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NOTIFICATION

No.B.17011.14.2010-EDN/Loose, the 23rd March, 2011. In exercise of the powers conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009, the Governor of Mizoram is pleased to notify the Mizoram Right of Children to Free and Compulsory Education Rules, 2011 to be in force from the date of its publication in the Mizoram Gazette.

This issues with the approval of the Council of Ministers conveyed under Memo.No.J.11012/8/2010-POL/TUE Dt. 22.3.2011.

Esther Lal Ruatkimi,
Secretary to the Govt. of Mizoram,
School Education Department.

**THE MIZORAM RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION RULES, 2011**

In exercise of the powers conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Government of Mizoram hereby makes the following rules, namely :

PART I - PRELIMINARY

Short title, extent and commencement:

- 1 (1) These Rules may be called the Mizoram Right of Children to Free and Compulsory Education Rules, 2011
- (2) It shall come into force from the date of its publication in the Official Gazette.
- (3) It shall extend to the whole of Mizoram.

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) "Child" means a male or female child of the age of six to fourteen, years;
 - (d) "District Education Officer" means an Officer of the Government of Mizoram in-charge for elementary education in a district.
 - (e) "Local authority" means Local Councils under the Aizawl Municipal Council or Village Councils or Village Committee or District Councils, as the case may be;
 - (f) "Neighborhood" means area under the jurisdiction of Local Councils under Municipal Corporation or Village Councils or Sub-Village, as the case may be;
 - (g) "Pupil Cumulative Record" means record of the progress of the child based on comprehensive and continuous evaluation;
 - (h) "School" means any recognized school imparting elementary education and includes-
 - (i) a school established, owned or controlled by the Government of Mizoram or local authority.
 - (ii) an aided school receiving aid or grants to meet whole or part of its expenses from the Government of Mizoram 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.
 - (f) "School mapping" means planning school location 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

- (1) The School Management Committee/ local authority shall identify children requiring special training and the Government shall 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 State Council of Educational Research & Training, Mizoram
 - (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.
 - (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

- (1) The areas or limits of neighborhood within which a school has to be established by the State Government shall be as under –
 - (a) In respect of children in classes from I to V, a school shall be established within a walking distance of one km of the neighborhood;
 - (b) In respect of children in classes from VI to VIII, a school shall be established within a walking distance of 3 km of the neighborhood.
- (2) Wherever required, the State Government shall upgrade existing schools with classes from I to V to include classes from VI to VIII. In respect of schools which start from class VI onwards, the State Government shall endeavor to add classes from I to V, wherever required.
- (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 State 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, as identified by the State Government/Local Authority, where no school exists within the area or limits of neighborhood specified under sub-rule (1) above, the State Government may 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).

Provided that the Government shall, by issue of a notification, identify such hamlets.

- (5) In areas with high population density, the State Government may consider establishment of more than one neighborhood 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 neighborhood 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 State Government/Local Authority will endeavor to make appropriate and safe transportation arrangements for them to attend school and complete elementary education.
- (8) No children shall be barred from attending school on account of social and cultural factors.

Duties of State Government and Local Authority

5. (1) A child attending a school established, owned or controlled by the Government, a child attending Government Aided School, and a child attending a specified category school such as, Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navodaya Vidyalaya and Sainik School shall be entitled to free text books and writing materials.

Provided that a child belonging to Below Poverty Line (BPL) family, attending the school mentioned in sub-rule (1) above shall also be entitled to free school uniforms.

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

- (2) Below Poverty Line (BPL) family for the purpose of these Rules shall be the BPL List compiled and approved by Rural Development Department, Government of Mizoram.
- (3) For the purpose of determining and for establishing neighborhood 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 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, update such list as on 30th October every year.
- (4) The State Government, local authority and the school authorities shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.
- (5) The Government, Local Authority and the School authority shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or discriminated against in the classroom, during mid-day meals, in the play grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.

