



Booklet – 3



# Sepila's School

**The Right of Children to  
Free and Compulsory  
Education Act, 2009**



A Joint Venture of  
National Literacy Mission Authority,  
Ministry of HRD, Govt. of India.  
&  
Department of Justice, Ministry of Law and Justice,  
Govt. of India on Legal Literacy  
Under A2J (NEJ&K) Initiative

## **ACKNOWLEDGEMENT**

The Saakshar Bharat Mission was started on September 2009 in India. Under this programme, 410 districts have been included where the female literacy is low. The main focuses of Saakshar Bharat Programme are rural women, Scheduled Castes, Scheduled Tribes and the minorities. In this programme besides basic literacy, equivalency programme, skill development programme and continuing education are also emphasised.

To make literacy more interlinked with daily life and interesting to the learners/ beneficiaries, the Interpersonal Media Campaign has been initiated. In this campaign, along with the main subjects of emphasis, legal literacy has also been given due importance.

With the aim of creating awareness of legal literacy in an easy manner among the people, the Legal Literacy materials have been developed in Hindi by National Literacy Mission Authority (NLMA), Govt. of India. These materials have been translated into English by State Resource Centre, NEHU, Shillong with the help of Department of Justice, Ministry of Law and Justice, Government of India under the Access to Justice Project for North-East and Jammu & Kashmir (A2JNEJ&K).

The State Resource Centre, NEHU, Shillong is grateful to all the supporting organizations and departments. It is hoped that this material on legal literacy will prove to be useful in bringing legal awareness among the common people.

***B. Laltanpuia***

Director

State Resource Centre

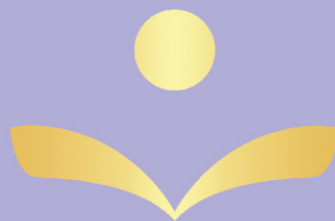
North-Eastern Hill University

Shillong

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SAAKSHAR BHARAT

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**GOVERNMENT OF MEGHALAYA  
LAW (B) DEPARTMENT**

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**C E R T I F I C A T E**

This is to certify that the Law Department, Government of Meghalaya has vetted the Legal Literacy Materials consisting of 11 booklets and 11 folders in English Language. These material are found to be satisfactory and would be of immense use in disseminating legal awareness to the grassroots level in the State.

Date: 28.02.2017

*Sangma*

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## (Sepila's School)

The construction activities of various high rise structures and buildings were going on in full swing in the city. The parents of Sepila work in these sites and Sepila migrated to the city along with them. As a result, she had to leave behind her small village and her school. Sepila had just begun her education in school. She was beginning to read and understand small short stories. Along with them, other families of the village and their children also migrated to the city. As the parents and other elders were engaged as workers in the construction sites, the children's group spent their time in fun and frolic. For the first few days, the children were extremely happy since they were all living a carefree life.

After the passage of 10 – 15 days, Sepila asked her mother, "Mom, when will you be granted leave? When will I return to school?"



Her mother replied, "When the entire building will be completed, we will return to our village. Then you can go to your school."

Sepila went back to her friends and got involved with their fun and games. The next day, when all the children were playing, a lady approached them. The lady asked all the children, "Why don't you all go to school?"

The children replied, "Our school is in the village which is very far from here. We are only staying here for a few days."



The lady smiled and asked, "Okay, will you all not take me to your home?"

The children replied, "Why not? Of course we all will take you to our homes." The children then escorted the lady to their homes. The lady talked about all the children with their parents. She explained to them that they should send their children to the nearest school.

Sepila's mother said, "Madam, Sepila was actually asking the question as to when will she return to school. However we are strangers to



this place. How can we enrol our children in a school in this place?"

The lady replied that she was currently a teacher of the nearby school. She said, "Now, it is the responsibility of the government to provide education to all the children in the age group of 6 (six) to 14 (fourteen) years. To enforce this, the 'Right to Education Act' has been enacted. All of you can enrol your children in the nearest school.

Sepila's mother said, "We do not have any documents with us." To this, the lady replied,



"You do not need any documents to enrol your children in the school. For enrolling your children, you neither need to pay any fees nor incur any expenditure. Come to our school tomorrow itself."

Sepila was extremely delighted to hear all these. She said, "Wow mom! My school came here along with me!".

## The Right of Children to Free and Compulsory Education Act, 2009

The Government of India has enacted the “Right of Children to Free and Compulsory Education Act” in the year 2009. This Act ensures the right to free and compulsory primary school education to all children. This right is applicable to all the boys and girls equally of the age group of 6 (six) to 14 (fourteen) years.

