

The M.P. Jan Shiksha Adhiniyam, 2002

MADHYA PRADESH

India

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Act 15 of 2002

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The M.P. Jan Shiksha Adhiniyam, 2002M.P. Act No. 15 of 2002Received the assent of the Governor on the 26-8-2002, assent first published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 28-8-2002.An Act to translate the constitutional vision of the right of every child to access elementary education of quality and to provide for decentralised planning and participatory management of elementary and adult education redefining roles and creating institutions sensitive to the needs of quality education for all.Be it enacted by the Madhya Pradesh Legislature in the Fifty-third Year of the Republic of India as follows :-

Chapter I Preliminary

1. Short title, extent, application and commencement.

(1)This Act may be called the Madhya Pradesh Jan Shiksha Adhiniyam, 2002.(2)It extends to the whole of Madhya Pradesh.(3)It applies to the schools of the State Government and local body and schools receiving aid from the State Government. The provisions of this Act shall not apply to the institutions covered under Article 30 of the Constitution of India.(4)It shall come into force on such date as the [State Government may by notification appoint.] [Enforced on 1-7-2003 by Notification No. F-44-39-2001-XX-2, dated 28-6-2003.]

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Academic Session" means an annual session of the State Government/local body schools as directed by the State Government;(b)"Elementary education" means education from class 1st to class VIIIth;(c)"Gram Sabha" means Gram Sabha constituted under the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, (No. 1 of 1994);(d)"Jan Shiksha Yojana" means approved education plan of a habitation;(e)"Jan Shiksha

Prabhari" means the headmaster of middle school to be designated as Jan Shiksha Kendra;(f)"Local body" means body constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) or the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) or the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994);(g)"Middle School" means the school where education from class VIth to class VIIIth is imparted;(h)"Panchayat" means Gram Panchayat, Janpad Panchayat and Zila Panchayat constituted under the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994);(i)"Primary School" means school where education up to class Vth is imparted;(j)"Parent Teacher Association" means association of the parents of the students enrolled in a school and teachers of that school.(k)"Teacher" means any member of the teaching staff of a school known by any name as approved by Government and duly appointed to teach in that school;(l)"School" means an educational institution imparting, wholly or partly, elementary education;(m)"Shiksha Mission" means State level society for elementary education and adult literacy, established by Government and registered under the Madhya Pradesh Societies Registrikaran Adhiniyam, 1973 (No. 44 of 1973);(n)"Education Committee" means the committee constituted for handling educational matters at the village level under the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994);(o)"Zila Yojana Samiti" means Zila Yojana Samiti (District Planning Committee) constituted under the Madhya Pradesh Zila Yojana Samiti Adhiniyam, 1995 (No. 19 of 1995).

Chapter II

School As A Key Unit for Education

3. Admission in Schools.

(1)No child, shall be denied admission of elementary education in Government or local body schools.(2)No child shall be denied admission in any school on account of religion, race, caste, gender, language, place of birth or any of them.(3)The minimum age of admission in class-I shall ordinarily be 5 years on the day of commencement of the academic session.

4. Right of child to access education.

(1)No person shall prevent a child of age group of 5 to 14 years from attending school.(2)Any person violating the provisions of sub-section (1) may be punished with fine which may extend to one thousand rupees. The fine may be imposed by the Gram Sabha or local body after giving the person concerned an opportunity of being heard. The fine so imposed shall be recovered as an arrear of land revenue.

5. Teachers.

(1)The qualifications and procedures for recruitment and conditions of service of teachers shall be such as may be prescribed.(2)The head master or the incharge of the school, the teachers and other staff of the school shall be accountable to the controlling and disciplinary authority as well as to the Parent Teacher association and to the Education Committee in rural areas. The teachers

shall:- (a) ensure regular attendance of all children; (b) teach in a child friendly manner; (c) abstain totally from physical punishment; and (d) ensure equitable treatment to all children.

6. Fee.

(1) No tuition fee shall be charged in respect of a child attending a State Government school or local body school. (2) A school development fee may be levied in the State Government school or local body school or school receiving aid from the State Government with the consent of the Parent Teacher association. The fee may be levied in schools located in rural areas with the prior approval of the Education Committee.

7. Schedule of timings, and local holidays.

- The schedule of time and local holidays shall be prescribed by the Parent Teacher Association subject to the norms of at least 200 academic days in an academic session and average of five hours of teaching per day.

