

- 1.1 These Bye-laws may be called the Affiliation Bye-Laws - 2018 of Central Board of Secondary Education.
- 1.2 These shall be effective from the date of notification by the Central Board of Secondary Education.
- 1.3 **Definitions** - In these Bye-laws, unless the context otherwise requires:
- 1.3.1 "Affiliation" means formal affiliation of a school with the Board for the purpose of preparing students for admission to the Board's examination. It includes affiliation under all categories and of all types.
- 1.3.2 "Composite Affiliation" means Affiliation for running all Classes/Standards starting from and to the classes for which such affiliation has been granted.
- 1.3.3 "Upgradation" means upgradation of a school approved for middle class syllabus or affiliated for secondary stage to secondary stage or senior secondary stage as the case may be.
- 1.3.4 "Extension" means extension of period of Affiliation granted to the school by the Board.
- 1.3.5 "Board" means the Central Board of Secondary Education.
- 1.3.6 "Affiliation Committee" means Affiliation Committee of the Board.
- 1.3.7 "Chairman" means the Chairman/Chairperson of the Central Board of Secondary Education.
- 1.3.8 "Secretary" means the Secretary of the Central Board of Secondary Education.
- 1.3.9 "Examination" means examinations conducted by the Board including the Board's annual examinations or any public examination.
- 1.3.10 "Affiliation Fee" means charges payable by the schools to the Board in connection with Affiliation and/or under the provisions of these byelaws.
- 1.3.11 "School Fee" means the amount of money paid to the School by the students in connection with the conduct of studies.
- 1.3.12 "School Management Committee" means the committee managing the school.
- 1.3.13 "Institution" means an educational institution affiliated to the Board.
- 1.3.14 "School" means a school as defined in Section 2 of the Right to Education Act.
- 1.3.15 "Senior Secondary School" means school preparing students for both the Secondary (Class-X) and Senior School Certificate (Class-XII) Examinations of the Board or for Senior School Certificate (Class-XII) Examination only.
- 1.3.16 "Secondary School" means school preparing students for the Secondary School (Class-X) Examination of the Board.

2.2.4 Upgradation of an affiliated Secondary School up to Senior Secondary Level.

2.2.5 Switch over of Schools up to Secondary and Senior Secondary Level

Schools already affiliated with other Boards of School/Secondary education to the Central Board of Secondary Education are granted affiliation under this category.

2.2.6 Regular Affiliation of schools

One time regular Affiliation will be granted to the categories of schools under clauses 2.1.1, 2.1.2, 2.1.3 and 2.1.4.

2.3

ESSENTIAL CONDITIONS FOR AFFILIATION OF SCHOOLS:

Any educational institution in India or abroad which fulfils the following essential conditions may apply to the Board for Affiliation:

2.3.1 ESTABLISHMENT OF SCHOOL

The school should have been established by any one of the following entities:

- (a) Government Ministry/Department
- (b) Statutory Body
- (c) Autonomous Body
- (d) Public Sector Undertaking
- (e) Local Body
- (f) Any other Government Body
- (g) Registered Society
- (h) Registered Trust
- (i) Company Registered under Section-8 of the Companies Act-2013.

2.3.2 REGISTRATION UNDER LAW

In case of schools mentioned in clauses 2.1.6, 2.1.7 and 2.1.8, there should be a properly constituted Registered Society/Registered Trust/Registered Company under section 8 of the Companies Act – 2013 (Hereinafter referred to as Society/Trust/Company) having non-proprietary character not vesting control in a single individual or members of a family, conforming to the extant laws and rules.

2.3.3

SCHOOL MANAGEMENT COMMITTEE

Subject to relevant provision in the Education Act/Rules of the appropriate government, every school should have a scheme of management. It should also have a School Management Committee as stipulated under RTE Act 2009 and as per provisions contained in these Byelaws.

2.3.4

RECOGNITION FROM THE RESPECTIVE STATE GOVERNMENT

The Schools seeking affiliation with the Board shall submit formal prior Recognition Certificate from concerned State Education Department as per extant rules and provisions contained in RTE Act-2009.

