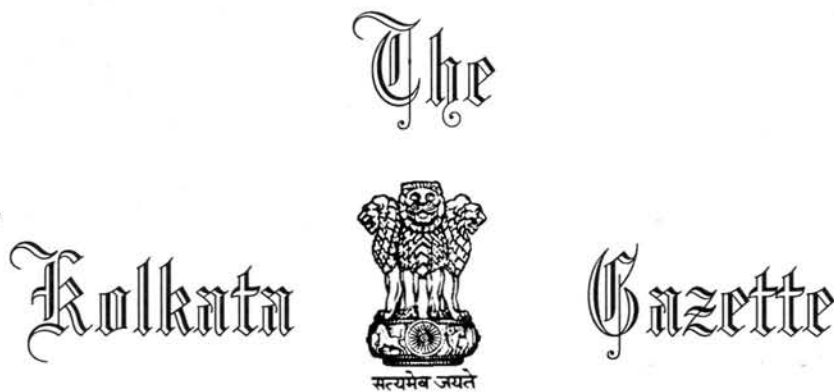




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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

Government of West Bengal
School Education Department,
Law Branch

No.323-SE(Law)/ES/S/1A-01/2009. — 15th March, 2012. — 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 Governor is pleased hereby to make the following rules, namely:—

Rules

1. Short title and commencement.— (1) These rules may be called the West Bengal Right of Children to Free and Compulsory Education Rules, 2012.

(2) They shall come into force from the date of their publication in the *Official Gazette*.

2. Definitions.— (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) “appointed date” means the date of publication of these rules in the *Official Gazette*;
- (c) “age”, in respect of appropriate class, means—
 - (i) for Class I, the age of 6 years and above but less than 7 years of age;
 - (ii) for Class II, the age of 7 years and above but less than 8 years of age;
 - (iii) for Class III, the age of 8 years and above but less than 9 years of age;
 - (iv) for Class IV, the age of 9 years and above but less than 10 years of age;
 - (v) for Class V, the age of 10 years and above but less than 11 years of age;
 - (vi) for Class VI, the age of 11 years and above but less than 12 years of age;
 - (vii) for Class VI, the age of 12 years and above but less than 13 years of age;
 - (viii) for Class VIII, the age of 13 years and above but less than 14 years of age;

Provided that this definition of age shall be applicable for admission in class I on or after academic year 2013;

- (d) “Special Training Centres” means the learning centres for children who have dropped out or never been enrolled in schools and are being enrolled in their appropriate age class for bridging their learning gaps which may run for a period of three months to a maximum of two years inside the school itself or in any appropriate place for the learners in exceptional cases including ‘Home Based Education’ of children with special needs of severe categories;
- (e) “*Anganwadi* worker” means an *Anganwadi* worker appointed under the Integrated Child Development Scheme (ICDS) under the Ministry of Women and Child Development;
- (f) “Board” means any one of the following under which a school is affiliated to or seeks to be affiliated:-
 - (i) the West Bengal Board of Primary Education, for school having Classes from I to IV or
 - (ii) the West Bengal Board of Secondary Education, for schools for school having Classes from V to X; or
 - (iii) the Central Board of Secondary Education (CBSE) or;
 - (iv) the Indian Council of Secondary Education (ICSE) or;
 - (v) the West Bengal Board of Madrasah Education, and
 - (vi) includes any other Board duly formed by or recognised by the Central or any State Government or Union Territory;
- (g) “State Commission for Protection of Child Rights” means the State Commission for Protection of Child Rights constituted under section 17 of the Commissions for the Protection of Child Rights Act, 2005 (No 4 of 2006);
- (h) “form” means the Form mentioned in the Schedule appended to these rules;
- (i) “State Government” means the Government of West Bengal in the Department of School Education;
- (j) “implementing authority”, for the purposes of these rules, means the *Paschim Banga Sarva Siksha Mission* or any other authority authorised in this behalf;
- (k) “local authority” means—
 - (i) in case of the rural areas, the *Panchayat Samiti*; and
 - (ii) in case of the urban areas, the Municipality or Borough in respect of Municipal Corporations or any other urban authority duly notified;
- (l) “neighbourhood” means, subject to the provisions of rule 4 of these rules, a Borough for an area under a Municipal Corporation or a ward for an area under a Municipality or any other urban authority duly notified and includes a Revenue village;
- (m) “School mapping” means action taken by the State Government or the local authority to locate the existence of schools in the neighbourhood and to assess the need for setting up new schools and includes up-gradation of existing schools in accordance with the provisions of these rules;
- (n) “Schools under the local authority” means the schools being run by the urban local bodies such as Municipalities and Municipal Corporations in urban areas and includes schools run by any duly authorized *Panchayat* body, in the rural areas;
- (o) “Schools of specified categories” means schools being run by the Departments of *Panchayat* and Rural Development, Mass Education Extension, Women and Child Development and Social Welfare, Minority Affairs and Madrasah Education and Backward Classes Welfare and includes any other schools to be notified by the State Government from time to time;
- (p) “section” means the section of the Act.

(2) Words and expressions used and not defined but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

3. Special training.— (1) The Special training shall be based on specially designed, age appropriate learning materials prepared by the academic authority.

(2) The school authority shall, within 2 weeks of the enrolment of the child in any class the appropriate age, identify whether the child needs special training and intimate the same to the concerned Circle Project Coordinator (CPC) The parents or the guardians shall be intimated regarding the need for their child to undergo special training.

(3) The Circle Project Coordinator (CPC) shall review monthly the requirement of special training to be provided under its jurisdiction and make arrangements for the same. Special Training shall be conducted in accordance with the materials prepared by the academic authority.

(4) The period of such special training shall be for a minimum period of three (3) months and such special training may be extended to two (2) years, based on the periodic assessment of the child.

(5) A school imparting special training shall maintain records of the progress of students undergoing such special training and submit a quarterly progress report as per format prescribed by the State Government to the District Project Officer, *Sarva Siksha* Mission through the CPC who shall then assess the same in consultation with the District Inspector (Academic) for further course of action.

4. Areas or limits for purposes of section 6.— (1) For carrying out the provisions of this Act, the area or limits of neighbourhood of a school within which a school has to be established by the State Government, shall be—

- (a) in respect of primary level (i.e. from class I to class IV),—
 - (i) for rural area, 1 Km.,
 - (ii) for urban area, ½ Km;
- (b) in respect of upper primary level (i.e. from class V to class VIII),—
 - (i) for rural area, 2 Km.,
 - (ii) for urban area, 1 Km:

Provided that the State Government may establish more than one school in any neighbourhood of a school.

(2) The maximum number of student strength shall not exceed 300, for a primary school and 500, for an upper primary school;

Provided that the provisions of this sub-section(2) above may be relaxed with specific exemption from the concerned District Inspector of Schools in respect of neighborhood with high child population and for this purpose, the District Inspector shall take into consideration existing strength of the school and population of the neighbourhood.

(3) In sparsely populated areas where opening of schools may not be viable and those areas difficult for children to access due to difficult terrain, vulnerability to hazards, both natural and human induced like landslides, floods, disruption of normal life due to civil unrest etc, the State Government or the local authority may locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub-rule (1) above, and if required, make adequate arrangements for transportation, escort (allowance) and residential accommodation of the children of these neighbourhoods as well as for children with special needs and children under difficult circumstances including deprived urban children and children of migrating families as applicable under existing norms.

(4) The State Government may upgrade existing primary school to upper primary school or add primary level to school having only upper primary level while maintaining their separate entities as per existing norms.

(5) For the purpose of establishing neighbourhood schools within the area or limits mentioned in the foregoing provisions of this rule, the State Government shall undertake school mapping and such school mapping shall be used as the decision making tool regarding where the new schools are to be set up.

(6) The School Education Department shall conduct regular household and child surveys as well as social mapping to ascertain the out of school children and to ensure equity in terms of access, enrolment, participation, retention and quality elementary education.

(7) The State Government shall make available to the general public easy to understand maps showing neighbourhood schools online without charging any fee.

5. Maintenance of records of children by local authority for purpose of clause (d) of section 9.-(1) The State Government through appropriate local authorities, shall maintain at the level of the Circle Level Resource Centre, a register of all children under their respective jurisdiction from their birth till they attain the age of 14 years.

(2) All birth registration authorities in rural and urban areas shall be responsible for providing relevant data for the purpose.

(3) The register shall be prepared by conducting household surveys and shall be updated annually. The register shall be open to inspection by the public and shall be made available in the website within one year from the date of coming into force of these rules.

