



Monograph: January 2019

CBSE Bye-Laws 2018

A good attempt towards “Ease of Delivering Education” and a missed opportunity

The new CBSE bye-laws 2018 is a well-intentioned and a reasonable attempt towards the ease of delivering education even when it is a missed opportunity. The last time the bye-laws were amended was in 2012, shortly after the introduction of the RTE Act, 2009.

The emphasis in the new CBSE bye-laws is on a simplified process, less burdensome infrastructure requirement, giving importance to sports and balanced education, clarity on ambiguous areas through special provisions and making academics and training as the major focus areas. Specifically, the new bye-laws have provided changes in the following areas: a) Affiliation process and timelines; b) Infrastructure requirement, c) Matters relating to innovative schools, foreign schools, change of name, transfer or closure of school and schools in two shifts; d) Academic excellence and teacher training and e) emphasis on sports.

CBSE’s focus on reducing the red-tape and making an active effort to achieve “ease-of-management” of the schools is a welcome step. However, the new bye-laws fall short of the need of “quality education” and missed the opportunity to address the root of the problem - “high entry barrier in setting-up and running schools in India”.

It appears that CBSE’s goal for the new Bye-laws was in line with Ease-of-doing-business. The new bye-laws largely focus on ease of setting-up, running (and even shutting down!) of schools from the point of view of the management of schools, for which a good job is done.

A great opportunity of lowering the barrier of setting-up and running schools by allowing micro-schools was missed by CBSE. Further, the old approach of infrastructure and land norms and requirement should have given way to the quality of education.

All the changes made in the new Bye-laws are appreciated though they are incremental, as against being transformational. The changes ushered in through the new bye-laws are likely to bring relief to management or schools, specifically privately managed schools. The new bye-laws score a B+ grade in incremental changes and an F grade in transformational changes.

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Changes in Definitions

Parameters	Bye Laws 2012	Bye Laws 2018
Definitions		
• Affiliation	<ul style="list-style-type: none"> ▪ Formal affiliation of a school <ul style="list-style-type: none"> ➤ <i>Upto Class VIII</i> ➤ <i>Boards Examination</i> 	<ul style="list-style-type: none"> ▪ Formal affiliation of a school for <i>Boards Examination</i> <ul style="list-style-type: none"> ➤ <i>Includes all categories and types</i>
• Composite Affiliation	<ul style="list-style-type: none"> ▪ Affiliation from Class I to X or I to XII 	<ul style="list-style-type: none"> ▪ Affiliation for running of all classes for which the affiliation has been granted
• Upgradation	<ul style="list-style-type: none"> ▪ Sec. School (I – X) to Senior Sec. School (I – XII) 	<ul style="list-style-type: none"> ▪ Upgradation of a school under all categories
• Extension	<ul style="list-style-type: none"> ▪ Extension of Provisional/Regular Affiliation granted to a school 	<ul style="list-style-type: none"> ▪ Extension of the period of affiliation granted to school
• Examination	<ul style="list-style-type: none"> ▪ Examinations conducted by CBSE 	<ul style="list-style-type: none"> ▪ Examinations conducted by CBSE including Board's annual examination or any public examination
• School	-	<ul style="list-style-type: none"> ▪ As defined in Section 2 of the Right to Education Act
• Recognition	-	<ul style="list-style-type: none"> ▪ Formal recognition of a school in accordance with the RTE/State/UT Education Acts
• Capitation Fee	-	<ul style="list-style-type: none"> ▪ Defined in Section 2 of the RTE Act

Highlights

- The bye laws have made a reasonably sound effort to align with the Right to Education Act
- The terms provisional or regular affiliation cease to exist. Henceforth, Composite Affiliation is into existence
- The definition of Upgradation, School, Recognition and Extension is provided with a cogent meaning

Categories of Schools

CBSE has clearly defined the categories of schools that can apply for Affiliation

Parameters	2012	2018	Remarks
Categories of Schools			
Government Schools	Yes	Yes	<ul style="list-style-type: none"> ▪ Elaborate and descriptive ▪ The bye laws of 2018 has crisp subdivisions to avoid discrepancies ▪ Schools located in foreign countries is the category which was not defined in 2012 ▪ Section 8 of the Company's act is explicitly mentioned
Government Aided Schools	Yes	Yes	
Run by Autonomous Organisations (KV,S, NVS etc)	Yes	Yes	
Run by other Government Dept. (Railways, Defence etc)	Yes	Yes	
School Managed by Societies formed by Centre or State PSU, Statutory and Autonomous Bodies	Yes	Yes	
Private School			
<i>Societies Registration Act, 1860</i>	Yes	Yes	
<i>Registered Trust</i>	Yes	Yes	
<i>Section 8 of Companies Act, 2013</i>	No	Yes	
School located in foreign countries	No	Yes	
Any other category as specified by board over time	No	Yes	