2.3.5

NO OBJECTION FROM THE RESPECTIVE STATE GOVERNMENT

The Schools mentioned under clauses 2.1.5, 2.1.6, 2.1.7 and 2.1.8, seeking affiliation with the Board shall submit formal prior "No Objection Certificate" to the effect that State Government has no objection to the affiliation of the School with CBSE. No objection Certificate once issued to any school will be considered at par even if it prescribes a specific period and / or level unless it is withdrawn.

- 6.1 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.
- 6.2 No part of income from the Institution shall be diverted to any individual in the Trust/Society/Company/School Management Committee or to any other person/entity. The saving, if any, after meeting the recurring and non-recurring expenditure and contributions to developmental, Depreciation and contingency funds, may be further utilized for promoting the school and extending the cause of education in the same school.
- 6.3 It shall be the responsibility of the school to maintain its account in a transparent and accountable manner based on accounting standards. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared and maintained as per extant laws/rules.
- 6.4 All the transactions should be made through digital mode.
- 6.5 The school shall separate its account from the society and maintain the books of accounts independently.
- 6.6 **RESERVE FUND:**
The school will maintain a reserve fund if the laws/regulations of the Appropriate Government so stipulates in the manner prescribed under such laws/ rules.
- 6.7 It shall be the responsibility of the school to maintain a separate register for all loans taken by the school or by the society/trust/company from banks etc. for the school, having complete details of the purpose, securities and terms of repayment etc. of the loan such secured. School will ensure that the loan such taken is only utilized for the purpose for which it is obtained.

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Societies /trust /companies are required to run schools without any profit motive in accordance with the provisions contained in these bye laws. The School shall endeavor to charge fees to the extent the expenses for running the School are met. Schools shall follow the following norms in respect of the fees charged from pupils:

7.1 No Society/Trust/Company/School shall charge capitation fee or accept donations for the purpose of admission for pupils.

7.2 Admission Fee and Fee charged under any other head are to be charged only as per the regulations of the Appropriate Government.

7.3 Fees shall be charged under the heads prescribed by the Department of Education of the State/UTs.

7.4 **REFUND OF FEES:**

In case not otherwise provided by the Appropriate Government, in the event of a student discontinuing the studies or wishing to migrate to some other School, dues shall be collected only up to the month of discontinuance or migration and not up to the month in which the transfer certificate is applied for. This shall apply to all Heads of fee.

7.5 **FEE REVISION:**

7.5.1 Fee revision of schools shall be subject to laws, regulation and directions of the Appropriate Government.

7.5.2 Fee shall not be revised without the express approval of the School Management Committee or the process prescribed by the Appropriate Government under any circumstances.

7.6 The acts and regulations of the Central and State/UT Governments enacted/framed in connection with regulation of fee in respected of the various categories of the schools situated in the state will be applicable to the school affiliated with CBSE also.

7.7 For schools situated in foreign countries a transparent process, as per the applicable laws and regulations of the country where the school is situated, shall be followed in respect of all matters related to fee and revision of fee etc.

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Subject to relevant provision in the Education Act of the State/UT concerned, every affiliated school should have a scheme of management as per following clauses.

8.1 All the schools affiliated with the board shall have a School Management Committee as stipulated in RTE Act 2009, any other enactment or regulations framed by the State/Appropriate Government.

8.2 Composition of School Management Committee:

8.2.1 The management committee of a recognized aided school shall consist of not more than fifteen members; and the management committee of a private unaided school shall consist of not more than twenty one members;

However in case of senior secondary schools offering vocational subject additional member(s) (subject expert(s) as per subject offered may be appointed.

8.2.2 subject to provisions of clause 8.1 and the total number of members specified in clause 8.2.1, every management committee shall include the following namely:—

- (a) The Head of the school. S/he will be a Member Secretary of the School Management Committee;
- (b) Two parents of students studying in the school. One father and one mother of students specifically in co-educational schools.
- (c) Two teachers of the schools;
- (d) Two other persons (of whom one shall be women); who are, or have been, teachers of any other school or of any college, to be nominated by the Trust/Society/Company;
- (e) Two members to be nominated by the Board;
- (f) The remaining members to be nominated or elected as the case may be, in accordance with the rules and regulations of the society/trust/Company running the school.
- (g) Members may be nominated as per the conditions, if any, laid down in the "No Objection Certificate".
- (h) At least fifty percent members should be women.

