

THE HIMACHAL PRADESH COMPULSORY PRIMARY EDUCATION RULES, 2000.
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ARRANGEMENT OF RULES

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THE HIMACHAL PRADESH COMPULSORY PRIMARY EDUCATION RULES, 2000.PRIMARY EDUCATION DEPARTMENT NOTIFICATION

Shimla-2, 14th July, 2000.

No. EDN-C-A (6)-5/96.-

Whereas draft rules titled the Himachal Pradesh Compulsory Primary Education Rules, 1999 were published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 14th December, 1999, vide notification of even number dated 25th November, 1999 in pursuance of the provisions of section 11 read with section 2 (i) of the Himachal Pradesh Compulsory Primary Education Act, 1997 (Act No. 2 of 1998) for inviting objections/suggestions from the persons likely to be affected thereby ;And whereas no objection (s) and suggestion (s) have been received within the stipulated period in this behalf;

Now, therefore, in exercise of powers conferred by section 11 read with section 2 (i) of the Himachal Pradesh Compulsory Primary Education Act, 1997 (Act No. 2 of 1998), the Government of Himachal Pradesh is pleased to make the following rules, namely: -

1. Short title and Commencement.-

- (1) These rules may be called the Himachal Pradesh Compulsory Primary Education Rules, 2000.
- (2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Definitions.-

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

- (a) "Act" means the Himachal Pradesh Compulsory Primary Education Act, 1997;
- (b) "Block Primary Education Officer" means an Officer, by whatever name called, appointed by the Government to perform the functions of the Block Primary Education Officer of an Education Block ;

(c) "Director of Primary Education" means an Officer, by whatever name called, appointed by the Government to perform the functions of the Director Primary Education of Himachal Pradesh;

(d) "Form" means forms appended to these rules;

(e) "Schedule" means Schedule appended to these rules; and

(f) "section" means a section of the Act.(2) The words and expressions used in these rules but not defined shall have the same meanings as have been assigned to them in the Act.

3. Prescribed Authority for the purpose of appointment of School Committee.-

The Block Primary Education Officer of the area concerned shall be the prescribed authority for the purpose of appointment of School Committee under section 4.

4. Composition of School Committee.-

The composition of the School Committee shall be as under :-

(a) *Rural Areas:-*

(1) Pradhan Gram Panchayat ;

(2) Up- Pradhan Gram Panchayat

(3) One elected member of Gram Panchayat of Scheduled Caste/Scheduled Tribe category (if any)

(4) One person from amongst parents of disabled children if any Chair person. Vice-Chairperson. Member.

(5) Two elected lady members of Member. Gram Panchayat

(6) One person who takes active interest in Primary School activities

(7) Head Teacher/Senior Teacher of Primary Schools in Gram Panchayat maximum 3 at a time)

(8) The Head Teacher of centrally located Primary School. Provided that the member at serial number 6 shall be nominated by the Gram Panchayat through a resolution passed in a regular meeting of the Gram Panchayat and the members at serial numbers 4, 7 and 8 shall be nominated by the Block Primary Education Officer.

(b) *Urban Area consisting of Nagar Panchayat:-*

(1) President, Nagar Panchayat

(2) Vice President, Nagar Panchayat

(3) One elected person from Scheduled Caste/Scheduled Tribe category (if any)

(4) One elected lady member of Nagar Panchayat

(5) One person who takes active interest in Primary School activities

(6) One person from amongst parents of disabled children (if any)

(7) Head Teacher/Senior Teacher of Primary Schools in Nagar Panchayat (maximum 3 at a time)

(8) The Head Teacher of centrally located Primary School. Chair person. Vice-Chairperson. Member Secretary: Provided that the member at serial number 5 shall be nominated by the Nagar Panchayat through a resolution passed in a regular meeting of Nagar Panchayat and the members at serial numbers 6, 7 and 8 shall be nominated by the Block Primary Education Officer.

(c)Urban Area consisting of Municipal Committee/Municipal Corporation:-

- (1)Ward Member/Counsellor of the ward in Chairperson which the school is located
- (2)One lady member of the ward Member.
- (3)One person from Scheduled Caste/Scheduled Member. Tribe category (if any)
- (4)One person who takes interest in Primary School Member. Activities
- (5)One person from amongst parents of the disabled Member. Children (if any).Member Secretary:
- (6)Head Teacher/Senior Teacher of Primary Schools Member. in a ward(maximum 3 at a time)
- (7)The Head Teacher of centrally located Secretary: Primary School.Provided that the member at serial number 2, 3 and 4 shall be nominated by the Municipal Committee/Municipal Corporation through a resolution passed in a regular meeting and the members at serial number 5, 6 and 7 shall be nominated by the Block Primary Education Officer.

5. Jurisdiction of School Committee.-

- (1) The jurisdiction of the School Committee shall be Gram Panchayat concerned in so far as rural areas concerned.
- (2) For Urban area, the jurisdiction shall be ward of Municipal Corporation/Municipal Committee and entire area in case of Nagar Panchayat: Provided that the State Government may decide to constitute more than one School Committee for a Gram Panchayat, Nagar Panchayat and for a ward of Municipal Committee/Municipal Corporation.

6. Term of Office of Members.-

The nominated members shall hold office for two years and shall be eligible for re-nomination when their term is over.

7. Qualifications.-

Every nominated member should be of sound mind and should have the zeal to propagate the cause of compulsory Primary Education.