▪ Regular Affiliation i.e. One time Affiliation is applicable

▪ For rest of the categories, only Composite Affiliation is available

▪ It is for a period of 3 years

▪ Applicable with respect to all classes category

Key Impact

- Provisional, Permanent affiliation has been scrapped
- Composite Affiliation to hold true for all categories of schools (Middle, Senior and Senior Secondary)
- Direct Affiliation till class XII is also applicable

Affiliation Process

CBSE Bye laws 2012

- **Provisional Affiliation**
3 – 5 years
- **Permanent Affiliation**
Only after Provisional Affiliation
- **Regular Affiliation**
Only Granted to Government / Aided, Autonomous Org. And PSU schools

Recognition from State Government

NOC from State Government

Land Area requirements

Infrastructure Requirements

Other Requirements*

* It Includes:

- Library
- Staff salary and conditions
- Fee
- Student Admission
- Reserve fund

CBSE Bye laws 2018

● Composite Affiliation

● *Pre Affiliation* →

Recognition from State Government

NOC from State Government

Land Area requirements

Infrastructure Requirements

Website, Online Document Submission and Letter of Intent

● *Post Affiliation* →

Staff and Service Conditions

Student Admission

Commencement Certificate

Financial resources

Other Requirements**

* It Includes:

- Books
- Curriculum and Syllabus
- Quality of Education
- Teachers (PET, Special Educator and Counsellor)

● Regular Affiliation

Only Granted to Government / Aided, Autonomous Org. And PSU schools

Major Changes

Less cumbersome process and less red-tape

Only online submission of documents - leading to ease of transaction and more transparency

Focus on Curriculum, Quality of Education and Special attention to students

Changes observed

Major Changes: Land Requirement

There has been changes in the requirement in the land for the establishment of a school

The land area is linked with the number of sections the school can have which was not stated in the 2012 bye-laws

Parameters	Bye Laws 2012	Bye Laws 2018	
Minimum Land requirement (Pan India)	2 acres or 8094 sq. feet	8000 *sq. feet – (48) 6000 sq. feet – (38)	Minimum land area is subjected to restriction on enrolment and number of sections
<i>Exception to this rule</i>			
<ul style="list-style-type: none"> Hilly areas Other cities (Ahmadabad, Bengaluru, Pune and Hyderabad) 	1 acre or 4047 sq. feet	2000 sq. metres - Class X (10) 3000 or 4000 sq. metres - Class XII (24 and 28 respectively)	*For more than 8000 square metres, there can be 12 sections for 2000 square metres of additional land
<ul style="list-style-type: none"> Delhi , NCT and Other Metropolitan cities 	Min. Population - 2.5 million Till Class XII ➤ 4 streams : 4000 sq. metres ➤ 2 streams: 3000 sq. metres Till Class X: 2000 sq. metres	Min. Population - 1.5 million For Delhi and other metropolitan cities: ➤ Class X: 1600 sq. Metres (10) ➤ Class XII: 2400 (24) or 3200 sq. Metres (28) For Non Capital Territory: 4000 sq. Metres (28)	
Leased Term	30 years	15 years	

Note:- () indicates number of sections allowed for particular land area

Other Important Changes (1 of 2)

Physical Infrastructure

Parameters	Bye laws 2012	Bye laws 2018
Computer Laboratory	<ul style="list-style-type: none"> ▪ No Minimum prescribed limit 	<ul style="list-style-type: none"> ▪ 9m * 6m (approx. 600 sq. feet) ▪ 1 lab for every 800 students ▪ Minimum of 20 computers
Mathematics Laboratory	<ul style="list-style-type: none"> ▪ No Minimum size prescribed limit 	Minimum size (48 sq. feet)

New Additions

Following are the new additions which did not exist in CBSE Bye laws 2012

Parameters	Description
Before Affiliation	
Website	Running website with all important information
Document Submission	Information should be uploaded on the website along with 2 documents <ul style="list-style-type: none"> ➤ <i>Certificate of Recognition (From District Education Administration)</i> ➤ <i>Self Affidavit</i>
Letter of Intent	Issued by the Board after satisfactory report of Inspection and fulfilment of all essential conditions

Other Important Changes (2 of 2)

Parameters	Description
Post Affiliation	
Electronic Clearing Service	Electronic clearing of the salaries by the school
Quality of Education	School must be quality driven and must strive for excellence in all aspect of activities
School Fee	Fee charged should be clearly stated along with other necessary details
Physical Education Teacher (PET)	PET should be appointed for (1:500) at each stage
Special Educator	Every Sec. and Senior Sec. should appoint a person for performing the duties of special educator
Counselling and Wellness Teacher	For Sec. & Senior Sec. school; Enrolment of less than 300 students (IX - XII) should hire part time
Commencement Certificate	Certificate should be provided to CBSE