Provided further that the above provisions shall be implemented with immediate effect and the schools affiliated earlier and not complying with above provisions shall be required to take remedial measures with suitable qualified substitutes within a year of notification of these byelaws.

8.3 The term of the members of the Management Committee shall be three years. A member can be re-nominated for another term but a member cannot remain in office for more than two consecutive terms except ex-officio members and the members of the Trust/Society/Company.



**Powers and Functions of the School Management Committee**

Subject to overall control of the Society/Trust/ Company the duties, powers and responsibilities of the School Management Committee shall include but not limited to the following:

- 8.4.1 It shall supervise the activities of the school for its smooth functioning.
- 8.4.2 It will work according to the specific directions given by the Society/Trust/Company regarding admission policy. However, it shall ensure that admissions are made as per merit without discretion of gender, disability, religion, race, caste, creed and place of birth etc. strictly as per state policy.
- 8.4.3 It shall look into the welfare of the teachers and employees of the school.
- 8.4.4 It shall evolve both short-term and long-term plans for the improvement of the school.
- 8.4.5 It shall make appointment of teachers and non teaching staff.
- 8.4.6 It shall exercise financial powers beyond those delegated to the Principal within the budgetary provisions of the school.
- 8.4.7 It shall take stock of academic programmes and progress of the school without jeopardizing the academic freedom of Principal.
- 8.4.8 It shall guide the Principal in school management.
- 8.4.9 It shall ensure that the norms given in the Acts/Rules of the State/UT and of the CBSE regarding terms and conditions of service and other rules governing recognition/Affiliation of the school are strictly adhered to.
- 8.4.10 It shall ensure that no financial irregularity is committed and no irregular procedure with regard to admission/examinations is adopted.
- 8.4.11 It shall approve the rates of Fees and other charges subject to the conditions laid down in Chapter-7. *fa*
- 8.4.12 It shall review the budget of the school presented by the Principal and forward the same to Society/Trust/Company for approval.
- 8.4.13 It shall ensure the safety and security of children and staff of the school and give directions for improvement.
- 8.4.14 It shall look in to grievances of the teachers and staff in connection with their service conditions and pay etc. and dispose such grievances in accordance with applicable rules.
- 8.4.15 The School Management Committee will meet at least twice in an academic session.

8.5

The provisions contained in Acts and Regulations of the Appropriate Government will prevail upon the provisions related to School Management Committee in these byelaws.

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14.15.2 School shall promote inclusion of student with special needs in the normal school as per provisions of the "Rehabilitation of Persons With Disabilities Act 2016" and in conformity with National Policy of Education".

14.16 The schools which have been granted regular affiliation with CBSE will be required to remit annual fee to the Board of an amount to be prescribed from time to time. The annual fee will be deposited along with annual examination fee or as decided by the Board from time to time.

14.17 Every school is bound to follow the directions issued by the Central Government, State/UT Government and the Board in the form of Notifications, Circulars and Advisories etc. from time to time.

14.18 The school shall supply information and returns called for by the Board within the prescribed time.

14.19 **RECORDS/DOCUMENTATION**

The School shall maintain the following records/documents:

(a) Admission and withdrawal register.

(b) Annual examination question papers and answer sheets of all classes will be preserved till the end of September of the next academic year including the records related to internal assessment.

(c) Records of attendance of all pupils especially attendance of Class IX & X, XI & XII (wherever applicable) for the purpose of admission to the Board's Examinations. The entries in these Registers shall be properly checked and signed by the Principal or a teacher nominated by the Principal.

(d) Service records of Teaching and Non-Teaching Staffs which include Appointment Letters, Confirmation Letters, Service Books and other service related correspondence.

(e) Financial Documents as specified in these Byelaws.

(f) Annual e-returns submitted by school on OASIS and U-DISE portal as per the specified dates.

(g) Any other documents required under statutory obligations.