8. Maintenance of records in schools.

- The records in every school shall be maintained in such manner as may be prescribed.

9. Audit of accounts of the school.

- The accounts of schools of State Government or local body shall be audited in such manner as may be prescribed.

10. Non-deployment of teachers for non-academic work.

- The State Government school teachers shall be deployed for academic and such other works which are the part of the management of academic functioning of the school. They may be deployed for non-academic work only on the specific order of the State Government.

11. Use of school premises for non-educational work.

- The building of the State Government school or local body school and its premises shall not be used for non-educational purposes without the permission to be granted according to the prescribed guidelines issued in this behalf.

Chapter III

Responsibilities of Institutions and Parent or Guardian

12. Parent Teacher Association.

- In every school there shall be a Parent Teacher Association. The constitution and functions of the Parent Teacher association and its executive committee shall be such as may be prescribed. The Parent Teacher association shall perform the following duties namely:- (a) to ensure cent per cent enrolment in the schools of all the children of school area, in the age group 5 to 14 years. (b) to ensure regular attendance of students and teachers in schools. (c) to monitor the achievement levels of learners in the various competencies of different subjects. (d) such other duties as may be prescribed.

13. Education Committee.

- The Education Committee shall monitor the regular attendance of teachers in schools. The committee may direct the authority concerned to take action, including withholding of the disbursement of salary/honorarium, against the teacher for his wilful absence or negligence for such period as it may deem fit and refer the case to the disciplinary authority concerned for further action. The committee shall also perform such other functions as may be prescribed.

14. Jan Shiksha Kendra.

(1) The State Government shall designate one of the middle schools for a cluster of primary and middle schools in every districts, as Jan Shiksha Kendra for improving the quality of elementary and adult education. (2) (a) The Jan Shiksha Prabhari shall be responsible for the administrative, financial and other functions of the Jan Shiksha Kendra as may be prescribed. (b) A teacher of the one of the Schools of the Jan Shiksha Kendra shall be designated as Jan Shikshak to act as co-ordinator between the schools under the cluster and the Jan Shiksha Kendra. The Jan Shikshak will be nominated from amongst the teachers of the schools of the Jan Shiksha Kendra, by rotation.

15. Janpad Shiksha Kendra.

(1) There shall be Janpad Shiksha Kendra at the head quarter of every Janpad Panchayat for co-ordination, supervision and support of the Jan Shiksha Yojana at the Block level. The Janpad Shiksha Kendra shall be constituted in such manner as may be prescribed. (2) The Janpad Shiksha Kendra shall exercise such powers and perform such duties as may be prescribed.

16. Zila Shiksha Kendra.

(1) There shall be a Zila Shiksha Kendra at district level for co-ordination, supervision and support of the Jan Shiksha Yojana at the District level. (2) The Zila Shiksha Kendra shall be constituted in such manner as may be prescribed and it shall discharge such functions as may be prescribed.

17. District Institute for Education and Training.

(1)The District Institute for Education and Training will be the academic wing of the Zila Shiksha Kendra.(2)The structure of the institute and the eligibility criteria of posting of a person in the institute, period of posting and manner of posting shall be such as may be prescribed.

18. Zila Yojana Samiti.

- The Zila Yojana Samiti shall,-(a)assimilate the Jan Shiksha Yojanas into the Zila Shiksha Yojana and provide financial, technical and human resource support for the Zila Shiksha Yojana;(b)supervise, monitor and review the implementation of Zila Shiksha Yojana; and(c)ensure timely submission of annual report on academic attainments of children and direct and initiate action for improvement of quality.

19. Local Body.

- The local body shall be responsible for the functioning of the schools under its control in such matters as may be prescribed and will ensure the enforcement of the provision of this Act.

20. Shiksha Mission.

- The Shiksha Mission or any other successor, as the State Government may determine, shall be responsible for planning and co-ordinating in the implementation of elementary and adult education programmes for the State. The State Government may entrust to the Shiksha Mission such works as it may deem necessary to fulfil the goal of universalisation of elementary education and total literacy in the State.