Impact of CBSE Bye laws 2018 in the process of affiliation

- The affiliation process of has become completely online
- The submission of documents will commence from 1st Jan to 31st Mar of the academic year
- School Fee is mandatory to be revealed on the website
- The process has become less cumbersome and all required parameters are mentioned in details, avoiding any ambiguity

Special Provisions for Foreign and Innovative Schools

Foreign School

Parameters	Description
No Objection Certificate	The school should submit the NOC issued after due diligence by High Commission of India in the respective country
Teachers	Qualified teachers <i>as per</i> the qualifications prescribed in the respective country
Salary of the Staff	Salary and allowances should be paid <i>as per</i> the prescribed norms of the respective country
School Management Committee	SMC should be established, if the local laws state the same. If not, the school should provide an affidavit stating the same
Building, Fire and Water Certificates	The school should provide all respective certifications required in the respective country

Innovative School

Conditions for Affiliation
School will cover specialised schools implementing innovative ideas in the field of education, arts , science etc.
Affiliation will be granted as per the functional requirements
School shall provide recognition certificate <i>as per</i> RTE Act 2009.
The admission issued to the school shall be governed by the NOC issued by State/UT Government

Special Provisions (1 of 2)

To avoid any ambiguity, there are clear cut instructions in CBSE bye laws 2018 on

- Transfer of Schools from Society/Trust/Company
- Schools in two shifts
- Shifting of school from one campus to another
- Change of Name of the school/society
- Closure of School (CBSE bye-laws outline the process of closure of school with a reference to fee for closure of school However, the amount is not specified due to an act of omission by CBSE - this mistake will hopefully be rectified in a subsequent communication by CBSE)

Transfer of Schools from Society/Trust/Company

Note: This is not applicable for autonomous schools



- Genuine reasons should be furnished before the board
- Approval of State/UT Government
- Minimum Affiliation with the Board: 5 years

Schools in two shifts



- Approval of State/UT Government
- Inspection by the Board
- Separate teaching and Non-teaching staff (includes Headmaster and Vice Principal)
- Separate Attendance registers
- Minimum gap of 30 min. before the board
- Junior should be in the morning whereas Senior classes in evening shifts

Special Provisions (2 of 2)

Shifting of Schools from one campus to another



- Approval from the State/UT Government
- An affidavit notarised not to use the CBSE affiliation number at the old site
- Inspection of the new location

Change of Name of the School



- Approval of State/UT Government
- Resolution passed by the society
- Validation of documents related to land ownership and other clearance

Change of Name of the society



- Approval from the Government
- Change certificate from the registration society

Closure of School



- Minimum Affiliation with the Board: 3 years
- Resolution passed by the society
- Approval from the appropriate government

Training and Quality Assessment

- CBSE bye laws 2018 has paved the way for assessing not only the infrastructural requirements but also strive on academic excellence of the school.
- For this CBSE has explicitly prescribed in service Teachers training and Quality Assessment to help school attain academic excellence

Annual Trainings

- 3 days mandatory in house training for every teacher
- 2 days training programs preferably in association with the Centre of Excellence
- 2 days mandatory training for the Principal preferably in association with the Centre of Excellence

Note: These trainings can also be provided online with the help of IT platforms like DIKSHA or SWAYAM

Triennial Trainings

- Minimum 5 days mandatory in-house training
- Frequency: Every 3
- For entire Teaching staff

Highlights:

- The training should be video recorded and comprehensively documented
- Training Participation Certificates should be preserved and produced during Upgradation and Extension

Summary: Significant Changes

Affiliation Process

- Completely Online Process
- Synergistic Association between State authorities and CBSE
- Clear delegation of the inspection roles
- Composite Affiliation is in existence
- Provisional and Permanent Affiliation cease to exist
- Pre and Post Affiliation process to make it an easier and a reliable process

Land Requirements

- Leased Land tenure – 15 years
- NCR has different land requirements as compared to Delhi
- For metropolitan city population – 15 lakhs

Clear cut procedure is defined in the 2018 edition of CBSE Bye Laws

Special Provisions

- Innovative Schools – Affiliation Guidelines
- Foreign Schools
- Process for Transfer of School
- Process for Change of Name of the School
- Process for Closure of School
- Schools in two shifts

Other Focus Areas

- Academic Excellence
- Teachers Training

Emphasis on Sports

- Sports are mandatory in Schools
- Provision of tie ups with the nearby schools and colleges for utilisation of sports facilities

Submission Date

- 1st Jan - 31st Mar



Monograph: Jan 2019

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