(h) Any other documents specified by the Board from time to time.

14.20 Any person or entity associated with the management or running of the school, shall not disclose any information related to examination, evaluation of answer scripts, declaration of result or any other confidential/ancillary activity, to any unauthorized person or agency.

14.21 Any person or entity associated with the management or running of the school, shall not create confusion in the mind of students and parents in the matter of academic or examination policies of the Board or bring disrepute to the Board.

14.22 In case of schools already affiliated if it is found that the size of the rooms in the school is lesser than the size mentioned clause 4.1 of these bye laws, the Board may restrict the number of students in the class rooms.

14.23 The school shall not part away with any portion of the land which has been taken on record by the Board at the time of grant of affiliation to the school without getting the details changed in the Board's records.

14.24 The school shall be solely responsible for implementation and compliance of all the Central/State Acts, Local and Special laws applicable on the school along with rules/regulations framed, any other instructions issued there under and executive instructions.

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14.25 The school shall check gender specific violence, strictly comply with the guidelines, norms and procedures prescribed in the Protection of Children from Sexual Offences Act-2012 (POCSO Act), the Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act- 2013 and other Union and State Acts.

14.26 **ENVIRONMENT EDUCATION**

The school must strive to promote conservation of environment on their campus through rain water harvesting, segregation of waste at source, recycling of organic waste, proper disposal of waste including electronic waste, use of energy saving and energy efficient electrical equipment, greening of campus, use of solar energy, education and awareness amongst children on environmental conservation and cleanliness, etc.

The annual report of the school must contain a write up on all efforts made in this regard every year.

14.27 **RESIDENTIAL SCHOOLS**

The schools having hostel facilities shall ensure that they comply with the directives and directions issued by the National Commission for Protection of Child Rights (NCPCR) from time to time in this regard.

In addition to the guidelines from NCPCR, the school shall also follow and comply with directions issued by the Central/State/UT Government, National Disaster Management Authority or any other authority setup or authorized by the Central/State/UT Government in this regard.

14.28 The school shall be liable for recovery of expenses or the losses incurred by the Board, directly or indirectly consequent upon the instances of violations of any of the provisions of Board's byelaws/instructions, applicable Acts, Rules and Regulations.

14.29 The school shall admit the children of officer/employee of the Board who has joined duties on transfer/initial appointment, during the current academic session or the academic session preceding the current academic session, in the city/district or the adjoining city/district where the school is situated.

14.30 The schools which were affiliated with the Board till 2018 under the category of permanent affiliation will continue to remain affiliated under the category general affiliation and all the provisions of these bye-laws shall be applicable to these schools to ensure standardization of procedures, ensuring quality education and to bring these schools at par with all the schools of analogous plan of management affiliated with the Board.

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AFFIDAVIT

I/We ----- Son of/Daughter of/Wife of, age \_\_\_\_\_ (years), President or Secretary of the \_\_\_\_\_ (Name of the society/Trust/Company under section 8) running the \_\_\_\_\_ (Name of the School) do hereby solemnly affirm and sincerely state as follows:

- 1 That \_\_\_\_\_ (Name of the Society/Trust/Company under section 8) is a registered Society/Trust under the \_\_\_\_\_ (Name of the Act under which society/trust is registered/ Section).
- 2 That the \_\_\_\_\_ (Name of the Society/Trust/Company under section 8) is of Non-Proprietary Character.
- 3 That the school is being run as a community service and not as a business and that commercialization does not take place in the school in any manner whatsoever.
- 4 That no part of income from the Institution is being and will be diverted to any individual in the Trust/Society/Company/School Management Committee or to any other person/entity. The saving, if any, after meeting the recurring and non-recurring expenditure and contributions to developmental, Depreciation and contingency funds, will be further utilized for promoting the school and extending the cause of education in the same school only.
- 5 That school is not paying any charges towards using name, motto, logo or any other non-academic activities to any other institution, organization or body.
- 6 That the school will not open classes under CBSE pattern particularly class IX/X/XI/XII and will not use CBSE name in any manner without obtaining affiliation.
- 7 That the Principal and Correspondent/Manager of the school have individually gone through the provisions contained in the affiliation & examination byelaws and the circulars issued by the Board from time to time. The school undertakes to abide by the provisions contained in the affiliation & examination byelaws, directions issued from time to time and the law of the land.
- 8 That the school will ensure compliance of all statutory requirements like EPF, ESJ and Labour Laws etc. with respect to the school and staff of the school.
- 9 That the school will ensure that the Building Safety, Fire Safety, Water Safety, Health and Hygiene certificates are being issued or renewed by the concerned municipal or state authorities from time to time as per the prescribed term.
- 10 That the school will ensure that all required infrastructure is available with the school before starting classes.
- 11 That the school will ensure that sufficient number of qualified teachers as per the provisions contained in affiliation bye-laws are available with the school before starting classes.

