

Bihar Elementary School Education Committee Act, 2011**12 of 2011**

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Bihar Elementary School Education Committee Act, 2011**12 of 2011**

An Act for immediate constitution of ad hoc elementary education committee and for constitution of such committees in elementary schools of the state under provisions of "The Right of Children to Free and Compulsory Education Act 2009" for ensuring people's participation in the management, control and supervision of the elementary schools of the State of Bihar. On account of non constitution of the education committees in elementary schools of the state, it is not possible to ensure people's participation in the management, control and supervision of elementary schools and also due to enforcement of "The Right of Children to Free and Compulsory Education Act 2009", school education committee has to be constituted in new Form; under provision of Section-21 of this Act, now under the prevailing circumstances with purpose of ensuring immediate people's participation in management, control and supervision of elementary schools and also for constituting elementary school education committee under provisions of "The Right of Children to Free and Compulsory Education Act 2009" it has become imperative to enact The Bihar Elementary School

Education Committee Act, 2011. Be it enacted by the Legislature of the state of Bihar in the sixty second years 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. 2011. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force from the date of its publication in notification.

2. Definition :-

In this Act, unless there is anything repugnant to the subject or context- (i) "Primary School" means such schools which have been established to provide education upto class-V, but it does not include the schools fully or partially aided by the State Government and the minority schools; (ii) "Middle School" means such schools which have been established to provide education up to class-VIII, but does not include the schools fully or partially aided by the State Government and the minority schools; (iii) "Elementary School" means primary and middle/Basic schools providing education up to class V or up to Class VIII; (iv) "Basic School" means such school which have been set up under Bihar and Orissa Primary Education (Amendment) Act, 1959; (v) "Block Education Extension Officer" means an Officer specified as such by the Human Resource Development Department; (vi) "The State Government" means the Human Resource Development Department of Government of Bihar; (vii) "Act." means The Bihar Elementary School Education Committee Act 2011; (viii) "Adhoc committee" means the Committee constituted under section-3 of this Act and registered under the Provisions of this Act. (ix) "Parents" means a person whose child/children are enrolled in the schools; (x) "Parent Body" means a body of parents of the children studying in Primary, Middle/Basic schools; (xi) "Chairperson" means the Chairperson of the Vidyalaya Shiksha Samiti constituted under this Act; (xii) "Secretary" means the Secretary of the Vidyalaya Shiksha Samiti constituted under this Act; (xiii) "Vidyalaya Shiksha Samiti Development Fund" means the fund established by the Vidyalaya Shiksha Samiti (including ad hoc committee); (xiv) "Guardians" means in context of a child, legal guardian declared by a competent court.

3. Constitution Of An Adhoc Committee For Elementary Schools :-

(i) Separate adhoc committee will be constituted for each primary and middle school (including Basic School) (ii) Adhoc committee will consist of 6 (six) or 7 (seven) members described as follows- (a) Elected ward member of Gram Panchayat/Nagar Nikay where the school is situated – 1 (One) member; (b) Head Master/Head Teacher of the school – 1 (One) member; (c) The mother of the student of class II belonging to general category who has occupied the position of best performer in the previous comprehensive and continuous evaluation (comprehensive and continuous evaluation of Class I) – 1 (One) member; (d) The mother of the student of class II belonging to scheduled Castes who has occupied the position of best performer in the previous comprehensive and continuous evaluation (comprehensive and continuous evaluation of Class I) – 1 (One) member; (e) The mother of the students of class V or VIII (Class V for primary school and class VIII for Middle school) belonging to extremely backward class who has occupied the position of best performer in the previous comprehensive and continuous evaluation (comprehensive and continuous evaluation of Class IV or Class VII) – 1 (One) member; (f) The mother of the students of class V or VIII (Class V for primary school and class VIII for Middle school) belonging to backward class who has occupied the position of best performer in the previous comprehensive and continuous evaluation (comprehensive and continuous evaluation of Class IV or Class VII) – 1 (One) member; (g) In Gram Panchayat or Nagar Nikay where population of the Schedule Tribes is 5% or more of the total population, the mother of the student of class II belonging to Scheduled Tribe Category who has occupied the position of best performer in the comprehensive and continuous evaluation of class I. In case a ST student is not available in the class II the mother of the ST student who is available in other class in ascending order – 1 (One) member; (h) In the category where the mother of the student has to be selected and in case the mother is not alive, she will be represented by the father. In cases where both the mother and the father are not alive the guardian of the student will be selected as the member.