21. Rajya Shiksha Kendra.

(1)There shall be a Rajya Shiksha Kendra at State level. The Rajya Shiksha Kendra shall be responsible for co-ordination, supervision and support of the Jan Shiksha Yojana at the State level. The Rajya Shiksha Kendra shall merge within it the existing functions of State Council of Educational Research and Training, Directorate of Adult Education and other project units for Elementary Education in the State.(2)The Rajya Shiksha Kendra shall be responsible for activities such as planning, budgeting, monitoring and academic and financial management of elementary education and total literacy in the State. The Kendra shall discharge such other functions as may be prescribed.

22. Responsibility of Parent or Guardian.

(1)It shall be the duty of every parent and guardian of a child of age group of 5 to 14 years to ensure that his child is enrolled and he regularly attends the school and completes elementary education except in the following circumstances :-(a)that there is no school within the prescribed distance

from his residence;(b)that the child is already receiving elementary education and his necessary declaration to that effect from the local body;(c)that the child is suffering from such mental or physical deficiency which prevents him from attending school and the certificate of which is given by a doctor.(2)On the violation of the provisions of sub-section (1), the Gram Sabha/local body shall give a notice in such form, as may be prescribed, to the defaulting parent/guardian to show cause as to why he has failed to perform his duty and after receiving and considering the explanation, it may either exonerate him or direct him for compliance with the provisions of sub-section (1), within a stipulated period. In case of non-compliance, the Gram Sabha/ local body may impose a fine not exceeding Rs. 10/-. The decision of the Gram Sabha/local body shall be final.

Chapter IV

Jan Shiksha Yojana : Participatory Plan for Education

23. Preparation of Jan Shiksha Yojana.

(1)The annual plan for quality education of children aged 5 to 14 years and non-literate ordinarily residing in the habitation shall be initiated and proposed by the Parent Teacher Association in accordance with the guidelines issued in this behalf.(2)The annual plan shall be submitted by the Parent Teacher Association to the Education Committee or to the Committee of the local body which supervises the affairs relating to school education as the case may be. The Education Committee or the committee of local body shall place the annual plan alongwith its recommendations before the Gram Sabha or urban local body for consideration and approval. The plan as approved shall be called "Jan Shiksha Yojana".(3)A copy of the approved plan shall be forwarded by the Gram Sabha to Jan Shiksha Kendra and the urban local body shall forward the approved plan to the prescribed authority. The Jan Shiksha Kendra shall forward the plan to the Janpad and Zila Shiksha Kendra. The Zila Shiksha Kendra shall examine the plan and submit it to the Zila Yojana Samiti.(4)The power of final approval of the Zila Shiksha Yojana shall vest in the Zila Yojana Samiti.(5)The Rajya Shiksha Yojana shall be prepared by the Rajya Shiksha Kendra on the basis of Zila Shiksha Yojana which shall be submitted to the State Government for approval.(6)All efforts will be made to mobilise resources for the implementation of Jan Shiksha Yojana, Zila Shiksha Yojana and Rajya Shiksha Yojana at each respective level. The progress of implementation of the Shiksha Yojana shall be monitored regularly at each level.

24. Academic Session.

- The State Government shall declare an academic session for each year.

Chapter V

Quality of Education, Resources and Incentives

25. Measures to improve the quality of education.

(1)The State Government shall take all steps necessary to improve the quality of education imparted in schools.(2)The Rajya Shiksha Kendra shall prepare the core curriculum and academic plan for the elementary level education.(3)The State Government shall develop prototype teaching learning materials and evaluation processes for the transaction of the curriculum and shall conduct public examination for certification at the prescribed stage of schooling. Quarterly and annual reports of the achievement of learners in terms of evaluation will be prepared by each school and presented to the respective Parent Teacher Association and the Education Committee who may if necessary suggest measures for remedial action and improvement.(4)The State Government shall promote opportunities for professional development of teachers based on a system of regular assessment of teacher's competence and knowledge.(5)The State Government shall encourage the establishment of libraries, laboratories and extension of the benefits of information technology and distant learning in schools.(6)The State Government shall monitor the administrative, financial and academic achievement of schools and various institutions of planning and management in such manner as may be prescribed.

