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CENTRAL BOARD OF SECONDARY EDUCATION

(An Autonomous Organisation under the Union Ministry of Human Resource Development Govt. of India)
"SHIKSHA KENDRA", 2, COMMUNITY CENTRE, PREET VIHAR, DELHI – 110 301

CBSE/AFF/Circular /2014 / 675578

06th February, 2014

Circular No.20/2014

All the Heads of CBSE affiliated schools

SUB: ADHERENCE OF PROVISIONS OF THE AFFILIATION BYE-LAWS OF CBSE BY THE EDUCATIONAL INSTITUTIONS AFFILIATED TO THE BOARD.

Sir/Madam,

Adherence of various provisions of Affiliation Bye-Laws is the prime responsibility of every affiliated school of CBSE. Therefore, the attention of all the Heads of the Institutions affiliated to the Board is drawn to its earlier Circular No. 01 dated 29.7.2009 on the subject matter in the light of recent observations and reports that a large number of CBSE schools are not adhering to the provisions laid down in the Affiliation Bye-laws of the Board which are mandatory in nature in their day to day functioning.

In recent days representations against schools for violation of provisions of Affiliation Bye-Laws such as non payment of salaries and admissible allowances to the staff, charging fees not commensurate with the facilities, adopting discriminatory practices in admission of students, failing to ban corporal punishment, not providing facilities for the physically challenged, not addressing cases of sexual harassment at work place, non supply of enough clean water or lack of adequate facility for hygienic toilets and sanitation, use of practices relating to commercialization, running of coaching classes etc. are in a rise.

Therefore, careful attention of Management and Heads of schools is solicited towards each one of the concerns mentioned in the following paragraphs as the students, parents, local community and the society at large take note of discrepancies and lapses on the part of the school and bringing it to the notice of the Board.

It has also been reported that some of the schools are running coaching institutions within the school premises under the pretext of providing preparations for entrance examinations. This is not approved by the Board and schools need to stop such malpractices immediately. In case they do not adhere to the conditions as provided in the Affiliation Bye-laws, appropriate action is liable to be taken against them.

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The details of major issues raised before the Board by the parents, teachers, students and general public alleging violation of provisions of Affiliation/Examinations Bye-Laws of the CBSE by the schools and the related provisions of Affiliation/Examination Bye-Laws are brought to your notice, once again to ensure adherence of Affiliation Bye-Laws of the Board by the Managements of Affiliated schools.

A. CHARGING OF EXBORBITANT FEE/CAPITATION FEE/DONATIONS ETC.

Rule 11.1, 2 & 3:-

- (i) *Fees charges should be commensurate with the facilities provided by the institution. Fees should normally be charged under the heads prescribed by the Department of Education of the State/U.T. for schools of different categories. No capitation fee or voluntary donations for gaining admission in the school or for any other purpose should be charged / collected in the name of the school and the school should not subject the child or his or her parents or guardians to any screening procedure. In case of such malpractices, the Board may take drastic action leading to disaffiliation of the school.*

Further, any school or person violates the above provisions is liable for the following:-

- (i) *Receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;*
- (ii) *Subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.*
2. In case a student leaves the school for such compulsion as transfer of parents or for health reason or in case of death of the student before completion of the session, prorata return of quarterly/term/annual fees should be made.
3. The unaided schools should consult parents through parents' representatives before revising the fees. The fee should not be revised during the mid session.

B. COMMERCIALISATION

Rule 19.1 (ii) & ii(a):-

19.1(ii) It shall ensure that the school is run as a community service and not as a business and that commercization does not take place in the school in any shape whatsoever.

19.1(ii)a Any franchisee school making payment on account of use of name, motto and logo of franchiser institution or any other non-academic activities would be termed as commercialization of institution and to provide an affidavit that the school/society has not entered into any such contract to use Name, logo, motto for consideration of fee.

C. TEACHER INVOLVED IN CORPORAL PUNISHMENT

Rule 44.1 (d & e) :-

He/she is charged with cruelty/ physical punishment or mental harassment towards any student or any employee of the school.

