

Bihar Elementary School Education Committee Act, 2007

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Act 27 of 2007

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Bihar Elementary School Education Committee Act, 2007 Bihar Act 27 of 2007 Published in Bihar Gazette (Extraordinary) dated 24.8.2007. An Act to provide for constituting school education committee in the elementary school of Bihar State. Preamble. - It is expedient to fulfil the "Fundamental Right to Education" for the children of age group 6-14 under Article 21 "A" of the Constitution of India, and in the light of the 73rd and 74th Amendment of the Constitution and also to provide for ensuring participation of people in the management, improvement, administration, supervision and control of all schools by constituting a Vidyalaya Shiksha Samiti. Be it enacted by the Legislature of the State of Bihar in the Fifty-Eighth year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Bihar Elementary School Education Committee Act, 2007. (2) It shall extend to the whole of the State. (3) It shall come into force from the date of its notification published in the Official Gazette.

2. Definitions.

- In this Act, unless there is anything repugnant to the subject or context.-(i) "Primary Schools" means such schools which have been established to provide education up to Class-V, but it does not include the minority schools and the schools fully or partially aided by the State Government; (ii) "Middle Schools" means such schools which have been established to provide education up to Class-VIII, but does not include the minority schools and the schools fully or partially aided by the State Government; (iii) "Elementary Schools" means primary and middle/basic schools providing education up to Class V or upto Class VIII; (iv) "Basic Schools" means such School which have been set up under Bihar and Orissa Primary Education (Amendment) Act, 1959; (v) "Minority Primary/Middle School" means a school administered by a linguistic or a religious

minority as envisaged in clause (1) of Article 31 of the Constitution of India and which is in receipt of Government grants;(vi)"Aided Primary/Middle Schools" means a Private School which is in receipt of Government grants and which is administered by a Managing Committee;(vii)"Bal varg' means children of such age group who are being offered pre-primary education;(viii)"Block Education Extension Officer" means an Officer specified as such by the Human Resource Development Department;(ix)"District Superintendent of Education" means a Government Officer of the Human Resource Development Department at district level who is in-charge of elementary education;(x)"Act" means "The Bihar Prarambhik Vidyalaya Shiksha Samiti Act, 2007";(xi)"The State Government" means the Government of the State of Bihar;(xii)"Prarambhik Vidyalaya Shiksha Samiti" means the Committee constituted under Section 3 of this Act and registered under the provisions of this Act;(xiii)"Parents" means a person whose child/children are enrolled in the schools;(xiv)"Parent Body" means a body of parents of the children studying in schools;(xv)"Chairperson" means the Chairperson of the Vidyalaya Shiksha Samiti constituted under this Act;(xvi)"Secretary" means the Secretary of the Vidyalaya Shiksha Samiti constituted under this Act;(xvii)"Poshak Kshetra" means the earmarked area for each school declared by a competent authority;(xviii)"Vidyalaya Shiksha Samiti Development Fund" means the fund established by the Vidyalaya Shiksha Samiti.

3. Constitution of the Vidyalaya Shiksha Samiti.

(1)A Vidyalaya Shiksha Samiti shall be constituted separately for each Primary, Middle and Basic Schools consisting of the following members:-(a)Parents elected as per the prescribed procedure; provided that only one of the parents will be elected as a member-Nine (9)(b)Elected members from among the non-parents-Three (3)This category will consists of the following members:-(i)One member from the elected non-parent members will necessarily be a retired Govt, teacher/officer/employee. If not available in the same Poshak Kshetra of a school, he/she will be taken from the adjacent Poshak Kshetra. But such person will not be a member of more than three Vidyalaya Shiksha Samities.(ii)One such donor who himself or whose ancestors have donated land for the school will be one of the elected members from among the non-parent members. Care will be taken to elect a person with clean and undisputed reputation under this category. If such person is not available, a general member will be duly elected.(iii)One other member from the Poshak Kshetra of the School.(c)Elected Member of the territorial area of the Gram Panchayat or the Panchayat Samiti or Ward of the Urban Body (ex-officio)-One (1)(d)Member nominated by Mukhiya of Gram Panchayat, Pramukh of Panchayat Samiti or Chairperson of Nagar Panchayat or Nagar Parishad or Mayor of the Municipal Corporation-One (1)(i)The Mukhiya of the Gram Panchayat will nominate a member of the Shiksha Samiti of Gram Panchayat, but the person will not be a member of more than three schools.(ii)The Pramukh of the Panchayat Samiti will nominate a member of the Shiksha Samiti of the Panchayat Samiti, but the person will not be a member of more than three schools.(iii)The Chairman/Mayor of the Urban Body will nominate a member of the Shiksha Samiti of the Urban Body, but the person will not be a member of more than three schools.(e)Headmaster/Head Teacher of the School (ex-officio member)-One(1)(2)At least 50% (fifty per cent) of the elected members will be women. Among the elected members, at least one member will be elected from the Scheduled Caste, one member from the Scheduled Tribes, one member from Extremely Backward Caste and one member from the Backward Caste category.(3)In