8. Filling of Vacancy.-

In case a vacancy arises in the School Committee either by way of resignation, death of member or otherwise it shall be filled up through a fresh nomination for the remaining period, as per provision of rule

9. Meeting of the School Committee.-

Each School Committee shall meet at least once in two months or more often, if necessary.

10. Place of Meeting.-

The meeting of School Committee shall be held at the Primary School. If the committee has jurisdiction over more than one school then at the Headquarter of Gram Panchayat or Nagar Panchyat, as the case may be, and in case of the Municipal Committee or Municipal Corporation, the Headquarter shall be the centrally located Primary School of the ward concerned.

11. Notice of Meeting.-

The notice of the first meeting of the School Committee for a calendar year shall be issued in writing by the Member-Secretary. The date of the first meeting shall be fixed with prior consultation of the Chairperson of the School Committee and at least 3 days clear notice shall be given to all the members.

The date of next meeting of the School Committee for the calendar year shall be decided in the first meeting itself.

12. Presiding of Meeting.-

The Chairperson of the School Committee shall ordinarily preside over the meetings and in his absence, the Vice Chairperson shall preside over the meetings. But in case both of them are absent, the meeting shall be presided over by a person who may be elected by the members of the School Committee present by a simple majority.

13. Quorum.-

The quorum of the meeting shall be 1/3 of total membership.

14. Proceedings.-

The proceedings shall be recorded in writing and shall be signed by all the members.

15. Attendance of Meeting.-

If a member does not attend three consecutive meetings without reasonable cause, he shall be liable to be removed from his office by the prescribed authority after affording an opportunity of being heard.

16. Range of Instructions.-

The range of instructions in Primary Schools shall be as per Schedule-I appended to these rules.

17. Prescribed Authority for fixing the timing of Schools.-

For the purposes of section 2 (1) of the Act, the Director Primary Education, Himachal Pradesh shall be the prescribed authority, who shall fix the days, time and hours of studies in the Primary Schools for each academic session.

18. Children liable to attend the Primary School.-

The School Committee or local authority in its area shall prepare a register/list of the children in the age group of 6 to 11 years who are liable to attend the Primary School, the names of such children shall be displayed on a notice board at some conspicuous place within its traditional limits. The School Committee after taking into consideration, the names of the children in the age group of 6 to 11 years liable to attend the school may exempt the children who are suffering from extreme physical and mental handicap from attending the Primary School and for such handicapped children the School Committee may suggest the institution where the children can be imparted education. The School Committee may also get these children medically examined through the Chief Medical Officer of the concerned district. In case of others who are liable to attend Primary School, the School Committee shall take action as per provision of section 6 of the Act. The School/Committee shall issue the show cause notice in Form-1.

19. Child Labour.-

In case any of the children in the age group of 6 to 11 years, liable to attend the Primary School are found to be employed by any person, a show cause notice shall be issued in Form-2 to the person who has employed the child. The person(s) concerned shall have to reply within 15 days from the date of receipt of notice.

20. Action against the parents and the person (s) employing the child-

(1) In case no reply is received to the notice served under rule 18 above or the reply received is found satisfactory after considering the same, the school committee shall direct the parents of child in form 3 to admit him in the Primary School.

(2) If the direction issued under sub-rule (1) is not complied with within 15 days from the date of receipt of notice then the School Committee shall empower the Member - Secretary to refer/lodge complaint in the matter to the Gram Panchyat or Judicial Magistrate of area.

(3) In case no reply is received to the notice served under rule 19 above or the reply received is found unsatisfactory after considering the same, the School Committee shall direct the employer in FromNo. 4 to relinquish the employment of the child.(4)

If the direction issued under sub-rule (3) is not complied with within 15 days from the date of receipt of the notice then the School Committee shall empower the Member Secretary to refer/lodge a complaint in the matter to the Gram Panchyat or Judicial Magistrate of the area.

21. Action against unauthorised absence.-

If any information regarding unauthorised absence or late attendance of teachers and non-teaching staff in the Primary School is received by the School Committee, the matter shall be reported to the prescribed authority, who shall report on the action taken to the School Committee within 15 days.

22. Adequate provisions for compulsory Primary Education.-

(1)The following shall be considered as adequate provisions for compulsory Primary Education :-

(i) The Primary School shall be approximately within one and half km. distance from the residence of the child keeping in view the terrain of the area. Where the number of children in the area is very small, the State Government shall make alternative arrangements for ensuring access to Primary Education to every child;

(ii) Teachers shall be provided in the Primary School as per thenorms fixed by the State Government from time to time;

(iii) To provide adequate teaching learning material in the Primary School; and

(iv) To provide sufficient accommodation for teaching of classes inthe Primary School as per norms fixed by the State Government.

(2) The State Government shall make every attempt to provide abovefacilities keeping in view its financial position.

23. Grant of leave.-

The School Committee may grant leave of absence from Primary School to the children in the following cases:-

1. Illness of the child upto 15 days.

2. Illness of the parent upto 6 days.

3. If the child is absent for more than the above specified period, the School Committee shall depute a person to the house of the child to verify the factual position and may also ask for medical certificate.

24. Repeal and saving.-

(1) The Himachal Pradesh Compulsory Primary Education Rules, 1955 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the rules so repealed under sub-rule (1) supra shall be deemed to have been done or taken under these rules.