(4) The register 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 in the jurisdiction as mentioned in clause (e) of section 9.

(5) The register referred to in sub-rule (1) shall, in respect of every child including an infant after birth, include—

- (i) name, sex, date of birth (Birth Certificate Number wherever available), place of birth;
- (ii) name, address, occupation of the parents or guardians;
- (iii) present address of the child;
- (iv) name of school or pre-school or *Anganwadi* Centre or Alternative Innovative Education Centre where the child avails elementary education upto the age of 6 years, wherever available;
- (v) elementary school where the child is admitted, if applicable;
- (vii) class in which the child is studying (for children between age 6 to 14 years), and if education is discontinued in the territorial jurisdiction of the said local authority, the cause of such discontinuance;
- (viii) information regarding whether the child belongs to the weaker section within the meaning of clause (e) of section 2;
- (ix) information regarding whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2;
- (x) information regarding whether the child requires special facilities or residential facilities on account of migration and sparse population, age appropriate admission, disability or any other reason to be specified.

(6) The school management committee shall make available to the public details of the children enrolled in the school.

6. Reimbursement of per-child expenditure by State Government for purposes of sub-section (2) of section 12.-(1) The State Government shall reimburse the expenditure incurred by the schools referred to in item (iv) of clause (n) of section 2, to the extent of per-child expenditure for providing free and compulsory education to the child belonging to weaker section and disadvantaged group as mentioned in clause (c) of sub-section (1) of section 12, read with this Department Notification No. 190-SE (Law)/S/1A-01/09, dated the 14th February, 2011.

(2) The reimbursement shall be made in the following manner:—

- (a) an unaided school as mentioned in item (iv) of clause (n) section 2, entitled to reimbursement shall intimate to the appropriate District Inspector of School of the concerned District at the start of each academic year and on completion of its admission process, the number of students against whom the school shall claim reimbursement;
- (b) the State Government shall notify the amount to be reimbursed and the basis of fixation of such amount within 3 (three) months from the beginning of each academic year. In case no such notification is issued within three months from the beginning of each academic year, the amount specified in the last notification shall be considered;
- (c) the reimbursement shall be done by the District Project Officer Sarva Siksha Mission of the concerned District on the basis of recommendations of the District Inspector of Schools, Primary for Primary schools and the District Inspector of Schools, Secondary for Upper Primary / Secondary schools of the concerned district as per quarterly requisition with category wise statement of such students to be submitted by schools and subject to the amount notified by the State Government as aforesaid.

(3) Every school receiving such reimbursement shall maintain a separate account in respect of the amount so received by it. These accounts shall be open to inspection by such officers of the State Government as may be authorized in this behalf.

7. Proof of age for purpose of section 14.- (1) Where a birth certificate under the Registration of Births and Deaths Act, 1886 (6 of 1886) of a child (including an infant) is not available for the purpose of admission in a school, proof of age of such child shall be taken from records from the hospital or sub-centre or ICDS centre certificate of a registered Medical Practitioner or in absence of the above documents, on the basis of a written declaration of the age of the child by the parent or guardian.

(2) The parents or the guardian submitting such written declaration shall have the responsibility of submitting a birth certificate or any other documents as mentioned in sub-rule (1) above, within a period of 6 months from the date of admission.

8. Extended period for admission of school children and manner of completing study, if admitted after extended period as per section 15.- (1) The extended period for admission of school children shall be three months from the commencement of the academic year.

(2) The children who have been found to be out of school at any point of time in the academic year shall not be denied admission on the ground that the period of admission or extended period of admission has elapsed.

9. Right to Education Protection Authority (REPA) till constitution of State Commission for the Protection of Child Rights.- (1) There shall be an interim authority known as the Right to Education Protection Authority (hereinafter in this rule referred to as the REPA) till constitution of the State Commission for the Protection of Child Rights, for the purpose of performing the functions specified in sub-section (1) of section:

- (a) a Chairperson who is person of high academic repute or has been a High Court Judge or has done outstanding work for promoting the rights of children to be nominated by the State Government in the Law Department;
- (b) six members, of whom at least three shall be women, from the following areas, from amongst persons of eminence, ability, integrity, standing and experience in –
 - (i) Education- to be nominated by the School Education Department of the State Government;
 - (ii) Child health care and child development - to be nominated by the Woman and Child Development and Social Welfare Department of the State Government;
 - (iii) Juvenile justice or care of neglected or marginalized children or children with disabilities - to be nominated by the Woman and Child Development and Social Welfare Department of the State Government;
 - (iv) Elimination of child labour or working with children in distress - to be nominated by the Labour Department of the State Government;

- (v) Child Psychology or Sociology - to be nominated by the Health and Family Welfare Department of the State Government;
- (vi) Legal profession - to be nominated by the Ld. Advocate General, Government of West Bengal.

(2) The Chairperson of REPA so nominated shall hold office for a period of 2 (two) years or till attainment of 65 years, whichever is earlier.

(3) The National Commission for Protection of Child Rights constituted under the Commission for Protection of Child Rights Act, 2005 (4 of 2006), shall, so far as it pertains to the terms and conditions, *mutatis mutandis*, apply to the Chairperson and other members of the REPA.

(4) The REPA shall cease to operate after constitution of the State Commission for Protection of Child Rights and all records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately.

(5) The State Government shall provide resource support to the State Commission for Protection of Child Rights or the REPA, as the case may be, in performance of its functions under the Act and salary and allowances of the members of the REPA shall be determined by the School Education Department with the concurrence of the Finance Department, Government of West Bengal.

10. Authority, form and manner of making applications for certificate of recognition under sub-section (1) of section 18 and manner of giving hearing under second proviso to clause (3) of section 18.—

(1) Any unaffiliated and/or unrecognised unaided school mentioned in item (iv) of clause (n) of section 2 established before commencement, and every such category of school proposed to be established after commencement, of these rules, shall apply in the Form appended to the Schedule I for a certificate of recognition under sub-section (2) of section 18 within 3 months from the date of coming into force of these rules.

(2) All schools falling under sub-rule (1), shall apply for a certificate of recognition under section 18 to the concerned District Inspector of Schools (Secondary Education) or to the District Inspector of Schools (Primary Education), as the case may be, under whose jurisdiction the school is to be set up, irrespective of the Board to which such school intends to get affiliated. Such an application may directly be made to the State Government online through its official website, www.wbsed.gov.in and processing of such online application shall be done by the State Government.

(3) The concerned District Inspector of Schools or any officer authorized by him, shall, within forty-five working days from the receipt of the application either directly or from the State level through online method, hold a preliminary hearing of the applicant school and during the preliminary hearing, such school shall be required to produce the original copies of all documents for verification alongwith duly receipt copy of the treasury Challan showing deposit of processing charges as mentioned in sub-rule (4). The date of hearing shall be intimated to applicant school while accepting the application in the receipt itself. No separate notice shall be given.

(4) In case of online submission of application the preliminary hearing may be held at the State level as per procedure to be notified as per sub-rule (2) in which case the concerned District Inspector of Schools need not conduct the preliminary hearing.

(5) Each application shall be accompanied by a treasury Challan (non-refundable) for the amount mentioned in column (3) of the Table below against the category of school mentioned in column (2) of the said table, as the case may be:—

Table

Sl. No.	Category of school	Amount (in Rs.)
(1)	(2)	(3)
1.	For Primary School in rural Areas	Rs.3000/-
2.	For Primary School in urban Areas	Rs.5000/-
3.	For Upper Primary in rural Areas	Rs 7,000/-
4.	For Upper Primary in urban areas.	Rs.10,000/-

(6) Where the applicant school fails to submit the fees mentioned above through treasury Challan or fails to produce any of the documents to be produced as per the Schedule I within 15 (fifteen) working days from the date of submission of application, the application of such school shall be summarily rejected by the concerned District Inspector Schools or any officer authorized in this behalf without taking further hearing.

(7) The District Level Inspection Team shall enquire the applicant school who submits the documents as mentioned above within the prescribed time limit.