case of non-availability of the members of either of the two categories, i.e. Schedule Caste/Tribes (SC/ST), the member shall be elected from the other category. In case of non-availability of these two categories, the members shall be elected from the other Backward Caste.(4)Elected or nominated members shall be only from the Poshak Kshetra of the School, and only parents of the children enrolled from the Poshak Kshetra shall have right to cast votes.(5)Membership of the parents in the samiti shall continue so long as children are studying in the school. Vacancies arising as a consequent to it would be filled in by nominations from the same category from among the parents of the newly enrolled children as per the prescribed procedure, by the Samiti.(6)There shall be a Chairperson and a Secretary from among the elected members. If an elected member from among the parents is literate and has some knowledge of accounts, he/she will be elected as the Secretary of the Samiti.(7)Other teachers of the school may take part in the meeting but they shall have no voting rights.

4. Determination of the Poshak Kshetra.

(a)The Block Education Extension Officer (BEEO), with the help of the headmasters/head teachers of the school, will determine the poshak kshetra of each school.(b)The BEEO will maintain the record of the Poshak Kshetra of school of his area and one copy of it will be made available to the school for record. The record of Poshak Kshetra will be sent to Gram Panchayat/Panchayat Samiti/Urban Body, if they have some objections they will send their objections to the BEEO within 15 days, which will be disposed of by the competent authority, if so required.(c)There may be more than one school in one Poshak Kshetra based on the number of children.(d)The easy accessibility of children and social-cultural variations will be kept in mind while determining the Poshak Kshetra.

5. The Election of the Members of the Vidyalaya Shiksha Samiti.

(a)Members of the Vidyalaya Shiksha Samiti shall be elected as per the prescribed procedure on this basis of specified electoral roll.(b)Appeal regarding the election of members shall be disposed of as per the prescribed procedure.

6. Election and Expulsion of the Chairperson and Secretary.

(1)The Chairperson and the Secretary of the Vidyalaya Shiksha Samiti shall be elected by the votes of simple majority of the total members of the Vidyalaya Shiksha Samiti. Nominated members shall have no right to vote.(2)Either the Chairperson or the Secretary must be a woman.(3)The Vidyalaya Shiksha Samiti may pass a no confidence motion against the Chairperson and/or the Secretary by two third majority and shall elect a Chairperson and/or a Secretary from among the other members.(4)The Vidyalaya Shiksha Samiti may entrust the responsibilities of different works to its members by a simple resolution.

7. The Term of the Vidyalaya Shiksha Samiti and the office bearers.

- The term of the Vidyalaya Shiksha Samiti and that of its office bearers shall be of three (3) years

from the date of the registration of the Vidyalaya Shiksha Samiti.

8. Registration of the Vidyalaya Shiksha Samiti.

- The Vidyalaya Shiksha Samiti shall be registered as an institution by the Block Education Extension Officer.

9. Expulsion of the Members of the Vidyalaya Shiksha Samiti.

(a)The Samiti shall hold its meeting every month, and the quoram for each meeting shall be one third.(b)When any member of the Vidyalaya Shiksha Samiti, without any satisfactory explanation, remains absent from its four (4) consecutive meetings, the Vidyalaya Shiksha Samiti may terminate his/her membership on the basis of vote by a simple majority, and vacancies caused due to such expulsion shall be filled in as per the prescribed procedure from the same category.(c)The enquiry of allegations made against the office bearers/members may be conducted by the BEEO or the officer senior to him designated by the State Government, in a prescribed manner, and in case of proven misconduct the Vidyalaya Shiksha Samiti may remove the office bearer/member from the Vidyalaya Shiksha Samiti by a simple majority, and vacancies caused due to such removal shall be filled in as per the prescribed procedure from the same category.

