ministry of Human Resource Development, Department of
School Education and Literacy, Govt. of India, New Delhi.

The PS to Spl. Secretary to Chief Minister

PS to Hon'ble Minister (Primary Education/Secondary Education)

PS to Prl. Secretary (Primary Education/Secondary Education), A.P. Secretariat.

PS to Prl. Secretary, Women Development Child Welfare and Disabled
Welfare Department

Law (A) Department

Finance Department

All remaining HODs under the control of School Education Department
SC/SF.

// FORWARDED:: BY ORDER //

SECTION OFFICER

Annexure – I**ENTITLEMENTS, IMPLEMENTING AUTHORITY,
APPELLATE AUTHORITY FOR RTE IMPLEMENTATION**

S. No	Entitlements	Sec.	Implementing authority	Grievance redressal	Appellate authority
1	Text Books	Rule 6(1)	Headmaster	MEO	DEO
2	Uniforms	Rule 6(1)	Headmaster	MEO	DEO
3	Writing material	Rule 6(1)	Headmaster	MEO	DEO
4	Library Rule	Rule 6(1)	Headmaster	MEO	DEO
5	Sports Equipments	Rule 6(1)	Headmaster	MEO	DEO
6	Play Material Rule	Rule 6(1)	Headmaster	MEO	DEO
7	Mid day meals Rule	Rule 6(1)	Headmaster	MEO	DEO
8	Separate toilets for girls and boys	Rule 6(1)	PO, RVM & SE, RWS	SPD/Principal Secretary, RWS	SCPCR
9	Drinking water	Rule 6(1)	PO, RVM and SE, RWS	SPD/Principal Secretary, RWS	SCPCR
10	Free Education till completion of elementary stage	Rule 3(1)	Headmaster	MEO	DEO
11	Transfer Certificate	Rule 5(1)	Headmaster	MEO	DEO
12	Admission to age appropriate Class	Rule 4	Headmaster	MEO	DEO
13	Transportation	Rule 5(4)	MEO	DEO/PO	SPD
14	Residential facilities	Rule 5(4)	PO	SPD	SPD
15	Seasonal hostels	Rule 7(8)	MEO	DEO/PO	SPD
16	On site schools	Rule 7(9)	MEO	DEO/PO	SPD
17	Opening of more sections in areas with more population	Rule 5(5)	MEO	DEO	RJDSE
18	Home based education for CWSN	Rule 5(7)	MEO	DPO	SPD

S. No	Entitlements	Sec.	Implementing authority	Grievance redressal	Appellate authority
19	Special intervention for CWSN		Headmaster	MEO	PO, RVM
20	i) Provide infrastructure including school building & learning equipment.	Rule 8 (d)	PO, RVM	SPD	SCPCR
	ii) Teaching staff	Rule 8 (d)	DEO	C & DSE	SCPCR
22	No Discrimination	Rule 9 (c)	Headmaster	MEO	Dist. Collector
23	Maintaining records upto 14yrs	Rule 9 (d)	SMC	MEO	DEO
24	Monitor attendance & Completion of elementary education	Rule 9 (e)	Headmaster	Sarpanch with Grampanchayath Body	MEO
25	Special Training for OSC	Rule 9(g)&4	MEO	DEO / PO	SPD
26	Good quality elementary education	Rule 9 (h)	Concerned teacher	SMC	MEO
27	Curriculum reforms & revision of text books (Preparation of Curriculum & Courses of Study)	Rule 9 (i)	SCERT	C&DSE	SCPCR
28	Training of Teachers	Rule 9 (j)	MEO	DEO/ DPO	SPD
29	Ensuring admission of children of migrant families	Rule 9 (k)	MEO	DEO / DPO	RJDSE
30	Monitor functioning of schools	Rule 9 (l)	MEO	Gram-panchayath	MPDO
31	Decide Academic Calendar	Rule 9 (m)	MEO	DEO	C&DSE/ SPD
32	Admission of a child in School1.	Rule 10	Headmaster	MEO	Mandal Parishad/ MPDO in the absence of the elected body

