

# SIKKIM

GOVERNMENT



GAZETTE

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GOVERNMENT OF SIKKIM  
HUMAN RESOURCE DEVELOPMENT DEPARTMENT  
GANGTOK – 737 101  
SIKKIM

No. 06/GEN/ADM/HRDD

Dated : 09.08.2010

### NOTIFICATION

#### PART – I – PRELIMINARY

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 (35 of 2009), the State Government hereby makes the following rules, namely :-

Short title,  
extent and  
commence  
ment.

1. (1) These rules may be called the Right of Children to Free and Compulsory Education Rules, 2010.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force on the date of their publication in the Official Gazettee.

Definitions

2. (1) In these rules, unless the context otherwise requires,-
  - (a) “Act” means the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);
  - (b) “Anganwadi” means an Anganwadi Centre established under the Integrated Child Development Services Scheme of the Ministry of Women and Child Development of the Government of India;

- (c) “appointed date” means the date on which the Act comes into force, as notified in the Official Gazette;
  - (d) ‘appropriate Government’ means State Government of Sikkim;
  - (e) “Chapter”, “section” and Schedule” means Chapter, section, and Schedule to, the Act respectively;
  - (f) “child” means any child of the age of 6 to 14 years;
  - (g) “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation;
  - (h) “school mapping” means planning school location for the purpose of section 6 of the Act to overcome social barriers and geographical distance
- (2) All references to “forms” in these rules shall be construed as references to forms set out in Appendix I hereto.
  - (3) All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

**PART – II – RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION**

- 3. (1) The School Management Committee in consultation with 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 sub-section (1) of section 29;
  - (b) it shall be provided in classes held on the premises of the school, or through classes organized in safe residential facilities;
  - (c) it shall be provided by teachers working in the school, or by teachers specially appointed for the purpose;

Special Training for the purposes of first proviso to section 4.

- (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.

**PART – III – DUTIES OF STATE GOVERNMENT, LOCAL AUTHORITY**

Areas or limits for the purposes of section 6.

- 4. (1) The areas or limits of neighbourhood within which a school has to be established by the State Government/Local Authority shall be as under, namely: –
  - (a) in respect of children in classes I – V, a school shall be established within a walking distance of one Km. of the neighbourhood. However, if the number of children in a locality is less than 30 (thirty) and more than 10 (ten) a Lower Primary School shall be established and if the number of children is less than 10 (ten), a safe transportation shall be organized for them to attend the nearest school;
  - (b) in respect of children in classes VI – VIII, a school shall be established within a walking distance of 3 (three) kms. of the neighbourhood.
- (2) Wherever required, the State Government/Local Authority shall upgrade existing schools with classes I – V to include classes VI – VIII. In respect of schools which start from class VI onwards, the State Government/Local Authority shall endeavour to add classes I – V, wherever required.
- (3) In areas with difficult terrain, risk of landslides, lack of roads and in general, danger for young children in the approach from their homes to the school, the State Government/Local Authority shall locate the school in such a manner as to avoid such dangers, by reducing the area or limits specified under sub-rule (1).

- (4) For children from small hamlets, as identified by the State Government/Local Authority, where no school exists within the area or limits of neighbourhood specified under sub-rule (1) above, the State Government/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 area or limits specified under sub-rule (1).
- (5) In areas with high population density, the State Government/Local Authority may consider establishment of more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas.
- (6) The State Government/Local Authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation.
- (7) In respect of children with disabilities, which prevent them from accessing the school, the State Government/Local Authority shall endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education.
- (8) The State Government/Local Authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

Duties of State Government and Local Authority for the purposes of sections 8 and 9.

5. (1) A child attending a school of the State Government/Local Authority referred to in sub-clause (i) of clause (n) of section 2, a child attending a school referred to in sub-clause (ii) of clause (n) of section 2 in pursuance of clause (b) of sub section (1) of section 12, and a child attending a school referred to in sub-clauses (iii) and (iv) of clause (n) of section 2 in pursuance of clause (c) of sub-section (1) of section 12 shall be entitled to free education as provided for in sub-section (2) of section 3 of the Act, and in particular to free text books, writing materials and uniforms:

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

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

- (2) For the purpose of determining and for establishing neighbourhood schools, the State 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 section and children referred to in section 4, within a period of two years from the appointed date, and every year thereafter.
- (3) The State Government/Local Authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.
- (4) For the purposes of clause (c) of section 8 and clause (c) of section 9, the State Government and the Local Authority shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or discriminated against in the classroom, during mid day meals, in the play grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.