Or

He/she is charged with misbehavior towards any parent, guardian student or employee of the school;

D. ADMISSION TO A SCHOOL

1. Rule 6.1 of Examination Bye-Laws prescribes the following regarding admission of a student to a school, Transfer / Migration of students:-

(a) A student seeking admission to any class in a 'School' will be eligible for admission to that Class only if he :

- (i) has been studying in a School recognised by or affiliated to this Board or any other recognised Board of Secondary Education in India;
- (ii) has passed qualifying or equivalent qualifying examination making him eligible for admission to that Class;
- (iii) satisfies the requirements of age limits (minimum and maximum) as determined by the **State/U.T. Government** and applicable to the place where the School is located;
- (iv) produces:
 - a) the School Leaving Certificate/Transfer Certificate signed by the Head of the Institution last attended and countersigned, if required as provided elsewhere, in these Byelaws;
 - b) document(s) in support of his having passed the qualifying or equivalent qualifying examination; and
 - c) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis of such other document, as may be prescribed, as stipulated in section 14(1) of **THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009.**
 - d) No child shall be denied admission in a school for lack of age proof, as stipulated in section 14(2) of **THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009.**

2. Rule 12.(i, ii & iii) of Affiliation Bye-Laws contain the following provisions with respect to admission in schools:-

- (i) *Admission in the school affiliated to the CBSE shall be made without any distinction of religion, race, caste, creed, place of birth or any of them. As regards reservation for SC/ST students is concerned, it shall be governed by the Education Act/Rules applicable to the State/U.T. where the school is situated.*

- (ii) For the purpose of admission and extent of schools responsibility for Free and Compulsory Education the school shall be governed by the provisions of the Right to Children to Free and Compulsory Education Act, 2009 and the amendments, made there to from time to time.
- (iii) The school shall maintain all relevant records of the students applied and admitted annually as stipulated in Section 3 (1) and (2) of the RTE Act, 2009 and shall also follow the guidelines/instructions issued by the State in which the school is situated.

E. PREVENTION OF SEXUAL HARRASMENT OF WOMEN AT WORK PLACE

Rule 10.9:-

Check gender specific violence, strictly comply with the guidelines and norms prescribed by the Hon'ble Supreme Court of India in the writ petition (Criminal) No. 666-70 of 1992 Vishaka and others V/s State of Rajasthan and others delivered on 13-8-1997 for protection of women from sexual harassment at the work place." Detailed circular dated 16.2.2004 issued by the Board is available on website www.cbse.nic.in

F. SALARY AND SERVICE CONDITIONS OF STAFF

Rules 3.3 (v) and Rule 10.2:-

Rules 3.3 (v) The school in India must pay salaries and admissible allowances to the staff not less than the corresponding categories of employees in the State Government schools or as per scales etc. prescribed by the Government of India." Further, the service conditions as per Rule 10 and Rules 24 to 49 of Affiliation Bye-Laws also be adhered to.

Rule 10.2 Salary should be paid through Electronic Clearing Service (ECS) from the date of first appointment of the teachers on probation.

G. CONTINUOUS SPONSORING OF STUDENTS AT BOARD EXAMINATION

Rule 13.12 (iv):-

Every affiliated school shall sponsor regularly its bonafide and eligible students in Boards Class X and Class XII examinations from the year mentioned while granting affiliation/upgradation without break or inform with reasons thereof in writing well in time about the non-sponsoring of the candidates. Failure to do so will lead to suo moto withdrawal of the affiliation of the school for Secondary and Senior Secondary Examinations as the case may be.

Every affiliated school shall present a list of number of students and their particulars in respect of Classes IX, X, XI & XII at the time of beginning of an academic session.

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H. RUNNING OF UNAFFILIATED BRANCH SCHOOLS / SPONSORING OF UNAUTHORIZED STUDENTS

Rule 13.12 (ii):-

No affiliated school shall endeavour to present the candidates who are not on its roll nor shall it present the candidates of its unaffiliated Branch/School to any of the Board's Examinations.

I. RUNNING CLASSES OF COACHING INSTITUTIONS

Running of classes of coaching institutions in the school premises in the pretext of providing coaching to the students for various entrance examinations is not approved by the Board. Some schools are organizing such programmes by naming it as an integrated school programme that teaches both CBSE syllabus and prepare students for various entrance examinations to mislead the students and their parents.