26. Establishment of Shiksha Kosh.

(1)A Shala Shiksha Kosh, Zila Shiksha Kosh and Rajya Shiksha Kosh, shall be established at school, district and State level respectively, for resource mobilization at school, district and State levels in such manner as may be prescribed.(2)The Shala Shiksha Kosh shall consist of all funds received by a school through additional resource mobilization by the local community for enhancing facilities for the school. The accounts of the Shala Shiksha Kosh shall be maintained properly and the Kosh shall be utilized under the overall supervision and control of Parent Teacher Association of concerned school. Resources would be collected in the form of cash or material or labour/shramdan. It will be the duty of the Parent Teacher Association to constantly impress upon the Gram Vikas Samiti to deploy as much resources as possible from the Gram Kosh into the Shala Shiksha Kosh or undertake work related to the development of the school.The play ground, auditorium, library and additional rooms can be constructed in a school through private contributions which shall be acknowledged by the school if their minimum value is Rs. 25,000 or more. Any person can contribute food grains to form grain banks for each school to enable the school to supplement the mid-day meals programme.(3)The Zila Shiksha Kosh shall consist of all funds received from organizations and individuals interested in promoting the cause of education in the district. The account of the Zila Shiksha Kosh shall be maintained properly and the Kosh shall be utilized under the overall supervision and control of Zila Yojana Samiti.(4)The Rajya Shiksha Kosh shall consist of all funds received for the promotion of the cause of education. The Rajya Shiksha Kosh would be administered by the Rajya Shiksha Kendra of the State Government.

27. Volunteer resource support.

(1)The State Government shall endeavour to encourage human volunteer resource support to elementary education. Retired teachers who are local residents can be enrolled for voluntary teaching in local schools enlisted on the basis of decision by Parent Teacher Association approved by

Education Committee/Urban local body.(2)The Parent Teacher Association shall prepare a panel of volunteers who have requisite academic qualification to become a teacher. Such volunteers may impart education with the approval of Education Committee or urban local body free of remuneration.

28. Incentives.

(1)The State Government shall provide such incentives to meritorious teachers and students as it may deem fit.(2)The State Government shall make such special efforts to impart education to the students of seasonal migrant families and physical and mentally challenged children as may be prescribed.(3)When a child of the age group of 5 to 14 years is admitted in a school, which provides elementary education, then that child will be placed in a grade according to his abilities as assessed by the teacher.

Chapter VI

Public Accountability

29. Right to education.

- Every child of the age group of 5 to 14 year shall have right to access to elementary education and the State Government shall provide primary education facility within the radius of 1 km. and middle level education facility within the radius of 3 km. from the habitation subject to the norms as may be prescribed.

30. Annual academic report.

(1)An annual academic report about the academic status of the children of the State Government/local body school shall be placed before the Parent Teacher Association and also before the Education Committee in rural area, by the head master or the incharge of the school and the district annual academic report of the Zila Yojana Samiti by Zila Shiksha Kendra in the month of September every year.(2)The State annual academic report about the academic status of the children, of the State Government/local body schools shall be laid on the table of the Legislative Assembly, constituency-wise, in the winter session.

31. Access to progress report and answer books.

- The head master or the incharge of the school shall prepare progress report of each student and give the report to the parent, to inform the academic progress and overall development of their wards. The parent shall have easy access to the answer books in such manner as may be prescribed.

32. Supervision of schools.

- Every school shall be supervised atleast once in a quarter as per the guidelines issued by the State Government from time to time. A copy of the supervision report shall be sent to the concerned school and the report of the action taken thereon shall be placed before the Parent Teacher Association.

33. Review of progress.

- The review of progress of school education shall be a regular feature in the agenda of the meeting of the Gram Sabha, local body and the Zila Yojana Samiti.

Chapter VII

Adult Literacy

34. Adult literacy.

(1)The State Government shall prepare, implement and support literacy programmes for adult non-literates, with participation of the community, local body, teachers, teacher educators, education facilitators, employees and the private sector.(2)The Education Committee and the concerned committee of the urban local body shall endeavour to ensure that every adult member of age group of 15 to 50 years of the family possesses basic learning.

Chapter VIII

Miscellaneous

35. Power to issue direction.

- The State Government shall have powers to issue directions to any person/body/authority in consonance with the provisions of this Act and the rules made thereunder.

36. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)All rules made under this At shall be laid on the table of the Legislative Assembly.

37. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order, do anything for removing the difficulty :Provided that any order issued by

the State Government shall not be inconsistent with the provisions of this Act.

38. Repeal.

- The Madhya Pradesh Prathmik Shiksha Adhiniyam, 1961 (No. 33 of 1961) is hereby repealed.