Maintenance of records of children by Local Authority for the purposes of clause (d) of section 9.

6. (1) The State Government/Local Authority shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth till they attain the age of 14 years.
- (2) The record, referred to in sub-rule (1) shall be updated annually.

- (3) The record, referred to in the said sub-rule (1), shall be maintained transparently, in the public domain, and used for the purposes of clause (e) of section 9.
- (4) The record, referred to in the said 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/Angangwadi centre that the child attends ( up to the age of 6 years);
  - (d) elementary school where the child is admitted;
  - (e) present address of the child;
  - (f) class in which the child is studying (for children between the age of 6 to14 years), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;
  - (g) whether the child belongs to the weaker section;
  - (h) whether the child belongs to a disadvantaged group;
  - (i) details of children requiring special facilities/residential facilities on account of migration and sparse population; age appropriate admission; disability.
- (5) The State Government/Local Authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

#### **PART – IV – RESPONSIBILITIES OF SCHOOLS AND TEACHERS**

Admission of children belonging to weaker section and disadvantaged group for the purpose of clause (c) to sub-section (1) of section 12.

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

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

(3) The area or limits of neighborhood as specified in sub-rule (1) of rule 4 shall apply to admissions made in pursuance of clause (c) of sub-section (1) of section 12.

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

Reimbursement of per-child expenditure by the State Government for the purposes of sub-section (2) of section 12.

3. (1) The total annual recurring expenditure incurred by the State Government, whether from its own funds, or funds provided by the Central Government or by any other authority, on elementary education in respect of all schools referred to in sub-clause (i) of clause (n) of section 2, 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/Local Authority on schools referred to in sub-clause (ii) of clause (n) of section (2) of and the children enrolled in such school shall not be included.

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

Documents as age proof for the purpose of section 14.

9. Wherever a birth certificate under the Births and Deaths and Marriages Certification Act, 1886 (6 of 1886) and Sikkim Registration of Births and Deaths Rules, 1999 is not available, any one of the following documents shall be deemed to be proof of age of the child for the purposes of admission in schools, namely : –
- (a) hospital/Auxiliary Nurse and Midwife (ANM) register record;
  - (b) anganwadi record;
  - (c) declaration through an affidavit of the age of the child by the parent or guardian;
  - (d) certificate issued by the Local Authority.

Extended period for admission for the purposes of section 15.

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

Recognition of schools for the purposes of section 18.

11. (1) Every school, other than a school established, owned or controlled by the State Government/Local Authority, established before the commencement of this Act shall make a self declaration within a period of three months of the commencement of the Act, in Form No. 1 to the Joint Director of concerned district, Human Resource Development Department regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and fulfillment of the following conditions, namely :-
- (a) the school is run by a society registered under Rules and Regulations in force for the registration of various organization in Sikkim;
  - (b) the school is not run for profit to any individual, group or association of individuals or any other persons;
  - (c) the school conforms to the values enshrined in the Constitution;



- (d) the school building or other structures or the grounds are used only for the purposes of education and skill development;
  - (e) the school is open to inspection by any officer authorized by the State Government/Local Authority;
  - (f) the school furnishes such reports and information as may be required by the Director of Education or Joint Directors of concerned district, Human Resource Development Department from time to time and complies with such instructions of the State Government/Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school.
- (2) Every self declaration received in Form 1 shall be placed by the Joint Director of the concerned district, Human Resource Development Department in public domain within thirty days of its receipt.
  - (3) The Joint Director of the concerned district, Human Resource Development Department shall conduct on-site inspection of such schools as claimed in Form No. 1 to fulfill the norms and standards and the conditions mentioned in sub-rule (1) within three months of the receipt of the self declaration.
  - (4) After the inspection referred to in sub-rule (3) is carried out, the inspection report shall be placed by the Joint Director of the concerned district, Human Resource Development Department in public domain and schools found to be conforming to the norms, standards and the conditions, shall be granted recognition by the Director, School Education, in Form No. II within a period of 30 days from the date of inspection carried by Joint Director of the concerned District.
  - (5) Schools that do not conform to the norms, standards and conditions mentioned in sub-rule (1) shall be listed by the Joint

Directors of the concerned district, Human Resource Development Department, through a public order to this effect, and any time within the next two and a half years, such schools may request the Joint Director of the concerned district Human Resource Development Department for an on-site inspection for grant of recognition so that such period does not exceed three years from the commencement of the Act.