(Affidavit should be on proper format and duly notarized)

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APPENDIX-IV

- 12 That the school will follow the provisions related to fee contained in affiliation byelaws and will disclose the details of the fee to the students/parents every year before start of session without resorting to any hidden charges in the heads of the fee.
- 13 That the school will not coerce any student/parent to buy books/stationary/uniform from any particular shop.
- 14 That the school shall strive to make efforts for conservation of environment.
- 15 That the school will ensure that the school fulfills all essential requirement before applying for affiliation and will fulfill all other conditions post affiliation and comply with all the general rules as given in the affiliation byelaws or notified from time to time.
- 16 That the school will not start CBSE pattern classes without submitting a commencement certificate to the effect that the school has complied with all the conditions imposed by CBSE and the post-affiliation conditions contained in affiliation byelaws along with general rules.

(In case of school's application is under switch over category please include the following clause in the affidavit).

- 17 That State pattern classes IX to XII running prior to the affiliation to CBSE would be sponsored for the State Board Examination. State Pattern classes IX to XII will be closed in a phased manner. No admission will be taken in the State Board Pattern Class IX to XII after getting affiliation from CBSE. The State Board School will be discontinued after switchover to CBSE.

(Affidavit should be on proper format and duly notarized)

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All the functionaries involved in running the school has a vital and key role to play in providing a good and healthy climate to the school to fulfill its aim and objects, to enable the staff provide quality education and to be a centre for educational excellence.

To achieve this aim, subject to the provisions contained in these byelaws, the roles and responsibilities of various functionaries shall include but not limited to the following:

#### 9.1 SOCIETY/TRUST/COMPANY

- 9.1.1 The Society/Trust/Company will ensure that the school is running as per the provisions of the Education Act, other relevant Acts of Centre/State/UT Governments and Affiliation norms of CBSE and shall be committed to provide quality education to the children and shall take necessary steps as per its needs for this.
- 9.1.2 It should ensure that the school gets proper land, building, library, laboratories, equipment for sports and other co-curricular activities, furniture and qualified staff and ensure prescribed safety precautions for children as per norms of the Board and actual requirements.
- 9.1.3 It shall ensure that the school is run as a community service and not as a business and that commercialization does not take place in the school in any manner whatsoever.
- 9.1.4 It shall ensure that the funds accruing from the school are spent for the benefit of the same school and extending the cause of education.
- 9.1.5 It shall safeguard the autonomy of the Principal.
- 9.1.6 It shall have control over the school management committee.
- 9.1.7 It shall have control over any capital expenditure i.e., on land and the construction of building, its expansion and procurement of major equipments for the school.
- 9.1.8 It shall provide funds for the needs of the school whether it is recurring or non-recurring.
- 9.1.9 It shall ensure that the teachers employed in the school are imparted teachers training as per the directions issued by the Board from time to time.
- 9.1.10 It shall ensure that the teachers/principal and infrastructure available with the school are made available to the Board for and the conduct of public examinations, evaluation of answer sheets, the result processing and other ancillary activities etc.
- 9.1.11 It shall ensure that the Principal/Head of the School does not refuse any duty assigned by the Board in connection with the conduct of examinations, evaluation of answer scripts, result processing and other ancillary activities.

#### 9.2 HEAD OF THE SCHOOL

- 9.2.1 Head of the School/Principal will be the ex-officio. Member Secretary of the School Management Committee.