S. No	Entitlements	Sec.	Implementing authority	Grievance redressal authority	Appellate authority
33	Admission in Aided School		Headmaster	MEO/Dy.EO	DEO
34	Admission in Private Schools-25% Seats	Rule 12 (c)	MEO	DEO	RJDSE
35	Admission in specified category schools		MEO	DEO	RJDSE
36	Extended period of admission	Rule 13	Headmaster	MEO	DEO
37	Screening Procedure	Rule 13 (1)	Headmaster	Gram-panchayath	Mandal Parishad
38	No fees	Rule 13 (1)	Headmaster	Gram-panchayath	Mandal Parishad
39	No capitation fee	Rule 13 (1)	Headmaster	Gram-panchayath	Mandal Parishad
40	Proof of age for admission	Rule 14 (1)	Headmaster	MEO	DEO
41	No denial of admission because of lack of age proof	Rule 14(2) & 15	Headmaster	MEO	DEO
42	No detention	Rule 16	Headmaster	MEO	DEO
43	No expulsion	Rule 16	Headmaster	Gram-panchayat	DEO
44	No-Corporal Punishment	Rule 17 (1)	Headmaster	Gram-panchayat	DEO
45	No Mental Harassment	Rule 17 (1)	Headmaster	MEO	DEO
46	No unrecognized school	Rule 18 (1)	MEO	DEO	RJDSE
47	Minimum norms & standards of school	Rule 19	Headmaster	MEO	DEO
48	School Management Committee functioning	Rule 21	Headmaster	Gram-panchayath	Mandal Parishad
49	Preparation of School Development Plan (SDP)	Rule 21(2) (b)	Headmaster	MEO	DEO

S. No	Entitlements	Sec.	Implementing authority	Grievance redressal authority	Appellate authority
50	Monitor utilization of grants ²	Rule 21 (2) (c)	Headmaster	Gram-panchayath	DEO/DPO
51	Teacher regularity & Punctuality to schools	Rule 24 (1) (a)	Concerned Teacher	Gram-panchayath	MEO
52	Conduct & Complete curriculum	Rule 24(1) (b)&(c)	Concerned Teacher	Headmaster	MEO
53	Assess learning ability & supplement additional instructions if required	Rule 24 (1) (d)	Concerned Teacher	Headmaster	MEO
54	Teacher Pupil Ratio	Rule 25(1) & (2)	DEO	C&DSE	SCPCR
55	Appointment of teachers and others	Rule 26	DEO	C&DSE	SCPCR
56	Prohibition of deployment of teachers for non- educational purpose	Rule 27	MEO	DEO	C&DSE
57	Prohibition of private tuitions	Rule 28	Headmaster	MEO	DEO
58	Prescribed System of Evaluation (CCE)	Rule 29(1)	Director, SCERT	C&DSE	SCPCR
59	Completion Certificate	Rule 30 (2)	Headmaster	MEO	DEO
60	No Board Examination	Rule 31	DEO	C&DSE	SCPCR
61	Appropriate teaching methods		Teacher	MEO	Director, SCERT
62	Conducting of regular Meeting of SMC		Headmaster	Gram-panchayat	Mandal Parishad
63	Developing desired competencies among children		Teacher	Headmaster	MEO

Annexure – II

Procedure for Grievance Redressal

1. Receipt of grievance:

The designated officers at all levels will receive the grievance from stakeholders. The grievances may be sent / submitted by post, e-mail, fax, telephone, toll free, in person in the prescribed format, which is available with all the designated officers. However, it is not mandatory to furnish the grievance in prescribed format. After receipt of grievance, the designated officers shall issue an acknowledgement to the applicant.

2. Recording the grievance:

As soon as the application for grievance is received, the details shall be recorded in a prescribed Register. The register shall be made available to the inspecting officers / observers / State Commission for Protection of Child Rights etc., for their observation and further guidance.