- (6) Schools which do not conform to the norms, standards and conditions mentioned in sub-rule (1) within three years from the commencement of the Act, shall cease to function.
- (7) Every school, other than a school established, owned or controlled by the State Government/Local Authority established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-rule (1) in order to qualify for recognition under this rule.

Withdrawal of recognition to schools for the purposes of sections 18(3) and 12 (3)

- 12. (1) Where the Joint Director of the concerned district, Human Resource Development Department on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognized under rule 11, has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule, he shall act in the following manner:-
  - (a) issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month;
  - (b) in case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the Joint Director of the concerned district, Human Resource Development Department may cause an inspection of the school, to be conducted by a Committee of three to five members comprising of educationists, civil society representatives, media, and government representatives, which shall make due inquiry and submit

its report, along with its recommendations for continuation of recognition or its withdrawal, to the Joint Director of the concerned district, Human Resource Development Department;

(c) the Joint Director of the concerned district shall forward the report of the Committee, along with his comments, to the State Commission for Protection of Child Right with a copy to the Secretary, Human Resource Development Department, Government of Sikkim.

(2) The State Commission for Protection of Child Rights shall, after seeking explanation from the concerned school and after due examination, prepare and send its recommendations to the Secretary, Human Resource Development Department.

(3) The Secretary, Human Resource Development Department, shall, on the basis of the recommendations referred to in sub-rule (2) convey its decision to the Joint Director of the concerned district, Human Resource Development Department.

(4) The Joint Director of the concerned district of Human Resource Development Department shall, on the basis of the decision of the Secretary, Human Resource Development Department, pass an order cancelling the recognition granted to the school. The order of de-recognition shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of the de-recognized schools shall be admitted.

#### **PART – V SCHOOL MANAGEMENT COMMITTEE**

13. (1) A School Management Committee shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the appointed date, and reconstituted every two years.

Composition and functions of the School Management Committee for the purpose of section 21.

- (2) Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children.
- (3) The remaining twenty five percent of the strength of the School Management Committee shall be from amongst the following persons, namely: -
  - (a) one third members from amongst the elected members of the Local Authority, to be decided by the Local Authority;
  - (b) one third members from amongst teachers from the school, to be decided by the teachers of the school;
  - (c) remaining one third from amongst local educationists/children in the school, to be decided by the parents in the Committee.
- (4) To manage its affairs, the School Management Committee shall elect a Chairperson and Vice Chairperson from among the parent members. The Head Master of the school or where the school does not have a headmaster, the senior most teacher of the school, shall be the ex-officio Member-Convener of the School Management Committee.
- (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, for which it may constitute smaller working groups from amongst its Members : -
  - (a) communicate in simple and creative ways to the population in the neighbourhood of the school, the rights of the child as enunciated in the Act; as also the duties of the State Government, Local Authority, school, parent and guardian;
  - (b) ensure the implementation of clauses (a) and (e) of sub-section (1) of section 24 and section 28;

- (c) monitor that teachers are not burdened with non academic duties other than those specified in section 27;
- (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 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 and enrolment of, and facilities for learning by disabled children, and ensure their participation in, and completion of elementary education;
- (i) monitor the implementation of the Mid-Day Meal and quality of education in the school;
- (j) prepare an annual account of receipts and expenditure of the school.

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

(8) The accounts referred to in clause (j) to sub-rule (6) and sub-rule (7) should be signed by the Chairperson/Vice Chairperson and Convener of the School Management Committee and made available to the Local Authority within one month of their preparation.

Preparation of School Development Plan for the purpose of section 22

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

- (2) The School Development Plan shall be a three year plan comprising three annual sub-plans.
- (3) The School Development Plan shall contain the following details, namely: –
  - (a) estimates of class-wise enrolment for each year;
  - (b) requirement, over the three year period, of the number of additional teachers, including Head Master, 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 over the three years period, calculated, with reference to the norms and standards specified in the Schedule;
  - (d) financial requirement over the three year period, year wise, in respect of clauses (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.
- (4) The School Development Plan should be signed by the Chairperson/Vice Chairperson and Convenor of the School Management Committee and submitted to the Local Authority before the end of the financial year in which it is to be prepared.