Explanation.— For the purpose of this rule, the State Government shall constitute a committee in the district level known as District Level Inspection Team with the following representatives mentioned in column (2) of Table below to conduct an enquire:—

Table

Sl. No.	Name of the representative	No. of representative
(1)	(2)	(3)
1	The District Inspector of Schools (SE)/(PE) of the Concerned District or his nominated representative (Convenor).	1
2.	Nominee of the West Board of Secondary Education	1
3.	Nominee of the Chairman, District Primary School Council of the concerned District	1
4.	Nominee of the <i>Madrasah</i> Board	1
	Total representative	4

(8) The District Level Inspection Team shall submit its report in the format enclosed in Part 3 to Schedule I to the Director of School Education, West Bengal, with a copy to the applicant school within 60 days from the date of the preliminary hearing:

Provided that for adequate reasons cited in writing by the concerned District Inspector of schools, the State Government may extend the time to make the inspection and file the report.

(9) The Director of School Education shall, within 30 days from the date of submission of report by the District Level Inspection Team, place it before the State Level Committee for consideration for granting a 'No Objection Certificate' in favour of the applicant school seeking affiliation under any Board located in West Bengal or outside, as the case may be.

Explanation.— For purpose of this rule, the expression "State Level Committee" means a State Level Committee on Recognition or Affiliation of Schools constituted by the State Government for granting a 'No Objection Certificate' in respect of recognition or affiliation to the applicant school, consisting of the following members mentioned in column (2) of the Table below:—

Table

Sl. No.	Name of the members of the State Level Committee	Designation
(1)	(2)	(3)
1	Director of School Education, West Bengal	Chairperson
2	Joint Secretary, School Education Department, looking after secondary education or any other officer not below the rank of Joint Secretary duly authorized by the Secretary, School Education Department.	Member
3	Secretary, West Bengal Board of Primary Education	Member
4	Secretary, West Bengal Board of Secondary Education	Member
5	Chairperson, Rabindra Mukta Vidyalaya	Member
6	State Project Director, <i>Sarba Siksha Mission</i> or his representative not below the rank of Additional State Project Director.	Member
7	One Deputy Director of School Education, West Bengal to be duly nominated by the Director of School Education	Member-convenor
8	Secretary <i>Madrasah</i> Board or his representative	Member
9	Representative of the Board outside West Bengal under which the school seeks affiliation, if required	Member

(10) The State Level Committee shall meet at least once in every English Calendar month and shall dispose of the applications alongwith the report of the District Inspection Team under sub-rule (8) of the preceding month of such English Calendar month. While considering the applications alongwith the report, the State Level Committee shall hear the applicant or his/their authorized representative as well as the concerned District Inspector of Schools.

(11) If it is of the opinion of the State Level Committee that the applicant school has complied with all the conditions and requirements for recognition the State Level Committee shall within 15 days from the date of the hearing, recommend 'No Objection Certificate' in favour of the applicant school seeking affiliation under any Board located in West Bengal or outside, as the case may be. This shall be construed as the Certificate of Recognition for all purposes.

(12) In case the State Level Committee is of the opinion that the applicant school does not fulfil all the conditions and requirements for recognition as laid down in the Form to Schedule I, the State Level Committee shall provide further chance of three months to the applicant school to make good the deficiency pointed out

by the Committee. The decision of the committee shall be communicated to the applicant school within seven days from the date of hearing.

(13) In case the applicant school is able to make good the deficiency and communicates the same by a written application to the District Inspector of Schools concerned within the said three months from the date of decision of the Committee, the District Level Inspection Team shall again inspect the school within one month from the date of such second application and shall submit its report to the Director of School Education only on the points of deficiency already noted by the State Level Committee as referred to in sub-rule (11) within 15 days from the date of the second inspection and on receipt of such report, the State Level Committee shall again convene within 30 days from the date of receipt of such report and also after give hearing to the applicant school and the concerned District Inspector of Schools and may recommend 'No Objection Certificate' in favour of the applicant school seeking affiliation under any Board located in West Bengal or outside, as the case may be, in the manner as stated in rule 10. In case the Committee is still of the opinion that the school does not fulfil the criteria for recognition it may reject the case as per sub-rule 14.

(14) In case the applicant school fails to comply with all the conditions and requirements for recognition as laid down in the Form to Schedule I within 3 months from the date of first order of the State Level Committee, the State Level Committee shall reject the application of the applicant school and its processing fee deposited shall be forfeited.

(15) Every school seeking recognition under the section 18 shall, in addition to the requirements of the Board to which it is to be recognised or seeks to be affiliated to, abide by the following conditions:—

- (a) that the applicant school shall be run either by a society registered under the Societies Registration Act, 1860, or by a public trust constituted under any law for the time being in force, or by such a company within the meaning of the Companies Act, 1956 whose Memorandum and Articles of Association do not allow it to make profit;
- (b) that the applicant school is not run for profit to any individual, group of individuals or any other persons;
- (c) that the applicant school conforms to, seeks to and has a curriculum to implement the values enshrined in the Constitution of India and promotes respect for the National Anthem, National Flag and National Emblem and National Integration;
- (d) that the applicant school buildings or other structures or the grounds are used only for the purposes of education and skill development;
- (e) that the premises of the applicant school is open to inspection by any officer authorized by the State Government or local authority;
- (f) that the applicant school shall furnish such reports and information as may be required by the Board or by any other authority under the State Government from time to time as and when required and shall comply with such instructions of the State Government or the local authority as may be issued to secure the continued fulfilment of the conditions of recognition of the school or for the removal of deficiencies;
- (g) that the applicant school shall—
 - (i) be located in a relatively noise-free and pollution-free area, having adequate supply of drinking water and electricity;
 - (ii) have a building usable in all weathers and the plan of the building sanctioned by the *Gram Pradhan* of the *Gram Panchayet*, in case of rural area and by the Chairman of the Municipality or Mayor of the Municipal Corporation, in case of urban area;
 - (iii) have a play ground for the students;
 - (iv) have a barrier-free access as mentioned in the Schedule of the Act;
 - (v) have class rooms of an area minimum 400 sq. ft. (25 ft. x 16 ft.) each which is comfortable and suitable for imparting lesson and of not less than the number of class units;

- (vi) have good quality of separate lavatory for students and teachers and good quality of separate lavatory for girls students, if it is a co-education school.
- (vii) have a girls' common room, if it is a girls or co-education school;
- (viii) have a teachers' room;
- (ix) have adequate furniture so that students do not have seat more than three in bench;
- (x) have a library with sufficient number of books (not less than 500) on literature and other subjects but excluding text books or notes thereon;
- (xi) have students' admission procedure and fees structure duly published by the School Management Committee;
- (xii) have arrangement for periodical medical check up of students and records thereof;
- (xiii) comply with the rules and regulations, and satisfy the minimum qualification norms set by the National Commission for Teacher Education to the teachers' recruitment for the satisfaction of the recognizing authority;
- (xiv) have recruited teachers as per the staff pattern and qualifications specified by the State Government or the Board with which it is affiliated, whichever is higher;
- (xv) have a duly published service rules and leave rules for the teaching and non-teaching staff;
- (xvi) follow the provisions relating to disciplinary proceedings in the manner as may be directed by the Board;
- (xvii) have a determined the pay structure of its teaching and non- teaching staff in such manner as may be directed by the State Government;
- (xviii) have provisions for contributory provident fund and gratuity to the teaching and non-teaching staff;
- (xix) have a fees structure for the students which cannot be enhanced without the prior permission of the State Government;
- (xx) have a building separate staircase for entrance and emergency exit;
- (xxi) have sufficient fire safety equipments and have trained person among the staff for using fire safety equipments; and
- (xxii) pay respect to Indian Constitution and observe the National Anthem, National Flag and National Emblem and National Integration.

(16) An applicant school may make an appeal to the State Government against the decision of the State Level Committee within 2 (two) weeks from the date of such decision and the State Government shall convey its decision upon considering the grievance of the applicant within three months thereof.

(17) All schools granted a certificate of recognition by way of 'No Objection Certificate' shall display a copy of such certificate at a conspicuous place in the school all the time.

(18) In case of existing schools, the District Inspector of Schools concerned may, in consultation with the Right to Education Protection Authority, request the local municipal authorities to provide the applicant School with infrastructural support including relaxation of Building Rules, if necessary and earmarking a public park or playground to be used by the students of the applicant school during specified hours for sports and other outdoor activities, in order to enable the applicant school to comply with requirements of the Act.

(19) Every recognized school under the Act, shall display in its Notice Board the following information:—

- (a) number of students studying in the said school on the last day of previous month;
- (b) number of Teachers in the school;
- (c) curricular activities undertaken by the school;
- (d) facilities available in the said school;

- (e) details of number of days on which Mid-Day meal is provided and the number of children to whom such Mid-Day meal is provided in the school, where the school is required to provide such Mid-Day meal in accordance with law for the time being in force;
- (f) composition of the School Managing Committee;
- (g) neighbourhood to which the school belongs; and
- (h) Board to which the school is affiliated;

(20) A recognised School under the Act or an existing school already recognized by the appropriate Board shall ensure that none of the teachers of the School provide private tuition to any students of the said school or of any other school and shall provide in its service conditions that breach of such restriction shall result in termination of service.