10. Dissolution of the Vidyalaya Shiksha Samiti.

(a)If the Vidyalaya Shiksha Samiti fails to hold four monthly meetings or fails to accomplish work as per Government direction or fails to improve the conditions of the school, the Samiti may be dissolved in the manner prescribed, and the new Samiti shall be constituted within three months.(b)Until the new Samiti is constituted, the accounts of the Vidyalaya Shiksha Samiti shall be operated jointly by the Headmaster/HeadTeacher and the seniormost teacher of the school.

11. Powers and functions of the Vidyalaya Shiksha Samiti.

(a)For the School: - (i) The Vidyalaya Shiksha Samiti will protect the school building and will ensure that the school building is not used for non-teaching purposes;(ii)To make general supervision and maintain the works going on in the school, and take corrective measures and report to the higher authorities;(iii)To construct the school building and monitor it as per Govt, instructions;(iv)To decide the opening and closing time of the school and give prior information to BEEO and DSE. But in no case it shall be less than the prescribed period (hours);(v)The Vidyalaya Shiksha Samiti shall be competent to take such other decisions which it considers necessary to Promote Elementary Education in the village;(vi)Management and monitoring of education in the Bal Varg.(b)For Children. - (i) To ensure the enrollment of cent per cent children of age group 6-14 within the Poshak Kheshttra of the School and to ensure their fundamental right given under Article 21 'A' of the Constitution of India.(ii)To make necessary arrangement with regard to cultural and educational .activities for all round development of children.(iii)To pay special attention towards security of children during construction of school building, and management of the mid-day meal (MDM) and

other programme and activities.(iv)To take necessary decision about the management of the MDM and to supervise it. The Samiti will follow the directions given from time to time by the Govt, in this respect.(c)For Teachers. - (i) To create such environment that the teachers get proper respect for this programmes and plans will be prepared.(ii)To keep vigil that the teachers are not engaged in non-teaching works.(iii)To ensure that the salary of the teachers is paid regularly. Besides, the Samiti will help in solving their service related problems.(iv)To report to the competent authority about the continued and habitual absenteeism of teachers; and subjugation, humiliation and discrimination towards children by teachers, after due investigation.

12. Vidyalaya Shiksha Samiti Development Fund.

- In each school, a fund shall be created in the name of the Vidyalaya Shiksha Samiti, and the fund received from all legal sources will be deposited in it.The account of the fund will be operated jointly by Secretary of the Samiti and by one of the members who has been elected from retired Govt, servant or by the Headmaster/Head Teacher of the School, provided the Headmaster/HeadTeacher shall operate the account only when they are willing to do so, and when there is no alternative arrangements.

13. Co-ordination with Panchayati Raj Instructions (PRI).

(a)The Vidyalaya Shiksha Samiti (VSS) will submit the report of its activities of PRI twice in a year. The report will be submitted to the Gram Panchayat in the case of primary school, to the Panchayat Samiti in the case of middle/basic school and to the respective urban bodies in the case of Primary and Middle/basic schools in the urban areas.(b)The PRI shall discuss the report.(c)The PRI may ask for report regarding complaint against the VSS.(d)The PRI can enquire at their own or can request the competent authority for enquiry, and may ask the competent authority for action in the light of the enquiry.

14. Capacity Building/Improvement.

- The Government shall take the following steps for the capacity building of the Vidyalaya Shiksha Samiti:-(a)Training/orientation of the Chairperson and Secretaries of the Vidyalaya Shiksha Samities shall be organised from time to time.(b)The educational trips will be organised for the members of the Samiti.

15. Power to make Rules.

(1)The State Government may make the Rules for the implementation of the provisions of the Act.(2)Specifically, the State Government shall make Rules for all or any of the following subjects:-(i)To determine the Poshak Kshetra;(ii)To prepare and publish the electoral roll;(iii)To prescribe procedures for election of members of the Samiti;(iv)To prescribe procedure for nomination of members in case of vacancies;(v)To dispose of the complaint and appeal regarding election or nomination;(vi)To conduct the meetings of the Samiti;(vii)To dispose of the complaint

against Members, Chairperson and Secretary of the Samiti;(viii)To prescribe procedure for dissolution of the Samiti.

16. Power of removal of difficulties.

- The State Government shall have the power to remove the difficulties in the implementation of the provisions of this Act.

17. Repeal and Saving.

(a)"The Bihar Rajya Vidyalaya Shiksha Samiti Act, 2000" and all Government orders, notifications, resolution contrary to the provisions of this Act are repealed hereby from the date of enactment of this Act;(b)Notwithstanding such repeal anything done or any action taken under the previous Act and the orders and resolutions, notifications issued by the State Government prior to the commencement of this Act shall be deemed to be done or action taken as if this Act was in force during the period.