#### **PART – VI TEACHERS**

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| <p>Minimum Qualification for the purposes of sub-section (1)</p> | <p>15. (1) The academic authority notified in pursuance of sub-section (1) of section 23, shall, within three months of such notification, lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.</p> |
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- (2) The minimum qualifications laid down by the academic authority referred to in sub-rule (1) shall be applicable for every school referred to in clause (n) of section 2.

Relaxation of minimum qualification for the purposes of sub-section (2) of section 23.

16. (1) The State Government shall estimate the teacher requirement as per the norms in the Schedule for all schools referred to in clause (n) of section 2 within the State along with the Manpower Management Guideline issued vide Notification No. 1022/DIR/HRDD/SE dated 2.2.2010 as amended time to time, within six months from the commencement of the Act.
- (2) Where a State Government does not have adequate institutions offering course or training in teacher education, or persons possessing minimum qualifications as laid down under sub-rule (2) of rule 15 are not available in sufficient numbers in relation to the requirement of teachers estimated under sub-rule (1), the State Government shall request, within one year of the commencement of the Act, the Central Government for relaxation of the prescribed minimum qualification.
- (3) On receipt of the request referred to in sub-rule (2), the Central Government shall examine the request of the State Government and may relax the minimum qualifications by way of a Notification.
- (4) The Notification referred to in sub-rule (3) shall specify the nature of relaxation and the time period, not exceeding three years, but not beyond five years from the commencement of the Act, within which the teachers appointed under the relaxed conditions acquire the minimum qualifications prescribed by the academic authority notified under sub-section (1) of section 23.
- (5) After six months of the commencement of the Act, no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualifications prescribed by the academic authority notified under sub-section (1) of section 23 without the notification referred to in sub-rule (3).
- (6) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic

qualifications not lower than higher secondary school certificate or equivalent.

Acquiring minimum qualifications under proviso to sub-section (2) of Section 23

17. (1) The State Government shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clause (i) and (iii) of clause (n) of section 2, who do not possess the minimum qualifications laid down under sub-rule (2) of rule 15 at the time of commencement of the Act, to acquire such minimum qualifications within a period of five years from the commencement of the Act.
- (2) For a teacher, of any school referred to in sub-clause (ii) and (iv) of clause (n) of section 2, who does not possess the minimum qualifications laid down under sub-rule (2) of rule 15 at the time of commencement of the Act, the Management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from the commencement of the Act.

Salary and allowances and conditions of service of teachers for the purpose of sub-section (3) of section 23

18. (1) The State Government or the Local Authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.
- (2) In particular and without prejudice to sub-rule (1), the terms and conditions of service shall take into account the following, namely:-
- (a) accountability of teachers to the School Management Committee constituted under section 21;
  - (b) provisions enabling long term stake of teachers in the teaching profession.
- (3) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training as specified in section 4, shall be that of regular teachers, and at par for similar work and experience.

Duties to be performed by teachers for the purpose of clause (f) of sub-section (1) of section 24



19. (1) In performance of the functions specified in sub-section (1) of section 24 and in order to fulfill the requirements of clause (h) of sub-section (2) of section 29, the teacher shall maintain a file containing the pupil cumulative record for every child which shall be the basis for awarding the completion certificate specified in sub-section (2) of section 30.
- (2) In addition to the functions specified in clauses (a) to (e) of sub-section (1) of section 24, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching, namely :-
  - (a) participation in training programmes;
  - (b) participation in curriculum formulation, and development of syllabi, training modules and text book development.

Grievance Redressal mechanism for teachers for the purposes of sub-section (3) of section 24

20. (1) The School Management Committee constituted under section 21 shall be the first level of grievance redressal of teachers of schools specified therein.
- (2) The State Government shall constitute School Tribunals at the State and District levels which would act as the grievance redressal mechanism for the teachers.

Maintaining Pupil-Teacher Ratio in each school for the purposes of section 25

21. (1) Sanctioned strength of teachers in a school shall be notified by the State Government or the Local Authority, as the case may be, within a period of three months of the appointed date.  
 Provided that the State Government or the Local Authority, as the case may be, shall, within three months of such Notification, redeploy teachers of schools having strength in excess of the sanctioned strength prior to the Notification referred to in sub-rule (1).
- (2) If any person of the 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.

## **PART – VII CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION**

Academic Authority for the purposes of section 29

22. (1) The State Government shall notify the State Council of Educational Research and Training (or its equivalent), as the academic authority for the purposes of section 29 within six months of the appointed date.
- (2) While laying down the curriculum and evaluation procedure, the academic authority notified under sub-rule (1) shall, -
- (a) formulate the relevant and age appropriate syllabus and text books and other learning materials;
  - (b) develop in-service teacher training design, and;
  - (c) prepare guidelines for putting into practice Continuous and Comprehensive Evaluation;
  - (d) prepare bench marking of academic achievement in schools, diagnosis of classroom transactional analysis and hard spots and develop relevant support system for schools.
- (3) The academic authority referred to in sub-rule (1) shall design and implement a process of holistic school quality assessment on a regular basis

Award of certificate for the purposes of section 30

23. (1) The Certificate of completion of elementary education shall be issued at the school/block/district level within one month of the completion of elementary education.
- (2) The Certificate referred to in sub-rule (1) shall,–
- (a) certify that the child has completed all courses of study prescribed under section 29;
  - (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.

## PART – VIII PROTECTION OF RIGHT OF CHILDREN

- Performance of functions by the State Commission for Protection of Child Rights, for the purposes of section 31
24. The Sikkim Commission for Protection of Child Rights constituted vide Notification No. 49/WCWD/2008 dated 10.01.2008 read with Notification No. 51/WCWD/2008 dated 18.01.2008 as amended from time to time by the State Government shall perform the functions assigned to it under section 31 of the Act.
- (1) The State Commission for Protection of Child rights shall act upon all matters referred to it by the State Advisory Council.
  - (2) The State Government shall enable constituting a cell in the State Commission for Protection of Child Rights, which may assist the Commission in performance of its functions under the Act.
- Manner of furnishing complaints before the State Commission for Protection of Child Rights
25. (1) The State Commission for Protection of Child Rights, shall set up a child help line, accessible by SMS, telephone and letter, which would act as the forum for aggrieved child/guardian to register complaint regarding violation of rights under the Act, in a manner that records his/her identity but does not disclose it;
- (2) All complaints to the helpline should be monitored through a transparent 'alert and action' on line mechanism by the State Commission for Protection of Child Rights.
- Constitution and Functions of the State Advisory Council for the purpose of section 34
26. (1) The State Advisory Council shall consist of a Chairperson and 14 (fourteen) Members.
- (2) The Minister in-charge, Human Resource Development Department Government of Sikkim shall be the ex-officio Chairperson of the Council.
- (3) Members of the Council, shall be appointed by the State Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, as under :-
- (a) at least four members should be from amongst persons belonging to SCs, STs and Minorities;

- (b) at least one member should be from amongst person having specialized knowledge and practical experience of education of children with special needs;
  - (c) one member should be from amongst persons having specialized knowledge in the field of pre-primary education;
  - (d) at least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education;
  - (e) fifty percent of such members shall be from amongst women.
- (4) The following shall be ex-officio members of the Council:
- (i) Secretary, Human Resource Development Department
  - (ii) Director, School Education
  - (iii) Joint Director, State Council for Educational Research and Training (SCERT).
  - (iv) Joint Director, District Institute of Education and Training (DIET)
- (5) The Director, School Education Human Resource Development Department shall provide logistic support for meetings of the Council and its other functions.
- (6) The procedure for transaction of Business of the Council shall be as under, namely:-
- (i) the Council shall meet regularly at such times as the Chairperson thinks fit but three months shall not intervene between its last and the next meeting;
  - (ii) the meeting of the Council shall be presided over by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he/she may nominate a member of the Council to preside over such meeting. 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, namely :-
- (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 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 any one or more of the following event, namely :-
    - (i) is adjudged an insolvent; or
    - (ii) refuses to act or become 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 from two consecutive meetings of the Council.
  - (c) No Member shall be removed from his office without being given an adequate opportunity of being heard.
  - (d) If 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 (one hundred twenty) days by making a fresh appointment in accordance with the provisions of sub-rule (2).
  - (e) Members of the Council shall be entitled to reimbursement of travelling and daily allowances for official tours and journeys in accordance with the orders issued by the State Government in relation to non official members of the

Committees and Commissions and such like categories of persons.