(21) The school authority shall be responsible to submit all relevant information on the school as required by the State Government from time to time.

11. Withdrawal of recognition of Schools for purposes of sections 18(3) and 12(3).—(1) Where the District Inspector of Schools concerned, on his own motion, or on any representation received from any person, has reasons to believe, which belief and reasons are to be recorded in writing, that a school recognized under Section 18(2) of the Act, has violated one or more of the conditions for grant of such recognition or the provisions of the Act or these Rules or has failed to comply with the norms and standards prescribed in the Schedule, or with any other requirements or conditions either under the Act or these Rules, it shall act in the following manner:—

- (a) issue a notice to the school setting out the grievances or violations of the conditions of grant of recognition or provisions of the Act or these Rules and requiring it to show cause within 4 (four) weeks from receipt of the notice as to why the school's recognition should not be withdrawn;
- (b) if the school fails to provide a satisfactory reply within time, the District Inspector of Schools concerned, may constitute a Committee of Inquiry consisting of 3 or 5 members comprising of such persons as may be deemed fit and proper by him and cause such Committee to conduct an inspection of the school and file a report thereafter.

(2) The Committee of Inquiry so constituted shall, within 4 (four) weeks from the date of its constitution, make due inquiry and within 15 days thereafter submit its report to the concerned District Inspector of Schools.

(3) The District Inspector of Schools upon hearing all concerned may, by a reasoned order,—

- (a) recommend withdrawal of recognition of the concerned Board to which the school is affiliated through the Director School Education, West Bengal;
- (b) require the School concerned to take such steps as may be necessary to comply with the provisions of the said Act.

(4) The order of de-recognition, if any, shall be operative from the academic year immediately following the year of the order and shall specify the neighbourhood schools to which the children of the de-recognised schools are to be admitted provided that the parents or guardians of the affected children shall be at liberty to enrol them in any school of the category as described in item (iv) of clause (n) of section 2 of their choice. No school shall deny admission to the affected children on the grounds of non-production of transfer certificates.

(5) An appeal may be made within 4 (four) weeks to the Secretary, School Education Department, Government of West Bengal, against any order made under sub-rule (3).

12. Publication of information.—(1) A website shall be maintained by the Board concerned with full details relating to all applications, including the details of the applicant and the status of the applications, and it shall be ensured that the information is accessible to the general public.

(2) Without prejudice to the generality of clause (1), the Board concerned shall publish current data relating to the following:—

- (a) names and addresses of all schools who have been granted a certificate of recognition under sub-section (2) of section 18, along with all information furnished by such schools, either by way of disclosures or obtained upon enquiry, including information regarding its compliance or otherwise with the norms and standards prescribed in the Schedule to the Act,
- (b) names and addresses of all schools which have not been granted a certificate of recognition under sub-section (2) of section 18, along with the reason(s) for the rejection along with all

information furnished by such schools, either by way of disclosures or obtained upon enquiry, including information regarding its compliance or otherwise with the norms and standards prescribed in the Schedule to the Act,

- (c) names and address of all schools whose application for certificate of recognition under sub-section (2) of section 18 is pending, along with all information furnished by such schools, either by way of disclosures or obtained upon enquiry, including information regarding its compliance or otherwise with the norms and standards prescribed in the Schedule to the Act;
- (d) names and address of all schools whose recognition has been withdrawn under sub-section (3) of section 18 or sub-section (3) of section 19, along with the reason(s) for such withdrawal and along with all information furnished by such schools, either by way of disclosures or obtained upon enquiry, including information regarding its compliance or otherwise with the norms and standards prescribed in the Schedule to the Act.

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

– (1) A school other than a school specified in sub-clause (iv) of clause (n) of section 2, shall have a School Management Committee and such School Management Committee shall be reconstructed every three years.

(2) The composition of the School Management Committee for different categories of schools from Class I to Class IV under sub-section (2) of section 21, shall be as per Schedule III.

(3) The School Management Committee shall meet once in every two months and the decision of the Committee shall be recorded properly and made available to the public. The Head Teachers or Teacher-in-charge duly authorised shall be the convenor of the Committee.

14. Preparation of School Development Plan.– (1) Every School Management Committee shall prepare a “School Development Plan” at least 3 (three) months before the end of the academic year in which it is first constituted under the Act, and shall further prepare one every three years.

(2) A School Development Plan shall be a three-year plan, and may comprise of three annual sub-plans. The plans should be drawn up in a participatory mode involving all stakeholders including students, parents/guardians etc.

(3) A School Development Plan shall, *inter alia*, contain the following information:–

- (a) location, land details, connectivity and any other interesting detail of the school including its history, alumni, good practices of the school and its students etc.;
- (b) details of class-wise enrolment for each year, including those of children with special needs and children of special focus groups and enrolment made under clause (c) of sub-section (1) of section 12, if applicable;
- (c) three-year projection of requirements of additional teachers, including Head Teachers, for Classes I to IV;
- (d) three-year projection of requirements of additional infrastructure, including that of child friendly and barrier free building, infrastructure for smooth implementation of the Cooked Mid Day Meal Programme if applicable, water-sanitation facilities and other amenities, furniture and equipment including Teaching Learning Equipment, library books, sports and games equipment and play material calculated with reference to the existing norms and standards;
- (e) minimum number of working days and instructional hours in an academic year;
- (f) minimum number of working hours per week for the teachers;
- (g) school safety plan for different hazards and vulnerabilities;
- (h) strategies for innovative activities to be taken up for improvement of both academic and non-academic performance of the children in the school.

(4) Every School Development Plan shall be signed by the President and the Secretary of the School Management Committee and shall be submitted to the concerned District Inspector of Schools before the end of the financial year.

15. Salary and allowances and conditions of service of teachers for purpose of sub-section (3) of section 23.– The salary and allowances and conditions of service of teachers of Government and Government aided schools, shall be as per the notifications issued from time to time by the State Government.

16. Duties to be performed by teachers for the purpose of clause (f) of sub-section (1) of section 24.– (1) In performance of the functions specified in sub-section (1) of section 24 and in order to fulfil the

requirements of clause (h) of sub-section (2) of section 29, the teacher shall maintain a file containing Pupil Cumulative Records for every child which will be basis for the 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:—

- (a) inform the parents and the School Management Committee of a child who, in the opinion of the teacher, may need special care and attention.
- (b) participation in training programmes.
- (c) participation in curriculum formulation, and development of syllabi, training modules and text books development.

17. Manner of redressing grievances of teachers under sub-section (3) of section 24.—(1) Any grievance by a teacher of any school or a body of teachers shall be first addressed in writing to the School Management Committee of the concerned school, and the School Management Committee shall address such grievance by passing a reasoned decision within 4 (four) weeks of receipt of such complaint.

(2) Where the School Management Committee fails to address the grievance or where the teacher is dissatisfied with the decision, appeal may be made to the West Bengal Administrative (Adjudication of School Disputes) Commission.

18. Form and manner of awarding of certificate for completion of elementary education for the purposes of section 30.—(1) Every child shall be issued a certificate of completion of elementary education at the end of the academic year in class VIII in the form mentioned in Schedule II and the certificate shall be issued by the concerned school authority which is to be duly authenticated by the Secretary of the affiliated Board of the school.

(2) Such certificate shall be issued by the school concerned and shall be signed by the Head Master/ Head of the Institution of the school concerned and one assistant teacher within three months of the completion of the academic year.

19. Allowances and other terms and conditions of appointment of the members of the State Advisory Council under sub-section (3) of section 34.—(1) The eminent persons or officials attached to the field of education particularly in the field of elementary education or having special knowledge in scientific or technical education, shall be nominated by the State Government as the members of the State Advisory Council.

(2) The Salary or any allowances payable to, or any other terms or conditions of service of any members shall not, after his appointment, as such, be varied to his disadvantage. The order in this respect shall be issued by School Education Department from time to time with the concurrence of the Finance Department, Government of West Bengal.

