

BOMBAY PRIMARY EDUCATION RULES, 1949

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BOMBAY PRIMARY EDUCATION RULES, 1949

In exercise of the powers conferred by sub-section (1) and (2) of section 63 of the Bombay Primary Education Act, 1947 and in supersession of the Bombay Primary Education Rules, 1924, the Government of Bombay is Pleased to make the following rules namely:-

CHAPTER 1 Preliminary

1. Short title and commencement :-

(1) These rules may be called the Bombay Primary Education Rules, 1949.

(2) They shall come into force with effect from the 1st day of April 1949.

2. Definitions :-

(1) In these rules, unless there is anything repugnant in the subject or context:-

(a) "Act" means the Bombay Primary Education Act, 1947.

(c) "\"Deputy Educational Inspectors" and Assistant Deputy Educational Inspectors" mean Inspecting Officers appointed under section 48 of the Act for each district by Government or by an officer authorised by Government in this behalf:

Provided that a reference in these rules to the Deputy Educational Inspector shall be construed in relation to any district for which no such officer is appointed as a reference to any other Inspecting Officer appointed by the State Government under section 48 of the Act for such district for performing the functions of the Deputy Educational Inspector under these rules.

(c-1) "Director of Local Authorities" means the officer appointed for the time being by the State Government to be the Director of Local Authorities.

(d) "\"District Building Committee" means such committee appointed by Government in each district.

(e) "Government" means the Government of Bombay.

(f) "Pension" means periodical payment of money made by the School Board to the employees of the District School Board or Authorised Municipality concerned during their life time on retirement of such employees from the service of such District School Board or authorised Municipality in consideration of the employees past service and includes gratuity.

(h) "Public School" means a primary school maintained by Government or District School Board or Authorised Municipality, as the case may be.

(i) "Regional language" means any one of the following languages, namely-Marathi, Gujarati or Kannada.

(j) "Schedule" means a schedule appended to these rules.

(j-a) The Provident Fund for the staff including primary school teachers of the District School Boards means the provident fund established by Government under section 46-A of the Act for the members of the staff maintained by a District School Board.

(h) Trained teacher" means a teacher who holds a certificate of training granted by the Education Department of Government or such other certificate as may from time to time be recognised by Government in this behalf.

(i) Words and expressions used in the Act not defined in these rules shall have the meanings assigned to them in the Act.

(2) In these rules, including the schedules, appendices and turns, the reference to President, Vice-President and Chief Officer of an authorised Municipality shall in relation to a municipal corporation deemed to be an authorised municipality under sub-section (2) of section 4 of the Bombay Provincial Municipal Corporations Act, 1949, be construed as a reference to the Mayor, Deputy Mayor and Commissioner, respectively, of such corporation and where the post of such Mayor, Deputy Mayor or Commissioner is vacant, to such person, officer or authority as the State Government may specify in that behalf.

CHAPTER 2 School Boards

3. Constitution of School Boards :-

Each School Board shall be constituted as shown in Schedule A.

4. RULE :-

xxx xxx xxx

5. RULE :-

Educational qualifications, equivalent to and higher than primary school certificate Matriculation Examination or Secondary School Certificate Examination and Second Year Training Certificate Examination for members -Educational qualifications equivalent to and higher than the primary school certificate examination for the membership of a school board shall be as follows :-

(a) Equivalent to the primary School Certificate Examination : -

(i) Vernacular School Final Examination held by the Educational Department of the province of Bombay prior to the year 1939.

(ii) Examination at the end of Standard III and VI of an ordinary secondary and English teaching school, respectively prior to 1st March 1949 and at the end of Standard VII of those schools thereafter.

(iii) Examination at the end of Standard VII of a European School as defined in the Code of Regulations for European School in the State of Bombay.

(iv) Examination at the end of Standard VI, or Class VII, (Gujarati) held in the former Baroda State prior of year 1948.

(v) Baroda Primary School Certificate Examination, 1948. (b) Higher than the primary School Certificate, Examination : -

(i) Any examination higher than any of the examinations mentioned in clause (a) above.

(ii) Examinations of the Gujarat and Tilak Vidyapeeth corresponding to the Matriculation Examination of a recognised University as notified by Government from time to time.

(iii) The Training Certificate Examination for Primary teachers of the Gujarat Vidyapeeth Adhyapan Mandir.

(iv) All examinations of the S.N.D.T. Womens University.

(v) The Bombay Secondary School Certificate Examination.

"(c) Equivalent to or higher than the Matriculation Examination or Secondary School Certificate Examination Certificate and Diploma treated as equivalent to or higher than the Matriculation Examination of any University constituted in the State of Bombay under any law for the time being in force or the Bombay Secondary School Certificate Examination and other Degrees and Diploma recognised by Government in that behalf for the purposes of recruitment to the Public Services and included in the Bombay Civil Services Classification and Recruitment Rules as amended from time to time.

(d) Equivalent to Second Year Training Certificate Examination- QUALIFICATIONS mentioned in Clause (k) of Rule 2."

6. Election of Board Members :-

(1) As soon as possible, after the coming into force of the Act, every district local board and authorised municipality shall proceed to elect the members of the School Board.

(2) Whenever a new local board or authorised municipality has been constituted, it shall elect the members of the School Board as soon as possible.

(3) The members of the School Board shall be elected separately in the following order :-

(i) representatives of the Scheduled Castes and the Scheduled Tribes.

(ii) persons who have passed the Matriculation or Second Year Training Certificate Examination "or who possess any other equivalent or higher educational qualification",

(iii) the remaining members of the School Board to be elected- other than the representatives of non-authorised municipalities, if any.

(4) \Representatives of non-authorised municipalities, if any, under proviso to section 4 (5) (a) of the Act shall be elected by the non-authorised municipalities concerned.

(5) \The election of the members of the School Board under the pre ceding sub-rules shall be held in accordance with the procedure prescribed in Schedule C.

7. Names of elected members to be reported :-

Immediately after the result of an election is declared under rule 16 of Schedule C the president of the district local board or the authorised municipality, as the case may be, shall communicate to the Collector of the District, the Educational Inspector and the Director the names of the persons elected as members of the School Board together with information in the form prescribed in Appendix A to these rules.

8. Publication of names of Members of a School Board :-

The names of all the members of School Board elected and appointed or nominated by the State Government shall be published in the official Gazette by Government.

9. Filling up of a casual vacancy of a member of a School Board :-

(1) The vacancy of an elected member of a School Board the due to any cause shall be forthwith reported by the Chairman of the School Board to the President of the District Local Board or the authorised municipality. The President concerned shall take steps to fill it up, as soon as conveniently may be, by election, in accordance with the procedure prescribed in Schedule C, of a person satisfying the requirements of the class of the vacancy.

(2) The vacancy of a member of a school board appointed or nominated by Government due to any cause shall be forthwith reported by the Administrative Officer of the School Board or Government.

10. Calling of a meeting for the election of Chairman and Vice-Chair man :-

The first meeting of a School Board shall be convened for the purpose of the election of a Chairman and a Vice-Chairman. Such meeting shall be convened by the President of the District Local Board or the authorised municipality, as soon as convenient, but not later than twenty-one days after the publication of the names of the members of the School Board in the official Gazette and a copy of the notice of such a meeting shall be sent to the Educational Inspector : provided that where no meeting for the purpose of such election has been convened within the time specified above, the Educational Inspector may exercise the powers of the President for the purpose of calling such meeting.

11. Procedure at the first meeting :-

(1) At the first meeting convened under rule 10 the President of the District Local Board or authorised municipality, as the case may be, shall preside until the Chairman has been elected.

(2) \The President of the District Local Board or authorised municipality so presiding shall not be liberty to vote upon, or to make any proposition at the meeting unless he is himself a member of the School Board.

(3) If the President is unable, or for any reason fails to preside over the meeting, the members present shall elect from amongst themselves a Chairman for the meeting. Such Chairman shall preside over the meeting, until the Chairman of the School Board has been elected.

(4) The Chairman of the School Board shall, as soon as he is elected, preside over that

meeting and the meeting shall then proceed to elect a Vice- Chairman.

12. Manner of election of a Chairman and a Vice-Chairman :-

The Chairman or the Vice-Chairman shall be elected in the manner prescribed in Schedule D :

Provided that an officer of the State Government appointed as a member of the School Board shall not be elected as Chairman or Vice- Chairman.

13. Chairman and Vice-Chairman to continue to perform duties after expiry of the term of School Board :-

On the expiry of the term of office of a School Board, the Chairman and Vice-Chairman shall continue to perform the current administrative duties of their offices until such time as a new Chairman and Vice-Chairman shall have been duly elected and have taken charge of their duties.

14. Filling up of casual vacancy of Chairman and Vice-Chairman :-

(1) When a Chairman resigns his office as Chairman and the President of the District Local Board or the authorised municipality, informs the Vice- Chairman of the date of his acceptance of the resignation of the Chairman, or when the Chairman is removed from his office under section 10(2) or ceases to be a Chairman under section 10(3) of the Act, the Vice-Chairman shall call a meeting for the election of a new Chairman as soon as convenient but not later than 21 days after the acceptance of the resignation of the Chairman, or his removal from the office of the Chairman or his cessation as Chairman.

(2) When a Vice-Chairman resigns his office as Vice-Chairman, or is removed from his office as Vice-Chairman under section 10 (2) or ceases to be a Vice-Chairman under section 10(3) of the Act, the Chairman shall call a meeting for the election of a new Vice-Chairman as soon as convenient but not later than 21 days after the acceptance by him of the resignation of the Vice-Chairman or his removal from the office of Vice-Chairman or his cessation as Vice-Chairman.

(3) If there are casual vacancies both of the Chairman and of the Vice-Chairman due to any cause the President of the District Local Board or the authorised municipality shall exercise the powers of the Chairman for the purpose of calling a meeting of the School Board for the election of a Chairman and such a meeting shall be presided over as provided in rule 11.

(4) If the Vice-Chairman, or the Chairman or the President fails to convene a meeting as provided in sub-rule (1), (2) or (3), the Educational Inspector shall have the power of calling such a meeting.

15. Calling of Meetings :-

(1) The School Board shall ordinarily meet once in two months for the transaction of its business, but the Chair- roan may, whenever he thinks fit, and shall, upon a written request of not less than one-third of the whole number of members of the Board and on a date not

later than fifteen days after the receipt of such request, call a special meeting.

(2)

(i) The ordinary and special meetings of the School Board shall normally be held at the office of the School Board. The Board may, however, decide, to hold its meetings at other suitable places in the district from time to time, provided that the number of meeting held outside the Head quarters of the School Board shall not exceed three in a financial year.

(ii) Subject to the provisions of paragraph (i) the meetings shall be held at such place and on such day and at such hour as the Chairman may appoint in this behalf.

(3) \If, in the opinion of the Director, the Chairman or in his absence the Vice-Chairman is for any reason unable to call or is deliberately abstaining from calling an ordinary or special meeting of the School Board within the prescribed time, the Director may authorise the Educational Inspector or any other officer of the Educational Department of Government to call such meeting and such meeting shall thereupon be deemed to have been duly called by the Chairman.

16. Notice for calling a meeting :-

(1) All members of a District School Board shall be given 10 clear days notice of an ordinary meeting and 5 clear days notice of a special meeting of the School Board.

(2) All members of a Municipal School Board shall be given 5 clear days notice of an ordinary meeting and 3 clear days notice of a special meeting of the School Board.

(3) Every notice under sub-rule (1) or (2) shall also be posted up at the School Board Office. Such Notice shall specify the place of meeting and business to be transacted thereat and in the case of a special meeting any motion or proposition mentioned in the request for calling such a meeting shall also be specified.

17. Quorum :-

Four members in the case of a School Board the total number of members of which does not exceed fourteen and five members in the case of a School Board the total number of members of which exceeds fourteen shall be deemed to constitute a quorum.

18. Chairman to preside :-

Every meeting of the School Board shall be presided over by the Chairman or if the Chairman is, for any reason unable to attend it, by the Vice-Chairman. and if both the Chairman and Vice-Chairman are, for any reason, unable to attend it, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

19. Adjournment of the meeting :-

(1) If there is no quorum as laid down in rule 17, the presiding authority shall, after waiting

for thirty minutes after the expiration of the appointed hour, adjourn the meeting to such hour on some other future day as he may reasonably fix. A notice of such adjournment shall be sent to every member of the School Board and posted UD at the School Board office and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum or not.

(2) Any special or ordinary meeting may, with the consent of a majority of members present, be adjourned from time to time; but no business shall be transacted at any such adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

20. Administrative Officer to give his remarks on the various items of business :-

It shall be the duty of the Administrative Officer to offer in writing his remarks on each item of business or proposition entered in the notice for proceeding to the consideration of each item the remarks of the Administrative Officer shall be circulated to every member of the School Board present at the meeting.

21. Presence of Educational Inspector :-

The School Board may invite the Educational Inspector to attend a meeting if his presence thereat appears to be desirable, and provided that adequate notice has been given, it shall be incumbent upon him to attend or depute a representative to attend on his behalf. The invitation shall specify clearly the item of business in connection with which such presence is desired and the place, date and hour of the meeting and should be posted so as to reach him at least ten or five days before the date of an ordinary or special meeting, respectively. The Educational Inspector or his representative shall have the right of taking part in the discussion but shall not vote.

22. Business to be transacted at a meeting :-

(1) No business shall be transacted and no proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request made for convening such meeting.

Provided that the Chairman may, in his discretion, permit any business or proposition to be discussed which is of an urgent nature and which could not reasonably be entered in the notice : Provided further that such permission shall be refused in the case of a motion or proposition to modify or cancel any resolution within four months of the passing thereof.

(2) The order in which any business or proposition shall be brought forward at a School Board meeting shall be determined by the presiding authority, who in case it is proposed by any such member to give priority to any particular item of such business or to any such proposition shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

23. Cancellation of a resolution :-

No resolution of a School Board shall be modified or cancelled within four months after the

passing thereof, except by a resolution supported by one-half of the whole number of members and passed at an ordinary meeting whereof notice shall have been given fulfilling the requirements of rule 16 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

24. Vacancy not to effect proceedings :-

. .-During any vacancy in a School Board, the continuing members may act if no vacancy had occurred.

25. Circulation of written propositions :-

(1) Whenever it appears unnecessary to the Chairman of a School Board to convene a meeting, he may instead of so doing circulate a written proposition of his own or of any other member of such Board or Committee or of the Administrative Officer for the observations and votes of the members.

(2) Previous to circulating any such proposition for the votes of members the Chairman may, if he thinks fit, and if the business to which it relates, is of the nature described in rule 21, shall obtain thereon the remarks of the Educational Inspector or of an officer authorised by him in this behalf.

(3) Except as otherwise provided in the Act and the rules there under, the decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a special meeting is convened to consider the proposition under sub-rule (1) of rule 15.

(4) Every decision arrived at by the Board under this rule shall be recorded in the minute book under rule 28.

26. All questions to be decided by majority :-

(1) Except as otherwise provided in the said Act or the rules thereunder, all questions shall be decided by a majority of votes of the members present, the presiding authority having a second or casting vote in all cases of equality of votes.

(2) Subject to the provisions of the Act and of these rules, the School Board may from time to time, determine the manner in which its business should be transacted.

27. Meetings to be open to the public :-

Every meeting of the School Board shall be open to the public unless the presiding authority deems any enquiry or deliberation pending before the Board, such as should be held in Private:

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings or whose presence, in his opinion, is undesirable.

28. Minutes of the meeting :-

(1) Minutes of the proceedings of each meeting of the Board shall be kept in a book to be provided for the purpose and shall include the names of the members and the Government Officer, if any, invited under rule 21, and if any member present at the meeting so desires, the names of the members voting respectively for or against any resolution. This book shall be signed, as soon as possible, by the presiding authority and shall, at all reasonable times, be open to inspection by any member of the Board or by an officer authorised by the State Government in this behalf. Copies of the minutes shall be supplied to every member of the School Board within 21 days from the date of the meeting.

(2) Copies of the minutes shall also be forwarded within two weeks from the date of the meeting to the Educational Inspector of the District, and, if the School Board is a Municipal School Board also to the authorised municipality for which it has been constituted. On receipt by such authorised Municipality of copies of such minutes, they shall be placed before the next meeting of the authorised Municipality.

(3) All resolutions of the School Board other than those passed at private deliberations of the Board shall be published as soon as may be by affixing a copy thereof in some conspicuous place in or near the office of the School Board.

29. Acts of the School Board not to be invalidated by informalities :-

No action of a School Board or of any person acting as a Chairman, Vice-Chairman or member of the Board shall be deemed to be invalid by reason only of some defect in the Constitution of such Board or in the appointment of such Chairman, Vice-Chairman or member or on the ground that they, or any of them, were disqualified for the office of member, or that formal notice of the intention of holding a meeting of the Board was not duly given or for any other such mere informality.

30. Travelling allowance to members :-

(1) The members of a District School Board other than the Government officers appointed under section 4(4) may receive payment for the expenses incurred by them in travelling for attending the meetings of the Board or for doing such business of the Board as may be entrusted to them by the Board. Such payment shall be made in accordance with the rules made in the rules made in this behalf by Government under clause (d) of section 133 of the Bombay Local Boards Act, 1923 :

Provided that no travelling allowance shall be admissible to a Chairman, Vice-Chairman or a member of the District School Board for a journey under-taken by him outside the jurisdiction of the Board unless the sanction of the School Board and the Director has been obtained for undertaking such journey.

Note.-(i) No travelling allowance shall be admissible to any member of a District School Board other than the Chairman or Vice-Chairman for visiting schools or for purposes of holding an inspection or enquiry which comes solely within the scope of the duties of the Administrative officer or other officer or servant of the School Board.

(ii) The Chairman of the District School Board shall as far as may be practicable, in consultation with the President of the District Local Board of the District, arrange to hold the meetings of the School Board in conjunction with the dates fixed for the District Local Board.

(2) \Non-official members and Chairman of a District School Board shall draw travelling and daily allowances as under-

(i) for a journey performed by railway, one and half return fares of class II;

(ii) mileage allowance for a journey performed by road or steamer, as far a journey on tour admissible to a Government servant of the second grade;

(iii) daily allowance admissible to a Government servant of the second grade drawing pay up to Rs. 300 per mensem.

(3) The annual expenditure in respect of travelling allowances of the Chairman and a member of a District School Board payable from the Primary Education Fund shall not except with the previous permission of the Director, exceed Rs. 750 in the case of the Chairman and Rs. 300 for the Vice-Chairman who may occasionally perform the duties of the Chairman and Rs. 200 in the case of each of the members.

(4) If the member of a District School Board who is also a member of the District Local Board in the District performs only one journey to attend meetings of the District School Board as well as of the District Local Board, such member shall not be allowed to draw from the Primary Education Fund travelling allowance in respect of more than one single journey and daily allowance admissible under the rules for the day on which he performs work for the District Local Board. In such a case the travelling expenses of such member for the return journey shall be paid out of the local fund of the District Local Board.

(5) Travelling allowance shall be admissible to the Chairman or a members of a District School Board-

(i) \if he performs a journey to attend a meeting of the District School Board which does not take place for want of a quorum; or

(ii) if he is shown in the proceedings of the meeting of the District School Board as having been present during any part thereof: provided that if the meeting continues for more than one day, he shall not be entitled to daily allowance, for any day on which he has not attended the meeting. The Chairman or member shall, in any case, not be entitled to any daily allowance unless he resides at the place where the meeting held, for at least six hours.

31. Statements and Travelling Allowance bills to be approved by the School Board :-

(1) The statements of the movements on duty of the Chairman and/or Vice-Chairman with

their travelling allowance bills, in respect of such journeys on duty made in the preceding two months shall be placed before each ordinary meeting.

(2) The amount of the travelling allowance bills in respect of Chairman and Vice-Chairman shall not be drawn until they are approved by the School Board. The travelling allowance bills of the other members shall be countersigned by the Chairman and drawn by the Administrative Officer.

CHAPTER 3 Duties and Functions of District School Boards, Authorised Municipalities, Municipal School Board, Chairman and Vice-Chairman

32. Maintenance of Primary Schools :-

(1) A district school board or authorised municipality shall maintain an adequate number of Primary schools in which instruction is given through the medium of the local regional language.

(2) In addition to primary schools maintained under sub-rule (1), a district school board or authorised municipality shall maintain.-

(i) schools teaching up to and inclusive of Standard VII in which instruction is given through the medium of some other Indian language in any area in which parents of not less than 10 pupils in a class or 40 pupils in a school whose mother tongue is such other language desire that their children should receive instruction through the medium of such other language;

(ii) schools teaching up to and inclusive of Standard IV in which instruction is given through the medium of some other Indian language in any forest area in which parents of not less than 20 pupils whose mother tongue is such other language desire that their children should receive instruction through the medium of such other language :

Provided that it shall not be obligatory on a district school board or authorised municipality to maintain primary schools under this sub-rule, in any area, if there is already an approved private school in the area in which instruction is given through the medium of such other language and which meets adequately the needs of the area.

(2-A) In the border areas of linguistic regions the medium of instruction in primary schools shall be such language as the State Government may direct.

(3) In every Approved school in which instruction is given through the medium of such other language the regional language of the locality shall also be taught to pupils from Standard III onward::

Provided that it shall not be obligatory in the case of approved schools in the border areas of linguistic regions, in which the medium of instruction is not the local regional language, to teach the local regional language to the pupils in such schools, unless so directed by the State Government.

(4) \Notwithstanding anything contained in the preceding sub-rules, in schools in the Bombay Suburban District in which instruction is imparted through one of the three regional languages of the State, there shall be no compulsion to teach any other regional language. The teaching of one of the three regional languages shall, however, be compulsory from standard III onwards in such schools in which instruction is imparted through any language other than the three regional language of the State.

Note 1. - A language shall be accepted as the mother tongue of a child if the parent makes a declaration in writing that such language is the child's mother tongue.

Note 2.-The expression "local regional language" means the predominant regional language of the district for which the district school board is constituted or in which the authorised municipality concerned is situated.

Note 3. - Such other language referred to in this rule shall not be a dialect but shall be a language authorised as such by the State Government.

Note 4.-In the case of any doubt about what is a forest area, a border area, the local regional language or the medium of instruction for any school or any other point for the purposes of this rule, the matter shall be referred to the State Government and the decision of the State Government shall be final.

33. Opening of new schools :-

A district school board with the previous sanction of Government and a municipal school board, so far as the budget provision made by the authorised municipality will allow, may wherever necessary, open new primary schools. If such new primary schools are to be opened in areas of non-authorised municipalities, the district school board or authorised municipality, as the case may be, shall while determining the location of such schools give due consideration to the suggestions, if any, made by such non-authorised municipality.

Provided that a district school board, may, without the previous sanction of Government open a new primary school in lieu of a primary school closed by it, provided that-

(i) \the expenditure to be incurred on such new school during the first year shall not exceed the average of the expenditure incurred on the school which has been closed during three years immediately proceeding its closure and that provision to meet such expenditure has already been made in the budget of the district school board for the year in which the school is to be opened; and

(ii) the new school to be so opened is in a village where there is no primary school.

34. Provision for grants to approved private schools :-

It shall be the duty of every authorised municipality to make such provision in its budget as will enable the approved private schools in its area to receive grants at the rates prescribed in Chapter VII of these rules.

35. Facilities for children of backward communities, and other indigent children :-

(1) Every district school board or authorised municipality shall pay special attention to the education of the backward communities and may, so far as its budget provision will allow, make special provision for scholarships and hostels for children of these communities. It may also make provision for supplying free of cost books and slates for indigent pupils of all communities.

(2) \Every district school board or authorized municipality shall, so far as its budget provision will allow, continue, to maintain special facilities already provided for, the backward communities at the time these rules come into force. (6) Staff.

36. Schedule of Staff :-

(1) Every district school board shall maintain a schedule of staff, permanent or temporary, sanctioned by Government setting forth the designations, grades, pay and nature of appointment of different members of the staff. No change or alteration in the schedule shall be made without the previous sanction of Government.

(2) Every municipal school board shall prepare a schedule which the authorised municipality shall sanction, with or without modifications, of the staff permanently required by it setting forth the designations, grades and pay of the different members of the staff. In addition, the municipal school board may with the sanction of the authorised municipality employ such temporary staff as may be required provided that the period of appointment of such temporary staff shall not exceed three years except with the sanction of Government and provided further that the expenditure on such staff (whether permanent or temporary) shall not be admitted for grant unless it has been previously sanctioned and held admissible for grant by Government.

37. Teachers :-

(1) Every district school board or authorised municipality shall ensure that the number of pupils on the rolls of a class in charge of a primary school teacher and if a teacher is in charge of more than one class, the total number of pupils on the rolls of all such classes done not, save in special circumstances, exceed 40 in any session.

(2) Every district school board or authorised municipality shall, as far as possible, maintain one extra primary school teacher in addition to the ordinary class teachers maintained in accordance with sub-rule (1) if the number of pupils in a primary school exceeds 200.

(3) The "shift system" by which a certain proportion of the pupils attends school in one session and the remainder in another session during the day, the same teacher attending at both sessions, shall be adopted in standards I and II in all schools in an area of compulsion except the basic schools or schools in which craft is introduced and may, in other areas, be adopted for classes upto standard IV in single-teacher schools :

Provided that in such cases no teacher shall be entrusted with more than two classes or 40

pupils during either session : Provided further that the Director may, in special circumstances, exempt any particular school from the operation of this sub-rule.

(4)

(a) It shall be the duty of every district school board or authorised municipality to depute every year for training such number of untrained primary school teachers employed by or under it as the Director may require and to make adequate provision for the purpose in its budget.

(b) Every Primary School teacher already in the employ of a district school board or authorised municipality who is deputed for training by a district school board/authorised municipality after the year 1953 shall-

(i) if he has completed five years of service on 15th June 1953, and continues to be in service without a break be paid his duty pay for the whole period of his training,

(ii) If he does not come under (i) be paid a stipend at such monthly rate as may be fixed by Government from time to time during the period of his training irrespective of whether or not he holds substantively any permanent post.

(c) Untrained candidates appointed as primary school teachers shall be required to undergo training either on a stipend or at their own cost as may be laid down in the instructions issued under section 24 (3) of the Act.

(d) Every primary school teacher deputed for training, who holds a permanent appointment shall during the whole period of his training, be considered as on duty for the purposes of leave, pension provident fund and increments".

38. RULE :-

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39. Authorised municipality to appoint clerks and others staff :-

An authorised municipality shall, after taking into consideration the recommendations of the municipal school board, make new appointments of clerks and of staff other than the Assistant Administrative Officers, Supervisors, teachers and inferior servants.

40. Loan or transfer of services of staff :-

Subject to the provision of the Act, a district school board on the recommendation of the Administrative Officer and an Authorised Municipality on the recommendation of the School Board may sanction the loan or transfer of the services of any member of the staff maintained by it under section 20 of the Act to another district school board or authorised municipality or Government or private institution on such terms and conditions as may be mutually agreed upon between it and such other board or municipality or Government or private institution :

Provided that such loan or transfer of services shall not be sanctioned in respect of a primary school teacher who has put in less than years of service".

41. Reinstatement, re-employment or extension of service :-

A district school board on the recommendation of the Administrative Officer and an authorised municipality on the recommendation of the School Board may sanction re-instatement or re-employment or extension of service to any member of the staff maintained under section 20:

Provided that no such member who has been convicted and sentenced by a criminal court for any offence committed by him while on duty or on leave shall be reinstated or re-employed unless the school board or the authorised municipality, as the case may be, decides by a majority of 2/3rds of the whole number of members that there are extenuating circumstances justifying such re-instatement or re-employment.

42. District School Board or Authorised Municipality to replace the services of the lent staff :-

A district school board or an authorised municipality, as the case may be may replace at the disposal of Government the- services of any Assistant Administrative Officer, Supervisor, clerk, inferior or other servant, if the services of such person have been lent by Government:

Provided that six months previous notice shall be given to Government of the intention to replace such services.

43. Provision of accommodation and equipment in primary schools :-

(1) It shall be the duty of every district school board or authorised municipality to provide as far as possible, accommodation and equipment as prescribed in section C of Chapter VII of these rules.

(2) In the district school board area, new primary school buildings for schools maintained by the Direct School Board shall be constructed and extensions to or special repairs of existing primary school buildings, owned by the district school board shall be carried out by the district building Committee of the district in accordance with the rules framed and instructions issued from time to time by Government Ordinary repairs to its primary school buildings shall be carried out by the district school board.

(3) In the areas of an authorised municipality, new primary school buildings for schools maintained by the municipality shall be constructed and extensions or special or ordinary repairs to its existing primary school building shall be carried out by the authorised municipality.

(4) A district school board or an authorised municipality as the case may be shall prepare and execute trust-deeds, agreements or other instruments as may be laid down by Government from time to time -

(a) for building grants paid by Government to district school boards and authorised municipalities; or

(b) for loans advanced to District School Boards by Government; in respect of the schools maintained by it and also prepare and execute agreements and leases in respect of any premises rented by it for the purposes of a primary school.

44. Preparation of schemes for voluntary expansion :-

Subject to the provisions of rule 200 a district or municipal school board may prepare and introduce a scheme for the expansion of primary education on a voluntary basis.

45. Preparation of draft regulations by municipal school board :-

A municipal school board shall prepare draft regulations to be made by the authorised municipality under section 17(3) of the Act.

46. Notice to the Director of the removal of the Administrative Officer :-

Whenever an Administrative Officer who is a Government servant and whose service have been lent by Government to an authorised municipality to which Government has delegated the power to appoint an administrative officer under section 22 (1) of the Act, is removed from that office by a resolution passed by at least two-third of the whole number of councilors of the municipality, the municipality shall at once communicate to the Director its decision as regards such removal.

47. Orders to be transmitted through the Administrative Officer :-

Every general or special order of instruction relating to the administration and control of primary schools or to the conduct or discipline of the staff issued by the school board or the authorised municipality, as the case may be, shall be transmitted through the Administrative Officer.

48. Duties and functions of the Chairman :-

Subject to the provisions of the Act and these rules the Chairman of a School Board shall-

(a) watch over the general administration of primary education in the area of the district school board or authorised municipality, as the case may be, and submit to the school board all questions connected therewith require its decision;

(b) arrange to call the meetings of the school board other than the first meeting convened for electing the chairman, and shall fix the place, date and time of such meetings;

(c) preside over such meetings;

(d) attend meetings of the staff selection committee or the appellate tribunal constituted under sections 23 (1) and 24 (2) of the Act and perform his duties as member of such committee or tribunal unless prevented by sickness or other reasonable cause; the Administrative Officer, castes of pupils attending

(e) sanction, on the recommendation of changes in the dates of birth and names and

primary schools;

(f) if he is the chairman of a district school board, tour in the district for not less than eighteen days in every three months for carrying on propaganda for the expansion of primary education, for keeping himself in touch with the progress of primary education in the district and for performing such other duties as may be entrusted to him by the district school board and keep a diary recording the place visited and the work done by him at such places for the boards information.

49. Emergency duties of the Chairman :-

The Chairman of the school board may, in case of emergency, perform such acts as may appear to him to be necessary provided that any of the provisions of the Act or these rules are not thereby contravened and provided further that he shall report at the next ordinary meeting of the school board the action taken and reasons therefor to the school board.

50. RULE :-

Subject to the provisions of the Act and these rules, the Vice- Chairman of the school board shall -

(a) perform such of the duties of the Chairman as the Chairman may, from time to time delegate to him.

(b) in the absence of the Chairman or if the Chairman is for any reason unable to perform his duties, perform the duties and functions of the Chairman.

(c) pending the election of a Chairman, perform the duties and functions of the Chairman.

51. Mode of executing contracts :-

(1) The Chairman of a District School Board may, on behalf of the board, enter into any contract or agreement in such manner or form as, according to the law for the time being in force, would bind him if the contract or agreement were entered in his own behalf; provided that the amount or value of such contract or agreement shall not exceed five hundred rupees.

(2) Every other contract or agreement on behalf of a district school board shall be in writing, and shall be signed by the Chairman and two other members of the Board and sealed with the common seal of the Board.

52. Power to compromise :-

(1) A district school board with the previous sanction of Government may compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into by it for such sum of money or other compensation as it may deem sufficient.

(2) A district school board with the previous sanction of Government may make compensation out of the Primary Education Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under the Act.

53. Preparation of an estimate :-

The Administrative Officer shall before the 15th of July every year, prepare an estimate for all items of forms, stationery, furniture and equipment required by the schools maintained by the district school board or authorised municipality or by the school board office during the ensuing financial year in the following form:-

This estimate shall be accompanied by a clear statement showing how the estimated requirements have been arrived at. The Administrative Officer shall place the estimate before the school board along with the draft school board budget. The school board shall then decide what provision should be entered in its budget for the purpose.

54. Re-examination of the estimate :-

As soon as possible after the school board budget is sanctioned, the school board shall in consultation with the Administrative Officer re-examine the estimate with reference to the provision made in its budget for the purpose and decide which items entered in the estimate should be purchased.

55. When tenders to be invited :-

(1) \No purchase of forms and stationery, furniture and equipment which are estimated to cost more than Rs. 5,000 shall be made without inviting tenders.

(2) \In the case of purchase of articles referred to in sub-rule (1) estimated to cost more than Rs. 500/- but less than Rs. 5000/- an inquiry shall be addressed to persons on approved list and the replies to such enquiry shall be taken into consideration before the purchase is made :

Provided that the provisions of the this rule and of rules 56 to 59 shall apply in case of purchase made from Government".

56. Manner of inviting tenders :-

(1) Contract documents with regard to the supply of forms, stationery, furniture and equipment shall be prepared by the Chairman.

(2) The Administrative Officer shall then invite tenders by advertisement in one or more newspapers having circulation in the area as may be deemed necessary.

(3) If a supply is required so urgently that advertisement is not possible, the Administrative Officer may, with the approval of the Chairman, invite competitive tender from several capable local contractors, not less than three in any case. In such cases, the Administrative

Officer shall give detailed reasons to the school board at its next meeting for not inviting tenders by advertisement.

(4) The tenders shall always be sealed and the tenders shall have free access to all contract documents. The notice for tender should, in all cases, state-

(a) the place where and the time when the contract documents can be seen and the blank forms of tenders obtained, also the amount, if any, to be paid for such forms of tender;

(b) the place where, the day on which and the time when the tenders are to be submitted and shall be opened and the rates offered by each tender shall be announced;

(c) the amount of earnest money to accompany the tender and the amount and nature of the security deposit required in the case of the accepted tender;

(d) the right to reject any of the tenders received by the school board without the assignment to the tender of the reason for such rejection vests in the school board.

Note (1).--As a rule no tender shall be entertained which is not accompanied by the deposit of cash money. The amount of earnest-money to be recovered from the tenderer shall be 1 per cent of the estimated cost of the supply of forms, stationery, furniture or equipment, as the case may be, subject to a minimum of Rs. 15. The tenderer whose tender is accepted by the School Board shall be called upon to produce within one month from the date of the approval of the tender by the Board, evidence of his financial status from the Collector of the District or from the Government within whose jurisdiction he resides, or a certificate from the Scheduled Bank guaranteeing the solvency of the tender equal to the amount of the tender on the basis of the amount at the credit of the tenderer.

Note (2).-The tenderer may in lieu of the solvency certificate referred to in Note 1. deposit with the School Board, Government securities of sufficient period and having a face value for an amount equal to 25 per cent or an amount in cash equal to 25 per cent of the cost of work put to tender or furnish two solvent sureties for the amount of the tender.

Note (3).-The School Board shall not issue an order to the tenderer for the supply of the material of tender unless the requirements of Notes 1 or 2 are complied with :

Provided that in the case of contracts involving an amount of Rs. 2,500 or less the production of evidence of financial status may be dispensed with at the discretion of the Administrative Officer of the School Board concerned.

57. Opening of tenders :-

At the Advertised time and place, all tenders received for the same contract shall be opened by the Administrative Officer in the presence of the Chairman and of such of the intending contractors or their agents as may choose to attend. The tenders shall then be signed by the Chairman and the Administrative Officer, the rates offered by each tenderer shall be announced to the persons present and thereafter the tenders shall be kept in custody of the

Administrative Officer.

58. Administrative Officer to offer remarks :-

Within one week of the opening of the tenders, the Administrative Officer shall scrutinize them and submit his recommendations to the School Board.

59. Acceptance of tenders :-

As soon as possible after the receipt of the Administrative Officers recommendations, the School Board shall scrutinize such tenders with reference to the remarks offered by the Administrative Officer thereon and decide which of such tenders shall be sanctioned. Ordinarily the School Board shall sanction the lowest tender unless there is some objection to the capability of the tenderer, his financial status, the security offered by him or execution of former work or for some other sufficient cause. If a tender other than the lowest tender is accepted the School Board shall record its reasons in writing for doing so, and shall obtain the sanction of the Director in the case of a District School board or of the Authorised Municipality in the case of a municipal School Board.

CHAPTER 4 NON-AUTHORISED MUNICIPALITIES

60. Consultation with the Non-Authorised Municipalities :-

(1) A District School Board or Authorised Municipality, as the case may be, which controls approved schools in the area of a Non-Authorised Municipality may in consultation with such Non-Authorised Municipality-

(a) determine the location of new primary schools to be opened in the area of such Municipality;

(b) close any primary school maintained by it in the area of such Municipality:

(c) carry out special or ordinary repairs to primary education in the area of such Municipality:

(d) prepare schemes for the expansion of primary school building in the area of such Municipality; and

(e) do any other matter connected with primary education, on which "it considers consultation with such Municipality to be necessary.

(2) A Non-Authorised Municipality may, of its own accord, make suggestions to the District School Board or Authorised Municipality, as the case may be, on any matter affecting primary education within its area. The District School Board or Authorised Municipality concerned shall give due consideration to such suggestions.

CHAPTER 5 ADMINISTRATIVE MACHINERY

61. Powers and duties as the Chief Executive Officer of the School Board :-

(1) Duties in relation to the meetings of the School Board.- The Administrative Officer shall be responsible for -

(a) arranging for the preparation of the agenda of the School Board meeting and submitting such agenda to the Chairman for his approval;

(b) offering in writing his remarks on each item of the agenda as approved by the Chairman:

(c) arranging for the issue to all members of the School Board of the Notice about the place, date, time and agenda of the School Board meeting;

(d) attending all meetings of the School Board and the important ones of its sub-committees, and answering such questions and supplying such information as may be put or called for in such meeting. (He shall not, however, be entitled to vote):

(e) arranging for the keeping of the minutes and reports of such meetings accurately and clearly;

(f) taking action on the minutes or reports whenever necessary; and

(g) doing such other work connected with the meetings of the School Board as may be found to be necessary subject to any directions given by the Chairman.

(2) Duties in relation to Primary Schools.-The Administrative Officer shall-

(a) be responsible for the general administration of the Primary Schools maintained by the District School Board or Authorised Municipality, as the case may be, and, in particular, for determining and satisfying, as far as possible, the requirements of such schools in regard to accommodation, staff, furniture equipment, repairs and other general supplies, for the conduct and discipline of these schools as educational institutions, for the organisation of annual examinations in such schools and for their periodical visitation with a view to checking their day-to-day working;

(aa) be responsible for the organisation of such annual examinations in approved private schools as the School Board may direct in respect of such schools, provided that no additional expenditure on that account is to be borne by the School Board;

(b) determine and pay grant-in-aid to approved private schools on behalf of the School Board;

(c) be responsible for carrying out the suggestions made from time to time by the officers appointed by Government under section 48(1) of the Act in connection with the schools maintained by the District School Board or Authorised Municipality.

(3) Duties in regard to schemes of expansion.-The Administrative Officer shall-

(a) arrange for the preparation of the draft schemes for the expansion of primary education on a voluntary or compulsory basis either on his own motion or according to the directions received from Government, Director or the School Board or the Authorised Municipality, as the case may be;

(b) submit to the School Board proposals for additional expenditure;

(c) if he is the Administrative Officer of a District School Board be responsible for carrying out the provisions of a sanctioned scheme; and

(d) do such other work in connection with the schemes of expansion as may be found necessary.

(4) Duties with regard to Financial matters.-The Administrative Officer shall be responsible for-

(a) arranging for the timely preparation of the annual or revised or supplementary budget of the School Board and of the re-appropriation statement;

(b) reporting on the final effect of all proposals for the expansion of primary education or new items of expenditure;

(c) answering all objections raised by the Auditors; and

(d) for the general administration, maintenance and use of the Primary Education Fund.

(5) Duties in relation to educational matters.-

(a) It shall be the duty of the Administrative Officer to advise the School Board generally on all matters connected with primary education in its area and on the working of the schemes of educational expansion.

(b) In particular, and without prejudice to the generality of the foregoing clause, the Administrative Officer shall

(i) make recommendations to the School Board in regard to the taking over of private schools or the development of the existing lower grade schools maintained by the District School Board or Authorised Municipality into full-grade schools or the places where new schools should be opened;

(ii) make, on the basis of the Deputy Educational Inspectors remarks, recommendations to the School Board for the first recognition or the payment of grant-in aid to a private school or for the withdrawal of such recognition or grant-in-aid;

(iii) recommend to the School Board the distance measured according to the nearest road between an approved school and the residence of a child for the purpose of clause (c) of section 33 of the Act;

(iv) recommend to the School Board the grant of exemption from attending an approved school to a child who is receiving instruction otherwise than in an approved school;

(v) be responsible for causing enquiries to be made into the needs of different villages and areas, particularly of backward areas as regards primary education;

(vi) make recommendations to the School Board, in regard to the changes in the curriculum to meet local requirements;

(vii) prepare draft regulations to be made by the District School Board under section 13 (3), by the Authorised Municipality under section 17 (3) and by the Municipal School Board under section 18 (3) of the Act, as the case may be; Note.-Model regulations relating to the constitution and functions of the Taluka Advisory Committee are given in Schedule P for the guidance of the Administrative Officers.

(viii) be responsible for determining the requirements of school libraries and reading-rooms and arrangement for the award of prizes in schools; and

(ix) perform such other duties connected with educational matters as may be found necessary.

(6) Duties with regard to the properties of the District School Board and Authorised Municipality.-

(a) The Administrative officer shall be responsible for-

(i) arranging for the maintenance of an inventory of all properties- movable and immovable-vesting in, held by or under the control of the District School Board or Authorised Municipality, as the case may be: is properly cared for and is kept in

(ii) ensuring that such property good order;

(iii) arranging for the carrying out, so far as the School Board budget will allow, of special or ordinary repairs to school and other buildings belonging to the District School Board or Authorised Municipality;

(iv) assisting the District Building Committee, District School Board or Authorised Municipality, as the case may be, in regard to alterations, enlargements or improvements in school and other buildings belonging to the District School Board or Authorised Municipality;

(v) performing such other duties connected with the property of the District School Board or

Authorised Municipality, as may be found necessary.

(b) The Administrative Officer of a District School Board, as Secretary of the District Building Committee in the District shall be responsible for-

(i) arranging for the collection of all available information about the sites and existing accommodation in schools maintained by the District School Board, the additional accommodation required for such schools, the amount of grant sanctioned by Government to the District Building Committee in any year for the construction and extension of school buildings the contributions received from the villagers or Non-Authorised Municipal areas for the purpose, the number of buildings that can be constructed or extended with the help of such grant and contributions;

(ii) recommending to the District Building Committee priority for construction or extension of school buildings in the District School Board area;

(iii) attending all meetings of the District Building Committee;

(iv) taking steps as soon as the District Building Committee decides to construct or extend any primary school building, to-

(a) select, acquire and/or purchase the site for the school building,

(b) invite tenders for construction or extension of the building and place such tenders with his remarks before the District Building Committee for its orders;

(c) get the building work supervised by the Public Works Department officers and obtain from them a valuation certificate after the building is constructed or extended, as the case may be;

(d) arrange for handing over the buildings to the District School Board after completion;

(v) arranging for the maintenance of the accounts of the funds under the control of the District Building Committee; and

(vi) doing such other work connected with the District Building Committee, as may be found necessary.

(7) Duties with regard to general administrative matters.-The Administrative Officer shall-

(a) assist the School Board Chairman with regard to the preparation of contract documents for the supply of forms, stationery, furniture or equipment for which tenders are required to be called for, invite such tenders and place them before the School Board for orders with his recommendations;

(b) cause enquiries to be made into applications for changes in the names and castes and birth dates of pupils attending primary schools and submit his recommendations to the School Board Chairman after full investigation into the circumstances necessitating such changes and recording in writing reasons for such changes;

Provided that when an application for change in the caste of a pupil is made and if the Administrative Officer is in doubt, the Administrative Officer may require the applicant to produce a certificate from a stipendiary Magistrate, that the pupil belongs to the caste to which he claims to belong.