The premises of CBSE schools should not be used for any commercial activity. Every school should ensure devotion of minimum periods for teaching various subjects as per the syllabi and course prescribed by the Board. No coaching classes or parallel classes should be run in the school that consumes and affects the regular time table of the school or that deviates the focus of students from regular course of study.

J. FACILITIES FOR PHYSICALLY CHALLENGED

Rules 8.2 and Rule 13.11:-

Rule 8.2 Every institution will provide proper facilities like ramps toilets for wheel chair users and auditory signals in elevators in lifts in accordance with the provisions laid down in PWD Act, 1995 and in conformity with National Policy of Education.

Rule 13.11 Every school shall promote inclusion of student with disabilities/special needs in the normal school as per provisions of the 'Persons with Disabilities Act 1995' and in conformity with National Policy of Education.

K. HEALTH, SANITATION AND FIRE SAFETY

Rules 3.3 (vii), Rule 8.5 and Rule 23.11 :-

Rule 3.3(vii) Every institution will provide adequate facilities for potable drinking water and clean healthy and hygienic toilets with washing facilities for boys and girls separately in proportion to the number of students.

Rule 8.5 The School should scrupulously observe prescription from the Municipal Authority/District Collectorate/Transport Department regarding drinking water, fire safety and transport precautions in the school. A certificate from the Municipal/Fire/Transport Authority regarding sanitary conditions, water/fire/transport safety should be submitted along with the application. A fresh certificate regarding fulfillment of these requirements should be obtained and submitted to the Board every five years. The Format of Certificates of fire and water safety are given in Affiliation bye-laws at appendix VII & VIII. Precautions to be observed for transport are also annexed at Annexure IX".

Rule 23.11 Make satisfactory arrangements for the supply of good drinking water and provide other facilities for the pupils and ensure that the school building, its fixtures and furniture, office equipment, lavatories, play grounds, school garden and other properties are properly and carefully maintained.

L. MAKING AVAILABILITY OF SCHOOL INFRASTRUCTURE AND TEACHERS FOR EXAMINATIONS CONDUCTED BY THE BOARD AND EVALUATION OF ANSWER SCRIPTS

Rule 13.4 :-

The building and furniture of affiliated Institutions shall be placed at the disposal of the Board for conducting any examination and spot evaluation free of charge. The Management and the Principal shall cooperate with the Board in the conduct of examinations and evaluation of scripts. If asked by the Board, the school shall provide atleast one examiner in each subject offered by the school and more than one, if more than 200 students have been sent for the examination. In case they fail to do so, the Board shall have the right to take appropriate action including initiating action for disaffiliation of the school. However, the size of the school will be taken into account before such a condition is imposed in order to avoid disruption of academic work in the school.

M. DEVELOPMENT OF SCHOOL WEBSITE.

Rule 8.8 (iv & v):-

- (i) Every affiliated school to develop their own website containing comprehensive information such as affiliation status, details of infrastructure, details of teachers, number of students, address-postal and e-mail, telephone nos. etc.
- (ii) Every school should prepare its annual report containing above information and upload the same on its website before 15th Sept. of a year.

N. TEACHER TRAINING PROGRAMME

Rule 3.3 h (vi):-

Every school should organize at least one week training programme for teachers every year in association with any teachers training institute recognized by the State or Central Government or by any agency identified by the Board.

A Circular has been issued by the Board vide Circular No. 7 dated 15.4.2013.

O. APPOINTMENT OF HEALTH WELLNESS TEACHERS

Rule 53.5:-

- (i) Every secondary and senior secondary school shall appoint a person on full time basis for performing the duties of a Health Wellness teacher having the following qualification:



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Graduate/Post Graduate in psychology.

OR

Post Graduate in Child Development.

OR

Graduate/Post Graduate with Diploma in Career Guidance and Counselling.

- (ii) *Schools having enrolment of less than 300 students in classes from IX to XII can appoint a counsellor on part-time basis.*
- (iii) *Schools which are already affiliated shall appoint a Health Wellness teacher as mentioned at sub clause 1 and 2 above within two years from the date this Rule comes into force.*

P. ADHERENCE OF ANIMAL PROTECTION ACT

A Circular No. 03 dated 21st May, 2013 on adherence of Wild Life Protection Act has been issued by the Board, an abstract of the same is reproduced below for compliance:-

The Board once again reiterates strict adherence to the provisions of Wild Life Protection Act while procuring plants and animals for the use in laboratories by the school. The detailed list of rare/endangered species protected under the above said Act can be accessed from <http://www.envfor.nic.in/legis/wildlife/wildlife1.html>.