SCHEDULE I*(See rule 10)***Proforma of Application Form for Recognition of an
Institution as unaided Institution**

For official use only :

Name of the Institution :

Date of issue : Address :

*Seal and signature
of Issuing Officer*Date of deposit of fees by T.R.No.7
_____Date of verification of Treasury Challan
_____Amount deposited

Particulars of the Institution seeking recognition as unaided Institution (fill up the entire item. If any item is not applicable for a particular Institution, fill up the same with the words "not applicable")

PART A**GENERAL****Particulars**

- (1) Name of the Institution
- (2) Year of Foundation
- (3) Name of the Trust / Foundation / Society running the Institution
- (4) Does the Trust / Foundation / Society belong to a religious Body or minority community? If so, give details.
- (5) Whether the Trust / Foundation / Society is registered. If so, Registration No. and Name of the Act under which registered. Copy of Registration Certificate along with copy of last renewal should be enclosed. In case of Trust, copy of the Deed of Trust should be enclosed.
- (6) Please attach a copy of the Memorandum of Association and Constitution of the Trust / Foundation / Society along with the list of members with their father's name, their occupation and complete official address and the relationship amongst them.

Note.:- The constitution of the Trust / Foundation / Society running the Institution should be such that it does not vested control in a single individual or members of the same family.

- (7) Whether the Institution has a properly Constituted Managing Committee duly formed by invoking relevant provisions of Memorandum of Association and or in accordance with the Management of Recognized Non-Government Institution (Aided) and Unaided) Rules, 1969
- (8) Whether the Institution seeking recognition, shall abide by the bye laws

PART B

Particulars of Institution

- (1) Exact location of Institution
 - (a) Postal address :
 - (b) Telegraphic address, if any :
 - (c) Telephone no. and Fax No. if any :
 - (d) Name of the nearest Railway Station :
 - (e) Distance from Railway Station :

(Note. – Please attaches a Road Map of the area showing location of the Institution if there are difficulties to get to it)

- (2) Whether the Institution is for boys / girls / co-educational :
- (3) Instructional hours :
- (4) Duration of summer vacation, puja vacation and :
winter vacation with approximate dates
- (5) Medium of instruction :
- (6) Whether admission in the Institution is open to all :
without any discrimination based on religion
caste, creed or race
- (7) Whether any religious instruction is imparted and :
if so, whether it is compulsory.
- (8) What curriculum and syllabus are followed in each class
- (9) Whether the Institution is financially capable of :
Running with its own resources
- (10) Specify how the Institution is financed :

PART C

Particulars relating to affiliation to any other Board or University

- (1) Whether the institution has been previously affiliated for examination to any Board / University If Yes:-
 - (a) Name(s) of the Board / University to :
which the institution is affiliated
 - (b) Name(s) of the examination(s) for :
which such institution is affiliated
 - (c) Affiliation valid from : to
- (2) Will the institution discontinue its Current affiliation?

PART D

Particulars relating to enrolment of students as on the date of application

- (a) Particulars of class, section, number of enrolment etc. to be furnished in the table given below:-

Class & Section	No of Boys	No of Girls	Total	Remarks

- (b) Drop out rates in each class (Use extra sheet, where necessary)
(c) Class results

- (2) Whether mother tongue of at least 50% of the students is other than Bengali (give numbers):-

- (a) Total Students :
(b) Bengali speaking :
(c) Others :

- (3) Schooling facility available in the locality within a radius of 1 kms in urban area and within 2 km in rural areas (use extra sheet, if necessary):-

Name of the Institution Distance from the proposed Institution

- (1)
(2)
(3)

PART E

Particulars relating to subjects taught in the Institution

- (1) 1st Language :
(2) 2nd Language :
(3) Mathematics :
(4) Science :
(5) Social Science :
(6) Socially useful productive work and :
Community Service.
(7) Health & Physical Education/Music/ :
Dance/Painting
(8) Additional subject, if any _____ (Optional)

PART F

Particulars relating to campus, building, classrooms etc.

- (1) Location of campus
(a) District
(b) Police Station
(c) Mouza
(d) Plot No.
(e) Khatian No.
(f) Area in decimal
- (2) Built up area (in sq. ft., each floor).
Please enclose:

- (a) Photographs of the Institution building from various angles.
- (b) Sanctioned copy of the site plan / building Plan by the Municipal Panchayat Authority.
- (3) Proposal, if any, for extension of the existing campus and/or building
- (4) Is it leased or owned? If leased copy of registered Lease agreement and rent receipts are to be enclosed (the rent receipt should be in the name of the Institution and lease should be for a minimum period of 20 years with provision for renewal), If owned, copy of permission of the Society / Trust should be enclosed
- (5) Sanitary conditions No. of W/C and urinals (separately for boys and girls)
- (6) If the Institution is now housed in a leased building, whether there is any possibility of acquiring its own land to construct building thereon within the period as may be specified by the Board.
- (7) Drinking water facilities details of sources
- (8) Common rooms (separately for boys / girls)
- (9)
 - (a) No. of classrooms and approximate dimension (minimum) 400 Sq. ft. per classroom)
 - (b) Is sufficient furniture for classroom available?
 - (c) Conditions of furniture proposed expenditure;

PART G

Particulars relating to teaching and non teaching staff

Use the proforma given below and use separate sheets. Attach statement of particulars of each member of the staff including the Headmaster / Headmistress.

1. Name
2. Date of Birth
3. Date of appointment in the Institution
4. Academic qualifications with *per centum* of marks
5. Other qualifications
6. If holding a B.Ed, degree or its equivalent
7. If appointed as Trained Graduate Teacher / Post Graduate Teacher.
8. Pay scale with present pay, allowances and gross salary per month.
9. Teaching experience with details
10. Total number of teaching periods assigned per week
11. Indicate below the welfare schemes available for staff
 - (a) Provident Fund and rate of contribution by the Employer
 - (b) Medical facilities.
 - (c) Gratuity
 - (d) Any other benefits (specify)
 - (e) Whether the Institution provide Service Rules, Leave Rules including maternity Leave and other service conditions for all staff including teaching staff at par with other Institutions as recognized by the Board.
 - (f) Whether the Secretary of the Institution issued appointment letters to all staff in the manner as specified for other recognized Institution under the Board, and if so give copy of each appointment letter, duly received by the staff concerned

PART H

Miscellaneous Particulars

- (1) Are there any staff quarters available in the Institution premises? If so, give details
- (2) Rate of fees charged and annual charges

Class	Tuition fee per month (Rs.)	Other fees per month (Rs.)	Total of special fees, annual fees, Building fund etc. (Rs.)
I to V			
VI			
VII			

- (3) Scholarships / Concessions:
- (4) Is there provision for scholarship / Fee Studentships? or other financial help to poor and deserving students?
Yes / No
- (5) Is yes, indicate:-
 - (a) Number of student beneficiaries:
 - (b) Annual amount spent : Rs.
- (6) Financial position of the Institution:
 - (a) Details about the Reserve funds in the name of the Institution in any Nationalized Bank of an amount of Rs.60, 000/- (Rupees sixty thousand only).
 - (b) Please attach duly audited income expenditure and receipt payment on account of Institution for the year as also of the balance sheet (exclusive for the secondary section Institution):
 - (c) Whether the Institution has any arrangement for regular audit of its fund by a Chartered Accountant Firm:
 - (d) Whether professional tax is paid to the Tax Authority. If so, current Challan for payment of same be attached herewith:
- (7) Specify the particulars of student class-room ratio:
- (8) Specify the particulars of student teacher ratio:
- (9) Specify whether the Institution building have more than one room. If yes please provide for entry to, and emergency exit from the first floor onwards.
- (10) Whether sufficient fire safety equipments are installed.
- (11) Whether there are trained persons to use fire safety equipments or disaster management.

PART I

Please enclose the following documents and tick the list of enclosures (in Duplicate):

- (1) Copy of memorandum of association of the society / deed of the trust with receipt for registration duly attested by a *Gazetted Officer*.
- (2) Copy of resolution forming M.C. for the Institution with list of members etc. (of which two shall be secondary teachers) duly attested by a *Gazetted Officer* and powers and function of the School Management Committee of the Institution.
- (3) Copy of service rules/leave rules etc. for the staff duly attested by a *Gazetted Officer* (as per regulation).
- (4) Copy of appointment letters for all the staff duly issued by the secretary of the M.C. and duly received by the staff, duly attested by a *Gazetted Officer* (as per Regulation).
- (5) Copy of acquaintance roll for all the staff for the last four months duly attested by the secretary of the Managing Committee.