3. Disposal of grievance:

The designated officer shall take necessary steps for disposal of the grievance within the time frame as specified in the acknowledgement. If necessary, investigation / enquiry may be made publicly to ensure transparency. An officer, not below the rank of the person against whom the grievance arises shall be appointed as investigation officer. The maximum time limit for the disposal of any grievance should not exceed 2 months from the date of the receipt of the grievance. Though the time limit is 2 months, the grievance shall be disposed off as early as possible depending on the nature of grievance. Immediately after the process of redressal is over, the decision shall be communicated to the applicant in the shape of a letter in the prescribed format.

GOVERNMENT OF ANDHRA PRADESH ABSTRACT

School Education – The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 – Amendment – Orders – Issued.

SCHOOL EDUCATION (PE-SSA) DEPARTMENT

G.O. Ms.No. 41

Dated: 19.06.2013

Read the following:-

1. The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued vide G.O. Ms. No. 20 School Education (PE-Progs.I) Department, dated 03.03.2011 and notified in Gazette No. 10 dated 05.03.2011.
2. G.O. Ms. No. 130 School Education (PE-Progs.I) Department, dated 09.09.2011 notified in Gazette No. 42 dated 09.09.2011.
3. From the State Project Director, RVM(SSA), A.P., Hyderabad, Lr. Rc. No. 103/RTE CELL/10/12, dated: 30.11.2012 & 01.03.2013

— oOo —

ORDER:-

1. The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009) were notified in the supplement to part-I Extraordinary of A.P. Gazette No. 10 dated: 05.03.2011.
2. The amendment to the said Right of children for Free and Compulsory Rules 2010 was notified in Extraordinary of Andhra Pradesh Gazette No. 42 dated: 14.09.2011.
3. In the letter 3rd read above, the State Project Director, RVM(SSA), A.P., Hyderabad, has submitted proposals for substitution / addition of certain provisions to Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010.

4. Government after careful examination of the proposal of the State Project Director, RVM(SSA), A.P., Hyderabad, have decided to amend the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued vide G.O. Ms. No. 20 School Education (PE-Progs.I) Department, dated 03.03.2011 and G.O. Ms. No. 130 School Education (PE-Progs.I) Department, dated 09.09.2011 suitably.
5. The Commissioner & Director of School Education, A.P., Hyderabad and the State Project Director, RVM (SSA), A.P., Hyderabad shall take necessary action in the matter.
6. The following notification will be published in an Extra Ordinary issue of the Andhra Pradesh Gazette dated 24.06.2013.

N O T I F I C A T I O N

In exercise of the powers conferred by sub-section (1) of section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009), the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued in G.O. Ms. No. 20 School Education (PE-Progs.I) Department, dated 03.03.2011, as subsequently amended from time to time.

A M E N D M E N T S

In the said Rules:-

1. **for rule 1, the following shall be substituted, namely:-**

Short title: These Rules may be called “The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010’ or ‘APRTE Rules, 2010’.

2. **In sub rule (1) of rule 3 :-**

(i) for clause (12), the following shall be substituted, namely :-

“(12) ‘Elementary School’ means a school that imparts education between first and eighth class either exclusively or in addition to education in other classes, and includes a High School or any other school by

whatever name, in so far as the elementary education imparted by it."

(ii) for clause (13), the following shall be substituted, namely :-

"(13) 'Free Education' means and includes providing elementary education to all children with no direct or indirect costs like fees/capitation fees, etc."

(iii) for clause (15), the following shall be substituted, namely :-

"(15) 'Local Authority' means as defined in the Act, and includes Mandal Praja Parishads and Gram Panchayats, as the case may be in their respective jurisdictions."

(iv) for clause (20), the following shall be substituted, namely :-

"(20) 'Primary school' means a school or part of a school that imparts education between class I and V and 'Upper primary school' means a school or part of a school that imparts education between class VI and VIII.

3. In sub rule (1) of rule 5 :-

(i) for clause (a), the following shall be substituted, namely :-

"(a) In respect of children in classes I-V, a school shall be established within a walking distance of one kilometer of the neighbourhood taking into consideration the population of at least 20 school-going children in the locality, to make the school viable and ensure quality."

