



CHANGE THE GAME (PHASE 2)

Scaling up to India

Analysis of laws and regulations

Final Report



Logo
Name

EDUCATION

Things you need to know



Different categories of learning institutions



Various Ministries governing operation of institutions in India



Relevant Education Standards and Policies



Key Institutions and Organisations

Requirements for Initial Registration

- 1 Registration as an educational society under Act 21 of Society Registration Act, 1860
- 2 Society should be non-profit making
- 3 NOC from DoE, CBSE, CISCE, DoHE, DTTE, UGC or the concerned authority,

What should you know about registration of a Primary & Secondary School?

Registration of primary and secondary schools involves several steps and approvals from the Directorate of Education (DoE), the Central Board of Secondary Education (CBSE) or Council for the Indian School Certificate Examinations (CISCE) or the respective State Board and from the local land owning agency.

One requires the following documents in order to be fully registered and recognised as a school;

- A Registration Certificate from the Registrar of Societies (for Societies) or approval of Trust Deed (for a public Trust)
- A No Objection Certificate (NOC) called an Essentiality Certificate (EC) from the DoE of the concerned state for the procurement of land from the State Government
- An application fee of INR 500 (this varies from State to State)
- An affidavit approving the allotment of land
- A site plan of the building/sanctioned building plan to start the actual construction of the school
- A Certificate of Recognition from the concerned authority. For instance, recognition up to class five is granted by the local municipality and for class six to class eight, the DoE grants the recognition.
- A set of documents are required to be submitted along with the application. These include:
 - MoA of the Society/Trust
 - Affidavit regarding relationship of society members
 - A copy of Reserve Fund for Rs. 2 lakhs from the bank
 - An affidavit from management regarding proper operation of school
 - An undertaking regarding fees and other charges
 - A list of members of society with full particulars
 - Details of land and building
 - A project report of proposed school
 - Experience of society/members in the field of education
 - The scheme of management
 - Documents regarding ownership of land allotted to school
 - Auditor's statement of account(s)
 - The staff statement as Performa
 - The rates of fee and other fund charges
- A Building Fitness certificate, health certificate, water testing report, Completion Certificate, duly approved scheme of management and no loan certificate issued by the Bank are also needed along with the application
- Lastly, a Certificate of Affiliation is required from CBSE, CISCE or the state board for affiliation, which means the school will have to follow the guidelines of the board it is seeking affiliation to. The school will need to follow the syllabus, books prescribed by the affiliating board and pay specified salaries to the teachers.
- For obtaining a "Certificate of Upgradation" for recognition upto Class ten and twelve,

an application for upgradation has to be submitted to the DoE after a minimum gap of two years after the initial application

The above process is broadly followed across the country but there may be slight variations from State to State.

What should you know about registration of Private University?

A Private University is a university that has been established or incorporated under a Central Act, Provincial Act or a State Act and includes any such institution as may, in consultation with the University concerned, be recognized by the Commission in accordance with regulations made in this behalf under Section 2(f) of the University Grants Commission Act, 1956. Private universities in India are registered and regulated by the Directorate of Technical and Education (DTTE), the Directorate of Higher Education (DoHE), the concerned university and council and the University Grants Commission (UGC). However, specific details such as fee, land requirements vary from State to State depending on the local State Acts.

One requires the following documents in order to be fully registered and recognised as a private university

- A Registration Certificate from the Registrar of Societies (for Societies) or approval of Trust Deed (for a public Trust)
- For Technical Universities, A No Objection Certificate (NOC) issued by the DTTE for the courses approved by All India Council for Technical Education (AICTE) or for a non-technical university, a NOC issued by the DoHE for non AICTE course for certifying the requirement of a college. This needs to be renewed annually as well (after an inspection).
- Copies of the proposal/project report with the following details (*Note: The number of copies varies from State to State*)
 - Land requirement
 - Required constructed area
 - Manpower & other infrastructure requirement
 - Proof of funding (source of funding), provision for external investors
 - Five-year plan of development
 - Details of programs and fees, potential for proposed programs
 - Facilities
- One (1) copy of the application form and application fee (Varies from INR 1,00,000 to INR 5,00,000 depending on the State) to the Director, Higher Education Department
- Establishment of an Endowment Fund through a fixed deposit (Minimum of INR 10 crore but it varies from State to State)
- A Letter of Intent (LOI) from the Directorate of Higher Education, approving the project report.
- Accreditation from the National Assessment and Accreditation Council within three years of its establishment and requirement to communicate to the State Government and relevant Regulatory Bodies in writing along with such accreditation certificate by the National Assessment and Accreditation Council (NAAC). This needs to be renewed regularly.
- An Affidavit approving the allotment of land
- A Certificate of Affiliation (if the university offers professional courses such as law, medicine) from the concerned Council (Such as the Bar Council, Medical Council, Dental Council, Indian Nursing Council etc.) approving the affiliation from the University
- A certificate from the University Grants Commission (UGC) which dictates the salary scale of the lecturers, (which must be at par with the salary structure in government run colleges). It also lays down a model syllabus.

What should you know about registering a private college?