- (6) Copy of sanctioned building plan in each case whether owned or rented, duly attested by a Gazetted Officer.
- (7) Certified copy of registered deed for purchase of land etc. of the Institution.
- (8) Copy of registered Lease Deed duly attested (if the Building / Land rented / leased).
- (9) Particulars regarding staff duly authenticated by the Secretary of the Managing Committee of the Institution.
- (10) Particulars regarding roll strength in secondary classes.
- (11) Particulars regarding Contributory Provident Fund and Professional Tax of the staff of the Institution.
- (12) The audited statement of accounts of the Institution for last three years.
- (13) Other documents (as are necessary and as indicated in the form).

DECLARATION

- (1) All the particulars furnished above are true and correct.
- (2) I/ We undertake to abide by all rules, notifications, circulars and orders issued by the State Government or of the West Bengal Board of Secondary Education, as the case may be, from time to time.

Countersigned

Signature of the Secretary of the
School Management Committee

Chairman of the Executive
Committee of the Society
Or Institution

PART J

FORMAT OF RECEIPT

Received an application form for Recognition of School under section 18 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) and rule 10 of the West Bengal Right of Children to Free and Compulsory Education Rules, 2012 from of along with the Documents mentioned in the list attached. The Applicant is to produce original of the said document on..... Further processing of the application shall be made only on production of the originals for scrutiny.

Attached: duplicate list of document attached to the form of application.

PART K**FORMAT FOR DLIT INSPECTION REPORT*****Inspection report for recognition of an Institution**

[Inspection report to be drawn up in quadruplicate – one copy to be retained by the concerned District Inspector of School, one copy each to be sent to the Director, the School Education Department, Government of West Bengal]

Date of Inspection _____

1. (1) Name of the School:

(2) Address: Village/House No./Street/Road/Lane:

Post Office:

Gram Panchayet/Ward:

Panchayet Samity/Municipality/notified Area Authority:

Police Station:

Sub-Division:

District:

Pin code:

Phone No.

e-mail address:

2. Report relating to the medium of instruction:

(1) Medium of instruction:

(2) Present Status:

a) Whether boys /girls/Co-educational:

3. Report relating to management of the school:

(1) Whether the school is under

a) Managing Committee. If so, Particulars of the members of the Managing Committee/Ad-hoc Committee:

Sl No.	Name	Address	Category	Office-bears
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
14				
15				

5. (2) Number of students present on the date of inspection:

Class	Boys	Girls	Total enrolment

6. Whether 80% of the total number of students of Class V, VI, VII, and VIII were promoted to the next higher classes respectively along with at least 40% of marks in aggregate in the last 3 years (report to be submitted in the table below) :-

Class	Total number of students	No. of students securing 40 % and above marks in aggregate	% of total number of promoted students	Remarks

7. Report relating to the rate of leaving and /or dropout of students in any cohort does go beyond by 10 % of the students enrolled in class V of the same cohort:

year	Class	Class	Class	Class	% of drop out leaving the school

8. Whether the students are compelled to take tuition otherwise beyond school hours. If so the team will check the system of homework and quality of assessment of homework (report is to be submitted below) :

Class	Total number of students	% of students taking tuition	Whether home task is given (yes/No)	Whether these are checked regularly (Yes/No)

9. Report whether the following activities at the school level are observed:-

1)	Guardians' meet 3 times in a year	
2)	3 terminal examinations with unit tests	
3)	Remedial classes on the basis of result of each terminal examination.	
4)	Participation of students in cleanliness of the school /class environment.	
5)	days lesson traction for days as prescribed	
6)	of teaching and learning materials at the time of class room traction.	
7)	Introduction of group learning during curriculum transaction	
8)	Utilization of library books for enhancing skills and reading habit of the students.	
9)	90% of total students attending 80% of the transactional days	
10)	Innovative measures taken to improve the performance of the school in relation to :Access, enrolment retention and quality	

[illegible]

11. Distance of the school by the shortest route from the nearest recognized Junior High or High School with names and address:

North	Name of the schools	distance
South		
East		
west		

12. Particulars of the feeder schools (Primary/Upper Primary School) with names:-

- 1) Name of the schools:
- 2) Total intake capacity:
- 3) Distance:

13. Particulars where it is applicable, to be furnished with evidence as to whether:

- (1) The school had applied in prescribed form with requisite fees of Rs. 25/- by 1975 to the West Bengal Board of Secondary Education for recognition.
- (2) The *Sabhadhipati Zilla Parishad*/the Chairman Municipality or Mayor/ Deputy Mayor of West Bengal Board of Secondary Education for recognition.

14. Examine and report whether the books other than those published by the recognised Board and approved by it have been prescribed for students.

15. Particulars with respect to fulfilment of following conditions for co-education must be verified and report against each of them.

- a) Appointment of a lady teacher.
- b) Appointment of a lady non-teaching staff.
- c) Girls' common room.
- d) Separate sanitary arrangements.
- e) Class wise number of girls students.

Note: for recognized Boys' Primary or Upper Primary level having co-education, there must be one lady teacher and one lady non-teaching staff.

- 16.(1) whether fees are realized as per the rate fixed by the State Government for rural /urban areas.
- (2) Whether any fees other than the fees as prescribed by the State Government are realized.

17. Details financial condition of the school:

(1) Reserved fund Account with amount:

Name of the post office /Bank	
Account No.	
Date	
Amount	

(2) General Fund: Rs

(3) Subsidiary Fund and other Funds, if any

18. Specify all conditions as per sub-rule 5 of the West Bengal Schools (Upgradation) Rules 2007, have been fulfilled.

19. General observation of the District Level Inspection Team:

20. Recommendation for recognition and or not recommended:

SL. No.	Name and signature of members of the inspecting team recommending for recognition	Name and signature of members of the inspecting team not recommending for recognition.

[If the school is not recommended, the reason for not recommendation must be written clearly]

**Strike out which is not applicable.*

SCHEDULE II

(See rule 19)

CERTIFICATE

No. _____

Date _____

Certified that _____ Son/Daughter/
 Guardian of _____ residing at _____
 _____ has successfully completed Elementary Education upto class VIII in the academic year _____
 _____ from _____ (Name of
 the school with address and Index number)
 As per Admission register of the school his/ her date of birth is recorded as _____

 (in words).

Signature of the Headmaster
 with seal and date
 with seal & date

Signature of Secretary
 of the affiliatory Board

SCHEDULE III

(See rule 13)

The School Management Committee of a Primary School (Class I to Class IV) shall consist of minimum of twelve (12) members, namely:—

- (a) an elected member of the *Gram Sabha* within which the school is located in case of *Panchayat* area or the elected Councillor / Commissioner of the ward within which the school is located in case Municipality /Municipal Corporation;
- (b) Head Teacher or Teacher-in-Charge duly authorised (*ex officio* Secretary);
- (c) ten (10) members from the guardians whose wards are reading in the school provided the class wise representation of the guardians as follows:—
 - (i) for Class I, two (2) members of which one belonging to the Scheduled Castes and other General;
 - (ii) for Class II, two (2) members of which one belonging to the Scheduled Tribes and other General;
 - (iii) for Class III, three (3) members of which one belonging to Other Backward Class-A, one (1) Scheduled Castes and other General;
 - (iv) for Class IV, three (3) members of which one (1) belonging to Other Backward Class-B, other two General;

Provided that in case of non-availability of respective category of members, the vacancies shall be filled up with the guardians belonging to General Category:

Provided further that 50% of members shall be woman.

Note 1.— In case majority of the students in a particular class of the school are from religious or linguistic minority groups, proportionate representation of the guardians under the said minority groups belonging to General Category shall be ensured by the Head Teacher of the concerned school in consultation with the Sub-Inspector of Schools of the concerned CLRC from among the members to be elected from General Category.

Note 2.— Any change of policy on reservation shall be applied *mutatis-mutandis* in respect of selection of members in the School Management Committee.

Note 3.— The School Management Committee of a Junior High/Upper Primary School (Class V to Class VIII) shall be formed as per Rules for Management of Recognised Non-Government Institutions (Aided and Unaided), 1969.

Note 4.— The procedures for holding election of the School Management Committee shall be as detailed below:—

1. **Definitions.**—In these procedures, unless the context otherwise requires,—

- (a) “Head of the Institution” means the head of the teaching staff of an institution by whatever name including Teacher-in-Charge, he or she may be designated;
- (b) “Election Officer” means a person who has been selected as such at a meeting of the Head of the Institution and the Sub-Inspector of School of the concerned CLRC.;
- (c) “Scrutiny officer” means generally the Head of the Institution unless any other person has been authorized by the Sub-Inspector of School of the concerned CLRC to perform the work relating to the election of the committee.