### Meaning of Primary Education

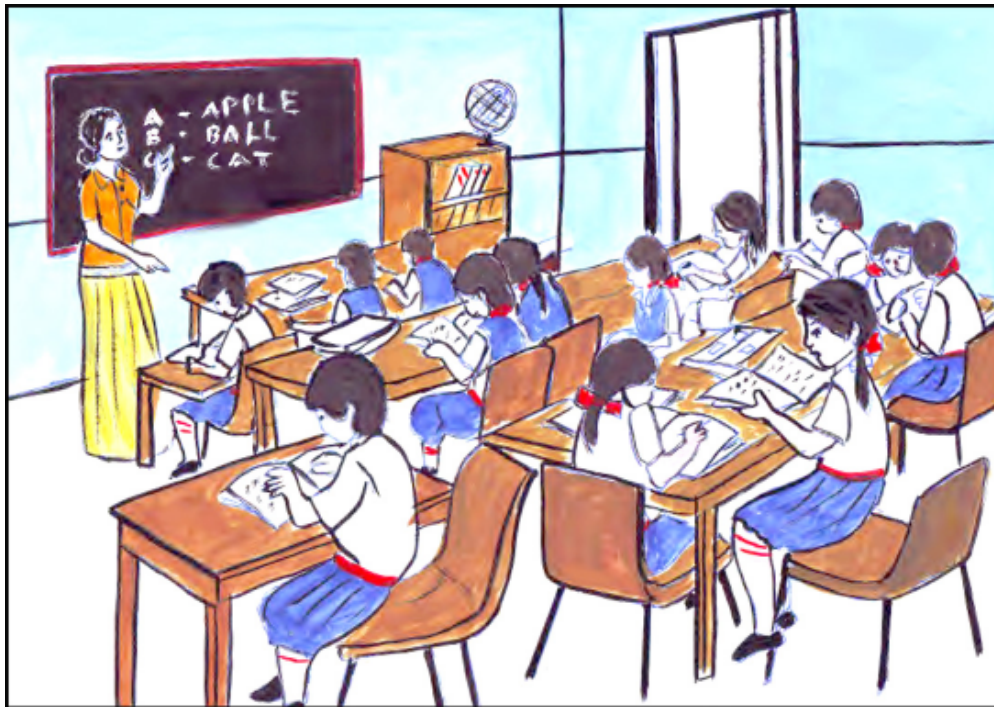
Primary education starts from Class I up to Class VIII. The Free and Compulsory Education Act, 2009 ensures the right to admission of children in the age group of 6 (six) to 14 (fourteen) years in the nearest school in the town or village. According to the Act, certain percentage of seats is reserved in each class in private schools. These reserved seats are meant for enrolment of children from Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC) and the under privileged members of the society.

Education should be free and compulsory to all children. No fees should be charged from children of Class I to Class VIII till the completion of their primary education. Books, text – books/ study materials and uniforms should be provided to all the children, free of cost.

### Who shall be the Beneficiaries of this Law?

- ◆ This Act is uniformly applicable for children in the age group of 6 (six) to 14 (fourteen) years. Special provisions have been made for Scheduled Castes (SC), Scheduled Tribes (ST), socially and economically backward classes and children with disabilities.
- ◆ If any child above the age of 6 (six) years has not taken admission in school previously or have not completed his or her studies, then he or she can be admitted in the class in respect to his or her age. However, he or she will be prepared for his or her lessons of the previous classes.





- ◆ If any child is admitted to school after the age of 6 (six) years, then he or she can continue his or her primary education after the age of 14 (fourteen) years also.

### Provisions of Admission in Other Schools in case of Transfer

If any child happens to shift or move to a new place, then he or she has the right to admission in a government school near his or her new residence. There are also provisions that the child

may be admitted in the new school without any documents.

### System of the School

- ◆ It is the duty of the government to establish schools to implement the Right to Education Act.
- ◆ For children of Classes I to V, schools are to be established within a radius of 1 (one) kilometre.
- ◆ For children of Classes VI to VIII, schools are to be established within a radius of 3 (three) kilometres.
- ◆ There should be no discrimination and misbehaviour/ maltreatment in admitting children from the poor and under-privileged sections of the society.

### Duties of the State Government

- ◆ To provide free and compulsory primary education to the children in the age group of 6 (six) to 14 (fourteen) years.

- ◆ To establish schools nearby. If required, vehicle should be provided for children with disabilities.
- ◆ Special attention should be given to the children of weaker sections of the society. There should be no discrimination with them in class, with drinking water, with food and in playing ground. They should not be involved in cleaning the classroom and toilets.
- ◆ To maintain proper records of children in the age group of 6 (six) to 14 (fourteen) years nearby. To enrol children in the age group of 6 (six) to 14 (fourteen) years in schools. To put their names in the notice boards.
- ◆ Proper attention should be given in matters of enrolment of the children in to the school, attendance of the children and studies of the children.
- ◆ Schools are to be provided with proper buildings, teachers and teaching aids.

- ◆ Training for the teachers should be provided in regular intervals.
- ◆ Admission should be granted to outstation children.
- ◆ Security issues and complaints of the children should be looked into and solved.
- ◆ To provide the right of equality to the weaker sections of the society.

### **Duty of Parents and Guardians**

It is the duty of parents and guardians to admit their children or wards in neighbouring schools.