(ii) for clause (b), the following shall be substituted, namely:-

"(b) In respect of children in classes VI-VIII, a school shall be established within a walking distance of three kilometer of the neighbourhood taking into consideration the population of the school-going children in the locality, to make the school viable and ensure quality."

4. In rule 19 :-

(i) For sub rule (1), the following shall be substituted, namely:

"(1) (a) The School Management Committee (SMC) shall be constituted

in every school, other than an unaided school, within its jurisdiction, within six months of the commencement of the Act;

- (b) The school having both primary and upper primary classes shall have one SMC for the entire school;
- (c) In case of schools having classes for both elementary and secondary education, separate School Management Committee shall be constituted for the elementary section which may be styled as 'upper primary School Management Committee' of the corresponding school;
- (d) The School Management Committee once constituted shall exist perpetually until its abolition or merger, to be authorized by the Mandal Education Officer in case of Primary Schools and the DEO in case of other schools. However members will retire as per their terms. The resultant cyclical and casual vacancies shall be filled within reasonable time as prescribed by the Implementation Authority."

(ii) in sub rule (2):-

- (a), for clause (a), the following shall be substituted, namely:-**

“(a). The composition of the Committee will be as follows :

Elected members:

- (1) Three parents/guardians elected by parents/guardians of children in each class, of whom at least one person is parent/guardian of a child from the disadvantaged group and another person is a parent/guardian of a child belonging to weaker sections, and two are women. Provided that, in case, the number of children in a class is less than 6, the same shall be combined with the next lower or higher class, such that the number of electors in the combined class is 6 or more.
- (2) The term of an elected member will be for two years, or the date of leaving-from-the-school of the member's child/ward, which ever is earlier.
- (3) New parent/guardian members from entry class will be inducted

into the SMC to replace those parent members who will move out of the SMC when their children leave school.”

(b) for clause (b), the following shall be substituted, namely:-

“(b). Ex-officio members:

- (1) The Head Teacher or the in charge Head Teacher of the school shall be the Member Convenor;
- (2) Additional Teacher Member nominated by the MEO preferably from the gender opposite to that of the Head Teacher;
- (3) The concerned Corporator / Councillor / Ward Member, as the case may be;
- (4) The Anganwadi Worker(s) serving the neighbourhood area of the school;
- (5) The Multipurpose Health Worker - Female (ANM) serving the neighbourhood area of the school;
- (6) The President of Mahila Samakhya of the concerned village/ward.”

(c). for clause (c), the following shall be substituted, namely:

“(c). Coopted members:

- (e) Two school supporters from among persons who is an eminent educationist, a philanthropist, office bearer of a voluntary organization, an alumni or such other supporter of the school; coopted by the elected members of the SMC.
- (2) The term of coopeted members shall be two years from the date of first meeting following the date of cooption.”

(d) After clause (c), the following shall be added, namely:-

“(d).Local-Authority-Chairperson: The concerned Sarpanch / Municipal Chairperson / Mayor may attend any meeting of School Management Committee in their respective areas, at his/ her discretion.”

(iii)for sub rule (3), the following shall be substituted, namely:

- “3. The School Management Committee shall elect the Chairperson and the Vice Chairperson from among its elected members. Provided that at least one of them should be a parent/guardian of a child from the disadvantaged group or the weaker sections. Provided further that at least one of them should be a woman.”

(iv)for sub rule (4), the following shall be substituted, namely:-

- “4. (a) The Head Master of the school shall organize an annual general body meeting of parents/guardians within one month after the normal period of admission.
- (b) All teachers working in the school and members of the School Management Committee should be present at the annual general body meeting of parents/guardians.
- (c) The Head Teacher shall present a report on the learning activities of the school in the previous academic year and the plan for the current academic year.
- (d) The Chairman SMC shall summarize school development activities and management issues.
- (e) Electors of respective classes shall elect new parent/guardian members of SMC from entry class and also to fill in any casual vacancy.
- (f) Both parents of a child may participate in the deliberations of the annual general body. However, only one of the parents shall be eligible to vote for election of parent/guardian representative to the SMC.
- (g) Parents/guardians having children in different classes shall be eligible to participate in the election process of each class.
- (h) The Head Teacher shall conduct the election.
- (i) At least 50% of the parents/guardians should be present for conducting the elections.