2. **Duties of Scrutiny officer.**—The Scrutiny officer shall have the following the following duties:—

(1) The Scrutiny officer will issue nomination paper (s) to and receive the same from the contesting candidates(s).

(2) The Scrutiny officer will scrutinize nomination paper(s) of contesting candidate(s) in reference to voters list and his decision in the matter of treating the nomination paper(s), as valid or otherwise will be final.

(3) For withdrawal of nomination paper(s), contesting candidate(s) shall do so by writing to the Scrutiny officer.

3. **Date of election.**— The date of election members of a School Management Committee of an Institution shall, for the purpose of the constitution or reconstitution, be fixed at least 60 (sixty) days before the expiry of the term of the existing School Management Committee, except in cases duly approved by the competent authority.

Note .— (i) The process of election for constitution or reconstitution of the School Management Committee viz. preparation of provisional voters’ list under the Category of ‘Guardians’ etc., shall not be started within three months from the commencement of the academic year.

(ii) The date of election under the category of Guardians for Constitution or reconstitution of the School Management Committee shall not be fixed within six months from the commencement of the academic year.

4. **Approval of the provisional voters’ list.**— (1) (a) The Head of the Institution or any other person authorized by the District Inspector of Schools shall prepare a programme of election, in detail, as per procedure 17 read with specimen at Form No. 1 (SMC) for the purpose of constitution or reconstitution of the School Management Committee and also prepare a register of eligible voters under the category of guardians for constitution or reconstitution of the School Management Committee and get them approved at a meeting of the School Management Committee /Ad-hoc Committee convened by the head of the Institution or any other persons authorized by the District Inspector of Schools with 7 (seven) clear days’ notice to be served by registered post with acknowledgement due to every member of the Committee.

5. **Election Programme.**—The Head of the Institution or any other person authorized by the District Inspector of Schools shall communicate the approved programme of election, to all eligible voters included in the provisional voters’ list, under certificate of posting, within a week of the meeting of the School Management

Committee /Ad-hoc committee, as the case may be, convened for the purpose approval of the said election programme as per Form No. 3 (SMC).

6. Provisional voters' list.— The Head of the Institution or any other person authorized by the District Inspector of Schools shall publish the provisional voters' list and the Election Programme duly approved by the Sub-Inspector of Schools of the concerned CLRC.

7. Final voters' list.— (1) The Head of the Institution or any other person authorized by the district Inspector of Schools shall prepare the final voter's list on the basis of claims to an objections against, if any, and get the same approved by the Sub-Inspector of Schools of the concerned CLRC.

Note.— (1) The lists of eligible voters in the category of guardians shall be prepare by the head of the Institution or any other person authorized or any other person authorized by the district Inspector of Schools on the basis of both Admission Registers and Attendance Registers.

(2) If it is found from the Attendance Register that a student has been absent from the school for three consecutive months without the knowledge and permission of the Head of the Institution till the date of the preparation of the provisional voters' List, the student shall be deemed to have left the Institution and the guardian of the ward (s) whose name was recorded in the Admission Register will cease to be a guardian for the purpose of election of the School Management Committee.

But prior to debarring the Guardian from exercising his voting right on the ground of his/her ward being absent for three consecutive months as stated above, a notice shall have to be issued by the head of the Institution to the Guardian concerned before publication of the Provisional voters' List.

(3) Any admission of a student after four months from the commencement of academic year either fresh admission or admission on transfer shall not be entered in the Final Voter List.

8. Nomination paper.— (1) Nomination Papers shall be submitted as per specimen at Form No. 2 (SMC).

(2) Election in respect of category of "Guardian" shall be held by Ballot. In case, the category goes unrepresented due to non-submission of Nomination Paper (s) or invalid Nomination Paper(s) or withdrawal of Nomination Paper(s) by the candidate (s) the election shall be held afresh on the said voters' list within 30 (thirty) days of the date of election with a notice of 7(seven) clear days, the stage of such election commencing from inviting Nomination Paper (s) etc.

9. Day of election.—The election shall be held on a Public Holiday, preferably on Sunday. If any election becomes due within a long vacation, arrangement shall be made for holding the election before such vacation commences. No part of the Election Programme shall fall within a long vacation, if not directed otherwise.

10. Authentication of voters' list, nomination papers and letter of intimation to voters.— Every page of lists of Voters, Nomination Papers, Letter of Intimation to Voters' etc. shall bear the signature of the Head of the Institution or any other persons authorized by the District Inspector of Schools.

11. Conduct of election in absence of Election Officer.—In case the person selected for conducting the election fails to be present on the date of election in time, in that event, the Head of the Institution shall conduct the election as 'Election Officer' if not directed otherwise by the District Inspector of Schools.

12. Ballot papers.— (1) The counterpart of each Ballot paper to be used for the purpose of election members of the School Management Committee shall be serially numbered and each Ballot paper shall bear the names of the contesting candidates in the alphabetical order on the basis of the first name. No symbol shall be used on the Ballot paper. Each Ballot paper shall be signed by the Election Officer before issue.

(2) In case, a voter casts votes in excess of the total number of seats, the entire Ballot paper shall be cancelled.

13. Casting of votes.— (1) When contesting candidates pool equal number of votes in respect of a category, a decision shall be made by the Election Officer by drawing lots (for once) only in the presence of the contestants at that time.

(2) While casting vote(s), if a voter uses his seal in a way causing confusion in specifically determining the candidates (s) in whose favour such a vote(s) has been cast, only the confusing portion shall be cancelled, provided the voter does not vote in excess of the total number of seats.

14. Programmes of election.—The Programme shall contain the precise dates and hours of election:

(i) Publication of the Provisional voters' List at last 30 (thirty) days before the date of election between 11.00 a.m. and 2.00 p.m.

(ii) Submission of claims to the inclusion or objections, if any, against omission or inclusion of any name(s) in the provisional Voters' List within 8(eight) days from the date of publication of provisional Voters' List— between 11 a.m. and 2 p.m.

(iii) Publication of the Final voters' List not less than 15(fifteen) days before the date of election – between 11 a.m. and 2 p.m.

(iv) Submission of Nomination Paper(s) by the contesting candidate(s) not less than 7(seven) days before the date of election — between 11 a.m. and 2 p.m.

(v) Scrutiny of Nomination Paper(s) and declaration of name(s) of eligible candidate(s) not less than 5 (five) days before the date of election— at 2 p.m.

(vi) Withdrawal of Nomination Paper(s) within 24 (twenty-four) hours of the scrutiny of Nomination Paper (s) — between 11a.m. and 2 p.m.

(vii) Holding of election of member (s) to the Committee from 9 a.m. to 12 Noon and from 1 p.m. to 4p.m., if necessary.

Note.— In the case of a school sitting in the morning shift, suitable time for election programme will be fixed by the Head of the Institution in consultation with the Managing Committee.

15. Procedures of election. – (1) Where the number of contestants does not exceed the number of members to be elected as per provision of the rules, the contestants shall be declared elected uncontested. If the number of contestants fall short of the number of members, to be elected, such contestants also shall be declared elected uncontested and the remaining vacancy/vacancies shall be filled by a fresh election as per rules.

(2) The counting of the votes shall be completed on the date of election. If that be not possible for any unavoidable reason, that will be recorded in writing by the Election Officer and the Election Officer shall in that case seal the Ballot box/boxes in the presence of the contesting candidates at the Polling Booth, informing them of the time of counting of votes the following day and keep such sealed Ballot box/boxes in the custody of the Head of the Institution or any other person authorized by the District Inspector of Schools.

(3) The Election Officer immediately after the counting of votes shall declare the names of elected members in the presence of all contesting candidates and submit a written report to the Head of the Institution or a person authorized by the District Inspector of Schools.

16. Preservation of election papers etc.— All election papers including un-used Ballot papers and a copy of the Report of the Election Officer shall be kept under the custody of the Head of the Institution or any other person authorized by the District Inspector of Schools.

17. Completion of election.—The election of office-bears shall not be held until the constitution or the reconstitution of the Committee has been completed by the elected, co-opted or nominated members.

18. Nominee of local body.—(1) In the case of an Institution situated in an urban area and not covered by the *Panchayat*, the Head of the Institution or any other person authorized by the District Inspector of Schools shall write to the concerned Chairman of the Municipality/Municipal Corporation to send the name of the elected Commissioner of the ward of the Municipality /Municipal Corporation at least 15 (fifteen) days prior to the date of holding election of guardian members on the School Management Committee, by registered post with acknowledgement due and in case of failure of the Chairman of the Municipality /Municipal Corporation, the concerned Executive Office of the Municipality/Municipal Corporation will be informed for sending the said name for the School Management Committee.