The following documents are required in order to establish a college by a private organisation.

- A Registration Certificate from the Registrar of Societies (for Societies) or approval of Trust Deed (for a public Trust)
- A No Objection Certificate (NOC) issued by the DTTE for the courses approved by AICTE or a NOC issued by the DoHE for non AICTE course for certifying the requirement of a college. This needs to be renewed annually as well (after an inspection)
- An Affidavit approving the allotment of land
- A "Certificate of Affiliation" from the concerned University confirming that the institution complies with the norms laid down by the University
- A Certificate of Affiliation (if the university offers professional courses such as law, medicine) from the concerned Council (Such as the Bar Council, Medical Council, Dental Council, Indian Nursing Council etc) approving the affiliation from the University.

What should you know about the Right of Children to Free and Compulsory Education (RTE)?

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21a of the Indian Constitution. It specifies minimum norms that need to be maintained in elementary schools across the country. On April 12 2012, the Supreme Court upheld the validity of the RTE Act and mandated that it be implemented across the country. The court, however, exempted schools run by religious institutions from the Act stating that it would "infringe the fundamental freedom" of such schools.

The following are the mandatory requirements for school under the RTE Act 2009:

- a. The school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;
- b. The school is not run for profit to any individual, group or association of individuals or any other persons;
- c. The school conforms to the values enshrined in the Constitution;
- d. The school buildings or other structures or the grounds are used only for the purposes of education and skill development;
- e. The school is open to inspection by any officer authorized by the State government/local authority;
- f. The school furnishes such reports and information as may be required by the Director of Education/District Education Officer from time to time and complies with such instructions of the State government/local authority as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in working of the school

Additionally, the Schedule to the Right of Children to Free and Compulsory Education (RTE) Act, 2009 lays down the norms for the number of teachers for classes I-V and classes VI-VIII, the norms for school buildings including barrier free access, separate toilets for boys and girls, drinking water facility, kitchen

shed, playground and fencing/ boundary wall, the minimum number of school working days/instructional hours in an academic year, the minimum number of working hours per week for teachers etc. and all schools except private unaided schools are to be managed by School Management Committees with 75 per cent of parents and guardians as members.

As per Section 19(1) of the RTE Act, the norms and standards in the Schedule shall be fulfilled within a period of three years from the enactment of the Act. All States/UTs have made progress in this regard.

The Right of Children to Free and Compulsory Education (RTE) Act 2009 clearly indicates 25% of admission should be given to the marginalized sections of the society. In this case, the fees of these students will be reimbursed by the Government but, the school has to fulfil all the infrastructural requirements mentioned in the act to be eligible.

While the process for reimbursement varies from State to State. Broadly, the steps require every school to maintain a separate bank account in respect of the amount received by it as reimbursement. In July, the school shall submit the list of the students admitted in the school under section 12 of the Act, to the District Educational Officer for reimbursement. The District Educational Officer shall verify or cause to be verified the enrolment of the children before making the reimbursement of the first instalment. He/she shall reimburse the final instalment in the coming January again after verification of the enrolment of children, attendance of every child subject to a minimum of 80% attendance every month and student learning outcomes.

Key institutions & organisations

These are institutions and ministries that formulate policies and oversee their implementation. The services that these institutions offer to NGOs/ CBOs are as mentioned below;

Name of Institution	What the Institution offers NGOs/ CBOs	Address & Contact
Voluntary Action Cell	<ul style="list-style-type: none"> Interface between VOs and Key ministries/departments/government bodies through the NGO Partnership System 	Voluntary Action Cell Planning Commission Room No. 316 Yojna Bhavan, Sansad Marg New Delhi-110 001 Tele: 011-23042324 / 011-23042326 Email: ngos@india.gov.in Website: http://ngo.india.gov.in/auth/default.php
University Grants Commission	<ul style="list-style-type: none"> Provides information on registration process for colleges and also the grant application process and rules and regulations relating to operations of universities 	University Grants Commission (UGC) Bahadur Shah Zafar Marg, New Delhi Pin:110 002 India Website:

		http://www.ugc.ac.in/
AICTE	<ul style="list-style-type: none"> Provides recognition to technical universities and provides rules and regulations related to technical education 	AICTE 7th Floor, Chanderlok Building Janpath, New Delhi- 110 001 Website: http://www.aicte-india.org/

Useful sources of information

For further information and updates on the Education sector and the access to the relevant laws, please refer to the links below.

- <http://mhrd.gov.in/>- The Ministry of Human Resource Development. This site offers more information on the Basic education, Secondary education
- <http://ngo.india.gov.in/auth/default.php> - Voluntary Actions Cell. Interface between VOs and Key ministries/departments/government bodies through the NGO Partnership System
- <http://www.ugc.ac.in/> - University Grants Commission. Provides information on registration process for colleges and also the grant application process
- <http://www.aicte-india.org/> - AICTE. This site provides information on the registration process for technical universities.
- <http://www.cbse.nic.in/> and <http://cisce.org/> provide details on affiliation for schools
- <http://righttoeducation.in/> - For information related to the RTE act