### **Managing Committee of the School**

A body or committee is to be formed for managing the affairs of the school which will be known as the Managing Committee. This committee is not formed in private schools. Three fourth ( $\frac{3}{4}$ ) of the members of the committee shall be parents and guardians as representatives. This committee shall consist of 50% women. The in

charge of the Committee shall be from amongst the parents or guardians of the children.

### **Roles and Responsibilities of the Managing Committee of the School**

- ◆ Monitor the working of the school.
- ◆ Prepare developmental programme(s)/ scheme(s) for the school.
- ◆ Ensure proper utilisation of school funds.
- ◆ Assist in the proper functioning of the activities of the school.

### **Schemes for Development of the School**

The Managing Committee shall prepare the schemes for development as per the requirement of the school. While doing so, the condition or status of the school should be considered. As per the development schemes, the government shall provide financial assistance for the free distribution of books/ text books and uniforms to the children. There will be provisions for training of teachers. The committee shall provide



suggestions to the government for the issues related to the development of the school. There will also be provisions for attending to complaints and for resolving them.

- ◆ **It is a punishable offence if any school takes admission fees or any other charges during admission.** No interview shall be conducted for the students or parents during admission of the child. Any such practice shall attract a penalty in the form of a fine of Rs. 25,000/- (Rupees Twenty Five Thousand only).
- ◆ If a child does not have any document of proof of age, then he or she cannot be denied admission in the school.
- ◆ If any child goes for admission or enrolment in the school after the school has been started, then he or she cannot be denied admission.
- ◆ No child can be detained in any class or asked to leave the school until he or she completes primary education.

- ◆ No child shall be harassed mentally or/and physically.

### Provisions for Pre-School Education

- ◆ It is the duty of the state government to provide pre-schooling studying facilities to the children in the age group of 3 (three) to 6 (six) years.

### Duties of the Teachers

- ◆ Obeying the rules and regulations of the school like starting classes on time and being in school on time.
- ◆ Completing the syllabus within the stipulated time.
- ◆ Understanding the ability of every child and taking extra care of weak children and teaching them separately as per their requirements.
- ◆ Conducting regular meetings of teachers with the parents/guardians and apprising them of the progress of the child.
- ◆ Not engaging in any private tuition.

## Facilities Available under the Right to Education Act

1. Number of teachers in school:

For Class I to Class V	
Number of Students	Number of Teachers
Up to 60	2
61 – 90	3
91 – 120	4
121 – 200	5
150 and above	5 + 1 (Head Master)
200 and above	Student : Teacher ratio should not exceed 40: 1 (Excluding the Head Master)

### For Class VI to VIII

- ◆ There should be one teacher for each class. Subject teachers should be in the following manner:
  - (i) Science and Mathematics
  - (ii) Social Studies
  - (iii) Language
- ◆ For every 35 (thirty five) students, there should be 1 (one) teacher, i.e., Student:Teacher ratio should be 35:1.
- ◆ If the number of students is more than 100 (one hundred), then there should be:
  - o One full-time Head Master
  - o Part-time teacher
  - o Arts teacher
  - o Health and Physical Training teacher
  - o Work Education Teacher

2. In the school building, there should be at least one room for all the teachers and one room should be reserved for office or stores.

- ◆ Separate toilets for boys and girls
- ◆ Playground for the children.
- ◆ Provision for safe drinking water for all the children.
- ◆ Kitchen for preparing mid-day meals. The mid-day meals should be made available to the children free of cost.
- ◆ Adequate security of the school building should be ensured with proper boundary walls or fencing.

3. The number of days that the school should remain open and the duration of study hours are pre-determined under this Act.

- ◆ For Class I up to Class V : 200 days and 800 hours.
- ◆ For Class VI up to class VIII : 220 days and 1000 hours.

4. Free copies and text-books will be provided to the children in each class.



5. There should be a library in each school, wherein newspapers, magazines, story books and subject books should be present.

6. Each class shall be provided with sports goods and material games.

7. To ensure that the teachers of the school devote maximum of their time in teaching, they will be relieved from other miscellaneous activities.

### Syllabus and Evaluation

- ✦ The syllabus should be prepared taking into consideration the physical mental and overall development of the children.
- ✦ The children should be able to read and write in their own mother tongue.
- ✦ There should be development of the reasoning power of the children.
- ✦ Evaluation of the children should be along with teaching.
- ✦ No board examination should be conducted up to Class VIII.

- Certificates should be awarded to each child after completion of primary education (Class 1 to VIII).

### Where and Whom to File Complaints?

Complaints related to Right to Education will be addressed by "*Rajya Baal Adhikar Sanrakshan Aayog*" (State Child Rights Protection Commission).

Any person can file a complaint regarding violation of child rights to the concerned local authority. The concerned local authority shall act on the complaint as soon as possible.

If a person is not satisfied with the decision passed by the local authority, then he or she can appeal to the "*Rajya Baal Adhikar Sanrakshan Aayog*" (State Child Rights Protection Commission).

If any school violates any of the provisions of the Act, then that school will be derecognised.

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