4. Secretary Of The Adhoc Committee :-

Under the supervision of the Block Education Extension Officer 1 (one) member among the mothers will be selected either unanimously or by election by all the members as secretary.

5. Chairman Of The Adhoc Committee :-

The ward member will be chairperson of the adhoc committee.

6. Meeting Of The Adhoc Committee :-

The meeting of Adhoc committee will be called every month and presence of at least 4 (four) members will be essential for such meeting.

7. Vidyalaya Shiksha Samiti Development Fund :-

In each school, a fund will be created in the name of Vidyalaya Shiksha Samiti (including Ad hoc Vidyalaya Shiksha Samiti) in which amount received from all legal sources will be deposited. Accounts of the fund will be operated jointly by the secretary (including Secretary of Ad hoc Committee) and the Head Master/Head Teacher of the school. Each withdrawal from this fund has to be confirmed in the forth coming meeting of the committee otherwise there will not be any further withdrawal from this fund.

8. Registration Of The Adhoc Committee :-

The registration of Adhoc committee as an institution will be done by the Block Education Extension Officer.

9. Term Of The Adhoc Committee :-

The Adhoc committee shall remain in existence till a committee is constituted under the provisions of this Act and the provisions of The Right of Children to Free and Compulsory Education Act.

10. Power And Function Of The Adhoc Committee :-

(i) The Adhoc committee shall control and supervise general academic activities of the school; (ii) It shall ensure presence of teacher on times; (iii) It shall monitor construction of school building and Mid-day meal and carry out all the necessary activities for implementation of provisions of the Right of children to free and compulsory education Act 2009; (iv) It shall ensure compliance of order/direction given by the Government from time to time.

11. Constitution Of School Education Committees :-

For each elementary school a Vidyalaya Shiksha Samiti shall be constituted under the provision of the Right of Children to Free and Compulsory Education Act 2009 and rules to be notified under the provisions of this Act. Without generality, the constitution of Vidyalaya Shiksha Samiti shall be under the following points:- (i) The Shiksha Samiti will consist of 14 (Fourteen) members in which 2 (Two) shall be ex-officio and 12 (Twelve) shall be elected among the parents; (ii) Of the 2 (two) ex-officio members 1 (one) shall be the Head Master/Head Teacher of the school and other shall be the

elected member of the ward of the Gram Panchayat or Nagar Nikay where the school is situated; (iii) The election of 12 (twelve) member among parents shall be conducted under direction, supervision and control of State Election Authority. In this election parents of all students enrolled in the school shall participate as elector. Seats shall be reserved for SC/ST, extremely backward classes, backward classes and women; (iv) Elected members of the committee shall elect 1 (one) member as Secretary and 1 (one) member as chairperson. The general tenure of the committee shall be of three years but under special circumstances the committee may be dissolved. The secretary and the chairperson of the committee may be expelled under procedure prescribed. The member of the committee may also be expelled under procedure prescribed; (v) The committee shall carry out functions as described in Right of Children to Free and Compulsory Education Act. 2009 and the rules to be framed under the provisions of this Act.

12. Powers Of The Government To Remove Difficulties :-

For the implementation of the provisions of this Act, the state Government may issue guidelines and also the State Government shall have the power to remove the difficulties in the implementation of the provisions of this Act.

13. Repeal And Savings :-

(1) The Bihar Elementary School Education Committee Act 2007 is hereby repealed. (2) Notwithstanding such repeal any thing done or any action taken under the previous Act and the orders, resolutions and notifications issued by the State Government prior to the commencement of this Act shall be deemed to be done or action taken under this Act as if it was in force during the period.