- (6) For the purpose of these rules, a child belonging to the weaker section and a child belonging to disadvantaged group shall mean a child belonging to the BPL Family

Maintenance of records of Children by Local Authority

- 6 (1) The Local Authority shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth till they attain 14 years.
- (2) The record, referred to in sub-rule (1) above, shall be updated each year in December.
- (3) The record, referred to in sub-rule (1), shall be maintained transparently, in the public domain, and used for the purposes of monitoring admission, attendance and completion of elementary education of every child residing within its jurisdiction
- (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 attends (upto age 6);
 - (d) elementary school where the child is admitted;
 - (e) present address of the child;
 - (f) class in which the child is studying (for children between 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 section within the meaning of clause (e) of section 2 of the Act;
 - (h) whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2 of the Act;
 - (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 Local authority shall submit, a record maintained under sub-rule (1) above, to the Director of School Education on or before 15th December every year.

PART IV – RESPONSIBILITIES OF SCHOOLS AND TEACHERS

- 7 (1) A school established, owned or controlled by the Government, Government Aided Schools, Specified Category schools, such as, Kendriya Vidyalaya, Jawahar Navodaya Vidyalaya, Navodaya Vidyalaya, Sainik School and an unaided schools not receiving any kind of aid or grants from the Government shall ensure that children belonging to weaker section and disadvantaged group are not segregated from the other children in the classrooms and that their classes are not held at places and timings different from the classes held for the other children.
- (2) The school referred to in sub-rule (1) above shall ensure that children belonging to weaker section and disadvantaged groups are not discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and ICT facilities, extra-curricular and sports.
- (3) The areas or limits of neighborhood specified in Rule 4 (1) shall apply to admissions made in pursuance of clause (c) to section 12 (1) of the Act.

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

- 8 (1) The total annual recurring expenditure incurred by the Government of Mizoram, 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 established, owned or controlled by it, 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 on Deficit Schools, Ad-hoc Grant-in-aid Schools and Lump-sum Schools and the children enrolled in such schools shall not be included.

- (2) Every specified category schools, such as, Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navodaya Vidyalaya and Sainik School as well as all unaided schools not receiving any kind of aid or grants from the Government shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of section 12 of the Act.
- (3) The State Government shall constitute a Committee to be headed by the Director of School Education Department with the following Members- Joint Director of School Education i/c Elementary Education and State Project Director (Sarva Shiksha Abhiyan) for the purpose of assessing per child expenditure incurred by the State for reimbursement of expenditure to the schools.
- (4) Every School shall submit list of students admitted in the school to the District Education Officer or Sub Divisional Education Officer, as the case may be, in the month of April every year for re-imbursement. The DEO or the SDEO shall verify or cause to be verified the enrolment of the children before making re-imbursement.

- (5) The re-imbursement shall be made in one installment in November and shall be credited directly to the bank account of the school, to be opened for this purpose as required in sub-rule (1) above.

Proof of age for admission

- 9 Wherever a birth certificate under the Births, Deaths and Marriages Certification Act, 1886 is not available, any one of the following documents shall be deemed to be proof of age of the child for the purposes of admission in schools –

- (a) Hospital / Primary Health Centre/ Sub Health Centre register record;
- (b) Anganwadi record;
- (c) Declaration through an affidavit of the age of the child by the parent or guardian;
- (d) Baptisma Certificate.

- 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.

- (3) Where a child is admitted in a school after the extended period, the Local authority or the Head of the School will submit a report to that effect to the Director of School Education, within one month from the date of making such admission.

Recognition of Schools

- 11 (1) Every school, other than a school established, owned or controlled by the State Government, established before the commencement of these Rules shall make a self declaration within a period of three months of the commencement of these Rules, in Form No. 1 to the District Education Officer or the Sub Divisional Education Officer concerned regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the fulfillment of the following conditions for grant of recognition:

- (a) the school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;
- (b) the school is not run for profit to any individual, group or association of individuals or any other persons;
- (c) the school conforms to the values enshrined in the Constitution;

- (d) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;
 - (e) the school is open to inspection by any officer authorized by the State Government/ Local Authority;
 - (f) the school furnishes such reports and information as may be required by the Director of Education/District Education Officer/Sub Divisional Education Officer from time to time and complies with such instructions of the State Government may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
- (2) Every self declaration received in Form 1 shall be placed by the District Education Officer or Sub Divisional Education Officer in public domain within fifteen days of its receipt.
 - (3) The District Education Officer or the Sub Divisional Education Officer shall conduct on-site inspection of such schools which claim in Form No. 1 to fulfill the norms and standards and the conditions mentioned in sub-rule (1) 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 District Education Officer or Sub divisional Education Officer in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by Director of School Education, on receipt of recommendations from the District Education Officer or the Sub divisional Education Officer in Form No. 2 within a period of 15 days from the date of receipt of recommendations from the District Education Officer or Sub Divisional Education Officer.
 - (5) Schools that do not conform to the norms, standards and conditions mentioned in sub rule (1) shall be listed by the District Education Officer or Sub Divisional Education Officer through a public order to this effect, and any time within the next two and a half years, such schools may request the District Education Officer or Sub Divisional Education Officer for an on-site inspection for grant of recognition.
 - (6) Schools which do not conform to the norms, standards and conditions mentioned in sub rule (1) after three years from the commencement of these Rules, shall cease to function.
 - (7) Every school, other than a school established, owned or controlled by the State Government, established after the commencement of these Rules shall conform to the norms and standards and conditions mentioned in sub-Rule (1) in order to qualify for recognition.

Withdrawal of recognition to Schools

- 12 (1) Where the District Education Officer or the Sub Divisional Education Officer on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognized under rule 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 District Education Officer or Sub Divisional Education Officer may cause an inspection of the school, to be conducted by a Committee of three to five members comprising of educationists, civil society representatives, media, and Government representatives, which shall make due inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the District Education Officer or the Sub Divisional education Officer.
 - (c) The District Education Officer or Sub Divisional Education Officer shall forward the Report of the Committee, along with his comments, to the State Commission for Protection of Child Rights or the Right to Education Protection Authority, as the case may be, with a copy to the Secretary, School Education Department.
- (2) The State Commission for Protection of Child Rights or the Right to Education Protection Authority, as the case may be, shall, after seeking explanation from the school concerned and after due examination, prepare and send its recommendations to the Secretary, School Education Department.
 - (3) The Secretary, School Education Department, shall, on the basis of the recommendations referred to in sub-Rule (2) convey decision of the Government to the District Education Officer or Sub Divisional Education Officer.
 - (4) The District Education Officer or Sub Divisional Education Officer shall, on the basis of the decision of the Government, pass an order canceling the recognition granted to the school. The order of de-recognition shall be operative from the immediately succeeding academic year and shall specify the neighborhood schools to which the children of the de-recognized schools shall be admitted.

PART V - SCHOOL MANAGEMENT COMMITTEE

- 13 (1) A School Management Committee (SMC) 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.
- (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 SMC shall be from amongst the following persons:-
 - 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 Headmaster 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 every two months 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 section 21 (2) of the Act, 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 neighborhood 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 section 24 and section 28 of the Act,
 - (c) Monitor that teachers are not burdened with non academic duties other than those specified in section 27 of the Act;
 - (d) Ensure the enrolment and continued attendance of all the children from neighborhood 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 section 3(2) of the Act.
 - (g) Identify the needs, prepare a Plan, and monitor the implementation of the provisions of Section 4 of the Act.
 - (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 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 these Rules, 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

- 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 these Rules.
- (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 –
 - (a) Estimates of class-wise enrolment for each year;
 - (b) Requirement, over the three year period, 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 over the three year period, calculated, with reference to the norms and standards specified in the Schedule.
 - (d) Additional financial requirement over the three year period, year-wise, in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4 of the Act, 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 District Education Officer or Sub Divisional Education Officer, as the case may be, before the end of the financial year in which it is to be prepared.

PART VI – TEACHERS

- 15 (1) The minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school shall be as per the relevant Recruitment Rules framed by the Government at the time of recruitment.
- (2) The minimum qualifications as per the relevant Recruitment Rules shall be applicable for every school established, owned and controlled by the Government.

- 16 (1) The State Government shall estimate the requirement of teachers as per the norms in the Schedule of the Act for all Government schools within the State, within six months from the commencement of these Rules.
- (2) Where a State does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as per existing recruitment rules 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 recruitment rules.
- (5) After six months from 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 recruitment rules 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.
- 17 (1) The State Government shall provide adequate teacher education facilities to ensure that all teachers in Government schools, Government Aided Schools, and special category schools such as Kendriya Vidyalaya, Navodaya Vidyalaya, Jawahar Navodaya Vidyalaya and Sainik School, who do not possess the minimum qualifications laid down in the recruitment rules at the time of commencement of these Rules, to acquire such minimum qualifications within five years from the commencement of the Act.
- 18 (1) The State Government shall notify terms and conditions of service and salary and allowances of teachers of Government Schools in order to create a professional and permanent cadre of teachers.

Provided that the terms and conditions of service of teachers of Government Aided Schools shall be notified separately by the Government.

- (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 Rule 13
- (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 of the Act, shall be the same as that of regular teachers, and at par for similar work and experience.
- 19 (1) In performance of the functions of maintaining regularity and punctuality in attending school; conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29 of the Act; complete entire curriculum within the specified time; assess the learning ability of each child and accordingly supplement additional instruction, if any, required; 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; and perform other duties as may be prescribed; and in order to fulfill the requirements of clause (h) of sub-section (2) of section 29 of the Act, the teacher shall maintain a file containing the pupil cumulative record for every child which will be the basis for awarding the completion certificate specified in sub-section (2) of section 30 of the Act.
- (2) In addition to the functions specified in sub-rule (1) above, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching:
- (a) Participation in training programs;
 - (b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;
- 20 (1) The School Management Committee constituted under Rule 13 shall be the first level of grievance redressal of teachers of schools specified therein.
- (2) The Government shall constitute School Tribunals at the State, District and Block levels which would act as the grievance redressal mechanism for the teachers.
- 21 (1) Sanctioned strength of teachers in a school shall be notified by the Government, within a period of six months of the appointed date.
- Provided that the Government, shall, within six 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) above.
- (2) For the purpose of maintaining the Teacher Pupil Ratio, no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose other than those specified in section 27 of the Act.
- If any person of the Government violates sub-rule (1) above, he or she shall be personally liable for disciplinary action.

PART VII – CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

22. (1) The State Government shall notify the State Council of Educational Research and Training as the academic authority for the purposes of section 29 of the Act.
- (2) While laying down the curriculum and evaluation procedure, the academic authority notified under sub-Rule (1) shall—
- (a) formulate the relevant and age appropriate syllabus and text books and other learning material.
 - (b) develop in-service teacher training design, and
 - (c) prepare guidelines for putting into practice continuous and comprehensive evaluation.
- (3) The academic authority referred to in sub-rule (1) shall design and implement a process of holistic school quality assessment on a regular basis.
23. (1) The Certificate of completion of elementary education shall be issued at the school / block / sub-division / 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 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.

PART VIII – PROTECTION OF RIGHT OF CHILDREN

24. (1) In respect of a State which does not have a State Commission for Protection of Child Rights, the State Government may take immediate steps to set up the Commission.
- (2) Till such time as the State Government sets up the Commission, it shall constitute an interim authority known as the Right to Education Protection Authority (REPA) for the purposes of performing the functions specified in sub-section (1) of section 31 of the Act, within six months of the commencement of Act or the constitution of the State Commission for Protection of Child Rights, whichever is earlier.
- (3) The Right to Education Protection Authority (REPA) shall consist of the following, namely –
- (a) A chairperson who is a person of high academic repute or has been a High Court Judge or has done outstanding work for promoting the rights of children; and

(c) Two Members, of whom at least one shall be a woman, from the following areas, from amongst persons of eminence, ability, integrity, standing and experience in –

- i. education;
- ii. child health care and child development;
- iii. juvenile justice or care of neglected or marginalized children or children with disabilities;
- iv. elimination of child labour or working with children in distress;
- v. child psychology or sociology; or
- vi. legal profession.

(4) The National Commission for Protection of Child Rights Rules, 2006 shall, so far as pertains to the terms and conditions, mutatis mutandis apply to Chairperson and other Members of the REPA.

(5) All records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.

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

(7) The State Government shall enable constituting a Cell in the State Commission for Protection of Child Rights or the REPA, as the case may be, which may assist the Commission or the REPA in performance of its functions under the Act.

25 (1) The State Commission for Protection of Child Rights, or the REPA, as the case may be, 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 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, or the REPA, as the case may be.

Constitution and Functions of the State Advisory Council

26 (1) The State Advisory Council shall consist of a Chairperson and fourteen Members.

(2) The Minister in-charge of the Ministry/Department of School Education in the State Government shall be the ex-officio Chairperson of the Council.

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

- (a) At least four members should be from amongst persons belonging to SCs, STs and Minorities;
- (b) At least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
- (c) One member should be from amongst persons having specialized knowledge in the field of pre-primary education;
- (d) At least 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 Department of School Education shall provide logistic support for meetings of the Council and its other functions.

(5) The procedure for transaction of business of the Council shall be as under-

- (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 by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he 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.

(6) 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 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 events-
 - 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 period of 120 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 traveling 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

APPENDIX

FORM I

SELF DECLARATION CUM APPLICATION FOR GRANT OF RECOGNITION OF SCHOOL

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

To

The Director of School Education,
Government of Mizoram

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.....

Enclosure :

Place :

Yours faithfully,

Date :

Chairman of Managing
Committee/Manager

A. School Details

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

B. General Information

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/C/Chairman of the School			
	Name			
	Designation			
	Address			
	Phone			
8	Total Income & Expenditure during 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	

		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.	Classroom		
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 Material (attach list)	
3.	Sports & Play equipments (attach list)	
4.	Facility books in Library-Books (No. of books) Periodical/ Newspapers	
5.	Type and number of drinking water facility	
6.	Sanitary Conditions	
	(i) Type of W.C & Urinals	
	(ii) Number of Urinals/Lavatories Separately for Boys	
	(iii) Numbers of Urinals/ Lavatories Separately for Girls	

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

6.	Does the school has its own building or is it running in a rented building.	
7.	Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development?	
8.	Total area of the school	
9.	Built in area of the school	

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

- I. Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.
- II. Certified that the school is open to inspection by any officer authorized by the appropriate authority;
- III. Certified that the school undertakes to furnish such reports and information as may be required by the District Education Officer/Sub Divisional Education Officer from time to time and complies with such instructions of the appropriate authority or the District Education Officer/Sub Divisional Education Officer as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
- IV. Certified that records of the school pertinent to the implementation of this Act shall be open to inspection. by any officer authorized by the District Education Officer/Sub Divisional Education Officer or appropriate authority 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 Parliament / Legislative Assembly of the State/Panchayat/Municipal Corporation as the case may be.

Chairman/Manager,
Managing Committee
.....School

Place

Form II

Gram:

Phone:

E-Mail:

Fax:

GOVERNMENT OF MIZORAM
DIRECTORATE OF SCHOOL EDUCATION

Dated:

No.

To

The Chairman,
_____ School.

Subject: Recognition Certificate for the School under sub-rule (4) of rule 11 of the Mizoram Right of Children to Free and Compulsory Education Rules, 2011 for the purpose of Section 18 of Right of Children to Free and Compulsory Education Act, 2009.

Dear Sir/Madam,

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

The above sanction is subject to 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 the Right of Children to Free and Compulsory Education Act, 2009 (Annexure I) and the Mizoram Right of Children to Free and Compulsory Education Rules, 2011 (Annexure II).
3. The School shall admit in class I, to the extent of 25 % of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood 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 admission is sought subsequent to the extension provided for admission, admission shall not be denied. Further, no admission shall be denied 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 its 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 the 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:-

Area of school campus

Total built up area

Area of play ground

No. of class rooms

Room for Headmaster-cum-Office-cum-Storeroom

Separate toilet for boys and girls

Drinking Water Facility

Kitchen for cooking Mid Day Meal

Barrier free Access

Availability of Teaching Learning Material/Play Sports Equipments/Library

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 under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;
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 DEO 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 of Education/ District Education Officer/Sub Divisional Education Officer 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 prescribed by the Government from time to time.

Yours faithfully,

Director of School Education.



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NOTIFICATION

No.B.17011/14/2011-EDN, the 5th March, 2015. In exercise of the powers conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), the Governor of Mizoram is pleased to make the following Rules further to amend the Mizoram Right of Children to Free and Compulsory Education Rules, 2011 (hereinafter referred to as the Principal Rules) issued under Notification No.B.17011/14/2010-EDN/Loose dated 23.3.2011 and published in the Mizoram Gazette Vol-XL Issue No.141 dated 28.2.2011 to be in force from the date of its publication in the Mizoram Gazette.

This issues with the approval of the Council of Ministers conveyed under Memo No.J.11011/1/2015-POL dt.19.2.2015.

R.Lalvena,
Secretary to the Govt. of Mizoram,
School Education Department.

THE MIZORAM RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) RULES, 2015

PART 1 - PRELIMINARY

Short title, extent and commencement :-

1. (1) These Rules shall be called the Mizoram Right of Children to Free and Compulsory Education (Amendment) Rules, 2015.
- (2) It shall come into force from the date of its publication in the Official Gazette.
- (3) It shall extend to the whole of Mizoram.

Amendment of Rule 1	1.	After sub rule - 3 of Rule 1 of the Principal Rules, the following sub-rule shall be inserted, namely- <i>“(4) Subject to the provisions of articles 29 and 30 of the Constitution, rules framed under the provisions of this Rules shall apply to conferment of rights on children to free and compulsory education.”</i>
Amendment of Rule-2	2.	<p><i>(a) in clause (c) of sub-rule (1) of Rule-2 of the Principal Rules, after the word “means”, the words “a child with disability or” shall be inserted;</i></p> <p><i>(b) after clause (c) of sub-rule(1) of Rule 2 of the Principal Rules, the following clause shall be inserted, namely :-</i></p> <p><i>‘(cc) “child with disability” includes,-</i></p> <p><i>(A) a child with “disability” as defined in clause (i) of section 2 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995.</i></p> <p><i>(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.</i></p> <p><i>(C) a child with “severe disability” as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.</i></p>
Amendment of Rule-4	3.	<p>In sub-rule (6) of Rule-4 of the Principal Rules the following clauses shall be inserted namely-</p> <p><i>“(a). Every child of the age of 6 to 14 years, including a child referred to in clause (c) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.</i></p> <p><i>(b). A child with disability referred to in sub-clause (A) of clause (cc) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clause (b) and (c) of clause (cc) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.</i></p> <p><i>Provided that further that a child with ‘multiple disabilities’ referred to in clause (h), and a child with “severe disability” referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1995 may also have the right to opt for home based education.”</i></p>
Amendment of Rule-5	4.	<p>In sub-rule-(6) of Rule-5 of the Principal Rules The following sentences describing the disadvantage group shall be added :-</p> <p><i>“Within the meaning of clause (d) of Section 2 of the Act, child belonging to disadvantage group includes “HIV^{+VE} AIDS children and children of HIV^{+VE} parents or guardians or any of the family members.”</i></p>

Amendment of Rule-7	5.	<p>(1). In sub-rule (3) of Rule 7 of the Principal Rules, after the word ‘prior approval of the state Govt’ the following proviso shall be inserted, namely:</p> <p><i>“Provided further that 3% of seats shall be reserved for Person with Disabilities referred to in clause (i) of section 2 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995.”</i></p>
		<p>(2). After sub-rule (3) of Rule 7 of the Principal rules, the following new sub-rules shall be inserted, namely:</p> <p><i>“(4) under section 35(1) of the RTE Act, 2009 pertaining to children living with and affected by HIV⁺VE/AIDS in schools, covering issues if right to education and discrimination and confidentiality of their HIV⁺VE status to be implemented by the appropriate Government local authorities and School Management Committees respectively.</i></p> <p><i>(5). No child living with or affected by the HIV⁺VE/AIDS shall be denied admission in any educational institutions whether public or private solely on the ground of his/her HIV⁺VE/AIDS status (actual or perceived or HIV⁺VE/AIDS status of his/her parent(s) guardians/any family members.</i></p> <p><i>(6) No child living with or affected by HIV⁺VE/AIDS shall be suspended or expelled from any educational institution whether public/private solely on the ground of his/her Parents/Guardians any family members status/AIDS.”</i></p>



NO. B.17011/14/2011-EDN/PT-I
GOVERNMENT OF MIZORAM
SCHOOL EDUCATION DEPARTMENT



3rd FLOOR, BUILDING-II,
MIZORAM SECRETARIAT (MINECO)
Aizawl-796001, Mizoram.

NOTIFICATION

No. B. 17011/14/2016-EDN/Pt-1, the 16th August, 2023. In exercise of the power conferred by section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009), the Government of Mizoram is pleased to make the following rules further to amend the "Mizoram Right of Children to Free and Compulsory Education Rules, 2011" as follows, namely:-

3. *Short title and Commencement.*-
- (1) These rules may be called the "Mizoram Right of Children to Free and Compulsory Education (Amendment) Rules, 2023"
 - (2) They shall come into force from the date of publication in the Official Gazette.

4. *Amendment of rule 8.-*

After sub rule (5) of rule 8 of the Mizoram Right of Children to Free and Compulsory Education Rules, 2011, the following proviso shall be inserted, namely :-

"Provided in the event that the Government School within the local limits of the residential area of a child is unable to admit a student due to want of capacity/facility, the child shall be entitled to seek admission in any other private school and he/she shall also be entitled to receive reimbursement of the school fees incurred by the child in the private school in which the child is admitted:

Provided further that in case a child is required to seek admission in a private school as mentioned above, he/she shall be required to - i) submit documentary proof of inclusion of the parents or legal guardians in the Mizoram BPL Baseline Survey, 2016. ii) obtain acknowledgment/certificate of the incapacity of the Govt. School to admit the child in the Government School within the local limits of the neighboring area of a child, duly issued by the Headmaster of that school and countersigned by the concerned Local Council Chairman / Village Council President so as to enable the child to avail the benefit of reimbursement of the School fees."

DTE. OF SCHOOL EDUCATION

Receipt No. A - 353

Date 22/8/23

18/8/23

21/8/23

DAPI

21/8

22/8/23

BM

Sd/-Dr. LALZIRMAWIA CHHANGTE
Secretary to the Govt. of Mizoram

Memo No. B. 17011/14/2011/EDN. Pt-I

: Aizawl the 16th August, 2023

Copy to:

1. Secretary to Governor of Mizoram.
2. P.S. to Minister, School Education Department.
3. P.S. to Secretary, School Education Department
- ✓ 4. Director, School Education Department.
5. Director, SCERT
6. State Project Director, Samagra Shiksha, Mizoram
7. Controller, Printing & Stationery Department with 6 (six) spare copies for publication in the Mizoram Gazette.
8. Guard file.


(Dr. LALZIRMAWIA CHHANGTE)

Secretary to the Govt. of Mizoram
School Education Department