(2) In the case of an Institution situated in an area covered by the *Panchayat*, the Head of the Institution or any other person authorized by the District Inspector of Schools shall write to the concerned Gram Pradhan to send the name of the elected member of the concerned Gram Sabha in which the school is situated at least 15 (fifteen) days prior to the date of holding election of guardian members on the Committee, by registered post with acknowledgement due and in case of failure of the Gram Padhan the concerned BDO of the Block will be informed for sending the said name for the School Management Committee.

(2) The Head of the Institution shall be the ex officio Secretary of the School Management Committee and convene the first meeting within 15 (fifteen) days from the date of holding election of guardian members on the Committee shall be the convenor of all meetings of the School Management Committee.

(3) The Head of the Institution in the first meeting shall conduct its proceedings till the election of the President is held. Thereafter, the Vice President shall be elected on the basis of majority of the elected or ex officio member attended the first meeting. In case of a tie, drawing of lots for once only, shall be applicable to resolve the tie.

19. First meeting of newly constituted or reconstituted School Management Committee.—The newly elected Committee shall be deemed to have assumed charge from the outgoing School Management Committee from the date of election of office-bearers or from the date of expiry of outgoing Committee/Administrator whichever is later and the newly elected School Management Committee shall start functioning from the very said date.

20. Casual vacancy created before first meeting.—(1) If an elected member resigns, dies or loses his/her qualification for any reason before election of office bearers, the remaining members (elected, nominated and *ex officio*) shall first elect the office bearers and thereafter, the vacancy already caused shall be filled by co-option on the basis of majority.

(2) If an elected member resigns, dies or loses his/her qualification for any reason after formation of the School Management Committee, the vacancy shall be filled by co-option on the basis of majority by the remaining members (elected, nominated and *ex officio*) from the Final Voter List.

(3) In case of a tie, as there is no provision for 'casting vote' of the head of the Institution, a decision shall be made by the Head of the Institution by drawing lot (for once only) in the presence of the members of the Committee.

21. (1) Guardian-voter owes his/her eligibility as a voter under the category of Guardians, in respect of the particular ward or wards. As soon as that ward or wards leave the Institution, the qualification of a guardian-voter shall cease. In case a ward is issued TC as per application of the parents/guardian or School Leaving Certificate on completion of the primary education in a particular academic year, the eligibility of the guardian-voter in respect of that ward shall cease from first day of the following academic year.

22. **Tenure.**—Unless there is specific approval from the competent authority for extending the statutory term of a Committee, every member of such School Management Committee shall have to vacate on the expiry of its usual term of three years.

23. **Report.**—The Head of the Institution shall submit to the report on the constitution or re-constitution of the School Management Committee after it has assumed charge, as per specimen of Form No. 4 (SMC) through the District Inspector of Schools with an advance copy to the concerned Primary School Council through the District Primary School within 7 days.

24. **Finality.**— In case of any doubt or dispute in the matter of holding election at any stage, the matter shall be referred to the Directorate School Education, West Bengal whose decision thereon shall be final.

Form 1

Programme for holding election of members of the School Management Committee

Suppose, the term of a Committee expires on and from 15.11.2012 in that event, the election shall be held by the 15.09.2012 at the latest. If the Election be fixed on 26.08.2012 as the date of election (assuming it as Sunday or a holiday), the programme shall be as under:

- | | |
|---|--|
| (1) Date and time of publication of the Provisional voter's List.
(at least 30 days before the date of election) | 16.07.2012
between 11 a.m. 2 pm |
| (2) Submission of claims to and objections Against inclusion of any name (s)
(Within 8days from the date of publication of Provisional Voters' List) | 23.07.2012
between 11 a.m. and 2 p.m. |
| (3) Publication of the Final voter's List
(not less than 15 days before the date of Election) | 10.08.2012
between 11 a.m. and 2 p.m. |
| (4) Submission of Nomination paper(s)
(not less than 7days before the date of election) | 20.08.2012
between 11 a.m. and 2 p.m. |
| (5) Scrutiny of Nomination papers
(not less than 5 days before the election) | 21.08.2012
At 2 p.m. |
| (6) Withdrawal of Nomination Paper(s)
(within 24 hours of the scrutiny of nomination papers) | 22.08.2012
between 11 a.m. and 2 p.m. |
| (7) Holding of Election | 02.09.2012
9 am to 4pm |

Note.—(1) In case the school sits in the morning shift, suitable time for election programme will be fixed by the Head of the Institution in consultation with the District Inspector of Schools concerned.

(2) Dates under items (1) to (6) should be all working days.

*Signature of Head Teacher affixing the Seal, or any other
Person authorized by the District Inspector of Schools.*

Form 2
Nomination of Guardian

In connection with the Election of Members of the School Management Committee of _____

Name of the contesting candidate (in block letters) _____

Voters' number on the list of voters _____ in the
Category of Guardian.

Proposed by (full signature) _____

Proposer's Voter No. _____

Seconded by (full signature) _____

Seconder's Voter No. _____

Signature in full of the contesting candidate(s) _____

Date and time of issue of the Nomination paper _____

Signature of the Head of the Institution or any other person authorized by the District Inspector of
Schools _____

Date and time of receipt of Nomination papers from the contesting candidates—

*Signature of Head Teacher affixing the Seal, or any other
Person authorized by the District Inspector of Schools.*

Note : (1) It should be carefully noted that the name of the contesting candidate as well as of the proposer and Secunder should tally with those recorded in the final voters' list.

(2) Minor defects like spelling mistakes in the name(s) should be ignored.

(3) In case of any major discrepancy making confusion regarding identity of the candidate or the Proposer or the Secunder, the Nomination Paper is liable to be rejected. The decision of the Scrutiny Officer in this respect shall be binding.

(Under Certificate of Posting)

Form 3

Letter of intimation to be issued to the Guardian-voters

To

Sri/Smt _____

Sub. — Constitution/Reconstitution of the School Management Committee of _____

Dear Sir/Madam,

You are hereby informed that the Constitution/Reconstitution of the School Management Committee of the above-named school will be held on.....according to the programme noted below.

You are requested to contact the head of the Institution or any other persons authorized by the District Inspector of Schools for any detailed information in this regard.

Signature

Office Seal

ELECTION PROGRAMME

Date

Time

1. Date and time for publication of the Provisional Voters' List_____
2. Submission of claims to and objections against omission or inclusion of any name(s) in the Voter's List_____
3. Publication of the Final voters' List_____
4. Late date of submission of the Nomination Paper(s) to the Head of the Institution or any other person authorized by the district Inspector of Schools _____
5. Scrutiny of Nomination paper(s)_____
6. Withdrawal of Nomination paper(s)_____
7. Holding of Election _____
8. Name of the Ward Sri/Smt.....
Class..... Section.....
9. Year and date of admission of the Ward
10. Sl. Number of the Admission in the Admission Register.....

Form 4

Letter for reporting Constitution/Reconstitution of the School Management Committee to the DPSC, _____.

To

The Secretary, District Primary School Council, _____,

Sub: Report on the Constitution/Reconstitution of the School Management Committee of _____

1. Date of election of members under the category of Guardians_____
2. The date of sending the name of the elected member of the Gram Sava or ward _____
3. The date of election of office – bearers _____
4. Whether nomination paper(s) have been invited and the election has been held by Ballot.....

5. Detail of the members of the School Management Committee:-

SL No.	Name of the member	Name of the ward and class in which the ward is reading	Reference of Voter List	Remarks
1				President
2				Vice-President
3		Not applicable	Not applicable	Secretary
4				Member
5				Member
6				Member
7				Member
8				Member
9				Member
10				Member
11				Member
12				Member

6. The date of holding of the election of office-bearers of the outgoing Committee and the date of expiry of the term of the existing Committee.

Signature of Head Teacher affixing the Seal, or any other Person authorized by the District Inspector of Schools.

Form 5

Co-option of Members/Guardian Category

To
The Secretary,
District Primary School Council,
.....

Sub: Co – option of Sri/Sm.....

On the School Management Committee of
Cause of vacancy for which the co-option has been made.

Signature of the Head Teacher
Office Seal.

By order of the Governor,
VIKRAM SEN
Principal Secy. to the Govt. West Bengal.