(c) cause enquiries to be made into complaints received from the public or otherwise on any matter affecting primary education in his jurisdiction;

(d) tour in the district, if he is the Administrative Officer of a District School Board, for such minimum number of days as may be laid down by the Director in this behalf for watching over and generally for keeping himself in touch with the administration of primary education in the district;

(e) arrange for the annual inspection of schools maintained by the District School Board or Authorised Municipality in consultation with the Deputy Educational Inspector; and

(f) arrange for the consolidation of the annual statistics of schools, pupils, etc., and for the preparation of the annual report on the administration of primary education in the area of the District School Board or Authorised Municipality, as the case may be.

"(g) executive contracts on behalf of the Education Committee of the Taluka Panchayat, District Panchayat or School Board, as the case may be, subject to instructions, if any, issued by Government from time to time."

62. Duties as the Secretary of the Staff Selection Committee :-

(1) The Administrative Officer shall-

(a) arrange to prepare every year as close an estimate as possible of the number of vacancies likely to arise in course of the ensuing year, among the staff (excluding the inferior staff) maintained by a District School Board or among the posts of Assistant Administrative Officers, Supervisors, and Teachers maintained by an Authorised Municipality, as the case may be, and check the estimate personally to satisfy himself about its reasonableness;

(b) take steps annually, within ten days of the publication of the results of the Primary School Certificate Examination, to invite, by advertisement in the local newspapers, applications from qualified candidates for the estimated number of vacancies;

(c) arrange for statements to be prepared in accordance with the instructions issued from

time to time by the State Government under section 23 (4) of the Bombay Primary Education Act, 1947, showing the names and there particulars of all the candidates who may apply for the advertised vacancies and place such statement before the Staff Selection Committee:

(d) \arrange to call for interview by the Staff Selection Committee before the end of June of the year such number of candidates as the committee may desire to interview having regard to the number of vacancies;

(e) \prepare within fifteen days of completion of the interview lists of selected candidates in accordance with the instructions issued by Government from time to time: Note.-The total number of candidates on the list shall not exceed the estimated number of vacancies plus 10 per cent. The Staff Selection Committee may direct the Administrative Officer to maintain a subsidiary list of selected candidates which may be utilised if the main list gets exhausted before the completion of selection next year,

(f) \arrange for a statement to be prepared in accordance with the instructions issued from time to time by the State Government under section 23(4) of the Act, showing the names of teachers recommended for training, their age, community, qualifications, and other particulars and place such statements before the Staff Selection Committee, for the orders;

(g) \fix. in consultation with the other members of the Staff Selection Committee, the place, date and the hour of the meeting, of the Staff Selection Committee;

(h) attend all meetings of the Staff Selection Committee and (1) \do such other work connected with the Staff Selection Committee as may be found necessary.

(2) \The lists prepared under clause (e) of the proceeding sub-rule by the Staff Selection Committee in one year will lapse immediately the lists for next year are prepared. Nots.- Candidates who have been selected and appointed in any year since June 1953, under the Board but whose services have been terminated on the ground that they are no longer required shall be eligible for re- appointment without a fresh interview provided their work during the period of their services was satisfactory. The estimate of the number of vacancies in the ensuing year shall be prepared after taking into consideration the claims of such candidates.

63. Powers and duties with regard to the Staff of a District School Board or Authorised Municipality :-

(1)Appointments.-

(a) The Administrative Officer shall have power to appoint inferior servants.

(b) \The Administrative Officer of a District School Board shall-

(i) in his capacity as Administrative Officer, issue orders of appointment of candidates

selected by the Staff Selection Committee for posts of teachers;

(ii) on behalf of the District School Board issue orders of appointments of candidates selected by the Staff Selection, Committee for posts of Assistant Administrative Officers, Supervisors, Clerks and other posts (excluding posts of teachers and inferior servants) in accordance with the directions given by the Staff Selection Committee; and

(c) The Administrative Officer of a Municipal School Board shall-

(i) in his capacity as Administrative Officer, issue orders of appointments of candidates selected by the Staff Selection Committee for posts of teachers;

(ii) on behalf of the Authorised Municipality issue orders of appointments of candidates selected by the Staff Selection Committee for the posts of Assistant Administrative Officers, Supervisors in accordance with the directions given by the Staff Selection Committee; and

(iii) recommend to the Municipal School Board the names of candidates for new appointments to posts mentioned in rule 39 of these rules.

(2) Administrative Control.-The Administrative Officer shall have power-

(a) to supervise control and co-ordinate the work of the staff main- Stained by the District School Board or Authorised Municipality under section 20 of the Act;

(b) to confirm, promote, transfer, censure, fine,- withhold increments of, reduce, suspend, remove, or dismiss any member of such staff or require him to retire from service, subject to such general instructions as may, from time to time, be issued by the Director in this behalf :

Provided that no order of reduction, removal, retirement or dismissal shall be passed unless an enquiry has been made into the conduct of such member by the Administrative Officer or by a person authorised by him in this behalf in accordance with the procedure laid down in the Bombay Civil Services Conduct Discipline and Appeal Rules. Note.- The removal, retirement or dismissal of any person under this clause may involve the loss of the whole or part of any pension admissible to such person or of such portion of the provident fund as is contributed by the District School Board or Authorised Municipality;

(c) to grant casual or any other kind of leave to any such member provided that if the period of extraordinary leave exceeds nine months, the leave shall be sanctioned by the Government.

(d) to recommend, in consultation with the Assistant Administrative Officer, if there be any, to the School Board the reinstatement or re- employment of or extension of service to any member of the staff maintained under section 20 of the Act; and

(e) to recommend to the Staff Selection Committee the names of teachers to be deputed for training.

64. Delegation of powers and duties :-

(1) The Administrative Officer may delegate to his assistants the powers mentioned in the sub-joined statement to the extent and subject to the conditions specified therein :-

| Serial No. | Designation of the Administrative Officers assistants | Nature of power delegated | Extent of delegation | Conditions |
|------------|---|---|--|--|
| 1 | Assistant Administrative Officer of the beat. | (1) Power to sanction casual leave to and head teachers in his beat. (2) Power to sanction privilege or earned leave or leave on medical certificate to head teachers and primary school teachers, | Not exceeding seven days at a time Not exceeding two months at a time | The leave must be certified as admissible by the Accountant of the School Board A report of the leave so sanctioned shall at once be made to the Accountant of the School Board and the Administrative Officer., |
| 2 | Office Superintendent. | Power to sanction casual leave to School Board clerks & peons. | Not exceeding 5 days at a time. | |
| 3 | Head Clerk (if there is no office Superintendent). | Power to sanction casual leave to School Board clerks & peons. | Not exceeding 5 days at a time. | |
| 4 | Head Teachers | Powers to sanction casual leave to assistant teachers & peons. | Not exceeding 7 days at a time. | |

(2) The Administrative Officer may at any time withdraw any or all of the powers so delegated.

65. Securities to be furnished by the Administrative Officer :-

(1) The Administrative Officers who are appointed by Government and who handle money shall furnish security in the form prescribed in Appendix F to these rules in favour of the Governor of Bombay, as follows :-

| | | Rs. |
|-------|---|---|
| (i) | Administrative Officers in Bombay Educational Service Class II. | 2,000 |
| (ii) | Administrative Officers other than those specified in clause (i). | 1,000 |
| (iii) | Assistant Administrative Officer (in cases in which the power to make disbursements has been delegated to him). | (Half of the amount prescribed for the Administrative Officer of the School Board concerned). |

(2) The Administrative Officers appointed by municipalities which are Authorised Municipalities and which are empowered under sec. 22(1) of the Act to appoint such Administrative Officers who handle money shall furnish security in the form prescribed in Appendix F in favour of Authorised Municipality concerned, as follows, namely : -

| | | Rs. |
|-------|---|---|
| (i) | Administrative Officers whose maximum pay exceeds Rs. 300. | 2,000 |
| (ii) | Administrative Officer whose maximum pay does not exceed Rs. 300. | 1.000 |
| (iii) | Assistant Administrative Officer (in cases in which the power to make disbursements has been delegated to him). | (Half of the amount prescribed for the Administrative Officer of the School Board concerned). |

B-Duties of the staff maintained by a District School Board or Authorised Municipality.

66. Duties of the Assistant Administrative Officer :-

The Assistant Administrative Officer shall-

(a) assist the Administrative Officer in the performance of the Administrative Officers duties so far as his beat is concerned;

(b) further exercise such powers as may be delegated and perform such duties as may be assigned to him by the Administrative Officer with regard to educational matters in his beat;

(c) subject to the instructions of the Administrative Officer, supervise the work done by the primary school teachers in his beat and be responsible for their conduct, discipline and efficient work and recommend transfers of teachers.

67. Duties of Supervisors and engineering staff :-

(1) It shall be the duty of the Supervisor to do such work connected with primary education, including craft and physical education, as may be entrusted to him by the Administrative Officer. In particular the Supervisor shall assist in-

(a) the inspection of such schools as may be assigned to him;

(b) visiting schools in his beat with a view to checking their day-to day working;

(c) the organisation of school examinations;

(d) the conduct of such enquiries connected with schools as may be entrusted to him by the Administrative Officer or the Assistant Administrative Officer;

(e) the organisation of educational conferences or refresher courses with a view to discussion on educational problems or improvement in the class-room work; and

(f) the work of the Assistant Deputy Educational Inspector, if in the opinion of the Administrative Officer or the Assistant Administrative Officer such help is necessary in any area where the enrolment and attendance of children are unsatisfactory.

(2) It shall be the duty of the engineering staff to assist the Administrative Officer in the following matters, namely ;-

(a) maintenance of all school and other building belonging to the School Board, in good repair;

(b) carrying out annual and special repairs to such buildings;

(c) visiting school if a complaint about their condition is received from the head teacher or supervisor or Assistant Administrative Officer or Assistant Deputy Educational Inspector;

(d) giving advice to the Administrative Officer with regard to the additions, alterations or improvements in existing buildings;

(e) preparation of plans and estimates in connection with the alterations in, or extension to, the existing buildings or the construction of new buildings;

(f) carrying on negotiations for the purchase or acquisition of sites for school buildings or playgrounds;

(g) preparation of tender papers for the erection of new buildings or for additions or alterations to the existing buildings; and

(h) generally to advise District Building Committees in the construction of new school buildings and supervise the building operations.

68. RULE :-

(Deleted).

69. Duties of Clerks :-

(1) Duties of Office Superintendent.--The Office Superintendent shall-

(a) assist the Administrative Officer in the disposal of all School Board Office work;

(b) subject to the instructions and general control of the Administrative Officer, supervise and control the clerical and inferior staff in the School Board Office and be responsible for their conduct, discipline and efficient work and for the general organisation of the School Board Office;

(c) check the drafts put up, the calculations made, and other work done by the clerical staff in the School Board Office;

(d) himself do such original work of ministerial nature as may be entrusted to him by the Administrative Officer;

(e) open letters, if so authorised by the Administrative Officer, received in the School Board Office and bring important or urgent letters or correspondence to the notice of the Administrative Officer;

(f) if so authorised by the Administrative Officer, sign letters issued from the School Board Office the draft of which has been approved by the Administrative Officer and which are not addressed to the President of the District Local Board or, Authorised Municipality, Educational Inspector or Director of Education or Government; and

(g) \furnish security in the form prescribed in Appendix F to these rules in favour of the District School Board or Authorised Municipality, as the case may be, the amount of which shall be half of the amount prescribed for the Administrative Officer of the District School Board or the Authorised Municipality.

(2) Duties of Head Clerk.-

(a) Where there is no Office Superintendent or during the absence on leave of the Office Superintendent for a period not exceeding one month, the Head Clerk or the Accountant whoever is the senior (and provided he is considered suitable for the work by the Administrative Officer) shall perform all duties of the Office Superintendent and furnish security, in the form prescribed in Appendix F to these rules in favour of the District School Board or Authorised Municipality, as the case may be, the amount of which shall be half of the amount prescribed for the Administrative Officer of the District School Board or Authorised Municipality.

(b) Where there is an Office Superintendent the Head Clerk shall-

(i) assist the Administrative Officer and the Office Superintendent in the disposal of all School Board work other than the work pertaining to financial matters;

(ii) subject to the instructions of the Administrative Officer and Office Superintendent and subject to their general control supervise, control and co-ordinate work of the clerical staff in the School Board Office other than the accounts staff;

(iii) check the drafts put up, the calculations made and other work done by the clerical staff

in the School Board Office other than the accounts staff;

(iv) himself do such original work as may be entrusted to him by the Administrative Officer or Office Superintendent. Note.-Where no separate post of Accountant has been sanctioned the head clerk shall be deemed to be accountant and shall perform the duties of both the posts.

(3) Duties of the Accountant.-The Accountant of a School Board shall-

(a) subject to the instructions given by the Administrative Officer, prepare the annual, revised or supplementary budgets of the School Board and the re-appropriation statements;

(b) assist the Administrative Officer.-

(i) in reporting on the financial effect of all proposals for the expansion of primary education or new items of expenditure,

(ii) in answering all objections raised by the Auditors;

(c) be responsible for.-

(i) keeping a constant watch on the progress of the expenditure of the School Board,

(ii) arranging for the payment of the salaries and allowances of the staff maintained by a District School Board or Authorised Municipality,

(iii) making due payment of all other moneys payable by the School Board,

(iv) arranging for the recovery of all moneys due to the School Board,

(v) keeping accounts of the articles of dead stock in schools or in School Board Office,

(vi) keeping the accounts of the funds of the District Building Committee,

(vii) the scrutiny of all bills of expenditure before passing or recommending them for payment,

(viii) regulating the keeping of accounts of all receipts and expenditure of the School Board and of provident and pension funds,

(ix) keeping up-to-date the service books of all School Board employees,

(x) keeping leave accounts of all School Board employees,

(xi) preparing pension papers and arranging for the payment of pensions, gratuities and provident funds to all members of the staff of the District School Board or Authorised Municipality, and

(xii) for such other School Board work relating to accounts as may be entrusted to him by the Administrative Officer;

(d) furnish security in the form prescribed in Appendix F to these rules in favour of the District School Board or Authorised Municipality, as the case may be, the amount of which shall be half of the amount prescribed for the Administrative Officer of the District School Board or Authorised Municipality.

(4) Duties of other clerks. -The remaining School Board clerks shall be responsible for such School Board work as may be allotted to them by the Office Superintendent, Head Clerk, Accountant or Overseer under whom they may be working. The clerks in School Board Office who handle money shall furnish security, in the form prescribed in Appendix F to these rules in favour of the District School Board or Authorised Municipality, as the case may be, the amount of which shall be one-fourth of the amount prescribed for the Administrative Officer of the District School Board or Authorised Municipality.

70. Duties of Primary School Teachers :-

(1) Duties of Primary School Teachers.-Subject to such instructions as may be issued by the Administrative Officer, a primary school teacher shall. -

(a) be primarily responsible for the efficient and effective education including physical education of the pupils in his charge;

(b) attend the school punctually, be present in the school during the appointed school hours and devote his whole attention to teaching or class-work and shall not do any private or official work during these hours except that on the last day of the month not more than three hours may be devoted to completing the registers for the month ended and writing out the registers for the ensuing month and preparing such other monthly registers or reports as may be required by the head teacher;

(c) take roll-call at the expiry of the first period or hour in each session in the morning or forenoon and in the afternoon or evening;

(d) make all possible efforts to improve the attendance in his school.-

(i) by including the parents of children, especially children of the compulsory age-group, to get their children enrolled in school and to attend school regularly,

(ii) by establishing personal contact with parents of non-attending children, enquiring about the cause of their absence or irregular attendance, and inducing them to cause their children to attend school regularly;

(e) assist the head teacher and the Assistant Deputy Educational Inspector in the work pertaining to the census of children and collection of census statistics and serve attendance notices if so required by the head teacher;

(f) collect fees, if any from pupils in his charge and hand over the amount of such collections to the head teacher as directed by him;

(g) be responsible for keeping accurately and neatly the necessary registers and other records as required by the head teacher;

(h) assist the head teacher as required by him, in the general organisation of the school including games and sports in keeping the school building and premises clean, in holding annual or periodical examinations, in arranging extra-curricular activities, and in distributing books slates, educational requirements, milk, meals and clothes to pupils in his charge;

(i) be responsible for inculcating in his pupils habits of cleanliness and neatness and respect for orderly behaviour and participate in activities organised for the purpose;

(j) under the directions of the head teacher, assist the villagers in developing corporate life, in organising festivals, sports and gymnastics in the village and generally improving the condition in the village;

(k) promote communal harmony and good will among his pupils and see that no disability of any kind is imposed on any pupils on the ground of his caste or community;

(l) abstain from taking active interest in any political or communal organisation or from canvassing in support of any candidate for any election in the area of the District School Board or Authorised Municipality;

(m) not join or continue to be a member of any association or union of teachers the object or activities of which are prejudicial to the interest of the sovereignty and integrity of India or Public Order or morality.

(n) perform such other duties or conform to such other instructions relating to primary education as may be required of or be issued to him by the Administrative Officer or the head teacher.

(2) Duties of Head Teacher.-In addition to his duties as a primary school teacher in respect of the class or classes taught by him personally, a head teacher of a primary school, subject to such instructions as may from time to time be issued by the Administrative Officer, shall-

(a) be generally responsible for the efficient and effective education including physical education of all pupils in his school;

(b) attend the school punctually, be present in the school during the appointed school hours, devote his whole attention to the school work and shall not do any private work during the school hours;

(c) be responsible for ensuring that the school property of every description is properly cared for and for keeping the school premises clean and tidy. Any damage done to such property should be reported by the Head Master, to the Administrative Officer or the village or Municipal School Committee. If so authorised by the Administrative Officer, he should carry out repairs to the school building and keep proper accounts of the expenditure incurred on that account;

(d) be responsible for the arrangement of pupils in their classes and for their promotion to higher standards according to their progress during the year and the results of the annual examination;

(e) be accountable for any undue stagnation especially in lower standards;

(f) make all possible efforts to improve attendance in his school by-

(i) inducing the parents of school-going children to get their children enrolled in schools and to attend school regularly,

(ii) establishing (personal contact with parents of non-attending children, enquiring into the cause of their absence or irregular attendance, and inducing them to cause their children to attend the school regularly;

(g-a) be responsible for the maintenance of a current and up-to-date census register;

(g-b) be responsible for the issue of attendance notices;

(g-c) be responsible for the enrolment of all children liable for compulsion in schools within two months of the commencement of the school year;

(g-d) be responsible for visiting schools and homes of pupils who are not enrolled or are irregular in attendance or are absent from school;

(g-e) be responsible for issuing of warnings and attendance orders if necessary power has been delegated to him;

(g-f) be responsible for the enforcement of compulsory attendance by preparing cases for prosecution and if authorised in this behalf by the Administrative Officer by lodging complaints before a Magistrate, a village bench, or any person empowered in this behalf by

the District Magistrate;

(g-g) be responsible for such other work including inspection and supervision work as may be assigned to him by the Administrative officer from time to time. Note.-The duties of the Head Teachers for enforcing attendance of school-going children are set out in greater detail in Schedule "E". For the purpose of census and other enumerating work specified in clauses (g-a) to

(g-e) where there is more than one school in a village, the Administrative Officer shall direct, which teacher should be entrusted with the work and other teachers in that village should help that teacher in his work.

(h) be responsible for the collection and safe-custody of school fees and fines and other moneys received in the school till the time of their remittance to the Taluka teachers. (Such fees, fines or moneys shall be remitted by the head teacher to the Taluka teacher before the end of every month or earlier if possible);

(i) prepare pay bills for the school and send them to the Taluka master before such date as may be specified by the Administrative Officer in this behalf;

(j) be responsible for the disbursement of pay to his assistants immediately on receipt of such pay from the Taluka teacher;

(k) grant leaving certificates or extracts from the general register to the pupil or his parent on application and on the payment of prescribed fee, if any;

(l) prepare the time-table of the school every year;

(m) be responsible for the proper maintenance of all school registers and records:

(n) be responsible for the general organisation of the school including games and sports, for holding annual or periodical examinations, for arranging extra-curricular activities and for distributing books, slates, educational requisites, milk, meals or clothes to school children;

(o) deal with all correspondence in connection with the school in his charge;

(p) supervise, control and co-ordinate the work of his assistants, be responsible for their efficiency and discipline and report forthwith to the Administrative Officer through the Assistant Administrative Officer, if any., cases which may come to his notice of misconduct or breach of discipline among his assistants;

(q) inculcate in pupils attending his school habits of cleanliness and- neatness and be responsible for their conduct and discipline;

(r) promote communal harmony and goodwill among pupils in his school and ensure that no disability of any kind is imposed on any pupil on the ground of his caste or community;

(s) abstain from taking active interest in any political or communal organization or from canvassing in support of any candidate for any election in the area of the District School Board or Authorised Municipality;

(t) not join or continue to be a member of any association or union of teachers the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or Public Order or morality;

(u) perform such other duties or conform to such instructions relating to primary education as may be required of or issued to him by the Administrative Officer.

(3) \Duties of Taluka Teachers.-In addition to his duties as a primary school teacher or head teacher, as the case may be, a Taluka teacher, subject to such instructions as may, from time to time, be issued to him by the Administrative Officer shall-

(a) be responsible for collecting the pay bills of all schools in the Taluka and forwarding them to the Administrative Officer before such date as may be specified by the Administrative Officer in this behalf;

(b) be responsible for cashing the cheques or cash orders in regard to the pay and other bills of all schools in the Taluka and for disbursing the pay and other bills;

(c) forward to the Government Treasury every month before such date, as may be specified by the Administrative Officer in this behalf, collection of fees, fines and other moneys received from the head teachers in the Taluka in the preceding month, pass receipts to the head teachers concerned send the treasury receipts to the Administrative Officer and keep the duplicate receipts for his record;

(d) be responsible for the distribution of orders, circulars, books, stationary, furniture, equipment, etc., received from School Board Office among the primary schools in the Taluka in accordance with the instructions given to him;

(e) furnish in favour of the District School Board, a security in the form prescribed in Appendix F to these rules of Rs. 1,500 or two sureties, each severally liable for a sum of Rs. 750;

(ee) be responsible to ensure that Taluka Class IV servants are not entrusted at any time which money in excess of the amount of security furnished by them:

(f) perform such other duties or conform to such instructions as may be required of or be given to him by the Administrative Officer; Note.-To enable the Taluka teacher to discharge his duties efficiently he shall be given light charge of duties as head teacher or primary school teacher as the case may be;

(4) Duties of teachers appointed as Superintendents of Hostels.-In addition to his duties as primary school teacher, a teacher appointed as a Superintendent of a Hostel attached to a primary school conducted by the District School Board, shall-

(a) be responsible for the management of the hostel and maintenance of accounts thereof; and

(b) furnish in favour of the District School Board a security of Rs. 400.

70A. Duties of some Class IV servants :-

(1) Subject to such instructions as may be issued by the Administrative Officer or the Taluka Master, a Taluka Class IV servant shall-

(a)

(i) be responsible for bringing from the Government treasury and handing over to the Taluka Master the amount received from the Treasury on the encashment of cheques or cash orders as required by the Taluka Master;

(ii) be responsible for crediting into the Government Treasury such amounts as fees, fines and other moneys as may be given to him by the Taluka Master and handing over to the Taluka Master the Treasury receipts for the same.

(b) be responsible for-

(i) making payments to the persons concerned of the amounts of the pay, contingency and other bills given to him by the Taluka Master for disbursement;

(ii) taking receipts for the payments made and handing them over to the Taluka Master; and

(iii) completing within the specified lime the work of disbursement entrusted to him by the Taluka Master.

(c) be responsible for the distribution of orders, circulars, books, stationery, furniture, equipment, etc, among the primary schools in the Taluka in accordance with such instructions as may be given to him by the Taluka Master;

(d) furnish in favour of the District School Board a security in the form prescribed in Appendix F to these rules of Rs. 1,000 or two sureties, each severally liable for a sum of Rs. 500.

(e) perform such other duties or conform to such instructions as may be required of or be given to him by the Administrative Officer or the Taluka Master.

(2) The provision of sub-rule (1) shall not in any way be deemed to absolve the Taluka Teacher from his duties and responsibilities under sub- rule (3) of rule 70,

(3) During the absence on leave of any Taluka Class IV servant any substitute employed in his place shall also be required to furnish security or sureties for Rs. 1,000 as laid down in clause (d) of sub-rule (1).

(4) Class IV servants under the Assistance Administrative Officers or Supervisors required to disburse the pay and other bills shall likewise be required to furnish security or sureties for Rs. 1,000 : Provided that the District School Board may in any particular case accept security or sureties for a lesser amount but for not less than Rs. 500 in any case.

71. How appeal to be submitted :-

(1) Every appeal under sub-section (2) of section 24 of the Act shall be duly signed by the appellant and shall be submitted to the tribunal in triplicate by registered post, through the Administrative Officer so as to reach the Administrative Officer within 30 days of the date of the order appealed against.

(2) Every appellant shall submit his appeal separately and no joints appeal shall be entertained.

(3) No advance copy of the appeal shall be sent to an officer or authority higher than the Administrative Officer.

72. Contents of the Appeal :-

(1) Every appeal shall -

(a) contain all material statements and arguments relied on by the appellant;

(b) contain no disrespectful or improper language;

(c) be accompanied by a copy of the order appealed against; and

(d) in all other respect, be complete in itself.

(2) The appeal may be submitted in the regional language or English as the appellant deems fit.

73. Action to be taken by the Administrative Officer :-

(1) The Administrative Officer shall forward separately to the Chairman of the School Board and to the Educational Inspector, together with his marks, if any, a copy of every appeal received by him, within 21 days from the date of its receipt.

(2) The Administrative Officer shall also forward to the Educational Inspector along with the copy of the appeal all the relevant papers relating to the order appealed against.

(3) The Administrative Officer shall furnish the tribunal with such other papers and information as the Tribunal may call for.

(4) It shall be the duty of the Administrative Officer to be present at all meetings of the Tribunal, to answer all questions which may be put or be allowed to be put by the tribunal and furnish such information as the Tribunal may require.

(5) The Administrative Officer shall give effect to an order passed by the Tribunal.

74. Perusal of case papers and fixing date for meeting of the Tribunal :-

(1) On receipt of a copy of the appeal and the case papers from the Administrative Officer, the Educational Inspector shall peruse and as soon as possible pass them on the Chairman of the School Board without any comments and fix in consultation with the Chairman the date of the meeting of the Tribunal for deciding the appeal.

(2) The Chairman shall return the case papers to the Educational Inspector without any comments at least a week before the date fixed for the meeting of the Tribunal.

75. Meetings of the Tribunal :-

(1) The Tribunal shall ordinarily meet once in every three months, provided that three are appeals to be decided at such meeting.

(2) The meeting of the Tribunal shall be held in the office of the Chairman of the School Board or at such place, at the Head Quarters of the District, as may be agreed upon by the Chairman and the Educational Inspector.

(3) The date, time, agenda and place of the meeting shall be fixed by the Educational Inspector in consultation with the Chairman and shall be communicated by the Educational Inspector to the Chairman, the Administrative Officer and the appellant concerned, at least ten days before the date of the meeting.

76. Appellant to attend the meeting :-

(1) The appellant shall attend the meeting of the tribunal, unless exempted by it from such attendance, on the day and at the time and place communicated to him by the Educational Inspector and shall answer all such questions as may be put by or allowed to be put by the tribunal and shall supply such information as may be required by the tribunal.

(2) The appellant shall not be entitled to appear by a pleader or any other representative before the tribunal.

(3) The appellant shall not be entitled to any travelling allowance for the journeys made by him for attending the meeting except as printed in rule 78.

77. Tribunal to record statements and answers :-

The Tribunal may, if it considers necessary, record any statements made or any answers to any questions given by the Administrative Officer or the appellant. Such statements or answers shall be recorded in the regional language or, if the appellant understands English, in English. They shall be read out to the Administrative Officer or the appellant, as the case may be, and if necessary, explained to him and signed by the Chairman and the Educational Inspector.

78. Decision on appeal :-

While deciding the appeal, the Tribunal shall consider.-

(a) whether the facts on which Officer was based have been established; the order of the Administrative

(b) whether the facts established afford sufficient grounds for taking action ; and

(c) whether the penalty imposed by the Administrative Officer is excessive, adequate or inadequate, and may pass such order as it thinks proper either directing a fresh inquiry by the Administrative Officer or confirming, reversing, annulling or modifying the order passed by the Administrative Officer. In passing such order the Tribunal may also direct whether the applicant should be paid travelling allowance and/or whether he should be treated as on duty while attending the meeting of the Tribunal. Every order passed by the Tribunal shall be signed by the Chairman and the Educational Inspector.

79. Reference to the Director :-

In the event of any difference of Opinion between the Chairman of the School Board and the Educational Inspector, the Educational Inspector shall forthwith report the case to the Director, together with the statement of facts and the points on which the difference arose.

80. Custody of appeal papers :-

Until an appeal is decided the Educational Inspector shall have custody of all papers and documents relating to the appeal. As soon as the appeal is decided, the Educational Inspector shall forthwith return to the Administrative Officer all the papers received by him

from the Administrative Officer in connection with the appeal.

81. Clerk in Educational Inspectors Office to do clerical work :-

The clerical work of the Tribunal shall be done by a clerk from the office of the Educational Inspector.

82. Second appeal by guaranteed teacher :-

(1) A guaranteed teacher who is aggrieved by the order passed by the Tribunal and who desires to make a further appeal to Government under the proviso to sub-section (2) of section 24 of the Act, against any order of removal or dismissal shall submit his appeal to Government, through the Administrative Officer in accordance with the provisions of rules 71 and 72.

(2) The Administrative Officer shall forward every such appeal to the Educational Inspector together with his remarks, if any, and all the relevant papers within 21 days from the date of its receipt by him.

(3) The Educational Inspector shall forward every such appeal with his remarks thereon and all the relevant papers to Government through the Director within 21 days from the date of its receipt by him.

(4) The Director shall, as soon as may be convenient and not later than three month from the date of receipt by him, forward every such appeal and all the relevant papers to Government with his own remarks, if any.

(5) Government may pass such order as it considers proper on such appeal confirming, reversing, annulling or modifying the order passed by the tribunal.

(6) The Administrative Officer shall give effect to the order passed by Government.

83. Transitory provision :-

Nothing in the foregoing rules shall operate to deprive any member of the staff of the District School Board or Authorised Municipality of any right of appeal which he would otherwise have had under the Bombay Primary Education Rules, 1924, in respect of any order passed before the date on which these rules come into force. An appeal pending at the time when, or preferred after, these rules come into force by such member in exercise of such right shall be dealt with according to the rules in force the date on which these rules come into force.

CHAPTER 6 Preparation and Enforcement of the Schemes of Conclusion

84. Preparation of a rough estimate of a scheme :-

(1) When it is proposed to prepare a Scheme of compulsory primary education for any area within the limits of a District School Board under section 25 of the Act, the Director shall require the Administrative Officer of the said Board to prepare a rough estimate of such scheme in accordance with the directions given by him in this behalf and to submit such

rough estimate to him for the approval of Government within a specified period. It shall be the duty of the Administrative Officer to prepare such rough estimate in accordance with the directions given by the Director and submit to the Director such rough estimate within the specified period. The Administrative Officer shall also send a copy of such rough estimate to the District School Board and communicate to the Director any comments or suggestions made by the Board thereon.

(2) When an Authorised Municipality proposes to introduce compulsory primary education up to any standard in the whole or any part of its area or is called upon to do so by Government under sub-section (2) of section 26 of the Act, it shall prepare in consultation with its School Board, and submit for the approval of Government a rough estimate of the scheme proposed to be framed by it for the purpose so as to reach the Director at least one year and a half before the date proposed for the actual introduction of compulsion. to be submitted under sud-prescribed in Appendix B to

(3) The rough estimate of the scheme rule (1) or (2) shall be prepared in Form G these rules.

(4) Government may approve the rough estimate submitted under sub-rules (1) and (2) with or without such modifications as it deems necessary.

85. Preparation of detailed scheme :-

As soon as the rough estimate of the scheme is approved by Government, and the fact of such approval is communicated to the District School Board or Authorised Municipality concerned, the Administrative Officer of such District School Board or Authorised Municipality shall prepare and submit through the Director for the sanction of Government detailed proposals in Form H prescribed in Appendix B to these rules for each item of the additional expenditure involved in the scheme so as to reach the Director not later than four months after the receipt of the communication conveying Government's approval of the rough estimate.

86. Organization of census of children :-

Before preparing a detailed scheme of compulsion and every year after the introduction of compulsion, the School Board shall cause a census to be taken of all children in the area in which compulsion is proposed to be or has been introduced. For this purpose, the Administrative Officer shall in accordance with such directions as may be given by the Director arrange-

(i) to fix and notify the dates on which such census is proposed to be taken;

(ii) to appoint the necessary enumerators and supervising enumerators to assign specific villages or areas to each of them and to explain to them the work which they are expected to do; Note -The instructions to enumerators and supervising enumerators for taking a census of children of school going age are set out in detail in Schedule O.

(iii) to get, as accurately as possible, particulars of each child filed in the census form given in Form A prescribed in Appendix B to these rules; and

(iv) to get the census work supervised and checked by the Assistant Deputy Educational Inspectors.

87. Entry of name and date of birth of a child :-

(1) The name and date of birth of a child given in the census form over his signature or thumb impression by the parent shall be taken as correct and entered in the census register and the general register of the school; provided that if at the time of admission to the school or in response to the notice issued to him under rule 92, the parent of the child disputes the correctness of such date and furnishes under his signature or thumb impression a different birth date and produces proof in support of his statement, the head teacher of the school shall refer the matter to the Chairman of the School Board who, on the recommendation of the Administrative Officer, shall decide which of the two dates shall be entered in the census and general registers and such date shall then be entered in such registers.

(2) The name and date of birth entered in the registers under sub- rule (1) shall not be altered except with the sanction of the Chairman and on the recommendation of the Administrative Officer.

88. Preparation and publication of a census register :-

(1) Immediately after the census work is completed, the Administrative Officer shall, in accordance with directions as may be given by the Director, arrange with the help of the enumerators, supervising enumerators and Assistant Deputy Educational Inspectors to get prepared for each village or ward of a town or city-

(a) a census register of all children of the ages to whom the scheme applies, already attending approved schools in Form B prescribed in Appendix B to those rules, and

(b) a list of all children of the ages to whom the scheme applies not attending any approved school in Form C prescribed in Appendix B to these rules.

(2) The registers and lists prepared under sub-rule (1) shall then be published.

Explanation.-The registers and lists shall be deemed to have been published -

(a) in a municipal area, if the registers and lists are kept open for inspection during working hours in the office of the School Board or of the Municipality and an announcement is made in any newspaper having circulation in such area or by beat of drum that the registers and lists are kept open for inspection at such places during such hours; and

(b) in any other reason, if the registers and lists are kept open for inspection during working hours at any school in such area and an announcement is made by beat of drum that the registers and lists are kept open for inspection at such places during such hours.

89. Fixing of maximum distance from School :-

Before a detailed scheme is prepared the School Board shall, on the recommendation of the Administrative Officer, fix the maximum distance measured according to the nearest road between an approved school and the residence of a child for purposes of clause (c) of section 33 of the Act. Such distance shall not ordinarily exceed one mile and may be different for different localities and may be less than a mile in the case of villages where communications are specially difficult throughout the year.

90. Forms for the preparation of detailed scheme :-

After the preliminaries set out in the foregoing rules are completed, the Administrative Officer of a District School Board in accordance with the directions given by the Director and an Authorised Municipality in consultation with the Municipal School Board shall prepare a detailed scheme giving the particulars mentioned in section 27 of the Act and in Form H prescribed in Appendix B to these rules on the basis of the information for each individual village or non-authorised or authorised municipality collected in Form I prescribed in Appendix B to these rules.

91. Submission of a detailed scheme to Government :-

(1) The Administrative Officer of a District School Board shall send two copies of the detailed scheme to the Director within the period specified in rule 85 and send another copy thereof to the District School Board. The District School Board shall offer its comments and suggestions, if any, upon the scheme within two months. If the District School Board does not offer its comments or suggestions within this period, it shall be assumed that the District School Board concurs in the scheme.

(2) The Authorised Municipality shall forward the detailed scheme to the Director in duplicate together with a copy of the resolution of the Municipality agreeing to bear its share of the [additional recurring and nonrecurring cost within the period specified in rule 85.

92. Issue of attendance notices :-

(1) The Administrative Officer shall cause a notice to be issued in Form D given in Appendix B to these rules to the parent of every child of the ages to whom a scheme applies not attending any approved school directing him to cause the child to attend an approved school on or from a date which shall be specified in the notice. Such notice shall be given to every such parent not less than two months before the day on or from which the child must first attend the school.

(2) The notice under sub-rule (1) may be served by its delivery to the parent personally or with the previous permission of the Administrative Officer or the Assistant Deputy Educational Inspector may be affixed on the premises last occupied by the parent.

93. Particulars of attendance notices to be communicated :-

The head teacher of each approved school in the area of compulsion shall be informed of the names and other particulars of all children whose parents have been ordered to cause them

to attend his school and of the date from which the attendance of such children is compulsory.

94. Application for exemption from attendance :-

On receipt of the attendance notice under rule 92 if a parent wishes that his child or ward be exempted from attending a school for any of the reasons mentioned in section 33 of the Act, he shall apply for such exemption to the Assistant Deputy Educational Inspector concerned through the head of the school which the child is required to attend.

95. Grant of exemption from attendance or leave of absence :-

(1) If the exemption applied for under rule 94 is of a permanent, nature, the Assistant Deputy Educational Inspector shall call the parent applying for exemption before-

(a) a village school committee constituted under Chapter XI of these rules, or

(b) in the area of a non-authorised municipality, a school committee, if any, constituted by such non-authorised municipality to assist the District School Board in the management of primary schools in its area, or in the absence of such a Committee, before a committee constituted by the District Board for such non-authorised municipal area under sub-section (2) of section 61 of the Act, or

(c) in the area of an authorised municipality before the Committee appointed by the School Board to deal with such applications, and hear what he has to say and then in consultation with such Committee forward the application to the Administrative Officer with his recommendation whether the exemption be granted or not.

(2) If the exemption applied for is of a temporary nature the head of the school may grant such exemption and also leave of absence for a period not exceeding 7 days at a time-

(a) when the child is ill; or

(b) when any other member of his family is ill or disabled and the attendance of the child is required at home; or

(c) when his absence is specially required by the parent or the guardian to help him in his vocation; and report the fact to the Assistant Deputy Educational Inspector concerned.

(3) If the period of exemption from attendance or leave of absence exceeds 7 days, the head teachers shall forward the application to Assistant Deputy Educational Inspector who may grant such exemption or leave of absence for a period not exceeding 15 days in all at a time for any of the reasons given in sub-rule (2).

(4) If the period of exemption from attendance or leave of absence exceeds 15 days at a time, the Assistant Deputy Educational Inspector shall forward the application with his remarks to the Administrative Officer who may grant such exemption from attendance or leave of absence not exceeding 30 days at a time for the reasons given in sub-rule (2),

(5) Exemption from attendance or leave of absence for a period exceeding 30 days shall only be granted by the School Board.

96. Report of Absence :-

(1) If any child liable to attend a school does not attend school as directed in the notice issued under rule 92 and if such a child has not been exempted from attendance or granted leave of absence under rule 95, the head teacher shall at once send a report of the fact to the Assistant Deputy Educational Inspector.

(2) The head teacher shall, not later than the 5th day of every month, report to the Assistant Deputy Educational Inspector and the Administrative Officer-

(a) the names of all children who have not attended his school with out any leave of absence granted to them and stating against their names the causes of their absence from school as ascertained by him after contacting the parents of such children; and

(b) the names of children of the ages to which compulsion applies who have joined and left his school during the preceding month.

97. Issue of attendance orders :-

On receipt of a report about the un authorised absence of a child from a head teacher under rule 96, the Assistant Deputy Educational Inspector shall report the matter to the Administrative Officer. The Administrative Officer if authorised by the School Board may, after giving the parent an opportunity of being heard and after such enquiry as he considers necessary, make an attendance order in Form E in Appendix B to these rules directing the parent to cause the child to attend an approved school on and from a date which shall be specified in the order.

98. Filing of complaints against defaulting parents :-

If the parents to whom an attendance order has been issued fails to cause his child to attend an approved school on or after the date specified in the attendance order the Assistant Deputy Educational Inspector shall, on receipt of a report about the absence of such a child from the head teacher of the school it so authorised by the Administrative Officer, file a complaint to that effect in Form F given in Appendix B to these rules with a Magistrate village bench or the person empowered in this behalf by the District Magistrate, as the case may be.

99. Report about the removal of a child or his parent to another place :-

If the parent of a child liable for compulsion who is attending an approved school removes the child from the town or village or ward of a city in which he or it is residing the head teacher of the school which the child attends shall inform the Assistant Deputy Educational Inspector and also the Administrative Officer of the removal of the child. If the removal is to another area of compulsion the Administrative Officer shall take steps through the Administrative Officer of such area to ensure that the prescribed notice is served on the parent requiring him to cause the child to attend an approved school within that area. It

shall be the duty of the Administrative Officer to check or cause to be checked at least 5 per cent, of the removals from the area of compulsion during each year in respect of each school.

100. Action against a person employing a child liable for compulsion :-

If a head teacher or an Assistant Deputy Educational Inspector comes across the case of a child liable to attend school compulsorily having been employed by a person as to interfere with the education or institution of such child, a full report giving particulars of such person and the child employed shall be forthwith made to the Administrative Officer who shall then cause a warning to be issued to such a person against the employment of the child. If the warning has no effect, the Administrative Officer shall cause a complaint to be lodged against the person concerned in a Court of law.

101. Census of children to be taken every year in an area of compulsion :-

In any area in which compulsory primary education up to any standard has been introduced, a census of all children shall be held every year in accordance with rule 86. At a subsequent census: (i) the particulars of each child already filled in the census form at the preceding census shall be verified and if any modification excepting the change in the name or the date of birth of the child is found to be necessary, such modification may be made in the old census form and duly initialled by the enumerator or a new census form got filled and signed by the parent of such a child, and (ii) particulars of all children who are likely to be within the ages to which the scheme will apply at the commencement of next academic year and who were not enumerated at any previous census shall be filled in the prescribed form.

102. Revision of the Census Register from time to time :-

It shall be the duty of the Assistant Deputy Educational Inspector to keep in his charge as a permanent record the census register prepared under rule 88 for every village or ward of town corrected up to date by: (i) adding from time to time the names of all children from the lists of non-attending children as soon as such children have been enrolled in approved schools and of other children of the ages to which the scheme applies who were for any reason not enumerated at the time of the census or who came to reside in the compulsory area after the census and have been enrolled in approved schools now, and (ii) removing from it from time to time the names of all children who have been reported by head teachers to have left approved schools or been removed to areas outside the compulsory area or who have ceased to be under the scheme of compulsion for any valid reason such as (a) death, (b) completing the compulsory course, (c) completing the school year after completing the maximum age to which the scheme applies or (d) being exempted under section 33 of the Act. The Census Register shall also be revised on the basis of the census taken every year in the area of compulsion.

CHAPTER 7 Approved Schools

102A. Definitions in the Chapter :-

(a) "Competent Authority" means -

(i) a school board in the case of primary schools situated in the areas of Gandhinagar district and the Dangs district and in the areas of the authorised municipalities;

(ii) the district panchayat in the case of primary schools situated in the remaining areas of the State."

(b) "Competent Officer" means-

(i) the Deputy Educational Inspector of District in the case of Primary schools situated in the areas of Dangs district and the Gandhinagar district and in the areas of the authorised municipalities;

(ii) an Administrative Officer of the District Panchayat in the case of primary schools situated in the remaining areas of the State.

103. Approved schools to conform to rules 122 to 140 :-

Every approved school shall conform to the conditions prescribed in rules 122 to 140 of these rules:

Provided that the competent Officer may direct that all or any of the said conditions shall not apply to any particular school or a class of schools in any locality.

104. Opening of new primary schools by the School Board :-

(1) Subject to rule 33, a District School Board or a Taluka Panchayat shall not open a new primary school or take over a private school or incur additional expenditure on primary schools maintained by it without the sanction of Government or an officer authorised by Government in this behalf.

(2) Except as otherwise provided in these rules, a Municipal School Board may subject to the provision made in its budget, open new primary schools wherever necessary or take over private schools or incur additional expenditure on primary schools maintained by the authorised municipality. B-Recognition of and grant-in-aid to private schools.

105. Maintenance of a register of recognised approved private primary schools :-

The Director and every school board shall maintain a register of a recognised private primary schools in Form A in Appendix C appended to these rules.

Explanation-For the purposes of rules 106, 107 and 109-

(a) Director means Director of Primary Education, in Gujarat State.

(b) Authorised Officer means -

(i) in the case of private primary schools situated in the area of District Panchayats, the District Primary Education Officer of the District Panchayat; and

(ii) in the case of private primary schools situated in the areas of authorised Municipalities and Gandhinagar township and in the areas of cantonment, the District Education Officer of

the District.

106. xxx xxx xxx :-

xxx xxx xxx

106A. Application for recognition :-

(1) A person who desires to impart primary education by establishing a private primary school from the commencement of the new academic year, shall apply on or before the last date of October of the previous academic year to the "Authorised Officer" in Form AA in Appendix C append to these rules as provided in sub- rule (2) of this rule.

(2) Every application under sub-rule (1) of this rule shall be sent to the authorised officer by registered post with acknowledgement due together with an undertaking in writing that the conditions of employment of the staff in the private primary school shall be these as specified in Schedule "F" appended to these rules together with a fee of Rs. 500.

(3) No application for recognition shall be entertained unless it is duly made in Form AA in Appendix C and the same is accompanied by an undertaking and a Fee Rs. 500/- duly paid.

(4) No private primary school shall be recognised or continued be recognised unless is fulfills the following requirements, namely :

(i) The management of a private primary school shall be regulated by a legally constituted body registered under the Bombay Public Trusts Act, 1950 or under the Societies Registration Act, 1860. Such trust or society shall be financially sound and in a position to pay salaries of the staff regularly, and also capable to make provision for adequate accommodation, furniture, equipment, sanitary arrangements, play ground and other necessary amenities for the students :

Provided that where the private primary school is proposed to be established and maintained by the Local Bodies, Statutory Corporations or similar other bodies the conditions for registration may be relaxed.

(ii) The private primary school is needed in the locality and it does not involve unhealthy competent on with any other existing primary school in the locality.

(iii) The managing body of the trust or society shall give an undertaking in writing to abide by the orders of instructions which may be issued by the school board from time to time for regulating the working of the private primary school.

(iv) The admission and promotion in the private primary school shall be regulated in accordance with the rules approved by the school board.

(v) The rates of tuition fees, the pay scales and allowances of the teaching staff shall be such as may be approved by the Government from time to time.

(vi) The private primary school shall follow the curricula and the detailed syllabi approved by the Government and shall recommend to students to make use of the text books sanctioned or prescribed by the Government from time to time.

(vii) The private primary school shall maintain proper registers and records prescribed by the Government.

(viii) The managing body of the trust or the society maintaining the private primary school, shall indicate the names and address of the person to whom all communications meant for the managing body shall be addressed. Any change in the name or address of such person shall be communicated to the Director as well as to the Authorised Officer.

(ix) The managing body of the trust or society shall get the accounts of the private primary school audited by a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 and any surplus of income over expenditure in any year shall be utilised for promotion and development of imparting of primary education by the private primary school.

(x) The managing body of the trust or society maintaining the private primary school shall not compel or require the parents or guardians of the students to grant donation or loan to the trust or the society for granting admission to students in their school.

(xi) The managing body of the trust or the society maintaining the private primary school shall open an account with the Schedule Bank and the payment of salaries of the staff shall be made from such account by cheque system. Alternatively, for the facility of the private primary school it shall also be to maintain such account with the Co-operative Bank and the payment of salaries the teachers shall be made from such accounts by cheque system.

Explanation.-For the purpose of clause (xi) the expression Schedule Bank means of a Bank specified in the Second Schedule to the Reserve Bank of India Act, 1934.

(xii) The private primary school shall be opened to inspection by the inspecting officers of the school board or duly authorised officers of the State Government.

(xiii) The management shall ensure that no unrecognised class is conducted in the premises of the private primary school managed by it or in other premises,

(xiv) The private primary school shall not refuse admission to a pupil on ground of religion, race, caste, language or any of them.

(xv) No person who is directly or indirectly associated with any private coaching class shall join as a member of the management of the private primary school whether such school is getting grant in-aid or not.

(5) No change in the management of private primary school shall be made without the prior written approval of the authority recognising the school. Any request made by a person

incharge of management of a recognised private primary school shall be considered by the authority after following as far as may be the procedure similar to the procedure for recognition of a private primary school.

(6) If the management of a recognised private primary school desires to provide instructions in additional medium or media of instruction, as far as may be the same procedure as that prescribed for recognition shall be followed.

(7) The requirements in respect of buildings, library, furniture, equipments, stationery and other articles for conducting recognised private primary schools shall be in accordance with the minimum standard prescribed below, namely : -

(i) the premises shall, be sufficiently healthy, well lighted and with due provision for the safety of the pupils and with adequate separate, satisfactory sanitary arrangements for girls in the case of private primary school providing for co-education. In the case of a private primary school where there is no co-education the aforesaid requirements together with adequate and satisfactory provision for sanitary arrangements shall be adhered to,

(ii) the rooms in which classes are conducted shall provide requisite accommodation for all the students actually admitted in each class; at the rate of not less than 8 sq. ft. per student, exclusive of the space required for a table and a chair for a teacher, a teaching platform, blackboard and any other equipment required during the course of teaching.

(iii) admissions to divisions of a standard shall be limited so the number of students for which there is accommodation in the classroom, subject to a maximum of forty five students in each class :

Provided that authorised officer concerned may allow at his discretion admission to not more than five students in excess of the limit of forty five students in a classroom where there is adequate accommodation and equipment for the students, so allowed.

(iv) every recognised private primary school shall as far as practicable provided a playground within a reasonable distance from the school at the rate of one acre of land for every 250 students :

Provided that the authority recognising the private primary school may, in special circumstance of a case relax the requirement under this paragraph,

(v) adequate and suitable laboratory, library, furniture, equipment, stationery and other articles for conducting the private primary school shall be provided.

(8) The teaching staff of the private primary school shall be adequate and well qualified having regard to the size of the school. Only trained teachers possessing qualifications prescribed by the State Government from time to time shall be provided.

(9) No new school will ordinarily be allowed to be opened unless the authority, recognising

the private primary school shall be satisfied that it will fulfil a felt need to the locality concerned. The managing body to the trust or society proposing to start a new private primary school will have to give convincing proofs regarding the nature of the need.

(10) No new school will ordinarily be allowed to be opened in a locality if the authority recognising the private primary school is convinced that it is likely to result in unhealthy and unfair competition with an existing school within a reasonable distance of 1.5 kms. If, as a consequences of starting of a new private primary school, any school already in existence in the same locality suffers a loss of more than 20 percent in its enrolments, this would be considered, as a positive proof of unhealthy competition.

(11) As far as possible, the starting of new private primary school will be related to the population of the area and the latest educational survey will also be kept in mind while deciding new applications. Areas which are already saturated with primary schools will have to produce very strong reasons for starting another private primary schools. This provisions may, however, be released in the case of remote and out of areas, where the population is mostly of adivasis or backward classes. Even in this case, the 1.5 kms. limit will normally be adhered to.

106B. Opening of higher standards or additional divisions :-

(i) No management of a recognised private school shall open any higher standard or additional divisions of an existing standard in their school except with the previous permission of the authority recognising the private primary school.

(ii) An application for permission to open a higher standard or higher standards shall be made to the Authorised Officer not less than six months before the academic year from which it is proposed to open the higher standard or higher standards. Similarly an application for permission to open a new division or additional divisions of existing standards shall be submitted to the competent officer within a month of the commencement of the academic year.

(iii) No permission to open a higher standard or higher standards or additional divisions of an existing standard shall be given by the Director unless he is satisfied that the management has or is ready and willing to make adequate provision in relation to additional classrooms, laboratory, library, furniture, equipment, stationary and other articles required for conducting the higher standards or additional divisions.

(iv) The provisions of this rule shall apply to division of a class for better internal organisation except in a case where such divisions already sanctioned for the relevant standard.

(C) Reduction in the teaching staff.-No management of a private primary school shall effect any reduction in the teaching staff consequent upon the reduction in the total number of classes in its school, without the prior written approval of the Authorised Officer. Before granting such approval, the Authorised Officer shall hear both the parties, namely the management and the teacher or teachers concerned.

106D. Channel of correspondence :-

(i) The head teacher of each recognised private primary school shall act as correspondent with the school board so far as academic and administrative matters are concerned and it shall be the duty of the head teacher to keep the managing body of recognised private primary school informed about the correspondence.

(ii) The name and address of the head teacher of the private primary school shall be registered within fifteen days from the date of his appointment in the office of the school board.

(iii) Where the management desires to appoint a person other than the head teacher of recognised primary school, who is a member of the managing body of the school, as the correspondent for attending to financial matters of the school, the management shall inform the school board accordingly. The name and address of such co-respondent shall be registered with the office of the school board within 15 days from the date of such appointment. In case correspondent for financial matters, is desired to be appointed, the name and address of such correspondent shall be registered with the office of the school board.

107. Procedure for recognition of private primary school :-

(1) As soon as may be convenient after the receipt of any application under rule 106 the Authorised Officer shall scrutinise the application and forward the same to the Director before the commencement of the new calendar year i.e. the 1st January of the next year together with his remarks and recommendations about the recognition of the private primary school.

(2) While scrutinising the applications the Authorised Officer shall satisfy himself about the requirements specified under sub rules (4) and (7) of rule 106. Any of the requirements which is not fulfilled by the private primary school shall be clearly reported together with the remarks.

(3) While forwarding his remarks and recommendations under sub- rule (1) the Authorised Officer shall satisfy himself about the provision made in sub-rules (9), (10) and (11) of rule 105 and shall clearly state whether the private primary school deserves to be recognised and, if so, subject to what conditions.

(4) The Director shall consider the remarks and the recommendations of the Authorised Officer and if he is satisfied may recognise the private primary school.

(5) On recognition of a private primary school a certificate of recognition shall be issued to in Form AAA in Appendix C appended to these rules,

(6) The Director may for reasons to be recorded in writing reject an application for recognition and shall communicate the decision to the managing body of the private primary school.

108. Benefits of recognition :-

(1) Subject to the provisions of rules 110 and 111 a private school, recognised as an approved school, shall, unless it denies admission to pupils on grounds only of religion, race, caste, language or any of them or declines to employ any person on the ground only of religion, race and cast or any of them, be eligible for grant-in-aid on application made in that behalf under rule 110, in accordance with the rules hereinafter contained.

(2) Recognition as an approved school shall also entitle the management of the school-

(a) to present its pupils at any public examination conducted by the Education Department of Government;

(b) to present its pupils as candidates for scholarships and to admit scholarship holders; and

(c) to claim such other benefits as Government may, from time to time, declare in this behalf.

109. Withdrawal of Recognition :-

(1) A private primary school which is once recognised as an approval school shall be continued to be so recognised unless its recognition is withdrawn under sub-rule (2).

(2) Such recognition may at any time be withdrawn by the Director on the recommendations of the authorised officer on any of the following grounds, namely:-

(a) That any of the conditions on which the private primary school was recognised is not observed:

(b) that any person in charge of management of a recognised private primary school has been found to have committed default in carrying out any of the obligations imposed on such person under the Act, rules or any instructions issued to him by the State Government or any Authorised Officer.

(c) That the standard of the instruction in the school falls materially below the level obtaining in public school;

(d) That the standard or division is started without the previous permission of the Director;

(e) That it does not pay to its teacher the scales of pay and allowances prescribed by the State Government from time to time subject to such instructions as may be issued by the State Government in that behalf:

(f) That the charges of the tuition fees are not in accordance with the rates approved by the State Government;

(g) That it does not produce at the time of inspection a Certificate from a Chartered Accountant, that its accounts have verified and found correct;

(h) That the private primary school is conducted for profit;

(i) That the teachers or pupils in the private primary school take part in or subscribe to or assist any political or communal movement which leads directly or indirectly to excite disaffection against or embarrasses the Government or promotes feelings of hatred or enmity between different classes of people or disturb public peace or embarrasses the school board;

(j) That the private primary school either denies admission to any pupil or decline to employ any persons in grounds only of religion, race, castism, language or any of them,

(3) No recommendations for withdrawal of recognition shall be made except after holding an inquiry in the following manner, namely :-

(a) When an order for inquiry has been made, the Authorised Officer shall from definite charges on the basis of defaults and shall communicate such charges, alongwith the statement of defaults committed and irregularities or breach of conditions if any made by the person in charge, of the private primary school and also, require him to submit within 15 days a written statement of defence and also to state whether he desires to be heard in person.

(b) On receipt of the written statement of defence and in case such statement is not received within the time specified, the Authorised Officer may himself enquire into the charges as are not admitted. During the inquiry the person in charge of the school shall be given an opportunity of furnishing a written statement as well as of leading evidence, if any. In case the person in charge of the private primary school does not present himself before the Authorised Officer after due notice, an exparte inquiry shall be made.

(c) At the conclusion of the inquiry, the Authorised Officer shall prepare a report of the inquiry, record his findings on each of the charges together with reasons therefore, and if in his opinion the proceedings of the inquiry establish charges different from those originally framed he may record findings on such charges:

Provided that the finding on such charges shall not be recorded unless the person incharge of the private primary school has admitted the facts constituting such charges or had been given an opportunity of defending himself against such charges.

(d) The proceedings, conducted against the person incharge of the private primary school shall contain a sufficient record of

(i) the charges framed against such person in charge of the private primary school and the statement of defaults, irregularities and breaches;

(ii) the written statement of defence, if any;

(iii) the oral evidence taken regarding the course of the inquiry;

(iv) the documentary evidence considered in the course of inquiry;

(v) the order, if any, made by the Authorised Officer with regard to the inquiry; and

(vi) a report setting out the findings on each charge and the reasons therefore.

(4) The Authorised Officer shall submit his inquiry report alongwith the records of proceedings mentioned in clause (d) to the Director with his recommendations if any, with a view to proposing the penalty to be imposed upon the school.

(5) The Director shall consider the records of the enquiry and its findings on each charges and the recommendations of the Authorised Officer and shall decide the penalty to be imposed upon the school.

(6) The Director shall after giving an opportunity of being heard to such person in charge of the private primary school, direct that the recognition of such school be withdrawn for such period as may be specified in the direction or be withdrawn permanently.

(7) Any private primary school aggrieved by the decision of the Director may submit an appeal to the State Government under sub-section (8) of section 40A of the Act.

(8) Where the recognition of a private primary school is withdrawn under sub-rule (b) of the certificate of recognition issued to the person in charge of the management thereof shall be deemed to have been cancelled and such person shall forthwith surrender the certificate of recognition to the Authorised Officer. The cancellation of certificate of recognition shall be published by the Director, in the Official Gazette, and in such news papers as the Director may think fit.

110. RULE :-

xxx xxx xxx

111. Refusal of grant-in-aid :-

(1) An approved private primary school which is once aided from the Primary Education Fund shall continue to be so aided unless the competent Authority on the recommendation of the competent officer directs that such aid should cease.

(2) Such direction may be give the competent Authority on any one or more of the following grounds :

(a) that the school is conducted for profit;

Explanation.-A bonafide teacher conducting a school and receiving a reasonable remuneration for his services as a teacher in the school shall not be deemed to be conducting the school for profit;

(b) that it does not pay to its teachers the minimum scales of pay and allowance laid down by the Director from time to time subject to such instructions may be issued by him in that behalf;

(c) that it does not observe the conditions of employment of staff of private schools as laid down in Schedule F;

(d) that it doe snot produce at the time of inspection a certificate from a registered accountant that its accounts have been verified and found correct : provided that this certificate shall not be demanded from a school which is in receipt of a grant-in-aid of less than Rs. 500/- a year :

(e) that having been awarded grants for three consecutive years it does not maintain at least the first four standards, unless it serves as a feeder school in the same locality, village or town or it is exempted from his requirement by the Educational Inspector in special circumstances which shall be stated in writing;

(f) that the teachers or pupils in the school take part in, or subscribe to or assist any political or communal movement which leads directly or indirectly to excite disaffection against or embarrasses Government or promotes feelings of hatred or enmity between different classes or disturbs public peace or embarrasses the competent Authority.

(g) if the school has failed to comply with the provisions of rule 128-A; or

(h) that the school either denies admission to any pupil or declines to employ any person on grounds only -of religion, race, caste, language or any of them;

(i) \that the managing body conducting the school is not registered under the Societies Registration Act, 1860, or the Bombay Public Trusts Act, 1950; as the case may be".

Provided that before giving any direction that the aid should cease due warning shall be given to the school and reasonable opportunity give to it to carry out the requirements laid down by the competent Authority;

Provided further that a school which is aggrieved by the direction of the competent Authority stopping grant-in-aid on the grounds specified in the above sub-rules (f), (g) (b)and (i) may

submit an appeal "with copies of relevant correspondence within thirty days from the date of the receipt of the direction" to the Educational Inspector of the District whose decision shall be final.

"(3) Any appeal which is received after the expiry of the period specified in the second proviso to sub-rule (20) shall not be considered.

(4) Any school which is refused grant-in-aid make a fresh application in the next academic year."

112. Allotment of grant-in-aid :-

All grants to approved private schools shall be subject to the provision for the purpose in the budget of the District School Board or authorised municipality, as the case may be.

113. Assessment and payment of grant :-

(1) The grant payable to an approved private school be assessed by the inspecting" officers appointed by Government under section 48 (1) of the Act.

(2) The actual amount of grant to be paid to an approved private school, other than a practising school, shall be determined by the Administrative Officer after considering the recommendations of the inspecting officer. Such grants shall be paid by the Administrative Officer on behalf of the School Board. The cases of the schools which are being considered for a grant-in-aid for the first time or which are to be removed from the list of aided approved school shall be place before the School Board.

114. Conditions for assessment of grants :-

In assessing the grant payable to an approved private school, the inspecting officer shall consider with due regard to the special circumstances of the school and its locality :-

(a) whether the instruction given is sufficient in range and quality;

(b) the extent to which the conditions on which the school was re cognized are fulfilled;

(c) whether the registers and records are duly maintained as required in rule 139 of these rules;

(d) whether the teaching staff is adequate and qualified and whether not less than 80% thereof is trained;

Explanation.-The teaching staff should be adequate if, on an average, there are not more than 40 pupils per full-time teacher, and

(e) whether the members of the staff are paid regularly in accordance with the scales of pay

and allowance laid known by the Director from time to time subject to such instructions may be issued by him in that behalf.

115. Determination of grant-in-aid :-

(1) Normally the grant paid to an approved private school in any year is the grant paid for that year and shall be calculated on the number of pupils in average attendance in the school during the preceding year :

Provided that .-

(i) grant to an approved private school during the first year of its existence shall be based on the number of pupils in average attendance in the school during the first half of the school year. Such grant shall not, how ever, exceed three fourths of the estimated expenditure of the school of the pay of its teacher, during the year; and

(ii) no grant to an approved school shall be paid in any year unless the average attendance of pupils is 25 and above during the year.

Explanation.-In the case of two or more approved schools conducted by an Association or Society, the average daily attendance shall be calculated by adding together the actual number of daily attendance of pupils of all the schools conducted by the Association or Society and dividing the total by the number of schools so conducted.

(2) Notwithstanding anything contained in clause (ii) of the proviso to sub-rule (1) but subject to the provisions herein specified a District School Board or an Authorised Municipality as the case may be, may, in its discretion, pay grant in respect of the classes of schools mentioned :-

(a) schools which have been running continuously as recognised schools for at least three years before the 31st March, 1950;

(b) schools opened in hilly tracts or in backward areas:

(c) school for girls or backward communities; Provided that grants to the classes of schools mentioned in (a), (b) and (c) above shall not be paid in any year unless the average daily attendance in such schools is not less than 20 in the case of school for boys and 15 in the case of schools for girls and backward classes during that year. The maximum maintenance grant payable to an approved private school shall be limited to :-

(a) Rs. 12 per pupil in the case of backward communities and girls; and

(b) Rs. 10 per pupil in the case of other pupils :

Provided that the total grant to any approved private school shall not exceed its normal admissible expenditure- minus the fee receipts.

Note (1).-While calculating the maintenance grant payable to an approved private school, it shall be assumed that the proportion of the pupils on the rolls to teachers in the school does not exceed 40 to 1 as provided in the explanation to rule 114 (d). If the average number of pupils, in charge of a teacher in the school exceeds 40, the grant shall be calculated on the assumption that the teacher is in charge of 40 pupils only. For purposes of grant, the number of pupils in excess of 40 in charge of a teacher shall be disregarded.

Note (2).-The normal admissible expenditure under sub-rule (2) shall not include any special allowances paid to teachers or any item of expenditure on account of which special grant may be claimed under rule 117.

Note (3).-For the purposes of this rule: this expression "hilly tract or backward areas shall mean the hilly tracts or backward areas as may be determined by the State Government from time to time in relation to a district".

(3) Subject to the instructions that may be issued by the Director from time to time educational bodies or associations conduct in a number of approved schools shall be entitled to grant on overhead expenditure at three- fourths of their approved expenditure under that head. Note.-The following items of overhead expenditure are treated as approved expenditure :-

(1) Pay and allowance of the Administrative, Supervising, Clerical and inferior staff;

(2) Office contingency;

(3) Stipends to teachers under training at the rates approved by Government;

(4) Cost of refresher courses for teachers in the employ of the educational bodies or associations;

(5) Travelling allowances to teachers under training or for attending the refresher courses;

(6) Pay and travelling allowance to relieving teachers;

(7) Audit fees;

(8) Premiums on the insurance on the lives of the permanent teachers;

(9) Contributions to the provident and insurance funds. The Administrative Officer shall have power to determine what is reasonable expenditure in each case with reference to the items mentioned in this note.

116. Reduction in the maximum grant :-

(1) In assessing the grant payable to an approved private school, the inspecting officer shall adopt the following procedure of marking :-

| | Items. | Marks. | |
|-------|---------------------------------------|---|------------|
| (i) | Range and quality of instruction ... | 40 | |
| (ii) | Staff and their conditions of service | 15 | |
| (iii) | Accommodation .. | 10 | |
| (iv) | | School records | 10 |
| (v) | | Personal cleanliness and discipline of pupils | 10 |
| (vi) | | Proportion of the pupils in the higher classes | 8 |
| (vii) | | Prompt and effective supply of returns and statistics ... | 7 |
| | Total ... | | 100 |

(2) In giving marks the inspecting officer shall be guided by such general instructions as may, from time to time, be issued by the Director in this behalf. The inspecting officers shall also pay due regard to the special circumstances of each school and its locality.

(3) A school securing 70 marks and over shall be entitled to the full maximum grant. The grant may be proportionately reduced on the recommendation of the inspecting officer in the case of an approved private school securing a smaller percentage of marks : Example.-If a school gets 50 marks it will ordinarily be entitled to 5/7th of the maximum admissible grant.

(4) The marks secured by the schools under each head shall be communicated to the schools for their information.

117. Other recurring grants :-

In addition to the grants specified in rule 115 special grants shall also be paid to approved private schools to enable them to pay to their teachers special allowances such as dearness. bad climate, backward area or trained teachers allowances. The rate of such allowances and of the grant to be paid thereon shall be such as Government may from time to time specify. It shall be open to approved private schools to charge a special fee for the payment of these special allowances to their teachers. Such expenditure shall not be treated as normal

expenditure nor shall such special fee be taken into account, for purposes of the proviso to sub-rule (2) of rule 115. It shall further be open to approved private schools to charge a special fee for extra curricular activities. Such a special fee shall not be taken into account for the purposes of the proviso to sub-rule (2) to rule 115. The expenditure incurred on extra curricular activities shall not be held admissible for grant, but a proper account of the income and expenditure from this source shall be maintained separately.

118. Grants on account of non-recurring expenditure :-

Grant may be awarded to an approved private school on account of buildings and other non-recurring expenditure, provided that the expenditure has previously been sanctioned-

(i) by Government in the case of schools in the area of a district school board, and

(ii) by both Government authorised municipality in the case of schools in the area of an authorised municipality. Such grant shall not exceed one-half of the actual or estimated cost, whichever is less : provided that the building grant shall not exceed Rs. 20 or such other amount as may from time to time be laid down by Government for each pupil who can be accommodated in the building at the rate of 8 square feet of class room area per pupil.

119. Manner of payment of grant :-

(1) Grant due to an approved private school under these rules shall be paid to it before March 31st of the year in which the grant is due,

(2) Grant payable to approved private schools may, at the discretion of the Administrative Officer, be paid in three instalments. The first instalment of grant not exceeding one-half of the previous years grant" may be paid in August. The second instalment not exceeding 25 per cent of the total grant likely to be earned by the school may be paid in November. The balance of the total grant earned during the year may be paid before March when the inspection report on it is received :

Provided that no such advance grant shall be paid unless the managers of the schools execute beforehand an agreement to refund the amount in case the school is closed or the recognition of the school is withdrawn before the end of the year. The agreement shall be in Form B prescribed in Appendix C to these rules,

(3) No portion of a grant-in-aid shall be paid to an approved private school if it ceases to exist or to be an approved school before it is inspected.

(4) The amount of grant payable to an approved private school shall be reduced in proportion to the number of months in the year during which the approved school cease to exist or to be an approved school.

120. Grant to Practising School :-

(1) The grant payable to a practising school shall be calculated by the Deputy Educational Inspector of the District in which the school is situated.

(2) The maximum grant payable to a practising school shall be equal to the amount admissible under rules 115, 117 and 118 or to one-half of its approved expenditure whichever is greater.

(3) The grant shall be paid by the Educational Inspector of the District from the allotment placed at his disposal for the purpose by the Director.

Explanation.-For the purpose of this rule, a "practising school" means a primary school which is maintained as part of a training institution aided by Government.

121. Transitory provisions :-

A private school which, on the date on which these rules come into operation, has already been recognised or has been recognised and aided either by the Department or by the School Board shall be deemed to have been recognised or recognised and aided under these rules.

122. Accommodation :-

(1) Not less than 8 square feet of space should be provided in each class room (excluding verandahs) for each pupil on the rolls of the class.

(2) The minimum height of the walls should be 10 feet from the floor to the underside of the tie beam and, in case ceilings are provided, the minimum height of the walls shall be 12 feet from the floor.

(3) A play ground of an adequate size should be provided.

(4) An adequate number of latrines and urinals should also be provided.

123. Equipment :-

(1) The necessary articles of school furniture, e.g., a chair, a table, a black-board, etc. shall be supplied in each class room.

(2) The necessary text books for the use of the teachers, maps, charts, wall pictures and apparatus shall be supplied.

(3) Books for teachers and pupils libraries may be supplied as funds permit.

(4) Books, slates and other materials may, so far as funds are available, be supplied to the children of parents who are unable to provide them.

124. Subjects, curricula, books, and standard of teaching :-

The subjects, curricula, books and standard of teaching in an approved school shall be such as may, from time to time, be specified by Government but modification in the curriculum may be sanctioned by the Director upon the recommendations of the School Board to suit local requirements.

125. Attendance :-

(1) In an area of compulsion, attendance in an approved school shall be regulated in accordance with regulations made by the School Board with the sanction of the Director. Note.-Model attendance regulations in this connection are given in Schedule G for the guidance of the School Board.

(2) The hours of instruction in an approved school shall be not less than three per diem in the case of pupils of standards I and II, not less than three and not more than five in the case of pupils of standards I and II in basic schools, or schools in which craft is introduced and not less than four and more than six in the case of other pupils. Instruction shall not be given for more than three consecutive hours at a time. In schools, where the Shift system has been adopted, the aforesaid hours of instruction may, with the approval of the Educational Inspector, be reduced to such hours as may not be less than two hours per diem in hot summer and three hours in any other season :

Provided that the hours of instruction in schools started for the Scheduled Tribes in the Scheduled Areas may, with the previous sanction of Government be reduced to a minimum of 2 hours in standards I and II and of three hours in standards III and IV.

(3) In every approved school, one day in a week shall be observed as a holiday and in addition a half or full holiday may be given on one other day in the week.

(4) The total period of vacations in an approved school shall not be less than three weeks and more than seven weeks in each year. The School Board, after consulting the local school committee, if any. and with the approval of the Educational Inspector, shall fix the number of vacations to be given each year, the period of each and the time at which it may be given: provided that no single vacation shall exceed four weeks in length. The Educational Inspector may sanction a vacation in excess week or a total period of vacations in excess of seven weeks in any year to suit the special conditions of particular localities or schools.

(5) The School Board shall ordinarily observe all holidays declared as public holidays by Government. It may, with the approval of the Educational Inspector, observe other holidays of local significance either in exchange of, or in addition to, the public holidays, but the total number of holidays in a calendar year [including public holidays but excluding holidays observed under sub-rule (3)] shall not exceed 35 days. Before the end of each calendar year, the School Board shall send to the Educational Inspector of the District for his approval a list of holidays proposed to be given by it in the ensuing calendar year :

Provided that the Educational Inspector may, in special circumstances, authorise the School Board to sanction the grant of holidays in excess of 35 days in a calendar year.

126. Home work :-

No home work shall be assigned to pupils in Standards I and II. For pupils of Standards III and IV suitable home work may be given.

Explanation.-The following may be considered as suitable home work for pupils of Standards III to VII:- Standards III to V-Half an hour. Standards VI to VII-One hour.

127. Fees :-

In an approved school classified as a public school.-

(1) no fees shall be charged to pupils in Standards I to IV in an area where compulsion has been introduced;

(2) in an area of compulsion school fees may be abolished in Standards V to VII with the sanction of Government in Government and District School Board Schools and of the authorised municipality concerned in the case of municipal schools;

(3) school fees in a non-compulsory area may be also abolished with the previous sanction of Government in the case of District School Board and Government Schools and of the authorised Municipality concerned in the case of Municipal schools.

(4) The following shall be exempted from the payment of School fees in all areas:-

(a) all girls in Standards I to IV and up to 50 per cent in Standards V to VII;

(b) children of backward communities;

(c) children of Indian soldiers, sailors and airmen who (i) are in active service or (ii) have died or been incapacitated from active service during the Wars of 1914- 18 and 1939-45;

(d) children of Primary and Secondary teachers whose monthly income from all sources does not exceed Rs. 100.

(5) Indigent children shall be allowed free studentships if their parents are unable to pay the school fees, provided their cases are recommended by the Local School Committee and/or the Head Teacher. The number of such children shall ordinarily not exceed 30 per cent of the total number of children in the school excluding those provided for under Clause (4) above.

Note.-Cases in respect of (4) (a) and (5) shall be decided by the Administrative Officer in the case of District School Board schools, by the School Board in the case of Municipal schools and by an officer authorised by the Educational Inspector in the case of Government schools.

128. Admission of pupils :-

(1) No approved school shall admit-

(a) a child who has not completed the 5th year of age on the date of admission;

(b) children suffering from any infectious or contagious disease; and

(c) any child after the lapse of two months from the beginning of the school year except with the special permission of the Administrative Officer.

(2) A pupil shall pay the fees, if any, for the month in which he is admitted irrespective of the date of admission.

128A. Religious instruction :-

(1) No religious instruction shall be provided in any approved school wholly maintained out of funds provided by Government, School Board or Authorised Municipality.

(2) Nothing in sub-rule (1) shall apply to an approved school which is administered by Government, School Board or Authorised Municipality but has been established under any endowment or trust which requires that religious instruction shall be imparted in such school.

(3) No pupil attending any approved school whether private or public shall be required to take part in any religious instruction that may be imparted in such school or to attend any religious worship that may be conducted in such school or in any premises attached thereto unless such pupil, or if such pupil is a minor, his guardian has given his consent thereto.

Explanation.-For the purposes of this rule, the expression religious instruction or religious worship shall not include the recitation of prayers in any non-sectarian form before the school work starts, which may be authorised by Government by general or special order in that behalf.

129. Leaving certificate :-

(1) If a pupil seeking admission has previously attended an approved school, he shall produce a leaving certificate in the form that may be prescribed by Government from the last school attended by him. If he states that such certificate has been refused to him, the Head Teacher of the new school shall inform the Head Teacher of the previous school that the pupil seeks admission into the new school. If no satisfactory explanation of omission to give a certificate is received within a fortnight he shall admit the pupil provisionally and report the case at once to the Administrative Officer who shall inquire into the matter and communicate the result to the Head Teacher of the new school.

(2) The leaving certificate of a pupil from a State outside the Bombay State shall not be accepted unless it is countersigned by an officer of an appropriate rank (e.g , the Administrative Officer or a Gazette Officer in the inspecting line) of the State concerned.

(3) A pupil as a rule, shall ordinarily be admitted to the standard shown in his leaving certificate. If the pupil wants or his parent wants him to be admitted to a higher standard than the one shown in the leaving certificate he shall communicate in full the reasons to the administrative officer and obtain his permission.

(4) A leaving certificate shall, for the first time, be granted-free of charge by the Head Teacher under his signature to any pupil on his or his parents application. For every subsequent issue of leaving certificate, a fee of twenty-five naye paise shall be charged.

(5) Ordinarily a child seeking admission for the first time shall be admitted to Standard I, but if the guardian desires his ward to be administrative Officer, through the Headmaster of the School to which he wishes his ward to be admitted. In such a case the Headmaster shall test the child and submit the result for orders to the Administrative Officer with his-specific recommendations."

(6) A pupil should not be examined in the studies of a standard higher than the once in which he is entitled to be placed without the previous permission of the Administrative Officer. Accelerated promotion should not ordinarily be given except in cases of pupils of exceptional calibre or advanced age and should not in any case be granted without the previous permission of the Administrative Officer."

130. Age Certificate :-

Every child seeking admission for the first time into an approved school shall produce a certificate of age signed by its parent. In the case of illiterate parents, the certificates shall bear their thumb impression attested by a literate person other than a teacher of the school to which the child seeks admission. The date of birth given in this certificate shall be entered in the school (General) Register. No subsequent change or alteration therein shall be made except with the sanction of the School Board Chairman. In the case of transfer of pupils from one place to another, the age given in the leaving certificate shall be entered in the register of the new school.

131. Transfer of pupil :-

Transfer of pupils from one school to another in the same locality will ordinarily be permitted only within the first two months of the beginning of the school year. In special circumstances, how ever, the Administrative Officer may permit such a transfer ever after the lapse of two months from the beginning of the school year.

132. Register entries :-

(1) The name of any pupil except a pupil attending a school in an area of compulsion absenting himself without leave for more than 15 days in a month or with leave for more than three consecutive months, shall be struck off the register.

(2) An extract from the General Register shall be given by the Head Teacher under his

signature to the pupil concerned or his parent or guardian on application and on payment of a fee of twenty-five naye paise.

(3) The name of the pupil once entered in the school register shall not be altered without the sanction of the School Board Chairman.

133. Roll call :-

Roll call shall be taken at the expiration of the first school period or hour, at both morning and afternoon sessions. All pupils, present at the roll call shall be marked P, those absent without leave A, those absent with leave L and those absent from sickness S, or in any other convenient way to suit the locality. Every pupils attendance or absence shall be clearly shown in ink in the appropriate register.

134. Punctual Attendance :-

Every approved school shall meet at the hour fixed by the school board in consultation with the village school committee, if any, and with the approval of the Educational Inspector. In order to ensure punctual commencement of work the teachers and pupils shall be present ten minutes before the appointed school hours. Classes shall be arranged and seated and all preparations made for the punctual commencement of work.

135. Teachers duties and responsibilities :-

The provisions of rule 70 of these rules regarding the duties and responsibilities of primary school teachers shall apply in the case of primary school teachers serving in approved private schools.

136. Teachers Attendance Register :-

A teachers attendance register shall be kept in each approved school. Each head teacher and his assistants should register their attendance in it daily in ink and attach his initials to the entry. The head teacher shall be responsible for the registration of the daily attendance of pupils and teachers.

137. Time tables :-

Time tables in accordance with the standards and local requirements shall be prepared every year. Any change therein shall be sanctioned by the inspecting officer. A copy of the time table signed by the head teacher shall be hung up in each class room. The head teacher shall be responsible for seeing that the studies prescribed for each hour are carefully followed. In big schools (e.g., schools with an average attendance of more than 200 pupils) a general time table shall be kept for the whole school.

138. Annual Examination :-

(1) Subject to the provisions of clause (aa) of sub-rule (2) of rule 61 the head teacher shall be responsible for the annual examination of pupils and for their promotion to higher standards taking into consideration their progress during the year and the results of the annual examination. He shall be held accountable in particular for any undue stagnation of pupils in the lower standards.

(2) If a school teachers only up to the third standard, the annual examination shall be held in such a way that it may be possible for the pupils to join the nearest school teaching the

higher standard at the beginning of the first term of that standard (IV).

139. Registers, records and correspondence :-

(1) Following registers and records shall be kept for each school:-

(1) General Register.

(2) Register of pupils daily attendance.

(3) Register of teachers daily attendance.

(4) Dead Stock Register.

(5) Register of books, maps and charts.

(6) Monthly returns.

(7) Acquittance roll of monthly payments.

(8) Annual Return to be sent to Administrative Officer,

(9) Outward register or a postage book.

(10) Inward register.

(11) Time Table.

(12) Teachers Service Books (in the case of an approved private School)

(13) File of Age Certificates and Leaving Certificates.

(14) Visitors Book.

(15) Masters Log Book.

(16) Accounts of income and expenditure.

(17) Records of examinations and promotions of pupils, etc,

(18) Other records and register which are peculiar in the case of particular school, e.g., account of fees, grant, claims, etc.

(2) Government may from time to time specify the forms in which the registers and records mentioned in sub-rule (1) shall be kept.

(3) The registers and records kept under sub-rule (1) are property of the school. The General Register No. 1 shall on no account be destroyed. Government will specify from time to time the period for which each of the other registers are to be preserved. If a school is permanently closed, the General Register, shall be handed over to the school board. The Administrative Officer shall maintain a list of General Registers of all schools which have been permanently closed.

(4) The head teacher of an approved school shall be responsible for the punctual submission of all reports and returns, for the neatness and regularity of the registers and for the safe custody of school records.

140. Miscellaneous :-

(1) Pupils.- Strict regularity and implicit obedience shall be exacted in schools. Politeness and courtesy shall be included as well as cleanliness of dress and person. The head teacher shall ensure that the pupils be have properly both in and out of school and that they do not participate in or take part in the collection of any fund unless such collection is approved by the School Board.

(2) Buildings.-The head teacher shall be responsible for seeing that the school building and premises and school furniture are kept clean and in good order and that they are used only for the purpose for which they are intended. He shall ensure that the school property of every description, e.g., school registers, books, maps, etc., are properly taken care of.

(3) The school shall at any time during the school hours, be open to the visits of, or inspection by the Government inspecting staff officers of the School Board It may also be visited by members of the School Board. Idlers and children who are not pupils of the school shall not be allowed during schools hours to enter the school premises.

(4) No teacher or pupil shall be allowed to live in any school house or If school room unless accommodation is specially provided for their residence on the premises. Where however, the school premises include outhouses or rooms not required for school purposes, such outhouses or rooms may be occupied with the written permission of the Administrative Officer or an officer authorised by the Administrative Officer if the school is a public school or of the manager if the school is a private school. The school buildings shall not be lent for political or quasi-political purposes.

CHAPTER 8 FINANCIAL RELATIONS BETWEEN GOVERNMENT AND LOCAL BODIES

141. Payment of contribution by District Local Boards :-

The annual contribution payable by a District Local Board to the District School Board for the purposes of primary education under section 41 (1) of the Act shall be paid by the Local Board to the School Board as soon as possible but not later than 15 days after the receipt of the income from the revenue described in clauses (b) and (c) of section 75 of the Bombay Local Boards Act., 1923.

142. Payment of contributions by non-authorised municipalities :-

(1) The annual contribution payable by a Non-Authorised Municipality to a District School Board or Authorised Municipality, as the case may be, for the purposes of primary education under section 41 (2) of the Act shall be paid by it in four quarterly instalments before the 10th April, the 10th July, the 10th October and the 10th January of the financial year.

(2) In addition to the contribution payable under sub-rule (1), a Non- Authorised Municipality shall pay over to the District School-Board or Authorised Municipality, as the case may be :-

(a) the income accruing from any funds (including trust funds) held by such municipality for the purposes of primary education, and

(b) all moneys (including donations of the construction of or extensions to primary school buildings) received by it for purposes of primary education, as soon as may be convenient, but not later than 15 days after the receipt of such income or moneys.

143. Charging of interest :-

(1) A District School Board or Authorised Municipality which controls approved school in the area of a Non-Authorised Municipality may, after giving two months notice to the defaulting Municipality, charge interest at a rate not exceeding 7-1/2 percent: Provided that no such notice of the boards or Municipalitys intention to charge such interest is sent to the non-authorised municipality unless at least two instalments fall in arrears.

(2) The amounts of interest charged under sub-rule (1) shall be added to the amount payable by the Non-Authorised Municipality.

(3) The Non-Authorised Municipality may appeal against the resolution of the District School Board or an Authorised Municipality to charge such interest to the Director whose decision in the matter shall be final.

143A. Government loan to District School Boards :-

(1) For the purpose of the construction of new primary school buildings by a district school board or for the purpose of extension to, or special repairs of, the existing primary school buildings owned by a district school board or for the purchase of sites by a district school board a loan, hereinafter referred to as a building loan, may be advanced by Government to a district school board.

(2) A building loan advanced under sub-rule (1) shall not exceed :-

(i) the difference between the cost of (a) the construction of the proposed new school building or (b) the proposed extension to an existing school building owned by a District School Board, or (c) the proposed purchase of a site by a District School Board and the amount of contribution from the public recoverable either in cash or in kind in respect of each of the items (a), (b) or (c) at such rates and on such basis as may be fixed by Government from time to time;

(ii) the estimated cost of special repairs to the existing primary school buildings owned by the District School Board.

143B. Conditions for advancing building loan :-

No loan under rule 143-A shall be advanced unless the Government is satisfied :-

(i) that the loan will be fully utilised by the District School Board within such period as may be fixed by Government for the construction of the proposed building or for the extensions or special repairs of the existing buildings or for purchase of a site as the case may be;

(ii) that the loan will be utilised strictly in accordance with the instructions issued by Government and Director of Education from time to time and that the construction of the building or an extension to an existing school building is carried out according to the type plans approved by Government;

(iii) that suitable sites have actually been acquired by the District Building Committee or of the district for the construction of the proposed buildings and that the necessary preliminary steps have been completed;

(iv) that the cost of construction of each building is strictly regulated in accordance with such scale and does not in any case exceed such upper limit as may be fixed by Government from time to time;

(v) that the District School Board to which the loan is to be advanced undertakes to repay the loan in such equated instalments of principal and interest and during such period as may be fixed by Government from time to time and executes an agreement for the repayment of the loan in such form as may be approved by Government.

143C. Building loan to carry interest :-

A building loan shall carry interest at the same rate as is fixed by Government from time to time.

143D. Government to issue instructions :-

The Government or the Director of Education shall issue detailed instructions to the District School Boards and the District Building Committees from time to time in respect of the

construction of new primary school buildings, extensions of, or special repairs to, the existing buildings owned by the Boards, purchase of sites and other matters connected therewith."

144. Government grant to District School Boards :-

Government grant (hereinafter referred to as grant) will be based only on such expenditure incurred by a District School Board in primary education as is included in the budget or re-appropriation thereof sanctioned under rules 153(6) or 155 (2) of these rules or as is specially authorised by Government. Such expenditure shall ordinarily consist of the items enumerated in sub-rule (2) of rule 145 the provisions of which shall apply mutatis mutandis in the case of the expenditure incurred by a District School Board.

145. Government grant to Authorised Municipalities :-

(1) No grant shall be paid on any expenditure incurred by an Authorised Municipality in connection with primary education unless such expenditure has been sanctioned and held admissible for the purposes of grant by Government :

Provided that expenditure incurred on non-recurring items of office equipment not exceeding Rs. 2,000 per annum in the aggregate shall be held admissible for grant if such expenditure has been previously sanctioned by the Director of Education and held admissible by him for the purpose of grant.

(2) Subject to the provisions of sub-rule (1), the recurring annual expenditure of an authorised municipality on which the grant is calculated shall ordinarily include:-

(a) The cost of the sanctioned staff maintained by the authorised municipality under section 20 of the Act including the cost of its leave, pension or provident fund contributions ;

(b) the pay and allowances, provident fund, gratuity and pension of the Administrative Officer appointed by the Authorised Municipality under section 22 of the Act ;

(c) the rent of buildings used for schools or office purposes, rates, taxes, special repairs not enhancing the original cost of building and costing not more than Rs. 10 or such greater amount as Government may by special order for such period and for such reasons as may be specified in the order fix, and current repairs. Such special repairs, and current and ordinary repairs shall be carried out in accordance with the rules in Part I of Scheduled H or in accordance with the regulations made by such municipality with the sanction of Government under section 17 (3) (ii) of the Act ;

(d) forms, stationery, furniture, equipment and books prizes in the form of books or articles produced in basic schools, schools in which craft is introduced or training institutions and books and states for indigent pupils: Provided that the total expenditure on this account in any school does not exceed Rs. 5 per pupil in the first year of a schools existence and Re. 1 per pupil in any subsequent year. Expenditure in excess of these limits shall be classed as non-recurring expenditure ;

(e) monthly grants made to schools for petty expenses (contingent allowance);

(f) scholarships in primary schools and stipends in training institutions ;

(g) travelling allowances ;

(h) forms, stationery, stamps, printing and other office expenses ;

(i) grants to approved private schools ;

(j) such other reasonable expenditure as may be sanctioned and admitted by Government for purposes of grant :

Provided that-

(i) no expenditure incurred by an authorised municipality in connection with education other than primary education or from a trust fund, the income from which meets the whole cost of the object for which the trust was instituted, e.g., the award of prizes, in a particular school or for a particular object, shall be included in the said annual recurring expenditure ;

(ii) overpayments objected to in audit shall not be treated as approved expenditure, the consequent recoveries called for in audit if and when made being brought to account not by deduction from expenditure but as receipt under "cash recoveries of overpayments" in previous years ;

(iii) no expenditure incurred in connection with a primary school maintained by an Authorised Municipality shall be included in the said annual recurring expenditure:-

(a) if the average attendance of the school, except in the year in which it was opened, is less than:-

(i) 15 in the case of an ordinary primary school and,

(ii) 10 in the case of schools for girls and backward communities, or

(b) if admission is refused to any pupil on the ground of his caste or community.

Explanation.-If no pupils belonging to the scheduled castes are actually attending a school, it shall be deemed that admission is being refused to such pupils within the meaning of this sub-clause unless the School Board shows to the satisfaction of the Director that no pupils are residing within a distance of one mile from the school or adduce other satisfactory reasons for the absence of such pupils from the school.

146. Grant how calculated :-

(1) The grant on account of expenditure on primary education incurred by a District School Board shall be calculated in accordance with the provisions of sub-section (3) of section 42 of the Act.

(2) In the case of an Authorised Municipality -

(a) the grant on account of the expenditure incurred by such municipality in bringing into operation a sanctioned scheme of compulsion shall be one-half of the additional recurring cost involved therein as it was estimated by such municipality, and

(b) the grant on account of the expenditure incurred by such Municipality on primary education other than the expenditure referred to in clause

(a) shall not exceed such proportion of the sanctioned expenditure as may, from time to time, be laid down by Government : Provided that the award of the grant on account of the expenditure referred to in clause (b) shall depend upon the financial condition of Government.

Provided further that Government may, in special circumstances, pay special grant to such municipality in addition to the grant referred to in clauses (a) and (b).

(b) Non-recurring grants.

147. Grants on non-recurring expenditure in District School Board area :-

(1) Non-recurring expenditure on primary education in a District School Board are (including area of a Non-Authorised Municipality approved schools in which area are controlled by the District School Board) shall be classified as: -

(a) expenditure incurred on the acquisition and purchase of sites for primary school, on the purchase or construction of new primary school buildings, or on the extensions of existing primary school buildings or on special repairs costing more than Rs. 1,000 or such greater amount as Government may from time to time, by special order, fix, or on repairs involving improvements thereby enhancing the original cost of primary school buildings, and

(b) expenditure on items other than those specified in clause (a), namely, the purchase of forms, stationery, furniture or equipment in excess of the limits laid down in rule 145 (2) (d).

(2) For expenditure incurred or to be incurred on items specified in clause (a) of sub-rule (1), Government may first advance a building loan, to a District School Board and then pay to Board an annual grant equal to the amount of the yearly equated instalment fixed by Government for the repayment of the building loan.

(3) Grant shall be paid on account of only such items of expenditure specified in clause (b)

of sub-rule (1) as are included in the budget or re- appropriation thereof sanctioned under rules 153 (6) and 155 (2). Such grant shall be calculated in accordance with the provisions of sub-section (3) of section 42 of the Act.

148. Grants to authorised municipalities for expenditure included in a sanctioned scheme of compulsion :-

(1) Non-recurring grant shall be given by Government to an authorised municipality on account of expenditure incurred on erecting, purchasing, enlarging or rebuilding primary school building and on special repairs costing more than Rs. 1,000 or such greater amounts as Government may, be special order from time to time fix, or on repairs involving improvements and thus enhancing the original, cost of the building or on the purchase of sites and on forms, furniture, equipment and books in excess of the limits laid down in rule 145(2): Provided that the expenditure has been sanctioned by Government as part of a scheme of compulsion and further that the expenditure does not exceed that cost as it was estimated by the Authorised Municipality.

(2) The amount of such grant shall be equal to one-half of the expenditure as it was estimated by the Authorised Municipality.

149. Grants for other non-recurring expenditure :-

Non-recurring grants may also be given by Government to an Authorised Municipality on account of buildings or sites which do not form part of a scheme of compulsion. The award of such grants shall depend upon the financial position of Government.

150. Conditions subject to which grants will be awarded :-

The award of non-recurring grants under rules 147, 148 and 149 shall be subject to such conditions regarding the sanitary and hygienic requirements to be observed in the designing and construction of buildings, the approval of detailed plans and estimates, the execution of trust deeds or agreements and other conditions as may be laid down by Government from time to time. Note 1.-These conditions are provided as rules for building grants in Schedule I. Note 2.-Rules indicating the procedure for execution of works pertaining to school buildings are given in Part II of Schedule H. (c) Miscellaneous.

151. Grant to be based on estimated expenditure of the year- Adjustments in the following year :-

The grant paid to a District School Board or Authorised Municipality on account of primary education in any year shall be based on its estimated expenditure in that year and the necessary adjustments shall be made in the following year. Such estimated expenditure shall include any increase in the recurring expenditure on account of the normal growth of such expenditure as well as any new expenditure sanctioned by Government.

152. Grants when payable :-

(1) The estimated grant shall be paid to District School Board or Authorised Municipality in three instalments in the following manner namely:-

(i) One-half of such estimated grant not later than the 5th April in each year:

(ii) One-fourth of such estimated grant not later than the 1st October in each year ; and

(iii) The balance, after the adjustments for the previous years have been made, under rule 151, not later than the 15th January in the following calendar year.

(2) The Director shall send a copy of the orders sanctioning the payment of grants to District School Boards or authorised municipalities to each of the following, namely:-

(a) Government in the Finance and Education and Industries Departments;

(b) The Accountant-General, Bombay;

(c) The Examiner, Local Fund Accounts, Bombay ;

(d) The President of the Authorised Municipality concerned ;

(e) The Chairman of the School Board ;

(f) The Treasury Officer of the District ;

(g) The Educational Inspector of the Division.

153. Framing and sanctioning of a District School Board Budget :-

(1) The Administrative Officer shall prepare the budget for the District School Board for the ensuing financial year in the forms prescribed in Appendix D to these rules and shall submit such budget for the consideration of the District School Board before the 1st August of every year. Note.-Detailed instructions for the preparation of the District School Board Budget are given in Schedule].

(2) The District School Board may appoint a Committee to be designated as the Finance Committee for such period and consisting of such members as it deems fit. Such Committee, if appointed, shall advise the District School Board on all questions involving financial implications.

(3) It shall be the duty of the Financial Committee., if any, to scrutinise the budget prepared by the Administrative Officer under sub- rule (1) and forward its remarks thereon to the District School Board not later than the 10th August.

(4) The District School Board shall meet not later than the 24th August to consider the budget prepared by the Administrative Officer under sub-rule (1) and the remarks of the Finance Committee, if any, under sub- rule (3). At such meeting, the Board may by a

resolution.-

(a) pass the budget as a whole ; or

(b) modify the budget by enhancing, omitting or reducing any particular item or items which it may deem fit to enhance, omit or reduce :

Provided that the board shall have no power to enhance, omit or reduce the provisions included in the budget on account of the pay (including duty pay, if any, for such teachers as may be eligible for it and pay for substitute teachers employed in the place of teachers deputed for training) and allowances of the staff maintained by the District School Board under section 20 of the Act.

(5) The Chairman of the District School Board shall, not later than the 31st August, submit to the Director in triplicate the budget as passed or modified by the Board under sub-rule (4).

(6) Government or an officer or authority empowered by Government in this behalf shall, before the 15th March of the following year, after such considerations as may be necessary, sanction the budget submitted under sub-rule (5) with such modifications as may be deemed fit.

154. Framing and sanctioning of a Municipal School Board Budget :-

(1) The Municipal School Board, with the help of the Administrative Officer, shall prepare in the forms prescribed under rule 161 a preliminary budget for each year and submit it to the Authorised Municipality for sanction not later than the 1st September of the previous year.
Note.- While preparing the budget the Municipal School Board shall ensure that necessary provision for the pay and allowances of the primary school teachers and their substitutes at the rates fixed by Government from time to time is made in the budget.

(2) The authorised municipality may make such modifications in the budget prepared by the Municipal School Board under sub-rule (1) as it considers necessary and shall sanction it by the 1st January:

Provided that the provisions included in the budget on account of pay (including duty pay, for such teachers as may be eligible for it and pay for substitute teachers appointed in the places of teachers deputed for training) and allowances of primary teachers shall not be subject to the vote of the Authorised Municipality:

Provided further that in the case of a School Board of an authorised Municipality which is a corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949, the authorised municipality may sanction the preliminary budget by the end of February.

(3) The preliminary budget so sanctioned shall have force until the revised budget is

sanctioned by the Authorised Municipality under sub-rule (4)

(4) As soon as the Government grant for the year has been made known to the Authorised Municipality, the Municipal School Board shall make such modifications in the preliminary budget as may be required and submit a revised budget to the Authorised Municipality for sanction within one month of the receipt by the Municipal School Board of the sanction of the Government grant for the year. Subject to the provisions of the proviso to sub-rule (2) the Authorised Municipality may make such modifications in the revised budget as it considers necessary and shall sanction it within two months from the date of its submission by the School Board.

155. Revised or Supplementary Budget may be made when necessary :-

(1) A School Board may, at any time during the year for which any annual budget has been sanctioned, cause a revised or supplementary budget to be prepared. Every such revised or supplementary budget shall be considered and sanctioned by Government or Authorised Municipality, as the case may be, in the same manner as if it were an annual budget.

(2) Re appropriation of funds in a budget may be made from time to time subject to the sanction as is required for the annual budget.

156. When a sum not provided for in the budget to be expended :-

(1) No sum shall be expended in any year by or on behalf of a District School Board which is not included in the budget sanctioned for the board for that year unless the previous sanction of Government is obtained for such expenditure : Provided that in the case of a pressing emergency a District School Board may incur expenditure not exceeding Rs. 500 in a year from the discretionary grant provided for in the budget.

(2) Save in case of a pressing emergency, no sum shall be expended in any year by or on behalf of a Municipal School Board unless such sum is included in the budget sanctioned for the Board in the year.

(3) If any sum is expended under sub-rule (2) on a pressing emergency, the circumstances shall forthwith be communicated in writing to the Director by the President of the Authorised Municipality with an explanation of the way in which it is proposed by the Authorised Municipality to cover such extra expenditure.

157. Credit to the Primary Education Fund :-

(1) The receipt of all grants payable by Government and of all contributions payable by the District Local Board or Non-Authorised Municipalities to the District School Board on account of primary education shall be acknowledged by acceptance signed by the Administrative Officer and countersigned by the Chairman of the District School Board or, in his absence, by the Vice- Chairman or other member of the District School Board to whom this power has been delegated by the Chairman. The amounts received shall be credited forthwith to the

(2) All grants payable by Government and all contributions to be made by the Non-Authorised Municipalities to an Authorised Municipality on account of primary education shall be paid to the Authorised Municipality and receipt thereof shall be acknowledged by acceptance signed by the President of the Authorised Municipality or by a Councilor or Officer of the Authorised Municipality authorised by it in this behalf, Such grants or contributions shall, within one week of their receipt from Government or Non- Authorised Municipalities, as the case may be, be paid by the Authorised Municipality to the credit of the Primary Education Fund and the receipt of such grants or contributions as well as of the grant payable by the Authorised Municipality on account of primary education under section 44(2) (e) of the Act, shall be acknowledged by acceptance signed by the Administrative Officer and countersigned by the Chairman of the Municipal School Board or, in his absence, by the Vice-Chairman or other member of the Municipal School Board to whom this power has been delegated by the Chairman.

(3) The receipt of all other moneys received by a District School Authorised Municipality on account of primary education and payable to the credit of the Primary Education Fund shall be acknowledged by acceptance signed by the Administrative Officer or, during his absence from head quarters, by the accountant or clerk authorised by him in this behalf. All such other moneys shall be remitted to the bank or treasury at fixed intervals or when the collection exceeds such amount as may be fixed by the School Board.

158. Debits to the Primary Education Fund :-

No expenditure shall be debited to the Primary Education Fund unless it is incurred for the objects specified in rule 160 or is debitabe according to the orders of Government for the time being in force to the Primary Education Fund and unless such expenditure is provided for-

(a) in the budget of the School Board sanctioned by Government or Authorised Municipality or District Panchayat as the case may be, or

(b) by re appropriation in the prescribed manner.

159. Fund how drawn against :-

(1) No payment shall be made from a bank or from the Government treasury out of the Primary Education Fund, except upon a cheque signed by the Administrative Officer and countersigned by the Chairman of the School Board or in his absence by the Vice-Chairman, or other member of the School Board to whom the power of countersigning cheques has been delegated by the Chairman, In the absence of the Administrative Officer such cheques shall be signed by the Vice-Chairman and countersigned by the Chairman, or in the absence of Chairman by any member of the School Board other than the Vice-Chairman to whom the power of countersigning cheques has been delegated by the Chairman. Due intimation of the delegation of such power shall be given by the Chairman to the bank or Government treasury in which the Primary Education Fund is kept.

(2) If the Director is satisfied that for any reason whatever a cheque cannot be

countersigned by any of the persons mentioned in sub-rule (1) or that any such person has without reasonable excuse failed to countersign any such cheque and that it is necessary for the proper discharge of the functions of the School Board that the cheque should be countersigned by some other person, the cheques shall be countersigned by such person as the Director may direct.

160. Use of the Primary Education Fund :-

Subject to the provisions of the Act and the Rules thereunder, the Primary Education Fund shall be applied for.-

(a) the payment of salaries and allowances of the staff maintained by a Direct School Board or Authorised Municipality under section 20 of the Act ;

(b) the payment of salaries and allowances of the Administrative Officer appointed by an Authorised Municipality under section 22 ;

(c) the payment, if any, at the prescribed rates, of pension, gratuity and/or the Provident Fund in respect of the clauses of employees mentioned in clauses (a) and (b) above;

(d) the payment of grants-in-aid to approved private schools ;

(e) the discharge of the liabilities incurred by the Director School Board or Authorised Municipality on the renting, equipment and maintenance of primary schools and on construction of primary school buildings in the case of an Authorised Municipality ;

(f) the payment of the prescribed travelling and other allowances to members of the School Board ;

(g) meeting the expenditure incurred on the provision of books, slates, stationery and other financial help for indigent school-going children ;

(h) meeting the expenditure incurred in-connection with medical inspection and follow up treatment and provision of milk or meals for school-going children ;

(i) the payment of any other sum which the District School Board or Authorised Municipality is legally liable to pay or which has been spent on the authority of Government.

161. Forms of Receipts and Expenditure :-

The accounts of receipts and expenditure of a School Board shall be kept in such manner, in accordance with such instructions and in such forms as may be specified by Government.

162. Abstractor account to be sent to Director :-

Abstract of receipts and expenditure during each official year shall be forwarded by the

Administrative Officer to the Director as soon as may be convenient after the end of the year in such form as may be specified by Government.

163. Administrative Officer to make Disbursements :-

All disbursements shall be made by the Administrative Officer or by the Assistant Administrative Officer or Accountant or Clerk to whom this duty has been delegated by the Administrative Officer.

164. Responsibility for proper checking :-

The Accountant or Clerk of the School Board to whom such duty is assigned by the Administrative Officer shall, subject to the general responsibility of the Administrative Officer, be primarily responsible for the scrutiny of all vouchers or bills before a cheque or letters of credit is prepared. It shall be the duty of the Administrative Officer to bring to the notice of the Chairman, Vice-Chairman or other member of the School Board who countersigns cheques or letters of credit any unusual feature in payment on account of which such cheque or letter is drawn.

165. Audit of Accounts :-

The accounts and receipts and expenditure of the Primary Education Fund shall be examined and audited annually before the close of August by the Auditors of the Local Audit Departments in accordance with the provisions of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), and the rules made thereunder.

166. Administrative Officer to assist the Auditor :-

The Administrative Officer shall assist the Auditor in disposing of all objections raised by him, and shall place before the School Board at its next meeting all audit objections which have not been disposed of in consultation with the Auditor.

CHAPTER 9 POWERS AND DUTIES OF OFFICERS APPOINTED BY GOVERNMENT UNDER SECTIONS 48 (1) OF THE ACT

167. Powers and Duties of the Deputy Educational Inspector :-

Subject to the provisions of the Act and the rules thereunder the Deputy Educational Inspector shall-

- (a) be responsible for arranging for the inspection of all approved schools in the district;
- (b) frequently visit areas backward in education and make his suggestions from time to time to the School Board concerned for the educational advancement of such areas;
- (c) submit to the School Board concerned his recommendations regarding the recognition or withdrawal of recognition of a private primary school;
- (d) recommend grants-in-aid to be paid by the School Boards concerned to approved private schools in the district;
- (e) forward to the Administrative Officer concerned the inspection reports submitted by the Assistant Deputy Educational Inspectors under him on approved schools other than Government schools in the district together with the confidential reports on individual teacher serving in schools conducted by the School Boards and inspected by the Assistant

Deputy Education Inspectors and make such remarks or suggestions he considers necessary for the proper administration, management and control of such schools or for the improvement in the efficiency or standard of work of such teachers;

(f) hold conferences of primary school teachers in different areas of the district for improving the quality of work in primary schools or explaining to the new ideology or methodology in primary education;

(g) be responsible for collecting the annual statistical and other information about approved private schools;

(h) write annual reports on the progress of primary education in the district; and

(i) do such other works connected with primary education as may from time to time be assigned to him by the Director or the Educational Inspector of the Division.

168. Powers and Duties of the Assistant Deputy Educational Inspector :-

Subject to the provisions of the Act and the rules thereunder, the Assistant Deputy Educational Inspector shall-

(a) inspect every year all approved private schools and such public schools in his beat as may be assigned to him in a year and submit his inspection reports on their work, attendance and administration to the Deputy Educational Inspector together with his confidential reports on the teachers in the public schools and discuss with the Head Master and other teachers the main defects in the methods of teaching and other matters connected with the school;

(b) inspect, the accounts of all approved private schools in his beat assess the grant-in-aid admissible to such schools and send to the Deputy Educational Inspector along with the inspection report on such schools a statement showing the details of the grant-in-aid assessed by him;

(c) pay surprise visits to every approved school in his beat at least once in every year in addition to the annual inspection:

(d) visit and inspect new private school seeking recognition or grant-aid for the first time and submit his inspection report on the schools together with his recommendations as regards the approval of and grant-in-aid to such schools to the Deputy Educational Inspector: (p) while on tour arrange for interviews with the municipal or villages school committees, as the case may be and discuss with them the requirements of the school and need for the expansion of primary education;

(e-a) be responsible for arranging for the receipt of reports about work and collection of statistics for the preparation of a scheme of compulsion;

(e-b) be responsible for arranging for the receipt of reports about enrolment and attendance

from head teachers of all primary schools and submission of monthly reports on attendance to the Administrative Officer : Note.-The duties of the Assistant Deputy Educational Inspector for enforcing attendance of school going children are set out in greater detail in Schedule E.

(f) do such other work connected with primary education as may be entrusted to him by the Deputy Educational Inspector.

169. Powers and duties of the Assistant Deputy Educational Inspectors for Physical Education :-

Subject to the provisions of the Act and the rules thereunder, the Assistant Deputy Educational Inspector for Physical Education shall-

(a) be responsible for the supervision and organization of physical education in primary schools in his beat;

(b) organise short-term training courses in physical education for primary school teachers in his beat;

(c) submit to the Administrative Officer concerned, through the Deputy Educational Inspector, his recommendations in regard to physical education equipment to be supplied to schools maintained by the District School Board or Authorised Municipality as the case may be;

(d) inspect the work in physical education in all approved schools in his beat :

(e) do such other work in connection with physical education as may be assigned to him by the Deputy Educational Inspector; and

(f) also exercise such powers and perform such duties enumerated in rule 168 as may be assigned to him by the Deputy Educational Inspector.

170. Powers and duties of the Craft Supervisors :-

Subject to the provision of the Act and the rules thereunder, the Craft Supervisor shall-

(a) be responsible for supervising the teaching of crafts in basic and other primary schools :

(b) be responsible for guiding the craft teachers in their work and for advising them in regard to the provision for equipment and teaching of crafts;

(c) be also responsible for organising short-term courses of craft training for primary school teachers; and

(d) do such other work connected with craft teaching in primary schools as may be entrusted

to him by the Deputy Educational Inspector.

CHAPTER 10 State Board of Primary Education

171. Election of members to Board of Primary Education :-

(1) The eight members of the Board of Primary Education (hereinafter referred to as "the Board") shall be elected by the Municipal School Boards and the District Panchayats as follows:

(i) One by Municipal School Boards functioning in the districts of Ahmedabad, Gandhinagar, Mehsana, Surendranagar, Bhavnagar, Rajkot, Amreli, Junagadh, Jamnagar and Kutch immediately before thirty days prior to the day fixed by the returning officer under clause (i) of Schedule L for receiving nomination papers.

(ii) One by Municipal School Boards functioning in the districts of Baroda, Broach, Surat, Bhusar, Kaira, Panchmahals, Banaskantha and Sabarkantha immediately before thirty days prior to the day fixed by the returning officer under clause (1) of the Schedule L for receiving nomination papers.

(iii) One by District Panchayats, Surat, Broach, Bhusar, and Dangs.

(iv) One by Districts, Baroda and Panchmahals.

(v) One by District Panchayats, Ahmedabad, Kheda, and Gandhinagar.

(vi) One by District Panchayats, Mehsana, Banaskantha and Sabarkantha.

(vii) One by District Panchayats, Rajkot, Surendranagar, Jamnagar and Kutch.

(viii) One by District Panchayats, Amreli, Bhavagar and Junagadh.

(2) For the purposes of clause (a) of sub-section (6) of section 58 of the Act, a person shall be deemed to be graduate of a recognized University if he is a graduate of any of the Universities specified in Schedule K.

(3) The election of the eight members of the Board shall be held in accordance with the procedure prescribed in Schedule L.

"(4) The Director of Education or an officer authorised by him shall be the Returning Officer who shall authorise the president of each of the District Panchayats, or as the case may be, Municipal School Boards, to hold a poll and to forward the ballot papers in a sealed cover to him".

172. Election in the event of casual vacancy :-

(1) In the event of a casual vacancy of a member of the Board the President shall, as soon as may be, take steps to hold a fresh election in accordance with the provisions of rule 171 to fill up the vacancy.

(2) In the event of a casual vacancy of the President of the Board, the Board shall, at its next meeting or within one month from the date of the Presidents death or resignation or ceasing to be a member of the Board whichever is earlier, elect another person from among its own members to be the President.

173. Government to decide finally on disputes :-

If any question, dispute or doubt arises as to the validity of any election, the orders of the State Government shall be final for the purposes of deciding such question, dispute or doubt.

174. Names of the members to be published in the official Gazette :-

The names of the members of the Board elected or appointed, as the case may be, shall be published by Government in the Official Gazette.

175. Powers and duties of the Board :-

In addition to the powers and duties mentioned in clauses (a) and (b) of section 59 of the Act, the Board shall have power :-

(a) to make from time to time regulations not inconsistent with the Act or the rules framed thereunder in respect of the length of notice to be given for calling meetings, the fixing of the place, day and hour of meetings, the number of members to constitute a quorum, the conduct, management and adjournment of meetings, the recording of proceedings and the transaction of its business generally e.g., the circulation of propositions to members;

(b) to appoint committees consisting of such members of the Board and such other persons, if any, as the Board in each case may select to advise the Board; on any matter on which the Board considers such advice to be necessary.

CHAPTER 11 Miscellaneous

176. Meaning of terms village", panchayat village" and "non-panchayat village" :-

For the purposes of this Chapter-

(1) A "village" means a revenue village which is not a municipality constituted under the Bombay District Municipal Act, 1901, or Bombay Municipal Boroughs Act, 1923.

(2) A "panchayat village" means a village in which a panchayat has been constituted under the Bombay Village Panchayats Act, 1933.

(3) A "non-panchayat village" means a village other than a panchayat village.

177. Constitution of village school committees :-

(1) In a panchayat village the panchayat shall, as soon as possible, appoint a village school committee consisting of not less than three and not more than five members who may or may not be members of the panchayat, but who shall be persons who ordinarily reside in the village and have passed at least the primary fourth standard examination :

"Provided that where such village -

(i) consists of more than six but less than 10 hamlets separated from each other, the village school committee shall consist of not more than 11 members so that as far as possible one member shall be appointed from each hamlet or group of hamlets as may be specified by the panchayat;

(ii) consists of 10 or more hamlets there shall be appointed by the panchayat, with the previous permission of the Educational Inspector of the district two village school committees each consisting of not more than 15 members for such parts or areas of the village as may be determined by the panchayat and approved by the Educational Inspector, regard being had in the appointment of members to the appointment of one member as far as possible from each hamlet or group of hamlets;"

(2) in sub-rule (2) the following proviso shall be added namely :- "Provided that where a non-panchayat village -

(i) consists of more than six, but less than 10 hamlets separated from each other, the village school committee shall consist of not more than 11 members so that as far as possible one member shall be appointed from each hamlet or group of hamlets as may be specified by the District School Board;

(ii) consists of 10 or more hamlets there shall be appointed by the District School Board, with the previous permission of the Educational Inspector of the district two village school committees each consisting of not more than 5 members for such parts or areas of the village as may be determined by the District School Board and approved by the Educational Inspector regard being had in the appointment of members to the appointment of one member as far as possible from each hamlet or group of hamlets."

Note-If the panchayat in a particular village is unable to secure persons with the requisite educational qualifications, it may appoint on the village school committee suitable persons who are literate and who are interested in education.

(2) In a non-panchayat village which contains a District School Board School the District School Board shall, as soon as possible after it is constituted, appoint a village school committee consisting of not less than three and not more than five members who shall be persons who ordinarily reside in the village and have passed at least the primary fourth standard examination.

Note.- If persons with the requisite educational qualifications are not available the District School Board may waive the condition of passing the primary fourth standard examination in the case of such persons as are otherwise suitable for appointment on the village school committee.

178. Term of office of the village school committee :-

The term of office of the Village School Committee in a panchayat village shall be co-extensive with the term of the village panchayat. The term of office of the Village School Committee in a non-panchayat village shall be co-extensive with the term of the District School Board :

Provided that the members of the Village School Committee shall continue in office until a new committee is appointed by the panchayat or District School Board, as the case may be, and on the appointment of the new committee the said members shall be deemed to have vacated office.

179. Casual vacancies in village school committee :-

(1) In the event of any vacancy occurring (i) on account of the death, resignation or removal of a member of the Village School Committee, or (ii) through the member of such committee becoming incapable of acting previous to the expiry of his term of office the vacancy shall forthwith be reported by the Chairman of the Committee-

(a) in the case of a panchayat village to the Sarpanch of the panchayat, and

(b) in the case of a non-panchayat village, to the Chairman of the District School Board.

(2) \The sarpanch or chairman, as the case may be, shall as soon as conveniently may be, take steps to fill up the vacancy arising under sub-rule (1)

(3) \The person appointed under sub-rule (2) shall hold office so long only as the member in whose place he is appointed would have held it if the vacancy had not occurred.

180. Removal of the member of the Village School Committee :-

The panchayat, in the case of a panchayat village, or the District School Board in the case of a non-panchayat village, may, on the recommendation made by a majority of the members present at the meeting of the Village School Committee or Administrative Officer, remove, if it thinks fit any member appointed on such committee, if such member has been guilty of misconduct in the discharge of his duties, or has become incapable or unfit for the purpose of performing his duties as a member :

Provided that before removing such member, the panchayat or the District School Board, as the case may be, shall give him a reasonable opportunity of showing cause why he should not be removed. The decision of the panchayat or the District School Board, as the case may be, shall be final.

181. Election of the Chairman and Vice-Chairman :-

The Village School Committee shall elect a Chairman from among its own members. The Committee shall also elect a Vice-Chairman who shall carry on the duties of the Chairman in his absence.

182. Duties of the Village School Committee :-

The Village School Committee shall :-

(a) assist the School Board or the District Building Committee, as the case may be, in securing suitable accommodation for the school;

(b) assist the Head Teacher or the District School Board, as the case may be, in carrying out the current repairs to the school building if the District School Board is liable for such repairs;

(c) visit all schools placed under its supervision at least once a month;

(d) note whether the number of pupils in the school at the time of the visit corresponds with the number marked as present in the register and report any irregularity to the Administrative Officer;

(e) report to the Administrative Officer any irregularity or unpunctuality in the matter or the opening and closing of the school and the teachers attendance;

(f) see that the school premises are in good repair and kept in a sanitary condition.

183. Village School Committee to endeavour to increase number of pupils :-

The Village School Committee shall endeavour to increase the number of pupils, especially of those belonging to the Intermediate communities, Scheduled Castes, Aboriginal and Hill Tribes and other Backward communities and to improve the attendance.

184. Village School Committee to assist in introducing compulsory education :-

If it proposed to introduce compulsion in any area, the Village School Committee in that area shall assist in explaining the measures to parents and shall, if called up on to do so by the District School Board, assist in the preparation of a census of children of school going age.

185. Village School Committee to enforce compulsion :-

When compulsion has been introduced in an area, the Village School Committee shall assist in enforcing it.

186. Village School Committee to assist the Head Teacher :-

The Village School Committee shall assist the head teacher in determining which children shall be provided with books, slates and other schools materials, on account of the poverty of their parents.

187. Report to Chairman of Head Teachers leave :-

Before proceeding on casual or other leave, the Head Teacher shall inform the Chairman of the Village School Committee in writing of his intention.

188. Chairmans authority to grant leave to Head Teacher :-

In the event of the Head Teachers sudden illness, or for other very urgent reason, such as the death of near relative of the Head Teacher, the Chairman of the Village School Committee may allow him to leave his charge. The Chairman shall at once report such action to the Administrative Officer.

189. Absence without leave to be report :-

The Chairman of the Village School Committee shall at once report to the Administrative Officer the absence without leave of the head teacher or on an assistant teacher.

190. Chairman to take charge of the School in certain cases :-

In the event of the death of the Head Teacher or his absence on leave or otherwise if there is no Assistant Teacher the Chairman of the Village School Committee shall take charge of the school and report the matter at once to the Administrative Officer.

191. Village School Committee to be present on certain occasions :-

The Chairman and members of the Village School Committee may be present at the school at the time of the visit of any officer of Educational or Revenue Department or of any member or officer of the District School Board.

192. Charge of a school to be handed over in presence of the Village School Committee: in certain cases :-

On the transfer of a Head Teacher, if there is any difference of opinion between the Head Teacher giving over charge and the Head Teacher taking over charge in regard to the school accounts, records furniture or other equipment, the charge shall be handed over in the presence of two or more members of the Village School Committee including the Chairman, if he can attend. The members present shall make such remarks as they think fit on the charge report.

193. Establishment of a Provident fund :-

(1) Authorised Municipality, for its primary school teachers shall establish a provident fund. Note.-A provident fund, established by a Municipality as a Local Authority before the date on which these rules come into force shall be deemed to be the provident fund established under these rules by the Authorised Municipality.

(2) Subscription to the provident fund established under sub-rule (1) shall be compulsory for such primary school teachers of an Authorised Municipality as :-

(a) are already subscribing to the provident fund established by a Municipality as a Local Authority before the coming into operation of these rules, or

(b) enter into the permanent service of the Authorised Municipality- (including probationers appointed to permanent vacancies) on or after the date on which these rules come into force.

(3) Every Authorised Municipality which on the date on which these rules come into force had established only pension fund for its employees or teachers, shall, within two months from the date of establishment of provident fund under sub-rule (1), require by notice in writing its employees or teachers to exercise the option to join the provident fund in lieu of pensions and such employees or teachers shall exercise such option within six months from the date of notice. The option so exercised shall have effect from the 1st day of the month following that in which it is exercised and shall be

(4) The provident fund established under sub-rule (1) shall from part of the Primary Education Fund of the Authorised Municipality concerned and shall be administered, maintained and used in accordance with the rules prescribed in Schedule M to these rules.

193A. The provident fund for the staff, including primary school teachers of the District School Boards :-

(1) The provident fund for the staff, including primary school teachers of the District School Boards.-The rates of subscription and contributions and other conditions (including the use) of the provident fund shall be as laid down in the rules prescribed in Schedule MM; and the actual administration of the said fund, including the grant of temporary advances to subscribers, recovery thereof, maintenance of individual accounts and such other matters pertaining thereto shall vest in the Administrative Officer.

(2) Subscriptions to the said provident fund shall be compulsory for such members of the staff of a District School Board as -

(a) were subscribing to the provident fund established by a District School Board before the establishment of the said provident fund; or

(b) are appointed as probationers in permanent vacancies or enter into permanent service of the District School Board on or after the date on which the said provident fund is established.

(3) Within two months from the date of the establishment of the said provident fund, every District School Board shall, by a notice in writing, require such of its employees had opted for pensions before the establishment of the said provident fund to exercise the option to join the said provident fund in lieu of pensions, and such employees shall exercise such option within six months from the date of notice. The option so exercised shall have effect from the first day of the month following that in which it is exercised and shall be final.

194. Establishment of a pension fund :-

(1) A pension fund shall be established by a District School Board for such members of its staff and by an Authorised Municipality for such of its primary school teachers as are under the rules eligible to receive pension.

Note.-A. pension fund established by a District Local Board or Municipality as a local Authority before the date on which these rules come into force shall be deemed to be a pension fund established under these rules by the District School Board or Authorised Municipality, as the case may be.

(2) The pension fund established under sub-rule (1) shall form part of the Primary Education Fund of the District School Board or Authorised Municipality concerned and shall be administered, maintained and used in accordance with the rules prescribed in Schedule N to the rules.

195. Payment of pension and leave contribution on account of lent staff :-

(1) Every District School Board or Authorised Municipality shall pay pension and leave contribution to Government on behalf of all officers, clerks or other persons holding permanent appointment under Government whose services have been or may be lent to such District School Board or Authorised Municipality on foreign service conditions. Such officers, clerks or other persons shall receive their pensions or gratuities from the Central Revenues.

(2) Every District School Board or Authorised Municipality shall pay pension and leave contributions to another District School Board or Authorised Municipality on behalf of the permanent employees of such other District School Board or Authorised Municipality who have elected to remain on a pensionary basis and whose services have been lent to the first mentioned District School Board or Authorised Municipality on foreign service conditions. Such employees shall receive their pensions or gratuities from the Primary Education Fund of the second mentioned District School Board or Authorised Municipality.

196. Determination of pension and gratuities :-

(1) The grant of pensions and gratuities to the members of the staff maintained by a District School Board and to primary school teachers maintained by an Authorised Municipality shall be determined in accordance with the rules prescribed from time to time by Government for similar classes of its employees.

(2) In particular and without prejudice to the generality of the provisions of sub-rule (1), the grant of pensions and gratuities to the members of the staff of a District School Board and to primary school teachers of an Authorised Municipality shall be determined as follows :-

(a) Every guaranteed, teacher shall be, eligible for pension or gratuity, according to the rules in force in Government Education Department on the date of his retirement unless he has exercised the option, within the prescribed period, of remaining under the old rules to which he was previously subject:

Provided that such of the guaranteed teachers . as have under sub- rule (3) or (4) of rule 5 of the Bombay Primary Education Rules, 1924, or under sub-rule (3) of rule 193 of these rules exercised the option of joining the provident fund in lieu of .pension shall, from and

after the date of their admission to the provident fund, be entitled to the benefit of such pension and provident fund, as provided in clause (c):

Provided further that such of the said teachers as have not elected to join the provident fund established by the District School Board or Authorised Municipality shall be entitled to receive such pension (e.g., retiring superannuation, etc.), as is admissible under the rules and as may be certified by the Accountant General. The amount of such pension payable by Government and the District School Board or Authorised Municipality concerned shall be determined in accordance with the method indicated in articles 45 and 799 of the Civil Service Regulations and rule 1-79-B of the Bombay Civil Services Rules, as the case may be. The amount of such pension payable by the District School Board or Authorised Municipality shall be drawn by them from the Primary Education Fund of the District School Board or Authorised Municipality concerned, the amount payable by Government being drawn from the Consolidated Fund of the State.

(b) Non-guaranteed teachers in the employ of a District School Board or Authorised Municipality and members of the non-teaching staff in the employ of a District School Board for whom only pension fund was established by such District Board or Authorised Municipality and who, under sub-rule (3) of rule 193, have exercised the option to remain on a pensionary basis, shall on retirement be entitled to receive such pension (e.g., retiring, superannuation, etc.) as is admissible under the rules and as may be certified by the Accountant General. The District School Board or Authorised Municipality concerned may make such reduction in the admissible pension as it thinks fit, if the employee in its opinion, is not quite satisfactory ;

(c) The guaranteed teachers who have exercised the option of joining the provident fund in lieu of pension, and members of the District School Board staff other than guaranteed teachers and non-guaranteed teachers of an authorised municipality who were employed on a pensionary basis but who subsequently have exercised the option of joining the provident fund in lieu of pension shall be entitled.-

(i) to such pension or gratuity payable on retirement from the service of the District School Board or Authorised Municipality as they would have been entitled to if they had been invalidated from the date on which they have been admitted to the provident fund, the amount of such pension or gratuity, being based on the emolument drawn immediately prior to the date of their joining the provident fund. The amount of such pension payable by Government and/or the District School Board or Authorised Municipality shall be determined in accordance with the method indicated in Articles 45 and 799 of the Civil Service Regulations or rule 279-B of the Bombay Civil Services Rules as the case may be. The amount of such pension payable by the District School Board or Authorised Municipality shall be drawn by them from the Primary Education Fund of the District School Board or Authorised Municipality concerned, the amount payable by Government being drawn from the Consolidated Fund of the State ;

(ii) to such further sum from the District School Board or Authorised Municipality to be payable on retirement from its service as may stand their credit in the books of the Provident Fund, subject, however, to the conditions laid down in Schedule M to these rules. Note.-The staff referred to in clause (c) above shall retire or be permitted or required to retire from the service of the District School Board or Authorised Municipality in accordance with the pension rules in the Bombay Civil Services Rules Manual and, for this purpose, their services after joining the provident fund shall be taken into account. Those who are required

to retire on the ground of inefficiency and whose total period of service including service rendered after joining the provident fund is less than that specified in rule 254(2) of the Bombay Civil Services Rules may be granted pension in accordance with rule 301 of the Bombay Civil Services Rules. In the case of guaranteed teachers who have elected to remain under the old pecsioa rules, the grant of such pension shall be made subject to the provisions of Article 353 of the Civil Service Regulations.

(3) Notwithstanding anything contained in this rule the grant of gratuities to primary school teachers maintained by an authorised municipality may be determined in accordance with such rules as the authorised municipality may, with the previous approval of the State Government, frame in that behalf.

197. Delegation by Authorised Municipality :-

Subject to the provisions of the Act and these rules an Authorised Municipality may delegate any of its powers, duties and functions to the Municipal School Board :

Provided that without the previous sanction of the Authorised Municipality the Municipal School Board shall not take any action which may involve any expenditure in excess of that provided for in the budget or increase the liability of the Authorised Municipality for future years.

198. Delegation by School Board :-

The School Board may delegate any of its powers, duties and functions in accordance with the provisions of clause (b) of sub-section (2) of section 61 of the Act :

Provided that no action which may involve expenditure in excess of that provided for in the budget or increase the liability of the District School Board or Authorised Municipality as the case may be, in future years shall be taken by any Committee, member or officer of the Board to whom such powers are delegated without the previous sanction of the District School Board or of the Municipal School Board and Authorised Municipality.

199. Rough estimate of proposals of additional expenditure :-

(1) When a District School Board or Authorised Municipality proposes to incur additional expenditure on the expansion of primary education on a voluntary basis, it shall submit for the administrative approval of Government a rough estimate of the several items of expenditure through the Director so as to reach the Director at least one year before the beginning of the financial year in which it is proposed actually to incur the additional expenditure.

(2) The rough estimate under sub-rule (1) shall be prepared in the relevant form prescribed in Appendix "E" to these rules.

200. When detailed proposals to be submitted :-

(1) As soon as the rough estimate of the proposals is administratively approved by Government and the fact of such approval is communicated to the District School Board or Authorised Municipality concerned, it shall within four months from the date of such communication, prepare and submit to the Director detailed proposals separately for each item of additional expenditure.

(2) The detailed proposals for (i) the opening of new schools, (ii) the employment of additional teachers, clerks, inferior servants and other staff and (iii) payment of rents of school buildings shall be submitted in the relevant forms prescribed in Appendix "E" to these rules.

201. Powers to rescind, vary or add to rules :-

If the State Government is satisfied that the strict observance of the provisions of these rules in their application to any person or institution or a class of persons or institutions is not possible in any case for sufficient reasons, it may rescind or vary or add to the provisions of any one or more of these rules provided such rescission, variation or addition is not inconsistent with the provisions of the Act.

SCHEDULE A

Showing the constitution of the School Boards under the Bombay Primary Education Act, 1947

(See rule 3 of the Bombay Primary Education Rules, 1949)

| "SCHEDULE-A" | | | | | | | | |
|---|-------------------------------|-----------------------------|---|---|--------------------------|--------|-------------------|--------------------------|
| (See rule 3 of the Bombay Primary Education Rules, 1949) | | | | | | | | |
| Showing the constitution of the School Boards under the Bombay Primary Education Act, 1947. | | | | | | | | |
| Sr. No. | | Name of the | Number of seats reserved for | | General Seats | | Number of persons | Total number of members. |
| | District School Board | Schedule | Representa- | Person-who have | appointed by Government. | | | |
| | of the Municipal School Board | Castes and Schedule Tribes. | tives of non-autho rised . Municipalities | Passed the Matriculation or Second Year Training Certificate Examination or who possess any other equivalent or higher educational qualification. | Govt. Officials. | Others | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 1 | Ahmedabad | 1 | | 3 | 8 | 1 | 2 | 15 |
| 2 | Baroda | 1 | | | 8 | 1 | 2 | 15 |

| | | | | | | | | |
|----|---------------|---|--|---|---|---|---|----|
| | | | | 3 | | | | |
| 3 | Bhavnagar | 1 | | 3 | 8 | 1 | 2 | 15 |
| | | | | 3 | | | | |
| 4 | Broach | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 5 | Dabhoi | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 6 | Godhra | 1 | | 3 | 7 | 1 | 1 | 53 |
| | | | | 3 | | | | |
| 7 | Jamnagar | 1 | | 3 | 8 | 1 | 2 | 15 |
| | | | | 3 | | | | |
| 8 | Mahuva | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 9 | Nadiad | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 10 | Navsari | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 11 | Palanpur | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 12 | Surat | 1 | | 3 | 8 | 1 | 2 | 15 |
| | | | | 3 | | | | |
| 13 | Surendranagar | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 14 | Upleta | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 15 | Rajpipla | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 16 | Kapadwanj | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 17 | Botad | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 18 | Limbdi | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 19 | Rajkot | 1 | | 3 | 8 | 1 | 2 | 15 |
| | | | | 3 | | | | |
| 20 | Savarkundla | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 21 | Jetpur | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 22 | Porbandar | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 23 | Katol | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 24 | Anjar | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 25 | Amreli | 1 | | 3 | 7 | 1 | 1 | 13 |
| | | | | 3 | | | | |
| 26 | Anand | 1 | | | | | 1 | 13 |

| | | | | | | | | |
|----|---------------|---|--|---|---|---|---|----|
| 26 | Anand | 1 | | 3 | 7 | 1 | 1 | 13 |
| 27 | Unza | 1 | | 3 | 7 | 1 | 1 | 13 |
| 28 | Veraval Patan | 1 | | 3 | 7 | 1 | 1 | 13 |
| 29 | Sidhpur | 1 | | 3 | 7 | 1 | 1 | 13 |
| 30 | Gondal | 1 | | 3 | 7 | 1 | 1 | 13 |
| 31 | Palitana | 1 | | 3 | 7 | 1 | 1 | 13 |
| 32 | Ankleswar | 1 | | 3 | 7 | 1 | 1 | 13 |
| 33 | Patan | 1 | | 3 | 7 | 1 | 1 | 3 |

SCHEDULE B

List of Communities treated as belonging to the Backward Class in the State of Bombay

| SCHEDULE B | | | |
|---|------------------------------|-----|-----------------------------|
| List of Communities treated as belonging to the Backward Class in the State of Bombay | | | |
| I | | II | |
| | Schedule Castes | | Schedule Tribes |
| | (A) Throughout the State | | Throughout the State |
| 1. | Ager. | 1. | Barda |
| 2. | Asodi | 2. | Bavacba |
| 3. | Bakad | 3. | Bhil, including |
| 4. | Bhambi | | Bhagalia |
| 5. | Bhangi | | Bhil Garasia |
| 6. | Chakrawadya-Dassar | | Dholi Bhil |
| 7. | Chalvadi | | Dungri Bhil |
| 8. | Chambbar or Mochigar or | | Dungri Garasia |
| | Samagar | | Mewasi Bhil |
| 9. | Chenna-Dasav | | Rawal Bhil and Tadvi Bhil |
| 10. | Chauhar or Chuhra | 4. | Chodhara |
| 11. | Dakaleru | 5. | Dhanka |
| 12. | Dhegu-Megu | 6. | Dhodia |
| 13. | Dhor | 7. | Dubla |
| 14. | Garoda | 8. | Gamit or Gamta |
| 15. | Halleer | 9. | Gond |
| 16. | Halsar or Haslar or Hulsavar | 10. | Kathodi or Katkari |
| 17. | Holaya or Garode | 11. | Konkna |
| 18. | Koicha or Kolgba | 12. | Koli Dhor |
| 19. | Lingader | 13. | Kali Mahadev |
| 20. | Machigar | 14. | Mavchi |
| 21. | Madig, or Mang | 15. | Naikda or Nayak |
| 22. | Mahar | 16. | Pardhi including Advichlne- |
| 23. | Mahyavanshi | | har and Phanse Pardhi |
| 24. | Mangarudi | 37. | Patelia |
| 25. | Meghwal or Menghwar | 18. | Pomla |
| 26. | Mini Madig | 19. | Powara |
| 27. | Mukri | 20. | Rathawa |
| 28. | Nadia | 21. | Thakur |

| | | | |
|---|--------------------------------|----------------------------|---|
| 29. | Rohit | 22. | Valvai |
| 30. | Shenva or Shindhaya | 23. | Varli |
| 31. | Sbingdav or Shingadya | 24. | Vasava |
| 32. | Sochi | | |
| 33. | Timali | | |
| 34. | Turi | | III |
| 25. | Vankar | | |
| 36. | Vitholia | Other Backward Communities | |
| (B) Throughout the State | | 11. | Beldar |
| except in Gujarat Division Mochi (C) In North Kanara District | | 12. | Berad (same as Nos. 10, 100, 101, 141 and 154.) |
| | | 13. | Bestar (same as Nos, 14,44, 139 and 146.). |
| | | 14. | Bhamta (same as Nos. 44, 139 and 146); |
| Kotegar | | | |
| 1. | Alitkar | 15. | Bhamta (Rajput) |
| | | 16. | Bhand. |
| 2. | Bagri | 17. | Bharadi. |
| 3. | Bahurupi | 18. | Bhavaiya, |
| 4. | Bhajania | 19. | Bhavin. |
| 5. | Balsantoshi | 20. | Bhisti |
| 6. | Bandi | 21. | Bhoi. |
| 7. | Buttal | 23. | Bhute. |
| 8. | Bava | 23. | Budbudki. |
| 9. | Bazigar | 24. | Burud. |
| 10. | Bedar (same as Nos. 12, 100, | 25. | Chamtha. |
| | 101, 141 and 154). | 26. | Chandlagara |
| | III | | III |
| 27. | Charan. | 65. | Kall Waddar (same as Nos. 14, 44, 139 and 146). |
| 28. | Charodi. | | |
| 29. | Chara (same as Nos. 67, 68 | 66. | Kammi. |
| | and 129). | 67. | Kanjari (same as Nos. 32, 68 |
| 30. | Chigaribetegar. | | and 129). |
| 31. | Chitrakathi. | 68. | Kanjar Bhat (same as Nos. 29, |
| 32. | Dasa. | | 67 and 129). |
| 33. | Dabagar (in Gujajet). | 69. | Kapdi. |
| 34. | Davari. | 70. | Katabu (same as No. 74). |
| 35. | Depala. | 71. | Kattai. |
| 36. | Devali. | 72. | Kharwa. |
| 37. | Devdig. | 73. | Khati (from Sind). |
| 38. | Dholi. | 74. | Killiket (same as No. 70). |
| 39. | Dong-Dasar (same as Nos. 14, | 75. | Khelkari (same as No. 76). |
| | 44, 139 and 146). | 76. | Kolhati (same as No. 75). |
| 40. | Dombari. | 77. | Koli Malbar. |
| 41. | Futigudi. | 78. | Koli Suryavanshi. |
| 42. | Gandharap. | 79. | Kongadi. |
| 43. | Garudi (same as No. 99). | 80. | Korava (section of No. 64). |
| 44. | Ghartichor (same as Nos.14, | 81. | Korcha (section of No. 64). |
| | 139 and 146). | 82. | Korchar. |
| 45. | Ghisadi. | 83. | Kori (from Sind). |
| 46. | Girni Waddar (same as Nos, 14, | 84. | Kotwal (same as No. 80). |
| | 44, 139 and 146). | 85. | Kotwalia (same as No. 84). |
| 47. | Golle. | 86. | Kucchria (from Sind). |
| 48. | Gondbali. | 87. | Kunbi Tilori (in tbe Ratnagiri |

| | | | |
|------|---|------|--|
| 49. | Gopal. | | District). |
| 50. | Gujarat Baori. | 88. | Kuncbi Korva (section of No 64 |
| 51. | Halepaik. | 89. | Lamani. |
| 52. | Haransbikari. | 90. | Lambrdar (same as No. 89). |
| 53. | Helav. | 91. | Mairal. |
| 54. | Jagaishi (from Sind), | 92. | Manbhav. |
| 55. | Jajak (from Sind). | 93. | Mangela. |
| 56. | Jatia. | 94. | Marwar Boari (same as Nos 2, |
| 57. | Jatigar. | | 50, 95 and 126). |
| 58. | Javeri (same as No, 61). | 95. | Marwar Waghari. |
| 52. | Jogi. | 96. | Me. |
| 60. | Gogtin, | 97. | Mina. |
| 61. | Johari. (same as No. 58), | 98. | Mochi (in Gujarat). |
| 62. | Joshi. | 99. | Nodikar (same as No. 43). |
| 63. | Kahar. | 100. | Naikmakkalu (same as Nos. 10, |
| 64. | Kaikadi. | | 12, 101, 141 and 154). |
| 101. | Naikwadi (same as Nos. 10, | 131. | Saroda. |
| | 12, 100, 141 and 154). | 132. | Sarvade. |
| 102. | Nambhari (same as No. 103). | 133. | Shikari. |
| 103. | Nambhari-paik (same as No. | 134. | Shikkaligar. |
| | 102). | 135. | Sudgadsidda. |
| 104. | Nandiwale. | 136. | Suler. |
| 105. | Nat. | 137. | Supallig. |
| 105. | Nath. | 138. | Sutharia (from Sind). |
| 106. | A. Nath-Panthip Dauri Gosavi (same as No. 47). | 139. | Takari (same as Nos. 14, 44 and 146). |
| 107. | Nirshkiari. | 140. | Takankar. |
| 108. | Od. | 141. | Talvar (same as Nos. 10, 12, |
| 109. | Padharia. | | 100, 101 and 154 inoluding |
| 110. | Padiar. | | Kanade Tallvar). |
| 111. | Pamlor (same as No. 64). | 142. | Thakar. |
| 112. | Pangul. | 143. | Tirgar, |
| 113. | Pareeshi Bhampta (same No. | 144. | Tirmali. |
| | 15). | 145. | Tudug Waddar (same as Nos. |
| 114. | Patharvat. | | 14, 44, 139 aad 146). |
| 115. | Pathrut (same as Nos. 14, 44, 139 and 146). | 146. | Uchlia (same as Nos. 14, 44, 139 and 145). |
| 116. | Patradavaru. | 147. | Vaddar. |
| 117. | Phasechari, | 148. | Vadi. |
| 118. | Phudgi. | 149. | Vaghri. |
| 119. | Rachevar. | 150. | Vaidu. |
| 120. | Raikari. | 151. | Valti. |
| 121. | Raj Pardhi. | 152. | Vakkal (in the Kanara District). |
| 122. | Ramoshi. | 153. | Valhar. |
| 123. | Ravalia. | 154. | Valmiki (same as Nos. 10, 12, |
| 124. | Sahadev Joshi. | | 100, 101 and 141). |
| 125. | Salat. | 155. | Vanjari. |
| 126. | Salat Waghri. | 556. | Vasudev. |
| 127. | Sangar. | 157. | Vir. |
| 128. | Sanjogi. | 158. | Wadari (same as Nos. 14, 44, |
| 129. | Sansia (same as Nos. 29, 67 | | 139 and 146). |
| | and 68). | 159. | Waghri Pardhi. |
| 130. | Sarania. | 160. | Wansfoda. |

SCHEDULE C

RULES FOR THE ELECTION OF MEMBERS OF THE SCHOOL BOARD

[See Rule 6 of the Bombay Primary Education Rules, 1949]

SCHEDULE C

[See Rule 6 of the Bombay Primary Education Rules, 1949]

RULES FOR THE ELECTION OF MEMBERS OF THE SCHOOL BOARD

1. President to fix place and dates for election. The President of the District Local Board or the authorised Municipality as the case may be shall

fix the date for the election of (1) the representatives of non-authorised municipalities and (2) the remaining members of the School Board. In each case, he shall also fix the date, hour and place for the following stages of the election, namely :

1. receipt of nomination papers.,
2. scrutiny of nomination paper,
3. recording of votes,
4. receipt of voting papers from non-authorised Municipalities,
5. counting of votes.

The date for the receipt of nomination papers shall be not less than two weeks before the date fixed for recording of votes. The date fixed for scrutiny of nomination papers shall not be less than one week before the date fixed for recording of votes.

2. Notice of election. At least four weeks before the date fixed for recording of votes, the President shall cause a written notice of such date and of the place, dates and hours fixed under rule 1 for the various stages of the election to be

(i) in the case of District Local Boards,

- a. sent to every member of such Board;
- b. sent to every non-authorised municipality concerned;
- a. posted in some conspicuous place in the offices of the President of the District Local Boards, of the Mamlatdar or Mahalkar of the taluka or mahal, as the case may be, and in such other places as the President may appoint; and

(d) published in such manner as the President may deem fit; and

(ii) in case of authorised municipalities.

- a. sent to every member of such municipalities;
- b. sent to every non-authorised municipality concerned;
- c. posted in some conspicuous place in the office of the municipality and in such other places as the President may appoint; and
- d. published in such manner as the President may deem fit.

3. Returning Officer. The President of the District Local Board or the authorised municipality shall be the Returning Officer :

Provided that :

(a) that President may, whenever he thinks necessary, and shall, when he himself is a candidate to the election, appoint, by a written order made not less than one week before the date fixed for the receipt of nomination papers, the Vice-President (if the Vice-President is himself not such candidate)

or the Chief Officer to be the Returning Officer;

(b) when the President and the Vice-President are both candidates to the election and there is no Chief Officer, the District Local Board or authorised municipality shall appoint such other member as is not a candidate

at the election to be the Returning Officer.

4. Nomination of candidates. (1) On or before the date and at the time appointed under rule 1 for the receipt of nomination papers, each candidate shall either in person or by his proposer and seconder deliver to the Returning Officer, a nomination paper duly completed in the form in Appendix I to this Schedule and subscribed by the candidate himself as assenting to the nomination and by two member of the electing local authority concerned as proposer and seconder. Nomination papers in the prescribed form shall be supplied by the Returning Officer to every candidate or any other person on his behalf asking for the same :

Provided that in the case of a candidate for election as representative of non-authorised municipalities, the proposer

and seconder subscribing the nomination paper shall be members of any of the said electing municipalities.

(2) The proposer and seconder shall be present at the time of presentation

of the nomination paper to the Returning Officer who shall ascertain there and then, that the proposer and the seconder have willingly signed the nomination paper. If either the proposer or the seconder expresses his unwillingness to acknowledge his having signed the nomination paper, the candidate may present a fresh nomination paper.

5. Scrutiny of nomination paper. On the date appointed for scrutiny of nomination papers the candidates and one proposer and one seconder of each candidate and one other person for each candidate duly authorised in writing by each candidate, but no other person may attend at the appointed time and place and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 4.

6. Disposal of objections : Rejection of nomination. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary refuse any nomination on any of the following grounds:

(i) that the candidate is ineligible for the vacancy or vacancies for which he has been nominated ;

(ii) that there has been any failure to comply with any of the provisions of the Act or the rules made thereunder;

(iii) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) Where a member has subscribed as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, only such of the papers so subscribed as have been first received, up to the number of vacancies to be filled shall be deemed to be valid.

(3) Nothing contained in sub-rule (2) shall be deemed to authorize the refusal of the nomination of any candidate on the ground of irregularity in respect of nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

7. Completion of scrutiny. The Returning Officer shall endorse on

each nomination paper his decision accepting or rejecting the same, and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf and no adjournment of proceedings shall be allowed.

8. Appeal against rejection of a nomination paper. (1) An appeal may be made to the Collector against an order of the Returning Officer rejecting a nomination paper within three days from the date of the order of the Returning Officer.

(2) On application made by any candidate whose nomination paper has been rejected, the Returning Officer shall forthwith grant the candidate a copy of the order rejecting his nomination paper.

(3) The candidate making an appeal shall forthwith forward 3 copy of the memorandum of appeal to the Returning Officer.

(1) The Collector shall decide the appeal as soon as possible and shall communicate his decision to the Returning Officer before the date fixed for recording of votes.

(5) The decision of the Collector shall be final and the Returning Officer shall give effect to it.

9. Preparation of list of valid nominations. On the completion of the scrutiny of nominations, the Returning Officer shall forthwith cause a list of valid nominations for each class of vacancies (excepting nominations for seats of representatives of non-authorised municipalities) to be prepared under his signature and cause it to be affixed in some conspicuous place in his office and at the place at which the election is to be held. He shall also

cause a copy of the list to be sent to every member of the District Local Board or the authorised Municipality, as the case may be, showing therein the qualifications, viz, the details mentioned in Appendix I (of Schedule C) Nomination Paper of each of the candidates.

10. Election of representatives of non-authorised Municipalities. The

Returning Officer shall also communicate the valid nominations for seats of representatives of non-authorised municipalities to the Presidents of such municipalities and ask them to record the votes of such municipalities in Form II prescribed in Appendix II appended to this Schedule.

11. Procedure at uncontested election. After the scrutiny of nomination

papers, should the number of duly nominated candidates for any class of vacancies not exceed the number of vacancies in that class, the Returning Officer shall declare such candidates to be duly elected for that class.

12. Right to be nominated to two or more vacancies. When elections for two or more constituencies are to be held at or about the same time, one and the same person may be nominated as a candidate for election for each such class of vacancy provided he is otherwise duly qualified.

13. Withdrawal of candidature. Any person nominated under rule 4 may withdraw his candidature at any time on or before the date fixed for recording of votes under rule 1, by notice in writing subscribed by him and delivered to the Returning Officer. Such withdrawal shall make his nomination

void. When such notice is delivered before the voting has begun and such withdrawal has the effect of leaving the election uncontested, the Returning Officer shall declare the remaining candidate or candidates, as

the case may be, to be duly elected.

14. Voting. (1) When there are more candidates for each class of vacancies than there are vacancies in the class and the question of voting arises, the voting shall be by ballot.

(2) The Returning Officer shall preside at the place fixed for recording of votes and receive votes thereat and provide himself with a box for receiving votes recorded at the election.

(3) Before the commencement of the poll, the Returning Officer shall show the ballot box empty to such candidates and such members of the

District Local Board or the authorised Municipality as may be present at the polling station and shall then lock it up and seal it in such manner as to prevent its being opened without breaking the seal. The ballot box shall then be placed within a screened partition.

(4) Every member of the District Local Board or authorised municipality desirous of recording his votes at the election shall attend for the purpose on the date and at the time and place appointed for recording of votes under rule 1. When a member presents himself at the polling station he shall be provided by the Returning Officer with a voting paper in the appropriate form out of the two forms given in Appendix II to this Schedule. Before receiving the voting paper, the member shall sign the counterfoil thereof. No voting paper shall be issued after the closing hour appointed for recording of votes under rule 1 above but any member who has been given the voting paper before the closing hours shall be allowed reasonable opportunity to record his vote.

(5) After receiving his voting paper, the member shall proceed to the voting partition which shall be screened and shall record his votes there. The member shall have as many votes as there are vacancies and may give one or more votes to any candidate. The member shall put one cross in pencil against the name of the candidate for every vote he wishes to give to the candidate. If the member does not wish to record his vote or votes in the case of any candidate or candidates of any class of vacancies, he shall leave the appropriate part of his voting paper blank. Only one member shall be allowed in the voting partition at a time.

(6) There shall be no voting by proxy.

(7) The Returning Officer shall give such assistance as may be required to any member who is under any disability which incapacitates him from voting in the manner prescribed.

15. Counting of votes. (1) The Returning Officer shall on the date and at the time and place appointed for the counting of votes under rule 1 in the presence of two members of the District Local Board or the authorised municipality who are not candidates and of any candidates in attendance open the ballot box and separate the voting papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the grounds of rejection.

(2) The Returning Officer may reject any voting paper on or by which the voting member has recorded more votes than he is entitled to or which bears any writing or a mark by which in the opinion of the Returning Officer, he is intended to be identified or which is unmarked or void for uncertainty.

(3) The Returning Officer shall then count the valid votes given to each candidate. He shall in respect of each vote put a cross against the name of the candidate who has received it in the appropriate form out of the two forms given in Appendix III to this Schedule.

(4) He shall, upon the completion of the counting, seal up in

separate packets, endorsing on each a description of its contents and the

date of the election to which it refers, the voting papers counted and the voting papers rejected. He shall also prepare the voting paper account and verify it by comparing it with the number of voting papers counted or rejected as aforesaid and of the unused voting papers.

(5) He shall then prepare and certify a return setting forth

(i) the result of the verification referred to in sub-rule (4);

(ii) the names of the persons for whom valid votes are given; (iii) the number of valid votes given for each person; and

(iv) the number of votes declared invalid and permit any candidate to take a copy of or an extract from the return.

(6) The Returning Officer may at any stage adjourn the proceedings under this rule after giving notice of the date and hour at which proceedings will be resumed to the candidates and members of the electing local authority present.

16. Declaration of results. When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes has been given to be elected. In the case of seats of representatives of non authorised municipalities the candidates who secure the Largest number of votes in the Form II given in Appendix III to this Schedule, shall be declared as elected. If there is an equal number of votes in favour of each of two or more candidate for one vacancy, the selection shall be determined by the Returning Officer by lot.

17. Multiple elections.(1) If any person is elected to more than one vacancy on the School Board, he shall by notice in writing signed by him and delivered to the Returning Officer within three days from the date of the declaration of the result of such election under rule 16, choose for which of these vacancies he shall serve and on such choice having been made, the result of the election shall, in every other vacancy to which such person has been elected, be determined as if no votes has been recorded for him.

(2) If such person does not make the choice referred to in sub-rule(1), the elections of such person shall be void and the results of the elections shall be determined as if no votes had been recorded for him.

18. Publication of resultsAs soon as the results of the elections are declared, the Returning Officer shall cause them to be posted up in some conspicuous place in his office and shall without delay report the results to the District Local Board or the authorised Municipality.

19. Custody of election papers.The Returning Officer, if he is the President shall retain in his custody or in case he is not the President shall hand over to the President for custody the return and the packets referred to in rule 15 and all other documents relating to the election.

20. Production and inspection of election papers.(1) While in the custody of the President the packets of voting papers, whether counted or rejected, and of the counterfoils thereof shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court or of Government.

(2) All other documents relating to an election in the custody of the President shall be open to inspection by the members of the electing body or by any servant of the State Government duly authorised in this behalf.

21. Destruction of election papers.The President shall unless otherwise

directed by a competent court or by Government cause all papers relating to an election to be destroyed after the lapse of one year from the date of the declaration of the result.

APPENDIX I TO SCHEDULE C

Form of Nomination Paper

(See rule 4 in Schedule C)

Municipality

Description of the vacancy for which the candidate is nominated.

Name of candidate with fathers name or husbands name in the class of married woman and surname, if any,

Age and sex Educational qualifications Address

Name of the proposer Signature of the proposer-Name of the seconder Signature of the seconder.

Declaration by Candidate

I hereby signify my willingness to serve if I am elected.

Date Signature of Candidate

APPENDIX II TO SCHEDULE C.

Form of Voting Paper

(See rule 14 in Schedule C)

I

Form of voting paper for vacancies of members other than representatives
of non-authorised Municipalities.

District Local Board

Municipality

Counterfoil of Outer foil Front

Voting paper

Note. A separate voting paper should be used for each class of vacancies mentioned above, the entries relating to other classes of vacancies being scored out.

(Back of outerfoil) Instructions in Connection with Recording of Votes

(1) For each class of vacancies you have the number of votes shown against the description of that class.

the candidate

(2) Put a cross or crosses against the name of

each of the candidates

for whom you wish to vote.

(3) You must not put against any class of vacancies more crosses than the number shown against the description of that class.

II

Form of voting paper for vacancies to be filled by representatives of non-authorised Municipalities

Name of Municipality

| Names of candidates (valid nominees) | Cross (x) | |
|--------------------------------------|-----------|---|
| Mr | | Mr..... Mr..... Mr. President, Municipality. Note 1.If the number of representative of non-authorised Municipalities to be elected is on the cross should be placed against the name of the candidate whom the Municipality wishes to elect. If the number of representatives to be elected is 2, both the |

crosses (x x) may be placed against the name of any one candidate in case the municipality concerned wishes to elect only one candidate or one cross (x) each may be placed against the names of two candidates in case the municipality wishes to elect two candidates.

Note 2.A voting paper shall be invalid if.

(a) a cross is not placed against the name of any candidate,

or

(b) a cross is placed opposite the names of more than the number of candidates to be elected,

or

(c) the voting paper is not signed.

APPENDIX III TO SCHEDULE C

Form of Consolidating the Votes Recorded for the Election of Members of the School Board other than the Representatives of Non-Authorised

Municipalities

(See rule 15 in Schedule C) I

| Class of vacancies to which members are to be elected with the number of seats shown in brackets | Names of valid nominees | Votes recorded by members 1 2 3 4 5 6 7 8 9 10 11 12 & so on | Total number of votes |
|--|-------------------------|--|-----------------------|
| 1. Scheduled Castes and Scheduled Tribes. | | | |
| | 2 3 4 | | |
| 2. Seats requiring | | | |
| educational quali- | | | |
| | fications, i. e. | | |
| | Matriculation or | | |
| | second year tra- | | |
| | ining certificate | | |
| | examination or | | |
| | any other equi- | | |
| | valent or higher | | |
| | educational qua- | | |
| | lification. | | |
| | | 2 | |
| | | 3 | |
| | | 4 | |
| 3. General seats | | 1 | |
| | | 2 | |

| | | | |
|--|--|---|--|
| | | 4 | |
| | | 3 | |
| | | 4 | |

District Local Board
Date President,
Authorised Municipality,
Form for consolidating the votes recorded by each non-
authorised Municipality
(See rule 15 in Schedule C)
II

| Name of valid nominees | Votes recorded by the Municipality of | Total number of the |
|------------------------|---|---------------------------|
| | 123456789 10 11 | votes |
| Mr. | | |
| Mr. | | |
| Mr. | | |
| Mr. | | |
| Mr. ____ | | |
| Mr. | | |
| Mr. | | |
| Mr. | | |

Date
Signature of Returning
Officer.
SCHEDULE D
Rules for the election of
Chairman or Vice-
Chairman of a School
Board
(See rule 12 of the
Bombay Primary
Education Rules, 1949)
SCHEDULE D
(See rule 12 of the
Bombay Primary Education
Rules, 1949)
**Rules for the election of
Chairman or Vice-
Chairman of a School
Board**
(1) At the meeting called
for electing a Chairman or
a Vice-Chairman each
candidate wishing to be
elected as Chairman shall
deliver to the President of

the meeting a nomination paper in the sub-joined form sub-scribed by the candidate himself as assenting to the nomination and signed by two other members as proposer and seconder.

Chairman

Nomination paper for election as -----
-

Vice-Chairman

District School Board of
Municipality of

I hereby propose that Mr.

Chairman

be elected as of the School Board.

Vice-Chairman

Date Signature of the proper Member.

I second the above proposal.

Date Signature of the seconder Member.

Declaration of the Candidate

I hereby signify my willingness to serve as Chairman/Vice Chairman if I am elected.

Date Signature of Candidate.

(1A) If only one nomination paper is received for the office of the Chairman or the Vice-Chairman the President of the meeting shall declare such candidate to be duly elected to the office of the Chairman or the Vice Chair-man, as the case may be.

(2) If the number of nomination paper received for the office of the Chairman or the Vice-Chairman is more than one, the President of the meeting

shall arrange to prepare voting papers in the sub-joined form containing names of candidates who

have been duly nominated and shall supply such voting papers to every member of the School Board present at the meeting :

Chairman.

Voting Paper for the
ejection of

Vice-Chairman.

| | Name of the candidates | Put only one cross against |
|----|------------------------|----------------------------|
| | | the name of the candidate |
| | | for whom you wish to vote. |
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

1. The President of the meeting shall then show the ballot box empty to all such candidates and other members of the School Board present at the meeting and shall then lock it up, seal it and place it in front of him.

2. Every member desirous of recording his vote shall proceed to a screened partition, where only one member shall be allowed at a time, and shall put one cross in pencil against the name of the candidate to whom he wishes to give his vote and shall then put his voting paper in the sealed ballot box.

3. A member who does not desire

t o record his
vote at the
election
shall return his
voting paper to
t h e President
of the meeting
who will make
a
remark to that
effect on it.

4. After all the
members
desirous of
recording their
votes have put
t h e i r voting
papers in the
ballot box, the
President of
the meeting
shall open
the box, in the
presence of the
members
attending the
meeting,
separate the
voting papers,
reject any
voting paper
o n which the
voting member
has
r e c o r d e d his
vote in such a
manner that it
i s not possible
to identify the
p e r s o n s to
whom he
wishes to give
his vote, shall
count the votes
given to
each candidate
and then
declare the
candidate who
has secured
the largest
n u m b e r of
votes as duly
elected.

5. In case of
equality of
votes the result
of the election
shall be
determined by
lot to be drawn
in the presence
of the
President of
the meeting

in such manner as he may
determine.

(8) The President of the
meeting shall then collect
all the voting papers
including the blank ones
returned by any members

and all other papers relating to the election of the Chairman or Vice-Chairman, make a list of them and hand them over to the Administrative Officer of the School Board, who shall keep them in his custody for a period of at least six months from the date of the election and shall make them available for inspection by the members of the School Board or by any servant of the State Government duly authorised in this behalf.

(9) The Administrative Officer shall unless otherwise directed by a competent court or by the State Government cause all the papers relating to the election of a Chairman or Vice-Chairman, as the case may be, to be destroyed after the lapse of six months from the date of the election.

SCHEDULE E

DUTIES OF HEAD
TEACHERS FOR
ENFORCING ATTENDANCE
OF school GOING
CHILDREN

(Vide Rule 70 (2) of the
Bombay Primary
Education Rules, 1949.)

SCHEDULE E

I. DUTIES OF HEAD
TEACHERS FOR ENFORCING
ATTENDANCE OF SCHOOL
GOING CHILDREN.

(Vide Rule 70 (2) of the
Bombay Primary Education
Rules, 1949.)

1. General(1) Every Head
teacher shall make himself
thoroughly

acquainted with the
provisions of sections 30 and
32 to 37 of the Bombay
Primary Education Act, 1947,
and rules in Chapter VI of
the Bombay Primary
Education Rules, 1949,
regarding attendance and
enforcement of compulsion
and with the Attendance
Regulations framed by the
School Board, if any, or the
Model Regulations in
Schedule G to the Bombay

Primary Education Rules, 1949.

(2) Each Head teacher shall regularly, promptly and accurately make all requisite entries in his books or registers and have all forms, reports books or registers posted up-to-date, and ready for immediate use or inspection. He shall assist the Administrative Officer or any other Officer nominated by him in compiling statistics and in preparing reports or statements and under take such other duties as may be required of him by the Administrative Officer or the Assistant Administrative Officer.

(3) Each Head teacher shall seek the assistance of the Police Patel a n d the Village Schools Committee for the effective enforcement of attendance a n d for the checking of absenteeism.

(4) No Head teacher shall divulge the nature of his duties or instructions or the information he may acquire in the course of his duties to any one not being a member of the School Attendance Committee or the Chairman o f the School Board or the Administrative Officer or the Assistant Administrative Officer. He shall refer inquiries on such subjects to the Administrative Officer.

2. Census Register. Each Head teacher shall be responsible for maintaining correct and up-to-dace Census Register for each village or ward of a town in his charge. The Census Register, which should be regarded as a permanent document, can be kept up-to-date by

(i) the removal of the names of children who have ceased to come under the compulsory scheme for a valid reason such as (a) death, (b) completing the compulsory course, (c) completing the school year after completing the compulsory age, (d) being eligible for any of the exemptions under section 33 of the Act, or (e) leaving the compulsory area;

(ii) the addition of the names of all children of compulsory a g e whose names do not appear in the register either

because, (a) they came into the compulsory area after the census or because, (b) they escaped enumeration at the time of the census. The names of such of these children as voluntarily come to school can be obtained from the school register. The names of children who have been voluntarily attending school before the compulsory age, and who attain the compulsory age during the course of the year shall also be added to the lists.

3. Issue of Attendance Notices and Orders.(1) Each Head teacher shall, as directed by the Administrative Officer, arrange to prepare notices of attendance to be given to parents of children liable for compulsion and arrange for their distribution to the parents concerned at least two months prior to the day on which the children must first attend a school as required by the rules in Chapter VI of the Bombay Primary Education Rules, 1949.

(2) The Head teacher, if authorised by the School Board, shall inquire into the applications by parents for exemption under section 33 of the Act, and after hearing what the parents have to say shall pass on the applications within a fortnight of the receipt of such applications to the Administrative Officer or to any other person or committee as directed by

the Administrative Officer, together with his recommendations as to whether the excuse of the parent for exemption should or should not be granted or granted for a short period only

(3) After the School Board or the member of the School Board or the officer authorised by the School Board under section 34(2) has given a decision of the parents application for exemption, the Head teacher, if authorised by the School Board, should issue attendance orders as required by section 31 (1) of the Act, to the parents concerned.

4. Visits to Schools and Homes of pupils.(1) The Head teacher shall visit schools in his

charge systematically and preferably at least once every month and ascertain whether each child who was reported to be absent in the previous month is attending the school and obtain from the school an attendance slip of each school-going pupil who is absent and (unless the head teacher knows that there is a satisfactory reason for such absence) shall at once visit the home of the absence pupil and make inquiries.

(2) The Head teacher shall also make particular enquiry about all children whose names are for any cause removed from the register of any school and keep such cases strictly in view until the children are admitted into another school (unless he is satisfied that the children have left the village and gone elsewhere).

(3) The Head teacher shall visit the homes of absentee pupils preferably in the morning or in the evening. In visiting the homes of pupils, it will be the duty of the Head teacher to ascertain whether every child of school-going age is receiving satisfactory instruction, in the case of neglect, to ascertain the real cause; to explain to the parents the requirements of the law ; to urge upon them the necessity of complying at once with those requirements and to furnish them, if requested, with information as to the suitable approved schools in the neighbourhood (but the Head teacher must scrupulously avoid using influence in favour of any particular school as the choice of school rests absolutely with the parents). Where a child is said to be attending a private school or to be under efficient instruction in some other manner, the Head teacher must use his judgment and make inquiries as to the correctness of the statement.

(4) Cases of frequent absence from school owing to sickness should be vouched for, if possible, by a certificate of a duly qualified medical practitioner stating the nature of the illness and its probable duration. When dealing with

those, who attend a school irregularly, the Head teacher should explain to the parents the requirements of attendance regulations framed by a School Board. Where a child is prevented from attending school by sickness or any unavoidable cause, it will be necessary to see that the child is not detained at home after recovery from sickness or when the cause of detention ceases. When it is suspected that a contagious or infectious disease is the cause, the case should be immediately reported to Administrative

Officer who will communicate with the Medical Officer of the District.

5. Enforcement of Compulsion.(1) The Head teacher, if authorised under section 35(2) of the Act, shall prepare cases for prosecution and lodge complaints under section 35 of the Act, before a Magistrate. Village Bench or other person competent to take cognisance of an offence committed by a parent for failure to cause his child to attend the school.

(2) The Head teacher, if authorised under section 36(2), shall first issue a warning to a person who employs a child liable for compulsion so as

to interfere with its instruction, and if this warning has no desired effect, he shall lodge a complaint under section 36 before a Magistrate competent to take cognisance of such offence against the employer concerned.

(3) The Head teacher shall attend the Court of a Magistrate, Village Bench or other person authorised in this behalf and report to the School Attendance Committee or the Administrative Officer as directed by him the decision of the case.

II. DUTIES OF ASSISTANT DEPUTY EDUCATIONAL INSPECTORS FOR ENFORCING ATTENDANCE OF SCHOOL-GOING CHILDREN

(Vide Rule 16S of the Bombay Primary Education Rules, 1949)

1. Organisation of Census work.(1) Every Assistant Deputy Educational Inspector, if called upon by the Administrative Officer, should suggest suitable dates for the first and subsequent annual census of children of school-going age in the villages or areas in his charge.

(2) About a week prior to the commencement of the actual census,

the Assistant Deputy Educational Inspector shall, as directed by the Administrative

Officer, hold meetings in suitable centres of all enumerator; and supervising enumerators for groups of neighboring villages and explain to them the nature of the work they have to do and the difficulties they are likely to meet with, impress upon the importance of taking a correct and complete census and ask them to exercise the greatest possible care and vigilance while taking the census. The fact should be stressed that if the parent of a child escapes enumeration at the census, he generally escapes all the penal sections of the Bombay Primary Education Act. At this meeting each enumerator should be supplied with

(i) the necessary census forms;

(ii) copies of notice to the public of the probable days and time of the census to be put up in the villages or areas in which compulsion is proposed to be introduced; and

(iii) copy of the instructions for the guidance of enumerators and supervising enumerators. (These instructions are printed separately in regional languages).

(3) While the census work is going on, each Assistant Deputy Educational Inspector shall visit, as many villages as possible, and check the census work and see that the instructions for taking the census are observed by the enumerators and supervising enumerators. The Assistant Deputy Educational Inspector shall also try to remove the difficulties, if any meet with by the enumerators and supervising enumerators in

getting the information
required for the census.

(4) After the census work is completed the Assistant Deputy Educational Inspector shall arrange with the help of enumerators and supervising enumerators to get 3 copies of the following statements duly prepared in the prescribed forms and checked by the supervising enumerators :

(i) A census register of all children in each village or ward of the town who will be liable for compulsion from the beginning of the next school year;

(ii) Separate lists of boys and girls liable for compulsion from the

beginning of the next school year and not attending any school at the time of the census;

(iii) Separate lists of boys and girls liable for compulsion from the beginning of the next school year according to their mother tongue; and

(iv) Separate lists of boys and girls liable for compulsion from the beginning of the next school year according to communities.

(5) Each Assistant Deputy Educational Inspector shall assist the Administrative Officer in the consolidation of census statistics and preparation of the various statements forming part of the scheme of compulsion.

2. Schools Attendance Reports.(1) The Assistant Deputy Educational Inspector shall then supply the Head teacher of each primary school in the village or ward of a town in his charge a list of all children liable for compulsion (including those non-attending children whose parents have been ordered to cause them to attend a school) and inform him of the date or dates from which the attendance of such children is compulsory as required by the rules in Chapter VI of the Bombay Primary Education Rules, 1949.

(2) The Assistant Deputy Educational Inspector should also ask the Head teachers of primary schools in his charge to

report to him within a week of the commencement of the school year the names of any such children

from the list who do not attend school.

3. The Assistant Deputy Educational Inspector should also obtain from the heads of schools, by the 5th of every month, a report in the form prescribed, giving the names of children liable for compulsion who have failed to attend or have not attended regularly during the preceding month and also of those who joined or left the school during the month. These reports will enable the Assistant Deputy Educational Inspector to maintain the Census Register, correct and up-to date after verification.

4. On receipt of such reports from heads of schools, the Assistant Deputy Educational Inspector should issue attendance notices to parents whose children are not attending school or attending irregularly, and arrange to distribute these notices to the parents concerned.

3. Monthly reports. Every Assistant Deputy Educational Inspector shall send each month to the School Board or committee or officer authorised by the School Board for this purpose, a correct report of his months work including (a) the number of visits to houses, (b) the number of visits to schools, (c) the number of case reported to the School Attendance Committee or the Administrative Officer, (d) the number of truant or wandering children found during the month, (e) the number of children of school going age found not attending any school, (f) the number of warnings issued under section 36 of the Act to employers responsible for employing children liable for compulsion, (g) the number of complaints lodged before

a Magistrate,
Village Bench or other competent person under sections 35 and 36 of the Act, (h) a statistical s t a t e m e n t showing particulars of children, their attendance, etc., in the school in his beat, and (i) other matters of importance which the officer may deem it necessary to bring to the notice of the School Attendance Committee or the School Board.

SCHEDULE F
SCHEDULE

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[vide Rules 166(2) and 111 (2)(c) of the Bombay Primary Education Rules, 1949]

Model conditions of employment of staff in private schools in State of Gujarat.

1. Manner of appointment of teacher. (1) A person to be appointed as a member of the staff of a private school shall not be less than 18 years of age and more than 25 years of age.

(2) The managing body of the trust or the society shall constitute for the purpose of selecting teachers for appointment in the school a selection committee consisting of the following persons, namely :

(i) One representative of the managing body of the trust or the society;

(ii) The head master of the school;

(iii) One representative of the Administrative Officer.

(3) A candidate for a post in the staff of the school shall submit his application to the Head of the school giving detailed information in regard to his qualifications, previous educational experience, etc. Copies of the application and the copies of orders of appointment shall be kept on the school

record. Every employee whether temporary or on probation or posted in a permanent vacancy shall be given a clear order of appointment with a copy of the conditions governing the employment and these shall remain with the employee. The order of appointment shall clearly mention whether the appointment is temporary, probationary or permanent, the scale of salary and the duration of appointment in case it is either temporary or on probation.

2. Letter of acceptance of appointment. A person selected for appointment on the staff of the school shall address a letter of acceptance to the management if he accepts the conditions mentioned in the letter of appointment and the general conditions of service.

(Note Models of (1) form of Application with its accompaniments, (2) order of Appointment and (3) letter of acceptance referred to above shall be as in annexure A annexed hereto).

3. Temporary and permanent employee. An employee appointed for a definite period in a post which is not clearly vacant shall be a temporary

employee :

Provided that a temporary employee on completion of two years service shall be treated as a permanent employee.

4. Period of probation An employee appointed to a post clearly vacant may be on probation for a period of two years. He shall be confirmed

as a permanent employee after the probationary period is over, if his work is found to be satisfactory. His work shall be judged

on the basis of the confidential Reports written by the authority competent to appoint him at the end of every academic term.

5. Closure of School or Reduction in the total number of classes.(1)

No management of recognised private primary school shall effect any reduction in the total number of classes in its school or close down the school without the prior permission in writing of the Government For this purpose the management shall have make an application to the Authorised Officer atleast six month before the date from which it intends to reduced the number of classes or close down the school. On receipt of such application,

Authorised Officer shall hear the management and forward such application with his remarks to Government through the Director of Primary Education. The Government may in such manner as may be deemed necessary make such further inquiry as it may appear to it to be necessary and shall decide whether the application should be granted or refused either in whole or in part.

6. QualificationThe Management shall appoint only trained teacher who have passed the Secondary School Certificate Examination and also the primary training Certificate Examination. For special subjects, teachers shall be recruited in accordance with the qualifications laid down by the Government for such teacher under the vacancies in the District Education Committees or Municipal School Boards in the State from time to time.

7. TrainingAll untrained teachers who are below the age of 35 years on the date of the commencement of these rules shall be required to get training within a period of five years from such date.

8. Unqualified proprietors or manager not to teach or superviseNo

proprietor manager or head of a school shall be allowed to do either teaching or supervision of educational work or both unless he is qualified and trained. For the Head-teachers who are already i n service but are not trained, the school authorities shall obtain the approval of the Administrative Officer for the i r retention in their present posts.

9. Scale of salariesScales of pay and allowances payable to the teaching and non-teaching staff shall be such as may be approved by the State Government from time to time.

10. LeaveLeave cannot be claimed as a matter of right. Discretion to refuse or cancel leave of any description is reserved to the Head Teacher or Manager of the School.

11. Casual LeaveCasual leave may be given for special and unforeseen circumstances for a period of not more than six days at a time the total period of such casual leave in a year being limited to twelve days. Casual leave cannot be prefixed or suffixed to any kind of leave except holidays and Sundays.

12. Other Leave : (1)
Temporary
EmployeeTemporary
employee
shall not be entitled to any leave with pay, other than casual leave.

(2) Permanent
EmployeeLeave on Medical

Certificate on half average pay not exceeding three months at any one time rate of 1/11th of active duty may be granted, the total period of such leave being limited to 12 months in the whole service. A medical certificate shall, if required by the management of the school, be produced by the teacher from the Civil Surgeon or a Registered Medical Practitioner.

13. (1) Termination of Service of TeacherThe management of a private school shall not terminate otherwise than as a measure of penalty the services of any permanent trained teachers without the previous permission of an Administrative Officer.

(2) A permanent trained teacher whose services are terminated with the permission of the Administrative Officer after three years of his service, shall be entitled to a compensation

- a. equal to 6 months salary including allowances if the employee has put in service in the school for period Dot exceeding five years, and
- b. equal to six months salary including allowances for the first five years and a months salary for every years of the period exceeding five years, if the employee has put in service in the school for a period exceeding five years :

Provided that total compensation payable under clause (a) or (b) shall not exceed twelve months salary including allowances :

Provided further that in the case of a teacher an Inquiry Committee shall

be constituted consisting of the following persons, namely :

(i) one representative of the management; (ii) the Head Master of the School and

(iii) a representative of the concerned teacher, and accordingly the formal inquiry against the teacher shall be held by the said committee instead

of the management or an enquiry officer as if where the context so requires for the words "the management" or "inquiry officer" the word "Enquiry Committee" had been substituted.

14. Confirmation of employees As a rule an employee on probation serving in a clear vacancy shall be confirmed at the end of the probationary period if his work is found to be satisfactory.

15. Inquiries to be held before termination of service of employeeIn

all cases of the termination of services of a permanent employee, except that of permanent trained teacher under sub-rule (2) of rule 13, a regular charge sheet shall be given to such an employee and a proper inquiry be held by the management of the school. During the inquiry the employee shall be given an opportunity of furnishing a written statement as well as of leading evidence, if any. In case, the employee does not present himself before the enquiries person after due notice, an ex parte decision shall be given which shall be binding on the employee.

16. PenaltiesThe following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on the employee, namely :

(1) Censure (2) Fine

1. Suspension
2. Withholding increments or promotion.
3. Recovery from pay of the whole or part of any pecuniary loss caused to management of the school by negligence or breach of orders.
4. Reduction in rank including reduction for a lower post or time scale or to lower stage in a time-scale.
5. Compulsory retirement.
6. Removal from service not disqualifying for further employment

(9) Dismissal from service which shall ordinarily be a disqualifications

for future employment,

Explanation : The following shall not amount to a penalty within the meaning of this rule :

(i) Stoppage at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar.

(ii) Non-promotion of an employee, after consideration of his case to a post or grade to which he is in ordinary course eligible on administrative ground unconnected with his conduct.

(iii) Reversion of an employee who is officiating in a higher service, grade or post to a lower service, grade or post on the ground that after trials he is considered to be unsuitable for such higher service, grade or post or on administrative ground not connected with his conduct.

(iv) Reversion of an employee appointed on probation to another service, grade or post during or at the end of the period of probation, to his permanent service, grade or post, in accordance with the terms of his appointment

or the rules or orders governing such probation.

(v) (a) Termination of the service of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of appointment or the rules and orders governing such probation.

(b) Termination of the service of an employee employed under an agreement in accordance with the terms of such agreement.

(vi) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement and not on grounds of his conduct.

17. Authority to impose penalty. Subject to the provisions of these rules the management of the school may impose any of the penalties specified in rule 16 of this schedule on an employee.

18. Procedure for imposing penalties specified at items (6) to (9) of rule

16.(1) No order imposing on an employee and of the penalties specified in items (6) to (9) of rule 16 of this schedule shall be passed except after formal inquiry is held, as far as may be in the manner hereinafter provided.

(2) In case where the allegation against an employee are grave or are such as would entail a major punishment such as reduction in rank, compulsory retirement, removal or dismissal from service, a preliminary inquiry shall, as possible, be held by a person holding a post superior to that of the person against whom the allegations are to be inquired into :

Provided that, if there has been an investigation or inquiry by police in the matter and a report has been received thereon the same may be considered as equivalent to a preliminary inquiry and no further preliminary inquiry shall be necessary.

(3) On receipt of the report of the preliminary inquiry or the police report, the management shall determine.

(i) Whether there is a prima facie case for a formal inquiry; (ii) Whether the employee should be prosecuted in a Court of Law;

(iii) Whether having regard to the nature of charge and the circumstances

of the case, it is necessary or desirable to place under suspension the employee against whom the inquiry proceedings are stated or are ordered to be started pending the conclusion of the inquiry and the passing of the final order in the case :

Provided that an employee who is detained in custody on a criminal charge or otherwise for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of such detention, by an order of the management of the school and shall remain under suspension till his reinstatement on acquittal or otherwise.

(4) When an order for formal inquiry has been made, the management

shall frame definite charge on the basis of allegation and shall communicate

such charges, alongwith the statement of the allegations, to the employee and also require him to submit, within such time as may be specified, a written statement of defence and also to state whether he desires to be heard

in person.

(5) The employee against whom an inquiry is to be held shall, for the purpose of the preparing his defence, be permitted to inspect and take extracts from such records as he may specify :

Provided that such permission may be refused if for reason to be recorded

in writing, in the opinion of the management such records are not relevant for the purpose or it is against the public interest to allow his access thereto.

(6) On receipt of the written statement of defence or if any such

statement is not received within the time specified, the

management may itself enquire into such of the charges as are not admitted or appoint an Enquiry Officer to bold the inquiry and forward to it his report and, if advised his recommendation alongwith all the inquiry papers :

Provided that in the case of a teacher an Enquiry Committee shall be constituted consisting of the following persons, namely :

(i) one representative of the management : (ii) the Head master of the school ; and

(iii) a representative of the concerned teacher and accordingly the formal inquiry against the teacher shall be held by the said committee instead of the management or any inquiry officer if in so far as the teacher is concerned for the words the management or Enquiry Officer" the words "Enquiry Committee" had been substituted.

The management may nominate any person to present the case in support of the charges before the Enquiry Officer. An employee may present his case with the assistance of any other employee of the school approved by the Enquiry Officer, but may not engage a legal practitioner for the purpose, unless the person nominated by the management as aforesaid is a legal practitioner or unless the management, having regard to the circumstances of the case, so permits.

(8) If the employee desires to be heard in person he shall be so heard. If he so desires or if the management so directs, an oral inquiry shall be held by the Enquiry Officer. As such inquiry evidence shall be heard as to such of the allegations as are not admitted and the employee charged shall be entitled to cross-examine the witnesses, to give evidence in person to produce documentary evidence, if any, and to have such witnesses called as he may wish :

Provided that the Enquiry Officer may, for reasons to be recorded in writing, refuse to call a witness.

(9) At the conclusion-of the inquiry, the Enquiry Officer

shall prepare a report of the inquiry, recording his findings of the charges together with reasons thereof. If in the opinion of the Enquiry Officer, the proceedings

of the inquiry establish charges different from those originally framed he may record findings on such charges :

Provided that findings on such charge shall not be recorded unless the employee was admitted the facts constituting such charges or heard an opportunity of defending himself against such charges.

(10) The proceedings conducted against the employee charged shall contain a sufficient record of.

(i) the charges framed against such employee and the statement of allegations ;

(ii) the written statement of defence, if any ;

(iii) the oral evidence taken in the course of the inquiry ;

(iv) the documentary evidence considered in the course of the inquiry ;

(v) the order, if any, made by the Enquiry Officer or the management

as the case may be, with regard to the inquiry ; and

(vi) a report setting out the findings on each charge and the reasons therefor.

(11) The Enquiry Officer, if he is other than the management shall submit the records of the proceedings mentioned in clause (10) to the management without recommending the penalty to be imposed unless the management has specifically called for such recommendations. The management shall consider the record of the enquiry and its findings on each charges, and if, having regard to the findings on the charges and the record of the proceedings, it is of the opinion that any of the penalties specified in items (6) to (9) of rule 16 of this schedule should be imposed, it shall.

(a) furnish to the employee a

copy of the report of the Enquiry Officer, and where the management is not the Enquiry Officer, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Enquiry, and (b) give a notice to the employee charged stating the penalty proposed to be imposed on him and calling upon him to show cause within a specified time, why the proposed penalty should not be imposed on him.

(12) If the management having regard to the Bindings is of the opinion that any of the penalties specified in Hems (1) to (5) of rule 16 of this schedule should be imposed, it shall pass an appropriate order in the case.

(13) The orders passed by the Management shall be communicated to the employee who shall also be supplied with a copy of the report of the Enquiry Officer and, where the management is not the Enquiry Officer a statement of its findings together with the brief reasons for disagreement, if any with the findings of the Enquiry Officer, unless they have already been supplied to the persons charged.

19. Procedure for imposing penalties specified at items (1) to (5) of

rule 16.(1) No order imposing any of the penalties specified in items (1) to (5) of rule 17 of this schedule shall be passed except after.

(a) the employee charged is informed in writing of the proposals to take action against him and of the allegations on which such action is proposed to be taken and is given an opportunity to make any representation which he may wish to make ;

(b) such representation, if any, is taken into consideration by the management of the school.

(2) The record of the proceedings in such case shall include.

- a. a copy of intimation to the employee charged of the proposal to take action against him ;

- b. a copy of the statement of allegations communicated to him ;
- C. his representation, if any ;

(d) a copy of the orders passed alongwith a copy of the allegations, if any, if not already supplied.

20. Joint Inquiry. - Where two or more employees are concerned in any matter relating to disciplinary action the management shall make an order directing whether the action against all of them should be taken in a common proceedings, or whether separate action should be taken against each of the member. In both cases the procedure laid down in rule 18 or

rule 19 of this Schedule, as may be applicable, shall be followed.

21. Special procedure in certain cases. Notwithstanding anything contained in rules 18, 19 and 20 of this schedule, where a penalty is imposed on an employee on the ground of conduct which had led to his conviction on a criminal charge and it is not considered expedient by the management of the school to follow procedure prescribed in these rules, the management may consider the circumstances of the case and pass such orders thereon as it deems fit.

22. Sub-stance allowance during suspension. A teacher who is placed under suspension shall during the period of such suspension, be paid subsistence allowance. The amount of such allowance shall be regulated as provided in rule 151 of the Bombay Civil Services Rules, 1959 as amended from time to time.

23. Reinstatement. When an employee who has been dismissed, removed or suspended from service is reinstated, the authority passing the order of reinstatement

shall make an order as to:

- a. the pay and allowances which shall be paid to him for the period of his suspension; and
- b. whether or not the said period shall be treated as a period spent on duty.

24. Appeals.(1) An employee may appeal against an order of suspension or an order imposing any penalty on him to the Administrative Officer, within a period of thirty days from the date on which he received the order:

Provided that the Administrative Officer may entertain an appeal after the expiry of the said period, if he is satisfied that the appellant has had sufficient cause for not submitting the appeal in time.

- 1. Every person submitting an appeal shall do so separately and in his own name.
- 2. The appeal shall contain all material statements and arguments on which the appellant relies and shall not contain any disrespectful or improper language. A copy of the order appealed against shall invariably be enclosed with the appeal.
- 3. Every appeal shall be submitted through the officer to whom the appellant is subordinate at the time of submitting the appeal. Such officer shall, in turn, forward it to the authority which made the order:

Provided that an advance copy of the appeal may be submitted direct to the appellant authority.

25. Withholding of appeals.(1) The authority which made the order, which has been appealed against, may withhold the appeal if.

- a. it is an appeal against an order from which no appeal lies, or
- b. it is not complied with any of the provisions of rule 24 of this schedule, or
- c. it is not submitted within the period specified in rule 24 of this schedule and no cause is shown for the delay, or

- d. It is a repetition of an appeal already decided and no new facts or circumstances are adduced :

Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 24 of this schedule shall be returned to the appellant and if resubmitted within one month thereof, after compliance with the said provisions, it shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and reasons therefor.

26. Transmission of Appeals.(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellant authority every appeal which is not withheld under rule 25 of this schedule together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 25 of this Schedule and thereupon such appeal shall be transmitted to that authority together with the relevant records.

27. Disposal of appeals.(1) In the case of an appeal against an order of suspension, the Administrative Officer shall consider whether, having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 16 of this Schedule the appellant authority shall consider

(a) Whether the procedure prescribed in these rules has been complied with and if not, whether such non-compliance has resulted in failure of justice;

(b) Whether the findings are justified; and

(c) Whether the penalty imposed is excessive, adequate, or inadequate, and pass orders

(i) Setting aside, reducing, confirming or enhancing the penalty, or

(j) remitting the case to the management of the school which imposed

the penalty or to any other authority, with such direction as it may deem fit in the circumstances of the case :

Provided that

(i) the administrative officer shall not impose any enhanced penalty which neither such authority nor the authority which had the order appealed against is competent in the case to impose;

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty proposed to be imposed on him; and

(iii) if the enhanced penalty which the Administrative Officer, proposed

to impose is one of penalties specified in items (6) to (9) to rule 16 of this Schedule has not already been held in the case, the Administrative Officer

shall subject to the provisions of rule 21 of this Schedule, himself hold such inquiry or direct that such inquiry be held, and thereafter on consideration of the proceeding of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, and pass such orders as he may deem fit.

28. Implementation of orders in appeal. The management of the school which made the order appealed against shall give effect to the orders passed by the Administrative Officer.

29. Revision. When an appeal has been preferred and an order passed thereon a revision application may be submitted by the employee to the District Education Officer within a period of one month from the date of the order passed in appeal :

Provided that notwithstanding anything in this rule, the District Education Officer may of his own motion or otherwise call for the record of the case, and confirm, or set aside the orders of the Administrative Officer, or remand the case with such directions as he may deem fit :

Provided further that penalty imposed shall not be enhanced except in conformity with the procedure prescribed in the proviso to sub-rule (2) of rule 27 of this Schedule.

30. Appeals in other case (1) An employee may appeal against an order which

(a) denies or varies to his disadvantage his pay, allowance, or other conditions of service as regulated by any rule or by agreement; or

(b) denies promotion to a higher post or service to which he is otherwise

eligible according to the recruitment rules and which is due to him according to seniority; or

(b) interprets to his disadvantage the provisions of any such rules or agreement; or

(d) stops him at the efficiency bar in the time scale on the ground of his unfitness to cross the bar; or

(e) reverts him to a lower service, or post, otherwise than as a penalty; or

(f) determines the pay and allowances for the period of suspension to be paid on reinstatement or determines whether or not such period shall be treated as a period spent on duty.

1. The Administrative Officer or the District Education Officer, as the case may be shall call for the relevant records, consider the appeal and pass suitable orders.

2. The orders passed by the District Education

Officer under sub-
rule (2) shall be final.

31. Termination of Services of Probationary Teacher
A teacher on probation wishing to determinate his services for reasons of his own, before the completion of the probation period shall give one calendar months notice in writing to that effect to the management or forego his salary in lieu thereof. The employer wishing to terminate for valid reasons, the service of a teacher on probation before the stipulated period, shall also give him one calendar months notice, on a months salary and allowances in lieu thereof. Such cases should be reported to the Administrative Officer within a week.

32. Termination of services by Administrative permanent teachers.

A permanent employee desiring to determinate his services, shall give notice of three calendar months or forego is salary and allowances for the period of such notice in lieu thereof.

33. Discharge certificate to be given
Every teacher shall be given a discharge certificate on the termination of his service in the school, as per Annexure, C.

34. Age of superannuation of Teacher.
(1) An employee shall retire

at the age of 58 years.
However a review of the work will be undertaken at the age of 55 years deciding whether he deserve to be continued beyond the age of 55.

(2) The age of superannuation specified in sub-rule (1) and not apply to honorary workers or life member teachers not in receipt of any emanation.

The Administrative Officer shall, however, satisfy himself that no life member; of a society or honorary worker who has reached the age of 55 years and who is physically and mentally unfit or otherwise not in a position to do the teaching work satisfactorily, continues on the teaching staff. The

Administrative

Officer shall be competent to call upon the management of the school to make suitable alternative arrangement for filling such post within a reasonable time, which shall not extend beyond the end of the academic year. This rule shall not apply in the case of an employee, who is life member of the societies but is in receipt of regular pay and allowances according to the scale prescribed by the Department or subsistence allowance and other facilities. He shall be governed by the rules applicable to the employees in general.

(3) These rules shall not apply to employee who are already employed on a contract basis for a definite period. However, the management shall not make any appointments on contract which would defeat the provision of these rules.

(4) The case of part-time employees and special employees like teachers for drawing, music, craft etc., who are treated on par with other teachers in respect of service condition etc., shall also be governed by these rules.

(5) No teacher shall ordinarily have a right of appeal against an order passed in pursuance of the provisions of rule 34 of this Schedule. A management

or teacher aggrieved by an order passed by the Administrative Officer, under these rules may appeal to the Director within thirty days of the order complained of. A copy of the order complained against shall invariably accompany such application. The decision of the Director in appeal shall be final.

35. General condition of service. An employee shall, during the period of his service employ himself efficiently under the management and shall make himself generally useful in all respects to the school.

36. Employees not to remain absent generally. An employee shall not ordinarily absent

himself from the duties without having obtained previous permission of the Head teacher except in case of illness or such other unforeseen circumstances. On such occasions, intimation in writing shall be sent to the school as soon as possible.

37. Employees to carry out duties. Every employee shall carry out such duties pertaining to the school as may be assigned to him from time to time the Head teacher.

38. Employee to mark attendance. Every employee shall make his attendance regularly in the Attendance Roll and shall on receiving his salary, sign the acceptance roll duly stamped, if necessary, in token of payment.

39. Employee to abide by subsidiary rules. Every employee shall abide by the subsidiary rules that may be framed by the management and approved by the Department for the efficient working of the school in which he may be serving over and above the rules.

40. Provident Fund. An employee shall subscribe to the provident fund according to the rules in force.

41. Vacation Pay. If a teacher is appointed for the major part of the term, he shall be entitled to vacation pay at the end of the term :

Provided that if the temporary appointment is in a post which is not permanently vacant and some other teacher is drawing pay for the vacation and the temporary employee has been duly informed of this position, the latter shall not be entitled to vacation pay.

42. Resignation-() No permanent employee shall resign without giving a three months notice.

(2) No temporary employee shall resign without giving one months notice :

Provided that no notice by a teacher shall be a valid unless it is given through the

Administrative Officer,
concerned.

(3) A temporary employee giving notice during the vacation or at the beginning of the school year shall not be entitled to vacation pay.

43. Teachers Record and Service Book Every school shall maintain a record and Service Book of every teacher (whether full or part-time) under its employment in the form shown in the Annexure-B and shall arrange to hand it over to the teacher concerned when his services are terminated so as to enable him to produce it before his new employer.

44. Management to obtain record regarding Qualifications before appointment. No management shall employ a teacher before obtaining the

necessary record of his qualifications, previous educational experience, service etc. The Administrative Officer shall not accept previous educational service of a teacher for purpose of Grant-in-aid unless he produces satisfactory evidence

thereof.

ANNEXURE-A

(See rule 2 of Schedule F)

The Principal, The Head Master, The Superintendent.

School ()

Sir,

I understand that there is a vacancy in the post of..in the staff

of your school. I beg to apply for the post..A full statement of

my qualifications, educational service, etc. is enclosed.

If appointed, I agree to abide by, the terms of appointment and the rules and regulations of the school.

Yours faithfully

Date..

Full address..

Accompaniment to the Form
of Application

(See rule 2 of ScheduleF)

1. Name in full.....
2. Caste....
3. Date of Birth....
4. Age on the date of application.

. Y M .

5. Mother tongue..

other language known. ..

6. Qualifications.

Year in which obtained.

Percentage of marks or Class obtained

a.

b.

(c) ..

7. Subject or subjects for which special training received.

8. Previous educational experience/including period of service in each school with dates and salary drawn-

Name of the School Period Salary

Y.M.D. drawn

9. Whether employed at present ? If so, where ?

10. Whether subscribing to Provident Fund.

11. Permanent Address.

Date.. Signature. ..

Note : Copies of testimonials, if any, should be enclosed. Order of Appointment

From..

To, ..

Sir,

With reference to your application dated..I am to say that

you have been appointed in this school as a..on Rs..p.m. in

the grade of Rs..with effect from..

The vacancy to which you are appointed is a temporary/probationary

/permanent vacancy up to..The conditions of service are

attached herewith. If a reply accepting the appointment is not received within..days, the vacancy will be filled up.

Please note

Yours faithfully,

Date..

Letter of Acceptance To

The Head Master, The Principal,
The Superintendent,

Sir,

With reference to your letter, dated
the..regarding my appointment

as a..in your school. I beg to say
that I accept the appointment

salary Rs.p.m. mentioned by you
and shall join in the school

on..

I have read the general conditions
of service and conditions of
employment.

I do hereby agree to abide by them
faithfully.

I further agree to serve the school to
the best of my ability, to abide
by the rules and regulations of the
school and to obey whatever order
that
may be issued by a competent
authority.

Date.. Yours faithfully

ANNEXUREB

(See rule 43 of ScheduleF)

Employees Record and Service
book

1. Name of the Employee
2. Caste....
3. Date of Birth (in figures and
words)
4. Mother tongue....
5. Other languages known
6. Qualifications Year in which
Percentage of marks

obtained or class obtained

(a) ..

(b) ..

(c) ..

7. Subject or subjects for which
special training received.

8. Previous educational experience
including service in school with
dates and salary drawn :

Name of the School Period Salary
drawn

9. Name of the School in which he
worked last..

Address ..

Signature of the employee..

Countersignature..

Date.. Signature..

*The documents or certificate from
which the birth date is copied
should also be written.

1. Name of the School..
2. Designation..
3. Nature of appointment..

(Whether temporary, on probation or permanent)

4. Date of appointment..
5. Salary and allowance, if any, on the date of appointment.
6. Date of termination
7. Reasons of termination ..

(Revision of grade or salary such as promotion, reduction, Resignation

of Service etc.

8. Nature and period of leave granted

from..... to

8. Special remarks, if any

Note Entries should be made in the service book by the Management whenever there is a change in the position of the employee on account of the under mentioned reasons :

(a) (1) When a temporary appointment is converted into an appointment

on probation,

OR

(2) When an appointment on probation is made permanent,

- b. When there is a change in the designation of a person.
- c. When promotion or reduction in salary or change in grade is effected.
- d. When his services are terminated on account of retirement or any other reasons.

ANNEXURE-C

(See rule 33 of Schedule F)
Discharged Certificate

1. Name and address of the School ..

issuing the certificate

Full Name of the employee.....

2. Qualifications..

Degree/Diploma....Class.. Year..

University..... ..

4. Whether temporary/Permanent.
5. Service rendered fromto ..
6. Pay drawn :

| | | |
|--|--|--|
| | <p>a. Rs.... in the scale</p> <p>b. Allowance, if any, Rs. ...</p> <p>c. Date of increment ..</p> <p>7. Whether the school has any dues to recover from him..</p> <p>8. Remarks :</p> <p>Place Signature..</p> | |
|--|--|--|

Date.. Designation .

SCHEDULE G

MODEL ATTENDANCE REGULATIONS FOR ADOPTION BY SCHOOL BOARDS IN AREAS OF COMPULSION

SCHEDULE G

[Vide Rule 125 (1) of the *Bombay Primary Education Rules, 1949*]

MODEL ATTENDANCE REGULATIONS FOR ADOPTION BY SCHOOL BOARDS IN AREAS OF COMPULSION

1. These regulations shall be called the Compulsory Attendance Regulations.

2. (1) These regulations shall extend to the areas of compulsion in
(2) They shall come into force on 19

3. In these regulations, unless there is anything repugnant in the subject or context ..

- a. "Act" means the Bombay Primary Education Act, 1947.
- b. "Child" means a child to whom the scheme applies.
- a. "Scheme" means a scheme prepared by the Administrative Officer of a District School Board under section 25 of the Act or by an Authorised Municipality under section 26 of the Act for providing compulsory primary education in any area; and

(d) Words and expressions used in the Bombay Primary Education Act, 1947, or the Bombay Primary Education Rules, 1949, and not defined in these regulations shall have the meaning assigned to them in that Act and those Rules.

4. The daily school hours at an approved school may be divided into two sessions, each consisting of such periods of instruction as may be fixed by the School Board :

Provided that the school Board may direct that on certain days there shall be only one session.

- 5. Every child shall, unless leave of absence is sanctioned under regulations 8, 9 or 10, be present for instruction at an approved school on every working day for at least half the periods of instruction in a session fixed under regulation 4.
- 6. When any child is present for instruction at an approved school for at least half the periods of instruction in a session, he shall be marked present for such session at such school.
- 7. A child shall not be deemed to have attended an approved school unless he is marked present under regulation 6 for.

(i) at least 300 sessions in a year or if the "shift system" or one continuous session has been introduced in the school, at least 150 sessions in a year, and

(ii) three-fourths of the total number of sessions held in each month excluding the number of sessions for which leave of absence for the child has been sanctioned under regulations 8,9 or 10.

8. The Head Teacher may sanction leave of absence to a child for a period not exceeding seven days at a time.

- a. when the child is ill, or
- b. when any other member of his family is ill or disabled and his attendance is required at home; or
- c. when his presence is specially required by his parents to help them in their vocation.

A report of leave sanctioned under this rule shall be submitted by the Head Teacher to the Assistant Deputy Educational Inspector of the ward or beat.

9. If the leave applied for exceeds seven days at a time the head teacher shall forward the application to the Assistant Deputy Educational Inspector of the ward or beat who may grant such leave for a period not exceeding 15 days in all at a time for any of the reasons mentioned in rule 8,

10. If the leave applied for exceeds 15 days at a time, the Assistant Deputy Educational Inspector shall forward the application with his remarks to the Administrative Officer who may grant such leave for a period not exceeding 30 days in all at a time for any of the reasons given in rule 8.

11. Leave of absence for a period exceeding 30 days at a time shall be granted only by the School Board.

12. The Head Teacher shall, before the 5th day of every month, report to the Administrative Officer the names of children who have not attended the school for the number of sessions mentioned in clause (ii) of regulation 7.

13. A copy of these regulations shall be supplied to the parent of every child who is attending an approved school.

SCHEDULE H

RULES INDICATING THE PROCEDURE REGARDING EXECUTION OF WORKS PERTAINING TO SCHOOL, BUILDINGS
[VIDE RULES 145(2)(c) AND 150 OF THE BOMBAY PRIMARY EDUCATION RULES. 1949]

SCHEDULE H

RULES INDICATING THE PROCEDURE REGARDING EXECUTION OF WORKS PERTAINING TO SCHOOL, BUILDINGS

[VIDE RULES 145(2)(c) AND 150 OF THE BOMBAY PRIMARY EDUCATION RULES. 1949]

Part I-A. Current and ordinary repairs and special repairs to primary school buildings not enhancing the original cost of the building and

not costing more than Rs. 150 should be carried out through the agency of the Head Master with the sanction of the Administrative Officer and Chairman where the Administrative Officer and the Chairman are satisfied that the work can be carried out efficiently through the agency of the Head Master,

Part I-B Current and ordinary repairs and special repairs costing between Rs. 150 to Rs. 1,000 should be carried out through the agency of the District Local Board with the sanction of the School Board.

Part II. Plans and estimates of all kinds of repairs works to school buildings involving an expenditure of over Rs. 1,000 each, duly signed by the District Local Board Engineer intoken of having checked and finalised the plans and estimates and approved by the District School Board should be sent to the Director of Education or the Authorised Municipality as the case may be for administrative approval.

2. All repair works falling under Part I of Schedule H to the Bombay Primary Education Rules, 1949, are to be financed from the Government grant placed at the disposal of the District School Boards every year. The Administrative Officers of the District School Boards should, therefore, make the necessary provision for such works in the School Boards Budget under the head "B-Items of authorised expenditure (3) Recurring expenditure on primary schools (b) current and ordinary repairs".

3. All works of special and other repairs costing over Rs. 1,000 are financed out of the Government Building Loan, vide sub-rule (2) of Rule 147 and Rule 143-A of the Bombay Primary Education Rules, 1949.

Agency. Local agency through the Head Master.

Completion certificates. To be signed by (1) the Government Inspecting Officer of the beat, failing him a School Panch and (2) the Police Patel of the place. In the case of non-authorised Municipal Schools, the completion certificates should be countersigned by the Secretary or the Chief Officer of the non-authorised Municipality.

Bills. To be scrutinized by the Administrative Officer and passed by the Chairman, School Board.

B Words costing more than Rs. 50 or where an amount is fixed by Government by special order, half such amount.

Estimates. To be framed by the Engineer of the District School Board or Authorised Municipality or where there is no Engineer by the Overseer of the District School Board or Authorised Municipality in consultation with the Administrative Officer.

Sanction. To be sanctioned by the School Board.

Agency. Through the District School Board or Authorised Municipality.

Completion Certificates. To be signed by (1) School Panch, and (2) any member of the Taluka, District or School Board, whosoever is available or tailing them any Officer of the Board duly authorised by the Chairman.

In the case of non-authorised Municipal Schools the completion certificate should be signed by the Secretary or the Chief Officer of the Non-authorised Municipality.

Bills to be prepared by the Engineer or Overseer of the District School Board or Authorised Municipality and passed by the School Board.

Part II Special Repairs, New Works, etc. (Non-recurring.)

N.B. The School Board shall sanction plans and estimates for works involving an expenditure upto a limit fixed by Government from time to time in this behalf. The plans and estimates for works involving an expenditure

exceeding such limit shall be sanctioned by Government or by an officer authorised by Government in this behalf from time to time in the case of District School Boards and by Authorised Municipalities in the case of Municipal

School Boards.

District School Board or Municipal Board. Plans and estimates for works involving an expenditure up to Rs. 500 inclusive.

1. All works (except those mentioned in part I-A above), e.g., new works, special repairs, etc., shall be executed through the agency of the District School Board or Authorised Municipality.

2. For this purpose the School Boards shall call on the Engineer (or where there is no Engineer the Overseer of the District School Board or Authorised Municipality) to submit to them estimates for the works proposed which should be indicated by the School Board and also to arrange to obtain the approval of the Government, Public Works Department, and other proper authorities where necessary (vide Rules 6 and 7 in Schedule I to the Bombay Primary Education Rules, 1949).

3. The Engineer or the Overseer shall submit the estimates to the School Board as early as practicable.

4. The plans and estimates shall be approved with modifications, if necessary, by the District School Board or Authorised Municipality as the case may be, within the limit of their powers as indicated above and shall be returned to the Engineer or the Overseer with an order or proceed with the work.

5. The Engineer or the Overseer will then proceed with the work, While the work is in progress, the members of the administrative staff of the School Board concerned or any member of the School Board, whoever is available, or failing them, any officer of the Board duly authorised by the Chairman of the School Board, should report to the Chairman the defects in the construction, if any, provided that the person so authorised by the School Board is always available on the spot. No deviations in the sanctioned plans shall be made without the previous permission in writing of the Chairman, School Board, and until the deviations are approved by those officers who have approved the plans and estimates of the work.

6. On completion of the work the Engineer or the Overseer shall forward to the School Board a completion certificate, in duplicate, with a statement of expenditure on the work.

7. If the District School Board have reason to believe that the work has not been done according to specifications they shall direct the Administrative

Officer to take up the matter with the Engineering Staff concerned and the Administrative Officer shall take such suitable action as may be necessary to ensure that the work is executed in accordance with the specification. In the case of Municipal School Boards, all matters in dispute which cannot be settled with the Engineering staff to the satisfaction of the Municipal

School Board, shall be referred to the Authorised Municipality for final orders.

8. The School Board being thus satisfied that the work has been completed shall countersign one copy of the completion certificate and return it to the Engineer or the Overseer.

9. The School Board shall decide which of the duties devolving on them under those rules shall be performed by the Administrative Officer and the Chairman, respectively.

10. In according sanction to estimates the sanctioning authorities shall take care to see that in the case of non-recruiting expenditure the conditions prescribed in rules 147, 148 or 149 of the Bombay Primary Education Rules, 1949, for qualification for the Government grant are fulfilled.

SCHEDULE I

SCHEDULE I

Description and boundaries of property

The piece or parcel of land measures in superficial area square feet, be the same a little more or less, situated in the town of and bearing City Survey number in the taluka of in the district of and in the Registration Sub-district of in the said district and measures from North to South feet on the eastern side and feet on the western side, and from East to West feet on the northern side and feet on the southern side, be the same a little more or less, and is bounded as follows : on the North by on the South by on the East by and on the West by and is for greater clearness delineated on the plan hereto annexed marked A and signed by the executing parties aforesaid.

SCHEDULE II

Description and boundaries of property

The piece or parcel of land measures in superficial area a square feet, be the same a little more or less, situated in the town of and bearing City Survey number in the taluka of in the district of and in the Registration Sub-district in the said district and measures from North to South feet on the eastern side and feet on the western side and from East to West feet on the northern side and feet on the southern side, be the same a little more or less, and is bounded as follows ; on the North by on the South by on the East by and on the West by and is for greater clearness delineated on the plan hereto annexed marked B and signed by the executing parties aforesaid.

Signed by

Esquire, Chief Officer of the

Borough Municipality in the } Chief Officer,

presence of

1.

2.

Sealed with the common seal of the Borough Municipality in the presence of

1. Common

2.

Members of the Standing Committee

of the Borough, Municipality, Members

Signed, sealed and delivered by

Esquire, Director of Education. Director of Education

State of Bombay, in the

presence of :

1. Official

Seal

Annexure ;A and B Plans

FORM III-C

Trust deed to be executed by a District: School Board under the Bombay Primary Education Rules, 1949, in respect of grant-in-aid paid for a non-Authorised Municipal School before its transfer to the District School Board under section 19 of the Bombay Primary Education Act, 1947

(Part of building site granted by Government and part of the property of a non-Authorised Municipality and transferred to the Government.)

This Indenture made the day of

one thousand nine hundred and between the District School Board of established under the Bombay Primary Education Act, 1947 (hereinafter referred to as "the School Board") of the one part and the Governor of Bombay (hereinafter referred as "the Government") of the other part whereas the Municipality of constituted under

the Bombay Act (hereinafter referred to

as "the Municipality") was possessed of and absolutely entitled in perpetuity free from incumbrances to a piece of land described in the first schedule hereunder written and had applied to the Government for the adjoining piece of land described in the second schedule hereto so that two pieces of land might be together used as a building site for a school at and

also applied to the Government for a building grant-in-aid of such school and satisfied the Director of Education, State of Bombay, that the building was intended for and would be devoted to educational purposes and in part to secular education, that the plans, estimates and specifications were satisfactory,

that the title of the Municipality to the pieces of land described in the schedule hereto was good and in order and that the building

constructed; and whereas by the rules now in force in the State of Bombay for regulating the application of grant made by the Government-in-aid of schools it is provided (inter alia) that no portion of a building grant shall be paid to the managers of a school unless until they execute or agree to execute a trust deed as in the said rules provided; and whereas the Government had sanctioned a Building Grant of Rupees

(Rs.) only which sum has been duly paid to the

Municipality on the day of 19

(and the payment of which school Board on behalf of the Municipality hereby

acknowledges) in consideration of the Municipality executing to the Government such conveyance or assurance as is hereinafter contained, which the Municipality agreed to do and the Government agreed to hold the whole of the two pieces of land described in the first and second schedule hereto (that described in the second schedule already belonging to the Government being valued at Rupees (Rs.

) only for the purposes of said school in manner hereinafter appearing.

and whereas the Municipality being a Non-authorised Municipality under the Bombay Primary Education Act, 1947, has in pursuance of Government

Notification in the Educational Department No. , dated the issued under section 19 of the said Act, transferred to the School Board all its Primary schools with their lands, buildings, records and equipment, including the said pieces of land, which vested in the Municipality; and whereas the school Board is now possessed of and absolutely entitled in perpetuity free from incumbrances to the said pieces of land described in the schedules hereto and intended to be hereby assured; and whereas the School Board has, in consideration of the building grant of

Rupees (Rs.) only paid to the

Municipality as aforesaid and in virtue of the transfer to itself of the Municipal

schools as aforesaid agreed to execute in favour of the Government such conveyance or assurance as is hereinafter contained; and whereas the Commissioner,

Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No.

dated the day of 19 . Now this

Indenture witnesseth that in consideration of the premises and of the sum

of Rupees (Rs.) only paid as aforesaid

by the Government to the said Municipality, the School Board doth hereby grant, convey and assign unto the Government all that piece of parcel of land described in the schedules hereto together with all and singular the buildings and erections now being or which may hereafter be thereon expressly including the said building to be erected as aforesaid and all rights, easements and appurtenances whatsoever usually held or occupied therewith or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used for the said school and all the

estate, right, title, interest, claim and demand of the School Board in and upon the said premises to hold the said pieces of land, chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof respectively; and the School Board doth hereby for itself and its successors covenant that it has power to grant all the said premises to the Government in manner aforesaid free from incumbrances and that the School Board and every person claiming through or in trust for School Board will at all times at the cost of the School Board execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required ; and it is hereby declared and agreed that the Government shall hold the said premises upon the trust and to and for the intents and purposes following, that is to say, upon trust to permit the School Board to enter upon the said premises for the purposes and on the conditions following, namely, that the School Board and its successors shall -

1. construct within months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Education. State of Bombay, for and on behalf of the Government ;
2. maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said pieces of land to the end that the same may be always efficient for use for the purposes of a school ;
3. pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;
4. use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education ;
5. manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay ;
6. keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay ; and
7. keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of

has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so for gas such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint

names of the School Board and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premium which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the School Board has forfeited its right or claim to such policy or policies of insurance as hereinafter provided apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged :

Provided always and it is hereby declared and agreed that in the event of default being made by the School Board in the performance of any of the conditions hereinbefore mentioned the Building Grant or so much of the same as shall not then have been made shall lapse and the aggregate amount of the said Building Grant and all future Building Grants from time to time advanced by the Government for the school shall be repayable to the Government, and for the purposes of recovering any moneys so due to the Government it shall be lawful for the Government to enter upon and take possession of the said premises and all buildings, fixtures and fittings thereon and to sell and absolutely dispose of the same free from incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall see fit and apply the proceeds of such sale after payment thereof of all costs and expenses attending the same in or towards the recouping or reimbursing to the Government the moneys which may as aforesaid have become repayable to the Government and pay the surplus, if any, to the School Board or to such body or person whom the Government may consider lawfully entitled thereto and in any such event the School Board shall forfeit to the Government all its right or claim to, over or in respect of such policy or policies of insurance relating to the said buildings and the amount of premiums paid by it in respect of such insurance and the same shall then become absolutely the property of the Government. In witness whereof the Chairman

of the School Board and and

two other members of the School Board have

hereunto set their hands and the common seal of the School Board have hereunto affixed and

Esquire, Director of Education, State of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

The Schedules above referred to

SCHEDULE I Description and boundaries of property

The piece or parcel of land measures in superficial area square feet, be the same a little more or less, situated in the town/village of and bearing survey number in the Taluka of in the District of and in the Registration sub-district of in the said district and measures from North to South feet on the eastern side and feet on the western side and from East to West feet on the northern side and feet on the southern side, be the same a little more or less, and is bounded as follows : on the North by on the South by on the East by and on the West by and is for greater clearness delineated on the plan hereto annexed and signed by the executing parties aforesaid.

SCHEDULE II

Description and boundaries of property

The piece or parcel of land measures in superficial area square feet, by the same a little more or less, situated in the town/village of and bearing survey number in the taluk a of in the district of and in the registration sub-district of in the said district and measures from North to South feet on the eastern side and feet on the western side and from East to West feet on the northern side and feet on the southern side by, the same a little more or less and is bounded as follows :- on the North by on the South by on the East by and on the West by and is for greater clearness delineated on the plan hereto annexed marked B and signed by the executing parties aforesaid.

Signed by

Chairman Chairman

and

and

two Members of the School Board

of and sealed with the common seal

of the School Board of

in the presence of Members.

1. ----- Common

Seal

2. -----

Signed sealed and delivered by

Esquire, Director of) Director of Education.
Education, State of Bombay,

in the presence of

Note : The entire expenditure on stamp duty on this indenture is to be borne by Government and as such the indenture is exempted from stamp duty under proviso (i) to section 3 of the Indian Stamp Act, 1899.

1. ----- Official

Seal

2. -----

Annexures :Aand B plans.
FORM IV

Trust Deed to be executed by a Municipality under the Bombay Primary Education Rules, 1949.

(Building site acquired by a Municipality from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes a transfer to the Government.)

This Indenture made the day of

one thousand nine hundred and between the

Municipality of constituted under the Bombay District

Municipal Act, 1901 (hereinafter referred to as "the Municipality") of the one part and the Governor of Bombay (hereinafter referred to as "the Government"

of the other part whereas the Municipality is possessed of the piece of land described in the schedule hereto and has applied to the Government for a Building Grant-in-aid of and have satisfied the

Director of Education, State of Bombay, that the Building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory that the Municipality

are possessed of the said piece of land and that the Building will be within months from

and whereas by the rules now in force in the State of Bombay for regulation the application of grants made by the Government in aid of schools it is provided

(inter alia) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute agree to execute a deed or agreement as in the said rules provided and whereas the Government sanctioned a Building Grant of Rupees

in consideration of the Municipality entering into the covenants hereinafter contained Now this Indenture witnesseth that in consideration of the sum of Rupees paid by the Government

to the Municipality the Municipality doth hereby for itself and its successors covenants with the Government that the Municipality and its successors or other Managers for the time being of the school carried on in the buildings erected or to be erected on the premises described in the schedule hereto shall -

(1) construct within months from the date hereof buildings

thereon according to the plans and specifications approved or as may be approved by the Director of Education, State of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for

the purposes of a school;

(3) pay all the rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings :

1. use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;
2. manage and conduct the said school in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay; and
3. keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay.

And in the event of default being made by the Municipality or its successors or by the managers for the time being of the said school in the performance of any of covenants or conditions numbered (1) to (6) hereinbefore

mentioned or in the event of the Municipality being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section

(2) of sec. 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879). to be not in lawful possession of the site on which the school has been constructed

the Municipality or its successors will on demand by or on behalf of the Government pay to the Government the amount of the said grant-in-aid of Rupees together with the amount or amounts of

all further building grant-in-aid (if any) made by the Government for or in respect of the said school but without interest prior to the date of such demand. In witness whereof
President and and

and two other Councillors of the Municipality have hereunto set their hands and the common seal of the Municipality hath been hereunto affixed, the day and year first above written.

The Schedule above referred to.

Description and boundaries of property

The piece or parcel of land measures in superficial area square feet be the same a little more or less, situated in

the town village of and bearing number

in the taluka of in the district of

and in the Registration Sub-district of in the said

district and measures from North to South feet on the

eastern side and feet on the western side and from

East to West feet on the northern side and

feet on the southern side, be the same a little more or less and is bounded as follows :

On the North by On the South by On the East by and on the West by

Signed by

President President

and

two Councilors of the Municipality of

and sealed with the common seal of Councillors

the Municipality of

in the presence of

1. Common

Seal

2.

Annexure :Plan.

FORM IV-A

Trust dated to be executed by a District School Board under the Bombay Primary Education Rules, 1949.

(Building site acquired by a District School Board from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes transfer to the Government).

This Indenture made the day of one thousand nine hundred and between the District School Board of established under the Bombay Primary Education Act, 1947 (hereinafter referred to as "the School Board"), of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, whereas the School Board is possessed of the piece of land described in the schedule hereto and has applied to the Government for a building grant-in-aid of and have satisfied the

Director of Education, State of Bombay that the building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory that the School Board are possessed of the said piece of land that the building will be

within months from And whereas by the rules

now in force in the State of Bombay for regulating the application of grant made by the Government in the aid of schools it is provided (inter alia) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a deed or agreement as in the said rules provided and whereas the Government has sanctioned a Building Grant of Rupees in consideration of the School

Board entering into the consideration of the sum of Rupees paid by the Government to the School Board, the School Board doth hereby for itself and the successors covenant with the Government that the School Board and its successors or other the Managers for the time being of the school carried on in the buildings erected or to be erected on the premises described in the schedule hereto shall :

(1) construct within months from the date hereof

building thereon according to the plans and specifications approved or as may be approved by the Director of Education, State of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said

piece of land to the end that the same may be always efficient for use for the purposes of a school;

3. pay all the rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;
4. use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;
5. manage and conduct the said school in all respect in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay; and
6. keep the said school at all times open to the inspection of the inspecting Officers of the Educational Department of the Government of Bombay;

And in the event of default being made by the School Board or its successors or by the Managers for the time being of the said school in the performance of any of convenience or conditions numbered (1) to (6) hereinbefore mentioned or in the event of the School Board being found at any time by Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has

been constructed the School Board or its successors will on demand by or on behalf of the Government pay to the Government the amount, of the said Grant-in-aid of Rupees together with the

amount or amounts of all further building grant-in-aid (if any) made by the Government for or in respect of the said school but without interest prior to the date of such demand. In witness whereof Chairman

and as two other Members of the School Board

have hereunto set their hands and the common seal of the School Board hath been hereunto affixed the day and year first above written.

The Schedule above referred to

Description and boundaries of property

The piece or parcel of land measures in superficial area square feet be the same a little more or less, situated in the town/village of and bearing number in

the taluka of in the district of and in the Registration

Sub-district of in the said district and measures from North to

South feet on the eastern side and feet on the

western side and from East to West feet on the northern side

and feet on the southern side be the same a little more

or less and is bounded as follows :

on the North by on the South by on the East by and on the West by

and is for greater clearness delineated on the plan hereto annexed signed by the aforesaid Chairman and two Members.

Signed by Chairman,

and Chairman

and

two members of the School Board of

and sealed

with the common seal of the School

Board of in the Members

presence of

1. Common

Seal

2.

Annexure :Plan.

Note.The entire expenditure on stamp duty on this indenture is to be borne by Government and such the indenture is exempted from stamp duty under proviso (i) to section 3 of the Indian Stamp Act, 1899.

FORM IV-B

Trust Deed to be executed under the Bombay Primary Education Rules, 1949, by a Municipality under the Bombay Municipal Boroughs Act, 1925

(Bombay XVIII of 1925)

(Building site acquired by a Municipality from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes a transfer to the Government.)

This Indenture made the day of one

thousand nine hundred and between the

Borough Municipality constituted under the Bombay Municipal Boroughs Act, 1925 (hereinafter referred to as "the Municipality") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part whereas the Municipality is possessed of the piece of land described in the schedule hereto and has applied to the Government for a Building

Grant-in-aid of Rupees (Rs.) only and has satisfied the Director of Education, State of Bombay, that the Building is intended for and will be devoted to educational purposes and in part to secular

education, that the plans, estimates and specifications are satisfactory, that the Municipality is possessed of the said piece of land and that the

Building will be within months from

; and whereas by the rules now in force in the State

of Bombay for regulating the application of grants made by the Government in aid of schools it s provided (inter alia) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a deed or agreement as in the said rules provided; and whereas the Government has sanctioned a Building Grant of Rupees

(Rs.) only in consideration of the Municipality

entering into the covenants hereinafter contained Now This Indenture witnesseth that in consideration of the sum of Rupees

(Rs.) only paid by the Government to the Municipality, the

Municipality doth hereby for itself and its successors covenant with the Government

that the Municipality and its successors or other the Managers for

the time being of the school carried on in the building erected or to be erected on the premises described in the schedule hereto shall

(1) construct within months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Education, State of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all the rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(3) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay ; and

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay.

And in the event of default being made by the Municipality or its successors or by the managers for the time being of the said school in the performance of any of the covenants or conditions numbered (1) to (6) hereinbefore mentioned or in the event of the Municipality being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed the Municipality or its successors will on demand by or on behalf of the Government pay to the Government the amount of the said grant-in-aid of Rupees (Rs.) only together with the amount or

amounts of all further building grants-in-aid, if any, made by the Government for or in respect of the said school but without interest prior to the date of such demand In witness whereof Chief Officer of the Municipality

duly authorised in this behalf by a Resolution of the Municipality passed on the day of as required by

clause (c) of sub-section (3) and clause (a) of sub-section (4) of section 48 of the Bombay Municipal Boroughs Act. 1925, has hereunto set his hand and the common seal of the Municipality hath been hereto affixed in the presence of two members of the Standing Committee as required by sub section (2) of section 49 of the said Act, the day and year first above written.

The Schedule above referred to

Description and boundaries of property The piece or parcel of land measures in superficial area

square feet, be the same a little more or less, situated in the town of

and bearing City Survey number in the

taluka of in the district and in the Registration

sub-district of in the said district and measures

from North to South feet on the eastern side and

feet on the western side and from East to West feet on the

northern side and feet on the southern side, be the same

a little more or less, and is bounded as follows :

on the North by on the South by on the East by and on the West by

and is for greater clearness delineated on the plan hereto annexed and signed by the aforesaid Chief Officer.

Signed by

Chief Officer of the Borough Municipality- Chief Officer present in the presence of

1.

2.

and

Sealed with the common seal of the

Borough Municipality of in the
presence of

1. Common

Seal

2

Members of the Standing Committee of the Borough Municipality.

Annexure :Plan.

FORM IV-C

Trust-Deed to be executed by a District School Board under the Bombay Primary Education Rules, 1949, in respect of a grant-in-aid for a non-authorised Municipal school before its transfer to a District School Board under section 19 of the Bombay Primary Education Act, 1947.

(Building site acquired by a non-authorised Municipality from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes a transfer to the Government.)

This Indenture made the day of one thousand

nine hundred and between the District School Board of

established under the Bombay Primary Education Act, 1947

(hereinafter referred to as "the School Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, whereas the Municipality constituted under

the Bombay Act (hereinafter referred to

as "the Municipality") was possessed of the piece of land described in the

schedule hereto and applied to the Government for a building grant-in-aid of Rupees (Rs.) only for a school house

to be known as the and satisfied

the Director of Education, State of Bombay, that the building was intended

for and would be devoted to educational purposes and in part to secular education, that the plans, estimates and specifications were satisfactory, and that the Municipality was possessed of the said piece of land and that the Building will be within months from

and whereas by the rules now in force in the State of Bombay for regulating the application of grants made by the Government

in aid of schools it is provided (inter alia) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a deed or agreement as in the said rules provided and whereas the Government had sanctioned a building grant of Rupees (Rs.) only which sum

was paid to the Municipality on the

day of 19 (and the payment of which the School

Board on behalf of the Municipality hereby acknowledges) in consideration of the Municipality entering into the covenants hereinafter contained,

and whereas the Municipality not being a Non-authorised

Municipality under the Bombay Primary Education Act, 1947, has in pursuance of Government Notification in the Educational Department, No. dated the day of

19 issued under section 19 of the said Act,

transferred to the School Board all its Primary school with their lands, building, records and equipment, including the said piece of land, which vested in the Municipality; and whereas the School Board is now possessed of the said piece of land described in the schedule hereto; and whereas the School Board has, in consideration of the building grant of Rupees

(Rs.) only paid to the Municipality as aforesaid

and in virtue of the transfer to itself of the Municipal schools as aforesaid, agreed to enter into the covenants hereinafter contained; Now this Indenture witnesseth that in consideration of the sum of Rupees

(Rs.) only paid as aforesaid by the Government to the said

Municipality, the School Board doth hereby for itself and its successors or other the managers for the time being of the school carried on in the buildings erected or to be erected on the premises described in the schedule hereto shall ;

(1) construct within months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Education, State of Bombay, for and on behalf of the Government;

2. maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;
3. pay all the rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;
4. use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;
5. manage and conduct the said school in all respects in accordance

with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all time open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay.

And in the event of default being made by the School Board or its successors or by the Managers for the time being of the said school in the performance of any of the covenants or conditions numbered (1) to (6) hereinbefore mentioned or in the event of the School Board being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed the School Board or its successors

will on demand by or on behalf of the Government pay to the Government the amount of the said Grant-in-aid of Rupees

(Rs.) only together with the

amount or amounts of all further building Grant-in-aid, if any, made by the Government for or in respect of the said school but without interest prior to the date of such demand. In witness whereof

Chairman and and

as two other members

of the School Board have hereunto set their hand and the common seal of the School Board hath been hereunto affixed, the day and year first above written.

The Schedule above referred to

Description and boundaries of property

The piece or parcel of land measures in superficial area square feet, be the same a little more or less, situated in the town/village of and bearing survey number in the

taluka of in the district of and in the Registration

Sub-district of in the said district and measures from

North to South feet on the eastern side and

feet on the western side, and from East to West feet on the

northern side and feet

on the southern side, be the same a little more or less, and is bounded as follows :

on the North by on the South by on the East by and on the West by

and is for greater clearness delineated on the plan hereto annexed and signed by the aforesaid Chairman and two members.

Signed by Chairman Chairman

and

and two members of the School Board of and sealed with the common seal of the School Board of in the presence of

1. Common

Seal

2.

Annexure :Plan.

Note.The entire expenditure on stamp duty on this indenture is to be borne by Government and as such exempted from stamp duty under proviso (i) to section 3 of the Indian Stamp Act, 1899

FORM OF RECEIPT

Far district School Boards and Municipalities

Under Bombay Primary Education Act, 1947, and the Bombay District Municipal Act, 1901.

We and

a-d

Here enter the name of the Chairman/President Here enter the names of two Members.

two Members of the

hereby acknowledge that on the

day of 19 the sum of

(Rs.)

paid to only was

paid to by the Government of Bombay

as a further building grant on account of

to the

in the at taluka of the

district and we hereby certify
that the laid amount of (Rs.

only) has been received by us as

a grant-in-aid given subject to all the conditions mentioned in the indenture, between the said and
the
dated the

Chairman President

1.----- One and

Stamp

2. -----

Members,

Witnesses to signature

1.----- Common

Seal

2. -----

Dated 19

FORM OF RECEIPT

For Municipalities constituted under the Bombay Municipal Boroughs Act,

1925

(Bom. XVIII of 1925)

I Chief

Offices of the Municipality of hereby acknowledge

that on the day of 1 9

the sum of Rupees was

paid to the Municipality by the Government of Bombay as a further building grant on account of

School in the District and I hereby certify that the said amount of Rupees

has been received by me as a

grant-in-aid, given subject to all the conditions mentioned in the indenture between the said Municipality of and the

dated the Witnesses to Signature

One anna

stamp.

Chief Officer of the Municipality of

Sealed with the Common Seal of the Municipality of

in the presence of

1. ----- Common

Seal

2. -----

Members of the Standing Committee

Dated 19

FORM OF RECEIPT

For a District School Board in respect of a grant-in-aid paid for a non
authorised Municipal School before its transfer to the District School
Board under section 19 of the Bombay Primary Education Act, 1947

In consideration of the further grant-in-aid of Rupees

(Rs.) only paid by the Government of

Bombay on the day of 19 to the

Municipality of (hereinafter referred to as "the

Municipality") for the Primary School at in the

taluka of in the District of we

Chairman of the District School Board

of and and

two members of the said District School Board to which all Primary Schools with their lands, buildings, records and equipment, which vested in the Municipality, have been transferred in pursuance of Government

Notification in the Educational Department No. dated the
19 issued under section 19 of the Bombay Primary Education Act, 1947
on the Municipality becoming a non-authorised Municipality under the said
Act, hereby on behalf of the Municipality certify that the said amount of
rupees (Rs.) only has been received by us as a
grant-in-aid given subject to all the conditions mentioned in the indenture
between the Municipality and the

Dated One anna

Revenue

stamp

Witnesses to signature Chairman

District School Board

1. 1.

1. 2.

Members, District Local Board.

Common Seal

Dated day of 19.

FORM OF AGREEMENT

In consideration of the grant-in-aid of Rupees paid by the Government of Bombay (hereinafter referred to as
me

us

"the Government") to -----for Building

the Municipality of

District School Board

I

do

We

hereby agree

the said Municipality

does

the said District School Board

- a. to maintain the building in proper repair;
- b. to manage the school in accordance with the rules and regulations of the Educational Department of the Government;
- c. to subject the school to inspection by that Department;
- d. to use the building as a school to be devoted wholly to education and in part to secular education;
- e. to keep the building insured in the names of the Managers and the Government jointly subject to the provisions of rule 12 of the Building Grant Rules; and

(f) in the event of default being made by the Managers in the performance

of any of the preceding conditions or in the event of the Managers being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed to repay on demand by the Director of Education, State of Bombay, the aggregate amount of all building made by the Government in respect of the school.

[Signed by

President

and

and } President

two Councillors and sealed with the

common seal of the Municipality

of in the Presence of Councillors

Seal

and

Signed by Chairman

and

and Chairman

two members and sealed with the common seal) of the District School Board

in the presence of

and

Members

Dated this the day of Common

19 Seal

FORM OF AGREEMENT

For a Municipality constituted under the Bombay Municipal Boroughs

Act, 1925

In consideration of the grant in aid of Rupees

(Rs.)only paid by the Government of Bombay

(hereinafter referred to as "the Government") to the Borough

Municipality (hereinafter referred to as "the Municipality") for

School No. the Municipality

does hereby agree

- a. to maintain the building of the school in proper repair;
- b. to manage the school in accordance with the rules and regulations of the Educational Department of the Government;
- c. to subject the school to inspection by that Department;
- d. to use the building as a school to be devoted wholly to education and in part to secular education;
- e. to keep the building insured in the names of the Municipality and Government jointly subject to the provisions of rule 12 of the Building Grant Rules; and

(f) in the event of default being made by the Municipality in the performance

of any of the preceding conditions or in the event of the Municipality

being found at any time by a Civil Court or by the Collector after formal inquiry undersub-sec. (2) of sec. 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on

which the school has been constructed to repay on demand by the Director of Education, State of Bombay, the aggregate amount of all building grants made by the Government in respect of the said school.

Signed by

Chief Officer of the Chief Officer.

Borough Municipality.

Borough Municipality in the presence

of-

2 ...

and

Sealed with the

Common Seal of the

Borough Municipality in the presence

of-

1. Common

Seal

2.

Members of the

Standing Committee of the

Borough Municipality

Place

Dated the day of 19 .

FORM OF AGREEMENT

For District School Board in respect of a grant-in-aid paid to a non-authorised

Municipal School before its transfer to the District School Board under

Sec. 19 of the Bombay Primary Education Act, 1947

In consideration of the building grant-in-aid of Rupees

paid by the Government of Bombay (hereinafter referred to as "the Government") on the 19 to the

Municipality of for the Primary School, on

condition of that body entering into an agreement as provided under rule 11 of the Rules for Building Grants and Grants for sites appended as Schedule I to the Bombay Primary Education Rules, 1949, the District School Board of to whom all Primary school with their lands,

buildings, records and equipment which vested in the said Municipality, have been transferred in pursuance of Government Notification in the Educational

Department No. , dated the 19 ,

issued under section 19 of the Bombay Primary Education Act, 1949, on the said Municipality becoming a non-authorised Municipality under the said Act, hereby agrees

(a) to maintain the building in proper repair;

(b) to manage the school in accordance with the rules and regulations

of the Educational Department of the Government;

(c) to subject the school to inspection by that Department;

(d) to use the building as a school to be devoted wholly to education

and in to secular education;

(e) to keep the building insured in the names of the Managers and Government jointly, if this is considered necessary by the Executive

Engineer; and

(f) in the event of default being made in the performance of any of the preceding conditions or in the event of the School Board being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site of the school to repay or demand by the Director of Education, State of Bombay, the aggregate amount of all building grants made by Government in respect of the school.

Signed, sealed and delivered by

Chairman (and

and } Chairman

two members of the District School

Board of)*

Members

1. Common

Seal

Dated this the day of 19 .

SCHEDULE J

Instructions for the Guidance of the Administrative Officers in Preparing the District School Board Budget

SCHEDULE J

(Vide Rule 153 of the Bombay Primary Education Rules 1949.)

Instructions for the Guidance of the Administrative Officers in Preparing the District School Board Budget

1. In the preparation of the budget the aim is to achieve as close an approximation to the actual as possible. This demands the exercise of the utmost foresight in estimating revenue and in anticipating expenditure. The preparation of the budget is no mere routine matter but one which demands the careful prefer attention of the Administrative Officer. His most important duty in this respect is, therefore, to keep a constant watch on the progress of revenue and expenditure of the District School Board. For this purpose, it is desirable for the Administrative Officer to keep a register of sanctions. Sanctions to recurring contingent expenditure should also be subject to a periodical review. Only such of the receipts and payments should be taken into account as the Administrative Officer actually expects to be realised or made during the course of the budget year.

2. It is imperative that the whole process of preparing and sanctioning the budget should be worked to the prescribed timetable. The Administrative Officer should, therefore, scrupulously observe the dates fixed for the submission of the budget,

3. The budget of a District School Board is divided in the following 3 sections, namely :

1. Section A Estimates of receipts.
2. Section B Estimates of expenditure.
3. Section C New items of expenditure.

There is a special reason why new items of expenditure are required to be shown separately. Most of the funds required for financing expenditure in a District School Board area are provided by Government. Therefore, before the expenditure on new items of expenditure can be entered in the District School Board budget such expenditure must be provided for in the State Budget. Hence the new items are required to be shown separately. As soon as the State budget is sanctioned, the amount required for sanctioned new items will be entered by Government or by the officer or authority empowered by Government in this behalf while sanctioning the District School Board budget.

4. Receipts. The estimates of receipts under the Head "1Contributions"

should be based on the existing rates of taxes, cesses, duties, etc, and no increase or reduction in those rates, cesses or duties should be proposed which have not been sanctioned by competent authorities. If proposals of this kind have already been submitted for sanction, the financial effect of the proposals should be indicated in the forwarding remarks.

It is essential that the estimates of revenue should be based on a consideration of all relevant data, e.g., the course of receipts for the previous years after allowing abnormal features and any extra items that may be actually realised in the ensuing year. Explanations for large variations from the past actuals should be furnished.

For instance, in estimating receipts from revenues described in clauses (b) and (c) of section 75 of the District Local Board Act, 1923, the following will be relevant factors:

- a. Probable nature of the agricultural season during the current year ;
- b. Amount likely to remain outstanding at the end of the current year ;
- c. Amount likely to be collected next year out of the next revenue years demand ;
- a. Any special credits anticipated next year ;
- b. Any recognisable regularity in the figures for the past years.

The figure under the Head "VIGrant from Government" should be equal to the estimated expenditure during the budget year minus the estimated receipts other than receipts from Government grant.

5. Expenditure. (A) The following general instructions should be borne in mind :

(1) In preparing the budget estimates of expenditure for the coming year, the average of the normal actuals of the past 3 years should invariably be kept in sight ; not indeed as something that could conveniently be repeated, but as the basis for an intelligent anticipation which takes into account any noticeable tendency for the expenditure to rise or decline, any abnormal feature during the past years, any recognisable regularity in the pitch of the expenditure and any special features known to the certain or likely to arise during the next year.

(2) Care should be taken to ensure that provision is made for sanctioned or authorised items only and not for schemes of new expenditure which should be included in Section C of the budget.

Explanation. (a) "Sanctioned" items mean such items as have been actually sanctioned by orders issued to that effect by Government or other competent authority.

(b) "Authorised" items mean items which have not been sanctioned by Government or competent authority, but the expenditure on which is authorised by Government or such authority pending final scrutiny of these items.

(3) The pay and fixed allowances of the establishment for a month become due only at the end of the month. Provision for such pay for the month of March should, therefore, be made in the budget estimates for the following year.

(4) Ordinarily provision for new establishment should not be made in the budget from earlier than 1st April or such time as the post is required to be created, e.g., beginning of an academic term.

(B) Special instructions relating to certain classes of expenditure.

The special instructions contained in the following paragraphs should be observed in preparing the budget estimates under various sub-heads:

(a) Pay of General Establishment. (i) The Administrative Officer should first prepare estimates in the form prescribed in Annexure E and after these estimates are prepared, he should prepare estimates in the form prescribed in Annexure D.

(ii) Pay of establishment. -The estimates shall be framed on the basis of the expenditure likely to be incurred in the coming year on account of the staff likely to be on duty and the actual pay likely to be drawn by them. In the case of establishment on a progressive or time-scale of pay provision should also be made for increments falling due during the budget year. Posts held in abeyance should not be budgeted for.

(iii) Special pay or allowances classed as pay. Only such special pay or allowances should be provided under this minor head as count for purposes of pension or provident fund. For instance, in the case of primary school teachers, the following pay or allowances should be included under this head:

(1) Head Masters or First Assistants allowances now treated as personal pay ;

(2) Allowances of Agricultural Bias or craft teachers.

The allowance of Rs. 5 permenses given to primary school teachers in Basic schools or local allowance are not personable. Such non-pensionable allowances should be shown under the proper minor head under "allowances",

(iv) Leave salary and pay of substitutes. Provision should not be made for leave salary unless there are good grounds for believing that certain members of the staff will go out leave during the budget year. Such provision should not be made on a percentage basis but should be based entirely on actuals plus a proportionate increase for new posts.

(v) Allowances. Under this sub-head all additions to pay which are classed as compensatory allowances and which are not pensionable should be included, e.g., travelling allowance, fixed conveyance allowance, house rent allowance compensatory local allowance, dearness allowance, etc. If the estimates of the coming year exceed the past years averages a brief explanation should be given. Not all members of the District School Board staff are entitled to the various allowances specified under this head. For instance, fixed conveyance allowance (i.e. cycle allowance) is admissible to attendance officers and their peons and not to teachers. Similarly local allowance will be admissible mostly to teachers. The Administrative Officer should particularly bear this in mind. Provision for travelling allowances to teachers should not be made under this sub-head but under (3) Recurring Expenditure on Primary Schools-(i) Travelling allowance to teachers".

(vi) Contingencies.- In estimating expenditure on contingencies, the average actuals of the past three years should not be accepted as a matter of course, as a basis of framing estimates for the coming year since the expenditure for the previous years may include extraordinary items and the adoption of the average may lead to waste and extravagance. The details of actuals and, if necessary, the contingent registers should be examined to see that the expenditure proposed is really the absolute minimum-

(vii) The District School Board has now no power to modify the estimates relating to the pay and allowances of the establishment A grant responsibility, therefore, devolves on the Administrative Officer. It is his duty to see that the estimates are prepared most carefully and represent the actual requirements of the District School Board for the next year.

6. Other expenditure. What is stated in the foregoing paragraphs holds good also, in the case of other expenditure. Estimates for such

expenditure should be prepared after considering the estimates for the past three years. They should represent, as far as possible, the actual requirements of the District school Board for the next year. They should lean neither on the side of inadequacy or extravagance.

7. New items of expenditure. (1) A "new item of expenditure" means an item which involves the adoption of a new policy, provision of a new facility, increase or alteration in the existing facility or any other item involving the School Board into additional expenditure.

(2) All new items of expenditure should be separately shown in sec.

C of the budget. If the Administrative Officer feels any doubt as to whether any particular expenditure should be treated as new he should invariably seek the advice of the Director.

(3) No proposal should ordinarily be included in the statement of

new items of expenditure unless it has been administratively approved by Government. In order that such proposal should be administratively approved by Government in good time for inclusion in the statement of new items of expenditure, the Administrative Officer should see that it is forwarded by the District School Board to the Government through the Director so as to reach the Directorate at least one year and half before the beginning of the financial year in which it is proposed to implement the proposal.

Explanation. "Administrative approval" means the formal acceptance of a scheme, proposal or work by Government for the purposes of incurring expenditure thereon as and when funds permit.

(4) While estimating the cost on account of such new items, the Administrative Officer should see that the cost approximates, as far as possible, to the actual cost likely to be incurred during the budget year. Full details of such extra cost and the major or minor head (and its units) to which it is debatable should also be furnished.

SCHEDULE K

List of Recognised Universities

SCHEDULE K

List of Recognised Universities

[Vide Sub-rule (2) of Rule 171 of the Bombay Primary Education Rules, 1949.]

Universities in India.

1. The University of Agra.
2. The University of Aligarh (Muslim).
3. The University of Allahabad.
4. The University of Andhra.
5. The University of Annamalai.
6. The University of Benares (Hindu).
7. The University of Bombay.
8. The University of Calcutta.
9. The University of Delhi.
10. The University of East Punjab.
11. The University of Lucknow.
12. The University of Madras.

13. The University of Mysore.
14. The University of Nagpur.
15. The University of Patna.
16. The University of Poona.
17. The University of Travancore.
18. The Osmania University.
19. The Gujarat Vidyapeeth.
20. The Tilak Maharashtra University.
21. The S.N.D.T. Indian Womens University,
22. The University of Saugor.
23. The University of Rajputana.

Foreign University

1. The University of Dacca.
2. The University of Hongkong.
3. The University of Rangoon.
4. The University of Sind.
5. The University of West Punjab.
6. The University in Great Britain and Ireland.

SCHEDULE L

Procedure for the Election of Members of the State Board of Primary Education

SCHEDULE L

Procedure for the Election of Members of the State Board of Primary Education

[Vide Rule 111(3) of the Bombay Primary Education Rules, 1949]

(1) The Returning Officer shall fix the date, hour and place for each of the following stages of the election, namely :

- a. receipt of nomination papers;
- b. scrutiny of nomination papers;
- c. counting of votes.

(2) The notice of election stating the date fixed for (a) receipt of nomination papers, (b) scrutiny of nomination papers, and (c) counting of votes shall be forwarded to all the School Boards concerned, and shall also be published in the Official Gazette, at least 8 weeks before, the date fixed for the counting of the votes. The date fixed for the receipt of nomination papers shall be not less than six weeks before the date fixed for the counting of the votes.

(3) Any two members of a School Board may nominate as a candidate any person who holds the requisite qualifications by sending to, or delivering at the office of the Returning Officer a nomination paper in the subjoined form :

Form of Nomination Paper

District

1. School Board of

Municipality.

2. Description of the vacancy for which (1) Representative of Dis-

the candidate is nominated. trict School Boards

(2) Representative of
Municipal School
Boards

3. Name of the candidate, with surname,
4. Fathers name with surname, if any
5. Age and sex
6. Address

7. Educational qualifications, with years of passing the University examinations, and full particulars regarding the period of service and the name of the institutions, if the candidate has served as a professor in a (College affiliated to a statutory University in the State or has served as a head master in an approved school or recognised high school.

8. Name of the proposer
9. Signature of the proposer

10. Name of the seconder 11. Signature of the seconder

Declaration of the candidate I hereby signify my willingness to serve, if I am elected.

Date Signature of the candidate.

Date Signature and designation of

the Attesting Officer

(4) A nomination paper shall be submitted by the candidate himself as assenting to his nomination and by two members of any of the School Boards concerned as proposer and seconder. The signatures of the candidate and his proposer and seconder must be attested by a Magistrate, a Justice of Peace, a Gazetted Officer or by the Administrative Officer of a School Board President of the District Local Board or Authorised Municipality. Nomination papers in the prescribed form shall be supplied by the Returning Officer to every candidate or any person on his behalf asking for the same.

5. In respect of any one election no member of a School Board shall subscribe as proposer or seconder more than one nomination paper.
6. The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objection or on his own motion after such summary enquiry if any, as he thinks necessary refuse any nomination of any of the following grounds :

- (i) that the candidate is ineligible for the vacancy for which he has been nominated, or
- (ii) that the proposer or seconder is not qualified for subscribing a nomination paper, or
- (iii) that there has been a failure to comply with any of the prescribe provisions.

(7) The Returning Officer shall endorse on such nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected he shall record in writing a brief statement of the reasons for such rejection and shall communicate his decision to the candidate concerned forthwith,

8. An appeal may be made to Government against an order of the Returning Officer rejecting the nomination paper within three days from the date of the receipt of the order of the Returning Officer.
9. Government shall decide the appeal as soon as possible and, shall communicate the decision to the Returning Officer forthwith. The decision of Government on any such appeal shall be final.

(10) After completion of the scrutiny of nomination papers and after the decision of Government in the case of an appeal, if any, is received, the Returning Officer shall forthwith prepare a list of valid nominations in respect of each election and shall forward the same to the polling officers of the concerned School Board requesting them to hold the poll. Each polling officer shall within three weeks of the receipt of the list, hold the poll in accordance with the regulations made in this behalf by the concerned School Board. Thereafter the polling officer forward in a sealed cover the ballot papers to the Returning Officer.

(11) The Returning Officer shall count the votes given to each candidate and when the counting of votes has been completed he shall forthwith declare the candidates to whom the largest number of votes have been given to be elected. If there is an equal number of votes in favour of each of two or more candidates for one vacancy the election shall be determined by the Returning Officer by drawing lots.

(12) The Returning Officer shall communicate the names of the persons elected to Government.

SCHEDULE M

Rules for the Administration, Maintenance and Use of the School Board Provident Fund

SCHEDULE M

[Vide Rule 193 (4) of the Bombay Primary Education Rules. 1949]

Rules for the Administration, Maintenance and Use of the School Board Provident Fund

1. Commencement and application.(1) The rules shall come into force from

(2) These rules shall apply to the primary school teachers of an Authorised Municipality (hereinafter referred to as the said employees) for whom subscription to the provident fund is compulsory under sub-rule (2) of rule 193 of the Bombay Primary Education Rules, 1949, or who, under sub-rule (3) of the said rule 193, have exercised the option of joining the provident fund in lieu of pension :

Provided that any rules applicable to a provident fund established for the benefit of the employees before the date on which these rules come into force are hereby repealed and the said provident fund shall from and after the said date be governed by these rules in so far as such rules are applicable.

2. Discontinuance of payment of pension contribution.If any of the

said employees towards whose pension the school Board is contributing exercises the option under sub-rule (3) of rule 193 of the Bombay Primary Education Rules, 1949, to join the provident fund in lieu of pension, pension contribution on his behalf shall cease to be paid by the School Board with effect from the date of his joining the provident fund.

3. Rate of subscription and manner of recovery.(1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions :

- a. It shall be expressed in whole rupees; and
- b. It shall be equal to such percentage of the subscribers pay as may be specified by the State Government by general or special order.

(2) For the purposes of sub-rule (1) the pay of a subscriber shall be

(a) in the case of a subscriber who was in service on 31st March of the preceding year the pay to which he was entitled on that day; provided that

(i) If the subscriber was on leave on the said date and elected not to subscribe drawing such leave or was under suspension on the said date, his pay shall be the pay to which he was entitled on the first day after his return to duty;

(ii) If the subscriber joined the Fund for the first time on a day subsequent to the date, his pay shall be the pay to which he was entitled on such subsequent date;

(b) in the case of subscriber who was not in service on the 31st March of the preceding year, the pay to which he was entitled on the first day of his service or, if he joined the Fund for the first time on a date subsequent to the first day of his service, the pay to which he was entitled on such subsequent date;

Provided that, if the pay of the subscriber is of fluctuating nature, it shall be calculated in such manner as the School Board may direct.

(3) The Subscriber shall intimate to the Administrative officer the fixation of the amount monthly subscription in each year in the following manner :

- a. if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;
- b. if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave; or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after return to duty;
- c. if he has entered School Board service for the first time during the year or joins the fund for the first time by the deduction which he makes in this behalf from his pay bill for the month during which he joins the Fund;
- d. if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;
- e. if his pay is of the nature referred to in the proviso to sub-rule (2) in such manner as the School Board may direct.

(4) The amount of subscription so fixed shall remain unchanged throughout the year :

Provided that the amount of subscription may be enhanced once at any time during the course of a year :

Provided further that, if a subscriber is on duty for part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in the month.

(5) Subscription as fixed by the subscriber under sub-rule (3) shall be deducted every month from his pay bill.

4. School Boards contribution, its rate, date of payment, etc. :

(1) The contribution of School Board shall be equal to such percentage of the subscribers pay including officiating pay drawn

on duty during the year, as may be specified by the State Government by general or special order.

Provided that no contribution shall be payable in respect of any period for which the subscribers is permitted not to or does not subscribe to the fund:

Provided further that, if through oversight or otherwise, the amount prescribed is less than the minimum subscription payable by the subscriber under sub-rules (1) and () of rule 3 and if the short subscription together with the interest accrued thereon is not paid by the subscriber, within such time as may be specified by the authority competent to sanction an advance for the grant of which, special reasons are required under clause (a) or clause (b) of rule 12, the contribution payable by the School Board shall be equal to the amount actually paid by the subscriber or the amount normally payable by the School Board, which never is less, unless the School Board in a particular case, otherwise, directs.

(2) The contribution payable by the School Board shall be made on 31st March, except in the case of death or retirement of a subscriber when the School Boards contribution to that subscribers account shall be calculated to date. The amount of contribution payable by the School Board shall be rounded to the nearest whole rupee (i.e 50 paise and above shall be treated as one rupee and the amount less than 50 paise shall be neglected).

(3) If a subscriber elects to subscribe during leave, his leave salary shall, for purposes of this rule be deemed to be the pay drawn on duty."

1. Investment and deposit of accumulate for funds. All accumulations in the Provident Fund shall be deposited or invested in accordance with the provision of section 46 of the Act.
2. Keeping separate accounts for each subscriber. Separate accounts shall be kept each subscriber, showing the amount of his own personal subscriptions with the interest thereon as if accrues, and his share of the yearly contribution of the School Board with interest thereon. The account shall be maintained in whole rupees, fractions of a rupee equal to or exceeding eight annas being counted as one rupee and fraction of a rupee less than eight annas being ignored. A copy of his account for the previous year shall be furnished to each subscriber not latter than 31st July in each year.

7. Rate of Interest. (1) Interest at such rate as may from time to time be fixed by Government in regard to the Bombay General Provident Fund shall be allowed by the School Board on all payments by the subscriber. and also on the School Boards contribution, and credited yearly on 31st March or at death or retirement of any particular subscriber, whichever may be earlier; but the minimum rate of four per cent applicable to certain sub-scribers of the Bombay General Provident Fund shall not be allowed to the subscriber.

(2) Interest shall be calculated and credited in the following manner :

(i) On the amount at the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year interest for twelve months.

(ii) On sums withdrawn during the current year interest from the beginning of the current year up to the last day of month preceding the month of withdrawal;

(iii) On all sums credited to the subscribers account after the last day of the preceding year interest from the date of deposit up to the end of the current year;

(vi) The total amount of interest shall be rounded off the nearest rupee (i.e., eight annas and above shall be treated as one rupee and amounts less than eight annas shall be neglected).

8. Limit of service with regard to eligibility for School Boards contribution. A

subscriber shall be entitled to the School Boards contribution with interest thereon if he has put in service of five years or more except when he has been dismissed. The period of five years shall be calculated from the commencement of the subscribers service and not from the date of his joining the provident fund, and shall be exclusive of the period spent on leave without allowances :

Provided that a subscriber who dies while in the service of the School Board shall be deemed to have been entitled to the School Boards contribution irrespective of the period of his service.

9. Payment of School Boards contribution in special cases. In the

event of the retirement before completion of the period prescribed by rule 8, subscribers shall receive the amount of their own subscriptions only with interest thereon, the School Boards contribution lapsing to the Board :

Provided, however, that in case retirement is necessitated by certified incapacity for further service, or other causes beyond the subscribers control, the School Board may pay their contribution to the subscriber.

Note. The word "Retirement" occurring in this rule includes quitting service by resignation, dismissal or discharge.

10. Forfeiture of claims to School Boards contribution. Dismissal for

misconduct shall entail forfeiture of the subscribers claim to the School Boards contribution with interest thereon ;

Provided that in case in which the misconduct does not amount to an offence punishable by a Criminal Court the School Board may allow a

subscriber dismissed for misconduct to receive such part of the School Boards contribution with interest as the School Board may decide. The balance, if any, shall lapse to the School Board.

11. Assignments and encumbrances not binding on the School Board.

The School Board Shall not be bound by or recognise any assignment or encumbrance created or attempted to be created, which affects the disposal of the accumulations of a subscriber who dies before retirement.

12. Grant of advances for special reasons.(1) The School Board may at its discretion, in cases of urgent need, grant advances to subscribers out of the fund towards any of the following purposes ;

(a) to pay expenses incurred in connection with the illness of a subscriber or any person actually dependant on him;

(b) to pay expenses in connection with marriages, funerals, or ceremonies which by the religion of the subscriber it is incumbent upon him to perform, and in connection with which it is obligatory that expenditure should be incurred.

(ii) The advances shall not ordinarily exceed three months pay and shall in no case exceed the amount of the subscribers subscriptions including accrued interest.

(iii) When an advance has already been granted to a subscriber on subsequent advance shall be granted to him, except for very special reason to be recorded in writing, until, at least 12 calendar months have elapsed since the complete repayment of the last advance taken.

(iv) The amount of any advance to a subscriber under this rule shall be debited to the separate account of such subscriber as against his own subscriptions to the fund and will operate to reduce Pro tanto the amount standing to his credit in the fund, from time to time, until the advance shall be recovered, the recoveries being credited to the said account as and when made. No interest shall be credited to the account of any subscriber to whom an advance has been made on any amount for the time being debited to his account representing an outstanding advance.

(v) An advance shall be recoverable by the School Board by deduction

from the salary of the subscriber to whom it is made by monthly instalments of such number, not being more than 24, as shall be fixed by the School Board in each case. Such recoveries shall commence from the first month in respect of which the subscriber shall draw full pay after the advance has been made.

Note.A subscriber may, however, at his option make repayment in less than the number of instalments fixed by the School Board. Recovery shall not be made except with the subscribers consent while he is leave or in receipt of subsistence allowance. When two or more advances are made, each advance should be treated separately and the monthly deduction of not less than 1/24th of each advance shall be made until that advance is cleared.

(vi) When an advance is repayable in 12 instalments, an additional instalment representing interest and equivalent to 3 per cent of the amount of the advance shall be paid in the month following that in which the last instalment is paid Similarly, two additional instalments representing interest, each equivalent to 3 per cent, of the total amount of the advance, shall be paid when the advance is repayable in more than 12 instalments.

In calculating interest as above, a fraction of a rupee shall be taken at the next higher whole rupee if it exceeds eight annas, and shall be ignored if it does not.

13 Definition of family,For the purpose of these rules, the family" of a subscriber shall mean ;

(i) in the case of a male subscriber, the wife or wives and children of a subscriber, and the widow or widows and children of a deceased son of the subscriber :

Provided that if a subscriber proves that his wife has been judically separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be

deemed to be no longer a member of the subscribers family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Administrative Officer that she shall continue to be so regarded.

(ii) in the case of a female subscriber, the husband and children of a subscriber and the widow or widows and children of a deceased son of subscriber :

Provided that if a subscriber by a notification in writing to the Administrative Officer expresses her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscribers family in matters to which these rules relate unless the subscriber subsequently cancels formally in writing her notification excluding him.

Note 1.Children" mean legitimate children.

Note II.--An adopted child shall be considered to be a child within the meaning of this rule when, under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child. If a doubt arises in an individual case, the Administrative Officer shall refer the matter to the Legal Adviser of the Authorised Municipality and his opinion adopted child is made at the subscribers risk and may be challenged at any time.

14. Nomination by subscriber.(1) A subscriber shall, as soon as may be, after joining the Fund, send to the Administrative Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having been payable, has not been paid :

Provided that if. at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

2. If a subscriber nominates more than one person under sub-rule
(1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.
3. Every nomination shall be in such one of the Forms set forth in the first Annexure as is appropriate in the circumstances.

4. A subscriber may at any time cancel a nomination by sending a notice in writing to the Administrative officer :

Provided that the subscriber shall, along with such notice, send a fresh nomination made in accordance with the provisions of sub-rules (1) to (3).

5. Without prejudice to the provisions of sub-rule (4), a subscriber shall along with every nomination made by him under this rule send to the Administrative Officer a contingent notice of cancellation which shall be in such one of the Forms set forth in the second Annexure as is appropriate in the circumstance.
6. Immediately on the occurrence of any event by reason of which the contingent notice of cancellation referred to in sub-rule (5) becomes operative and the nomination to which that notice relates consequently stands cancelled, the subscriber shall send to the Administrative Officer a fresh nomination made in accordance with the provisions of sub-rules (1) to (3).
7. Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, be effect on the date on which it is received by the Administrative Officer.
8. Nothing in sub-rules (1) to (3) shall be deemed to invalidate or to require the replacement by a nomination thereunder, of a nomination duly

made before, and subsisting on the date on which these rules come into force :

Provided that in respect of every such nomination, the subscriber shall, as soon as may be after the said date, send to the Administrative Officer a contingent notice of cancellation in such one of the Forms set forth in the Second Annexure as is appropriate in that circumstances.

14A. Payments towards Insurance Policies. A subscriber may, at his option, pay the whole or any part of the subscription to the Fund towards an insurance policy, subject to the following conditions, that is to say

1. A subscriber who has to his credit in the Fund a balance of his own subscription of not less than Rs. 100 may, for payment towards an insurance policy, withdraw a sum equal to his annual subscription to the Fund or the amount of insurance premia, whichever is less. Any amount so withdrawn shall be rounded off to the nearest rupee.
2. The subscriber shall within one month from the date of receipt of the amount so withdrawn, send to the Administrative Officer receipt of certified copies of receipts from the Insurance Company concerned, in order to satisfy him that the amount withdrawn was duly applied to the purpose for which it was withdrawn. If the subscriber fails to submit to the Administrative Officer receipts, or certified copies thereof, from the Insurance Company, he shall forthwith refund the amount withdrawn from the Fund.

(3) The insurance policy must be on the subscribers own life, in which case, it is immaterial what form the policy takes e. g., in may be a life, or an endowment or double endowment policy; but it shall be such as is legally assignable by the subscriber to the President of the Authorised Municipality.

Explanation 1. A policy on the joint lives of the subscriber and the subscribers wife or husband, shall be deemed to be a policy on the life of the subscriber for the purpose of this rule.

Explanation 2 A policy which has been assigned to the subscribers wife or husband shall not be accepted, unless either the policy is first reassigned, to the subscriber, or the subscriber and his wife or husband, as the case may be, both join in an appropriate assignment.

(4) The Administrative Officer will not make any payment on behalf of the subscriber to the Insurance Company concerned, nor take steps to keep the policy alive. The monthly subscription to the Fund shall be recovered under these rules and shall be credited to the subscribers account.

(5) The insurance policy shall, within three months from the date of the first withdrawal from the Fund in respect of the policy, be assigned to the President of the Authorised Municipality, as security for payment of any sum may become payable to the Fund, and delivered to the Administrative Officer for safe custody. The assignment shall be made by endorsement on

the policy in such one of the Forms set forth in the Second Annexure as is appropriate in the circumstances.

(6) (i) If a policy of insurance matures before the subscriber quits service, the sum accruing shall, with the consent of the assured, be drawn by the Administrative Officer and place at his credit in the Fund at such rate of interest as is fixed under rule 7 of these rules.

(ii) The bonuses which accrue on any policy may be allowed to accumulate with the policy until it matures. If however, it is incumbent on the policy-holder to withdraw them as they fall due, the amount shall be withdrawn and credited in the Fund to the subscribers account.

(iii) When a subscriber quits service or dies before retirement, the sum which accumulates to his credit shall be dealt with in accordance with the provisions of rules 8, 9, 10, 11, 15, 17, and 18.

(7) If the policy is not assigned and delivered or not delivered within the aforesaid period of three months, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in rule 7 or such other rate as may be fixed by Government,

be did or repaid, as the case may be, by the subscriber to the Fund.

(8) Notice of assignment of the policy to the President of the Authorised Municipality shall be given by the subscriber to the Insurance Company and the acknowledgment of the notice by the Insurance Company shall be sent to the Administrative Officer within three months of the date of assignment.

(9) If the subscriber so desires, he may himself withdraw the sums accruing on his policy :

Provided that if the policy is assigned, charged or encumbered (except in favour of the President of the Authorised Municipality) or matures, and the amount thereof is withdrawn by the subscriber the amounts of the payments or subscriptions so withdrawn shall be paid or repaid (with interest thereon) by such subscriber to the Fund, and in default, be recovered by deduction from the emoluments of the subscriber.

10. Save as provided in clause (11) when a subscriber quits service the policy shall be reassigned to the subscriber dies before retirement a reassignment shall be executed in favour of, and the policy handed over to such person as may be legally entitled to receive it. Specimen forms of reassignment are set out in the Third Annexure. Notice of reassignment shall be sent by the Administrative Officer to the Insurance Company and in the event of the subscribers death to the nominee or nominees shown in the form of declaration already filled in by the subscriber.
11. If notice has been received by the Administrative Officer of any assignment or attachment of or encumbrance on the policy a reassignment of the policy, shall not be executed in favour of the subscriber or in the event of his death of his legal representative, before obtaining the orders of Government.

15. Payment of the accumulations in the Provident Fund. On the

death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made;

(i) when the subscriber leave a family :

(a) if a nomination made by the subscriber in accordance with the provisions of rule 14 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

(b) if no such nomination in favour of a member or members of the family of the subscriber subsists or if such nomination relates only to a part

of the amount standing to his credit in the fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares :

Provided that no share shall be payable to

1. sons who have attained legal majority;
2. sons of a deceased son who have attained legal majority;
3. married daughters whose husbands are alive;
4. married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4) :

Provided further that the widow or widows, and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso;

(ii) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 14 or the corresponding rule heretofore in force in favour of any person or persons subsists the amount standing to his credit in the fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

Note (1) Any sum payable under this rule to a member of a family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925.

Note (2) When a nominee is a dependent of the subscriber as defined

in clause (c) of section 2 of the Provident Funds Act, 1925, the amount vests in such nominee under sub-section (2) of section 3 of the said Act.

Note (3). When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 14 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provisions of clause (b) and sub-clause (ii) of clause (c) of nomination relates only to part of the amount standing to his credit in the whole amount or the part thereof to which the nomination does not relate.

Note (4). When the whole or any part of the amount standing to the credit of a subscriber becomes payable to a minor or minors, the payment

of the amount shall be made in the manner indicated below :

(i) If the share of a minor does not exceed Rs. 100, payment may be

made without a guardianship certificate to the natural guardian of the minor or minors, or, in the absence of the natural guardian, to such person as may be considered fit by the School Board in this behalf :

Provided that the guardian or the person concerned (except in the case of a Hindu widow receiving payment on behalf of her minor children) executes a bond signed by two sureties agreeing to indemnify the School Board against any subsequent claim which may arise.

(ii) If the share of a minor is in excess of Rs. 100, payment may be made to the person legally entitled to receive the minors share :

Provided that in the case of a Hindu widow of a deceased subscriber, when there is no guardian appointed by a Court to receive payment on behalf

of the minor children, the payment may be made to the widow on behalf of the children.

16. Refunding to Government the grant-in-aid (with interest thereon).

When the whole or part of the School Boards contribution (with interest thereon) towards the provident fund account of a subscriber lapses to the Board under rule 9 or 10, it shall be incumbent on the Board to refund to Government the grants-in-aid (with the interest thereon) which were received by it on this account from time to time when the contributions were paid into the subscribers account.

Note. The refund shall be effected by deducting the amount (on which Government grant was paid) that lapsed to the Board in a year from the total expenditure admitted for grant during that year.

17. Payments of accumulations to be made within three months from the date of retirement or death of subscriber. Payments shall be made within three months from the date of retirement or death of the subscriber and shall include interest up to the date on which payment is made; and if payment is not claimed before the expiration of the three months no interest shall accrue beyond that period:

Provided that the accumulations remaining unpaid for over six months since the date such sum became payable shall be transferred to "Deposits" after the 31st March of the year and treated thereafter under the ordinary rules relating to Deposits.

"17. A. Final withdrawal from the fund. (1) Subject to the conditions specified in sub-rules (2), (3) and (4) final withdrawal may be sanctioned to a subscriber.

After the completion of twenty five year; of service (including broken periods of service, if any) of a subscriber or within five years before the date of his retirement on superannuation, whichever is earlier final withdrawal

may be made by him from the amount standing to his credit in the fund for one or more of the following purposes, namely :

(a) for meeting the cost of higher education, including where necessary

the travelling expenses, of any child of the subscriber actually dependent on him in the following cases, namely :

(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage; and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;

b. for meeting the expenditure in connection with the marriage of a son or of a daughter and if he has no daughter, of any other female dependent on him;

c. for meeting the expenses in connection with the illness, including where necessary, the travelling expenses of the subscriber of any persons

actually dependent on him.

(3) After the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, final withdrawal may be made by him from the amount standing to his credit in the Fund for one or more of the following purposes, namely :

(a) for building or acquiring a suitable house for his residence including the cost of the site or the amount required for repaying outstanding amount on account of the loan expressly taken for this purpose before the date of making the application for the withdrawal but not earlier than twelve months of that date or for reconstructing or making additions or alterations to a house already owned or acquired by a subscriber;

b. for purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of making the application for the withdrawal but not earlier than twelve months of that date; or

c. for constructing a house on a site already purchased.

4. Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in sub-rule (2) from the amount standing to his credit in the Fund shall not ordinarily exceed on half of such amount or

six months pay, whichever is less. The sanctioning authority may however sanction, the withdrawal of an amount in excess of the said limit upto 3/4th of the balance to his credit in the Fund having regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount to his credit in the Fund.

5. A subscriber who has been permitted to withdraw money from the Fund under this rule shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so, the whole of the sum so withdrawn, or so much thereof as has not been applied for which it was withdrawn shall forthwith be repaid by the subscriber

to the Fund in one lump sum together with interest thereon at the rate determined under rule 7 and in default of such repayment, the sanctioning authority may be order direct that the sum not so repaid shall be recovered from his emoluments either in a lump or in such number of monthly instalments, as may be determined by the concerned Administrative Officer."

18. Recovery of School Board claims from the amount standing to the subscribers credit. Before any payments are made to any subscriber from the fund all sums due by him to the School Board or the Authorised Municipality, as the case may be, on any account shall be recovered by the School Board by deducting the amount due by him from the amount payable to him, but not exceeding in any case the total amount of any contributions credited by the School Board to the account of the subscriber and any interest or increment which has accrued on such contribution.

19. Administration, management, etc. The fund shall be administered by the School Board, all work in connection with its management being carried on as part of the function of the School Board. Though part of the Primary Education Fund, separate accounts of the provident fund shall be kept. The provident fund shall be subject to the annual audit by the Auditors of Government.

20. Relaxations. Government may, in special cases, modify or alter these rules to suit the special circumstances of an Authorised Municipality.

FIRST ANNEXURE

[See Rule 14(3)]

FORMS OF NOMINATION

I. When the subscriber has a family and wishes to nominate one member thereof

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 13 of the School Board Provident Fund Rules, to receive the amount that may stand to my credit in the Fund in the event of my death before the amount has become payable, or having become payable

has not been paid :

Dated this day of 19 , at.

Signature of subscriber. Two witnesses to signature

(1)

(2)

| Name and address of nominee | Relationship with subscriber | Age |
|-----------------------------|------------------------------|-----|
| | | |

When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 13 of the School Board Provident Fund Rules, to receive the amount that may stand to my credit in the Fund, in the event of my death before the amount has become payable, or having become payable

has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :

| Name and address of nominees | Relationship with subscriber | Age | Amount or share of accumulations to be paid to each |
|------------------------------|------------------------------|-----|---|
| | | | |

Dated this day of 19 , at. Signature of subscriber.

Two witnesses to signature

(1)

(2)

When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in rule 13 of the School Board Provident Fund Rules, hereby nominate the person mentioned below to receive . the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid :

| Name and address of nominee | Relationship with subscriber | Age |
|-----------------------------|------------------------------|-----|
| | | |

Dated the day of 19 , at Signature of subscriber. Two witnesses to signature

(1)

(2)

IV. When the subscriber has no family and wishes to nominate more than one person

I, having no family as defined in rule 13 of the School Board Provident

Fund Rules, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :

| Name and address of nominees | Relationship with subscriber | Age | Amount or share of accumulations to be paid to each. |
|------------------------------|------------------------------|-----|--|
| | | | |

Dated this day of 19 , at Signature of subscriber. Two witnesses to signature

(1)

(2)

This column should be filled in so as cover the whole amount that may stand to the credit of the subscriber in the fund at any time.

SECOND ANNEXURE

[See Rule 14(5) & (8)]

FORMS OF CONTINGENT NOTICE OF CANCELLATION

I. Where nomination is in favour of one or more members of the subscribers family.

Without prejudice to my right under sub-rule (4) of rule 14 of the School Board Provident Fund Rules to cancel the nomination made by me on whenever I think fit. I hereby give notice that in

the event of the person/any of the persons nominated thereunder predeceasing me, the said nomination shall forthwith stand cancelled.

Dated this day of 19 , at

Signature of subscriber. Two witnesses to signature

(1)

(2)

//. When nomination is in favour of one or more persons not being members

of the subscribers family.

Without prejudice to my right under sub-rule (4) of rule 14 of the School Board Provident Fund Rules to cancel the nomination made by me on whenever I think fit, I hereby give notice that in the

event of the person/any of the persons nominated thereunder predeceasing me, or in the event of my hereafter acquiring a family as defined in rule 13 of the said rule, the said nomination shall forthwith stand cancelled.

Dated this day of 19 , at

Signature of subscriber. Two witnesses to signature

(1)

(2)

THIRD ANNEXURE

[See Rule 14-A (5)] FORMS OF ASSIGNMENT

(1)

1, A.B. of , hereby assigned upto the President of

the Authorised Municipality of within policy of assurance as

security for payment of all sums which under rule 14-A of the rules for the administration, maintenance and use of the Municipal School Board Provident Fund. I may hereafter become liable to pay to the Provident Fund.

I hereby certify that no prior assignment of the within policy exists.

Dated this day of 19 .

Station -

Signature of subscriber.

One witness to signature

We A.B. (the subscriber) of and C.D. (the joint assured)

of in consideration of the President of the Authorised Municipality of agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A. B. to the Municipal School Board Provident Fund (or, as the case may be, to accept the withdrawal of the sum of Rs.

from the sum to the credit of the said A. B. in the Fund for payment of the premium of the within policy of assurance) hereby jointly and severally the premium of the within policy of assurance) hereby jointly and severally assign unto the said President of the Authorised Municipality the within policy of assurance as security for payment of all sums which under rule 14-A of the rules for the administration, maintenance and use of the Municipal School Board Provident Fund the said A.B. may hereafter become liable to pay to that Fund.

We hereby certify that no prior assignment of the within policy exists.

Date this day of 19

Station ..

Signature of subscriber and the joint assured.

One witness to signature

Note. The assignment may be executed on the policy itself either in the subscribers handwriting or in type or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for

the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initialled across all four margins.

FOURTH ANNEXURE [See Rule 14-A (10)]

All sums which have become payable by the above named

under rule 14-A of the rules for the administration, maintenance and

use of the Municipal School Board Provident Fund having been paid and all liability for payment by him of any such sums in the future having ceased, the President of the Authorised Municipality both hereby reassign the within policy of assurance to the said

Dated this day of 19

Executed by the Administrative

Officer for and on behalf of the Signature of Administrative

President of the Authorised Muni- } Officer

cipality in the presence of

One witness to signature who should add his designation and address.

The above named having died on the day

of 19 -- and on having become

legally entitled to the within policy of assurance, the President of the

Authorised Municipality both hereby assign the within policy of assurance to the said

Dated this day of 19

Executed by the Administrative | Signature of Administrative

Officer for and on behalf of the

President of the Authorised Mu- Officer

nicipality in the presence of |

One witness to signature who should add his designation and address.

SCHEDULE MM

Rule under the Provident Fund for the staff, including primary school teachers, of the District School Boards

SCHEDULE MM

[Vide Rule 193 (1) of the Bombay Primary Education Rules, 1949.]

Rule under the Provident Fund for the staff, including primary school teachers, of the District School Boards.

1. (1) In these rules unless there is anything repugnant in the subject or context.

(i) "Government" means "the Government of Bombay";

(ii) "Emoluments" means the pay, leave salary or subsistence grant as defined in the Bombay Civil Services Rules and include any remuneration of the nature of pay received in respect of foreign service;

(iii) "leave" means any variety of leave recognised by the Bombay Civil Services Rules;

(iv) "Year" means a financial year;

(v) "Fund" means "the Provident Fund for the staff, including Primary School Teachers of the District School Boards".

(2) The Fund shall be administered by Government and shall be maintained in India in rupees.

2. Application These rules shall apply to the employees of a District School Board (hereafter referred to as the said employees) for whom subscription

to the said Provident Fund is compulsory under sub-rule (2) of rule 193 of the Bombay Primary Education Rules, 1949, or who under sub-rule (3) of the said rule 193, have exercised the option of joining the said Provident Fund in lieu of pension.

3. Discontinuance of the payment of pension contribution. If any of

the said employees, towards whose pension the District School Board is contributing, exercise the option under sub-rule (3) of rule 193 of the Bombay Primary Education Rules, 1949 to join the said Provident Fund in lieu of pension, the pension contribution on his behalf shall cease to be paid by the District School Board with effect from the date of his joining the said Provident

Fund. Such employees shall be held eligible for pension for the period for which pension contribution have been credited on their behalf as if they were invalid from service on the date on which they join the said fund.

4. Rate of subscription and manner of recovery (1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions :

- a. It shall be expressed in whole rupees : and
- a. It shall be equal to such percentage of the subscribers pay as may be specified by the State Government by general or special order.

(2) For the purposes of sub-rule (1) the pay of a subscriber shall be :-

(a) In the case of a subscriber who was in the service of District School Board or the District Panchayat service on the 31st March of the preceding year, the pay to which he was entitled on that date :

Provided that

(i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his pay shall be the pay to which he was entitled on the first day after his return to duty;

(ii) if the subscriber joined the Fund for the first time on a day subsequent to the date, his pay shall be the pay to which he was entitled on such subsequent date;

(b) in the case of a subscriber who was not in the service of District School Board or District Panchayat service on the 31st March of preceding year, the pay to which he was entitled on the first day of his service or if he joined the fund for the first time on a date subsequent to the first day of his service, the pay to which he was entitled on such subsequent date :

Provided that, if the pay of the subscriber is of a fluctuating nature, it shall be calculated in such manner as the District School Board or District Panchayat may direct.

(3) The subscriber shall intimate to the Administrative Officer the fixation of amount of his monthly subscription in each year in the following manner;

- a. If he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;
- b. if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;
- c. if he has entered the service of District School Board or District Panchayat for the first time during the year, or joins the Fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;
- d. if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;
- e. if his pay is of the nature referred to in the proviso to sub-rule (2) in such manner as the District School Board or District Panchayat may direct.

(4) The amount of subscription so fixed shall remain unchanged

throughout the year :

Provided that the amount of subscription may be enhanced once at any time during the course of a year :

Provided further that if a subscriber is on duty for a part of a month and leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in that month.

(5) Subscription as fixed by the subscriber under sub-rule (3) shall be deducted every month from his pay bill.

5. Contribution of District School Board or District Panchayat, its rate, date of payment, etc. (1) The contribution of District School Board or District Panchayats shall be equal to such percentage of the subscribers pay as may be specified by the State Government by general or special order :

Provided that no contribution shall be payable in respect of any period for which the subscriber is permitted not to or does not, subscribe to the fund :

Provided farther that, if through oversight or otherwise, the amount subscribed is less than the minimum subscription payable by the subscriber under rule (3) and if the short subscription together with the interest accrued thereon is not paid by the subscriber, within such time as may be specified by the authority competent to sanction an advance for the grant of which, special reasons are required under clause (a) of clause (b) of rule 13, the contribution payable by the District School Board or District Panchayat shall be equal to the amount actually paid by the subscriber or the amount normally

payable by the District School Board or District Panchayat whichever is less, unless the District School Board or District Panchayat in a particular case, otherwise directs.

(2) The contribution payable by the District School Board or District Panchayat shall be made on 31st March, except in the case of death or retirement

of a subscriber when the District School Board or District Panchayat contribution to that subscribers account shall be calculated to date. The amount of contribution payable by the District School Board or District Panchayat shall be rounded to the nearest whole rupee (i. e. 50 paise and above shall be treated as one rupee and the amount less than 50 paise shall be neglected).

6. Over-all control of the said Provident Fund The over-all control of the said Provident Fund shall vest in the Director of Education, the actual administration including the grant of temporary loans to subscribers, recovery thereof, maintenance of individual accounts separately for each subscriber and such other matters pertaining thereto being carried on by the Administrative Officer on behalf of the Director of Education. The said Provident Fund shall be subject to annual audit by the Auditors of Government.

7. Keeping separate accounts for each subscriber. Separate accounts shall be kept for each subscriber by the Administrative Officer showing the amount of his own personal subscriptions, with the interest thereon as it accrues, and his share of the yearly contribution of the District School Board with interest thereon. The account shall be maintained in whole rupees. The fraction of a rupee equal to or exceeding fifty nine paise being counted as one rupee and the fraction of a rupee less than fifty naye paise

being ignored. A copy of his account for the previous year shall be furnished to each subscriber not later than 31st July in each year.

8. Rate of interest. (1) Interest at such rate as may from time to time be fixed by Government in regard to the Bombay General Provident Fund shall be allowed on all payments by the subscriber and also on the District School Boards contribution, and credited yearly on 31st March or at death or retirement of any particular subscriber, whichever may be earlier, but the minimum rate of four per cent applicable to certain subscribers of the Bombay General Provident Fund shall not be allowed to the subscriber.

(2) Interest shall be calculated and credited in the following manner : (i) On the amount at the credit of a subscriber on the last day of the

preceding year, less any sums withdrawn during the current year-interest for twelve months.

(ii) On sums withdrawn during the current year interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal.

(iii) On all sums credited to the subscribers account after the last day of the preceding year interest from the date of deposit up to the end of the current year.

(iv) The total amount of interest shall be rounded off to the nearest rupee (i.e. fifty paise shall be treated as one rupee and amount less than, fifty paise shall be neglected).

9. Limit of service with regard to eligibility for District School Boards

contributions. A subscriber shall be entitled to the District School Boards contribution with interest thereon if he has put in service of five years or more except when he has been dismissed. The period of five years shall be calculated from the commencement of the subscriber's service and not from the date of his joining the provident fund, and shall be exclusive of the period spent on leave without allowances :

Provided that a subscriber who dies while in service of the District School Board shall be deemed to have been entitled to the District School Boards contribution irrespective of the period of his service.

10. Payment of District School Boards contribution in special cases.

In the event of the retirement before completion of the period prescribed by rule (9) subscribers shall receive the amount of their own subscriptions only with interest thereon, the District School Boards contribution lapsing to Government.

Provided, however, that in case retirement is necessitated by certified incapacity for further service, or other causes beyond the subscriber's control, the Administrative Officer, on behalf of the Director of Education, may pay the District School Boards contribution to the subscriber.

Note. The word "Retirement" occurring in this rule includes quitting service by resignation, dismissal or discharge.

11. Forfeiture of claims to District School Boards contribution. Dismissal

for misconduct shall entail forfeiture of the subscriber's claim to the District School Boards contribution with interest thereon :

Provided that in cases in which the misconduct does not amount to an offence punishable by a Criminal Court the Administrative Officer may allow,

on behalf of the Director of Education, a subscriber dismissed for misconduct to receive such part of the District School Boards contribution with interest as the Administrative Officer may decide. The balance, if any, shall lapse to Government.

12. Assignments and encumbrances not binding on Government. Any

assignment or encumbrance created or attempted to be created, which affects the disposal of the accumulations of a subscriber who dies before retirement shall not be recognised.

13. Grant of temporary advance for special reasons (i) The Administrative

Officer acting on behalf of the Director of Education may at his discretion, in cases of urgent need, grant advances to a subscriber out of the said Provident Fund towards any of the following purposes :

(a) to pay expenses incurred in connection with the illness of the subscriber or any person actually dependent on him;

(b) to pay expenses in connection with marriages, funerals, or ceremonies which by the religion of the subscriber, it is incumbent upon him to perform, and in connection with which it is obligatory that expenditure should be incurred.

(ii) The advances shall not ordinarily exceed three months pay and shall in no case exceed the amount of the subscriber's subscriptions including accrued interest.

(iii) When an advance has already been granted to a subscriber no subsequent advance shall be granted to him, except for very special reason to be recorded in writing, until, at least 12 calendar months have elapsed since the complete repayment of the last advance taken. Temporary advances for such very special reasons shall only be granted by the District Education Officer for reasons to be recorded in writing in each case.

(iii-a) Notwithstanding anything contained in the foregoing provisions

of this rule, an advance not exceeding one month's pay or half the amount standing to the credit of a subscriber in fund, whichever is less, may be granted to him to purchase the National Plan Certificates.

(iv) The amount of any advance to a subscriber under this rule shall be debited to the separate account of such subscriber as against his own subscriptions to the fund and will operate to reduce pro tanto the amount standing to his credit in the fund, from time to time, until the advance shall be recovered, the recoveries being credited to the said account as and when made.

(v) An advance shall be recoverable by the Administrative Officer acting on behalf of the Director of Education by deduction from the salary of the subscriber to whom it is made by monthly instalments of such number, not being more than 24, as shall be fixed by the Administrative Officer in each case. Such recoveries shall commence from the first month in respect of which the subscriber shall draw full pay after the advance has been made.

Note. A subscriber may however, at his option, make repayment in less than the number of instalments fixed by the Administrative Officer. Recovery shall not be made except with the subscriber's consent while he is on leave or in receipt of subsistence allowance. When two or more advances are made, each advance should be treated separately and the monthly deduction of not less than 1/24th of each advance shall be made until that advance is cleared.

(vi) When an advance is repayable in 12 instalments, an additional instalment representing interest and equivalent to 3 1/2 per cent of the amount of the advance shall be paid in the month following that in which the last instalment is paid. Similarly, two additional instalments representing interest, each equivalent to 3 1/2 per cent of the total amount of the advance, shall be paid when the advance is repayable in more than 12 instalments.

In calculating interest as above, a fraction of a rupee shall be taken at the next higher whole rupee if it equals or exceeds fifty naye paise and shall be ignored if it does not.

14. Definition of family. For the purpose of these rules, the "family" of a subscriber shall mean

(i) in the case of a male subscriber, the wife or wives and children of a subscriber, and the widow or widows and children of a deceased son of the subscriber:-

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscribers family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Administrative Officer that she shall continue to be so regarded;

(ii) in the case of a female subscriber, the husband and children of a subscriber and the widow or widows and children of a deceased son of a subscriber :

Provided that if a subscriber by a notification in writing to the Administrative

Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscribers family in matters to which these rules relate unless the subscriber subsequently cancels formally in writing her notification excluding him.

Note I. "Children" means legitimate children.

Note II. An adopted child shall be considered to be a child within the meaning of this rule when, under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child. If a doubt arises in an individual case, the Administrative Officer shall refer the matter to the Solicitor to the Government of Bombay and his opinion shall be final for the purposes of these rules. A nomination in favour of an adopted child is made at the subscribers risk and may be challenged at any time.

15. Nomination by subscriber. (I) A subscriber shall, as soon as may be after joining the Fund, send to the Administrative Officer a nomination

conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable, has not been paid :

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any persons or persons other than the members of his family.

2. If a subscriber nominates more than one person under sub-rule (1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.
3. Every nomination shall be in such one of the Forms set forth in the first Annexure as is appropriate in the circumstances.
4. A subscriber may at any time cancel a nomination by sending a notice in writing to the Administrative Officer :

Provided that the subscriber shall along with such notice, send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination

(a) in respect of any specified nominee that in the event of his predeceasing

the subscriber the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination;

(b) that the nomination shall become invalid in the event of the happening of a contingency, specified therein, provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso thereto the subscriber shall send to the Administrative Officer a notice in writing cancelling the nomination made in accordance with the provisions of this rule.

(7) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Administrative Officer.

15A. Payment towards insurance Policies. A subscriber may, at his option pay the whole or any part of his subscription to the Fund towards an insurance policy, subject to the following conditions, that is to say :

1. A subscriber who has to his credit in the Fund a balance of his own subscription of not less than Rs. 100 may, for payment towards an insurance policy, withdraw a sum equal to his annual subscription to the Fund or the amount of insurance premium, whichever is less. Any amount so

withdrawn shall be rounded off to the nearest rupee.

2. The subscriber shall, within one month from the date of receipt of the amount so withdrawn, send to the Administrative Officer receipts or certified copies of receipts from the Insurance Company concerned, in order to satisfy him that the amount withdrawn was duly applied to the purpose for which it was withdrawn. If the subscriber fails to submit to the Administrative

Officer receipts, or certified copies thereof, from the Insurance Company,

he shall forthwith refund the amount withdrawn from the Fund.

(3) The insurance policy must be on the subscribers own life, in which case, it is immaterial what from the policy takes e.g., it may be a life, or an endowment or double endowment policy, but it shall be such as is legally assignable by the subscriber to the Governor of Bombay.

Explanation 1.A policy on the joint lives of the subscribers and the subscribers wife or husband, shall be deemed to be a policy on the life of the subscriber for the purpose of this rule.

Explanation 2.A policy which has been assigned to the subscribers wife or husband shall not be accepted, unless either the policy is first reassigned to the subscriber, or the subscriber and his wife or husband, as the case may be, both join in an appropriate assignment.

(4) The Administrative Officer will not make any payment on behalf of the subscriber to the Insurance Company concerned, nor take steps to keep the policy alive. The monthly subscription to the Fund shall be recovered under these rules and shall be credited to the subscribers account.

1. The insurance Policy shall, within three months from the date of the first withdrawal from the Fund in respect of the policy, be assigned to the Governor of Bombay, as security for payment of any sum which may become payable to the Fund, and delivered to the Administrative Officer for safe custody. The assignment shall be made by endorsement on the policy in such one of the Forms set forth in the Second Annexure as is appropriate in the circumstances.
2. (i) If a policy of insurance matures before the subscriber quits service, the sum accruing shall, with the consent of the assured, be drawn by the Administrative Officer and placed at his credit in the Fund at such rate of interest as is fixed under rule 8 of these rules.

(ii) The bonuses which accrue on any policy may be allowed to accumulate with the policy until it matures. If, however, it is incumbent on the policy-holder to withdraw them as they fall due, the amount shall be withdrawn and credited in the Fund to the subscribers account.

(iii) When a subscriber quits service or dies before retirement, the sum which accumulates to his credit shall be dealt within accordance with the provisions of rules 9, 10, 11, 12, 16, 17 and 18.

1. If, the policy is not assigned and delivered or not delivered within the aforesaid period of three months, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in rule 8 or such other rate as may be fixed by Government, be paid or repaid, as the case may be, by the subscriber to the Fund.
2. Notice of assignment of the policy to the Governor of Bombay shall be given by the subscriber to the Insurance Company; and the acknowledgment of the notice by the Insurance Company shall be sent to the Administrative Officer within three months of the date of assignment.

(9) If the subscriber so desire, he may himself withdraw the sums accruing on his policy :

Provided that if the policy is assigned charged or encumbered (except in favour of the Governor of Bombay) or matures, and the amount thereof is withdrawn by the subscriber the amount of the payments or subscriptions so withdrawn shall be paid or repaid (with interest thereon) by such subscriber

to the Fund, and in default, be recovered by deduction from the emoluments of the subscriber.

(10) Save as provided in clause (11), when a subscriber quits service the policy shall be reassigned to the subscriber and handed over to him, and when a subscriber dies before retirement a reassignment shall be executed

in favour of, and the policy handed over to, such person as may be legally entitled to receive it. Specimen forms of reassignment are set out in the Third Annexure. Notice of reassignment shall be sent by the Administrative Officer to the Insurance Company and in the event of the subscribers death to the nominee or nominees shown in the form of declaration already filled in by the subscriber.

(11) If notice has been received by the Administrative Officer of any assignment or attachment of or encumbrance on the policy, a reassignment of the policy shall not be executed in favour of the subscriber or in the event of his death of his legal representatives, before obtaining the orders of Government.

16. Payment of the accumulations in the said Provident Fund.On the

death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made

(i) when the subscriber leaves a family

(a) if a nomination made by the subscriber in accordance with the provisions of rule 15 in favour of a member or members of his family subsists,

the amount standing to his credit in the said Provident Fund or part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

(b) if no such nomination in favour of a member or members of the family of the subscriber subsists or if such nomination relates only to a part of the amount standing to his credit in the said Provident Fund, the whole amount or a part thereof to which the nomination does not relate, as the case may be, shall notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares :

Provided that no share shall be payable to

1. sons who have attained legal majority;
2. sons of a deceased son who have attained legal majority;
3. married daughters whose husbands are alive

(4) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4) :

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso;

(ii) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 15 or the corresponding rule heretofore in force in favour of any person or persons subsists, the amount standing to his credit in the fund or a part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

Note. 1 Any sum payable under this rule to a member of a family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925.

Note 2. When a nominee is a dependent of the subscriber as defined in clause (c) of section 2 of the Provident Funds Act, 1925, the amount vests in such nominee under sub-section (2) of section 3 of the said Act.

Note 3. When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 15 subsists, or if such nomination relates only to a part of the amount standing to his credit in the said Provident Fund, the relevant provisions of clause (b) and sub-clause (ii) of clause (c) of sub-section (1) of section 4 of the Provident Funds Act, 1925, shall apply to the whole amount or a part thereof to which the nomination does not relate.

Note 4. When the whole or any part of the amount standing to the credit of a subscriber becomes payable to a minor or minors, the payment of the amount shall be made in the manner indicated below :

(i) if the share of a minor does not exceed Rs. 100 payment may be made without a guardianship certificate to the natural guardian of the minor or minors, or, in the absence of the natural guardian to such person as may be considered fit by the Administrative Officer in this behalf :

Provided that the guardian or the person concerned (except in the case of a Hindu widow receiving payment on behalf of her minor children) executes a bond signed by two sureties agreeing to indemnify Government against any subsequent claim which may arise;

(ii) if the share of a minor is in excess of Rs. 100 payment may be made to the person legally entitled to receive the minors share :

Provided that in the case of a Hindu widow of a deceased subscriber when there is no guardian appointed by a court to receive payment on behalf of the minor children, the payment may be made to the widow on behalf of the children,

17. Payments of accumulations to be made within three months from the date of retirement or death of subscriber. Payments shall be made within

three months from the date of retirement or death of the subscriber, and shall include interest up to the date on which payment is made, and if payment

is not claimed before the expiration of the six months no interest shall accrue beyond that period :

Provided that the accumulations remaining unpaid for over six months since the date such sum became payable shall be transferred to "Deposits" after the 31st March of the year and treated thereafter under the ordinary rules relating to Deposits.

17A. Final withdrawal from the Fund. (1) Subject to the conditions

specified in sub-rules (2), (3) and (4) final withdrawal may be sanctioned to a subscriber.

(2) After the completion of twenty five years of service (including broken periods of service, if any) of a subscriber or within five years before the date of his retirement on superannuating, whichever is earlier, final withdrawal

may be made by him from the amount standing to his credit in the

fund, for one or more of the following purposes namely :

(a) for meeting the cost of higher education, including where necessary the travelling expenses, of any child of the subscriber actually dependent on him in the following cases, namely :

(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage; and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that course of study is for not less than three years;

(b) for meeting the expenditure in connection with the marriage of a son or of a daughter and if he has no daughter, of any other female relative dependent on him;

(c) for meeting the expenses in connection with the illness, including where necessary the travelling expenses of the subscriber or of any persons actually dependent on him.

(3) After the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, final withdrawal may be made by him from the amount standing to his credit in the fund for one or more of the following purposes namely :

(a) for building or acquiring a suitable house for his residence including the cost of the site or the amount required for repaying any outstanding amount on account of the loan expressly taken for this purpose before the date of making the application for the withdrawal but not earlier than twelve months of that date or for reconstructing or making additions or alternations to a house already owned or acquired by a subscriber :

(b) for purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of making the application for the withdrawal but not earlier than twelve months of that date; or

(c) for constructing a house on a site already purchased.

4. Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in sub-rule (2) from the amount standing to his credit in the Fund shall not ordinarily exceed one of such amount or six months pay whichever is less. The sanctioning authority may however sanction, the withdrawal of an amount in excess of the said limit upto 3/4th of the balance to his credit in the Fund having regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount to his credit in the Fund.

5. A subscriber who has been permitted to withdraw money from the Fund under this rule shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so, the whole of the sum so withdrawn or so much thereof has not been applied for the purpose for which it was withdrawn shall forthwith be repaid by the subscriber to the Fund in one lump sum together with interest thereon at the rate determined under rule 8 and in default of such repayment, the sanctioning authority may by order direct that the sum not so repaid shall be recovered from his emoluments either in a lump or in such number of monthly instalments, as may be determined by the Director of Education".

18. Recovery of District School Board claims be amount standing to the subscribers credit. Before any payments are made to any subscriber from the said Provident Fund all sums due by him to the District School Board on any account shall be recovered by the Administrative Officer by deducting the amount due by him from the amount payable to him, but not exceeding any case the total amount of any contribution credited by the District School Board to the account of the subscriber any interest or increment which has accrued on such contribution. The amount so recovered shall be credited by the Administrative Officer to Government and Government shall pay to the District School Board concerned a grant equivalent to that amount.

19. Notwithstanding anything contained in these rules if the sanctioning authority is satisfied that money drawn as an advance from the Fund under clause (i) of rule 13 has been utilised a purpose other than that for which sanction was given to the drawl the amount in question shall, with interest at the rate provided in rule 8, forthwith be repaid by the subscriber to the fund or in default be ordered to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the sub-scribers emoluments

recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid by him.

Note. The terms "emoluments" as used in the rules does not include subsistence grant.

20. When a subscriber quits the service the amount standing to his credit in the fund shall subject to any deduction under rule 18 become payable to him :

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall if required to do so repay any amount paid to him from the fund in pursuance of this rule, with interest thereon at the rate provided in rule 8, in the manner provided in the proviso to rule 21. The amount so repaid shall be credited to his account in the fund, the part which represents his subscription and interest thereon and the part which represents the Boards contribution with interest thereon being accounted for in the manner provided in rule 7.

21. When a subscriber

(a) has proceeded on leave preparatory to retirement; or

(b) while on leave has been permitted to retire or declared by a competent medical authority to be unfit for further service, the amount of subscription and interest thereon standing to his credit in the fund shall, upon application made by him in that behalf to the Administrative Officer become payable to the subscriber :

Provided that the subscriber if he returns to duty shall if required to do so repay to the fund for credit to his account, the whole or part of any amount paid to him from the fund in pursuance of this rule with interest thereon at the rate provided in rule in rule 8 in cash or securities or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise as the Administrative Officer may direct.

22. Relaxations. Government may, in special cases, modify or alter these rules to suit the special circumstances of a District School Board.

FIRST ANNEXURE

[See rule 15(3) J FORMS OF NOMINATION

1. When the subscriber has a family and wishes to nominate one member

thereof

I, hereby nominate the person mentioned below, who is a member of my family as defined in rule 14 of the School Board Provident Fund Rules, to receive the amount that may stand to my credit in the Fund in the event of my death before the amount has become payable, or having become payable has not been paid ;.

| Name and address of nominee | Relationship with the subscriber | Age | Contingencies on the happening of which the nomination shall become invalid | Name, address and relation ship of the person, if any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber |
|-----------------------------|----------------------------------|-----|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

Dated this day of 19 , at Signature of Subscriber. Two witnesses to signature

(1)

(2)

II. When the subscriber has a family and wishes to nominate more than one member thereof

I, hereby nominate the persons mentioned below, who are members of my family as defined in rule 14 of the School Board Provident Fund Rules, to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable or having become payable has not been paid, and direct that the said amount shall be distributed

among the said persons in the manner shown below against their names :

| Name and address of nominees | Relationship with the subscriber | Age | Each | Amount or share of accumulations to be paid to | Contingencies the happening of which the nomination shall become Invalid | Name, address & relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber |
|------------------------------|----------------------------------|-----|------|--|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

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|--|--|--|--|--|--|--|
| | | | | | | |
|--|--|--|--|--|--|--|

Dated this day of 19 at

Signature of Subscriber. Two witnesses to signature

(1)

(2)

III. When the subscriber has no family and wishes to nominate one person

I, having no family as defined in rule 14 of the School Board Provident Fund Rules, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable or having become payable has not been paid :

| Name & address of nominee | Relationship with the subscriber | Age | Contingencies on the happening of which the nomination shall become invalid | Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber |
|---------------------------|----------------------------------|-----|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

Dated this day of 19 , at Signature of Subscriber. Two witnesses to signature

(1)

(2)

IV. When the subscriber has no family and wishes to nominate more than one person

I having no family as defined in rule 14 of the school Board Provident Fund Rules, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :

| Name and address of nominee | Relationship with the subscriber | Age Amount or share of accumulation to be paid to each | Contingencies on the happening of which the nomination shall become invalid | Name, address & relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber |
|-----------------------------|----------------------------------|--|---|---|
| 1 | 2 | 3 4 | 5 | 6 |
| | | | | |

Dated this day of 19 , at

Signature of Subscriber. Two witnesses to signature

(1)

(2)

SECOND ANNEXURE

[See Rule 15-A(5)]

FORMS OF ASSIGNMENT

(1)

I, A.B. of. hereby assign unto the Governor of Bombay

the within policy of assurance as security for payment of all sums which under rule 15-A of the Provident Fund Rules, for the staff of the District School Board. I may hereafter become liable to pay to the Provident Fund,

I hereby certify that no prior assignment of the within policy exists.

Dated this..day of 19 .

Station

Signature of Subscriber. One witness to signature (2)

We, A.B. (the subscriber) of .and C.D. (the join assured)

of.in consideration of the Governor of Bombay

agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A.B. to the Provident Fund for the staff of the District SchoolBoard (or, as the

case may be to accept the withdrawal of the sum of Rs

from the sum to the credit of the said A B. in the Fund for payment of the premium of the within policy of assurance) hereby jointly and severally assign unto the said Governor of Bombay the within policy of assurance as security for payment of all sums which under rule 15-A of the said rules the said A.B. may hereafter become liable to pay to that Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19 .

Signature of Subscriber and the joint assured.

One witness to the signatures.

NoteThe assignment may be executed on the policy itself either in the subscribers handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initialed across all four margins.

THIRD ANNEXURE

[See Rule 15-A (10)]

FORMS OF REASSIGNMENT

(1)

All sums which have become payable by the abovenamed

.. under rule 15-A of the Provident Fund Rules

for staff of the District School Board having been paid and all liability for payment by him of any such sums in the future having ceased, the Governor of Bombay both hereby reassign the within policy of assurance to the said ..

Dated this day of 19 .

Executed by the Administrative Officer for Signature of Administrative and on behalf of the Governor of Bombay in the Officer.

Presence of:

One witness to signature who should add his designation and address.

(1)

(2)

The abovenamed

having died on the . day of . 19

and . of . having become legally entitled to the

within policy of assurance, the Governor of Bombay both hereby assign the
within policy of assurance to the said

Dated this day of 19

Executed by the Administrative Officer for Signature of Administrative
and on behalf of the Governor of Bombay in the Officer.

Presence of :

One witness to signature who should add his designation and address.

SCHEDULE N

Rules for the administration, maintenance and use of the School Board Pension Fund

SCHEDULE N

[Vide Rule 194 (2) of the Bombay Primary Education Rules, 1949.]

Rules for the administration, maintenance and use of the School Board Pension Fund.

1. Commencement and application. (1) These rules shall come into
force from -

(2) These rules shall apply to the employees of a District School Board or to primary school teachers of an
Authorised Municipality (hereafter referred to as the said employees) who are under the rules eligible to receive
pension and who under sub-rules (3) and (4) of rule 5 of the Bombay Primary Education Rules 1924, or under sub-
rule (3) of rule 193 of the Bombay Primary Education Rules, 1949, have exercised the option of remaining on a
pensionary basis. The School Board shall pay pension contribution into the pension fund on behalf of the said
employees :

Provided that any rules applicable to a pension fund established for the benefit of the employees before the date
on which these rules come into force are hereby repealed and the said pension fund shall from and after the said
date be governed by these rules in so far as such rules are applicable.

2. Discontinuance of payment of pension contribution. (1) . No pension

contribution shall be paid into the pension fund in respect of employees who are subscribers or elect to subscribe
to the provident fund established under rule 193 of the Bombay Primary Education Rules 1949.

(2) Pension contribution paid by the School Board to Government on behalf of the said employees prior to the
establishment of the pension fund shall cease to be paid to Government with effect from the date of the
establishment of the pension fund. From such date, the School Board shall pay pension contribution on behalf of
these employees into its pension fund.

3. Rate of Pension Contribution. Contributes payable to the fund
from the date of its establishment shall be at the rate of one-ninth (or
11-1/9 per cent) of the sanctioned salaries of the several appointments and it
shall be made monthly on the date on which the pay bills of the employees
are cashed.

No person whose service has not been pensionable in the past shall be permitted to join the pension fund with
retrospective effect, and no

contribution in that behalf shall be made by the School Board with a view to render past services pensionable,

4. Administration, management, etc., of the pension fund. The pension fund shall be administered by the School
Board, all work in connection with management being carried on as a part of the functions of the School Board.
Separate accounts of the fund shall be kept and it shall be subject to the annual audit by the Auditors of
Government.

1. Investment and deposit of accumulated funds. All accumulations
in the pension fund shall be deposited or invested in accordance with the
provisions of section 46 of the Act.
2. Liability. The District School Board or Authorised Municipality
concerned shall pay, out of the pension fund established by it; to the
employees concerned the proportionate share of pension when earned, in
respect of the period for which pension contribution has been credited to
such pension fund. The proportionate share of pension in respect of the

period for which the employees concerned served under Government or for which pension contribution was being paid to Government shall be paid from State revenues.

The proportionate share of pension payable by Government and the District School Board or Authorised Municipality, as the case may be, shall be determined by the Accountant General in accordance with the method indicated in rule 279-B of the Bombay Civil Services Rules.

7. Payment of pension or gratuity. A pension shall be payable monthly in arrears on or after the first day of each month during lifetime, whereas a gratuity shall be paid in a single sum and not by instalments, as soon as the amount due is sanctioned by an authority competent to do so.

Note. The employees referred to in rule 1 above will have the option of having their pensions commuted in accordance with the rules prescribed by Government from time to time for similar classes of its employees.

For the purpose of commutation, the total amount of pension payable under rule 6 shall be taken into consideration and the commuted amount shall be paid by the District School Board or the Authorised Municipality concerned and the State Government in proportion to the share of the pension payable by each of them under rule 6.

7-A. Rules for regulating grant of pension to the School Board staff absorbed in posts under Bombay Government.

(1) All School Board employees who were in the beginning in pensionable Government service as also all those School Board employees who had joined the School Board service and were contributing towards the Boards Provident Fund Scheme from the beginning of their service under the School Boards and who are taken up in Government service consequent upon the orders issued under Government Resolution, Education Department, No. 4782, dated the 21st June 1938 and are permanently transferred and/or confirmed in posts under this Government prior to their retirement from Government service should be held eligible for pension. They should be admitted and should be required to contribute according to the prescribed rates to the General Provident Fund with effect from the dates on which they are taken up in Government service subject to the condition that the School Board employees concerned and the School Boards concerned given a written consent for such

arrangement as provided in rule 32 (b) of the Bombay General Provident Fund Rules.

(2) The School Boards contribution together with the interest thereon lying to the credit of the abovementioned employees in their respective Contributory Provident Fund Accounts on the date of the transfer to the Government establishment should be credited to Government and the balance should be deposited to their credit in their General Provident Fund Accounts and regulated in accordance with rule 32 (b) of the General Provident Fund Rules.

(3) The School Boards contribution together with the interests thereon

would be equivalent to the pension contributions for certain portion of the previous non-pensionable service. The length of service of the abovementioned employees that should count towards pension payable by Bombay State Government should, therefore, be the entire period of pensionable service under the Government of Bombay, if any, rendered by them prior to joining the non-pensionable service under the School Boards for which they had received the benefit of School Board Provident Fund plus such portion of the non-pensionable service rendered by them under the various School Boards before they are taken up in Government service and are permanently transferred and/or confirmed in Government service for which adequate pension contributions are credited to Government plus entire period of the service rendered by them under this Government after absorption in Government service prior to their retirement, whether in an officiating or substantive capacity.

(4) The entire cost on account of payment of pension and/or death cum-retirement gratuity to the abovementioned employees under these rules should be debited Government.

(5) Such of the School Boards employees in a non-pensionable service under the School Boards who are taken up in Bombay Government service purely as a temporary measure and are treated as on deputation under Bombay Government service should be required to continue to subscribe to the Contributory Provident Fund Scheme of their School Board and should be treated as borrowed servants. Their cases should be regulated in accordance with the orders issued under Government Memorandum, Education Department, No. 3616/6654/F, dated the 7th October 1929.

(6) The pension Contribution in respect of such of the School Boards employees who have opted for pensionable service under the School Boards and who are taken up in Bombay Government service purely as a temporary measure and treated as on deputation, should be credited by Government to the pension fund of the District School Boards from which they are deputed.

Pension contributions from Government on their account should be calculated according to the rates prescribed for pension contribution payable by the Local Bodies in respect of their pensionable staff.

8. Final absorption. When no liability remains on the pension fund it shall be absorbed in the general balance of the School Board after refunding

to Government the latter's quota equal to the rate of the grant-in-aid made towards the fund.

Note. The refund shall be effected by deducting the amount (on which Government grant was paid) that lapsed to the Board in a year from the total expenditure admitted for grant during that year.

9. Early in March in each year, a detailed statement in respect of the permanent employees on whose behalf contribution is paid into the pension fund, shall be prescribed in the prescribed form showing the position as on the first day of March of that year and submitted to the Director by a District School Board and a copy thereof sent to the Examiner, Local Fund Accounts, Bombay, as soon as possible but not later than the 15th April.

10. Relaxation. Government may, in special cases, modify or alter these rules to suit the special circumstances of a District School Board or Authorised Municipality.

SCHEDULE O

Instructions to Enumerators and Supervising Enumerators for taking a census of children of the school-going age

SCHEDULE O

[Vide note below clause (ii) of Rule 86 of the Bombay Primary Education Rules, 1949.]

Instructions to Enumerators and Supervising Enumerators for taking a census of children of the school-going age.

Note. Enumerators and Supervising Enumerators should read the following instructions carefully and should get clarification of any doubtful point pertaining to their duties from the Administrative Officer or any other Officer authorised him :

1. Enumerators should arrange to have the notices given to them by the Administrative Officer or the Attendance Officers about the days and time of the census put up in the village Chavdie or other prominent places in the areas in their charge. In illiterate localities they should also arrange with the co-operation of the village officers, to make an announcement about the census to the villagers by the beat of a drum.
2. Before commencing the census work, the Enumerators in each village or area should get themselves acquainted with the part of the village or area assigned to them and the arrangement of the houses and see that no house is left out of account and there is no overlapping.
3. They should also get into touch with members of the village School Committee, if any, and try to take them into their confidence and to secure their co-operation in overcoming opposition to the census, if any.
4. Enumerators must be extremely polite to the parents and should explain, whenever necessary, the object of the census. They should take care to see that the feelings of any person family are not offended. This should be particularly borne in mind while dealing with castes or communities that observe purdah.

5. It should be noted that unwilling parts often try to dodge the Enumerator under some such pretexts as :

(a) that the child in the house is not their child, but has come to stay there for a few days only.

- b. that the real age of the child is not given. It is either overstated or understated, particularly in the case of girls.
- c. that the father remains absent and the mother refuses to give any information or even to come out of the house.

In such cases the Enumerators should ascertain the truth by judicious enquiries in the neighbourhood. The children in the lane or locality may be

of some help in giving the names of all children, who have completed the age of 6, particularly to their teachers.

6. The census required to be taken (for the purposes of the introduction of primary education) is a census of all children of 6 to 11 years of age and not of non-attending children only. For the purposes of primary education the term child is defined in section 2(7) of the Bombay Primary Education Act, 1947, to mean a boy or a girl whose age is not less than six and not more than fourteen years at the beginning of the school year. The Enumerator should, therefore, note down the names of all children residing in the village (including any wadi or falia forming part of the revenue village) who have already completed 6 years at the time of the census and also of those who are due to complete 6 years on the 1st of March following the census irrespective of whether they attend a school or not.

| | | | | | | | | | |
|----------|--|--|--|--|--|--|--|--|--|
| 8 to 9 | | | | | | | | | |
| 9 to 10 | | | | | | | | | |
| 10 to 11 | | | | | | | | | |

Abstract of census of children taken in the village

taluka from

Date

Place Signature of Enumerator.

12. The Supervising Enumerator should again visit each village after the census work in that village or ward is completed. He should check the census forms and the abstract prepared by each Enumerator to satisfy himself that they are correctly filled in. After they are as checked by him he should ask all the Enumerators all the census forms in 2 bundles, one for boys and the other for girls. The census forms in each bundle should be arranged according to the date of birth, i.e., forms of older children should be at the top and then those of the younger ones. He should also arrange, with the help of all Enumerators in the village or the ward of the town, to get 3 copies of the following four statements duly prepared in the prescribed forms :

1. Census register of all children in the village or ward of the town" who will be liable for compulsion on the 1st of March following (separately for boys and girls).
2. Separate lists of boys and girls liable for compulsion on 1st of March following but not attending any school.
3. Separate lists of boys and girls liable for compulsion on 1st of March following according to their mother-tongue.
4. Separate lists of boys and girls liable for compulsion on 1st of March following according to communities.

All the Enumerators in a village or a ward of town should then hand over to these Supervising Enumerators the census forms, the abstracts of Enumerators and 3 copies of each of the statements mentioned above.

13. The Supervising Enumerator should then check up the totals of the various statements with the Enumerators abstracts, should initial the statements, and send the census forms, the Enumerators abstracts and 3 copies of the statements to the Attendance Officer concerned or in his absence to the Administrative Officer.
14. To enable the Attendance Officers and the Administrative Officers to maintain the census register up-to-date it is necessary for them to know the names of children who have ceased to come under compulsion for one reason or the other and also of children who are likely to come within the minimum age of compulsion at the commencement of the ensuing academic year. It is necessary for this purpose to hold a census in each of the subsequent years preferably in the month of October or November (1) to see what modifications are necessary in the census forms already filled in previous years and (2) to fill in census forms of additional children who will be liable for compulsion at the commencement of the school year.

The Enumerators and Supervising Enumerators at such census should also follow the instructions given above.

SCHEDULE P

Model Regulations Relating to the Constitution and Functions of the Taluka Advisory Committees for Adoption by School Boards

[Vide Rule 61 (5) (vii) of the Bombay Primary Education Rules, 1949.]