- (j) Elections shall ordinarily be by show of hands or voice vote. In extraordinary situations of unresolved contention, secret ballot procedure may be adopted.”

(v) for sub rule (5), the following shall be substituted, namely:-

- “(5). (a) The School Management Committee shall meet at least once in two months during the academic year. The first meeting will be around the beginning of the academic year. The last meeting, towards end of the academic year, shall review the academic progress and activities of the year.
- (b) As and when any elected member of the SMC requests to convene a meeting with a specific agenda, the Head Teacher shall, with the approval of the Chairperson, either convene a special meeting or schedule the agenda for discussion in the next scheduled meeting.
- (c) School Management Committee may constitute sub committees, like MDM, academic review, grants and expenditure and conduct social audit foreffective monitoring and implementation of RTE.
- (d) Minutes and decisions of the SMC and its Subcommittee meetings shall be recorded and made available or read over to all members.”

(vi) for sub rule (6), the following shall be substituted, namely:

- “(6) The School Management Committee shall, in addition to the functions specified in section 21(2) of the Act, perform the following functions:
- (a) Periodically review the outcomes of curriculum delivery in the school and arrange to demonstrate learning outcomes of the children in the areas of reading, writing, simple arithmetic and comprehension, by picking the children at random from each class and shall also pay attention to student absenteeism and teacher absenteeism and take steps to remedy;

- (b) Ensure the enrolment and continued attendance of all the children from the neighborhood in the school;
- (c) Arrange to maintain a detailed list of all children including disabled, children of migrant families living in the neighborhood who are in the age group of 6-14 years and shall take effective steps to enroll the out of school children and recommend for the implementation of age appropriate class enrolment;
- (d) Review & monitor attendance & availability of teaching & other staff of the school.
- (e) Monitor the implementation of the Mid-Day Meal (MDM) in the school;
- (f) Prepare an annual account of receipts and expenditure of the school."

(vii) for sub rule (7), the following shall be substituted, namely:

"(7) Any money received shall be credited to the bank account of the School Management committee. The account shall be the joint account of the chairperson and the convener of the committee. The account will be made available for audit whenever required. At the end of each year, utilization certificate shall be submitted to the authority releasing the grants."

(viii) for sub rule (8), the following shall be substituted, namely:

"(8) The Accounts of the School Management Committee shall be audited by the agency or team appointed for the purpose by the Implementation Authority or its delegatee for purposes of accounts and audit."

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT (PE) (FAC)

To

The Commissioner, Printing & Stationary, Chanchalguda, Hyderabad
(with a request to publish the G.O. in the A.P. Gazette (Extraordinary) dated 24.06.2013
and supply 1000 copies to the Government in School Education Department.)

The Commissioner & Director of School Education, A.P., Hyderabad

The State Project Director, RVM(SSA), A.P., Hyderabad

The Director, State Council of Education Research & Training (SCERT), A.P., Hyderabad.

Copy to:

The Secretary, Ministry of Human Resource Development, Department of
School Education & Literacy, Government of India, New Delhi.

P.S. to Special Secretary to Chief Minister

P.S. to Minister (PE&SSA)

P.S. to Minister (Secondary Education)

P.S. to Chief Secretary to Government.

P.S. to Prl. Secretary to Government, Primary Education, A.P. Secretariat.

P.S. to Prl. Secretary to Government, Secondary Education, A.P., Secretariat.

General Administration (Cabinet) Department

Law (A) Department

Finance Department

All remaining HODs under the control of School Education Department

The Publicity Cell, Information & Public Relations Department, A.P.
Secretariat.

SC/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER