

പതിനാലാം കേരള നിയമസഭ
പതിനാറാം സമ്മേളനം
നക്ഷത്രചിഹ്നമിട്ട നിയമസഭാ ചോദ്യം നം. 543
21.11.2019-ൽ മറുപടിക്ക്

അംഗീകാരമില്ലാതെ പ്രവർത്തിക്കുന്ന സ്വകാര്യ സ്കൂളുകൾ

ചോദ്യം
ശ്രീ. ബി.ഡി. ദേവസ്സി
പ്രൊഫ. കെ. യു. അരുണൻ
ശ്രീ. കെ. കുഞ്ഞിരാമൻ
ശ്രീ. പുരുഷൻ കടലുണ്ടി

ഉത്തരം
പ്രൊഫ. സി. രവീന്ദ്രനാഥ്
(പൊതു വിദ്യാഭ്യാസ വകുപ്പു മന്ത്രി)

(എ) വിദ്യാഭ്യാസ അവകാശ നിയമത്തിലെ (എ) വ്യവസ്ഥകൾ പ്രകാരം സംസ്ഥാനത്ത് അംഗീകാരമില്ലാതെ പ്രവർത്തിക്കുന്ന സ്വകാര്യ സ്കൂളുകൾ പൂട്ടിയിട്ടുണ്ടോയെന്ന് അറിയിക്കുമോ;

വിദ്യാഭ്യാസ അവകാശ നിയമ പ്രകാരം അംഗീകാരമില്ലാത്ത സ്കൂളുകൾ അടച്ചു പൂട്ടുന്നത് സംബന്ധിച്ച് 19.07.2017 - ലെ എഫ്/27/2017/പൊ.വി.വ. ഉത്തരവ് പ്രകാരം നിർദ്ദേശം നൽകിയിരുന്നു. എന്നാൽ അംഗീകാരമില്ലാതെ പ്രവർത്തിക്കുന്ന സ്കൂളുകൾ ഇതിനെതിരെ ബഹു. ഹൈക്കോടതിയെ സമീപിക്കുകയും അംഗീകാരമില്ലാത്ത വിദ്യാലയങ്ങൾക്ക് അംഗീകാരം/എൻ.ഒ.സി. നൽകുന്ന കാര്യം പരിശോധിക്കുവാൻ നിർദ്ദേശിക്കുകയും ചെയ്തു. ഇതനുസരിച്ച് മാർഗ്ഗനിർദ്ദേശങ്ങൾ ഉണ്ടാക്കുകയും അതനുസരിച്ചുള്ള നടപടികൾ സ്വീകരിച്ചു വരികയും ചെയ്യുന്നു.

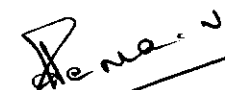
(ബി) സംസ്ഥാന പാഠ്യപദ്ധതി പിന്തുടരുന്ന സ്വകാര്യ അൺ എയ്ഡഡ് സ്കൂളുകൾക്ക് അംഗീകാരം നൽകുന്നതിനുള്ള വ്യവസ്ഥകൾ എന്തൊക്കെയാണെന്ന് വ്യക്തമാക്കുമോ;

(ബി) വിശദാംശം അനുബന്ധമായി ചേർക്കുന്നു.

(സി) ഇത്തരം സ്കൂളുകളുടെ നിലവാര പരിശോധന നടത്താറുണ്ടോ; അധ്യാപകർക്ക് സർക്കാർ മേഖലയിൽ ലഭിക്കുന്ന വേതനം നൽകണമെന്ന വ്യവസ്ഥ പാലിക്കപ്പെടുന്നുണ്ടോ എന്നറിയിക്കുമോ; വിശദമാക്കുമോ;

(സി) കേരളത്തിൽ പ്രവർത്തിക്കുന്ന അൺ എയ്ഡഡ് സ്കൂളുകൾക്ക് എൻ.ഒ.സി/അംഗീകാരം നൽകുന്നതിന് സർക്കാർ മാനദണ്ഡങ്ങൾ പുറപ്പെടുവിച്ചിട്ടുണ്ട്. പ്രസ്തുത വ്യവസ്ഥകൾ പാലിക്കപ്പെടുന്നു എന്ന് സത്യപ്രസ്താവന നൽകിയിട്ടുള്ള സ്കൂളുകൾക്ക് മാത്രമാണ് എൻ.ഒ.സി/അംഗീകാരം അനുവദിച്ചു നൽകി വരുന്നത്.

(ഡി) സ്കൂൾ ഈടാക്കുന്ന വിവിധ ഫീസുകൾ സംബന്ധിച്ച വാർഷിക റിപ്പോർട്ടുകൾ ഫയൽ ചെയ്യണമെന്നും അത് സ്കൂളിന്റെ വെബ്സൈറ്റിൽ നൽകണമെന്നുമുള്ള വ്യവസ്ഥകൾ പാലിക്കുന്നുണ്ടോ എന്ന് വെളിപ്പെടുത്തുമോ?


സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA

Abstract

General Education Department - Guidelines for granting recognition to un-recognized Schools in the State following Kerala State Syllabus - Approved - Orders Issued.

GENERAL EDUCATION (F) DEPARTMENT

G.O.(Ms)No.45/2019/GEDN 'Dated,Thiruvananthapuram, 22/05/2019

Read 1 G.O. (MS)No.184/2013/GEDN dated 10.06.2013.

2 Judgment dated 05.07.2018 in WP(C)No.31912/2014 &

connected cases.

3 Orders dated 31.10.2018, 05.11.2018 & 09.11.2018 of the Hon'ble High Court of Kerala in RP No.895/2018 in WP(C)No.31912/2014 & connected cases.

4 Order dated 11.12.2018 of the Hon'ble High court of Kerala in WP(C)No.31912/2014 & connected cases.

5 Order dated 28.01.2019 of the Hon'ble High court of Kerala in WA No.173/2019.

6 Order dated 31.01.2019 of the Hon'ble High court of Kerala in IA No.2 of 2019 in WA No.173/2019.

7 G.O.(MS)No.22/2019/GEDN dated 01.03.2019.

8 Order dated 11.04.2019 of the Hon'ble High court of Kerala in IA No.3/2019 in WA No.363/2019 against judgment dated 05.07.2018 in WP(C)No.37442/2017.

9 Letter No.NS1/53500/2017/DPI dated 02.05.2019 of the Director, of Public Instruction, Thiruvananthapuram.

ORDER

Consequent to the implementation of Right of Children to Free and Compulsory Education Act, 2009 and rules framed thereunder, State Government had issued guidelines for granting recognition to un-recognized Schools in the State following Kerala State Syllabus as per Government Order read as 1st paper above and those schools which complied with the conditions in the guidelines were granted recognition. The policy of the present Government is protection of General Education Sector (Government/Aided Schools) in the State and hence a decision was taken not to grant recognition to un-recognized schools in the State. Government invoking the provisions in the Right of Children to

Free and Compulsory Education Act, 2009 and rules framed thereunder, and on the basis of the Order in CRMP No.4426/05/ LA1/2015/KeSCPCR dated 16.03.2016 of the Kerala State Commission for Protection of Child Rights, took a decision to close down the un-recognized un-aided schools in the State from the academic year 2018-19 and directions were issued to the Director of Public Instruction to proceed in the matter as per Government letter No.GEDN-F1/27/2017-GEDN dated 19.07.2017. The Educational Officers also issued notice to the schools.

2. However managements of un-recognized un-aided schools following State syllabus and CBSE/ICSE syllabus in the State approached the Hon'ble High court of Kerala challenging the above decision and praying to grant recognition/No Objection Certificate. The Hon'ble High Court of Kerala by its judgment dated 05.07.2018 in WP(C)No.31912/2014 & connected cases directed to process the applications for recognition as per norms and schedule to the Right of Children to Free and Compulsory Education Act, 2009. Even though the Hon'ble High Court of Kerala ordered that Government cannot supplant or supplement to the schedule in the RTE Act, 2009, Government found the schedule vague and filed Revision petition (R.P.No.895/2018) before the Hon'ble High Court of Kerala for drafting clear guidelines in the matter. The Hon'ble High Court of Kerala directed Government to submit the draft guidelines before the court. Draft guidelines was submitted by the Government and the Hon'ble High Court of Kerala circulated the same to the contestant parties in the case. The Hon'ble High Court of Kerala after hearing the contestant parties, by its Order dated 11.12.2018 approved majority of the conditions placed by Government in the draft guidelines except for certain conditions which comprise the extent of land also. Subsequently Government preferred appeal in the case before the Hon'ble Division Bench. In one of such cases i.e WA No.173/2019 filed against the judgment dated 05.07.2018 in WP(C)No.7980/2018, the Hon'ble High Court of Kerala has pronounced Order dated 28.01.2019 wherein Government was permitted to process the recognition applications in accordance with the CBSE Affiliation Byelaws 2018 dated 18.10.2018. Followed by this the Hon'ble High Court of Kerala pronounced Order dated 31.01.2019 in WA No.173/2019 and this order focused specifically on the processing of applications for recognition and No Objection Certificate for seeking affiliation as per the Affiliation Bye Laws 2018 issued by CBSE vide Notification dated 18.10.2018. In pursuance thereof, Government took decision to process the applications of schools following CBSE/ICSE syllabus and issued guidelines as per Government Order read as 7th paper above. The Hon'ble High Court of Kerala by its Order dated 18.02.2019 in WA No.477/2019 in WP(C)No.9011/2018, modified the interim order in WA No.173/2019 dated 31.01.2019 such that as far as ICSE syllabus is concerned the rules and regulations prescribed by ICSE shall be the criteria in processing the application

seeking recognition and NOC for those schools.

3. Subsequently the Division Bench of the Hon'ble High court of Kerala by its Order 11.04.2019 in IA No.3/2019 in WA No.363/2019 filed by the State, clarified that the consideration for recognition to be made in so far as schools seeking recognition under the Kerala State Syllabus would be considered under the parameters available in the Kerala Education Rules, 1959. The Hon'ble Division Bench thereof has upheld the requirements in Chapter IV, Kerala Education Rules, 1959, as the parameters for granting recognition to schools following Kerala State syllabus analogous to the CBSE/ICSE Affiliation Byelaws in the case of granting recognition and No Objection Certificate for schools following CBSE/ICSE syllabus.

4. In the circumstances, in pursuance of the directions in the judgment read as 2nd paper above and Order read as 8th paper above, Government have decided to process the applications for granting recognition to un-recognized Schools in the State following Kerala State syllabus. The applications received from those schools in compliance of the judgement dated 05.07.2018 of the Hon'ble High Court of Kerala in WP (C) No.31912/2014 and connected cases shall only be processed! Accordingly the following guidelines are issued for granting recognition to un-recognized Schools in the State following Kerala State Syllabus;

1. The school must be run by a Society registered under the Societies Registration Act, 1860 (21 of 1860), Travancore Cochin Literary Scientific and Charitable Societies Registration Act or a Public Trust or an Educational Agency constituted under the law for the time being in force. The Society/ Trust/Educational Agency running the school must be duly registered with the competent registering authority and registration shall be valid as on the date of application.

2. The Society / Trust / Educational Agency running the School should have a properly constituted Governing Body.

3. The Society/ Trust/ Educational Agency should have financial stability. It should have a permanent source of income to meet running expenses of the school, to maintain it at a reasonable standard of efficiency and

to pay the salary of teachers and staff regularly and in time. The School must have sufficient financial resources to guarantee its continued existence, to meet the running expenses of the school and to undertake improvement/ development of school facilities and capacity building of teachers and staff.

4. The School shall not be run with profit motive to any individual group or association of individuals or any other person.

5. The School should conform to the values enshrined in the Constitution of India.

6. The Society/Trust/Educational Agency will ensure that the School is governed by the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the rules framed thereunder, Kerala Education Act, 1958 and rules made thereunder, as amended from time to time and such other Orders, Regulations, Circulars etc issued by the Government from time to time in the matter. The School will be committed to provide quality education to children and will take necessary steps towards such goal.

7. The admission in the school shall be open to all without any discrimination of gender, disability, religion, caste, creed or race, place of birth or any of them. Reservation if any shall be governed by the existing laws.

8. The School should satisfy the parameters as laid down in the provisions in Chapter IV, Kerala Education Rules, 1959, including land, area, location and buildings such as;

(a) Site area (Requirement of land)

(b) Selection of site (location)

(c) Playground and garden

(d) Accommodation

(Composition of floors, Windows, Doors, Ventilation, Roof) and

(e) Dimension of class room

9. School should have suitable equipment and educational appliances which shall include;

(a) Instruments for Mathematical Drawings.

(b) Globes, Maps, Charts and other apparatus for teaching of History, Geography and allied subjects;

(c) Laboratory apparatus, materials and equipments for the teaching of various Science subjects and

(d) Necessary appliances for the teaching of special subjects or crafts.

10. Every school should have a suitably equipped Library, Computer Laboratory, Science Laboratory and Mathematics Laboratory.

11. School should have sufficient space and rooms for extracurricular activities.

12. The School should have suitable and sufficient furniture in the classrooms commensurate with the strength of students and teachers.

13. Extra rooms for teachers, staff and office room of sufficient requirements shall be provided.

14. School should provide adequate facilities for potable drinking water on each floor where there are more than one floor. It shall also provide clean healthy and hygienic toilets on each floor with washing facilities for boys and girls separately in proportion to the number of students. The toilets for the primary students should be separate from other

toilets. There should be separate toilets for staff members.

15. School should have provision for Rain Water Harvesting.

16. School should have provision for first aid facility.

17. The school should have playground and adequate facilities for providing recreational activities, sports and games and physical education as well as for conduct of various activities and programmes for developmental education and for the social, cultural and moral development of the students and for safeguarding their health.

18. The pupil-teacher ratio shall be as fixed in the Right of Children to Free and Compulsory Education Act 2009, the rules, regulations made thereunder / Kerala Education Act, 1958, the rules, regulations framed thereunder.

19. The School shall provide barrier-free access and adapted toilets for children with disabilities. The school shall also provide other support systems in accordance with the provisions laid down in Right of Persons With Disabilities Act, 2016.

20. All Statutory clearances / Certificates from competent authorities under the relevant laws must be obtained for running the school as an educational institution.

21. The School should scrupulously observe directions from the State Government / Municipal Authority /Transport Department regarding health and hygiene, drinking water, Fire safety, Building safety and transportation facilities in School.

22. The School buildings or other structures and other areas shall be

used only for the purpose of education and skill development of students.

23. The School shall have a School Management Committee as stipulated in the Right of Children to Free and Compulsory Education Act, 2009 and rules framed thereunder.

24. The School shall not run any unrecognized classes within the premises of the school or out side, in the same name of the school.

25. The School should be open to inspection by any officer authorized by the Government.

26. The rate of tuition and other fees charged shall commensurate with the facilities provided and a yearly return on the fee charged (all fees) shall be filed before the Educational Officer concerned and also published in the school website.

27. The School shall appoint only qualified and eligible teachers as mandated under the Right of Children to Free and Compulsory Education Act, 2009, rules framed thereunder/ Kerala Education, Act, 1958, rules framed thereunder as amended from time to time and such other orders, regulations, circular etc issued by the Government from time to time in the matter.

28. The School shall furnish such reports and such information as may be required from time to time and comply with such instructions of the Government as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in the working of the school.

29. The curricula to be followed shall be as prescribed by the SCERT.

30. Malayalam shall be taught as a Compulsory language in all classes as prescribed in the Malayalam Language Learning Act, 2017 (Act 8 of 2017).

31. The School shall follow the directions issued by the Central/State Government from time to time regarding introduction of the innovative practices in the area of Curriculum, Pedagogy and evaluation.

32. The School shall remit Rs.25,000/- (Rupees Twenty Five Thousand Only) as fees for processing the application for recognition. The fees shall be remitted under the H/a "0202-01-102-92- other receipts".

The application form appended to this Government Order shall be filled by the school authorities and submitted before the respective District Educational Officers with all supporting documents and Certificates in Original.

The time Schedule for processing the application is also detailed below:

(a) Last date of submission of application to

District Educational Officers : 31.05.2019

(b) Transmission of application by

District Educational Officers to the

Director of Public Instruction : 29.06.2019

(c) Transmission of application by the

Director of Public Instruction to Government : 20.07.2019.

(By order of the Governor)

SREEKUMAR N K
ADDITIONAL SECRETARY

To:

The Advocate General, Kerala, Ernakulam (with C/L).

The Director of Public Instruction, Thiruvananthapuram.

**A. APPLICATION FOR RECOGNITION OF EXISTING UNRECOGNISED
SCHOOL / PERMISSION TO OPEN NEW SCHOOL**

PART - I - SCHOOL DETAILS

1. Name of the proposed school with school code (if any)
2. Year and date of opening the school /proposed date
3. Academic session classes from to
4. School Timings
5. District
6. Postal Address
7. Grama Panchayat/
Municipality/Corporation
8. Taluk
9. Block
10. Name of Education Sub District (AEO)
11. Name of Education District (DEO)
12. Pin Code
13. Phone No. with STD Code
14. Fax No.
15. E-mail Address
16. Nearest Police Station
17. Medium of Instruction
18. Whether Malayalam is taught as a language
for all students
19. Curriculum and Syllabus followed in each class
20. Type of school (Specify entry and exit classes)
21. Fees charged in each standard. / /

PART - II

DETAILS REGARDING THE EDUCATIONAL AGENCY

1. Name of applicant
 - (a) Designation (if any)
 - (b) Address
 - (c) Phone No. (Off)
(Resi.)
2. Whether the application is for
 - (a) recognition of existing unrecognized school - Yes/No
 - (b) Permission to open new school - Yes/No
3. Whether Corporate Management/
Educational Agency/Society/Trust
4. Name and address of the agency seeking
recognition/permission to open new school
5. Standards for which recognition/permission is now sought.
6. Period until which registration of the agency is valid
7. Whether there is a proof of non propriety character of the
Trust/Managing Committee/Educational Agency/Committee
supported by list of members with their address on an affidavit
in copy.
8. Number of schools under the Agency:
9. Name - Official address of the Manager
of the school
 - (a) Designation:
 - (b) Address:
 - (c) Phone No. (Off)
(Resi.)
10. Location of the School
 - (i) District
 - (ii) Taluk
 - (iii) Block
 - (iv) Village
11. Whether the school will be open to all the
classes of the community.
 - (a) Whether the school buildings or other
structures or the grounds are used only
for the purpose of education and skill development.
 - (b) Total area of the school property (in sq.meters)
with Survey No./Village/Taluk

(c) Built in area of the school (in sq.meters)

12. Details of the guarantees, the applicant can give in support of his ability to conduct the school successfully from the financial point of view

- (a) Land
- (b) Landed property for school
- (c) School building
- (d) Cash – deposits
- (e) Other guarantees

13. Whether the applicant is already the educational agency of any other recognized institution under the Education Department and if so the name of that institution.

14. Whether the applicant or if corporate, any member has been convicted of an offence involving moral turpitude by a court of law, if so give details.

PART – III

INFRASTRUCTURE DETAILS AND SANITARY FACILITIES

Room	Number	Average Size (in sq.m)
1. Classroom		
2. Office room – cum-Store Room-cum-Headmaster Room		
3. Whether any classes are conducted in thatched buildings		
4. No. of rooms used for purposes other than teaching (different clubs and co-curricular activities)		
5. Resource Room		
6. Kitchen – cum- Store		
7. Area of playground (in sq.m)		
8. Type and No. of Drinking water facility whether the water supplied for drinking is safe and adequate facilities provided?		
9. Sanitary Conditions :		
(i) Lavatories and Urinals		
(ii) Number of Urinals/Lavatories separately for boys with water supply		
(iii) Urinals/Lavatories separately for girls with water supply		
10. Specify facilities provided for disposal of waste (Compost pit, Biogas plant etc.)		
11. whether the school has been checked by the Public Health Department and the Health and Sanitary conditions found satisfactory?		
12. Whether the school provides sufficient first aid facilities and other support systems as per the provisions in RPWD Act 2016?		
13. Whether the school scrupulously observe the prescriptions from the State Government/Municipality/Transport Department regarding health and hygiene Fire and Safety, Building Safety and Transport Facilities in the school.		
14. Whether provisions for Rain Water Harvesting is available.		

PART - IV

OTHER FACILITIES

1. Whether all facilities have barrier free access
2. Teaching Learning Material (attach list)
3. Sports and Play equipments (attach list)
4. Books in Library
 - Books (No. books)
 - Periodicals/Newspapers
5. Laboratory facilities:
 1. Science – (list of equipments)
 2. Information and Communication Technology (Computers, LCD etc)
 3. Language Laboratory (equipments)
 4. Social Science (equipments, collections)
 5. Mathematics (equipments, collections)

PART V

PARTICULARS OF HEAD TEACHER/TEACHING STAFF

1. Name of Head Teacher (UIN available)
2. Name of Teacher (UIN available)
3. Name of Father/Spouse
4. Date of Birth
5. Academic Qualification
6. Professional Qualification
7. Teaching Experience
8. Class /Subject assigned
9. Appointment date
10. Trained or Untrained
11. Basic Knowledge in Computer Applications
12. whether the stipulations in Rule 18 are observed.

- To be filled separately for each staff.

PART - VI

DECLARATION

I, solemnly declare that all the information furnished above are true. I hereby declare that this school fulfills all the conditions specified in the Kerala Education Act, 1958 and the rules framed thereunder. The School also conforms to the provisions contained in the Right of Children to Free and Compulsory Education Act, 2009 and the rules framed thereunder. I hereby promise to comply with all the conditions relating to recognition of the school, issued by the Government in this regard from time to time.

Educational Agency/Manager

Place:

Date:

B. Documents to be attached along with the application for Recognition

- a) Application seeking recognition;
- b) Details of the Educational Agency
- c) Details of the Governing Body.
- d) Documents to prove the details of ownership of landed property of the School;
- e) Possession Certificate;
- f) Location Sketch;
- g) Site plan, Plan of the building and Building Fitness Certificate issued by the Local Self Government Institution.
- h) Fire Certificate from the Fire & Rescue Service Department/Government Approved Agency.
- i) Certificate obtained from the Health Officer regarding the Health and sanitary condition of the School;
- j) Details of equipments and furniture.
- k) Details of staff and Head teacher/teachers now working with qualification;
- l) Documents to prove financial stability of the management to meet the running expenses of the school ;
- m) Agreement of the management in stamp- paper worth Rs.200/- to the effect that the school and its records shall be opened for inspection to the inspecting officers authorized by the Government so as to enable such officers to assess the standard of instruction provided by the school and the management shall, at any time render all facilities and assistance to conduct such inspection;
- n) Declaration that no unrecognized classes /branches shall be run within the premises of the school or outside in the same name of the school;
- o) UID numbers of all students enrolled in the school (not mandatory)

C. RECOMMENDATION BY THE EDUCATIONAL OFFICER.

(This part is to be filled by the District Educational Officer after verifying all supporting documents and Certificates in original and after visiting the school)

This is to certify that the information furnished above, provided by the school have been verified on the basis of all supporting documents and Certificates and also visiting the school. The information furnished is found to be correct. The application is therefore recommended for granting recognition.

DISTRICT EDUCATIONAL

OFFICER

Place:

Date:

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