- (8) The State Advisory Council may specially invite representatives of other related departments/organizations as required

Sd/-

(R. TELANG) IAS  
Secretary to the Government of Sikkim,  
Human Resource Development Department

File No. GOS/HRDD/580/2010/HQ

Copy to :

1. All Secretaries and Heads of Department.
2. Principal Secretary, CMO
3. Secretary to H. E. the Governor of Sikkim
4. Sr. P. S. to Hon. Speaker, SLA
5. Sr. P.S. to Minister, HRDD
6. All Sr. P. S. to Ministers.
7. P.S. to Dy. Speaker
8. All Officers of HRDD
9. All A.Ds and AEOs of BACs.
10. All Principals/H.Ms of Schools
11. File & Guard file.

(D. P. Sharma)  
Special Secretary to the Government of Sikkim,  
Human Resource Development Department

## **APPENDIX**

### **FORM I**

#### **SELF DECLARATION CUM APPLICATION FOR GRANT OF RECOGNITION OF SCHOOL**

(See Sub-rule (1) of rule 11)

To  
The Joint Director,  
East/West/North/South District,  
Human Resource Development Department  
Government of Sikkim  
\_\_\_\_\_ District  
Gangtok/Gyalshing/Namchi/Mangan

Sir,

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

Yours faithfully,

Encl. :

Place :

Date :

Chairman of Managing  
Committee/Manager

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

B. General Information				
1	Year of Foundation			
2	Date of First Opening of School			
3	Name of Trust/Society/Managing Committee			
4	Whether Trust/Society/Managing Committee/is registered			
5	Period upto which Registration of Trust/ Society/ Managing Committee is valid			
6	Whether there is a proof of non-proprietary character of the Trust/ Society/ Managing Committee supported by the list of members with their address on an affidavit in copy			
7	Name official address of the Manager/ President/ Chairman of the School			
	Name			
	Designation			
	Address			
	Phone			Office Residence Mobile No.
8	Total Income & Expenditure during last 3 years surplus/deficit			
	Year	Income	Expenditure	Surplus/deficit

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

D. Enrollment Status			
	Class	No. of Section	No. of Students
1	Pre-Primary		



2	I – V		
3	VI - VIII		

E. Infrastructure Details & Sanitary Conditions			
	Room	Numbers	Average Size
1	Class room		
2	Office room – cum – Store Room – cum- Headmaster room		
3	Kitchen – cum – store		

F. Other Facilities		
1	Whether all facilities have barrier free access	
2	Teaching Learning Materials (attach list)	
3	Sports & Play equipments (attach list)	
4	Facility books in Library <ul style="list-style-type: none"> <li>• Books (No. of books)</li> <li>• Periodical/Newspapers</li> </ul>	
5	Type and number of drinking water facility	
6	Sanitary Conditions <ul style="list-style-type: none"> <li>• Type of W.C. &amp; Urinals</li> <li>• Number of Urinals/ Lavatories separately for Boys</li> <li>• Number of Urinals/ Lavatories separately for girls</li> </ul>	

G. Particulars of Teaching Staff
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1. Teaching in Primary/Upper Primary exclusively (details of each teacher separately)

Teacher Name	Father/ Spouse Name	Date of Birth	Academic Qualification	Professional qualification	Teaching Experience	Class assigned	Date of apptt.	Trained or un-trained
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

2. Teaching in Both Elementary and Secondary (details of each teacher separately)

Teacher	Father/	Date of	Academic	Profe-	Teaching	Class	Date of	Trained
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Name	Spouse Name	Birth	Qualification	Professional qualification	Experience	Class assigned	Date of apptt.	Trained or untrained
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

### 3. Headmaster

Teacher Name	Father/Spouse Name	Date of Birth	Academic Qualification	Professional qualification	Teaching Experience	Class assigned	Date of apptt.	Trained or untrained
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

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

- I. Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.
- J. Certified that the school is open to inspection by any officer authorized by the appropriate authority;
- K. Certified that the school undertakes to furnish such reports and information as may be required by the Joint Director of concerned district of Human Resource Development Department from time to time and complies with such instructions of the appropriate authority or the Joint Director of the concerned district of Human Resource Development Department as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
- L. Certified that records of the school pertinent to the implementation of this Act. shall be open to inspection by any officer authorized by the Joint Director of the concerned district of Human Resource Development Department at any time, and the school shall furnish all such information as may be necessary to enable the Central and / or State Government/

Local Body or the Administration to discharge its or his obligations to Legislative Assembly of the State/Panchayat/ Municipal Corporation as the case may be.

Chairman/ Manager,  
Managing Committee  
\_\_\_\_\_ School

Place :

Date :

**FORM II**  
**(See sub-rule (4) of rule II)**

Gram :  
E-mail

Phone :  
Fax

**OFFICE OF THE DIRECTOR,**  
**HUMAN RESOURCE DEVELOPMENT DEPARTMENT**  
**NAME OF THE DISTRICT \_\_\_\_\_**  
**STATE : SIKKIM**

No. :

Date :

The Manager,

Subject : Recognition Certificate for the school under sub-rule (4) of rule 11 of the Right of Children to Free and Compulsory Education Rules, 2009 for the purpose of section 18 of the Right of Children to Free and Compulsory Education Act, 2009.

Dear Sir/Madam,

With reference to your application dated \_\_\_\_\_ and subsequent correspondence with the school/inspection in this regard, I convey the grant for provisional recognition to the \_\_\_\_\_ (name of the school with address) for

Class \_\_\_\_\_ to Class \_\_\_\_\_ for a period of three years w.e.f. \_\_\_\_\_ to \_\_\_\_\_.

The above sanction is subject to fulfillment of following conditions :

1. The grant for recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VIII.
2. The school shall abide by the provisions of Right of Children to Free and Compulsory Education Act, 2009 (Annexure I) and the Right of Children to Free and Compulsory Education Rules, 2009 (Annexure II)
3. The School shall admit in class I, to the extent of \_\_\_\_\_% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. Provided, further that in case of pre primary classes also, this norm shall be followed.
4. For the children referred to in paragraph 3, the school shall be reimbursed as per Section 12 (2) of the Act. To receive such reimbursements school shall provide a separate bank account.
5. The Society/School shall not collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure.
6. The school shall not deny admission to any child for lack of age proof. If such admission is sought subsequent to the extension provided prescribed for admission on the ground of religion, caste or race, place of birth or any of them.
7. The School shall ensure :
  - (i) No child admitted shall be held back in any class or expelled from school till the completion of elementary education in a school,
  - (ii) No child shall be subjected to physical punishment or mental harassment;
  - (iii) No child is required to pass any board examination till the completion of elementary education;

- (iv) Every child completing elementary education shall be awarded a certificate as laid down under Rule 23;
  - (v) Inclusion of Students with disabilities/special needs as per provision of the Act;
  - (vi) The teachers are recruited with minimum qualifications as laid under section 23 (1) of the Act. Provided further that the current teachers who, at the commencement of this Act do not possess minimum qualifications shall acquire such minimum qualifications within a period of 5 years;
  - (vii) The teacher performs it duties specified under section 24 (1) of the Act and
  - (viii) The teachers shall not engage himself or herself for private teaching activities.
8. The school shall follow the syllabus on the basis of curriculum laid down by appropriate authority.
9. The School shall enroll students proportionate to the facilities available in the school as prescribed in section 19 of the Act.
10. The School shall maintain the standards and norms of the school as specified in section 19 of the Act. The facilities reported at the time of last inspection are as given under :-
- (i) Area of school campus
  - (ii) Total built up area
  - (iii) Area of play ground
  - (iv) No. of class rooms
  - (v) Room for Headmaster-cum-office-cum-Storeroom
  - (vi) Separate toilet for boys and girls
  - (vii) Drinking Water Facility
  - (viii) Kitchen for cooking Mid Day Meal
  - (ix) Barrier free Access
  - (x) Availability of Teaching Learning Material/Play Sports Equipments/Library
11. No unrecognized classes shall run within the premises of the school or outside in the same name of school.

12. The school buildings or other structures or the grounds are used only for the purposes education and skill development.
13. The school is run by a society registered or a public trust constituted under the law for the time being in force in Sikkim;
14. The school is not run for profit to any individual, group or association of individuals or any other persons;
15. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per rules. A copy each of the statements of Accounts should be sent to the Joint Director of the concerned district of Human Resource Development Department every year.
16. The recognition Code Number allotted to your school is \_\_\_\_\_. This may please be noted and quoted for any correspondence with this office.
17. The school furnishes such reports and information as may be required by the Director, School Education/ Joint Director of the concerned district, Human Resource Development Department from time to time and complies with such instructions of the State Government/Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
18. Renewal of Registration of Society if any, be ensured
19. Other conditions as per Annexure "III" enclosed.

Yours faithfully,

Joint Director,  
Human Resource Development Department  
District : \_\_\_\_\_  
State of Sikkim