In case of any live stock or specimen is brought or made available in the school lab, the same must immediately be handed over to its nearest Wild Life Forest Department. Storing or keeping possession of livestock or specimen for practical purposes by any school is a serious offence and besides proceeding under relevant provisions of Wild Life Act, the Board would also initiate action against such defaulter schools which may lead to withdrawal of affiliation by the Board.

It would be highly appreciated, if the school makes a self declaration that no animal is used for dissection for science practical purposes.

Q.DEVELOPMENT OF PARENTS,STUDENTS AND TEACHERS GRIEVANCE REDRESSAL SYSTEM

Rule 42.3 (iv):-

To make any representation to the management for the redressal of any bonafide grievance, subject to the condition that such representation is not made in rude or indecorous language.

R. BOOKS IN SCHOOL

Rule 15.1 (d):-

The school will follow the syllabus on the basis of curriculum prescribed by NCERT/CBSE and text books publishing by NCERT/CBSE for the Middle Classes as far as practicable or exercise extreme care while selecting books of private publishers. The content must be scrutinised to preclude any objectionable content that hurts the feelings of any class, community, gender, religious group in society. If found



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prescribing books having such content, the school will have to take responsibility of such content.

Provided that the school would put a list of such books prescribed by it on its website with the written declaration duly signed by the Manager and the Principal to the effect that they have gone through the contents of the books prescribed by the school and own the responsibility.

S. CRUELTY TOWARD STUDENTS

The school Management shall provide the right ambience and climate to the students to develop and enrich talents to facilitate total development of personality. To develop a creative human being in a fearless environment schools should encourage teachers to adopt alternative strategies to corporal punishment. Rule 44.1 empowers the school Managing Committee to take action against an employee if he is charged with cruelty towards any students or any employee of the school.

All the Heads of Schools are advised to take note of the above and also bring it to the knowledge of school Managing Committee. Please also note that violation of the guidelines of the Board would constrain to invoke Penal Provisions of Affiliation Bye-Laws against the erring schools.


This issues with the approval of the Competent Authority of the Board.

Yours faithfully,


(Joseph Emmanuel)
Secretary

Copy for information and necessary action to:

1. *The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi- 16.*
2. *The Commissioner, Navodaya Vidyalaya Samiti, B-15, Institutional Area, Sector-62, NOIDA-201307.*
3. *The Director of Education, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi- 110054.k*
4. *The Director of Public Instructions (Schools), Union Territory Secretariat, Sector-9, Chandigarh- 160017.*
5. *The Director of Education, Govt. of Sikkim, Gangtok, Sikkim- 737101.*
6. *The Director of School Education, Govt. of Arunachal Pradesh, Itanagar-791111*
7. *The Director of Education, Govt. of A&N Islands, Port Blair- 744101.*
8. *The Director of Education, S.I.E., CBSE Cell, VIP Road, Junglee Ghat, P.O. 744103, A&N Islands.*
9. *The Secretary, Central Tibetan School Administration, S S Plaza, Community Centre, Sector 3, Rohini, Delhi-85*
10. *All the Regional Officers of CBSE with the request to send this circular to all the Heads of the affiliated schools of the Board*
11. *The Education Officers/ AEOs of the Academic Branch, CBSE.*
12. *The Director (IT) with the request to put this circular on the CBSE website.*
13. *The Research Officer (Tech.), CBSE, Rouse Avenue with request to put this circular on the CBSE Academic website.*
14. *The Joint Director, Academic & Vocational Branch, CBSE*



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15. *The Library and Information Officer, CBSE.*
16. *PS to Chairman, CBSE*
17. *PS to Secretary, CBSE*
18. *PS to CE, CBSE*
19. *PS to Director (Acad. & Trg.)*
20. *PS to Director (Special Examinations)*
21. *PS to Director (Edusat and Vocational Education)*
22. *PRO, CBSE.*



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